

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
APRIL 30, 2018

7:30PM

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

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS**
- 5. PUBLIC COMMENT**

1. Glenn Richards	6 Kent St	Historical Comm Appt
2. Paul O'Neil	23 Clipper Way	Trash Pickup
3. Everett Chandler	34 Water St	Zoning Wetlands
4. Laurel Allgrove	22 Beacon Ave	Parking Fees/Hours
5. Jane Nocera	25 Clipper Way	Trash Pickup
6. Walt Thompson	100 State St	Trash Pickup
7. Nancy Peace	53 Warren St #217	Trash Pickup
8. Jeanette Isabella	1 Lime St	Parking
9. Mark Rosen	20 Fair St	Trash Pickup
10. Art Currier	100 State St	Trash Pickup
11. Jayne Allard	5 Parker Ridge Way	Trash Pickup
12. Victoria Carr	1 Hill St	Trash Pickup
13. Bob Lynch	13 Parker Ridge Way	Trash Pickup
14. Christopher Fay	20 Strong St	Historical Comm Appt
15. Paul Bevilacqua	126 Merrimac St #3	Trash Pickup
16. Sandra Turner	Plum Island	Inn Street Artisans Revival
17. John Brown	42 Federal St	Inn Street Artisans Revival
18. Bill Harris	56 Lime St	Act to Dissolve NRA
19. Melinda Everett	7 Parker Ridge Way	Trash Pickup
20. Edward DeSousa	North Reading	Marijuana Zoning
21. Janice Hayes	1 Zabriskie Dr	Trash Pickup
22. Jane Snow	9 Coffin St	Parking Fees
23. Rob Germinara	2 Ashland St	Business Licenses

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

April 9, 2018

(Approve)

8. TRANSFERS

- **TRAN008_04_30_18** PRK Maint - Trees \$9K to PRK Seasonal Employees \$9K (B&F)

9. COMMUNICATIONS

- **COMM030_04_30_18** NBPT Lions Club Yankee Homecoming Road Race - 7/31/18 (PS)
- **COMM031_04_30_18** Inn Street Artisans Revival - John Brown (L&P)
- **COMM034_04_30_18** AFSCME Local 939 - Tentative Agreement (B&F)
- **COMM035_04_30_18** Block Party - Lafayette Street - 7/21/18 (PS)
- **COMM037_04_30_18** Pan Mack - 6/16/2018 (PS)
- **COMM038_04_30_18** Ltr re: Condo Owners and Trash Pick-up (R&F)

10. APPOINTMENTS

- **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

Appointments, to be Referred to Planning & Development

- **APPT038_04_30_18** Edward Cameron 17 Oakland St Zoning Board of Appeals 2/1/2023

END OF CONSENT AGENDA REGULAR AGENDA

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

11. MAYOR'S UPDATE

Motion to receive and file by Councillor Eigerman, seconded by Councillor Earls. So voted.

12. COMMUNICATIONS

- **COMM029EP_04_30_18** Emergency Preamble - Outdoor Seating - West Row Café
Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 7 yes, 3 no (Zeid, Devlin, Khan), 1 absent (OBrien). Motion passed.
- **COMM029_04_30_18** Outdoor Seating - West Row Café
Motion to amend, to issue license until May 14th at 11:59pm, on the condition of "if required by written contract" struck from certificate of insurance, with the ability to renew and refer to License & Permit, by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.
Motion to approve as amended by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.
- **COMM033_04_30_18** Ltr re: Business Licenses and Permits
Councillor Eigerman removed from Consent Agenda. Motion to refer to License & Permit by Councillor Eigerman, seconded by Councillor Khan. So voted.
- **COMM036_04_30_18** Memo re: Proposed Marijuana Zoning Amendments
Councillor Giunta removed from Consent Agenda. Motion to refer to Planning & Development by Councillor Giunta, seconded by Councillor Tontar. So voted.

13. APPOINTMENTS

Second Reading

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

Motion to approve collectively second reading appointments by Councillor Zeid, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.

14. ORDERS

- **ORDR025_04_30_18** Handicapped Space – 17 Merrill Street
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Shand. So voted.
- **ORDR026_04_30_18** Handicapped Space – 29 Tyng Street
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR027_04_30_18** FY18 Revolving Fund Spending Limit Increase
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR028_04_30_18** FY19 Revolving Fund Spending Limits
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR029_04_30_18** Paid Parking RRFA Fund
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR030_04_30_18** Saltbox Financial Parks Gift Acceptance \$1,000
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR031_04_30_18** No Parking Titcomb from Pleasant to Merrimac
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ORDR032_04_30_18** No Parking Merrimac St from Titcomb St Running Westerly
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Tontar. So voted.

15. ORDINANCES

- **ODNC002_01_29_18** Noise Division to Chapter 8 (**2nd Reading**)
Motion to approve second reading by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.
- **ODNC013_04_30_18** Establishment of Departmental Revolving Funds
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ODNC014_04_30_18** Amendment to Demolition Delay
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted.
- **ODNC015_04_30_18** Marijuana Zoning – Cultivation
Motion to refer to Planning & Development and Committee of the Whole by Councillor Zeid, seconded by Councillor Tontar. So voted.
- **ODNC016_04_30_18** Marijuana Zoning - Retail Sales
Motion to refer to Planning & Development and Committee of the Whole by Councillor Vogel, seconded by Councillor Zeid. 1 no (Giunta). So voted.

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **COMM022_03_26_18** FY2018-FY2022 Capital Improvement Program Submission
- **TRAN007_04_09_18** Health Insurance \$30K to LGL City Solicitor \$30K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **COMM026_04_09_18** Annual Audit of the City's FY2017 Financial Statements
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR020_04_09_18** Parking Fees
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. Motion to approve as amended in committee (resident annual permits reduced from \$25 to \$15 (2-1, no – Tontar), on-street resident annual permits reduced from \$5 to \$0 (2-1, no – Khan)) by Councillor Tontar, seconded by Councillor Zeid. Motion to amend, to increase resident permits to \$25 annually, by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 4 yes (Vogel, Eigerman, Tontar, Connell), 6 no, 1 absent (OBrien). Motion failed. Motion to approve by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 7 yes, 3 no (Zeid, Devlin, Giunta), 1 absent (OBrien). Motion passed.
- **ORDR021_04_09_18** Parking Lot Hours
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve as amended, to reduce Sunday hours from 8pm to 6pm, by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 8 yes, 2 no (Zeid, Giunta), 1 absent (OBrien). Motion passed.
- **ORDR022_04_09_18** Local Retail Sales Tax on Marijuana

Education

In Committee:

Councillor Giunta stated there would be a meeting on May 7th at 5:30pm at the Senior Center.

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:

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

Motion to waive the rules, as the items were not included in the packet, by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Eigerman. So voted. Motion to approve APPT031_04_09_18 and APPT032_04_09_18 collectively by Councillor Earls, seconded by Councillor Eigerman. Roll call vote, 9 yes, 1 recused, (Vogel), 1 absent (OBrien).

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
- **COMM027_04_09_18** River Valley Charter School Storm Drain Project
- **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
- **ODNC003_01_29_18** Zoning - Amendment to Table of Use Regulations
- **ODNC008_02_12_18** Disposition of G. W. Brown School
- **ODNC010_03_12_18** Lot Area Calculations for Residential Districts

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to amend, to change “the applicable zoning district(s)” in Paragraph D to “residential districts”, by Councillor Eigerman, seconded by Councillor Tontar. Motion to amend, to change to “applicable R1, R2, and R3 districts” in Paragraph D, by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to refer to Planning & Development by Councillor Tontar, seconded by Councillor Earls. Roll call vote, 4 yes (Earls, Eigerman, Tontar, Connell), 6 no, 1 absent (OBrien). Motion failed. Motion to receive and file by Councillor Zeid. Motion to approve as amended by Councillor Earls, seconded by Councillor Tontar. Roll call vote, 3 yes (Earls, Tontar, Connell), 7 no, 1 absent (OBrien). Motion failed.

- **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

Motion to waive the rules, to allow consideration of APPT016_03_12_18 which was not included in the packet, by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to remove APPT016_03_12_18 and APPT017_03_12_18 collectively from Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to receive and file APPT016_03_12_18 and APPT017_03_12_18 collectively by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.

- **ORDR024_04_09_18** Special Act to Dissolve Newburyport Redevelopment Authority (**COTW**)
 - **APPT033_04_09_18** LATE FILE Jennifer Blanchet 4 Island Ln, Nwby Zoning Admin 12/31/2018
- Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.

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

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file)
- **ORDR008_01_29_18** Mobilitie Grant of Location

Rules Committee

In Committee:

16. GOOD OF THE ORDER

Councillor Tontar remarked that all the councillors wish Councillor OBrien well.

17. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Tontar. So voted. 10:51pm.