



Committee on Legislative Matters and the Northampton City Council

Members:

Councilor William H. Dwight , Chair

Councilor Maureen Carney

Councilor Alisa F. Klein

Councilor David A. Murphy

MEETING AGENDA

Date: March 12, 2018

Time: 5 p.m.

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

- 1. Meeting Called to Order and Roll Call**
- 2. Public Comment**
- 3. Approval of Minutes of Previous Meeting**
 - A. Minutes of February 12, 2018 and February 27, 2018**

Documents:

02-27-18_Committee_on_Legislative_Matters.pdf

02-12-2018_Legislative Matters.pdf

- 4. Items Referred to Committee**

- A. 18.043 An Ordinance related to bicycling on sidewalks, defining multi-use trails, and regulating bike lanes - referred by City Council 03/01/2018**

Process Note: The amended version is the recommendation of the city solicitor in accordance with Council Rule 5.3.**

**5.3 SOLICITOR REVIEW OF ORDINANCES. At or before the meeting at which the Committee on Legislative Matters considers any matter for approval and/or recommendation the City Solicitor shall be requested to examine the matter's form and legal character.

Documents:

18.043 An Ordinance related to bicycling on sidewalks, defining multi-use trails, and regulating bike lanes .pdf

18.043 An Ordinance related to bicycling on sidewalks defining multi-use trails and regulating bike lanes Rev AS 3-5 R-WF3-6-18 AS 3-7.pdf

5. New Business

6. Adjourn

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Committee on Legislative Matters and the Northampton City Council

Members

Councilor William H. Dwight, Chair

Councilor Maureen Carney

Councilor Alisa F. Klein

Councilor David A. Murphy

MEETING MINUTES

Date: February 27, 2018, Time: 7:00 pm

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

1. **Meeting Called to Order and Roll Call:** At 7:01 p.m., Councilor William H. Dwight called the meeting to order. On a roll call, the following councilors were present: Councilor Carney, Councilor Dwight, Councilor Klein and Councilor Murphy.

Councilor Dwight asked for a moment of silence to reflect on the recent loss of state Representative Peter Kocot.

Councilor Dwight announced that the meeting was being audio and video recorded for broadcast by Northampton Community Television.

2. **Public Comment:** Councilor Dwight informed those present that, rather than having public comment up front, he would accept public comment as they go through the items so people can speak to specific items and their concerns relative to those. The focus of tonight's meeting is limited to zoning, he reminded.

3. **Approve Minutes of February 12, 2018**
Councilor Carney moved to accept the minutes of February 12, 2018. Councilor Klein seconded. The motion passed unanimously 4:0.

4. **Public Hearing on Proposed Zoning Changes**
Councilor Dwight read the public hearing notice published in the Daily Hampshire Gazette on February 13th and February 20th per M.G.L. Chapter 40A, Section 5.

Councilor Klein moved to open the public hearing. Councilor Murphy seconded. The motion passed unanimously 4:0.

Senior Planner Carolyn Misch gave a Powerpoint presentation as an overview of the package of zoning changes. The zoning amendments related to retail marijuana sales and marijuana production deal with land

use regulations to incorporate retail marijuana, she confirmed. Northampton has regulations that address medical marijuana production and sales, so city officials need to add the component of retail sales by amending various sections of the zoning ordinance, such as Definitions, Tables of Use, etc.

If planners didn't do anything, marijuana retailers would simply be treated as a retail use which could take place in any zone where retail is allowed.

For definitions, it is necessary to establish definitions for medical, retail and production, she explained. Marijuana production is currently allowed in General Industrial (GI) and Office industrial (OI) districts by right except in the case of new construction. Outdoor cultivation is allowed in the Water Supply Protection (WSP), Special Conservancy (SC), Rural Residential (RR) and Suburban Residential (SR) districts. Outdoor growing could potentially be approved anywhere there are agricultural fields or enough room to grow, she confirmed.

Retail sales are allowed in the Central Business (CB), Entrance B (EB), General Business (GB) and Highway Business (HB) districts, she advised.

Misch displayed a slide depicting the 200-foot buffer zones around existing schools. All commercial districts are outside of these buffer zones, so retail marijuana sales could not occur within the buffers, she stressed. Under the zoning proposal, retail sales would be prohibited within two hundred feet (200') of grades K-12, in residential districts, in pre-existing non-conforming buildings and in non-retail districts, she clarified.

Misch described other proposed zoning changes as follows:

- Reformatting the Table of Use for the Office/Industrial (OI) district, including moving the reference to marijuana production from the 'Definitions' section to the Table of Use. Other changes include adding flexibility to allow new residential uses above the 1st floor, allowing a broader range of uses in historic buildings such as restaurants, reducing the parking requirements for the reuse of historic buildings and allowing retail self-storage (self-storage is currently only allowed in HB). In addition, planners propose eliminating the Special Permit requirements for solar arrays.
- Changing the General Industrial (GI) Table to reformat the table, move marijuana production from 'Definitions' to the Table of Use, allow industrial warehousing up to 25,000 s.f., eliminate the Special Permit requirement for solar photovoltaic (PV) arrays and eliminate existing language relative to the reuse of churches and schools.
- Eliminating commercial storage in the HB district, since it is being moved to OI.

- A. 18.027 An Ordinance Relative to Zoning and Marijuana - referred to Committee on 2/1/2018
Councilor Dwight reviewed the proposed change to Section 2.1 of the zoning ordinance to replace the single definition for "Medical Marijuana" with the following three definitions: "Marijuana, Medical," "Marijuana, Production" and "Marijuana, Retail."

The deletion of text from the "Medical Marijuana" definition is because planners are distributing the Medical Marijuana use in the Tables of Use for the districts where the use is allowed, Misch noted.

Public Comment

Michael D. Cutler of Bridge Road, Northampton, who identified himself as an attorney practicing law on Conz Street, reminded members that, as of the end of this year, the supervision of medical marijuana will

be moving from the Massachusetts Department of Public Health (DPH). As of 2019, it will come under the animus of the Cannabis Control Commission (CCC) and the section law cited will be repealed and replaced with a new law, Chapter 94I. It might be useful to reference this law, and city officials might also want to reference General Law 94G as the enabling legislation for 935 CMR, he suggested.

Attorney Seewald said he thought it was appropriate to reference the existing oversight agencies. He doesn't think it is appropriate to reference something that doesn't exist yet, he explained.

Members asked questions and offered comments. Councilor Dwight expressed his understanding that hemp is now allowed by right. As he understands it, hemp is being treated like any other benign crop.

Ms. Misch said she has not followed that [legislative process].

Attorney Cutler commented that a session law passed last July created a new category for hemp and hemp licensing. Individuals have to have a state license to be a hemp producer, he advised.

- B. 18.033 An Ordinance Relative to Zoning and Marijuana - referred to Committee on 2/1/2018
Councilor Dwight read the text of the proposed ordinance.

The change says that while zoning allows for Findings for changes in legally pre-existing nonconforming uses, a change to a medical or retail marijuana use would not be allowed because of the relatively high potential impacts, Ms. Misch paraphrased.

- C. 18.034 An Ordinance Relative to Zoning and Marijuana - referred to Committee on 2/1/2018
Councilor Dwight read the text of the proposed change.

This ordinance amends the Tables of Use for the EB, HB and CB districts to show where medical and retail marijuana sales are allowed. It also creates the 200-foot buffer zone she spoke about earlier, Ms. Misch advised.

Councilor Klein asked if requirements for appearance are used for other uses. (i.e. - **Building facades and property must be consistent with the character of the neighborhood, including such items as transparent storefront windows with a view into the interior of the building. Security measures must appear from outside of the building to be consistent with the character of the neighborhood.**)

The only other use that includes this type of language is porn shops, Ms. Misch said. Planners wanted establishments to have a display window that displays something.

Board of Health member **Cynthia A. Suopis, PhD** told members that 200 feet is the minimum buffer established by the state and the same buffer as required for medical marijuana. The buffer zone for retail has to be the same as for medical, she advised. As far as a cap, it could be in zoning but it is not necessarily a land use ordinance, she suggested. It could be a general ordinance. She asked where it fits.

It would have to be a separate city ordinance introduced by a councilor or by citizen petition, Councilor Dwight responded.

Patricia Malone of 18 Center Street noted that the maps are pretty hard to see. She asked if they are 'hamstrung' by 200 feet.

It has to match the buffer for the medical use so city officials would have to amend the medical buffer [to increase the retail buffer], Ms. Misch explained.

Ms. Malone said she'd like to see it be more than 200 feet beyond schools.

Councilor Murphy said he couldn't think of a school in a zone where it would be an allowed use with the exception of HEC academy. Mrs. Misch confirmed that is the case.

SPIFFY Coalition Coordinator Heather Warner noted that Amherst and Easthampton are creating buffer zones around a few other establishments. Maybe they don't want a dispensary around the Academy of Music or a new treatment center, she suggested. She wondered if there were a few other places for which they might consider buffers. As a parent, she is a little upset that there are no caps, especially downtown. She would like to consider other places in the city near which they would not site dispensaries.

Councilor Dwight asked if SPIFFY had any data about the efficacy of buffer zones.

Ms. Warner said she would see if she could get any information on this subject.

Attorney Seewald pointed out that, under Chapter 40A, zoning districts have to be uniform. The legislature has given authority to create buffer zones around schools K-12. Planners have to be careful not to violate the uniformity of zoning districts, he advised.

Mr. Cutler said he thinks it is fair to look at what cities do with zoning for alcohol and tobacco. There is robust data in mature reform states that show that adolescent use has not increased, he asserted.

With regard to data, some of the data collected in Colorado is statewide, whereas, in communities where marijuana is actually sold, there is an increase in use, Ms. Warner responded.

D. 18.035 An Ordinance Relative to Zoning and Marijuana - referred to Committee on 2/1/2018

Councilor Dwight read the text of the new language. The proposed change adds "Open/Outdoor Marijuana Cultivation" to the list of allowed uses in the RR, SR, WSP and SC zoning districts.

Given that it is New England, she doesn't know that outdoor cultivation would be competitive with an indoor facility, Ms. Misch observed. The intention of the ordinance is to allow this as an option if someone thought it would be a viable use of land.

Most cultivation in New England will probably be limited to indoors, Councilor Dwight agreed.

E. 18.036 Ordinance to Amend HB Table of Use to Delete Commercial Storage - referred by City Council 2/15/2018

Given the evolution of Northampton's HB districts to more multi-access and multi-use by bicyclists and pedestrians, HB may no longer be appropriate for those uses that have little day-to-day use and are more appropriate for industrial areas, Councilor Carney observed.

F. 18.037 Ordinance to Reformat GI Table with Other Minor Changes - referred by City Council 2/15/2018

This zoning change is not directly related to marijuana, Councilor Dwight noted.

G. 18.038 Ordinance to Reformat OI Table and Allow Flexible Reuse of Historic Mill Buildings - referred by City Council 2/15/2018

Ms. Misch reiterated that the primary purpose is reformatting. Also, a lot of the old mill buildings are zoned OI, and there are several buildings that are hard to reuse. The idea of the change is to add other components to the uses that would help generate income that would offset the expenses required to update and rehabilitate these buildings. Marijuana production is already allowed, they are just moving it to the table of use, she clarified.

Given the electrical and watering needs for marijuana cultivation, Councilor Klein wondered if these locations could support what is needed for the production of marijuana.

The district isn't limited to old mill buildings, Ms. Misch noted. There are other properties within OI that could be developed. This is to pull back some of the regulatory impediments to using the buildings. It would be up to a potential developer to take those issues into consideration, she pointed out.

Councilor Murphy asked if it would make it easier for live/work arrangements.

The Planning Board voted unanimously to recommend the whole package, Ms. Misch reported.

Patrick Boughan of Ward 5, Vice Chair of the Housing Partnership, spoke in support of the change being proposed for historic mill buildings, particularly for the proposal to allow residential above the first floor. 40% of renters are 'cross burdened,' meaning they pay over a certain percentage of their income in housing costs. He gave other statistics intended to demonstrate the gap in the affordability of housing in Northampton. Anything we can do to increase the housing stock [is helpful], he indicated.

He thanked the Planning Department for bringing this forward.

Ms. Malone said she is interested in a map that includes Florence Center. She wondered aloud if she missed the opportunity to weigh in on how retail marijuana gets developed. She is concerned Florence Center could become a default location for a disproportionate number of dispensaries. Another concern would be siting dispensaries near some of the housing that supports recovery and libraries, etc.

Whatever gets approved, there will still be opportunities to modify and change zoning, Councilor Dwight assured. This is the recommendation, he explained. He hasn't heard any proposal for modification.

Ms. Malone asked councilors to think in advance of what this is going to be like for residents.

Signage is strictly controlled under the state regulations, so there won't be big flashing signs with marijuana leaves. It won't look all that different, Attorney Cutler suggested. The state will be vetting applicants very closely, he added.

Councilor Dwight asked him to describe the vetting process.

The state statute says that in addition to any Special Permit that may be involved, if the town feels there may be a need for further regulation of the use, it can be spelled out in the host agreement.

There being no further public comments, **Councilor Klein moved to close the hearing. Councilor Murphy seconded. The motion carried 4:0.**

Councilor Murphy moved to send 18.027, 18.033, 18.034, 18.035, 18.036, 18.037 and 18.038 to the full City Council with a positive recommendation. Councilor Carney seconded. The motion passed unanimously 4:0.

5. 17.265 An Ordinance Relative to Taxis and Vehicles for hire - continued from 2/12/2018 LM meeting

The last time committee members were all together to discuss this, the Sealer of Weights and Measures, John Frey, brought up some points they hadn't discussed, Councilor Sciarra related. He had two primary concerns:

- The margin of error for metering with phone apps was too large for comfort
- A segment of the population (elderly, etc.) have set rates with taxi drivers for regular trips and the ordinance as proposed would negatively impact them by making it no longer possible to get transportation at a cost they could afford.

As a result, the sponsor, Police Chief Kasper, has removed the provision for allowing GPS Smart Phone Apps to serve as meters. Proponents also added the caveat that a company based in another community could not both pick up and drop off a fare within Northampton.

Attorney Seewald said he thought the changes were thoughtful. Last year, there was a decision not to regulate outside cabs. One of the cab owners complained that he was the only one running on taxi plates and that all the other operators were running on livery plates but were operating as taxis. He thinks that they have created a much better ordinance and that Mr. Frey's suggestions are good ones. The revised ordinance accomplishes the goal of making a distinction between taxis and livery services, he added.

Councilor Murphy moved to forward the measure to the council with a positive recommendation. Councilor Klein seconded. The motion passed unanimously 4:0.

Upon motion made and seconded, the meeting was adjourned at 8:51 p.m.

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Councilor Alisa F. Klein

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MEETING MINUTES

Date: February 12, 2018, Time: 5:00 pm

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

1. **Meeting Called to Order and Roll Call:** At 5:01 p. m. Councilor Dwight called the meeting to order noting that Councilor Murphy was not in attendance. Present were: Councilor Dwight, Councilor Carney and Councilor Klein. Absent: Councilor Murphy.
2. **Announcement of Audio/Visual Recording.**
Council Dwight announced that the meeting was being recorded for broadcast on Northampton Community Television. He also informed audience members of the decision that, in the interest of maintaining proper decorum and a clear delineation of authority, the decision had been made that department heads would no longer sit with the committee; rather, all presenters will speak from the podium.
3. **Public Comment.**
Amy Bookbinder of Grove Avenue commented that she was a little hard on Councilor Bidwell and other sponsors of the amendment to council rules at the last City Council meeting. Tonight will be different, she promised. She actually wants to thank the sponsors of the rule change related to public conduct for opening up a discussion on making City Council meetings more civil. At a previous meeting, it was mentioned that finger snapping is a problem for Councilor LaBarge because of her hearing aid. When an audience member learned this, she included a request at the very next meeting for there to be no finger snapping. Ms. Bookbinder cited this as an example of civility in action. Councilor LaBarge said the finger snapping only bothered her if people are sitting right next to her. In response, Ms. Bookbinder suggested changing the seating arrangements of councilors with particular sensitivity to noise as a possible step in making meetings more civil.

One of the sponsors mentioned being distracted by chatter. Ms. Bookbinder said she envied her because she can't hear at council meetings when she's trying to hear councilors and members of the public speak. To demonstrate her point, she showed a picture from the Daily Hampshire Gazette with the caption: "Amy Bookbinder strains to listen at a Northampton City Council meeting."

Because the amendment was introduced because of sound issues, she said she would focus her remarks on hearing because she thinks making meetings audible to everyone would be civil. 'Chatting' may be people asking 'what did he say?' or 'what did she say?' she suggested. Her suggestion is that councilors need to speak louder and into the mikes. A better sound system is needed so we can all hear, she asserted. Also, she believes the city should have listening devices for people in the audience who need them. In Greenfield, a court officer offered her a listening device after noticing that she was having trouble hearing. She was touched by the civility of that body in recognizing the importance of hearing, she shared.

She repeated her request from the last meeting; in particular, she feels that the amendment to not allow signs of approval or disapproval is a violation of the First Amendment and should be withdrawn or changed.

Jennifer Frogg of Clark Avenue identified herself as an author and subject matter expert on the First Amendment – her most recently published book is a history of the First Amendment, she related. The proposed civility amendment indicates that members of the public would not be permitted to indicate agreement or disagreement with members of the chamber.

"I can assure you that that is a content-based restriction that violates the First Amendment," she advised, adding that she doesn't think this is an issue Northampton wants to court.

In the course of her research, she questioned how the council would enforce this rule of conduct. Would Bill [Dwight] or Ryan [O'Donnell] take on that rule or would they have to have some kind of uniformed officer in the room to remove people or silence them? She asked. She hasn't been in Northampton long but has noticed that certain people are treated differently. She thinks this proposal is limiting public access to meetings. Councilors are going to have to have an enforcement mechanism and that is going to limit further the most vulnerable members of society. She couldn't help but notice that this proposal came immediately after "a number of us queer, non-binary women" came forward to express disagreement with how the police exercise power, she observed.

She has noticed that proposals like this have recently been passed in New Orleans, North Carolina, etc. She doesn't really think Northampton wants to put itself in that company. The way that demands for civility have been enforced historically is to suppress marginalized people, she stressed. She is seeing this proposal as a proposal to silence certain groups and thinks it's kind of a 'gross look.' She expressed her hope that City Council will consider not passing this order.

Sarah Fields of 40 Elizabeth Street said her professional background is in education. She appreciates that the intent behind the amendment is to improve access but, in reality, creating structure that silences people never increases access, she opined. There is a lot of research that shows that the way of increasing access is finding more ways of expression. She is glad that the conversation has opened up. She doesn't think silencing of expression from community members is the way to increase engagement; it sends a very different message. Also, there is a power dynamic here that needs to be called out and addressed. Whenever [elected officials] are thinking about rules for government they should be thinking about decentralizing and distributing power and this doesn't do that. She opposes the amendment and welcomes a discussion about how to create a more representative and inclusive government, she concluded.

Dana Goldblatt of Williams Street said she wanted to pick up where Sarah [Fields] left off about how to make government more accessible. She suggested talking more about how to make local government more inclusive and representative.

She cited having armed police in the room as a feature that makes government less accessible and that seems oppressive. It seems to her that more people would stay away from a process that has police oversight than would stay away from hearing clapping, etc. She does think it's very important that the meeting be accessible to everyone and that [accessibility issues] be addressed. She thinks the way to address them is a better public announcement (PA) system, having assistive listening devices, etc. She doesn't think silencing people is going to make government more accessible.

Marty Nathan of 24 Massasoit Street agreed with everything said, describing the comments as "well-thought out and in the spirit of our town." This amendment does not benefit the city of Northampton, she contended. It is particularly bad that it is being undertaken in the Trump era when so many avenues for having a voice for people who are traditionally disempowered in society are being cut off. She literally stumbled into one of the surveillance camera meetings and was thrilled to see people having a voice. She thinks everyone has said at some point that 'this is what democracy looks like.' We should not be limiting dissent and limiting speech, and we should not stifle the voices of the poor, street people and queer people, she affirmed.

Blair Gimma of 3 Clark Avenue referred to the rule change with respect to sending items to committee. It seems like it has the potential to serve as a sort of delay tactic, she observed. This can also be a mechanism for silencing the public as there are only so many meetings people can attend, she pointed out.

Jess Johnson of 119 Meadow Street said she wanted to share how terrifying it is for her to be standing here right now; to be taking up space and telling people in power how she feels about something, and to underscore the intimidation that is involved in being in this space and speaking up as a member of the public. She asked members to consider removing the civility decorum clause.

She knew there were times that they whispered and tweeted to each other and she knew that could be annoying, she acknowledged. However, the ability to talk to each other quietly and respectfully is the least [privilege] members of the audience should be able to have.

She echoed calls for better sound systems and more outreach to people impacted by measures. She thinks there needs to be a more explicit effort to make meetings more intentional. Also, she thinks the City Council should have a Facebook page as a source of information about current topics.

Manny Eduardo of 238 Amherst Road, Sunderland, MA 'dittoed' everything said. With regard to Sarah Field's comment about law enforcement; this is not a court, he reminded. The body is the legislature, "but we are also your constituents," he reminded. When they feel something is not right, they have a right to state their case. Having law enforcement present is a little intimidating for some audience members.

He related his experience in the correctional system in Florida. People there were told they couldn't use snapping fingers, etc. "We also have a voice," he observed. He said he is glad they were here for four months and glad they were able to defeat the cameras because that money could now be used for a sound system. He encouraged them to not only listen to the people who are the 1% but to listen to their constituents.

Elizabeth Humphrey of 293 Prospect Street said she wanted her voice to be counted as agreeing with everything that had been said. These amendments and these types of amendments, regardless of

intention, raise red flags for her because there is so much suppression happening right now. She thanked councilors for considering their voices in the process.

Paige Hendry-Bodnar also expressed approval for all that was said. She is very interested in finding ways to make these meetings more accessible to 'my people,' she commented.

Councilor Dwight prefaced his introduction of the individual agenda items by inviting audience members to offer contributory information during discussion of specific proposals as well as during formal public comment. He acknowledged that the physical environment of Council Chambers is problematic and that members have been struggling with how to make it more accessible. Councilors acknowledge and recognize the existing deficiencies and are struggling to make this a better venue, he assured.

4. **Approval of Minutes of February 1, 2018**

Councilor Klein moved to approve the minutes of February 1, 2018. Councilor Carney seconded. The motion passed unanimously 3:0.

5. **Items Referred to Committee**

A. **18.015 Order to Make Various Amendments to the Council Rules - referred to Legislative Matters January 18, 2018**

Councilor Dwight took this agenda item out of order as the majority of people were present for this discussion. He read the text of the proposed revisions to the council rules.

Councilor Klein moved to put the order on the floor for discussion. Councilor Carney seconded.

Members began by discussing the proposed amendment to Section 2.3 COUNCIL PRESIDENT POWERS AND DUTIES:

2.3 COUNCIL PRESIDENT POWERS AND DUTIES.

2.3.8. -To issue a Committee Study Request to any committee **when, in the judgment of the President, a complex policy or issue area suggests in-depth research or gathering of testimony.**—Such a request shall require a committee to report to the full Council on a particular policy or issue area **within 120 days no later than 120 days from the referral,** optionally accompanied by legislation. However a committee may by majority vote decline to consider or respond to such a request.

Councilor Klein asked if the language "in the judgment of the President" was in the original proposal, and Councilor Nash said yes.

Councilor Klein said she thinks they have to be careful about creating these kinds of hierarchies. She expressed the opinion that having the president being the person that makes the final judgment is something that takes power away from other councilors.

Councilor Carney pointed out that the statement is under the section COUNCIL PRESIDENT POWERS AND DUTIES, so the fact that it is a prerogative of the Council President is already implicit. Councilor Dwight agreed it is redundant since it is built into the rule to begin with.

Councilor Nash said he believed the motivation for this change was to encourage more research and study. It was suggested by Councilor Bidwell, he confirmed. In the past he's found referral of items to committee for further investigation very helpful.

Councilor O'Donnell explained that the Committee Study Request was a new mechanism he and Councilor Dwight created with new rules that went into effect in 2016. The idea was that committees should generate ideas as well as being asked to provide information. One of the first study requests had to do with the downtown economy and another was about how to increase public participation in the budget process, he reminded

He noted a confusion in terminology centering on the word 'referral.' A committee study request is not technically a referral, he clarified. He expressed the opinion that the expanded language is not necessary and said he worried the revised wording actually restricts the council's ability to issue study requests.

Councilor Dwight agreed that it too narrowly defines what can be considered for a committee to review and study.

Councilor Dwight clarified that members could amend to items as they go along or address the order as a whole.

Councilor Klein moved to amend the order by striking the proposed amendment under Section 2.3.8, effectively restoring the original language. Councilor Carney seconded.

Councilor Klein commented that she feels like it's trying to put a finer point on something that doesn't need a finer point. "It feels absolutely complete to me as it is," she said.

The motion passed unanimously 3:0.

Councilor Nash stressed that the intent is not to use the request as a delay tactic. His experience is that referral to committee really enhances the process, he shared.

Councilors discussed the proposed amendment to Section 3.2 of the council rules:

[3.2 STATE LEGISLATIVE AGENDA. The City Council shall annually by December 1st consider a resolution of state legislative priorities that would benefit the City of Northampton. For this purpose, the City Council may establish a select committee to recommend a resolution.] – Deleted from Council Rules in xxx, 2017.

3.2 STATE LEGISLATIVE PRIORITIES. The City Council may twice per year request that the Mayor engage with the Council in a discussion of state legislative priorities that would benefit the City of Northampton.

His only modification would be to change the wording to read "would affect the City of Northampton," Councilor Nash advised.

Councilor Klein said she would like to propose a friendly amendment to add "as well as municipal legislation and priorities" after the word Northampton.

Councilor Dwight noted that they would have to change the title.

Originally, the idea was for the council to come up with its own priorities, Councilor O'Donnell clarified. He likes the idea of discussing municipal priorities too, he added. The council never did this, but the idea was to set up a committee to think about its legislative priorities. Now sponsors are proposing to have the Mayor come and tell them what their priorities should be. It changes the purpose since the original idea was to come up with our own priorities, he pointed out.

He would say that, if they were not going to do it themselves, they would just invite the Mayor for a discussion.

Councilor Carney asked if he was suggesting that the original rule be reinstated, and he said no.

Councilor Klein expressed the opinion that the wording "in a discussion of" implies a discussion between partners [rather than the Mayor dictating to them]. She does think it's important that they think about a mechanism for creating more opportunities for conversations with the Mayor, she shared.

Councilor Dwight suggested they should make a different rule rather than trying to make it fit somewhere it doesn't. He would argue that it is significantly different from what it is replacing.

Councilor Carney clarified that members can only 'request' the Mayor, not 'require' him to engage.

Councilor O'Donnell said they could establish a committee to establish municipal priorities. One option would be to try it this year and see how it works and then codify it.

Councilor Dwight expressed his understanding that Councilor O'Donnell is proposing that they just do it without creating a rule. He said he would suggest deleting 3.2.

Councilor Klein made a motion to strike the amended language of Section 3.2. Councilor Carney seconded.

Councilor Dwight said his suggestion would be to delete the entire section (including the italicized text), and Councilor O'Donnell agreed this would be fine to delete.

The council could always issue a committee study request to Legislative Matters to come up with legislative priorities, Councilor O'Donnell noted.

Councilor Dwight called the motion to a vote, and it passed unanimously 3:0.

Councilor Dwight moved to strike all of Section 3.2 as it currently exists. Councilor Carney seconded. (Editor's note: Unbeknownst to committee members, Section 3.2 was previously deleted, so this action was unnecessary.)

Councilor Klein said she thought there was a benefit to putting a finer point on something like this because it serves as an impetus to do something. She expressed her understanding that Councilor O'Donnell's suggestion is for the members of Legislative Matters to make an amended rule to replace this.

Councilor Nash stated his understanding that Councilor O'Donnell is making a commitment to encouraging this regular discussion with the Mayor without a specific rule.

The motion passed unanimously 3:0.

Councilors turned to a discussion of the following proposed amendment:

4.7 CONDUCT. City Councilors and members of the public shall conduct themselves with civility and respect at all times. Demonstrations from members of the public of approval or disapproval, or any actions that interfere with the ability of all in the Council Chambers to hear or see the Council conducting its business, will be not be permitted.

Councilor Nash passed out a revised version of the proposed amendment and a handout with sample conduct rules from other cities. He read aloud the section of state law (M.G.L. Chapter 30A, Section 20(g)) already in effect with regard to conduct at public meetings.

The sponsors are proposing a new version of 4.7 CONDUCT, he confirmed. He read it aloud as follows:

4.7 CONDUCT. City Councilors and members of the public shall conduct themselves with civility and respect at all times. Any actions that interfere with the ability of all present, and those viewing remotely, to participate in council matters will be addressed by the Council President in accordance with Massachusetts General Law Chapter 30A, Section 20(g).

In terms of what other cities and towns have on their books, what we're suggesting here is actually pretty tame, Councilor Nash maintained. He stressed that 'our main focus here is for people to be able to hear' and that it wasn't the intent to ban applause. His personal recommendation is that the City Council President develop some guidelines to go over before the meeting. The previous president did that, but there have been new things in the chambers that didn't fall under those guidelines.

The Ward 3 Neighborhood association has its own code of conduct which they go over prior to the meeting.

Public Comment

Councilor Dwight recognized Dana Goldblatt.

Ms. Goldblatt commented that having a rule that uses 'shall' language to require the council president to follow a statute which says that the chair 'may' call the police is inconsistent. In Mass. General Law, the ability to authorize a constable or other officer to remove someone is an option that the chair is not required to exercise, she stressed. What is being proposed is a rule with 'shall' language that requires the council to follow a law with 'may' language.

It "is both ambivalent and fascistic," she asserted.

As the person who would have to enforce this, he appreciates the intention behind the proposal and really does not think his colleagues are motivated by cracking down on free speech, Councilor O'Donnell shared, stressing that he wanted to make his opinion about their intentions clear.

Chapter 30A is the Open Meeting Law (OML). They could have a rule that says they shall obey the OML but his pet peeve is when municipalities reference state law within their code of ordinances or rules. State law can change and then there is dissonance between the two. He would think state law trumps their rule anyway. He doesn't see how he could enforce it in any way other than with discretion. That would be his concern about adding extra strength. Councilors can create rules for themselves, but when they create rules for other people's behavior, it is a law and he is not sure they can do this. This should probably be stricken as well, he suggested.

Councilor Carney pointed out that Robert's Rules or Order also have rules of conduct.

Their oath of office requires them to uphold the laws of the Commonwealth, so this is redundant in some respects, Councilor Dwight pointed out. He noted the contrast between the incivility he experienced in the past and what was experienced more recently around security cameras. He personally enjoyed the 'cacophony of democracy,' he volunteered.

He has problems with the optics of the amended version, Councilor Dwight continued. They have never called a police officer into these chambers. A police officer showed up once when a person was making threatening comments to the Mayor. He assigns great credence to the testimony that anything they do to either subtly or directly try to temper remarks is inappropriate, he indicated.

He thinks they are sending the wrong message [with the amendment], he concluded. He expressed the opinion that the issue of not being able to hear is a practical problem related to the structure of the room that city officials can continue to struggle with and try to address.

Councilor Dwight did a lot to enhance public access, Councilor O'Donnell noted. He informed those present that he has had meetings with outgoing Senior Center Director and ADA Coordinator Linda Desmond about working to improve access and that these efforts will continue.

Councilor Klein said she appreciated the public comments about the intimidation factor. She described the proposed amendment as being 'infantilizing to the public' and 'rude.' They do need to make efforts to make themselves more accessible, she agreed. She echoed the comment that the timing of the proposal is not coincidental and said she takes real offense to that.

On the other hand, she expressed her belief that it is okay in the moment to use discretionary power to quiet the crowd if there is a genuine problem hearing. She doesn't have a problem with the council president using discretion to handle occasional disruptions, she indicated.

Councilor Klein said she would like to make a motion to strike this amendment. Councilor Carney seconded.

Councilor Dwight suggested adding "and abide by the presiding officer" after "respect at all times."

Councilor Nash suggested changing the revised version of the amendment submitted this evening to end after "will be addressed by the Council President" and deleting the reference to the M.G.L. to address the objections heard.

Lydia Capell commented that what is civil and appropriate varies greatly by culture.

Councilor Klein seconded Councilor Dwight's motion.

Ms. Goldblatt suggested that if councilors are going to amend the rule they take out the phrase 'and members of the public.'

A member of the audience questioned why the rule was being amended since this is already in the rules.

Councilor Dwight called the motion to delete the amendment to a vote, and it passed unanimously 3:0. He withdrew his subsidiary motion.

Councilors moved to a discussion of the proposal to amend Section 5.2.1:

5.2.1. In general, any Councilor may recommend that any~~all~~ matters ~~may~~ be ~~referred~~ to Council committees or executive multiple-member bodies, which shall constitute a request for a report on such matters.

A member suggested rephrasing the amended text to "In general, any councilor can make a motion to refer matters before Council to Council committees or executive multiple-member bodies, which shall constitute a request for a report on such matters."

Councilor Carney said they can do that now anyways.

Councilor O'Donnell commented that the problem with restating the rule is that not everything is in order at every time. If there is a motion to adjourn, it is not in order to make a motion to refer, he pointed out. Any councilor can make a motion to refer, he noted.

As an explanation, Councilor Nash said the subject (of the appropriateness of referring items other than ordinances to committee) came up in discussion recently.

Councilor Klein wondered if it came up in response to her asking Councilor Bidwell if it was necessary to refer something to a committee when she had a sense that it was a [delay] tactic. If so, she expressed her opinion that it was reactionary.

Councilor Dwight said he wasn't sure the amendment is necessary as any councilor can make a motion to refer at any time.

His reason for supporting these language changes has to do with getting things to this level of discussion, Councilor Nash clarified. When councilors get things to committee an interaction with the public is able to occur. It is all about having people have more influence on the process, he elaborated.

Councilor O'Donnell attested to the truthfulness of the fact that Councilor Nash loves discussion. However, "codifying it in this way creates confusion," he suggested. The original purpose of Section 5.2.1 was to define a referral by clarifying that it is asking for a report.

Councilor Carney moved to stay with the original language. Councilor Klein seconded. The motion passed unanimously 3:0.

Councilor Dwight expressed his understanding that all items have now been struck. It is necessary to send the order back to council with a recommendation, he advised.

They are actually going to make a recommendation on an empty sheet of paper, Councilor O'Donnell pointed out.

Councilor Klein moved to forward with a positive recommendation as amended. Councilor Carney seconded.

Councilor Carney mentioned the possibility of instead forwarding it with a neutral recommendation.

The sponsors and the rest of the council can actually reintroduce the amendments, Councilor Dwight clarified. It might have been more appropriate to forward the original order with a negative recommendation, he said.

He called the motion to forward 18.015 with a positive recommendation to a vote, and it carried 3:0.

He instructed the administrative assistant to make sure both versions of the order (as amended and as originally proposed) go back to the council for consideration.

B. 17.265 An Ordinance Relative to Taxis and Vehicles for hire - returned to committee by City Council on 9/21/2017

A new version of the ordinance was just received, it was noted. Since the sponsor was not present to explain the changes, members discussed deferring discussion of the final draft until February 27th when Councilor Sciarra will be present to provide background information.

Councilor Carney moved to continue 17.265 to February 27th. Councilor Klein seconded.

Councilor O'Donnell said his recommendation would be to request an explanatory memo from the department head that recommended it (Police Chief Jody Kasper). Councilor Dwight said he'd ask Chief Kasper to provide a memo explaining the changes. **The motion carried 3:0.**

C. 17.379 An Ordinance Relative to Parking on Prospect Street - Referred to Committee on August 17, 2017, Received Positive Recommendation from Transportation and Parking Commission

Councilor O'Donnell explained that the purpose of the ordinance is to create three limited-time (15-minute) parking spaces on Prospect Street to facilitate pick-up and drop-off at the Meadowlark Childcare Center. Councilor Dwight expressed his understanding that there is no such thing as a 15-minute parking spot.

Councilor Carney moved to forward with a positive recommendation. Councilor Klein seconded. The motion carried 3:0.

D. 17.420 Order to Lower Default Speed Limit to 25 mph - referred to Transportation and Parking Commission and Legislative Matters 11/16/2017

The proposed order lowers the default speed limit in unposted areas, Councilor O'Donnell explained. The Transportation and Parking Commission (TPC) has discussed this twice and not yet reached a consensus as to whether it is advisable from a policy perspective, he reported. He thinks TPC members' questions are related to details such as how it would be enforced.

The order is for the city to accept the provisions of MGL Ch. 90, Section 17C.

Councilor Carney moved to forward to the full council with positive recommendation. Councilor Klein seconded.

Councilor Klein said her question would be how to inform the public of the change. She asked how 'thickly settled' is defined, and Councilor O'Donnell said there is an official definition.

Councilor Dwight said he is agnostic on this but would like to hear what the TPC's divisions are.

The goal is to get as close to a speed limit of 25 mph as possible, Councilor O'Donnell elaborated. Mortality rates increases exponentially for speeds over 25 mph.

Councilor Carney withdrew her positive recommendation and moved to send with a neutral recommendation. Councilor Klein seconded. The motion carried 3:0.

E. 18.016 Order to Amend Council Rules - referred to Legislative Matters January 18, 2018

He thinks the council should abolish the Committee on Public Works and Utilities because it doesn't meet, Councilor O'Donnell explained. The amendment proposed adding two of its only functions to the Committee on City Services. Out of respect for concerns raised by the committee chair, he changed the proposal to delegate the public hearings on water, sewer and Stormwater utility rates to the Finance Committee.

He also proposes removing references to related departments.

Councilor Carney moved to forward with a positive recommendation. Councilor Dwight seconded.

Councilor Dwight said he appreciates the changes as they address some of his concerns. **The motion carried 3:0.**

Councilor Klein moved to adjourn the meeting. Councilor Carney seconded. The motion carried 3:0. The meeting was adjourned at 7:52 p.m.

Prepared By:

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**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Eighteen

Upon the Recommendation of Mayor David J. Narkewicz and the Transportation & Parking Commission

18.043 AN ORDINANCE

RELATED TO BICYCLING ON SIDEWALKS, DEFINING MULTI-USE TRAILS, AND REGULATING BIKE LANES

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by amending Sections 285-12(B), 312-78(A), and 312-80 providing for rules for bicycles on sidewalks, multiuse trails, and bicycle lanes.

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

*That the code of ordinances be amended by inserting the following language shown in **BOLD** and deleting ~~striketrough~~ language. These amendments do NOT amend any other subsections or portions of the sections shown:*

Amend **Section 285-12 (B)** to add an additional “provisions for bicycling” to “certain activities on streets and sidewalks prohibited”

B. Provisions for bicycles.

(1) Bicycles shall be allowed to be driven on all streets and on all sidewalks outside the Downtown Business District and the Florence Business District.

(2) **Bicycles shall not be allowed to be driven on the sidewalks in the Downtown District and Florence Business District, as defined below, except that bicycles shall be allowed to be driven on any section of sidewalk that is part of any marked multiuse trails (bicycle path), or marked cycle track or buffered bicycle lane.**

Amend **Section 312-78(A)** to better defining multiuse trails

A. No motorized vehicles, except those defined as Low Speed Electric Bicycles by 15 United States Code (U.S.C) Section 2085 and electrically powered mobility devices for people with disabilities, or horses will be allowed on multiuse trails, or bicycle paths, with the exception of emergency and/or maintenance vehicles belonging to National Grid, the City of Northampton, the Commonwealth of Massachusetts, or their agents. **Multiuse rails include the MassCentral Rail Trail, the New Haven & Northampton Canal Line (Manhan) Rail Trail, the Rocky Hill Greenway, and any other marked multiuse trail (bicycle path), but not including earthen and walking trails.**

Amend **Section 312-80** for the regulation of Bike Lanes

- A. There shall be established in the City of Northampton on certain public ways bike lanes for the preferential but not necessarily exclusive travel of non-motorized bicycle traffic.
- B. A bike lane is so designated by means of **some combination of** painted lines, pavement coloring, **bike lane signs and/or** other appropriate markings **and signage**.
- C. No vehicle shall park within a designated bike lane in a manner which would obstruct bicyclist passage. Such violation shall be enforced under § **312-99B(1)**, Group A.
- D. A motor vehicle may enter or cross a designated bike lane only after using due caution and care in such movement.
- E. **The Police Department and Mayor may allow parking in bike lanes for short term special events.**
- ~~E. The City Council shall designate bike lanes within the City upon recommendation of the Transportation and Parking Commission and concurrence from the Department of Public Works.~~
- ~~F. The following areas are hereby designated as bike lanes {delete entire list of bike lanes}...~~

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Eighteen

Upon the Recommendation of Mayor David J. Narkewicz and the Transportation & Parking Commission

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- (2) Bicycles shall not be allowed to be driven on the sidewalks in the **Central Business Downtown** District and **General Florence**-Business District, ~~as defined below~~, **except that bicycles shall be allowed to be driven in those districts on any section of sidewalk that is part of any marked multiuse trails (bicycle path), or marked cycle track or buffered bicycle lane.**

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A. No motorized vehicles ~~except those defined as Low Speed Electric Bicycles by 15 United States Code (U.S.C) Section 2085 and electrically powered mobility devices for people with disabilities or horses~~ will be allowed on multiuse trails or bicycle paths, with the exception of emergency and/or maintenance vehicles belonging to National Grid, the City of Northampton, the Commonwealth of Massachusetts, or their agents. **Notwithstanding the foregoing, Low Speed Electric Bicycles as defined by 15 United States Code (U.S.C) Section 2085 and electrically powered mobility devices for people with disabilities shall be permitted on multiuse trails and bicycle paths. Multiuse rails include the MassCentral Rail Trail, the New Haven & Northampton Canal Line (Manhan) Rail Trail, the Rocky Hill Greenway, and any other marked multiuse trail (bicycle path), but not including earthen and walking trails.**

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