

GLOUCESTER CITY COUNCIL MEETING

Tuesday, October 23, 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 Jennifer Holmgren; Councilor Scott Memhard; Councilor Sean Nolan; Councilor James O’Hara

Absent: Councilor Hecht

Also Present: Joanne Senos; Jim Destino; Chip Payson; John Dunn; Police Chief John McCarthy; Jill Cahill; Gregg Cademartori; Amit Chhayani; Deborah Kelsey

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. Councilor LeBlanc dedicated the Moment of Silence in memory of Donnie Peavy, a long-time DPW employee, a Ward 3 resident, a close and generous friend. He extended his condolences to Mr. Peavy’s family.

Oral Communications:

Name: Joseph Orlando, Jr., Former City Councilor and son, Joseph

Address: 56 Angle Street

Subject: Expressing concern for the Affordable Housing Zoning amendments passed while he was a member of the Council that has a 3-year sunset clause, and confusion between Building Department and ZBA and who is responsible for enforcing it. People seeking to create affordable units on their property aren’t receiving guidance under the amended Zoning Ordinance as it was intended, he suggested. The position of Zoning Administrator has remained unfilled, he pointed out. He further suggested an educational forum which he volunteered to coordinate.

Name: Karen Spencer

Address: 67 Langsford Street

Subject: To end fluoridation of the city’s water supply (written statement submitted prior to City Council meeting)

Presentations/Commendations:

1 of 2: Police Chief John McCarthy & Library Director Deborah Kelsey re: Sawyer Free Library Security Access

Council President Lundberg, thanked Jim Destino, CAO; Police Chief John McCarthy, and Library Director Deborah Kelsey for accepting the Council’s invitation to appear before them with a goal of seeing what the Council can do to help with the problem of secure access to the Sawyer Free Library which was highlighted through an “unfortunate” incident two weeks ago. As this is a frequent occurrence in and around the library this evening’s Council forum is to look at how the Council can offer its assistance.

Jim Destino, CAO, expressed the Mayor’s thanks and appreciation for any input from the Council through this general forum about the Sawyer Free Library’s security measures in place. He assured the Council that the Mayor’s office and her Administration is working on this issue daily. He pointed out some of the solutions will require “new thinking” and different approaches. He noted the engagement of ongoing partnerships with the city’s Police Department; social services; mental health and substance abuse counselors; with city unions; General Counsel; the Library Board as well as the city’s Human Resources Department. He highlighted that the Administration takes this issue seriously and continues to work hard to ensure that it is responsibly and adequately addressed. While the library has its security challenges from a physical standpoint, he assured that the library is a safe place. He cited that library directors and staff all over the country continue to be concerned about people who adversely affect libraries’ abilities to deliver library services, including people who are homeless, have mental illness or suffer from substance abuse. He advised the Police Chief will speak to measures in place at the library and the success they’ve had as a result. From everyday property checks and walk throughs, to the training of the library staff and video surveillance which was key in apprehending two individuals that was reported in the local newspaper. The President of the

Board of Directors of the Sawyer Free Library, John Brennan, will also speak on their behalf. He noted the library Board understands the problems of libraries today and support different ideas both in concept and financial practice is "truly admirable," calling the Board great partners with the Administration. The Mayor's goal for library security is the same as the Council, the library's Board, residents and visitors of the Library which is to provide a safe and secure environment for staff and patrons who want to make use of that space. He conveyed that this is their mission and goal, saying they would succeed.

Council President Lundberg, saying he was expressing the feelings of the Council that they understand this matter has great ramifications and what has been done to date was "admirable."

Police Chief John McCarthy recounted that the issue prompting this discussion played out as follows: Someone went into the library and asked for a key to the restroom. The library employee that issued the key became suspicious; used the surveillance system of the library, and noted two people entering the men's room and called the police. The police made two arrests seizing some drugs. The police report included language that there had been previous drug activity at the library, lending credibility to the arrests. He commended the library employee who through training with the staff recognized that this was something that may not be normal; met the police at the door; and they were able to make the arrest and take two men off the street that they allege conducted illegal activity in the library. The library has had such issues as has every library around the country, he reiterated. The facility is open to the public; a warm environment when it gets cold, and it is inherent there will be some issues.

Referencing a statistical spread sheet provided by the Chief (on file) to the Council of police activity in the library, he indicated that it was important to note that of the 191 documented times over the last 22 months that the police visited the library -- 112 preemptive walkthroughs were conducted as directed by his administration. When there is a start to problems, he advised, there is an electronic and manual bulletin board read off three times a day for three different shifts, although the library falls under two shifts -- most of the time the day watch, he advised. He explained that when cold weather starts the department parks a cruiser at the library and conducts walkthroughs, talking to people three times a day. It is hoped that this kind of presence will help to defer any illegal activity in the library. A spreadsheet (on file) bar graph was noted showing seventy-nine other calls for service at the library in that timeframe. He pointed out it wasn't a lot of serious crime; rather it was a lot of disruptive behavior; two drug OD's; 10 burglar alarms which all proved to be false. There were five arrests made at the library, and hypodermic needle pick-ups occurred there also. It was also pointed out that those needles are picked up around the city which is a concerning problem anywhere, not just on the grounds of the library. The Police Department works with various city agencies to do outreach to work to prevent such incidents city-wide. The library "new" wing when first built was designed in a different era and environment. But today, the main restrooms would never have been built next to the children's library section, he noted. He reported that he and Mr. Destino looked at that and other issues within the confines of the library where there could be structural and environmental changes that may help the situation. The police, he pointed out, have a great rapport with the library staff who are doing a good job. The Grace Center in Gloucester is a great help to the library because it is open six days a week now; the problem day in cold weather is Saturdays when the Grace Center is closed. Because of the Center's Saturday closure, he advised that the police increase their patrols to keep a presence at the library. The library requires that people have to have a library card to get a key to the restroom now which he suggested was a good preventative measure going forward. As for public buildings, the library gets more police attention than any other public building in the city, he noted. They work well with the library staff to minimize disruption there, and moving forward they're willing to work with all the tools at their disposal to further minimize disruptions. He added that these problems are in other places in the city, in restrooms, and isn't unique to the library. He suggested it is a culture where people use drugs in a place that is secluded if they're homeless or more convenient. He offered that the police welcome input to help them do their job better.

John Brennan, President, Board of Trustees of the Sawyer Free Library, 489 Washington Street, called the library facility inadequate and highlighted that the library's physical structure is dated with an open design, which needs to be made safer to eliminate these kinds of challenges. The library has sought a state grant to replace the entire library facility, and was awarded a Mass. Board of Library Commissioners 40% matching grant for a new facility which means they have \$9 million "on the table." They will seek to design a project and fundraise to rebuild the library. He mentioned being in a meeting in the front room this evening at the library, saying that one would never know such an incident occurred there. He assured the Board is looking at and working on security saying that the Board wants to make sure the library is a safe place for everyone. He noted the library has a good working relationship with the city.

COUNCILOR QUESTIONS:

Councilor Cox noted the mention of not giving out the bathroom key to patrons without a library card. She expressed concern as there are people who may need to use the facilities but don't have a local address who, for example, may be staying at a local shelter that may not have a library card and didn't want to punish all. **Deborah Kelsey**, Library Director, pointed out there are two forms of library cards -- cards for borrowing and cards for those using the library, saying that this isn't a barrier for use of the facilities. It was noted that to have a card for active borrowing, one must prove residency.

Councilor Holmgren conveyed that they all know people are dealing and using drugs, and those that are doing so at the library are in a "desperate situation." Not only does this present a security issue, she pointed out, but highlights an underlying problem. She explained that it's important to approach these challenges holistically, considering the whole person no matter how they present. She mentioned that she understood that the Administration is working with Lahey Health, and asked that the Administration or the Library Board, whoever is more appropriate, to consider embedding a social worker at the library with the assistance of Lahey Health to possibly offset the cost. She pointed out the library staff and the police have done an "incredible job" having gone beyond the call of duty many times and have become "deputized social workers."

Council President Lundberg expressing his understanding for the reluctance to delve deeply into the security issues noted the expressed concept that the library's Board will solve the structural issues which cause security issues through the building with a new library is a concept that is "lofty and far off." He asked what the library can do now to fix the structural issues that allow for this kind of behavior so they're not putting the library staff and police in the position of having to "police" illegal activity that the building encourages. What will be done now for a structural fix and what will it cost, and how can the city help, he asked. **Mr. Brennan** advised that the Board has approved funding for private security for the library which will come on line in a matter of weeks. The Council, in the next budget season, can add funding, he pointed out. The library has a lot of obligations, he advised, pointing to the Board putting together a package to make a new appealing library the community can support; working on their governance, and security. **Council President Lundberg** pointed out that the next budget season is nine months away, and reiterated his request for the library's plans in place to harden the structure of the library so that the accessibility for this kind of activity next to the children's room is stopped. Expense is not a good answer, he advised -- the Council wants to hear what the library professionals need and what it specifically costs. **Mr. Brennan** pointed out that policies were changed with this incident. **Ms. Kelsey** added they're going through a four year process of "discernment." They have spent "countless" hours looking at their facility to try and understand what can be done with what they have in place and what is feasible. Multiple architects have looked at access to the building, what can be blocked off, relocating restrooms, building circulation, relocating children services. This is what led to writing a building program and going to a preliminary design phase for a new library facility, she pointed out. She recounted that the proposed design for a new library recently was not met positively by the community, and they have to readjust their plans and are evaluating whether they can renovate the current facility and take into consideration what can be done with Saunders House. She confirmed the library staff has had extensive training in the last two years, with the staff working under "tough conditions." They double staff; are vigilant; and the police are responsive, she highlighted. They've talked about building more restrooms, but they'd be diminishing actual square footage which would diminish services in what she termed non-functional space now. They are doing the best they can to provide what the city needs, she explained, and they need to fix the building, not "band aid it." She highlighted the many constraints of the library physical facility.

Council President Lundberg explained that it isn't just the will of the Council but the will of the city which includes Ms. Kelsey and the library's Board. He pointed out that the concern is that they're putting the library staff in a difficult position, and if there are fixes they need to know about them in a measured way and know about it sooner than later, not when a new library is going to be built. **Ms. Kelsey** advised funding for a new library is about two years away, and a temporary fix is about a year away. This is a community effort, she agreed, and assured the library is making every effort.

Councilor O'Hara noted that this issue is not a problem just in Gloucester but country wide. There is always room for improvement, he noted. Mentioning the recent incident, he conveyed the Police Department is doing an "admirable" job. This problem won't be eliminated just because there is added security, but is societal, he highlighted. He pointed out that even with all the programs to help these people, including the Grace Center, they won't solve the problem this evening. Lauding the work of the city's Police Department and library staff, he advised that spending isn't the cure.

Council President Lundberg expressed the Council's "profound" thanks to the Police Department and the library staff.

2 of 2: Stefano Loretto, Business Development Director of Good Energy, L.P. re: municipal energy aggregation in Gloucester

Gregg Cademartori, Planning Director, advised that this is (municipal energy aggregation) a culmination of a project by the city that started in 2015, originating with outreach of the Mass. Dept. of Energy Resources and the Clean Energy Commission (Candace Wheeler, member and Paul McGeary, past Council President and committee member, both present). The information presented this evening will be a “refresher.” They’ve reached out to as many people as possible through many channels as possible to convey information on the Community Electrical Aggregation Program. He reminded the Council that previous conditions weren’t favorable to enter this Program, but that it is now, placing the city in a bit of a catch-up situation to get information to people about the Program. He announced that the Planning Division has fielded over 100 calls about the aggregation program, noting that this has been very successful to date. They’ll continue outreach and field any questions from the public, he assured.

John P. O’Rourke, Director of Marketing Northeast for Good Energy, L.P., Norwalk, CT, speaking for Mr. Loretto who was unable to attend, made a PowerPoint presentation to the Council updating them on the Community Electricity Aggregation Program now in its Opt-Out Stage:

- Program Summary: Aggregation Supplier is Direct Energy; Term is from Dec. 2018 to Dec. 2021; Fixed Rates are: Default (or standard) Option: \$0.11085/kWh (Contains 5% extra renewable energy from Blackburn Wind Turbines; Basic Option: \$0.1098/kWh (no extra renewable energy); Premium: \$0.1308/kWh (100% extra renewable energy -- versus the National Grid (NGRID) Winter Rates of 0.13718/kWh (Nov. 1, 2018 to April 30, 2019)
- **Program will launch December 2018 with the meter read** and will be reflected in bills received in Jan. 2019;
- For questions call: 866-456-8232;
- If a resident didn’t receive an opt-out letter then they are not on National Grid’s Basic Service; however, residents can still join the program at any time;
- To change program options, to join the program, or opt-out of the program, call aggregation supplier, Direct Energy at 866-968-8065; information is also available at: <https://gloucester-cea.com/> for program details; a list of upcoming events; FAQ and contact information;
- Website will be updated with opt-out letters in Spanish, Portuguese and Italian;
- **Opt-out period ends Nov. 14** but residents can leave or join the program any time without penalty;
- A Completed Public Presentations on the city’s Aggregation Program were touched on;
- Upcoming Public Presentations: Thursday, Oct. 25 from 10:45 a.m. to 12 noon at the Rose Baker Senior Center; Thursday, Oct. 25 from 3:00 p.m. to 6:00 p.m. at Gloucester City Hall (Q&A Forum); Friday, Oct. 26 from 10:45 a.m. to 12 noon at the Rose Baker Senior Center with Mayor Theken
- Call center numbers were touched on -- Total Calls: 123 through Oct. 20 with a note of certain actions taken to respond to residents; 12,900 letters were sent; phone calls were less than 1% of that number;
- An example of the city’s website for the Community Electricity Aggregation Program was shown as was the Opt-Out Letter (required by the Department of Utilities and the manner it covers the information).

COUNCILOR QUESTIONS:

Council President Lundberg noted that when he’s asked what the Program means to people, he’s informed them that the NGRID rate is \$0.13 kWh and through the CEA program the average user will save \$.03 kWh with the basic rate over the NGRID rate, with the average user using about 500 kWh/mo. which equates to a savings of about \$15/mo. until NGRID resets their rate. He asked if his supposition is correct -- that there will be a savings by participating in the Program as compared to NGRID’s rate. **Mr. O’Rourke** advised they use an annual rate of about 75 to 100 kWh which equates to about 625 kWh/mo., and the program should save about 10% to 12% savings on the supply portion, and by participating it keeps people in a fixed rate for a longer time and helps with some of the unscrupulous phone calls and mailings. There is more “green” in this Program, he highlighted. All their aggregations they’ve done in the state so far have saved money.

Councilor Gilman expressed appreciation for the Good Morning Gloucester podcast Mr. O’Rourke participated in. She asked that if a person is in low-income housing with an already discounted electric rate, and if the person doesn’t opt-out, would it result in a higher rate. **Mr. O’Rourke** pointed out all discount programs stay in place and in effect with NGRID.

Confirmation of New Appointments: None.

Consent Agenda:

- **MAYOR'S REPORT**

1. Appointments:

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| Economic Development & Industrial Corp. | Jerrold Oppenheim | TTE 07/01/21 | (Refer O&A) |
| Stage Fort Park Advisory Committee | Craig Anderson | TTE 02/14/21 | (Refer O&A) |
2. Letter from Mass. Cultural Council designating an allocation of \$8,500 for FY19 Local Cultural Council funds (Refer B&F)
3. Memorandum and Supplemental Appropriation Budgetary Request 2019-SA-9 from the City Clerk (Refer B&F)
4. Memorandum from Principal Assessor re: FY19 Tax Classification (Refer B&F)
5. Memorandum from Community Development Director re: recommendations from the Community Preservation Committee for Round 9, FY18 funds (Refer B&F)
6. Memorandum from Community Development Director re: Renewal of Harbortown (Downtown Cultural District) (Refer P&D)
 - **COMMUNICATIONS/INVITATIONS**
 - 1. Invitation from the Office of Veterans' Services and the United Veterans Council to the Veterans' Day ceremonies on 11/11/18 (Info Only)
 - **APPLICATIONS/PETITIONS**
 - 1. SCP2018-005: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, GZO Sec. 1.5.3(g) "Drive-Through Facilities" (retail drive-through facility) and 5.17 "Special Regulations; Drive-Through Facility" in the EB District (Refer P&D & PB)
 - 2. SCP2018-006: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, GZO Sec. 1.5.3(g) "Drive-Through Facilities" (coffee shop drive-through facility) and 5.17 "Special Regulations; Drive-Through Facility" in the EB District (Refer P&D & PB)
 - 3. SCP2018-007: Gloucester Crossing Road #1 & #7, Map 262, Lots 13 & 37, GZO Sec. 1.5.3(c) "'CCS' Special Permits" & (d) "Major Projects" and 5.7 "Major Projects" in the EB District (Refer P&D & PB)
 - 4. SCP2018-008: East Main Street #116, Map 59, Lot 53, GZO Secs 1.8 "Use Table Special Permits", 2.3.1(8) "Conversion to or new multi-family or apartment dwelling, seven or more dwelling units", 3.2.2(fn e) "Distance between principal buildings" and 3.2.2(fn a) "Minimum lot area per dwelling unit and minimum open space per dwelling" (Refer P&D)
 - **COUNCILORS ORDERS**
 - 1. CC2018-040 (LeBlanc/Holmgren): Amend GCO Ch. 22 "Traffic and Motor Vehicles", Sec. 22-283 "Bus stops and taxi stands" by ADDING Lincoln Avenue, westerly side, in a southerly direction from a point 150' from Emerson Avenue for a distance of 40' (Refer O&A & TC)
 - 2. CC2018-041 (Hecht): Amend GCO Ch. 22 "Traffic and Motor Vehicles", Sec. 22-270 "Prohibited parking at all times" by ADDING Chestnut Street between 6 Chestnut Street and 212 Main Street (Refer O&A & TC)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 - 1. City Council Meeting: 10/09/2018 (Approve/File)
 - 2. Standing Committee Meetings: B&F 10/18/18 (under separate cover), O&A 10/15/18 (no meeting), P&D 10/17/18 (Approve/File)

Unanimous Consent Calendar:

1. CC2018-042 (Cox): Amend GCO Ch. 11 "Hawkers, Peddlers, Transient Vendors and Special Events" Secs. 11-5 "Fixed Vending; site specific locations", 11-6 "Conduct of business", 11-7 "Business prohibited between certain hours and 11-8 "Vendors prohibited upon certain streets, areas"

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

By unanimous vote of the Council, the Consent Agenda and Unanimous Consent Calendar was accepted as presented.

Committee Reports:

Budget & Finance: October 18

COMMITTEE RECOMMENDATION: On a 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 Supplemental Appropriation 2019-SA-7 in the amount of \$518.00 (Five Hundred Eighteen Dollars) from the City Clerk Dog License Receipts Reserved for Appropriation Fund, Transfers to the General Fund Account # 32145-596001, to City Clerk, Other Expense, Account #0116152-578000 for the purpose of funding the purchase of an additional city seal.

DISCUSSION:

Councilor Cox advised that this appropriation is to purchase an additional new city seal, made out of cast iron, for the City Clerk's office as the department only has one city seal out of three in working order.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hecht) absent, to approve Supplemental Appropriation 2019-SA-7 in the amount of \$518.00 (Five Hundred Eighteen Dollars) from the City Clerk Dog License Receipts Reserved for Appropriation Fund, Transfers to the General Fund Account # 32145-596001, to City Clerk, Other Expense, Account #0116152-578000 for the purpose of funding the purchase of an additional city seal.

COMMITTEE RECOMMENDATION: On a 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 Supplemental Appropriation 2019-SA-8 in the amount of \$586.00 (Five Hundred Eighty Six Dollars) from the City Clerk Dog License Receipts Reserved for Appropriation Fund, Transfers to the General Fund Account # 32145-596001, to City Clerk, Other Expense, Account #0116152-578000 for the purpose of funding the purchase of a desktop inkjet printer.

DISCUSSION:

Councilor Cox explained that the City Clerk's department needs a new desktop inkjet printer to replace a failing typewriter.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Hecht) absent, to approve Supplemental Appropriation 2019-SA-8 in the amount of \$586.00 (Five Hundred Eighty Six Dollars) from the City Clerk Dog License Receipts Reserved for Appropriation Fund, Transfers to the General Fund Account # 32145-596001, to City Clerk, Other Expense, Account #0116152-578000 for the purpose of funding the purchase of a desktop inkjet printer.

COMMITTEE RECOMMENDATION: On a 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 M.G.L. c. 44, §53A a federal grant from the Institute of Museum and Library Services passed through the Massachusetts Libraries Board of Library Commissioners FY19 LSTA Grant, Conserving & Digitizing Historical Resources for a total of \$30,000 for the purpose of conserving and digitizing seven of the city of Gloucester's oldest bound volumes of City records. The grant period is from October 1, 2018 to September 30, 2019. There is no local match requirement for the grant.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to accept under M.G.L. c. 44, §53A a federal grant from the Institute of Museum and Library Services passed through the Massachusetts Libraries Board of Library Commissioners FY19 LSTA Grant, Conserving & Digitizing Historical Resources for a total of \$30,000 for the purpose of conserving and digitizing seven of the city of Gloucester's oldest bound volumes of City records. The grant period is from October 1, 2018 to September 30, 2019. There is no local match requirement for the grant.

Ordinances & Administration: October 15 - No Meeting

Planning & Development: October 17

There were no matters from this meeting for Council action.

Scheduled Public Hearings:

1. **PH2018-052: Amend GCO Ch. 28 "Marijuana Retail Establishments" by ADDING a new Sec. 28-2 "Prohibited Practices"**

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

Those speaking in favor: Tom Denman, 2 Cross Street, advised he had no objection to the amendment but asked what the prohibited practices are. **Council President Lundberg** advised this is to prohibit displays of paraphernalia to consume adult recreational marijuana.

Paul Bruce, 156 East Main Street, conveyed that speaking as a parent he spoke to his concern for the promotion of these products that may exert an influence on youth through obvious displays. He urged that this is a place to draw a line.

Those speaking in opposition: None.

Communications: By email, 10/22/18 from **Cathy Tarr**, 18 Timberview Road not in favor of the GCO amendment.

Councilor Questions: None.

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

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 28 "Marijuana Retail Establishments by ADDING new Sec. 28-2 "Prohibited Practices" as follows:

"Sec. 28-2. Prohibited Practices.

- (a) In addition to the requirements of 935 C.M.R. 500, specifically 935 C.M.R. 500.105(4)(b), Prohibited Practices, it shall be unlawful for any person to operate an establishment so as to clearly display any marijuana advertising products, paraphernalia or accessories so that it is visible to a person from the exterior of establishment. This includes any of the same that have multiple uses of which one is for marijuana.
- (b) This section may be enforced by any police officer through any lawful means including noncriminal disposition pursuant to M.G.L. c. 40, §21D. The fine for a violation shall be as follows:
 - (1) \$250.00 for the first offense;
 - (2) \$500.00 for the second offense;
 - (3) \$1,000.00 for each offense thereafter."

DISCUSSION:

Councilor LeBlanc recounted that several smoke shops were invited and attended O&A Committee meetings in the past year, and during these meetings they were asked to tone their displays down voluntarily but that hasn't happened completely. He recounted that the Council voted the Zoning Ordinance for Adult Use Recreational Marijuana Establishments recently. This proposed amendment into the Code of Ordinances goes hand in hand, he pointed out. If there was a business already in existence prior to the Zoning Ordinance passage, this amendment to the Code of Ordinances will allow retroactive enforcement.

Councilor Cox expressed concern whether to support the amendment or not as this is a legal business and product, no different than cigarettes and alcohol although still federally illegal. She noted she finds giant billboards and advertisements of alcohol and cigarettes equally distasteful and expressed further concern for the Council's role in determining what can be in a window of a private business. If she was a parent she advised she would be concerned of what children see also. She mentioned one shop that she doesn't care for their bold displays of paraphernalia. She explained that as a child of substance abusers, she didn't see how the Council could regulate one product over others. **Councilor LeBlanc** advised this is new to the city, happening all over the state. As city leaders they have to protect what is visible to their children about adult recreational use. If they had a strip club that came to town, he pointed out, they'd have restrictions as to how that business could advertise visually to the public and didn't see this as anything different.

Councilor Holmgren conveyed that as an adult child of an alcoholic and having dealt with such issues during her lifetime, that she found displays for these substances objectionable. They are, however, part of their everyday life, and highlighted that she has seen people killed from alcohol no matter the manner. She asked where they draw the line. She expressed appreciation for Ms. Tarr's sentiment in her communication, and those who spoke this evening. Having been of two minds, she noted she would need assistance in her decision making.

Councilor Nolan advised he is not about taking people's rights away. He reported that the first smoke shop in the city had many people expressing concern about their displays -- it wasn't just one call or email, it was a lot of people expressing their concern. He explained that he didn't like the idea of paraphernalia in windows. He reiterated that the O&A Committee met with smoke shop owners a year ago and asked that they tone down their displays, warning them that if they didn't they'd have to legislate an ordinance. As a result, they put this amendment forward.

Councilor Gilman advised she would vote in support of the amendment because many of the students at the high school are "upset" about these displays noting she's spoken to 20 to 30 students. She conveyed that they dislike the impression it gives people driving into the city on a main thoroughfare. The Council, she added, has to

address this as an ordinance. While Ms. Tarr brought up good points in her communication, but there is nothing to stop the Council in the future to ask the Administration to explore what other communities do about restricting liquor signage and obtain a recommendation to do something over time so as not to overwhelm those businesses with sudden change. She conveyed that they've done what the community has asked them to do with marijuana establishment zoning, and this is one small matter going forward. She highlighted that she has listened to the High School students who have expressed their upset and concern not just about one particular smoke shop but about others as well. She urged that these products aren't front and center before the eyes of Gloucester's youth, expressing her understanding on both sides of the issue.

Councilor O'Hara expressed his agreement with Councilor Gilman's comments about the city's youth. He advised he's heard the same concerns from O'Maley Innovation Middle School students as well. He mentioned that at the O&A Committee, he along with Councilors Nolan and LeBlanc spoke to these shop owners. They need to protect the youth of the city, and that this is a tool to help keep children from such things until they are of legal age to make better decisions. He offered his support of the amendment

Councilor Memhard expressed he was unsure if guidance may come from the state in the future on this issue, reiterating that marijuana is still federally illegal. He pointed out that unless you are of age, you aren't entitled to participate in these things; and they want to be careful that these businesses aren't targeting these groups. He advised he agreed with Councilor Gilman. He expressed concern about how businesses will be able to legally advertise and display on delivery trucks; banners at sporting events or festivals around the city. He expressed he was pleased to take this step to discourage displays of paraphernalia on main thoroughfares. He cautioned there may be repercussions, and the Council may have to put in further ordinance language as they encounter matters that concern their constituents.

Councilor LeBlanc pointed out that there is an ordinance that states how much signage there can be on buildings for alcohol products. He mentioned several years ago a convenience store in his ward was "papered" with beer advertisements and at his request, the Building Inspector did ask that business to take down the advertisements based on current ordinance.

Councilor Holmgren advised that after hearing the rationale behind the amendment, that she would offer her support. She expressed understanding of the high school students' concerns. She recounted that in 1995 she worked with people who were trying to limit tobacco advertising. They need to keep a keen eye on all of these things; she conveyed, and offered her appreciation for Councilor LeBlanc's working with the Building Inspector on keeping alcohol advertising in check.

Councilor Cox expressed in rebuttal that she viewed this as a "double standard" as to alcohol signage. As to the comment about asking the Administration to do anything on this matter, she highlighted that ordinance and legislation is the Council's role. The Administration has no responsibility to assist the Council, she pointed out. If the Councilor is interested in further curbing alcohol and tobacco products advertising in the city, she offered to work with Councilor Gilman on it. Saying that the Council needs to start somewhere, she indicated she was willing to give the amendment a chance, but that it was "unfair" to target one particular business. She noted that to say that they'll look at the alcohol or tobacco later because they may have just bought new signage; and to the comment that they're doing this for the city's kids, it pertains to alcohol and tobacco as much as marijuana. She pointed out that as to alcohol and cigarettes she knew more families affected by the results of alcohol and tobacco abuse than drug abuse.

Council President Lundberg offered his support for the ordinance amendment since smoke shops haven't been responsible in toning down their displays. These displays are used to promote the use of marijuana and other derivatives, he advised, adding that this is not forever, and if it needs to be changed they will change it but it deserves their support.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to Amend GCO Ch. 28 "Marijuana Retail Establishments by ADDING new Sec. 28-2 "Prohibited Practices" as follows:

"Sec. 28-2. Prohibited Practices.

- (a) In addition to the requirements of 935 C.M.R. 500, specifically 935 C.M.R. 500.105(4)(b), Prohibited Practices, it shall be unlawful for any person to operate an establishment so as to clearly display any marijuana advertising products, paraphernalia or accessories so that it is visible to a person from the exterior of establishment. This includes any of the same that have multiple uses of which one is for marijuana.**

(b) This section may be enforced by any police officer through any lawful means including noncriminal disposition pursuant to M.G.L. c. 40, §21D. The fine for a violation shall be as follows:

- (1) \$250.00 for the first offense;**
- (2) \$500.00 for the second offense;**
- (3) \$1,000.00 for each offense thereafter.”**

2. PH2018-053: Amend GCO Article II “Taxicabs and Private Livery Vehicles”, Division 1- Generally, Sec. 25-24-25-34 - Reserved by ADDING a new Sec. 25-24 - Police Inspections; AND Amend GCO Article II “Taxicabs and Private Livery Vehicles”, Division 2 - Permit Sec. 25-36 “Petition” by ADDING a new subsection “(b) Ineligibility for License”; AND Amend GCO Article II “Taxicabs and Private Livery Vehicles”, Division 3 “Taxicab Driver’s License” Sec. 25-56 “Application - Generally”; Amend Sec. 25-58 “Qualifications of an applicant”; Amend Sec. 25-59 “Fee”

This public hearing is opened at 8:33 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:34 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Article II “Taxicabs And Private Livery Vehicles,” Division 1 – Generally Sec. 25-24-25-34.-Reserved by ADDING a new Sec. 25-24.-Police Inspections as follows:

“Any vehicle under this article shall be subject to inspection by the police department at any time for the purpose of determining if the condition of the vehicle is a hazard to public safety during the term of said license, and the cost of said inspections shall be \$25.00.

Sec. 25-25-26-34.-Reserved.”

DISCUSSION:

Councilor LeBlanc offered that the City Clerk had reviewed this section of the Ordinance several months ago; and this action is to give teeth to enforcement to the Police and the City Clerk. This is updating the ordinance as a whole, he advised.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to Amend GCO Article II “Taxicabs And Private Livery Vehicles,” Division 1 – Generally Sec. 25-24-25-34.-Reserved by ADDING a new Sec. 25-24.-Police Inspections as follows:

“Any vehicle under this article shall be subject to inspection by the police department at any time for the purpose of determining if the condition of the vehicle is a hazard to public safety during the term of said license, and the cost of said inspections shall be \$25.00.

Sec. 25-25-26-34.-Reserved.”

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Article II “Taxicabs And Private Livery Vehicles,” Division 2 – Permit, Sec. 25-36. “Petition” by ADDING a new subsection “(b) Ineligibility For License” as follows:

“No person shall be the owner who is not twenty-one (21) years of age or older or who has had an under the influence of drugs or alcohol conviction or dispositions under MGL c. 90 within the past five (5) years or the equivalent in any jurisdiction.”

DISCUSSION:

Councilor LeBlanc advised this is to make sure the public is safe, as are all these amendments.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to Amend GCO Article II “Taxicabs And Private Livery Vehicles,” Division 2 – Permit, Sec. 25-36. “Petition” by ADDING a new subsection “(b) Ineligibility For License” as follows:

“No person shall be the owner who is not twenty-one (21) years of age or older or who has had an under the influence of drugs or alcohol conviction or dispositions under MGL c. 90 within the past five (5) years or the equivalent in any jurisdiction.”

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Article II “Taxicab and Private Livery Vehicles” Division 3 “Taxicab Driver’s License” Sec. 25-56 “Application-Generally” by ADDING the following subsection after the first sentence:

“(b) All applicants must be pre-screened by their taxicab company prior to submitting an application for a license to the Licensing Commission. Pre-screening shall include without limitation, the following: review of the applicant’s driving record complete with a letter verifying that the applicant is suitable for a license certification as well as whether the applicant has been previously authorized by any city or state to operate a taxicab or livery vehicle, and certification that the taxicab company has insurance and that said insurance shall cover the applicant if the applicant is granted a license. Failure to adhere to this section may result in a denial of a license.”

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to Amend GCO Article II “Taxicab and Private Livery Vehicles” Division 3 “Taxicab Driver’s License” Sec. 25-56 “Application-Generally” by ADDING the following subsection after the first sentence:

“(b) All applicants must be pre-screened by their taxicab company prior to submitting an application for a license to the Licensing Commission. Pre-screening shall include without limitation, the following: review of the applicant’s driving record complete with a letter verifying that the applicant is suitable for a license certification as well as whether the applicant has been previously authorized by any city or state to operate a taxicab or livery vehicle, and certification that the taxicab company has insurance and that said insurance shall cover the applicant if the applicant is granted a license. Failure to adhere to this section may result in a denial of a license.”

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Article II “Taxicab and Private Livery Vehicles” Division 3 “Taxicab Driver’s License” Sec. 25-58 “Qualifications of applicant” by DELETING Subsection (b) in its entirety and ADDING new subsection (b) a (d) and (e) as follows:

“(b) An applicant who has been denied a license may request in writing a hearing before the Licensing Commission within three (3) business days of receipt of the notice of denial. The denial shall become final if a written request for a hearing is not received within said time frame.

(d) When a licensed taxicab driver changes his/her home address or place of employment, he/she shall within five (5) business days of such change notify the Licensing Commission of such change.

(e) An applicant who has a criminal record or has within the last five (5) years any of the following may be considered unsuitable to hold a license:

1. Conviction of a felony;
2. Violation of parole or probation;
3. Conviction of illegal gambling and/or lottery;
4. Conviction of a sex offense and/or is currently a registered sex offender;
5. Conviction of assault and battery on or disobeying the directives of a police officer;
6. Conviction of narcotics and/or alcohol related offenses;
7. Conviction of firearms violation;
8. Conviction or five (5) or more moving violations of motor vehicle laws where public safety and/or property was put at risk or injured.”

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to Amend GCO Article II “Taxicab and Private Livery Vehicles” Division 3 “Taxicab Driver’s License” Sec. 25-58 “Qualifications of applicant” by DELETING Subsection (b) in its entirety and ADDING new subsection (b) (d) and (e) as follows:

“(b) An applicant who has been denied a license may request in writing a hearing before the Licensing Commission within three (3) business days of receipt of the notice of denial. The denial shall become final if a written request for a hearing is not received within said time frame.

(d) When a licensed taxicab driver changes his/her home address or place of employment, he/she shall within five (5) business days of such change notify the Licensing Commission of such change.

(e) An applicant who has a criminal record or has within the last five (5) years any of the following may be considered unsuitable to hold a license:

1. Conviction of a felony;
2. Violation of parole or probation;
3. Conviction of illegal gambling and/or lottery;
4. Conviction of a sex offense and/or is currently a registered sex offender;
5. Conviction of assault and battery on or disobeying the directives of a police officer;
6. Conviction of narcotics and/or alcohol related offenses;
7. Conviction of firearms violation;
8. Conviction or five (5) or more moving violations of motor vehicle laws where public safety and/or property was put at risk or injured.”

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Article II “Taxicab and Private Livery Vehicles” Division 3 “Taxicab Driver’s License” Sec. 25-59 “Fee” by ADDING, after the first sentence as follows: “An administrative fee of \$10.00 shall be paid for the transfer of a taxicab driver’s license.”

DISCUSSION: None.

MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 (Hecht) absent, to Amend GCO Article II “Taxicab and Private Livery Vehicles” Division 3 “Taxicab Driver’s License” Sec. 25-59 “Fee” by ADDING, after the first sentence as follows: “An administrative fee of \$10.00 shall be paid for the transfer of a taxicab driver’s license.”

3. **PH2018-054: Amend GCO Ch. 22 “Traffic and Motor Vehicles” Sec. 22-270.1 “Resident Sticker Parking Only” by ADDING “Babson Street”**

**This public hearing is opened at 8:41 p.m.
Those speaking in favor:**

Andrea Loughlin, 14 Babson Street, spoke in favor of the ordinance amendment highlighting that several homes on the street are renting their houses for Airbnb making parking extremely difficult for residents. She submitted a petition signed by thirteen Babson Street residents in favor of making the street resident sticker parking only.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:44 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-270.1 "Resident Sticker Parking Only" by ADDING "Babson Street."

DISCUSSION:

Councilor LeBlanc reported that Babson Street is a dead-end with about five homes at the top of Hampton Hill off of Hovey Street. He expressed his concern for the residents' parking situation. When Ms. Laughlin reached out to him, he understood the parking issue having lived on Babson Street over 20 years ago. He highlighted that this is a small private road with no driveways with people parking off to the side and into the bushes. The "resident parking only" once instituted is for any city resident who has a city parking sticker, he noted.

Councilor Holmgren asked for clarification as to the roadway's status -- was it private or secluded but public?

Councilor LeBlanc advised he didn't know if it was completely public or private. **Councilor Memhard**, viewing a city listing of streets, advised Babson Street is listed as both public and private -- Hovey Street (7) to Dead End.

Councilor Cox advised the Council can't regulate on a private street. It has to be for public safety, she highlighted, and that is not the case here.

The Traffic Commission concurred this street should be "resident sticker parking only" and knew that this is a private way but recommended the action regardless, **Joanne M. Senos**, City Clerk advised.

There was a brief discussion among Councilors on the issue of the status of streets whether public or private and whether the Council can regulate traffic and Council process. **Councilor Cox** asked that this matter be held until the next Council meeting for verification.

Councilor Nolan advised that it comes down to private roads for public access saying they not only have the right, but duty, to protect their citizens with safety and traffic issues on roads that are private for public access. He pointed out that Ward 5 has only 21 roads that are public ways, the rest are all private, speaking to enforcement issues. He conveyed he did talk to General Counsel on such matters, reminding the Council that they have instituted traffic ordinances on private ways. **Councilor Cox** pointed out that there are three different types of roadways in the city -- public, private with public use, and private. They need to determine which category Babson Street falls under, and she reminded the Council that the only time they can regulate on private roads is for public safety and some very particular parking situations. She recounted that the Council recently regulated a private street with no sidewalks near a beach where the Chiefs weighed in on the public safety issue there. She called on the Council to do more research into this matter.

Councilor LeBlanc pointed out there is a petition by 90% of the residents of Babson Street.

Council President Lundberg advised based on the discussion that he was willing to remand this to the O&A Committee to have it clarified through General Counsel about this specific issue with **Councilor Cox** suggesting the Council, rather, should continue this matter for legal clarification. **Council President Lundberg** expressed his agreement. **Councilor Cox** noted a new state law to enable cities to start taxing Airbnb's which she suggested may curb residences in small neighborhoods in the city. By taking the proposed action it will push parking onto adjacent streets and create even more parking issues.

Ms. Loughlin described briefly for the Council the location of the street to the Council.

The Council voted unanimously to continue this matter to the November 13, 2018 Council meeting.

For Council Vote: None.

Unfinished Business: None.

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

Update on the Fisheries Commission by City Council Representative, Councilor Scott Memhard conveyed that Chair, Mark Ring; Executive Director Al Cottone; Angela Sanfilippo, all members of the Fisheries Commission and Sal DiStefano, Economic Development Director, along with Mayor Theken are doing a very good

job of advocating for the Gloucester fisheries. He reminded the Council that the seafood show is coming up again this spring.

Councilors' Requests to the Mayor:

Council President Lundberg noted that a Councilor has suggested that they move Councilors' Requests to the Mayor portion of the meeting to the beginning of their agenda and advised that he'd submit a Council Order to change the Council Rules of Procedure in order to start a discussion. He pointed out that by the time of this portion of the Council meeting that representatives of the Administration have already left the auditorium which prompted his Council Order.

Councilor Holmgren noted residents of Lincoln Park are asking for help to designate the bus shelter on Lincoln Street as a "No Parking -- Bus Stop" with vertical signage and painted curbs because there is a problem of blocked access by other vehicles, with access becoming even more difficult for accessibility to handicapped residents when there is snow that needs to be shoveled. The Traffic Commission Chair has assisted in drafting a Council Order that O&A will take at their Monday, Nov. 5 meeting. She asked the city to examine signage and painting of this immediate area.

Councilor Gilman requested that the Mayor under City Charter Sec. 7-9 to hold a combined meeting between the Planning & Development Committee and Gloucester Historical Commission to review Chapter 40, Sec. 8(d) for the National registry status for city council vetting and approval.

Councilor O'Hara asked that the Mayor through her Administration ask MassDOT to a make presentation to the Council to learn about remediation plans for Route 128 from clover leaf at 128 at 93 to Danvers at Endicott Street. This section of Route 128 is affecting city businesses; he pointed out, and affects all constituents.

Council President Lundberg noted a planned joint meeting next Tuesday with the School Committee and the Board of Health on what the opportunities and obligations are with marijuana now legal in the city. He also mentioned an agenda item regarding the School Dept. facilities planning, highlighting the School Dept.'s late request to renew the lease for the Administration's space and Pre-K school located at the Blackburn Industrial Park - there is a need for the Council to hear about their plans for school space; where they are at this stage and what do we know now, especially not waiting for when the next lease comes up; as well as the general security of the schools.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:00 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.