

*City of Salem, Massachusetts
Office of the City Clerk*

*Cheryl A. LaPointe
City Clerk*



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April 11, 2017

MEETING NOTICE AND AGENDA

**“Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25, and
City Ordinance Sections 2-2028 through 2-2033.”**

The City Council will meet in the City Council Chamber on Thursday, April 13, 2017 at 7:00 P.M. to hold its regular meeting for the purpose of discussing any and all business.

The Agenda for this meeting is posted on the website and also listed below.

Very truly yours,

ATTEST:

CHERYL A. LAPOINTE
CITY CLERK

APRIL 13, 2017

“Know Your Rights Under the Open Meeting Law, M.G.L. Chapter 30A ss. 18-25, and City Ordinance Sections 2-2028 through 2-2033.”

**Assistive Listening System Now Available for City Council Meetings.
Those interested in utilizing these devices for meetings at 93 Washington Street may contact the City Clerk Cheryl LaPointe at 978-619-5610 or clapointe@saalem.com.**

A Regular Meeting of the City Council held in the Council Chamber on Thursday, April 13, 2017 at 7:00 P.M. for the purpose of transacting any and all business. Notice of this meeting was posted on April 11, 2017 at 10:29 A.M. This meeting is being taped and is live on S.A.T.V.

Councillors absent:

Council President Milo presided.

Councillor moved to dispense with the reading of the record of the previous meeting.

VOTED

President Milo requested that everyone please rise to recite the Pledge of Allegiance.

PUBLIC TESTIMONY

**Public Testimony not to exceed 15 minutes
Name must be on roster 30 minutes prior to meeting
Agenda items only**

APRIL 13, 2017

HEARINGS

ORDERED: Lightower Fiber Networks, LLC to install a conduit at the intersection of Central and Essex Streets to the building located at 209 Essex Street.

IN FAVOR:

OPPOSED:

Councillor Famico

Moved that the Hearing be Closed

Voted

Counillor Famico

Moved

Voted

APRIL 13, 2017

APPOINTMENTS AND REAPPOINTMENTS

Held from the last meeting, the Mayor's appt. of Kerry Murphy to serve on the Board of Health with a term to expire on March 23, 2020

Councillor Famico	Suspension of the Rules	Councillor	Objections
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Action Contemplated

Councillor Famico	Held under the Rules (Appointee unable to attend due to conflict)	Voted
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Held from last meeting, the Mayor's appt. of Fred Atkins to serve on the Salem Harbor Port Authority with a term to expire on March 23, 2019

Action Contemplated

Councillor Turiel	Moved Confirmation by RCV	Yeas	Nays	Abs
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Mayor's appt. of Giulia Bellofatto to serve as a member of the Beautification Committee with a term to expire on April 13, 2020

Councillor	Suspension of the Rules	Councillor	Objection
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Action Contemplated

Councillor Gerard	Held Under the Rules	Voted
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APRIL 13, 2017

APPOINTMENTS AND REAPPOINTMENTS

Mayor's appt. of Rebecca Christie to serve as a member of the Commission on Disabilities with a term to expire on April 13, 2020

Councillor	Suspension of the Rules	Councillor	Objection
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Action Contemplated

Councillor Eppley	Held Under the Rules	Voted
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Mayor's appt. of David Guarino to serve as a member of the Salem Redevelopment Authority with a term to expire on April 13, 2022

Councillor	Suspension of the Rules	Councillor	Objection
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Action Contemplated

Councillor Famico	Held Under the Rules	Voted
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APRIL 13, 2017

COMMUNICATIONS FROM THE MAYOR

Appropriation of \$9,700.00 from "Fund Balance – Free Cash" account to the following City Council accounts listed below

City Council – Contracted Services	\$1,700.00
City Council – Advertising	<u>8,000.00</u>
	\$9,700.00

Councillor	suspension of the rules	Councillor	object
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Action Contemplated

Councillor Gerard	Moved Adoption Or Ref. to Comm. on Administration & Finance	Voted
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APRIL 13, 2017

MAYOR'S INFORMATIONAL PAGE

None

APRIL 13, 2017

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Milo

HOME RULE PETITION:

That a petition to the General Court, accompanied by a bill for an act regulating certain insurance benefits for elected officials of the City of Salem, notwithstanding the provisions of chapter 32B of the General Laws as set forth below, be filed with an attested copy of this Order be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that the following legislation be adopted, except for amendments by the Senate or House of Representatives which conform to intent of this home rule petition:

AN ACT REGULATING CERTAIN INSURANCE BENEFITS FOR ELECTED OFFICIALS OF THE CITY OF SALEM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding chapter 32B of the General Laws or any other general or special law to the contrary, a part-time elected official of the City of Salem who receives a salary or stipend shall not be eligible for participation in the City's contributory health and life insurance plans unless the official pays to the town 100 per cent of the cost of participation in the plans, plus any administrative costs that may be assessed by the City.

SECTION 2. Notwithstanding section 1, officials who were elected before January 1, 2017 and currently participate in the plans shall be eligible to continue to participate until the end of their current terms at the same rate of contribution as non-union employees of the City.

SECTION 3. This act shall take effect upon its passage.

Action Contemplated

Councillor Milo	Moved Adoption by Roll call Vote Or Ref. to Comm. on Ordinances, Licenses & Legal Affairs	Yeas	Nays	Absent
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APRIL 13, 2017

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Turiel

ORDINANCE: amending Chapter 2, Section 271. Compensation of members of the City Council beginning January 1, 2018 shall receive annual salary of \$13,500. The president shall receive an additional \$500 per annum. Any future increases to city council compensation shall, receive an annual salary equal to nine percent of the annual compensation of the mayor; however, these increases shall not take effect until the first of January after a regular scheduled municipal general election.

Action Contemplated

Councillor Turiel	Move Adoption for first passage By Roll call vote	Yeas	Nays	Absent
	Or Refer to Committee on Ordinances, Licenses & Legal Affairs co-posted with Committee of the Whole			

Councillor Lovely

ORDINANCE: amending Traffic, Chapter 42 Section 51 – “Parking Prohibited on Certain Streets” Jefferson Avenue, easterly side in a southerly direction at #59 Jefferson Avenue for a distance on one hundred (100) feet.

Action Contemplated

Councillor Lovely	Moved Adoption for first passage	Voted
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APRIL 13, 2017

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Sargent

ORDER: That National Grid and any contractor they hire shall provide the City Council with a copy of the rules and or regulations they use for trimming and or cutting down trees on public property and also on private property. National Grid and any contractor they hire shall provide the City Council with the reason a tree has to be trimmed or cut down (on public property and on private property.)

National Grid and any contractor they hire shall also provide the city council with the following:

1. The procedure they use for notifying a property owner when they want to trim or cut down a tree on private property
2. The paper work a property owner signs to grant them permission to trim or cut down a tree located on private property

Action Contemplated

Councillor Sargent

Moved Adoption

Voted

Councillor Famico

ORDER: That the Committee on Community and Economic Development meet to review Sections 4.5 – 4.30 Reserved Article II – Signs and Billboards

Action Contemplated

Councillor Famico

Moved Adoption

Voted

APRIL 13, 2017

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Famico

ORDER: That the Committee on Community and Economic Development meet to review ARTICLE IV. – OPERATION OF VEHICLE Section 43 – No Driving on Sidewalks, Sections B, C, and D.

Action Contemplated

Councillor Famico

Moved Adoption

Voted

Councillor Famico

ORDER: That the Committee on Public Health, Safety and Environment meet to discuss and consider drafting and/or providing input for an ordinance relative to ambient noise and its monitoring and enforcement

Action Contemplated

Councillor Famico

Moved Adoption

Voted

APRIL 13, 2017

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Famico

ORDER: That a joint meeting of the Committee on Public Health, Safety, and the Environment schedule a joint meeting with the Disabilities Commission be scheduled for the purpose of discussing access and accessibility for the disabled and community members of all ages and physical abilities, on public ways and in work zones. During meetings relative to this order, ordinances, issues, and practices relative to accessibility in the City of Salem shall be reviewed and the committee shall draft any necessary Orders, Ordinances, or Regulations relative to accessibility. Topics of discussion shall include, but not limited to: accessibility in the context of approvals (zoning board, planning board, road work, conduits, building permits, newspaper boxes, benches...), voting locations, communication of construction and roadwork, snow removal on sidewalks, annual inspections.

Invited:

City Planning Director, Planning Board members, Zoning Board of Appeals members, City Building Inspector, City Assistant Building Inspector, public property assistant, City Engineer and Assistant City Engineer, Superintendent of Schools, Salem Redevelopment Authority members, Safe Routes to School staff, School Business Manager, Salem Public Schools Transportation Coordinator, Salem Public Schools Director of Facilities, Salem Police Chief, Salem Fire Chief, Traffic & Parking Director, Executive Director of Destination Salem, City Solicitor, Assistant City Solicitor, City Clerk & Assistant City Clerk, staff of the Salem Elections Office, Director of the Salem Chamber of Commerce, Salem Main Streets, DPW staff, Traffic & Parking Commission members, Bicycling Advisory Committee members, Salem Housing Authority

Action Contemplated

Councillor Famico

Moved Adoption

Voted

Councillor Famico

ORDER: That the Committee on Public Health, Safety & Environment meet to discuss and consider drafting an ordinance relative to a requirement of universal design for new construction for 6 or more units.

Action Contemplated

Councillor Famico

Moved Adoption

Voted

APRIL 13, 2017

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Famico

ORDINANCE: amending Section 1. Division 11. – School Committee – Section 2-956. – Compensation of members shall be deleted in its entirety and replaced with the following:

Section 2-956. compensation of members. Effective FY2018 (July 1, 2017) the members of the school committee, with the exception of the mayor, shall receive the sum of \$4,500.00 for expenses per fiscal year for their services. Effective FY2019 (July 1, 2018) the members of the school committee, with the exception of the mayor, shall receive the sum of \$8,500.00 for expenses per fiscal year for their services. The sum shall be paid in one lump sum the first week in December following the expiration of the prior fiscal year. During the first four months of the city council's biennial organization, the matter of the school committee's compensation shall be reviewed by the city council committee on administration and finance and recommendation reported to the city council no later than the first meeting in May. The committee shall recommend the compensation of the school committee members for the subsequent two fiscal years.

Action Contemplated

Councillor Famico

Moved Adoption for first passage

Voted

Councillor Famico

ORDINANCE: amending Zoning, Sec. 7.3.6 – Application of the City's Zoning Ordinance is hereby amended by deleting this section within the Planned Unit Development Sec. 7 of the Zoning Ordinance in its entirety and replacing it with the following:

"Sec. 7.3.6 – Application

Any petition filed for a planned unit development under this section shall be accompanied by fifteen (15) copies of a site plan, which shall be at a scale to be established by the Planning Board and shall include fifteen (15) copies of all the information required for a definitive plan under Salem Zoning Ordinance section 9.5.3 through 9.5.6."

Action Contemplated

Councillor Famico

Moved to refer to the Planning Board
To schedule a joint public hearing with
The City Council

Voted

APRIL 13, 2017

MOTIONS, ORDERS, AND RESOLUTIONS

Councillor Famico

ORDINANCE: amending Zoning Sec. 9.5.2 - Applicability, Section 9.5.3 – Application and Sec. 9.5.6 – Review Criteria of Salem Zoning Ordinance are hereby deleted in their entirety and replaced with the following new sections:

1) “9.5.2 Applicability. Site plan review shall be required for:

1. Nonresidential structure or premises exceeding ten thousand (10,000) gross square feet;
2. Residential structure containing one (1) or more residential dwelling units.
3. Salem Redevelopment Authority Small Project Reviews”

2) “9.5.3 Application. Any application for approval of a site plan review under this section shall be accompanied by fifteen (15) copies of a site plan, which shall be at a scale to be established by the Planning Board and, according to the size of the development, shall include fifteen (15) copies of all information required for a Definitive Plan under Section III B of the Subdivision Regulations of the Planning Board of the City of Salem, and such petition shall also be accompanied by fifteen (15) copies of an environmental impact statement as set out in Appendix A of the subdivision regulations of the Planning Board of the City of Salem, as requested. The plan shall contain the following information:

1. Location and dimensions of all buildings and other construction;
2. Location and dimensions of all parking areas, loading areas, bicycle racks or bicycle storage areas, walkways and driveways. Plans shall include grade changes (such as ramps or sloped walks) and materials for walking and driving surfaces;
3. Location and dimensions of internal roadways and access ways to adjacent public roadways;
4. Location, function, intensity, temperature, and type of external lighting;
5. Location, type, dimensions and quantities of landscaping and screening including: retaining walls, fences, civil elements like manholes, drainage tanks
6. Current and proposed locations and dimensions of utilities, wireless communication facilities, hydrants, security cameras, signage, gas, telephone, electrical, communications, water, drainage, sewer, mechanicals, transformers, switchgears, generators, storm water, intake and exhaust features including: ventilation, stacks, fans, louvers, steam, and recycling and other waste disposal locations;
7. Location and dimensions of snow storage areas;
8. Location of all existing natural features, including ponds, brooks, streams and wetlands. Location shown even if project or site is built upon a pond, brook, stream or wetland;
9. Topography of the site, with two-foot contours;
10. Conceptual drawing of buildings to be erected, including elevations, showing architectural styles.”

3) “9.5.6 Review Criteria. The Planning Board shall review such submitted information in accordance with accepted site planning standards and attempt to promote such standards and make certain that the development, if approved, takes place in a manner which shall in all aspects be an asset to the City. The Planning Board shall request changes in such plans and information submitted to promote the quality of the

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development and its impact upon the health, convenience, and general welfare of the inhabitants of the City. The Planning Board shall review and amend all such submitted plans in accordance with the following criteria:

1. Adequacy of parking facilities and number of parking spaces proposed for each development;
2. Adequacy of loading facilities;
3. Adequacy of traffic circulation system for all modes of transit, consistent with Salem's Complete Streets policy;
4. Adequacy of access points and routes to and from the land parcel to adjoining streets and ways;
5. Adequacy of type and amount of external lighting to be provided on the parcel;
6. Adequacy of type, quality and quantity of landscaping to promote an aesthetically pleasing environment and to properly screen the development from adjacent land uses;
7. Adequacy of type, quality and quantity of vegetative screening to protect adjacent and nearby land parcels from structures not aesthetically pleasing or wholly compatible with such parcels;
8. Adequacy of the methods and storage dimensions for disposal of sewage, refuse, recycling, and other waste;
9. Adequacy of the method of surface drainage across and from the site;
10. Adequacy of the method of water distribution to and from the parcel and its structures;
11. Adequacy of pedestrian circulation systems to and from parking areas and structures consistent with the City of Salem's Complete Streets policy;
12. Adequacy of protection or enhancement of natural areas;
13. Compatibility of the architecture of structures with architecture of surrounding or nearby buildings.
14. Subsections 3 and 4 set forth above shall be subject to review and approval of the City of Salem Parking and Traffic Commission."

Action Contemplated

Councillor Famico

Moved to refer to the Planning Board
To schedule a joint public hearing with
The City Council

Voted

APRIL 13, 2017

COMMITTEE REPORTS

Councillor Ryan offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred granting certain licenses has considered said matter and would recommend granting the following licenses

SEAWORM: Joe Mendonca, 22 Spring St., Peabody

TAG DAY: S.H.S. Softball, 4/30/17

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Ryan offered the following report for the Committee on Ordinances, Licenses and Legal Affairs to whom was referred the matter of Bus Parking at Holyoke Square has considered said matter and would recommend that the matter remain in committee

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Ryan offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Amending an Ordinance relative to the Board of Health – Certificate of Fitness of rented dwelling units, apartments or tenements has considered said matter and would recommend that the matter be referred to the Committee on Public Health, Safety & the Environment co-posted with the Committee of the Whole

Accept the Report Voted

Adopt the Recommendation Voted

APRIL 13, 2017

COMMITTEE REPORTS

Councillor Ryan offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of authorizing the Mayor to execute a Community Benefit Agreement by and between the North Shore Medical Center and the City of Salem has considered said matter and would recommend that the matter (action unknown meeting took place after the agenda's deadline)

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Ryan offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of Amending an Ordinance relative to Constables has considered said matter and would recommend that the matter (action unknown meeting took place after the agenda's deadline)

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Ryan offered the following report for the Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole to whom was referred the matter of an exemption of MA Conflict of Interest Law for Mayor to serve as a State Appointee to the Housing Authority has considered said matter and would recommend that the matter (action unknown meeting took place after the agenda's deadline)

Accept the Report Voted

Adopt the Recommendation Voted

APRIL 13, 2017

COMMITTEE REPORTS

Councillor Gerard offered the following report for the Committee on Administration & Finance co-posted with the Committee of the Whole to whom was referred the matter of compensation for the City Clerk and Assistant City Clerk has considered said matter and would recommend that the matter (action unknown meeting took place after the agenda's deadline)

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Dibble offered the following report for the Committee on Community and Economic Development co-posted with the Committee of the Whole to whom was referred the matter of the Housing Development Incentive Program has considered said matter and would recommend that the matter (action unknown meeting took place after the agenda's deadline)

Accept the Report Voted

Adopt the Recommendation Voted

Councillor Dibble offered the following report for the Committee on Community and Economic Development co-posted with the Committee of the Whole to whom was referred the matter of discussing Food Trucks has considered said matter and would recommend that the matter (action unknown meeting took place after the agenda's deadline)

Accept the Report Voted

Adopt the Recommendation Voted

APRIL 13, 2017

COMMUNICATIONS FROM CITY OFFICIALS

NONE

APRIL 13, 2017

PETITIONS

Petition from Attorney William Quinn, representing Juliana Tache of JJ Tache, LLC, owner of the properties located at 204, 206, 214 & 222 Derby Street to amend the Zoning Map to rezone these 4 properties currently Residential Two Family (R-2) to Central Development Zone (B-5). Attached is the Ordinance, Map Number and Parcel ID Number

Action Contemplated

Councillor McCarthy

Refer to the Planning Board to
To hold a joint public hearing

Voted

Petition from Kylie Sullivan, Executive Director of Salem Main Streets, to close Front St. to vehicular traffic during the Salem Arts Festival on Saturday, June 3 and Sunday June 4, 2017

Action Contemplated

Councillor Famico

Moved Granted

Voted

Request from Multi-Faith Organization to close Federal St. (from Washington to Summer) from 9:00 A.M. to 7:00 P.M. on Sunday, June 4th to hold a Multi-Faith Festival to celebrate Religious Freedom

Action Contemplated

Councillor Famico

Moved Granted

Voted

APRIL 13, 2017

PETITIONS

Request from Wicked Running Club to hold a road race (Miles Over the Moon) and use of city streets on July 14, 2017

Action Contemplated

Councillor Famico

Moved Granted

Voted

The Following License Applications:

PUBLIC GUIDES:

Thomas Vallor, 394 Essex St., Salem
Chris Dowgin, 11 Beacon St., Salem
Lori Sinatra, 14 Dunlap St., Salem
Sarah-Frankie Carter, 394 Essex St., Salem
Ellen Damsky, 10 Hodges Ct., Salem

TAXI OPERATORS:

Carlos Espinal, 7 Read St., Salem
Annable Gomez, 10 First St., Salem
Samuel Cuevas, 157 Eutaw Ave., Lynn
Willy Ozoria, 157 Eutaw Ave., Lynn
Luis Toribio, 2 Park St., Salem
Carlos Reynoso, 1 Salem St., Salem
Bienvenico Vicioso, 8 Charles St., Salem
Rafael Vicioso-Jose, 32 Perkins St., Salem

Action Contemplated

Councillor Ryan

Moved Granted

Voted

The Following License Application:

TAXI OPERATOR:

Joselito Gomez, 16 Summer St., Peabody

Action Contemplated

Councillor Ryan

Moved Denied

Voted

APRIL 13, 2017

PETITIONS

Request from Joselito Gomez to hold a hearing on the denial of a taxi operator license

Action Contemplated

Councillor Ryan	Refer to Comm. on Ord., Lic. & Legal Affairs to hold an Executive Session	Voted
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The Following License Applications:

PAWNBROKER:	Salem Loan & Jewelry, 133 Washington St., Salem
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SEAWORM:	Robert Bettencourt, 54 Fulton St., Peabody Jose Bettencourt, 54 Fulton St., Peabody
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TAG DAY:	S.H.S. Boys Soccer, 8/26/17, 9/9/17 & 9/30/17
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Action Contemplated

Councillor Ryan	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
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APRIL 13, 2017

PETITIONS

The Following Claims:

Ann Baccari, 95 Jackson St., Salem
Emmanuel Alexandrou, 7 May St., Salem
Lauren Cleveland, 15 Forest Ave., Salem
Gregory Richards, 13 Hubon St., Salem

SUBROGATED: Law Offices of Barry Feinstein (for Judith Monahan) 100 Lowell St. Peabody

Action Contemplated

Councillor Ryan	Refer to Comm. on Ord., Lic. & Legal Affairs	Voted
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APRIL 13, 2017

UNFINISHED BUSINESS

SECOND PASSAGE Ordinance amending Chapter 2, Section 2-142 (a) Compensation Mayor salary effective Inauguration day 2018 \$135,000 per annum and effective January 1, 2019, the Mayor shall receive a salary of \$150,000 per annum.

Councillor Gerard	Moved second and final passage By roll call vote	Voted
	Yeas Nays Absent	

SECOND PASSAGE Ordinance Chapter 2, Article XVII. City Services related to Immigration status: Inclusionary Advisory Committee

Councillor Ryan	Moved second and final passage	Voted
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On the motion of Councillor	the meeting adjourned at	P.M.
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