

CITY COUNCIL MEETING AGENDA - VERSION 1

December 12, 2011

7:30 PM

- 1. OPENING PRAYER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS**
- 5. PUBLIC 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.

6. APPROVAL OF MINUTES

November 28, 2011

(Approve)

7. TRANSFERS

1. Mayor/Auditor to Insurance Claims-RSV App \$5000 to Gen Admin- Bldg Maint \$5000 (Approve)

8. COMMUNICATIONS

1. PERAC 2013 retirement funding appropriation (R&F)
2. Communication from Ken and Dominique Dear (R&F)

END OF CONSENT AGENDA

REGULAR AGENDA

9. TRANSFERS

2. Mayor Gen'l Fund Free Cash \$15,000 to Capital Project Senior Center \$15,000

10. COMMUNICATIONS

1. Second hand motor vehicle sales license, Newburyport Auto Brokers
2. Second hand motor vehicle sales license, City of Newburyport
3. Rotary Club Annual Frigid Fiver Road Race, February 5, 2012

11. APPOINTMENTS

1. Scott W. Sutherland 3 Savory Street Waterfront Trust Dec. 1, 2016

Second Reading - Re-Appointment

2. Amanda Martindale 102 High Street, #3 Cultural Council Dec. 14, 2014

12. ORDERS

1. Morrill Charitable Foundation disbursements 2011

13. ORDINANCES

1. TABLED - Second Reading - Amend Ord.13-180 Parking Resident Fruit Street
2. Amend Ord Zoning Sec. IV delete subsection V-C.1 "Smart growth ord" – Second reading
3. Amend Ord Zoning Sec. IX, Sec. XXI - Second reading
4. Amend Ord Zoning Sec. VIII Signs- Second reading
5. Amend Ord Zoning Sec. VI Dimensional Controls- Second reading

14. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor Green Initiatives REV APPR (\$20,000) to Mayor-CHMM *11/29/2010
2. Street Lighting Recommendation *09/21/2011
3. Mayor Budget Contingence to Planning Tech Stipend (\$3,822) *10/17/2011
4. Order Wastewater Treatment Facility Mod. Project financing *10/17/2011
5. Mayor Free Cash \$115,275.73 to City Clerk Elections & Registrations \$9,000, to Inn St. Electric \$106,275.73 *11/28/2011

General Government

In Committee:

1. Campaign Finance Reports-Municipal Forms posting on City Website *05/09/2011
2. Union Contract posting on City Website *05/09/2011
3. Section 13 - 180 Add/Delete Streets By Order *09/12/2011
4. Ltr re H1972 "An Act Regulating Election Primaries" *10/17/2011
5. Home Rule Charter creation of committee to review city ordinances *11/14/2011

Joint Education

In Committee:

License & Permits

In Committee:

1. Cars Port Taxi rate increase request *05/31/2011

Neighborhoods & City Services

In Committee:

1. Newburyport Tree Ordinance *07/22/2010

Planning & Development

In Committee:

1. Residential Handicap Parking Ordinance *01/11/2010
2. Atmospheric Pollution Ordinance *02/08/2010
3. Green Communities Order *03/29/2010
4. Zoning Ord – Sec II Definitions/Sec VI Dimensional Contr *06/28/2010
5. Letter for Essex St. Inn Visitor Parking *07/11/2011
6. Intermunicipal Agreement Newburyport and Newbury *07/11/2011
7. Amend Ord.13-182 Traffic and Motor Vehicles *08/29/2011
8. Amend Ord Zoning Sec. V-D, Sec V-E *10/17/2011
9. Amend Ord Zoning Sec. II Definitions *10/17/2011
10. Amend Ord Zoning Map B1 Zone Storey Ave *11/28/2011
11. Amend Ord. 6.5 Environment Article II Wetlands – Wetlands Protection *11/28/2011

Public Safety

In Committee:

1. Residential Handicap Parking Ordinance *01/11/2010
2. Amend Sec. 13-86 Water St. (25mph) State to Federal *05/09/2011
3. Amend Ord 13-121 One-Way Streets Griffin Court *07/25/2011
4. Amend Ord.13-180 Parking Resident Harris Street from Green to State Sts *08/29/2011

- | | |
|---|-------------|
| 5. Amend Ord.13-182 Traffic and Motor Vehicles | *08/29/2011 |
| 6. Section 13-182 entitled: Hotel/Inn and Bed and Breakfast Accommodations | *09/12/2011 |
| 7. American Diabetes Tour de Cure May 20, 2012 | *11/28/2011 |
| 8. Amend Ord. 13-168 Parking Restricted Winter/High Streets | *11/28/2011 |
| 9. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana | *11/28/2011 |

Public Utilities Committee

In Committee:

- | | |
|---|-------------|
| 1. Letter regarding Pole at 114 High Street | *05/31/2011 |
| 2. Street Lighting Recommendation | *09/21/2011 |
| 3. Drain Layer/Utility Contractor Application for Dube Plus & Dirt Pro, LLC | *11/14/2011 |

Rules Committee

In Committee:

- | | |
|--|-------------|
| 1. Amend the Rules of the City Council | *11/28/2011 |
|--|-------------|

15. GOOD OF THE ORDER

16. ADJOURNMENT

CITY COUNCIL MEETING
MINUTES November 28, 2011

TAX CLASSIFICATION HEARING

Meeting opened with a roll call vote, 10 present, 1 absent (Herzog) at 7:21 p.m.

Assessor Dan Raycroft explained how the rate is set, the levy is established by class and any shift analysis is calculated.

Mayor Holaday spoke in favor. Mary Williamson, chairman of the Newburyport YWCA, spoke in favor.

No one else spoke in favor or against.

President O'Brien closed the meeting. 7:31 p.m.

CITY COUNCIL MEETING

Council President O'Brien called the meeting to order at 7:30 pm and asked for a moment of silence to remember Carl Panall who served on the Waterfront Trust and Harbor Commission, Richard E. Sullivan, who served on the City Council, as City Council president and as Mayor, and Franklin (Buddy) J. Spaulding, who served as a city firefighter and as chairman of the Retirement Board. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Derrivan, Earls, Heartquist, Herzog, Hutcheson, Ives, Jones and O'Brien. All present.

1. LATE FILE ITEMS – None

2. PUBLIC COMMENT –

1. Joe Teixeira	44 Hale Street	Wetlands Ordinance
2. Dylan McCloy	17 Wildwood Drive	Marijuana Ordinance
3. Chris Power	Beacon Coalition	Marijuana Ordinance
4. Mike Testa	241 High Street	Marijuana Ordinance
5. Jerry Mullins	7 Parsons Street	Storey Ave. Re-zone
6. Stephen Moore	10 N. Atkinson Street	Wetlands Ordinance
7. Everett Chandler	34 Winter Street	Winter/High St. Parking
8. Scott Mitchell		Storey Ave. Re-zone
9. Laurel Allgrove	22 Beacon Ave.	Storey Ave. Re-zone
10. Nancy Szyfers	9 Russell Terrace	Store Ave. Re-zone
11. Jeffrey Dirk	Andover	Storey Ave. Re-zone

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.

3. APPROVAL OF MINUTES

November 14, 2011

(Approve)

4. TRANSFERS

1. DPS – Highway Water-Retained Earnings \$6,000 to Water- Police Details \$6,000
2. Mayor Free Cash \$115,275.73 to City Clerk Elec & Reg \$9000, to Inn St. Electric \$106,275.73

(Approve)

(B&F)

5. COMMUNICATIONS

1. World Tai Chi Day April 2012

(R&F)

2. American Diabetes Tour de Cure May 20, 2012
Removed by Councillor Cronin.

(Approve)

6. APPOINTMENTS

	Re-Appointment		
1. Amanda Martindale	102 High Street, #3	Cultural Council	Dec. 14, 2014

Motion to approve Consent Agenda as amended by Councillor Jones, seconded by Councillor Cameron. So voted on a unanimous voice vote.

END OF CONSENT AGENDA

REGULAR AGENDA

7. COMMUNICATIONS

2. American Diabetes Tour de Cure May 20, 2012

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Derrivan. So voted on a unanimous voice vote.

8. APPOINTMENTS – Second Reading

1. Rabbi Avi Poupko 2 Pleasant Street Diversity and Tolerance Comm. Feb. 3, 2012

Motion to approve by Councillor Derrivan, seconded by Councillor Herzog. So voted on a unanimous voice vote.

9. ORDERS

1. Amend the Rules of the City Council

Motion to refer to the Rules Committee by Councillor Cronin, seconded by Councillor Derrivan. So voted on a unanimous voice vote.

2. Classification Order

Motion to approve the Residential Factor of “1” by Councillor Cameron, seconded by Councillor Derrivan. So voted on a unanimous voice vote.

3. Tax Rate Order

Motion to table by Councillor Cameron, seconded by Councillor Derrivan. Motion to remove from the table by Councillor Cameron, seconded by Councillor Derrivan. Motion to approve by Councillor Cameron, seconded by Councillor Derrivan. Roll call vote, 11 yes.

4. Supplemental Budget Order

Motion to remove item 5 by Councillor Cameron, seconded by Councillor Derrivan. Councillor Earls recused himself. Motion to approve item 5 by Councillor Derrivan, seconded by Councillor Cameron. 10 yes, 1 recuse (Earls). Motion to approve the remainder of the Supplemental Budget by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 11 yes. So voted.

10. ORDINANCES

1. TABLED - Second Reading - Amend Ord.13-180 Parking Resident Fruit Street

Motion to remove from table by Councillor Earls, seconded by Councillor Hutcheson. Motion to table by Councillor Earls, seconded by Councillor Herzog. So voted on a unanimous voice vote.

2. Amend Ord Zoning Map B1 Zone Storey Ave (RECONSIDERED)

Motion to reconsider by Councillor Herzog, seconded by Councillor Connell. So voted on a unanimous voice vote. Motion to refer to Planning & Development by Councillor Cameron, seconded by Councillor Ives. So voted on a unanimous voice vote.

3. Amend Ord. 13-168 Parking Restricted Winter/High Streets

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Derrivan. So voted on a unanimous voice vote.

4. Amend Ord. 6.5 Environment Article II Wetlands – Wetlands Protection

Motion to refer to Planning and Development by Councillor Ives, seconded by Councillor Connell. So voted on a unanimous voice vote.

5. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana

Motion to refer to Public Safety by Councillor Derrivan, seconded by Councillor Ives. So voted on a unanimous voice vote.

11. COMMITTEE ITEMS

Budget & Finance

In Committee:

- 1. Mayor Green Initiatives REV APPR (\$20,000) to Mayor-CHMM** *11/29/2010
- 2. Street Lighting Recommendation** *09/21/2011
- 3. Mayor Budget Contingence to Planning Tech Stipend (\$3,822)** *10/17/2011
- 4. Order Wastewater Treatment Facility Mod. Project financing** *10/17/2011
- 5. Mayor Gen. Fd. Free Cash \$10,000 to SE Branch Library –Rev. Fd \$10,000** *11/14/2011

Motion to remove by Councillor Cameron, seconded by Councillor Herzog. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. 11 yes, so voted.

- 6. DPS- Sewer Retained Earnings \$513,413.49 to Sewer Fund Balance \$513, 413.49** *11/14/2011

Motion to remove by Councillor Cameron, seconded by Councillor Ives. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. 11 yes, so voted.

- 7. Mayor Gen. Fd. Free Cash \$300,000 to Gen. Fd. Fund Balance \$300,000** *11/14/2011

Motion to remove by Councillor Cameron, seconded by Councillor Herzog. Motion to approve by Councillor Cameron, seconded by Councillor Herzog. 11 yes, so voted.

- 8. Acceptance of MGL c.32B, sections 21-23 re health ins benefit changes** *11/14/2011

Motion to remove by Councillor Cameron, seconded by Councillor Earls. Motion to approve by Councillor Cameron, seconded by Councillor Ives. 11 yes, so voted.

- 9. Acceptance of the Mayor's Supplemental Budget** *11/14/2011

Motion to remove by Councillor Cameron, seconded by Councillor Herzog. Motion to remove item 5 by Councillor Cameron, seconded by Councillor Derrivan. Councillor Earls recused himself. Motion to approve item 5 by Councillor Derrivan, seconded by Councillor Cameron. 10 yes, 1 recuse (Earls). Motion to approve the remainder of the Supplemental Budget by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 11 yes. So voted.

General Government

In Committee

- 1. Campaign Finance Reports-Municipal Forms posting on City Website** *05/09/2011
- 2. Union Contract posting on City Website** *05/09/2011
- 3. Section 13 - 180 Add/Delete Streets By Order** *09/12/2011
- 4. Ltr re H1972 "An Act Regulating Election Primaries"** *10/17/2011
- 5. Home Rule Charter creation of committee to review city ordinances** *11/14/2011

Joint Education

In Committee:

License & Permits

In Committee:

- 1. Cars Port Taxi rate increase request** *05/31/2011

Neighborhoods & City Services

In Committee:

- 1. Newburyport Tree Ordinance** *07/22/2010

Planning & Development

In Committee:

- | | |
|---|-------------|
| 1. Residential Handicap Parking Ordinance | *01/11/2010 |
| 2. Atmospheric Pollution Ordinance | *02/08/2010 |
| 3. Green Communities Order | *03/29/2010 |
| 4. Zoning Ord – Sec II Definitions/Sec VI Dimensional Contr | *06/28/2010 |
| 5. Letter for Essex St. Inn Visitor Parking | *07/11/2011 |
| 6. Intermunicipal Agreement Newburyport and Newbury | *07/11/2011 |
| 7. Amend Ord.13-182 Traffic and Motor Vehicles | *08/29/2011 |
| 8. Amend Ord Zoning Sec. V-D, Sec V-E | *10/17/2011 |
| 9. Amend Ord Zoning Sec. II Definitions | *10/17/2011 |

Public Safety

In Committee:

- | | |
|--|-------------|
| 1. Residential Handicap Parking Ordinance | *01/11/2010 |
| 2. Amend Sec. 13-86 Water St. (25mph) State to Federal | *05/09/2011 |
| 3. Amend Ord 13-121 One-Way Streets Griffin Court | *07/25/2011 |
| 4. Amend Ord.13-180 Parking Resident Harris Street from Green to State Sts | *08/29/2011 |
| 5. Amend Ord.13-182 Traffic and Motor Vehicles | *08/29/2011 |
| 6. Section 13-182 entitled: Hotel/Inn and Bed and Breakfast Accommodations | *09/12/2011 |

Public Utilities Committee

In Committee:

- | | |
|---|-------------|
| 1. Letter regarding Pole at 114 High Street | *05/31/2011 |
| 2. Street Lighting Recommendation | *09/21/2011 |
| 3. Order Wastewater Treatment Facility Mod. Project financing | *10/17/2011 |

Motion to remove by Councillor Ives, seconded by Councillor Connell. Motion to approve by Councillor Ives seconded by Councillor Cameron. Roll call vote, 11 yes. So voted.

- | | |
|---|-------------|
| 4. Drain Layer/Utility Contractor Application for Dube Plus & Dirt Pro, LLC | *11/14/2011 |
|---|-------------|

Rules Committee

In Committee:

12. GOOD OF THE ORDER

Councillor Connell noted that the Planning and Development committee meeting/meeting of the whole would be Tuesday December 6, 2011.

Motion to cancel the December 27, 2011 meeting by Councillor Jones, seconded by Councillor Derrivan. Roll call vote, 9 yes, 2 no (Earls, Herzog).

13. ADJOURNMENT

TRANSFERS



Transfer #1
December 12, 2011

City of Newbury
FY 2012
BUDGET TRANSFER REQUEST

Department: Mayor / Auditor

Submitted by: Mayor Holaday / Bill Squillace

Date Submitted: 12/6/2011

Transfer From:

Account Name	Insurance Claims-RSV APP	YTD Bal:	\$	19,584.91
Account Number:	2741-10400	Trans In:	\$	-
Amount:	\$5,000.00	Trans Out:	\$	-
Why are Funds Available:	<i>Revenue account used to deposit funds received from insurance companies for covered insurance losses and deductible payments.</i>			

Transfer To:

Account Name	Gen. Admin. - Building Maint /Repairs	YTD Bal:	\$	10,798.19
Account Number:	01129002-52401	Trans In:	\$	-
Amount:	\$5,000.00	Trans Out:	\$	-
Why are Funds Required:	<i>Funds are required to pay the insurance deductible for repairs to the exterior east side of the Firehouse Performing Arts Center. The building was damaged during the November snow storm. Repairs include soffit, fascia, detail trim, and gutters and roofing to match the existing details. The total cost of the repairs is estimated at \$20,311, which is covered by the City insurance policy, less the \$5,000 deductible.</i>			

Donna D. Holaday, Mayor
William B. Squillace, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
William B. Squillace

Date: 12/6/11
Date: 12/6/11

COMMUNICATIONS

PERAC

Communication #1
December 12, 2011

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

DOMENIC J. F. RUSSO, *Chairman*

JOSEPH E. CONNARTON, *Executive Director*

Auditor SUZANNE M. BUMP | ALAN MACDONALD | JAMES M. MACHADO | DONALD R. MARQUIS | ROBERT B. MCCARTHY | GREGORY R. MENNIS

MEMORANDUM

TO: Newburyport Retirement Board
FROM: *Joseph E. Connarton*
Joseph E. Connarton, Executive Director
RE: Appropriation for Fiscal Year 2013
DATE: November 29, 2011

Required Fiscal Year 2013 Appropriation: **\$3,963,411**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2013 which commences July 1, 2012.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2013 appropriation to be paid by each of the governmental units within your system.

If your System has a valuation currently in progress, you may submit a revised funding schedule to PERAC upon its completion. The current schedule is/was due to be updated by Fiscal Year 2014.

If you have any questions, please contact PERAC's Actuary, Jim Lamenza, at (617) 666-4446 Extension 921.

JEC/jrl
Attachments

cc: Office of the Mayor
City Council
c/o City Clerk

p:\actuarial\approp\approp13\fy13 for web\newburyportapprop13.doc



Newburyport Retirement Board

Projected Appropriations

Fiscal Year 2013 - July 1, 2012 to June 30, 2013

Aggregate amount of appropriation: **\$3,963,411**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2013	\$4,259,994	\$3,706,881	\$256,530	\$3,963,411	\$3,963,411	\$0	\$296,583
FY 2014	\$4,423,889	\$3,809,627	\$256,530	\$4,066,157	\$4,066,157	\$0	\$357,732
FY 2015	\$4,594,021	\$3,916,540	\$256,530	\$4,173,070	\$4,173,070	\$0	\$420,951
FY 2016	\$4,770,628	\$4,027,827	\$256,530	\$4,284,357	\$4,284,357	\$0	\$486,271
FY 2017	\$4,953,957	\$4,143,706	\$256,530	\$4,400,236	\$4,400,236	\$0	\$553,721

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.

Newburyport Retirement Board
Appropriation by Governmental Unit

Fiscal Year 2013 - July 1, 2012 to June 30, 2013

Aggregate amount of appropriation: **\$3,963,411**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Newburyport Newburyport Housing Authority	97.71% 2.29%	\$3,621,993 \$84,888	\$248,999 \$7,531	\$3,870,992 \$92,419
UNIT TOTAL	100%	\$3,706,881	\$256,530	\$3,963,411

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

Communication #2

December 12, 2011

Richard Jones

From: Comity <comity@comcast.net>
Sent: Tuesday, December 06, 2011 1:48 PM
To: Richard Jones
Subject: Advancing an explanation of forthcoming "overtures" to City Council --- with full proposal forthcoming --- as online presentation

Please read bold text for quick review; Note → pointing to key info/input, particularly highlighted text.
Some content may be taken/tailored from existing material; Please be advised that Comity's side of the communications may be forwarded to other parties with a foreword.

***** FOREWORD AND FORWARD THINKING *****

As mentioned during this morning's exchange with the City Clerk Richard Jones --- and in prior exchange with Director of Veterans' Services Kevin Hunt ---

Particularly given a Viewpoint to be published on Thurs Dec 22 --- we had originally hoped to submit a communication on Tues Dec 19 for consideration on the Mon Dec 26 City Council meeting ---

Realizing that the councillors voting to cancel their Mon Dec 26 meeting --- and that the Mon Dec 12 meeting will be the last City Council meeting before the next sitting council meets on Mon Jan 9 ---

Therefore, we have considered it wise to forward formal communication (to better position the following milestone to remark at the Tues Jan 3 School Committee meeting and Mon Jan 9 City Council meeting) ---

With the goal to proposition an intergenerational "venture" "on behalf of ye rest" of generations of the Waterside people, born here or drawn here to the Waterside community of Newburyport, for a time, a lifetime or a pastime) --- to coincide with history and history in the making.

Will follow-up to further position the forthcoming "proposition."

Until then ...

Please take note of → the key note(s) which follow ...

Forwarded in a Motion of Comity ---

The Dears, Ken and Dominique
www.Comity.org
www.LordTimothyDexter.com

***** NOTABLE MILESTONES IN HISTORY AND HISTORY IN THE MAKING *****

→ KEY NOTE RE MILESTONE IN A MOUNTING HISTORY: Norman Corwin's renowned radio broadcast aired on May 8, 1945, "On a Note of Triumph" to remark VE Day --- → presented at this Comity.org hyperlink: <http://comity.org/Something to SMILE about a Note of Triumph.htm> --- noting mention of Newburyport in the first moments of that broadcast:

So they've given up; they're finally done in and the rat is dead in an alley back of the Wilhelmstrasse. Take a bow, Gl. Take a bow, little guy. The superman of tomorrow lies at the feet of you common men of this afternoon. This is it kids. This is the day --- all the way from Newburyport to Vladivostok. You had what it took and you gave it --- and each of you has a hunk of rainbow around your helmet. Seems like free men have done it again. [...]"

EXAMINATION OF SOME COMPILED MILESTONES IN HISTORY: Mayor Holaday was introduced to the concept (and "proxy for rogation" (further supposals/supplication) during the Harvest Festival. (A timeframe which coincided a milestone of the launch of the Ship Merrimack from the Middle Shipyard here in Newburyport on Oct 12, 1798 --- where she moored here in safe harbor until sailing for Boston on Dec 9, 1798. One hundred seventy years later, and the successful mission of Apollo 8 from Dec 21 – 27, 1978 paved the way to fulfill President Kennedy's challenge to land a man on the moon before the end of the 1960s.

As (foot)noted below, the milestones in the landmark Apollo missions: Apollo 14 from Jan 31 – Feb 9, 1971; Apollo 15 from Jul 26 - Aug 7, 1971; And (as noted in context below) the last two Apollo missions (Apollo 16 in April 1972 and Apollo 17 in Dec 1972 coinciding with the mission here in port to fulfill our goal for 21st Century Schools, with facilities to facilitate the necessary programming and learning environment.

More anon RE this coming year remarking the 55-year milestone of the International Geophysical Year --- with the launch of the Sputnik satellite ostensibly launching the "Space Race" --- and 2012 marking the last two Apollo missions before the US Apollo – USSR Soyuz test project in July of 1975.

More to follow.

***** FOOTNOTES *****

* While the Full Wolf Moon of Jan 9, 2012 (which coincides with the City Council meeting) will have receded 100 inches from earth (***) since the aforementioned "Note of Triumph" --- receding yet another inch eight months later on Sept 8 – 9, 2012 (****) --- let us believe that the aforementioned goal still "remains in reach."

** This generational milestone (marking sixty years in May 8, 2005) had long been anticipated since the Waterside community gam held in a Motion of Comity with Yankee Homecoming in 2004 --- remarking the premise and promise of RE:Generation of the Spirit of Newburyport. Let us believe there are promises to keep and dreams to fulfill.

*** That date to coincide with the Sept 8 – 9, 2012 APEC summit --- which (as Fate will have it) will be hosted in Vladivostok (as announced in August of 2007 and "discoursed" during the Waterside community gam held Sept and Oct that year --- and revisited by the "core corps" in anticipation of the Waterside community gam which was to be held last August <http://www.newburyportnews.com/local/x906053351/Gathering-momentum-at-the-Waterside-community-gam>. Much more anon re plans in motion, and poised for gather momentum in moons to come.



END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

TRANSFERS



Transfer #2
December 12, 2011

City of Newbury
FY 2012
BUDGET TRANSFER REQUEST

Department: Mayor

Submitted by: Mayor Holaday

Date Submitted: 12/6/2011

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$ 1,347,388.00
Account Number:	01-35900	Trans In:	\$ -
Amount:	\$15,000.00	Trans Out	\$ 443,700.00
Why are Funds Available:	<i>The Mass Dept of Revenue has certified Free Cash for FY 2012. These funds are available for any legal purpose with the recommendation of the Mayor and a majority vote of the City Council.</i>		

Transfer To:

Account Name	Capital Project-Senior Center	YTD Bal:	\$ 80,705.00
Account Number:	49-10400	Trans In:	\$ -
Amount:	\$15,000.00	Trans Out	\$ -
Why are Funds Required:	<i>Funds are required to hire an "Owners Project Manager" for the development of the new Senior Center. The existing balance in this account is required for design services. See attached memo from Planning Director, Andrew Port.</i>		

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	\$ -
Amount:		Trans Out	\$ -
Why are Funds Required:			

Donna D. Holaday, Mayor
William B. Squillace, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
William B. Squillace

Date: 12/6/11
Date: 12/6/11



CITY OF NEWBURYPORT
OFFICE OF COMMUNITY DEVELOPMENT

60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4452 (FAX)
WWW.CITYOFNEWBURYPORT.COM

12-6-11
10:13 AM

December 6, 2011

Thomas F. O'Brien, City Council President
Newburyport City Council
60 Pleasant Street
Newburyport, MA 01950

Honorable Members of the City Council:

As you know the Mayor, Senior Center Building Committee and Office of Planning & Development have been working towards an adaptive reuse of the Bresnahan Elementary School once a new school is constructed at the southern end of the site through the Massachusetts School Building Assistance (MSBA) program. As the School Building Committee gets underway with their selected architectural firm HMFH, the Senior Center Building Committee will be working on a parallel track with their selected architectural team to ensure that plans and specifications for retrofit of the existing building are ready for implementation as soon as possible after the School Department has vacated the Bresnahan School. Reuse of the Bresnahan School will significantly reduce the cost of creating a new Senior Center.

The attached transfer request for \$15,000 represents the funding needed to contract with an Owner's Project Manager (OPM) to work for the City as we contract with an architect to develop plans and specifications for this project. Funding for construction of the Senior Center project will be brought to the community for consideration in spring 2012, along with the new school project.

The City is required by state law to secure an OPM for public building projects like the new Senior Center to ensure efficiency and quality of work by all consultants and contractors (including the architect and general contractor). The current funding request will bring us through the next few months and allow us to properly oversee the architectural team while developing schematic design plans, prior to a full bid package of drawings and specifications. Work between now and April will allow us to determine a specific budget for the final design and construction based on these plans. As the December 12, 2011 City Council meeting now represents the last meeting before the holidays and before the new 2012 Session, we respectfully request that the Council approve this transfer accordingly.

Thank you in advance for your consideration of this request. If you have any questions regarding this project or any other planning initiatives, please contact me at your convenience.

Best Regards,

Andrew R. Port, AICP
DIRECTOR OF PLANNING & DEVELOPMENT

COMMUNICATIONS

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a².....
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? *Newburyport Auto Brokers*.....

Business address of concern. No. *6 WOODMAN WAY UNIT 213*.....St.
Newburyport, MA 01950.....City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation?

INDIVIDUAL

3. If an individual, state full name and residential address.

Charles Mahlet G. WOODMAN WAY UNIT 213.....

Newburyport, MA 01950.....

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President

Secretary

Treasurer

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? *YES*

If so, is your principal business the sale of new motor vehicles? *NO*.....

Is your principal business the buying and selling of second hand motor vehicles? *YES*.....

Is your principal business that of a motor vehicle junk dealer? *NO*.....

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

INTERNET AND AUCTION SALES ONLY

8. Are you a recognized agent of a motor vehicle manufacturer?

NO

(Yes or No)

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class I?

NO

(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof?

YES

(Yes or No)

If so, in what city — town

NEWBURYPORT

Did you receive a license?

YES

(Yes or No)

For what year?

2011

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts

thereof ever been suspended or revoked?

NO

(Yes or No)

Sign your name in full.

Charles Mahlet

(Only authorized to represent the concerns herein mentioned)

Residence 6 WOODMAN WAY UNIT 213

Newburyport MA 01950

IMPORTANT (978) 852-3088

EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

ISSUED THROUGH

A. A. DORITY COMPANY

BOSTON

CONTINUATION CERTIFICATE

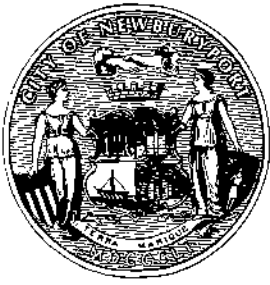
The NGM Insurance Company, hereinafter called the Company,
hereby continues in force its MA Used Car Dealer Bond Number 148451
in the sum of Twenty-Five Thousand dollars (\$25,000.00)
on behalf of
Charles C. Mahlert dba Newburyport Auto Brokers
located at
6 Woodman Way U-213A
Newburyport, MA 01950
in favor of Town of Newburyport, MA
for the term beginning December 31st, 2011 and ending on December 31st, 2012 ,
subject to all covenants and conditions of said bond.

This Continuation is executed upon the express condition that the Company's liability shall not be cumulative and shall be limited at all times by the amount of the penalty stated in the bond.

In witness whereof, the Company has caused this instrument to be signed by its duly authorized Attorney-in-Fact and its Corporate Seal to be hereto affixed this day, December 2, 2011

NGM Insurance Company

By: Katie Ford
Katie E. Ford Attorney-in-Fact
A. A. DORITY Company, Inc.
262 Washington Street, Suite 99
Boston, MA 02108
(617) 523-2935



CITY OF NEWBURYPORT

Communication #4
December 12, 2011

OFFICE OF THE MAYOR

NEWBURYPORT CITY HALL
60 PLEASANT STREET
NEWBURYPORT, MA 01950

978-465-4413

WWW.CITYOFNEWBURYPORT.COM

To: President O'Brien & Members of the City Council
From: Donna D. Holaday, Mayor
Date: 12/6/11
Subject: Application for License to buy second hand motor vehicles

Donna D. Holaday

DEC 13 2011
CITY OF NEWBURYPORT
MASSACHUSETTS

Attached please find the City's application for a license to buy, sell, exchange or assemble second hand motor vehicles. By issuing this license, the City will be able to participate in the municipal vehicle auctions throughout the state. The City anticipates significant savings from having the ability to purchase used vehicles directly from the auction.

Your favorable action would be appreciated.

THE COMMONWEALTH OF MASSACHUSETTS

OF

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a _____
class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with
the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? City of Newburyport

Business address of concern. No. 60 Pleasant St.,
Newburyport City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? _____

Municipal Corporation

3. If an individual, state full name and residential address.

N/A

4. If a co-partnership, state full names and residential addresses of the persons composing it.

N/A

5. If an association or a corporation, state full names and residential addresses of the principal officers.

~~Mayor~~ Donna D. Holaday
~~President~~
~~Clerk~~ Richard B. Jones
~~Secretary~~
~~Treasurer~~ Julie Languirand

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? No

If so, is your principal business the sale of new motor vehicles? N/A

Is your principal business the buying and selling of second hand motor vehicles? N/A

Is your principal business that of a motor vehicle junk dealer? N/A

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

To purchase vehicles through the auction

8. Are you a recognized agent of a motor vehicle manufacturer? NO
(Yes or No)

If so, state name of manufacturer _____

9. Have you a signed contract as required by Section 58, Class 1? NO
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? NO
(Yes or No)

If so, in what city — town _____

Did you receive a license? N/A
(Yes or No)

For what year? _____

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? NO
(Yes or No)

Sign your name in full _____

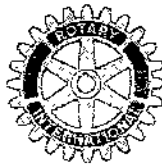
James D. McTearney
(Duly authorized to represent the concern herein mentioned)

Residence _____

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)



Communication #5 December 12, 2011

Rotary Club of Newburyport #7780

'Birthplace of the United States Coast Guard'

Newburyport, Massachusetts 01950

P.O. Box 831

-Chartered May 10, 1923-

Web site: www.newburyportrotary.org

December 5, 2011

Mr. Richard Jones
City Clerk
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Dear City Clerk Jones:

On behalf of the Rotary Club of Newburyport I would like to respectfully request permission from the Newburyport City Council to hold the 19th Annual Newburyport Rotary Frigid Fiver 5 Mile Road Race on Sunday, February 5, 2012 at 12:00 Noon.

The race begins at Michael's Harborside, 1 Tournament Wharf, Newburyport, MA. The race course is as follows:

Right on Merrimac
Left on Spofford Street
Left on Ferry Road
Straight on High Street
Left on Market Street
Finish at 1 Tournament Wharf

The race takes approximately three hours. Marshal Thomas Howard is a Newburyport Rotarian and has full knowledge of the race and will be involved with the race day logistics and planning.

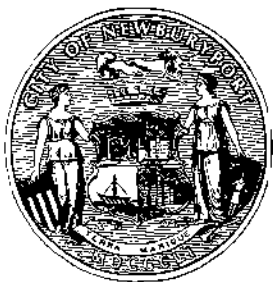
The Rotary Club of Newburyport has been active part of the Newburyport community for 186 years. We have a long standing tradition of community service and as thus every year we donate more than \$20,000 to local community organizations and non profits. This road race is one of major fundraising events and helps us to continue our long standing tradition.

We thank you in advance for your cooperation and consideration of our request.

Sincerely,

Sue Christ
Sue Christ
President

**APPOINTMENTS
FIRST READING**



CITY OF NEWBUR

**Appointment #1
December 12, 2011**

11-12-11
ST 13-6 P 13 15

OFFICE OF THE MAYOR

NEWBURYPORT CITY HALL
60 PLEASANT STREET
NEWBURYPORT, MA 01950

978-465-4413

WWW.CITYOFNEWBURYPORT.COM

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: December 6, 2011

Subject: Appointment

Donna D. Holaday

I hereby appoint, subject to your approval the following
named individual as a member of the Waterfront Trust. This
term will expire on December 1, 2016.

Scott W. Sutherland
3 Savory Street
Newburyport, MA 01950

**Scott W. Sutherland
3avory Street
Newburyport, MA 01950**

November 15, 2011

Mayor Donna Holiday
City of Newburyport
City Hall
Newburyport, MA 01950

Dear Mayor Holiday:

I would like to be considered for an appointment to the Newburyport Waterfront Trust. My resume is enclosed.

I am very interested in contributing to the continued improvement of the city, with particular interest in the waterfront areas. After becoming aware that the Newburyport Waterfront Trust would have a vacancy in 2012, I had several discussions with the Co-Chairman, Doug Locy regarding the trust and its' mission. Based on those discussions, I would like the opportunity to play an active role in the trusts' ongoing efforts to plan and sustain the waterfront here in Newburyport.

My wife and I moved to Newburyport 13 years ago. Boating is our main summertime activity. We appreciate and enjoy the Newburyport waterfront. I have a professional background in commercial real estate finance and have previously done volunteer work in community land planning activities. I believe these experiences would enable me to make a meaningful contribution to furthering the mission of the Newburyport Waterfront Trust and I would welcome that opportunity.

Thank you in advance for your consideration.

Respectfully Yours,

A handwritten signature in black ink, appearing to read "Scott Sutherland", written in a cursive style.

Scott W. Sutherland

Scott W. Sutherland

Personal Information:

3 Savory Street
603-493-5916 (cell)
swsuth@comcast.net
Retired- 2007
Newburyport Resident: 13 years
Married with 3 adult children
Interests: Boating, biking, skiing, hunting, traveling,

Personal Volunteer Objective:

Contribute to the continued improvement of Newburyport through involvement in the Newburyport Waterfront Trust.

Volunteer Experience:

Newburyport Yacht Club Board of Directors 2001-2003, Commodore 2002, Treas. 2001
Newburyport, MA, Master Plan Committee 2000- 2001
Amherst, NH Land Trust 1988-1991
Amherst, NH Planning Board 1975-1980, Chairman 1977
Amherst, NH Master Planning Committee 1973-1974

Education:

MBA, 1968, Corporate Finance, New York University, NY, NY
BS, 1966, Mathematics and Engineering, Trinity College, Hartford, CT
1981, Stonier School of Banking, Rutgers University, New Brunswick, NJ

Employment History:

1992-2007 First Essex Bank (acquired by Sovereign Bank 2004), Andover, MA
Senior Vice President

- Management and growth of a \$200 million commercial real estate portfolio

1988-1992 Colonial Capital Corporation, Amherst, NH
Co-founder, President and CEO

- Specialized in placement of commercial real estate loans to the institutional market

1971-1988 BankEast, Manchester, NH

- **President**, residential mortgage banking subsidiary
- **Vice-President**, manager commercial real estate portfolio
- **Commercial Loan Officer**, origination of commercial loans

1968-1971 United States Navy, stationed Norfolk, VA
Lieutenant, Junior Grade

**APPOINTMENTS
SECOND READING**

MAYOR'S APPOINTMENTS
December 12, 2011
SECOND READING

	Re-Appointment		
2. Amanda Martindale	102 High Street, #3	Cultural Council	Oct. 25, 2014

In City Council November 14, 2011

Motion to approve Consent Agenda as amended by Councillor Jones, seconded by Councillor Cameron. So voted on a unanimous voice vote.

ORDERS

Order #1
December 12, 2011

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

December 12, 2011

THAT the City Council of the City of Newburyport on behalf of the City accepts with gratitude the donation of \$65,220 from the Gayden W. Morrill Charitable Foundation, funds to be used as indicated in a letter to Mayor Donna D. Holaday from Gayden W. Morrill, Trustee, dated November 28, 2011.

Councillor Thomas F. O'Brien

**Gayden W. Morrill
220 West Kilbride
Williamsburg, VA 23188**

28 November 2011

**Hon. Donna Holaday, Mayor
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950**

RE: Morrill Foundation Funding Directive

Dear Madam Mayor,

My brothers and I have discussed at length the year end disbursement of the Mayor Gayden W. Morrill Charitable Foundation's funds along with the suggested uses for those funds. The basis for our decisions were the result of our annual meeting on September 10th and what we have learned since that meeting. This year it has been very difficult, as it was last, because there just isn't enough to cover all requests.

As you know this year the foundation will be able to send the city \$65,220 in January. While that does not cover all needs it should have a major impact on some of the projects which require funding. Difficult choices had to be made, and while there was not total agreement, it is the consensus of the trustees that the moneys should be appropriated as follows:

**\$10,000 for the NHS Stadium Project, (earmarked for the new entrance gate).
\$30,000 for the Powder House
\$10,000 for the Tennis Facilities at Atkinson Common
\$ 4,200 for the Heritage Trail Pavers
\$ 5,000 for the Kelley School Landscaping Project
\$ 6,029 for Atkinson Common Plummer Avenue Entrance**

I know that the City Council will have to formally accept these funds at it's December meeting. After the acceptance, and the turn of the year I shall send the city the check.

In the meantime we hope that all in Newburyport had a wonderful Thanksgiving, and that the December Holidays and the New Year are safe, joyous, and prosperous for all.

Best Regards,

A handwritten signature in black ink, appearing to read "Gayden W. Morrill", with a stylized flourish at the end.

Gayden W. Morrill, Trustee

ORDINANCES

Ordinance #1 December 12, 2011

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

August 29, 2011

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

Be it ordained by the City Council of the City of Newburyport as follows:

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-180	Resident Parking

Add:

(g) (2) by adding the following streets or portions thereof to Zone 2

Fruit Street, full length of street

Councillor Gregory D. Earls

In City Council August 29, 2011

Motion to refer to Public Safety by Councillor Earls, seconded by Councillor Cronin. Roll call vote, 11 yes. So voted.

In City Council October 17, 2011

Motion to remove from committee by Councillor Cronin, seconded by Councillor Jones. Motion to approve and order published by Councillor Cronin, seconded by Councillor Jones. Roll call vote, 11 yes. So voted.

In City Council October 31, 2011

Motion to approve by Councillor Earls, seconded by Councillor Herzog. Motion to table by Councillor Earls, seconded by Councillor Derrivan. Roll call vote, 10 yes, 1 absent (Hutcheson). So voted.

In City Council November 14, 2011

Motion to remove from the table by Councillor Earls, seconded by Councillor Ives. So voted on a unanimous voice vote. Motion to table by Councillor Earls, seconded by Councillor Derrivan. So voted on a unanimous voice vote.

In City Council November 28, 2011

Motion to remove from table by Councillor Earls, seconded by Councillor Hutcheson. Motion to table by Councillor Earls, seconded by Councillor Herzog. So voted on a unanimous voice vote.

Ordinance #2 December 12, 2011

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

October 17, 2011

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

Be it ordained by the City Council of the City of Newburyport as follows:

Zoning Ordinance Amendment:

THAT the Zoning Ordinance be amended pursuant to Section XII-B "Adoption and Amendment" as follows:

Section IV: Application and Interpretation

Delete subsection V-C.1, entitled "Smart growth ordinance" in its entirety.

Councillor Barry N. Connell

In City Council October 17, 2011

Motion to refer to Planning & Development by Councillor Jones, seconded by Councillor Derrivan. So voted on a unanimous voice vote.

In City Council November 14, 2011

Motion to remove by Councillor Connell, seconded by Councillor Derrivan. Motion to approve by Councillor Connell, seconded by Councillor Cameron. Roll call vote 11 yes. Motion passed.

Ordinance #3 December 12, 2011

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:
October 17, 2011

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

Be it ordained by the City Council of the City of Newburyport as follows:

THAT the Zoning Ordinance be amended pursuant to Section XII-B "Adoption and Amendment" as follows:

Section IX: Nonconforming Uses, Structures and Lots

Section IX-B: Extension or alteration

Under item 3.B. "Intensifying nonconformities" insert after the words "lot coverage," and before the word "height" the words "floor area ratio,".

Section XXI: Plum Island Overlay District

Section XXI-F: Nonconforming uses and structures, excluding single and two-family structures.

Add a new paragraph as follows:

5. The enlargement or extension to lot coverage, floor area ratio, height, open space or front, side and rear yard requirements may be allowed upon the grant of a special permit by the board of appeals, and shall not require a variance, notwithstanding that such enlargement or extension may increase existing nonconformities.

Section XXI-G: Nonconforming single and two-family residential structures

Redesignate the existing paragraph 4 as "4.a." and add a new paragraph numbered "4.b." as follows:

- 4.b. The alteration, reconstruction, extension of, or change to lot coverage, floor area ratio, height, open space or front, side and rear yard requirements may be allowed upon the grant of a special permit by the board of appeals, and shall not require a variance, notwithstanding that such alteration, reconstruction, or extension may increase existing nonconformities.

Councillor Allison Heartquist

In City Council October 17, 2011

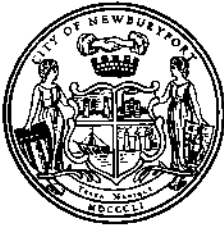
Motion to refer to Planning & Development by Councillor Jones, seconded by Councillor Derrivan. So voted on a unanimous voice vote.

In City Council November 14, 2011

Motion to remove by Councillor Connell, seconded by Councillor Derrivan. Motion to approve first reading and order published by Councillor Connell, seconded by Councillor Derrivan. Roll call vote 11 yes. Motion passed.

**Ordinance #4
December 12, 2011**

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

October 17, 2011

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

Be it ordained by the City Council of the City of Newburyport as follows:

Zoning Ordinance Amendment:

THAT the Zoning Ordinance be amended pursuant to Section XII-B "Adoption and Amendment" as follows:

Section VIII: Signs

Section VIII: Purpose and intent

Delete the second and third paragraphs of this section in their entirety and replace said paragraphs with the following:

The rules and regulations contained herein shall govern the construction, alteration, repair, maintenance and erection of all signs within the City of Newburyport.

Notwithstanding the provisions of this section, all signs and other advertising devices within the B-2, B-3 and WMU zoning districts shall meet the requirements contained within the document entitled "Signage Standards for Downtown Newburyport," dated October 11, 2011 and on file with the City Clerk and Office of Planning & Development.

Additionally, any proposal which requires site plan review as outlined in Section XV "Site Plan Review," shall comply with the standards outlined Section XV.H.b.6.

Councillor Barry N. Connell

In City Council October 17, 2011

Motion to refer to Planning & Development by Councillor Jones, seconded by Councillor Derrivan. So voted on a unanimous voice vote.

In City Council November 14, 2011

Motion to remove by Councillor Connell, seconded by Councillor Derrivan. Motion to approve first reading and order published by Councillor Connell, seconded by Councillor Derrivan. Roll call vote 11 yes. Motion passed.

**Ordinance #5
December 12, 2011**

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

October 17, 2011

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

Be it ordained by the City Council of the City of Newburyport as follows:

Zoning Ordinance Amendment:

THAT the Zoning Ordinance be amended pursuant to Section XII-B "Adoption and Amendment" as follows:

Section VI: Dimensional Controls

Section VI-A: General Regulations

Under "Mixed Use" (Use # 405) in the Table of Dimensional Requirements, replace the words "Refer to section IV-C for requirements" with "Refer to Section IV-D for requirements."

Councillor Barry N. Connell

In City Council October 17, 2011

Motion to refer to Planning & Development by Councillor Connell, seconded by Councillor Jones. So voted on a unanimous voice vote.

In City Council November 14, 2011

Motion to remove by Councillor Connell, seconded by Councillor Derrivan. Motion to approve first reading and order published by Councillor Connell, seconded by Councillor Derrivan. Roll call vote 11 yes. Motion passed.