

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
MAY 14, 2018

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, 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, Devlin, Earls, Eigerman, Giunta, Khan, OBrien, Shand, Tontar, Vogel, Connell. 11 present, 0 absent.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS Agenda Version 2, ORDR036_05_14_18 Version 2, Certificates of Insurance for Greek Food Festival and West Row Café

Motion to waive the rules, to accept late files, by Councillor Zeid, seconded by Councillor OBrien. So voted.

5. PUBLIC COMMENT

1. Ed Cameron	5 Milk St	ZBA Appointment
2. Oli Looker	Magnolia Ln	Storm Drain Painting
3. Parker Gay	11 Ashland St	Storm Drain Painting
4. Christina Bellinger	3 Dexter St	Library Roof Repair
5. Peter Fitzsimmons	7 Arlington St	Marijuana Referendum
6. Paul Dahn	343 High St	Marijuana Cultivation
7. Rob Germinara	2 Ashland St	Business Licenses

6. COMM027_04_09_18 River Valley Charter School Storm Drain Project

Motion to take out of order by Councillor OBrien, seconded by Councillor Tontar. So voted. Motion to remove from Neighborhood & City Services by Councillor OBrien, seconded by Councillor Tontar. So voted. Motion to approve by Councillor OBrien, seconded by Councillor Zeid. So voted.

7. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication.

8. MAYOR'S BUDGET PRESENTATION

Motion to refer to Budget & Finance by Councillor OBrien, seconded by Councillor Zeid. So voted.

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.

9. APPROVAL OF MINUTES

April 30, 2018

(Approve)

10. TRANSFERS

- **TRAN009_05_14_18** Free Cash \$191,818.51 to Snow&Ice Labor \$7,921.19, (B&F)
Snow&Ice Expenses \$183,897.32
- **TRAN010_05_14_18** Health Ins \$1,410 to LCM Clerical \$900, LCM General \$510 (B&F)
- **TRAN011_05_14_18** Transfers - Capital and Reserve Fund \$1,879,054.50 (B&F, COTW)
Councillor Zeid added Committee of the Whole.

11. COMMUNICATIONS

- **COMM039_05_14_18** Feline Rescue Strut for Strays - 6/3/2018 (PS)
- **COMM040_05_14_18** Ride to End Alzheimer's - 6/9/2018 (PS)
- **COMM041_05_14_18** Lions Club Bed Race - 8/2/2018 (PS)
- **COMM042_05_14_18** Ltr re: Marijuana Moratorium (P&D)
- **COMM043_05_14_18** Greek Food Festival - July 27-29, 2018 (PS)

12. APPOINTMENTS

- **APPT039_05_14_18** Ronald M. Thurlow 28A Hancock St Harbor Commission 6/1/2020

END OF CONSENT AGENDA

REGULAR AGENDA

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Giunta. So voted.

13. MAYOR'S UPDATE

Motion to receive and file by Councillor OBrien, seconded by Councillor Tontar. So voted.

14. APPOINTMENTS

Second Reading

- **APPT034_04_30_18** Christopher J. Fay 20 Strong St Historical Commission 5/1/2021
- **APPT035_04_30_18** Glenn Richards 6 Kent St Historical Commission 5/1/2020

Re-Appointments

- **APPT036_04_30_18** Mary Zinck 6 Laurel Rd Board of Registrars 3/31/2021
- **APPT037_04_30_18** Bonnie Sontag 10 Upland Rd Fruit St Local Historic District 5/31/2021

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

15. ORDERS

- **ORDR033_05_14_18** Adoption of Housing Production Plan
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted.
- **ORDR034_05_14_18** Roof Replacement Projects Loan
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR035_05_14_18** Budget Order FY2019
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR036_05_14_18** Marijuana Retailers Ballot Question
Motion to waive the rules, to take ORDR036_05_14_18 and ODNC021_05_14_18 together, by Councillor Khan, seconded by Councillor Giunta. So voted. Motion to refer to Planning & Development by Councillor Khan, seconded by Councillor Zeid. So voted (2 no - Connell, Vogel).
- **ORDR037_05_14_18** Lease of Coast Guard Auxiliary Building on Plum Island Point
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor OBrien. So voted.

16. ORDINANCES

- **ODNC020_05_14_18** Amendment to Chapter 11, Parks & Recreation
Motion to refer to Neighborhood & City Services by Councillor Eigerman, seconded by Councillor Giunta. So voted.

- **ODNC021_05_14_18** Temporary Moratorium on Recreational Marijuana Establishments
Motion to refer to Planning & Development by Councillor Khan, seconded by Councillor Zeid. So voted 1 no (Vogel).

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **COMM022_03_26_18** FY2018-FY2022 Capital Improvement Program Submission
- **ORDR022_04_09_18** Local Retail Sales Tax on Marijuana
- **TRAN008_04_30_18** PRK Maint - Trees \$9K to PRK Seasonal Employees \$9K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor OBrien. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted.
- **ODNC013_04_30_18** Establishment of Departmental Revolving Funds
- **ORDR027_04_30_18** FY18 Revolving Fund Spending Limit Increase
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve by Councillor Tontar, seconded by Councillor OBrien. So voted.
- **ORDR028_04_30_18** FY19 Revolving Fund Spending Limits
- **ORDR029_04_30_18** Paid Parking RRFA Fund
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. (Comm vote 2-1, Zeid). Motion to approve by Councillor Tontar, seconded by Councillor Khan. Motion to amend, to add “anywhere in the City of Newburyport” to paragraph 2, by Councillor Zeid, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 no (Tontar). Motion passed. Motion to amend, to add “the unencumbered balance less \$250,000” and to strike “at the end of fiscal year 2018” and replace with “forthwith”, by Councillor Zeid, seconded by Councillor Eigerman. Roll call vote, 6 yes, 5 no (Earls, Khan, Tontar, Vogel, Connell). Motion passed. Motion to move the question by Councillor Earls, seconded by Councillor Devlin. So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 no (Devlin). Motion passed.
- **ORDR030_04_30_18** Saltbox Financial Parks Gift Acceptance \$1,000
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted.
- **COMM034_04_30_18** AFSCME Local 939 - Tentative Agreement
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted.

Education

Councillor Giunta gave an update on the last Education Committee meeting.

In Committee:

-

General Government

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:

- **COMM029_04_30_18** Outdoor Seating - West Row Café
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor OBrien. So voted. Motion to refer to License & permit by Councillor Earls, seconded by Councillor OBrien.

Withdrawn. Motion to receive and file by Councillor Earls, seconded by Councillor Vogel. Roll call vote, 3 yes (Earls, Tontar, Vogel), 8 no. Motion failed. Motion to refer to License & Permit by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 10 yes, 1 no (Vogel). Motion passed.

- **COMM031_04_30_18** Inn Street Artisans Revival - John Brown
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Shand. So voted. Motion to approve by Councillor Earls, seconded by Councillor Shand. So voted.
- **COMM033_04_30_18** Ltr re: Business Licenses and Permits
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Giunta. So voted. Motion to refer to License & Permit by Councillor Earls, seconded by Councillor Giunta. Withdrawn. Motion to instruct the Clerk, pursuant to Section 9-5(a), to send a notice, via registered mail, to the business owner at 1 Kent Street of public hearing to be held on June 11th at 7:00pm, by Councillor Eigerman, seconded by Councillor OBrien. So voted. [Ed. Note: Business Owner paid tax on May 15, 2018 cancelling the necessity for the public hearing.]

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
- **COMM028_04_09_18** Essex Coastal Scenic Byway Visitor Center Kiosk

Planning & Development

In Committee:

- **ODNC017_10_30_17** Zoning Amendment – No Use Variances (COTW)
- **ODNC001_01_08_18** Medical Marijuana Zoning Map
Motion to remove and waive the rules by Councillor Eigerman, seconded by Councillor tontar, So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Tontar. So voted.
- **ODNC003_01_29_18** Zoning - Amendment to Table of Use Regulations
- **ODNC008_02_12_18** Disposition of G. W. Brown School
- **ODNC011_03_12_18** Zoning Map Change - Low Street Farms
Motion to remove from Planning & development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve as amended, striking list of properties and referring specifically to the map from the office of Planning & Development dated May 14, 2018, 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 (COTW)
- **COMM036_04_30_18** Memo re: Proposed Marijuana Zoning Amendments
- **APPT038_04_30_18** Edward Cameron 17 Oakland St Zoning Board of Appeals 2/1/2023
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **ODNC014_04_30_18** Amendment to Demolition Delay
- **ODNC015_04_30_18** Marijuana Zoning – Cultivation (COTW)
- **ODNC016_04_30_18** Marijuana Zoning - Retail Sales (COTW)

Public Safety

In Committee:

- **COMM020_03_12_18** Newburyport Half Marathon - 10/21/2018
- **ODNC009_02_12_18** Floating Homes, Houseboats, and Related Marinas
- **ODNC012_03_26_18** Amendment to Chapter 13, Section 13-26
- **ORDR023_04_09_18** Additions to 2-Hour Parking Zones

- **ORDR025_04_30_18** Handicapped Space – 17 Merrill Street
- **ORDR026_04_30_18** Handicapped Space – 29 Tyng Street
- **ORDR031_04_30_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032_04_30_18** No Parking Merrimac St from Titcomb St Running Westerly
- **COMM030_04_30_18** NBPT Lions Club Yankee Homecoming Road Race - 7/31/18
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Giunta. So voted.
Motion to approve by Councillor Devlin, seconded by Councillor Giunta. So voted.
- **COMM035_04_30_18** Block Party - Lafayette Street - 7/21/18
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. So voted.
- **COMM037_04_30_18** Pan Mack - 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 Zeid. So voted.

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file)
- **ORDR008_01_29_18** Mobilitie Grant of Location
Motion to remove from Public Utilities by Councillor Zeid, seconded by Councillor Tontar. So voted.
Motion to receive and file by Councillor Zeid, seconded by Councillor Tontar. So voted.

Rules Committee

In Committee:

16. GOOD OF THE ORDER

Councillor Connell announced the retirement board meeting re: COLA for retirees had been rescheduled to May 31st at 9:00am.

17. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Vogel. So voted. 10:21pm.