

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
NOVEMBER 28, 2016

7:30PM

The City Council President, Thomas O'Brien, called the meeting to order at 7:30pm. A moment of silence was held for Richard Barbieri, Meghan D. Thomas, Paul F. Doyle, Daniel J. Twomey, and Wendall Moore, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Zeid, Cameron, Connell (remote participant), Cronin, Devlin, Eigerman, Giunta, Tontar, Vogel, O'Brien. 10 present, 1 absent (Earls).

(Sound Check and Call to Councillor Connell)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS Mayor's Update, COMM108EP_11_28_16, COMM109_11_28_16, Plum Island Utility Fund v2

Motion to waive the rules, to accept late files, by Councillor Zeid, seconded by Councillor Cameron.

Roll call vote, 10 yes, 1 absent (Earls). Motion passed.

5. PUBLIC COMMENT

1. Anne & Alec White

19 Brown Street

25mph Speed Limit

2. Rob Germinara

2 Ashland Street

Flammable Permits

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication.

CONSENT AGENDA

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

7. APPROVAL OF MINUTES

November 14, 2016

(Approve)

8. TRANSFERS

- NONE

9. COMMUNICATIONS

- **COMM105_11_28_16** Memo re: Fiscal Year 2017 Tax Rate (R&F)
- **COMM106_11_28_16** Families for Peace – Tables in Market Square on 1/20/17 (L&P)
- **COMM107_11_28_16** Unfunded Mandates (R&F)

10. APPOINTMENTS

- NONE

END OF CONSENT AGENDA
REGULAR AGENDA

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Earls). Motion passed.

11. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Earls). Motion passed.

12. COMMUNICATIONS

- **COMM108EP_11_28_16 Emergency Preamble** Ltr re: Licensing for Flammable Permits
Motion to approve by Councillor Vogel, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Earls). Motion passed.
- **COMM108_11_28_16** Ltr re: Licensing for Flammable Permits
Motion to refer to License & Permits by Councillor Vogel, seconded by Councillor Cameron. Withdrawn. Motion to approve as Amended (with friendly amendment (BV/CT) to add 'require a public hearing') by Councillor Vogel, seconded by Councillor O'Brien. Roll call vote, 3 yes SZ RC TO, 7 no (EC, BC, JD, JE, LG, CT, BV), 1 absent (Earls). Motion failed.
- **COMM109_11_28_16 LATE FILE** Griffin Court Block Party
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Earls). Motion passed.

13. ORDERS

- **ORDR076_09_12_16** Supplemental Budget Request #1 (**TABLED**)
Motion to remove from the table by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 9 yes, 1 no (TO), 1 absent (Earls). Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 5 yes, 5 no (SZ, RC, JD, JE, TO), 1 absent (Earls). Motion fails.
- **ORDR085_11_28_16** Stop Sign Avon St & Alberta
Motion to refer to Public Safety by Councillor Giunta, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Earls). Motion passed.
- **ORDR086_11_28_16** Stop Signs for Chestnut St and Oak St
Motion to refer to Public Safety by Councillor Giunta, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Earls). Motion passed.
- **ORDR087_11_28_16** Resolution Girls' Soccer Team
Motion to table by Councillor Vogel, seconded by Councillor O'Brien. 10 yes, 1 absent (Earls). Motion passed.
- **ORDR088_11_28_16** Resolution Cross Country Team
Motion to table by Councillor Vogel, seconded by Councillor O'Brien. 10 yes, 1 absent (Earls). Motion passed.
- **ORDR089_11_28_16** Order of Taking - 223 High St
Motion to receive and file by Councillor Eigerman, seconded by Councillor Cameron. Motion to refer to Planning & Development by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Earls). Motion passed.

14. ORDINANCES

- **ODNC016_09_12_16** Plum Island Utility Fund (**SECOND READING**)
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 8 yes, 1 no (TO), 1 present (JE), 1 absent (Earls). Motion passed.

14. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR002_01_25_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (COTW)
- **ORDR009_02_08_16** Increase Fees for Fire Dept.
- **ORDR010_02_08_16** Increase Fines Parking Violations
- **ORDR039_05_31_16** Increase Hourly Parking Rate to \$1.50
- **ORDR079_09_26_16** Movie Location Order
- **ORDR080_09_26_16 LATE FILE** Order of Taking Parking Facility
- **TRAN028_10_31_16** Rsv Appr (4,550,014.36) to PI Utility Fund (4,550,014.36)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Earls). Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 9 yes, 1 no (TO), 1 absent (Earls). Motion passed.
- **TRAN029_10_31_16** PI Utility Fund (530,654.47) to Water EF (283,303.59) and Sewer EF (247,350.88)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 9 yes, 1 no (TO), 1 absent (Earls). Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 6 yes, 4 no (SZ, RC, JD, LG), 1 absent (Earls). Motion failed. 2/3 vote required.
- **ORDR083_10_31_16** Tax Rate - Fiscal Year 2017
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Earls).
Motion to approve at \$13.45 by Councillor Tontar, seconded by Councillor Zeid, motion to amend approval to \$13.39 by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 4 yes (JD, LG, SZ, TO), 6 no (EC, BC, RC, JE, CT, BV), 1 absent (Earls). Motion failed.
Motion to approve at \$13.45 by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 6 yes (EC, BC, RC, JE, CT, BV), 4 no (LG, JD, SZ, TO), 1 absent (Earls). Motion passed.
- **COMM103_11_14_16** Letter re: Morrill Foundation Funding Directive
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Earls). Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Earls). Motion passed.
- **COMM104_11_14_16** Letter re: Single Tax Rate

General Government

In Committee:

Joint Education – Councillor Giunta meeting Dec 5th @ 5:30 pm High School RM 118

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman (COTW)
- **ODNC013_07_11_16** Amend Outdoor Seating (Two Year Renewals)
- **ORDR079_09_26_16** Movie Location Order

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM099_10_31_16** Proposed Improvement in Our Scenic Byway

Planning & Development

In Committee:

- **COMM020_02_08_16** Memo re: Hiring Process for Building Commissioner
- **COMM076_07_11_16 LATE FILE** Boyd Drive Petition
- **ODNC014_08_08_16** Zoning Amend Sidewalks/Trees Sec XI-K et al
- **ORDR078_09_26_16** Titcomb Street Order
- **ORDR080_09_26_16 LATE FILE** Order of Taking Parking Facility
- **COMM091_10_11_16** Ltr to Council from J. Sweet on ZBA
- **COMM096_10_31_16** Draft of Newburyport's Master Plan

Public Safety

In Committee:

- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **COMM098_10_31_16** Use of Streets for "Most Pine Boards Broken in One Minute"
- **COMM101_11_14_16** Walk MS Newburyport on 4/1/2017
- **COMM102_11_14_16** Ladies Night Out Run on 12/3/2016
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Earls). Motion to approve by Councillor Cronin and seconded by Councillor Cameron. Motion to amend with two stipulations, that the Clerk will assess a fee up to \$1,500 based upon actual expenses incurred by City and that the applicant be notified that there are alternate areas in which to park by Councillor Devlin, seconded by Councillor Cameron. Roll call vote, 9 yes, 1 no (JE), 1 absent (Earls). Motion passed.
- **ORDR084_11_14_16** Add Fruit Street to 2-Hr Residential Zone
Motion to remove and approve by Councillor Cronin, seconded Councillor Cameron. Roll call vote, 10 yes, 1 absent (Earls). Motion passed.

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **TRAN028_10_31_16** Rsv Appr (4,550,014.36) to PI Utility Fund (4,550,014.36)
- **TRAN029_10_31_16** PI Utility Fund (530,654.47) to Water EF (283,303.59) and Sewer EF (247,350.88)

Rules Committee

In Committee:

15. GOOD OF THE ORDER

Councillor Zeid Meeting in auditorium Thursday, December 1, 2016 at 7:00 pm Rail Trail

16. EXECUTIVE SESSION

17. ADJOURNMENT

Motion to adjourn by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Earls). Motion passed. 10:04pm.