

City Council Minutes
Tuesday, July 08, 2014
City Hall Auditorium
7:00 p.m.

1. Call to Order at 7:00 pm.

2. Pledge of Allegiance – Led by Councilor Sickorez

3. Roll Call- Councilor Sickorez, Councilor Bartley, Councilor Ferguson, Councilor Kelcourse, Councilor Lavoie, Councilor McClure, Councilor Moavenzadeh, Councilor Sherwood, Councilor McMilleon

4. Act on minutes – June 10, 2014 and June 17, 2014

Councilor Ferguson moved to accept the minutes as submitted. Councilor McClure seconded and it was voted Unanimous.

5. Mayoral Appointments –

2014-093 Appointment of Anne Bonaventura to the Amesbury Economic Incentive Committee

Councilor Ferguson stated that she knows Ms. Bonaventura and feels that she would be a great asset for the Economic Development Agency.

Councilor Bartley stated that she agreed with Councilor Ferguson that she would be an asset.

Councilor Ferguson moved to accept the appointment of Anne Bonaventura to the Amesbury Economic Incentive Committee as submitted. Councilor Lavoie seconded and it was voted Unanimous.

2014-095 Appointment of Peter Nowell to the MVRTA Advisory Board

Councilor Lavoie stated that the Mayor has nominated him and is known to the Mayor and he has shown good judgment to date that he has no problem proceeding with the appointment.

Councilor Lavoie moved to approve as submitted. Councilor Sickorez seconded and it was voted Unanimous.

2014-100 Re-Appointment of Donna Collins to the Amesbury Zoning Board of Appeals

Councilor Ferguson moved to approve as submitted. Councilor McClure seconded and it was voted Unanimous.

Councilor McMilleon stated that in the past the nominees for appointment have come to meetings and he requested that in the future we have contact with these appointees and make sure they come to the meetings so we have a chance to meet them and learn a little bit about them.

6. Licenses & Permits –

2014-094 Pole Hearing – Public Hearing, National Grid – Water Street Pole #4

John Butler of National Grid was present and gave an overview of the plan. He stated that the petition is for a conduit to be installed from Pole 4 to 21 Water St., at the request of the owner to change the service from overhead to underground. It is part of some aesthetic work in addition to some road work and park work that is being done to the area.

Councilor Ferguson questioned if the abutters have been notified.

Clerk Kitchin stated that the notices are sent by the Clerk's Office and they have been sent.

Councilor McMilleon opened the public hearing and closed the public hearing.

Councilor Ferguson moved to approve as submitted. Councilor Bartley seconded and it was voted Unanimous.

FYI- List of Licenses issued - City Clerk

New

General Business License – Nest, 45 Main St. - Taylor Simpson- Retail

General Business License – Flat Earth Designs, 29 Middle Rd,- Nathaniel Bibaud- Sell Art

7. Correspondence

a. President/Vice President Communications

b. Communication from Elected Officials, Boards and Commissions

2014-096 Warrant for 2014 State Primary Election – September 9, 2014

Councilor Kelcourse read the warrant for the 2014 State Primary Election into the record.

Councilor Sherwood moved to accept as submitted. Councilor Bartley seconded and it was voted Unanimous.

8. Public Comment

Mr. James Thivierge, 8 School St. welcomed back Mr. Benevento. He stated that nobody should be appointed into any position unless they are present or the appointing authority speaks on their behalf. He commented on the Legal Ad in the Newburyport News on page 11 today regarding the results of the June 17, 2014 Public hearing which was no change from the May 29, 2014 public notice. He reviewed what the costs to the residents will be.

9. Council Response to Public Comment

10. Public Hearings:

2014-071 An Ordinance to Establish a Commercial Fashion Center Overlay District - Mayor Gray sponsor

Summary: This ordinance will establish a Commercial Fashion Overlay District in order to regulate the permitting, location and operations, in the new district as outlined in the below amendments. The following proposed amendments as described within each of the applicable numbered Amendment sections shall be treated as one coordinated and uniform amendment and shall amend the Amesbury Zoning Bylaw by insertion as described within each section and by the referenced attachments (*The sections in italics, divided by a line, with the Amendment titles, shall be considered as instructive amendment language and not construed as part of the insertion into the Amesbury Zoning Bylaw, unless otherwise instructed.*)

Councilor McMilleon read letters into the record; one from Mayor Gray and one from Melissa LaChance.

William Scott, Economic Development Director, reviewed the amendment packet and gave an overview of what they anticipate the Golden Triangle to be and that would be to target it toward fashion retail use. Councilor Sherwood asked with this in place if it will limit most other uses because of tables being set.

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Mr. Scott stated that the overlay district will provide us with the culmination of those factors. The intent of the market analysis is to determine what the highest and best use is; you have the traffic and you have a region that lacks this type of use. The overlay doesn't change the underlying district there is still flexibility. The ability for other people to develop the other sites within the context of this is still there within the underlying zoning.

Councilor Kelcourse asked if there has been any interest expressed in the area.

Mr. Scott stated that they have had some interest but there is a certain amount of confidentiality you want to retain as people are doing negotiations and things like that.

Councilor McMilleon opened the public hearing.

Rick Bartley, Chairman of the Economic Development Committee of the Chamber of Commerce stated that they endorsed this back in May and he feels this is a great project and thanked everyone who has been involved and hopes for a favorable decision from the Council.

James Thivierge stated that this parcel has been talked about for the last 20 years. He stated that he is not in favor of TIF. He wants to know what the base value is.

Councilor McMilleon closed the public hearing.

Councilor Lavoie read the Ordinance Committee recommendations.

Councilor Lavoie moved the Council adopt the final form of 2014-071 as presented to the Council in a memo addressed to President McMilleon dated June 30, 2014. Councilor Ferguson seconded. Roll Call Vote 9-Yes

2014-073 An Order to request the City Council vote to create a Disposition Committee as outlined in the document titled Amesbury Disposition Committee Bylaws, which is attached hereto and incorporated here-in by reference - Mayor Gray sponsor

Summary: The Disposition process involves the applicable Council members, a Planning Board Member, and abutters as maybe applicable. The advantage is that the City can methodically move through a transparent process with a level of security that the abutters input, and proposals by developers are ready to move forward because the property has been released for action. The outline in the bylaws shows a month to month approach.

Councilor Lavoie read the Ordinance Committee recommendation.

Mr. Scott stated that the Mayor would propose at least three properties each quarter and as they surplus those the Disposition Committee would have representation from the Council and from the applicable district and then residents from that district selected by the district Councilor for the intent of over a few months, going through a process to determine the appropriate use. On item H there was a concern about the intent of the committee and its longevity so they put something in there that is essentially a sunset so that each September the Council will vote to determine if the committee should continue based on the outcomes of some of the work. It is a good annual review.

Councilor McMilleon opened the public hearing and closed the public hearing.

Councilor Kelcourse moved that the City Council accept 2014-073 An Order to create a Disposition Committee as outlined in the document titled Amesbury Disposition Committee Bylaws as submitted with the Ordinance Committee recommendation to add sub section *H. Evaluation and Effectiveness*. Councilor McClure seconded. Roll Call Vote - 9 – Yes

2014-079 – An Order transfer between General Department Funds - Mayor Gray sponsor
Summary: Transfer \$168,000 between General Department funds to cover FY14 expenditures.

Councilor McClure read changes to the numbers that were submitted. Copy attached. She also read the recommendation of the Finance Committee.

Chuck Benevento, CFO, stated that under general law that a department other than Snow & Ice is not allowed to overspend their budget. So, at the end of the year you do some housecleaning and you move money around to cover things that went over from areas that had surpluses. If you don't do that, the Department of Revenue will reduce your Free Cash and then they will make you raise that deficit on the recap sheet. So they will get you twice for it. This was prepared by Mike before he left and it was done on estimates and the Veterans number wasn't quite perfect and after running the latest reports he saw it needed more money so he asked the Mayor if he could ask for an amendment. This is standard and you will most likely see this every year.

Councilor McMilleon opened the public hearing.

James Thivierge, 8 School St. asked if these were addressed at the budget hearings. He commented on the need for transparency and the need for total disclosure at the close of business. He mentioned a handout from June 25 that he supplied the Council.

Councilor McMilleon closed the public hearing.

Councilor McClure moved to approve 2014-079 with the appropriate changes as recommended by Mayor Gray's Office dated July 7, 2014. Councilor Sherwood seconded. Roll Call Vote - 9 - Y

2014-080 – An Order to authorize a transfer to Snow and Ice Removal to cover FY2014 - Mayor Gray sponsor
Summary: Transfer \$267,000 from Free Cash to Snow & Ice Removal to cover FY14 expenditures.

Councilor McClure read the Finance Committee recommendations.

Councilor McMilleon opened and closed the public hearing.

Councilor Sherwood moved to accept 2014-080 - An order to authorize a transfer to Snow & Ice Removal to cover FY2014 expenditures. Councilor Ferguson seconded. Roll Call Vote - 9 - Yes

2014-081 – An Ordinance to create the Amesbury Town Park - Mayor Gray sponsor
Summary: To designate an area of property on Friend Street as the Amesbury Town Park and to dedicate it as a Public Park in accordance with MGL Chapter 45 Section 3.

Councilor Lavoie read the Ordinance Committee recommendations

Councilor McMilleon opened and closed the public hearing

Councilor Sherwood mentioned that to clarify for the public this and the next bill are to officially designate the parks as such. In this case it is connected to receiving state funds that are for parks and so you need to have a designated park.

Councilor Lavoie stated that this will create a permanent record that the appropriate legislation has been passed by the city to make it so.

City Clerk Kitchin asked to be consistent with the Charter if it could be a City Park rather than a Town Park.

Councilor Ferguson stated that the Town Park has always been called the Town Park, not specifically that it is a city park. She does not think that it is referring specifically to the park that is located in the City of Amesbury so much as the Town Park. The will of the Council is what it is but she knows a lot of people who call it the Town Park.

Councilor Lavoie stated that it is a good question and the legislative record on it now will be that nobody felt compelled to amend the name of the park to be anything other than what we have called it for 100 years.

Councilor Sherwood made a motion to accept 2014-081 - An Ordinance to create the Amesbury Town Park. Councilor Sickorez seconded. Roll Call Vote - 9 - Yes

2014-082 – An Ordinance to create the Collins Avenue Park - Mayor Gray sponsor.

Summary: To designate an area of property on Collins Avenue as the Collins Avenue Park and to dedicate it as a Public park in accordance with MGL Chapter 45 Section 3.

Councilor Lavoie read the Ordinance Committee recommendations.

Councilor McMilleon opened and closed the public hearing.

Councilor Bartley moved to approve 2014-082 - An Ordinance to create the Collins Avenue Park. Councilor Sickorez seconded. Roll Call Vote - 9 - Yes

2014-083 – An Order to request the Municipal Council to vote to appropriate Two Hundred and Fifty Thousand Dollars (\$250,000.00) for improvements to Town Park and Collins Avenue Playground - Mayor Gray sponsor

Summary: The sum of \$250,000 provide for improvements to the Town Park and Collins Avenue Park to include an expanded play area, Spray Park, and appurtenant Improvements. The sum of \$200,000 of this authorization is scheduled for reimbursement from an Our Backyard Grant program from the Commonwealth of Massachusetts Executive Office of Environmental Affairs. The sum of \$25,000 shall be provided as match from the prior authorization number 2013-34A, the balance of the authorization, \$25,000 shall be provided through fundraising.

Councilor McClure read the Finance Committee recommendation.

Councilor Bartley stated that she wanted to be certain that the \$25,000 will be raised by fundraising and not go back to the taxpayer.

Councilor Ferguson stated that her conversation with Director Bill Scott stated that the money had already been accounted for and there would be no extra money to the taxpayer.

Councilor McMilleon opened and closed the public hearing.

Councilor Ferguson moved to accept 2014-083 - An Order to request the Municipal Council to vote to appropriate Two Hundred Fifty Thousand Dollars (\$250,000) for Improvements to Town Park and Collins Ave Playground. Councilor McClure seconded. Roll Call Vote - 9 - Yes

2014-086 – An Order to vote intent to discontinue a portion of Elm St and refer to the Planning Board - Mayor Gray sponsor

Summary: The City Council shall vote its intent to discontinue a portion of Elm St no longer needed as a public way and refer to proposed action to the Planning Board.

Councilor Lavoie read the Ordinance Committee recommendation

Councilor McMilleon stated that it was his understanding that this will be going before the Planning Board on July 14, 2014 for reconsideration. He stated that they will not hold the public hearing on this bill and the next bill 2014-087 this evening but will call a special meeting for July 22, 2014 at 7 p.m. where both public hearings will then take place.

Councilor Lavoie read the Ordinance Committee recommendation. He stated that this is a piece of land that the city has no use for what so ever. When the layout of the road was changed it should have reverted back to the abutter and this is just a housekeeping thing to take care of.

Councilor Lavoie moved to table this to the Special City Council meeting called by the President on July 22, 2014 and to have its public hearing scheduled at that time. Councilor McClure seconded and it was voted Unanimous.

2014-087 –An Order to Discontinue a Portion of Elm Street and Convey said Portion to the Property known as (Map 68, Lot 19) - Mayor Gray sponsor

Summary: The City Council shall discontinue a portion of Elm Street and convey said portion to the abutting property known as (Map 68, Lot 19)

Councilor Lavoie read the Ordinance Committee recommendation. He stated that the difference between the two bills is that under the statute the first thing the Council does is tell the world that we have the intent to discontinue and this would be the actual bill to discontinue it.

Councilor Lavoie moved to table this to the Special City Council meeting on July 22, 2014 at which time the public hearing will be held. Councilor Bartley seconded and it was voted Unanimous.

11. First Readings

2014-097 An Ordinance to amend the Amesbury Municipal Code, Chapter 285 Fire Prevention by adding Section 7, Truss Construction Identification of Residential, Commercial and Industrial Buildings - Mayor Gray sponsor

Summary: This Ordinance provides that residential, commercial and industrial buildings that utilize truss type construction shall be marked by an emblem that informs persons conducting fire control and other emergency operations of the existence of truss construction.

Councilor Ferguson moved to send this to the Ordinance Committee for a recommendation and a public hearing on September 1, 2014. Councilor Sherwood seconded and it was voted Unanimous.

2014-098 An Ordinance to request that the City Council vote to amend the Amesbury Zoning Bylaw - Mayor Gray sponsor

Summary: The proposed zoning amendments seek to provide a regulatory mechanism for altering the dimensional requirements affecting redevelopment of existing historic properties in the PUD zoning districts. Under the proposed changes, Planning Board shall have the authority to grant relief from the dimensional requirements for PUD zoning districts through a special permit review process and thereby combine all permitting under one regulatory agency.

Councilor Sherwood moved to send this to the ordinance Committee and the Planning Board for recommendations and to hold a public hearing at the September 16, 2014 City Council meeting. Councilor Ferguson seconded and it was voted Unanimous.

2014-099 An Ordinance to request that the City Council vote to accept for the Amesbury Historical Commission from Union Congregational Church located at 350 Main Street in Amesbury, a Preservation Restriction on the Buildings located on its property at this address and as approved by Massachusetts Historical Commission - Mayor Gray sponsor.

Summary: The preservation restriction agreement between the Union Congregational Church and the City will allow the existing historical buildings located at 350 Main Street to be permanently preserved and assist the Church to qualify for grant funding from foundations and government agencies. It will also permanently protect this iconic and historically significant property in the Point Shore neighborhood of Amesbury.

Councilor Kelcourse moved to send this to the Ordinance Committee and hold the public hearing at the Special City Council meeting on July 22, 2014. Councilor McClure seconded and it was voted Unanimous.

It was determined that the Ordinance Committee would also meet at 6:30 on July 22, 2014 instead of July 1, 2014.

12. Adjourn – Councilor Kelcourse moved to adjourn at 8:25 p.m. and Councilor McClure seconded and it was voted Unanimous.

Respectfully submitted,

Sharon Dunning
Assistant City Clerk

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