

GLOUCESTER CITY COUNCIL MEETING

Tuesday, August 11, 2015 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul McGeary; Vice Chair, Robert Whynott; Councilor Joseph Ciolino; Councilor Melissa Cox; Councilor Steve LeBlanc, Jr.; Councilor Greg Verga; Councilor Paul Lundberg; Councilor William Fonvielle; Councilor Robert Stewart (entered the meeting at 7:04 p.m.)

Absent: None.

Also Present: Mayor Sefatia Theken; Linda T. Lowe; Kenny Costa; Jim Destino; Chip Payson; Bill Sanborn

The meeting was called to order at 7:00 p.m. Agenda matters were taken out of order.

The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.

Flag Salute & Moment of Silence.

Oral Communications: None.

Presentations/Commendations: None.

Consent Agenda:

- CONFIRMATION OF REAPPOINTMENTS
 - MAYOR'S REPORT
 - COMMUNICATIONS/INVITATIONS
 - INFORMATION ONLY
 - APPLICATIONS/PETITIONS
1. SCP2015-005: Friend Street #65, Map #51, Lot #21, GZO Sec. 2.3.1(4)a (GZO 2008 2.3.1(7)) to allow petitioner to maintain an Existing five-unit dwelling (Refer P&D)
 2. PP2015-004: Petition of National Grid for installation of 50' of underground electric conduit from MH123-1 near 119 Western Ave To Stage Fort Park (Refer P&D)
 3. SCP2015-006: Pond Road #5, Map 265, Lot 39, GZO Sec. 2.3.5(1) for the use of a Junk Yard in the GI District (Refer P&D)
 4. SCP2015-007: Pond Road #19, Map 264, Lot 36, GZO Sec. 2.3.5(1) for the use of a Junk Yard in the GI District (Refer P&D)
 - COUNCILORS ORDERS
 1. CC2015-004 (LeBlanc/Verga) City Council request that the Traffic Commission review parking from the intersection of Western Ave And Middle St. to the Joan of Arc statue at the intersection of Middle Street & Washington Street on the even numbered side of Middle St. and send written recommendation to the O&A Committee on whether any Traffic Ordinance amendments are recommended (Refer TC)
 - APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS
 1. City Council Meeting: July 28, 2015 (Approve/File)
 2. City Council Committee of the Whole Meeting: 08/10/15 (under separate cover) (Approve/File)
 3. Standing Committee Meetings: B&F 08/06/15 (under separate cover), O&A 08/03/15, P&D 08/05/15 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Linda T. Lowe, City Clerk, noted that the draft minutes of the Council of the Whole meeting which took place the previous evening were not yet available to the Council's review and so should be removed. Council President McGeary added that the minutes would be presented for approval at the August 25 City Council.

By unanimous consent of the Council the Consent Agenda was accepted as amended.

Committee Reports:**Budget & Finance: August 6, 2015****1. Grant Application & Checklist from Community Development Dept. re: Lead-Based Paint Hazard Control Grant from the U.S. Dept. of Housing & Urban Development**

COMMITTEE RECOMMENDATION: The Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the Community Development Director to pursue a federal grant opportunity through the U.S. Department of Housing & Urban Development (HUD) Lead Hazard Control Grant Program for a federal grant award of \$1,326,576.75 for the purpose of lead-based paint removal in the city's housing stock for low and moderate income families.

DISCUSSION:

Councilor Cox explained that this is the same competitive grant application for a Lead-Based Paint Hazard Control Grant from the U.S. Dept. of Housing & Urban Development (HUD) which the city applied for last year at the direction of Emily Freeman, Senior Project Manager for the Community Development Block Grant program. The grant match comes from CDBG funds and in-kind salary for Community Development Director Tom Daniel's time. If the city is successful, grant funds would be applied to hazard control or abatement for low- to moderate-income housing units. She extended the Council's thanks to Ms. Freeman for her hard work on this grant application.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to permit the Community Development Director to pursue a federal grant opportunity through the U.S. Department of Housing & Urban Development (HUD) Lead Hazard Control Grant Program for a federal grant award of \$1,326,576.75 for the purpose of lead-based paint removal in the city's housing stock for low and moderate income families.

2. Memorandum, Grant Application & Checklist from Community Development Dept. re: Acceptance of a \$240,000 Green Competitive Grant from Mass. Executive Office of Energy & Environmental Affairs for Streetlight LED Conversion

COMMITTEE RECOMMENDATION: The Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council under MGL c. 44, §53A accept a Green Communities Division Competitive State Grant from the Massachusetts Department of Energy Resources for \$240,000 for the purpose of funding a complete citywide LED streetlight conversion to replace outdated and inefficient street lighting to greatly reduce energy consumption and energy costs for the City of Gloucester.

DISCUSSION:

Councilor Cox explained the following: Last year the city acquired all its streetlights for \$1 from National Grid. The LED streetlight conversion will result in savings once fully implemented. It will take about 5 ½ years for the savings to be fully realized which will pay for the conversion. Savings are expected at approximately \$130,000 annually while reducing the streetlights' carbon footprint by 50 percent. The city has been working with Siemens, who did an audit on the streetlight inventory, and on the scoping of the project. Working with Siemens it will be determined whether to go with 3,000 kelvin or 4,000 kelvin LED lighting. After an initial audit the city will move forward with implementation.

She further explained that: There are two types of light emitted by LED streetlights – one is a more white-toned light fixture and one is more of a yellow-toned light fixture and the city is looking at the trade-offs between those two fixtures. The yellow-toned light has a higher energy consumption rate, although there is a new fixture coming out that is yellow that may be equal to the white-toned light fixture. The reason it matters is that the city's lights are not metered and billing is based on estimated usage. The estimate has been based on 4000K lights, which are the whiter variety. It will take a few weeks to install all the LED lights, and the project could be wrapped up by Thanksgiving. It was confirmed that there will be a test of the fixtures but the time and place is yet to be determined. She said that there are already examples in and around the city of LED public lighting -- MassDOT has already installed the 4,000K LED fixtures on the Route 128 extension.

Councilor Fonvielle said the distinction between 3,000K and 4,000K light fixtures is that the latter has a blue toned light which is considered to induce more glare and is a bit harder on elderly motorists and more disruptive to wildlife and birds. The 4,000K light fixtures will result in a greater subsidy for the city. It is a serious consideration, he said. **Councilor Cox** noted she spoke with Mike Hale, DPW Director, and confirmed there will be a test of the light fixtures which will be publicized as soon as it is determined where and when the test fixtures will be located.

Councilor Whynott asked if that the test will be done before the city commits to the types of fixtures. Councilor Cox confirmed that it is the point of the test. **Council President McGeary** added that this is an administrative procedure and once voted the Council has no further voting on the matter.

Councilor Lundberg pointed out that in the minutes of the B&F Committee on Aug. 6, Councilor McGeary mentioned his wanting to understand the science on these LED light fixtures, and he expressed his hope that the

Administration takes that into account in their evaluation as well as the economic impact. **Council President McGeary** said that they were told there were advantages to 3,000K lights as opposed to 4,000K **in that they** are supposedly less light polluting. He noted Matt Coogan, Senior Planner, who is spearheading this city effort, is on vacation, and **he expected to receive further** information from him on his return.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A accept a Green Communities Division Competitive State Grant from the Massachusetts Department of Energy Resources for \$240,000 for the purpose of funding a complete citywide LED streetlight conversion to replace outdated and inefficient street lighting to greatly reduce energy consumption and energy costs for the City of Gloucester.

3. Grant Application & Checklist from the DPW for a Mass. DEP Capital Improvement Planning Grant for \$7,500

COMMITTEE RECOMMENDATION: The Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council under MGL c. 44, §53A accept a Capital Improvement Planning State Grant grant of \$7,500 from the Mass. Department of Environmental Protection for the purpose of providing engineering services to develop a capital improvement plan for the City of Gloucester Water Distribution System improvements.

DISCUSSION:

Councilor Cox explained that this is a grant to develop a capital project plan to prioritize water infrastructure improvements across the city. **Councilor McGeary**, reiterating his request made at B&F, said that he'd like the Capital Improvement Advisory Board to be apprised of the study when it is completed.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A accept a Capital Improvement Planning State Grant grant of \$7,500 from the Mass. Department of Environmental Protection for the purpose of providing engineering services to develop a capital improvement plan for the City of Gloucester Water Distribution System improvements.

4. Memorandum, Grant Application & Checklist from Health Dept. re: Accept a three-year Substance Abuse Prevention Collaborative award for \$300,000

COMMITTEE RECOMMENDATION: The Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council under MGL c. 44, §53A accept a Massachusetts Department of Public Health Bureau of Substance Abuse Services grant award of \$300,000 passed through the federal Substance Abuse and Mental Health Services Administration with a maximum obligation of \$100,000 per fiscal year for three years effective July 1, 2015 through June 30, 2018 for the purpose of the prevention and reduction of underage drinking and other drug use and problem behaviors.

DISCUSSION:

Councilor Cox highlighted the following information for the Council: The city is in receipt of a three-year Substance Abuse Prevention Collaborative grant from the Bureau of Substance Abuse Services (BSAS) in the amount of \$300,000. The time period for expenditure for these funds will be from July 1, 2015 to June 30, 2018. The maximum obligation for each fiscal year is \$100,000. Subject to the success of the regional partnership and accomplishing grant deliverables, the funding is expected to have options to renew through June 2022 or four more years beyond this three-year grant funding. The state has seen the success of the Gloucester's substance-abuse-prevention programs and wants them to branch out regionally. The purpose of the grant is for prevention and reduction of underage drinking and other drug use in Massachusetts communities. This funding will allow the department to expand its successful underage drinking and other drug prevention work to Rockport, Manchester-by-the-Sea, Essex and Beverly. During Year 1, the Healthy Gloucester Collaborative staff will lead a regional assessment process among those community stakeholders culminating in the creation of a Regional Strategic Plan to prevent and reduce underage drinking and drug use, and what will work best. The monies will fund the Healthy Gloucester Collaborative staff: two-thirds of Director Joan Whitney's salary included along with that of Jenna Melvin, grants administrator.

She noted that she and Councilor McGeary did express concerns that by the city taking the lead in a regional collaboration that it will water down the Healthy Gloucester Collaborative's highly successful and effective efforts but were assured by Max Schenk, the Health Department's manager of environmental health services, that wouldn't be the case, rather this is empowering the regional communities and helps support Ms. Whitney and the work done in the city. Ms. Whitney's group is 100 percent grant funded and these funds support her role in Gloucester.

Councilor McGeary said that Gloucester being chosen as a lead community for the regional grant is an acknowledgement of the outstanding work of the Healthy Gloucester Collaborative and its High Risk Task Force as well as its youth programs over the last six years. He mentioned he has been a member of that organization since taking office. He also highlighted the most recent evidence of its success is Police Chief Leonard Campanello's Angel Program, which has become a national model. Underlying that was six years of work building coalition, reaching out to various groups and agencies that bring services to addicts, those with addictive disease and underage drinking to build a coordinated program. The state is recognizing Gloucester's leadership in these efforts, he said, and offered his commendation to all those who work with the Healthy Gloucester Collaborative -- the Police and Fire Departments; the Addison Gilbert Hospital; Action, Inc.; and the many of the agencies that deal with people in trouble. This is also a recognition that there is much left to do, he added.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, under MGL c. 44, §53A accept a Massachusetts Department of Public Health Bureau of Substance Abuse Services grant award of \$300,000 passed through the federal Substance Abuse and Mental Health Services Administration with a maximum obligation of \$100,000 per fiscal year for three years effective July 1, 2015 through June 30, 2018 for the purpose of the prevention and reduction of underage drinking and other drug use and problem behaviors.

5. *Memorandum from Fire Chief Eric Smith & Special Budgetary Transfer Request 2016-SBT-1*

COMMITTEE RECOMMENDATION: The Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Special Budgetary Transfer 2016-SBT-1 in the amount of \$1,500 from Account #101000.10.220.53410.0000.00.000.00.052, Fire Department, Telephone Service to Account #101000.10.220.51910.0000.00.000.00.051 Fire Department, Tuition/Train-Employ, for the purpose of funding the Fire Chief's cell phone incentive.

DISCUSSION:

Councilor Cox explained that that the amount budgeted for the Fire Chief's cell phone stipend needs to be in a Personal account in order to pay for his cell phone. It is moving money out of ordinary and should be held in a personal account because it is where it belongs.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to approve Special Budgetary Transfer 2016-SBT-1 in the amount of \$1,500 from Account #101000.10.220.53410.0000.00.000.00.052, Fire Department, Telephone Service to Account #101000.10.220.51910.0000.00.000.00.051 Fire Department, Tuition/Train-Employ, for the purpose of funding the Fire Chief's cell phone incentive.

6. OTHER BUSINESS:

Councilor Cox asked that the Council suspend its Rules of Procedure in order to take up a matter of a grant acceptance that will add funds to a grant already accepted by the city in December. This additional grant funding wasn't referred through the Council's Consent Agenda by its usual procedure. By unanimous consent, the Council suspended its Rules of Procedure to allow this one item to be presented and voted upon.

COMMITTEE RECOMMENDATION: The Budget & Finance Committee voted 3 in favor, 0 opposed, that the City Council accept under MGL c. 44, §53A, a \$90,000 grant increase to a Massachusetts Coastal Zone Management (CZM) Green Infrastructure for Coastal Resilience Grant of \$310,000 for construction funding for the Little River Floodplain and Habitat Restoration project for a new total of \$400,000.

DISCUSSION:

Councilor Cox said that this is a grant that had been accepted by the city on December 16, 2014. When the project went out to bid, it came in higher than expected. The city applied to Coastal Zone Management for further funding, and was awarded an additional \$90,000 to make up the loss of the project’s contingency funds making the new total for the grant \$400,000.

Councilor Fonvielle noted because the city was providing a match it originally was a 33 percent match is now down to about 27 percent because of this additional funding.

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a \$90,000 grant increase to a Massachusetts Coastal Zone Management (CZM) Green Infrastructure for Coastal Resilience Grant of \$310,000 for construction funding for the Little River Floodplain and Habitat Restoration project for a new total of \$400,000.

Ordinances & Administration: August 3, 2015

Councilor Whynott advised there were no matters for Council action from the August 3 meeting of O&A.

Planning & Development: August 5, 2015

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend to the City Council under GCO Sec. 21-3 Street Names to rename Valatie Street, Assessors Map 128, Lot 5, Assessors Map 130, Lot 62, and Assessors Map 130, Lot 61 to “Hatch Way” and to renumber those lots to 4, 3 and 5 Hatch Way respectively.

DISCUSSION:

Councilor Verga said that this renaming of a public way comes via a request of residents to change Valatie Street to Hatch Way. It was noted that Julian Hatch, a decorated naval officer, former Gloucester DPW Director and former President of Gorton’s, Inc., had lived on Valatie Street.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Stewart, the City Council voted 9 in favor, 0 opposed, under GCO Sec. 21-3 Street Names to rename Valatie Street, Assessors Map 128, Lot 5, Assessors Map 130, Lot 62, and Assessors Map 130, Lot 61 to “Hatch Way” and to renumber those lots to 4, 3 and 5 Hatch Way respectively.

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend to the City Council under GCO Sec. 21-3 Street Names to name an unnamed way at the end of Leonard Street, “Quincy Court.” as follows:

<u>Assessors Map/Lot #</u>	<u>Current Address</u>	<u>New Address</u>
119-64	2A Cambridge Avenue	3 Quincy Court
119-65	2R Cambridge Avenue	7 Quincy Court
119-47	14 Cambridge Avenue	9 Quincy Court
119-53	2 Cambridge Avenue	6 Quincy Court
119-57	Squam Point	4 Quincy Court
119-58	Squam Point	2 Quincy Court

DISCUSSION:

Councilor Verga explained that the second request is to name an unnamed way at the end of Leonard Street which was discontinued some years ago that serves six parcels, all of which are currently using Cambridge Avenue and Squam Point addresses. The name is derived from the one-time owner of all the parcels, he noted.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, under GCO Sec. 21-3 Street Names to name an unnamed way at the end of Leonard Street, “Quincy Court,” as follows:

<u>Assessors Map/Lot #</u>	<u>Current Address</u>	<u>New Address</u>
119-64	2A Cambridge Avenue	3 Quincy Court
119-65	2R Cambridge Avenue	7 Quincy Court
119-47	14 Cambridge Avenue	9 Quincy Court
119-53	2 Cambridge Avenue	6 Quincy Court
119-57	Squam Point	4 Quincy Court
119-58	Squam Point	2 Quincy Court

Scheduled Public Hearings:

1. PH2015-039: Amend GCO c. 22, Sec. 22-270 “Parking prohibited at all times” re: Plum Street

This public hearing is opened at 7:28 p.m.

This public hearing is closed at 7:28 p.m.

MOTION: On a motion by Councilor McGeary, seconded by Councilor Whynott, the City Council voted 9 in favor, 0 opposed, to withdraw the Council Order that would AMEND GCO Sec. 22-270 “Parking prohibited at all times” by ADDING Plum Street, easterly side from its intersection with East Main Street in a northerly direction for a distance of 100 feet.

2. PH2015-PH2015-021: Amend c. 2 Div. 10, “Committee for the Arts” by ADDING additional language to subsection (b)

This public hearing is opened at 7:29 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:29 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 2, Division 10 “Committee for the Arts,” Section 2-508 –Created, subsection (b) by ADDING after the words, “...its submission to the committee.” the following sentence: “Should the mayor choose to accept the committee’s recommendation, after consultation with the Department of Public Works Director and the Building Inspector he shall forward it to the city council for a public hearing and a vote.”

DISCUSSION:

Councilor Cox explained that after the former Administration put forward some ideas for a public art installation and apparently had made a decision in advance for its acceptance and placement without a formal public review process. She said the amendment was the right way to go in order to update the ordinance to make a public hearing a requirement. She said it was as an important step to give Gloucester’s citizens the ability to have input on a permanent art installation. She said it was concerning to her when she learned there was no public hearing process for such matters. She asked the Council’s support.

Councilor Verga added his support to the ordinance amendment. The public hearing process will bring more notice to possible public art installations and help to get the word out, he said, especially in light of some art installations being controversial in nature.

Councilor McGeary said that he will vote for this ordinance amendment, but added that the Committee for the Arts did follow the ordinance as constructed and did have public meetings many times on the issue of a public art

installation. He said he agreed a public hearing was a fine step, he said he didn't want the impression to remain that it was done in the dark. He reiterated the Committee for the Arts acted in accordance with the ordinance.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO Chapter 2, Division 10 "Committee for the Arts," Section 2-508 –Created, subsection (b) by ADDING after the words, "...its submission to the committee." the following sentence: "Should the mayor choose to accept the committee's recommendation, after consultation with the Department of Public Works Director and the Building Inspector he shall forward it to the city council for a public hearing and a vote."

3. PH2015-035: SCP2015-003: 15 Western Avenue, Unit No. 2 ("Condominium"), Assessor's Map #2, Lot #69; Modification of Special Council Permit granted on June 6, 2000 under GZO Sec. 2.3.1(4)(a) (GZO Sec. 2.3.1(6))

Council President McGeary noted that the public hearing for the matter of SCP2015-003 was closed on July 14 and that the matter now stands at a continued Council discussion.

Councilor Stewart announced that under MGL Chapter 268A he would recuse himself from the Council discussion and vote due to his having been a member of the Zoning Board of Appeals (ZBA) when this matter had come before the Board which was subsequently litigated to which he was named a party defendant. He said his participation would indicate the appearance of a bias. **Councilor Stewart** left the dais.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Ciolino, the Planning and Development Committee voted 1 in favor, 2 opposed to recommend to the City Council to grant the application to modify the special council permit for 15 Western Avenue, Unit 2, Map 2, Lot 49 granted June 6, 2000, GZO Sec. 2.3.1(4)(a).

DISCUSSION:

Councilor Whynott said the permitting process was convoluted from the start, and that he thought the applicants were given some bad advice. He said he also recalled that the condition of the building was deteriorating. Former Mayor Bruce Tobey negotiated for the building to be fixed, and assisted in the sale of the building to Mr. Gattineri. He said that Mr. Gattineri did a wonderful job, and while it may not be what everyone wants, he added he didn't want to be remembered as a Councilor who tears things down. He said to tear the one room down now would be for punishment purposes, and he would not support tearing it down.

Councilor Verga said he was not here for the Council Meeting of July 14 but watched the CATV recording of the meeting and filed the appropriate paperwork under the Mullin Act with the City Council. He acknowledged that he didn't vote for this at P&D and would not vote for the modification now. He expressed concern that if one has the means to string something out long enough in court you can have it happen even if it was the wrong thing to do. He said if it was wrong in 2000 it is still wrong today.

Councilor LeBlanc said that he had not supported this modification of the Special Council Permit at the Committee meeting. But after having had time to think about the matter and reviewing what was in front of the Council, he said he will support the modification of the Special Council Permit to keep the building as is and not tear the room down. He said that the city has spent too much time and money on this matter. He noted he had driven by the building several times recently, and said tearing part of it down will do more destruction to the building than leaving it as is. He said he would vote to keep the building as is.

Councilor Lundberg said he wished to reiterate what he had said on July 14, and also to express his agreement with Councilor Verga. He said it was very important to preserve the integrity of the Special Permit process, and if the applicant had wanted to get an interpretation rather than asking an Assistant Building Inspector, they should have come back to the City Council. He said he would not vote for the modification of the Special Council Permit.

Councilor Ciolino highlighted excerpts from the Council's original "decision" on 15 Western Avenue, Unit #2, which in the minutes some Councilors stated the plans were incomplete and needed more detail. He said he also suggested that the applicants discuss the project with the abutters. He said this came to the city and wasn't complete. There was such a need to find a developer to finish the Addison Proctor House, he said he thought they went ahead and did it because it was such an eyesore. He noted that the Constellation Corporation was the first applicant. He also noted that once a permit is given the permit follows the property. From the owners' point of view if you purchased this property, there really were no plans to develop it. Councilor Ciolino said he felt that the plans really don't show

the porch that is under debate. At that time a city employee, the temporary Building Inspector, gave the project the go ahead and moved forward compounding one error onto another. To say it is all your fault and you are punished by tearing it down, he pointed out that there has never been a tear-down in the city. He said he hoped the Council didn't vote for a tear-down because it shows developers that the city is impossible to work with and it thinks nothing of tearing something down. He said that the mistake was made when the Council accepted the project with an incomplete set of plans. They should vote for this agreement and have an end to it.

Councilor Fonvielle said it comes down to fairness to say that it was only the Acting Building Inspector and the Assistant Building Inspector who gave the green light is irrelevant. They were the duly appointed city personnel at the time and gave the green light to the applicant. To come back years later to tell the applicant to take down a part of their building, he said it seemed absurd to him and would support the modification of the permit.

Councilor Cox agreed with councilor LeBlanc that this matter has gone on too long but that it was not a good enough reason to vote in favor. She said any changes should have come back to the City Council to allow residents to voice their opinion on any changes. Why bother to have a public hearing in the first place, she asked. She cited that higher courts and panels have ruled on this issue and said the applicant was in violation. For the Council to vote yes on something that higher panels have deemed a violation did not make sense, she said, and added she would not support the modification.

Council President McGeary said he would not support the amendment either. He said he was sensitive to the fact this was set in motion by a set of mistakes on the part of the city, but noted that as early as 2002 the applicants were put on notice they were in violation; that they could proceed but they proceeded at their own risk. They Council could accept and has accepted in the past a settlement in the best interest of the city even if it were to violate their own canons. He noted that such modifications have been done with Special Council Permits when someone has made a mistake or something has happened over time. In this case, there were plenty of clear warning 12 or 13 years ago. It should have been remedied then, but it was not. Instead the applicant chose to fight the city's ruling, and did so at their risk. He noted that in the in the Special Council Permit granted in 2000, it said among the general conditions, "...In granting this Special Permit the Council has relied upon the written and oral representations made by the applicant and documents submitted in support of the application and in its appearance at Committee meetings and public hearing on the application. Any failure by the applicant to honor any material representations made to the CC shall constitute just cause for revocation of this Special Permit in accordance with Section 1.4 etc. of the Zoning Ordinance," which he said says in part, "Failure to comply with any conditions, regulations, and limitations imposed by the City Council on any permit issued by it shall be deemed sufficient grounds for revoking the permit..." He said he doesn't want to have someone tear down part of a building that's been in place for 12 or 13 years, but the interest of the city sometimes means the city needs to stick to its guns. He explained that this is the law that they wrote to govern development in the city. If the applicants had lived by the rules laid down in 2000 they wouldn't be here today. He said that the applicants chose to take a risk and the applicant is now seeing the consequences of that risk, and would therefore not support the modification of the Special Council Permit.

MOTION: On a motion by Councilor Verga, seconded by Councilor , the City Council voted by ROLL CALL 4 in favor, 4 (Cox, Lundberg, McGeary, Verga) opposed, 1 (Stewart) recused, to grant the application to modify the special council permit for 15 Western Avenue , Unit 2, Map 2, Lot 49 granted June 6, 2000, GZO Sec. 2.3.1(4)(a).

MOTION FAILS (SIX VOTES WERE REQUIRED TO PASS). THE MODIFICATION TO THE SPECIAL COUNCIL PERMIT IS DENIED.

Councilor Stewart returned to the dais.

For Council Vote:

- 1. Budget & Finance Standing Committee Report of June 18, 2015 re: Norseman Avenue Extension Road repairs and an Order related to repurposing the remaining funds of a completed capital project to Norseman Avenue Extension Road (Cont'd from 06/23/15 & 07/14/15 CCM)**

Council President McGeary announced that the Administration had asked to withdraw this matter, and by unanimous vote of the Council the matter was withdrawn.

2. Planning & Development Committee Report of July 8, 2015 re: Special Events Application request to hold the Gran Prix of Gloucester Cyclo-Cross Race on September 26 and 27, 2015 at Stage Fort Park (Cont'd from 07/14/15 & 07/28/15 CCM)

COMMITTEE RECOMMENDATION: On a motion by Councilor Lundberg, seconded by Councilor LeBlanc, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the Essex County Velo Gran Prix of Gloucester Cyclo-Cross Race event to be held at Stage Fort Park on Saturday, September 26 and Sunday, September 27, 2015, 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 28, 2015.

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 Clerk's office on or before September 15, 2015. 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 11, 2015. 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 27, 2015.

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 Public Works Departments prior to the first day of the event.

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

Notice shall be made by the Essex County Velo Gran Prix of Gloucester 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 Gran Prix of Gloucester Cyclo Cross 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 prior to 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, the Chair of the Stage Fort Park Advisory Committee, 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 26 and 27, 2015. 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 13, 2016. 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 be used to take the necessary steps to complete the park reparations.

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 26 and 27, 2015, 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 2015 event with John Dunn, 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, 2016, 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 2015 Gran Prix of Gloucester 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 2015 Gran Prix of Gloucester Cyclo Cross event.

16. Restricted Use of Gloucester Dog Park during Gran Prix of Gloucester Cyclo Cross Event 2015:

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.
- DPW to mark off approximately 20 spaces for Gloucester Dog Park users for the duration of the event.

17. Areas of Stage Fort Park not to be used in the 2015 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 before, during and after the Gran Prix of Gloucester Cyclo Cross Event at Stage Fort Park is prohibited:

Overnight camping/tenting is expressly prohibited at Stage Fort Park before, during and after the Gran Prix of Gloucester Cyclo Cross event. Event organizer 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.

19. This permit is contingent upon Essex County Velo receiving any necessary approval by the Licensing Board in order to serve alcoholic beverages during the event as needed.

DISCUSSION:

Councilor Verga noted that the Council was in receipt of the Stage Fort Park Advisory Committee's (SFPAC) written recommendation (on file) that the Race Course is acceptable as presented by their vote at an August 5 meeting.

Councilor Fonvielle, the Council representative to the SFPAC, said the SFPAC meeting was lengthy, the matter was considered seriously at their August 5 meeting, attended by Paul Boudreau, Race Organizer. He said ultimately the SFPAC voted to approve the race as presented.

MOTION: On a motion by Councilor Verga, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, to permit the Essex County Velo Gran Prix of Gloucester Cyclo-Cross Race event to be held

at Stage Fort Park on Saturday, September 26 and Sunday, September 27, 2015, 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 28, 2015.

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 Clerk's office on or before September 15, 2015. 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 11, 2015. 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 27, 2015.

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 Public Works Departments prior to the first day of the event.

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

Notice shall be made by the Essex County Velo Gran Prix of Gloucester 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 Gran Prix of Gloucester Cyclo Cross 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 prior to 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, the Chair of the Stage Fort Park Advisory Committee, 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 26 and 27, 2015. 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 13, 2016. 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 be used to take the necessary steps to complete the park reparations.

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 26 and 27, 2015, 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 2015 event with John Dunn, 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, 2016, 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.

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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 2015 Gran Prix of Gloucester Cyclo Cross event.

16. Restricted Use of Gloucester Dog Park during Gran Prix of Gloucester Cyclo Cross Event 2015:

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.
- DPW to mark off approximately 20 spaces for Gloucester Dog Park users for the duration of the event.

17. Areas of Stage Fort Park not to be used in the 2015 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 before, during and after the Gran Prix of Gloucester Cyclo Cross Event at Stage Fort Park is prohibited:

Overnight camping/tenting is expressly prohibited at Stage Fort Park before, during and after the Gran Prix of Gloucester Cyclo Cross event. Event organizer 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.

**19. This permit is contingent upon Essex County Velo receiving any necessary approval by the Licensing Board in order to serve alcoholic beverages during the event as needed.
Councilor Cox stepped away from the dais.**

3. Ordinances & Administration Standing Committee Report of August 3, 2015 re: Amend c. 22, Sec. 22-270 "Parking prohibited at all times," Sec. 22-272 "Parking prohibited from May 1-September 15 Saturdays, Sundays, holidays" and Sec 22-291 "Tow-away zones" re: Atlantic Road

Councilor Whynott offered the following Emergency Preamble for Amendments to the Code of Ordinances for Atlantic Road.

MOTION: Preamble, on a motion by Councilor Whynott, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to declare pursuant to City Charter Section 2-11(b) that an emergency exists involving the health and safety of the people due to dangerous parking conditions on

Atlantic Road from Nautilus Road to Moorland Road which may be remedied by enacting certain parking restrictions through the Code of Ordinances as well as the water side of Atlantic Road from Moorland Road to Farrington Avenue.

MOTION: On a motion by Councilor Whynott, seconded by Councilor Verga, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to declare pursuant to City Charter Section 2-11(b) the parking restrictions on Atlantic Road between Nautilus Road and Moorland Road and the water side of Atlantic Road from Moorland Road to Farrington Avenue is an emergency involving the health and safety of the people due to dangerous parking conditions.

**A Council Declaration of Emergency is now declared.
Councilor Cox returned to the dais.**

Councilor Whynott said the banning of all parking between Nautilus Road and Moorland Road on Atlantic Road was recommended by the Police Department.

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

DISCUSSION:

Councilor Whynott said any parking in the area of Nautilus Road and Moorland Road creates dangerous situations for motorists and pedestrians alike. **Council President McGeary** said as passed as emergency ordinances these amendments to the Code of Ordinances will need to be revoted for memorialization by the Council by October 13.

MOTION: On a motion of Councilor Whynott, seconded by Councilor Ciolino, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Cox) abstained, to AMEND GCO Sec. 22-270 "Parking prohibited at all times" by ADDING "Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road. (This ordinance amendment supersedes any other amendments relating to this portion of Atlantic Road.)"

COMMITTEE RECOMMENDATION: On a motion of Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Sec. 22-291 "Tow-away zones" by ADDING "Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road. (This ordinance amendment supersedes any other ordinance amendments relating to this portion of Atlantic Road.)"

DISCUSSION:

Councilor Whynott added that this makes the same area a tow-away zone.

MOTION: On a motion of Councilor Whynott, seconded by Councilor Verga, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to AMEND GCO Sec. 22-291 "Tow-away zones" by ADDING "Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road. (This ordinance amendment supersedes any other ordinance amendments relating to this portion of Atlantic Road.)"

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

DISCUSSION:

Councilor Whynott said that this is something that has been in place that he didn't agree with and is being reinstated. Council President McGeary explained that the original ordinance under Sec. 272 which creates a seasonal parking ban on Saturdays, Sundays and holidays is applied to the entire length of Atlantic Road, and now that parking is banned from Nautilus to Moorland Roads on Atlantic Road, this amendment makes the ordinance come into agreement. **Councilor Whynott** reiterated his objection saying that there are plenty of safe places for those who wish to admire the view on the Back Shore to park on the non-water side of the roadway, and should be allowed to do so.

Councilor Stewart pointed out that the motion now proposed only covers the water side of Atlantic Road.

Council President McGeary then proposed an amendment to the motion on the floor to add Atlantic Road "both sides" and remove the phrase "water side" in order to bring the ordinance into compliance, and was seconded by **Councilor Verga**.

The amendment to include the language, "and ADDING Atlantic Road both sides passed by ROLL CALL vote of 5 in favor, 4 (LeBlanc, Stewart, Verga, Whynott) opposed. Amendment passes.

Councilor Stewart said that now there will be no parking on both sides of the street in the summer on both sides of Atlantic Road Saturdays, Sundays and holidays. **Council President McGeary** said that this brings the ordinance into compliance with the previous Council action this evening on the same roadway. He noted there is some thought to change this, but as discussed at the last O&A meeting, that is a separate section of the ordinance, and acknowledged that Councilor Stewart had taken exception to that.

Councilor Verga said he would vote no as did Councilor Cox on the amended motion. **Council President McGeary** when they want to change a separate section of the ordinance it is a separate action and necessitates a separate process including advertisements and public hearings. If this fails, it is still covered.

Councilor Whynott indicated that after the Council passes this amended motion, which he said was not quite what he intended, that he would offer two further motions, one will ban parking on the water side of Atlantic Road from Moorland to Farrington Avenue because he said it was a dangerous place to park because vehicles park on the sidewalk. Then he would also offer two further motions and ask for public hearings on them.

Councilor Verga said this matter was unclear now and he would vote no as did **Councilor Cox**.

Council President McGeary urged the Council to pass the amended motion and that the Councilors who wish to further amend the Code of Ordinances, Chapter 22, then return to O&A to put forward their amendments and discuss and then vote them forward to public hearing in the usual Council procedure because otherwise the Council is amending two different parts of the GCO. He indicated he differed with Councilor Stewart that in the past when they wanted to change a separate section of the ordinance and it required a separate Council Order. All that's being done now is taking what exists in GCO Sec. 22-272 and changing the geography because Nautilus to Moorland is changed, he pointed out. If Councilors wish to put forward actions to amend the ordinances for banning parking on Atlantic Road on the water side or institute 30 minute parking on the non-water side of Atlantic Road from Moorland Road to Farrington Avenue, he said each is a separate action on a different part of the Code of Ordinances from what is before the Council now. He said they can't accomplish it by cramming it into the motion amending Sec. 22-272 which is about seasonal parking.

Councilor Stewart said that there is no definition of "ordinance" in the City Charter or in the Code of Ordinances. He said the Council is faced with a serious procedural question whether or not a change to a closely related ordinance can be amended by a Committee of this Council and voted on by the Council. Sections 22-270 through Section 22-291 are a series of sections of the Traffic Ordinances that relate to parking which he said that in his view as an attorney familiar with statutory and code interpretation when they put out a notice that says they are going to change the parking requirements on Atlantic Road that as a lawyer and member of the ZBA for 22 years when this type of situation occurred, the ZBA ruled on many occasions that adequate notice was given if a minor extra variance was needed for an application made by an owner for a certain property before them. The purpose of notice is to let people know what they're going to talk about. He pointed out that in committee deliberations they proposed an amendment to a different section of GCO Chapter 22 on parking. Given that there is no definition of ordinance and that a full and adequate notice was given to everyone that the Council is going to change the parking requirements on Atlantic Road, to say that changing a one-hour parking to a 30-minute parking, is a change to a different section and can't be heard doesn't hold water, he said. (Note: At the O&A meeting of August 3, that

Committee voted under GCO Sec. 22-279 "Thirty minute parking" to allow 30 minute parking on the landward side of Atlantic Road from Moorland Road to Farrington Avenue which will be advertised for public hearing.)

Responding to a request to end discussion on the matter by **Councilor Cox**, **Council President McGeary** said that he would rule any amendment to another ordinance section out of order. He said in his view, and in reviewing the City Charter, it has been the Council's practice which follows the City Charter that a specific chapter and ordinance section referred to in the public advertisement is what the Council will discuss and debate and that it opens a slippery slope to start adding amendments related to different sections of the Code of Ordinances that were not advertised.

Councilor Stewart appealed the ruling of the Chair, which was seconded by Councilor Verga.

A ROLL CALL VOTE to uphold the ruling of the Chair, which was recounted, resulted in a vote of 4 in favor, 5 (Fonvielle, Stewart, Verga, Whynott, Ciolino) opposed. The Ruling of the Chair was overturned.

After a vigorous further discussion on process with no agreement of the majority of Councilors on any Council action on the matter, by a unanimous vote of the Council the remaining Atlantic Road traffic matters were returned to the O&A Committee for further clarification. Additionally Council President McGeary said he would ask General Counsel to render an opinion in time to be shared at the O&A Committee meeting of Aug. 17 on whether, an order changing a particular section of the Code of Ordinances having been advertised for public hearing, it is proper to offer an "amendment" to the advertised ordinance change that would amend a different section of the Code of Ordinances.

4. **City Council Workshop Minutes of July 15, 2015 regarding amendments/adoption of (1) Remote Participation Procedures, (2) Procedure to be followed when both the President and Vice-President of the Council are unable to preside at a meeting, (3) Procedures for electronic presentations before the City Council, and (4) Procedures for voting the annual city budget**

MOTION: On a motion by Councilor Cox, seconded by Councilor Fonvielle, the City Council voted 9 in favor, 0 opposed, to adopt the City Council Remote Participation Procedures as voted by the City Council at its Rules of Procedure Workshop on July 15, 2015.

MOTION: On a motion by Councilor Verga, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to adopt the City Council Procedure to be followed when both the President and Vice-President of the Council are unable to preside at a meeting as voted by the City Council at its Rules of Procedure Workshop on July 15, 2015.

MOTION: On a motion by Councilor Fonvielle, seconded by Councilor Stewart, the City Council voted 9 in favor, 0 opposed, to adopt the City Council Procedures for electronic presentations before the City Council as voted by the City Council at its Rules of Procedure Workshop on July 15, 2015.

MOTION: On a motion by Councilor Stewart, seconded by Councilor Verga, the City Council voted 9 in favor, 0 opposed, to adopt the City Council Procedure for voting the annual city budget as voted by the City Council at its Rules of Procedure Workshop on July 15, 2015.

5. **Decision to Adopt: SCP2015-001: Concord Street #250, Map 248, Lot 13, GZO Sec. 5.13 Personal Wireless Service Facility**

Councilor Verga said this matter was discussed at length in the P&D Committee and at Council and voted. It was a compromise that seemed to work for most people, and serves the purpose of handling some poor coverage areas for cell phone service in West Gloucester.

MOTION: On a motion by Councilor Verga, seconded by Councilor Whynott, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt SCP2015-001 decision for Concord Street #250, pursuant to Section 5.13 of the Gloucester Zoning Ordinance.

Unfinished Business: None.

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

Councilors' Requests to the Mayor:

Councilor Cox said noted that on Saturday, Aug. 22 at 5 p.m. is the annual memorial to Fishermen lost at sea at the Fishermen's Memorial, and that the Waterfront Festival is taking place this weekend at Stage Fort Park.

Councilor Ciolino said also this weekend is the Rotary's pancake breakfast at Stage Fort Park's bandstand to raise funds for the Rotary's sponsorship of Senior Care, the Rose Baker Senior Center and the North Shore Health Project. There also noted that there is a Downtown Block Party on Saturday evening as well.

Councilor Fonvielle also touted the Rotary's pancake breakfast. On Saturday, August 22 there will be a Gloucester Community Blood Drive sponsored by Jalapeno's Restaurant, Gloucester firefighters and the Addison Gilbert Hospital. The Bloodmobile will be at 86 Main Street 9:00 a.m. to 2:00 p.m. Your donation will be rewarded with a \$20 gift certificate to Jalapeno's Restaurant. He advised that in order to participate donors must have an appointment -- to make an appointment please call 800-RED-CROSS.

Councilor LeBlanc offered his pancake flipping services to the Rotary Pancake Breakfast.

Councilor Stewart noted there is a Block Party celebration at Lanes Cove on Saturday, August 15 at 10:00 a.m. to celebrate the rehabilitation of the Lane's Cove Fish Shack. He noted that the Mayor will speak at 12:00 noon. He invited everyone to view the great job the collaboration of the community and city accomplished on the restoration of the iconic Lane's Cove Fish Shack.

Councilor Whynott said last evening at the DPW yard on Poplar Street there was a major water break. He said the DPW response was not only prompt but they did a magnificent job in correcting the situation, replacing the pipe immediately by working all night. They should be commended, he said.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:35 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.