

**GLOUCESTER CITY COUNCIL MEETING**

Tuesday, February 28, 2017 – 7:00 p.m.

Kyrouz Auditorium – City Hall

**-MINUTES-**

**Present:** Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Melissa Cox (departed the meeting at 9:21 p.m.); Councilor Paul Lundberg; Councilor Valerie Gilman; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara; Councilor Joseph Orlando, Jr.

**Absent:** None.

**Also Present:** Joanne Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; Donna Leete; James Pope; Donna Compton; Nancy Papows; Chris Sicuranza; Fire Chief Eric Smith; Lucy Sheehan; Mark Cole; Police Chief John McCarthy; Dr. Richard Safier; Grace Poirier; Karin Carroll; Adam Curcuru

The meeting was called to order at 7:00 p.m. 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.** Council President Ciolino noted the passing of Marilyn Foster, family member of “Fosters of Gloucester.” He said that she and her husband, Charles, were pillars of the community, quietly supporting the Cape Ann Chamber of Commerce, the Addison Gilbert Hospital and many other civic endeavors. He called her a good woman.

**Oral Communications: None.**

**Mayor Sefatia Theken** delivered her 2017 State of the City address which is excerpted here (full text on file):

- The city has been strengthened through honest and transparent policies, meetings and forums;
- The Administration has with the state and federal delegations to ensure relief money is received and high value grants are awarded;
- New businesses are expanding and new initiatives are designed to support and benefit the city’s workforce;
- The administration is committed to operating within a balanced budget while limiting the use of one-time revenue for salary increases and unsustainable budget policies for the first time in a decade.
- The fiscal policy is one that guarantees the city lives responsibly today, maintains existing assets and saves for the needs of the future;
- The city’s bond rating is once again “Double A.”
- Planning efforts through the Community Development team are considered innovative, forward-thinking and action oriented with such projects pending as the Fuller School site development, which will bring in new tax revenue with additional housing and a state-of-the-art YMCA; to a renewed Maplewood School project and a Housing Production Plan to help with the city’s housing needs;
- Significant financial assistance for future schools will flow through the Mass. School Building Authority (MSBA), helping to ensure another landmark school like West Parish may be built in the community in the near future;
- Each city department and their contribution to the enhancement of the entire community was touched upon and the important work they do for the citizens to support them and improve their environment and experiences. Departments named were: Human Resources, Harbormasters, Health, Fire and Police, Planning and Community Development and City Clerk;
- Tourism support and development of new initiatives to find new markets for the city’s fisheries and support of the tourism sector was also touched upon.

The Mayor expressed that she remains committed to an open city with open communications. She pointed out her administration is a team as well as a Gloucester family. She said she was honored to continue her leadership as Gloucester’s Mayor but that the city only moves forward by working as a team as well as a family. She cited that the state of the city is strong and the future is brighter now more than ever.

**Presentations/Commendations:**

1 of 2: Maggie Rosa, Chairperson of the City Hall Restoration Commission re: ADA Parking at City Hall

**Maggie Rosa**, Chairperson of the City Hall Restoration Commission (CHRC), reviewed a Power Point presentation (on file) to the Council regarding a mandated Americans with Disabilities Act (ADA) Parking

remediation for City Hall. She acknowledged three members City Hall Restoration Commission present: Stephen Dexter; Craig Herrmann, and Richard Luecke Highlights of the review are noted below:

- City Hall restoration has been an on-going project and some of the many improvements to the exterior of the building such as historically appropriate rehabilitated windows as an example were noted. In 2012 the project triggered compliance with the Mass. Architectural Access Board (MAAB) for accessibility;
- The MAAB recognizing the exorbitant expense and destruction of the building's visual integrity in bringing the building to full compliance granted significant cost-saving variances and for a phased in time schedule to do the required work;
- First phase is the provision of two on-site accessible parking spaces by November 2016, and the MAAB stood fast in terms of not permitting on-street parking spaces;
- The CHRC working with the architectural firm McGinley, Kalsow & Associates, the city's Engineering and Public Works Department and drew up plans that have been approved by the Gloucester Historical Commission, and the Mass. Historical Commission for this renovation;
- The project is funded through a Community Development Block Grant (CDBG) of \$180,000;
- Work is scheduled to begin in the spring of 2017 and will be done by the DPW.
- The project involves digging out and reconfiguring a portion of the lawn that faces Dale Avenue and parking area on the "back" side of City Hall (adjacent to the U.S. Post Office) for the creation of two ADA parking spaces where the driveway accesses Dale Avenue;
- Plans call for rebuilding of the walls alongside City Hall's ADA entrance on Dale Avenue and landscaping the area upon completion of the parking spaces.

Three mature trees on the City Hall property were noted as having to be removed but one will remain. Three views of project plans showing the details of the work were shared with the Council and described briefly by **Ms. Rosa**.

**Mayor Theken** highlighted that projects such as these couldn't be done without the entire cadre of dedicated city volunteers to make them happen.

**Council President Ciolino** asked if there was more work to be completed for City Hall's ADA accessibility. **Ms. Rosa** said with this project the city should be in full compliance with the MAAB. She spoke briefly to an electrical issue being managed to install automatic door openers at City Hall.

2 of 2: Update from School Committee Chairperson, Jonathan Pope re: MSBA process of a new school building

**Jonathan Pope**, Chairperson of the Gloucester School Committee joined by Dr. Richard Safier, Superintendent, reviewed the Massachusetts School Building Authority (MSBA) process the city must follow in order to be approved for a reimbursement of monies laid out to build a new school, now proposed – a consolidated school for East Gloucester and Veterans' Memorial Elementary Schools. Highlights included from the presentation (on file) were:

- A Statement of Interest (SOI) was submitted to the MSBA in April 2016 and on Feb. 15, 2017 the city was accepted into eligibility by a vote of the MSBA Board. Eighty nine applicants for major construction projects were put forward and only 17 were accepted. It is notable that the MSBA accepts applications on need not on geographic, demographic or any similar parameters. The MSBA made a site visit to the East Gloucester Elementary School and determined that of all the applicants, East Gloucester needed to be replaced.
- During the Eligibility Period (the stage that follows submission and approval of an SOI) the city must prove to the MSBA their intentions to move forward towards a new school.
- Eligibility Timeline: The city has 270 days to complete this process. The time starts April 3. The city has to fill out an initial compliance certificate signed by the Mayor, Mr. Pope and Dr. Safier. A Building Committee has to be formed. Have to provide an educational profile which describes the district's program, what it is expected the new school to achieve, whether they are considering consolidation and what programs they intend to put in the school along with enrollment projections. The MSBA will do their own enrollment projections and there is a certain amount of time to contest the MSBA enrollment projections. The DPW will have to submit a maintenance document as they did for West Parish, and at the end they have to get local authorization for funding for a Feasibility Study – the district and team collaborate with MSBA to document educational program, generate an initial space summary, document existing conditions, establish design parameters, establish alternatives and recommend the most cost effective and educationally appropriate solution for the MSBA Board of Directors to consider and approve which takes up to a year and a half.

- The plan is then submitted to the MSBA as a Schematic Design which they approve. Once approved, then the city would move forward towards funding the project in total.

**Mr. Pope** conveyed to the Council that all they're doing is proving to the MSBA that the city is willing and able to move forward.

**COUNCILOR QUESTIONS:**

**Councilor Orlando** said he understood this project would replace two schools, East Gloucester and Veterans', and asked if there had been any thought of consolidating four schools into two at one time. **Mr. Pope** said there has been discussion about it, but that the way in which the MSBA works, they only consider schools one at a time, and although Beeman Memorial Elementary School was submitted with East Gloucester, the MSBA prioritized East Gloucester Elementary School as a higher priority. Beeman Elementary School is a known commodity on a 40 acre site with fewer questions to create a new school at that location. If they can't consolidate East Gloucester and Veterans' schools for lack of a site it would be an issue and the School District would have to start from scratch.

**Council President Ciolino** asked for a recounting of how the West Parish School funding from the School Committee to the Council moves forward. **Mr. Pope** described the following: Gloucester's MSBA reimbursement rate is 59 percent of eligible expenses and there is a dollar cap on site work. Swing space is not reimbursable. The Feasibility Study is reimbursable --the West Parish Feasibility Study was \$500,000. The average cost for a project's study is \$500,000 to 750,000. Manchester-by-the-Sea is currently one step ahead of Gloucester for replacing the Memorial Elementary School, a comparable project and appropriated \$650,000 for their study. Ipswich is also in process and will do a similar project combining two elementary schools. Other ineligible expenses were briefly described such as the creation of a full-size gym was at the allowable limit and no extra space was installed for seating because the city would have had to pay 100 percent of that expense with West Parish School. There are ways to increase reimbursement rate by building a "green" school and the West Parish is a lead Gold Certified School which got the city two extra percentage points on reimbursement.

**Council President Ciolino** said using a figure of \$500,000 for a Feasibility Study, the city's expectation would be a reimbursement rate 59 percent of eligible expenses and wouldn't have to absorb the entire cost of the Feasibility Study and the new school.

**Councilor Gilman** pointed out that during the pre-construction and construction of the new West Parish School there was an on-going Q&A on the School District's website as a way for interested citizens to have an easy way to get answers about the project. Accurate and timely information makes a difference, she pointed out. **Mr. Pope** said they would do everything they can to expand on that concept and expressed his agreement with Councilor Gilman.

**Councilor Cox** asked if the Administration had identified where funds for the Feasibility Study are to come from. CAO, **Jim Destino**, said possible sources are: Stabilization Funds, Free Cash, or a loan authorization. The most important thing to remember, he said, is that there were 89 schools evaluated and 17 schools were chosen by the MSBA based on need. This is the first phase and another vote to come, he pointed out. He said that the Administration has yet to fully define the funding source.

**Councilor Memhard** said it is encouraging to know they can bring Ward 1 up to the same standard as Ward 5. He asked about how the consolidation fits into the district's new schools program -- is it a given at this point, he asked. **Mr. Pope** said it is not written in stone, but a number of factors went into the decision by the School Committee to put East Gloucester School before the MSBA first and to look to create a consolidated school. He said it is being financially responsible noting the difference between building two individual facilities versus one consolidated facility. A consolidated school will get the most students into a new facility the quickest, he pointed out.

**Councilor Gilman** said if it is the plans of the School Committee to combine two schools why is the application going in as the timeline for the East Gloucester School. **Mr. Pope** said they applied for East Gloucester because it showed the most need. They told the MSBA if an appropriate site can be identified they would consider consolidation of East Gloucester and Veterans'. **Councilor Gilman** noted at the point of where they were hoping to have added extra headcount to meet the capacity at West Parish they were restricted to do that because of what was in the initial application. She asked if a similar situation will occur to inhibit the city's ability to get a larger school because they are entering into the process as just East Gloucester. **Mr. Pope** said in the discussions with the MSBA they indicated they are in favor of consolidation. The reason they couldn't build a bigger West Parish School was "convoluted" because it was the year that saw the closing of the Charter School and St. Ann's School and the district had an unexpected influx of students as a result which was the district's argument when they said they needed to build a bigger school. They did get a compromise from the MSBA for a bigger school and reimbursed the city for a bigger school than enrollment projections showed but

not substantially bigger. The capacity for that school is about 400 students with an enrollment projection of 365 students. There is no issue in combining schools.

**Councilor O'Hara** asked for clarification as to the site location. **Mr. Pope** responded by saying that: a site for the new school isn't finalized and that the MSBA wants them to look at all sites available including a renovation at either sites or off site, city or private property. There is a report that is submitted on all sites to be considered and will be done by professionals. Each will be monetized to get a better sense of what can actually be done. There is land available in East Gloucester perhaps, privately owned and unoccupied, and there is a cost to that but it remains to be seen if it is viable. Any other city-owned property will be considered also. This is what the Feasibility Study is for.

**Councilor Memhard** said the site issues aren't going to be addressed during the Eligibility Period but thereafter. **Mr. Pope** said in November when all other requirements are met for that period, the city will then ask for an appropriation and then the Feasibility Study will take place and then hire an Owners Project Manager.

**Councilor Orlando** asked about the possible need to purchase a site; the purchase of the property is not reimbursable by the MSBA which was confirmed by **Mr. Pope** as well as reiterating a cap on site work.

**Council President Ciolino** suggested a joint meeting in early summer to continue the flow of information.

### Consent Agenda:

- **CONFIRMATION OF NEW APPOINTMENTS**
  - **MAYOR'S REPORT**
1. New Appointment: Fisheries Commission TTE 02/14/2020 Joseph B. Jurek (Refer O&A)
  2. Memorandum from Public Health Director re: request permission for increase in spending limit on the Vaccine Revolving Fund (Refer B&F)
  3. Memorandum from Harbormaster re: request acceptance of a grant from the Seaport Economic Council in the amount of \$80,000 (Refer B&F)
  4. Memorandum from Gloucester Public Schools' Director of Operations re: request creation of a new revolving fund for the West Parish School Before School Program and increasing spending limit on the Preschool Revolving Account (Refer B&F)
  5. Memorandum from Fire Chief re: request acceptance of a FY17 Mass Decontamination Unit (MDU) Deployment & Training Grant in the amount of \$2,000 (Refer B&F)
  6. Memorandum from CFO re: request Loan Order to fund the Gloucester High School Roof Project in the amount of \$5,000,000 (Refer B&F)
  7. Memorandum from CFO re: request Loan Order to fund Phase One of upgrades to the Haskell Dam in the amount of \$1,800,000 (Refer B&F)
  8. Memorandum from Senior Planner re: approval of final draft of the Housing Production Plan (HPP) (Refer P&D)
- **COMMUNICATIONS/INVITATIONS**
  - **APPLICATIONS/PETITIONS**
1. SCP2017-002: Wingersheek Road #105, Map 261, Lot 31, GZO Sec. 1.5.3(b); 3.1.6(b), and 3.2 for a building height over 35 feet (Refer P&D)
- **COUNCILORS ORDERS**
  - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 02/14/17 (Approve/File)
  3. Standing Committee Meetings: B&F 02/23/17; O&A 02/20/17 (no meeting); P&D 02/22/17 (Approve/File)

### Items to be added/deleted from the Consent Agenda:

**By unanimous consent of the City Council the Consent Agenda was accepted as presented.**

### Committee Reports:

#### **Budget & Finance: February 23, 2017**

**Councilor Memhard** explained the following three Supplemental Appropriations to the Council for their approval are all being funding from the same Water Enterprise Fund account:

- 2017-SA-19 is for police details related to ongoing CSO work. Money is budgeted for this purpose but is hard to predict exactly how many details are needed for any given project.
- 2017-SA-20 is for a long-time employee who has retired, a Utility Clerk, and this transfer will cover the sick buyback payout.
- 2017-SA-21 is for additional dam inspections and repairs. There was a three-year contract with a company for city dam inspections and have had some repairs made, but every time a dam is repaired it triggers additional inspections. The Committee was advised for FY18 funds by the Public Works Assistant Director that it is the department's intent to budget for some of this firm's work and inspections, but this transfer represents above and beyond what the Water Enterprise Fund had in its budget for FY17.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2017-SA-19 in the amount of \$12,659.48 (Twelve Thousand Six Hundred Fifty Nine Dollars Forty Eight Cents) from the Water Enterprise Fund, Fund Balance - Special Purposes, Account #6000-328000 to the Water Enterprise Fund, Purchase of Services, Account #600052-520000 for the purpose of paying for police detail(s) for the Water Enterprise Fund portion of the Combined Sewer Overflow (CSO) project.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2017-SA-19 in the amount of \$12,659.48 (Twelve Thousand Six Hundred Fifty Nine Dollars Forty Eight Cents) from the Water Enterprise Fund, Fund Balance - Special Purposes, Account #6000-328000 to the Water Enterprise Fund, Purchase of Services, Account #600052-520000 for the purpose of paying for police detail(s) for the Water Enterprise Fund portion of the Combined Sewer Overflow (CSO) project.**

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2017-SA-20 in the amount of \$6,906.38 (Six Thousand Nine Hundred Six Dollars Thirty Eight Cents) from the Water Enterprise Fund, Fund Balance - Special Purposes, Account #6000-328000 to the Water Enterprise Fund, Retirement Sick Leave Buy Back, Account #600051-519011 for the purpose of paying out retirement expenses not budgeted in the FY17 Water Enterprise Fund budget.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to approve Supplemental Appropriation 2017-SA-20 in the amount of \$6,906.38 (Six Thousand Nine Hundred Six Dollars Thirty Eight Cents) from the Water Enterprise Fund, Fund Balance - Special Purposes, Account #6000-328000 to the Water Enterprise Fund, Retirement Sick Leave Buy Back, Account #600051-519011 for the purpose of paying out retirement expenses not budgeted in the FY17 Water Enterprise Fund budget.**

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2017-SA-21 in the amount of \$56,443.50 (Fifty Six Thousand Four Hundred Forty Three Dollars Fifty Cents) from the Water Enterprise Fund, Fund Balance - Special Purposes, Account #6000-328000 to the Water Enterprise Fund, Purchase of Services, Account #600052-520000 for the purpose of covering a contract addendum for dam repairs not budgeted in the FY17 Water Enterprise Fund budget.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2017-SA-21 in the amount of \$56,443.50 (Fifty Six Thousand Four Hundred Forty Three Dollars Fifty Cents) from the Water Enterprise Fund, Fund Balance - Special Purposes, Account #6000-328000 to the Water Enterprise Fund, Purchase of Services, Account #600052-520000 for the purpose of covering a contract addendum for dam repairs not budgeted in the FY17 Water Enterprise Fund budget.**

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, 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 state grant that is a one-year Massachusetts Working on Wellness Seed-Funding Grant from the Massachusetts Department of Public Health passed through the Health Resources in Action in the amount of \$10,000. The term of the grant is from October 1, 2016 to September 30, 2017.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A a state grant that is a one-year Massachusetts Working on Wellness Seed-Funding Grant from the Massachusetts Department of Public Health passed through the Health Resources in Action in the amount of \$10,000. The term of the grant is from October 1, 2016 to September 30, 2017.**

**Councilor Lundberg** stepped away from the dais at 8:01 p.m.

**Councilor Memhard** said that the Council is being asked to accept two grants from the Department of Fire Services for the FY17 Student Awareness of Fire Education (S.A.F.E.) and Senior S.A.F.E. grants with no match. He recounted for the Councilors that these two grants have been awarded to the city for three years now and are part of the department's community fire prevention educational outreach. Lt. Barbagallo is the department's outreach coordinator for these programs, he noted. Fire Chief Smith informed the B&F Committee that the results of these programs have already yielded results statistically for the department and a better informed citizenry.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, 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 FY2017 School-based Student Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$4,540 for the purpose of providing fire and life safety education to school-aged children.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 8 in favor, 0 opposed, 1 (Lundberg) absent, to accept under MGL c. 44, §53A, a FY2017 School-based Student Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$4,540 for the purpose of providing fire and life safety education to school-aged children.**

**Councilor Lundberg** returned to the dais at 8:02 p.m.

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, 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 FY2017 Senior Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$2,796 for the purpose of providing fire and life safety education to seniors.

**DISCUSSION: None.**

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53A, a FY2017 Senior Awareness of Fire Education (S.A.F.E.) grant from the Mass. Department of Fire Services in the amount of \$2,796 for the purpose of providing fire and life safety education to seniors.**

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, 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, §53, to appropriate \$20,981.56 for a Fire Department vehicle from insurance proceeds received from the city's insurer, Massachusetts Interlocal Insurance Association (MIIA) in the amount of \$20,981.56 for a loss payment for the Gloucester Fire Department's Engine #3, a model 2005 Sutphen.

**DISCUSSION:**

**Councilor Memhard** said that this is a payment for damages to Engine #3 from the city's insurer but exceeds the allowable total of \$20,000 -- total damages came to \$21,981. There is a \$1,000 deductible plus \$981 will be funded out of an account the city maintains for this purpose, he added.

**MOTION: On motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept under MGL c. 44, §53, to appropriate \$20,981.56 for a Fire Department vehicle**

**from insurance proceeds received from the city's insurer, Massachusetts Interlocal Insurance Association (MIIA) in the amount of \$20,981.56 for a loss payment for the Gloucester Fire Department's Engine #3, a model 2005 Sutphen.**

COMMITTEE RECOMMENDATION: On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council, in accordance with MGL c. 44, §64 to approve payment of a FY15 invoice from Verizon Security Subpoena Compliance of San Angelo, TX, Invoice #2015207336 dated 06/10/2015 for the purpose of a specialized computer search to be paid with FY17 funds from the current FY2017 Police Department Budget account for a total of \$200 without a purchase order in place.

**DISCUSSION:**

**Councilor Memhard** recounted that the B&F Committee was informed by Interim Police Chief, John McCarthy that the Police Department needs to pay an invoice dated 06/10/2015 for \$200 for a specialized computer search by Verizon Security Subpoena Compliance of San Angelo, TX. He recounted a hostage situation that transpired at a motel on the Back Shore that ended with all parties safe, and there was a need for an emergency trace on a telephone which this bill reflects.

**MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, in accordance with MGL c. 44, §64 to approve payment of a FY15 invoice from Verizon Security Subpoena Compliance of San Angelo, TX, Invoice #2015207336 dated 06/10/2015 for the purpose of a specialized computer search to be paid with FY17 funds from the current FY2017 Police Department Budget account for a total of \$200 without a purchase order in place.**

COMMITTEE RECOMMENDATION: On motion by Councilor Orlando, 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 donations from the Cape Ann Women's Softball of up to \$100,000 for improvements to Mattos Field including, among other things: lighting, scoreboard and landscape improvements; and for payment of all other costs incidental thereto; the mayor is authorized to contract for and expend any donations and federal or state aid available for the improvements and to take other action necessary to carry out the improvements including the acceptance of any private grants or gifts received by the city on account of these improvements without further authorization of the City Council.

**DISCUSSION:**

**Councilor Memhard** said that explained that the Cape Ann Women's Softball League has put forward funds for donations to improve Mattos Field through their fundraising efforts, and this action transfers the funds to begin the work to light up Mattos Field.

**MOTION: On motion by Councilor Memhard, seconded by Councilor Ciolino, the City Council voted 9 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A donations from the Cape Ann Women's Softball of up to \$100,000 for improvements to Mattos Field including, among other things: lighting, scoreboard and landscape improvements; and for payment of all other costs incidental thereto; the mayor is authorized to contract for and expend any donations and federal or state aid available for the improvements and to take other action necessary to carry out the improvements including the acceptance of any private grants or gifts received by the city on account of these improvements without further authorization of the City Council.**

**Ordinances & Administration: No Meeting-Holiday**

**Planning & Development: February 22, 2017**

**Councilor Lundberg** reported there were no matters for Council action from this meeting. He advised the Committee permitted the 2017 St. Peter's Fiesta and permitted a Pole Petition for underground conduit at 86 Middle Street for Comcast to service the Temple.

**Scheduled Public Hearings:**

1. **PH2017-010: Off-cycle recommendation from the Community Preservation Committee to appropriate \$9,500 from the CPA funds for the purpose of rehabilitation/restoration of the Legion Memorial Building at Washington Street #8**

**This public hearing is opened at 8:07 p.m.**

**Those speaking in favor:**

**Mary Ellen Lepionka**, Historical Commission member, conveyed the following information about the Community Preservation Committee's (CPC) request that the Council appropriate \$9,500 from the CPA funds for the purpose of rehabilitation/restoration of the Legion Memorial Building at Washington Street #8. This funding will allow for the assessment of the architectural condition of the American Legion building at 8 Washington Street which is a historically significant city landmark. The building's history was recounted briefly starting in 1804 as a meeting hall, the becoming the city's first Town Hall, and ultimately the Legion Building. She advised that the building is in great disrepair on the exterior. Grants available to the Historical Commission from the National Park Service and from the Mass. Historical Commission are off cycle from the city's grants and programs. Prior attempts to do something for the Legion were thwarted due to lack of a professional architectural assessment which is an important gateway and first step allowing for application to other grant funding sources. This is why the Historical Commission has applied for this off-cycle grant funding. The grant for the capital is the Mass. Preservation Planning Fund which is available because the Historical Commission has become certified as a local governmental body in the eyes of the State Historical Commission and now have access to this new source of funding. That grant deadline is March 24 and they are working with the Planning and Community Development Department to get the application completed and submitted by the deadline. The assessment will be done by a top rated preservation architect, William Remsen, who will assess what the current damage is and how to remediate it, but will also do a contextual analysis to look at historic factors and how a regular maintenance schedule might benefit the building. This documentation will be used for all future grant applications, and his work will provide a basis for the Legion Post to apply for grants for work on the building's interior. In addition, the American Legion building is a central monument in the city -- the city's first town hall and is a prominent place. She expressed appreciation for the CPC and their willingness to consider this off-cycle application.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 8:12 p.m.**

**COMMITTEE RECOMMENDATION:** On a motion by Councilor Orlando, seconded by Councilor Ciolino, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend to the City Council to appropriate up to \$9,500 (Nine Thousand Five Hundred Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, to the Gloucester Historical Commission, for the purpose of the restoration and preservation of the American Legion Building at 8 Washington Street (also known as Old Town Hall) in order to restore and preserve an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #4500. The project will be tracked in the Community Preservation Fund – Historic Preservation Capital Projects Fund #5806.

**DISCUSSION:**

**Councilor LeBlanc** offered his support and thanked Ms. Lepionka for her dedication. He recounted the Legion being worked on over 20 years ago when at that time he noted the city did a thorough job but the building is now in desperate need of renovation and preservation. He said he would support the CPC recommended funding.

**Councilor Orlando** commented this is one of the city's jewels, noting he had grown up around the corner from the Legion building. He said he would vote in favor of the application as this is a great use of off-cycle CPA funds.

**MOTION:** On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted by **ROLL CALL 9** in favor, 0 opposed, to appropriate up to \$9,500 (Nine Thousand Five Hundred Dollars) from the Community Preservation Act Funds as recommended by the Community Preservation Committee, to the Gloucester Historical Commission, for the purpose of the restoration and preservation of the American

**Legion Building at 8 Washington Street (also known as Old Town Hall) in order to restore and preserve an historic resource. The appropriation will be allocated to the Historic Preservation category and funded from Unrestricted Reserves in Fund #4500. The project will be tracked in the Community Preservation Fund – Historic Preservation Capital Projects Fund #5806.**

**2. PH2017-011: SCP2017-001: Lindberg Drive #8, GZO Sec. 2.3.6(4) for arts, crafts and sale of arts or crafts if made on the premises**

**This public hearing is opened at 8:16 p.m. 1:15:05**

**Those speaking in favor:**

**HongWei Jin**, owner and applicant for a Special Council Permit (on file), Lindberg Drive #8, Map 123, Lot 84, and zoned R-80 asked that he be permitted to create an art gallery on his property, and to realign the parking configuration on this property to accommodate the proposed art gallery. He recounted that he and his wife came to Gloucester having been married at an inn on the Back Shore some years ago and returned to Gloucester having fallen in love with the natural beauty of the area as the right place for their home and art gallery business.

**Mr. Jin** reviewed the six criteria for a Special Council Permit under GZO Sec. 1.8.3 as follows:

1. Social, Economic or community need serviced by the proposal: This gallery will enrich the varieties of local art markets, boost the local art economy, attract more tourism and enhance art cultural exchange between the West and China. This gallery will provide a free, once a year Chinese Fine Art History exhibition for local middle and high school students. The gallery can also provide a scholarship for a local high school student who wishes to study Chinese fine art in China the summertime.
2. Traffic flow and safety: Lindberg Drive is a private drive, and traffic flow is very low. It is very safe.
3. Adequacy of utilities and other public services: Electrical service and city water are already in place, and the private septic system is already in place.
4. Neighborhood character and social structure: There is only one neighbor that is within 100 foot distance at 6 Lindberg Drive. Other three neighbors are about 500 feet away. It was mentioned that the neighborhood is comprised of seniors, with a clarification that the use of the word “white” as a descriptor of the composition of the neighborhood was used as a demographic description specifically by Mr. Jin. He described his neighbors as all being friendly (a Google map of the neighborhood was shown to the Council and placed on file).
5. Qualities of the Natural Environment: The area is wooded near Goose Cove with a good natural environment.
6. Potential fiscal impact: This gallery will generate notable tax revenue, but that further work will need to be undertaken to understand that full impact.

In response to neighbor’s concern, **Mr. Jin** said the previous owner used the property as “Magnolia Farm” to grow sprouts. His business, he pointed out, is completely through the internet and will not cause added noise to the neighborhood, and that all the visitors to his gallery are to be scheduled by appointment only. He advised there are two off-street visitor parking spaces on the property as approved by the Building Inspector. This property, this business will not cause any disruption to the neighbors, he added.

**Those speaking in opposition:**

**Julie Taliadoros**, 6 Lindberg Drive, speaking for herself and her husband, Jim, said this is a quiet neighborhood and the previous business at 8 Lindberg Drive caused tractor trailer trucks to come through the private drive regularly and caused the drive to become in poor repair which is maintained by the residents. She highlighted that during the P&D Committee’s Feb. 8 meeting there was a stalemate vote and that the art would be limited to being created by Mr. Jin’s family, all visitor parking would be entirely off-street parking, and that a granting of the permit would be to only and limited to Mr. Jin. If this is an on-line business, she pointed out that there has to be delivery trucks going to and from the home-based business. She expressed concern that this is a private way that won’t be able to withstand increased traffic caused by gallery patrons, tourists, and delivery trucks. She added that an unknown factor is how many family members will be on site to work on the business. The undue upkeep incurred by the increased traffic on Lindberg Drive will be borne by the other Lindberg Drive residents. The main reason for Councilor Cox voting in favor was noted to be the precedent of the 2010 permitting of a 70 Holly Street art gallery. She said this doesn’t mean that the entire neighborhood should be allowed to have home-based art galleries because of that one gallery permitting and isn’t a reason to permit another gallery. She expressed concern that the 70 Holly Street gallery has caused traffic concerns nearby and highlighted the narrowness and blind corners on Holly Street which leads to Lindberg Drive. This is a strictly residential area, she highlighted, saying that there are many areas of the city where art galleries are very welcomed, but Lindberg Drive is not the place for it. She expressed further concern that this permitting will incur issues for the entire residential neighborhood surrounding Lindberg Drive.

**Joan Lindberg**, 76 Holly Street, highlighted the traffic issues leading to Lindberg Drive on Holly Street especially the narrowness of Holly Street. She pointed out in some places cars must pull over to let another one go by driving in the opposite direction. She cited that there are no sidewalks for pedestrians either. A gallery is not welcome as it will create unsafe conditions, she said. She noted this is a business in a residentially zoned area, and that this is a private road kept up by the residents. Lindberg Drive is a place for children to be able to use for play and have a sense of safety, she said, and that there shouldn't be an increase of traffic. She said this isn't the right place for another art gallery business.

**Communications: Joanne M. Senos**, City Clerk, summarized three communications in opposition of the Special Council Permit as follows:

- Julie & James Taliadoros, 6 Lindberg Drive, cited traffic and parking concerns and the disruption of the quiet, wooded area on a small private cul-de-sac in a residential zoning district (submitted at P&D 2/8/17 meeting);
- Burton & Karen Cutler, 65A Holly Street expressed concern for permitting of another art gallery in a neighborhood with limited parking on a narrow part of Holly Street (submitted at P&D 2/8/17 meeting);
- Joseph Grace, 75 Holly Street, expressed concern for vehicle and pedestrian safety in that while there is precedent set by a Special Council Permit for an art gallery at 70 Holly Street, that portion of Holly Street where Lindberg Drive enters Holly Street as does his driveway is very narrow just below a steep hill, adding another gallery in the residentially zoned neighborhood will only make traffic issues worse.

**Councilor Questions:**

**Councilor Orlando** asked how many cars are expected on a daily or weekly basis. **Mr. Jin** said that two visitor parking spaces are sited on the property at 8 Lindberg Drive and visitors to the gallery would only be allowed by scheduled appointment. **Councilor Orlando** asked if there is an expected increase of vehicles by adding the gallery to the property. **Mr. Jin** said that the gallery will not cause much traffic with heavy trucks, and anticipated low traffic to his property. All parking is contained on the property, he reconfirmed. **Councilor Orlando** noted that a comment by a woman speaking in opposition expressed concerns about trucks coming to and from the property. **Mr. Jin** said he would convey the art to the place where it would be shipped.

**Councilor Gilman** expressed her welcome to Mr. Jin to the community. She then noted the description of an internet business; and expressed her assumption that a UPS truck will come into the neighborhood to pick up the art for shipment. **Mr. Jin** said he would deliver the art to the UPS, FedEx pick up sites or the U.S. Post Office himself. **Councilor Gilman** noted the Zoning Ordinance under which this application falls speaks to art work made at the gallery, "... crafts and sale of arts or crafts if made on premises..." and asked how much of this artwork will be made on the premises. **Mr. Jin** said that the majority of the art is created there and takes time to create and is limited production.

**Councilor LeBlanc** noted Ms. Taliadoros asked about the number of family members working for Mr. Jin and asked how many people will work for him in his home and parking for them -- will there be enough additional parking for them. **Mr. Jin** said there are three people at the residence -- his wife and son, who is in high school, and that is all. He said he didn't anticipate hiring anyone to supplement his family members. The two visitor parking spaces, he reiterated, are more than adequate even in the future.

**Councilor Nolan** noted there is off street parking, and open with a business license to operate out of his home. He asked how Mr. Jin would control or work in a situation where 25 people coming to the gallery at the same time. **Mr. Jin** said, "No." All visitors must come by a scheduled appointment only and that he will accept no visitors otherwise which controls the flow of traffic, he conveyed. Only two vehicles are allowed at a time, he pointed out.

**Councilor Orlando** noted that a comment by a woman speaking in opposition expressed concerns about trucks coming to and from the property. **Mr. Jin** said he would convey the art to the place where it would be shipped on his way to work which will also save him money.

**This public hearing is closed at 8:39 p.m.**

COMMITTEE RECOMMENDATION: On motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 1 in favor, 1 (Gilman) opposed, 1 (Lundberg) absent, to recommend that the City Council grant a Special Council Permit (SPC2017-001) under the Gloucester Zoning Ordinance, Section 2.3.6(4), Other Principal Uses, for Arts, crafts and sale of art or crafts if made on premises, for 8 Lindberg Drive, Assessors Map 123, Lot 84, Zoned R-80, to the owner and applicant, Hongwei Jin, to operate a gallery for the sale of art objects with a plan, and found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:

- 1) The art gallery is to be located on the residential premises of 8 Lindberg Drive where the applicant resides and within the structures currently in existence;

- 2) The art to be offered for sale at the gallery shall be limited to the artwork created by the family of HongWei Jin;
- 3) The parking for gallery visitors shall be entirely off-street as shown on plans submitted to and approved by the City Council;
- 4) The granting of this permit is restricted to the applicant and current owner Hongwei Jin and shall expire when the applicant ceases to operate this gallery as approved.

#### **DISCUSSION:**

**Councilor Lundberg** explained he was absent at the P&D's meeting of Feb. 8, but said that he is not in favor of this application for several reasons, the first being Criteria #2 traffic flow and safety under GZO Sec. 1.8.3 for Special Council Permits. He explained that the real issue is Holly, Dennison and Bennett Streets which are like many roads in that area -- very narrow and not conducive to any kind of commercial activity. While it seems that an art gallery is a benign activity it is a commercial activity, in point of fact it is a commercial activity. The City Council previously approved an art gallery at 70 Holly Street, and according to some it hasn't worked out well, and the applicant may not be abiding by the parking conditions, which is a separate issue. In Ward 4 there are several art gallery owners who have decided that their particular residences are not suited to being used as a gallery and have relocated to places that are more conducive such as Jane Deering who lives in Annisquam on Arlington Street but established a small gallery on Pleasant Street as did Michael Wall another Ward 4 resident, who has a maritime gallery space on Pleasant Street in the Arts District. Having a business on Holly Street is detrimental to the neighborhood and asked Councilors to consider that part of the application has not been met, he concluded.

**Councilor Orlando** said the Council should not vote on this application based on any other nearby permitted gallery and any issues pertaining to it although citing there had been precedent set as indicated by Councilor Cox at P&D. He cautioned the Council to look at the merits of this application only. He expressed his appreciation for the efforts by the applicant to minimize the overall concern of the neighborhood such as access by appointment only to the gallery in a residential district. This is not Rocky Neck and its inherent traffic and on that aspect Councilor Orlando said he agreed with the neighbors. He said that this is why this type of application, unless there is a compelling reason against, why they should allow someone to improve their life and property. He said he would vote in favor of the application while reminding the applicant he should strictly adhere to the rules of parking off street and that if the business grows to where he wants to expand it maybe if additional employees are added that he consider moving the gallery off of his residential property suggesting a possible condition to that effect.

**Councilor Nolan** said he believed they should be able to do what with their own property, but this is a business and won't support this because while you should be able to what you want to do, in this instance this business will interfere with the neighborhood and the neighbors' piece of mind and so will not support the application.

**Councilor LeBlanc** said has weighed both sides of the issues pertaining to this application. He said he agrees with the opposition but also agrees that with internet shopping it is convenient and causes delivery trucks to enter every residential neighborhood frequently in the city because of it at all hours of the day. He spoke to living on a cul-de-sac with children playing in the area of the roadway in a perfect situation. With the restrictions placed for parking at the property to limit traffic by appointment only and that if adhered to it will be adequate but if not adhered to the Council can take another look at the permit. He said he would support the application should be judged on its own merits not on another neighborhood business. Mr. Jin will be a good citizen and good businessman for the neighborhood, he added.

**Councilor Gilman** moved to amend the main motion by **ADDING "Condition 5. The gallery owner, HongWei Jin, will be responsible for his own shipping of his own artwork at an off-site location,"** which was seconded by **Councilor Orlando**.

#### **DISCUSSION ON THE AMENDMENT TO THE MAIN MOTION:**

**Councilor Gilman** said that delivery trucks driving in and out of this private drive is a major concern for the neighbors. She said she understood the limitations of a private drive owned by the residents. It would create less of a hardship to the neighbors, she pointed out, and recounted that Mr. Jin said he would be planning to bring his artwork to an off-site location for shipment without trucks on the drive. She said this would be a fair compromise and while it may be hard to enforce it would go a long way as a good faith measure.

**Councilor Cox** suggested that what if Mr. Jin orders from Amazon.com every day and receives frequent deliveries which have no relation to his business and asked how such a condition would be enforced as she said she didn't see how it could be enforced. She said she didn't agree with the motion to amend.

**Councilor Lundberg** expressed his agreement with Councilor Cox that this condition is unenforceable. **Councilor Gilman** withdrew her motion to amend with the assent of the Council.

#### **MOTION TO AMEND IS WITHDRAWN.**

**Councilor Cox** expressed that the Council should not punish this applicant for permit issues with a nearby gallery. She noted living downtown she has UPS, Tally's Fire trucks and mail trucks on her street on a daily basis. She said she understood it is a private drive and the neighbors have to improve their road, but this won't be a daily occurrence of delivery trucks greater than any other household. If there is a speeding issue on Holly Street the residents should be addressing that issue through their Ward Councilor. She pointed out that the Ward Councilor has already sought relief through city agencies for any violations for the nearby gallery's permit, and the same can be said for this application should it be permitted and have problems in the future. She said the Council's role is to also give people a chance to better themselves and improve their lives and so she is in favor of the application.

**Councilor Gilman** noted a comment made by the Building Inspector that if a neighbor thinks something is not compliant with Special Council Permit conditions, it is requested that the person submits a request directly to the Building Inspector.

**Councilor Orlando** said there is lots of different ways something can be enforced through the Building Inspector, the Council and civil courts, all are ways to remedy issues that may arise. As Councilor Cox said having grown up downtown with traffic and heavy trucks traversing the streets he was still able to ride his bicycle safely and freely as a youngster in that district despite the heavy traffic.

**Councilor Memhard** noted the enforcement aspect saying that the Council has to ensure that what they are creating is compatible with a residential neighborhood. Businesses change and evolve but with the current circumstances the request is reasonable and need to ensure the permit is enforceable.

**Councilor Lundberg** noted the application only speaks to Lindberg Drive but pointed out this is about the amount of the traffic that will be added to Holly Street, the main way to access Lindberg Drive. He said this application doesn't meet Criteria #2 of the six criteria under GZO Sec. 1.8.3 and is why he is against this application.

**Councilor Gilman** said she has to consider that when one of the neighbors, Ms. Taliadoros, in particular, had mention a past situation next door that had expanded beyond what was initially permitted became a hardship. She pointed out that these two neighbors have had a good dialog, there being only two neighbors on Lindberg Drive. She expressed sensitivity to what has gone on before, and that it is a residential neighborhood and wouldn't want extra traffic on the cul-de-sac. She said she will not be able to vote to support the application.

**Councilor Orlando** noted that Councilor Lundberg said that the application doesn't meet criteria #2 but that the Council needs to take the six criteria in its totality and five of the criteria are met.

**Councilor O'Hara** said this is a difficult situation -- Mr. Jin's artwork is beautiful but that this is in a residential neighborhood, and while he, personally, is business friendly, this isn't a business zone. The neighbors have concern as witnessed during the public hearing, he pointed out, noting also that other artists have their galleries away from their residences. He said he will not support the application but wished Mr. Jin the best in his endeavor selling his artwork.

**Council President Ciolino** noted Condition #2 contained in the main motion and expressed concern about it. He said his main concern is that it is a private road. Having driven by the location which is a private road, he said those residents have an expectation of privacy and likely wouldn't have purchased a home in a residential neighborhood next to a business had they known one existed. This is an imposition to the people who live there, he said. He noted he lived on a private road and wouldn't want to have a business next to his home, either. He said he agreed with the neighbors that this is the wrong location to grow a business and would vote against this application.

**MOTION: On motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 4 in favor, 5 (O'Hara, Ciolino, Gilman, Lundberg, Nolan) opposed, to grant a Special Council Permit (SPC2017-001) under the Gloucester Zoning Ordinance, Section 2.3.6(4), Other Principal Uses, for Arts, crafts and sale of art or crafts if made on premises, for 8 Lindberg Drive, Assessors Map 123, Lot 84, Zoned R-80, to the owner and applicant, Hongwei Jin, to operate a gallery for the sale of art objects with a plan , and found to be in harmony and purpose of GZO Sec. 1.8.3 with the following conditions:**

- 1) **The art gallery is to be located on the residential premises of 8 Lindberg Drive where the applicant resides and within the structures currently in existence;**

- 2) **The art to be offered for sale at the gallery shall be limited to the artwork created by the family of HongWei Jin;**
- 3) **The parking for gallery visitors shall be entirely off-street as shown on plans submitted to and approved by the City Council;**
- 4) **The granting of this permit is restricted to the applicant and current owner Hongwei Jin and shall expire when the applicant ceases to operate this gallery as approved.**

**MOTION FAILS (Note: A Special Council Permit must have six votes in favor to pass).**

3. **PH2017-012: Amend GCO Sec. 4-2 “Disturbing and/or feeding seagulls and pigeons” by ADDING subsections (a) and (b) re: disturbing and/or feeding of coyotes, gulls and pigeons**

**This public hearing is opened at 9:05 p.m.**

**Those speaking in favor:**

**Jennifer Holmgren**, 385 Magnolia Avenue, said she supported this measure for the safety of the citizens and their pets and wild animals.

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 9:06 p.m.**

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 4-2 “Disturbing and/or feeding seagulls and pigeons” by striking the word “seagulls” and replacing it with the word, “gull(s),” throughout Sec. 4-2 including its title, and by ADDING subsections (a) and (b) as follows:

“Sec. 4-2. Disturbing and/or feeding of coyotes, gulls and pigeons.

- (a) No person shall disturb or feed any gulls, pigeons, terns or waterfowl on any streets or sidewalk on public property or anywhere in the downtown area.
- (b) No person shall feed either directly or indirectly any coyotes on any public or private property.”

This matter will be advertised for public hearing.

#### **DISCUSSION:**

**Councilor LeBlanc** explained these ordinances are in place because of those folks who feed gulls and pigeons creating a private nuisance, but feeding coyotes that should not be fed.

**Councilor Gilman**, acknowledging her co-sponsor of the Council Order, Councilor Memhard, pointed out that the reason “...public or private property.” was added was at the suggestion of Interim Police Chief McCarthy. Knowing several places where baiting of coyotes was an issue it is why it was added. She also noted that the use of the term “gull(s)” is appropriate through the state Department of Recreation and Conservation. She noted she’s only heard support for this amendment.

**Councilor Memhard** said this action is a reasonable safe and prudent step for public health and safety.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Sec. 4-2 “Disturbing and/or feeding seagulls and pigeons” by striking the word “seagulls” and replacing it with the word, “gull(s),” throughout Sec. 4-2 including its title, and by ADDING subsections (a) and (b) as follows:**

“Sec. 4-2. Disturbing and/or feeding of coyotes, gulls and pigeons.

- (a) No person shall disturb or feed any gulls, pigeons, terns or waterfowl on any streets or sidewalk on public property or anywhere in the downtown area.

**(b) No person shall feed either directly or indirectly any coyotes on any public or private property.”**

**For Council Vote:**

**Note – This matter was taken up after “Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees” by the assent of the Council.**

**1. Proposed amendments to City Council Rules of Procedure**

**Council Vice President LeBlanc** called for and accepted a motion from **Councilor Lundberg**, seconded by **Councilor Nolan**, to accept the Council Rules of Procedure amendments as presented.

**Council President Ciolino** noted that there was a question of the Charter and Rules of Procedure and noted that Roberts Rules of Order shall prevail on all matters not specifically covered by these Council Rules of Procedure.

**REVIEW OF CHANGES TO COUNCIL RULES OF PROCEDURE**

**Councilor Gilman** noting that under Rule #4, Item #E and #F. Communications and Rebuttals respectively should be reversed and sought a definition of rebuttals and it is about two people talking to each other and it would be odd to rebut something that is being read as it is not a dialog and that this, she said, is a correct order. She said this made sense to her. **Councilor Orlando** after briefly describing a similar issue in a courtroom setting expressed his agreement the reversal of order of these two subsections of Rule #4 were appropriate.

**Council President Ciolino** noted the complete rewriting of Rule #11 for the hiring of the vacancies in the positions of City Clerk or City Auditor. He then pointed out Rule #15, item #3 to only have a roll call vote on the school budget only if there is a dissenting vote.

Rule #16 is concerning Council citations proposed by **Councilor Cox** who noted it was contained in the Council packet. **Council President Ciolino** noted that there is an additional rule, #17.

**Councilor Gilman** reviewed a new Rule #17 (mis-labeled Rule #16) “Use of Social Media for Communication of City Information, tweeting and facebook and briefly described why she was asking that the Council not change the wording as issued by city departments but rather share the same information as it was originally presented.

**Councilor LeBlanc** thanking Councilor Gilman for making this suggestion and instigating a healthy discussion on the matter. He then suggested that Rule #17 as proposed will be difficult to be adhered to because of updating issues through city departments and School Department. Social media is an instant form of communication with instant response expected when information is being shared with constituents, he noted.

**Councilor Orlando** said he understood the spirit of Rule 17 being offered but that it relies on each department to create something the Councilors can share on social media but it can’t always be done in a timely manner. He said when there is an existing post he duly notes it and shares it onto his web page but sometimes it doesn’t happen and suggested it is difficult to create a rule in this vein.

**Councilor Gilman moved to strike Rule #17, seconded by Councilor Nolan which was voted unanimously to be struck by the Council.**

**Council President Ciolino** noted there is flexibility in that if there is something that doesn’t work for the Council they can revisit the Rules of Procedure.

**MOTION: On a motion by Councilor Lundberg, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Cox) absent, to accept the Council Rules of Procedure as amended.**

**Unfinished Business: None.**

**Individual Councilor’s Discussion including Reports by Appointed Councilors to Committees:**

**Update of the Poet Laureate Selection Committee by City Council representative, Councilor Paul Lundberg as follows:**

The ordinance requires a committee made up of representatives of a City Council representative, a member from the Committee for the Arts, a representative appointed by the Mayor, and two representatives from city literary organizations. The five member committee is now constituted; they are: John Ronan, Mayor Theken’s appointee, Judith Hoglander, member of the Committee for the Arts, Chris Anderson from the Eastern Point Literary House and Amanda Cook from the Gloucester Writers Center. The Poet Laureate Selection Committee will be sending out call for applications for Poet Laureate in the first part of March and the applications will be closed at the end of that month. The Selection Committee will deliberate and then make a recommendation to have a new Poet Laureate in

place by April 27 which is Poetry in your Pocket Day. He said this is an important city post and added he was sure the Selection Committee would find a good Poet Laureate candidate.

**Councilors' Requests to the Mayor: None.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 9:29 p.m.**

**Respectfully submitted,**

*Dana C. Jorgensson*  
**Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Google map of Lindberg Drive by SCP2017-001 Applicant, Hongwei Jin**