

**City of Beverly
Special City Council Meeting
Public Meeting Minutes
Monday, June 26, 2023, 6:30pm
City Council Chambers, 191 Cabot St.**

Julie Flowers, City Council President, called the meeting to order at 6:30pm. Assistant City Clerk, Christine Dixon, took attendance by roll call.

Members Present: Hannah Bowen, Steven Crowley, Kathleen Feldman, Brendan Sweeney, Estelle Rand, Todd Rotondo, Matthew St. Hilaire, Julie Flowers

Members Absent: Scott Houseman

Rotondo led the pledge of allegiance.

Public Hearings

Order #149-6:30 PM-A transfer request of \$240,000 from the City's certified free cash balance to fund three capital needs within the Library and Fire Departments

The public hearing was opened.

No members of the public wished to speak on the item.

The public hearing was closed, and a motion to approve the item on the floor was made and seconded. A vote was taken, and the motion carried (8-0).

Acceptance of Minutes of Previous Meeting

Finance & Property-June 15, 2023

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

Communications from His Honor the Mayor

Order #185-Grant-\$15,000 grant from the Massachusetts Electric Vehicle Incentive Program towards purchasing two electric vehicles for the Municipal Inspections Department

Referred to Committee on Finance and Property.

Communications from other City Officers and Boards

Order #180-President Flowers-A reappointment of Christy Edwards, 9 Edwards Street to serve as the At-Large representative on the Community Preservation Committee

Referred to Committee on Legal Affairs.

Order #182-Councilor Feldman-A proposed ordinance amendment to Section 215-18 "Deliveries"

Referred to Committee on Legal Affairs.

Order #183-Councilor Rand-A request for temporary "Residential Only Parking" for the following areas until October 2, 2023. Front Street from Bartlett Street to Water Street, Davis Street from Stone Street to Front Street and South Street from Stone Street to Front Street

Referred to Committee on Legal Affairs.

Order #184-Darlene Wynne, Planning Director-A Proposed Amendments to the Beverly Zoning Ordinance: Accessory Dwelling Unit Ordinance; Definitions Regarding Transient Lodging, Bed and Breakfasts; and Other Minor Clarifications

Referred to Committee on Legal Affairs.

Communications, Applications and Petitions

Order #181-Thomas Holland, A & B Burgers-A request for a temporary waiver of the restrictions of section 113-2 serving alcohol beverages on public property and section 253-24 for placement of tables on public sidewalks

Referred to Committee on Legal Affairs.

Unfinished Business from a Previous Meeting

Order #282-Councilor Bowen-A letter regarding Accessory Dwelling Units (#282-2022- returned from Legal Affairs Committee 6/20/23)

Flowers stated this item would remain on the agenda under unfinished business.

Motions and Orders

Order #177-A City Ordinance section 240-49 Amendments to include a handicapped Parking Space and Sign on Bow Street

A motion to approve the first reading was made and seconded. A vote was taken, and the motion carried (8-0).

A motion to break for committee work was made and seconded. A vote was taken, and the motion carried (8-0). The meeting recessed at 6:49pm.

The meeting was called back to order at 6:55pm.

Public Hearings (Continued)

Order #155-6:55 PM-A transfer request from the sewer Enterprise Retained Earnings in the amount of \$382,913

The public hearing was opened.

No members of the public wished to speak on the item.

The public hearing was closed, and a motion to approve the item on the floor was made and seconded. A vote was taken, and the motion carried (8-0).

Order #153-7:05 PM-An Inter-departmental transfer totaling \$170,012 consisting of \$157,512 to fund the increased assessment and \$12,500 to be placed into the Harbormaster budget. \$18,214 of the total will be transferred from the reserve for unforeseen and the remaining \$151,798 will be transferred from the Short-Term Principal line

The public hearing was opened.

No members of the public wished to speak on the item.

The public hearing was closed, and a motion to approve the item on the floor was made and seconded. A vote was taken, and the motion carried (8-0).

Presentations, Awards and Memorials

Equity Audit Report - HR&A, Lydia Gaby

Gaby gave some background information on HR&A and work they have done in other communities. Gaby shared some insights from the 2022 race equity audit findings report (available on the city website). Gaby stated the audit was to assess whether and how institutional racism and unconscious bias might influence the work of city government or services. The intention is to ensure that outcomes for all are improved. Moving forward, the hope is to perform better next year. The intention is to develop a set of interventions and programs that allow for reflecting on the results of the past audit and saying the city is substantially in a better place. The next phase will include identifying more next steps, laying the groundwork for continuing dialogue, and creating clear measurable outcomes.

Public Hearings (Continued)

Order #162-7:30 PM-A proposed amendment to Chapter 270 of the Ordinance relative to parking and regulations at various locations in the City

The public hearing was opened.

The motion to recess the public hearing to 8:10pm was made and seconded. A vote was taken, and the motion carried (8-0).

Presentations, Awards and Memorials (Continued)

Equity Audit Report - HR&A, Lydia Gaby (Continued)

Rand asked if the recommendation for additional training is on DEIB issues, to retain employees, or for pathways to employment.

Gaby stated it is training broadly and offering more support in all areas. Gaby stated HR&A's work is to meet the staff where they are and build capacity within city staff to take their own leadership, move their own initiatives forward and take on this work for the long-term.

Rand asked about tracking data.

Mayor Michael Cahill stated because of regulations, the schools gather, track, disaggregate, and report on data more than any other department. We are looking at how it will work for other departments.

Rand and Bowen expressed support for the involvement of the council in the process.

Gaby stated HR&A would like to engage the city council in ongoing dialogues.

Flowers asked Gaby to talk about ways HR&A is or is not working with the school department or ways the school department administration is engaged with city staff.

Gaby spoke about using targeted universalism as a framework, which is about universalizing the outcomes. For example, in the school context, the outcome we are hoping to achieve is that

everyone in sixth grade performs at a sixth grade level. The universal aspect means responding to the reality that not everyone is able to achieve that if given the same resources and that we need to provide targeted resources to those who might fall short of those outcomes if we don't respond to the unique barriers and challenges that they face. Targeted universalism is a philosophical approach to equity work that responds to different types of supports that are needed in different contexts to get people to those outcomes. We have been working with the school system to think about how to bring the culture of accountability to other departments. That isn't to imply that everyone will be held to the same protocols as the schools, but we have begun engaging with BPS about how they can act as a leader supporting city departments and leaders in bringing some of those practices to more areas.

Public Hearings (Continued)

Order #162-7:30 PM/8:10 PM-A proposed amendment to Chapter 270 of the Ordinance relative to parking and regulations at various locations in the City

A motion for a five minute recess was made and seconded. A vote was taken, and the motion carried (8-0). The meeting recessed at 8:18pm.

The meeting was called back to order and the public hearing was reopened at 8:23pm.

Assistant City Solicitor Jesse Dole gave an overview of the changes being proposed to address the impact of the new waterfront restaurant and parking pressure points in that area. This proposal also includes some ordinance clean up. Part of the terms of the Chapter 91 license were that, in order for the restaurant to operate, the parking lot would have to be open to the public and not limited to restaurant patrons. Unlike other municipal parking lots, it will not be regulated by a pay kiosk. This ordinance amendment includes changes in names to some lots for clarity.

Bowen asked what problem is trying to be solved with the overnight parking ban.

Dole stated overnight parking would not be allowed for a five hour period from 1am - 6am. This was something that originated with the engineering parking enforcement team.

Cahill stated some recreational boaters go out overnight and in those instances the goal is to have them make other arrangements rather than to park in a municipal lot down at the waterfront so that a parking spot isn't taken up for days.

Bowen stated that personally she doesn't find that a compelling reason. If it becomes an issue later in the summer, maybe we look at it then.

Rand noted that the Rowand's building came down today and asked when it is anticipated that parking will be available to the public.

Cahill stated the goal is to have it available by the end of this week. There is a need for work on a stormwater management plan, so it won't be graded and paved until that is complete but it can be used before then.

There was some discussion on the timing and if the 1am-6am prohibition would affect fishing.

Bowen asked if the restaurant is concerned with the three hour limit when they start having large events and asked how things are working with their employee parking and employee shuttles.

Cahill stated the restaurant was anticipating that there would be a limit on parking. Three hours is where it landed in talking with restaurant ownership. They felt that's workable. In booking events on the third floor, it will be part of the policies for those groups to not all drive on site. As

for the shuttle, it was one of the order of conditions of the planning board that they needed to have an off-site plan. They do have a plan but have struggled to find a vehicle. We have been pushing to have it sorted out by summer. They just reached out today and said they found a vehicle, so now they are in a position to ensure staff are parked off-site and shuttled back and forth.

Bowen stated that a constituent noticed a few of the amendments passed in the fall were not reflected in this version and wanted to make sure if more gets passed those will also be included. Dole stated the online code is not completely updated, and this was drafted with what is online right now. It will be updated all at the same time.

Flowers opened the floor to members of the public.

Dan Finn, Front St., stated parking has been very hard since the restaurant opened. Finn spoke about the harbormaster lot and stated the planning board counted that parking towards the restaurant even though its primary use was as the harbormaster parking lot. Finn expressed concerns about the lease with the restaurant. In making it a public lot, the restaurant would not have to pay real estate taxes on the land or have to maintain it, plow, and do the grounds care. That should be the restaurant owner's responsibility. It should not be made a public lot because it would allow any other developer to count those spaces under the current zoning.

Brian Butler, 7 Davis St., stated he had similar concerns to Mr. Finn's comments.

Virginia Hartnett, 7 Front St., asked about a traffic study and stated the restaurant is not shuttling employees. They are taking up parking on Front Street. Harnett asked who is enforcing the three hour time limit. Harnett stated the light at that intersection is terrible.

Suzie LaMont, 20 Porter St., suggested a clarification to the ordinance because the naming of the Cabot Street lot will be confusing since Cabot Street is five miles long. It is pretty broad. A bit more clarification would be good.

Cahill stated the three hour limit is what is being asked for now, so there is no enforcement yet because it would first need to be approved tonight to be on the books. Regarding the concerns about the control of the lot, the grounds lease includes the lot. If this is approved tonight, the solicitor's office is working on an agreement with the restaurant ownership that would make clear that it remains part of their lease and the city is only responsible for enforcing the time limit. The restaurant will be responsible for plowing and other care. Mission Boathouse does not yet have their permanent certificate of occupancy, only a temporary one, because there are a number of issues they need to address including the staff parking.

The public hearing was closed.

Comments by Citizens

Wayne Miller, 5 Pasture Road, read a speech originally given by Arnold Schwarzenegger at the Austrian World Summit on June 13, 2023.

A motion to break for additional committee work was made and seconded. A vote was taken, and the motion carried (8-0). The meeting recessed at 9:20pm.

The meeting was called back to order at 10:00pm.

Motions and Orders (Continued)

Order #162-A proposed amendment to Chapter 270 of the Ordinance relative to parking and regulations at various locations in the City

A motion to approve was made and seconded.

Bowen motioned to strike references to overnight parking prohibitions in the three lots as proposed by this ordinance change. The motion was seconded for discussion.

Bowen stated that she has not yet been convinced those are necessary and the council could revisit it in the fall if needed.

There was some discussion about encouraging turnover in parking, possible tweaks to the language, and snow emergencies.

Rand stated she would like to see at least the majority of this move forward tonight.

Flowers asked if these lots are limited to two or three hours anyways, wouldn't that then prohibit people from being out for multiple days.

Dole clarified the only lot where a time limit is being proposed is the restaurant lot. The other two lots would be changing the paid parking from 4pm-8pm to 8am-8pm.

Cahill stated in a snow emergency, everything else is sort of out the window. The lot would be available during snow emergencies, and once the snow emergency is over people would need to move their cars.

Rotondo stated it would be good if it was written in the ordinance that during a snow emergency other parking lot regulations are not enforced.

Bowen withdrew her previous motion and motioned to amend 270-66 B.(2)(h) by striking the overnight parking prohibition in the restaurant lot between the hours of 1:00am and 6:00am. The motion was seconded. A vote was taken, and the motion to amend carried (5-3, Crowley, Rotondo, Sweeney opposed).

A vote was taken on the main motion as amended, and the motion carried (8-0).

Reports of Committees

Finance and Property

Order #185-Grant-\$15,000 grant from the Massachusetts Electric Vehicle Incentive Program towards purchasing two electric vehicles for the Municipal Inspections Department

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

Legal Affairs

Order #180-President Flowers-A reappointment of Christy Edwards, 9 Edwards Street to serve as the At-Large representative on the Community Preservation Committee

A motion to approve was made and seconded. A vote was taken, and the motion carried (8-0).

Order #181-Thomas Holland, A & B Burgers-A request for a temporary waiver of the restrictions of section 113-2 serving alcohol beverages on public property and section 253-24 for placement of tables on public sidewalks

A motion to approve with the conditions that all inspections are completed and passed and that

the site plan by the tree pit chokepoint be changed from 49 inches to 60 inches was made and seconded. A vote was taken, and the motion carried (8-0).

Order #182-Councilor Feldman-A proposed ordinance amendment to Section 215-18 “Deliveries”

Flowers stated this will go to Motions and Orders for a first vote at the next meeting.

Order #183-Councilor Rand-A request for temporary “Residential Only Parking” for the following areas until October 2, 2023. Front Street from Bartlett Street to Water Street, Davis Street from Stone Street to Front Street and South Street from Stone Street to Front Street

Referred to Parking and Traffic Commission.

Order #184-Darlene Wynne, Planning Director-Proposed Amendments to the Beverly Zoning Ordinance: Accessory Dwelling Unit Ordinance; Definitions Regarding Transient Lodging, Bed and Breakfasts; and Other Minor Clarifications

A motion to have the City Clerk send Order #184 to the Planning Board on July 7 and to set a joint public hearing for September 5, at 8:00pm was made and seconded. A vote was taken, and the motion carried (8-0).

A motion to adjourn was made and seconded. A vote was taken, and the motion carried (8-0).
The meeting adjourned at 10:41pm.

Scott D. Houseman-Chair
Julie R. Flowers
Matthew J. St. Hilaire

FINANCE AND PROPERTY / CITY COUNCIL COMMITTEE OF THE WHOLE MINUTES

Monday, June 26, 2023, 6:30PM
Within the Confines of the City Council Meeting
City Council Chambers, 3rd Floor, Beverly City Hall, 191 Cabot St.

St. Hilaire called the meeting to order at 6:51pm.
Members present: Julie Flowers, Matthew St. Hilaire
Members absent: Scott Houseman

Order Number	Date to Committee	Description	Action Taken
#326	4/18/2023	Councilor Bowen-Regarding Beverly Regional Airport	Held
#104	4/18/2023	2023 Capital Expenditure Plan pursuant to the City Charter	Held
#165	6/5/2023	Councilor Houseman-Update and petitions regarding the Central Cemetery	Held
#185	6/26/2023	Grant-\$15,000 grant from the Massachusetts Electric Vehicle Incentive Program towards purchasing two electric vehicles for the Municipal Inspections Department	Approved (2-0)

The motion to adjourn Committee on Finance and Property was made and seconded. A vote was taken, and the motion passed (2-0). The meeting adjourned at 6:52pm.

Estelle M. Rand-Chair
Todd C. Rotondo
Brendan S. Sweeney

LEGAL AFFAIRS / CITY COUNCIL COMMITTEE OF THE WHOLE MEETING MINUTES

Monday, June 26, 2023, 6:30PM
 Within the Confines of the City Council Meeting
 City Council Chambers, 3rd Floor, Beverly City Hall, 191 Cabot St.

Rand called the meeting to order at 6:50pm.
 Members present: Todd Rotondo, Brendan Sweeney, Estelle Rand

Order Number	Date to Committee	Description	Action Taken
#180	6/26/2023	President Flowers-A reappointment of Christy Edwards, 9 Edwards Street to serve as the At-Large representative on the Community Preservation Committee	Approved (3-0)
#181	6/26/2023	Thomas Holland, A & B Burgers-A request for a temporary waiver of the restrictions of section 113-2 serving alcohol beverages on public property and section 253-24 for placement of tables on public sidewalks	Approved (3-0) with the conditions that all inspections are completed and passed and that the site plan by the tree pit chokepoint be changed from 49 to 60 inches
#182	6/26/2023	Councilor Feldman-A proposed ordinance amendment to Section 215-18 "Deliveries"	Approved (3-0)
#183	6/26/2023	Councilor Rand-A request for temporary "Residential Only Parking" for the following areas until October 2, 2023. Front Street from Bartlett Street to Water Street, Davis Street from Stone Street to Front Street and South Street from Stone Street to Front Street	Referred to Parking and Traffic Commission (3-0)
#184	6/26/2023	Darlene Wynne, Planning Director-A Proposed Amendments to the Beverly Zoning Ordinance: Accessory Dwelling Unit Ordinance; Definitions Regarding Transient Lodging, Bed and Breakfasts; and Other Minor Clarifications	Request to have city clerk send to planning board on July 7 and to set the public hearing for September 5 at 8:00pm

The motion to adjourn for the City Council public hearing was made and seconded. A vote was taken, and the motion passed unanimously. The meeting adjourned at 7:55pm.
 The meeting was called back to order at 9:23pm.
 The motion to adjourn was made and seconded. A vote was taken, and the motion passed unanimously. The meeting adjourned at 9:59pm.