

CITY COUNCIL MEETING

MINUTES

October 16, 2023 7:00 pm
City Council Chambers, City Hall
60 Pleasant Street, Newburyport

Zoom details for City Council Meeting:

<https://us02web.zoom.us/j/81299990548>

Or One tap mobile:

US: +19292056099,81299990548#

Or Telephone US: +1 929 205 6099

Webinar ID: 812 9999 0548

1. MOMENT OF SILENCE Remembering Joan Matthews and those involved in the Israeli-Hamas Conflict

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

7:00 pm the City Clerk called the roll; the following City Councillors answered present: Preston, Vogel, Wright, Zeid, Cameron, Khan, McCauley, and Shand. 8 present, 3 absent (Wallace, Donahue, and Lane).

7:13 pm Councillor Lane is present.

4. LATE FILE

• COMM00509_10_16_2023 STRU Letter from Newburyport Homeowners Group (R&F)

• ORDR00501_10_16_2023 Resolution on Israeli - Hamas Conflict

• ORDR00502_10_16_2023 Grant Acceptance Form Municipal Road Safety Grant

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

5. PUBLIC COMMENT

6. MAYOR'S COMMENT

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

• September 26, 2023 (Approve)

8. COMMUNICATIONS

• COMM00507_10_16_2023 Donna Holaday Appt. to the Whittier Regional Vo-Tech School Committee (R&F)

• COMM00508_10_16_2023 2nd 30 day Extension of Acting Head Librarian Appointment (CS)

*removed by Councillor McCauley

• APPL00163_10_16_2023 Bar 25 Planters Request *removed by Councillor Vogel (L&P)

9. TRANSFERS

• TRAN00170_10_16_2023 Mayor's Office: Paid Parking Fund \$12,5000 to HWY Portable Restrooms \$12,500 (B&F)

10. APPOINTMENTS

• APPT00436_10_16_2023 Sarah Landry 462 South Main St. Nashua, NH Dir. COA 11/1/2026 (CS)

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA

BUDGET & FINANCE

- TRAN00169_09_26_2023 Mayor's Office: Parklet Maint. Fund \$10K to HWY Downtown Parklets \$10K
- ORDR00491_09_26_2023 Port Parks Alliance Gift Acceptance \$2425.00
- ORDR00492_09_26_2023 FY2024 Supplemental Budget (COTW)
- ORDR00493_09_26_2023 Local Acceptance of Prudent Investor Rule for Trust Funds

COMMUNITY SERVICES

- ORDR00494_09_26_2023 'Spring Awakening' Sculpture Gift Acceptance
- ORDR00495_09_26_2023 'Rabbit Man' Sculpture Gift Acceptance
- ORDR00496_09_26_2023 Constellation NewEnergy Contract

LICENSES & PERMITS

- APPL00159_09_26_2023 Movable sign application Grand Trunk at Center St. & Water St.
- APPL00160_09_26_2023 Movable sign application Grand Trunk at Liberty St. & State St.
- APPL00161_09_26_2023 Newburyport Chamber of Commerce Beer Garden
Multiple Weekends Fri. 2-7pm, Sat. & Sun. 11am-7pm
10/20-10/22, 10/27-10/29, 11/3-11/5, 11/10-11/12, 11/17-11/19, 11/24-11/26

PLANNING & DEVELOPMENT

- ORDR00490_09_26_2023 State Planning Assistance Grant for Storey Ave. & Low St.
- ODNC00160_08_28_2023 Zoning Amendment Business Park Indoor Outdoor Rec (COTW)

END OF CONSENT AGENDA

APPL00163 removed at the request of Councillor Vogel, ODNC00160 not coming out of P&D at the request of Councillor Cameron, and COMM00508 removed at the request of Councillor McCauley.

Motion to approve as amended by Councillor Zeid, seconded by Councillor Lane. So voted. Motion passes.

REGULAR AGENDA

9. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Cameron. So voted.

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- COMM00508_10_16_2023 2nd 30 day Extension of Acting Head Librarian Appointment
Motion to move to a date certain, October 30th by Councillor McCauley, seconded by Councillor Zeid. So Voted.
- APPL00163_10_16_2023 Bar 25 Planters Request
Motion to refer to General Government by Councillor Vogel, seconded by Councillor Preston. Friendly amendment to refer to Public Works and Safety by Councillor McCauley, accepted by moving Councillors. So voted.

12. TRANSFERS

13. SECOND READING APPOINTMENTS

- APPT00435_09_26_2023 Janet N. Collett 16 Woodland St. Cultural Council 10/01/2026
Motion to approve on 2nd reading by Councillor Zeid, seconded by Councillor Vogel. Roll call vote. 10 yes, 2 absent. Motion passes.

14. ORDERS

- ORDR00498_10_16_2023 Gift Acceptance Friends of NBPT Trees \$17,000
- ORDR00499_10_16_2023 Grant Acceptance LSTA \$20,000
- ORDR00500_10_16_2023 Approval to Pay Prior Year Bills
- ORDR00502_10_16_2023 Grant Acceptance Form Municipal Road Safety Grant

Motion to collectively refer ORDR00498, ORDR00499, ORDR00500, and ORDR00502 to Budget & Finance by Councillor Zeid, seconded by Councillor McCauley. So voted.

- **ORDR00501_10_16_2023 Resolution on Israeli - Hamas Conflict**

Motion to waive the rules, declare an emergency, and approve by Councillor McCauley, seconded by Councillor Preston. Motion to amend to remove the 3rd Whereas statement by Councillor Khan, seconded by Councillor Preston. So voted. 7 yes, 1 no (JM), 1 present (SZ), 2 absent (CW, JD). Motion passes. Motion to amend to add “and Muslim” at the end of the And furthermore statement by Councillor Khan, seconded by Councillor Preston. So voted. 8 yes, 1 present (SZ), 2 absent (CW, JD). Motion passes. Motion to approve as amended Councillor McCauley, seconded by Councillor Preston. So voted. 8 yes, 1 present (SZ), 2 absent (CW, JD). Motion passes.

15. ORDINANCES

- **ODNC00161_10_16_2023 Pleasant Street 15 min parking space**
- **ODNC00162_10_16_2023 Amended Parking Restrictions on Toppans Lane**
- **ODNC00163_10_16_2023 Federal St. HP Space**

Motion to collectively refer ODNC00161, ODNC00162, and ODNC00163 to Public Works & Safety by Councillor McCauley, seconded by Councillor Preston. So voted.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **TRAN00169_09_26_2023 Mayor's Office: Parklet Maint. Fund \$10K to HWY Downtown Parklets \$10K**

Motion to approve by Councillor Zeid, seconded by Councillor McCauley. So voted.

- **ORDR00491_09_26_2023 Port Parks Alliance Gift Acceptance \$2425.00**

Motion to approve by Councillor Zeid, seconded by Councillor McCauley. So voted.

- **ORDR00492_09_26_2023 FY2024 Supplemental Budget (COTW)**

Motion to approve by Councillor Zeid, seconded by Councillor McCauley with the condition by Councillor McCauley that at the October 30th meeting the City Council is provided with an update to review in either executive session or open session as to the details on how this happened. So voted.

- **ORDR00493_09_26_2023 Local Acceptance of Prudent Investor Rule for Trust Funds**

Motion to approve by Councillor Zeid, seconded by Councillor Wright. So voted. 7 yes, 2 no (BL, SZ), 2 absent (CW, JD).

- **ODNC00129_11_01_2022** Defining Conflict Rule for Dept. Heads (COTW)
- **ORDR00336_03_28_2022** ARPA Amesbury 250K (COTW)
- **ORDR00472_06_26_2023** Streets Sidewalks Loan Order \$6,000,000 (COTW)
- **TRAN00153_05_08_2023** Mayor: Multiple \$3,483,773 to Multiple \$3,483,773 revised 6/15/2023
(Atkinson Common Request only all other matters adjudicated)

Community Services

In Committee:

- **ORDR00494_09_26_2023 'Spring Awakening' Sculpture Gift Acceptance**

- **ORDR00495_09_26_2023 'Rabbit Man' Sculpture Gift Acceptance**

Motion to collectively approve ORDR00494 and ORDR00495 by Councillor McCauley, seconded by Councillor Preston. So voted.

- **ORDR00496_09_26_2023 Constellation NewEnergy Contract**

Motion to receive and file by Councillor McCauley, seconded by Councillor Preston. So voted.

- **COMM00474_04_10_2023** Newburyport Public Art Policy
- **COMM00495_08_14_2023** Ltr from Katherine Moore, Betty LaBaugh, and Brendan & Katy Banovic
re: Landscaping noise and air pollution
- **ODNC00157_06_12_2023** Public Art Policy (COTW)
- **ORDR00474_07_10_2023** Plan Approval Bartlett Mall Improvement Project (COTW)
- **ORDR00497_09_26_2023** Sponsorship of an Administrative Order to create Recreation & Yth Ser. Dept.

General Government

In Committee:

- COMM00461_02_27_2023 Brown School Gymnasium Considerations (COTW)
- COMM00468_03_13_2023 Brown School Proposal (COTW)
- COMM00506_09_26_2023 Memo Brown School EOIs (COTW)
- ODNC00146_03_13_2023 Amend Ch 2-34 Responsibilities of Committee on Community Services
- ORDR239_02_8_2021 Council Rule 7 and 10B

Licenses & Permits

In Committee:

- APPL00159 09 26 2023 Movable sign application Grand Trunk at Center St. & Water St.
- APPL00160 09 26 2023 Movable sign application Grand Trunk at Liberty St. & State St.

Motion to collectively approve APPL00159 and APPL00160 by Councillor Vogel, seconded by Councillor Preston with the condition that the signs are brought in at night. So voted.

- APPL00161 09 26 2023 Newburyport Chamber of Commerce Beer Garden
Multiple Weekends Fri. 2-7pm, Sat. & Sun. 11am-7pm
10/20-10/22, 10/27-10/29, 11/3-11/5, 11/10-11/12, 11/17-11/19, 11/24-11/26

Motion to approve by Councillor Vogel, seconded by Councillor Lane with pending extension of Shanties insurance. So voted.

Planning & Development

In Committee:

- ORDR00490 09 26 2023 State Planning Assistance Grant for Storey Ave. & Low St.
Motion to approve by Councillor Cameron, seconded by Councillor McCauley. So voted.
- ODNC00160_08_28_2023 Zoning Amendment Business Park Indoor Outdoor Rec (COTW)
- COMM00494_07_10_2023 Planning Board Advisory Report STRU (COTW)
- COMM00500_08_28_2023 STRU Planning Board Final Report (COTW)
- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules (COTW)
- ODNC00141_02_27_2023 Zoning Amendment STRU (COTW)

Public Works & Safety

In Committee:

- COMM00412_05_31_2022 Ltr Ann Jaroneyk re: Traffic Safety
- COMM00459_01_30_2023 Ltr. Residents concerned with speeding on Arlington St.
- COMM00462_02_27_2023 Ltr. From Kathleen O'Connor Ives re: drinking water concerns
- COMM00479_04_24_2023 Ward 4 Street Sidewalk Traffic Safety Priorities
- COMM00482_04_24_2023 Constructions projects at the Central Waterfront
- COMM00505_09_11_2023 Ltr from Kristen Hunter re Merrimac St. traffic safety progress
- ODNC00103_01_10_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- ODNC00152_05_08_2023 Amend Ch 13-181 Municipal Parking Facilities (COTW)
- ORDR00449_04_24_2023 Approving Shared Streets Grant, High Street Traffic Calming

17. GOOD OF THE ORDER

18. ADJOURNMENT

Motion to adjourn at 8:21 pm by Councillor Zeid, seconded by Councillor Wright. So voted.