

Ordinances & Administration Committee
Monday, July 20, 2015 – 6:00 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Robert Whynott; Vice Chair, Councilor Bob Stewart; Councilor Joseph Ciolino
Absent: None.

Also Present: Councilor Paul McGeary; Councilor Fonvielle; Councilor Verga (left at 6:30 p.m.); Chip Payson

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council. With the departure of Councilors McGeary and Fonvielle at 6:40 p.m. there was no longer a quorum of the City Council present.

1. Reappointments and New Appointments:

Downtown Development Commission TTE 02/14/18 Patricia Gates

Ms. Gates, responding to direct questioning by the Committee said she wished to participate in the Downtown Development Commission as she has a business on Main Street and wants to see Main Street prosper and be successful. She noted her previous membership on the Sidewalk Bazaar Committee and the Downtown Association.

Councilor Ciolino noted his working relationship with Ms. Gates in her various committee capacities saying that she knows the downtown area very well. He said because of her volunteer work for the promotion of the downtown and as a business owner, she would make an unparalleled candidate for appointment to the DDC as she who knows the needs, wants and desires of the area. He pointed out that the downtown extends from the MBTA railroad station to Washington Street through Rogers Street, the Fort, and to Flanagan Square, is not just the city's Main Street. **Councilor Stewart** also added his endorsement of Ms. Gates' appointment.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Patricia Gates to the Downtown Development Commission, TTE 02/14/18.

Licensing Board TTE 05/31/17 Meredith Fine (filling unexpired term of Michelle Harrison)

Attorney Meredith Fine explained briefly that she came to the city to take on the role of editor of the Gloucester Daily Times, and subsequently became an attorney. She said she has appeared before the Licensing Board along with other boards, committees and commissions of the city in her professional capacity. She said it is an honor to follow Michelle Harrison, retired chair of the Board, who did a wonderful job. She said she participated in a recent meeting of the Board and noted that there is work to be done. She mentioned John Rando is the most senior member of the Board of the three members, and there is an institutional memory that has been lost with turnover of staff and Board members which she said is a concern. She added she would approach the position with an open mind.

Councilors Whynott and Ciolino expressed their endorsement of Ms. Fine's appointment to fill the unexpired term of Michelle Harrison.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Meredith Fine to the Licensing Board, TTE 05/31/17.

Shellfish Advisory Commission TTE 02/14/18 D. Nathaniel Mulcahy (**Cont'd from 07/06/15**)

Answering direct questions from the Committee **Mr. Mulcahy** said that he is a founder and a director of the humanitarian engineering firm, WorldStove. While working in Ghana seven years ago he said he started to look at shellfish aquaculture. He informed the Committee in working with various government agencies he has moved forward on shellfish research and said he is recognized as an expert in razor clams, a shellfish Gloucester is trying to push forward. He noted he is an Affiliate Faculty member at the University of New Hampshire for shellfish

research and noted he holds other current academic positions as well. He said that he has the appropriate background and a passion for Gloucester and is looking forward to applying his energies in ways to move the city forward.

Councilor Whynott and **Mr. Mulcahy** discussed methods of harvesting razor clams.

Councilor Ciolino expressed that he was pleased a niche was found in city government for an area of Mr. Mulcahy's expertise.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint D. Nathaniel Mulcahy to the Shellfish Advisory Commission, TTE 02/14/18.

2. CC2015-019 (McGeary) Amend GCO Sec. 22-270 "Parking prohibited at all times re: Plum Street (Cont'd from 07/06/15)

Councilor McGeary recounted that at the last Committee meeting it was suggested by the Traffic Commission was to ban parking from the intersection of East Main Street and Plum Street on Plum Street for 100 feet on the northerly side in the end. There was also a suggestion that the city only erect signs to enforce the 20 feet no parking to the corner which is state law. He noted that while there really isn't a need for the signage, it has been found to be helpful. He said he was willing to listen to the neighbors, and that there is some consensus of the neighbors for the later suggestion. He suggested the signs be erected, and that they can always come back if it turns out there's still an issue. He noted that the Fire Chief was particularly concerned about emergency vehicles turning onto Plum Street from East Main Street, particularly in the winter months. He said if the no parking 20 feet from the corner can be enforced it would likely alleviate the situation, and is a good beginning, he said.

Councilor Whynott expressed his concern taking away parking on any city street especially in tightly congested, old neighborhoods where few homes have off-street parking. Streets are narrow around the city, he pointed out. Unless there is a very good reason, he said he would not support removal of parking spaces. Councilor McGeary pointed out it was the recommendation of the Traffic Commission and the Fire Chief, although he had expressed his main concern was during snow events.

Councilor Ciolino reiterated his previous statements regarding emergency apparatus access to Plum Street by recounting that fire engines approach from Mt. Pleasant Street and there have never been any problems even when there have been several fires on that street. He said he would vote for the current parking scheme to remain in place. The parking ban of 20 feet from a street corner is the state law anyway, and doesn't need a vote of the Committee, he pointed out.

Councilor Whynott added that he had reviewed in person the parking situation on Plum Street and wanted to ensure that the no parking signs went up on both sides of the street which starts at the intersection of East Main Street which he said were needed.

MOTION: On a motion of Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 0 in favor, 3 opposed to recommend that the City Council AMEND GCO Sec. 22-270 "Parking prohibited at all times" by ADDING Plum Street, easterly side from its intersection with East Main Street in a northerly direction for a distance of 100 feet.

This matter will be advertised for public hearing.

The Committee then asked that the DPW erect signs for "No Parking 20 feet from the corner" be placed 20 feet from the corner of the intersection of Main Street and Plum Street on both sides of the street.

Of the group of residents of Plum Street present, by a show of hands, none wished to see a parking ban except for 20 feet from the corner of East Main Street and Plum Street on both sides.

3. CC2015-006 (Fonvielle) Request O&A & Traffic Commission review existing parking restrictions in GCO Sections 22-270 & 22-291 for Kondelin Road from its intersection with Magnolia Avenue for its entire length and to review existing signage for consistency with GCO c. 22 (Cont'd from 06/01/15)

Councilor Fonvielle informed the Committee that he had surveyed a majority of the business owners (report on file) in the Cape Ann Industrial Park and also met with a group of them. He said from a meeting with the industrial

park's business owners to discuss possible ordinance changes in parking as well as other issues, at which CAO, Jim Destino, and Public Works Director, Mike Hale were present, that the prevailing sentiment is to keep the ordinance regulating parking on the street as it is without amendment. People voiced their concerns that the current ordinance remains in place but that it needs to be enforced.

Councilor Ciolino said he reviewed the Councilor's documentation and commented that there were some interesting suggestions for the industrial park contained in it.

Councilor Fonvielle requested that the Committee vote to approve his request to withdraw his Council Order and take no further action.

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council permit the withdrawal of Council Order 2015-006 (Fonvielle) related to parking restrictions for Kondelin Road from Council consideration.

4. Memorandum from General Counsel re: Amendment to GCO Sec. 5-19. "Inspection of buildings erected on pilings" (Cont'd from 07/06/15)

Mr. Payson reported that there is no one who stepped forward to be a member of the Ad Hoc Committee from an advertisement placed by him and the City Clerk in the local newspaper. **Councilor Whycott** said the Committee should remove the residency requirement, and that another ad be placed. He said if no one comes forward to participate on the Ad Hoc Committee, then the O&A Committee will take then take the recommendation of the Building Inspector to the City Council to which the Committee agreed. **Ms. Lowe** read to the Committee the advertisement previously used in the newspaper and said she would make the appropriate change to reflect the wishes of the Committee. The Committee then voted to remove the residency restriction to the Ad Hoc Committee as follows:

MOTION: On a motion by Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to establish an Piling Inspection Ordinance Ad Hoc Committee composed of General Council, Building Inspector or designee, a City Councilor as ex-officio member, and three representatives of the public, preferably waterfront property owners, either in the commercial or private residential sectors and/or having knowledge regarding the substance of the inspection of pilings under GCO Sec. 5-19 in order to draft recommendations to amend this ordinance section.

This matter is continued to August 17, 2015

5. Memorandum from General Counsel & pertinent material re: proposed changes to the Acts of 1956 relative to the Gloucester Fisheries Commission (Cont'd from 05/04/15)

Councilor Verga, the City Council's ex-officio member of the Fisheries Commission explained that the Fisheries Commission met on Thursday last week, and forwarded (on file) by email to the Committee were further changes to Section 3 of the Acts under review by the Fisheries Commission. He said that there is a special meeting on the 4th of August of the Commission when at that time they will review a revised version of draft legislation for forwarding to the city's state legislators. He recounted that the Special Act of 1956 Relative to the Gloucester Fisheries Commission and subsequent updates of 1978 and 1984 are out of date were convoluted and the idea was to streamline the language and Commission process. He pointed out the original Special Act called for 13 members of the Commission which he indicated was an unwieldy number.

He reviewed suggested changes to Section 3 most recently offered by the Commission and discussed them with the Committee (changes highlighted in **red**):

"Section 3. Members of the commission shall be appointed by the mayor with approval of the city council. Said commission shall consist of 10 members (9), one of whom shall be the mayor or his (/her) designee, one of whom is a current city councilor (one of whom is a member of the community at large), five of whom are engaged in the act of commercial fishing and two of whom are engaged in business ancillary to commercial fishing (-to the extent possible, otherwise additional at-large members may be appointed.). The commission may designate alternate positions upon recommendation by the commission and approval by the mayor."

A Chair and Vice Chair will be selected by and from among the 9 members of the commission annually.

The Mayor may appoint an Executive Director who shall receive such compensation as may be determined by the Mayor with the approval of the City Council.”

Councilor Ciolino asked if the members of the Commission need to be residents. **Councilor Verga** said that it should be added to the draft language. **Chip Payson**, General Counsel said it could be done and would add appropriate language for the draft suggesting that some of the original language from the Acts of 1956 contained such language that would translate into this latest draft. **Councilor Whynott** questioned if there was a Rockport resident but they fished out of Gloucester would they be allowed to be considered for membership on the Commission. **Councilor Verga** said that the feeling of the Commission, and as indicated by Councilor Ciolino, members should be Gloucester residents, but noting the original language of the Acts regarding membership on the Commission, it gives a path for membership for those persons, “whose primary concern is the fishing industry...” He said it indicates they have to have a related business in the city but not necessarily reside in the city.

Councilor Ciolino noted the Executive Director of the Fisheries Commission, when funded, would be paid by taxpayer money which is different from other city boards, committees and commissions. He suggested that the members of the Commission should be city taxpayers. **Councilor Verga** reiterated that the Commission is in agreement that the voting members are to be residents of the city which is not currently required, and therefore they need to add a sentence to reflect that. He noted there was language about the Executive Director and added that in the past the Commission chair used to run the meetings and the staff member was present to advise the Commission during meetings, in addition to their outreach duties. Until the Executive Director is plugged into the budget, the Commission wants to be sure the Special Act makes sense for 2015, he said.

Councilor Whynott commented he agreed with the changes proposed to date by the Commission through Councilor Verga. There was a further discussion of the Committee that the word “resident” be used rather than “taxpayer,” on the advice of City Clerk, **Linda T. Lowe**. It is the will of the commission that its voting members be Gloucester residents, Councilor Verga said.

Councilor McGearry suggested that the “majority” of the Commission membership could be Gloucester residents. **Councilor Stewart** and **Councilor Ciolino** discussed whether a fishing industry business or a boat operator/owner could be appointed if they didn’t reside in the city. “...two of whom are engaged in related businesses located in the city of Gloucester,” was proposed by **Councilor Stewart**. **Mr. Payson** read from the Amended Acts of 1956 language similar to the aim of the Committee already in place that allowed for residents and some non-resident members of the Commission. Two Commission members don’t have to be residents but be connected through their waterfront-related businesses in the city, and the rest of the members must be residents, **Councilor Verga** offered as compromise language.

Separately, **Councilor Verga** asked that the job description of the Executive Director that was forwarded by the Chair of the Fisheries Commission to O&A be reissued to the Committee. **Councilor Verga** then discussed some of the duties of the Executive Director moving forward.

Councilor Whynott expressed his approval of the tenor of the proposed draft language and asked that sentiment be conveyed to the Commission at their August 4 meeting.

Mr. Payson offered that based on the discussion he would amend the language in Section 3 to reflect the discussion of the O&A Committee on the residency requirement. That would be forwarded to the Fisheries Commission for their consideration at their Special August 4 meeting.

This matter is continued to August 17, 2015.

Other Business:

NOTE: CC2015-015 (Cox) Amend GCO c. 2, Division 10 “Committee for the Arts” Sec. 2-508 “Created,” subsection (b) was continued from 05/04 and 05/18/15 and continued to July 20. Although not appearing on the Committee’s agenda, it had already been before them previously.

Dana Jorgensson, Clerk of Committees informed the Committee that Councilor Cox could not be present at the meeting and had requested that the Committee continue this matter to August 3.

The matter of CC2015-015 is continued to August 3, 2015.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:47 p.m.

Respectfully submitted,

**Dana C. Jorgenson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Submitted by Councilor Fonvielle, a report entitled, "Cape Ann Industrial Park Business Survey" dated July 18, 2015