

GLOUCESTER CITY COUNCIL MEETING

Tuesday, May 22, 2018 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Steven LeBlanc, Jr.; Councilor Melissa Cox; Councilor Valerie Gilman; Councilor Kenneth Hecht; Councilor Jennifer Holmgren; Councilor Scott Memhard; Councilor James O’Hara

Absent: Councilor Nolan

Also Present: Mayor Theken; Joanne M. Senos; Jim Destino; Kenny Costa; Chip Payson; John Dunn; Harbormaster T.J. Ciarametaro; Deputy Harbormaster Chad Johnson; Grace Poirier

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 Lundberg declared that the matter of Presentations/Commendations would be taken up before Oral Communications.

Presentations/Commendations: Presentation of the Mariner’s Medal to Christian Dagley

Mayor Sefatia Theken advised that the Mariner’s Medal is the city of Gloucester’s most prestigious award, in America’s oldest seaport. She conveyed it was her honor to present the Mariner’s Medal to Christian Dagley. She explained that this medal is not given lightly; it is given to someone who is brave and thinks of others first. She expressed her thanks to the Mariner’s Medal Committee for their diligence: Capt. Stefan Edick; Capt. Thomas Ellis; Capt. Arthur Sawyer, Jr.; Vito Calamo and Harbormaster T.J. Ciarametaro, some of whom were present.

Harbormaster T.J. Ciarametaro noted the Mariner’s Medal dates back over one hundred years highlighting that the last Mariner’s Medal was awarded in 2006. He recounted that in April 2017, Christian Dagley in his boat on the Annisquam River responded to a U.S. Coast Guard “Urgent Marine Assistance Request” broadcast for a vessel in distress. Mr. Dagley’s immediate response and actions saved the lives of a man, woman and child from 45°F water, a very dangerous situation where time is of the essence. Any rescue on the water is challenging, he conveyed, saying that it was very fortunate that Mr. Dagley was there and able to act. He pointed out that this isn’t the first time Mr. Dagley has responded to a vessel in distress call and is always, “ready to go.” He offered his thanks and congratulations to Mr. Dagley. **Mayor Theken** read the Mariner’s Medal Certificate to Mr. Dagley, presenting the Certificate and Mariner’s Medal to him.

The City Council recessed at 7:07 p.m. and reconvened at 7:08 p.m.

Oral Communications:

Carter Whitlock, Webster Street, member of the Clean City Commission, conveyed a “Green Tip” by asking the public to bring their own trash bags to the beach as city beaches have a carry in/carry out trash policy meaning that beachgoers are responsible for picking up after themselves and properly disposing of their trash. It was advised that the DPW provides free trash bags to beachgoers if they forget a bag through the beach parking lot attendants.

Ainsley Smith, Clean City Commission Chair, 14 Pine Street, requested that the Council work with the Mayor’s Office to identify more public meeting spaces for the many city boards, committees and commissions that mostly meet in the evenings on mid-week and enumerated some of the difficulties booking public accessible meeting spaces in municipal buildings.

The following residents of Juniper Road asked that the city fix potholes on their private way, especially at the intersection of Apple and Juniper Roads. Several residents noted that the public passes and repasses on this road near to Corliss Landing:

Will Giammateo, 12 Juniper Road

Thomas and Deborah Riquier, 14 Juniper Road

Jo Markinac, 12 Juniper Road

Gretel Seeley, 10 Juniper Road

8. Memorandum from CFO re: loan authorization request to increase funding for approved Loan Order 2017-002 Phase One-Haskell Dam Upgrade (Refer B&F)
- **COMMUNICATIONS/INVITATIONS**
1. Invitation from the Cape Ann Veterans Services to the Memorial Day Ceremony on May 28, 2018 (Info Only)
 2. Invitation from Gloucester Fire Department Relief Association to the Firefighters' Memorial Service on June 10, 2018 (Info Only)
 - **APPLICATIONS/PETITIONS**
1. Memorandum from City Clerk re: request of Thomas P. Testaverde to rename Mooncusser Lane to Midnight Sun Lane per GCO Ch. 21, Sec. 21-3 Subsections (a) through (f) (Refer P&D)
 - **COUNCILORS ORDERS**
1. CC2018-024 (Cox): Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-220 "Deposit to extend parking time beyond maximum legal time prohibited" AND Sec. 22-229 "Parking control device" re; shuffling at parking meters, and parking meter bags (Refer O&A)
 2. CC2018-025 (Hecht): Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-2270 "Parking prohibited at all times" re: Prospect Street, northerly side from its intersection with Friend Street in a westerly direction (Refer O&A & TC)
 3. CC2018-026 (Hecht): Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-2270 "Parking prohibited at all times" re: Prospect Street, westerly side, beginning at its intersection with Spring Street
 4. CC2017-027 (Hecht): Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-2270 "Parking prohibited at all times" re: Pleasant Street, westerly side, beginning at a point 130 feet from its intersection with Warren Street in a northerly direction for a distance of 25 feet (Refer O&A & TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
1. City Council Meeting: 05/08/2018 (Approve/File)
 2. Standing Committee Meetings: B&F 05/17/18 (under separate cover), O&A 05/14/18, P&D 05/16/18 (under separate cover) (Approve/File)

Unanimous Consent Calendar:

1. Planning Board Informal Review and Recommendation regarding Zoning for Recreational Marijuana Establishments (Refer P&D)

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

Councilor Cox asked to remove Item #6 off of the Mayor's Report, Memorandum from the Community Development Director re: Community Preservation Committee off cycle recommendation for Ten Gates Development project at Pearl Street #1. She highlighted that this is an off-cycle recommendation for the Community Preservation Committee for a Pearl Street affordable housing development. It is a downtown location, she noted. She advised the off-cycle application for CPA Funding for Affordable Housing will be taken up at the B&F meeting on June 7th.

Councilor LeBlanc asked to remove Item #1 under the Mayor's Report, "Reappointments," and under Approval of Minutes, the O&A Committee's 05/14/18 minutes. He advised that under "Reappointments" that Meredith Fine was reappointed to the Licensing Board in 2017 and that her term expires in 2023. Therefore this matter should be removed from the Consent Agenda. **By a unanimous vote of the Council, the matter of the reappointment of Meredith Fine to the Licensing Board was removed from the Council's Consent Agenda.**

Further, **Councilor LeBlanc** asked that the O&A minutes be amended to reflect the following change: Page 6 of 6: the statement "This matter will be advertised for public hearing." to be struck. **By a unanimous vote of the Council the O&A Committee minutes of 05/14/18 were amended as requested.**

Councilor Gilman asked to pull Item #1 of the Unanimous Consent Agenda, Planning Board Informal Review and Recommendations regarding the proposed Zoning for Recreational Marijuana Establishments and advised as follows:

"Pursuant to the Planning Board's Informal Review and Recommendations regarding the proposed Zoning and Use Table amendments for Recreational Marijuana Establishments, I move that the City Council and the Planning Board initiates and undertakes a "Formal Review of the Planning Board's Recommendations of the proposed Zoning and Use Table Amendments for Recreational Marijuana Establishments in the Planning Board's memorandum dated May 21, 2018." Additionally, given that notice to all abutters in the city is impracticable, the City Council waives the Notice to Abutters under GZO Sec. 1.11.4(b); and sets the public hearing for June 26, 2018, and refers the matter to the Planning & Development Committee and the Planning Board." **The motion was seconded by Councilor Cox.**

Council President Lundberg advised this is the third part of the marijuana legislation that will come before the Council, which is the most important step for the zoning of Recreational Marijuana Retail Establishments. The Council received an informal recommendation, he pointed out, and by approving this it begins the formalizing of the process. He also pointed out is usual to waive the notice to abutters as it affects the entire city. If the Council approves this action, the matter will go back to the Planning Board for a formalized process and also to the P&D Committee to start a substantive discussion on the zoning.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, that pursuant to the Planning Board's Informal Review and Recommendations regarding the proposed Zoning and Use Table amendments for Recreational Marijuana Establishments, I

move that the City Council and the Planning Board initiates and undertakes a “Formal Review of the Planning Board’s Recommendations of the proposed Zoning and Use Table Amendments for Recreational Marijuana Establishments in the Planning Board’s memorandum dated May 21, 2018.” Additionally, given that notice to all abutters in the city is impracticable, the City Council waives the Notice to Abutters under GZO Sec. 1.11.4(b); and sets the public hearing for June 26, 2018, and refers the matter to the Planning & Development Committee and the Planning Board.

By unanimous consent the Consent Agenda and the Unanimous Consent Calendar were accepted as amended by the City Council.

Committee Reports:

Budget & Finance: May 17

COMMITTEE RECOMMENDATION: On motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Special Budgetary Transfer 2018-SBT-13 in the amount of \$238,807.46 to Account #0182052-565004, General Fund, School Choice Sending Tuition Assessment from the following accounts:

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
S4191992-530100	SPED-Tuition Mass. District Wide Professional & Technical	\$56,438.84
S4193992-530100	SPED-Tuition Non-Public School District Wide Prof. & Tech.	\$42,675.94
S4194992-530100	SPED-Tuition Collaborative District Wide Professional & Tech.	<u>\$139,692.68</u>
	TOTAL:	238,807.46

DISCUSSION:

Councilor Cox explained that this transfer of funds is an annual occurrence from the School Department to the city to pay for School Choice Out students.

MOTION: On motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to approve Special Budgetary Transfer 2018-SBT-13 in the amount of \$238,807.46 to Account #0182052-565004, General Fund, School Choice Sending Tuition Assessment from the following accounts:

<u>Account No.</u>	<u>Account Name</u>	<u>Amount</u>
S4191992-530100	SPED-Tuition Mass. District Wide Professional & Technical	\$56,438.84
S4193992-530100	SPED-Tuition Non-Public School District Wide Prof. & Tech.	\$42,675.94
S4194992-530100	SPED-Tuition Collaborative District Wide Professional & Tech.	<u>\$139,692.68</u>
	TOTAL:	<u>\$238,807.46</u>

COMMITTEE RECOMMENDATION: On motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a donation to the Clean City Commission from Clean Pro, a local residential and commercial cleaning business for 240 pairs of reusable gloves valued at \$192.00 to be used by volunteers for beach and street clean-up events.

DISCUSSION:

Councilor Cox extended her thanks to Clean Pro, for donating 240 pairs of heavy duty reusable gloves. Councilor Gilman added her thanks saying that there’s been several clean ups in her ward and that the reusable gloves are very effective.

MOTION: On motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to accept under MGL c. 44, §53A, a donation to the Clean City

Commission from Clean Pro, a local residential and commercial cleaning business for 240 pairs of reusable gloves valued at \$192.00 to be used by volunteers for beach and street clean-up events.

COMMITTEE RECOMMENDATION: On motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a grant from the Massachusetts Department of Marine Fisheries for \$12,000 for the purpose of supporting outreach, promotion, demonstrations and new digital marketing development by the City of Gloucester in partnership with the Gloucester Fishermen's Wives Association.

DISCUSSION:

Councilor Cox explained that the Council is being asked to accept this Mass. Dept. of Marine Fisheries Grant for \$12,000 which is in support of the Gloucester Fresh Seafood campaign. This is the second year the city has received this grant.

MOTION: On motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to accept under MGL c. 44, §53A, a grant from the Massachusetts Department of Marine Fisheries for \$12,000 for the purpose of supporting outreach, promotion, demonstrations and new digital marketing development by the City of Gloucester in partnership with the Gloucester Fishermen's Wives Association.

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Hecht, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2018-020 (Memhard/Cox/Hecht) Request City Council vote to place a proposed increase on the CPA surcharge from 1% to 3% on the November 6, 2018 ballot without prejudice.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to permit the withdrawal of CC2018-020 (Memhard/Cox/Hecht) Request City Council vote to place a proposed increase on the CPA surcharge from 1% to 3% on the November 6, 2018 ballot without prejudice.

COMMITTEE RECOMMENDATION: On motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Special Budgetary Transfer 2018-SBT-14 in the amount of \$76,600 from Account #0121251-51100, Police- Criminal Investigations, Salaries to Account #0121158-585001, Police-Uniform, Vehicles for the purpose of funding the lease of one police cruiser and the purchase of two unmarked police cruisers.

DISCUSSION:

Councilor Cox noted this is to purchase outright two unmarked cruisers and the first year of a three year lease on another police vehicle.

MOTION: On motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to approve Special Budgetary Transfer 2018-SBT-14 in the amount of \$76,600 from Account #0121251-51100, Police- Criminal Investigations, Salaries to Account #0121158-585001, Police-Uniform, Vehicles for the purpose of funding the lease of one police cruiser and the purchase of two unmarked police cruisers.

Planning & Development: May16

There are no matters for Council action from this meeting.

Ordinances & Administration: May 14

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 the Beach & Stage Fort Park Regulations as submitted by the Assistant DPW Director to the Ordinances & Administration Committee as of May 14, 2018, and to carry a new effective date of May 24, 2018.

DISCUSSION:

Councilor LeBlanc explained Mark Cole, Assistant DPW Director advised at the O&A meeting that the regulations needed to be amended for practical minor changes in the Beach and Stage Fort Park Regulations which the Council has all had an opportunity to review. He noted some highlights: the removal of a "snack bar" reference at the Stage Fort Park visitor's Center which no longer exists; changes to the regulations governing drones and model airplanes; dogs are now allowed on Cressy Beach in the off season year round on consecutive days off leash and allowed year round on Crab Beach off leash; PFD's are banned at all public beaches; surf condition flags will be on display at Good Harbor and Wingsheek beaches.

Councilor Cox asked if the matter of no smoking on city beaches was brought up during the O&A Committee's discussion of the regulations. **Councilor LeBlanc** advised it wasn't. **Councilor Gilman** advised she had talked to Mr. Cole about that, and understood through General Counsel that what they're putting into the Code of Ordinances trump what is in the city beach regulations regarding marijuana materials, products and paraphernalia which are to be banned on city beaches. **Councilor Cox** noted she's tried in the past to ban tobacco smoking products on city beaches and received "push back" because of enforcement issues pointing out that there is no drinking of adult beverages on the beaches. To say that a smoking ban can't be enforced, she pointed out, equates to the same thing as ensuring the ban on adult beverages on city beaches is enforced. **Councilor Gilman** clarified she was referring to marijuana regulations. **Councilor LeBlanc** noted it is not illegal to smoke (tobacco products) on city beaches, and while he expressed he agreed it is unsavory, it is also an issue of litter.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to amend the Beach & Stage Fort Park Regulations as submitted by the Assistant DPW Director to the Ordinances & Administration Committee as of May 14, 2018, and to carry a new effective date of May 24, 2018.

COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council withdraw Council Order CC2018-016 (Gilman/Nolan) the February 28, 2017 City Council Rules of Procedure by ADDING Item 2A to Rule #2 as follows: "Gloucester Green Tip" without prejudice.

DISCUSSION:

Councilor LeBlanc explained that this initiative was proposed by Councilor Gilman. He highlighted that it was his opinion this wasn't a good fit for the Council Rules of Procedures, pointing out that to only highlight a small group of boards and commissions with all the boards, committees and commissions actively serving on the city's behalf, it becomes a matter of fairness. He highlighted it was a good idea but narrow in scope and that Councilor Gilman had offered to withdraw her Council Order.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to withdraw Council Order CC2018-016 (Gilman/Nolan) the February 28, 2017 City Council Rules of Procedure by ADDING Item 2A to Rule #2 as follows: "Gloucester Green Tip" without prejudice.

Scheduled Public Hearings:

1. PH2018-059: SCP2017-012: School House Road #2, #3, and #4, Map 262, Lots 14 & 37, and Gloucester Crossing Road #7, Map 43, Lots 4 & 5, for a Special Permit under the Mixed Use Overlay District pursuant to GZO Sec. 5.29 (including Major Project GZO Sec. 5.7) and Sec. 5.29.10 and 5.11.8

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

Council President Lundberg opened and continued the public hearing to June 12, 2018, saying that the Applicant has been before the Planning Board, but there are a multitude of details still to be worked out. At some nearby date the Council expects to see a recommendation from the Board, he noted.

This public hearing is continued at 7:41 p.m. to June 12, 2018.

2. PH2018-016: Local adoption of the Commonwealth of Massachusetts DEP Division of Air Quality Control Policy, Noise Regulation (310 CMR 7.10) AND Amend GCO Ch. 13 “Noise

This public hearing is opened at 7:41 p.m.

Council President Lundberg opened and continued this public hearing to June 12, 2018 advising that this is based on Councilors Memhard and O’Hara’s proposal to tighten up the city’s noise ordinances due to noise emanating from 159 East Main Street, and saying this was proposed as a partial remedy for that issue. The locus property is being re-inspected by the Building Inspector, he explained, and that if the new owners are still out of compliance (with the city’s noise ordinance) there will be enforcement action undertaken. He highlighted that in a separate matter the same property owner, NSDJ Real Estate, will appear before the Council for their inflammable license to store ammonia and other chemicals on the property for their food manufacturing processes at the next City Council meeting. It was pointed out by **Councilor LeBlanc** that the inflammables license is a matter completely separate from the noise ordinance issue and should be considered as such.

This public hearing is continued at 7:41 p.m. to June 12, 2018.

3. PH2018-023: Amend GCO by inserting “marijuana”, “tobacco, marijuana” and “marijuana products” in certain sections of the code

This public hearing is opened at 7:45 p.m.

Those speaking in favor: None.

Thomas Denman, 2 Cross Street, advised he was not expressing that he was in favor or in opposition but rather was expressing concern that if these regulations are going to be instituted attaching them to alcohol and tobacco, that the associated marijuana ordinances are equally enforced so as not to become an enforcement mission on marijuana. He noted he had no objections to this ordinance amendment.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:48 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 certain sections of the Gloucester Code of Ordinances as follows:

Chapter 1, Sec. 1-15. – Penalty for violation of certain specified sections of Code.

Chapter 14, section 14-14, smoking tobacco, marijuana or marijuana products on school grounds, and board of health regulations prohibiting involuntary exposure ~~to tobacco products to~~ of minors to second hand smoke.

Chapter 2, Article I, Sec. 2-5. – City hall—Rules and regulations for letting, use.

(b) No alcoholic beverages, marijuana or marijuana products may be served, sold, or consumed in any city building, except the director of public works may grant permission to groups or individuals to serve, sell or consume alcoholic beverages in city hall, the Rose Baker Senior Center and the American Legion building provided the applicant obtains all necessary permits and liquor licenses.

Chapter 4, Article II, Sec. 4-16d. – Off-leash dog areas.

(b) Dog park establishment and use.

(3) The following are prohibited inside the dog park:

f. Food, smoking tobacco or marijuana, marijuana and marijuana products, alcoholic beverages and glass; and

Chapter 6, Article I, Sec. 6-4. – Visitors' conduct.

(e) The following actions and activities are prohibited at city-owned cemeteries:

(10) Alcohol, marijuana and marijuana products and illegal drugs and consumption thereof are strictly prohibited in all city-owned cemeteries;

Chapter 9, Article I, Sec. 9-1. – Definitions.

Litter means any waste material, including but not limited to tobacco, marijuana and marijuana products or parts thereof (other than the ashes), and waste material deposited on or near a waste receptacle which cannot accommodate more waste, and which waste material, if thrown or deposited in a manner prohibited by this Article I, tends to create a danger to the public health, safety or welfare, or tends to create a danger to the quality of life including an unsightly appearance that would reasonably discourage others from using the property for its intended purpose.

Chapter 14, Article I, Sec. 14-3. – Drinking alcoholic beverages and using marijuana or marijuana products upon public ways, etc.

(a) No person shall drink from, or possess, an open container containing alcoholic beverages as defined in M.G.L. c. 138, § 1, while in, or upon, any public way or any way to which the public has a right of access, or any place to which members of the public have legal access such a park or playground, or private land, building, structure or place without consent of the owner.

(1) Possession of an open alcohol container with beverage therein shall be prima facie evidence that said container contains an alcohol beverage as defined in M.G.L. c. 138, § 1.

(2) Any person found in violation of this section may be arrested without a warrant, or summoned before the court.

(3) All containers, and alcohol, shall be seized and held until final adjudication of the charge against the person arrested, or summoned before the court, at which time they shall be returned to the person lawfully entitled to possess.

(b) The sale of alcoholic beverages shall be subject, in all instances, to the approval of the licensing board.

(c) No person shall use marijuana or marijuana products while in, or upon, any public way or any way to which the public has a right of access, or any place to which members of the public have legal access such a park or playground, or private land, building, structure or place without consent of the owner.

(1) Any person found in violation of this section may be arrested without a warrant, or summoned before the court.

(2) All marijuana and marijuana products shall be seized and held until final adjudication of the charge against the person arrested, or summoned before the court.

Chapter 14, Article I, Sec. 14-13.—Cigarette, marijuana or marijuana product machines.

(a) Cigarette machines and machines that dispense marijuana or marijuana products are hereby banned within the city.

(b) Lockout devices on cigarette machines located in private clubs, barrooms and taverns holding a liquor license in the city and who do not allow minors under the age of 21 years of age to enter their establishment are allowed.

(1) This amendment section will be enforced by the health agent and the health agent is to coordinate educational efforts with the educations efforts of the prevention network.

(2) All lockout devices are to be installed within 30 days which will be verified by the enforcing agency, and machines are to be moved to a position in the line of sight of the bartender and away from entryways.

Chapter 15, Article III, Sec. 15-34. – Use and activities restrictions.

(c) The use or introduction of alcoholic beverages, marijuana or marijuana products on any playground, park, ball field or beach is prohibited, except when properly licensed to do so in accordance with state law and local ordinance, subject to the approval of the director of public works in accordance with section 15-32(b) as noted hereinabove.

Chapter 19, Article II, Sec. 19-38. – Same—For keeping intoxicating liquor, marijuana or marijuana products. If any intoxicating liquors, marijuana or marijuana products are found upon any premises licensed under this division the licensing commission shall immediately revoke the license therefor, and no license shall be granted to any person whose license is revoked under this section until at least two years from the date of revocation.

Appendix C, Article V, Sec. 5-4. – Sick leave.

(h) If any injury, illness or disability provided for in this section is self-inflicted or self-imposed, or if there is any other good reason or cause to deny an employee of the city sick leave or injury with pay under this section, the personnel director may, after due inquiry which meets constitutional standards determine what if any pay shall be given under the circumstances. Sickness or accidents sustained or caused to any city employee as the result of the use of alcohol, marijuana, marijuana products or drugs shall not be considered a proper claim for leave with pay under the provisions of this section.

Discussion:

Councilor LeBlanc noted that where alcohol and tobacco are prohibited in the city, this now adds marijuana and marijuana products. He offered his thanks to Councilor Gilman for bringing this issue forward.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to amend certain sections of the Gloucester Code of Ordinances as follows:

Chapter 1, Sec. 1-15. – Penalty for violation of certain specified sections of Code.

Chapter 14, section 14-14, smoking tobacco, marijuana or marijuana products on school grounds, and board of health regulations prohibiting involuntary exposure ~~to tobacco products to~~ of minors to second hand smoke.

Chapter 2, Article I, Sec. 2-5. – City hall—Rules and regulations for letting, use.

(b) No alcoholic beverages, marijuana or marijuana products may be served, sold, or consumed in any city building, except the director of public works may grant permission to groups or individuals to serve, sell or consume alcoholic beverages in city hall, the Rose Baker Senior Center and the American Legion building provided the applicant obtains all necessary permits and liquor licenses.

Chapter 4, Article II, Sec. 4-16d. – Off-leash dog areas.

(b) Dog park establishment and use.

(3) The following are prohibited inside the dog park:

f. Food, smoking tobacco or marijuana, marijuana and marijuana products, alcoholic beverages and glass; and

Chapter 6, Article I, Sec. 6-4. – Visitors' conduct.

(e) The following actions and activities are prohibited at city-owned cemeteries:

(10) Alcohol, marijuana and marijuana products and illegal drugs and consumption thereof are strictly prohibited in all city-owned cemeteries;

Chapter 9, Article I, Sec. 9-1. – Definitions.

Litter means any waste material, including but not limited to tobacco, marijuana and marijuana products or parts thereof (other than the ashes), and waste material deposited on or near a waste receptacle which cannot accommodate more waste, and which waste material, if thrown or deposited in a manner prohibited by this Article I, tends to create a danger to the public health, safety or welfare, or tends to create a danger to the quality of life including an unsightly appearance that would reasonably discourage others from using the property for its intended purpose.

Chapter 14, Article I, Sec. 14-3. – Drinking alcoholic beverages and using marijuana or marijuana products upon public ways, etc.

(a) No person shall drink from, or possess, an open container containing alcoholic beverages as defined in M.G.L. c. 138, § 1, while in, or upon, any public way or any way to which the public has a right of access, or any place to which members of the public have legal access such a park or playground, or private land, building, structure or place without consent of the owner.

(1) Possession of an open alcohol container with beverage therein shall be prima facie evidence that said container contains an alcohol beverage as defined in M.G.L. c. 138, § 1.

(2) Any person found in violation of this section may be arrested without a warrant, or summoned before the court.

(3) All containers, and alcohol, shall be seized and held until final adjudication of the charge against the person arrested, or summoned before the court, at which time they shall be returned to the person lawfully entitled to possess.

(b) The sale of alcoholic beverages shall be subject, in all instances, to the approval of the licensing board.

(c) No person shall use marijuana or marijuana products while in, or upon, any public way or any way to which the public has a right of access, or any place to which members of the public have legal access such a park or playground, or private land, building, structure or place without consent of the owner.

(1) Any person found in violation of this section may be arrested without a warrant, or summoned before the court.

(2) All marijuana and marijuana products shall be seized and held until final adjudication of the charge against the person arrested, or summoned before the court.

Chapter 14, Article I, Sec. 14-13.—Cigarette, marijuana or marijuana product machines.

(a) Cigarette machines and machines that dispense marijuana or marijuana products are hereby banned within the city.

(b) Lockout devices on cigarette machines located in private clubs, barrooms and taverns holding a liquor license in the city and who do not allow minors under the age of 21 years of age to enter their establishment are allowed.

(1) This amendment section will be enforced by the health agent and the health agent is to coordinate educational efforts with the educations efforts of the prevention network.

(2) All lockout devices are to be installed within 30 days which will be verified by the enforcing agency, and machines are to be moved to a position in the line of sight of the bartender and away from entryways.

Chapter 15, Article III, Sec. 15-34. – Use and activities restrictions.

(c) The use or introduction of alcoholic beverages, marijuana or marijuana products on any playground, park, ball field or beach is prohibited, except when properly licensed to do so in accordance with state law and local ordinance, subject to the approval of the director of public works in accordance with section 15-32(b) as noted hereinabove.

Chapter 19, Article II, Sec. 19-38. – Same—For keeping intoxicating liquor, marijuana or marijuana products. If any intoxicating liquors, marijuana or marijuana products are found upon any premises licensed under this division the licensing commission shall immediately revoke the license therefor, and no license shall be granted to any person whose license is revoked under this section until at least two years from the date of revocation.

Appendix C, Article V, Sec. 5-4. – Sick leave.

(h) If any injury, illness or disability provided for in this section is self-inflicted or self-imposed, or if there is any other good reason or cause to deny an employee of the city sick leave or injury with pay under this section, the personnel director may, after due inquiry which meets constitutional standards determine what if any pay shall be given under the circumstances. Sickness or accidents sustained or caused to any city employee as the result of the use of alcohol, marijuana, marijuana products or drugs shall not be considered a proper claim for leave with pay under the provisions of this section.

4. PH2018-024: Amend GCO by ADDING a new Ch. 28 “Marijuana Retail Establishments” and Ch. 28, Sec. 28-1 “Number of Marijuana Retail Establishments”

This public hearing is opened at 7:50 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 7:50 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 the Gloucester Code of Ordinances by ADDING a new Chapter 28 “Marijuana Retail Establishments” and Chapter 28, Section 28-1 “Number of Marijuana Retail Establishments” as follows:

“CHAPTER 28 - MARIJUANA RETAIL ESTABLISHMENTS

Section 28-1. - Number of Marijuana Retail Establishments

Marijuana retailers shall be subject to MGL c.94G, §12 and the following restrictions to ensure there are no undue impacts on the health, safety, and well-being of the public:

1. As defined in MGL c. 94G, the number of marijuana retailers shall be limited to no more than 20% of the number of licenses issued within the city of the retail sale of alcoholic beverages not be drunk on the premises where sold under MGL c.138, §15. Should 20% of the number of licenses issued be a whole number and .5 or greater, the number shall be rounded up to the next whole number; should it be .4 or less, the number shall be rounded down.
2. All marijuana retail establishments shall comply with all regulations that may be promulgated by the Cannabis Control Commission.”

DISCUSSION:

Councilor Gilman offered a technical amendment to the main motion that the number “.4 or less” should be replaced with “should it be less than .5,” and was seconded by **Councilor Cox**.

DISCUSSION ON THE AMENDMENT:

Councilor Gilman advised she offered this amendment to the main motion because if the Council were to leave “.4 or less” it would mean that 4.1 to 4.9 would not be covered, and that was why she offered the amendment.

By unanimous vote of the Council the amendment to the main motion passes.

DISCUSSION ON THE AMENDED MAIN MOTION:

Councilor LeBlanc advised this is to adopt the guidelines under state law. He pointed out this doesn’t say that the city will have a certain number (retail recreational marijuana establishments). This allows the Council to move forward from this point.

Council President Lundberg advised this sets the baseline cap in accordance with state law; other considerations such as limiting the number of establishments is not precluded by this proposed amendment to the GCO.

Councilor Holmgren noted that in the minutes that Councilor Gilman submitted from the Cannabis Control Commission (CCC) it was recommended that all municipalities round up but they have the “freedom” to make it more specific to the city ordinances which was confirmed by **Council President Lundberg**.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to Amend the Gloucester Code of Ordinances by ADDING a new Chapter 28 “Marijuana Retail Establishments” and Chapter 28, Section 28-1 “Number of Marijuana Retail Establishments” as follows:

“CHAPTER 28 - MARIJUANA RETAIL ESTABLISHMENTS**Section 28-1. - Number of Marijuana Retail Establishments**

Marijuana retailers shall be subject to MGL c.94G, §12 and the following restrictions to ensure there are no undue impacts on the health, safety, and well-being of the public:

1. As defined in MGL c. 94G, the number of marijuana retailers shall be limited to no more than 20% of the number of licenses issued within the city of the retail sale of alcoholic beverages not be drunk on the premises where sold under MGL c.138, §15. Should 20% of the number of licenses issued be a whole number and .5 or greater, the number shall be rounded up to the next whole number; should it be less than .5, the number shall be rounded down.
2. All marijuana retail establishments shall comply with all regulations that may be promulgated by the Cannabis Control Commission.”
5. PH2018-025: Amend GCO Ch. 21 “Streets, Sidewalks and Other Public Places”, Sec. 21-83 “Funding for approved construction or repair” subsection (b) re: apportioning betterments at five or ten year terms based on project size

This public hearing is opened at 7:55 p.m.

Those speaking in favor:

John Dunn, CFO, advised that this matter came forward because of a change in the state law in how long the city can issue debt for this type of project (for private way road repair betterments). A recent municipal act by the legislature limited the issuance of betterment debt to five years. Even though the city can only issue debt for five year it doesn't mean the city can't expand the terms on a betterment over five year term of debt issuance. He assured this will not affect the city's cash flow nor pose an issue for the city financially if they allow for the assessment of a betterment for a 10 year term. Many people choose to pay the betterments up front, he noted.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Councilor LeBlanc asked if the homeowner wants to go to 10 years they can choose to do so. **Mr. Dunn** noted a particular project will qualify for 10 year term based on the size of the project advising they didn't want it to be a choice as administration of betterments is difficult, time consuming and there is a cost associated with its administration as well. Abutters can pay up front or choose the betterment, he noted.

Councilor Gilman noting she has interested folks on private ways in her ward seeking to repave their roadways in a public/private partnership, she asked how many of these projects the city can handle in a year. She inquired as to how these betterment road paving projects would be prioritized by the city. **Mr. Dunn** recounted that such a discussion hasn't taken place yet from a city administration point of view. It (the acceptance process) takes some time to get through, and there is a distinct paving season annually, he explained. He added that it also pertains to the city's capacity to manage the projects; and that based on those factors it will restrict the number of projects. He pointed out that as each project gets approved the projects go to the DPW Director who then makes that determination.

This public hearing is closed at 8:02 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. 21 "Streets, Sidewalks and Other Public Places", Sec. 21-83 "Funding for approved construction or repair" subsection (b) "Betterments shall be assessed and collected for such work in accordance with the provisions of MGL c. 80, §1 et. seq. and other applicable laws." BY ADDING after "...other applicable laws, the following sentences: "All betterments shall be apportioned at either five or ten year terms based on the size of the project. Individual total assessments totaling three thousand dollars or more may be apportioned over a ten-year term."

DISCUSSION:

Councilor Gilman expressed appreciation for the approach being taken, thanking Councilors Nolan and Lundberg for making this suggestion. She noted Nashua Avenue as a road in her ward where there're residents of differing financial capacity who are in the betterment process, saying this is much more reasonable approach especially for retirees and people on fixed incomes.

Councilor Hecht expressed his support for the ordinance amendment but expressed concern for demand versus capacity of the DPW as well as the city taking on debt for five years but allowing payment for certain sized projects to be paid for over 10 years.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to Amend GCO Ch. 21 "Streets, Sidewalks and Other Public Places", Sec. 21-83 "Funding for approved construction or repair" subsection (b) "Betterments shall be assessed and collected for such work in accordance with the provisions of MGL c. 80, §1 et. seq. and other applicable laws." BY ADDING after "...other applicable laws," the following sentences: "All betterments shall be apportioned at either five or ten year terms based on the size of the project. Individual total assessments totaling three thousand dollars or more may be apportioned over a ten-year term."

- 6. PH2018-026: Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-269.1 "Yield intersections" by ADDING "Middle Street, at its intersection with Washington Street in an easterly direction, two yield signs; one at the north corner on the Joan of Arc Island and one on the south corner on the sidewalk by the American Legion Building**

This public hearing is opened at 8:06 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions:

Responding to a Point of Order by **Councilor Cox** for clarification as to why the Council was having a public hearing to add a "Yield" sign on a public roadway, City Clerk, **Joanne M. Senos**, noted that Sec. 22-269.1 is specific to the positioning and installation of "Yield" signs which prompted this Council action.

This public hearing is closed at 8:07 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 "Traffic and Motor Vehicles" Sec. 22-269.1 "Yield Intersections" by ADDING: "Middle Street, at its intersection with Washington Street in an easterly direction, two yield signs. One at the north corner on the Joan of Arc Island and one on the south corner on the sidewalk by the American Legion building."

DISCUSSION:

Councilor LeBlanc explained that residents know how to navigate around the city with all its peculiarities, such as the odd round-about at the Joan of Arc statue with vehicles travelling up from Middle Street from Western Avenue or from Washington Street. This amendment creates accountability for drivers with the posting of a "Yield" sign were there to be an accident, and especially in light of the fact of so many visitors to the city who are unfamiliar with city roadways.

Councilor Holmgren expressed her support for this proactive action by the Council.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-269.1 "Yield Intersections" by ADDING: "Middle Street at its intersection with Washington Street in an easterly direction, two yield signs. One at the north corner on the Joan of Arc Island and one on the south corner on the sidewalk by the American Legion building."

7. **PH2018-027: Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-267 "One-way streets-Generally" by adding "Cliff Avenue from Lexington Avenue in an easterly direction to Shore Road"**

This public hearing is opened at 8:09 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:09 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 "Traffic and Motor Vehicles" Sec. 22-267 "One-way streets-Generally" by ADDING: "Cliff Avenue from Lexington Avenue in an easterly direction to Shore Road."

DISCUSSION:

Councilor LeBlanc advised that Councilor Nolan spoke for the neighbors at O&A who were in support of this amendment.

Councilor O'Hara added that this is to limit traffic in the immediate area of concern.

Councilor Cox recounted that this is a private road and that the city is restricted from making changes to private ways. She asked for assurances that making the road one way can be done by the city even though it is private, pointing out that the city can only take such an action if it is a matter of public safety. **Councilor LeBlanc** expressed agreement with Councilor Cox reiterating that this initiative was put forward by the neighbors who met with Councilor Nolan and is the recommendation from the residents of the street. **Councilor Cox** advised she fully

supported the request by the private way residents, but she expressed concern that the Council was placing a regulation on a roadway without the authority to act as this isn't a matter of public safety. Such action by the Council has been done in the past and has had to be reversed because the roads were private ways, she added.

Council President Lundberg pointed out that this was an initiative by Councilor Nolan who was absent. He advised if a problem arises the Council will take it up at that time.

Ms. Senos added that this matter did go before the Traffic Commission, noting there were public safety tests to assure that fire engines could pass on the road if it were made one way.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Cox, the City Council voted 8 in favor, 0 opposed, 1 (Nolan) absent, to Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-267 "One-way streets-Generally" by ADDING: "Cliff Avenue from Lexington Avenue in an easterly direction to Shore Road."

For Council Vote:

1. **B&F Standing Committee Report of May 3, 2018 re: \$80,000 appropriation from the Affordable Housing Trust for an affordable housing project at Marina Drive #5 withdrawal of funding for Affordable Housing (Cont'd from May 8, 2018 CCM)**

Council President Lundberg explained that there is a communication from the Community Development Director (on file) that the Affordable Housing Trust has withdrawn their recommendation for funding and so that this matter is now moot.

On a unanimous vote of the Council this matter was closed.

Unfinished Business: None.

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

Update on the Poet Laureate Selection Committee by City Council Representative, Councilor Paul Lundberg, highlighted that Councilor Cox has joined the Selection Committee and is now the City Council appointee and that he has stepped away from this appointment.

Councilors' Requests to the Mayor:

Councilor Holmgren reported that the Sawyer Free Library Strategic Planning Committee continues with the "Think Gloucester Community Dialogs" to formulate a five-year strategic plan for the library with the next dialog taking place on Wednesday, May 23 at the Rocky Neck Cultural Center at 7:00 p.m. and another on Friday, June 1 at the Library at 9:30 a.m. and June 27 at 7:00 p.m. at the library. She announced that Friday, May 25 is "Wear Orange Day" in recognition of gun violence to raise awareness. There will be a ceremony in the City Hall Rotunda at 10:00 a.m. Amanda Cook is doing an awareness campaign to fold orange paper cranes in boxes around the city; on Sunday, May 27 at the Pleasant Street Tea Company she and Ms. Cook will be pleased to have the public join them in folding paper cranes.

Councilor Memhard advised that the Good Harbor Beach Footbridge is under construction and it will be framed after piles are in place -- it is hoped the bridge will be open by Memorial Day to make Good Harbor Beach accessible from Nautilus Road again.

Councilor Cox noted the next FY19 budget meeting convenes at 1:00 p.m. on Thursday, May 24 for review of the DPW; Inspectional Services and the Treasurer/Collector Department; and that at 6:00 p.m. is the Police Department. On Tuesday, May 29 in Kyrouz Auditorium will be the School Department FY 19 budget review and on May 30 at 5:30 p.m. is the FY19 Fire Department budget review. She announced that the Pride Stride awards ceremony takes place on Thursday, May 31 at 6:00 p.m. at the Gloucester House.

Councilor LeBlanc noted he reached out to the Harbormaster to discuss the incident of a Pepsi delivery truck ending up on Pavillion Beach. The Harbormaster will look into placing a piling in at the entrance of the beach at the end of Beach Court as it is a state boat ramp for carrying onto the beach kayaks and similar vessels for launching which he requested be investigated through the Mayor. He thanked the DPW for installing the American flag on the auditorium balcony and expressed he was pleased to have the Council to be able to salute the flag and not have their backs to the audience.

Councilor Hecht conveyed his best wishes for Ringo Tarr's recovery from a recent illness. He noted they're waiting for materials to come in to install the light strings into the 76 trees on Main Street tree. He thanked

Councilors O'Hara and Nolan for pointing out it doesn't need to be electricians in bucket trucks to string these lights but any business that has a bucket truck or trucks can feel free to volunteer to assist in this effort. He advised they have a donation of 100 T-Shirts with a logo design for "Light Up Main Street," from Sweats of New England for volunteers who help with this project.

Councilor Gilman expressed her thanks to the Lane's Cove crew; the Clean City Commission and the One-Hour-At-A-Time Gang, over 30 people helped to clean up Lane's Cove. She also offered her thanks to the DPW for coming a day or two afterwards to remove a huge pile of debris. She asked for a Request through the Mayor to the Harbormaster or the applicable city staff to update the Council on the grant available for lobster fishermen to dispose of old gear and lobster pots. She also asked for a Request that the Mayor through the Public Health Director forward a copy of the recently revised Board of Health tobacco regulations which includes a ban on flavored tobacco products except in adult only establishments. She congratulated the Cape Ann Trail Stewards for their recent successful 5K Dogtown trail race. She highlighted state fire officials brought specialized ATV's (All Terrain Vehicles) to get injured people out of rough areas and noted that members of the Gloucester Fire Department Ambulance Service were also on hand.

Councilor O'Hara thanked the DPW for removing trees on Butman Avenue. He asked that a Request to the Mayor be submitted through the DPW to see to the repair of the sidewalk on Lexington Avenue in front of the pub noting that there is a panel raised up about two inches pointing out that another resident tripped and fell recently. He noted a large turnout at a recent Council meeting regarding Magnolia Pier saying that residents want their pier back. He asked the Mayor move the reconstruction of the pier along as swiftly as possible

Council President Lundberg reminded the Council that the city's Memorial Day ceremony starts at 10:30 a.m. in the Gloucester High School Field House with a luncheon to follow. He mentioned that this morning the North Shore Health Project gave their Community Activist Award to Cindy Cafasso Donaldson of the Addison Gilbert Hospital whom he advised has done so much to ensure the hospital stays in the city.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.