

GLOUCESTER SPECIAL CITY COUNCIL MEETING

Tuesday, May 2, 2023 – 6:00 p.m.

REMOTE MEETING

-Minutes-

Councilors Present: Council President, Councilor Val Gilman; Council Vice President, Councilor Sean Nolan; Councilor Tony Gross; Councilor Jason Grow; Councilor Frank Margiotta; Councilor Scott Memhard; Councilor Tracy O’Neil; Councilor Jeff Worthley

Councilor Jamie O’Hara joined the meeting at 6:21 p.m and experienced transmission difficulties throughout the meeting.

Also Present: Mayor Greg Verga; CAO, Jill Cahill; City Clerk, Joanne Senos; Auditor, Kenny Costa; CFO, John Dunn

*This meeting was conducted remotely through Zoom
All votes were ROLL CALL votes*

Meeting called to order at 6:00 p.m.

Councilor Gilman announced: “In the interest of government transparency with regards to deliberations and decisions made by the City Council and according to open meeting law, since this meeting was posted as a Zoom meeting, this meeting is recorded by video and audio and will be conducted by remote participation. Additionally, all votes taken by the City Council during this and future remote meetings will be by roll call vote. If you are calling in on a phone, you can press Star 9 (*9) to request to speak. If you are watching on a computer or device, there is a “raised hand” button that you can tap or press to request to speak. Please use either of these options during oral communications to be recognized to speak.”

“It is the finding of the City of Gloucester that no individual should be denied equal treatment or opportunity because of their age, ancestry, color, disability, including intellectual and developmental mental disability, family status, immigration status, gender identity or expression, military status, marital status, national origin, race, religion, sex or sexual orientation.”

Councilor Gilman introduced the City Council members and City staff in attendance.

1. Mayor’s Proposed FY24 Budget Presentation to Council

Summary of Discussion: **Councilor Gilman** read the following statement: *“I would like to thank the Mayor and his administration for their efforts in the preparation of the FY2024 municipal budget for the City of Gloucester in order to provide essential city services to all Gloucester residents. At this time, I would like to turn it over to the Honorable Mayor Greg Verga for his presentation of the FY2024 budget.”*

Mayor Verga thanked **Council President Gilman**, as well as the **Members of the City Council**. He read the following statement: *“I am happy to be here tonight to present the proposed annual budget for Fiscal Year 2024 and I’m proud of all we were able to accomplish last fiscal year and I am looking forward to building on those successes through this proposed annual budget.”*

The proposed FY24 will further enable us to invest in our schools, municipal infrastructure, public safety, and essential City services to better meet the needs of our residents and our businesses. And, as our community navigates these uncertain economic times, the proposed FY24 budget reflects strategic investments into our community while remaining mindful of rising inflation, supply chain disruption, and the need for sensible spending. This budget is a clear reflection of my continued commitment to responsible financial management and it exhibits a balanced, conservative and strategic spending plan, and we must continue to practice fiscal sustainability to ensure our community is prepared to weather any short or long-term uncertainties. Gloucester's economic security relies on several factors, including the overall success of the State's economy. One key piece of this is the State's changes to the ch. 70 formula. This allowed us to increase our investment in our schools last fiscal year and I'm happy to appropriate nearly \$50 million to our Gloucester Public Schools; this is an increase of \$2.75 million and it is arguably the single largest increase to their budget. This funding will have a significant impact on our schools and I'm a strong advocate for our amazing vocational program at the high school. These vocation classes give our students an opportunity to learn meaningful and real-world skills to start their careers and to use throughout their lives. And, this new allocation will allow for a new vocational track to be supported and I'm excited to officially announce tonight the creation of the medical assistant vocational program at GHS.

So, in addition to investing in our schools, I am reaffirming my commitment to addressing streets. You recall last fiscal year I increased the City's paving budget by over 480% and I'm maintaining that allocation in this current proposed budget for FY24, and this funding will further enable the DPW to take on the larger paving projects and make critical improvements to Gloucester's roadways.

Another key priority of this administration has been to increase the efficiency throughout city government. Last fiscal year, you will recall we launched the online and beach reservation system for nonresident beach-goers. This was, without a doubt, an incredible success. It demonstrated the impact of modern technology and streamlined processes and how they can affect change across the board in a positive way, and the system dramatically reduced traffic, improved the beach-going experience and it resulted in about \$2 million dollars in revenue for the City, which is right on par with some of our best years. This year, we have selected a new vendor, Blinkay, as the platform for non-resident beach parking reservations. So, we have been really impressed with the new vendor and I'm looking forward to another successful beach season.

Now, our IT Department has also successfully created an internal database to track the hundreds of volunteer members to our boards, committees and commissions. This replaces an outdated and inefficient system, reducing staff time and errors. The IT staff leveraged the system they already had to help create this database, further saving the City money and time, and we have been incredibly busy appointing and reappointing residents to our municipal boards, committees and commissions and this new system has been a major tool for our office and several other departments. Our City's dedicated staff are an integral part of our success and play an important role in delivering exceptional service to our residents and businesses.

Last fiscal year, I announced the creation of the City's first full-time sustainability coordinator and this position has brought a refreshing perspective to the city work across departments and has been instrumental in the City being awarded over \$100,000 in grant funding to support their innovative work. They've led the charge connecting residents with resources to save on their energy bills, while working strategically with City staff to evaluate projects and initiatives through a sustainability and resiliency lens and I'm proud of the work being done by our sustainability coordinator and looking forward to their continued impact on our community.

Another incredible member of our City staff is our Community Health Navigator at Gloucester's Community Impact Unit. This department and the staff is invaluable. They provide critical support and resources to those struggling with substance use, mental health issues, and homelessness. And, I am happy to announce that we will be putting the monies received from the national opioid settlement to good use to fund the Community Health Navigator position. I will continue to strategically appropriate the nearly \$23 million dollars in coronavirus state and local fiscal recovery funds allocated under the American Rescue Plan Act to the City of Gloucester. After careful consideration and public participation, I announce the following categories, which will be receiving funding: infrastructure, economic development, affordable housing, public health community initiatives, arts and culture, general government and parks and open spaces. This funding is a once-in-a-lifetime opportunity to our community and I want to ensure that it does the most good for the most people over the most time.

So, I took office with clear goals – transparency, efficiency and collaboration and I'm proud of all we've accomplished and I'm looking forward to all we will continue to achieve and I want to thank and recognize all of our City employees, the members of the School Committee and, you, the members of the City Council, for your dedication and commitment to our City. It's because of our combined efforts and passion that we are able to successfully move our great community forward.

So, the proposed FY24 budget will further strengthen our City and I proudly recommend its adoption. I look forward to working with you in the coming weeks to enact this proposed spending plan and our continued collaboration to serve our community."

Councilor Gilman, on behalf of the City Council, thanked **Mayor Verga** for his remarks and stated that the Council looks forward to working with the Mayor and the Administration on crafting a blueprint for the over \$100 million corporation also known as the proposed FY24 municipal budget for the City. She stated that in addition the Council should remember that there is a single-line appropriation to the Gloucester Public Schools proposed at \$49,738,897. She stated that tonight the Council will vote by roll call to accept receipt of the annual budget as proposed by the Mayor for its budget review that is in accordance under MGL ch. 44, §32 and pursuant to the Gloucester City Charter, part 1, Sec. 6-1. She added that the City Council will have 45 days after the receipt of the budget to take action. She stated that the budget department meetings will be meeting virtually and in person at the Harbormaster's Office Conference Room and encouraged all residents to attend or tune in and listen.

Councilor Gilman highlighted important dates for the FY24 budget schedule:

- Tuesday, June 6, 2023 at 6:00 p.m. for the Public Hearing for public comments on the entire budget
- Wednesday, May 10, 2023 at 9:00 a.m. to 4:00 p.m. for the public safety department reviews, as well as DPW and Water and Sewer Enterprise Funds with reviews of the rates
- Wednesday, May 3, 2023 at 9:00 until 4:00 p.m. for City Clerk, City Council, Assessor, Library and more
- Tuesday, May 30, 2023, at 5:00 p.m. for the School Department
- Tuesday, June 13, 2023, the full City Council will vote on the budget

Councilor Gilman stated that hard copies of the budget book are available at the City Clerk's office and also at the Sawyer Free Library's temporary venue and added that the budget will be available online on the Mayor's homepage at www.gloucester-ma.gov.

Councilor Memhard stated that all of the budget meetings will be Committee of the Whole so that all councilors are invited and encouraged to join in. He stated that it is his pleasure to accept the Mayor's FY24 budget proposal.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Grow, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (O'Hara) absent, that in accordance with Massachusetts General Law Chapter 44, Section 32 and pursuant to the Gloucester City Charter Part 1, Section 6-1, that the City Council accepts receipt of the Mayor's Fiscal Year 2024 Proposed Budget and becomes the budget of the City Council and to refer this budget to the Budget & Finance City Council Standing Committee for further review.

Councilor O'Hara joined the meeting at 6:21 p.m.

COMMITTEE REPORTS

• **Ordinances & Administration – April 3, 2023 (Cont. from 4/25/23)**

1. **CC#2023-021 (Gilman): Amend the City Council Rules of Procedure 2022 by amending Rule #2 "Order of Business," Rule #3 "Agenda Procedure," Rule #4 "Public Hearings," Rule #6 "Rules of Debate," Rule #8 "Committees," Rule #12 "Special Permits"**

RULE 2: Order of Business

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Gross, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

Rule 2: Order of Business:

The following list establishes the Order of Business for regularly scheduled City Council meetings. It is understood that in special situations, the City Clerk and the Council President may rearrange the calendar(s) in the interest of public convenience.

Flag Salute & Moment of Silence (optional)

1. **[ADD] Legal Language for Zoom Technology in the interest of government transparency and remote participation**
2. **[ADD] Non-discrimination Statement Opener for City Council Meetings (subsequent numbering through 15 to be changed accordingly)**

[ADD]Advertised public hearings shall be noted on the bottom of every City Council agenda.

Summary of Discussion: Councilor O'Neil stated that she believes that these changes affect the public. She asked why this matter is not a public hearing. Councilor Nolan stated that, by Charter, this matter does not need to go for a public hearing. Councilor Gilman stated that this matter is governance – how the group operates as a City Council. She stated that this matter has been public knowledge for over six weeks and if people had concerns they could have shared them with the councilors. She added that this is not required to be a public hearing per the Code of Ordinances as this is the City Council's own Rules of Procedure. The City Clerk, Joanne Senos, shared her screen to display each motion.

Councilor Gilman explained that the first is to amend the Rules of Procedure by amending Rule 2: Order of Business. She read the Committee recommendation as follows and stated that #2 and #3 are standard business and that the nondiscrimination statement opener was developed by the Human Rights

Commission and sections that were felt to be too strong because of the recent rulings for Freedom of Speech were removed. She stated that at some point the full City Council meetings will be hybrid and that the legal language for Zoom should be part of the Rules of Procedure for people to understand how they can tune in and participate. She stated that the added public hearing language is to remind the public when the upcoming public hearings are to be held.

Councilor Gross stated that in a few weeks, hopefully, the Council will be meeting in person and the legal language section references “Roll Call” vote. He stated that it could be added to the Remote Participation piece of the document, but would not be relevant in the opener. **Councilor Gilman** added that in person the vote does not need to be done by roll call but if a member of the council is participating remotely then the vote does need to be taken via roll call. She also stated that any councilor at any time can also request a roll call vote, per the law. There was a discussion regarding using a roll call vote and time efficiency if all members are present.

Councilor Gross suggested deleting the following sentence from the legal language: “*Additionally, all votes taken by the City Council during this and future remote meetings will be by roll call vote.*” as it is covered under remote participation and OML. He offered a motion to amend.

MOTION TO AMEND: On a motion by Councilor Gross, seconded by Councilor Gilman, the City Council voted by ROLL CALL 8 in favor, 1 (O’Neil) opposed, to DELETE “Additionally, all votes taken by the City Council during this and future remote meetings will be by roll call vote.” from the legal language.

Councilor Gilman announced that we were back to the main motion “which was moved and seconded” and asked for a roll call vote.

**[This motion was not moved and seconded. It was ratified at the City Council meeting of May 23, 2023. Please see For Council Vote of May 23, 2023 for ratifying vote.]*

MOTION: On a motion by Councilor xx, seconded by Councilor xx, the City Council voted by ROLL CALL 8 in favor, 1 (O’Neil) opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

Rule 2: Order of Business:

The following list establishes the Order of Business for regularly scheduled City Council meetings. It is understood that in special situations, the City Clerk and the Council President may rearrange the calendar(s) in the interest of public convenience.

Flag Salute & Moment of Silence (optional)

1. **[ADD] Legal Language for Zoom Technology in the interest of government transparency and remote participation**
2. **[ADD] Non-discrimination Statement Opener for City Council Meetings**
(subsequent numbering through 15 to be changed accordingly)

[ADD] Advertised public hearings shall be noted on the bottom of every City Council agenda.

RULE 4: Public Hearings

Councilor Gilman stated that the intent of the proposed amendment is to give the opponents as much opportunity as the people in favor.

Councilor Gilman gave a brief overview of the proposed amendments to this section as shown in red in the above slide. Under G, she explained that her amendment is to ensure that the floor is fairly shared among all councilors during discussion, as well as to promote efficiency and good use of time.

Councilor Nolan offered a motion, seconded by Councilor Grow with the proposed amendments to Rule 4: Public Hearings.

COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor Grow, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

Rule 4: Public Hearings:

C. PRESENTATION FROM PROPONENTS. In matters related to Special Permits, petitioners may make initial oral presentations up to fifteen (15) minutes; others speaking in favor shall be allowed up to three (3) minutes each. Proponents are required (OML) to enter into the record documentation of their presentation testimony. For Public Hearings considering general matters, each individual may speak up to three (3) minutes.

D. PRESENTATION FROM OPPONENTS. Opponents shall be allowed initial oral presentations up to fifteen (15) minutes; others speaking in opposition shall be allowed up to three (3) minutes each. **[ADD] It is the responsibility of Opponents to select a spokesperson and notify the Council President and City Clerk, prior to the Public Hearing.** Opponents are also required (OML) to enter into the record documentation of their testimony. **[ADD] For Public Hearings considering general matters, each individual may speak up to three (3) minutes.**

F. COMMUNICATIONS to be read into the record and filed **[ADD] for matters received 72 hours prior to the date and time of the advertised public hearing.**

G. QUESTIONS by City Councillors to either side **[ADD] or to City Administration. The Council President may require set timed allotments for questions, based on the meeting agenda. The allowance should include the asking of the question only, not the answer provided by either side or city administration.**

Summary of Discussion: **Councilor Worthley** stated that he believes the proposed amendments are well-intentioned. Under D, he asked how a member of the public would notify the Council President and City Clerk and asked the timeframe for notification in advance of the meeting as, he stated, sometimes a member of the public may not realize they are opposed or in favor of a matter until they listen to the Public Hearing. **Councilor Gilman** stated that if there is an organized opposition that has a formal presentation then that person should know in advance they will be speaking, similar to that of the proponent. She stated that giving a single opponent 15 minutes to speak without a formal presentation is not the intent. **Councilor Grow** added that this amendment is not preventing any single member of the public from having three minutes to speak in opposition (or favor) at the public hearing. **Councilor O'Neil** suggested deleting the proposed amendment, under D, *"It is the responsibility of Opponents to select a spokesperson and notify the Council President and City Clerk, prior to the Public Hearing."* as deleting it would alleviate **Councilor Worthley's** concerns and stated that she does not believe that sentence is necessary. She offered a brief timeline of the public hearing process and then stated that she

will not support that proposed amendment. **Councilor Grow** stated that he disagrees with **Councilor's O'Neil's** timeline. He stated that he does not think the first person to speak should be given the opportunity for the full 15 minutes as it is not necessarily fair and would create a "rush to the microphone." He stated that he is pleased with the way the proposed changes are written. **Councilor Margiotta** stated that he disagrees with Councilor O'Neil's public hearing timeline and that enough notice is given, per the Charter, for a group to organize a formal presentation. **Councilor Nolan** called a **Point of Order** at 7:01 p.m. and stated that **Councilor O'Neil** is not giving an accurate timeline on public hearings. The **City Clerk, Joanne Senos**, wished to clarify that for ordinance changes a legal ad needs to be placed at least 7 days before the public hearing and that Special City Council permits and zoning matters are two weeks.

Councilor Worthley offered an amendment to the motion, seconded by **Councilor O'Neil**, as follows: *"If the opponent selects a spokesperson and notifies the Council President and City Clerk 48 hours prior to the public hearing that person will be given 15 minutes. If no one has been selected, the first person to speak in opposition will be given up to 15 minutes. Each subsequent speaker shall have up to three minutes each. Proponents are required under Open Meeting Law to enter into the record documentation of their testimony."* **Councilor Worthley** stated that he agrees that there should not be a rush to the microphone and that this will prevent a random person getting 15 minutes when there is not an organized opposition. **Councilor Grow** stated that he sees a downside to the 48-hour limitation of notifying the Council President and City Clerk. He stated that he understands Councilor Worthley's point but is unsure if it offers additional clarification. He stated that he agrees with Councilor Gilman's proposed amendment. **Councilor Worthley** stated that the original motion does not give a timeframe as to how far in advance and that he would be happy to take that requirement out of his amendment. **Councilor Memhard** stated that he thinks that the Council may be overworking this issue and that the chair should have some level of discretion. He stated that it is not uncommon to have two opposing parties and has been past practice for the Council President to allocate the 15 minutes between the two groups. **Councilor Gross** agreed that the Council is overthinking this issue. He stated that if it was left alone then all of the voiced concerns would be answered. **Councilor Grow** stated that he will not support the amendment. **Councilor O'Hara** stated that opposition groups are generally unorganized and that the Chair needs some discretion at the moment but ultimately allow 15 minutes to the opposition, whether it be one, two or three persons. He also stated that it is a rarity to have an organized opposition but when there is those people should be heard. **Councilor Nolan** stated that he is supportive of **Councilor Gilman's** proposed language.

Without objection, **Councilor Worthley** shared his screen to clarify his amendment to **Councilor Gilman's** proposed language.

[ADD] If the Opponents select a spokesperson and notify the Council President and City Clerk prior the public hearing that spokesperson will be given 15 minutes. If no one has been selected, the first person to speak in opposition will be given up to 15 minutes. Each subsequent speaker shall have up to 3 minutes each. Opponents are required (OML) to enter into the record documentation of their testimony.

Councilor Gross stated that he will not be supporting **Councilor Worthley's** language as it does not fulfill the Open Meeting Law requirement of presenting their documents if "they are flying by the seat of their pants." He stated that opposition is recognized by Open Meeting Law as an organized group. He also stated that giving 15 minutes to the first person is also unfair. **Councilor O'Neil** stated that it is unfair to opponents not be given the opportunity if they do not have documentation. **Councilor Gilman** stated that she will not be supporting **Councilor Worthley's** amendment.

MOTION TO AMEND: On a motion by Councilor Worthley, seconded by Councilor O'Neil, the City Council voted 2 in favor, 7 (Nolan, O'Hara, Gilman, Gross, Grow, Margiotta, Memhard) opposed, to AMEND the language under D to read: if the opponents select a spokesperson and

notifies the Council President and City Clerk prior to the public hearing that spokesperson will be given 15 minutes. If no one has been selected, the first person to speak in opposition will be given up to 15 minutes. Each subsequent speaker shall have up to 3 minutes each. Proponents are required under Open Meeting Law to enter into the record documentation of their testimony.

The motion to amend fails.

Councilor Worthley stated that, under F, the length of time should be shortened to 24 hours. The **City Clerk** stated that based on a suggestion from the former Assistant General Counsel the timeline for receiving communications was changed because the Clerk's Office had been receiving them up to and during the meeting and wanted them forwarded to the councilors which makes it difficult to ensure that councilors have a chance to review them. **Councilor Gilman** stated the timeframe was changed to 72 hours (and not 72 business hours) based on feedback from the O&A meeting. **Councilor Grow** stated that the 72 hours is designed so that the City Clerk's Office can compile an accurate presentation of the correspondence received. He stated that any emails he receives, even up to the meeting, he takes seriously. **Councilor Memhard** agreed that there needs to be a reasonable point in time when the Clerk is no longer legally responsible for recording communications for the formal legal record. **Councilor Worthley** agreed that they were all on the same page after listening to the sentiments of his fellow councilors.

Councilor Gross offered an amendment, seconded by **Councilor Worthley**, to delete the proposed language from D, but to keep the proposed language to F and G.

Councilor O'Neil called a **Point of Order** at 7:35 p.m. and stated that G has not been discussed. **Councilor Grow** also called a **Point of Order** at 7:35 p.m. and stated that **Councilor Gross** has just offered an amendment to the main motion to eliminate the changes in D which is all that Council is voting on at this moment.,

MOTION TO AMEND: On a motion by Councilor Gross, seconded by Councilor Worthley, the City Council voted 6 in favor, 3 (O'Hara, O'Neil, Grow) opposed, to DELETE the proposed language from D.

Councilor O'Neil stated that she will not be supporting G as she believes that it limits councilor access to information thereby limiting the public's access to information. **Councilor Grow** stated that he believes that the addition of the time limit has benefited all councilors' ability to ask a series of questions instead of being allowed one or two questions per round. He stated additional rounds of questions can always be added if the initial round does not meet all councilors' needs. **Councilor Worthley** stated that this change helps streamline one's train of thought and stated that he will be supporting this change. **Councilor Nolan** stated that he is also in support of this change. **Councilor Gross** stated that he does not see the proposed change as limiting but found it liberating and that it adds clarity and makes a much better use of time.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Grow, the City Council voted by ROLL CALL 7 in favor, 1 (O'Neil) opposed, 1 (O'Hara) absent, to AMEND the City Council Rules of Procedure 2022 as follows:

Rule 4: Public Hearings:

C. PRESENTATION FROM PROPONENTS. In matters related to Special Permits, petitioners may make initial oral presentations up to fifteen (15) minutes; others speaking in favor shall be

allowed up to three (3) minutes each. Proponents are required (OML) to enter into the record documentation of their presentation testimony. For Public Hearings considering general matters, each individual may speak up to three (3) minutes.

D. PRESENTATION FROM OPPONENTS. Opponents shall be allowed initial oral presentations up to fifteen (15) minutes; others speaking in opposition shall be allowed up to three (3) minutes each. Opponents are also required (OML) to enter into the record documentation of their testimony.

F. COMMUNICATIONS to be read into the record and filed *[ADD]* for matters received 72 hours prior to the date and time of the advertised public hearing.

G. QUESTIONS by City Councillors to either side *[ADD]* or to City Administration. The Council President may require set timed allotments for questions, based on the meeting agenda. The allowance should include the asking of the question only, not the answer provided by either side or city administration.

RULE 8: Committees

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Gross, the Ordinances & Administration Committee voted by ROLL CALL 2 in favor, 1 (O'Hara) opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

Rule 8: Committees

[ADD] E. When a City Councilor, who is not a member of the standing committee, wishes to ask a question, they should email the question to the Standing Committee Chair, and copy the City Clerk and the Clerk of Committees in advance of the meeting.

Summary of Discussion: Councilor Gilman explained that the proposed language is to allow any nonmember councilor who has a question for a matter before a standing committee to notify the chair of that committee, as well as the City Clerk and the Clerk of Committees.

Councilor Worthley stated that the more dialogue that happens at the committee level makes for more efficient full Council meetings. Councilor Nolan stated that he agrees with the proposed language and is the way that a councilor should communicate with a committee. He stated that he will be supporting this matter. Councilor Grow agreed with Councilor Nolan. He added that members of the public can submit questions to councilors at any time. Councilor O'Neil stated that sometimes she does not know what matters are before O&A until that Monday and may not know her questions prior to the meeting. Councilor Gross stated that this does not remove the Chair's ability to recognize a member of the public or nonmember councilor to ask a question. Councilor Gross wanted to be sure that the OML is not being violated with this change. Councilor Gilman suggested asking General Counsel to review the changes in totality once voted. Councilor Grow stated that an email to the chair is not serial communication assuming that the Chair does not share the question to the whole committee prior to the meeting. Councilor O'Neil stated that she is interpreting the rule as a nonmember councilor "should" email the question prior to the meeting. Councilor Gilman stated that it is not her intention. She suggested changing the language to read "can" instead of "should" and offered a motion to amend.

MOTION TO AMEND: On a motion by Councilor Gilman, seconded by Councilor Worthley, the City Council voted by ROLL CALL 6 in favor, 2 (Nolan, Grow) opposed, 1 (O’Hara) abstained, to amend the main motion by DELETING “should” and ADDING “can” to E under Rule 8: Committees.

There was no further discussion on the main motion.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Grow, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (O’Hara) abstained, to AMEND the City Council Rules of Procedure 2022 as follows:

Rule 8: Committees

[ADD] E. When a City Councilor, who is not a member of the standing committee, wishes to ask a question, they can email the question to the Standing Committee Chair, and copy the City Clerk and the Clerk of Committees in advance of the meeting.

MOTION: On a motion by Councilor Nolan, seconded by Councilor O’Neil, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to take a brief recess.

The City Council reconvened at 8:17 p.m.

RULE 12: Special Permits

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Gross, the Ordinances & Administration Committee voted by ROLL CALL 2 in favor, 1 (O’Hara) opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

Rule 12: Special Permits

For Special Permits involving Sec. 2.3 “Use Tables,” the Council must additionally consider the *[DELETE] six* standards in Sec. 1.8.3 “Standards to be Applied,” but not be required to cover all of the *[DELETE]_six* standards in making their decision.

Summary of Discussion: Councilor Gilman stated that a seventh criteria has been added under the Standards to be Applied.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Grow, the City Council Committee voted by ROLL CALL 9 in favor, 0 opposed, to AMEND the City Council Rules of Procedure 2022 as follows:

Rule 12: Special Permits

For Special Permits involving Sec. 2.3 “Use Tables,” the Council must additionally consider the *[DELETE] six* standards in Sec. 1.8.3 “Standards to be Applied,” but not be required to cover all of the *[DELETE]_six* standards in making their decision.

2. **CC#2023-022 (Gross): Amend the City Council Rules of Procedure 2022 by amending Rule #1 “Meetings,” Rule #3 “Agenda Procedure,” Rule #4 “Public Hearings,” Rule #8 “Committees,” Rule #9 “Vacancy in a Council Position and filling same,” Rule #10 “Procedure for selecting an interim mayor” (TBC SCC 05/02/23)**

Rule 1: Meetings - E

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Gross, the Ordinances & Administration Committee voted by ROLL CALL 2 in favor, 1 (O’Hara) opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

Rule 1: Meetings

- E. Remote Participation at City Council and Standing Committee meetings: It is the express desire of the Council that remote participation at meetings is an infrequent event. Chairs of Council and Committees are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule due to the inherent benefits of physical presence in a meeting.

A Council member may attend a meeting through electronic conferencing ~~[DELETE] if his or her physical presence at a meeting is prevented due to extenuating circumstances such as: personal illness or disability; a family or other emergency; military service or geographic distance~~ [ADD] only if physical attendance would be unreasonably difficult.

Summary of Discussion: Councilor Gross explained that the deleted section is old language that has been removed from the Open Meeting Law and that the new language is directly from remote Participation from the Open Meeting Law. Councilor O’Neil stated that remote participation happens frequently and that she believes that the section that was removed was sufficient and stated that she will not be voting in favor. Councilor Gross clarified to Councilor O’Neil that the only changes are in red. Councilor Gilman stated that she will be supporting this matter as it is consistent with State law as written. She reminded Councilor O’Neil that the Council will be back in person in July of 2023.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Gross, the City Council voted by ROLL CALL 7 in favor, 1 (O’Neil) opposed, 1 (O’Hara) absent, to AMEND the City Council Rules of Procedure 2022 as follows:

Rule 1: Meetings

- E. Remote Participation at City Council and Standing Committee meetings: It is the express desire of the Council that remote participation at meetings is an infrequent event. Chairs of Council and Committees are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule due to the inherent benefits of physical presence in a meeting.

A Council member may attend a meeting through electronic conferencing ~~[DELETE] if his or her physical presence at a meeting is prevented due to extenuating circumstances such as:~~

~~personal illness or disability; a family or other emergency, military service or geographic distance~~ [ADD] only if physical attendance would be unreasonably difficult.

Rule 1: Meetings – E1

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Gross, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

Rule 1: Meetings

E1. Procedures for Remote Participation

~~[DELETE] 1.-Any member of the Council who wishes to participate remotely shall, at least 48 hours in advance, or as soon as reasonably possible prior to the meeting, notify the City Clerk of his or her desire to do so and the reason for and facts supporting his or her request.~~

[ADD] Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of their desire to do so and the reason for and facts supporting his or her request.

Summary of Discussion: Councilor Gross stated that the proposed language is the exact wording under the law, 940 CMR 29.10 7(a) Procedures for Remote Participation. He explained that it removes the City Clerk and adds the Chair. Councilor Grow stated that he will be supporting this matter and offered an amendment to the main motion to change “his or her” to “their” supporting the mission to gender-neutralize all of the Rules of Procedures and ordinances.

MOTION TO AMEND: On a motion by Councilor Grow, seconded by Councilor Margiotta, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (O’Hara) absent, to amend the main motion by DELETING “his or her” and ADDING “their”.

There was no additional discussion on the main motion.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Worthley, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (O’Hara) absent, to AMEND the City Council Rules of Procedure 2022 as follows:

Rule 1: Meetings

E1. Procedures for Remote Participation

~~[DELETE] 1.-Any member of the Council who wishes to participate remotely shall, at least 48 hours in advance, or as soon as reasonably possible prior to the meeting, notify the City Clerk of his or her desire to do so and the reason for and facts supporting his or her request.~~

[ADD] Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of their desire to do so and the reason for and facts supporting their request.

Rule 1: Meetings – E3

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Gross, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

Rule 1: Meetings

E3. At the start of the meeting the chair shall announce the name of any member who will be participating remotely and the general reason under 940 CMR 29.10(5)~~[DELETE]~~ for his or her remote participation. This information shall also be recorded in the meeting minutes.

Summary of Discussion: Councilor Grow offered a motion to amend to delete “his or her” and add “their.”

MOTION TO AMEND: On a motion by Councilor Grow, seconded by Councilor Worthley, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (O’Hara) absent, to amend the main motion by DELETING “his or her” and ADDING “their”.

There was no additional discussion on the main motion.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Grow, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (O’Hara) absent, to AMEND the City Council Rules of Procedure 2022 as follows:

Rule 1: Meetings

E3. At the start of the meeting the chair shall announce the name of any member who will be participating remotely and the general reason under 940 CMR 29.10(5)~~[DELETE]~~ for their remote participation. This information shall also be recorded in the meeting minutes.

Rule 1: Meetings – E1

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Gross, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

Rule 1: Meetings**Rules of Procedures for Participation in Remote Meetings**

~~E7 [DELETE]--C. If the City Council president, vice president and councilor with the most seniority are unable to access a City Council meeting held via a video conferencing platform for whatever reason then the meeting shall immediately adjourn to be re-scheduled at a later date.~~

~~[DELETE] D.~~ **[ADD] C.** If the City Clerk is unable to access a City Council meeting held via a video conferencing platform for whatever reason then the meeting shall continue provided there is still a quorum of the City Council.

Summary of Discussion: Councilor Gross stated that the old language stated that even with a quorum the meeting could not continue. He stated that he believes that the meeting should continue if a quorum is present. Councilor Gilman stated that this rule was established when meetings were first being held via Zoom to ensure that someone else would be ready to take over if the person hosting the meeting had technical difficulties.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Margiotta, the City Council Committee voted by ROLL CALL 8 in favor, 0 opposed, 1 (O'Hara) absent, to AMEND the City Council Rules of Procedure 2022 as follows:

Rule 1: Meetings

Rules of Procedures for Participation in Remote Meetings

~~E7 [DELETE]--C. If the City Council president, vice president and councilor with the most seniority are unable to access a City Council meeting held via a video conferencing platform for whatever reason then the meeting shall immediately adjourn to be re-scheduled at a later date.~~

~~[DELETE] D.~~ **[ADD] C.** If the City Clerk is unable to access a City Council meeting held via a video conferencing platform for whatever reason then the meeting shall continue provided there is still a quorum of the City Council.

Oral Communications

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Gross, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

*Oral Communications: The public shall have the opportunity at every regular City Council meeting to be heard under ORAL COMMUNICATIONS on matters not appearing on the agenda. Oral Communications shall allow any resident **[ADD] and/or Gloucester property owner, and/or Gloucester business owner** who has a request or complaint of any nature relative to City Business to appear before the Council, state their problem without debate and the matter shall be referred to the proper agency through the Office of the Mayor. The resident, **[ADD per amendment] and/or Gloucester property owner and/or Gloucester business owner** must be notified in writing within a two-week period of disposition of same by the Office of the Mayor and a copy shall be forwarded to the City Council. Residents **[ADD per amendment], and/or Gloucester property owners and/or Gloucester business owners** speaking on the same topic at consecutive meetings under Oral Communications will not receive additional dispositions from the Office of the Mayor. Persons speaking under oral communications shall be limited to three minutes each and shall submit a copy of their prepared communication to the Clerk of Committees. ~~[DELETE]-The Council President shall not allow complaints as to individual performance or character.~~

Summary of Discussion: Councilor Gross stated that there have been movements by special interest groups to inundate local municipal governments nationwide. He stated that he represents the residents, voters and citizens of the City and that is who he wants to hear from. He stated that it is important to protect the City's citizens' rights to have the floor. Councilor O'Neil stated that the language should not include "Gloucester property owners or business owners" as they could live, for instance, in Oregon. She

stated that she will not be supporting this matter. **Councilor Grow** stated that he respectfully disagrees with Councilor O’Neil as the Council represents all stakeholders in the community, including property owners and business owners who do not reside in the City. **Councilor Nolan** stated that he will be supporting this issue and that he agrees with the sentiments of **Councilor Grow**. **Councilor Margiotta** stated that he agrees with **Councilors Nolan** and **Grow** and the language being proposed by **Councilor Gross**. **Councilor Worthley** stated that he will be supporting this matter. **Councilor Memhard** stated that he will be supporting this matter. **Councilor Gilman** pointed out the deletion of “The Council President shall not allow complaints..” keeping in line with the recent Freedom of Speech ruling. She stated that she will be supporting this matter. **Councilor O’Neil** stated that her concern is that this opens up the door for developers to “have a seat at the table.” She stated that the MBTA owns property within the City. She agreed that the Chair should have some discretion as well.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Worthley, the City Council voted by ROLL CALL 7 in favor, 1 (O’Neil) opposed, 1 (O’Hara) absent, to AMEND the City Council Rules of Procedure 2022 as follows:

*Oral Communications: The public shall have the opportunity at every regular City Council meeting to be heard under ORAL COMMUNICATIONS on matters not appearing on the agenda. Oral Communications shall allow any resident *[ADD]* and/or Gloucester property owner, and/or Gloucester business owner who has a request or complaint of any nature relative to City Business to appear before the Council, state their problem without debate and the matter shall be referred to the proper agency through the Office of the Mayor. The resident, *[ADD per amendment]* and/or Gloucester property owner and/or Gloucester business owner must be notified in writing within a two-week period of disposition of same by the Office of the Mayor and a copy shall be forwarded to the City Council. Residents *[ADD per amendment]*, and/or Gloucester property owners and/or Gloucester business owners speaking on the same topic at consecutive meetings under Oral Communications will not receive additional dispositions from the Office of the Mayor. Persons speaking under oral communications shall be limited to three minutes each and shall submit a copy of their prepared communication to the Clerk of Committees. ~~*[DELETE]-The Council President shall not allow complaints as to individual performance or character.*~~

Rule 4: Public Hearings

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Gross, the Ordinances & Administration Committee voted by ROLL CALL 2 in favor, 1 (O’Hara) opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

Rule 4: Public Hearings

C. PRESENTATIONS FROM PROPONENTS. ~~*[DELETE] In matters related to Special Permits, petitioners*~~ *[ADD] Petitioners* may make initial oral presentations up to fifteen (15) minutes; others speaking in favor shall be allowed up to three (3) minutes each. Proponents are required (OML) to enter into the record, documentation of their presentation testimony. For Public Hearings considering general matters, each individual may speak up to three (3) minutes. *[ADD] Speaker shall be a Gloucester resident, and/or*

Gloucester property owner, and/or Gloucester business owner or their authorized representative.

D. PRESENTATION FROM OPPONENTS. Opponents shall be allowed initial oral presentations up to fifteen (15) minutes; others speaking in opposition shall be allowed up to three (3) minutes each. Opponents are also required (OML) to enter into the record documentation of their testimony. **[ADD] Speaker shall be a Gloucester resident, and/or Gloucester property owner, and/or Gloucester business owner or their authorized representative.**

Summary of Discussion: Councilor Grow stated that this language is, again, for the City's stakeholders. He explained that he deleted "In matters related to Special Permits" as there are public hearings for matters other than special permits.

Councilor Worthley offered an amendment to delete "and/or" before Gloucester business owner and to add "and/or nonprofit organization" after Gloucester business owner. He explained that if, for instance, the food pantry director lived outside of the City then they would still be allowed to speak. Councilor Nolan stated that a nonprofit is a business that is registered with the City so it would be covered but he would support adding the language. Councilor Grow agreed.

MOTION TO AMEND: On a motion by Councilor Worthley, seconded by Councilor Gilman, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (O'Hara) absent, to amend the main motion by DELETING "and/or" before Gloucester business owner and ADDING "and/or nonprofit organization" after Gloucester business owner.

Councilor O'Neil offered a motion to amend the main motion and explained that there is a sentence present in C but not in D. Councilor Gross recommended that the language being taken out of C instead of added to D, as it was in reference to the special permit language that has been deleted. Without objection, Councilor O'Neil withdrew her amendment.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Grow, the City Council voted by ROLL CALL 7 in favor, 1 (O'Neil) opposed, 1 (O'Hara) absent, to AMEND the City Council Rules of Procedure 2022 as follows:

Rule 4: Public Hearings

C. PRESENTATIONS FROM PROPONENTS. ~~**[DELETE] In matters related to Special Permits, petitioners**~~ **[ADD] Petitioners** may make initial oral presentations up to fifteen (15) minutes; others speaking in favor shall be allowed up to three (3) minutes each. Proponents are required (OML) to enter into the record, documentation of their presentation testimony. For Public Hearings considering general matters, each individual may speak up to three (3) minutes. **[ADD] Speaker shall be a Gloucester resident, and/or Gloucester property owner, Gloucester business owner and/or nonprofit organization or their authorized representative.**

D. PRESENTATION FROM OPPONENTS. Opponents shall be allowed initial oral presentations up to fifteen (15) minutes; others speaking in opposition shall be allowed up to three (3) minutes each. Opponents are also required (OML) to enter into the record documentation of their testimony. **[ADD] Speaker shall be a Gloucester resident, and/or**

Gloucester property owner, Gloucester business owner and/or nonprofit organization or their authorized representative.

Councilor O'Neil offered a motion to amend Rule 4: Public Hearings, paragraph C by deleting redundant language.

MOTION: On a motion by Councilor O'Neil, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (O'Hara) absent, to AMEND the 2022 City Council Rules of Procedure by DELETING "For Public Hearings considering general matters, each individual may speak up to three (3) minutes" from Rule 4: Public Hearings, paragraph C.

Rule 9: Vacancy in a Council Position and filling same

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Gross, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

Rule 9: Vacancy in a Council Position and filling same

Procedures for filling the City Council seat left vacant by death, resignation or removal from office of a City Councillor or removal from the City, shall be followed when a candidate to fill the vacancy is not available pursuant to Section 2-13 of the City Charter as follows:

- 1) The chair shall ~~[DELETE] publically~~ **[ADD] publicly** announce the following procedures and post them as part of the agenda of the meeting at which the vacancy is to be filled.

Summary of Discussion: Councilor Gilman stated that this matter is simply fixing a scrivener's error.

MOTION: On a motion by Councilor Nolan, seconded by Councilor O'Neil, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (O'Hara) absent, to AMEND the City Council Rules of Procedure 2022 as follows:

Rule 9: Vacancy in a Council Position and filling same

Procedures for filling the City Council seat left vacant by death, resignation or removal from office of a City Councillor or removal from the City, shall be followed when a candidate to fill the vacancy is not available pursuant to Section 2-13 of the City Charter as follows:

- 1) The chair shall ~~[DELETE] publically~~ **[ADD] publicly** announce the following procedures and post them as part of the agenda of the meeting at which the vacancy is to be filled.

Rule 10: Procedure for selecting an interim mayor

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Gross, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 as follows:

Rule 10: Procedure for selecting an interim mayor

4) Candidates for interim mayor shall ~~[DELETE] be allowed to make~~ [ADD] make up to a five-minute presentation prior to the Council vote. Councillors may ask questions of the candidates following the presentations.

Summary of Discussion: Councilor Gross stated that the last time the Council selected a Mayor there was no discussion as it was optional. He stated that he does not feel that the citizens were served and anyone running should at least explain their position on why they feel they deserve to be Mayor. Councilor Worthley stated that he would support this matter.

MOTION: On a motion by Councilor Nolan seconded by Councilor Worthley, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (O'Hara) absent, to AMEND the City Council Rules of Procedure 2022 as follows:

Rule 10: Procedure for selecting an interim mayor

4) Candidates for interim mayor shall ~~[DELETE] be allowed to make~~ [ADD] make up to a five-minute presentation prior to the Council vote. Councillors may ask questions of the candidates following the presentations.

Councillors vs. Councilors

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Gross, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council AMEND the City Council Rules of Procedure 2022 by DELETING "Councillor" and ADDING "Councilor".

Summary of Discussion: There was no additional discussion on this matter.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Worthley, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (O'Hara) absent, to AMEND the City Council Rules of Procedure 2022 by DELETING "Councillor" and ADDING "Councilor".

MOTION: On a motion by Councilor Gross, seconded by Councilor O'Neil, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (O'Hara) absent, to adjourn the meeting at 9:20 p.m.

Submitted by: Sherry White, Clerk of Committees

Items submitted at the meeting: None.