

Ordinances & Administration Committee

Monday, September 16, 2013 – 6:00 p.m.

1st Fl. Council Committee Rm. – City Hall**-Minutes-****Present: Councilor Sefatia Theken, Chair; Councilor Robert Whynott, Vice Chair; Councilor Steven LeBlanc****Absent: None.****Also Present: Councilor McGeary; Linda T. Lowe; Jim Duggan; Larry Ingersoll****The meeting was called to order at 6:00 p.m.****1. Continued Business:**

- A) CC2013-017 (Verga) Amend GCO Chapter 21, Article IV (Repair of Private Ways) Sections, 21-81 through 21-85 to add specific standards on what the City should require for the level of design, amount of work, and allocation of funds for permanent repairs to private ways (Cont'd from 06/17/13)

Councilor Theken said P&D Committee had reviewed the matter of the Repair of Private Ways ordinance for quite some time now, with Councilors Verga and McGeary taking the lead, having brought the matter forward. She said this redrafting of Sections 21-81 through 21-85 has taken a great deal of team work to get to this point to forward simplified language to the Council for its final review. **Councilor Theken** noted the team consisted of **Councilors Verga and McGeary**; Linda T. Lowe, City Clerk; General Counsel Susan Egan; and Assistant General Counsel Vickie Caldwell; DPW Director, Mike Hale; and City Engineer, Paul Keane.

Through direct statements and Committee questioning, **Councilor McGeary** made the following statements:

- The Planning & Development Committee completed their review of the final draft language for the revised ordinance, expressing their endorsement of it; and forwarded its endorsement and final language to O&A after P&D's and the Legal Department's review. He explained that this process is intended to clear up procedural matters that were unclear in the old ordinance language; to clear up the confusion of what kind of plan is needed to initiate the process as to whether the abutters would have to spend a lot of money up front first for an engineering plan for a project that may or may not go forward. That was changed to say that a preliminary estimate by the DPW would be sufficient to get the ball rolling now. However, before the job is finished, there will be an engineering plan of the road required and to be placed on file with the City.
- A major change from the old ordinance is rather than 50:50 split, that is, the project would only be done if the costs were split 50 percent each between the City and the abutters, the final draft language now says that if the abutters choose to they can undertake more than 50 percent of the costs which would be assessed against them as a betterment which is typically paid back over 10 years at the City's rate of interest. This is based on Code amendments from several years ago which governed private construction of sewer lines. The ordinance for private ways was rewritten in order to allow abutters to pay for the entire project if they chose. So if the abutters were insistent and really wanted their road fixed; but for which the City has no funds available, this new draft language now allows the abutters to move forward if all other requirements are met, and get the advantage of the City paying for the work up front, and then paying the money back by way of assessment of a betterment.
- Language was clarified that when a group of abutters wished to embark on this process, that each property has one vote only. This new ordinance language makes clear that it is one vote per property, and the majority of property owners rule the decision whether to enter into this process.
- If abutters want a road eventually accepted by the City as a public way, the City would handle the bid for contracted services and would see to the paving of the road. For example, on Graystone Road abutters decided they didn't want to come up to City standards and are using a private contractor which has always been an option for abutters. But if abutters want to go through the process to bring the road to City standards with an eye for acceptance as a public way, then the City has to put the contract out to bid.
- The recommendation whether the road paving is done by the City would come from the DPW Director and the City Council still has to vote on the City's participation in the project.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the Gloucester Code of Ordinances, Chapter 21, Article IV, Repair of Private Ways, Sections 21-81 through 21-85 as shown on revisions dated August 22, 2013 and as incorporated herein; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- B) CC2013-028 (LeBlanc) Request Traffic Commission to investigate parking of vehicles on Washington Street at the intersection of Derby Street, Stone Court, Grove Street and Centennial Avenue (Cont'd from 08/05/13)

Councilor LeBlanc said that after extensive discussions with the neighbors and the Traffic Commission it was clear there is no easy solution to this problem or a way to enforce any ordinance change in this area. At this time he asked that the Committee permit him to withdraw his Council Order without prejudice so that he might reactivate it some time in the future should a good solution to the situation present itself.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the withdrawal of Council Order CC2013-028 (LeBlanc).

- C) CC2013-029 (LeBlanc) Request traffic study regarding tractor trailer trucks turning from Middle Street to Angle Street & whether GCO Chapter 22, Sec. 22-173 shall be so amended (Cont'd from 08/05/13)

Larry Ingersoll, Co-Chair of the Traffic Commission explained the Committee was in receipt of an email and photograph (on file) from Robert Ryan, Traffic Commission Chair, which said that Mr. Ryan had met with Matt and Rosemary Lundberg who live on the corner of Middle and Angle Streets who have had their 100 year old wrought iron fence knocked down twice in the last 9 months by trucks taking that particular corner. The Commission has recommended that the DPW install a concrete post or bollard approximately three feet high on the sidewalk where the crosswalk line in meets the sidewalk at the corner to protect both the wall and fence from damage by 18-wheel trucks turning left off of Middle Street onto Angle Street. It was the Commission's opinion that a new ordinance for truck movements is not necessary if a pole/bollard is installed to protect the property.

Councilor LeBlanc said that in this instance he would seek a remedy through the DPW. He then asked that the Committee close this matter and that he would submit a Councilor's Request to the Mayor requesting that the DPW install the post/bollard at the location advised in Mr. Ryan's email recommendation.

The O&A Committee requested that the Clerk of Committees forward this request through the Mayor to the DPW on the Traffic Commission's recommendations.

By unanimous consent of the O&A Committee this matter is closed.

- D) CC0213-031 (Verga) Request the Traffic Commission investigate traffic flow on Englewood Road in Magnolia to determine whether current signage is adequate or whether additional signage is needed (Cont'd from 08/19/13)

Mr. Ingersoll said that the Commission recommended that additional signage was necessary for clarity sake in the Englewood Road neighborhood and an ordinance change is not necessary. The Commission's recommendation was:

A "Right Turn Only" sign to be placed at the northeast corner of Ocean Avenue and Englewood Road; a "Left Turn Only" sign at the northwest corner of Ocean Avenue and Englewood Road; and an additional "DO NOT ENTER" sign at the southwest corner of Ocean Avenue and Englewood Road across from the present sign to give drivers double notice of the one way section.

The O&A Committee requested that the Clerk of Committees forward this request through the Mayor to the DPW on the Traffic Commission's recommendations.

By unanimous consent of the O&A Committee this matter is closed.

- E) CC2013-033 (McGeary) Amend GCO c. 22, Sec. 22-270 (Prohibited parking at all times) by deleting East Main Street from Bass Avenue to the entrance to the Quincy Market Storage building off of East Main Street” (Cont’d from 08/19/13)

Councilor McGeary informed the Committee that this was where the old Boley’s car dealership was located parking used to be allowed. But when East Main Street was made one way in that section, the ordinance was changed to a total ban on parking on the westerly side on East Main Street which remained in force by mistake. He said that with the help of the Traffic Commission, language has been cleaned up to allow for parking from Wall Street to Cripple Cove playground on the westerly side. Beyond that point parking on either side of East Main Street will be prohibited Ms. Lowe who assisted with ordinance research found in minutes from a 2002 meeting when this ordinance change was first proposed that indicated that because the street was now one way, there was more room for parking, but it got deleted when the ordinance changed in 2002.

Mr. Ingersoll said that the Council Order was not recommended as written to use as a basis for a complete change in the ordinance. However, the Commission offered that there should still be a deletion from the Code as shown in the Council Order, but instead the language to add East Main Street both sides, from Bass Avenue to 159 East Main Street across from Chapel Street with the exception of East Main Street westerly side from Wall Street in a southerly direction for a distance of 360 feet is crafted by the Traffic Commission. **Councilor McGeary** said he agreed with the Traffic Commission’s findings and language.

Ms. Lowe said that Bob Ryan, Chair of the Traffic Commission has moved forward to see that any place there is a traffic ordinance under review where landmarks are used in the ordinance language, the Commission has consistently been replacing that language with measurements, and such a change is being offered under CC2013-033 which, she added, is a good example and commended the Commission for making these changes as they come forward.

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Chapter 22, Sec. 22-270 (Parking Prohibited at all Times) by DELETING: “East Main Street, both sides, from Bass Avenue to the entrance to the Quincy Market Cold Storage building off East Main Street;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Chapter 22, Sec. 22-270 (Parking Prohibited at all Times) by ADDING: “East Main Street, both sides, from Bass Avenue to 159 East Main Street (Americold Building) across from Chapel Street with the exception of East Main Street, westerly side from Wall Street in a southerly direction for a distance of 360 feet (Pole #3671);” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- F) CC2013-034 (LeBlanc) Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) re: Riggs Street #6 (Cont’d from 08/19/13) (TBC 09/30/13)

This matter is continued to September 30, 2013 pending a Traffic Commission recommendation.

- G) Memorandum from Mayor & a Memorandum from Community Development Director re: Tourism Commission (Cont’d from 08/19/13)

Councilor Theken informed the Committee of its receipt of an email (on file) from Tom Daniel, Community Development Director which said Mr. Daniel has forwarded to the Mayor a full slate of potential appointees to the Tourism Commission which is going to be forwarded to the Council through the Mayor’s Report. She said that she has been assured that Mr. Daniel would appear before the Committee when the referral for the nine appointees to the Tourism Commission comes forward through the Mayor’s Report and is placed on the Committee’s agenda.

This matter is continued to September 30, 2013.

2. **CC2013-040 (Verga) Request to review GCO Chapter 4 "Animals," Art. II "Dogs," Sections 4-15 to 4-22 and to consider whether to add the offense of "Running at large prohibited" to GCO Sec. 1.15 to allow for fines by non-criminal enforcement & signage to be placed in areas of concern**

Ms. Lowe said in Chapter 4 there is the "running at large" section. **Councilor Verga**, she said, wants this offense put into Sec. 1.15 and increase the fine, and it is now \$25.

Councilor Theken asked to be informed of how many tickets have been written for the "running at large" offense, and further asked for a list of all ticketing by the Animal Control in the for FY13 broken out by offense.

Councilor LeBlanc said he recently spoke with the Animal Control Officer and learned that 9 out of 10 times when dogs off leashes are reported, by the time the Animal Control Officer arrives, the dog is leashed, and so he cannot write a ticket.

This matter is continued to September 30, 2013 and the Animal Control Officer will be asked to attend.

3. **CC2013-041 (Tobey) Request the O&A Committee reviews an ordinance for Council enactment: "that the City Shall lease no property or structure unless funding is approved by 2/3rd majority of the City Council**

Councilor Theken said she would continue this and asked that the Administration forward all the leases entered into by the City as lessee/tenant over the last five years which **Jim Duggan**, CAO said no leases have been entered into by the City for private property in that time frame. **Mr. Duggan** said there are two leased buildings, the CATA building and the Harbormaster's office. He added that originally when the City entered into the lease for the CATA building, the lease required an appropriation which Council was able to vote on but only because of the appropriation of funds. This is entering into a contract for a lease, he said. He noted with the funding for the recent lease for the former Charter School building at the Blackburn Industrial Park which now houses the School Administration, its transportation department, and the City's Pre-school, that transaction for funding was an internal transfer in the DPW contractual services accounts, and the Harbormaster's office has been rented from National Grid for years.

Councilor Whynott expressed his agreement with Mr. Duggan's assessment of the funding process.

Mr. Duggan concluded his remarks by saying that that the Administration disagrees with what is being proposed by Councilor Tobey.

Councilor Theken reiterated the Committee wished to receive a list from the Administration indicating all City leases that are current and also to receive an opinion from General Counsel as to the legality of such a change in ordinance by the Council. She pointed out that what Councilor Tobey is proposing is that even if the funds were available in the City's budget that the Administration would have to come before the Council for a vote that would take two-thirds of the Council voting in favor for the transaction to move forward.

Councilor McGeary said the CATA building lease is already in the City's budget and has been for some time and that annual funding is by a simple majority of the Council as is an appropriation for funding, unless it is a special appropriation which requires a two-thirds majority.

Councilor LeBlanc expressed his concern that an act being adopted such as this by the Council would deter any forward City momentum and also asked what other communities require a vote by their legislative bodies on a the funding of a lease of property by a city entity.

This matter is continued to November 4, 2013.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:30 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.