

CITY OF NEWBURYPORT



IN CITY COUNCIL

Introduced September 13, 2021

ORDERED:

AN ORDINANCE DELETING REFERENCE TO THE DEFUNCT CIVIC COMMISSION

Be it ordained by the City Council of the City of Newburyport as follows:

Chapter 12 Streets, Sidewalks and Other Public Places
Article V Public Places
Division 4 Civic Commission

WHEREAS, pursuant to Chapter 486 of the Acts of 1980, entitled "An Act to Assist Cities and Towns in the Commonwealth to Finance the Construction, Reconstruction, Rehabilitation and Expansion of Facilities for Civic and Convention Centers and Exhibition Halls," the City of Newburyport (the "City") received funding from the Commonwealth of Massachusetts (the "Commonwealth") to be applied to the renovation of the City's former Central Fire Station, located at 1 Market Square, referred to after its renovation as the Firehouse Civic Center and commonly known today as the Firehouse Center for the Arts (the "Firehouse Center").

WHEREAS, further pursuant to Chapter 486 of the Acts of 1980, any city by vote of its city council with the approval of its mayor may appoint a commission, to be known as the civic and convention center commission or the exhibition hall commission, to act on behalf of the city in carrying out the purposes of such act.

WHEREAS, pursuant to Chapter 14 of the Acts of 1983, notwithstanding the provisions of sections three and three A of chapter forty of the General Laws or any other provision of law to the contrary, the City was authorized to enter into a lease agreement with a developer for the Firehouse Center, the length thereof to be determined by and between the City and such developer.

WHEREAS, pursuant to Chapter 14 of the Acts of 1983, notwithstanding the provisions of MGL Chapter 40, Sections 3 and 3A or any other provision of law to the contrary, the City was authorized to enter into a lease agreement with a developer for the Firehouse Center, the length thereof to be determined by and between the City and such developer.

WHEREAS, the City of Newburyport, as lessor, and the Society for the Development of the Arts and Humanities of Greater Newburyport, Inc., as lessee, entered into that certain lease agreement regarding the Firehouse Center dated September 12, 1990, as amended (the "SDAH Lease")

WHEREAS, in accordance with Chapter 486 of the Acts of 1980, the City Council adopted that certain ordinance dated February 14, 1994, which amended the Code of Ordinances, City of Newburyport, to create "Civic Commission" to carry out all of the City's obligations and to exercise all of the City's rights as determined under the SDHA Lease.

WHEREAS, the Civic Commission has not existed for at least a decade.

NOW, THEREFORE, the heading of Division 4 of Article V of Chapter 12, as well as Sections 12-140 through 12-144, all of the Code of Ordinances, City of Newburyport, Massachusetts, are hereby amended to read as follows, with deletions *italicized and single stricken through*, and additions *italicized and double-underlined*:

DIVISION 4. - ~~CIVIC COMMISSION~~OTHER PUBLIC PLACES

Sec. 12-140. - ~~Creation~~Firehouse Civic Center.

In accordance with Section 5 of Chapter 486 of the Acts of 1980, there is hereby created a civic commission by the City of Newburyport The Civic Commission created under that certain ordinance of February 14, 1994, to carry out all of the City's obligations and to exercise all of the City's rights as determined by the lease agreement for the so-called Firehouse Civic Center (also known as the Firehouse Center for the Arts), originally entered into by the City of Newburyport, as lessor, and the Society for the Development of the Arts and Humanities of Greater Newburyport, Inc., as lessee, as of September 12, 1990, is hereby abolished. Where authorized by a two-thirds, supermajority vote of the full City Council, the Mayor may enter into leases and amendments thereto of the Firehouse Civic Center on such terms and conditions as authorized by the City Council.

Sec. 12-141. - ~~Composition.~~

The commission shall consist of five (5) persons, who shall hold office for terms of one (1), two (2), three (3), four (4), and five (5) years respectively from the first Monday in March next following such appointment, or until their successors are qualified; and thereafter the mayor shall annually, before the first Monday in March, with approval from the city council, appoint one such commissioner for a term of five (5) years from said first Monday in March. A vacancy in such board shall be filled in like manner for the remainder of the unexpired term. Such commissioners shall serve without compensation.

Sec. 12-142. - ~~Members, prohibition.~~

No person may serve on the commission who is either a member of the board of directors of the Society for the Development of the Arts and Humanities of Greater Newburyport, Inc.

~~(hereinafter referred to as SDAH) as lessee or an employee or official of the City of Newburyport, nor the spouse or other immediate family member of any such director, employee, or official.~~

~~Sec. 12-143. Rules.~~

- ~~(a) The commission, at its discretion, shall draft and approve rules and regulations that govern the operation of the commission and the administration of the lease. Such rules shall include, but not be limited to, a method by which disputes between the SDAH and vendors may be resolved with the commission acting in the role of arbitrator.~~
- ~~(b) The commission shall further require a monthly report from the SDAH in relation to the operation of the Firehouse Civic Center.~~

~~Sec. 12-144. Responsibilities.~~

~~Said commission shall be responsible for the duties granted to it by said Chapter 486 of the Acts of 1980. Further, said commission shall be authorized by the City of Newburyport to carry out all of the city's obligations and to exercise all of the city's rights as determined by the lease agreement for the Firehouse Civic Center as entered into by the City of Newburyport as lessor and the SDAH as lessee. Said lease agreement was originally entered into on September 12, 1990. Any future amendments to such lease shall be governed by the terms of this section. A copy of the lease agreement and any amendments are on file in the office of the city clerk.~~

~~Said commission is authorized to enter into a lease with the Trustees of the Newburyport Waterfront Trust ("Trust") for the property shown as "Area to be Leased 4,662 Sq. Ft." on a sketch plan filed with the city clerk. Any future lease agreement shall be governed by the terms of this section. A copy of any lease and any amendments entered into by said commission and the Trust shall be filed with the city clerk.~~

Councilor Jared J. Eigerman, Ward 2