

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
AUGUST 27, 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: OBrien, Shand, Tontar, Vogel, Zeid, Devlin, Earls, Eigerman, Giunta, Khan, Connell. 11 present.

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS** – Updated Certificate of Insurance for Riverfest
- 5. PUBLIC COMMENT**
- 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

August 13, 2018

(Approve)

8. COMMUNICATIONS

- **COMM078_08_27_18** Party Like it's 1768 / Central Cong. Church - 9/15/2018 (PS)
- **COMM081_08_27_18** A-Frame – Angry Donut (L&P)

9. APPOINTMENTS

• APPT048_08_27_18	Lori Bunyan	96 Lime St	Human Resources Director	1/1/2021
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To Be Referred to Planning & Development

• APPT049_08_27_18	Mark Moore	67 Curzon Mill Rd	Zoning Board of Appeals	8/1/2019
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END OF CONSENT AGENDA
REGULAR AGENDA

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

10. MAYOR’S UPDATE

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

11. COMMUNICATIONS

Motion to take COMM069, COMM077, and COMM079 together by Councillor Zeid, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed. *Five minute recess* Motion to approve by

Councillor Vogel, seconded by Councillor OBrien. Motion to amend, to add addendum with language from the city solicitor in paragraph 1 (“Permittees shall be jointly and severally responsible for and shall pay to the City all costs and expenses reasonably incurred by the City with respect to the event, such fee to include but not be limited to all police, fire, emergency response, and administrative costs and expenses, currently estimated to be but not limited to forty thousand dollars \$40,000, said amount to be paid to the City no later than sixty (60) days after date of the event. Any amount paid by Permittees in excess of the City’s actual reasonable costs shall be reimbursed to the Permittees. Permittees shall be responsible to pay to the City any costs in excess of the amount stated above”) by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed. Motion to approve as amended by Councillor Vogel, seconded by Councillor OBrien. Roll call vote, 8 yes, 3 no (OBrien, Vogel, Zeid). Motion passed.

- **COMM069_08_13_18** Riverfront Music Festival - 9/1/18 – Continued from August 13, 2018
- **COMM077_08_27_18** Ltr from Marshal Mark Murray re: Riverfest
Removed from Consent Agenda by Councillor Connell.
- **COMM079_08_27_18** Addendum Riverfront Music Festival Event App

12. APPOINTMENTS

Second Reading - NONE

13. ORDERS

- **ORDR057_08_27_18** Amendment to Council Rule 12A
Motion to refer to Rules by Councillor Zeid, seconded by Councillor Eigerman. So voted.
- **ORDR058_08_27_18** CPA Project #4, Slate Roof, Custom House
Motion to table by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 no (Zeid). Motion passed.
- **ORDR059_08_27_18** Parking Hales Court, Waterfront Trust
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Khan. So voted.
- **ORDR060_08_27_18** Host Agreement for Marijuana Cultivation
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Tontar. Withdrawn. Motion to refer to Budget & Finance and Committee of the Whole by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 6 yes, 5 no (OBrien, Earls, Eigerman, Giunta, Connell). Motion passed.

14. ORDINANCES

- **ODNC020_05_14_18** Amendment to Chapter 11, Parks & Recreation (**2nd reading**)
Motion to approve second reading by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 no (OBrien, Giunta). Motion passed.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **ORDR022_04_09_18** Local Retail Sales Tax on Marijuana
- **TRAN024_08_13_18** GEN Budget Contingency \$27,496.88 to Multiple \$27,496.88
- **TRAN025_08_13_18** ASR Travel Allowance \$3,300 to ASR Salary Assessor \$3,300
- **TRAN026_08_13_18** GEN Budget Contingency \$8,241.27 to Multiple \$8,241.27
- **COMM070_08_13_18** Trust Fund Repurposing – MH Simpson Trust

Education

In Committee:

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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
- **COMM048_06_11_18** Ltr re: Marijuana Retailers Ballot Question

License & Permits

In Committee:

- **COMM029_04_30_18** Outdoor Seating - West Row Café
- **ODNC023_05_29_18** LATE FILE Amendment to Waterways Fee
- **COMM065_07_16_18** LATE FILE Outdoor Seating - Superfine Food
- **COMM064_07_16_18** A-Frame - Sea Bags
- **COMM071_08_13_18** Designated Driver Service
- **COMM075_08_13_18** Outdoor Seating – Souffles
- **COMM076_08_13_18** A-Frames – Keller Williams Realty

Neighborhoods and City Services

In Committee:

- **ORDR048_06_13_16** Sidewalk Order
- **COMM111_10_10_17** Petition for Road Repairs and Repaving – Squires Glen

Planning & Development

In Committee:

- **ODNC017_10_30_17** Zoning Amendment – No Use Variances (**COTW**)
- **ODNC003_01_29_18** Zoning - Amendment to Table of Use Regulations
- **ODNC008_02_12_18** Disposition of G. W. Brown School
- **ORDR024_04_09_18** Special Act to Dissolve Newburyport Redevelopment Authority (**COTW**)
- **COMM036_04_30_18** Memo re: Proposed Marijuana Zoning Amendments
- **ODNC014_04_30_18** Amendment to Demolition Delay
- **ODNC016_04_30_18** Marijuana Zoning - Retail Sales (**COTW**)
- **COMM042_05_14_18** Ltr re: Marijuana Moratorium
- **ORDR033_05_14_18** Adoption of Housing Production Plan
- **ORDR036_05_14_18** Marijuana Retailers Ballot Question
- **ORDR037_05_14_18** Lease of Coast Guard Auxiliary Building on Plum Island Point
- **ODNC024_06_11_18** Zoning Amendment - Marijuana Retail Sales Locations (**COTW**)
- **ORDR049_7_16_18** Preservation Restriction Agreement - 50-58 Middle Street
- **ORDR053_08_13_18** Preservation Restriction Agreement – 5 Moseley Ave
- **ORDR054_08_13_18** Preservation Restriction Agreement – 241 High Street
- **ODNC025_08_13_18** Colby Farm Lane Residential Overlay District

Public Safety

In Committee:

- **COMM020_03_12_18** Newburyport Half Marathon - 10/21/2018
- **ODNC009_02_12_18** Floating Homes, Houseboats, and Related Marinas
- **ORDR031_04_30_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032_04_30_18** No Parking Merrimac St from Titcomb St Running Westerly

- **COMM047_05_29_18** Jeanne Geiger 27th Annual Walk Against Violence - 10/7/18
- **COMM047A_07_16_18** Jeanne Geiger Walk - change of date from 10/7/18 to 10/14/2018
- **COMM063_07_16_18** Ltr re: Ferry Road Traffic/Parking
- **ORDR047_7_16_18** No Parking Greenleaf Street at Auburn Street
- **COMM072_08_13_18** The Challenge 5K Freedom Run – 10/6/18
- **COMM073_08_13_18** Bartlet Mall Day – 10/6/18
- **COMM074_08_13_18** Walk for our Poor – 9/29/18
- **ORDR051_08_13_18** Restricted Parking – Fair Street Along Fair Street

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file)
- **ODNC022_05_29_18** Addition to Chapter 5, Article 6 - Small Cell Sites
- **APPT044_05_29_18** Roger E. Jones 37 Storeybrooke Dr Water/Sewer Comm 5/1/2023
- **ORDR052_08_13_18** Lawn Barber, Inc. – Licensed Contractor
Motion to remove from Public Utilities and approve by Councillor Zeid, seconded by Councillor OBrien. So voted.
- **ORDR055_08_13_18** Grant of Easement – Massachusetts Electric Company

Rules Committee

In Committee:

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17. GOOD OF THE ORDER

Councillor OBrien remembered Dot Salvatore and Dottie MacDonald.

18. ADJOURNMENT

Motion to adjourn by Councillor OBrien, seconded by Councillor Zeid. So voted. 9:11pm.