

## CITY OF NEWBURYPORT




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 IN CITY COUNCIL

March 14, 2016

**ORDERED:**

**A RESOLUTION RELATING TO A LOAN ORDER, ORIGINALLY DATED OCTOBER 13, 2015, IN THE AMOUNT OF \$630,300 TO PAY PLANNING AND DESIGN COSTS FOR AN INTERMODAL TRANSIT PARKING FACILITY**

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

WHEREAS, a municipally regulated system of public parking downtown, serving the needs of residents, businesses, and visitors is in the best interest of the inhabitants of Newburyport; and

WHEREAS, the proposed Titcomb Street Garage, an intermodal transit parking facility, would be an important, new component of such municipal parking system; and

WHEREAS, the Mayor has asked the City Council to approve a loan order, originally dated October 13, 2015, in the amount of \$630,300 to pay the City's share to complete planning and design costs for the Titcomb Street Garage ("Loan Order 2 of January 11, 2016"); and

WHEREAS, the City seeks to ensure that the design, and later possible construction, operation, and maintenance of the Titcomb Street Garage (the "Project") is successful; and

WHEREAS, it is the intent of the City Council through this resolution to memorialize its expectations regarding the expenditure of public monies appropriated pursuant to Loan Order 2 of January 11, 2016;

NOW, THEREFORE, BE IT RESOLVED, that:

1. Federal and State Funding. No later than *April 1, 2016*, the Mayor or her designee shall inform the City Council in writing of the amount, status, and any conditions upon federal and state funding for the Project. At all times prior to the issuance of a certificate of occupancy for the Titcomb Street Garage, within thirty (30) days of any material change in the amount, status, or conditions of such federal or state funding, the Mayor or her designee shall inform the City Council in writing of such material change.
2. Impact Advisory Group. No later than *April 15, 2016*, the Mayor shall appoint an impact advisory group ("IAG"), comprising no fewer than five (5) and no more than eleven (11) members, and including the City Councillors for Ward 2 and Ward 3, to advise the City in identifying the expected physical and social impacts of the Project, and

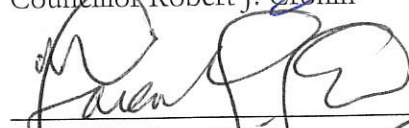
determining their appropriate mitigation for consideration by the City, with the goal that, in the aggregate, the positive benefits of the Project will outweigh its negative impacts.

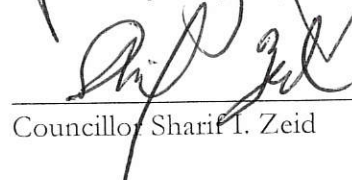
- a. A majority of the members of the IAG shall be residents of, owners of businesses in, or designees of community organizations operating in the geographic area reasonably determined by the Mayor to be impacted by the Project.
  - b. No later than April 1, 2016, individual members of the City Council may submit in writing to the Mayor suggested appointees to the IAG for her consideration.
  - c. The IAG shall convene at least monthly until commencement of the construction phase of the Project, and thereafter at the call of the chair of the IAG and until a certificate of occupancy is issued for the Titcomb Street Garage.
  - d. For the purpose of clarification, examples of appropriate mitigation of which the IAG may advise the City include, without limitation, temporary and/or permanent modifications to traffic and parking controls near the Project site, and measures to protect abutting properties from damage during construction.
3. Fair Market Value of Project Site. No later than *May 1, 2016*, the Mayor or her designee shall submit to the City Council a written appraisal, based upon the requirements and guidelines of the current Uniform Standards of Professional Appraisal Practice, the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute, of the fair market value of all real property to be acquired for the Project. To protect the interests of the inhabitants of Newburyport in the City's negotiations with the owners of such real property, such submittal may be kept confidential to the extent permitted by law.
  4. Parking Advisory Committee and Traffic Safety Advisory Committee. No later than *May 1, 2016*, and continuing at least monthly until a certificate of occupancy is issued for the Titcomb Street Garage, the Mayor or her designee shall appear before and inform both the City's Parking Advisory Committee (the "PAC") and its Traffic Safety Advisory Committee ("TSAC") regarding the status of the Project, including any material changes to the Project since any previous such appearance. Prior to the City Council's voting to appropriate funds for the construction phase of the Project, the PAC shall submit its written recommendations to the City Council for proposed parking rates downtown.
  5. Newburyport Redevelopment Authority. The City Council respectfully requests that, no later than *July 1, 2016*, the Newburyport Redevelopment Authority ("NRA") provide the City Council with written information, including one or more drawings, identifying the location of at least one hundred (100) parking spaces located at the NRA's so-called West and/or East Lots that the NRA would agree to eliminate upon issuance of a certificate of occupancy for the Titcomb Street Garage.
  6. Further Project Details. No later than *August 1, 2016*, the Mayor or her designee shall submit in writing to the City Council, and appear before the City Council at either a

regular or special meeting to present, the following further details about the design of the Project, which require further development as of the date of this resolution:

- a. Confirmation of the number of parking spaces proposed to be constructed within the Titcomb Street Garage;
  - b. Location and external appearance of any elevator/stair towers proposed to be constructed as part of the Titcomb Street Garage;
  - c. Location and external appearance of all proposed vehicular and pedestrian entries to and exits from the Titcomb Street Garage;
  - d. Location and size of any spaces proposed to be included in or adjacent to the Titcomb Street Garage for use by the Merrimack Valley Regional Transit Authority (“MVRTA”) in connection with its transit operations;
  - e. Location and size of any other use areas proposed to be included in the Titcomb Street Garage, such as retail spaces, if any;
  - f. Conceptual design of landscape improvements proposed as part of the Project, including to buffer or screen the facility from adjacent properties; and
  - g. Revised renderings and/or photomontages of the proposed Titcomb Street Garage, including views from along Merrimac Street and from adjacent properties, and reflecting the further design details listed in this Section 6.
7. Final Traffic Study. No later than *August 1, 2016*, the Mayor or her designee shall submit to both the City Council and TSAC a final traffic study for the Project, including information regarding the queuing of vehicles entering the proposed Titcomb Street Garage. Prior to the City Council’s voting to appropriate funds for the construction phase of the Project, TSAC shall submit in writing to the City Council TSAC’s recommendations regarding the Project based upon its review of the final traffic study.
  8. Revised Cost Estimates. No later than *August 1, 2016*, the Mayor or her designee shall submit in writing to the City Council, and appear before the City Council at either a regular or special meeting to present, revised cost estimates for the Project.
  9. MVRTA Agreement. No later than *August 1, 2016*, the Mayor or her designee shall submit in writing to the City Council, and appear before the City Council at either a regular or special meeting to present, the terms of all proposed agreements with the MVRTA regarding financing, ownership, leasing, management, operation, and/or maintenance of the Project. To protect the interests of the inhabitants of Newburyport in the City’s negotiations with the MVRTA, such submittal may be kept confidential, and such presentation may occur in closed session, to the extent permitted by law.

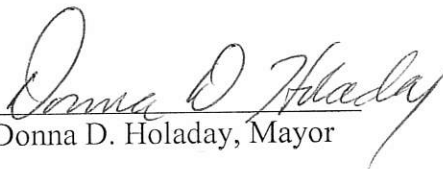
  
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Councillor Robert J. Cronin

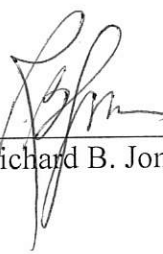
  
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Councillor Jared J. Eigerman

  
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Councillor Sharif I. Zeid

In City Council march 14, 2016:

**Motion to approve by Councillor Cronin, seconded by Councillor Zeid. Roll call vote, 11 Yes. So voted.**

Approve:   
Donna D. Holaday, Mayor

Attest:   
Richard B. Jones, City Clerk

Date: March 30, 2016