

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 23, 2014

PRESENT: COUNCILLORS: MCGINN, MANNING-MARTIN, GOULD, WALSH, OSBORNE, SINEWITZ, SASLAW, GARABEDIAN, MOUTSOULAS, AND DRISCOLL

ABSENT: COUNCILLOR GRAVEL

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Robert E. Driscoll.

Salute to the American Flag.

P34-14 COUNCILLOR GOULD - MOVE TO receive and approve the minutes from the special meeting of December 12, 2013; the Inauguration meeting of January 6, 2014; and the last regular meeting of January 9, 2014. (Unanimous)

COUNCILLOR DRISCOLL - 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.

P35-14 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding various appointments under date of January 16, 2014.. (Unanimous)

P36-14 COUNCILLOR SINEWITZ – MOVE TO approve the following appointments as submitted by His Honor the Mayor under date of January 16, 2014:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Donald Cote 32 Lake Street Peabody, MA 01960	Cable Commission	12/31/2016 (3-Year Term)
Kevin Donovan 151R Lake Street Peabody, MA 01960	Cable Commission (Alternate Member)	12/31/2014 (1-Year Term)
Linda Salalayko 19 Rainbow Circle Peabody, MA 01960	Cable Commission (Alternate Member)	12/31/2014 (1-Year Term)
Vincent Raponi 36 Linden Road Peabody, MA 01960 (Carried 10-0; Councillor Gravel absent)	Historical Commission (Alternate Member)	12/31/2014 (1-Year Term)

P37-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Request for vote from City Council: Authorize the Mayor to enter into lease agreements on two city-owned sites for outdoor advertising: Parcel #1 @ 3 Newbury Street (088/009) and Parcel #2 @ 0 Route One 95/128 (089-006). (Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK BEFORE THE CITY COUNCIL REGARDING ITEM 7-E)

P38-14 COUNCILLOR OSBORNE – BE IT ORDERED by the City Council of the City of Peabody to authorize His Honor the Mayor to enter into lease agreements on two city-owned sites for outdoor advertising: Parcel #1 @ 3 Newbury Street (088/009) and Parcel #2 @ 0 Route One 95/128 (089-006), and to further authorize the Mayor to enter into any other documents/agreement necessary to implement the same.
(Carried 9-1; Councillor Manning-Martin opposed; Councillor Gravel absent)

(COUNCILLOR GOULD WELCOMED EAGLE SCOUT CANDIDATE JAMES DEAN OF SUNSET DRIVE TO THE CITY COUNCIL MEETING.)

HEARINGS

(THE CITY COUNCIL TOOK A BRIEF RECESS.)

P39-14 COUNCILLOR OSBORNE – MOVE TO continue the public hearing with respect to the Special Permit application from Lamar Outdoor Advertising for property at 271 Newbury Street requesting construction of a billboard to Thursday evening, February 13, 2014, and to request that the City Solicitor render a legal opinion and clarify if the proposed application and plan as filed, is in accordance with the BR-1 Zoning District and is properly before the City Council. (Carried 9-1; Councillor Manning-Martin opposed; Councillor Gravel absent)

A public hearing was duly held on the application from Pinto Recycling, 147 Summit Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P40-14 COUNCILLOR OSBORNE – MOVE TO approve the application from Pinto Recycling, 147 Summit Street, Peabody, MA, for a Class 3 Motor Vehicle License at said 147 Summit Street, Building 3C, Peabody, MA, subject to all papers being in order. (Carried 10-0; Councillor Gravel absent)

P41-14 COUNCILLOR OSBORNE - MOVE TO continue the public hearing on the Zoning Map Amendment – properties on Little's Lane from R-2 to B-C to the regular meeting of Thursday, February 13, 2014. (Unanimous)

REPORTS OF COMMITTEE

MUNICIPAL SAFETY COMMITTEE **JANUARY 23, 2014**

P42-14 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - Municipal Safety met tonight and we discussed a couple of issues; one was 79 Lynnfield Street that was brought up by Councillor Athas in November. We spoke about it tonight in a little bit of detail and the situation is about snow removal around 79 Lynnfield Street and Councillor Walsh made the following motion. (Report received)

P43-14 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - MOVE TO amend Section 27-71 of the Code of the City of Peabody to add the sidewalk area for removal of snow on Summit Street and Lynnfield Street where it borders 79 Lynnfield Street and to advertise the ordinance on the same. (Unanimous)

P44-14 COUNCILLOR GARABEDIAN – Reporting for the Municipal Safety Committee - Also discussed was an issue Councillor Walsh brought up of a traffic study for the city but more for the intersections that may need some addressing. There's multiple intersections that we know in the city that need to be addressed so Community Development will get a list of those intersections and at the next Municipal Safety meeting we will find out in order which ones we will deal with. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

P45-14 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from Peabody Chamber of Commerce regarding Banner request, subject to all papers being in order. (Unanimous)

P46-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Timothy E. Spanos, City Clerk, regarding Council membership on the Community Preservation Committee. (Unanimous)

P47-14 COUNCILLOR GOULD – MOVE TO nominate Councillor McGinn to be an alternate member on the Community Preservation Committee. (Unanimous)

P48-14 COUNCILLOR SINEWITZ – MOVE TO nominate Councillor Saslaw to be a member of the Community Preservation Committee. (Unanimous)

P49-14 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Minas J. Dakos, Chairman, Licensing Board, regarding Stonewood Tavern, 139 Lynnfield Street, and to refer to the Legal Affairs Committee. (Unanimous)

P50-14 COUNCILLOR MANNING-MARTIN - MOVE TO enact a moratorium on any and all billboard applications until we get clarification on the height discrepancy, which we believe is due to a clerical error, and we receive new zoning maps from the Community Development Department identifying the BR-1 zoning district where billboards are allowed reflective of the language that this Council created and approved in a zoning change in 2012. Request to refer this matter to the Legal Affairs Committee and invite the City Solicitor to address these issues. (Carried 10-0, 1 absent)

P51-14 COUNCILLOR MANNING-MARTIN (Co-Motion with Councillor Sinewitz) – MOVE THAT the Department of Community Development & Planning present a map to the City Council showing the locations of all approved and existing billboards. (Carried 10-0, 1 absent)

P52-14 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Attorney John R. Keilty, 40 Lowell Street, regarding Seeking clarification of condition #1 of Special Permit for Total Outdoor Corp., 1R Newbury Street, and to refer to the Legal Affairs Committee. (Unanimous)

P53-14 COUNCILLOR WALSH – MOVE TO request that the Board of Assessors provide the City Council with a list of city-owned properties that are considered surplus properties with a recommendation as to which, if any, parcels could be offered for sale. (Unanimous)

P54-14 COUNCILLOR WALSH - MOVE TO request that our state delegation again prevail upon the Governor to allocate the remaining \$100 million in Chapter 90 money for this fiscal year. (Unanimous)

P55-14 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-E communication from Timothy E. Spanos, City Clerk, regarding Proposed application for zoning amendments and to refer to the Legal Affairs Committee. (Unanimous)

P56-14 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-H communication from Blair Haney, Community Development Department, regarding Zoning memo, Little's Lane, zoning map amendment and to refer to the public hearing. (Unanimous)

P57-14 COUNCILLOR SINEWITZ – MOVE TO request that the City Solicitor explain why the two existing billboards on Route 1 are grandfathered in (both in the vicinity of 203 Newbury Street) (Unanimous)

P58-14 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department investigate the feasibility of a crosswalk on Lake Street across from Devil's Dishful. I would like to do a site visit with Public Services Department. (Unanimous)

P59-14 COUNCILLOR SINEWITZ - MOVE TO request a handicapped sign for 5 Jennings Circle, and that an ordinance be drafted and advertised on the same. (Unanimous)

P60-14 COUNCILLOR MOUTSOULAS - MOVE TO request that a handicapped sign be placed at 53 Harris Street, and that an ordinance be drafted and advertised on the same. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P61-14 COUNCILLOR GARABEDIAN – MOVE TO receive a communication from His Honor the Mayor regarding Credit rating assignment for Higgins Middle School bond and to refer to the Finance Committee. (Unanimous)

P62-14 COUNCILLOR MCGINN – MOVE TO receive a communication from His Honor the Mayor regarding Transfer of funds to CPC Unreserved Fund Balance - \$14,960.45 and to refer to the Finance Committee. (Unanimous)

P63-14 COUNCILLOR MCGINN – MOVE TO receive a communication from His Honor the Mayor regarding Transfer of funds to Various CPC fund balances and to refer to the Finance Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P64-14 COUNCILLOR GOULD – MOVE TO receive a communication from John Dunn, Troop 59, regarding Eagle Scout; Steven Larochelle and to send a letter of commendation. (Unanimous)

P65-14 COUNCILLOR GOULD – MOVE TO receive a communication from Chief Robert St. Pierre, Police Department, regarding Job well done letters. (Unanimous)

P66-14 COUNCILLOR GOULD – MOVE TO receive a communication from Planning Board regarding Zoning recommendation; Little's Lane zoning map amendment and to refer to the public hearing. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P67-14 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Use of the Wiggin Auditorium, subject to all papers being in order:

Peabody Education Council, Inc. re: George Peabody Legacy Awards – May 15, 2014
Lions Club re: Recognition ceremony – March 22, 2014
(Unanimous)

P68-14 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

Charles Jean Baptiste – License 127
John Miller – License 128
Ike Silverhardt – License 129
(Unanimous)

P69-14 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Taxicab License (Transfer), subject to all papers being in order:

North Shore Taxi, Inc. – License 25
Tri City Services, Inc., 55R Walnut Street – License 2
(Unanimous)

P70-14 COUNCILLOR OSBORNE – MOVE TO receive the following Junk Dealer License and set up a public hearing:

Azorean Brotherhood of the Holy Ghost, 20 Howley Street (Amendment)
Precision Estate Sales LLC, 26 Howley Street (New)
(Unanimous)

P71-14 COUNCILLOR OSBORNE – MOVE TO receive the following Taxicab License (Amendment) and set up a public hearing:

North Shore Taxi, Inc., 27 Walnut Street, Unit C (Increase 5 cabs)
Sunshine Car Service LLC, 153 Newbury Street (Increase 10 cabs)
Tri City Services, Inc., 55R Walnut Street (Increase 5 cabs)
(Unanimous)

P72-14 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Class 2 Motor Vehicle License (Renewal for 2014), subject to all papers being in order:

Adpro Motor Sports, Inc., 15 Spring Street
Elite Motor Cars, 93 Lynn Street
Mallia's Towing, Inc., 161 Washington Street
Motor Mania LLC, 94A Foster Street
Oasis Auto & Truck Center, 7 ½ Mason Street
(Unanimous)

P74-14 COUNCILLOR OSBORNE – MOVE TO receive and approve the following General Licenses (Renewal for 2014), subject to all papers being in order:

- Bowling Alley License - Metro Bowl, 63 Foster Street
- Innholder License - Peabody Marriott, 8A Centennial Drive
Hampton Inn Peabody, 59 Newbury Street
- Limousine License – Road House Limousine, 55 Pulaski Street
Adriatic Transportation LLC, 484 Lowell Street
- Pool & Billiard License – Metro Bowl, 63 Foster Street
(Unanimous)

P75-14 COUNCILLOR OSBORNE – MOVE TO receive and approve the following Entertainment License (Renewal for 2014), subject to all papers being in order:

- Brodie’s Pub, 10 ½ Lowell Street
- Carrabba’s Italian Grill, 1A Newbury Street
- The Cheesecake Factory, 210 Andover Street
- Club Luis de Camoes, 10 Collins Street
- Courthouse Pub, 43 Central Street
- D & R Roadhouse Pub, 55 Pulaski Street
- Dinis Restaurant & Lounge, 135 Washington Street
- Greg’s Lounge, 50 Walnut Street
- Iacc Peabody, Inc., 7 Blaney Avenue
- Peabody Marriott, 8A Centennial Drive
- Portuguese Benefit Society, 61 Northend Street
- Su Chang’s, 373 Lowell Street
(Unanimous)

P76-14 COUNCILLOR OSBORNE – MOVE TO receive Petition from BayRing Communications re: Fiber optic cable on poles on Centennial Drive, First Avenue, Second Avenue, and Fifth Street and set up a public hearing. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:50 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 30, 2014
RETURNED BY HIS HONOR THE MAYOR, JANUARY 30, 2014

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

- His Honor the Mayor re: Credit rating assignment for Higgins Middle School bond
- His Honor the Mayor re: Transfer of funds to CPC Unreserved Fund Balance - \$14,960.45
- His Honor the Mayor re: Transfer of funds to Various CPC fund balances
- His Honor the Mayor re: Various appointments
- His Honor the Mayor re: Request for vote from City Council: Authorize the Mayor to enter into lease agreements on two city-owned sites for outdoor advertising:
Parcel #1 @ 3 Newbury Street (088/009) and Parcel #2 at
0 route One 95/128 (089-006)
- Minas J. Dakos, Chairman, Licensing Board re: Stonewood Tavern, 139 Lynnfield Street
- John Dunn, Troop 59 re: Eagle Scout; Steven Larochele
- Peabody Chamber of Commerce re: Banner request
- Chief Robert St. Pierre, Police Department re: Job well done letters
- Timothy E. Spanos, City Clerk re: Proposed application for zoning amendments

Timothy E. Spanos, City Clerk re: Council membership on the Community Preservation Committee
 Attorney John R. Keilty, 40 Lowell Street re: Seeking clarification of condition #1 of special permit for Total Outdoor Corp., 1R Newbury Street
 Blair Haney, Community Development Department re: Zoning memo, Little's Lane zoning map amendment
 Planning Board re: Zoning recommendation; Little's Lane zoning map amendment

USE OF THE WIGGIN AUDITORIUM:

Peabody Education Council, Inc. re: George Peabody Legacy Awards – May 15, 2014

Lions Club re: Recognition ceremony – March 22, 2014

TAXI/LIMOUSINE DRIVER LICENSE:

Charles Jean Baptiste – License 127

John Miller – License 128

Ike Silverhardt – License 129

TAXICAB LICENSE: (Transfer)

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ENTERTAINMENT LICENSE: (Renewal for 2014)

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Carrabba's Italian Grill, 1A Newbury Street

The Cheesecake Factory, 210 Andover Street

Club Luis de Camoes, 10 Collins Street

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Iacc Peabody, Inc., 7 Blaney Avenue

Peabody Marriott, 8A Centennial Drive

Portuguese Benefit Society, 61 Northend Street

Su Chang's, 373 Lowell Street

PETITION:

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