

AUGUST 1, 2019
SPECIAL MEETING OF THE CITY COUNCIL

A Special Meeting of the City Council was held in the City Council Chambers, 93 Washington Street, Second Floor on Thursday, August 1, 2019 at 6:00 P.M. for the purpose of the following three (3) matters:

1. Adopting an Election Order for the September 17, 2019 City Preliminary Election.
2. Take from the table Councillor Dibble's notice of reconsideration of the following:

Motion to refer the Zoning Ordinance to amend a Zoning Ordinance relative to Municipal and Religious Reuse as a Special Permit in certain zoning districts be referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

Subject to this agenda item, other action contemplated: Adoption for first passage as amended a Zoning Ordinance relative to Municipal and Religious Reuse as a Special Permit in certain zoning districts.

3. Holding an Executive Session, to discuss strategy with respect to threatened litigation relative to land in dispute at 20R Franklin Street because an open meeting may have a detrimental effect on the City's litigating position.

Notice of this meeting was posted on July 24, 2019 at 3:27 P.M.

Councillor Flynn had an excused absent.

Council President Stephen G. Dibble presided.

Councillor Dibble allowed public testimony

1. Kathryn Abarbanel, 21 Mason St. – Zoning Ordinance
2. Paige Curtin, 90 Wharf St. – Zoning Ordinance
3. Jen Lynch, 38 Charles St. – LWV – Zoning Ordinance
4. Rosa Ordaz, 13 Forest Ave. – Zoning Ordinance
5. Emily Udy, 8 Buffum St., Historic Salem – Zoning Ordinance
6. Jill Mulholland, 85 Summer St. – Zoning Ordinance
7. Maribel Steadman, 6 Lowell St. – Zoning Ordinance
8. George O'Brine, 5 Locust St. – Zoning Ordinance
9. Fawaz Abusharkh, 4 Harrison Rd. – Zoning Ordinance
10. Anne Sterling – 29 Orchard St. – Land Dispute

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11. Arthur Sharpe – 29 Orchard St., (Paul Prevey’s Letter) – Land Dispute
12. Jeff Cohen, 12 Hancock St. - Zoning Ordinance
13. Lorilee Stewart, 7 Barnes Rd. – Zoning Ordinance
14. Ellen Simpson, 2 ½ Ropes St. – Zoning Ordinance
15. Sarah Stanton-Bradshaw, 10 Union St. - Zoning Ordinance
16. William Legault, 7 Osgood St. – Zoning Ordinance
17. Alice Merkl, 28A Federal St. #2 – Zoning Ordinance
18. Melissa Faulkner, 209 North St. – Zoning Ordinance

#500 – CITY PRELIMINARY ELECTION ORDER SEPTEMBER, 2019

The following order introduced by Councillor Furey was adopted.

ORDERED: That the meetings of the qualified voters of the City of Salem be held in all precincts in the city at the polling places designated hereinafter on Tuesday, September 17, 2019 for the purpose of casting votes in the City Preliminary Election for the nomination of candidates for the following offices:

Four Councillors-At-Large: for the term of two years

Councillor of Wards: Three & Six: for the term of two years

Three members of the School Committee: for the term of four years

AND BE IT FURTHER ORDERED: That the following places be and hereby are designated as polling places for said meetings:

PRECINCT ONE PRECINCT TWO	Ward One Bentley School, Memorial Drive Community Room, 135 Lafayette Street,
PRECINCT ONE PRECINCT TWO	Ward Two St. Peter’s Church Parish Hall, St. Peter Street
PRECINCT ONE PRECINCT TWO	Ward Three Salem High School Auditorium, 77 Willson Street
PRECINCT ONE PRECINCT TWO	Ward Four Witchcraft Heights School Gymnasium, 1 Frederick Street
PRECINCT ONE PRECINCT TWO	Ward Five Saltonstall School Auditorium, 211, Lafayette Street

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PRECINCT ONE Ward Six
PRECINCT TWO Bates School, 53 Liberty Hill Avenue

PRECINCT ONE Ward Seven
PRECINCT TWO Salem State University Enterprise Center, 121 Loring Avenue

AND BE IT FURTHER ORDERED: That the polls at said meetings be opened at 7:00 a.m. and closed at 8:00 p.m. and that the City Clerk be instructed to post this notice as required by law.

(#499) – (#289 & #435) – RECONSIDERATION OF ZONING ORDINANCE RELATIVE TO MUNICIPAL AND RELIGIOUS TABLED FROM THE LAST MEETING

Councillor Turiel moved to take from the table the matter of unfinished business of Reconsideration. It was so voted.

Take from the table Councillor Dibble's notice of reconsideration of the following:

Motion to refer the Zoning Ordinance to amend a Zoning Ordinance relative to Municipal and Religious Reuse as a Special Permit in certain zoning districts be referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole.

A Yea vote would send the Zoning Ordinance to Committee

A Nay vote would not send the Zoning Ordinance to Committee.

(Yea or Nay requires a majority vote)

Subject to a nay vote other motions may be considered.

Reconsideration to send the Zoning Ordinance relative to Municipal and Religious Reuse by Special Permit to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole failed by a roll call vote of 4 yeas, 6 nays and 1 absent. Councillors Sargent, Milo, Dominguez and Dibble were recorded as yea votes and Councillors Turiel, Peterson, McCarthy, Madore, Gerard and Furey were recorded as nay votes and Councillor Flynn was recorded as absent.

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Councillor Furey would like to see this pass.

Councillor Dominguez would like to make it stronger. He is in favor of housing but he wants to make sure this ordinance addresses affordability.

Councillor Turiel quoted Tom Daniel letter stating he cannot support affordability. The reason behind that is affordability is only one piece of a larger puzzle. The only parcel affordability does not effect is 5 Broad St. The Inclusionary Ordinance coming before us gets more specific. Lets' pass this and get the ball rolling.

Councillor Milo stated she will always support her colleagues to go to committee. If it doesn't get to committee and gets voted on for first passage, I will support. Already doing lots of housing in Salem. Lots of Projects already permitted. Somewhere around 1,020 units. We are doing our part. We can do more, but lets not lose sight of what we are already doing. All for affordable housing. We get 10% on projects.. This ordinance doesn't address this. Not going to affect housing market. Correct misconceptions not going to help people who work in Salem to live in Salem.

Councillor Madore – Asked who is not in the room tonight. People displaced by fire not in this room.

Councillor Gerard – Pointed out tom Daniel letter the last paragraph. Care about people who live her. Enough with the stalling.

Councillor Sargent – Insinuates we don't care. We have talked about Inclusionary Ordinance and can't go higher than 10% because developers won't build. If we give more (i.e. more units, less density, etc.) than we should get more. The State/Country has a housing crisis not just Salem. Let's keep that in prespective. Also, not just 3 properties, but we don't know what other properties this would include. Would you do business without knowing what's involved? Salem has 12.4% affordable housing. That's 15th best out of 350 cities and towns. 50% rentals and 50% owner-occupied. We are taking care of a lot of people. Look at our homeless shelter. We stepped up and pitched in more than any other surrounding communities. Don't paint someone as someone who doesn't care just because they don't support the ordinance. No affordable portion to this ordinance. Other properties have been done without this zoning. Mickey Northcutt said he can do this anyways. 47-51 Leavitt St. – 25 units in an R3 got permitted. Gateway Coommunities – Salem accepted grants from the State and the State expects us to do things. We do our fair share.

Councillor Peterson – How many hours talking about this? I've lost track. We say the same things over and over again. This is a compromised ordinance. Putting people in office that can't get things done. Heard our Salem residents who want this.

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Councillor McCarthy – We are not rezoning the City. We are rezoning the buildings the underlying zoning doesn't change. We are repurposing buildings that our vacant and becoming problematic. We are trying to solve the problems of the buildings we identified. Churches don't want to give up ownership so they lease for 99 years. There is no problem in the way this is crafted.

Councillor Furey assumes chair.

Councillor Dibble – I agree with all the comments. Six Councillors have stopped this from going to committee for 6-8 weeks. If passed for first passage and refer then cannot change with any major changes like affordability and resiliency and sustainability. Could have gone into committee since June, July or August. The Mayor does not want this to go into committee. Endless Testimony asking for affordability and round 2 took that totally out. Th Building Inspecootr would like to see some changes made. No Zoning Enforcement Officer or ZZBA members present at any of these meetings. This should go into committee. Supported in version one then removed. It should go back in nothing in this ordinance for affordability. Zoning is important. The minority has not held this up the majority has. If passed for first passage then no substantial changes.

Councillor Dibble motioned for RCV.

Councillor McCarthy – Point of procedure – We haven't voted on reconsideration yet. Was comfortable with first passage and refer.

Councillor Turiel – Opposed to making any substantial changes – don't need to add additional criteria. Church wants affordable housing.

Councillor Dominguez – we need a real solution in favor of affordable housing. Can we put language in there and then vote on first passage as amended.

Councillor McCarthy asked a question to the City Solicitor. If we amend language and refer can we add affordability.

City Solicitor replied yes.

Councillor McCarthy made a motion to add 6.11.9 – Affordability as written by Tom Daniel and to renumber Severability to 6.11.10. Seconded by Councillor Dominguez.

This motion passed by a roll call vote of 10 yeas, 0 nays and 1 absent. Councillors Turiel, Sargent, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Dominguez and Dibble were recorded as voting in the Affirmative. Councillor Flynn was recorded as absent.

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Councillor McCarthy moved that the Ordinance with all its amendments including the amendments made on June 27, 2019 and today be adopted for first passage and referred to the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole (to meet before September 12, 2019) was seconded by Councillor Turiel.

This motion was adopted by a roll call vote of 9 yeas, 1 nay and 1 absent. Councillors Turiel, Peterson, Milo, McCarthy, Madore, Gerard, Furey, Dominguez and Dibble were recorded as voting in the Affirmative. Councillor Sargent was recorded as voting in the negative and Councillor Flynn was recorded as absent.

#392 – COMMUNICATION FROM CITY SOLICITOR REQUESTING AN EXECUTIVE SESSION REGARDING 20R FRANKLIN STREET LAND DISPUTE.

Councillor Gerard moved to hold an Executive Session for the purpose of discussing strategy with respect to threatened litigation relative to land in dispute at 20R Franklin Street because an open meeting may have a detrimental effect on the City's litigating position and at the end of the Executive Session the Special Meeting will continue. It was so voted.

Councillor Gerard made a motion that the Salem City Council adjourn to the Council Anteroom to hold an Executive Session on the above matter and at the end of the Executive Session that the Special meeting continue by a roll call vote of 9 yeas, 0 nays and 2 absent.

Councillor Gerard moved that the Executive Session be adjourned and that the special meeting continue by a roll call vote of 9 yeas, 0 nays and 2 absent.

On the Motion of Councillor Furey the meeting adjourned at 9:45 P.M.