

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**  
**SEPTEMBER 24, 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 Paul Turbide and William Plante. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Tontar, Vogel, Zeid, Devlin, Earls, Eigerman, Giunta, Khan, Shand, Connell. 10 present, 1 absent (OBrien).

**(Sound Check)**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

**3. CALL TO ORDER**

**4. LATE FILE ITEMS** – Fall Harvest Fest insurance certificate

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

**5. PUBLIC COMMENT**

1. Jen Groskin	11 Myrtle Ave	HRC appointment
2. Doug Muir	10 Hancock St	Custom House
3. Tim Felter	11 Moseley Pl	Custom House
4. Ralph Williams	95 N Reservation Terr	Custom House
5. Mary Fitzsimmons	7 Arlington St	Marijuana
6. Rita Mihalek	53 Warren St	Custom House
7. Susan Bernhard	20 Windward Dr	Custom House
8. Jeanette Isabella	1 Lime St	Custom House

**6. PRESENTATION ON BARTLET MALL**

Chuck Griffin and Joanna Fernandes spoke about improvements to the Bartlet Mall.

**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**

September 10, 2018

(Approve)

**9. COMMUNICATIONS**

- **COMM086\_09\_24\_18** Ltr from Residents of East Boylston Street (PS)
- **COMM087\_09\_24\_18** Ltr re: Coffin Street (PS)
- **COMM088\_09\_24\_18** Wave Guide Application (PU)

**10. APPOINTMENTS**

**FIRST READING**

**To be Referred to Planning & Development**

- **APPT051\_09\_24\_18** Don Walters 15 Smith St CPC, Planning Board 10/1/2021

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• <b>APPT052_09_24_18</b>	Jennifer Groskin	11 Myrtle Ave	Human Rights Comm	3/31/2019
• <b>APPT053_09_24_18</b>	Matt Ellsworth	38 Plummer Ave	Parks Comm, Atkinson	5/1/2020
• <b>APPT054_09_24_18</b>	Charles Griffin	3 Vernon St	Parks Comm, Bartlet Mall	5/1/2019
• <b>APPT055_09_24_18</b>	Ann Lagasse	1 Pipers Quarry	Parks Comm	5/1/2022
• <b>APPT056_09_24_18</b>	Karen Popken	49 Boardman St	Parks Comm	5/1/2021
• <b>APPT057_09_24_18</b>	Kim Turner	27 High St	Parks Comm	5/1/2023

## END OF CONSENT AGENDA REGULAR AGENDA

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

### 11. MAYOR'S UPDATE

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

### 12. COMMUNICATIONS

- **COMM084EP\_09\_24\_18** Emergency Preamble for Block Party - Central Place  
Motion to approve by Councillor Devlin, seconded by Councillor Tontar. So voted.
- **COMM084\_09\_24\_18** Block Party - Central Place  
Motion to approve by Councillor Devlin, seconded by Councillor Giunta. So voted.
- **COMM085EP\_09\_24\_18** Emergency Preamble for Fall Harvest Festival - 10/7/18 & 10/8/18  
Motion to approve by Councillor Devlin, seconded by Councillor Khan. So voted (1 no, Vogel).
- **COMM085\_09\_24\_18** Fall Harvest Festival - 10/7/18 & 10/8/18  
Motion to approve by Councillor Giunta, seconded by Councillor Khan. Motion to approve, pending updated insurance certificate without language referring to a written contract, by Councillor Zeid, seconded by Councillor Eigerman. So voted.

### 13. APPOINTMENTS

#### Second Reading

- **APPT050\_09\_10\_18** Michael Falite                      4 Caitlin Cir, Salisbury                      Police Department  
Motion to approve second reading appointment by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed. Marshal Mark Murray introduced the newly appointed officer, Michael Falite, who spoke to the Council briefly.

### 14. ORDERS

- **ORDR058\_08\_27\_18** CPA Project #4, Slate Roof, Custom House (**TABLED**)  
Motion to remove from table by Councillor Eigerman, seconded by Councillor Devlin. Roll call vote, 10 yes, 1 absent (OBrien). Council President Connell, with the consent of the Council, asked the Clerk to contact one or more special counsels regarding the instant matter. Motion to give the Council President authority to hire a special city solicitor and to forward the curriculum vitae of any considered candidates by Councillor Zeid, seconded by Councillor Vogel. So voted. Motion to table by Councillor Tontar, seconded by Councillor Vogel. 9 yes, 1 no (Zeid), 1 absent (OBrien). So voted.
- **ORDR061\_09\_24\_18** Gift Acceptance - Strem Chemicals, Inc. \$5,376.96  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR062\_09\_24\_18** Gift Acceptance - NHS Class of 2018 \$500  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted.

### 15. ORDINANCES

- **ODNC017\_10\_30\_17** Zoning Amendment – No Use Variances (**2<sup>nd</sup> Reading**)

Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.

***Presentation by Planning Director Andrew Port re: Zoning and Marijuana***

- **ODNC024\_06\_11\_18** Zoning Amendment - Marijuana Retail Sales Locations (**Motion to Reconsider**)  
Councillor Devlin recused. Motion to allow the sole error of the petitioners' not having changed the reference from "Ordinance 16" to "Ordinance 24" by the deadline of noon the next day after the vote to be reconsidered, and reconsider ODNC024\_06\_11\_18 by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 recused (Devlin), 1 absent (OBrien). Motion passed. Motion to approve as amended in committee by Councillor Eigerman, seconded by Councillor Zeid. Councillor Eigerman withdrew, Councillor Zeid did not. Motion stands. Motion to amend, that the City will issue no more than two retail licenses, by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 6 yes, 2 no (Vogel, Earls), 1 present (Eigerman), 1 recused (Devlin), 1 absent (OBrien). Motion passed. Motion to amend, as read by Planning Director Andrew Port: "The number of Marijuana Retailers permissible to be located in the City shall be limited to twenty percent (20%) of the number of licenses issued within the City for the retail sale of alcoholic beverages not to be drunk on the premises where sold pursuant to G.L. c.138 §15. In the event that 20% of said licenses is not a whole number, the limit shall be rounded up to the nearest whole number", by Councillor Zeid, seconded by Councillor Eigerman. Roll call vote, 6 yes, 2 no (Vogel, Earls), 1 present (Eigerman), 1 recused (Devlin), 1 absent (OBrien). Motion passed. Motion to approve as amended is withdrawn by Councillor Zeid and Councillor Eigerman. Motion to refer to Planning & Development and Committee of the Whole by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 8 yes, 1 no (Zeid), 1 recused (Devlin), 1 absent (OBrien). Motion passed.

- **ODNC016\_04\_30\_18** Marijuana Zoning - Retail Sales (**Motion to Reconsider**)  
Councillor Tontar withdrew his motion to reconsider.

## **16. COMMITTEE ITEMS**

### **Budget & Finance**

#### ***In Committee:***

- **ORDR007\_01\_29\_18** 41C Amendment
- **ORDR022\_04\_09\_18** Local Retail Sales Tax on Marijuana
- **ORDR060\_08\_27\_18** Host Agreement for Marijuana Cultivation (**COTW**)  
Motion to waive the rules, as the item was not included in the packet, and remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Khan. So voted.
- **COMM082\_09\_10\_18** FY2018 Year-End Financial Report  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. Withdrawn. Motion to receive and file by Councillor Tontar, seconded by Councillor Khan. So voted.

### **Education**

Councillor Giunta spoke about new rules at Newburyport High School.

#### ***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  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Vogel. So voted.  
Motion to approve by Councillor Earls, seconded by Councillor Tontar. Withdrawn. Motion to refer to License & Permit by Councillor Earls, seconded by Councillor Zeid. So voted.
- **COMM064\_07\_16\_18** A-Frame - Sea Bags  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Devlin. So voted. Motion to receive and file by Councillor Earls, seconded by Councillor Devlin. So voted.
- **COMM065\_07\_16\_18** LATE FILE Outdoor Seating - Superfine Food  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Vogel. So voted.  
Motion to approve as amended, less the table and four chairs in the center as shown in the diagram and updated insurance with no conditions on additional insured, by Councillor Earls, seconded by Councillor Vogel. So voted.
- **COMM071\_08\_13\_18** Designated Driver Service  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Zeid. So voted.  
Motion to receive and file by Councillor Earls, seconded by Councillor Zeid. So voted. Clerk to call the applicant.
- **COMM075\_08\_13\_18** Outdoor Seating – Souffles  
Councillor Vogel recused. Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Devlin. So voted. Motion to approve by Councillor Earls, seconded by Councillor Devlin. So voted.
- **COMM076\_08\_13\_18** A-Frames – Keller Williams Realty  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Devlin. So voted. Motion to approve, for a period of one year, by Councillor Earls, seconded by Councillor Devlin. So voted (1 no - Connell).
- **COMM081\_08\_27\_18** A-Frame – Angry Donut  
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Zeid. So voted.  
Motion to approve, at the corner of Washington Street and Winter Street and pending insurance, by Councillor Earls, seconded by Councillor Devlin. So voted.

## **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**

Planning & Development and Committee of the Whole meeting on October 1st 6:30pm in the City Hall Council Chamber to discuss ODNC024\_06\_11\_18 Zoning Amendment - Marijuana Retail Sales Locations.

### ***In Committee:***

- **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)
- **ODNC014\_04\_30\_18** Amendment to Demolition Delay
- **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
- **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  
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (OBrien). Motion passed.
- **COMM083\_09\_10\_18** CPA Funding Recommendation for Colby Farm

## **Public Safety**

### *In Committee:*

- **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
- **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

## **Rules Committee**

### *In Committee:*

- **ORDR057\_08\_27\_18** Amendment to Council Rule 12A

## **17. GOOD OF THE ORDER**

Council President Connell spoke about critical comments, iPads for city councillors, and thank you note from Waterfront Trust. Councillor Zeid recommended the iPad proposal be referred to the Rules Committee.

## **18. ADJOURNMENT**

Motion to adjourn by Councillor Vogel, seconded by Councillor Tontar. So voted. 11:00pm.