

CITY COUNCIL MEETING

AGENDA

**October 30, 2023 7:00 pm
City Council Chambers, City Hall
60 Pleasant Street, Newburyport**

Executive Session

Zoom details for City Council Meeting:
<https://us02web.zoom.us/j/81299990548>
Or One tap mobile:
US: +19292056099,81299990548#
Or Telephone US: +1 929 205 6099
Webinar ID: 812 9999 0548

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE**
 - COMM00515_10_30_2023
 - APPL00165_10_30_2023
 - ODNC00164_10_30_2023
- 5. PUBLIC COMMENT**
- 6. MAYOR'S COMMENT**

Ltr from Jean Costello re ORDR00501 Resolution on Israeli-Hamas Conflict
 Non-Profit Pop-Up Park 12/2, 12/3, 12/16, 12/17 10am-4pm (L&P)
 Zoning-Amendment-Global-R3-Multi-Family (P&D/COTW)

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

- October 16, 2023 (Approve)

8. COMMUNICATIONS

- APPL00164_10_30_2023 Movable sign application Cookie Jar Kitchen at Winter St. & Washington St. (L&P)
- COMM00511_10_30_2023 Streets and Sidewalks Plan FY23-FY28 Update (PW&S)
- COMM00512_10_30_2023 Newburyport Horticultural Society fundraising table in Market Sq. (L&P)
12/9 and 12/10 10am-1pm
- COMM00513_10_30_2023 Head Librarian Memo Kevin Bourque (CS)
- COMM00514_10_30_2023 Retirement Board Expense Budget C/Y 2024 (B&F)

9. TRANSFERS

- TRAN00171_10_30_2023 DPS: Water Retained Earnings \$130,000 to
Water 1-Ton Dump truck Purchase \$130,000 (B&F)
- TRAN00172_10_30_2023 Mayor: General Fund Free Cash \$128,485.01 to
Opioid Stabilization Fund \$128,485.01 (B&F)
- TRAN00173_10_30_2023 Mayor: General Fund Free Cash \$21,395.19, Water Retained Earnings \$19,242.17,
Sewer Retained Earnings \$54,588.08, and Harbormaster Retained Earnings
\$1,042.90 to Multiple Accounts (see attached) \$96,268.34 (B&F)

- TRAN00174_10_30_2023 Mayor: Police Accreditation Allowance \$102,599, Budget Contingency \$75,103, and Police Technology Stipend \$24,500 to Police Officer Salaries \$177,906, Police Officer Overtime \$19,203, and Police officer Night Differential \$5,093 (B&F)

10. APPOINTMENTS

- APPT00437_10_30_2023 Mary Louise Gagnon 126 Merrimac St. COA 12/1/2026 (CS)

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

BUDGET & FINANCE

- ORDR00502_10_16_2023 Grant Acceptance Form Municipal Road Safety Grant
- ORDR00498_10_16_2023 Gift Acceptance Friends of NBPT Trees \$17,000
- ORDR00499_10_16_2023 Grant Acceptance LSTA \$20,000
- ORDR00500_10_16_2023 Approval to Pay Prior Year Bills
- ODNC00129_11_01_2022 Defining Conflict Rule for Dept. Heads (COTW)

COMMUNITY SERVICES

- APPT00436_10_16_2023 Sarah Landry 462 South Main St. Nashua, NH Dir. COA 11/1/2026
- ORDR00497_09_26_2023 Sponsorship of an Administrative Order to create Recreation & Yth Ser. Dept.

PLANNING & DEVELOPMENT

- ODNC047_01_27_2020 General Ordinance - Short Term Rental Units Rules (COTW)
- ODNC00141_02_27_2023 Zoning Amendment STRU (COTW)
- ODNC00160_08_28_2023 Zoning Amendment Business Park Indoor Outdoor Rec (COTW)

PUBLIC WORKS & SAFETY

- APPL00163_10_16_2023 Bar 25 Planters Request
- ODNC00161_10_16_2023 Pleasant Street 15 min parking space
- ODNC00162_10_16_2023 Amended Parking Restrictions on Toppans Lane
- ODNC00163_10_16_2023 Federal St. HP Space

END OF CONSENT AGENDA

REGULAR AGENDA

9. MAYOR'S UPDATE

10. FIRST READING APPOINTMENTS

11. COMMUNICATIONS

- COMM00508_10_16_2023 2nd 30 day Extension of Acting Head Librarian Appointment
Moved to a date certain, October 30th
- COMM00510_10_30_2023 Shanties request for an extension in pop-up park

12. TRANSFERS

13. SECOND READING APPOINTMENTS

14. ORDERS

- ORDR00501_10_16_2023 Resolution on Israeli - Hamas Conflict **Motion to Reconsider by Councillor Vogel*
Motion to waive the rules, declare an emergency, and approve by Councillor McCauley, seconded by Councillor Preston. Motion to amend to remove the 3rd Whereas statement by Councillor Khan, seconded by Councillor Preston. So voted. 7 yes, 1 no (JM), 1 present (SZ), 2 absent (CW, JD). Motion passes. Motion to amend to add “and Muslim” at the end of the And furthermore statement by Councillor Khan, seconded by Councillor Preston. So voted. 8 yes, 1 present (SZ), 2 absent (CW, JD). Motion passes. Motion to approve as amended Councillor McCauley, seconded by Councillor Preston. So voted. 8 yes, 1 present (SZ), 2 absent (CW, JD). Motion passes.
- ORDR00503_10_30_2023EP Authorizing Whittier Vo-Tech Letter
- ORDR00503_10_30_2023 Authorizing Whittier Vo-Tech Letter
- ORDR00504_10_30_2023 Local Acceptance of Community Impact Fee on Short Term Rentals

15. ORDINANCES

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- ORDR00502_10_16_2023 Grant Acceptance Form Municipal Road Safety Grant
- ORDR00498_10_16_2023 Gift Acceptance Friends of NBPT Trees \$17,000
- ORDR00499_10_16_2023 Grant Acceptance LSTA \$20,000
- ORDR00500_10_16_2023 Approval to Pay Prior Year Bills
- ODNC00129_11_01_2022 Defining Conflict Rule for Dept. Heads (COTW)
- ORDR00336_03_28_2022 ARPA Amesbury 250K (COTW)
- ORDR00472_06_26_2023 Streets Sidewalks Loan Order \$6,000,000 (COTW)
- TRAN00153_05_08_2023 Mayor: Multiple \$3,483,773 to Multiple \$3,483,773 revised 6/15/2023
(Atkinson Common Request only all other matters adjudicated)
- TRAN00170_10_16_2023 Mayor's Office: Paid Parking Fund \$12,5000 to HWY Portable Restrooms \$12,500

Community Services

In Committee:

- APPT00436_10_16_2023 Sarah Landry 462 South Main St. Nashua, NH Dir. COA 11/1/2026
- ORDR00497_09_26_2023 Sponsorship of an Admin. Order to create Recreation & Yth Ser. Dept.
- COMM00474_04_10_2023 Newburyport Public Art Policy
- COMM00495_08_14_2023 Ltr from Katherine Moore, Betty LaBaugh, and Brendan & Katy Banovic
re: Landscaping noise and air pollution
- ODNC00157_06_12_2023 Public Art Policy (COTW)
- ORDR00474_07_10_2023 Plan Approval Bartlett Mall Improvement Project (COTW)

General Government

In Committee:

- COMM00461_02_27_2023 Brown School Gymnasium Considerations (COTW)
- COMM00468_03_13_2023 Brown School Proposal (COTW)
- COMM00506_09_26_2023 Memo Brown School EOIs (COTW)
- ODNC00146_03_13_2023 Amend Ch 2-34 Responsibilities of Committee on Community Services
- ORDR239_02_8_2021 Council Rule 7 and 10B

Licenses & Permits

In Committee:

Planning & Development

In Committee:

- ODNC047 01 27 2020 **General Ordinance - Short Term Rental Units Rules (COTW)**
- ODNC00141 02 27 2023 **Zoning Amendment STRU (COTW)**
- ODNC00160 08 28 2023 **Zoning Amendment Business Park Indoor Outdoor Rec (COTW)**
- COMM00494_07_10_2023 Planning Board Advisory Report STRU (COTW)
- COMM00500_08_28_2023 STRU Planning Board Final Report (COTW)

Public Works & Safety

In Committee:

- APPL00163 10 16 2023 **Bar 25 Planters Request**
- ODNC00161 10 16 2023 **Pleasant Street 15 min parking space**
- ODNC00162 10 16 2023 **Amended Parking Restrictions on Toppans Lane**
- ODNC00163 10 16 2023 **Federal St. HP Space**
- COMM00412_05_31_2022 Ltr Ann Jaroncyk re: Traffic Safety
- COMM00459_01_30_2023 Ltr. Residents concerned with speeding on Arlington St.
- COMM00462_02_27_2023 Ltr. From Kathleen O'Connor Ives re: drinking water concerns
- COMM00479_04_24_2023 Ward 4 Street Sidewalk Traffic Safety Priorities
- COMM00482_04_24_2023 Constructions projects at the Central Waterfront
- COMM00505_09_11_2023 Ltr from Kristen Hunter re Merrimac St. traffic safety progress
- ODNC00103_01_10_2022 Streets, Sidewalks, and Other Public Places Alterations & Maintenance
- ODNC00152_05_08_2023 Amend Ch 13-181 Municipal Parking Facilities (COTW)
- ORDR00449_04_24_2023 Approving Shared Streets Grant, High Street Traffic Calming

17. GOOD OF THE ORDER

18. EXECUTIVE SESSION: Pursuant to MGL c. 30A s. 21(a)(3) there will be an executive session for the purpose of discussing strategy with respect to litigation as an open meeting may have a detrimental effect on the litigating position of the City.

19. ADJOURNMENT