

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 8, 2018

PRESENT COUNCILLORS: O'NEILL, MCGINN, GOULD, SASLAW, MOUTSOULAS, ROSSIGNOLL, TURCO, MELVILLE, GRAVEL, AND CHAREST

ABSENT COUNCILLORS: MANNING-MARTIN

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Edward R. Charest.

Ms. Hayley Dowd led the City Council in the Salute to the American Flag.

P65-18 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of January 25, 2018. (Unanimous)

COUNCILLOR CHAREST – OPEN MEETING LAW STATEMENT: THIS MEETING IS BEING TELEVISED LIVE ON CABLE CHANNEL 9 AND BEING TAPED BY PEABODY ACCESS TV, AND ALSO BEING RECORDED BY OUR CITY COUNCIL STENOGRAPHER.

HEARINGS

A public hearing was duly held on the application from Family Entertainment Group, LLC, d/b/a Bonkers, 535 Lowell Street, Peabody, MA. Mr. William Michalski appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P66-18 COUNCILLOR SASLAW – MOVE TO approve the application from Family Entertainment Group, LLC, d/b/a Bonkers, 535 Lowell Street, Peabody, MA, to amend an Entertainment License by adding the use of live entertainment, specifically a DJ for kids' parties and characters/magicians for kids' events, at said 535 Lowell Street, Peabody, MA, subject to all papers being in order. (Carried 10-0; Councillor Manning-Martin absent)

P67-18 COUNCILLOR MCGINN – MOVE TO continue the public hearing on the application from Gjorga, Inc., d/b/a Trackside Bar and Grill, 30 Warren Street, Peabody, MA. (Unanimous)

P68-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Attorney Athan Vontzalides on behalf of Gjorga, Inc., d/b/a Trackside Bar and Grill, 30 Warren Street, regarding Request for easement and to refer to Legal Affairs Committee. (Unanimous)

P69-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 2 from Public Services Department regarding Departmental response; Gjorga, Inc., d/b/a Trackside Bar & Grill, 30 Warren Street. (Unanimous)

A public hearing was duly held on the Zoning Amendment – Section 6.11.2 A – “Applicability.” Attorney John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P70-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-B communication from Planning Board regarding Zoning Ordinance Amendment – Section 6.11.2 A – “Applicability.” (Unanimous)

P71-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-C communication from Planning Board regarding Zoning Ordinance Amendment – Section 4.2.5 “Uses.” (Unanimous)

P72-18 COUNCILLOR GRAVEL – MOVE TO recess the public hearing on the Zoning Amendment – Section 6.11.2 A – “Applicability,” and to refer to the Industrial & Community Development Committee. (Unanimous)

P73-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-I communication from Stacey Bernson, Asst. Dir., Community Development Department, regarding Zoning Amendment – Section 6.11.2 A of the Inclusionary Zoning Ordinance and to refer to the Industrial & Community Development Committee. (Unanimous)

P74-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 3 from Curt Bellavance, Director, Community Development Department, regarding Peabody Planning Board Zoning Recommendation Zoning Amendment – Section 6.11.2 A and to refer to the Industrial & Community Development Committee. (Unanimous)

P75-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 4 from Planning Board regarding Zoning Recommendation Zoning Amendment – Section 6.11.2 A and to refer to the Industrial & Community Development Committee. (Unanimous)

P76-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 5 from Public Services Department regarding Proposed Zoning Amendment – Section 6.11.2 A and to refer to the Industrial & Community Development Committee. (Unanimous)

P77-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 6 from Attorney John Keilty, 40 Lowell Street, Peabody, MA, regarding An Analysis of Financing Single-Family Subdivisions in R-1, R-1A, and R-1B Zoning District and to refer to the Industrial & Community Development Committee. (Unanimous)

A public hearing was duly held on the Zoning Amendment – Section 4.2.5 “Uses.” Attorney John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P78-18 COUNCILLOR TURCO – MOVE TO recess the public hearing on the Zoning Amendment – Section 4.2.5 “Uses,” and to refer to the Industrial & Community Development Committee. (Unanimous)

P79-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Curt Bellavance, Director, Community Development Department, regarding Peabody Planning Board Zoning Recommendation – Section 4.2.5 “Uses” and to refer to the Industrial & Community Development Committee. (Unanimous)

REPORTS OF COMMITTEE

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE **FEBRUARY 8, 2018**

P80-18 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – We had a very spirited and informative meeting of the Industrial & Community Development Committee meeting, which was the first one of 2018. In attendance was Councillor Melville, Councillor McGinn, Councillor Rossignoll, Councillor Turco, and myself, and every other councillor was present tonight. We were fortunate to have Parks and Rec Director Jen Davis and Curt Bellavance from Community Development here. Councillor Turco opened up the discussion and we talked about the current situation of bike rentals. The intent is to see if we can get kiosks throughout the city that handle bike rentals. There are a number of companies out there. Councillor Turco told us about the company Ofo in Revere and Zagster, MAPC that currently provide bicycles. There was banter back and forth. After much discussion there was a motion by Councillor Turco to leave this in committee and allow Ms. Davis and Mr. Bellavance to come back with some more information. The next issue that Councillor Saslaw brought was about temporary banners, signs and A-frames throughout the city. We were fortunate to have Commissioner Talarico speak about the current situation. The position of the Commissioner was that most of the frames, banners, and signs are not permitted and we all are in agreement that we would like to see them disappear, but we need to get our hands around it. Councillor Saslaw would like to see the enforcement officer tackle those, when he gets onboard -- and there's currently a posting for a new position -- so a motion was made by Councillor Saslaw to leave that discussion in committee. Third and final issue was a very spirited discussion with Mr. Peter Gamache from JRM. Peter's a Peabody resident and has been at JRM since the mid '80s. Most of us field calls all the time about the condition of our

recycle material blowing all throughout the city on a windy day with trash mixed amongst that and we really feel we need to get to another level with our recycling containers, in particular, the program in general. We asked Mr. Gamache to please come back in 30 days and gather some information on various size totes and the costs associated and a motion was made by Councillor Turco to keep that in committee. (Report received)

FINANCE COMMITTEE
FEBRUARY 8, 2018

P81-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – There was a meeting held this evening of the Finance Committee. Sitting as the chair was myself and for the committee Councillor Gould, Councillor McGinn, Councillor Walsh, and we voted in Councillor Rossignoll to take the place of Councillor Manning-Martin. There were two items on the agenda this evening. The first item was the issue of transferring some funds from our unreserved fund balance to be able to conduct the preliminary design for the rehabilitation of Central Street. The issue there is that we have received preliminary acceptance for a \$9.6 million grant to literally reconstruct the Central Street corridor streets/sidewalks for not only aesthetics, but for safety reasons as well. It would be a great project, but before they'll release any grant monies or allow us to go forward to receive those funds, we need to fund this engineering study to literally engineer and redesign what we want. That being said, the following motion was made by Councillor McGinn. (Report received)

P82-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 17, 2018:

<u>FROM:</u>		<u>TO:</u>	
Unreserved Fund Balance (Free Cash)	\$474,700.00	Central Street – Design	\$474,700.00
100-35901		300-0000-58241-00-0374	
(Carried 10-0; Councillor Manning-Martin absent)			

P83-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The next item that was discussed pertains to traffic management safety. The mayor informed us that we want to do a physical inventory of our existing signaling equipment, including doing some observations, as well as some evaluations, in terms of the functionality of that equipment. According to the mayor, it's probably a good time due for it. I know a lot of those devices are nondigital, they're mechanical, they've been there for a long time, and part of solving traffic problems is to try to use technology the best that we can. Hopefully this will help. To do that we need to move money from the budgeted reserve account and Councillor McGinn made the following motion. (Report received)

P84-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 17, 2018:

<u>FROM:</u>		<u>TO:</u>	
Budgeted Reserve	\$42,800.00	Traffic Signal Asset Management Study	\$42,800.00
100-1320-57410		300-0000-58106-00-3464	
(Carried 10-0; Councillor Manning-Martin absent)			

P85-18 COUNCILLOR GRAVEL – Reporting for the Finance Committee – There was also a second item on the agenda, which was a response to a motion made by Councillor Manning, to explore the offering of a small commercial tax exemption to small businesses. Unfortunately, Councillor Manning-Martin is unable to attend this evening so in deference to her, as a courtesy, the subcommittee moved to defer discussion of that until such time as the next Finance Committee meeting. (Report received)

MOTIONS, ORDERS AND RESOLUTIONS

P86-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 7 from Board of Assessors regarding Presentation; Small Commercial Exemption, and to refer to the Finance Committee. (Unanimous)

P87-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Susan E. Antonellis, Peabody Board of Assessors, regarding Motion P855-17 regarding Request to purchase city-owned land at the end of Rockway Road and to refer to the Legal Affairs Committee. (Unanimous)

P88-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Sarah Narcus, 43 Main Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P89-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-A Junk Dealers License (New) Peabody Thrift, 86B Main Street, and to set up a public hearing. (Unanimous)

P90-18 COUNCILLOR GOULD – MOVE TO request that Captain Richards appear before the City Council to discuss the recently enacted ordinance regarding the city-wide 25 miles per hour speed limit. (Unanimous)

P91-18 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-G communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit 4-1981; Rose Raymond Photography, 484 Lowell Street, Suites 2B-4 and 2B-3, subject to all papers being in order. (Unanimous)

P92-18 COUNCILLOR SASLAW – MOVE TO request that State Representative Walsh and Mass DOT look at the sound barrier at Route 128 North/Lowell Street that needs repairs. (Unanimous)

P93-18 COUNCILLOR SASLAW – MOVE TO request that the Planning Board and Zoning Board of Appeals move their meetings to the Wiggin Auditorium so that they can be viewed by the public on PATV. (Unanimous)

P94-18 COUNCILLOR GRAVEL – MOVE TO request that His Honor the Mayor consider setting up a system to record meetings in the lower level conference room at City Hall. (Unanimous)

P95-18 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-H communication from Sherri Cole, 58 Walnut Street, regarding Special Permit application. (Unanimous) (Hearing not required; allowed by zoning)

P96-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Information on Property Tax Exemptions for the City of Peabody and refer to the Finance Committee. (Unanimous)

(COUNCILLOR GRAVEL: ""The Peabody Education Foundation is currently taking nominations for this year's George Peabody Legacy Award, which will be held in May. Nomination papers are available on-line at peabodyedfoundation.org."")

P97-18 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department investigate installing a streetlight on the pole in front of 9 James Street. (Unanimous)

P98-18 COUNCILLOR CHAREST – MOVE TO request that State Representative Walsh look into how and why telemarketers are using local phone numbers and what we can do as a government here to stop that. (Unanimous)

(Councillor Charest requested that all City Councillors participate in the Rally for the Y bike ride February 10th through 20th.)

P99-18 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department repair the potholes on Perkins Street from Lowell Street up to Allens Lane. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P100-18 COUNCILLOR MCGINN – MOVE TO receive a communication from State Representative Joan Lovely; State Representative Thomas Walsh, regarding Governor Baker’s recent announcement to release FY18 earmarked funding. (Unanimous)

{Item 10-A 40 Tremont Street}

P101-18 COUNCILLOR ROSSIGNOLL- BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19-81 Parking Prohibited Handicap Zone of the Code of the City of Peabody as advertised and read. (Carried 10-0; Councillor Manning-Martin absent)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P102-18 COUNCILLOR GOULD – MOVE TO receive and approve the following Entertainment License (Renewal for 2018), subject to all papers being in order:

Gallo Nero Pizzeria & Bistro, 89 Main Street
Toscana’s Ristorante, 3 Bourbon Street
(Unanimous)

P103-18 COUNCILLOR GOULD – MOVE TO receive and approve Class 2 Motor Vehicle License (Renewal for 2018) Tri State Auto Sales, 248 Newbury Street, subject to all papers being in order. (Unanimous)

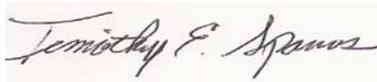
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:05 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 12, 2018

RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 12, 2018

ATTEST



(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Information on Property Tax Exemptions for the City of Peabody
Susan E. Antonellis, Peabody Board of Assessors, regarding Motion P855-17 regarding Request to purchase city-owned land at the end of Rockway Road
Planning Board regarding Zoning Ordinance Amendment – Section 6.11.2 A – “Applicability”
Planning Board regarding Zoning Ordinance Amendment – Section 4.2.5 “Uses”
Curt Bellavance, Director, Community Development Department, regarding Peabody Planning Board Zoning Recommendation – Section 4.2.5 “Uses”
State Representative Joan Lovely; State Representative Thomas Walsh, regarding Governor’s recent announcement to release FY18 earmarked funding
Sarah Narcus, 43 Main Street, regarding Special Permit application
Albert Talarico, Building Commissioner, regarding Transfer of Special Permit 4-1981; Rose Raymond Photography, 484 Lowell Street, Suites 2B-4 and 2B-3
Sherri Cole, 58 Walnut Street, regarding Special Permit application
Stacey Bernson, Asst. Dir., Community Development Department, regarding Zoning Amendment – Section 6.11.2 A of the Inclusionary Zoning Ordinance

JUNK DEALERS LICENSE: (New)

Peabody Thrift, 86B Main Street

ENTERTAINMENT LICENSE: (Renewal for 2018)

Gallo Nero Pizzeria & Bistro, 89 Main Street

Toscana’s Ristorante, 3 Bourbon Street

CLASS 2 MOTOR VEHICLE LICENSE: (Renewal for 2018)

Tri State Auto Sales, 248 Newbury Street