

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
OCTOBER 15, 2019

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: Giunta, Khan, McCauley, OBrien, Tontar, Vogel, Zeid, Eigerman, Connell. 9 present, 2 absent (Shand, Devlin).

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS – ORDR147EP_10_15_19, ORDR147_10_15_19

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

5. PUBLIC COMMENT

1. John Shortsleeve	1 Neptune St	General Business
2. Vinette Varvaro	8 Park St	2-Hour Parking
3. Lee Taylor	8 Park St	2-Hour Parking
4. Sharon DeAngelo	4 Park St	2-Hour Parking
5. Mike Gelardi	7 Park St	2-Hour Parking
6. Mark Griffin	30 Green St	Kennel Ordinance
7. Jane Snow	9 Coffin St	Emergency Preamble
8. Juliet Walker	13 Eagle Street	Complete Streets
9. Peter Murphy	6 Park St	2-Hour Parking
10. Bill Harris	56 Lime St	NRA Deed, BSOD

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

- September 30, 2019 (Approve)
- October 3, 2019 (Approve)
- October 7, 2019 (Approve)

8. TRANSFERS

- NONE

9. COMMUNICATIONS

- COMM193_10_15_19 Pole Hearing - 14 Marlboro Street (PU)
- COMM195_10_15_19 Newburyport Youth Hockey Tag Day Fundraiser - 11/16/2019 (PS)

10. APPOINTMENTS

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

Budget & Finance

- ORDR144_09_30_19 Tree Care and Plantings Gift Acceptance \$40,732

Public Safety

- ORDR139_09_09_19 Two-Hour Resident Parking Zones
- COMM191_09_30_19 Block Party - Neptune Street - 10/20/19
- ORDR145_09_30_19 Snow Emergency Parking – Greenleaf Street
- ORDR146_09_30_19 Restricted Parking – Merrimac Street at Ashland Street

**END OF CONSENT AGENDA
REGULAR AGENDA**

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

11. MAYOR’S UPDATE

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

12. COMMUNICATIONS

- COMM194_10_15_19 Ltr from Newburyport Livable Streets
Councillor Eigerman removed from Consent Agenda. Motion to refer to Neighborhood & City Services by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- COMM196_10_15_19 Ltr re: Road and Sidewalk Work on Merrimac and High Streets
Motion to refer to General Government and Committee of the Whole by Councillor Tontar, seconded by Councillor Vogel. Withdrawn. Motion to refer to Neighborhood & City Services and Committee of the Whole by Councillor Zeid, seconded by Councillor Tontar. So voted.

13. APPOINTMENTS

Second Reading

Re-Appointments

- | | | | | |
|--------------------|----------------------|--------------|---------------|------------|
| • APPT127_09_30_19 | Paul Healy | 8 N St | CPA Committee | 10/1/2022 |
| • APPT128_09_30_19 | Adrienne Silversmith | 4 Willow Ave | Cultural Comm | 10/30/2022 |

Motion to approve Second Reading Appointments by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed.

14. ORDERS

- ORDR147EP_10_15_19 LATE FILE Emergency Preamble Grant Acceptance of \$35K Interim Parks Improvements
Motion to approve by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 8 yes, 1 no (Zeid), 2 absent (Shand, Devlin). Motion passed.
- ORDR147_10_15_19 LATE FILE Grant Acceptance of \$35K Interim Parks Improvements
Motion to approve by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 8 yes, 1 no (Zeid), 2 absent (Shand, Devlin). Motion passed.

15. ORDINANCES

- ODNC032_05_13_19 Zoning – Amend Ag-Con District (**2nd Reading**)
Motion to approve second reading by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed.
- ODNC033_05_13_19 Zoning – Amend Former George W. Brown School Parcels (**2nd Reading**)
Motion to approve second reading by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 8 yes, 1 recused (Khan), 2 absent (Shand, Devlin). Motion passed.
- ODNC037_06_24_19 Ordinance regarding City Solicitor Appointment and Duties (**2nd Reading**)
Motion to approve second reading by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed.

16. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- COMM120_03_11_19 Central Congregational Grant Award Letter
- ORDR119_06_10_19 Bond Order - Streets and Sidewalks \$10M (COTW)
- ORDR132_07_15_19 CPC FY2020 Recommended Appropriations (COTW)
Project No. 9 held in committee.
- ORDR136_08_19_19 Fuller Track Phase II Loan Order
- COMM189_09_09_19 CPC Revised Recommendation for FY2020 Appropriations
- COMM192_09_30_19 10-Year Financial Projection (COTW)
- **ORDR144_09_30_19 Tree Care and Plantings Gift Acceptance \$40,732**
Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor OBrien. So voted.

Education

In Committee:

-

General Government

In Committee:

-

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019

Neighborhoods and City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- ODNC042_09_30_19 Parking at Public Parks and Playgrounds

Planning & Development

In Committee:

- ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- COMM164_06_24_19 LATE FILE Ltr to Ward 2 Councillor from Eric Goodness

- ODNC038_07_15_19 Zoning Amendment – Waterfront West Overlay District (COTW)
- **ODNC040 08 19 19 Zoning Ordinance re: Kennel/Animal Boarding Use**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Giunta. Motion to amend, change “five hundred” to “two hundred and fifty” in the Footnote to Table of Dimensional Requirements, by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed. Councillor OBrien added as co-sponsor. Motion to amend, change SP to NP under I-2 in the Table of Use Regulations, by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed.
- COMM185_09_09_19 Memo re: Waterfront West Sustainability
- **ORDR142 09 09 19 Acceptance of NRA Deed (COTW)**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Vogel. Motion to amend, strike “acting by and through its Conservation Commission” in paragraph 2 and change “re: deed to Newburyport Waterfront Trust” to “re: deed to City of Newburyport” on the Certificate of Secretary, by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed.
- **ODNC041 09 09 19 Zoning Map - Colby Farm Residential Overlay District**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Tontar. So voted. Motion to approve first reading by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed.
- **COMM190 09 30 19 Ltr from Judy Tymon re: Brown School Overlay District**
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Eigerman, seconded by Councillor Giunta. So voted.
- APPT129_09_30_19 Malcolm Carnwath 22 Strong St Historical Comm 9/30/2022

Public Safety

In Committee:

- ODNC009_03_12_18 Floating Homes, Houseboats, and Related Marinas
- COMM087_09_24_18 Ltr re: Coffin Street
- COMM116_02_25_19 Toward Zero Waste Newburyport Initiative (*full text available*) (COTW)
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- ODNC035_05_28_19 Amendment to Health and Sanitation (COTW)
- **ORDR139 09 09 19 Two-Hour Resident Parking Zones**
Motion to approve by Councillor Giunta, seconded by Councillor Zeid. Motion to amend, add “Park Street from High Street to Harris Street” in Zone 2, by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to approve as amended by Councillor Giunta, seconded by Councillor Zeid. Roll call vote, 8 yes, 1 present (Zeid), 2 absent (Shand, Devlin). Motion passed.
- **COMM191 09 30 19 Block Party - Neptune Street - 10/20/19**
Motion to waive the rules, as the committee did not meet on the matter, by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 9 yes, 2 absent (Shand, Devlin). Motion passed. Motion to approve by Councillor Zeid, seconded by Councillor Tontar. So voted.
- **ORDR145 09 30 19 Snow Emergency Parking – Greenleaf Street**
- **ORDR146 09 30 19 Restricted Parking – Merrimac Street at Ashland 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

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

17. EXECUTIVE SESSION to discuss litigation with respect to the 193 High Street Zoning Appeal

Motion to go in to Executive Session, for the purpose of discussing litigation with respect to the 193 High Street Zoning Appeal, by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 8 yes, 1 no (OBrien), 2 absent (Shand, Devlin). Motion passed. The Council President stated the Council would not return to Open Session. 9:35pm.

18. GOOD OF THE ORDER

19. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Vogel. So voted. 10:22pm.