



Committee on Community Resources and the Northampton City Council

Committee Members:

Councilor Dennis P. Bidwell

Councilor Maureen T. Carney

Councilor Alisa F. Klein

Councilor Gina-Louise Sciarra

Meeting Agenda

Date: March 21, 2016

Time: 5:00 pm

Location: City Council Chambers

212 Main St., Northampton, Massachusetts

1. Meeting Called to Order and Roll Call

2. Public Comment

3. Minutes of Previous Meeting

A. Approve minutes of previous meetings

Minutes of Feb. 22, 2016

Minutes of March 8, 2016

Documents: [Committee_OnCommunityResourcesFebruary22_2016_Minutes.pdf](#),
[CommunityResourcesMarch-8-2016Minutes.pdf](#)

4. Items Referred to Committee

**A. 16.034 Ordinance Pertaining to Water Resources - Referred to Committee
on March 3, 2016**

5. New Business

6. Committee Study Request

1. Vote to approve committee will complete study request.
2. Rough draft plan of action for committee consideration (Councilor Bidwell).
3. Public input about the proposed process; the committee will also collect any information that presenters make available to the committee.

7. Adjourn

Prepared By:

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Committee on Community Resources and the Northampton City Council

Members:

Councilor Dennis P. Bidwell
Councilor Maureen T. Carney
Councilor Alisa F. Klein
Councilor Gina-Louise Sciarra

Meeting Minutes

Date: February 22, 2016

Time: 5:00 pm

Location: City Council Chambers
212 Main St., Northampton, Massachusetts

1. Meeting Called to Order and Roll Call

At 5:00 pm Councilor Carney called the meeting to order. Present were Councilors Carney, Bidwell, Klein and Sciarra. No other City Councilors were present.

2. Public Comment: None

3. Election of Committee Chair and Vice-Chair

Councilor Bidwell moved to open nominations for committee chair; Councilor Klein seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Councilor Klein moved to nominate Councilor Sciarra as committee chair; Councilor Bidwell seconded the motion.

Councilor Bidwell moved to close nominations; Councilor Klein seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Councilor Sciarra was elected as the committee's chair on a voice vote of 4 Yes, 0 No.

Councilor Sciarra took over as Chair of the committee.

Councilor Bidwell moved to open nomination for vice-chair; Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Councilor Sciarra moved to nominate Councilor Bidwell for vice-chair; Councilor Carney seconded the motion.

Councilor Carney moved to close nominations for vice-chair; Councilor Klein seconded the motion.

The committee voted in favor of Councilor Bidwell as vice-Chair on a voice vote of 4 Yes, 0 No.

4. Approval of Committee Calendar for 2016: Councilor Carney moved to approve the committee calendar; Councilor Klein seconded the motion.

Councilor Carney noted that the dates presented to the committee did not reflect the third Monday of each month. She provided an alternative list of dates. Councilor Bidwell moved to accept the dates as amended; Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No. The 2016 committee dates are as follows:

February 22, 2016
March 21, 2016
April 19 (Tues. 6:00 pm)
May 16, 2016
June 20, 2015
July 18, 2016
There will be no meeting in August
September 19, 2016
October 17, 2016
November 21, 2016
December 19, 2016

5.

5. Items Referred to Committee

Councilor Klein moved to take the ordinances out of order since it was not yet time for the public hearing to begin. Councilor Carney seconded the motion; the motion was approved on a voice vote of 4 Yes, 0 No. The committee discussed Item C before the public hearings.

At 5:17 p.m. Councilor Bidwell moved to open the public hearing regarding the ordinance pertaining to LED Lighting and the ordinance regarding zoning for significant trees. Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Councilor Sciarra read the ad that appeared in the Daily Hampshire Gazette which announced the public hearing. The ads appeared on February 8th and 16th.

A. 16.005 Ordinance pertaining to LED Lighting - Referred to committee on Feb. 4, 2016

Carolyn Misch spoke in favor of the ordinance changes. It was introduced by the Planning Office and the Planning Board. The sign section in the city has been tweaked over the last 10-20 years. The Board took this opportunity to update the code.

Regarding lighting for signs, Ms. Misch reports that there have been several improvements to lighting technology over the last several years. Many businesses are interested in improving their signage using the newest technology, especially to improve energy efficiency. The ordinance addresses on-property signs. Billboard and Off-premises signs are not included in the update.

Advertisers are prohibited from using dynamic display panels and LED lighting on Billboards. Flashing lights have been regulated since 1975; since that time, jurisdiction to oversee fell between the following: Police Chief; Planning Board, and the Board of Health. Safety concerns exist when signs change frequently; this ordinance will codify what had been loosely enforced during the past three years. The new codes will also identify what signs might be allowed in residential vs. commercial districts.

Ms. Misch went through the ordinance to define what is currently allowed. The proposed changes will make greater distinctions between residential and commercial districts. The American Association of State Highway and Transportation Officials commissioned a report in 2009 that focused on safety surrounding the use of signs. The Planning Board used this information when deciding their criteria for signage. They looked at stationary and mobile signs, movie and "real" or live images and the intensity of the lighting. The

report also talks about the effects of displaying single or multiple messages across screens and signs. Too much information can be distracting to drivers. There are already a few LED signs around Northampton.

AASHTO recommended that cities and towns use longer interval times between sign changes (if moving). They recommend that flashing standards be codified and not be left to interpreting subjective standards. Signs should be evaluated based on impact within the district, including the size of the sign, and the display vs. off times. Finally, signs with dynamic display panels should be restricted as to the percentage of the sign with the dynamic display panel.

The Planning Board is recommending some clean up of the entire text for clarification. They also suggest addressing safety issues and specifying standards for LED light levels and transition timing. The concerns would be addressed by district; light levels and hours will be different for residential vs. commercial districts. The ordinance does not address signs in commercial windows; neon-type signs have always been allowed, and will continue to be allowed in storefronts. The Planning board felt that restricting LED signs in commercial districts was not appropriate.

Ms. Mish did point out that the ordinance would only be addressing new signs; older style signs would be "grandfathered" unless any of the existing retailers were to change out their current signs.

Ms. Misch introduced the proposed changes in the document, including definitions.

When determining the ordinances for sign display changes in the residential district, the Planning Board took into account what impact frequently changing signs might have. They also considered what other communities around the country were allowing. They also considered the readability of the sign given the overall size limitations and the time constraints when a sign will be allowed to be lit.

Ms. Misch indicated that since the ordinance was drafted, the Planning Board asked for addition changes to be introduced. The first was to section 7.2.B allowing for directional signs; this was primarily written for the business districts. The Planning Board requested the language be clarified. Second, Section 7.2.E changes will no longer allow for special permits allowing taller signs. 7.2.M allows the Board of Appeals to allow a special permit for more than one sign, however, the height restrictions will not be waived.

There were no opponents to the ordinance.

B. 15.377 Ordinance regarding zoning for significant trees - referred to committee in Feb. 4, 2016

Ms. Misch explained that this ordinance was introduced and commented upon last fall (2015). A public hearing took place during the Committee on Rules, Orders, Appointments and Ordinances. Once the Public Hearing took place, the city council had 90 days in which to act upon the ordinance. Once the 90 days passed, the city council is required to hold another public hearing. The public hearing that is being held today satisfies the requirement for a second public hearing.

Because Section 290 is being removed from the code book, any references to that section should be replaced by "Rules and Regulations regarding subdivision of land" and cite the specific paragraph, if appropriate.

There were no opponents to the ordinance.

At 6:10 p.m. Councilor Bidwell moved to close both public hearings; Councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Deliberation regarding 16.005 (LED Lighting)

Councilor Carney moved to forward ordinance 16.005 regarding LED lighting as amended to the full city council with a positive recommendation; Councilor Klein seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

Councilor Sciarra indicated that the 30-minute time delay to change messages seems like a long period of time. Ms. Misch indicated that advertisers could organize the information on the sign to maximize the message(s) since there are (usually) three lines on the sign (similar to the one at the high school).

Deliberation regarding 15.377 (Zoning for Significant Trees)

Councilor Carney moved to forward ordinance 15.377 regarding zoning for significant trees to the full city council with a positive recommendation with the amendment to change the reference to the city code book section 290; Councilor Klein seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

C. 16.028 Ordinance to delete Chapter 290 from City Code Book - referred to committee on Feb. 4, 2016

Councilor Carney moved to place the ordinance on the floor for discussion; Councilor Bidwell seconded the motion.

Carolyn Misch, Senior Land Planner for the city indicated that subdivision regulations were the sole discretion of the Planning Board under state statute. As a result, they should be removed from the code book of ordinances that require City Council review and approval. There are no changes being proposed and the regulations will be published by the Planning Department, likely on their webpage.

Councilor Sciarra read the ordinance into the record. Councilor Carney moved to return the order back to the city council with a positive recommendation; Councilor Klein seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

6. **New Business** –The committee was notified earlier in the day that a committee study request would be announced at the next city council meeting. The request was read into the record by Councilor Sciarra as an FYI. Councilor Carney noted that she is aware of work being done by area agencies to address certain worker issues, specifically in the restaurant industry. She suggested that the committee place this item on the agenda for the next meeting and that the committee will focus on ways to address the request.
7. **Adjourn At 6:30 p.m. Councilor Klein moved to adjourn the meeting; councilor Carney seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.**

Prepared By:
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Committee on Community Resources and the Northampton City Council

Committee Members:

Councilor Dennis P. Bidwell

Councilor Maureen T. Carney

Councilor Alisa F. Klein

Councilor Gina-Louise Sciarra

Meeting Minutes

Date: March 8, 2016

Time: 5:00 p.m.

Location: City Council Chambers
212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call:** At 5:00 pm councilor Sciarra called the meeting to order. Present at the meeting were the following committee members: Councilors Sciarra, Bidwell, and Carney. Committee member Councilor Klein was absent. Also present from the City Council was Councilor Ryan R. O'Donnell.
2. **Public Comment:** None
3. **Committee Study Request:**

At this meeting the committee reviewed the Committee Study Request that was received at the City Council meeting on March 3, 2016.

Councilor Sciarra indicated that this was a special meeting of the committee. If the committee is interested in proceeding with the study request, then the process will be defined. Based on the wording of the request, Councilor Sciarra indicated that the committee is being asked to consider a number of topics and gather information about those topics. This is the first time a committee study request has been issued, so the process is ground-breaking. There has been a lot of informal discussion about the downtown (Florence and Northampton) economies. There is a lot of opinion expressed on social media or in general conversation about the role of city council and how they can affect business economy and alleviate some of the pressures that businesses are feeling. The stakeholders include business owners, property owners and workers. Many times

they are one and the same, and hearing concerns in a public hearing might be beneficial to understanding the role of the city council.

Councilor Ryan O'Donnell expressed ideas about how he might address the request if he were part of the committee. He recognizes that the request is broad. He cautions that there should be no public expectation as a result of this effort. The work of the committee will be valuable, but he doesn't think the end result will revitalize downtown. What is important is that the conversation take place. If there are tangible outcomes from the committee it would be okay if they ran the scale of visionary to modest. There are a number of things that could be considered that can be categorized in four broad categories:

- The physical downtown environment: recommendations about bicycle parking, or outdoor dining
- Zoning and use laws: revisit definition of home business and reduce restrictions for home businesses within the business district; explore regulations for formula businesses (chain stores); holiday parking fee suspension; percent for art program
- Licensing and permitting : wage theft, pop-ups and short-term occupancy permits, food trucks, survey state laws (M.G.L. Chapter 41 of 1993, for example) for adoption by city council
- internal municipal policy

Councilor O'Donnell also feels that there should be certain exclusions, such as affordable housing, public utility rates, taxes, and parking. He supports community meetings. Just having hearings would satisfy the committee study request under the council rules. The report of the committee could reflect the feedback from the community as a result of those public hearings. Once the report goes back to the city council, the council committee could then decide which issues they wanted to tackle at whatever pace was appropriate.

Councilor Bidwell shared that he has been thinking about the subject matter for a long time. Having served as the Economic Development Committee Chair (a Chamber of Commerce sub-committee), he is well aware of the issues facing Northampton. He suggests a three-step approach, but cautions that the committee should not raise expectations, and the committee should focus on areas that they can have impact. He is aware that there is data available within city departments, such as the Office of Economic Development, and there is value in gathering data and making it available. Terry Masterson is working on an economic indicator report, including rents and occupancy rates, hotel occupancy rates, and comparisons within surrounding communities. Also, gathering other information, such as city revenues due to rooms tax or restaurant tax might be valuable. Also, there is a lot of tourism data out there. Understanding the trends in all of this information would be valuable. There have been surveys done of business owners and property owners to better understand what the issues are in the downtown area. If some of the information can be gathered in one place, the committee could make use of the details in its committee study request. Running in parallel, perhaps the committee can hear from constituents about issues that they are concerned about. It would also be interesting to talk to the

experts, such as Wayne Feiden, Terry Masterson, and representatives of the Chamber of Commerce or the newly emerging D.N.A. and ask what are the top five challenges for businesses in downtown? After gathering all of the information and listening to what people have to say, then the committee would be in a position to identify what the top issues that the committee or council could impact.

Councilor Carney suggested that the committee not rule out any discussion of taxes as part of their study because of the direct relationship between high vacancy rates and the tax relief that property owners get when their property remains dormant. The committee might want to look at this to see if there is disincentive to take a competitive rent rather than leaving a building empty.

Councilor Carney reminded the committee that the issues of wage theft and worker conditions is an important issue to workers in our community and state-wide. She suggested that the committee could look at how high rents, high vacancy, etc. are related to working conditions and wage theft. She reports that the information that she sent to the committee shows how other communities are dealing with wage theft and working conditions. She would like to see a public hearing process where worker representatives can share their experiences and information. There is also data about this issue compiled by UMASS that she would like the committee to see. There are a group of workers who meet every week (primarily downtown restaurant workers) that are ready and eager to speak to the council. Other representatives from other job sectors can speak to other working condition issues as well, such as job mis-classification. Representative Kocot attended a legislative breakfast last week; he spoke about the state acts to prevent wage theft; he sees the state's actions as the strongest around because it expands the scope of the Attorney General's Office to be able to intercede when there are issues of wage theft.

Councilor Bidwell suggested that the City Assessor would be the definitive source on whether property owners get relief for vacant properties. He is confident that there is no program of tax relief for property that has been sitting vacant for a while. If a property owner allows a property to deteriorate due to neglect, then perhaps they have devalued their own property which will reduce the tax. (Councilor Sciarra said that she is aware of the rumor.) He is more inclined to learn what the data reflects. Perhaps there should be a separate resolution that supports the state legislation regarding wage theft. He feels that the committee should gather the data, review the information and deliberate about what they would like to take on.

Councilor Sciarra said that the first order of business is to decide if the committee would like to move forward with the request. A poll of other committee members showed that there is interest in taking on the request. Councilor Carney noted that since there are people and groups who are willing and wanting to speak to their causes, she would like to go ahead and set up meetings. Councilor Sciarra asked the committee to focus on the process of how to move forward. She also noted that there are a lot of non-profit agencies in the downtown area; they could be part of the discussion as they contribute to the economy in many ways. She noted that the discussions should not only involve stakeholders, such as the ones Councilor Carney stated, but also experts who can provide the necessary information and data that is part of the committee's research.

Councilor Carney feels that the committee should begin the public hearings, and that the public hearings can also include the experts as well. There is no need to separate those out. Councilor Sciarra asked whether the goals can be accomplished in one meeting. She noted that a business owner reflected that the pressures of the daytime economy are different than the nighttime economy. Councilor Carney stated that a sequence of three meetings might accomplish the goals. Councilor Bidwell stated that the public hearings shouldn't be segmented. The goal should be to hear from everyone who wants to contribute to the conversation. His bias would be to gather and synthesize data versus conducting public hearings. The data can guide the committee in framing the public hearing(s). He suggested that instead of a public hearing to hear about worker issues, an agenda could be created in which an agenda topic is "worker issues", which might allow workers, employers or others to speak about the topic. Councilor Sciarra supports this idea as long as all represented speakers feel free to comment on the subject.

Councilor Carney noted that the April meeting falls during school vacation. The committee may want to reschedule to a different day. She has been in contact about worker issues and wage theft, and feels strongly that she would like to approach that issue. She would like to use the March 21st meeting to invite people to speak about worker's issues. There may be a need for other meetings. In the meantime, data gathering could be done on the other tax question by contacting the Assessor's Office. She also read in the Gazette that Terry Masterson will be prepared to speak to what will be business owner concerns, stressors and pressures. She is hoping that the committee will reschedule the April meeting.

Councilor O'Donnell commented that if the committee were to announce a public hearing about workers, it might be better to announce any other public hearing that the committee might be having as part of the study request at the same time.

Councilor Bidwell does not support starting off with a public hearing addressing only worker's issues. He would like to show that there is a two or three month plan for how the committee will proceed and how the pieces fit together, and what the potential end product could be; he suggests that the approach should show a deliberative process. To do otherwise would not send the right message or show balance about the process. He would prefer to gather data, without initial testimony from workers. Asking someone to present data, such as vacancy data or rent data, wage data, etc. would be part of the data gathering effort.

Councilor Carney indicated that a presentation about worker data could be presented to the committee on March 21st.

Councilor Bidwell reported about a conversation he had with the Mayor. He noted that Mayor Narkewicz is reluctant to involve the Economic Development Director until he understands where the committee is headed with the information they gather; what exactly the committee would you like for him to do; what the context is in which it fits. Councilor Bidwell has had a similar response from the Chamber of Commerce. There is a lot of useful information available from the Chamber, however, they are reluctant to give up the data until they hear from the committee where they are

expecting to go with the information that they provide. There is concern that this will become a forum for a lot of "speechifying" to no real end. A work plan is needed so that it can be explained where pieces of information fit into the overall plan.

Councilor Bidwell stated that at the next meeting he would be comfortable endorsing a work plan and at that point the committee put out a request for information. Councilor Sciarra clarified that the committee still needs to vote to accept the study request.

Councilor O'Donnell stated that the committee may not be able to develop a work plan until after the hearings have been conducted.

Councilor Sciarra agreed that the plan presented to the public should show the process that the committee will use, including holding public hearings on specific topics and themes. This approach will allow people to think about what they would like to add and where they might fit into the process. This will also send the message that the committee is trying to think holistically about this issue. Councilor Bidwell feels that it is important that there be a plan in place. He agreed to draft a rough plan of action that the committee can consider. This will be sent to the full committee. Committee members should not deliberate or comment upon the draft until the the meeting.

Councilor Sciarra suggested that the first part of the meeting on March 21st should be dedicated to preexisting committee business (5 - 6pm), followed by time dedicated to reviewing Councilor Bidwell's rough plan. The final part of the meeting will be dedicated to getting input about the proposed process and collect any information that presenters make available to the committee. Anyone can come to share reactions to what has been presented or share data that they have available. The committee will invite the Director of Economic Development and the the Chair of D.N.A.

Councilor Carney proposed that the committee begin holding public hearings on April 12 @ 5 pm.

4. **Adjourn:** Councilor Bidwell moved to adjourn the meeting at 5:15 p.m.; Councilor Carney seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Klein).

Prepared By: *P. Powers, Administrative Assistant to the City Council*
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CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Sixteen

Upon the Recommendation of Councilor Ryan R. O'Donnell and Mayor David J. Narkewicz.

16.034
AN ORDINANCE

RELATIVE TO PUBLIC OWNERSHIP OF
NORTHAMPTON'S WATER RESOURCES

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

That § 325 of the Code of Ordinances be amended as follows:

~~Article I Water Use Regulations~~ **Article I Water Resources**

§ 325-1 (~~Reserved~~) **Public Ownership of Water Resources**

The public water resources and infrastructure of the City of Northampton, including systems and facilities related to the supply, storage, treatment and distribution of water, shall be owned and/or controlled by the City of Northampton and shall not be sold, leased or transferred into private ownership.

SECTION 2

That the article title "Water Use Regulations" be moved directly before § 325-2 and that the article titles within Chapter 325 be renumbered:

~~Article I~~ **Article II** Water Use Regulations

~~Article II~~ **Article III** Water Emergencies and Restrictions

~~Article III~~ **Article IV** Drinking Water Protection