Committee on Legislative Matters and the Northampton City Council

Members:
Councilor David A. Murphy, Chair
Councilor Ryan R. O'Donnell
Councilor Gina-Louise Sciarra
Councilor James Nash

MEETING AGENDA

Date: January 9, 2017
Time: 5:30 pm
Location: City Council Chambers
212 Main St., Northampton, Massachusetts

pm

1. **Meeting Called to Order and Roll Call**

2. **Public Comment**

3. **Approve minutes of the November 14, 2016 meeting**

   Documents:

   Committee_On_LegislativeMatters_November_14_2016.pdf

4. **Items Referred to Committee**

5. **16.184 - Relative to Heavy Equipment Operation**
   Positive recommendation from TPC as amended.

   Documents:

   16.184_Heavy_Equipment.pdf

6. **16.213 RELATIVE TO PARKING ON CENTER STREET AND MARKET STREET**
   Already considered by TPC

   Documents:

   16.213_pic.pdf
   16.213_Market_Center_Street.pdf

7. **16.214 RELATIVE TO A YIELD SIGN ON MAPLE STREET**
   Already considered by TPC.

   Documents:

   16.214_Yield_Maple_St.pdf

8. **17.232 Order to Amend City Council Rules - possibly referred to committee on 1/5/2017**

   Documents:

   17.232_Council_Rule_Change.pdf

9. **17.233 An Ordinance Relative to School Zones - Referred to Committee on 1/5/2017 (and to TPC)**

   Documents:

   17.233_School_Zone_Ordinance.pdf

10. **New Business**

11. **Adjourn**

Prepared By:
P. Powers, Administrative Assistant to the City Council
413.587.1210; ppowers@northamptonma.gov

Committee on Legislative Matters and the Northampton City Council

Members:
Councilor David A. Murphy, Chair
Councilor Ryan R. O'Donnell
Councilor Gina-Louise Sciarra
(Vacant)

MEETING MINUTES
Date: November 14, 2016
Time: 5:00 pm
Location: City Council Chambers
212 Main St., Northampton, Massachusetts

1. **Meeting Called to Order and Roll Call:** At 5:04 pm Councilor Murphy called the meeting to order. Present at the meeting were Councilors Murphy, O'Donnell and Sciarra. Also present in the audience was Ward 3 City Councilor James Nash. No other City Councilors were present.

2. **Public Comment:** None

3. **Public Hearing relative to photovoltaic systems and related accessory structures in various zoning districts**

At 5:05 p.m. Councilor O'Donnell moved to open the public hearing; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Vacant.

Sr. Land Planner Carolyn Misch was present to speak to the issue of the changes to the ordinances affecting photovoltaic systems and related accessory structures. These measures had been passed previously by a prior City Council; however, for some unknown reason, the changes were never reflected in the online version of the City Code. The districts affected were URA, URB, SR and RR. Future changes to the code have been made; however the changes did not include the modifications that were previously approved. Therefore, the City Council must re-approve the changes. Ms. Misch noted that the City Council has already approved a PV system at the City's former landfill site; other inquiries have been received. She notes that there is interest in large scale photovoltaic array systems.

There were no proponents or opponents to speak about the changes.

There was no public comment.

At 5:08 Councilor Sciarra moved to close the public hearing; Councilor O'Donnell seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Vacant.

4. **Approve Minutes of the October 12, 2016 Meeting:** Councilor O'Donnell moved to approve the minutes of October 12, 2016; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Vacant.

5. **Items Referred to Committee**

A. **16.158 - An Ordinance relative to photo voltaic systems and related accessory structures in various zoning districts- Referred to Committee on September 15, 2016** (As amended by this committee on October 12, 2016)

Councilor O'Donnell moved to return the ordinance back to the full City Council with a positive recommendation; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Vacant.

B. **16.175 Ordinance to modify code for limited time parking on King Street - Referred to committee on October 6, 2016**

This item receive a positive recommendation from the Transportation and Parking Commission.

Councilor O'Donnell explained that there are three spaces just north of North Street and King Street across from Dunkin Donuts. The location is at 139 King Street which is formerly the Hamelin Furniture building. The building is now used as a dog care business. There are two parking spaces right in front of the building and another just south of those. The ordinance would change the northerly two to 15 minute spaces while the bottom space would be a one-hour space. The request to change the time limits came from the business owner and the property owner who came to a Transportation and Parking Commission meeting to explain the need. The TPC made a positive recommendation to support the change, however, the vote was not unanimous. Councilor O'Donnell explained that he did not support the ordinance in part because he does not believe that there is a demonstrated concern that a problem exists. He did learn from the business owner that from time to time there are people who park in front of the business on the weekend. He notes that he has never heard that there is a problem in this area and before two parking spaces are taken out of the available inventory, he would like to know that there is a demonstrated problem. He notes that what this ordinance will do will be to take the parking spaces out of the City's inventory and give them effectively to just one business, unlike other 15 minute spaces which are a utility spaces for many different businesses. Councilor O'Donnell is not convinced that there is a demand for these spaces.

Councilor Murphy asked why two spaces were needed; Councilor O'Donnell explained that there is also a drop off area that is available by way of two curb cuts in front of the business. Councilor Sciarra noted that the business owner explained that the business had rush hour times. People drop off their pets first thing in the morning and then pick them up on the way home. The owner felt as though they needed as much parking as possible.

Councilor Sciarra pointed out that ordinance specifies a time from of 1 am to 6 pm for the one hour parking space. She notes that this is highly unusual and isn't necessarily enforceable. The time was changed for the 15 minute space and Councilor Sciarra believes that it should be changed for the one hour space as well. Also, the spaces in downtown are changing to two hour spaces and that seems to be the direction that the City is moving. Councilor Murphy believes that the 1 am time was intended to prevent overnight parking. Councilor Sciarra moved to amend the ordinance to reflect an 8 a.m. start time; Councilor O'Donnell seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Vacant.

Councilor Sciarra moved to return the ordinance back to the 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 Vacant.

C. 16.182 An Ordinance regarding No Parking certain times in Round House Lot - Referred to Committee on October 20, 2016

This item received a positive recommendation from the Transportation and Parking Commission.

Councilor O'Donnell explained that there was a commitment from the City to secure parking spaces for tenants of South Street complex. Those spaces currently exist and the goal is to codify the dedicated spaces.

Councilor O'Donnell moved to return the ordinance back to the full City Council with a neutral recommendation; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Vacant.

D. 16.183 An Ordinance relative to bike lanes on Locust Street - Referred to Committee on November 3, 2016

Councilor O'Donnell noted that the bike lanes that are referred to in this ordinance are already painted; he moved to return the ordinance back to the full City Council with a positive recommendation; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Vacant.

6. Approve Committee Calendar for 2017

The committee's general meeting day and time is the second Monday of each month at 5:00 pm. Councilor O'Donnell moved to approve the Committee schedule as proposed; Councilor Sciarra seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Vacant.

The committee's 2017 schedule is as follows:

January 9, 2017 @ 5:30 p.m.	February 13, 2017
March 13, 2017	April 10, 2017
May 8, 2017	June 12, 2017
July 10, 2017	August 14, 2017
September 11, 2017	October 16, 2017 (Oct. 9 is a holiday)
November 13, 2017	December 11, 2017

7. New Business – None

8. Adjourn – At 5:23 pm Councilor Sciarra moved to adjourn the meeting; Councilor O'Donnell seconded the motion. The motion was approved on a voice vote of 3 Yes, 0 No, 1 Vacant.

Prepared By:
P. Powers, Administrative Assistant to the City Council
413.587.1210; ppowers@northamptonma.gov

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Sixteen
Upon the Recommendation of the Department of Public Works.

16.184
AN ORDINANCE

RELATIVE TO THE OPERATION OF HEAVY VEHICLES

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

That the § 312-75 of the Code of Ordinances be amended as follows:

§ 312-75 Compression release engine brake use; operation of heavy commercial vehicles.

~~C. Warnings and penalties for repeated use of truck detours. Operators of heavy commercial vehicles as defined in § 312-1 may first be issued an informational warning for using established truck detours on Lincoln Avenue and Phillips Place for the purpose of correcting a navigation error that would otherwise have led the vehicle to a prohibited route. However, operators who have previously received such a warning within the last two years shall be subject to a fine of $300.~~

DPW-Engineering/Dec 2016

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Sixteen
Upon the Recommendation of Councilor Gina-Louise Sciarra

16.213
AN ORDINANCE

RELATIVE TO PARKING ON CENTER STREET AND MARKET STREET

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

That the § 312-104 of the Code of Ordinances be amended as follows:

§ 312-104 Schedule III: Limited-Time Parking.

~~Center street~~	~~Northerly~~	~~15 mins./8:00 a.m. to 6:00 p.m.; Monday through Saturday~~	~~A point 161 feet easterly from Center Court~~	~~A point 179 feet easterly from Center Court~~
Center Street	**Southerly**	**15 mins./8:00 a.m. to 6:00 p.m.; Monday through Saturday**	**A point 214 feet easterly from Masonic Street**	**A point 229 feet easterly from Masonic Street**
Market Street	**North-easterly**	**15 mins./8:00 a.m. to 6:00 p.m.; Monday through Saturday**	**A point 155 feet southeasterly from Graves Avenue**	**A point 173 feet southeasterly from Graves Avenue**

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Sixteen
Upon the Recommendation of the Department of Public Works.

16.214
AN ORDINANCE

RELATIVE TO A YIELD SIGN ON MAPLE STREET

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

That the § 312-113 of the Code of Ordinances be amended as follows:

§ 312-113 Schedule XII: Stop and Yield Intersections.

C. Isolated yield signs. Yield intersections are established at the following locations:

Name of Street	Direction of Travel	At Intersection of
Maple Street	**Northeast**	**Nonotuck Street**

CITY OF NORTHAMPTON
MASSACHUSETTS

In the City Council, January 5th, 2017
Upon the Recommendation of Councilors Ryan R. O'Donnell and William H. Dwight

O-17.232
AN ORDER

TO AMEND THE COUNCIL RULES

Ordered, that the following amendments to the Rules be adopted:

2.6.1.4. COMMITTEE on LEGISLATIVE MATTERS

2.6.1.4.1. **Upon referral by the City Council, t**~~T~~he Committee shall have the power to make recommendations on ordinances, orders, resolutions and the rules of the City Council. ~~The Committee shall also make~~ **Such** recommendations ~~on all proposed ordinances,~~ **shall be made** in consultation with the City Solicitor.

2.6.1.4.2. The Committee may choose to be the last committee to review any matter that is also referred to another Council committee. The Committee shall not be required to wait to receive the report of any executive commission.

2.6.1.4.3. The Committee shall consist of four Councilors.

2.6.1.4.4. Related departments, boards and agencies: Legal Services; City Clerk; License Commission; and any other department, board or agency.

2.6.2.6. Duty to report. ~~For the purposes of this section,~~ "~~t~~**T**o report" shall mean transmitting a positive**/favorable**, negative**/unfavorable** or neutral recommendation and associated votes as well as any suggested textual amendments and related documents.

2.6.2.6.1 For matters referred to the Committee on Legislative Matters, among others: All committees other than the Committee on Legislative Matters shall report to the Committee on Legislative Matters and the City Council within 60 days, whereupon the Committee on Legislative Matters shall report to the full City Council within an additional 30 days.

2.6.2.6.2 For matters referred to the Committee on Legislative Matters exclusively: The Committee on Legislative Matters shall report to the full City Council within 60 days.

2.6.2.6.3 For matters referred to committees not including the Committee on Legislative Matters: Committees shall report to the full City Council within 90 days.

2.6.2.6.4 Committees shall make all reports in writing.

5.2. REFERRAL OF MATTERS ~~TO COMMITTEES~~.

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

5.2.2. Financial orders. No order or resolution authorizing a loan, the levying of a tax or the expenditure of money (with the exception of the printing of the annual reports) shall be voted on by the City Council until it has been considered by the Committee on Finance. It shall be the duty of such committee to report on the relation of such order, resolution, levy or expenditures to the finances of the City, but new provisions shall not be added to such resolution, order, levy or expenditure by the Committee unless directly connected with the financial features thereof, and then by recommendation only.

5.2.3. Ordinances. No ordinance shall be voted on by the City Council until it has been considered by the Committee on Legislative Matters.

5.2.4. Licenses and permits. Licenses and permits may be referred to the Committee on Community Resources for the committee's recommendation.

5.2.5 Should a committee fail to report within the time set forth in Section 2.6.2.6, or if a multiple-member body fails to report within 45 days of referral to that body, the City Council shall be authorized to proceed with the mater in absence of such report.

5.1.2 PRESENTATION TO COUNCIL, MAYOR. Every new ordinance, order and resolution or other matter ~~proposed by a City Councilor, Council committee, the Office of the Mayor including City Departments and Executive Commissions~~ to be submitted for City Council action shall be forwarded to the Mayor, Council President and Administrative Assistant to the City Council**.** ~~for placement on the agenda of the City Council.~~

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Seventeen
Upon the Recommendation of Councilor Ryan R. O'Donnell

17.233
AN ORDINANCE

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

SECTION 1

That the Code of Ordinances be amended as follows:

~~§ 312-18 Establishment of school zones by ordinance; enumeration~~

~~A. A school zone shall be established by ordinance by a vote of the City Council. The City Council shall refer any proposed ordinance establishing a specific school zone to the Board of Public Works and the School Committee. No vote shall be taken on any such ordinance until the Board of Public Works and the School Committee have filed a report on the proposed ordinance with the City Council or 45 days have elapsed since the referral, whichever occurs sooner.~~

~~B. The following areas are hereby designated as "school zones."~~

§ 312-18 School Zones.

A. The City Council shall establish no school zone in the absence of a favorable recommendation from the Transportation and Parking Commission.

B. The following school zones are hereby established per MGL Chapter 90, Sec 17:

School	~~Location~~ **Description** of School Zone

Bridge Street School	~~The school zone on~~**On** Union Street**,** ~~shall~~ extend**ing** ~~on said street~~ to a point 283 feet westerly of Parsons Street. ~~The school zone on~~**On** Parsons Street**,** ~~shall~~ extend**ing** ~~on said street~~ to a point 139 feet northerly of Union Street~~.~~**, and** ~~The school zone on Parsons Street shall extend on said street~~ to a point 250 feet easterly of Union Street. **On Bridge Street, extending from the northern edge of Parsons Street to the southern edge of Pomeroy Terrace.**
~~College Church School~~ **Cutchins Program Campus**	~~The school zone on~~**On** Pomeroy Terrace**,** ~~shall~~ extend**ing** from Hancock Street to a point 200 feet north of Phillips Place.
Jackson Street School	~~The school zone o~~**On** Jackson Street**,** ~~shall~~ extend**ing** from a point 80 feet south of the center line of Barrett Street located at the intersection with Jackson Street to a point 765 feet north of the center line of Barrett Street located at the intersection with Jackson Street.
JFK Middle School	~~The school zone o~~**On** Bridge Road**,** ~~shall~~ extend**ing** from a point 45 feet east of the center line of Juniper Street located at the intersection with Bridge Road to a point 35 feet east of the center line of Oak Street located at the intersection with Bridge Road
Leeds Elementary School	~~The school zone o~~**On** Florence Street**,** ~~shall~~ extend**ing** from a point 150 feet south of the southerly crosswalk to a point 150 feet north of the northerly crosswalk~~. Both crosswalks are located~~ in front of the Leeds Elementary School Building.
Montessori School	**On Industrial Drive, extending from Bradford Street to a point 380 feet northerly.** **On Bates Street, extending from Bradford Street to North Street.**
Ryan Road School	~~The school zone o~~**On** Ryan Road**,** ~~shall~~ extend**ing** from a point 455 feet west of the center line of the driveway leading to the Ryan Road School to a point 770 feet east of the center line of the driveway leading to the Ryan Road School.
Smith College Campus School	**On State Street, extending from the northern edge of Bedford Terrace to a point 60 feet north of the northern edge of Trumbull Road.** **On Prospect Street, extending from the southern edge of Trumbull Road to a point 450 feet south of Trumbull Road.**

SECTION 2

That the Code of Ordinances be amended as follows:

§ 312-17 ~~School zone criteria; speed limit.~~ **(Reserved)**

~~A. There shall be designated in the City of Northampton on certain ways areas to be known as "school zones." To be designated as a school zone, an area must meet the following criteria:~~

~~(1) It must be owned by the City of Northampton as school property or recognized by the City of Northampton as a school for education.~~

~~(2) It must directly abut the public right-of-way within the limits of the proposed area; provided, however, that no school zone shall begin more than 300 feet from the point where the projected nearest line of the school building intersects with the way.~~

~~(3) School children have direct access to the roadway from said area.~~

~~(4) The proposed area must contain a marked crosswalk.~~

~~(5) The school must contain one or more grades below grade nine.~~

~~B. Within a school zone, the speed limit for motor vehicles shall be 20 miles per hour when the warning lights on the school zone signage are flashing or during those times indicated on signage where signage alone is used to designate a school zone. The twenty-mile-per-hour speed limit shall be permitted only during the school lunch hour, school recesses, and during those periods when students are going to or leaving school during opening and closing hours.~~

SECTION 3

That the Code of Ordinances be amended as follows:

§ 312-19 ~~Standards for school zone signs and signals.~~ **(Reserved)**

~~All flashing signals and signage used to indicate a school zone shall conform to the standards set out in the Massachusetts Manual on Uniform Traffic Control Devices as amended.~~