A regular meeting of the City Council was called to order by Council President Ryan R. O’Donnell. At 7 p.m. on a roll call the following City Councilors were present:

At-Large Councilor Ryan O’Donnell
At-Large Councilor William H. Dwight
Ward 1 Councilor Maureen T. Carney
Ward 5 Councilor David A. Murphy
Ward 2 Councilor Dennis P. Bidwell
Ward 6 Councilor Marianne LaBarge
Ward 3 Councilor James B. Nash
Ward 7 Councilor Alisa F. Klein
Ward 4 Councilor Gina-Louise Sciarra

Announcement of Audio/Video Recording
Councilor O’Donnell announced that the meeting was being audio and video recorded.

Public Hearings
Public Hearings
None.

Updates from Council President & Committee Chairs
Councilor O’Donnell announced the tentative proposal to hold the City Council’s hearing on the FY2020 budget on Wednesday, June 5, 2019 and to carry it over to the City Council meeting on Thursday, June 6th. Councilors will hear from department heads on Wednesday, June 5th.

Charter Review Committee Update
The Charter Review Committee held a special forum on April 30th at JFK Middle School focused on voting issues and the voting portion of the charter, Councilor Dwight reported. The meeting featured three presentations – the first by the City Clerk on what she terms “no excuse voting,” a proposal she advocates for allowing residents to mail in their ballots and not have to provide an excuse for absentee ballots. She pointed out that, in Oregon, they actually mail out ballots to voters who have over a month to respond, and turn-out rates are higher. The second presentation was by the Youth Commission, who acquitted themselves nicely and made a case for lowering the voting age to 16 for municipal elections; the third presentation was about ranked choice voting and was both exhaustive and exhausting. (He would like to embed in the charter a rule disallowing Powerpoint presentations, he joked.) Presenters explained ranked choice voting in a way that had direct relevance to Northampton particularly as it pertained to preliminary elections and at-large positions, specifically how it can better reflect the will of the majority, cost less and be easier to administer. All in all, the meeting was well attended and informative.

Recognitions and One-Minute Announcements by Councilors
Saturday is the Northampton Pride parade, Councilor Sciarra announced. Marchers will congregate at about 10:30 a.m. near the bend past the brewery behind the balloon arch, and the parade will step off promptly at 11 a.m.

Councilor LaBarge thanked Mayor Narkewicz and Councilor Sciarra for attending a meeting on Glendale Road last night.
<table>
<thead>
<tr>
<th>&amp; Proclamations from the Mayor</th>
<th>None.</th>
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<td>Resolutions</td>
<td>Resolutions None.</td>
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<td>Presentations</td>
<td>Presentations None.</td>
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**Consent Agenda**

Councilor O'Donnell reviewed the items on the consent agenda, offering to remove any item for separate consideration upon request. Councilor Dwight asked to remove Feeding Tube Records for a separate vote.

Councilor Dwight raised a point of order. As discussed in charter review, in the past, the seven-day rule preventing a report from being made on items in fewer than seven days from the date of referral has limited committees that have items referred to them. Committees cannot report on a matter until after seven days have elapsed but can research, assign, review appointments, etc. He said he just wanted to clear that up.

Councilor O'Donnell read the names of the individuals presented for appointment.

**Councilor Dwight moved approval of the consent agenda with the removal of Feeding Tube Records. Councilor LaBarge seconded. The motion passed unanimously 9:0 by voice vote.**

The following items were approved as part of the consent agenda:

A. Minutes of April 18, 2019
B. **19.050 Petition for Annual Second Hand Dealer Licenses**
   Renewal Licenses for the following:
   - Kid's Stuff, 90 Maple Street, Florence
   - Petitioner: Tami Schirch
   - Urban Exchange, 233 Main Street
   - Petitioner: Silvia Naumburger
C. **19.051 Application for Supervised Display of Fireworks**
   Applicant: Northampton Family Fourth Committee, Inc.
   Date & Time of Display: June 22, 2019 @ 9:15 p.m. (Rain date June 23rd)
   Location of Display: Look Memorial Park, 300 North Main Street, Florence
D. **19.053 Petition to Operate a Bowling Alley**
   Northampton Bowl, 525 Pleasant Street - Weekday License
   Northampton Bowl, 525 Pleasant Street - Sunday License
   J. Michael Corley, Petitioner
19.065 **Appointments to Various Committees**

Arts Council
- Rachel Hart, 211 Elm St., Unit 2A, Northampton
  *Term:* July 2019-June 2022
  *Reappointment*

- Courtney Hummel, 320 Elm St., #2R, Northampton
  *Term:* July 2019-June 2022
  *Reappointment*

Board of Assessors
- Denny Nolan, 319 Elm St., Northampton
  *Term:* July 2019-June 2022
  *Reappointment*

Board of Health
Joanne Levin, 40 Columbus Ave., Northampton
Term: July 2019-June 2022
Reappointment

Council on Aging
Donna Park, 205 Prospect St., Northampton
Term: July 2019-June 2022
Reappointment

Robert Dionne, 87 Vernon St., Northampton
Term: July 2019-June 2022
Reappointment

Benjamin Capistrant, 48 High St., Florence
Term: July 2019-June 2022
Reappointment

Community Preservation Committee
Brian Adams, 36 Arlington St., Northampton
Term: July 2019-June 2022
Reappointment

Conservation Commission
C. Mason Maronn, 18 Ellington Rd., Florence
Term: July 2019-June 2022
Reappointment

Randy Krotowski, 171 Emerson Way, Florence
Term: July 2019-June 2022
Reappointment

Disability Commission
Emma Cornwell, 35 Holyoke St., Northampton
Term: July 2019-June 2022
Reappointment

Historical Commission
Martha Lyon, 313 Elm St., Northampton
Term: July 2019-June 2022
Reappointment

Craig Della Penna, 62 Chestnut St.
Term: July 2019-June 2022
Reappointment

Housing Partnership
Tess Perrone Poe, 32 Masonic St., #4, Northampton
Term: July 2019-June 2022
To fill a vacancy as representative from the Planning Board

Human Rights Commission
Megan Paik, 9 Laurel St, Northampton
Term: July 2019-June 2022
Reappointment

Karen Bellavance-Grace, 19 Church St., Northampton
Term: July 2019-June 2022
Reappointment

Parks & Recreation Committee
Councilor Klein moved to grant a Second Hand Dealer license for Feeding Tube Records. Councilor Sciarra seconded.

Councilor Dwight reiterated that he will be recusing himself. The motion passed unanimously 8:0 by voice vote with one abstention (Councilor Dwight).

Recess for Committee on Finance Meeting

At 7:12 p.m., the City Council recessed for the Committee on Finance meeting. The Committee on Finance adjourned at 8:02 p.m. The City Council reconvened at 8:02 p.m.

Financial Orders (on 1st reading)

19.048 Order to Appropriate Free Cash to Cover Snow and Ice Deficit - 1st reading
Councilor LaBarge moved to approve the order in first reading. Councilor Sciarra seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of May 16, 2019 for second reading.

19.049 An Order to Authorize Taking of Triangular Parcel at Intersection of Riverside, North Elm and Milton - 1st reading
Councilor Bidwell moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of May 16, 2019 for second reading.

19.061 An Order to Appropriate Compensation for and Authorize Eminent Domain Taking of Land of Damon - 1st reading
Councilor LaBarge moved to approve the order in first reading. Councilor Dwight seconded. The motion passed unanimously 9:0 by roll call vote.

See minutes of May 16, 2019 for second reading.

19.064 An Order to Appropriate Money and Authorize Takings by Eminent Domain for Damon Road Reconstruction - 1st reading
Councilor LaBarge moved to approve the order in first reading. Councilor Bidwell
Authorize Eminent Domain Takings for Damon Road Reconstruction

19.066 An Order to Reprogram $45,000 from Bridge Street Elementary Roof to Forbes Library HVAC Project - 1st reading

Councilor LaBarge moved to approve the order in first reading. Councilor Klein seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor Dwight moved to suspend rules to allow a second reading. Councilor Murphy seconded. The motion passed unanimously 9:0 by voice vote.

Councilor Dwight moved to approve the order in second reading. Councilor Murphy seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:

City of Northampton
Massachusetts

In City Council May 2, 2019

Upon recommendation of the Mayor

19.066 An Order to Reprogram $45,000 from Bridge Street Elementary Roof to Forbes Library HVAC Project

Whereas, the City appropriated $100,360 to install climate controls for the Special Collections Room at Forbes Library in June of 2016 as part of the FY2017 Capital Plan and borrowed $200,000 in June of 2017 as part of the FY2018 Capital Plan;

Whereas, additional funding of $45,000 is needed to complete the project;

Whereas, the City approved borrowing in the amount of $500,000 for repairs to the Bridge Street Elementary School Roof in June of 2017 as part of the FY2018 Capital Plan and that project is now complete and there remains unused funds;

Whereas, funds that have been bonded and remain unused may be reprogrammed to a purpose with the same useful life as the original bonded purpose;

Ordered, that

$45,000 be appropriated from the funds remaining in the Bridge Street Elementary School Roof project (3000-350615) to be used toward completing the HVAC project at Forbes Library (3000-340691-18);

Rules suspended, passed two readings and enrolled.

19.067 An Order to Appropriate $122,441 Free Cash to Forbes Library Window Replacement - 1st reading

Councilor Klein moved to approve the order in first reading. Councilor Sciarrara seconded. The motion passed unanimously 9:0 by roll call vote.

Councilor Dwight moved to suspend rules to allow a second reading. Councilor Bidwell seconded. The motion passed unanimously 9:0 by voice vote.

Councilor Dwight moved to approve the order in second reading. Councilor Murphy seconded. The motion passed unanimously 9:0 by roll call vote.

The following order passed two readings:
May 2, 2019 City Council Meeting Minutes  Approved May 16, 2019

City of Northampton
MASSACHUSETTS

In City Council  May 2, 2019

Upon recommendation of the Mayor:

19.067 An Order to Appropriate $122,441 Free Cash to Forbes Library Window Replacement

Whereas the City appropriated $400,000 toward the replacement of windows at Forbes Library in June of 2017 as part of the FY2018 Capital Plan and in May of 2019 as part of the FY2019 Capital Plan;

Whereas, Community Preservation Act funding of $100,000 has been approved bringing the total available for the project to $500,000;

Whereas, the project has been bid three times in order to solicit reasonable bids and the most recent bid requires additional funds to complete the project at a cost of $612,441;

Ordered, that

$ 122,441 be appropriated from the FY19 General Fund Undesignated Fund Balance (Free Cash) to provide the remaining funds needed to complete the replacement of the windows at Forbes Library.

Rules suspended, passed two readings and enrolled.

Financial Orders (on 2nd reading)
18.235 An Order to Accept M.G.L. 64G, 3D(b) to Impose Community Impact Fee on Short-Term Rentals Within Two- and Three-Family Dwellings – 2nd reading

Councilor Klein moved to approve the order in second reading. Councilor LaBarge seconded. The motion passed unanimously 9-0 by roll call vote.

The following order passed two readings:
Orders
19.063 An Order to Amend Council Rules

Councillor O’Donnell said he would read the order with the text as it would read if amended. He proceeded to read as proposed.

Councilor LaBarge moved to put the order on the floor for discussion. Councilor Nash seconded.

The order actually amends two sections, the first about public comment. He reviewed the proposed changes, including eliminating the requirement that speakers give their home address (per suggestion of Councillor Sciarra) and adding the provision that speakers requiring language translation be allowed more time (six minutes instead of three).

The language he proposes eliminating is as follows: “The presiding officer shall rule out of order during the public comment session any remarks that clearly constitute defamation, with due regard for the distinction between elected officials and city employees who are public figures and those city employees who are not public figures. The presiding officer may order any member of the public who breaks this rule to cease speaking.”

They have to be very careful with free speech, he reminded. If they need a reason to do this, he referred to a recent Superior Court case involving the Town of Natick School Committee. The Town of Natick had a rule that speakers could not use
defamatory language. In its decision, the court said the city couldn’t say that
because it’s only defamatory if it’s been adjudicated defamatory. He expressed the
opinion that, given this precedent, Northampton shouldn’t have a rule that uses
that term.

With regard to changing the sentence “Individuals wishing to speak will be
recognized by the presiding officer. . .” to “Individuals wishing to speak must be
recognized by the presiding officer. . .,” it seems as if this potentially could be
problematic given the provision in state law insuring freedom of speech, Councilor
Klein observed. Somebody could choose to yell something from the floor who has
not been recognized by the presiding officer. She asked if it’s really necessary.

Councilor O’Donnell explained that the intent is not to preclude anyone from
speaking; rather, the intent is to assure that anyone wishing to speak actually be
recognized.

Councilor Bidwell clarified that this rule applies to the public comment period and
not the regular meeting.

Councilor Carney said she didn’t know that they need stronger language than ‘will.’
It seems to her it says the same thing. Her preference is to keep it as is with ‘will.’

Councilor Dwight gave historical background for the rule prohibiting defamation; it
addressed the critical concern that municipal employees should enjoy protection
from being challenged in such a way that it clearly could be construed as defama-
tion, he related. He gave the example of someone being ruled out of order for
accusing a parking enforcement officer of lying. The concern is to prevent personal
attacks, not only for employees but for other citizens. As he used to say, "we’re fair
game, we signed up for this. We’re public figures." Individuals who don’t sign up to
be public figures shouldn’t be subjected to public criticism. The concern is prevent-
ing violation of individual rights and maintaining the decorum of the chamber.

He definitely didn’t wake up and decide a rule change would be fun to bring to
council, Councilor O’Donnell observed. He did it because he thought it was his job
to correct a technical problem. Especially given last year’s civil action against
Natick, language can only be considered defamatory if it’s been adjudicated as
defamatory, he stressed. Otherwise it is a free speech right. He agreed [allowing
disparaging speech] is uncomfortable, but his approach is to state his reasons and
persuade people rather than shutting them down. This is the result of ACLU action
against Natick, he reiterated.

To put a finer point on the issue of ‘must’ vs. ‘will,’ the word ‘will’ essentially implies
a procedural clause whereas the word ‘must’ more closely evokes some of the
issues raised when the council debated the public conduct clause, Councilor Klein
suggested. It is language that would shut down any other comment that comes
from the floor. It has ramifications for people who want to call something out when
somebody is speaking, she asserted.

Councilor O'Donnell said he disagreed on that point but if she is more comfortable
with ‘will’ than ‘must’; it's fine with him. He thinks they are equivalent words.

Councilor Klein moved to amend the order to restore the wording, “Individuals
wishing to speak will be recognized. . .” Councilor LaBarge seconded. The motion
passed unanimously 9:0 by voice vote.

The City Council is not obliged to have public comment, and some councils do not
even have the rule precluding councilors from responding, Councilor Dwight noted.
He doesn’t recommend that, and he doesn’t recommend eliminating public
comment. Free speech should not be dampened in any way, but at the same time
certain proscriptions can be made to maintain the decorum of the chamber. Free
speech also includes threats, he pointed out. The presiding officer should have the
ability to rule such statements out of order. He is a little uncomfortable with leaving
it too wide open. He thinks they can accommodate all aspects of free speech but at least invest the presiding officer with the ability to manage circumstances if they begin to spiral out of control.

Government has the right to control the time, place and manner of speech since there is a compelling public interest in everyone having a right to be heard, Councilor O’Donnell responded. The rule doesn’t mention threats now. Threats and what they call “fighting words” are in a totally separate category because they incite violence, he agreed.

All he is getting rid of is the term ‘defamation,’ he clarified. Like other things he would rather deal with the issue by giving the presiding officer discretion to persuade and to ask.

Councilor Dwight said he agrees with every point made. It’s inappropriate to have the defamation clause, so that’s already been decided. Manner is something the Council President manages quite well with suggestions, recommendations and requests, he suggested. But he thinks there should be a little more bite in there. The Council President should have the right to overrule somebody if they comport themselves in a manner that is yet to be defined.

Councilor Carney said she is concerned because, when public comment was introduced by Mayor Ford, the intent was to protect city employees, and she thinks that is still appropriate. She referred to the distinction between elected officials and public employees, noting that a public meeting “shouldn’t be a place to disparage or go after city employees.” She suggested simply including a reference to elected officials having the ability to manage the time, place and manner of speech.

The School Committee has also been looking at this issue as it was following the same Massachusetts Association of School Committees (MASC) model policy that was in place in Natick, Mayor Narkewicz reported. The MASC policy says speakers can’t get up and talk about school employees or members of the broader community. He confirmed that the court found the MASC policy unconstitutional and ruled that public officials can’t suppress speech by declaring it ‘defamatory’ unless it has been adjudicated as such. MASC is looking at its model policy and how to revise it. He agreed ‘fighting words’ and ‘threats’ could be called out and controlled.

Councilor Sciarra asked if it might be worth noting what is stated in the Open Meeting Law (OML). She read aloud OML Section 20G and suggested referencing it.

However, during the public comment session, the meeting has not convened so those rules wouldn’t necessarily apply, Councilor Dwight reminded.

It is a good point to keep in mind but he wouldn’t want to import it into the council rules because it already exists, Councilor O’Donnell added.

The City Council subscribes to Robert’s Rules of Order and grants discretion to the presiding officer to cut off debate if he or she feels it’s redundant, Councilor Dwight pointed out. It is possible this may somehow impact that as well. He has no problem with the proposed deletion and is comfortable with it, he confirmed. However, he sees the need for something that more clearly defines how conduct can be managed while at the same time abiding by all the tenets of free speech. At some point in the future he hopes they will decide to craft this in a more artful way.

After additional discussion, Councilor O’Donnell reviewed the next proposed change - to correct the deadline for submitting items for the City Council’s agenda. The current rule states that orders must be filed by the close of business three days before the City Council meeting. Three days doesn’t work as a practical matter. (Editor’s note: In practice, the City Council accepts items until noon on the Tuesday before a Thursday City Council meeting.)
5.1.2 was amended because it is written in passive voice and does not indicate who is responsible for forwarding items to the Mayor, Councilor O’Donnell continued. The section is replaced by a sentence stating that the Administrative Assistant shall serve as a point of contact with the Mayor’s office regarding the City Council’s agenda.

Councilor Dwight said he very much agrees with this.

He is trying to serve the council by correcting existing problems, Councilor O’Donnell concluded. He requested that they adopt this language now and come back for a more detailed discussion at a later time if needed. He expressed the opinion that the amendments as proposed solve some procedural problems.

Councilor O’Donnell called the motion to a vote, and it passed unanimously 9:0 by roll call vote.

The following order passed a single reading:

CITY OF NORTHAMPTON
MASSACHUSETTS

In the City Council, May 2, 2019
Upon the Recommendation of Councilor Ryan R. O’Donnell

19.063 AN ORDER
TO AMEND THE COUNCIL RULES

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

SECTION 1

4.5 PUBLIC COMMENT. Members of the public shall be permitted to speak to the Council and all Council Committees on any matter for a period of three minutes. This period may be extended or reduced at the discretion of the presiding officer. Whenever language translation is required for a member of the public to address the City Council, such person shall be provided six minutes. Individuals wishing to speak will be recognized by the presiding officer and shall state their name and city or town of residence and, optionally, their address to the Administrative Assistant in the City Council. The presiding officer shall rule out of order any public comments which do not constitute a question. The presiding officer may order any member of the public to cease speaking. Councilors will not respond to any comments from the public.

SECTION 2

5.1 PROPOSED MATTERS

5.1.1 AGENDA ITEMS, TIMELY FILING. All orders, ordinances, resolutions, contracts, and any other written business to be considered by the City Council shall be filed with the Administrative Assistant to the City Council by close of business three days prior to a regular City Council meeting in accordance with the open meetings law to allow for review and timely posting. Matters proposed for inclusion in City Council agendas shall be filed with the Administrative Assistant to the City Council. Agendas shall be published in accordance with the Open Meeting Law.

5.1.2 PRESENTATION TO COUNCIL MAYOR'S OFFICE. Communication with Mayor’s Office. Every new ordinance, order and resolution or other matter to be submitted for consideration to the Mayor, Council President, and Administrative Assistant to the City Council. The Administrative Assistant to the City Council shall serve as a point of contact with the Mayor’s office regarding the City Council’s agenda.

5.1.3 ADDING MATTERS TO COUNCIL AGENDA. The Council President shall have discretion over the items added to Council agendas, except that if the addition of an item has been once requested by a member of the City Council or the Mayor, and at the discretion of the Council President that item is not placed on an agenda of a regular Council meeting, then before the next regular Council meeting any two members of the City Council may petition the Council President who shall then add the item to the agenda of the next regular Council meeting.

Rules suspended, passed single reading and enrolled.
Mayor Narkewicz asked if the Council President would entertain taking 19.011 out of order, and Councilor O'Donnell obliged.

Ordinances
19.011 Ordinance
Relative to Bicycle Share Services – 2nd reading

Councilor Klein moved to approve the order in second reading. Councilor Nash seconded.

Principal Planner Carolyn Misch reviewed proposed amendments as follows:
- Insert “Referred to as E Scooter or E-SMD” in Definition of Electric Assist Scooter
- Amend C. Service Area as follows: Permits for private programs, not operated for or by the city, may only be issued for systems that operate throughout the city’s core urban neighborhoods, including in the URA, B, C districts and Florence Center.
- Amend D (4) to insert word “program” in sentence, “SMD program operators shall incorporate mechanisms to ensure that overnight parking is on private property or on previously approved SMD stations/racks.”
- Amend G (4) as follows: “All permitted systems SMDs within an SMD program shall have visible language that notifies the user that:"

Members discussed how best to define the service area at some length. Ms. Misch explained that the city doesn't want new bicycle/scooter share programs to just come in and operate in the Central Business district, they want to make sure they serve areas outside of the downtown area such as residential neighborhoods. She assured councilors that the Planning Department is making every effort to install more bike racks in the city by requiring new projects to include bicycle storage and adding bike racks as part of public projects such as Pulaski Park.

Councilor Dwight moved to accept the amendments as proposed. Councilor Klein seconded. The motion passed unanimously 9:0 by voice vote.

Then, Councilor Dwight offered the following amendment: “Permits for private programs, not operated for or by the city, may only be issued for systems that operate throughout the city’s urban neighborhoods including but not limited to in the URA, B and C districts and Florence Center." Councilor Klein seconded.

Councilor O'Donnell suggested the following alternative wording: “Permits for private programs . . . operate in and serve at least the URA, B, C districts and Florence Center.”

The motion maker (Councilor Dwight) and second (Councilor Klein) accepted Councilor O'Donnell's proposal as a friendly amendment. The amended motion to amend passed unanimously 9:0 by voice vote.

In 312-49 (G) Councilor O'Donnell suggested putting something in that says a bicycle can only be removed after a period of time has passed. He moved to add ‘after a period of two days’ after the word ‘may.’ Councilor Nash seconded. The motion passed unanimously 9:0 by voice vote.

The motion to approve the ordinance in second reading passed unanimously 9:0 by roll call vote.

The following ordinance passed two readings:
CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Nineteen

Upon the Recommendation of the Mayor

An Ordinance of the City of Northampton, Massachusetts, providing that Chapter 312 Code of
Ordinances, City of Northampton, Massachusetts, be amended by modifying ARTICLE I, V, XIV of said
code, to specify criteria for Bike and Scooter share programs.

19.011 An Ordinance Relative to Bicycle Share Services

ORDINANCE

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:

312 ARTICLE I

[Add to Definitions]:

Electric Assist Scooter - A primarily human powered or low-speed electric stand-on vehicle used by an
individual for transportation. Referred to as E-Scooter or E-SMD.

Shared Mobility Device (SMD) - a human powered or low-speed electric vehicle for public shared use by
individuals on a short term basis and may include bicycles, scooters, Segways or similar devices.

Shared Mobility Device (SMD) Program - A service in which SMDs are made available for public,
shared-use to individuals on a short term basis for a price or free. Services can be provided either to/from
a specified dock or station location or may be dockless or free-floating.

Landscape/Furniture Zone - The area of the public sidewalk along the street that is designated for
landscaping or short furniture. In the CB1 district, this area is in the brick paver portion of the sidewalk.

312 ARTICLE V Stopping, Standing, Parking

ADD

312-49 Bicycle and Electric Assist Scooter Parking on the Public Way. For bicycle parking racks and
parking spaces see 350.8.31 C.

A. Bicycles/Scooters are permitted to park in compliance with subsection herein, in the
landscape/furniture zone, on a bicycle rack, or other facility specifically intended for that purpose.

5/31/2019
1. Applications and renewals for SMD permits shall be submitted to Northampton Office of Planning and Sustainability and shall include these items:
   - Completed Annual Permit;
   - Fee;
   - Insurance documentation;
   - Images and description of SMDs and mobile application;
   - Size of fleet at launch, including any planned fleet expansions during the permit period;
   - Service area at launch, including any planned expansions during the permit period;
   - Plan for educating users on proper SMD parking;
   - Location of all planned stations. No stations shall be created without approval from Office of Planning and Sustainability; and
   - Permissions for overnight parking on private property.

C. Service Area
   1. Permits for private programs, not operated for or by the city, may only be issued for systems that operate in and serve at least the URLA, B, C districts and Florence Center.
   2. Programs are encouraged to serve areas outside the area already served by any city-owned or city-contracted SMD program.

D. SMD Fleet Parking and Stations
   1. SMD parking on the public way shall be in accordance with Chapter 312-49.
   2. Share operators shall inform customers on how to park their SMD properly.
   3. Between the hours of 6 AM and 11:59 PM, SMDs shall be parked either on private property outside pedestrian zones or in the landscape/furniture zone of the sidewalk.
   4. Between the hours of 12 AM and 5 AM, no SMDs shall be parked in the public way or on public bike racks. SMD program operators shall incorporate mechanisms to ensure that overnight parking is on private property or on previously approved SMD stations/stands. Any overnight parking within the right-of-way will subject the SMDs to impoundment in accordance with Chapter 312-49.
   5. SMDs shall be upright when parked.
   6. Any SMD that is parked incorrectly shall be re-parked in a correct manner or shall be removed by the operator based on these times:
      - 6am to 6pm on weekdays, not including holidays – within two hours of receiving notice.
      - All other times – by 5 AM of the next weekday.
   7. SMDs may be parked only on hard surfaces (e.g., concrete, asphalt) within the landscape/furniture zone and may not be parked in landscaped areas.

E. Pedal-Assist/Electric Specifications
   All fleets of pedal-assist or E-SMDs shall have governors that allow them to operate on the City’s multiuse paths in accordance with 312-78.

F. Signage and Advertising
   1. The company logo, a unique SMD ID number, and a customer service number shall appear on each SMD.
   2. Additional regulations for logos outside of the SMD program logo, such as a system sponsorships or advertisements, are subject to City of Northampton sign ordinances.
G. Safety and Maintenance
2. All SMDs shall be equipped with working front and rear lights.
3. All SMDs shall be equipped with GPS or other geolocation technology needed for monitoring, enforcement, and for use in crime detection if SMDs are involved.
4. All permitted SMDs within an SMD program shall have visible language that notifies the user that:
   i. Helmets are recommended to be worn while riding a bicycle;
   ii. Where sidewalk riding is allowed, SMD users shall yield to pedestrians on sidewalks.
5. The operator shall establish and operate a 24-hour customer service number, which is available and staffed at all times the system is open. This number shall allow the company to be notified that there is a safety or maintenance issue with the SMD.
6. All permitted operators shall have a staffed operations center within half hour drive of Northampton and shall provide a contact person from their company with phone number and email (outside of the public customer service number) for City of Northampton officials to contact directly.
7. Any unclaimed SMD, or any SMD that is not safe to operate shall be removed from the right-of-way within 24 hours of notice by any means to the operator by any individual or entity, and shall be replaced before returning it to service.
8. If any department incurs any costs addressing or abating any violations of these requirements that results in the repair or maintenance of public property to share any violations, upon receiving written notice of the City costs, the permitted operator shall reimburse for such costs within thirty days of receiving final notification of such costs.
9. The City may immediately lock or impound SMDs that are found in violation of these requirements. There will be a fee set annually by the City of up to $100 per SMD to release any locked vehicle that has been locked in violation of these regulations.
10. Prior to the permit being issued, all permitted operators shall sign and record an indemnification agreement indemnifying and holding harmless the City, its employees, officials, agents and assigns to the greatest extent allowed by law.
11. Permitted operators agree that the City of Northampton is not responsible for educating users regarding helmet requirements or for educating users on how to ride or operate an SMD. Permitted operators agree to educate users regarding laws applicable to riding and operating such SMD.

H. Equitable SMD Program
Operators that provide general service to the community are required to submit an equity plan for SMD access for low income and under-served populations. Applications shall show:
- Service areas where 10% of the census are within 500 of public housing or DHCD Federally defined CDBG majority moderate and low income areas or Environmental Justice areas;
- Demonstrated community engagement events/activities;
- Payment options, including solutions for unbanked customers;
- Customer service plan including staffing, hours, response protocols;
- Subsidized rates for low income populations, and defined by the current IUD Area Median Incomes;
- Engaging local partnerships to assist as unsubsidized rates;
- Hiring policies and workforce opportunities as a component of the equity plan.

1. Insurance and Indemnity Required
   1. General Liability Insurance $1,000,000 minimum per occurrence, and $2,000,000 total.

2. Workers Compensation that meets Massachusetts requirements;
3. Automobile Liability Insurance $1,000,000 minimum per occurrence;
4. A surety or performance bond to protect the City if the private SMD operator goes out of business or is failing to meet certain terms under a contractual agreement. The bond amount will be linked to the system fleet size. The goal of a surety bond is to protect the City in the possible event that they incur the costs of fleet removal due to non-compliance in accordance with the contract. Applicants shall submit vehicle unit costs and decommissioning estimates with a proposed bond amount.

2. Workers Compensation that meets Massachusetts requirements;
3. Automobile Liability Insurance $1,000,000 minimum per occurrence;
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2. Reporting
In order to renew annual permits, operators are required to submit a report of the previous year’s statistics indicating on a monthly basis:

- Number of SMDs in service;
- Number of SMDs out of service (damaged);
- Aggregated system usage including: total unique users, total miles ridden, total number of rentals, average rental duration etc.;
- Monthly summary of SMD distribution and GPS-based natural movement in heat map format;
- Summary of customer comments/complaints and resolution;
- Summary of theft/vandalism and resolution;
- Summary of SMD maintenance activities; and
- Summary of SMD redistribution (rebalancing) activities.

285-120A Amended by adding:

Provisions for bicycles, human-powered scooters, SMDs or similar vehicles

(1) Bicycles/Scooters/SMDs shall be allowed to be driven on all streets and shall be allowed on all sidewalks outside the Central Business District, Office Industrial District, and the General Business District.

[Amended 4.5.2010 by Ord. No. 18.043]

(2) Bicycles/Scooters/SMDs shall not be allowed to be driven on the sidewalks in the Central Business District, Office Industrial District and General Business District, except that bicycles/scooters/SMDs shall be allowed to be driven in those districts on any section of sidewalk that is part of any marked multiuse trail (bicycle path), or marked cycle trail or buffered bicycle lane.

[Amended 4.5.2011 by Ord. No. 18.043]

(3) Bicycles/scooters/SMDs shall not be allowed to be driven in Polk Park, except on the bike path connector through Polk Park.

(4) Walking bicycles/scooters/SMDs shall be allowed in all areas where they are not allowed to be driven.

Rule R

B. Bicycles/Scooters are not permitted to be parked at or adjacent to: fire hydrants, benches, trees, trash receptacles.

C. Except when at designated bicycle racks, bicycles shall not be parked in the landscape/furnish zone adjacent to:

1. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones;
2. Loading zones;
3. Dedicated parking zone;
4. Curb ramps;
5. Fire hydrants;
6. Driveways.

D. Bicycles/Scooters shall not obstruct the pedestrian path of travel nor impede access ramps nor access to street furniture such as benches, pay stations, bus shelters. A parked bicycle shall leave at least 36 inches of unobstructed travel along the pedestrian path.

E. No customized vehicles, except low speed electric bicycles as specified in 312-70 shall be parked on a bicycle rack or other facility specifically designed and intended for bicycle parking.

F. Bicycles/Scooters parked in violation of the above regulations may be tagged with a notice for removal and impoundment or may be impounded by the city or its agent immediately for impoundment. Removed bicycles shall be held by the City for a minimum of 30 days.

G. A bicycle/scooter parked in accordance with this section that has one or more of the following defects may be tagged and removed after a period of two days and shall be held by the City for a minimum of 30 days:

1. no tires or wheels;
2. one or more warped wheels or frame;
3. missing, rusted or broken chain in such a state that renders the bicycle inoperable; or
4. missing or warped handle bars.

H. Fees for recovering impounded vehicles may be set by the City for up to a $100 per vehicle.

312 ARTICLE VIX Vendors

ADD

312-127 Shared Mobility Device Programs

A. Permits and Fees

1. No private SMD program shall allow their vehicles to park on any City right-of-way or public space without a permit. The permit requirement shall not apply to city-owned or contracted public docks placed within the public way. Parking shall be in compliance with 312-49.

2. The office of Planning and Sustainability shall issue a permit to operate a docked or dockless SMD program within the City if the applicant submits the application materials set forth in subsection B, below.

3. The permit fee to operate a SMD program is based on the size of the fleet. Applicants shall pay $15/SMD annually for an SMD operator’s permit.

B. Application

2 5/16/2019

Rules suspended, passed two readings, ordained and enrolled.
<table>
<thead>
<tr>
<th>Ordinances (Not yet Referred)</th>
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Councilor Dwight proposed moving Ordinances 19.054 through 19.058 as a group (Items B,C,D,E and F on the agenda) for referral to the Planning Board, Legislative Matters and Community Resources. Councilor Bidwell seconded. The motion passed unanimously 9:0 by voice vote.

19.052 An Ordinance Relative to Parking on Chestnut Street

Councilor Dwight moved to refer the ordinance to Legislative Matters. Councilor Klein seconded. The motion passed unanimously 9:0 by voice vote.

19.062 An Ordinance to Amend Chapter 5 of the Code of Ordinances by Amending Section 5-7 Special Municipal Employees

Councilor O'Donnell moved to refer the ordinance to Legislative Matters. Councilor Dwight seconded. The motion passed unanimously 9:0 by voice vote.

Councilor O'Donnell read ordinance.

Councilor Sciarra moved to approve the ordinance in first reading. Councilor Klein seconded.

Administrators changed the ordinance recently to consolidate committees with special municipal employee status in the code, Mayor Narkewicz reminded. They did that before the Charter Review Committee got up and running and so wanted to go back and make sure the Charter Review Committee is included in that list. They are asking to have the ordinance expedited because the committee is holding some significant hearings and taking votes.
Councilor Dwight recused himself because he is a member of the Charter Review Committee.

Councilor O'Donnell said his issue is a procedural issue related to suspension of the rules, since this is not the council’s usual practice. Councilor Klein pointed out that there is a deep inconsistency in this action in that the Council just passed the companion ordinance, 19.062, to Legislative Matters.

Members noted that Legislative Matters meets on May 13th so if the ordinance were referred to that body it could be returned to the full council on May 16th.

Councilor Murphy said he wouldn’t be a stickler on insisting that it be referred since the committee is already meeting and its name is simply being added to a list of other committees that already enjoy this protection (special municipal employee status).

Councilor Sciarra moved to suspend the rules to waive referral to Legislative Matters. Councilor Klein seconded. The motion passed 7:1 by voice vote with Councilor O'Donnell opposed and one abstention (Councilor Dwight).

There being no further discussion, Councilor O'Donnell called the main motion to a vote, and it passed 8:0 by roll call vote with one abstention (Councilor Dwight).

Councilor Murphy moved to suspend rules to allow a second reading. Councilor Bidwell seconded. The motion passed 8:0 with one abstention (Councilor Dwight).

Councilor Murphy moved to approve the ordinance in second reading. Councilor Bidwell seconded. The motion passed 8:0 with one abstention (Councilor Dwight).

The following ordinance passed two readings:

City of Northampton
Massachusetts
In the Year 2019
Upon the Recommendation of Mayor David J. Narkewicz

19.09 AN ORDINANCE
To amend Chapter 5 of the Code of Ordinances by amending Section 5.7

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by adding § 5.7 Part I: Administrative Legislation - Special Municipal Employees
Be it ordained by the City Council of the City of Northampton, in city Council assembled, as follows:

Chapter 5 of the Code of Ordinances of the City of Northampton, Massachusetts, shall be amended by adding § 5-7, which shall read as follows:

§ 5-7 Special Municipal Employees.
In accordance with Massachusetts General Laws, Chapter 268A, section 10(h) the following positions of the City of Northampton shall be and hereby are designated as special municipal employees. This ordinance shall supersede all prior Orders of the Northampton City Council designating Special Municipal Employees, and any Order designating a position as Special Municipal Employee that is not set forth herein shall be and hereby is rescinded.

Add

Members of the following Boards, Committees & Commissions:

Rules suspended, passed two readings, ordained and enrolled.

18.223 An Ordinance Relative to Parking on Pleasant Street - 1st reading
Councilor O'Donnell read the text of the order.

Councilor Klein moved to approve the order in first reading. Councilor Nash seconded.

The ordinance now reflects that the handicapped parking space is in front of
Roberto’s instead of Millennium Liquors, Councilor Nash advised.

Councilor LaBarge said she made two site visits and could see where there would be a problem for people with wheelchairs at the location originally proposed. The decision was definitely made for the alternate area to be accepted because over by the liquor store it was very dangerous, she confirmed.

The motion passed unanimously 9:0 by roll call vote.

See minutes of May 16, 2019 for second reading.

| Information (Charter Provision 2-7) and Information Study Requests | None |
| Motion to Adjourn | Upon motion made by Councilor Dwight and seconded by Councilor Klein, the meeting was adjourned at 9:49 p.m. |

Attest: ___________________ Administrative Assistant to the City Council
EXHIBIT A

List of Documents Reviewed at May 2, 2019 City Council Meeting:

1. May 2, 2019 Agenda
2. Public Comment Sign-up Sheet for May 2, 2019
3. Minutes of April 18, 2019
4. 19.050 Petition for Annual Second Hand Dealer Licenses – Petitions for Renewal of Annual Secondhand Dealer Licenses from 1) Feeding Tube Records, 221 Pine Street, Room 141, Petitioner: Edward Lee, 2) Kid’s Stuff, 90 Maple Street, Florence, Petitioner: Tami Schirch and 3) Urban Exchange, 233 Main Street, Petitioner: Silvia Naumburger
5. 19.051 Application for Supervised Display of Fireworks – Applicant: Northampton Family Fourth Committee, Inc., Date & Time of Display: June 22, 2019 @ 9:15 p.m. (Rain date June 23rd), Location of Display: Look Memorial Park, 300 North Main Street, Florence.
7. 19.065 Appointments to Various Committees - Memo from Mayor David J. Narkewicz to City Council dated May 2, 2019 re: Appointments to Boards, Committees and Commissions proposing the appointment of Rachel Hart and Courtney Hummel to the Arts Council, Denny Nolan to the Board of Assessors, Joanne Levin to the Board of Health, Donna Park, Robert Dionne and Benjamin Capistrant to the Council on Aging, Brian Adams to the Community Preservation Committee, C. Mason Maronn and Randy Krotowski to the Conservation Commission, Emma Cornwell to the Disability Commission, Martha Lyon and Craig Della Penna to the Historical Commission, Tess Perrone Poe to the Housing Partnership, Megan Paik and Karen Bellavance-Grace to the Human Rights Commission, Thomas Dunphy and David Cronin to the Parks & Recreation Committee, Terry Culhane and Christa Grenat to the Planning Board, and Elizabeth Silver and Sara Northrup to the Zoning Board of Appeals, together with Applications for Appointment to Boards, Committees and Commissions.
8. 19.048 An Order to Appropriate Free Cash to Cover Snow and Ice Deficit
9. 19.049 An Order to Authorize Taking of Triangular Parcel at Intersection of Riverside, North Elm and Milton, together with plan entitled, “Plan of Building Lots Belonging to Porter Nutting, Surveyed October 13, 1873,” and Order of Taking.
12. 19.066 An Order to Reprogram $45,000 from Bridge Street Elementary Roof to Forbes Library HVAC Project
13. 19.067 An Order to Appropriate $122,441 Free Cash to Forbes Library Window Replacement
14. 18.235 An Order to Accept M.G.L. 64G, 3D(b) to Impose Community Impact Fee on Short-Term Rentals within Two- and Three-Family Dwellings
15. 19.063 An Order to Amend Council Rules
16. 19.052 An Ordinance Relative to Parking on Chestnut Street
17. 19.054 An Ordinance Allowing Marijuana Testing and Processing in Core Business Districts
18. 19.055 An Ordinance Allowing Marijuana Production/Cultivation, Testing and Processing in the PV District
19. 19.056 An Ordinance Amending the Requirements for Medical Marijuana Operations by Adding Air Filtration
20. 19.057 An Ordinance Amending the Requirements for Marijuana Manufacturing in the OI and GI Districts by Adding Air Filtration
21. 19.058 An Ordinance Clarifying the Provisions for Outdoor Growing of Marijuana
22. 19.062 An Ordinance to Amend Chapter 5 of the Code of Ordinances by Amending Section 5-7 Special Municipal Employees
23. 19.059 An Ordinance to Amend Chapter 5 of the Code of Ordinances by Amending Section 5-7
24. 18.223 An Ordinance Relative to Parking on Pleasant Street
25. Letter from Marie Westburg, ADA Coordinator, to Jim Nash, Chair, Transportation and Parking Commission and Donna LaScaleia, Director, Department of Public Works, dated March 23, 2019 re: parking space in front of Roberto’s.
26. 19.011 An Ordinance Relative to Bicycle Share Services
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<th>2nd reading</th>
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<td>19.054</td>
<td>An Ordinance Allowing Marijuana Testing and Processing in Core Business Districts</td>
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<td>Refer to Legislative Matters</td>
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<td>19.055</td>
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<td>19.057</td>
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<td>An Ordinance Clarifying the Provisions for Outdoor Growing of Marijuana</td>
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<td>19.062</td>
<td>An Ordinance to Amend Chapter 5 of the Code of Ordinances by Amending Section 5-7 Special Municipal Employees [to add Pesticide Select Committee]</td>
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<td>Yes</td>
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<tr>
<td>19.059</td>
<td>An Ordinance to Amend Chapter 5 of the Code of Ordinances by Amending Section 5-7 [to add Charter Review Committee] - 1st reading</td>
<td>Motion to Approve</td>
<td>Second</td>
<td>Yes</td>
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<td>18.223</td>
<td>An Ordinance Relative to Parking on Pleasant Street - 1st reading</td>
<td>Yes</td>
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At 9:49 p.m., Councilor Dwight moved to adjourn the meeting; Councilor Klein seconded the motion. The motion was approved on a voice vote of 9 Yes, 0 No.