

JOINT MEETING
COMMITTEE ON INFRASTRUCTURE and
PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

MARCH 31, 2022

A joint meeting of the Committee on Infrastructure and Planning and Economic Development Committee was held Friday, April 1, 2022, at 12:23 a.m. in the Aldermanic Chamber and via Zoom teleconference.

To access Zoom, please refer to the agenda or the City's website for the meeting link.

Alderman-at-Large Michael B. O'Brien, Sr., and Alderman-at-Large Melbourne Moran, Jr., Co-Chairs, presided.

The roll call was taken with 8 members of the Committee on Infrastructure and Planning and Economic Development Committee present:

Members of Infrastructure Committee and
PEDC present:

Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Richard A. Dowd, Vice Chair
Alderman Alex Comeau
Alderman Tyler Gouveia
Alderman Ernest A. Jette
Alderman-at-Large Melbourne Moran, Jr.
Alderman John Cathey
Alderman Derek Thibeault

Members not in Attendance:

Alderman-at-Large Ben Clemons

Also in Attendance:

Tim Cummings, Economic Development Director
Steve Bolton, Corporation Counsel

ROLL CALL

PUBLIC COMMENT

Laurie Ortolano

Good morning. Laurie Ortolano, 41 Berkeley Street. A couple of things. You know the comment about this information being available to the public is just not correct and it's the information problems we seem to have in the city all the time. It's insulting to hear, you know, Mr. O'Brien and Tim coming say it's on the website. You can find it because the date of these drawings are February 11th and there was just no way for me to know that this was the current information. You talk repeatedly about slight changes being made. They've been tweaked and tweaked. So I don't know when I'm looking at the agenda to come to the meeting that has no reference to the ordinance whatsoever that this is what I'm supposed to go back to, to use and it's just insulting. I asked yesterday to find out exactly what is it you're looking at? And, you know, it's why I ended up with so many Right to Know lawsuits frankly.

With regard to this whole barrier discussion, I think Alderman Dowd made a comment early on about how this whole legal issue of what you can and can't do as a property owner said, you know, people have problems, businesses have that problems they can call the city. I knew he was exactly wrong on that comment. The city is not going to give legal advice to business owners who call but I am sympathetic that I think they should know the property owner is going to have to be the dispute settler or the person who addresses what their, you know, leasees want when it comes to sharing space. It falls on them and it's not that we're giving them legal advice but I kind of think of that guy from Gary's Boot who said I call the Mayor's office over and over and no one would address me. I sort of think you should have. I think ignoring them isn't the right thing either. I think it's wrong and to at least say to them listen this is something you've got to take up with your building owner. They actually think that the city is responsible for putting the barriers down and that they should be calling the city to say I want the very removed from the front of my business because all of my seniors who need orthotic footwear and handicapped people can no longer park in front of my store and nobody in City Hall responded to him. So I don't, you know, I understand absolutely what Attorney Bolton is saying. I'm not going to write a legal letter and I don't think you need a legal letter but I think that the...

Alderman Comeau

30 seconds

Laurie Ortolano

...people have to know. And, again, I am not for extended outside dining that takes up any of the lanes. So I think you can still have the extended outdoor dining. You did a lot here but let's keep it to four lanes of traffic and I don't know why there was so much opposition to giving Wingate's a space when we gave Glorious Possibilities two. I don't see the equity of what we're doing here. The cost thing really bothers me too. I think it was wrong to tell the citizens to wait. Thank you.

Chairman O'Brien

Okay, thank you. Any other public comment? Seeing nobody in the chamber. Nobody online.

COMMUNICATIONS - None

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES - None

TABLED IN COMMITTEE

MOTION BY ALDERMAN MORAN TO REMOVE FROM THE TABLE O-22-008

ON THE QUESTION

Alderman Cathey

Seeing as how it's a late hour, I don't know if there's going to be discussion and debate on this. I didn't know if we should table and come back. I'm not saying we have to or that I would make that motion. I just wanted to put it out there.

Chairman O'Brien

How long we stay is up to each individual member here.

Alderman Cathey

Well if I'm honest, I thought now that we've gone through it. We've amended it. We have the whole plan set. It's come to our Committee and I could be wrong, I think we table it. You have dates set for next week.

Chairman O'Brien

No, I clearly said this the agenda was coming forthwith on this. We have an agenda that was duly posted by city ordinance.

Alderman Cathey

I thought you also thought that but that's what I'm saying.

Chairman O'Brien

No it was done to the T.

Co-Chairman Moran

And I think we have to remove it from the table in order to amend it with the recommendations.

Chairman O'Brien

Exactly.

Alderman Cathey

Oh, okay. Never mind.

Chairman O'Brien

Thank you. No it is late. I understand. Thank you. Okay. Motion to remove from the table - further discussion? Seeing none.

MOTION CARRIED

Chairman O'Brien

Now that it is removed to the table, it's open for further motions

O-22-008

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Thomas Lopez
Alderman-at-Large Ben Clemons
Alderman Derek Thibeault
Alderman-at-Large Gloria Timmons
Alderman-at-Large Lori Wilshire

RELATIVE TO SEASONAL ROAD CLOSURES AND ELIMINATION OF CERTAIN ON-STREET PARKING FOR EXTENDED OUTDOOR DINING AND OTHER NON-VEHICULAR USE

**MOTION BY ALDERMAN MORAN TO AMEND O-22-008 WITH THE RECOMMENDATIONS OF THE TASK FORCE, COMMITTEE ON INFRASTRUCTURE, AND PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE
MOTION CARRIED**

Alderman Comeau

I'd like to make a motion to amend O-22-008 in the section under 320-93 plan amendments. The language says, "Upon recommendation of the Director of Public Works, and the Parking Manager, and with the approval of the Committee of Infrastructure the Mayor may adjust..." I'd like to strike the three instances of the word "and" and replace them with the word "or" so that any one of those bodies can make a recommendation to the Mayor without necessarily requiring the approval of the other two. Doesn't mean that it will happen. It just allows the question to go forward.

MOTION BY ALDERMAN COMEAU TO AMEND O-22-008 IN THE SECTION UNDER 320-93 PLAN AMENDMENTS TO STRIKE THE THREE INSTANCES OF THE WORD "AND" AND REPLACE THEM WITH THE WORD "OR" SO THAT ANY ONE OF THOSE BODIES CAN MAKE A RECOMMENDATION TO THE MAYOR WITHOUT REQUIRING THE APPROVAL OF THE OTHER TWO

Alderman Cathey

Alderman Comeau is amending an ordinance, correct? He's making a motion to amend?

Alderman Comeau

Yes.

Alderman Cathey

Can you tack on another amendment to that or because it's an amendment you can't?

Chairman O'Brien

No, let's work with the one we got.

Alderman Thibeault

Yeah, I'm not gonna be for that. Thank you by the way Mr. Chairman. I'm not gonna be for that just because I think we can do new legislation and anytime to overrule that so it doesn't make sense to put it in there but either way.

Chairman O'Brien

I would like to say whenever an ordinance is crafted, I don't write them. Legal writes them. So evidently this has passed muster with the Legal Department. I'm not gonna mess with them so I am not going to support this. Okay, seeing that.

Alderman Jette

Thank you, Mr. Chairman. So the amendment allows in effect would allow the Director of Public Works or the Parking Manager to recommend to the Mayor that adjustments be made in the barriers without the involvement of the Committee on Infrastructure?

Chairman O'Brien

No it says the Committee of Infrastructure.

Alderman Jette

It does now but if it's amended the way that he is asking it to be amended, it will allow either the Director of Public Works or the Park Manager.

Tim Cummings, Economic Development Director

Yeah, no, I was going to point this out because I don't know if that was the intention of the sponsor of the amendment. But the way the current amendment is stated, it appears as though the Committee on Infrastructure would lose the ability to make approvals.

Alderman Comeau

Mr. Chair if I could revise my motion.

MOTION BY ALDERMAN COMEAU TO AMEND O-22-008 IN THE SECTION UNDER 320-93 PLAN AMENDMENTS TO STRIKE THE THREE INSTANCES OF THE WORD "AND" AND REPLACE THEM WITH THE WORD "OR" SO THAT ANY ONE OF THOSE BODIES CAN MAKE A RECOMMENDATION TO THE MAYOR WITHOUT REQUIRING THE APPROVAL OF THE OTHER TWO AND WITH THE APPROVAL OF THE BOARD OF ALDERMEN

Chairman O'Brien

I would agree with that. I think the attention superseding legal, do you want to chime in?

Steve Bolton, Corporation Counsel

Well I think there may be some confusion about what this language does and doesn't do.

Chairman O'Brien

Obviously, yes.

Steve Bolton, Corporation Counsel

If this whole section about the Mayor can make adjustments with the concurrence of this, and approval of that, and so forth. If this wasn't there, the only way to change anything in this ordinance would be for the Board of Aldermen to pass an ordinance amending the priorities. This is meant, I believe even though it's somewhat cumbersome to read, I believe it's

meant to give the administration authority to act more quickly than sometimes the Board of Aldermen can act. If it looks like changing the times of operation or changing the way a certain block is configured more quickly, then the Board of Aldermen would normally act. Typically a member of the Board of Aldermen, perhaps the Mayor, contacts the Legal Department and says we want to do an ordinance to change what we have passed last year. We'll get that and it will take us a few days to put it all together and seek input from Finance on if there's any fiscal impact for the fiscal note and we have to get that submitted to the legislative office on the Wednesday before a Tuesday regular meeting of the Board of Aldermen. Then that ordinance gets its first reading at that Tuesday Board of Aldermen meeting. So now we're at least a week in. It gets sent to committee, comes back to the Board of Aldermen, and if the committee meeting has been accomplished, the committee makes a recommendation, and that ordinance goes to the Board of Aldermen at its very next meeting which would be two weeks hence. Then it could pass and the change that someone thought was necessary can be adopted. If the Mayor signs it right away, that's fine. So now we're talking minimum, a three week process. Sometimes it's much longer than that. Sometimes the committee doesn't meet during that two week period. Sometimes it takes another two weeks after that or even three weeks after that depending how the meetings line up. So you might be six or seven weeks in - not uncommon.

But this doesn't prevent you from doing that. This language just gives what might be a more rapid ability to make slight adjustments. It doesn't take away any member of the Board of Aldermen's right to put in an ordinance that amends, repeals, changes any aspect of the ordinance that is passed. So the Board of Aldermen doesn't lose any authority by the language of the city. I think you can get rid of this all together and the Board of Aldermen retains all the authority but you're never giving away authority.

Chairman O'Brien

Thank you for explaining that because it sounds something very similar of the Governor's authority within the State. If the House - how can you get 400 people together in the House on the (inaudible). So the Governor under certain circumstances - let's say there's a hurricane coming and while the barriers are up and Public Works says hey we need to clear passage - Fire Department, the Mayor could make that decision. This could jeopardize that because the Aldermen could not convene. So Alderman Comeau to that effect.

Alderman Comeau

Yes given the testimony just a moment ago from Corporation Counsel and with the understanding that the Board of Aldermen can at any time amend this legislation or any legislation, I will withdraw my motion.

ALDERMAN COMEAU WITHDREW HIS MOTION

**MOTION BY ALDERMAN DOWD TO RECOMMEND FINAL PASSAGE OF O-22-008 TO THE FULL BOARD OF ALDERMEN AS AMENDED
MOTION CARRIED**

GENERAL DISCUSSION

Co-Chairman Moran

I just want to add one thing that you guys all did great.

Chairman O'Brien

Yes I have to say that. Thank you everybody. As a pain in the rump some of you were, I do appreciate the input. It was superb. We got to the point and you spared me from holding your nose to the grindstone for another night. Thank you for staying this late.

Co-Chairman Moran

I do appreciate everyone being mindful and attentive to my devil's advocate approach because I just wanted to make sure that we hashed out as much as we could. Attorney Bolton I appreciate the back and forth. I was not attacking you earlier. I just wanted to make sure that my point was made. It was not attack on you or your Legal Department.

Steve Bolton, Corporation Counsel

Yeah I did not take it as such.

Co-Chairman Moran

Thank you.

Alderman Comeau

Before I give Alderman Dowd the honors, I'd just like to say I'll have to set my hand when we get home. We've made 27 motions tonight. That's not what I signed up for when I agreed to Clerk.

Alderman Cathey

Thank you, Mr. Chair. I'd like to say that similar to Alderman Moran's point that, you know, it's nothing personal and we have to play devil's advocate. I've said before that I am a process person, a data person, nothing I do is personal. I'm going to comb through the data tediously and it's going to bother a lot of people but we got through it. So I appreciate everyone's hard work and questions.

Chairman O'Brien

Thank you. Alderman Cathey just so you know, my time on the Board is six years. This one was one of the tough ones. So hopefully you don't have to weather this ship again. So y'all did it. I'm proud of you. This was tough. The worst one I ever seen.

Alderman Dowd

Not one of the toughest I've been at but I'd make a motion to adjourn.

Chairman O'Brien

There is on the agenda public comment and we do have somebody that would probably pining for the opportunity to get it there.

PUBLIC COMMENT

Laurie Ortolano

Laurie Ortolano, 41 Berkeley Street. You know I would as whatever you decide to do and move forward on, I would like you to be more mindful this year about data collection on these barriers. I mean the data I did get only a week ago to me 6% utilization was really, really low for July and August. I just can't see the justification for all the money that we're spending in putting these down. It sounded like Mr. Cummings is saying that we'll be contracting out this service now to drop them and pick them up and what's the cost associated with that?

I saw a lot of empty tables down there. I go downtown a lot. So that was my feeling when I got the data last week and then I actually looked at it. It certainly matched what I saw, but it was actually quite a bit lower than I thought. When Marylou mentioned that, you know, some of the specific times I think she was looking at seven o'clock at night was heavier, it wasn't much heavier. That was a rainy season last year. You've got all these weather issues. I think the outdoor dining is fine but I really question - I do think this belongs on the ballot and I would be a very active person pushing next year to get the signatures to put this on the ballot. I think the way the whole thing was handled was really not right and Alderman O'Brien I think you were, you know, really hard on your public and inappropriately so with the agenda, how we were supposed to read it, the signup sheet, the whole thing was just this big, you know, squash on the public. I think it's not a good look and I think it's not necessary. It's hard for them to come out and sit here and see this and there was a lot of confusion in here too. It was confusing for us to watch this.

I'm very conscientious of what's coming down the road with the assessments and the money. I really am knowledgeable about that and I don't think the city's done a good job of educating the public of what's happening in that assessing office and the fact that those depreciation factors were not set correctly. You've got a whole host of properties that are going to get hit and I think you're not being as mindful of the money as you should be based on what's happening. So please I would love somebody to tell me how that data was gathered because I didn't get any information yet.

Alderman Comeau

30 seconds

Laurie Ortolano

Thank you. I didn't get any information on how that data was gathered but I would like to know how it was gathered. Was it parking cameras, or a light cameras that photographed, or did the restaurants at 26 gather counting data for the city? I don't know how it was done. It would be nice to know and I would really like you to be mindful of data because you know what, I'm going to be mindful of gathering it this year and taking a look at it. So thank you.

REMARKS BY THE ALDERMEN - None

ADJOURNMENT

**MOTION BY ALDERMAN CATHEY TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 12:43 a.m.

Alderman Alex Comeau
Committee Clerk