

GLOUCESTER CITY COUNCIL MEETING

Tuesday, October 10, 2017 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Joseph Ciolino; Vice Chair, Steven LeBlanc, Jr.; Councilor Melissa Cox; Councilor Paul Lundberg (entered the meeting at 7:25 p.m.); Councilor Scott Memhard; Councilor Valerie Gilman; Councilor Sean Nolan; Councilor James O'Hara; Councilor Joseph Orlando, Jr.

Absent: None.

Also Present: Mayor Sefatia Theken; Joanne Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; Matt Coogan

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 dedicated the Moment of Silence to commemorate the passing of Former City Councilor John "Gus" Foote, and noted that he and Mayor Theken worked with Councilor Foote for many years. He said that the Mayor served on the Ordinances & Administration Committee with "Gus" also.

Mayor Sefatia Theken said Councilor Foote was a person you loved to hate yet he never held a grudge. She said she was called the "female Gus Foote" when she first ran for a Council seat, and noted that never concerned her. Rather she viewed it as a compliment pointing out that Councilor Foote actively advocated for seniors, fishermen, veterans, and the underprivileged. She said Councilor Foote taught her a lot, and recounted how he always said goodnight to his seniors at the end of every Council meeting. She noted that she appointed him to the Governor's choice for the Gloucester Housing Authority. He didn't take his pay, but donated it back to the people and she pointed out he did a lot for people that no one ever knew about and just did it because he cared. Some of his sons are on the Police Department whom he was proud of as he was of all his children. Gus, she said, didn't care about a person's background or education just that they were honest and sincere. She said on behalf of Councilor Foote she wished all of Gloucester's seniors a good night and that Gus Foote would rest in peace.

Council President Ciolino offered his remembrances of his friend, Councilor Gus Foote saying that he met him when he was first elected to the City Council, beating out Councilor Foote's best friend. He noted it didn't take long for him and Councilor Foote to connect. Noting that through the years while they would disagree Councilor Foote's 32 years of experience in public service taught him many things but most of all it taught him about serving a constituency, be it the elderly or people on the city's waterfront. He was a man who could get things done, sometimes small, but people loved him for it, he said. He recounted a trip Councilor Foote took to Florida where he saw a Purple Heart designation on a highway there and asked if Councilor Ciolino would sponsor and advocate the same for Gloucester. He pointed out that Councilor Foote had been decorated with a Purple Heart and was a dedicated veteran of the city, attending Veterans Day services every year right up until his death. He cited the Route 128 extension now designated as a Purple Heart Highway. He fondly recounted that Gus Foote visited his store so often to chat that he installed a chair for him which became known as the "Gus Foote Chair." Councilor Foote did a lot for the city and worked hard for his seniors, and he will be missed, he said.

Oral Communications: None.

Presentations/Commendations:

Matt Coogan, Senior Planner, Community Development Department re: Update on Gloucester's Green Campaign for MassSave no-cost home energy assessment

Mr. Coogan noted that he manages many of the city's green energy initiatives and updated the Council on the city's Gloucester's Green Campaign started in April of this year:

Gloucester Green is a way to celebrate the city's energy efficiency projects, electric vehicle municipal fleet, the wind turbines, all the things Gloucester has done as a community to help reduce the city's energy load most of which encompassed the municipal side since Gloucester was designated by the state as a "green community." The city is close to its goal of lowering its energy consumption by 20% in total. Now Gloucester Green is looking to help reduce residents' utility bills by having people sign up for the MassSave no-cost home energy audits. National Grid will grant the city about \$41,000 if 1,400 residential energy audits are completed this year. It was noted if

residents want to see a live energy audit they were encouraged to go to GloucesterGreen.org to see the Mayor's own residential energy audit as it was conducted.

It was explained that home energy audits are conducted by a specialist who comes to a resident's home to make a diagnostic analysis looking at insulation, air leaks causing temperature fluctuations, check appliances and ensure gas stoves safely operate. They will offer to replace all lightbulbs with new LED bulbs as well as install programmable thermostats, "smart" power strips all on the spot and at no cost. Additionally residents will receive a "roadmap" of how they can save additional money tying those projects with available rebates and incentives. An example was given that many homes in the area lack a necessary level of insulation that would keep a home comfortable during the winter without turning up the heat. Seventy-five percent of insulation work is covered by the MassSave program so the out-of-pocket cost is substantially subsidized. There is an immediate savings garnered on utility bills putting cash back in people's pockets, and overall payback takes only a minimum of one to two years at most.

Gloucester Green is trying to get residents to partake of these energy assessments. With three more months left in the year, with about 500 energy audits completed in Gloucester since the program began, the city needs about 900 more residents to sign up for the audit program before December 31. He asked the Council for their help to get the word out to their constituents. He reiterated that if the city reaches 1,400 audits, National Grid will give the city \$41,000 which can be used towards a municipal energy efficiency project.

Councilor Gilman advised she will be calling for her own home energy audit. She reconfirmed that the amount of the grant is \$41,000 with **Mr. Coogan**, and that as long as a resident signs up before the December 31, 2017 deadline even if they schedule their energy audit in the New Year it still counts towards the city's audit count. He advised that home energy audits can be done for renters or those who own their own condo units or single-family homes. **Councilor Gilman** suggested that to help spread the word about the MassSave program perhaps something could be arranged to send flyers home with schoolchildren by arrangement with the Superintendent of Schools.

Councilor Nolan said this work makes a difference, and advised he's has been passing out flyers for a company who does these audits locally. He said four people have told him they have saved money just during the summer months already and are looking forward to seeing what they save this coming winter. He pointed out this program is the simplest way possible for the city to gain \$41,000 to tackle other community green initiatives. He urged everyone to take advantage of the MassSave program, and offered his thanks to Mr. Coogan.

Councilor Cox, noting she chaired one of Mr. Coogan's Facebook posts, noted that someone said National Grid won't undertake their audit because they were already on a low-income credit. **Mr. Coogan** said there are different programs depending on whether a person is income eligible. If residents are unsure what they qualify for in terms of programs, residents should call MassSave and they will be directed through an on-line survey to figure out if the individual is income-eligible -- if they are, there are bigger incentives and larger programs offered locally through Action, Inc. **Councilor Cox** asked if this home energy audit is income based. **Mr. Coogan** informed the Councilor that National Grid wants to have people sign up that don't have income eligibility for other programs. He added that if they do try to sign up, the city's been assured that they will be redirected to the local program through Action, Inc. He advised that Gloucester Green held a kick-off energy forum in May and Action was represented on the panel -- the city maintains a strong line communication with Action to coordinate programs.

Councilor Orlando asked if there is a special way to sign up if you are a Gloucester resident or just by virtue of being a Gloucester resident and signing up through MassSave the city will get credit for the person signing up for a home energy audit. **Mr. Coogan** said as long as residents sign up through the MassSave program they will be counted by virtue of the fact MassSave sees a utility bill and knows the person lives in Gloucester and will credit the city in the audit count.

To sign up for a MassSave no-cost, in-home energy audit, go to GloucesterGreen.org or through masssave.com or call 1-866-527-SAVE (7283).

New Appointments:

Zoning Board of Appeals

Adria Reimer-Nicholosi

TTE 02/14/20

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 appoint Adria Reimer-Nicholosi to the Zoning Board of Appeals, TTE 02/14/20.

DISCUSSION:

Councilor LeBlanc said that Ms. Nicholosi impressed the O&A Committee with her presentation. He said she will be a great fit with the Zoning Board of Appeals. He advised she'd just passed her bar exam and offered his congratulations.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Lundberg) absent, to appoint Adria Reimer-Nicholosi to the Zoning Board of Appeals, TTE 02/14/20

Consent Agenda:

- **MAYOR'S REPORT**
 1. Special Budgetary Transfer 2017-SBT-1 from the CFO (Refer B&F)
 2. Memorandum from Acting Community Development Director re: Community Preservation Committee Recommendations-Round 8, FY2017 Funds (Refer B&F)
 3. Memorandum, Grant Application & Checklist from DPW Director re: Acceptance of Recycling Dividends Grant in the amount of \$27,000 (Refer B&F)
 4. Memorandum from Personnel Director re: overview of new municipal training program through the Van Loan School at Endicott College (Info Only)
 5. Memorandum from Personnel Director re: updated terms for job descriptions within the 4 Harbormaster and Shellfish Warden Departments (Info Only)
 - **COMMUNICATIONS/INVITATIONS**
 - **APPLICATIONS/PETITIONS**
 1. Special Events Application: Request to hold 2017 Christmas Parade & Tree Lighting on November 26, 2017 (Refer P&D)
 2. Special Events Application: Request to hold the Lobster Trap Tree Lighting on December 9, 2017 (Refer P&D)
- **COUNCILORS ORDERS**
 1. CC2017-041 (Gilman): Request that Stage Fort Park tennis Courts be dedicated in honor of Avis Murray (Refer O&A)
 2. CC2017-042 (O'Hara): Request that the State Legislature file a Home Rule Petition re: raising parking fines (Refer O&A)
 3. CC2017-043 (Gilman): Request that the Traffic Commission perform a speed study on Gee Avenue (Refer O&A & TC)
 4. CC2017-044 (Gilman): Amend GCO Ch. 9 "Fire Prevention and Protection" by ADDING Sec. 8.6 entitled, "Use of Sky Lanterns and other Devices" (Refer O&A & Fire Dept.)
 5. CC2017-045 (Cox): Request O&A review and recommend the matter of regulating the use of plastic carryout bags and amend GCO Ch. 9 accordingly (Refer O&A)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 9/26/2017 (Approve/File)
 2. Standing Committee Meetings: B&F 10/05/17 (under separate cover), O&A 10/02/17, P&D 10/04/17 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Cox asked to remove Item #5 under Council Orders CC2017-045 (Cox): Request O&A review and recommend the matter of regulating the use of plastic carryout bags and amend GCO Ch. 9 accordingly. She said after the issues with the second version of her Council Order on her proposed single-use plastic bag ban, it was recommended by the Legal Department to "scrap" the current Order, withdraw it, and begin anew with this new Order which now includes all that is necessary to institute a ban. She explained this isn't much of a delay although a setback, in that the proposed ban will come before the Council in this calendar year and if passed will still start January 1, 2018. **CC2017-045 was voted unanimously by the Council to be referred to the O&A Committee.**

By unanimous consent the Consent Agenda was accepted as amended.

Councilor Lundberg entered the meeting at 7:25 p.m.

Committee Reports:

Budget & Finance: October 5

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 accept a federal grant under MGL c. 44, § 53A a Federal Fiscal Year 2016 U.S. Department of Homeland Security State Homeland Security Program (SHSP) Citizens Corp Program (CERT) Grant through the Federal Emergency Management Agency (FEMA) and passed through the Massachusetts Emergency Management Agency (MEMA) in the amount of \$3,500 for the purpose of recruiting, training, exercising, emergency shelter supplies & equipment and printing needs for the Citizen Emergency Response Team (CERT) volunteers. There is no local match for this grant. The grant period of the grant is from July 3, 2017 through May 31, 2018.

DISCUSSION:

Councilor Memhard explained that this is an annual no-match grant which the city's Emergency Management department applies on behalf of the city's Citizens Emergency Response Team (CERT). The \$3,500 grant will be used to purchase special needs and oversized cots, a portable ramp to aid with mobility for people with disabilities and personal care items for shelter guests for the Emergency Operations Center and shelter area at the O'Maley Innovation Middle School.

Council President Ciolino advised he has asked the Administration to come forward with a report about CERT. He expressed concern for the city continuing to acquire new equipment and wanted to know more about plans as to how the equipment is stored, where it is maintained and from where it will be deployed by the city in the event of a catastrophic emergency.

Councilor Cox conveyed her agreement with Councilor Ciolino saying that it has been two years since CERT was activated. She pointed there still is a great core group of volunteers that hold meetings and are available to the city reiterating that the city hasn't utilized this resources in two years. These volunteers have been trained to be deployed and continue to maintain their education through on-line courses with FEMA. She said while she understood this was a no-match grant, that if the city isn't utilizing the funds, there are other surrounding communities who utilize their CERT volunteers regularly and could use the funds. She pointed out that there is local CERT volunteers at this moment serving in Puerto Rico providing aid and said Gloucester's CERT could be doing so much more than they are called upon to do. Highlighting that both she and Councilor O'Hara are members of CERT, she said she didn't want to pass up grant funds to replace equipment that needs to be replaced, but she wanted to see grant funds used in a more judicious manner.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept a federal grant under MGL c. 44, § 53A a Federal Fiscal Year 2016 U.S. Department of Homeland Security State Homeland Security Program (SHSP) Citizens Corp Program (CERT) Grant through the Federal Emergency Management Agency (FEMA) and passed through the Massachusetts Emergency Management Agency (MEMA) in the amount of \$3,500 for the purpose of recruiting, training, exercising, emergency shelter supplies & equipment and printing needs for the Citizen Emergency Response Team (CERT) volunteers. There is no local match for this grant. The grant period of the grant is from July 3, 2017 through May 31, 2018.

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 accept a federal grant under MGL c. 44, § 53A a Federal Fiscal Year 2017 U.S. Department of Homeland Security State Homeland Security Program (SHSP) Emergency Preparedness Performance Grant through the Federal Emergency Management Agency (FEMA) and passed through the Massachusetts Emergency Management Agency (MEMA) in the amount of \$6,460 for the purpose of purchasing and installation of a Smart 911 Public Information and Warning System. There is a 100% required match for this grant. The grant period of the grant is from September 13, 2017 through June 30, 2018.

DISCUSSION:

Councilor Memhard explained that the Gloucester's Emergency Management division of the Fire Department has been awarded an EMPG (Emergency Preparedness Performance Grant) for \$6,460 which does require a match but is in-kind – Carol McMahon's salary (Ms. McMahon is the Assistant to the Emergency Management Director) is used for it. He noted that grant funds will be used to purchase a Smart 911 system to assist in addressing the ability to deliver the appropriate level of information and warnings needed for the city. This will augment Gloucester's 911 system, he noted, as previously been no capacity for people with disabilities and others with access and functional needs issues to effectively register any pertinent information, their location, etc., with Emergency Management and first responders. The new system will not only assist in better dissemination of warnings and information to the public but also help in the city's planning for disasters and enhance EMS response capabilities.

Councilor Gilman asked what the benefits are of a Smart911 system as opposed to the city's Code Red system. **Jim Destino**, CAO, said the Smart911 program is a supplement to Gloucester's 911 system which is an opt-in program for people to call in to record their issues, disabilities and special needs to allow the city when 911 is called to respond more appropriately during an emergency.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept a federal grant under MGL c. 44, § 53A a Federal Fiscal Year 2017 U.S. Department of Homeland Security State Homeland Security Program (SHSP) Emergency Preparedness Performance Grant through the Federal Emergency Management Agency (FEMA) and passed through the Massachusetts Emergency Management Agency (MEMA) in the amount of \$6,460 for the purpose of purchasing and installation of a Smart 911 Public Information and Warning System. There is a 100% required match for this grant. The grant period of the grant is from September 13, 2017 through June 30, 2018.

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 permit the application by the Police Department for a Massachusetts Executive Office of Public Safety and Security, a FY18 State 911 Department Training Grant and Emergency Medical Dispatch/Regulatory Compliance Grant for \$121,239.63. There is no local match for this grant. The grant period is through June 30, 2018.

DISCUSSION:

Councilor Memhard conveyed that the Police Department is requesting permission to apply for the FY18 State 911 EMD Training Grant, applied for annually by the department in the amount of \$121,293.63. There is no match, he noted. This grant is for training the department's dispatchers, and all their EMD officers have to have 24 hours a year of training, and that any new officers have to be trained in the 911 system and this grant covers that.

Councilor Cox noting that this is a reimbursable grant saying that in years' past this grant has been paid out to the city but with significant delays from the state and asked for an update. She said when she served on the Budget & Finance Committee, the state lagged on its payment to the city by two years. **Kenny Costa**, City Auditor, explained that the state has gotten better over the years with their reimbursement payments and is now current.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to permit the application by the Police Department for a Massachusetts Executive Office of Public Safety and Security, a FY18 State 911 Department Training Grant and Emergency Medical Dispatch/Regulatory Compliance Grant for \$121,239.63. There is no local match for this grant. The grant period is through June 30, 2018.

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 accept a federal grant under MGL c. 44, §53A from the U.S. Department of Health and Human Services passed through the Massachusetts Department of Public Health Emergency Preparedness Bureau and the International Institute of Greater Lawrence, Inc. in the amount of \$10,166 from the FY18 grant funding for the purpose of supporting the Grant Accounting Specialist's salary to ensure continuity in the maintenance of the communications accounts for this grant in support of public health emergency preparedness and response activities throughout the North Shore and Cape Ann Coalition. This grant has no match requirement. The grant period is from July 1, 2017 through June 30, 2018.

DISCUSSION:

Councilor Memhard noted that the city's Health Department has previously been the fiscal agent for the regional Public Health Preparedness Grant (PHEP) for over seven years and is now being asked to manage the grant at the request of the Mass. Department of Public Health (MDPH). Fifteen cities and towns are part of the coalition, he advised. For FY18 the amount increased a bit, and the department's Grant Manager has stepped up her involvement with this grant picking up some administrative and budgeting functions so that they can put a bit more of the grant funding against her salary, he said. There is no match, and the funds go for the management of the 15 communities budgets, communications and the Grants Manager will also track credentialing for the coalition and be responsible for some standard reports to the MDPH that are required under the grant. The total award amount is \$10,166 which is a slight increase over prior years, he pointed out.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Orlando, the City Council voted 9 in favor, 0 opposed, to accept a federal grant under MGL c. 44, §53A from the U.S. Department of Health and Human Services passed through the Massachusetts Department of Public Health Emergency Preparedness Bureau and the International Institute of Greater Lawrence, Inc. in the amount of \$10,166 from the FY18 grant funding for the purpose of supporting the Grant Accounting Specialist's salary to ensure continuity in the maintenance of the communications accounts for this grant in support of public health emergency preparedness and response activities throughout the North Shore and Cape Ann Coalition. This grant has no match requirement. The grant period is from July 1, 2017 through June 30, 2018.

Ordinances & Administration: October 2

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2017-011 pursuant to traffic changes affecting Pleasant Street from Franklin Square to 32 Pleasant Street without prejudice.

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to permit the withdrawal of CC2017-011 pursuant to traffic changes affecting Pleasant Street from Franklin Square to 32 Pleasant Street without prejudice.

Planning & Development: October 4

There are no matters for Council action from this meeting under this heading.

Scheduled Public Hearings:

1. **PH2017-052: Amend GCO Ch. 2 "Administration," Article VI "Finance" by ADDING a new Division 5 "Departmental Revolving Fund"**

This public hearing is opened at 7:38 p.m.

Those speaking in favor:

Kenny Costa, City Auditor, explained the following: Through the city's annual budget process the Council votes on the Revolving Funds for the Schools and City for their authorization and spending limits. Under the state's Modernization Act the state broke that up into two parts. The first is the listing of the revolving funds for the funds authorization which will be ordinance, and then later during the budget process the spending limits will be voted on by the Council as part of the annual passage of the city's budget. The action the Council is being asked to take is to authorize the actual funds and memorializing them in the Code of Ordinances. If a new revolving fund is needed, the Code of Ordinances would have to be amended through public hearing to list the new Revolving Fund either under the City or Schools listings. All cities and towns are adopting the same legislation crafted by the Department of Revenue. Mr. Costa concluded his remarks by noting that the language put forward to the Council for amending the Code of Ordinances was from the Department of Revenue, and was also reviewed by General Counsel.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:40 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Chapter 2 "Administration", Article VI "Finance" by ADDING new "Division 5 – Departmental Revolving Funds" as follows:

Section 5-616 - Purpose

Purpose. This ordinance establishes and authorizes revolving funds for use by city departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate

fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

Section 5-617 – Expenditure Limitations

Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this ordinance without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by the City Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Mayor and City Council.

Section 5-618 - Interest

Interest. Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the General Fund.

Section 5-619 – Procedures and Reports

Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this ordinance, the laws, charter provisions, ordinances, rules, regulations, policies or procedures that govern the receipt and custody of city monies and the expenditure and payment of city funds shall apply to the use of a revolving fund established and authorized by this ordinance. The City Auditor shall include a statement and the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the City Auditor provides the department, board, committee, agency or officer on appropriations made for its use.

Section 5-620 – Authorized Revolving Funds

Authorized Revolving Funds. The Table establishes:

- A. Each revolving fund authorized for use by a City department, board committee, agency or officer,
- B. The department or agency head, board, committee or officer authorized to spend from each fund,
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the City Auditor,
- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund, and
- G. The fiscal years each fund shall operate under this ordinance.

Section 5-621 – School Revolving Funds Table

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Summer School Program	School	Fees collected From Users	Salary/Expense to Run summer school Program	None	None	Fiscal Year 2018 and Subsequent years
Transportation	School	Contracts/ Charters collected To Users	Transportation Services for Students	None	None	Fiscal Year 2018 and Subsequent years

ROTC	School	Fees/Charges Collected from Users	Salary/Expenses	None	None	Fiscal Year 2018 and Subsequent years
Preschool	School	Fees/Charges Collected from Users	Salary/Expenses of Teachers and Materials	None	None	Fiscal Year 2018 and Subsequent years
Professional Developm	School	Fees/Charges Collected from Users	Training Expense For Gloucester School Teachers	None	None	Fiscal Year 2018 and Subsequent years
Non Resident Student Tuition	School	Fees/Charges Collected from Users	Salary/Expense for Non resident Students	None	None	Fiscal Year 2018 and Subsequent years
West Parish Before School Program	School	Fees/Charges Collected from Users	Salary/Expense to Run West Parish Before School Program	None	None	Fiscal Year 2018 and Subsequent years

Section 5-622 – City Revolving Funds Table

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Building Use	DPW Director	Fees/Charges Collected from Users	Janitorial/ Maintenance for School Buildings	None	None	Fiscal Year 2018 and Subsequent years
City Hall User	DPW Director	Fees/Charges Collected from Users	Janitorial/ Maintenance for Kyrouz Auditorium	None	None	Fiscal Year 2018 and Subsequent years
Court Repairs	DPW Director	State Reimbursement	Repairs to the Court Building	None	None	Fiscal Year 2018 and Subsequent years
Septic Loan - BOH	City CFO	Fees collected From Homeowners	Salary/Expenses Related to Septic Systems	None	None	Fiscal Year 2018 and Subsequent years
Vaccine – BOH	BOH Director	Fees collected From insurance and Users	Vaccinations for flu and other	None	None	Fiscal Year 2018 and Subsequent years
Fire Training	Fire Chief	Fees	High Angle Training	None	None	Fiscal Year 2018 and Subsequent years
<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
RFR Study	Community Development Director	Fees collected From applicant	Radio Frequency Study	None	None	Fiscal Year 2018 and Subsequent years
Dental – BOH	BOH Director	Fees collected From insurance And Users	Child Dental Services	None	None	Fiscal Year 2018 and Subsequent years
Solid	DPW Director	Fees collected	Materials/Supplies	None	None	Fiscal Year

Waste/Recycling		From Users	For Recycling Program			2018 and Subsequent years
City Clerk Pres. Perm. Records	City Clerk	Fees	Archival Preservation	None	None	Fiscal Year 2018 and Subsequent years
Vacant Building	Inspectional Services Director	Fees	Secure Vacant Buildings	None	None	Fiscal Year 2018 and Subsequent years
Lanes Cove Fish Shack	DPW Director	Fees	Repairs to the Fish Shack	None	None	Fiscal Year 2018 and Subsequent years
Various Fire Trainings	Fire Chief	Reimbursements	Training	None	None	Fiscal Year 2018 and Subsequent years
DPW - Newell Stadium Maintenance	DPW Director	Fees collected From users	Maintenance for Newell Stadium	None	None	Fiscal Year 2018 and Subsequent years
DPW - Stage Fort Park Maintenance	DPW Director	Fees	Maintenance for Stage Fort Park	None	None	Fiscal Year 2018 and Subsequent years
Police - Student Officer Training & Equipment	Police Chief	Reimbursements From Student Officers	Training for Student Officers	None	None	Fiscal Year 2018 and Subsequent years
Fire Decon. Drill Training	Fire Chief	State Reimbursements	Training	None	None	Fiscal Year 2018 and Subsequent years

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to Amend GCO Chapter 2 “Administration”, Article VI “Finance” by ADDING new “Division 5 – Departmental Revolving Funds” as follows:

Section 5-616 - Purpose

Purpose. This ordinance establishes and authorizes revolving funds for use by city departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

Section 5-617 – Expenditure Limitations

Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this ordinance without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.**
- B. No liability shall be incurred in excess of the available balance of the fund.**
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by the City Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Mayor and City Council.**

Section 5-618 - Interest

Interest. Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the General Fund.

Section 5-619 – Procedures and Reports

Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this ordinance, the laws, charter provisions, ordinances, rules , regulations, policies or procedures that govern the receipt and custody of city monies and the expenditure and payment of city funds shall apply to the use of a revolving fund established and authorized by this ordinance. The City Auditor shall include a statement and the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the City Auditor provides the department, board, committee, agency or officer on appropriations made for its use.

Section 5-620 – Authorized Revolving Funds

Authorized Revolving Funds. The Table establishes:

- A. Each revolving fund authorized for use by a City department, board committee, agency or officer,**
- B. The department or agency head, board, committee or officer authorized to spend from each fund,**
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the City Auditor,**
- D. The expenses of the program or activity for which each fund may be used,**
- E. Any restrictions or conditions on expenditures from each fund;**
- F. Any reporting or other requirements that apply to each fund, and**
- G. The fiscal years each fund shall operate under this ordinance.**

Section 5-621 – School Revolving Funds Table

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Summer School Program	School	Fees collected From Users	Salary/Expense to Run summer school Program	None	None	Fiscal Year 2018 and Subsequent years
Transportation	School	Contracts/ Charters collected To Users	Transportation Services for Students	None	None	Fiscal Year 2018 and Subsequent years
ROTC	School	Fees/Charges Collected from Users	Salary/Expenses	None	None	Fiscal Year 2018 and Subsequent years
Preschool	School	Fees/Charges Collected from Users	Salary/Expenses of Teachers and Materials	None	None	Fiscal Year 2018 and Subsequent years
Professional Developm	School	Fees/Charges Collected from Users	Training Expense For Gloucester School Teachers	None	None	Fiscal Year 2018 and Subsequent years
Non Resident Student Tuition	School	Fees/Charges Collected from	Salary/Expense for Non resident	None	None	Fiscal Year 2018 and

		Users	Students			Subsequent years
West Parish Before School Program	School	Fees/Charges Collected from Users	Salary/Expense to Run West Parish Before School Program	None	None	Fiscal Year 2018 and Subsequent years

Section 5-622 – City Revolving Funds Table

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Building Use	DPW Director	Fees/Charges Collected from Users	Janitorial/ Maintenance for School Buildings	None	None	Fiscal Year 2018 and Subsequent years
City Hall User	DPW Director	Fees/Charges Collected from Users	Janitorial/ Maintenance for Kyrouz Auditorium	None	None	Fiscal Year 2018 and Subsequent years
Court Repairs	DPW Director	State Reimbursement	Repairs to the Court Building	None	None	Fiscal Year 2018 and Subsequent years
Septic Loan - BOH	City CFO	Fees collected From Homeowners	Salary/Expenses Related to Septic Systems	None	None	Fiscal Year 2018 and Subsequent years
Vaccine – BOH	BOH Director	Fees collected From insurance and Users	Vaccinations for flu and other	None	None	Fiscal Year 2018 and Subsequent years
Fire Training	Fire Chief	Fees	High Angle Training	None	None	Fiscal Year 2018 and Subsequent years
<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
RFR Study	Community Development Director	Fees collected From applicant	Radio Frequency Study	None	None	Fiscal Year 2018 and Subsequent years
Dental – BOH	BOH Director	Fees collected From insurance And Users	Child Dental Services	None	None	Fiscal Year 2018 and Subsequent years
Solid Waste/Recycling	DPW Director	Fees collected From Users	Materials/Supplies For Recycling Program	None	None	Fiscal Year 2018 and Subsequent years
City Clerk Pres. Perm. Records	City Clerk	Fees	Archival Preservation	None	None	Fiscal Year 2018 and Subsequent years
Vacant Building	Inspectional Services Director	Fees	Secure Vacant Buildings	None	None	Fiscal Year 2018 and Subsequent years
Lanes Cove Fish Shack	DPW Director	Fees	Repairs to the Fish Shack	None	None	Fiscal Year 2018 and Subsequent

						years
Various Fire Trainings	Fire Chief	Reimbursements	Training	None	None	Fiscal Year 2018 and Subsequent years
DPW - Newell Stadium Maintenance	DPW Director	Fees collected From users	Maintenance for Newell Stadium	None	None	Fiscal Year 2018 and Subsequent years
DPW - Stage Fort Park Maintenance	DPW Director	Fees	Maintenance for Stage Fort Park	None	None	Fiscal Year 2018 and Subsequent years
Police - Student Officer Training & Equipment	Police Chief	Reimbursements From Student Officers	Training for Student Officers	None	None	Fiscal Year 2018 and Subsequent years
Fire Decon. Drill Training	Fire Chief	State Reimbursements	Training	None	None	Fiscal Year 2018 and Subsequent years

2. **PH2017-043: Amend GCO Ch. 9 “Trash, Recycling and Litter” Sec. 9-12 and Sec. 9-13 (reserved) by ADDING a new Sec. 9-12 and Sec. 9-13 (reserved) by ADDING a new Sec., 9-12, which prohibits the use of plastic checkout bags, and ADDING a new Sec. 9-13 regarding penalties for violation of new Sec. 9-12**

NOTE: This public hearing was closed and continued at the point of Council Discussion on the motion on the table.

Councilor Cox offered that she was requesting to withdraw her Council Order 2017-026 for the prohibition of single-use plastic checkout bags noting that accepted on the Council’s Consent Agenda today to move to the O&A Committee is a completely formatted single-use plastic ban proposal to amend the Code of Ordinances.

MOTION: On a motion by Councilor Cox, seconded by Councilor LeBlanc, the City Council voted 9 in favor, 0 opposed, to accept the withdrawal of the Council Order CC2017-026 to Amend GCO Ch. 9 “Trash, Recycling and Litter” Sec. 9-12 and Sec. 9-13 (reserved) by ADDING a new Sec. 9-12 and Sec. 9-13 (reserved) by ADDING a new Sec., 9-12, which prohibits the use of plastic checkout bags, and ADDING a new Sec. 9-13 regarding penalties for violation of new Sec. 9-12 without prejudice.

3. **PH2017-045: RZ2017-002 Rust Island Road #4, Map 233, Lot 72 from R-10 (Medium/High Density Residential) to EB (Extensive Business)**

This public hearing is opened at 7:47 p.m.

Those speaking in favor:

Corey Grammas, 141 Western Avenue, owner of subject property and Lobsta Land Restaurant at 84 Causeway Street, asked that Rust Island Road #4 be rezoned from R-10 (medium/high density residential) to EB (Extensive Business). He conveyed that he chose the EB zoning designation for the Rust Island property because it is also the zoning designation for 84 Causeway Street. Rust Island Road #4 is now the leaching field that supports Lobsta Land. The two pieces of property are co-joined by two pressurized septic lines and he said because of that fact the two parcels should have the same zoning. Rust Island #4 is also utilized for restaurant employee parking and overflow patron parking which he said wasn’t an appropriate use under the R-10 residential designation. By changing the designation to EB it will allow him to continue to use the property for that specifically designated seasonal parking. This will also allow for off-season trailered boat storage for which there is a market, and is allowed under the EB designation, he pointed out.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:49 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Gilman, the Planning & Development Committee under Gloucester Zoning Ordinance Section 1.11 and MGL c. 40A, §5, voted

3 in favor, 0 opposed, to recommend that the City Council Grant the proposed rezoning petition of the owner of Rust Island Road #4 to change the zoning designation for Rust Island #4 (Assessors Map 233, Lot 72 with a property depth of 80 +/- feet, a frontage of 500 +/- feet and a lot area of 18,540 +/- square feet, from R-10 (Medium/High Density Residential) to EB (Extensive Business) and the Zoning Map is to be changed accordingly.

DISCUSSION:

Councilor Lundberg said that Rust Island Road #4 and 84 Causeway Street are joined by the Lobsta Land Restaurant septic system and that the residential designation isn't appropriate. He said that by rezoning Rust Island #4 as EB, it will allow Mr. Grammas to store boats on the property. He noted when the P&D Committee took up this rezoning matter no objections were raised from neighbors, and the Committee unanimously recommended the rezoning.

Councilor Nolan said that Mr. Grammas has been a great neighbor in Ward 5 on Rust Island, keeping the property clean, and that the additional parking is advantageous for the neighborhood and for the patrons of the restaurant. He said the property in question looks "presentable" and expressed he had faith that Mr. Grammas would run the property "respectfully." He offered his support of the Rust Island #4 rezoning.

Councilor LeBlanc said he would add his support for the rezoning request. He said he has known Mr. Grammas for quite some time, that he's an outstanding citizen and business owner, that everything he does is on the "up and up."

Councilor O'Hara added his support for the rezoning proposal of Mr. Grammas saying that the neighbors he's spoken with were complimentary of Mr. Grammas and his business.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council under Gloucester Zoning Ordinance Section 1.11 and MGL c. 40A, §5, voted by ROLL CALL 9 in favor, 0 opposed, to Grant the rezoning petition of the owner of Rust Island Road #4 to change the zoning designation for Rust Island #4 (Assessors Map 233, Lot 72 with a property depth of 80 +/- feet, a frontage of 500 +/- feet and a lot area of 18,540 +/- square feet, from R-10 (Medium/High Density Residential) to EB (Extensive Business) and the Zoning Map is to be changed accordingly.

4. PH2017-048: SCP2017-011: Colburn Street #1, Map 157, Lots 72 & 39, GZO Sec. 3.1.6(b) and Sec. 3.2 for a building height in excess of 35 feet

At the request of the Council President and by a unanimous vote of the Council, the Council's Rules of Procedure were suspended in order to start the public hearing for SCP2017-011: Colburn Street #1, Map 157, Lots 72 & 39, GZO Sec. 3.1.6(b) and Sec. 3.2 for a building height in excess of 35 feet over from its beginning.

Council President Ciolino then briefly reviewed the procedures of the public hearing with those present.

This public hearing is opened at 7:53 p.m.

Those speaking in favor:

Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, representing Sam Avola, applicant of 9 Trueman Dr., Malden, MA, regarding an application (and purchaser of 949 Washington Street and 1 Colburn Street) for a Special Permit for Building Heights in Excess 35 feet, under GZO Sections 1.8.3, 3.1.6(b) and 3.2, as purchaser of Colburn Street #1 utilizing and Washington Street #929 in order to access and build a duplex at Colburn Street #1 (addendum to Purchase & Sale Agreement for both properties on file with application). Also present was Sam Avola, purchaser of the properties and Chad Ketchopulos, builder, Rockport, MA. He conveyed the following information briefly in summarization: The Council is voting on relief from the 30 foot height restriction to 38 feet to meet FEMA (Federal Emergency Management Administration) requirements that the underside of the structure be above Elevation 22 which is seven feet above existing grade. Mass. Coastal Zone Management (CZM) strongly recommends raising the structure an additional two feet to account for rising sea levels. NOAA (National Oceanographic & Atmospheric Administration) says that mid-level, not extreme high or low projection of sea level rise is two feet.

The Council considers under the Zoning Ordinance Sec. 1.8.3 six criteria which were addressed at two P&D meetings and at the site visit on September 15 and at the City Council public hearing on this matter on September 12 which will be reviewed again.

The applicant is proposing to build a duplex home for him and his wife and his daughter and her family. Each dwelling is approximately 2,415 square feet. The current average size of a new single-family home is 2,616 square feet or about 200 square feet larger than the proposed duplex. There are multiple single-family homes in the immediate neighborhood that exceed the size of the proposed duplex. Examples were cited: 924 Washington St. – a single-family home 3,434 square feet; 954 Washington St. – a single-family home 3,476 square feet; 956 Washington St. – a single-family home 2,794 square feet. It was noted that most of the comments from the public were that this proposal was too big for the site. This is two attached buildings.

The City of Gloucester recognizes the need for housing – as reported by the MAPC, a projection that between 2010 and 2020 that Gloucester will need 434 new multi-family units and 192 single-family units, and with 2020 only three years away the city is nowhere near half of those housing units. The city encourages the construction of two-family or duplex housing units by its Zoning Ordinance. Duplex housing is treated in the same manner as a single-family house with no more restrictive zoning requirements. Two-family and/or duplex housing units are an efficient use of available building lots.

It was noted that there are almost no building lots available in the city that don't have issues with flooding, wetlands, ledge, lack of utilities (water and sewer), and other factors. The Massachusetts Waterways Division of the Department of Environmental Protection (MDEP) will not allow access from Colburn Street for this property and restricts where the home can be built. The duplex has to be situated at least 100 feet away from any activity from the current high tide line – no filling, no driveways. The only thing allowed is utilities underground to connect to existing utilities on Colburn Street.

A single-family home with twice the footprint could be built on Colburn Street #1 and meet all zoning requirements and not need a Special Permit from the City Council or the Zoning Board of Appeals (ZBA), but it was noted the applicant didn't want to do that as it would defeat the purpose of what they are doing. To meet FEMA requirements, the building is raised on piers to allow floodwaters to flow through the structure without significant damage and without displacing floodwaters to other properties. The building doesn't have garages but cars will be able to park underneath the building. The architectural rendering(s) (on file) show garage doors on the front of the duplex facing Washington Street to hide the piers that support the building. Lattice work will “dress up” the sides and rear of the lower aspects of the building, screening the piers from view. It was pointed out that instead of a building appearing as a building on “stilts” it will have a more “normal” appearance.

Information became available through the permitting process evolution, doing site and topographic surveys and in several meetings with state agencies, several test holes were excavated and found were only foundation materials, granite “tailings” and gravel fill. There is no evidence of hazardous materials on the site nor was there anything “in the record.”

Low water pressure at the end of Colburn Street is a function of elevation at that section of the street and the location of the Bond Hill reservoir according to Public Works Director, Mike Hale. This project will have “zero” effect on water pressure.

Impacts to views will be minimal. Houses immediately adjacent to the property will have “sideways” views affected which happens with any construction but the views out to Hodgkins Cove and Essex Bay will be maintained. Views from properties further up on Quarry Street are much higher in elevation from the proposed building and will have views over the top of the proposed duplex and alongside the building. The architect considered many designs, but arrived at the proposed design as best meeting the needs of the owner. The Council is being asked to be proactive in allowing a home to be built protected from floodwaters. It was noted that there is precedent for height exception of this type.

Review of GZO Sec. 1.8.3:

1. Social, economic or community needs served by the proposal: This project will provide a duplex housing unit on land that has been vacant for 50 years. The site is overrun by invasive trees, brush and vines. It has become a receptacle for trash, auto parts, and building waste. Developing the site will provide an aesthetically pleasing landscape. It will add significantly to the tax base.
2. Traffic Flow & Safety: Access to the site will be through a single by single driveway at the northwest corner of the property onto Washington St. Sight visibility exceeds 300 feet in each direction. A Curb Cut Permit from MassHighway will be required. The estimated peak hour traffic in the morning and evening is less than two vehicles from the site.

3. Adequacy of utilities and other public services: There is pressure sewer and an 8-inch water main on Colburn Street. Both have more than adequate capacity. Mike Hale has opined that water use at this site will have zero impact on water pressure at the end of Colburn Street. Natural gas ends at the property line on Washington Street and is continued onto the property. Electrical and communications utilities are overhead services and will be connected to the proposed building via underground conduit if approved.
4. Neighborhood character and social structure: The neighborhood is a mixture of housing types from Georgian Colonials to converted barns, garages and cottages. The neighborhood character is comprised of longtime residents with independence and community pride. This proposed project will not adversely affect the neighborhood character.
5. Qualities of the natural environment: The natural environment is dominated by moderate to heavy tree stands. Overflow from the Klondike Reservoir feeds a nearby pond. The open ocean of Hodgkins Cove and Essex Bay dominate the western landscape. Significant changes to the natural environment will not result from this project as the site has been overrun by invasive trees and brush, much of which was removed. It is proposed to plant several trees and shrubs in place as approved by the Conservation Commission. The topography will be altered by less than one foot essentially evening out the topography, filling in depressions and setting the base under the house.
6. Potential fiscal impact: The duplex will generate significant tax revenues. The assessed value is estimated at \$1 million.

Those speaking in opposition:

Karen Cusick Faison, 927 Washington Street, a city native who returned to Gloucester in 2017 having renovated and purchased her father's home to live full time. Citing that she is a direct abutter to the subject property, she pointed out the back of the property borders her property on the northeast side. She shared her concern for water flow from Colburn Street #1 to her home at 927 Washington St. having always had a dry basement, as well concern for possible instability of the land and its high water table. She recounted that in October 2016 after heavy rains followed by high winds a 70 foot tree fell onto her house from the vacant lot. She noted the damage her roof sustained, and that a crane was needed to remove the tree and a contractor to make the necessary repairs. Currently when there is heavy rain there is standing water on the subject property and she asked for reassurance that water wouldn't flow to her property. Citing the height ordinance she said that the project is requesting a "variance" to build to 39 feet and that the applicant is citing the FEMA nine foot regulations as a "hardship." She expressed that she disagreed that the FEMA regulation is a "true hardship"-- it is a regulation that has to be followed. She then read GZO Sec. 3.1.6(b). She then expressed her concern for two points of that section: Consistency with neighborhood character: the proposed structure is calling for a duplex of two 2,400 square foot units bringing the total size to 4,800 square feet. She said that the average Bay View home is 1,600 square feet, and the proposed structure would be 30% larger, and that the proposed structure is inconsistent with the scale of the neighborhood. Obstruction of views: She noted her direct water views of Ipswich Bay from her first and second floor decks. She said she'll view the back of a large 39 foot structure.

Ms. Faison suggested that the purpose of ordinances and regulations to maintain order and to provide guiding principles. She said that by choosing to start a project in a known flood zone, one has to know what is required and question the precedents being set when not sticking to established practices. She expressed her hope that they maintain the city's beauty and character of its coastline. She asked the Council to "thoroughly consider" all aspects of the project and examine the pros and cons and how that determination will impact any future development in the city. While recognizing change happens, and saying it was important, she cautioned the Council to make changes carefully.

Council President Ciolino clarified that the applicant is seeking for a Special Council Permit, not a variance.

Ted Reed, 10 Quarry Street, noted his property is in the direct line of sight to the proposed project. He pointed out that the proposed duplex is in a Velocity Zone which he said was "questionable" in light of recent hurricanes which struck the southern United States causing widespread, costly destruction. He cautioned that Cape Ann is due a "Sandy" like storm. He reminded the Council of the damage wrought by Hurricane Sandy citing the cost of that hurricane alone was \$75 billion with a loss of 159 lives. He indicated that "experts" say 10 like storms could strike by century's end. He noted that Zillow projects that 62,000 Mass. homes will be underwater by 2,100 with 9,000 of those homes in Essex County. Reminding the Council of the destructive nature of a storm with six to nine foot storm surge and attendant waves, which he said was why FEMA made it mandatory that buildings be placed on pilings for any planned structure in a velocity zone. He said that while it is technically possible to build in areas that haven't been built upon before, that it didn't make it advisable to build in such areas nor is there a mandate to do so.

Citing GZO Sec. 1.8.3 and 3.1.6(b) and 1.10.1 which he said mandates that the Council adhere to the standards set forth in Sec. 3.1.6.

Mr. Reed also spoke to the proposed project's building size which he said was in excess of a "typical" house in the Bay View area. He pointed out that the square footage proposed, and saying that a duplex is in essence one building, is 3.5 times larger than the average homes in the neighborhood. He referenced a "complete list" of 100 homes within a quarter mile radius of Colburn St. #1 which also listed the square footage of living space as determined by the city's Assessor's office (previously submitted to the Council and on file). He said the average is just less than 1,600 square feet. He also recounted that at the Council meeting on Sept. 12 he submitted an informal petition signed by about 60 neighbors (on file) who also believe the proposed structure's height is out of character and detrimental to the neighborhood. Holding up a scale drawing of the proposed structure, compared to an average-sized home, he said it demonstrates how out of character the proposal is. He further recounted that at the site visit it was demonstrated that the structure is 74 feet in width which he called, "gigantic." He proposed that the applicant's "burden" is to support a request for "exceptional" relief with facts and not just restating statutes and ordinances. He said as citizens and neighbors they have an expectation to protection under the same statutes and ordinances. He urged the Council to consider the precedent their vote would set not just the Bay View neighborhood but for the entire city.

Kimberly Cloutier-Blizzard, 25 Quarry Street, noting she was an 18-year resident of the city, having raised three children here, said she feels strongly about protecting the city's coastline, its flood plain and the character of each of its villages regarding building scale and compatibility. She asked the Council to listen to the voices of those folks living in the neighborhood and to not set a precedent to detract from what makes the city a beautiful place with "unique character."

Regina Ryan, 125 Washington Street, extended her thanks to the Planning & Development Committee for organizing the site visit, as well as to Councilor O'Hara for also attending. She said the footprint of the proposed structure is "massive," with the proposed home taking up the majority of the land. She noted that Mr. Geisel during the site visit pointed to a limb on a tree indicating the height of the home, and a person at the site visit had a surveyor's ruler which she indicated that the height was going to be twice that of the surveyor's ruler. She noted at the last P&D meeting Mr. Geisel used her home as an example of an imposing neighborhood structure. She said her home is over 100 year old which was used as quarry worker housing. Its architecture is shared by other houses in the immediate area, and that the proposed structure is far larger. As to the height of her house, it was built into a slope similar to other homes in the neighborhood; she noted that the front door has a roof height of about 28 feet, under the 30 foot zoning limit. The "imposing structure," as her home was referenced she said it is "humble" compared to the proposed project proposal. She said there is always the issue of the flood zone and that just because one can build in a flood zone doesn't mean one should. FEMA guidelines don't mandate a higher roofline, she cited, saying that the applicant is choosing to build in a flood zone but doesn't mean the Council has to permit it, and urged the Council to deny the application.

Deborah Schwendman, 40 Quarry Street, highlighting a comment Mr. Geisel's had made (previously) that the applicant could build a one-story building but that they don't want to isn't a good enough reason to permit the height exception.

Rick Bacon, 924 Washington Street, noted he has a larger home in the area which is 100 years old, a colonial with a barn in the back which was converted to additional living accommodations is why his home has a large square footage. He said from Washington Street it appears as a normal home.

Hannah Kimberly, 16 South Kilby Street, expressed her opposition to the application.

Linda McCarriston, 16 Quarry Street, advised she was given by a neighbor a short statement from Sheila Quinn, 20 Quarry Street who said she is living in a home she grew up in. She said the majority of homes on Route 127 are old and small. The only buildings taller than the telephone poles in that area are church steeples. She conveyed she was asking for a no vote as the average height of a two-story home is 25 feet. Noted in the short missive were GZO Sections 3.1.6 and 3.1.8. She concluded her remarks that this house would never reflect the neighborhoods along that particular scenic route. Changes should be managed to benefit the community and its citizens and urged the Council to vote no.

Ms. McCarriston then showed a photo of a duplex at the corner of South Kilby and Washington Streets that depicts its shallow roof. She cited laws of the city, state and federal government, and that loss of view matters as does overshadowing, and that disparate "intrusions" into neighborhood character matter. She noted the ZBA handles decisions on heights over 30 feet, an appointed group, and over 35 feet is handled by the Council. She said they've been told view doesn't matter but she contended that in fact it did according to state and local statutes. She also highlighted the criteria of GZO Sec. 1.8.3 and noted the zoning section on height which mentions overshadowing. The neighborhood is protecting the unique historic remains of the quarrying industry of the Bay View area and its

natural historic sites she explained. She opined that FEMA doesn't require anyone has to be up nine feet and with a home as big as is proposed. She showed a picture of a home built on pilings in Rockport. Citing the Zoning Ordinance dimensional tables she noted the maximum building height is shown at 30 feet and said that everyone should stop at 30 feet, she said.

REBUTTAL:

Mr. Geisel said that this proposed project covers approximately 11% of the property not the majority of it. He said they suggested they could build a one-story house and not have to come before Council; and the neighbors said they don't want that, and they said they didn't want that either. The site has been built on before, he pointed out. If they had a flat roof they wouldn't have to exceed the height. It is not a structure to be built on stilts but piers which tie in with the top portion of the first floor and with the footings to create a rigid structure, he said, pointing out that there are thousands of properties that are impacted by the FEMA flood regulations.

Attorney Michael Larkin, representing the applicant, said that the applicant is building a 29 foot high home that must go up due to FEMA regulations. Also pointing out that thousands of homes in the community are affected by those regulations, he said that should those homes have to be rebuilt, they all would fall under these similar circumstances for a height requirement. He questioned whether it would be fair to not let those homes be rebuilt due to the height requirement. He said they are before the Council to promote the health, welfare and safety of the home that should there be any kind of flooding the house and inhabitants would be protected because of this height requirement for every coastal community. Because of these requirements they are pushed up to 38 feet in height, he concluded.

Communications: None.

Councilor Questions:

Councilor Lundberg said there is a good deal of discussion of the FEMA requirements, and the requirement that the structural part of the living section of the house be a certain number of feet above the high water mark. **Mr. Geisel** said it means a minimum of two feet above the Velocity Zone elevation which is Elevation 20. He noted that the average grade at the house is Elevation 15, and that they need to be two feet above that 20 foot flood elevation, therefore with a minimum of above Elevation 22. He highlighted that CZM "strongly recommended raising it two feet higher to account for future rising sea level. **Councilor Lundberg** said that those requirements only affect the bottom of the building not the top and asked if that was correct. **Mr. Geisel** said, "No." **Councilor Lundberg** said the top of the building has nothing to do with FEMA, but only has to do with the requirements of the Zoning Ordinance if they are seeking a waiver. **Mr. Geisel** said, "Yes." **Councilor Lundberg** indicated they were talking about GZO Sec. 1.8.3 and 3.1.6 and that the determination which is a subjective one by the Council of substantially detrimental to the neighborhood is what they're talking about. **Mr. Geisel** said, "Yes."

Councilor Cox asked what the percentage of the house is at 38 feet which she said seemed not to be the entire length of the roof (indicating the rendering Mr. Geisel had in front of the Council which is on file). **Mr. Geisel** said the beginning of the roof is Elevation 30 or just slightly under that, and then goes up to the peak of the roof which is a "six over 12" pitched roof to the peak which would be 38 feet. He pointed out the attic floor which he said would be just under Elevation 30. **Councilor Cox** asked what exactly the point of the rise was in the structure in that one area. **Mr. Geisel** then showed the Council another rendering of the elevation of the structure and said above Elevation 30 is just the roof line. He said it is approximately 60% of the volume if one takes the square of the house and the roofline is perhaps 50% to 60% of that area. **Councilor Cox** said that it appears that the only piece of the building above 35 feet is the peak of the roofline. **Mr. Geisel** confirmed that was the case but that the whole roof is above Elevation 30. He noted that no part of the living space is above Elevation 30 as Councilor Ciolino pointed out that if they built a flat roof they could be under Elevation 30. **Councilor Cox** restated her question by asking what the point is of the peaked roof on just the one section of the building which doesn't affect living space saying that she doesn't give credence to the length of the structure because by right they can do that, nor did she care about the square footage. The only thing that should have been discussed in anyone's comments, she highlighted, was the issue of the height and the peak is the height of the house -- and asked what the point of that peak is. **Mr. Geisel** explained that two parts of the house are at right angles to each other and pointing to the building rendering said that "this piece" ran across the middle of it which is 32 feet wide and the peak of the roof would be 16 feet from each side and the other roof would have its peak running perpendicular to that and the roofs would match in the middle. He said the peak of the roof would encompass the entire house from side to side

Attorney Larkin clarified that the reason for the peak of the roof at 38 feet is to allow for HVAC and other utilities to be built into the attic space. If it was a flat roof the HVAC and utilities would have to be on top of the roof. Another reason for the peaked roof construction is to allow for weight of snow accumulation. **Mr. Geisel** added that a reasonable slope allows for snow to not accumulate on the roof and shallow pitched roofs aren't recommended in this area just because of that issue. Responding to a further comment by **Councilor Cox**, **Mr.**

Geisel said they are addressing both the flood zone by raising the structure onto piers and can't have anything to do with utilities or HVAC on the ground level and the accumulated snow on roofs. **Councilor Cox** said the majority of the roof is flat. **Mr. Geisel** said, "No."

Councilor Orlando clarified that while Councilor Cox is viewing the triangular section of the structure depiction and sees visually only one peak of the roof, in fact, the roof peak runs the entire length of the structure at 38 feet which **Mr. Geisel** confirmed by drawing his hand across the top of the roof line.

Councilor LeBlanc offered that what they see on the rendering at the highest peak, that if the building were turned sideways it would look exactly the same way from the side.

Councilor O'Hara asked those in opposition to the project if anyone had anything that would be acceptable, ideas of what they would like to see on the property. **Mr. Reed**, advising that those gathered in opposition were not a "coalition" but said that they'd prefer that the building be built without a Special Council Permit for height which would be amenable to the neighbors and fit into the height of the Bay View neighborhood structures. **Councilor O'Hara** clarified the size/footprint is acceptable; a flat roof would be acceptable. **Mr. Reed** off mic said that it is the height that is unacceptable.

Council President Ciolino clarified that if the applicant had planned a flat roof the applicant could have built the structure by right and didn't need to come before Council.

Councilor Nolan, noting FEMA guidelines, said part of his concern was that if there were large storms with existing homes destroyed they'll have to apply for the same relief to rebuild because the FEMA flood zones have the same guidelines and they'll have to raise their homes up to have the same living spaces as before. He said he is concerned with this situation with two-story homes and having to rebuild coming back before the Council looking for the same relief regardless whether the structures are damaged due to a fire, flood or an accident that may damage their home. **Chip Payson**, General Counsel, said if there is some sort of catastrophic event and homes aren't on piers or pilings and the homes are destroyed, those homeowners will have to come before the Council and comply with whatever the current FEMA regulations are. Were that to happen now, the Council would be looking at a request for homes that previously weren't on pilings or piers to now be they'd be required be rebuilt on pilings or piers, he cited.

Council President Ciolino asked about the issue of views. **Mr. Payson** said this application comes before the Council under GZO Sec. 1.8.3 and 3.1.6(b) because the proposed height is above 35 feet. He then read 3.1.6(b) and then highlighted some of the issues the Council should consider. He suggested that the debate on the issue and the subsequent inclusion in the minutes constitutes the Council's "written determination" as cited in Sec. 3.1.6(b). Also pointing out that the section says and will not be "substantially detrimental" referring to neighborhood character, **Mr. Payson** said that the neighborhood character can be detrimental but not "substantially detrimental" to the entire neighborhood not just to one or two persons... "because of obstruction of views, overshadowing of other properties, impairment of utilities or other adverse impacts." He explained that it's not just obstruction of views, nor is it obstruction of views of one or two people -- it's "substantially detrimental" to the entire neighborhood. He pointed out that in returning to neighborhood character that is quite similar to what is found under GZO Sec. 1.8.3, but it is also applicable because the applicant is asking for a Special Permit because of height because height comes under Sec. 3.1.6(b).

Councilor Orlando noting GZO Sec. 3.1.6(b) with respect to the obstruction of view, he asked for a legal determination when such obstructions of such views are categorized as substantively detrimental. **Mr. Payson** said it is subjective and comes under a view of what. He cited that there is no "absent and explicit" legal agreement that there is no right to a view, and reiterated that there is no legal right to a view absent some kind of agreement and a determination of such is totally subjective. The Council has to make that determination by its common sense, **Councilor Orlando** said. **Mr. Payson**, expanding on his remarks, said that it is a subjective analysis, and the view is not the only thing that GZO Sec. 3.1.6(b) indicates that should be considered. He suggested that a view is weighted a bit less than if it was the only thing that 3.1.6(b) says is required to be considered.

This public hearing is closed at 9:01 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Gilman, seconded by Councilor Cox, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant to Sam Avola, purchaser, 91 Truman Drive, Malden, MA, through property owner Jean O'Gorman, a Special Council Permit (SCP2017-011), for the property located at Colburn Street #1 (Assessor's Map 157, Lot 72), and Washington Street #929 (Assessor's Map 157, Lot 39) zoned R-20, pursuant to Gloucester Zoning Ordinance Sections 1.8.3, 3.1.6(b) and 3.2 for a building height in excess of 35 feet, for a home to be 38 feet (for a total height increase of 3 feet over 35 feet) for a Special Council Permit. This permit is made on the basis of the plans and elevations dated 3/16/2017 by Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, MA, submitted to the City

Clerk on July 27, 2017, entitled, "Site Development Permit Plan, 1 Colburn Street, Gloucester, MA for Sam Avola." This Special Council Permit is in harmony pursuant to the governing Zoning Ordinances.

DISCUSSION:

Councilor LeBlanc said he's viewed the site twice and checked it thoroughly, and conveyed his support for the application. He put forward his belief that even with a flat roof this project wouldn't be accepted by the neighbors. He pointed out that only 11 percent of the land is being used. For the Council's vote this evening they're only talking about 36 inches of roofline. The project requires that the house go up 9 feet on pilings or piers, and the Council is discussing 36 inches -- for utilities, for HVAC, for everything that can't be placed on a bottom floor that would normally be housed there. He said he understood that the character of the neighborhood is 100 years old, but that this is 2017 not 1900 when houses sized for that time were considered a "decent" size. He offered his support for the Special Permit for the 36 inches, and said the Council wasn't setting any precedent. He explained further that the Council looks at each application individually. He reiterated that for 36 inches for utilities and for this family to have a home in the Gloucester, he would support the application, he said.

Councilor Gilman explained that as Ward Councilor where this property is situated she is changing her vote this evening (from her P&D Committee vote). She said that when she first saw this property and design, and knowing the neighborhood down the street from her home, she thought it was a "lovely home." She noted that when at the site visit it became obvious to her that the home was oversized shown clearly from being staked out and the height was a "wow." In looking in the depth of the two conditions of the Zoning Ordinance under 3.1.6(b) that the height is consistent with neighborhood character and will not be substantially detrimental to obstruction of views, and in consideration of the six criteria under Sec. 1.8.3 she expressed she would have to support her ward. She recounted she'd received letters and calls from 17 constituents and six from outside her ward expressing concerns for the shore, and with three in favor (of the project) not including the builders. She added that the builders were helpful and fair. She said she would be neglectful if she didn't heed the 17 comments of ward constituents not in favor of this project and only three voicing their support of it. She said the project does affect neighborhood character. She asked Councilors look hard at the neighborhood character and the people who have spoken in opposition. She said she would vote against the application.

Councilor Orlando said this calls for a comprehensive review of the city's Zoning Ordinance pursuant to height restrictions in flood zones. He pointed out that the Council is going to be seeing these kinds of applications frequently over the next few years -- FEMA maps were accepted by the city; sea rise is increasing and they have to take into consideration. The city is going to have to consider whether they want people to build more than one and three-quarter stories. The applicant is losing a minimum of seven feet with the recommendation calling for losing nine feet on the bottom, which they're attempting to make up on the top side by asking the Council for eight feet. He noted that eight feet is "technically" a significant difference between the 30 foot average grade height restrictions in the rest of the R-20 (district). He cited Mr. Payson's response to a Councilor question, by way of example, that if a 300 year old house in a flood zone is leveled by a hurricane and the homeowner wants to rebuild on that same property, they will have to put that house on pilings if they want to rebuild. Reiterating that this matter calls for a comprehensive review of the Zoning Ordinance he offered to work with Councilors who wish to join him in that endeavor, along with gaining public input so that Special Permits aren't needed moving forward. He acknowledged that the opposition had made salient points. Addressing a previously stated concern, he advised that every home to be built has to have a drainage plan with a review by the city engineer and gaining his approval. Highlighting Mr. Payson's advice on the actual law he said that as an attorney he has to support the application. Conceding that this may not be the popular viewpoint, he said that the Council has to account for long-term viability of structures being built in the city.

Councilor Memhard said he missed the site visit but visited the property the next day and walked the land, knew some of the neighbors and was familiar with the immediate neighborhood. He said based on what is being asked of the Council, he said it isn't unreasonable to request that the applicant to "modestly" scale back the house and indicated he will be voting against the application.

Councilor Cox said a design choice is a choice. If Gloucester wants to address the FEMA requirements then they have to adjust their Zoning Ordinance but until then she said she wouldn't support the application. She explained that there are many homes that are built within the strictures of the Zoning Ordinance, she said, and pointed out that a lot could have been solved by having the ward councilor hold a meeting with neighbors and the applicant to learn what will be acceptable to the neighborhood. She said through such meetings she's seen many successful projects gain approval.

Councilor Lundberg asked to correct the record noting that Mr. Geisel had mentioned there was a precedent for height approval, and said that there is no precedent -- these are all "one-off" cases. When the height exception

(Zoning) Ordinance was written there were no FEMA (flood) maps or requirements and doesn't take that into account. The Council has to look at the request of the applicant and what their rights are to "accord them of their rights" and examine the neighborhood character. He pointed out that ultimately the FEMA requirements pertain to the bottom of the building and the top of the building is a "subjective choice" of the applicant who can make a choice to go below the requirement rather than obtain a height exception. He said he will vote against this application.

Council President Ciolino said as a Council they to go by the law, and the applicant has the right to build on the property pointing out that someone will eventually build on that property. He noted that the application has followed the (Zoning) Ordinance for a Special Council Permit for a height exception. FEMA has made it more difficult to build than in the past but this is what the Council has to deal with, he said. From the applicant's point of view they did everything legally, he explained and why the three feet will make a difference. He said he would support the application because it is legal, and acknowledged his hearing the concern of the neighbors although it is a change to them. He pointed out the applicant could build by right a flat roof and still build a large structure.

Councilor O'Hara noted that the Council is torn by this issue as is he. Advising he is in the construction business, he recounted he'd bid on a job in Milford, Connecticut because the Army Corps of Engineers elevated an entire neighborhood by six feet because of flooding. Citing comments by Councilor Orlando he said that this is an issue that the city will have to deal with more frequently, noting recent widespread hurricane damage in Texas and Florida. Flat roofs aren't viable in New England, he pointed out. He said he represents the people, and they haven't made the changes in the Zoning Ordinance yet, and so he would vote against the application.

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 4 in favor, 5 (Memhard, O'Hara, Cox, Gilman, Lundberg) opposed, to grant to Sam Avola, purchaser, 91 Truman Drive, Malden, MA , through property owner Jean O'Gorman, a Special Council Permit (SCP2017-011), for the property located at Colburn Street #1 (Assessor's Map 157, Lot 72), and Washington Street #929 (Assessor's Map 157, Lot 39) zoned R-20, pursuant to Gloucester Zoning Ordinance Sections 1.8.3, 3.1.6(b) and 3.2 for a building height in excess of 35 feet, for a home to be 38 feet (for a total height increase of 3 feet over 35 feet) for a Special Council Permit. This permit is made on the basis of the plans and elevations dated 3/16/2017 by Frederick J. Geisel, P.E., 15 Steep Hill Dr., Gloucester, MA, submitted to the City Clerk on July 27, 2017, entitled, "Site Development Permit Plan, 1 Colburn Street, Gloucester, MA for Sam Avola." This Special Council Permit is in harmony pursuant to the governing Zoning Ordinances.

MOTION FAILS.

Council recessed at 9:20 p.m. and reconvened at 9:31 p.m.

Upon the return of the Council from recess, by a unanimous vote of the Council, the Council Rules of Procedure were suspended in order to allow for the return to Public Hearing #2 in order for a vote by the Council pursuant to the withdrawal of Council Order CC2017-026 on the single-use plastic bag ban.

- 5. PH2017-053: Amend GCO Ch. 22 "Traffic and Motor Vehicles," Sec. 22-291 "Tow-away zones" – "Fort Square" by ADDING "Fort Square" by ADDING "Fort Square, from the western boundary of #46 to the eastern boundary of number 46 to a point 22 feet southerly from the northern boundary of number 46, being the southerly side and the westerly side"**

This public hearing is opened at 9:32 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:32 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-291 "Tow-away zones – "Fort Square" by ADDING, "Fort Square, from the western boundary

of #46 to the eastern boundary of number 46 to a point 22 feet southerly from the northern boundary of number 46, being the southerly side and the westerly side.”

DISCUSSION:

Councilor LeBlanc said that this public hearing and the four that follow are all cleaning up the Code of Ordinances under Chapter 22.

Councilor Cox explained that at a Traffic Commission meeting about an unrelated Fort Square issue that isn't before the Council this evening, it was discovered there were duplications and traffic matters tied to defunct businesses and other contradictions and not to current standard language based on measurements -- this is all housekeeping to correct these matters.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 22, Sec. 22-291 “Tow-away zones – “Fort Square” by ADDING, “Fort Square, from the western boundary of #46 to the eastern boundary of number 46 to a point 22 feet southerly from the northern boundary of number 46, being the southerly side and the westerly side.”

6. **PH2017-054: Amend GCO Ch. 22 “Traffic and Motor Vehicles,” Sec. 22-270 “Parking prohibited at all times” – “Fort Square” by DELETING “Commercial Street” in its entirety after the words, “eastern boundary of #10” and by ADDING “Fort Square”**

This public hearing is opened at 9:34 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:34 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 Ch. 22, Sec. 22-270 “Parking Prohibited at all times” – “Fort Square” by DELETING “Commercial Street” in its entirety after the words, “eastern boundary of #10” and by ADDING, “Fort Square.”

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 22, Sec. 22-270 “Parking Prohibited at all times” – “Fort Square” by DELETING “Commercial Street” in its entirety after the words, “eastern boundary of #10” and by ADDING, “Fort Square.”

7. **PH2017-055: Amend GCO Ch. 22 “Traffic and Motor Vehicles,” Sec. 22-270 “Parking prohibited at all times” - “Fort Square” by DELETING “to the Merrimack-Essex pole 1917 and/or” in its entirety after the words, “southeasterly and easterly” and by ADDING “to the” before the words, “westerly boundary of number 26”**

This public hearing is opened at 9:35 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:35 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-270 “Parking Prohibited at all times” – “Fort Square” by DELETING, “to the Merrimack-

Essex pole 1917 and/or” in its entirety after the words, “southeasterly and easterly” and ADDING the words, “to the” before the words, “westerly boundary of number 26.”

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 22, Sec. 22-270 “Parking Prohibited at all times” – “Fort Square” by DELETING, “to the Merrimack-Essex pole 1917 and/or” in its entirety after the words, “southeasterly and easterly” and ADDING the words, “to the” before the words, “westerly boundary of number 26.”

- 8. PH2017-056: Amend GCO Ch. 22, “Traffic and Motor Vehicles,” Sec. 22-270 “Parking prohibited at all times” – “Fort Square” by DELETING “Fort Square, southerly side, from the southern boundary of #29, south and easterly to the catchbasin at the easterly side westerly entrance of Cape Ann Fisheries**

This public hearing is opened at 9:36 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:36 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-270 “Parking Prohibited at all times” – “Fort Square” by DELETING “Fort Square, southerly side, from the southern boundary of #29, south and easterly to the catchbasin at the easterly side westerly entrance of Cape Ann Fisheries.”

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 22, Sec. 22-270 “Parking Prohibited at all times” – “Fort Square” by DELETING “Fort Square, southerly side, from the southern boundary of #29, south and easterly to the catchbasin at the easterly side westerly entrance of Cape Ann Fisheries.”

- 9. PH2017-057: Amend GCO Ch. 22, “Traffic and Motor Vehicles,” Sec. 22-290 “Same-off-street parking areas” by DELETING “Fort Square from midnight to 6:00 a.m. beginning at a point on the northerly side from #26 Fort Square to a point 20 feet from the corner of Fort Square, and then from a point 20 feet on the westerly side of #46 Fort Square to a point 20 feet from its intersection with Commercial Street”**

This public hearing is opened at 9:38 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:38 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-290 “Same – off-street parking areas” by DELETING “Fort Square, from midnight to 6:00 a.m., beginning at a point on the northerly side from #26 Fort Square to a point 20 feet from the corner of Fort Square, and then from a point 20 feet on the westerly side of #46 Fort Square to a point 20 feet from its intersection with Commercial Street.”

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 22, Sec. 22-290 “Same – off-street parking areas” by DELETING “Fort Square, from midnight to 6:00 a.m., beginning at a point on the northerly side from #26 Fort Square to a point 20 feet from the corner of Fort Square, and then from a point 20 feet on the westerly side of #46 Fort Square to a point 20 feet from its intersection with Commercial Street.”

10. PH2017-058: Amend GCO Ch. 22 “Traffic and Motor Vehicles,” Sec. 22-292 “Fire Lanes” by DELETING Commercial Street northeasterly side from a point at the southeasterly corner of the intersection with Fort Square (pole #3707) at the entrance to Ocean Crest Fisheries to a point southeasterly there from the length of the concrete wall with the sign to be facing south towards the ice company” and ADDING “Commercial Street, easterly side, from its southerly intersection with Fort Square beginning at the southeasterly corner (pole #3707) to a point 100 feet in a southerly direction (across from pole #5166)”

This public hearing is opened at 9:40 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 9:40 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Gilman, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22, Sec. 22-292 “Fire Lanes” as follows:

By DELETING “Commercial Street, northeasterly side from a point at the southeasterly corner of the intersection with Fort Square (pole #3707) at the entrance of Ocean Crest Fisheries to a point southeasterly there from the length of the concrete wall with the sign to be facing south towards the ice company”

And By ADDING “Commercial Street, easterly side, from its southerly intersection with Fort Square beginning at the southeasterly corner (pole #3707) to a point 100 feet in a southerly direction (across from pole #5166).”

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox the City Council voted 9 in favor, 0 opposed, to Amend GCO Ch. 22, Sec. 22-292 “Fire Lanes” as follows:

By DELETING “Commercial Street, northeasterly side from a point at the southeasterly corner of the intersection with Fort Square (pole #3707) at the entrance of Ocean Crest Fisheries to a point southeasterly there from the length of the concrete wall with the sign to be facing south towards the ice company”

And by ADDING “Commercial Street, easterly side, from its southerly intersection with Fort Square beginning at the southeasterly corner (pole #3707) to a point 100 feet in a southerly direction (across from pole #5166).”

For Council Vote:

1. Warrant for Municipal Election November 7, 2017

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 9 in favor, 0 opposed, to approve the warrant for the City Election to be held November 7, 2017.

2. Decision to adopt: SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, Major Project & Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities

MOTION: On a motion by Councilor Lundberg, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to adopt the Special Council Permit decision (SCP2017-006) for Great Republic Drive #38 pursuant to Sections 1.5.3(c), 5.7, 5.27 and 1.8.3 of the Zoning Ordinance.

3. CC2017-038 (Orlando/LeBlanc/Nolan) That the City of Gloucester purchase an ocean skimmer in the amount of \$12,000 for the purpose of eradicating marine pollution in Gloucester Harbor

Councilor Orlando said he's recently learned of the work of the Cape Ann Maritime Partnership (CAMP), a collaboration of non-profits and private enterprises in Gloucester, and that they just raised funds for one ocean skimmer which costs \$12,000 to be stationed at Maritime Gloucester. Skimmers take trash out of the water and put the cleaned water back, he explained and said that they are mounted to a dock or a fixed platform, and are emptied about once a day and need to be cleaned once every couple of weeks. He acknowledged the presence of Zach Thomas of CAMP to answer Councilor questions. He noted the premise of this Council Order is that the city makes a capital purchase and places its skimmer on city property, mounted at a location determined by the Harbormaster and Administration. The funding source to pay for the skimmer would come through the CFO and the Administration's discretion, and he suggested a possible funding source could be the Capital Improvement Stabilization Fund or Free Cash. He advised that this is a one-time purchase and that the CAMP through a draft MOU has agreed it will maintain and clean the skimmer.

Zack Thomas, Cape Ann Maritime Partnership, conveyed that CAMP was started in December 2016 by him at the Coast Guard and is comprised of Coast Guard members from Station Gloucester in an unofficial capacity; Gloucester's Clean City Commission; Seaside Sustainability; Maritime Gloucester; One Ocean-One Love and No Marine Debris – two non-profits, two federal agencies, local government and a local business. He suggested that because of the diverse background of CAMP's membership, they're able to meet challenges well. Noting his original estimates for ocean skimmers from on-line research is that they each collect 1,000 pounds of debris a year. He advised that his mentor from Clean Ocean Access, Newport, RI version of CAMP, informed him that in 2016 two marine skimmers collected over 12,000 pounds of trash in one year in Newport harbor. The initial idea was to have the CAMP skimmer at Maritime Gloucester because he said it is an ideal platform with that organization's educational outreach capability, with education as the best strategy in combating ocean pollution. To take this further, he said that CAMP hopes to partner with the city and the second skimmer to be stationed at Harbor Cove which will create even more opportunities to educate the public.

Councilor Orlando mentioned Councilors Nolan and LeBlanc who joined on this Council Order and cited the work of Councilor Cox's dedication to cleaning up the city. He said this is a good practical approach to removing trash from the harbor. He reiterated this is a one-time expenditure for the city. Eighty percent of the ocean trash comes from land, he noted, and that if they can reduce that percentage, it is a win, he explained. This Council vote is just to say the Council is behind the concept and the expenditure. Gloucester is a green city and that this is another way to enhance the city's green initiatives, he said.

Councilor Gilman said this sounds like a great project conveying it was her understanding the city had already purchased a skimmer through a grant and that this proposal is for the city to get a second skimmer. **Mr. Thomas** explained that CAMP raised through several grants and community events the funds to purchase the first harbor skimmer. Upon further inquiry, **Mr. Thomas** said CAMP will remove the skimmed trash daily with CAMP members rotating that responsibility, saying there were 12 CAMP members. **Councilor Gilman** expressed concern that the everyday trash removal from the skimmer may not be sustainable by a group of volunteers. **Mr. Thomas** said these skimmers are more convenient to remove the trash from as they're stationary than from large land clean ups where volunteers have to pick up scattered trash. He said they need 15 skimmers not just two, and that there are ways to collect fuel and diesel through certain kinds of skimmers also.

Councilor Memhard said he's seen different designs of these skimmers and asked how the skimmers are capturing the trash. **Mr. Thomas** said the skimmers are attached to a floatable pier. The draft is two feet and it collects material from the water's surface with 4 inch openings and requires 120 volts.

Councilor Nolan said he'd like to see 15 of the skimmers around city's shoreline and asked what happens to the trash and recyclables. **Mr. Thomas** said they're taking all the plastics and sending them back to Terracycle. The most labor intensive part of this cleaning is the organic material collected. After they pick out the plastic they can use the seaweed for compost which is an option that will be explored.

Councilor Cox said she can back this effort. She asked when the skimmer for CAMP are expected. **Mr. Thomas** said it is being made now and should be here in two weeks.

Council President Ciolino said this vote by the Council is to ask the Administration to identify a funding source for a skimmer and when identified, the funding would come to Budget & Finance and when it does he asked

for some photographs of the skimmer to put on the record. He mentioned the park located on Parker Street which is full of debris carried in on the tide.

Councilor Orlando said it is not just about a funding source but a location for the skimmer. He advised that another thing the Administration and Harbormaster will have to resolve is where the best location is for the skimmer. He suggested that a good location would be a specific spot at the St. Peter's Commercial Marina.

MOTION: On a motion by Councilor Orlando, seconded by Councilor Nolan, the City Council voted 9 in favor, 0 opposed, to request that the City of Gloucester purchase an ocean skimmer in the amount of \$12,000 for the purpose of eradicating marine pollution in the Gloucester Harbor, and funding source for said purchase is to be determined by the Chief Financial Officer and referred to the Mayor. Further, that the City and the Cape Ann Maritime Partnership enter into a Memorandum of Understanding (MOU) for the responsibility of daily cleaning, emptying debris, maintenance, repair and supervision of said skimmer.

Unfinished Business: None.

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

Update on the Tourism Commission by City Council Representative, Councilor Joseph M. Orlando, Jr. reviewed that there are now three subcommittees for the Tourism Commission: a subcommittee to study beach traffic utilizing the Ad Hoc Beach Traffic Committee study as a starting point; a subcommittee to tackle downtown parking and a subcommittee to develop design standards and signage. Recommendations should come forward in the next couple of months, he advised.

City Clerk, **Joanne M. Senos**, highlighted that she sent the Councilors the newly revised Open Meeting Law for which the Councilors must sign an acknowledgement of its receipt and return it to the City Clerk's office as soon as possible. She asked that Councilors involved with the city's boards, committees and commissions to please remind those members of the same obligation noting she's reached out to them all with the same request.

Councilors' Requests to the Mayor:

Councilor Nolan thanked the DPW for their recent work in Ward 5.

Councilor Orlando also thanked the DPW Director and his staff for the work they did today at Clark Cemetery clearing brush for new access from the Oval for vehicle and pedestrian accessibility.

Councilor Cox expressed her thanks to the DPW for repaving Maplewood Avenue and Derby Street.

Councilor Memhard thanked the Council and the community for their expressions of condolences at the loss of his father this past Friday morning.

Councilor Gilman thanked Stephen Winslow, Community Development Senior Project Manager, for organizing a forum at the Lanesville Community Center for Mass In Motion for seniors about things they might need at a remote location which was attended by nine seniors. She advised she'd share the collected information from the forum with the Council

Councilor O'Hara said the neighbors of Brooks Road are excited to have the paving of their road started.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:06 p.m.

Respectfully submitted,

Dana C. Jorgensson

Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

Under PH2017-048: SCP2017-011: Colburn Street #1, Map 157, Lots 72 & 39, GZO Sec. 3.1.6(b) and Sec. 3.2 for a building height in excess of 35 feet the following written statements were submitted:

- **Frederick J. Geisel, PE**
- **Karen Cusick Faison, 927 Washington St.**
- **Ted Reed, 10 Quarry St.**
- **Kimberly Cloutier-Blizzard, 25 Quarry St.**
- **Sheila Berg Wynne, 20 Quarry St. submitted by Linda McCarriston, 16 Quarry St.**
- **Linda McCarriston, 16 Quarry St. along with two 8 1/2" x 11" pictures**