

Ordinances & Administration Committee
Monday, August 6, 2018 – 6:00 p.m.
1st Fl. Council Conference Room – City Hall
-Minutes-

Present: Chair, Councilor Steven LeBlanc; Vice Chair, James O’Hara; Councilor Sean Nolan

Absent: None.

Also Present: Councilor Hecht; Joanne M. Senos; Grace Poirier

The meeting was called to order at 6:00 p.m.

1. Reappointments to Boards, Committees & Commissions:

Economic Development & Industrial Corporation

R. Billings Bramhall

TTE 07/01/21

Mr. Bramhall recounted that he’s been a Gloucester resident over 45 years and worked in the semiconductor industry for most of that time, then moved to a small start-up group in Peabody, retiring six years ago. He’s been a member of the EDIC about 15 years. It’s about seeing what the EDIC can do for the city to bring in jobs and businesses, he conveyed.

Councilor Nolan highlighted that the recently appointed new members should be an asset to the EDIC, expressing that he will look forward to seeing what comes forward in the future, mentioning Mr. Bramhall’s experience in helping to guide the new members. **Councilor O’Hara** added his thanks to Mr. Bramhall for his dedication to serving the city.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Bill Bramhall to the Economic Development & Industrial Corp. (EDIC), TTE 07/01/21.

2. CC2018-031 (O’Hara): AMEND GCO Ch. 22 “Traffic and Motor Vehicles” Art. V “Stopping, Standing and Parking”, Div. 1 “Generally”, Sec. 22-176(a) “Penalties for violation” by DELETING “45.00” in Code 04 and replacing it with “75.00”; and AMEND Sec. 22-176(b) re: increase of fine if not paid within a certain period of time

The following action, to increase fines for violations of beach area parking was omitted from a vote taken on the matter under amendment to GCO Ch. 22, Sec. 22-176 (b) on July 17, 2018 by the O&A Committee.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22 “Traffic and Motor Vehicles”, Sec. 22-176(a) “Penalties for violation” by DELETING “45.00” in Code 04 and ADDING “75.00”.

3. Memorandum from General Counsel re: MuniCode Ordinance Review & Recommendations for Gloucester’s General Code of Ordinances & Gloucester Zoning Ordinance Pursuant to List #2 (Cont’d from 07/16/18)

At the request of **Chip Payson**, General Counsel, **Councilor LeBlanc** continued this matter to the O&A Committee’s September 17, 2018 meeting.

4. CC2018-025 (Hecht): Amend GCO Ch. 22 “Traffic and Motor Vehicles” Sec. 22-270 “Parking prohibited at all times” re: Prospect Street, northerly side, from its intersection with Friend Street in a westerly direction (Cont’d from 07/16/18)

Councilor Hecht offered the following explanation for his Council Order: A Ward 2 meeting was held attended by 60 people (minutes given to the Committee and placed on file). The action before the Committee was voted by attendees who lived in the direct neighborhood (55 votes divided amongst three suggested options). Twenty-nine attendees voted in favor of the amendment to the ordinance to delete parking spaces (4) on the side of the “Tanning Bed salon/church side.” He noted an aerial photo attached to the Ward meeting minutes showing the four parking

spaces across from the DES Club on Prospect Street which is proposed for elimination. It was noted that the next matter related to this deletion of four parking spaces is to add one parking space going towards Main Street by the DES Club. This would mean no parking signs across from the DES and move the "No Parking" sign one space down beyond the DES Club's side of the street. The Traffic Commission agreed, **Councilor Hecht** reported, and the action was endorsed the neighborhood.

Councilor Nolan expressed concern for the loss of the parking spaces, and how it will affect the neighborhood's parking availability affecting the immediate area businesses, the DES Club and Our Lady of Good Voyage Church activities. Explaining that he's spent a lot of time observing the situation in the past few months, he advised he's never had to wait more than a few seconds for cars to come by. He reported that the Fire Department has no issues traversing Prospect Street in emergency situations as this is the department's main route to access Rogers Street to get to East Gloucester. He added that he didn't foresee any gains from this proposed ordinance amendment. He expressed concern that by removing these parking spaces, it would open up the street, and cars already travelling too fast for conditions will speed up even more as they travel towards Flanagan Square. The city is 400 years old, he pointed out, and there are other areas of the city's major thoroughfares which have similar situations with very narrow streets. He noted that cars are smaller now than they used to be, and while there is more traffic, people need to slow down and see what's going on around them. Many people who live in that neighborhood have no other place to park, he added. **Councilor Hecht** advised he didn't disagree but that the net is taking away three parking spots, pointing out combined with CC2018-026 which adds back one parking space. He highlighted that this is a main city thoroughfare where traffic has to stop to let vehicles go by. He briefly touched on a proposal to put in a crosswalk from the DES Club across Prospect Street.

Councilor O'Hara expressing concern for pedestrian safety to the immediate area under consideration giving a brief example of witnessing a pedestrian at risk there. He pointed out that since the updating of the sidewalks and curbs it has made a difficult situation more difficult. These are former horse and buggy routes now carrying motor vehicles, he added.

Councilor LeBlanc expressed agreement with Councilor Nolan. Noting the example of Centennial Avenue as having an unusual situation with its dividing line of the two-way road, he recounted briefly some of the history of the immediate Prospect Street area in question with the parking issues spanning the last three Council terms. If they start taking parking away this area, he indicated that it will become a domino effect for other important city thoroughfares. He suggested that they should create more parking by moving a crosswalk which he touched on very briefly.

Councilor O'Hara suggested it might be helpful to obtain General Counsel's opinion as to the city's liability/exposure on the legal roadway to which **Councilor LeBlanc** deemed unnecessary.

Joanne M. Senos, City Clerk, asked if anyone from Our Lady of Good Voyage Church offered their opinion on this matter. No one from the Church showed up to the Ward meeting, **Councilor Hecht** explained. **Ms. Senos** asked if parking could be allowed for Saturday and Sunday church services.

Councilor LeBlanc advised that vehicular speed would be an issue with removal of these three parking spaces and enforcement won't happen regularly. He added that resident parking in this neighborhood is scarce, and this action will take away needed parking.

There was a suggestion raised for a possible trial period or instituting a sunset clause to address the Committee's concerns which could prompt a review of the matter and re-amend the ordinance which was discussed with **Councilor Hecht**, the Committee and Ms. Senos, but it was set aside. Additionally there was a brief discussion of the Ordinance amendment process with **Councilor Hecht**.

Councilor Nolan noted most often he supports his fellow Ward Councilors on such changes, but because Prospect Street is a major city thoroughfare, using his judgement, speaking with other people on this matter, he advised that this isn't just a neighborhood issue but a City of Gloucester issue. There has been a 20 mph speed limit in place for Prospect Street for many years. This is about drivers slowing down and being responsible. He advised he couldn't support this initiative. **Councilor Hecht** noted there is a city issue of speed control and public safety; and the other issue is taking away parking which this neighborhood is in favor of which is the neighborhood's issue.

Councilors LeBlanc and **O'Hara** expressed their agreement with Councilor Nolan's objections to the proposed removal of parking spaces saying that these parking spaces are needed and act as a buffer to speeding on Prospect Street.

Councilor LeBlanc offered the option to Councilor Hecht to withdraw his Council Order without prejudice which **Councilor Hecht** respectfully turned down.

Councilor O'Hara moved to amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-270 "Parking prohibited at all times" by DELETING "Prospect Street northerly side from its intersection with Friend Street for a distance of 125 feet in a westerly direction Monday through Friday."

Councilors Nolan and LeBlanc did not offer a second to the motion.

Absent a second related to the above motion, the Committee took no action.

5. *CC2018-026 (Hecht): Amend GCO Ch. 22 “Traffic and Motor Vehicles” Sec. 22-270 “Parking prohibited at all times” re: Prospect Street, westerly side beginning at its intersection with Spring Street (Cont’d from 07/16/18)*

Councilor Hecht advised this would create another useable parking space beyond the DES Club on Prospect Street.

Both **Councilors LeBlanc** and **O’Hara** voiced their objection saying that by putting this parking space in place it will serve to further narrow Prospect Street.

Councilor LeBlanc offered the option to Councilor Hecht to withdraw without prejudice his Council Order, (that ran in tandem with Council Order 2018-025) which **Councilor Hecht** respectfully turned down.

Councilor O’Hara moved to Amend GCO Ch. 22 “Traffic and Motor Vehicles” Sec. 22-270 “Parking prohibited at all times” by DELETING “Prospect Street westerly side beginning at its intersection with Spring Street in a northerly direction for a distance of 200 feet.” **Councilors Nolan and LeBlanc** did not offer a second to the motion.

Absent a second related to the above motion, the Committee took no action.

6. *CC2018-027 (Hecht): Amend GCO Ch. 22 “Traffic and Motor Vehicles” Sec. 22-270 “Parking prohibited at all times” re: Pleasant Street, westerly side, beginning at a point 130 feet from its intersection with Warren Street in a northerly direction for a distance of 25 feet (Cont’d from 07/16/18)*

Councilor Hecht conveyed the following explanation of his Council Order: The parking space proposed to be eliminated is in front of Carroll Steel Insurance Agency that is currently creating a dangerous situation by narrowing Pleasant Street.

Councilor Nolan offered his support saying that there is adequate municipal parking in the area; the business that the parking space adjoins has its own parking lot. The business is in support of this parking space removal, **Councilor Hecht** added. **Councilor LeBlanc** added his support.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22 “Traffic and Motor Vehicles” Sec. 22-270 “Parking prohibited at all times” by ADDING “Pleasant Street westerly side beginning at a point 130 feet from its intersection with Warren Street in a northerly direction for a distance of 25 feet.”

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22 “Traffic and Motor Vehicles” Sec. 22-291 “Tow-away Zones” by ADDING “Pleasant Street westerly side beginning at a point 130 feet from its intersection with Warren Street in a northerly direction for a distance of 25 feet.”

This matter will be advertised for public hearing.

7. *CC2018-029 (Holmgren): Request Traffic Commission review the matter of limiting amount of time & locations that commercial box trucks are allowed to park on public streets (Cont’d from 06/18/18 & TBC 09/17/18)*

This matter is continued to September 17, 2018 pending a recommendation of the Traffic Commission.

A memo to Ward Councilors to get input from their constituents on this matter along with At Large Councilors will be sent per the O&A Committee.

8. Discussion re: Posting Minutes to the City's Website for Boards, Committees & Commissions without city staff liaisons

Ms. Senos reviewed the following information: Ms. Senos met with the Mayor, Personnel Director, General Counsel, O&A Chair and Council President recently about the City Clerk's office posting minutes of city committees, boards and commissions to the city's website. The City Clerk's office is the repository of all minutes by charter. Some minutes aren't being posted and some aren't being turned into the City Clerk's office. When the City Clerk's office started posting agendas in 2014 some non-city employees were given permission to post through the city's system. This Administration doesn't think it is proper that non-city staff have access. The Mayor's office doesn't have the staff to host. Since the minutes have to be turned in by City Charter to the City Clerk, the City Clerk advised she is willing, with her staff and with the support of General Counsel and the Administration, to post approved minutes of the city's committees, boards and commissions that don't have paid city staff associated with them; that is, city staff that doesn't sit on the committee or oversees it or acts as liaison. If city staff sits on a committee, board or commission, oversees it or acts as a liaison, then the city staffer or their department is responsible for posting the approved minutes. Examples were given such as the Planning Board, Zoning Board of Appeals, Clean City Commission, and Conservation Commission. It was reported that the Personnel Director agreed the major boards that had paid city staff would be responsible for posting the minutes and the ones that don't have city staff the Clerk's office would post and terminate all non-city staff from city website access.

Ms. Senos noted that this effort will place a strain on her staff to post the approved minutes as it has does for IT. She advised in good faith that her office would take this initiative over with a directive from the O&A Committee.

A brief discussion ensued between the Committee, **Ms. Senos** and **Grace Poirier**, Assistant City Clerk touching on such matters as:

- Reconfirmation that any board, commission, or committee that doesn't have paid staff associated with it in any way will submit the approved minutes to the City Clerk's office which will then be posted by the City Clerk's staff.
- All committees, boards and commissions whether they have city staff associated with them or not are required to submit their approved minutes to the City Clerk's office for the record.
- Approved minutes should be posted in a PDF format, even if handwritten.
- If there is only a recording of the meeting which constitutes the minutes, and the recording is not going to be transcribed, how that will be noted and where the recording is available has yet to be determined.

Ms. Senos advised there is no MGL about posting minutes but with the new public records law, having approved minutes posted helps to cut down on the research that has to be done and allows for a more timely response to public records requests. The Council President is in agreement with this action, she reported.

This matter is closed.

9. Memorandum from Mayor re: recreational marijuana recommendations: That the Council vote to limit the number of marijuana retail establishments in Gloucester to three (3); and that the Council adopt an ordinance governing marijuana accessories as well as an ordinance authorizing Board of Health to inspect edible marijuana products to be drafted by General Counsel (Cont'd from 07/16/18)

This matter is continued to August 20, 2018.

The creation of an Ad Hoc Committee to examine GCO Chapter 11, "Hawkers and Peddlers" was touched on by the O&A Committee noting it will be comprised of city staff: General Counsel; Public Health Director; Purchasing Agent; City Clerk; Assistant Public Health Director: the CAO, Building Inspector, Police Chief; and Councilor LeBlanc. **Ms. Senos** noted GCO Ch. 11 affects the Special Events Advisory Committee as well.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:15 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Ward 2 Meeting April 3, 2018 with two attached aerial color photographs submitted by Councilor Hecht**
- **A list of Board/Committee/Commission showing Department Currently Posting Minutes and Department Representative (per mission) submitted by Joanne M. Senos, City Clerk**