

**Ordinances & Administration Committee**  
Monday, November 5, 2018 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Conference Room – City Hall**  
**-Minutes-**

**Present:** Chair, Councilor Steven LeBlanc; Vice Chair, James O’Hara (entered the meeting at 6:02 p.m.); Councilor Sean Nolan

**Absent:** None.

**Also Present:** Councilors Cox and Holmgren (left the meeting at 6:56 p.m.); Councilor Hecht; Jim Destino; Chip Payson

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council. Councilor Cox sat in for Councilor O’Hara until his arrival.

**1. *New Appointments to Boards, Committees & Commissions***

Committee for the Arts

Avery McNiff (Cont’d from 10/15/18) TTE 02/14/22

**Ms. McNiff** explained that she grew up in Gloucester, graduated from GHS in 2008, then studied Art History in college, and now works for Art Haven. She advised her goal is to make art more accessible to youth, connecting art with education.

**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 appoint Avery McNiff to the Committee for the Arts, TTE 02/14/22.

Council on Aging

Anthony J. D’Antonio (TBC 11/19/18)

TTE 02/14/21

Economic Development & Industrial Corp. Jerry Oppenheim

TTE 07/01/21

**Mr. Oppenheim** conveyed that the EDIC position is to represent low-income folks, which has been a great part of his entire career as an attorney and legal advocate, with experience in the energy field which further developed interests and skills that would apply to his appointment. **Councilor LeBlanc** expressed that Mr. Oppenheim will be a good addition to the EDIC. **Councilor Nolan** noted that Mr. Oppenheim’s resume was impressive and expressed he was pleased Mr. Oppenheim stepped forward to offer his services.

**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 appoint Jerry Oppenheim to the Economic Development & Industrial Corp. (EDIC), TTE 07/01/21.

Stage Fort Park Advisory Committee

Craig Anderson

TTE 02/14/21

**Mr. Anderson** advised that he’s an Eagle Scout who worked with the city developing and installing UR codes at war memorials to increase access for information about the memorials. He noted that Stage Fort Park can be an asset to the city especially for tourism. He conveyed he was 20 years old. **Councilor LeBlanc** expressed he was pleased to see someone as youthful as Mr. Anderson to step forward as a city volunteer to lend his perspective. **Councilor Nolan** pointed out that Mr. Anderson is a “very old” twenty year old. The UR Codes worked out very well, and that Mr. Anderson will bring a fresh perspective to the Committee. **Councilor O’Hara** congratulated Mr. Anderson’s achievement on making Eagle Scout and for volunteering to serve 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 appoint Craig Anderson to the Stage Fort Park Advisory Committee, TTE 02/14/21.

- 2. *CC2018-042 (Cox): Amend GCO Ch. 11 “Hawkers, Peddlers, Transient Vendors and Special Events” Secs. 11-5 “Fixed Vending; site specific locations”, 11-6 “Conduct of business”, 11-7 “Business prohibited between certain hours” and 11-8 “Vendors prohibited upon certain streets, areas”***

**Councilor Cox** conveyed the following information: This effort is a three-year effort overall to consolidate and reposition certain fixed vendor spots that go out to bid as the first part of a two-part review of the chapter. Reminding the Committee that vendor spot bidding takes place in January each year for these 12 month permits, and that with Ordinances once passed have a 30-day waiting period, by taking these amendments to public hearing shortly, it will make the new amendments effective January 1, 2019 in time for the bidding process. Before the Committee is a proposed revamping of GCO Ch. 11 “Hawkers, Peddlers, Transient Vendors and Special Events” Sections 11-5, -6, -7 and -8 for fixed vending. The proposal is for six locations:

- Washington Street, no change;
- Washington Street at Plum Cove Beach, no change;
- Western Avenue water side between the intersection of Middle Street and the Stacy Boulevard public landing east of Middle Street, two sites -- the proposal is to make it one site. The two existing vendor spots are “on top of each other,” and have experienced issues.
- The bandstand at Stage Fort Park is the former vending location summer concerts and performances only, and with events sponsored and sponsors offering free food, there is no incentive for this vending spot to be bid on. This is a spot that hasn’t been bid on in 8 - 10 years. She advised the plan would be to remove this particular vending spot in Stage Fort Park and move it to another position within the park at the Visitor’s Center parking lot at its edge. It would be far enough from The Cupboard, and there’d be no competition but rather adds more business to the area.
- Remove the former “Duck Boat” area (Rogers St. in front of Fitz Henry Lane Parking Lot, the site at the southeast corner of Harbor Loop in the area of the municipal lot);
- Add a second location on Rogers Street 25 feet from the intersection with Harbor Loop at the southwest corner of the entrance to Harbor Loop (near the Building Center) so the two Rogers Street vending spots are on separate blocks.
- Removal of two vending locations: the vending spot opposite the Speedway gas station on Main Street and on Rogers Street adjacent to the St. Peter’s Parking Lot located between the entrance and exit to the parking lot, an awkward spot during high summer traffic.

**Councilor Cox** commented that it will be enlightening to see what bidding in January returns, and advised that if further revisions are needed it can be done after the closing of the 2019 vending season.

**Councilor LeBlanc** noted some of the former vendors across from the Speedway gas station location that didn’t last more than two seasons. **Councilor Cox** pointed out that it was time to revamp these vending locations.

**Councilor LeBlanc** conveyed he has worked closely with Joanne Senos, City Clerk; and Jim Destino, CAO, on this matter and expressed agreement saying the vending at Stacy Boulevard needs to be reduced to one spot as well as the need to remove a vending spot at the St. Peter’s Parking Lot. He advised he had no issue with any item of the proposal. **Councilor Cox** added that the rest of the changes are housekeeping matters. **Councilor LeBlanc** expressed his thanks to the City Clerk, and Councilor Cox. **Councilor Cox** added her thanks to Mr. Destino, Mr. Chip Payson, General Counsel and Bill Sanborn, Building Inspector.

**Mr. Destino** added his support for the changes proposed by Councilor Cox. **Councilor Cox** pointed out that while the spot at Plum Cove hasn’t been bid on in a while, perhaps with these changes and reduction of locations it will become more popular. **Councilor LeBlanc** expressed his agreement.

**Councilor O’Hara** expressed that with the increase in city tourism he’d like to keep as many vending spots available as possible, particularly downtown. He expressed concern for loss of any vending spots. **Councilor LeBlanc** pointed out there can always be revisions to the ordinance if these amendments don’t bear fruit, move vending spots or add more.

**Councilor Hecht**, speaking to the vending spot on Rogers Street adjacent to the Building Center property necessitating the need to remove a parking space that would be under the 10-hour kiosk, suggested that vending spot be placed in the 65 Rogers Street (I4-C2) parking lot rather than giving up a parking spot. He noted in general he didn’t like to see parking being removed. **Councilor Cox** advised that 65 Rogers Street can’t have a commitment to a vendor because it is a property in the Designated Port Area, is on a temporary permit from the Dept. of Environmental Protection for 65 Rogers Street to be used as a parking lot only, and is always for sale by the city.

**Mr. Destino** noted the amended language for the Stage Fort Park, pointing out that now the vendor on Stage Fort Park can stay and vend during the Horribles Parade, as well as the Boulevard. He confirmed with Councilor Cox that the vendor at Stage Fort Park would be able to stay open during the weekly Farmer’s Market. He pointed that the language does make it clear the vendors can be vending during any special event. **Mr. Payson** noted that

the bidding process is something more than a Special Events coming in, whether a Special Event occurs or not, the vendor can stay and vend; it is their spot they bid and paid for and is their spot for an entire calendar year.

**Councilor Cox** confirmed that the vendor will be able to stay through the calendar year. She explained this is “thinking outside of the box” and is a service to all those who visit Stage Fort Park, those who volunteer at the Visitor’s Center, and for attendees at any special event that occurs at the park.

**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. 11 “Hawkers, Peddlers, Transient Vendors and Special Events”, Sec. 11-5 “Fixed vending; site specific locations (6) by Amending subsection (3) as follows: DELETE the word “two” and DELETE the word “sites.” and add the word “site.”

**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. 11 “Hawkers, Peddlers, Transient Vendors and Special Events”, Sec. 11-5 “Fixed vending; site specific locations (6), by DELETING subsection (4) in its entirety.

**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. 11 “Hawkers, Peddlers, Transient Vendors and Special Events”, Sec. 11-5 “Fixed vending; site specific locations (6), subsection (5) by DELETING subsection (5) in its entirety and ADDING new subsection (5) as follows: “Visitor’s Center parking lot, Stage Fort Park.”

**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. 11 “Hawkers, Peddlers, Transient Vendors and Special Events”, Sec. 11-5 “Fixed vending; site specific locations (6), subsection (6) by DELETING the phrase, “The former “Duck Boat” area in” and ADDING the word, “In”.

**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. 11 “Hawkers, Peddlers, Transient Vendors and Special Events”, Sec. 11-5 “Fixed vending; site specific locations (6), by ADDING “Rogers Street. Twenty-five feet from its intersection with Harbor Loop at the southwest corner of the west entrance to Harbor Loop.”

**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. 11 “Hawkers, Peddlers, Transient Vendors and Special Events”, Sec. 11-5 “Fixed vending; site specific locations (6), by DELETING subsections (7) and (8) in their entirety.”

**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. 11 “Hawkers, Peddlers, Transient Vendors and Special Events”, Sec. 11-6 “Conduct of Business” by DELETING the phrase “on public or” and ADDING a new last sentence “Said vendor shall comply with the Gloucester Zoning Ordinance.”

**Councilor LeBlanc** advised that this next motion the vendors will be able to vend during a parade, fireworks, a cyclo-cross event, etc.

**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. 11 “Hawkers, Peddlers, Transient Vendors and Special Events”, Sec. 11-7 “Business prohibited between certain hours” by DELETING “9:00 p.m.” and ADDING in its place, “8:00 p.m.”; and ADDING a new last sentence, “Fixed vendors shall be exempt from prohibited hours during special events.”

**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. 11 “Hawkers, Peddlers, Transient Vendors and Special Events”, Sec. 11-8 “Vendors prohibited upon certain streets, areas by ADDING after the words “...with section 11-10...” the following phrase, “by deleting subsection (5) Hough Avenue and renumbering the remaining subsections.”**

**Councilor Cox** confirmed that the total number of vending locations now remains at six (6) even with these proposed amendments to the ordinance so that the title of the section remains as it is in the Code of Ordinances.

These matters will be advertised for public hearing.

**3. Memorandum from General Counsel re: MuniCode Ordinance Review & Recommendation**

**Chip Payson**, General Counsel, noted that the MuniCode review second Code of Ordinances amendment list previously presented to the O&A Committee for changes to the Code of Ordinances is one-third the way through being developed and there is still work to be done. He pointed out that he wanted to bring all the amendments to the Committee at once and suggested the Committee should be able to take care of the matter in one meeting. He asked that this matter be continued to the Committee’s regularly scheduled December 3 meeting.

This matter is continued to December 3, 2018.

**4. CC2018-037 (LeBlanc): Amend GCO Ch. 22 “Traffic and Motor Vehicles”, Sec. 22-280 “Fifteen-minute parking” be amended re: parking on Western Avenue, northerly side from Centennial Avenue to Perkins Road (Cont’d from 10/15/18)**

**Councilor LeBlanc** explained that several months ago the Council voted on a Traffic Commission recommendation to create 15-minute parking in front of Poseidon’s Restaurant but what happened was that they voted not on one space but the entire length of that portion of the street. He reported that there is another business in that immediate area along with residences who have asked that the one space be allowed, but not anywhere else. The other business needs longer than that time frame for clients to conduct their business. The action O&A will take will correct this oversight, he added. **Councilor Cox** asked if the DPW could please install a sign in front of Poseidon’s for one 15-minute parking space to help with the problem.

**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. 22-280 “Fifteen-minute parking” by DELETING “Western Avenue, northerly side, from Centennial Avenue to Perkins Road”.**

**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. 22-280 “Fifteen-minute parking” by ADDING “Western Avenue, northerly side, from its intersection with Centennial Avenue in a westerly direction for a distance of 30 feet.**

These matters will be advertised for public hearing.

**5. CC2018-038 (Hecht): Request the removal of parking meter #90 in front of the electrical pole #266 on Rogers Street, and amend GCO Sec. 22-280 “Fifteen-minute parking” to ADD one (1) fifteen-minute parking space on Rogers Street with proper signage**

**Hallie Baker**, 9 Wonson Street, owner of Turtle Alley, a chocolatier, explained that her business has been in the city for 20 years, now located downtown at the corner of Hancock and Rogers Streets. There is a small parking garage next to the store but is for folks who own condos above them and for bank employees. The two metered parking spaces directly in front of the store on Rogers Street are 10-hour metered parking which she indicated hurts her trade. She pointed out there are no 15-minute parking spaces anywhere on Rogers Street. If tourists are going to

stop and stay they have all those spaces, a space or two in front of the store who are stopping briefly for her product are mostly impulse buying. By having the 15-minute parking, she indicated, it would increase business and be a service for locals. Responding to an inquiry from **Councilor LeBlanc**, **Ms. Baker** advised that she pays for a space to park her own car from the bank; although her customers could use the bank's side lot parking above the store and would need to reconfirm that fact with the Cape Ann Bank. She conveyed someone in the bank would be

**Councilor Hecht** advised that at Traffic Commission meeting, Chair Bob Ryan recommended two spots in front of the business. These spots are located adjacent to the Topside Grill Restaurant, and an area where people can park to go up to Main Street, to the Cape Ann Saving Bank or other very nearby businesses.

**Councilor LeBlanc** pointed out that the Traffic Commission recommendation is just that, adding that the Council Order called for one 15-minute parking space only, and is what the Committee is going by. He highlighted for Councilor Hecht that this is taking away two revenue-making parking spaces, pointing out that the Councilor had earlier asked they not remove a parking space on Rogers Street in front of the Building Center for a vendor spot.

**Councilor Hecht** conveyed that this isn't removing parking but allowing more people to park in a location over the course of a day and making it more useful to a successful city business. **Councilor LeBlanc** added that this means there will be no city revenue from parking in the 15-minute parking space. He pointed out that there is legal parking above in the garage for this business's customers and two municipal parking lots across the street from it. He suggested making these spaces one hour parking. **Ms. Baker** advised at her former Washington Street location having a 15-minute parking spot in front of her business made a great difference. A one-hour parking space in front of her business would not be as helpful although better than 10-hour parking. She conveyed that as to the loss of revenue, her business garners quite a bit of publicity, for example having been highlighted on the television show, "The Phantom Gourmet" several times which in turn brings more people to the city and generates added revenue. It is about ease of use, she pointed out.

**Councilor O'Hara** offered his support for Councilor Hecht's order. He advised the meter spaces would be turned over more quickly. A 10-hour parking space is typically for employees of businesses, he pointed out.

**Councilor Nolan** conveyed he didn't see an issue with the parking spots being designated as 15-minute parking. They will roll more people through more quickly, he pointed out. This is a great business and a good product, noting it will benefit Turtle Alley mostly, he added. **Ms. Baker** pointed out that there is not one 15-minute parking space on Rogers Street.

**Councilor Hecht** noted at nighttime the parking meters stop at 6:00 p.m. which he briefly discussed **Councilor LeBlanc** to say that he would want the 15 minute parking spaces to cease at 6:00 p.m. **Councilor Hecht** was advised that if he wanted a time limit then he could amend the motion at Council.

**Councilor LeBlanc** briefly suggested a compromise of one-hour or half-hour parking pointing out that these spaces are for everyone, not just Turtle Alley customers, he added.

**Councilor Hecht** expressed his understanding that this is a very successful business that attracts a great deal of customers to the city; and that the "fluidity" of having a 15-minute parking space will be helpful. **Ms. Baker** expressed she would be pleased with one 15-minute parking spot.

**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. 22-280 "Fifteen-minute parking" by ADDING Rogers Street, northerly side, one parking space located at meter #190 in front of Electric Pole #266."**

This matter will be advertised for public hearing.

6. *CC2018-039 (Hecht): Amend GCO Ch. 22 "Traffic and Motor Vehicles", Sec. 22-269 "Stop Intersection" be amended by ADDING Church Street as follows: Northbound traffic on Church Street at the intersection with Prospect Street (Cont'd from 10/15/18)*

**Councilor Hecht** noted that the Traffic Commission endorsed this Council Order to amend the Code of Ordinances and that McPherson Park residents asked this be put forward.

**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. 22-269 "Stop Intersection" by ADDING: "Northbound traffic on Church Street at the intersection with Prospect Street."**

This matter will be advertised for public hearing.

7. ***CC2018-040 (LeBlanc/Holmgren): Amend GCO Ch. 22 “Traffic and Motor Vehicles”, Sec. 22-283 “Bus stops and taxi stands” by ADDING Lincoln Avenue, westerly side, in a southerly direction from a point 150’ from Emerson Avenue for a distance of 40’ (TBC 11/19/18)***
8. ***CC2018-041 (Hecht): Amend GCO Ch. 22 “Traffic and Motor Vehicles”, Sec. 22-270 “Prohibited parking at all times” by ADDING Chestnut Street between 6 Chestnut Street and 212 Main Street (TBC 11/19/18)***

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:57 p.m.

Respectfully submitted,

*Dana C. Jorgensson*  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**