

GLOUCESTER CITY COUNCIL MEETING

Tuesday, August 27, 2013 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Jacqueline Hardy; Councilor Joseph Ciolino; Councilor Steve LeBlanc, Jr.; Councilor Paul McGeary; Councilor Greg Verga; Councilor Robert Whyntott
Absent: Councilor Theken; Councilor Tobey; Councilor Cox
Also Present: Linda T. Lowe; Jim Duggan; Kenny Costa; Mark Cole; Noreen Burke

The meeting was called to order at 7:05 p.m.

Flag Salute & Moment of Silence.

Oral Communications: None.

Presentations/Commendations:**1 of 2: Presentation of Citations to Rev. Wendy Fitting by State Senator Bruce Tarr**

Sen. Tarr passed along the regards of Rep. Ann-Margaret Ferrante who was unable to attend. He spoke of the retirement celebration for the Rev. Wendy Fitting for her work of over 24 years of distinguished service to her congregation increasing the Unitarian Universalist Church flock. He also recognized Rev. Fitting for her civic duty and activism in Gloucester, and being available for municipal events when clergy was needed. **Sen. Tarr** said he was presenting commendations in appreciation to this remarkable individual. Asking the Rev. Fitting to step forward to the podium, he presented a citation from the Massachusetts House of Representatives, offered by Rep. Ann-Margaret Ferrante which he read. **Sen. Tarr** also presented a citation from the Massachusetts Senate which he also read. He also presented a citation on behalf of the Massachusetts Senate Minority Caucus which he read. He offered his congratulations to the Rev. Fitting pointing out the stewardship of the Unitarian Universalist Church in its role in the country's history and commended her work in the community.

Rev. Fitting expressed her appreciation of the honors presented to her saying it would not be possible to do the work she loved in any other community but Gloucester. She also thanked the Senator and the City.

The Rev. Fitting received a standing ovation from the audience and was received personally by the City Council.

Upon the Council resuming their seats, **Council President Hardy** noted she had mentioned to the Rev. Fitting she submitted a Council Order asking the Mayor to restore the City's Human Rights Commission and said she hoped Rev. Fitting would come forward as a volunteer when that Commission is restored.

2 of 2: A Review of the New Balance Track and Field at Newell Stadium Facility: Community Celebration & Opening Ceremony, Friday, September 6, 2013.

Dick Wilson, Gloucester Fisherman's Athletic Association (GFAA) President Emeritus introduced his wife, Barbara, celebrating their 53rd wedding anniversary that evening. He then presented a power point presentation on the New Balance Track and Field at Newell Stadium Facility. He first gave a brief history of the stadium. Several historical photographs through the years were shown as well to present time. It was noted after 75 years of use the field and track were no longer playable or safe.

Paul Ingram, football coach at Gloucester High School spoke to the Newell Stadium conditions prior to the renovation showing photographs of track and field conditions, the bleachers and press box as unusable and unsafe, noting that the field pitched to the sidelines but the center of the field never dried out after November 1st.

Mr. Wilson said the GFAA made a business plan and presented a plan for a renewal project which was approved by the City Council. A Building Committee was appointed, and a project designer was chosen. It was a \$3.5 million project, with \$1.5 million bonded by the City, \$1 million privately raised by the GFAA, \$500,000 through a PARC Grant and \$500,000 pledged over 10 years from the New Balance Corporation which is how the facility came to be called the New Balance Track and Field at Newell Stadium. On September 14, 2013 the construction project to rebuild Newell Stadium began.

Council President Hardy noted as a result of Ms. Kelly's fundraising efforts through a garden tour in the City, her group, GenerousGardeners.com would be donating profits from that event to the City to maintain the butterfly gardens of the HarborWalk.

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted by 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to appoint Susan Kelly to the Planting Committee, TTE 02/14/16.

Consent Agenda:

- **REAPPOINTMENTS**
 1. Community Preservation Committee (Open Space & Recreation member) Charles Crowley TTE 02/14/16
 2. Planting Committee William F. Taylor, Bonnie Angus TTE 02/14/16
- **MAYOR'S REPORT**
 1. Grant Application & Checklist from the Council on Aging re: FY2014 Formula Grant (Refer B&F)
 2. Grant Application & Checklist from the Council on Aging re: Title III Older Americans Grant (Refer B&F)
 3. Supplemental Appropriation-Budgetary Request (#2014-SA-1) from the Department of Public Works (Refer B&F)
 4. Special Budgetary Transfer Request (#2014-SBT-1) from the Police Department (Refer B&F)
 5. Special Budgetary Transfer Request (#2014-SBT-2) from the City Clerk's Office (Refer B&F)
 6. Special Budgetary Transfer Request (#2014-SBT-3) from the City Clerk's Office (Refer B&F)
- **COMMUNICATIONS/INVITATIONS**
 1. Communication from MSBA comments for the West Parish Elementary School Project (File)
 2. Communication from Personnel Department re: Mayor's Memorandum regarding Transition to GIC Health Benefits (File)
 3. Memorandum from General Counsel re: Medical Marijuana Treatment Centers (Refer P&D)
- **APPLICATIONS/PETITIONS**
 1. RZ2013-001: Norman Avenue #18, Assessors Map 170, Lot 43 from R-20 (Low-Med. Density Residential) to VB (Village Bus.) (Refer P&D)
 2. Free Petition in accordance with City Charter Sec. 9-1(b) re: Condition, Restoration & Preservation of Stage Fort Park (Refer P&D)
- **COUNCILORS ORDERS**
 1. CC2013-035 (Cox/McGeary) Request City Council to refer to Budget & Finance Standing Committee regulations concerning off-Season parking fees at City beaches for review & recommendation (Refer B&F)
 2. CC2013-036 (Tobey) Request City Council file a Home Rule Petition with State Legislators re: elimination of 65 Rogers Street From Designated Port Area (DPA) (Refer P&D)
 3. CC2013-037 (Tobey) Request City Council review the matter of whether to vote to endorse and support efforts of the owners of Property located at 104 Commercial Street and 106A Commercial Street for removal from DPA (Refer P&D)
 4. CC2013-038 (Cox) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: delete one space in front of Cleveland Street #20 (No referral required)
 5. CC2013-039 (McGeary) Amend GZO Use Table 2.3.2 (Community Service Uses and Sec. 5.27 re: Medical Marijuana Treatment Centers (Refer P&D & PB)
- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 08/13/13 (Approve/File)
 2. Standing Committee Meetings: B&F 08/22/13 (under separate cover), O&A 08/19/13 P&D 08/15/13, 08/21/13 (Approve/File)

Unanimous Consent Calendar:

1. Special Events Application request from Fishbox Derby to hold the Fishbox Derby on September 15, 2013 (Refer P&D)
2. Memorandum from City Auditor re: FY2013 City's General Fund Estimated Financial Performance (Refer B&F)

Items to be added/deleted from the Consent Agenda and Unanimous Consent Calendar:

Councilor Whynott asked to remove the O&A Minutes of August 19, 2013 which need amending. He asked the Council that the O&A minutes on page 2 of 8 needs to reflect the proper expiration date of 02/14/16 for Susan Kelly, William Taylor and Bonnie Angus to the Planting Committee need to be amended to read a term of expiration of 02/14/16 as well. All showed as 05/14/16.

MOTION: On a motion of Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted 6 in favor, opposed, 3 (Theken, Tobey, Cox) absent, the City Council amended the O&A Minutes of August 19, 2013 pages 2 and 3 to change the Term to Expire for Susan Kelly, William Taylor and Bonnie Angus to 02/14/16 from 05/14/16.

Councilor Whynott added that the two motions on page 3 of 8 of the O&A minutes of August 19, 2013 contained copy and paste errors. The first motion needs to be reworded as follows:

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council pursuant to the City Charter Sec. 7-16(a) the adoption of the amended Appendix A: user fees dated August 19, 2013 related to the Department of Public Works, New Balance Track and Field at Newell Stadium.

The Council then voted:

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, pursuant to the City Charter Sec. 7-16(a) the adoption of the amended Appendix A: user fees dated August 19, 2013 related to the Department of Public Works, New Balance Track and Field at Newell Stadium.

Councilor Whynott offered a second motion from the same page in the August 19, 2013 minutes for rewording as follows:

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council pursuant to the City Charter Sec. 7-16(b) the adoption of the Department of Public Works, New Balance Track and Field at Newell Stadium rules and regulations dated August 19, 2013 regarding the use of the New Balance Track and Field at Newell Stadium.

The Council then voted:

MOTION: On a motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, pursuant to the City Charter Sec. 7-16(b) the adoption of the Department of Public Works, New Balance Track and Field at Newell Stadium rules and regulations dated August 19, 2013 regarding the use of the New Balance Track and Field at Newell Stadium.

Councilor Ciolino asked to pull Councilor Order #3 (CC2013-037 (Tobey) Request City Council review the matter of whether to vote to endorse and support efforts of the owners of Property located at 104 Commercial Street and 106A Commercial Street for removal from DPA) saying that he will recuse himself from any voting on this matter and would leave the dais when the matter comes forward to the Council for a vote as he has a business relationship with the owner of Cape Pond Ice, and that the owner is his campaign treasurer.

Council President Hardy pointed out that on the agenda there are two Council Orders listed as #36 when in fact Council Order #3 should reflect the number "37". She said the agenda is proper, and the documentation on the order that is incorrect.

Councilor McGeary asked that Item #3 under Communications, the Memorandum from General Counsel re: Medical Marijuana Treatment Centers be referred to the Planning Board since it is germane to the Council Order on Medical Marijuana Treatment Centers which is also being referred to the Planning Board.

By unanimous consent the Consent Agenda and Unanimous Consent Calendar was accepted as amended by the Council with Councilor Ciolino voting present as it related to Item 3 under Councilors Orders.

Scheduled Public Hearings:

- 1. PH2013-044: Amend GCO c. 22, Sec. 22-287 "Disabled veteran, handicapped parking" by adding 1 (one) Handicap parking space on Pine Street 20 feet west of the intersection of Pine Street with Church Street On the southerly side**

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

This public hearing is closed.

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. 22-287

(Disabled veteran, handicapped parking) by ADDING one (1) handicapped parking space on Pine Street 20 feet west of the intersection of Pine Street with Church Street on the southerly side.

DISCUSSION:

Councilor Whynott explained that the Traffic Commission at approved the creation of this handicapped space as did the O&A Committee.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to Amend GCO Chapter 22, Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped parking space on Pine Street 20 feet west of the intersection of Pine Street with Church Street on the southerly side.

2. PH2013-045: Whether the City Council shall grant a permit to the Essex County Velo to hold the Gloucester Gran Prix Cyclo Cross Race at Stage Fort Park on September 28 and 29, 2013

This public hearing is opened.

Council President Hardy explained that this public hearing is not mandated by ordinance, law or State law, but is a public hearing that the Council felt was necessary to have due to great public interest. The matter, she pointed out, has been thoroughly vetted by Planning & Development Committee. She added a lot of people have worked very hard with good communication to ensure this is a good event for the community. **Council President Hardy** said as a result of the vetting process there are a number of conditions that will be brought forward for the protection of Stage Fort Park.

Main Proponent Speaking in Favor:

Paul Boudreau, 776 Cabot Street, Beverly and Race Director of Essex County Velo (ECV) since 1999 said that he was here with Christopher McKernan, ECV Director of Operations. He agreed with Council President Hardy that his organization has worked very hard with the P&D Committee and the Mayor's Office to come to an agreement on the plan for the ECV 2013 event. He said his organization wants to be a partner with the City. The process, he noted, opened his eyes as to how the event should work with the City. **Mr. Boudreau** said it was back in November 2012 when he first met with the P&D Committee to find there were gaps in communication; but those gaps, he said, have been plugged. There is international interest in this event, he said and expressed his hope that his organization could put on a good event this year Gloucester can be proud of. He pointed out he has already been contacted by potential participants from Canada, Europe, the USA who are waiting for this event's registration to open.

Jim Duggan, CAO said that the Council President articulated well the conversations going on for months on the ECV event. He said one specific issue raised was the condition and financial support of making repairs to Stage Fort Park. As a result, the Administration had vetted the idea of imposing a \$10 per car parking fee for the event. As the Administration and the Council worked closely together on some of the more sensitive issues regarding this event, the Council, he said, put together a number of conditions that recognize that there will be a financial investment and support into the repair of Stage Fort Park by ECV. He said he alerted the Council the Administration would not mandate, as in the past 12 years, to charge for parking for the event, and added it would continue to be honored. It is because of the hard work that the P&D Committee and the Administration did, he said.

Main Proponent Speaking in Opposition:

George Roark, 15 Beauport Avenue (contents remarks and articles, as well as a petition dated August 27, 2013 with 202 signatures stating opposition to the 2013 ECV event all placed on file) showed photographs, made a part of the record prior to this Council meeting, one dated November 7, 2012 which he said depicted damage to Stage Fort Park by the bike races. He read a quote of the DPW Director that appeared in the Gloucester Daily Times at that time describing satisfaction with the repairs made by ECV. He showed a series of three photos showing what he said was a destructive slash in front of the Elizabeth Gordon Smith garden. He said the Gloucester Civic and Garden Council is not satisfied with the repairs taken as of July 2013. He said the Essex County Velo organization shows little sensitivity to the area and had not even marked this area as part of the course on their 2012 map.

Mr. Roark then showed a photograph of the area above Cressy's Beach which he said was damaged and never restored properly. He said a damaging winter storm solved Essex County Velo's responsibility to make more repairs. He showed another photograph of a large boulder on the side of the path to the left of the Visitor's Center that was moved by the DPW where ruts around the boulder were never raked out. He said he did not think the race organization paid for the movement of this boulder by the DPW.

He showed a photograph which he said depicted the eroded surface of the Lucy B. Davis pathway. He did admit he has no proof that this damage was caused by the 1,622 bikes passing over it over it four times each in a two day period; he said it would make sense that some path surface had to be displaced by bikes considering how many years the path was used by the event. ECV, he claimed, wouldn't make the repairs due to the expense

He pointed out that last year's event had only nine riders listed from Gloucester. He also asked why the DPW does not charge for the use of Stage Fort Park on the days the event sets up. He also pointed out the beaches of Stage Fort Park are inaccessible during the two day event. Furthermore, he said the entire park should not be consumed by any such events denying Gloucester residents access to this special park.

Mr. Roark concluded by saying that in 10 years it will be the 400th anniversary of Gloucester's founding at this site. He asked the City to make the park something it can be proud of and promote the City's history. He noted he has been a member of the Gloucester Rotary Club for 29 years and involved in fundraising and work projects for both the Children's Playground and the Tony Gentile bandstand at Stage Fort Park for years, as well as a member of the Chamber of Commerce. He said he respectfully disagreed with both of those organizations' positions in support of the ECV event. An event such as this only brings business to the city for one weekend, he said.

Public Comment:

Bill Fonvielle, 27 Old Salem Road said as a neighbor of the park he knew this is to be a friendly event. He said the event is exciting to view and is a world-class event which helps to promote the City when tourism is waning from the summer season.

Bill Hardy, 27 Church Street said he has participated in the ECV event for the last three years. This is a very prestigious event, he noted, and is an internationally renowned event. He said he uses the park for walking, beaching, and sports and has never not been able to enjoy the park.

Andrew Gruden, 39 School Street said he has attended the event for 8 years which is family friendly. He noted he has friends that come from out of state to view the event. He has used the park frequently and is there a month later with his cross country team competing and that he has only ever seen the park in good condition. He pointed out this would be a huge loss for the City if the event somewhere else.

Coley Bryan, 7 Wise Place said he is a park user which is a great City resource. He has been attending the event for about 14 years. He is a former Gloucester business owner and that this type of event, he said, is priceless. Gloucester is written as a banner across a glossy cycling magazine which he said he was proud to see. He said he knew people who have come from five countries to participate in this event. He said the organizers have created a prestige event internationally, and is referred to as the East Coast World Championships. He said he has personally hosted people in his home attending the event from five different countries. This is a boost to businesses of the City at a time, he pointed out, at a time when business is slowing from the summer season. He encouraged the Council to view the event.

Heidi Wakeman, 7 Wise Place expressed her pleasure at the momentum of the new bike lanes in the City. She said Stage Fort Park can support a variety of interests that appeal to some but not to others. She said she hoped common ground could be found to keep this race here in Gloucester.

Marie Demick, Long Beach Road, representing the Gloucester Dog Park, asked that residents and canines have access to the Dog Park during the ECV event. She noted the dog park has a lot of people and canine traffic on weekends and asked that there are safeguards in place to ensure usage and parking by residents and their dogs during the weekend event.

Richard Jabba, 25 Derby Street said he was a frequent user of the park with his family. He participated last year as a small business vendor at the event and said he was pleased by the professionalism the event was handled. He said he feels strongly based on economics that this event contributes to the local economy. He urged the Council allow the event to condition.

Gregory Doe, White's Mountain Road said that Stage Fort Park is in poor condition and not maintained well noting its paths are strewn with glass and other trash and that poison ivy is rife in the park. He said the event does leave the park in better condition and agreed with the previous speaker's comments in support of the ECV event.

Richard Fries, 11 Grant Place, Lexington MA said he is the event director of a cyclo cross event in Providence, Rhode Island and pointed out that the ECV Gloucester event is considered to be the pinnacle of the annual cyclo cross events. He said Providence will be the first ever stop on the Cycling World Cup circuit if the City's petition is approved. Moments define places, he said. This is bringing something very special to the City, he pointed out.

Patrick Gogan, Hopedale, MA said he is speaking in favor of the race as he has been involved in cycling for 12 years and a landscaper who has been involved in restoration of parks after cyclo cross events. Bikes, he said helps the grass grow back in heavily pedestrian traffic parks. It improves the park year after year if it is groomed correctly and is seeded and taken care of immediately after it will be a visual benefit to the city. His family comes to the City because of the race.

Michael Gates, Manchester, MA said that he has friends in Gloucester who is a business owner and has friends who attend the race to view it. He said the event also encourages bicycling. It is a big draw, he said, and events like this create community for common good. The remediation issues are pretty well taken care of, he said.

Donna Polizzia, 74 Cherry Street said she is in opposition to any event that closes Stage Fort Park to public access which this event does essentially. The level of damage done last year should indicate that this event should not be permitted, she said. As President of the Gloucester Civic and Garden Council who maintains the garden said the event just missed the \$25,000 sprinkler system under the lawn and said she was pleased to see conditions to prevent some damage. It rains in September, and with 1,600 bikes on this course, it takes 10 months to recover the area, and some areas have yet to recover, she pointed out.

Meredith Fine, 20 Eastern Avenue said she is helping to organize a group, Friends of Stage Fort Park. She pointed out Lynch Park in Beverly is very similar to Stage Fort Park. The City of Beverly would never let anyone treat that park this way, she said. She said she is against the race. The evidence is antidotal on the economic benefit of this race to the City. She emphasized, she said, how the park is being pulled apart into different areas. The City, she said needs to have a master plan and structured oversight of the park and should not be treated the same like any other and is a national historic site, and said the park property was purchased to be preserved as a permanent memorial to the first settlement of the Massachusetts Bay Colony, not just to be a park. The park needs to be pulled out of the regular treatment and treated as the jewel that it is, she said.

David Dow, 15 Essex Street showed a picture of the so called run up three years ago at the park and another photo taken a few days before the P&D site visit in July 2013. He claimed that nothing was done to that area until the P&D Committee had a site visit this summer to the park. He asked that the Council address the City ordinance dated 2010 ordinance that tents and shelters are prohibited. The City, he said, has permitted ECV to erect tents to be left overnight. He also pointed out there is no sleeping or camping between 9 p.m. and 8 a.m. on public beaches and in public parks. He said this is giving the ECV permission to do that.

Daphne Roark, 15 Beauport Avenue (comments placed on file) said she understood for the first 10 years of the race the DPW had the sole authority to permit this event. She said now the Council has to weigh in because of the road closure of Hough Avenue. She pointed out that the park is being continually damaged year after year and spoils the experience of residents throughout the fall who use the park. It is not a charity event, she pointed out. The City should be good stewards of the park which was created at a historic site. She asked this race be stopped to protect the park.

Mr. Roark spoke again thanking the City Clerk's office and also thanked the hard work of the Special Event Advisory Committee; and he endorsed that particular process.

Communications:

Linda T. Lowe, City Clerk noted the following communications were received by the City Council:

Pro comments on the race were from: Joe Rapuano, participant; Peter Vadala, Gloucester; Tim Woods, 10 Collins Ave.; Robert Heidt, Cape Ann Chamber of Commerce; Kevin Littman, 24 Fuller Street; Peter Van Ness (but primarily a critique of the event process in the City)

Negative comments on the race were from: Mary Doane, Gloucester; Donna Polizzia, 74 Cherry Street; Ann Campbell, 14 Waterside Lane; Bob & Nancy McKay, 4 Nikoline Way

Neutral comments: Louise Grinrod for Friends of the Gloucester Dog Park expressing concern for access to the Dog Park during the ECV event

Rebuttal:

Mr. Boudreau addressed Mr. Dow's comments on the overnight tenting/camping by saying that no one is allowed to stay in the park overnight. He spoke to the son of the owner of the Cupboard and discussed some of the neighbors' issues related to the event for residents and made him aware of people staying overnight in the park during the event which he said he was not aware of previously. ECV has posted on their website that this is not allowed, an email for all participants who register will notify them there is no overnight camping and be asked to respect the park and surrounding streets and neighborhoods, he said. He also said he worked with the Building Inspector and that there will be a permit process for the event's Club Row tents and is aware of the policies and issues. Responding to an inquiry of **Council President Hardy**, **Mr. Boudreau** said he would be amenable to a condition that prohibits overnight camping/tenting during the set up and days of the event at Stage Fort Park.

Councilor Questions:

Council President Hardy asked when the repairs to Stage Fort Park typically begin after the ECV event.

Mark Cole, Assistant DPW Director said it starts that Monday or Tuesday after the event most years. He said in 2012 the start of the repairs had to wait because of rain and had to wait a week for conditions to dry out. He said the big ruts are groomed immediately. The course is usually all reseeded within a week after the event adding the DPW

can certainly specify the type of seed to be used for reseeding, in order to assure that the grass returns equal to or better than what is there, which was at the suggestion of **Council President Hardy**.

This public hearing is closed.

MOTION: On a motion by Councilor Ciolino, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to permit the Essex County Velo Cyclo-Cross Race event to be held at Stage Fort Park on Saturday, September 28, and Sunday, September 29, 2013 with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before August 27, 2013.

2. Traffic and Road Closure Plans:

a) Memoranda from the Police Department and Fire Department giving approval of the plans for the Essex County Velo Cyclo-Cross Race to be on file with the City Clerks office on or before September 13, 2013. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before September 13, 2013. After Council permit is granted if either the Police Chief or Fire Chief or their designees determine that a substantial change(s) has been made to the route, then the applicant shall obtain City Council approval or the change.

b) Traffic Signage:

The applicant is to place signage on the roads leading in and out of Stage Fort Park to be sure it is clear to the public which access roads are closed but that the Visitor's Center is accessible.

3. Refuse and Comfort Stations:

All event refuse and recycling must be removed by the Essex County Velo event organizer. Any portable toilets (including the two required handicap accessible) are to be provided, maintained and paid for by the event organizer and must be in place the evening before the first day of the event or early in the morning of the day of the event and removed no later than 9:00 p.m. Sunday, September 29, 2013.

4. Emergency Services:

Emergency services are as required by the Fire Department Emergency Medical Services Director, Sander Schultz.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts, and list of event staff and their cell phone numbers submitted to the Police, Fire and DPW Departments.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the Essex County Velo Gran Prix Cyclo Cross event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels, hotels, and other businesses along the race route and Hough Avenue.

7. Course Adjustments:

The Essex County Velo event organizers are to present a written detailed list of all activities that require the assistance of the Department of Public Works (rocks to be moved or equipment to be moved, etc.) at least 7 calendar days prior to the event.

8. On-Site City Staff:

The Public Services Superintendent, or his representative, is to be on site during the event in order to facilitate any problems that might arise during the event. The cost of this service will be covered by the event organizers.

9. Videotaping of Pre-Event Conditions:

Once the course is set up, the Essex County Velo event organizers will walk the entire course with a video camera. This video will be delivered to the Department of Public Works within 7 calendar days of the event; the video (in DVD format) will then be used to determine prior conditions when discussing the repairs post-race.

10. Site Walk Post-Event:

On the Monday immediately following the event a group consisting of the Assistant Director of Public Works, Public Services Superintendent, a member from Essex County Velo, Ward Councilor, and the landscape contractor hired for the Stage Fort Park repairs will walk the entire course to inspect the course for damages. Any damage to the park will be documented, discussed and a solution agreed upon by the group prior to any repairs being started. A start date for repairs will be agreed upon and a follow up meeting at the site will be scheduled two weeks after the repairs have been completed. Any discrepancies will be reviewed with the help of the pre-race video.

11. Responsibility of the Essex County Velo organization:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health, Conservation Commission, and the Licensing Commission. It is the sole responsibility of the Essex County Velo organization 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.

12. A Performance/Surety Bond for Repairs to Stage Fort Park:

A performance/surety bond in the amount \$10,000 for repairs to Stage Fort Park will be posted by Essex County Velo and payable to the City of Gloucester submitted to the Director of Public Works by Essex County Velo to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 28 and 29, 2013. Said repairs are to restore Stage Fort Park to the original or better condition of that prior to the event. The performance/surety bond is to be returned to Essex County Velo in whole if it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 15, 2014. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Essex County Velo that the performance/surety bond will then used to take the necessary steps to complete the park reparations.

13. Cap of Entrants:

The maximum number of entrants to this event is set at 1,000 per day for each day of the 2013 Gran Prix Cyclo Cross event.

14. Staking of Repaired Areas to Stage Fort Park:

Post-event, staking of the repaired areas of Stage Fort Park that require loam and seed will be erected to prevent damage to the areas by foot traffic or vehicles and shall be maintained in good order until the DPW determines the date of removal.

15. Related Costs to the Event:

Essex County Velo organization is to pay the City of Gloucester any costs for City services related to the race course and affected adjacent areas of Stage Fort Park before, during and after the 2013 Gran Prix Cyclo Cross event.

16. Restricted Use of Gloucester Dog Park during Essex County Velo Event 2013:

Essex County Velo shall be restricted from use of the Gloucester Dog Park which is located in the southerly section of the Stage Fort Park parking area. Said restriction shall include but not be limited to the following:

- That the Dog Park is not to be used as part of the event course;
- There shall be no parking of automobiles or storage of bicycles or other equipment or any erection of temporary structures, tents.

17. Areas of Stage Fort Park Not to be used in the 2013 Essex County Velo Gran Prix Race Course:

- Half Moon Beach;
- The area from Lucy B. Davis Pathway, to the playground area (so-called "Run up");
- The area surrounding the Elizabeth Smith Garden and the Gloucester Garden Club Garden;
- The area between the Visitors Welcome Center and the fort which is a wetlands protection area.

DISCUSSION:

Councilor Ciolino asked about the addendum to Condition #12 and why the bond went from \$10,000 to \$5,000 in an escrow account. **Councilor Verga** said the \$5,000 figure was offered up by Mr. Boudreau whose organization was having difficulty securing a surety bond with three insurers. He said he spoke with Mr. Boudreau earlier in the day two of the three had said no and this was a back up plan. This evening it was confirmed the third insurer would not insure the event.

Mr. Boudreau said he had a document (not submitted) from CNA Surety in Beverly, but had also spoken to Mahoney Insurance in Gloucester and an agent in New Hampshire. He read: "Based on the circumstances and information provided for this risk, we cannot handle this request. This is not necessarily a reflection of the applicant. We are not interested in handling a performance bond that covers replanting and reseeding."

Ms. Lowe clarified for the Council that the insurance certificate which is required has already been produced and placed on file with her office versus a surety bond which is a performance bond and are two completely different things. The cash is in lieu of the surety bond, she said.

Councilor Ciolino pointed out that if the surety bond was supposed to be for \$10,000 and asked why \$10,000 in cash wasn't to be placed in escrow. **Councilor Verga** said that was the suggestion put forward, but it is up to the Council.

Councilor Ciolino said the repairs are around \$7,000 in the past. If there is trouble in getting a bond that to him, was a red flag, and said the deposit should be \$10,000.

Council President Hardy suggested a compromise of \$7,500. **Mr. Boudreau** said the \$7,000 is the most his organization has ever spent on landscaping with about 930 participants a day over the two-day event.

Councilor Verga said his money is held in escrow while the ECV is still spending money on reparations to the park and \$5,000 should be sufficient. **Councilor Ciolino** stated that ECV should budget more than \$5,000. A compromise of \$7,500 is fair, he said.

Councilor McGeary said it is fair to say \$5,000. The City has a 14 year experience with this organization and should not hold them up. A \$10,000 bond was assumed to cost ECV \$350; and \$5,000 is good earnest money.

Councilor Whynott said he preferred \$7,500.

Councilors Verga and LeBlanc said they agreed with Councilor McGeary that this is money that would be held in a bank while ECV spends other money for reparations to the park; if that organization spends typically \$5,000 on reparations that is spent before the escrow account is tapped. **Council President Hardy** reiterated the comment that the work will start and money be spent for reparations.

Councilor Whynott said the \$5,000 goes to an escrow account. He asked that there is assurance in the condition to add a date by which the money needed to be in the escrow account in the Addendum to Condition 12.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Verga, the City Council voted 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to amend the Addendum to Condition #12 by reframing the language that follows "non-interest bearing escrow account" by inserting "no later than 7 days prior to the 2013 event with Jeffrey Towne, City Of Gloucester CFO serving as escrow agent...."

Councilor Whynott said he has been the most vocal critic of what is happening to Stage Fort Park long before the ECV event. His objection was, he said, the damage to the park, and public safety. He said he walks the park every day and has done so for 34 years. He noted some damage from the Waterfront Festival some years ago and had the park fixed. He didn't want to see the DPW responsible for reparations to Stage Fort Park and due to the shortage of personnel in that department; it is not feasible to expect that department to do it. He pointed out the video to be taken and about the run-up being damaged. He said he would not vote against this permitting but that the event is being held to a much higher standard through the conditions that are before the Council this evening. While not a bicycle rider, he said it didn't mean he didn't enjoy viewing an event such as this, but would be critical of the event if the repairs were not made.

Councilor Ciolino said he will support this event permitting. He said has received calls from innkeepers who have already taken deposits from participants who are concerned this event would not take place. The organizers have a date coming on for their event rapidly. For this year, he said, he would put his faith in ECV with the strict conditions. He said he hoped next year the Council could say ECV did a terrific job. He expressed his appreciation to the advocates for Stage Fort Park who brought to light the condition and needs of the park. Moving forward, he said, the race will happen, but the City needs to take better stewardship of the park with long-range goals for maintenance of the park. He pointed out different kinds of work that could be done to it, and suggested that the City needs to put more funds into the park. **Councilor Ciolino** agreed with previous speakers that Stage Fort Park is a jewel.

Councilor LeBlanc said he would support the permitting of this event in light of the ironclad conditions put in place by the Council. He said he walks the park daily and rides his bike there. It will be an eye-opening experience, he said, making sure these conditions are upheld adding that he looked forward to the event.

Councilor Verga acknowledged it was not easy getting to this point. He said he guaranteed that those Councilors who do return next year will assure that the conditions are adhered to, and wished ECV good luck.

Councilor McGeary said he would support the granting of the permit; that the race has a good record with the City. He did go to the P&D site visit he noted and said he was sufficiently pleased with the degree of repairs made. He said the ECV does a good job, and while there are no hard statistics, with 1,000 participants coming into the City it appears to be a boon to the City, and so he said he would support the event.

Council President Hardy said she would be on the Council next year and keep a watchful eye. She encouraged Mr. Boudreau to come to the Council earlier next year, which the Council would appreciate and thanked Mr. Boudreau for accepting the all of the conditions on the 2013 ECV Gran Prix Cyclo Cross event.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to permit the Essex County Velo Cyclo-Cross Race event to be held at Stage Fort Park on Saturday, September 28, and Sunday, September 29, 2013 with the following conditions:

1. Certificate of Insurance:

A Certificate of Insurance naming the City of Gloucester as an additional insured party is to be filed with the City Clerk's Office on or before August 27, 2013.

2. Traffic and Road Closure Plans:

a) Memoranda from the Police Department and Fire Department giving approval of the plans for the Essex County Velo Cyclo-Cross Race to be on file with the City Clerks office on or before September 13, 2013. Roads to be closed are to be marked with signage directing the public as to the duration of the closure and alternate routes. Traffic and parking plan and police detail information by the Police Chief or his designee is to be filed with the City Clerk and the DPW Director or his designee on or before September 13, 2013. After Council permit is granted if either the Police Chief or Fire Chief or their designees determine that a substantial change(s) has been made to the route, then the applicant shall obtain City Council approval or the change.

b) **Traffic Signage:**

The applicant is to place signage on the roads leading in and out of Stage Fort Park to be sure it is clear to the public which access roads are closed but that the Visitor's Center is accessible.

3. Refuse and Comfort Stations:

All event refuse and recycling must be removed by the Essex County Velo event organizer. Any portable toilets (including the two required handicap accessible) are to be provided, maintained and paid for by the event organizer and must be in place the evening before the first day of the event or early in the morning of the day of the event and removed no later than 9:00 p.m. Sunday, September 29, 2013.

4. Emergency Services:

Emergency services are as required by the Fire Department Emergency Medical Services Director, Sander Schultz.

5. Staffing:

Event staff is to have cell phones and be identified by the public with distinct shirts, and list of event staff and their cell phone numbers submitted to the Police, Fire and DPW Departments.

6. Notification of Immediate Abutters and Businesses to Race Course:

Notice shall be made by the Essex County Velo Gran Prix Cyclo Cross event organizer by hand or by mail no later than 7 days in advance of the event to any function halls, motels and hotels, and other businesses along the race route and Hough Avenue.

7. Course Adjustments:

The Essex County Velo event organizers are to present a written detailed list of all activities that require the assistance of the Department of Public Works (rocks to be moved or equipment to be moved, etc.) at least 7 calendar days prior to the event.

8. On-Site City Staff:

The Public Services Superintendent, or his representative, is to be on site during the event in order to facilitate any problems that might arise during the event. The cost of this service will be covered by the event organizers.

9. Videotaping of Pre-Event Conditions:

Once the course is set up, the Essex County Velo event organizers will walk the entire course with a video camera. This video will be delivered to the Department of Public Works within 7 calendar days of the event; the video will then be used to determine prior conditions when discussing the repairs post-race.

10. Site Walk Post-Event:

On the Monday immediately following the event a group consisting of the Assistant Director of Public Works, Public Services Superintendent, a member from Essex County Velo, Ward Councilor, and the landscape contractor hired for the Stage Fort Park repairs will walk the entire course to inspect the course for damages. Any damage to the park will be documented, discussed and a solution agreed upon by the group prior to any repairs being started. A start date for repairs will be agreed upon and a follow up meeting at the site will be scheduled two weeks after the repairs have been completed. Any discrepancies will be reviewed with the help of the pre-race video.

11. Responsibility of the Essex County Velo organization:

The applicant is also required to obtain any necessary approvals from the Licensing Board, the Board of Health, Conservation Commission, and the Licensing Commission. It is the sole responsibility of the Essex County Velo organization 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.

12. A Performance/Surety Bond for Repairs to Stage Fort Park:

A performance/surety bond in the amount \$10,000 for repairs to Stage Fort Park will be posted by Essex County Velo and payable to the City of Gloucester submitted to the Director of Public Works by Essex County Velo to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 28 and 29, 2013. Said repairs are to restore Stage Fort Park to the original or better condition of that prior to the event. The performance/surety bond is to be returned to Essex County Velo in whole if it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 15, 2014. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are found deficient by the end of that 30 calendar day period, notice will be given to Essex County Velo that the performance/surety bond will then used to take the necessary steps to complete the park reparations.

NOTE: During the reading of this condition at this point Councilor Verga offered, and the City Council accepted an addendum to Condition #12 as follows:

In the event that Essex County Velo cannot obtain a performance/surety bond to insure that repairs are made to Stage Fort Park following the Gran Prix event of September 28 and 29, 2013, the City shall require as an alternative, that Essex County Velo place \$5,000 payable to the City of Gloucester, in a non-interest bearing escrow account no later than 7 days prior to the 2013 event with Jeffrey Towne, City Of Gloucester CFO serving as escrow agent with Essex County Velo only liable in the event of willful default.

Said repairs are to restore Stage Fort Park to original or better conditions to that prior to the event, if it is determined by the Director of Public Works, or his designee, that the reparations made to the park are completed by May 15, 2014, the escrowed funds are to be returned to Essex County Velo in full. If by that date the Director of Public Works or his designee determines the reparations are not complete, Essex County Velo has 30 calendar days to cure any defects as indicated. If after the determination that reparations are

found deficient by the end of that 30 calendar day period, notice will be given to Essex County Velo that the escrowed funds will then be used to take the necessary steps to complete the reparations.

13. Cap of Entrants:

The maximum number of entrants to this event is set at 1,000 per day for each day of the 2013 Gran Prix Cyclo Cross event.

14. Staking of Repaired Areas to Stage Fort Park:

Post-event, staking of the repaired areas of Stage Fort Park that require loam and seed will be erected to prevent damage to the areas by foot traffic or vehicles and shall be maintained in good order until the DPW determines the date of removal.

15. Related Costs to the Event:

Essex County Velo organization is to pay the City of Gloucester any costs for City services related to the race course and affected adjacent areas of Stage Fort Park before, during and after the 2013 Gran Prix Cyclo Cross event.

16. Restricted Use of Gloucester Dog Park during Essex County Velo Event 2013:

Essex County Velo shall be restricted from use of the Gloucester Dog Park which is located in the southerly section of the Stage Fort Park parking area. Said restriction shall include but not be limited to the following:

- That the Dog Park is not to be used as part of the event course;
- There shall be no parking of automobiles or storage of bicycles or other equipment or any erection of temporary structures, tents.

17. Areas of Stage Fort Park Not to be Used in the 2013 Essex County Velo Gran Prix Race Course:

- Half Moon Beach;
- The area from Lucy B. Davis Pathway, to the playground area (so called "Run up");
- The area surrounding the Elizabeth Smith Garden and the Gloucester Garden Club Garden;
- The area between the Visitors Welcome Center and the fort which is a wetlands protection area.

18. Overnight camping or tenting in before, during and after the Essex County Velo Event at Stage Fort Park is prohibited:

Overnight camping/tenting is expressly prohibited at Stage Fort Park before, during and after the Essex County Velo Gran Prix event. Essex County Velo is to prominently display this fact on their website and at the event informing all participants when registering and checking in to the event of this prohibition.

3. PH2013-046: Amend GCO c. 22, Sec. 22-191 "Established" (Off Street Parking areas) by deleting "six" And adding "eight (I4-C2)

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

The City Council recessed at 9:09 p.m. and reconvened at 9:10 p.m.

MOTION: On a motion by Councilor McGeary, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-191 "Established" (Off Street Parking Areas) by DELETING "six" and ADDING "eight."

DISCUSSION:

Councilor Verga noted that Sec. 191 needed to be amended because while the City parking lots listed in GCO Sec. 22-288 total seven, Sec. 191 was never updated from “six” to “seven”, and this would simply be correcting an oversight in the ordinance while adding the 65 Rogers Street Parking Lot to the list as well.

MOTION: On a motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to Amend GCO Sec. 22-191 “Established” (Off Street Parking Areas) by DELETING “six” and ADDING “eight.”

4. PH2013-047: Amend GCO c. 22, Sec. 22-288 “Off Street Parking Areas” by adding “Rogers Street Parking Lot at 65 Rogers Street” (I4-C2)

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On a motion by Councilor McGeary, seconded by Councilor Ciolino, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend GCO Sec. 22-288 “Off Street Parking Areas” by ADDING “Rogers Street Parking Lot at #65 Rogers Street” and a description of the lot as 74 parking spaces and 4 handicapped parking spaces for a total of 78 parking spaces.

DISCUSSION:

Councilor Verga said this makes official what has been essentially a free parking lot for about a year that the City paid \$1.5 million for. He noted there was a reference to the DPW parking plan was inadvertently left out of the P&D Committee’s motion, and asked that the reference now be included by friendly amendment by adding a reference to the DPW plan submitted for the 65 Rogers Street Parking lot dated 7/29/13; which the Council assented.

Councilor LeBlanc said this property wasn’t purchased to be a parking lot, and while he said he would vote to make this a parking lot, he looked forward to seeing viable development options to come to the table sooner rather than later. He said he did not want the property to be a parking lot forever.

Council President Hardy asked if anything in the motion indicated how long 65 Rogers Street would be a parking lot. **Councilor Verga** said when the City went to the Department of Environmental Protection, the permit was for 10 years, but P&D cut it down to five years which he said in his opinion was five years too long. He reiterated it was the State gave the City a five year timeframe. It was the City that didn’t make it a parking lot by ordinance to date.

Council President Hardy confirmed with the City Clerk that the Council could limit the number of years the property could be used as a parking lot.

Councilor McGeary suggested amending the motion to say that the use as a parking lot would expire contemporaneously with the expiration of the State granted temporary license as a use as a parking lot. He pointed out in the end while the State had offered 10 years, the City only asked for five years.

Ms. Lowe said if there is going to be an expiration date, the Council should not be vague about it; there would have to be an expiration date which should be clear that it is a five year period from the date of enactment. That would go into the Code of Ordinance language so all area aware exactly what those terms are and come out of the Code five years from now.

Councilor McGeary expressed concern that if the state has given a date certain when the license expires, but if it is only four years left, the ordinance is obviated by the State Chapter 91 license and asked again that this expiration date run contemporaneously with the expiration of the State license..

Councilor Verga reiterated that five years was too long. He said he would like to see the term two years from today and have it reauthorized for one year and then one more year.

Councilor Whynott said it should be two years until a viable application comes forward. He said didn’t want to see the term go five years if a viable development plan came forward and this ordinance would act as an inhibiting factor.

Council President Hardy put forward, and the Council agreed to an amendment to the motion for a term to run two years, with up to three one-year renewals.

Councilor LeBlanc said he agreed with the amendment and didn't want to see this lot languishing for lack of development and urged the Administration to move forward quickly with plans to seek redevelopment.

Councilor McGeary reminded the Council that part of the impetus to make 65 Rogers Street a parking lot was to stop the cannibalizing of the parking meter spaces on Rogers and Main Streets, but also in a modest way to help defray the cost of the borrowing while seeking a developer for the property. That cost analysis was based on 65 percent usage for nine months of the year.

Council President Hardy said the Administration was asked to keep track of the costs and income from the lot to know what the City needs to get out of it to make it worthwhile for redevelopment.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Verga, the City Council voted 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to add the following: "to expire two years from the date of approval with three one-year renewals subject to City Council review and approval at one-year intervals."

MOTION: On a motion by Councilor Verga, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to Amend GCO Sec. 22-288 "Off Street Parking Areas" by ADDING "Rogers Street Parking Lot at #65 Rogers Street" and a description of the lot as 74 parking spaces and 4 handicapped parking spaces for a total of 78 parking spaces, as shown on a plan submitted by the Department of Public Works for the 65 Rogers Street Parking lot dated 7/29/13 to expire two years from the date of approval with three one-year renewals subject to City Council review and approval at one-year intervals."

5. Amend Gloucester Zoning Ordinance by repealing Sec. 5.5.4 of Sec. 5.5 Lowland Requirements

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed.

MOTION: On a motion by Councilor Hardy, seconded by Councilor Tobey, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the Gloucester Zoning Ordinances by DELETING, pursuant to Sec. 1.11.2(3), Section 5.5.4 entitled "Lowlands."

DISCUSSION:

Council President Hardy whose Council Order was filed through Planning & Development, said that it was referred to the Planning Board as to whether jurisdiction at the City Council level should be eliminated over lowlands permits under GZO Sec. 5.5.4. She said in essence all the Council does is rubber stamp what the Conservation Commission has already told the Council. This costs, she said, the applicant time and money, with a minimum fee of \$350, plus attorneys fees and at least an additional month to the application. **Council President Hardy** added this would be of all the zoning ordinances, the easiest one to eliminate without losing oversight of at least one essential board in the community.

Councilor Whynott added having observed the lowland requirements for many years he agreed eliminating the Council requirement is a good idea.

MOTION: On a motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to Amend the Gloucester Zoning Ordinances by DELETING, pursuant to Sec. 1.11.2(3), Section 5.5.4 entitled "Lowlands."

6. PH2013-039: Amend Gloucester Zoning Ordinance by adding new section re: Self-Storage Service Facility

This public hearing is opened.

Those speaking in favor: None.

Those speaking in opposition: None.
Communications: None.
Councilor Questions: None.
This public hearing is closed.

MOTION: On motion by Councilor Tobey, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the Gloucester Zoning Ordinances as follows by:

- “ADDING under Section VI “Definitions”: “Self-Storage Service Facility – A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property and other non-hazardous durable goods, excluding vehicles. The use of units for other than dead storage is prohibited.”

DISCUSSION:

Councilor Verga explained that this initiative of his and Councilor Tobey was introduced a while ago regarding concern for “spite” zoning. This was a way to tightening up the ordinances as to where a self-storage facility could go, he said. The first motion is for the definition into the zoning ordinance and the second to add the use table to show where facilities are allowed in the City. He said he supported both motions.

MOTION: On a motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to Amend the Gloucester Zoning Ordinances as follows by:

- “ADDING under Section VI “Definitions”: “Self-Storage Service Facility – A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property and other non-hazardous durable goods, excluding vehicles. The use of units for other than dead storage is prohibited.”

MOTION: On a motion by Councilor Tobey, seconded by Councilor Hardy, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the Gloucester Zoning Ordinances as follows by:

- “ADDING under Section 2.3.5 “Industrial Uses” new subsection 8: “Self-Storage Service Facility (4)

R-80	R-40	RC-40	R-30	R-20	R-10	R-5	CCD	CB	VB	NB	EB	MI	GI	BP
N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y

(4) With the exception of the MI District, no self-storage service facility may be permitted on land with an elevation less than 13 relative to the North Atlantic Vertical Datum (NAVD).”

DISCUSSION:

Councilor Verga said this did go through the Planning Board who recommended the use of NAVD 13, changed from NAVD 12, in consideration to rising ocean levels.

MOTION: On a motion by Councilor Verga, seconded by Councilor Hardy, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to Amend the Gloucester Zoning Ordinances as follows by:

- “ADDING under Section 2.3.5 “Industrial Uses” new subsection 8: “Self-Storage Service Facility (4)

R-80	R-40	RC-40	R-30	R-20	R-10	R-5	CCD	CB	VB	NB	EB	MI	GI	BP
N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y

(4) With the exception of the MI District, no self-storage service facility may be permitted on land with an elevation less than 13 relative to the North Atlantic Vertical Datum (NAVD).”

Committee Reports:

Budget & Finance: August 22, 2013

MOTION: On a motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to accept the August 27, 2013 Budget & Finance Committee Consent Agenda as follows:

Acceptance of Grants and Donations

MOTION: On a motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to accept under MGL c. 44, §53A an Essex National Heritage 2013 Visitor Center Grant through the National Park Service for a total of \$2,650 for the purpose of supporting the activities of the City’s Visitor Welcome Center at Stage Fort Park. The grant period is from May 2013 through October 2013.

MOTION: On a motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to accept under MGL c. 44, §53A from the Massachusetts State 911 Department a Support and Incentive Grant in the amount of \$61,795 to provide funding for Police Department E911 salaries, overtime and equipment.

MOTION: On a motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to accept under MGL c. 44, §53A from the U.S. Department of Health and Human Services passed through the Massachusetts Department of Public Health Emergency Preparedness Bureau a federal grant in the amount of \$170,644 for the purpose of supporting the public health emergency preparedness and response activities throughout the North Shore and Cape Ann.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to accept under MGL c. 44, §53A from the U.S. Department of the Interior passed through Massachusetts Division of Marine Fisheries a Massachusetts Clean Vessel Act Pumpout Federal Grant for \$9,500 for the purpose of servicing resident and transient boaters of the City for the disposal of sewage from vessel holding tanks and portable toilets.

Permission to pay FY13 Training Reimbursement with FY14 Funds

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, in accordance with MGL c. 44, §64 to pay a prior year invoice for training reimbursement to the City’s Fire Inspector for a total of \$498.07 pursuant to taking a training course located in Falmouth, Massachusetts from June 11 to June 14, 2013. The training reimbursement will be paid from the current FY2014 Fire Department Operating Budget.

END BUDGET & FINANCE CONSENT AGENDA

MOTION: On motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend that the City Council accept under MGL c. 44, §53A a donation of \$2,502 from GenerousGardeners.com for the purpose of supporting the maintenance of the City’s HarborWalk Butterfly Garden.

DISCUSSION:

Councilor McGeary said that Susan Kelly, newly appointed to the Planting Committee this evening, spearheaded a successful garden tour organized by a group of gardeners called Generous Gardeners, who maintain the Boulevard gardens, and were kind enough to donate proceeds from their summer garden tour to the City. This money will be earmarked to maintain the butterfly gardens in the HarborWalk.

MOTION: On motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to accept under MGL c. 44, §53A from GenerousGardeners.com a donation of \$2,502 for the purpose of supporting the maintenance of the City's HarborWalk Butterfly Garden.

MOTION: On a motion by Councilor Ciolino, seconded by Councilor Cox, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend to the City Council that a vote taken by the City Council on May 28, 2013, to approve and accept anticipated HOME funds in the amount of \$59,559 be AMENDED to accept an additional amount of HOME funds of \$2,419 for a total of \$61,978 for the purpose of supporting the City of Gloucester's First Time Homebuyer program.

DISCUSSION:

Councilor McGeary explained that the Council voted to approve \$59,559 in anticipated HOME grant funds on May 28th, but the final amount of the grant included an additional \$2,419. The Council is now being asked to amend their vote of May 28th to include this additional funding for a new total of \$61,978. He said that HOME grant funds provide down payment and/or closing cost assistance to approximately six low- and moderate-income first-time homebuyers.

Councilor Verga added this is a great program that has helped many people pointing out it is not a grant but a loan that isn't paid back until the home is sold. He said the money helps with down payments or with closing costs.

MOTION: On a motion by Councilor McGeary, seconded by Councilor Ciolino, the City Council voted 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, that a vote taken by the City Council on May 28, 2013 to approve and accept anticipated HOME funds in the amount of \$59,559 be AMENDED to accept an additional amount of HOME funds of \$2,419 for a total of \$61,978 for the purpose of supporting the City of Gloucester's First Time Homebuyer program.

Ordinances & Administration: August 19, 2013

Motions on the New Balance Track & Field at Newell Stadium were voted under the Consent Agenda.

Planning & Development: August 15, 2013-Special and August 21, 2013

MOTION: On a motion by Councilor Hardy, seconded by Councilor Verga, the Planning & Development Committee voted 1 in favor, 0 opposed, 1 (Tobey) absent to recommend to the City Council to amend the special event permit for the Lone Gull 10K Road Race on Sunday, September 15, 2013 to include the following road closure:

- Nautilus Road is to be closed from 8:00 a.m. to 10:30 a.m. to through traffic for public safety reasons. Appropriate signage is to be posted directing vehicular and pedestrian traffic to alternate routes.
- All other conditions from the City Council vote of May 14, 2013 shall remain the same.

DISCUSSION:

Councilor Verga said this amendment to the Council vote of May 14, 2013 permit for the Lone Gull 10K road race is due to the need to close Nautilus Road. Both the Fire and Police Departments have signed off on this road closure, he said.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted, 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to amend the special event permit for the Lone Gull 10K Road Race on Sunday, September 15, 2013 to include the following road closure:

- **Nautilus Road is to be closed from 8:00 a.m. to 10:30 a.m. to through traffic for public safety reasons. Appropriate signage is to be posted directing vehicular and pedestrian traffic to alternate routes.**
- **All other conditions from the City Council vote of May 14, 2013 shall remain the same.**

MOTION: On a motion by Councilor Hardy, seconded by Councilor Tobey, the Planning & Development Committee voted 3 in favor, 0 opposed to recommend to the City Council pursuant to MGL c. 21A, §2(8) and §11B to approve the proposed Land Management Agreement with the Massachusetts Department of Fish and Game, Fishing and Boating Access in consideration of the construction, improvement or repair, maintenance and daily operation of a fishing and/or boating access facility located at the County Public Landing on Western Avenue, Assessor's Map 3, Lot 72, which directly abuts 30 Western Avenue, Map 2, Lot 24, in the City of Gloucester with the following condition:

1. That the Harbormaster's Office obtains the approval of the Conservation Commission.

DISCUSSION

Councilor Verga explained Tony Gross, Chair of the Waterways Board and the Harbormaster came to P&D who said the Mass. Department of Fish and Game will fund this project and all the City has to do is to provide a few dedicated parking spaces where the duck boat used to enter the harbor. He said it seemed like a good thing for the City. Major maintenance is supposed to be done by the State, he noted and said it was a win/win situation for the City and would support the project. **Council President Hardy** confirmed with **Councilor Verga** that assurances given by Mr. Gross to the P&D Committee that the picnic benches are staying within the plan and will remain a recreational asset to the community.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, pursuant to MGL c. 21A, §2(8) and §11B to approve the proposed Land Management Agreement with the Massachusetts Department of Fish and Game, Fishing and Boating Access in consideration of the construction, improvement or repair, maintenance and daily operation of a fishing and/or boating access facility located at the County Public Landing on Western Avenue, Assessor's Map 3, Lot 72, which directly abuts 30 Western Avenue, Map 2, Lot 24, in the City of Gloucester with the following condition:

1. That the Harbormaster's Office obtains the approval of the Conservation Commission.

For Council Vote:

1. **Whether or not to extend the Orders Enacted on an Emergency Basis (City Council vote of 07/02/13) re: Fire Stations)**

Councilor Whynott asked whether the Bay View Fire station has been open more frequently. **Council President Hardy** said it has been reported to her that the Bay View Fire Station has been open all the time, and that Magnolia is on track to meet the opening date of January 1, 2014 deadline. She suggested in order to keep these matters active, the emergency orders should be extended.

Councilor McGeary said he believed an Emergency Preamble such as was adopted on July 2, 2013 under Charter Sec. 2-11(a) and (b) need not be redeclared but the Emergency Orders would need to be extended out; that the Emergency Preamble acknowledges and confirms that an emergency exists, and therefore, does not need to be revoked by the Council. He noted at the special meeting of the Council on July 2nd his objection to the emergency preamble was not to the meat of the emergency orders, but in declaring an emergency exists under Charter Sec. 2-11. He reiterated his belief the Council didn't need to renew the declaration that an emergency exists under the Charter as it has already been declared under Charter Section 2-11.

Council President Hardy said the Council is voting only on the Emergency Orders and not on the Emergency Preamble

MOTION: On a motion by Councilor Whynott, seconded by Councilor McGeary, the City Council voted 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, the City Council to extend the Emergency Orders as voted by the City Council on 07/02/13 regarding the Bay View and Magnolia Fire Stations to be open on a 24/7 basis.

2. Request from Attorney Coakley to correct clerical error on motions taken on August 13, 2013 regarding SCP2013-005: 3 Mansfield Street and 24 Washington Street

Council President Hardy explained that Attorney Robert Coakley has submitted revised plans that she and Councilor Verga, as Chair of the P&D Committee signed this evening indicating that there should be changes in the language of the motions passed at the August 13, 2013 City Council meeting. There should be a revision date of July 31, 2013 and submitted to the City Clerk on August 12, 2013 on plans shown as E1, E2, E3, P1 and P2.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, to make clerical corrections to the three separate votes taken at the August 13, 2013 City Council Meeting regarding SCP2013-005: 3 Mansfield Street/24 Washington Street as follows:

That the date of August 9, 2013 pursuant to SCP2013-005 relating to plans by the Luna Design Group shown as E1, E2, E3, P1 and P2 is to be changed to read: "as revised July 31, 2013 and submitted to the City Clerk August 12, 2013."

MOTIONS AS CORRECTED BY THE CITY COUNCIL SHOULD NOW READ AFTER AMENDMENT:

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, to grant James Santo, Trustee of Family Realty Trust and James Santo individually, Special Council Permits (SCP2013-005) for the property located at 3 Mansfield Street and 24 Washington Street, Assessors Map 6, Lots 36 & 37, zoned R-5 pursuant to Sections 1.8.3 and 2.3.1.8 (new multi-family dwelling, 7 or more units) of the Gloucester Zoning Ordinance to replace six (6) residential units and one (1) commercial unit (all destroyed by fire) with same for a total of seven (7) units. This permit is made with the plans approved by the Zoning Board of Appeals dated May 1, 2013 and revised May 20, 2013 drawn by Sean P. Malone, P.E., PLS, Oak Consulting Group, Newburyport, MA and dated May 23, 2013; and "Elevation Plans" as revised July 31, 2013 and submitted to the City Clerk August 12, 2013 by Luna Design Group, Danvers, MA all as incorporated in the July 26, 2013 ZBA Decision, and as approved with these special permits and with the following conditions:

- 1. That a fence on the Tedeshi's side of the property will not have any gate to permit access to #5 Mansfield Street;**
- 2. Fence height will be a minimum of five feet;**
- 3. That the property owner has responsibility for property maintenance including snow removal according to Gloucester City ordinances;**
- 4. Rooftop utilization is restricted with no open flame, but gas grills are permitted.**

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, to grant James Santo, Trustee of Family Realty Trust and James Santo individually, Special Council Permits (SCP2013-005) for the property located at 3 Mansfield Street and 24 Washington Street, Assessors Map 6, Lots 36 & 37, zoned R-5 pursuant to Sections 1.8.3, 10.10.1 and 3.2.2(a) (decrease minimum lot area and open space per dwelling unit of the Gloucester Zoning Ordinance to replace six (6) residential units and one (1) commercial unit (all destroyed by fire) with same for a total of seven (7) units. The reduction of minimum lot area per dwelling unit is from 2,500 square feet to 1,736 square feet for a total reduction of 764 square feet. Minimum open space per dwelling unit is to be reduced from 1,250 square feet to 486 square feet for a total reduction of 764 square feet. This permit is made with the plans approved by the Zoning Board of Appeals (ZBA) dated May 1, 2013 and revised May 20, 2013 drawn by Sean P. Malone, P.E., PLS, Oak Consulting Group, Newburyport, MA; "Elevation Plans" as revised July 31, 2013 and submitted to the City Clerk August 12, 2013 Luna Design Group, Danvers, MA, all as incorporated in the July 26, 2013 ZBA Decision, and as approved with these special permits.

MOTION: On motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Tobey) absent, to grant James Santo, Trustee of Family Realty Trust and James Santo individually, Special Council Permits (SCP2013-005) for the property located at 3 Mansfield Street and 24 Washington Street, Assessors Map 6, Lot 36 & 37, zoned R-5 pursuant to Gloucester Zoning Ordinance Sections 1.8.3 and Sec. 3.1.6(b) for a building height in excess of 30 feet, with a height for the building located at #3 Mansfield Street/24 Washington Street to be 45 feet and six inches (for a total height increase over 30 feet of 15 feet, 6 inches). This permit is made with the plans approved by the Zoning Board of Appeals dated May 1, 2013 and revised August 9, 2013 drawn by Sean P. Malone, P.E., PLS, Oak Consulting Group, Newburyport, MA; and Elevation Plans” and as revised July 31, 2013 and submitted to the City Clerk August 12, 2013 by Luna Design Group, Danvers, MA, all as incorporated in the July 26, 2013 ZBA Decision and as approved with these special permits.

3. Budget and Finance, August 8, 2013 Minutes re: Lanes Cove Breakwater (Cont’d from CCM 08/13/13)

Councilor McGeary reviewed that this matter had been continued from the August 13th City Council meeting because there was some uncertainty on the exact amount of money that was left at the completion of the Good Harbor Footbridge Project. An up-to-date number has now been obtained, he said.

MOTION: On a motion by Councilor Cox, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed to recommend to the City Council that in accordance with Chapter 44, Section 20 of the General Laws, the unexpended balances of funds borrowed to pay costs of the projects set forth below, which amounts are no longer needed to complete the projects for which they were initially borrowed, are hereby appropriated by the Gloucester City Council to pay costs associated with the Lanes Cove Breakwater Repair Project, Fund #300089, including the payment of any and all costs incidental and related thereto:

<u>Project Description</u>	<u>Unexpended Balances</u>
CIP 05 DPW – Soil Sample/Analysis (Fund #300021)	\$17,722.40
CIP 13 – Good Harbor Footbridge (Fund #300086)	<u>\$61,000.00</u>
TOTAL	\$78,722.40

MOTION: On a motion by Councilor McGeary, seconded by Councilor Hardy, the City Council voted 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, moved to change the total in CIP 13- Good Harbor Footbridge Fund (Fund #300086) from \$61,000.00 to \$61,940.62 for a new final total of \$79,663.02.

MOTION: On a motion by Councilor McGeary, seconded by Councilor Hardy, the City Council voted 6 in favor, 0 opposed, 3 (Theken, Tobey, Cox) absent, that in accordance with Chapter 44, Section 20 of the General Laws, the unexpended balances of funds borrowed to pay costs of the projects set forth below, which amounts are no longer needed to complete the projects for which they were initially borrowed, are hereby appropriated by the Gloucester City Council to pay costs associated with the Lanes Cove Breakwater Repair Project, Fund #300089, including the payment of any and all costs incidental and related thereto:

<u>Project Description</u>	<u>Unexpended Balances</u>
CIP 05 DPW – Soil Sample/Analysis (Fund #300021)	\$17,722.40
CIP 13 – Good Harbor Footbridge (Fund #300086)	<u>\$61,940.62</u>
TOTAL	\$79,663.02

Unfinished Business: None.

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

Councilors’ Requests to the Mayor:

Councilor Whynott said in speaking to Charles Crowley when he came before O&A for his reappointment they discussed the condition of Cressy’s Beach in particular. He said Mr. Crowley gave a very good answer regarding what the Conservation Commission must do before reparations are made to the beach. But he asked that the remains of granite boat ballast and boulders be removed from the area of Cressy’s Beach, which the entire Council endorsed.

Councilor Verga said that someone walking their small dog on a leash at Stage Fort Park when two larger dogs came after her dog. When she reminded the dogs' owner that there is a leash law she was told to mind her business, he said. He added in speaking with Police Chief Campanello one of the reasons the Chief felt people don't care is because the penalty is so low. He said he would put in a Council Order for the review of the penalty to see if the penalty structure should be raised. He also suggested another look at the duties of the Animal Control Officer, pointing out the City is 26 square miles for him to patrol, and said he hoped this could be addressed expeditiously. Council President Hardy asked to be a co-signer of the Council Order as well.

Councilor McGeary asked the Clerk to request the DPW prominent signage be put up on I4-C2 be placed the start date of the start of collecting a parking fee. He also announced that on Thursday night at 7 pm. there will be a vigil for those who died in the community of substance abuse or overdose; and **Councilor McGeary** said, as someone who works with the Healthy Gloucester Collaborative who sponsors this event in part, this is a situation that continues, and the event raises awareness.

Councilor Ciolino wished the entire City a good holiday weekend. He noted the Schooner Festival, boat parade and fireworks take place over the Labor Day weekend and encouraged everyone to participate.

Councilor LeBlanc thanked everyone involved with the high school football stadium, field and track pointing out it was a lot of hard work. He announced he is organizing a neighborhood watch for the neighborhood of the New Balance Track & Field at Newell Stadium area, and asked that anyone who has an interest in joining about the dos and don'ts on the field, to have appropriate numbers to call should contact him. **Councilor LeBlanc** also announced there is a neighborhood meeting Wednesday, September 4th at 6:00 p.m. in the parking lot at the Maplewood School to learn about the plans, and then be invited into a classroom to inform residents on what is happening with the school building in the foreseeable future. He asked I4-C2 be started to call 65 Rogers Street so that it is related to as a place.

Council President Hardy said the next regularly scheduled meeting of the City Council will take place September 10, 2013 at the Lanesville Community Center, 8 Vulcan Street.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:52 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- **Written remarks, articles, copied photographs; list of participants of ECV Event 2012 for September 30th and a petition with 202 signatures expressing opposition to the permitting of the 2013 ECV event**
- **Written remarks made by Daphne Roark, 15 Beauport Avenue in opposition to the ECV event**