

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 14, 2019

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

ABSENT COUNCILLORS: None

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Jon G. Turco.

Salute to the American Flag.

P61-19 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of January 24, 2019. (Unanimous)

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

HEARINGS

P62-19 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, Item 8-E communication from Atty. John Keilty on behalf of Patricia Flomp regarding Walnut/Howley Street, re: Request to withdraw without prejudice. (Unanimous)

P63-19 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Various Appointments. (Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK REGARDING ITEM 7-F)

P64-19 COUNCILLOR GOULD – MOVE TO approve the following appointments, as submitted by His Honor the Mayor, under date of February 5, 2019:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Travis Wojcik 20 Margin Street, Apt. 20 Peabody, MA 01960	Conservation Commission	9/30/2021 (3-Year Term)
Michael Vivaldi 24 Osborne Street Peabody, MA 01960	Conservation Commission (Alternate Member)	9/30/2019 (2-Year Term)
Ross P. Richardson 45 Glen Drive Peabody, MA 01960 (Carried 11-0)	Cable Commission (Alternate Member)	12/31/2019 (One-Year Term)

A public hearing was duly held on the application submitted by Nutre, LLC, 3 Bourbon Street, Peabody, MA. Atty. John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P65-19 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Nutre, LLC, 3 Bourbon Street, Peabody, MA, for a Special Permit to utilize the property as a commercial kitchen to allow for food processing on site at 23 Upton Street, Peabody, MA, as filed in accordance with Sections 4.2.6, 6, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reason and subject to the following conditions:

Reason: The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically 6.1.2 which satisfies a desirable local need, that its design and appearance will not be injurious to the established or future character of the vicinity and the neighborhood, and that said approval is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Peabody.

CONDITIONS:

1. Any trash or dumpsters will be fenced-in;
2. Per the Health Department, a plan review with the Peabody Health Department is required prior to start of construction, which will include a pest management control plan. In addition, if food is to be prepared for wholesale, compliance with 105 CMR 500.00 is also required; and
3. Per the Public Services Department, all sewer discharge generated from the proposed commercial kitchen shall comply with the City of Peabody's Sewer Use Regulations dated January 23, 1969, and amended through January 28, 1998.

(Carried 11-0)

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

P66-19 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-Q communication from Andrew Levin, City Planner, Community Development, regarding Special Permit application – 535 Lowell Street – In the Game. (Unanimous)

P67-19 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from Family Entertainment Group, LLC, d/b/a "In the Game," 535 Lowell Street, Peabody, MA, to install an electronic message board affixed to the building at the entrance to the "In the Game" entertainment complex at said 535 Lowell Street, Peabody, MA, as filed in accordance with Sections 6.1, 11.4.8, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reason and subject to the following conditions:

Reason: The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically 6.1.2 which satisfies a desirable local need, that its design and appearance will not be injurious to the established or future character of the vicinity and the neighborhood, and that said approval is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Peabody.

CONDITIONS:

1. The sign will be turned off from midnight to 10:00 a.m. Sunday through Thursday and from 2:00 a.m. to 9:00 a.m. Friday and Saturday; and
2. No other business be allowed to advertise on the sign.

(Carried 11-0)

A public hearing was duly held on the application submitted by BigTopWorks, LLP, 595 Madison Avenue, New York, NY. Atty. David Ankeles, Mr. Mark Whiting, Ms. Angelina Quevedo, and Dr. Neil Kahanovitz appeared to speak on behalf of the application. Mayor Bettencourt, Deputy Chief Cohan, and Captain Scott Richards appeared to speak on behalf of the City. Sr. Kathy Bettencourt, Holy Childhood Preschool; Ms. Rhonda Zero, 7 Larrabee Terrace, Peabody, MA; Ms. Julie Cheimets, 12 Proctor Circle, Peabody, MA; Mr. Dan Walsh, 397A Lowell Street, Peabody, MA, appeared to speak in favor. Ms. Tammy Lamonde, 6 Felton Street, Peabody, MA; Mr. Steven Lamonde, 6 Felton Street, Peabody, MA; Mr. Bill Rizzo, 13 Longstreet Road, Peabody, MA; and Mr. Russell Donovan, 12 Quail Road, Peabody, MA, appeared to speak in opposition.

P68-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, late communication Item 1 from Mayor Joseph A. Curtatone, City of Somerville, regarding Big Apple Circus. (Unanimous)

P69-19 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, late communication Item 2 from John P. Powell, NSO Realty, LLC, One Orthopedics Drive, re: Big Apple Circus; Withdraw objections.
(Unanimous)

P70-19 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, late communication Item 3 from Atty. David Ankeles on behalf of BigTopWorks, 210 Andover Street, re: Updated Show Information. (Unanimous)

P71-19 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-J communication from John P. Powell, NSO Realty, LLC, One Orthopedics Drive, regarding Special Permit; BigTopWorks, 210 Andover Street. (Unanimous)

P72-19 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-P communication from Andrew Levin, City Planner, Community Development, regarding Special Permit application – 210 Andover Street – Big Top Circus. (Unanimous)

P73-19 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, late communication Item 4 from Megan J. Shea-Pereira, 47 Harrison Ave., regarding Big Apple Circus.
(Unanimous)

P74-19 COUNCILLOR CHAREST – BE IT ORDERED by the City Council of the City of Peabody that the application from BigTopWorks, LLP, 595 Madison Avenue, New York, New York, for a Special Permit/Special Event to use the northwest area of the Northshore Mall property, near Prospect Street and Essex Lane, next to the East Boston Savings Bank, for performance and production space of Big Apple Circus scheduled to operate between March 29 to May 12, 2019, with typical circus food and beverages, including only beer and wine, at said 210 Andover Street, Peabody, MA, as filed in accordance with Sections 6.1, 6.12, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reason and subject to the following conditions:

Reason: The City Council has determined that the application as submitted and approved meets the general requirements of Section 6.1 of the Peabody Zoning Ordinance, specifically 6.1.2 which satisfies a desirable local need, that its design and appearance will not be injurious to the established or future character of the vicinity and the neighborhood, and that said approval is in harmony with the general purpose and intent of the Zoning Ordinance of the City of Peabody.

CONDITIONS:

1. That Chief Thomas Griffin, Peabody Police Department, and/or his designee have final approval and say over all detail and public safety concerns;
2. Per Public Services Department, the applicant shall provide their own meter and backflow preventer and set up an account with the Peabody Water Department prior to the use of any on-site hydrant;
3. Per Health Department, food establishment permit will be required. Pest control, nuisance control, and first aid plans should be submitted and approved prior to the opening of the circus. Sufficient portable restrooms shall be provided to meet maximum expected audience, as well as staff needs to be provided. Also, emergency plans for extreme weather events;
4. Per the Peabody Fire Department, contact Peabody Fire Prevention for required permits and detail requirements; and
5. That all costs incurred by the City of Peabody will be covered by the applicant.

(Carried 11-0)

REPORTS OF COMMITTEE

Industrial & Community Development Committee January 31, 2019

P75-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – There are three different reports from the Industrial & Community Development Committee. The first one was from January 31; in attendance for the committee was myself as chair, Councillor McGinn, Councillor Rossignoll, Councillor Saslaw, Councillor Charest. Also in attendance were Councillor Moutsoulas, Councillor Melville, Councillor O'Neill, Councillor Manning-Martin, Councillor Gravel, and Councillor Turco. Also appearing to speak was Mayor Bettencourt. There was a number of discussions and the first was in regard to Parcels 136 and 137, as shown as Assessors Map 86, which refers to 26 Howley Street from a GBD to a BC. That was tabled and, as it turns out, it was continued to tonight and then continued again. Councillor McGinn made the following motion. (Report received)

P76-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE THAT a negative recommendation be sent to the full City Council concerning the proposed Zoning Amendment to rezone Parcels 136 and 137 as shown on Assessors Map 86 numbered as 26 Howley Street from General Business District (GBD) to Business Central (BC). (Carried 11-0)

P77-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – The Zoning Map amendment to change an R2 to an R4 in the vicinity of Lowell Street, King Street, Endicott Street, Warren Streets, and Franklin Street area was tabled until there's a neighborhood meeting pulled together by Councillor Charest. We're going to follow through on that after. We also had a very in-depth discussion about zoning language and map amendment for a residential overlay. Appearing to speak was Curt Bellavance, director of Community Development. The Committee reviewed the proposed residential overlay zoning amendment and accompanying maps. The Committee had some objections to some parcels identified for a potential residential overlay. The Committee did approve the concept of a residential overlay. Mr. Bellavance was asked to revise the proposed maps and the following motions were approved in committee. (Report received)

P78-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE THAT the City Council consider the concept of a Residential Overlay District. (Carried 10-0; Councillor Manning-Martin absent)

P79-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO keep the Residential Overlay District in Committee and schedule another meeting for February 2nd and to request that the Community Development Department provide to the City Council a revised map as follows: To strike Parcels 1 and 2 on the Route 1 South map and keep Parcels 3 and 4 on the Route 1 South map for further review; and to strike the parcels on the Northshore Mall property southeast of Orthopedics Drive and retain the rest of the Northshore Mall property and other properties shown on Prospect Street for further review. (Carried 10-0; Councillor Manning-Martin absent)

P80-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – There was also a proposed Zoning Amendment for art usage. Appearing to speak on the matter was Curt Bellavance, director of Community Development & Planning. The matter was held in committee for further review. Then there was proposed Zoning Amendment for studio, motion pictures, and television filming. Appearing to speak on the matter was Curt Bellavance, director of Community Development & Planning. The proposed zoning language was amended from "as a matter of right" to "by Special Permit," and the following motion was made. (Report received)

P81-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO recommend that the City Council amend Section 2 of the proposed Zoning Amendment for studio, motion picture, and television filming to change the words "by right," to "Special Permit," and to advance the language to the Planning Board in accordance with Chapter 40A of the Massachusetts General Law. (Carried 10-0; Councillor Manning-Martin absent)

P82-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – There was discussion about the proposed Zoning Map and language amendment Mill Overlay District. Appearing to speak was Curt Bellavance, director of Community Development & Planning. Also appearing was Mr. Ed Greeley, owner of 58 Pulaski Street. The Committee had a lengthy discussion regarding the concept of a Mill Overlay District in the location of property at 58 Pulaski Street. Mr. Greeley addressed the committee and presented his future plans for the property. The Committee did have reservations about the residential component containing the amendment and the following motion was made. (Report received)

P83-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE THAT the City Council consider the concept of a Mill Overlay District. (Carried 10-0; Councillor Manning-Martin absent)

P84-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE THAT the City Council amend various sections in the proposed Mill Overlay District zoning amendment to strike the residential component in Section 6.13 (a), (e), and (i); Section 6.13.4.1 (a) and (b); and Section 6.13.4.2 (a) and (b); to advance the map change and language amendment to the Planning Board in accordance with Chapter 40A of the Massachusetts General Laws. (Carried 10-0; Councillor Manning-Martin absent)

P85-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-R communication from Curt Bellavance, Dir., Community Development, regarding Proposed Zoning Amendment; Mill Overlay District. (Unanimous)

P86-19 COUNCILLOR MCGINN – MOVE TO correct the scrivener’s error in Section 6.15 Purpose (c) to delete “Promote more efficient use of land.” (Carried 10-0; Councillor Manning-Martin absent)

Industrial & Community Development Committee
February 7, 2019

P87-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – The Committee met again on February 7, 2019. Committee members in attendance were myself as chair, Councillor McGinn, Councillor Rossignoll, Councillor Saslaw, and Councillor Charest. Others in attendance were Councillor Melville, Councillor O’Neill, Councillor Manning-Martin, Councillor Gravel, and Councillor Turco. The Committee met to continue the discussion of the proposed Residential Overlay District Zoning Amendment and proposed Zoning Amendment for Charitable Retail Use. The Committee reviewed the Residential Overlay District language and maps for the Northshore Mall, Prospect Street area and Route 1. After a lengthy discussion the following recommendations were approved in committee. (Report received)

P88-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO remove Map 35, Parcel 38X (190 Newbury Street) from the Residential Overlay District. (Carried 10-0; Councillor Manning-Martin absent)

P89-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO include Map 35, Parcel 38A (190 Rear Newbury Street) and Map 47, Parcel 18, (176 Newbury Street) in the Residential Overlay District and refer to the Planning Board in accordance with Chapter 40A of the Massachusetts General Laws. (Carried 10-0; Councillor Manning-Martin absent)

P90-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE THAT the Community Development Department incorporate the various Residential Overlay District language changes as discussed for consideration at the next subcommittee meeting on February 14, 2019. (Carried 10-0; Councillor Manning-Martin absent)

P91-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO amend Section 4.2.5 "Uses" by adding the use “charitable retail facilities of less than 12,000 square feet in size where such charitable entity is a nonprofit organization with an IRS 501(c)(3) designation and is engaged in the sale of general merchandise, furniture, household goods, dry goods, clothing, hardware, paint, household appliances, and/or books ” and by adding the designation of “SP” in

the I-L Zone in the column for charitable retail facilities of less than 12,000 square feet in size where such charitable entity is a nonprofit organization with an IRS 501(c)(3) designation and is engaged in the sale of general merchandise, furniture, household goods, dry goods, clothing, hardware, paint, household appliances, and/or books and to refer to the Planning Board.

(Carried 10-0; Councillor Manning-Martin absent)

Industrial & Community Development Committee

February 14, 2019

P92-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – We met again tonight at 6:00 o'clock and in attendance was myself as Chairman, Councillor Saslaw, Councillor McGinn, Councillor Rossignoll, and Councillor Charest. Mr. Bellavance pointed out that the number of changes that the council had requested were done and the following motion was made. (Report received)

P93-19 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE the Residential Overlay District out of committee with a favorable recommendation based on the most recent draft to be amended by Mr. Bellavance to address two areas raised tonight per 6.1.3 with a favorable recommendation to the council.

(Carried 10-0; Councillor Manning-Martin absent)

Finance Committee

February 14, 2019

P94-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – There was a meeting of the Finance Committee this evening; in attendance were myself as chair, Councillor Gould, Councillor Manning-Martin, Councillor McGinn, and Councillor Rossignoll. All other Councillors were available for the meeting. There were three items on the agenda. The first item was an appropriation from the Ride Share Transportation Enhancement Trust fund in the amount of \$17,734.60. This was money that's received from the Commonwealth of Massachusetts. We weren't quite sure where the \$0.20 was coming from, but we appreciate the money. The money is being used to purchase four fixed and one portable radar board. The request was made by the Finance Director and was approved unanimously. (Report received)

P95-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of January 15, 2019:

FROM:

TO:

Ride Share Transportation	\$17,734.60	Traffic Control	\$17,734.60
Enhancement Trust		4 fixed and one portable	
250-0000-35835		radar board	

(Carried 10-0; Councillor Manning-Martin absent)

P96-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO accept MGL Chapter 32B, Section 20, and establish an "Other Postemployment Benefits Liability Trust Fund" (OPEB) Trust for the deposit of gifts, grants, appropriations and other funds for the benefit of retired employees, their dependents, and the payment of group health insurance benefits or reduction of Peabody's unfunded liability. In accordance with this section of MGL the recommendation is to designate the City Treasurer as trustee for the general supervision, management, and investment of the OPEB fund.

(Carried 10-0; Councillor Manning-Martin absent)

P97-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of January 2, 2019:

FROM:**TO:**

Employer Health Trust	\$250,000.00	OPEB – Trust	\$250,000.00
500-32113		500-32153	

(Carried 10-0; Councillor Manning-Martin absent)

P98-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – Lastly, there was a request to file Statements of Interest for the West and South Memorial School. The Mayor presented us with these requests to be considered on the Mass. School Building Assistance program for reimbursement. This is something that we tend to do every year. Basically this is to put us on a list and hopefully we're chosen as a priority. The following motions were made. (Report received)

P99-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – BE IT RESOLVED having convened in an open meeting on February 14, 2019, prior to the closing date, the City Council of the City of Peabody, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest (SOI) Form dated February 14, 2019, for the South Memorial Elementary School located at 16 Maple Street Extension, Peabody, Massachusetts. which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future.

The MSBA Priority selected is the Accelerated Repair Program for the “repair and/or replacement of roofs”.

The specific objective of this Statement of Interest is to partner with the MSBA for the replacement of the falling roof on the entire facility of the South Memorial Elementary School as articulated in the South Memorial Elementary School SOI.

And, the City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

(Carried 10-0; Councillor Manning-Martin absent)

P100-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – BE IT RESOLVED having convened in an open meeting on February 14, 2019, prior to the closing date, the City Council of the City of Peabody, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest (SOI) Form dated February 14, 2019, for the West Memorial Elementary School located at 15 Bow Street, Peabody, Massachusetts, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future.

The MSBA Priority selected is the Accelerated Repair Program for the “repair and/or replacement of roofs”.

The specific objective of this Statement of Interest is to partner with the MSBA for the replacement of the falling roof on the entire facility of the South Memorial Elementary School as articulated in the West Memorial Elementary School SOI.

And, the City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

(Carried 10-0; Councillor Manning-Martin absent)

MOTIONS, ORDERS AND RESOLUTIONS

P101-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-I communication from Boyd Cycles, 25A Walnut Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P102-19 COUNCILLOR MOUTSOULAS (Co-motion with Councillor McGinn) – MOVE TO receive, under suspension of the rules, Item 8-O communication from Timothy E. Spanos, City Clerk, regarding Non-renewal status of Class 2 MVL Peabody Auto Clinic, 3R Birney Street & Class 2 MVL The Pioneer Garage, 77 Walnut Street. (Unanimous)

P103-19 COUNCILLOR MOUTSOULAS (Co-motion with Councillor McGinn) – MOVE THAT in accordance with Section 16-29 (e), that Class 2 Motor Vehicle Licenses for The Pioneer Garage, 77 Walnut Street, and Peabody Auto Clinic, 3R Birney Street, revert back to the City of Peabody for failure to renew by January 1, 2019. (Unanimous)

P104-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 9-C Entertainment License (New) Essex County Brewing Company, 58 Pulaski Street, and set up a public hearing. (Unanimous)

P105-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 9-D Class 3 Motor Vehicle License (New) Boyd Cycles, 25 Walnut Street, and set up a public hearing. (Unanimous)

P106-19 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 9-E Junk Dealers License (New) Susan Jacobson d/b/a The Mod Haus, 58 Pulaski Street, and set up a public hearing. (Unanimous)

P107-19 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from Timothy E. Spanos, City Clerk, regarding the following Various appointments to Community Development Authority:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Gary J. Bua 14 Pocahontas Drive Peabody, MA 01960	Community Development Authority	12/31/2019 (One-Year Term)
Brian Vinagro 44 Murdock Drive Peabody, MA 01960	Community Development Authority	12/31/2019 (One-Year Term)

(Carried 10-0; Councillor Manning-Martin absent)

P108-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Paul McGinnity, 13R Main, LLC, 13R Main Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P109-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-M communication from Captain Scott Richards, Police Department, regarding Draft ordinance; Shaws Lane, Fountain Street, Holten Street. (Unanimous)

P110-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 5 from His Honor the Mayor regarding Shaws Lane, Fountain Street, Holten Street. (Unanimous)

P111-19 COUNCILLOR MCGINN – WHEREAS, an emergency condition exists affecting the health, safety and welfare of the citizens of the City of Peabody; Therefore Be it Ordained by the City Council of the City of Peabody that An Ordinance Amending Chapter 19 entitled Motor Vehicles and Traffic of the Code of the City of Peabody be adopted under an emergency preamble as follows:

SECTION ONE:**Article VI Entitled One-Way Streets be amended as follows:****Sec. 19-141. - One-way streets enumerated.**

By adding the following public way; vehicular traffic shall move only in the direction upon the streets or parts of streets indicated below:

Shaws Lane northerly from Fountain Street to Holten Street.
Fountain Street easterly from Pleasant Street to Pierpont Street

SECTION TWO:**Article IV entitled Parking be amended as follows:****Sec. 19-94. - Parking prohibited on certain streets**

Parking is hereby prohibited upon the following streets or highways or parts thereof except as may be otherwise permitted by this article:

By deleting in its entirety the following existing language:

Fountain Street, southerly side.
Holten Street, northeasterly side

And inserting in place thereof the following:

Fountain Street, southerly side from the westerly property line of 6 Fountain Street to the easterly property line of 4 Fountain Street.
Holten Street, northerly side from the westerly property line of 33 Holten Street to the easterly property line of 29 Holten Street.
Holten Street, southerly side
Shaws Lane, westerly side from Fountain Street to Holten Street.

(Emergency Preamble - Carried 9-0; Councillor Manning-Martin and Councillor Moutsoulas absent)

(Motion to adopt - Carried 9-0; Councillor Manning-Martin and Councillor Moutsoulas absent)

P112-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-S communication from Curt Bellavance, Dir., Community Development, regarding Proposed Zoning Amendment; Studio, motion picture and television filming and refer to the Industrial & Community Development Committee. (Unanimous)

P113-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-T communication from Curt Bellavance, Dir., Community Development, regarding Proposed Zoning Amendment; “Charitable Retail Facility” and refer to the Industrial & Community Development Committee. (Unanimous)

P114-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Michael Smerczynski, City Solicitor, regarding Notice of summary judgment hearing; Bell Atlantic Mobile, etc. (Verizon) vs. City of Peabody and refer to Executive Session. (Unanimous)

P115-19 COUNCILLOR MCGINN – MOVE TO rescind 10 Sanborn Street from Section 19-81 of the City Code entitled Handicap Zone. (Unanimous)

P116-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-B communication from Conservation Commission regarding Response to Motion P14-19. (Unanimous)

P117-19 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Statements of Interest – West and South Memorial Schools. (Unanimous)

P118-19 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-A communication from Albert Talarico, Bldg. Commissioner, regarding Transfer of Special Permit 4-1981; Anne Marie Snow, 484 Lowell Street, Suites 2A, 2B-1 and 2B-2, subject to all papers being in order. (Unanimous)

P119-19 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-K communication from Michael Dodge, Peabody Mobile Home Park, 252 Newbury Street, regarding Opposition to Zoning Amendment; Residential Overlay @ 248 Newbury Street and refer to the Industrial & Community Development Committee. (Unanimous)

P120-19 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-N communication from Atty. Jason Panos, 246 Andover Street, regarding Proposed Zoning Amendment; Residential Overlay; 246 & 248 Andover Street and refer to the Industrial & Community Development Committee. (Unanimous)

P121-19 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 9-B Innholder License (Transfer) Spire Hospitality, LLC, d/b/a Holiday Inn – Peabody, 1 Newbury Street, and set up a public hearing. (Unanimous)

P122-19 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-H communication from J Cakes, LLC, 7A Bourbon Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P123-19 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, Item 9-A Use of the Wiggin Auditorium – Peabody Education Foundation – May 2, 2019, subject to all papers being in order. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P124-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Bond Order – City & School Capital Request \$4,650,000 and to refer to the Finance Committee. (Unanimous)

P125-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Bond Order – Water Treatment Plant Improvements \$28,612,500; Bond Order – Water Transmission Main & Pump Station \$9,519,770 and to refer to the Finance Committee. (Unanimous)

P126-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Transfer of funds – Police Salaries/Police Overtime \$380,000 and to refer to the Finance Committee. (Unanimous)

P127-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from His Honor the Mayor regarding Fire Salaries/Fire Overtime \$405,000 and to refer to the Finance Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P128-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from Massachusetts Development Finance Agency regarding Notice of public hearing; February 13, 2019, and to request that the Community Development Department confirm that the Peabody properties listed are included on the subsidized housing inventory. (Unanimous)

P129-19 COUNCILLOR GRAVEL – MOVE TO receive a communication from Jennifer Davis, Dir., Park Dept., regarding Response to motion P878-18. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P130-19 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Entertainment License (2019 Renewal), subject to all papers being in order:

Outback Steakhouse, 300 Andover Street
Portuguese American War Veterans, 103 Tremont Street
Su Changs, 373 Lowell Street
(Unanimous)

P131-19 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Taxi/Limousine Driver's License, subject to all papers being in order:

Paul Doucette, Jr. – License 55
 Matthew Frederick – License 56
 Andrew Davies – License 57
 (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P132-19 COUNCILLOR TURCO – MOVE TO request that Robert Labossiere, Dir., Public Services Dept., attend the next Public Services Committee to address flooding issues on Granite Road and Mountain Terrace and also invite Mr. and Mrs. Delp, 13 Granite Road, to attend. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:55 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 21, 2019
 RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 21, 2019

ATTEST 
 (Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Bond Order – City & School Capital Request \$4,650,000
 His Honor the Mayor re: Bond Order – Water Treatment Plant Improvements \$28,612,500
 His Honor the Mayor re: Bond Order – Water Transmission Main & Pump Station \$9,519,770
 His Honor the Mayor re: Statements of Interest – West and South Memorial Schools
 His Honor the Mayor re: Transfer of funds – Police Salaries/Police Overtime; \$380,000
 His Honor the Mayor re: Transfer of funds – Fire Salaries/Fire Overtime; \$405,000
 His Honor the Mayor re: Various Appointments
 Albert Talarico, Bldg. Commissioner, re: Transfer of Special Permit 4-1981; Anne Marie Snow, 484 Lowell Street, Suites 2A, 2B-1 and 2B-2
 Conservation Commission re: Response to Motion P14-19
 Timothy E. Spanos, City Clerk, re: Various appointments to Community Development Authority
 Michael Smerczynski, City Solicitor, re: Notice of summary judgment hearing; Bell Atlantic Mobile, etc. (Verizon) vs. City of Peabody
 Atty. John Keilty on behalf of Patricia Flomp re: Walnut/Howley Street, re: Request to withdraw without prejudice
 Massachusetts Development Finance Agency re: Notice of public hearing; February 13, 2019
 Paul McGinnity, 13R Main LLC, 13R Main Street, re: Special Permit application
 J Cakes, LLC, 7A Bourbon Street, re: Special Permit application
 Boyd Cycles, 25A Walnut Street, re: Special Permit application
 John M. Powell, NSO Realty, LLC, One Orthopedics Drive, re: Special Permit; BigTopWorks, 210 Andover Street,
 Michael Dodge, Peabody Mobile Home Park, 252 Newbury Street, re: Opposition to Zoning Amendment; Residential Overlay @ 248 Newbury Street
 Jennifer Davis, Dir., Park Dept., re: Response to motion P878-18
 Captain Scott Richards, Police Department, re: Draft ordinance; Shaws Lane, Fountain Street, Holten Street
 Atty. Jason Panos, 246 Andover Street, re: Proposed Zoning Amendment; Residential Overlay; 246 & 248 Andover Street
 Timothy E. Spanos, City Clerk, re: Non-renewal status of Class 2 MVL Peabody Auto Clinic, 3R Birney Street & Class 3 MVL The Pioneer Garage, 77 Walnut Street
 Andrew Levin, City Planner, Community Development, re: Special Permit application – 210 Andover Street – Big Top Circus

Andrew Levin, City Planner, Community Development, re: Special Permit application – 535 Lowell Street – In the Game

Curt Bellavance, Dir., Community Development, re: Proposed Zoning Amendment; Mill Overlay District

Curt Bellavance, Dir., Community Development, re: Proposed Zoning Amendment; Studio, motion picture and television filming

Curt Bellavance, Dir., Community Development, re: Proposed Zoning Amendment; “Charitable Retail Facility”

USE OF THE WIGGIN AUDITORIUM:

Peabody Education Foundation – May 2, 2019

INNHOLDER LICENSE: (Transfer)

Spire Hospitality, LLC d/b/a Holiday Inn – Peabody, 1 Newbury Street

ENTERTAINMENT LICENSE: (New)

Essex County Brewing Company, 58 Pulaski Street

CLASS 3 MOTOR VEHICLE LICENSE: (New)

Boyd Cycles, 25 Walnut Street

JUNK DEALERS LICENSE: (New)

Susan Jacobson d/b/a The Mod Haus, 58 Pulaski Street

ENTERTAINMENT LICENSE: (2019 Renewal)

Outback Steakhouse, 300 Andover Street

Portuguese American War Veterans, 103 Tremont Street

Su Changs, 373 Lowell Street

TAXI/LIMOUSINE DRIVER’S LICENSE:

Paul Doucette, Jr. – License 55

Matthew Frederick – License 56

Andrew Davies – License 57