

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
SEPTEMBER 10, 2018

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. A moment of silence was held for Raymond Gallagher and Cornelius Currier. The City Council President then instructed the Assistant City Clerk to call the roll. The following Councillors answered present: Shand, Tontar, Vogel, Zeid, Devlin, Earls, Eigerman, Giunta, Khan, OBrien, Connell. 11 present.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS – COMM083_09_10_18 CPA Funding Recommendation for Colby Farm

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

5. PUBLIC COMMENT

1. Stephanie Niketic	93 High St	Prohibit Use Variances
2. Mark Moore	67 Curzon Mill Rd	ZBA Appointment
3. Amantha Moore	10 N Atkinson St	Party Like It's 1768
4. Lori Bunyan	93 Lime St	HR Director Appointment
5. Colleen Turner Secino	15 Otis Pl #1	Cannabis Shops
6. Peter Fitzsimmons	7 Arlington St	Cannabis Shops
7. Ryan Partlan	219 Northern Blvd	Cannabis
8. Lynn Schow	75 High Street	Marijuana

6. BIRTHDAY ACKNOWLEDGEMENT – BYRON J. MATTHEWS

Resolution given by Barry N. Connell, Council President and Donna D. Holaday, Mayor

7. 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.

8. APPROVAL OF MINUTES

August 27, 2018

(Approve)

9. TRANSFERS

- NONE

10. COMMUNICATIONS

- COMM082_09_10_18 FY2018 Year-End Financial Report (B&F)

11. APPOINTMENTS

- APPT050_09_10_18 Michael Falite 4 Caitlin Cir, Salisbury Police Department

END OF CONSENT AGENDA

REGULAR AGENDA

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

12. MAYOR'S UPDATE

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

13. COMMUNICATIONS

- **COMM083_09_10_18** CPA Funding Recommendation for Colby Farm
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Giunta. So voted.

14. APPOINTMENTS

Second Reading

- **APPT048_08_27_18** Lori Bunyan 96 Lime St Human Resources Director 1/1/2021
Motion to approve second reading appointment by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.

15. ORDERS

- **ORDR058_08_27_18** CPA Project #4, Slate Roof, Custom House (**TABLED**)
Motion to suspend the rules, to accept in packet, by Councillor Eigerman, seconded by Councillor Khan.
Motion to remove from the table by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to table, to discuss on 9/24, by Councillor Tontar, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 no (Zeid). Motion passed.

16. ORDINANCES

- NONE

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
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Khan. So voted.
- **TRAN025_08_13_18** ASR Travel Allowance \$3,300 to ASR Salary Assessor \$3,300
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Vogel. So voted.
- **TRAN026_08_13_18** GEN Budget Contingency \$8,241.27 to Multiple \$8,241.27
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.
- **COMM070_08_13_18** Trust Fund Repurposing – MH Simpson Trust
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.
- **ORDR060_08_27_18** Host Agreement for Marijuana Cultivation (**COTW**)

Education

Councillor Giunta announced the next meeting on Monday, September 17th, at the Senior Center.

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
- **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
- **COMM064_07_16_18** A-Frame - Sea Bags
- **COMM065_07_16_18** LATE FILE Outdoor Seating - Superfine Food
- **COMM071_08_13_18** Designated Driver Service
- **COMM075_08_13_18** Outdoor Seating – Souffles
- **COMM076_08_13_18** A-Frames – Keller Williams Realty
- **COMM081_08_27_18** A-Frame – Angry Donut

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**)
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **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**)
Motion to remove, for information, from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Remains in Planning Development
- **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**)
Motion to remove ODNC016_04_30_18, COMM036_04_30_18, and COMM042_05_14_18, collectively, from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to receive and file ODNC016_04_30_18, COMM036_04_30_18, and COMM042_05_14_18, collectively, by Councillor Eigerman, seconded by Councillor Earls. Roll call vote, 8 yes, 2 no (Vogel, Connell), 1 recused (Devlin). Motion passed.
- **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**)
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Khan. So voted (1 no, Vogel). Discussion followed. Per Council Rule 6, Councillor Earls took the Chair for Council President Connell. Motion to approve as amended in committee meeting of August

8, 2018 by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 6 yes, 4 no (Tontar, Vogel, Earls, Khan), 1 recused (Devlin). Motion failed.

- **ORDR049_7_16_18** Preservation Restriction Agreement - 50-58 Middle Street
Motion to remove from Planning & development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve with opinion of the City Solicitor by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ORDR053_08_13_18** Preservation Restriction Agreement – 5 Moseley Ave
Motion to remove from Planning & development by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ORDR054_08_13_18** Preservation Restriction Agreement – 241 High Street
- **ODNC025_08_13_18** Colby Farm Lane Residential Overlay District
- **APPT049_08_27_18** Mark Moore – 67 Curzon Mill Rd, ZBA 8/1/2019

Public Safety

In Committee:

- **COMM020_03_12_18** Newburyport Half Marathon - 10/21/2018
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Giunta. So voted.
Motion to approve by Councillor Devlin, seconded by Councillor Tontar (1 no, OBrien). So voted.
- **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
Motion to remove COMM047_05_29_18 and COMM047A_07_16_18, collectively, from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted. Motion to approve, collectively, by Councillor Devlin, seconded by Councillor Khan. So voted.
- **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
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.
Motion to receive and file by Councillor Devlin, seconded by Councillor Giunta. So voted.
- **ORDR047_7_16_18** No Parking Greenleaf Street at Auburn Street
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.
- **COMM072_08_13_18** The Challenge 5K Freedom Run – 10/6/18
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. Motion for friendly amendment, approved upon updated insurance certificate, by Councillor Zeid, seconded by Councillor Devlin. So voted.
- **COMM073_08_13_18** Bartlet Mall Day – 10/6/18
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.
Motion to approve by Councillor Devlin, seconded by Councillor Zeid. So voted. Councillor Eigerman recused.
- **COMM074_08_13_18** Walk for our Poor – 9/29/18
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.
- **ORDR051_08_13_18** Restricted Parking – Fair Street Along Fair Street
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.
- **COMM078_08_27_18** Party Like it's 1768 / Central Cong. Church - 9/15/2018
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Giunta. So voted.
Motion to approve by Councillor Devlin, seconded by Councillor Tontar. So voted.

- **ORDR059_08_27_18** Parking Hales Court, Waterfront Trust

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
Motion to remove from Public Utilities by Councillor Zeid, seconded by Councillor OBrien. So voted.
Motion to approve by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.
- **ORDR055_08_13_18** Grant of Easement – Massachusetts Electric Company
Motion to remove from Public Utilities by Councillor Zeid, seconded by Councillor OBrien. So voted.
Motion to approve as amended by City Solicitor, to limit the grant to no more than 2 poles and 1 transformer, by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 11 yes. Motion passed.

Rules Committee

In Committee:

- **ORDR057_08_27_18** Amendment to Council Rule 12A

17. GOOD OF THE ORDER

Councillor Zeid stated the Council had let down the resident regarding marijuana retail zoning, and thanked the Planning & Development Committee, the City Solicitor...for their work on this. Also Councillor Zeid thanked the Wastewater Facility and Public Utilities for their work this summer. Chief LeClaire announced there would be a 9/11 ceremony the following morning.

18. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Khan. So voted. 10:35pm.