

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
APRIL 9, 2018

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm. A moment of silence was held for Lindamae Lucas and Lillian Shapiro, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Tontar, Vogel, Zeid, Devlin, Earls, Eigerman, Giunta, Khan, OBrien, Shand, Connell. 10 present, 1 remote (OBrien).

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS APPT033_04_09_18, Resumes for re-appointees to Licensing Commission

Motion to waive the rules, to accept late files, by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.

5. PUBLIC COMMENT

- | | | |
|---------------------|----------------|------------------------------|
| 1. Ghlee Woodworth | 51 Prospect St | Essex Heritage Kiosk Project |
| 2. Patricia Daniels | 234 Low St | Paid Parking |
| 3. Laurel Allgrove | 22 Beacon Ave | Paid Parking |

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

March 26, 2018

(Approve)

8. TRANSFERS

- **TRAN007_04_09_18** Health Insurance \$30K to LGL City Solicitor \$30K (B&F)

9. COMMUNICATIONS

- **COMM026_04_09_18** Annual Audit of the City's FY2017 Financial Statements (B&F)
- **COMM027_04_09_18** River Valley Charter School Storm Drain Project (N&CS)
- **COMM028_04_09_18** Essex Coastal Scenic Byway Visitor Center Kiosk (N&CS)
Councillor Khan changed from General Government.

10. APPOINTMENTS

- | | | | | |
|---------------------------|------------------|--------------------|------------------------|----------|
| • APPT022_04_09_18 | Ronald S. Ziemba | 58 Lime St. Unit 1 | Historical Commission | 5/1/2021 |
| • APPT023_04_09_18 | Paul Hogg | 4 Coltin Dr. | Special Police Officer | 3/1/2020 |

Re-Appointments

- | | | | | |
|---------------------------|-----------------------|------------------|-----------------------|----------|
| • APPT024_04_09_18 | Johnny Walker (Capt.) | 64A Boardman St. | Asst Harbormaster | 3/1/2021 |
| • APPT025_04_09_18 | Karen Popken | 49 Boardman St. | Parks Commission | 5/1/2023 |
| • APPT026_04_09_18 | Kathryn L. Haried | 100 High St. | Tree Commission (Alt) | 5/1/2019 |

- **APPT027_04_09_18** Kim Kudym 44 Hale St. Tree Commission (Alt) 5/1/2021
- **APPT028_04_09_18** Jane Niebling 45 Temple St. Tree Commission 6/1/2021
- **APPT029_04_09_18** Kevin Hunt 14 10th St. Veterans' Agent 4/1/2019
- **APPT030_04_09_18** Barry J. McBride 5 Pine St. Asst Wiring Inspector 5/1/2019

Re-Appointments, to be referred to License & Permit

- **APPT031_04_09_18** Gregg M. Ogden 6 Merrill St. Licensing Commission 6/1/2024 (L&P)
- **APPT032_04_09_18** Ted Waldron 12 Frances Dr. Licensing Commission 6/1/2024 (L&P)

END OF CONSENT AGENDA

REGULAR AGENDA

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Khan. Roll call vote, 11 yes. Motion passed. Motion to waive rules, to forego a roll call vote when removing items from committee, by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

11. MAYOR'S UPDATE

Motion to waive the rules, to allow Mayor's update, and receive and file by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

12. APPOINTMENTS

First Reading

- **APPT033_04_09_18 LATE FILE** Jennifer Blanchet 4 Island Ln, Nwby Zoning Admin 12/31/2018

Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Khan. Roll call vote, 11 yes. Motion passed.

Second Reading

- **APPT020_03_26_18** Yvonne McQuilkin 39 Purchase St Council on Aging 5/31/2023

Motion to approve second reading by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

13. ORDERS

- **ORDR020_04_09_18** Parking Fees
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 9 yes, 2 no (Giunta, OBrien). Motion passed.
- **ORDR021_04_09_18** Parking Lot Hours
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 9 yes, 2 no (Giunta, OBrien). Motion passed.
- **ORDR022_04_09_18** Local Retail Sales Tax on Marijuana
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.
- **ORDR023_04_09_18** Additions to 2-Hour Parking Zones
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.
- **ORDR024_04_09_18** Special Act to Dissolve Newburyport Redevelopment Authority
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Giunta. Motion to refer to General Government by Councillor Vogel, seconded by Councillor Earls. Withdrawn. Motion for a friendly amendment, to add Committee of the Whole, by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.

14. ORDINANCES

- **NONE**

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **TRAN006_03_26_18** Health Insurance \$8,550 to GEN Travel/Training \$8,550
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.
- **COMM022_03_26_18** FY2018-FY2022 Capital Improvement Program Submission
- **ORDR017_03_26_18** North End Rail Trail Gift Acceptance \$3,500
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

Education

Councillor Giunta reported on gym policy and project planning.

In Committee:

-

General Government

Councillor Vogel gave an update on the committee meeting held on March 28, 2018

In Committee:

- **ODNC007_02_12_18** Amendment to Division 7 – City Solicitor
- **ORDR016_03_26_18** Naming of the Five (5) Nature Trails Contained in the Little River Trail System

License & Permits

In Committee:

-

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM111_10_10_17** Petition for Road Repairs and Repaving – Squires Glen

Planning & Development

Councillor Eigerman stated that there would be a meeting on April 11, 2018 and April 25, 2018 on the NRA appointments.

In Committee:

- **ODNC017_10_30_17** Zoning Amendment – No Use Variances (COTW)
- **COMM122_11_27_17** Mobilitie Application/ Small Cell Utility Petition (re-file) (PU)
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.
- **ODNC001_01_08_18** Medical Marijuana Zoning Map
- **ORDR008_01_29_18** Mobilitie Grant of Location (PU)
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Khan. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 11 yes. Motion passed.

- **ODNC003_01_29_18** Zoning - Amendment to Table of Use Regulations
- **ODNC004_01_29_18** Amendment to Zoning Map
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.
- **ODNC008_02_12_18** Disposition of G. W. Brown School
- **ODNC010_03_12_18** Lot Area Calculations for Residential Districts
- **ODNC011_03_12_18** Zoning Map Change - Low Street Farms
- **APPT016_03_12_18** David St. Cyr 25 Tyng St NRA 9/1/2018
- **APPT017_03_12_18** Robert Uhlig 10 Ocean St NRA 9/1/2018
 - **ORDR019_03_26_18** Evergreen Commons Easement
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.
- **APPT021_03_26_18** Donald B. Walters 15 Smith St Planning Board 5/31/2023
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Earls. Roll call vote, 11 yes. Motion passed.

Public Safety

In Committee:

- **ODNC002_01_29_18** Noise Division to Chapter 8-Referred 2/12/18
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted. Motion to approve with amendments to Section 8-101(a), to change to “No unnecessary emissions of noise”, by Councillor Devlin, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.
- **COMM020_03_12_18** Newburyport Half Marathon - 10/21/2018
- **ORDR014_03_12_18** Crosswalks on Rawson Ave and Turkey Hill Rd
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Devlin, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.
- **ODNC009_02_12_18** Floating Homes, Houseboats, and Related Marinas
- **COMM023_03_26_18** Cultural Survival Bazaar - 7/21/2018-7/22/2018
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted. Motion to approve, on the conditions that insurance binder is present, no sound outside of the hours of 10am-5pm, no live music, and no food, by Councillor Devlin, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **COMM024_03_26_18** Flag Day 5K - 6/16/2018
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Devlin, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.
- **ODNC012_03_26_18** Amendment to Chapter 13, Section 13-26

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file) (**P&D**)
- **ORDR008_01_29_18** Mobilitie Grant of Location (**P&D**)
- **ORDR018_03_26_18** Frank Delucia & Son, Inc. - Licensed Contractor
Motion to remove from Public Utilities by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.

Rules Committee

In Committee:

16. GOOD OF THE ORDER

Councillor Tontar announced that the Capital Improvement Plan hearing will be on April 24th at 6 pm at the Senior/Community Center in the computer room. Councillor Eigerman announced a meeting on April 25th to discuss the NRA appointments, and also remarked that the movie 'Death of Stalin' is highly recommended.

17. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. 9:10pm.