

Ordinances & Administration Committee
Monday, August 3, 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 Cox; Councilor Steven LeBlanc; Councilor McGeary; Linda T. Lowe; Jim Destino;
Chip Payson

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council. Agenda items were taken out of order.

1. *CC2015-015 (Cox) Amend GCO c. 2, Division 10 “Committee for the Arts” Sec. 2-508-Created, subsection (b)(Cont’d from 07/20/15)*

Councilor Cox explained that her Council Order was put on hold because the Mayor had her arts meeting but then nothing had been done to date with any formal Public Art Policy being forwarded from the Committee for the Arts. She said she is asking for any permanent public art installation in the city that such a proposal should be formally taken to public hearing. She asked that this matter go forward to public hearing.

Jim Destino, CAO, said the Committee for the Arts has hired a consultant to formulate such a public art policy, and he said it is hoped that this small ordinance amendment would be included as part of it. He added his endorsement of the Councilor’s ordinance amendment.

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 Amend GCO Chapter 2, Division 10 “Committee for the Arts,” Section 2-508 –Created, subsection (b) by ADDING after the words, “...its submission to the committee.” the following sentence: “Should the mayor choose to accept the committee’s recommendation, after consultation with the Department of Public Works Director and the Building Inspector he shall forward it to the city council for a public hearing and a vote.”

This matter returns to the City Council on August 11 at public hearing.

2. *Memorandum from General Counsel & pertinent material re: proposed Ordinance for the creation of the Stage Fort Dog Park Commission (Cont’d from 07/06/15)*

After a brief discussion with the Committee, at Mr. Destino’s request, the Committee agreed the matter would be continued to September 17.

This matter is continued to September 17, 2015.

3. *Amend Chapter 22, Sections 22-270 “Parking prohibited at all times,” Sec. 22-272 “Parking prohibited from May 1-September 15 Saturdays, Sundays, holidays” and Sec. 22-291 “Tow-away zones” re: Atlantic Road – Returned from City Council Meeting of 07/28/15 for ordinance language clarification*

NOTE: Motions as previously voted on July 6, 2015 by the O&A Committee and passed then voted by the City Council on July 28, then reconsidered with the Council votes negated by the Council, initiated by a request of Councilor Stewart. The matter was then referred back to the O&A Committee by unanimous Council vote.

MOTION: On a motion of Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Sec. 22-270 “Parking prohibited at all times” by ADDING Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road.

MOTION: On a motion of Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 2 in favor, 1 (Whynott) opposed to recommend that the City Council AMEND GCO Sec. 22-272

“Parking prohibited from May 1 to September 15-Saturdays, Sundays, holidays” by DELETING “Atlantic Road, both sides, between Nautilus Road and Farrington Avenue on Saturday afternoons, Sundays and holidays,” and ADDING “Atlantic Road both sides from Moorland Road to Farrington Avenue Saturday afternoons, Sundays and holidays.”

MOTION: *On a motion of Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Sec. 22-291 “Tow-away zones” by ADDING Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road.*

Sargent Jeremiah Nicastro, Gloucester Police Department, who had initially brought the parking issues on Atlantic Road to the attention of Ward 1 Councilor, Paul McGeary, explained to the Committee that: He is here not based on complaints by residents of the Back Shore, but the issue is parking from Nautilus to Moorland. Parking is permitted Monday through Friday on both sides of the road, blocking one lane, going into oncoming traffic, and allowing people to park there and walk to Good Harbor Beach. It is the Police Department’s suggestion that there be no parking on Atlantic Road from Nautilus Road to Moorland Road in the interest of public safety. He said the road is just too narrow on that stretch. He pointed out that Atlantic Road widens after Moorland Road and said in his estimation that to park on the non-water side of the road to Farrington Avenue for short periods is okay. Current ordinance signage on Atlantic Road is intermittent but do indicate there is no parking seasonally. **Councilor Whynott** confirmed with Sgt. Nicastro that he was asking the Committee to endorse a parking ban on both sides of Atlantic Road from Nautilus Road to Moorland Road which **Sgt. Nicastro** reconfirmed.

Councilor Stewart said he had recently driven Atlantic Road to assess the situation, and that he had come to the same conclusion as Sgt. Nicastro.

Councilor Whynott said that fifteen minute or 30 minute parking from Moorland Road to Farrington Avenue on Atlantic Road would be reasonable. **Councilor Stewart** said he agreed with Councilor Whynott that this solution was better rather than the current seasonal ban during weekdays.

Councilor Ciolino expressed his disagreement with his fellow Committee members saying that the proposal to change the parking scheme on that end of Atlantic Road would choke the road with parking on even one side of the street. He said between surfers, scuba divers and people seeking beach parking, it will create a chaotic situation. He said that when walking the back shore with people even parking on the sidewalk it causes pedestrians to walk directly on the roadway. He urged the Committee to leave that portion of the road’s parking scheme in place.

Councilor Stewart and **Councilor Whynott** discussed what was enforceable by the Police Department.

Councilor McGeary said what is currently in place works well now and the police can ticket and move people along. He expressed concern that as soon as parking is posted for a half hour it is going to be stretched.

Sgt. Nicastro said the Police Department has no issue with the parking regulations on Atlantic Road from Moorland Road to Farrington Avenue which the department can and does enforce. He added that he agreed with Councilor McGeary’s assessment. He said they don’t have issues with parking in that section of Atlantic Road with few complaints from residents. **Councilor McGeary** said he walked the neighborhood and spoke with neighbors, and there is little opposition to the current parking rules. It is a safety issue he said, with Councilor Ciolino saying parking in that area is a major issue. **Councilor Ciolino** also enumerated some of the issues that are experienced by drivers and residents alike on the Back Shore in the summer. Nautilus Road to Moorland Road on Atlantic Road is dangerous, he said, and the Committee is in agreement on that issue.

The Committee, agreeing with Sgt. Nicastro’s assessment of Atlantic Road between Nautilus Road and Moorland Road voted as follows:

MOTION: **On a motion of Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Sec. 22-270 “Parking prohibited at all times” by ADDING Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road. (This ordinance amendment supersedes any other amendments relating to this portion of Atlantic Road.)**

MOTION: **On a motion of Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Sec. 22-291 “Tow-away zones” by ADDING Atlantic Road, both sides from its intersection with Nautilus**

Road in a southerly direction to its intersection with Moorland Road. (This ordinance amendment supersedes any other ordinance amendments relating to this portion of Atlantic Road.)

When **Councilor Stewart** expressed the desire to amend a remaining motion from the Council Meeting of July 28 to include 30 minute parking from GCO Sec. 22-279, there was a lengthy discussion as to the appropriate process of ordinance amendment. **Councilors McGeary, LeBlanc and Cox** as well as **Mr. Destino** and **Ms. Lowe** participated in that discussion and stressed that a new public hearing properly advertised was needed. To finish up the motions returned to the O&A Committee by the City Council from its July 28 meeting, the Committee voted as follows.

MOTION: On a motion of Councilor Stewart, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 2 in favor, 1 (Ciolino) opposed to recommend that the City Council AMEND GCO Sec. 22-272 "Parking prohibited from May 1 to September 15-Saturdays, Sundays, holidays" by DELETING "Atlantic Road, both sides, between Nautilus Road and Farrington Avenue on Saturday afternoons, Sundays and holidays" and ADDING "Atlantic Road water side from Moorland Road to Farrington Avenue Saturday afternoons, Sundays and holidays."

Councilor Whynott added that although he is usually averse to invoking City Charter Sec. 2-11(b), in the instance of the parking issues between Nautilus Road and Moorland Road on Atlantic Road, he would do so at the conclusion of the Council voting on the matter.

A new parking scheme for Atlantic Road from Moorland Road to Farrington Avenue was then proposed by **Councilor Stewart** in conjunction with **Councilor Whynott** who both expressed the need to change the parking rules for that particular stretch of the public way. **Councilor Ciolino** continued to express his concern that it was more appropriate to leave the parking as it is currently contained in the Code of Ordinances.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 2 in favor, 1 (Ciolino) opposed, to Amend GCO c. 22, Sec. 22-279 "Thirty Minute Parking" by ADDING "Atlantic Road from Moorland Road to Farrington Avenue on the easterly (landward) side."

MOTION: On a motion by Councilor Stewart, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 2 in favor, 1 (Ciolino) opposed, and to advertise for Public Hearing to Amend GCO c. 22, Sec. 22-279 "Thirty Minute Parking" by ADDING "Atlantic Road from Moorland Road to Farrington Avenue on the easterly (landward) side."

Other Business:

Ms. Lowe addressed that in order to generate interest in volunteer membership to the O&A Committee's Ad Hoc Pilings Committee she had worked with the Building Inspector and Assessors to compile a list of buildings on pilings property owners and her office mailed approximately 100 letters to those property owners asking for volunteers to step forward. To date she reported that she had received interest from three such property owners and after a brief discussion with the Committee agreed that they would stop accepting members by the close of business on Friday, August 7. It was noted that a Councilor from the O&A Committee, as well as the Building Inspector and General Counsel would also act as members of the Ad Hoc Committee.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:02 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.