

Committee on Legislative Matters and the Northampton City Council

Members:

Councilor Jesse M. Adams
Councilor David A. Murphy
Councilor Ryan R. O'Donnell
Councilor Gina-Louise Sciarra

MEETING AGENDA

Date: March 14, 2016

Time: 5:00 pm

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

Note: These minutes were transcribed from the video recording of this meeting.

1. **Meeting Called to Order and Roll Call:** Present at the meeting were: Councilors Murphy, O'Donnell. and Sciarra. Councilor Adams was absent. There were no other city councilors present.
2. **Public Comment:** None
3. **Minutes of Previous Meetings:** Councilor O'Donnell moved to approve the minutes of the previous meeting (February 8, 2016); Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Adams)
4. **Items Referred to Committee:**
 - A. **16.003 Ordinance to Delete Fees from chapter 174 of City Code Book**

Councilor O'Donnell noted that one question that came up during discussion of this ordinance during the Ordinance Review Committee Meeting was whether city council can still set fees if they wish. Another question that came up was if a fee goes up a certain dramatically by a certain percentage, can that trigger a public hearing. He notes that there is accountability on the part of the Mayor, however, with a four year term, the accountability is quite different now. Fees have to be reasonable to the services that are provided. The guidance from the state says that accepting fee setting by the Executive Branch does not mean city council does not have a say in setting of fees. He suggests that there should be language in the ordinance that requires a public hearing if fees go up over a certain percentage.

Councilor Murphy reminded the committee that the fees can be set sufficient to cover the cost of the service. If it is more than that, than it is considered a tax. Councilor O'Donnell noted that the burden of setting fees would shift to the Mayor under this ordinance and he would like to see accountability built into the ordinance.

Councilor O'Donnell noted that the language of the ordinance should not include a reference to the city's website. He recommended that the wording be amended to delete the reference to the city website. Councilor Sciarra seconded the motion. The committee

voted to return the ordinance back to the full city council with a neutral recommendation as amended on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Adams).

B. 16.005 An Ordinance Pertaining to LED Lighting

Carolyn Misch, Sr. Land Planner was present to review the changes to the ordinance. The Planning Board looked at updates to the sign code and made several recommendations to improve the ordinance. Part of this is based on interest in replacing old lighting with LED lighting. The opportunity to update the entire sign code section.

Part of the evaluation of updates was to look at signs in residential areas vs. commercial areas. Lighted signs are allowed in both areas, however, there is no time restrictions in the current language. The PB looked only at on-premise signs only. The PB also looked at national traffic safety information about LED signs. They took into account that signs could be distracting.

The updates include a definition of what an LED signs incorporates. Curfew will be in place for residential locations. The ordinance specifies that lighting will be regulated by the code and no longer by restrictions set forth by the police chief. Additional language has been added to better interpret directional signs (7.2.D).

Section 7.2.E. was added to restrict special permit allowances for height of signs. The Zoning Board hasn't been issuing special permits for taller signs because the PB has been trying to restrict sign height in the city's gateway corridor. Signs are now 15 feet or shorter.

7.2.T defines dynamic display to clarify "video" display (to mean electronic display).

7.3.C clarifies ordinance language to distinguish between sections membership club signage that is allowed and church facilities. LED display will be allowed for churches and schools with the language changes. Changes to signs are allowed every 30 minutes and the transition is instant (no scrolling/fading, etc.); time restrictions are identified; if images are displayed, they must be static. Light level standards are also specified.

Signs would be allowed for Bed and Breakfast facilities, however, time restrictions are specified.

Ground signs in residential districts have not been specified as far as height; this has now been added to the ordinance.

Regarding commercial districts, the minimum time display was recommended to be 30 seconds. The PB also recommended to change the curfew from 10:00 pm to 11:00 pm or the close of business. Regarding sounds from signs, standards will only apply to signs on the street.

Councilor Murphy read through the recommended changes.

Regarding placement of signs on a pitched roof (7.2.E), signs must be place on the front of the building, but not attached to the roof itself. Councilor Murphy questioned whether businesses do this already, such as those with porches on the front of the building (the

porches covers the face of the building). Sr. Land Planner Misch said that this would qualify under the proposed language.

Councilor O'Donnell suggested changing the wording to delete "under no circumstances shall..."; Sr. Land planner Misch agreed and modified the proposed wording.

For pre-existing signs, if they are non-conforming based on the proposed language, a display sign can replace the non-conforming sign, provided that the new sign conforms with the requirements of illumination, display, size, etc.

Councilor O'Donnell requested that Sr. Land Planner Misch provide the changes within the context of the existing ordinance. Ms. Misch indicated that she would make the in-line changes available in time of the city council meeting on March 17, 2016.

Councilor Sciarra moved to send forward to the full city council with a neutral recommendation; Councilor O'Donnell seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Adams).

C. 16.028 An Ordinance to Delete Subdivision of Land from Chapter 290 of the Code Book

Sr. Land Planner Carolyn Misch explained that under state law, the City Council has no jurisdiction regarding subdivision of land regulations. Moving forward, the subdivision of land regulations will be placed on the Planning Board's web page on the city's website. This ordinance will only delete the ordinances from the code book. The regulations will still exist, just not in the code book.

Councilor O'Donnell moved a positive recommendation as amended; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 yes, 0 No.

D. 16.025 An Ordinance Regarding Parking on Center Street - Still Awaiting Feedback from TPC

The committee did not discuss this ordinance.

E. 16.034 Ordinance Pertaining to Water Resources - Awaiting Feedback from Committee on Community Resources and Committee on Public Works and Utilities

The committee did not discuss this ordinance.

5. New Business: None

- 6. Adjourn:** Councilor O'Donnell moved to adjourn the meeting at 6:25 pm; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Absent (Councilor Adams).

Prepared By:

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