

GLOUCESTER CITY COUNCIL MEETING

Tuesday, May 28, 2013 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Jacqueline Hardy; Vice Chair, Councilor Sefatia Theken; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Bruce Tobey; Councilor Greg Verga; Councilor Robert Whynott

Absent: Councilor McGeary

Also Present: Linda T. Lowe; Kenny Costa; Fire Chief Eric Smith; Tony Gross; Stephen Winslow; Heidi Wakeman

The meeting was called to order at 7:00 p.m.

Flag Salute & Moment of Silence.**Oral Communications:**

Richard Cahill, 14 Riverside and also residing at 114 Spy Pond Parkway Arlington, addressed his remarks Council and to the Mayor regarding the property assessment for his family's residence at 14 Riverside saying that in one year that property's assessment increased by 29.5 percent for FY11, or a \$4,200 increase. This property, he noted, was less than 3,860 square feet on the water. The City's Board of Assessors, he said, turned him down after three meetings for his requested abatement on the assessment increase. Although having obtained an independent appraisal of the property which came in \$200,000 less than the City's assessment, he was informed by a City Assessor that the outside appraisal was irrelevant in this instance. He asked the Council and the Mayor to authorize and pay for an independent appraisal from a firm outside of the City for the 14 Riverside property, and for the assistance of the Council and Mayor in this matter saying that the assessment made on his Gloucester property was unfair. **Mr. Cahill** submitted a full copy of his statement for the record.

Damon Cummings, 1063 Washington Street noted some years ago he was appointed to a City search committee in Gloucester to find a replacement for Vito Calamo of the Fisheries Commission. He said after an extensive, thorough search, the process went into limbo upon determining the City didn't need a Fisheries Commission. The current Commission is asking the Administration for an Executive Director to the Fisheries Commission, he said, but sensed there has been a lack of enthusiasm on their part and the Council's to revive this position. The old job description was found in the Personnel Department and describes, he noted, exactly what the Fisheries Commission needs and pointed out several of the qualities which had comprised that particular position's job description. He gave the Council a copy of the former job description for the record urging consideration for the return of this position under the auspices of the City.

Presentations/Commendations: None.

Confirmation of New Appointments: None.

Consent Agenda:

- **MAYOR'S REPORT**

1. Memorandum from Mayor re: Market Readiness for parcel I4-C2 at 65 Rogers Street & Memorandum of Agreement (Refer P&D)
2. Memorandum from Mayor & Memorandum from Community Development Director re: Tourism Commission (Refer O&A)
3. Memorandum from Mayor re: Commercial Street/Fort Square Infrastructure Plan (Refer B&F)
4. Memorandum from CFO re: transfer of unexpended bond proceeds & Supplemental Appropriation-Budgetary Requests 2013-SA-129, 2013-SA-130, 2013-SA-131, 2013-SA-132 and 2013-SA-133 (Refer B&F)
5. Memorandum from CFO re: Loan Order Authorization for the FY13/FY14 capital projects that are being proposed to City Council For appropriation in the amount of \$2,475,000 (Refer B&F)
6. Special Budgetary Transfer Request 2013-SBT-40 from CFO (Refer B&F)
7. Supplemental Appropriation-Budgetary Request 2013-SA-134 to provide funds for cross walk, stop bar, handicap parking space Painting (Refer B&F)
8. Memorandum, Grant Application & Checklist from Public Health Director re: Council acceptance of a grant award in the amount Of \$4,000 from the National Association of County and City Health Officials (NACCHO) (Refer B&F)
9. Memorandum from Director of Public Works re: Council approval to pay an invoice to All Seasons Septic System Services which Exceeded the limit of the purchase order as well as exceeding the limit allowed under procurement guidelines (Refer B&F)
10. Memorandum from Fire Chief re: Council approval to pay an invoice to Easton Electronics in the amount of \$5,000 with a Purchase order carried over from the previous fiscal year (Refer B&F)
11. Supplemental Appropriation-Budgetary Transfer Request 2013-SA-126 from the City Council (Refer B&F)
12. Special Budgetary Transfer Request (2013-SBT-39) for Tourism (Refer B&F)

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| 13. New Appointments: | Gloucester Housing Authority Tenant Representative | TTE 05/31/18 | Barbara Snare | |
| | Fisheries Commission | TTE 02/14/16 | Scott O. Swicker | |
| | Downtown Development Commission | TTE 02/14/16 | Alan DeLorenzo | |
| Reappointments: | Licensing Board | TTE 05/31/19 | John Rando | (Refer O&A) |
- **COMMUNICATIONS/INVITATIONS**
 - **INFORMATION ONLY**
1. Superior Court Civil Action Compliant VJ & E Realty LLC, et al v. Gloucester Conservation Commission & Beauport Gloucester et al (Info Only)
 - **APPLICATIONS/PETITIONS**
 1. SCP2013-004: Biskie Head Point #20, Unit #1, GZO Sec. 5.5.4 Lowlands (Refer P&D)
 2. Application for License of Flammable and Combustible Liquids, Flammable Gases and Solids re: 135 Coles Island Road (Refer P&D)
 - **COUNCILORS ORDERS**
 1. CC2013-019 (LeBlanc) Amend GCO Chapter 22, Sec. 22-287 "Disabled Veteran, handicapped parking re: Middle Street #15 (Refer O&A & TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 05/14/2013 (Approve/File)
 2. Standing Committee Meetings: B&F 05/23/13 (under separate cover), O&A 05/20/13 (No Meeting), P&D 05/22/13 (under Separate cover) (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Tobey asked to remove Items # 3, 4 and 5 under the Mayor's Report.

Councilor Tobey said in the case of Items #4 and 5 of the Mayor's Report, each seeks the expenditure of bond proceeds, in one case by taking unexpended bond monies, grouping them together to accomplish a project; and in the second instance to raise a new bond of about \$2.5 million for a variety of City projects. He said he agrees these matters should be referred to the B&F Committee but should also be referred to the Capital Improvements Advisory Board (CIAB). Given the dictates of the City charter and good financial management, he said, he requested the Council not vote on either of these matters until a report is received by the CIAB and further have no public hearing scheduled as required by the Charter until that time.

MOTION: On motion by Councilor Tobey, seconded by Councilor Whynott, the City Council voted 8 in favor, 0 opposed to refer the matters of the Memorandum from CFO re: transfer of unexpended bond proceeds & Supplemental Appropriation-Budgetary Requests 2013-SA-129, 2013-SA-130, 2013-SA-131, 2013-SA-132 and 2013-SA-133 and the Memorandum from CFO re: Loan Order Authorization for the FY13/FY14 capital projects that are being proposed to City Council for appropriation in the amount of \$2,475,000 to the Capital Improvements Advisory Board and the Budget & Finance Committee with no public hearing scheduled until such time as a CIAB report is received by the City Council as required by the City Charter.

Councilor Tobey then spoke to Item #3 of the Mayor's Report that the Administration intends to hold off completely on any of the Commercial Street/Fort Square infrastructure reinvestment until any and all of the Beauport Gloucester LLC hotel project are completed. He said his concern was there could be an appeal that could slow things down. It would appear, he added, that a single appeal has ground everything to a halt. He said he was unsure the Administration should be unilaterally making such a call nor was he sure the B&F Committee was the only committee that should be reviewing this matter. He said the P&D Committee spent a great deal of time analyzing other opportunities for more than a year on the marine/industrial related revitalization in the Fort with a critical element of that being the construction of infrastructure improvements. He asked that the Administration reconsider its unilateral stand and that this matter be referred to not only the B&F Committee but to the P&D Committee.

Councilor Ciolino said he understood that because of the appeal of the Conservation Commission (ConCom) on the Order of Conditions for the Beauport Gloucester hotel project, everything freezes; that there can be no construction. Until the appeal goes through the court system and the ConCom issue is settled, there can be no construction. He added he also understood that if there are any other lawsuits that are not ConCom related the developer and the City at their risk can do infrastructure work.

Councilor Whynott said he too, believed that what Councilor Ciolino said was true at the Beauport Gloucester site, but not for the infrastructure project that was proposed for the Fort area and that the infrastructure improvements are necessary and should move forward. **Councilor Ciolino** responded that it was his understanding the infrastructure work with its original estimate now has doubled in cost; and because work is frozen on the hotel, the MassWorks grant no longer applies since it hinges on jobs creation. The money from the State through MassWorks will not be granted until the project is started. The lawsuit has frozen the work whether it is

infrastructure or the hotel; and the Councilor said he believed it would a year when all the new costs and data on the infrastructure project and reapply to the State for the MassWorks grant as it was explained to the B&F Committee at their last meeting.

Councilor Tobey said he agreed the appeal of the ConCom Order of Conditions needs to be resolved in order for the hotel project to proceed. He read from the Mayor's memo speaking of the State grant and the contribution of \$1.4 million by Beauport LLC which would be received by the City in phases as the hotel project is constructed and opened: "Both of these funding sources are in jeopardy due to appeals on the Beauport LLC project, and the Administration believes that the prudent course of action is to indefinitely postpone the infrastructure work until all appeals have been resolved." **Councilor Tobey** commented that when the Council voted for this it was, he said, against the background of his admonishment that people in the community who might oppose the project and appeal the decision, would choose to exercise a right rather than to adhere to an obligation, to build the community collaboratively, and asked them why all of the ratepayers of the City would have to bear all the cost on rates if the project is to go forward as the Administration and the Council together had agreed it should post haste while the money is held up on account of the appeals. He said as to the economic development dynamic, the City as a landowner at one end of the Fort, land that could be redeveloped if the infrastructure was made to sustain it, the opportunities for more economic development for the sites in that area are upgraded particularly when the City remains above the State average on unemployment levels as the workforce shrinks because discouraged people give up looking for work. The City, he said, should not give up. Improving the infrastructure is the foundation for economic development and jobs growth which, he said, should not be made with by one office in City Hall but rather in open meeting rooms with the City as a whole weighing in on the discussion. He concluded his remarks saying he understood where Councilor Ciolino was coming from and appreciated his sharing his points with the Council of views shared by the Administration at B&F, but that is not the only opinion that matters.

Council President Hardy said it was her understanding that by the time this matter is referred to both P&D and B&F, the appeal period on the permit the Council granted will have run out. The Council will know by that time of the posting of this matter on both Committee agendas as to whether it is permits or permit, appeal or appeals.

MOTION: On motion by Councilor Tobey, seconded by Councilor Whynott, the City Council voted 8 in favor, 0 opposed to refer the matter of Memorandum from Mayor re: Commercial Street/Fort Square Infrastructure Plan to the P&D and B&F Committees.

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: May 23, 2013

Council President Hardy noted the absence of Councilor McGeary, Chair of the B&F Committee. Presenting the B&F Committee Report was Councilor Ciolino, the Committee's Vice Chair.

MOTION: On motion by Councilor Ciolino seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to accept the unanimous recommendations of the Budget & Finance Committee dated 05/28/13 as follows:

SPECIAL BUDGETARY TRANSFERS

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, the appropriation 2013-SBT-33 in the amount of \$750.00 (Seven Hundred Fifty Dollars) from Community Development Salary/Wage Permanent Positions, Account #101000.10.181.51100.0000.00.000.00.051 to Community Development-Other Charges/Expenses, Account #101000.10.181.57000.0000.00.000.00.057 for the purpose funding communication costs for new Community Development Director.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, the appropriation 2013-SBT-34 in the amount of \$1,768.44 (One Thousand Seven Hundred Sixty-Eight Dollars and Forty-Four Cents) from Community Development Salary/Wage Permanent Positions, Account #101000.10.181.51100.0000.00.000.00.051 to Community

Development Office Supplies, Account #101000.10.181.54210.0000.00.000.00.057 for the purpose of purchasing office furniture for the new Community Development Director.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, the appropriation 2013-SBT-35 in the amount of \$30,000.00 (Thirty Thousand Dollars) from DPW Facilities Permanent Positions, Account #101000.10.472.51100.0000.00.000.00.051 to DPW Public Services Overtime, Account #101000.10.470.51300.0000.00.000.00.051 for the purpose of funding overtime needs of the DPW Facilities Department through June 30, 2013.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, the appropriation 2013-SBT-36 in the amount of \$826.12 (Eight Hundred Twenty-Six Dollars and Twelve Cents) from Police-Uniform, Career Incentive Pay, Account #101000.10.211.51950.0000.00.000.00.051 to Police-Investigation, Career Incentive Pay Account #101000.10.212.51950.0000.00.000.00.051 for the purpose of covering a deficit in the Police Department-Career Incentive account.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, the appropriation 2013-SBT-37 in the amount of \$1,250 (One Thousand Two Hundred Fifty Dollars) from Engineering Contract Services, Account #101000.10.411.52000.0000.00.000.00.052 to Administration In-State Travel, Account #101000.10.421.57100.0000.00.000.00.057 for the purpose of funding the In-State travel account for the DPW Director's travel within the City through June 30, 2013.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, the appropriation 2013-SBT-38 in the amount of \$20,000 (Twenty Thousand Dollars) from DPW Solid Waste Rubbish Contract, Account #101000.10.403.53960.0000.00.000.00.052 to DPW Central Parts & Accessories, Account #101000.10.499.54850.0000.00.000.00.057 for the purpose of additional funds needed for vehicle parts through June 30, 2013.

SUPPLEMENTAL APPROPRIATIONS

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, that \$25,000 (Twenty-Five Thousand Dollars) be appropriated (2013-SA-124) from Highway Force Account, Transfer to General Fund, Account #294015.10.991.59600.0000.00.000.00.059 to Public Service Paving, Account #101000.10.470.58415.0000.00.000.00.058 for the purpose of funding for the City of Gloucester spring paving program.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, that \$25,000 (Twenty-Five Thousand Dollars) be appropriated (2013-SA-125) from Fire Department, Replacement of Equipment Account #101000.10.220.58700.0000.00.000.00.058 to Fire Department, Work/Safety Clothes, Account #101000.10.220.55810.0000.00.000.00.054 for the purpose of purchasing necessary firefighter turnout gear.

GRANT ACCEPTANCE

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to accept under MGL c. 44, §53A an Additional Early Retiree Reinsurance Program Grant in the amount of \$12,483.00 from the U.S. Department of Health & Human Services for the purpose to make health benefits more affordable for plan participants and sponsors.

END B&F CONSENT AGENDA

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council under MGL c. 44, §53A to accept anticipated grants in the amount of \$886,926.00 for the Community Development Block Grant Program from the U.S. Department of Housing and Urban Development for PY2013 and the anticipated HOME grant from the North Shore HOME Consortium in the amount of \$59,559.00.

DISCUSSION:

Councilor Ciolino explained that a memorandum already on file from Deborah Laurie, Project Manager in the Community Development Department carried a description of the grants being accepted in advance of the federal disbursement of grant funds. He made note of the titles for the housing programs from the which these grant funds assisted the City:

Councilor Ciolino to list the facilities being supported by the grant which were as follows:

\$3,600 to the City for Mattos Field for bleachers; \$5,000 to Action, Inc. for architectural services for classroom build out; \$52,000 to City Hall Restoration Committee for ADA compliance work to the auditorium stage for installation of a lift; \$74,000 to the Rocky Neck Art Colony for ADA accessibility ramp for the Cultural Center entrance, a wheelchair lift and for two bathrooms; \$45,600 to the Gloucester Unitarian Universalist Church for ADA accessibility Phase 2 projects for ADA compliant bathrooms and hallway expansion, ADA ground floor entry and power door entry and video camera installation; \$100,000 to the City for ADA accessible park and street sidewalk improvements with no specific streets listed.

Councilor Ciolino noted that \$123,385 is allocated for planning and administration of the CDBG Grant including \$10,000 for the anticipated programming for FY2013 for the City Planners to further the goals of economic development; Brownfield recommendation; housing rehabilitation and public housing service facilities.

Council President Hardy asked if any of these funds were earmarked for the Community Development Department to support salaries. **Councilor Ciolino** reiterated the memo said planning and administration and does not indicate to specific offices. **Council President Hardy** further inquired if there was a deadline by which the Council must approve these grants. **Councilor Ciolino** said he didn't know of any deadlines. He noted in the memo it says, "We are preparing the program for July 1, 2013 to June 30, 2014 our annual CDBG and Home Grant funds." He also noted the memo indicated that two public hearings were held concerning the grants.

Councilor Verga asked for a list of the streets that are proposed for sidewalk improvements. He said those on the mainland feel a bit orphaned for the lack of City funds, adding it would be nice to see improvements for the side of Gloucester that is over the two bridges. **Councilor Tobey** asked if the B&F minutes indicated anything about the administration portion of the CDBG grant as he was considering asking the Council to hold off their vote on this grant acceptance in advance of receipt of federal grant funds. Often that allocation is about the staff in Community Development that administers the grant; the grant administrator, the project managers and the bookkeeper. If the minutes are clear, he said, then he was okay with that, but if not, he would want further information.

Kenny Costa, City Auditor said that there is a threshold of what can be spent on administration for the CDBG grant which is 20 percent. **Councilor Tobey** asked who the City staff was that were paid by the grant. **Mr. Costa** responded he has the information for FY13 but not for FY14. **Council President Hardy** called for a recess in order that Mr. Costa could locate the CAO, Jim Duggan to respond to Councilor questions on this matter.

The Council recessed at 7:35 p.m. and reconvened at 7:40 p.m.

Council President Hardy after conferring with Mr. Costa said Mr. Duggan was not available in person or by telephone.

Councilor Tobey said he was satisfied that the documentation description contained in the memo shows funds would be allocated for CDBG alone, and the language would cover the Council's concern.

Councilor Ciolino noted also contained in Ms. Laurie's memo is a matter about families' with special needs and elderly with \$2,500 awarded to a program of the North Shore Health Project. These funds would be used for a wellness manager/case manager who works with 25 individuals with HCV to develop treatment plans, etc. He declared he is a member of the Board of Directors of the North Shore Health Project, but this would not affect his vote.

MOTION: On motion by Councilor Ciolino, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (McGeary) absent, under MGL c. 44, §53A to accept anticipated grants in the amount of \$886,926.00 for the Community Development Block Grant Program from the U.S. Department of Housing

and Urban Development for PY2013 and the anticipated HOME grant from the North Shore HOME Consortium in the amount of \$59,559.00.

Ordinances & Administration: May 20, 2013 – No Meeting

Planning & Development: May 22, 2013

MOTION: On motion by Councilor Hardy, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council, pursuant to Code of Ordinances, Sec. 2-3(d), to Grant an Easement at 26 Centennial Avenue, Map 4, Lot 1, all as shown on Easement documents and on a National Grid sketch dated 8/6/12.

DISCUSSION:

Councilor Verga said that this request for a property easement by National Grid came through several weeks ago for the Newell Stadium area and information was received by the Committee that satisfied the Committee this was easement was appropriate to be granted.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, pursuant to the Gloucester Code of Ordinances, Sec. 2-3(d), to Grant to Massachusetts Electric Co., d/b/a National Grid, an Easement at 26 Centennial Avenue, Map 4, Lot 1, all as shown on Easement Documents and on a National Grid sketch dated 8/6/12.

MOTION: On motion by Councilor Hardy, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed recommended to the City Council to permit the Cape Ann YMCA on June 27, 2013 to hold the St. Peter's Fiesta Road Race with the following conditions:

1. Certificate of Insurance:
A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.
2. Road Closure Plans:
Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.
3. Refuse and Comfort Stations:
All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 9 p.m. the day of the event.
4. Emergency Services are as determined by City EMS Director.
5. Staffing:
Event staff to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers to be submitted to Police, Fire and DPW Departments.
6. Notification to Immediate Abutters and Businesses to Race Course:
Written notice shall be made by event organizer at least seven days in advance of the event to function halls, motels and hotels and other businesses along the route.
7. Responsibility of the Cape Ann YMCA:
The applicant is also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the Cape Ann YMCA to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

DISCUSSION:

Councilor Verga said that this is a repeat, as are the two YMCA races that follow, of what has been done in the past by this organization.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted 8 in favor, 0 opposed 1 (McGeary) absent, to permit the Cape Ann YMCA on June 27, 2013 to hold the St. Peter's Fiesta Road Race with the following conditions:

1. **Certificate of Insurance:**
A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.
2. **Road Closure Plans:**
Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.
3. **Refuse and Comfort Stations:**
All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 9 p.m. the day of the event.
4. **Emergency Services** are as determined by City EMS Director.
5. **Staffing:**
Event staff to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers to be submitted to Police, Fire and DPW Departments.
6. **Notification to Immediate Abutters and Businesses to Race Course:**
Written notice shall be made by event organizer at least seven days in advance of the event to function halls, motels and hotels and other businesses along the route.
7. **Responsibility of the Cape Ann YMCA:**
The applicant is also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the Cape Ann YMCA to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

MOTION: On motion by Councilor Hardy, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Cape Ann YMCA on September 2, 2013 to hold the 7K Run the Goose Road Race with the following conditions:

1. **Certificate of Insurance:**
A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.
2. **Road Closure Plans:**
Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.
3. **Refuse and Comfort Stations:**
All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 9 p.m. the day of the event.
4. **Emergency Services** are as determined by City EMS Director.
5. **Staffing:**
Event staff to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers to be submitted to Police, Fire and DPW Departments.
6. **Notification to Immediate Abutters and Businesses to Race Course:**
Written notice shall be made by event organizer at least seven days in advance of the event to function halls, motels and hotels and other businesses along the route.
7. **Responsibility of the Cape Ann YMCA:**

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the Cape Ann YMCA to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

DISCUSSION: None.

MOTION: On motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (McGeary) absent, to permit the Cape Ann YMCA on September 2, 2013 to hold the 7K Run the Goose Road Race with the following conditions:

- 1. Certificate of Insurance:**
A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.
- 2. Road Closure Plans:**
Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.
- 3. Refuse and Comfort Stations:**
All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 9 p.m. the day of the event.
- 4. Emergency Services are as determined by City EMS Director.**
- 5. Staffing:**
Event staff to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers to be submitted to Police, Fire and DPW Departments.
- 6. Notification to Immediate Abutters and Businesses to Race Course:**
Written notice shall be made by event organizer at least seven days in advance of the event to function halls, motels and hotels and other businesses along the route.
- 7. Responsibility of the Cape Ann YMCA:**
The applicant is also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the Cape Ann YMCA to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

MOTION: On motion by Councilor Hardy, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Cape Ann YMCA on September 2, 2013 to hold the 25K Around the Cape Road Race with the following conditions:

- 1. Certificate of Insurance:**
A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.
- 2. Road Closure Plans:**
Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.
- 3. Refuse and Comfort Stations:**
All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 9 p.m. the day of the event.
- 4. Emergency Services are as determined by City EMS Director.**
- 5. Staffing:**

Event staff to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers to be submitted to Police, Fire and DPW Departments.

6. Notification to Immediate Abutters and Businesses to Race Course:
Written notice shall be made by event organizer at least seven days in advance of the event to function halls, motels and hotels and other businesses along the route.
7. Responsibility of the Cape Ann YMCA:
The applicant is also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the Cape Ann YMCA to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

DISCUSSION: None.

MOTION: On motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 8 in favor, 0 opposed, 1 (McGeary) absent, to permit the Cape Ann YMCA on September 2, 2013 to hold the 25K Around the Cape Road Race with the following conditions:

1. **Certificate of Insurance:**
A Certificate of Insurance naming the City as an additional insured party is on file with the City Clerk's Office.
2. **Road Closure Plans:**
Applicant must have Police/Fire Department approval of any road closure/traffic plans 30 days before event, including any police details. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Any substantial changes, as determined by either the Police or Fire Chief or their designees to the route or related to safety issues will require Council approval.
3. **Refuse and Comfort Stations:**
All refuse and recycling due to this event must be removed by the organizer. Any portable toilets (with two handicap accessible) are to be provided and maintained by the organizer, placed the evening before the event or early on the day of the event and removed by 9 p.m. the day of the event.
4. **Emergency Services** are as determined by City EMS Director.
5. **Staffing:**
Event staff to have cell phones and to wear distinct shirts. A list of event staff and cell phone numbers to be submitted to Police, Fire and DPW Departments.
6. **Notification to Immediate Abutters and Businesses to Race Course:**
Written notice shall be made by event organizer at least seven days in advance of the event to function halls, motels and hotels and other businesses along the route.
7. **Responsibility of the Cape Ann YMCA:**
The applicant is also required to obtain any necessary approvals from the Licensing Board, the Public Health Department and the Licensing Commission. It is the sole responsibility of the Cape Ann YMCA to ensure that all required documentation is timely filed with the appropriate City departments as indicated. Failure to comply with any conditions precedent may result in permit revocation.

Councilor Verga said there was a site visit to the Legion Building and that he wished to have the input of the Historical Commission on what the highest and best use of the Legion in view of their jurisdictional purview. **Councilor Verga** also asked that the Commission view the building themselves and report to the Planning and Development Committee.

Scheduled Public Hearings:

1. **PH2013-032: Amend GCO, Chapter 10 Waterways Board, Section 10-51(e) re: Gloucester Launch**

This public hearing is opened.

Those speaking in favor:

Tony Gross, Waterways Board Chair said that the Board is asking for the approval of a \$3 per person fee with children under the age of 12 years old free for a one-way transport on the Gloucester launch. He noted Salem and

Marblehead charge similar fees for the same service, \$7 for the first person and \$4 for each person subsequent in that party thereafter. He noted the City fee is highly competitive but would not be enforceable until July. He said this was a modest fee but would get the launch service established and defray some of its cost.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On motion by Councilor Whynott, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the GCO, Chapter 10, Waterways Board, Section 10-51(e) Fees by ADDING:

“Fees for the use of the Gloucester Launch shall be Three Dollars (\$3.00) per person per one-way trip, with children 12 years of age or younger free.”

DISCUSSION:

Councilor Theken explained this was a new service for helping to open up the harbor helping to attract and welcome recreational boaters to the City. She said the O&A Committee recommended the nominal launch fee unanimously. **Council President Hardy** confirmed with **Councilor Theken** children under the age of 12 are transported for free.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted by **ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent to recommend to the City Council to Amend the GCO, Chapter 10, Waterways Board, Section 10-51(e) Fees by ADDING:**

“Fees for the use of the Gloucester Launch shall be Three Dollars (\$3.00) per person per one-way trip, with children 12 years of age or younger free.”

Council President Hardy noted that the Budget & Finance Committee had reviewed the launch fee and recommended the fee change as well.

2. PH2013-033: Amend GCO, Chapter 22 Traffic re: Proposed Bicycle Ordinance

This public hearing is opened.

Those speaking in favor:

Stephen Winslow, Community Development Senior Project Manager introduced Heidi Wakemen of the Open Space & Recreation Committee who was also present. **Mr. Winslow** said he worked with the Open Space & Recreation Committee to develop the bicycle ordinance. He noted there was outreach to the City’s businesses, the DPW and the Police Department as well. The proposal is for bicycle lanes which start on Centennial Avenue heading eastbound on the Boulevard with bicycle lanes stopping at the Tavern and resume there with sharrows, then the bicycle lane resumes heading onto Rogers Street and to Main Street and then to the intersection of Main Street and Bass Avenue. Westbound the bike lanes would start at East Main Street and Bass Avenue, head towards Flanagan Square and then stay on Main Street to Pleasant Street and then with sharrows on the rest of Main Street. At the Council President’s prompting, Mr. Winslow said a sharrow consists of a highly visible stencil on the roadway of a bicycle with arrows. A sharrow is not a regulatory item, he added. There are some on the Boulevard and Rogers Street now and are considered as a traffic advisory, **Mr. Winslow** said. Bicycle lanes, he noted, are regulatory. Motor vehicles are prohibited from traveling or parking in bike lanes, he noted. Through the process in reaching out to businesses on Main Street, the ordinance now also bans cycling on sidewalks, he said. **Mr. Winslow** said this initiative is being done in part for health under the Get Fit! Gloucester grant program. He pointed out that statistically bike lanes reduce bike crashes by up to 60 percent. He showed the Council an enlarged road map (not submitted to the Council) of the area to be affected by the ordinance amendment showing incidents of bicycle accidents, pointing out a concentration in the areas where the bike ordinance would be in effect. Another aspect of adding bicycle lanes and sharrows is tourism, he said, and that the City is looking toward a pan cycling route eventually. This is something that the City can do, he said, to encourage more people to visit the City.

Heidi Wakeman, 7 Wise Place, Open Space & Recreation Committee expressed her excitement in improving the City, and that the proposed ordinance helps those who choose to travel by bikes for a variety of reasons, saying it was a small step to do the right thing. She noted time was taken, questions answered and said she was positive that this proposed ordinance can move forward to enter the City into the 21st century to improve the quality of life with the accommodation of bike lanes. She submitted a letter from Sam Cleaves, Chair of the Open Space & Recreation Committee in support of the proposed ordinance.

Coley Bryan, 7 Wise Place said he was in support as a cyclist and as a motorist. The bike lanes allow for a greater predictability of the actions of a cyclist particularly in approaching difficult areas like at Flanagan Square at Main Street. Something as simple as lane markings allow cyclists and motorists to understand what is expected of each and assures the safety of all involved, he pointed out.

Michelle Del Vecchio, 11 Tragabigzanda Road expressed her support of the proposed ordinance to raise awareness of motorists and cyclists alike. She noted the environmental benefits of cycling and the safety of having bike lanes and routes and said she appreciated

Kathleen Tourney, 25 Addison Street said she and her husband run a bicycle sales and rental shop, Big Mike's Bikes at 50 Maplewood Avenue. Tourists on bicycles are increasing in number, she said, and are always looking for bike travel routes. She pointed out the convenience of bicycling in the City and noted the ordinance would make cycling on Cape Ann safer as well as benefit the City's businesses and the public alike.

Jim Dowd, 108 Mt. Pleasant Avenue described a ride on his bicycle that morning, stopping and speaking to a pedestrian which he said vehicle drivers cannot experience. Bicycle riding allows residents to be integrated with each other, he said. He asked for the Council for their support in passing the ordinance.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor Ciolino said several years ago Mr. Winslow had a small grant to paint sharrows on the roads and asked how the streets would be marked now. **Mr. Winslow** said money from the Mass in Motion grant funds will be used and will work with the DPW Director to contract through his department's road painting contractor with the City. He noted that the painting would be done in mid-July and striped in August. If this program is successful, they would look to thermoplastic paint moving forward which is more expensive but longer lasting. Initially this is a pilot, **Mr. Winslow** noted, with the painting, and awaits the response of the community. He noted the DPW Director said if adjustments need to be made, and changes had to be instituted, and then there would not be an expense related to the paint but would be to undo the thermoplastic striping. There is \$10,000 set aside to implement the program for paint which is anticipated to last a year or two. **Mr. Winslow** said in 2014 they would look at this as budget item within the DPW budget. In the future it would be about \$10,000 a year for maintenance of the bike lanes and sharrows. **Councilor Ciolino** noted the streets would be done listed in the ordinance. He also said he understood the MBTA is doing an experiment to allow bikes on the train. He asked if there were plans for signage at the City's train station to say the City has bike lanes in order to promote them. **Mr. Winslow** said the bike train has come to Gloucester often; he pointed out, and could be something that signage promoting the bike lanes would add to the appeal of the program. He noted his contacts within the regional bicycling community and would seek a way to promote the program with the MBTA if possible.

Councilor Verga noted the wording in the proposed ordinance that no person older than the age of 15 and under the age of 70 could ride a bike on sidewalks and thought the ages chosen were odd. **Mr. Winslow** said the ages chosen were not based on scientific fact but on an age in conjunction with parental judgment. **Councilor Verga** asked about Essex Avenue and expansion of the program to that area. **Mr. Winslow** said the MassDOT did not receive the expansion of the program to that area favorably. When Rte. 133 comes up for repaving that is when painting of lines would be considered. MassDOT guidelines do encourage bike lanes, he noted. He said the City could work with the City's state legislative delegation to encourage this program to be carried onto Essex Avenue in the future. **Councilor Verga** asked if Rte. 127 falls under the State. **Mr. Winslow** said around Stage Fort Park is where the State road picks up. This ordinance would only cover those roads within the City's jurisdiction.

Councilor LeBlanc said that he wanted to see a City-wide education program about the ordinance. **Mr. Winslow** said the City has some money for signage and is being focused on a stretch from Stanwood to Cherry Street to avoid Grant Circle. If there is money more signs can be posted and said he would work with the DPW Director to stretch the funds for more signage and will do whatever he can.

Councilor Theken asked about mopeds and bike lanes. **Mr. Winslow** said motorized bicycles can use bike lanes and is a State ordinance. He pointed out the moped registration form (on file) which had the parameters under which a moped operates. **Councilor Theken** said this ordinance if it passes is in place until Memorial Day 2014 to allow for it to be reviewed seeing if this ordinance should be made permanent. She noted that Mr. Winslow will go

for grants to help pay for the bike lane maintenance. She said she knew Mr. Hale also supported this initiative but funding was needed. **Mr. Winslow** said there is potential funding from CDBG and Chapter 90 money perhaps. But he said he would look at other sources for long-term grant funding sources that would fund this initiative and do what he can. **Councilor Theken** pointed out the upkeep of the painted lines and the cost. She said she was impressed with the bike sharing program in Boston. She added she would be supporting the ordinance. **Mr. Winslow** said that program is expanding in the immediate Boston area. Right now, he said, there are local bicycle rental businesses that support bicycling in Gloucester.

Councilor Whyntott pointed out riding on the Boulevard is fine on a moped, but on Rte. 133 it is necessary for mopeds to travel in the bike lane.

Council President Hardy asked who has the right of way between a bike or the vehicle. **Mr. Winslow** said people in the travel lane have the right of way. Bicycles obey the same basic laws of the right of way as do all vehicles on the road, he noted. In a bike lane a bicycle has the presumed right of way. **Council President Hardy** asked if there is a violation of the bicycle ordinance, what type of violation is issued. **Mr. Winslow** said State law was changed so bicycles can be ticketed for a violation like a motor vehicle. A violation does not affect the bicyclists' insurance; however, and he noted if motorists park in a bike lane a ticket can be issued for that infraction. The fine for such an infraction was \$20, according to **Council President Hardy**, under MGL Chapter 90. She asked about the lines, lanes, fog lanes and markings. **Mr. Winslow** said a fog line is an engineering or shoulder line to guide vehicles. A bicycle lane is established of four to five feet that bicycles have exclusive use and right of way which is indicated by a solid white line between the motor vehicle lane and parking. Another reason these streets are picked in the ordinance is because of street width available with no loss of parking spaces in order to have a full travel lane, **Mr. Winslow** said. **Council President Hardy** noted in Section 2 of the proposed ordinance that Bass Avenue is listed as a dual flow street and is included. **Mr. Winslow** said there would not be an established bicycle lane there. For the Back Shore route, coming up Nautilus Road is one way out. This would allow people to bicycle and encounter the flow of Bass Avenue with sharrows for cyclists and signage to motorists. There would not be a bike lane there (the stretch from Nautilus Road at the corner of Thatcher Road and Bass Avenue). **Council President Hardy** asked if bicyclists can travel three abreast. **Mr. Winslow** said they're supposed to ride two abreast and riders must facilitate vehicles passing them. Slower vehicles are supposed to facilitate the passing of quicker vehicles, he said. **Council President Hardy** asked if the Police had any input into the ordinance. **Mr. Winslow** said they had along with the Traffic Commission. **Council President Hardy** pointed out there is a need for a public education program regarding this ordinance. **Mr. Winslow** said program information can be put forward in the local newspapers and that he would do more publicity. **Council President Hardy** said she intended to support this ordinance amendment and asked if bicycles can park at the City beaches; if there a fee; and are bike racks available. **Mr. Winslow** said Good Harbor Beach has bike racks and some by the footbridge. There is no fee at the beaches for bicycles but he did not know if there are racks there. He said wave racks which hold more bikes can be looked at but that would need to be done the following year as those racks cost \$2,000 each. **Council President Hardy** reiterated her main concern in seeing the public is educated about this program. **Councilor Ciolino** confirmed there is a big bike rack by the Good Harbor Beach foot bridge. **This public hearing is closed.**

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whyntott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the GCO, Chapter 22, by ADDING a new Section 22-294 BICYCLE ORDINANCE to be effective from date of enactment to Memorial Day 2014 as follows:

“Section 22-294 Bicycle Ordinance

(a) Definitions

Bicycle:

For the purposes of this chapter the term “bicycle” shall mean any wheeled vehicle propelled by pedals primarily by human power and operated by one or more persons.

Bike Lane:

A lane on a street restricted to bicycles and so designated by means of pavement coloring, lines or other appropriate markings including contra-flow bike lanes.

Bike Route:

A roadway shared by bicycles and other modes of transportation which may be designated by signs and/or pavement markings.

Bicycle Sharrow:

A pavement marking, established by the Manual of Uniform Traffic Control Devices that indicates an appropriate location for bicycles to travel on a street.

Cyclist: Person operating bicycle.

Dual-Flow Street:

A street or bicycle lane that allows bicycles to travel in the opposite direction of one-way motor vehicle traffic.

(b) Obedience to traffic control devices

Any person operating a bicycle shall obey the official traffic signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a Public Safety Official.

(c) Riding on Sidewalks

According to Massachusetts General Law, Chapter 85, §11:

- 1) Bicycles may be ridden on sidewalks when necessary in the interest of safety.
- 2) Pedestrians have the right of way on all sidewalks. The operator of a bicycle shall yield to pedestrians far enough in advance to allow the pedestrian time to react.
- 3) The operator of a bicycle shall give an audible warning before passing a pedestrian far enough in advance to allow the pedestrian time to react.

(d) Business District Where Sidewalk Bicycling is banned

No person older than age fifteen (15) and younger than seventy (70) shall ride a bicycle on any sidewalk along the following streets:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Main Street	Both	220 Main Street	One Washington Street
HarborWalk	N/A	2 Commercial Street	25 Rogers Street
HarborWalk	N/A	39 Rogers Street	65R Rogers Street
Manuel F. Lewis Street	East	585 Rogers Street	255 Main Street

(e) Bicycle Lanes and Dual-Flow Streets

- 1) The Director of Public Works shall establish and maintain Bicycle Lanes upon the following streets:
Schedule 22-294(e-1): Location of Bicycle Lanes:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Western Avenue	South	97 Western Avenue	31 Western Avenue
Rogers Street	South	9 Rogers Street	127 Rogers Street
Main Street	South	6 Rowe Square	5 East Main Street
Main Street	North	5 East Main Street	180 Main Street

- 2) The Director of Public Works shall post and mark the following Dual-Flow streets:
Schedule 22-294 (e-2): Locations of Dual-Flow Streets:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Nautilus Road	East	7 Bass Rocks Road	11 Nautilus Road
Bass Avenue	North	11 Nautilus Road	105 Bass Avenue

- 3) The Director of Public Works may post bicycle route signs and install bicycle sharrows.

(f) Bicycle Parking on the Public Way

- 1) Bicycles may be parked against a street sign pole, or on a bicycle rack or other facility or structure specifically intended for that purpose. Under no circumstances shall a bicycle obstruct the pedestrian path of travel or disability access ramps.

- 2) Bicycles are not permitted to be parked against: fire hydrants, hand railings, benches, trees and trash receptacles.
- 3) Abandoned bicycles may be removed and disposed from any public way or property by the City of Gloucester Public Works Department for public safety and maintenance purposes.

DISCUSSION:

By way of friendly amendment, **Council President Hardy** requested that the letter “B” be inserted in subsection (c) of the ordinance after the phrase “MGL Chapter 85, §11” to be more accurate to which the Council assented.

MOTION: On motion by Councilor Theken, seconded by Councilor Whynott, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to Amend the GCO, Chapter 22, by ADDING a new Section 22-294 BICYCLE ORDINANCE to be effective from date of enactment to Memorial Day 2014 as follows:

“Section 22-294 Bicycle Ordinance

(a) Definitions

Bicycle:

For the purposes of this chapter the term “bicycle” shall mean any wheeled vehicle propelled by pedals primarily by human power and operated by one or more persons.

Bike Lane:

A lane on a street restricted to bicycles and so designated by means of pavement coloring, lines or other appropriate markings including contra-flow bike lanes.

Bike Route:

A roadway shared by bicycles and other modes of transportation which may be designated by signs and/or pavement markings.

Bicycle Sharrow:

A pavement marking, established by the Manual of Uniform Traffic Control Devices that indicates an appropriate location for bicycles to travel on a street.

Cyclist: Person operating bicycle.

Dual-Flow Street:

A street or bicycle lane that allows bicycles to travel in the opposite direction of one-way motor vehicle traffic.

(b) Obedience to traffic control devices

Any person operating a bicycle shall obey the official traffic signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a Public Safety Official.

(c) Riding on Sidewalks

According to Massachusetts General Law, Chapter 85, §11B:

- 1) Bicycles may be ridden on sidewalks when necessary in the interest of safety.
- 2) Pedestrians have the right of way on all sidewalks. The operator of a bicycle shall yield to pedestrians far enough in advance to allow the pedestrian time to react.
- 3) The operator of a bicycle shall give an audible warning before passing a pedestrian far enough in advance to allow the pedestrian time to react.

(d) Business District Where Sidewalk Bicycling is banned

No person older than age fifteen (15) and younger than seventy (70) shall ride a bicycle on any sidewalk along the following streets:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Main Street	Both	220 Main Street	One Washington Street

HarborWalk	N/A	2 Commercial Street	25 Rogers Street
HarborWalk	N/A	39 Rogers Street	65R Rogers Street
Manuel F. Lewis Street	East	585 Rogers Street	255 Main Street

(e) Bicycle Lanes and Dual-Flow Streets

- 1) **The Director of Public Works shall establish and maintain Bicycle Lanes upon the following streets: Schedule 22-294(e-1): Location of Bicycle Lanes:**

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Western Avenue	South	97 Western Avenue	31 Western Avenue
Rogers Street	South	9 Rogers Street	127 Rogers Street
Main Street	South	6 Rowe Square	5 East Main Street
Main Street	North	5 East Main Street	180 Main Street

- 2) **The Director of Public Works shall post and mark the following Dual-Flow streets: Schedule 22-294 (e-2): Locations of Dual-Flow Streets:**

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Nautilus Road	East	7 Bass Rocks Road	11 Nautilus Road
Bass Avenue	North	11 Nautilus Road	105 Bass Avenue

- 3) **The Director of Public Works may post bicycle route signs and install bicycle sharrows.**

(f) Bicycle Parking on the Public Way

- 1) **Bicycles may be parked against a street sign pole, or on a bicycle rack or other facility or structure specifically intended for that purpose. Under no circumstances shall a bicycle obstruct the pedestrian path of travel or disability access ramps.**
- 2) **Bicycles are not permitted to be parked against: fire hydrants, hand railings, benches, trees and trash receptacles.**
- 3) **Abandoned bicycles may be removed and disposed from any public way or property by the City of Gloucester Public Works Department for public safety and maintenance purposes.**

MOTION: On 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. 22-242 by ADDING new subparagraph 17 ORDINANCE to be effective from date of enactment to Memorial Day 2014 as follows:

“(17) Any bike lane as provided by Section 22-294, any bike path and any bicycle parking facility;”

MOTION: On motion by Councilor Theken, seconded by Councilor Whynott, the City Council voted by ROLL CALL 8 in favor, 0 opposed to Amend GCO Sec. 22-242 subparagraph 17.

DISCUSSION: None.

MOTION: On motion by Councilor Theken, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (McGeary) absent, to Amend GCO Chapter 22, Sec. 22-242 Parking prohibitions; towing; immobilization; signs by ADDING new subparagraph 17 ORDINANCE to be effective from date of enactment to Memorial Day 2014 as follows:

No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the following locations:

“(17) Any bike lane as provided by Section 22-294, any bike path and any bicycle parking facility.”

For Council Vote:

1. Warrant for Special Senator in Congress Election on June 25, 2013

MOTION: The City Council voted 8 in favor, 0 opposed, 1 (McGeary) absent, to adopt the warrant for the Special Senator in Congress Election to be held Tuesday, June 25, 2013.

Unfinished Business: None.

Individual Councilor's Discussion including Reports by Appointed Councilors to Committees: None.

Councilors' Requests to the Mayor:

MOTION: On motion by Council President Hardy, seconded by Councilor Ciolino, the City Council voted 8 in favor, 0 opposed, 1 (McGeary) absent to allow the balance of FY13 budgetary transfers to be submitted directly to the B&F Committee until the end of the fiscal year before returning to the City Council.

Councilor Ciolino asked the Administration check with the School Department to see if a gold finial which was attached to the Vietnam Memorial flag poles and is missing has been turned in and if not found, to then replace it.

Councilor Theken thanked the City, the Veteran's Office, and the dedicated volunteers for the stirring Memorial Day ceremonies in the City. She also expressed her appreciation for the attendance of the South Korean Consul, Khango Park who spoke at the ceremonies as well.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:41 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Richard Cahill, 14 Riverside and 114 Spy Pond Parkway Arlington, written statement made under Oral Communications**
- **Job Description of Fisheries Commission Director submitted by Damon Cummings, 1063 Washington Street under Oral Communications**
- **Letter submitted on behalf of Sam Cleaves, Chair of the Open Space & Recreation Committee, 1111 Washington Street in support of amending the Gloucester Code of Ordinances for a bicycle ordinance**
- **Michelle Del Vecchio, 11 Tragabigzanda Road, statement of support for amending Gloucester Code of Ordinances for a bicycle ordinance**