

H/K

SUSPENSION

ACCEPTED AND FILED

Chelsea, Massachusetts, February 11, 2019

A Regular Meeting of the Chelsea, City Council was held. The meeting was held at the Chelsea City Hall located at 500 Broadway, Chelsea, Massachusetts 02150. The following Councilors were present: Councilors Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero. Councilor Garcia was absent. Council President Vidot presided over the meeting. The meeting opened at 7:00 p.m.

Public Speaking:

The public speaking portion of the meeting opened at 7:02 and closed at 7:03 p.m. No one came forward to speak:

The minutes of the City Council Meeting dated January 28, 2019 were approved at the request of Councilor Lopez under suspension.

Communications from City Manager:

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson to accept and file was adopted under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: Capital Improvement Plan FY2020-2024

Pursuant to my obligation under Section 5-4 of the Chelsea City Charter, I hereby submit to you my proposed Capital Improvement Plan for Fiscal Years 2020-2024.

It is my strong belief that this comprehensive Capital Improvement Plan fully meets our promise to invest the City's strong reserves in projects which enhance the quality of life in our City. The total investment proposed for FY20 is an excess of \$18 million. The funding comes from a variety of sources, including approximately \$4.7 million from the City's Certified Free Cash. A total of 45 projects are proposed for funding in FY20.

The Plan provides details on all of the individual projects which need not be repeated here. I merely add my usual caution. I have a very high degree of confidence that we can complete all of the projects listed

for FY20 because I have a certainty in the availability of the proposed funding. But, as is typically true with any long range planning, the out-years remain uncertain. Unanticipated events, reductions in revenue or higher costs in non-capital areas could reduce the resources available to undertake some of the proposed projects. So, the Plan for Fiscal Years 2021-2024 should be viewed somewhat skeptically, more as an aspiration and general estimate than as any firm proposal.

In accordance with the Charter requirements, I ask that the City Council move this Capital Improvement Plan to a public hearing. Following that hearing and the City Council's final determination on this Plan, I will prepare a recommended Order for the implementation of the FY20 proposals.

I look forward to working together with you to bring the goals of this ambitious Plan to fruition.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Rodriguez to accept and file was adopted under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: *New Vacant Building Ordinance*

Dear Councilors:

I am writing to request that the City Council consider a new Ordinance pertaining to vacant buildings, both commercial and residential. The proposed Ordinance would impose a significantly higher annual registration fee for these properties than currently exists, much more in line with the actual cost and impact on the City caused by the negative presence of vacant buildings.

The City's current vacant building regulations merely require that an owner annually register the property and pay a \$100 fee. Although this regulation has been helpful in allowing the City to keep track of vacant properties, it has not been effective in creating incentives for owners to rehabilitate the buildings. Further, the current regulation extends only to residential buildings, so it has no impact on vacant commercial structures.

The proposed Ordinance would substantially increase the annual registration fee for vacant buildings, varying from \$500 to \$3,000 annually, depending upon the length of the vacancy. Also, it would apply to both residential and commercial buildings. The fee, though high, is set at a level that I feel confident we can justify on the basis of the actual administrative costs of overseeing such vacancies, thus avoiding the claim that this charge is an illegal "tax".

I recognize that the vacant building problem in the City is not as severe as during the height of the Great Recession a decade ago, and thus this issue may not seem to be a pressing priority for the City. However, the problems created by vacant buildings, even in limited numbers, have an outsized impact on our neighborhoods, negatively impacting the aesthetics and reducing the appeal and value of surrounding properties. Incentivizing owners to expedite the rehabilitation and re-use of such buildings is in the City's

best interest. My hope is that this new Ordinance will do that by making it costly to allow buildings to linger in a vacant state.

For the reasons set forth above, I ask that the City Council approve this proposed revision to the current Vacant Building Ordinance. I will be happy to appear at a subcommittee meeting to discuss this proposal further if the Council so desires.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Avellaneda referred it to the Sub-Committee on Conference under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: *Parking Study*

Dear Councilors:

I am writing to request a subcommittee meeting to further discuss the parking study requested by the City Council.

As you know, the City recently advertised a Request for Proposals in order to conduct a comprehensive parking study, including an analysis of parking in *all* neighborhoods. The Council had an opportunity to review and comment upon the RFP before advertisement.

Unfortunately, the City only received one timely submission to the RFP, from Howard Stein Hudson ("HSH"), a copy of which is attached. The HSH proposal is comprehensive, but I have two concerns. First, as you will note from review of page 23 of the proposal, HSH believes that a parking study encompassing the entire City of Chelsea will be too big (and likely too expensive) of an undertaking. Instead, HSH is proposing that, in addition to the Downtown, it would identify only a few other target neighborhoods for study. I don't know if the Council would be satisfied with that limitation. Second, the cost of this proposal, as limited, is \$210,780. That is much more than we anticipated, and I don't know if the Council is prepared to expend that sum.

At this point, I would like to have a separate subcommittee on this topic to confer on the next step. We have two options: accepting this proposal as is; or rebidding with the hope of getting other proposals. I would like to discuss the pros and cons of each option and hopefully reach consensus on the appropriate path forward.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson to accept and file was adopted under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: *Another Request for Appropriation of Overlay Surplus*

Dear Councilors:

Once again, I am writing to request that the City Council approve a transfer of funds, this time totaling \$50,000, from the Overlay Surplus Account to the Assessors' Office. The Board of Assessors has determined that it has at least \$50,000 in surplus in its Overlay Reserve Account. (See attached memorandum) This amount is intended to cover the anticipated cost of legal fees for upcoming Appellate Tax Board ("ATB") appeals.

For your information, the Overlay Reserve Account is the account from which the Assessors pay, among other items, tax exemptions and tax refunds resulting from overvaluations. The Assessors currently have more money in the Overlay Reserve Account than is required for these payments. Pursuant to M.G.L. c. 59, §25, the Board of Assessors has authorized the transfer of \$50,000 from that Overlay Reserve Account to an Overlay Surplus Account.

In this instance, the Assessors are seeking to utilize this excess money to cover costs associated with certain complex appeals pending at the ATB. In November of 2018, the City Council approved an appropriation of \$20,000 from this Overlay Surplus to cover the costs of necessary expert appraisals for these appeals. This new appropriation is intended to cover the legal fees that will be incurred for this pending litigation. Utilizing the Overlay Surplus means that the City Council will not need to appropriate any new funds for this purpose.

To accomplish this end, I respectfully ask that the City Council appropriate the \$50,000 in Overlay Surplus to the Legal Services line item within the Assessors' FY19 Budget. I have attached a recommended Order for this purpose. I am happy to meet with the Finance Subcommittee for further discussion on this request.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson to accept and file was adopted under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: *Ordinance Changes for Facades, Signage and Outdoor Seating*

Dear Councilors:

I am submitting for your review three separate documents of regulatory changes that will allow for the City to implement some of the improvements we have been discussing for our Downtown Corridor and other retail business districts. The documents are: (1) a new, comprehensive Sign Ordinance; (2) a new Ordinance to regulate Outdoor Café & Dining Areas in our retail business districts; and (3) miscellaneous Zoning Amendments to further accommodate both the Outdoor Dining use and the façade improvement program previously funded by the City Council.

For the past year, the City has been working with our consultant Gamble Associates on design guidelines for our façade improvement program. Many of the proposed designs desired by the City and business owners to improve downtown facades, such as awnings, exterior lighting and blade signs, are either currently prohibited, or hard to accomplish, due to the language of our existing Zoning Ordinance. The proposed Sign Ordinance, and the accompanying package of other miscellaneous Zoning Amendments, will facilitate such aesthetic enhancements in our Retail Business Districts.

In addition, I am proposing an Ordinance that will allow for outdoor cafes in our Retail Business Districts. Outdoor seating in downtown business districts is often seen as an attractive and positive element. Although the Chelsea Licensing Commission previously authorized, on a pilot basis, outdoor seating in some limited circumstances, we don't yet have any regulations in place, and the use is not specifically allowed by our Zoning Ordinance. The proposed Outdoor Café and Dining Ordinance establishes the necessary regulations, and the package of miscellaneous Zoning Amendments contains provisions which authorize this use.

I respectfully ask that City Council start the process on deliberation of these Ordinances. The Sign Ordinance and the miscellaneous Zoning Amendments require a transmission to the Planning Board for recommendation and the scheduling of an initial public hearing. The Outdoor Café and Dining Ordinance merely requires a City Council vote.

Members of the Planning Department and I will be available at the public hearing, and at any subcommittee meetings, to answer questions.

Sincerely,
Thomas G. Ambrosino
City Manager

The following Communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson to accept and file was adopted under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: *Short-Term Rentals*

Dear Councilors:

In late December of 2018, Governor Baker signed into law a Short-Term Rental Bill designed to both regulate and tax short-term rentals made through internet hosting platforms such as Airbnb. The law provides the opportunity for local communities likewise to regulate and collect local taxes on such rentals.

Prompted by that bill signing, we have prepared some draft regulations, in the form of a new Short-Term Rental Ordinance and some changes to our Zoning Ordinance. In addition, I am recommending adoption of a local option allowed by the new law to tax these rentals at the maximum allowed by law.

Short-term rentals certainly have a role in the regional economy. But, they also threaten to put additional pressure on the local rental market by removing housing units from the long-term rental inventory that local families rely upon for housing stability. For this reason, I believe it is in the City's best interest to carefully regulate these short-term rental units and to impose taxes that can work to the benefit of affordable housing.

At this point, I am recommending to the City Council a modest approach to legalizing short-term rentals in the City, somewhat similar to the Boston model. The regulations I am proposing would allow short-term rentals in certain residential districts in the City, but only for owner-occupied condominiums and owner-occupied one, two and three family homes. Each owner seeking to enter this business would need to register annually with the City and notify all abutters of this short-term rental use.

Because the City of Chelsea already voted to adopt the local option room tax of 6% in 2010, that tax will automatically apply to all short-term rentals in the City occurring on or after July 1, 2019. However, in addition to this room excise tax collected on the City's behalf by the Commonwealth, I am also recommending the adoption of the new local option that allows for an additional 3% community impact fee on the short-term rentals authorized by the proposed regulations. The state law provides that at least 35% of these community impact fees must be used solely for affordable housing or local infrastructure projects, but I am recommending that the entire amount be dedicated to support affordable housing.

I recognize that the City Council may have different thoughts about how best to regulate this burgeoning industry. I present these proposals only as a starting point for discussion. I merely ask that you work expeditiously to come to a meeting of the minds on these regulations so that we have some local rules in place as of July 1, 2019, the date the state law takes effect.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson to accept and file was adopted under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: *Request for State of the City Address*

Dear Councilors:

I am writing to request that the City Council allow me some time at the February 25, 2019 City Council meeting to provide a State of the City address. The address will include a short summary of work we have accomplished and goals for the year ahead. I expect the address to be relatively brief, lasting approximately 10-15 minutes.

Thank you in advance for your consideration.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Avellaneda to send to the sub-committee on conference with the Parking Study was adopted under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: *Traffic Congestion near Meridian St.*

Dear Councilors:

I am writing in response to your Council Order requesting that the City seek to alleviate traffic congestion in the area near the Meridian St. Bridge as well as at the intersection of Pearl, Park and Congress. I will discuss each area separately.

The City previously received funding from the Massachusetts Gaming Commission to conduct a comprehensive transportation study on the Beacham Street/Williams Street Corridor, which included within its scope the intersection of Williams, Marginal, Pearl and Meridian Streets. With that study now concluded, the City has recommendations for improving this important intersection. The improvements include some re-alignment of the intersection as well as smart traffic signals and new lane markings. The City is currently working on the design for these improvements. Funding is available from a combination of CIP and CDBG Funds. The City hopes to conclude the design work this year, with the goal of starting construction on these improvements early in 2020.

Unfortunately, the intersection of Pearl, Park and Congress has not been comprehensively studied, at least not anytime in the recent past. As a precursor to any design improvements, the City does intend to undertake such an analysis. At present, no funds are set aside for this purpose. Prior to this Council Order, the City did plan to include the cost of a study for this area in next year's CDBG application (submitted in the Winter of 2020). However, that means the study wouldn't commence until late 2020, with actual improvements taking shape in the ensuing years. I have no objection to advancing this timeline, but it would mean utilizing existing Free Cash for this purpose. We anticipate the cost of such a study to be in the \$75,000 - \$100,000 range.

Please let me know how the Council wishes to proceed.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson to accept and file was adopted under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: *Notice of Waiver Intent*

Dear Councilors:

Pursuant to the Administrative Code Section 1.12.02, I am writing to notify you of my intention to hire Ms. Mounika Sadhu, 75 Peterborough St., Boston, Massachusetts for the position of IT Systems Analyst and to grant her a waiver from the residency requirement set forth in the Administrative Code, Part IV, Section 1.12.01. A copy of Ms. Sadhu's resume is attached.

In accordance with Section 1.12.02, I request that you provide me with any comments on the proposed waiver within seven days.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson referred the communication to a second reading under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: Appointments to Boards and Commissions

Dear Councilors:

Pursuant to Section 4-2 of the Charter of the City of Chelsea, I am writing to recommend the following individuals to Boards and Commissions in the City.

For appointment to the Affordable Housing Trust Fund Board, Mr. Gerrit DeYoung, 165 Winnisimmet Street, 2C, Chelsea, to fill the unexpired term of Ms. Laura Weiner, who resigned. This term expires on June 30, 2020.

For re-appointment to the Board of Health, Christopher Miller, for a new three year term expiring in 2020.

For re-appointment to the Library Board of Trustees, Ms. Maura Garrity, for a new three year term expiring on 2020.

For re-appointment to the Library Board of Trustees, Ms. Lisa Santagate, for a new three year term expiring in 2022.

For re-appointment to the Council on Elder Affairs, Mr. Jamie Santos, for a new three year term expiring in 2022.

For appointment to the Licensing Commission, Ms. Gladys Vega, 116 Clark Ave. Chelsea, to fill the unexpired term of Jazmin Valentin, who has resigned. This term expires on May 21, 2021.

For re-appointment to the Licensing Commission, Ms. Roseann Bongiovanni, for a new three year term expiring in 2022.

For re-appointment to the Licensing Commission, Mr. James Guido, for a new three year term expiring in 2022.

For re-appointment to the Planning Board, William (Tuck”) Willis, for a new three year term expiring in 2022.

For re-appointment to the Planning Board, Shuvam Bhaumik, for a new three year term expiring in 2022.

For re-appointment to the Planning Board, Joan Cromwell, for a new three year term expiring in 2022.

For re-appointment to the Zoning Board of Appeals Mr. Arthur Arsenault, for a new three year term expiring in 2022.

For re-appointment to the Zoning Board of Appeals Ms. Janice Tatarka, for a new three year term expiring on 2022.

I respectfully request your approval of these appointments. I have attached resumes for the new appointees.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson to adopt under suspension was adopted.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: Request for Conflict of Interest Law Exemption

Dear Councilors:

The School Department recently hired Mr. Jay Valez as a parent liaison. Mr. Valez also works part time for the City as a desk attendant/aide. Mr. Valez would like to continue this part-time work in the Library, at least for the short term. However, because Mr. Valez is an existing municipal employee with a financial interest in this separate matter, he needs an exemption vote by the City Council from the statutory conflict of interest laws.

I respectfully request that the City Council approve this exemption. All future work performed by Mr. Valez for the Library will be outside of his normal hours with the School Department as a parent liaison. Mr. Valez meets all the statutory requirements for the grant of an exemption. See M.G.L. c. 268A & 20.

Thank you for your attention to this matter.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Recupero to accept and file was adopted under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: *Solid Waste Collection by DPW.*

Dear Councilors:

I am writing in response to your Council Order requesting that the City consider the cost of having the DPW provide solid waste collection services for the City.

The DPW Administration has done a very cursory examination of the costs that would be incurred if we were to incorporate this service in-house. These costs include not only operational costs, such as new personnel, equipment and supplies, but also the capital costs of the necessary vehicles. Further, because our current vendor Russell Disposal also disposes of recycling within its contract price, the City would need to absorb recycling disposal costs.

I have attached a spreadsheet showing the anticipated costs to the City of performing this work. These annual costs amortize the capital costs over five years. Granted, these are ballpark figures, and it is possible they could be in error in either direction. Nonetheless, the spreadsheet makes clear that there are no obvious savings by taking the work in-house. Our best estimate is that annual costs would probably be somewhat greater than what we pay to Russell.

Of course, there is more to this work than costs. The City Council has often expressed concerns about the quality of service. Certainly, the City could consider a larger company than Russell, and by doing so we might improve marginally upon the quality. But, that would come at a higher price. Further, it is my opinion that, given the nature of the trash business, where litter, rough handling of barrels and

occasional missed deliveries are inevitable no matter who is performing the work, bringing this work in-house would not demonstrably improve quality, at least not to the extent where any improvement would be noticeable to our residents.

Please understand that I am not opposed to absorbing work within the DPW that we currently outsource. In fact, I feel strongly that we should probably take in-house certain water, sewer and drainage work that we currently outsource. But, in the case of that utility work, I can definitively show that the City will save substantial money doing the work ourselves, and I do believe the quality of the service will be a noticeable improvement to our residents. Neither is true in the trash realm.

For all of these reasons, I recommend against taking this trash collection work in-house.

Sincerely,
Thomas G. Ambrosino
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson to accept and file was adopted under suspension.

The Honorable Chelsea City Council
Chelsea City Hall
500 Broadway
Chelsea, Massachusetts 02150

Re: *Miscellaneous Financial Requests*

Dear Councilors:

I am writing with some additional financial requests that require City Council approval. The first group of requests involve some additional time sensitive deficits that require appropriations from Certified Free Cash. The second group are prior year payments that require an affirmative Council vote. There is also a request for a donation approval.

Deficits -- \$96,063

There are three Departments that have remaining time-sensitive deficits:

Emergency Management Department -- \$79,000

The Emergency Management Department has four separate non-salary accounts that are running out of funding. The first account is the alarm box maintenance account. That account is short of funds because the price for repairs substantially increased for FY19 after submission of the budget. The second account is vehicle maintenance. Because of larger than expected costs to repair an older vehicle (which is proposed for replacement in the FY20 CIP), this account is dangerously low of funds. The third account is the Radio/Purchase Repairs Account utilized for radio repairs. The City's radio system is antiquated, and repair costs are escalating. This too is an area for major capital investment in our FY20 CIP. The final account is the supplies account. In particular, required purchases by the Department to comply with the new Continuity Of Operations Plan (the COOP Plan), such as securing satellite phone service and

acquiring other portable communications equipment, have led to shortages here. The total amount requested for all four of these accounts is \$79,000.

City Council Leased Equipment -- \$1,500

Toward the end of the last fiscal year, the City Council acquired a new copy machine to replace an outdated model. The new machine has been extremely beneficial given the significant amount of printing done in that office. However, the leasing costs are higher than for the old machine. A supplemental appropriation of \$1,500 is required to cover the remaining lease payments for FY19.

Tuition for Essex North Shore Agricultural & Technical School -- \$15,563

The City is responsible for the tuition payments of students who attend regional vocational schools other than Northeast Metropolitan Regional Vocational School when Northeast does not have the program desired by the student. This year, one student is attending Essex North Shore Agricultural & Technical School for that purpose. Unfortunately, the School Department did not become aware of this student's attendance at Essex until after the FY19 budget process. The tuition cost is \$15,563.00.

Chapter 90 Deficit -- \$250,000

There is a significant deficit in our Chapter 90 accounts that must be addressed.

For most of the past decade, the City has been carrying deficits in various annual Chapter 90 accounts. Some of these problematic accounts and projects go back as far as Fiscal Year 2010.

Last year, we commenced a concerted effort to work closely with MassDOT to fully understand these lingering deficits, identify those situations where reimbursements were still available, and close out once and for all these dated roadway projects. After a tremendous amount of research and coordination with MassDOT, the City has fully resolved most of these issues, and very soon we will have a clean slate with MassDOT on its Chapter 90 ledger. Unfortunately, at the conclusion of this comprehensive analysis, we have identified a deficit that totals approximately \$250,000. This deficit is created by the fact that, on certain projects where the City spent money in expectation of reimbursement from the Commonwealth based upon Chapter 90 money set aside for Chelsea, MassDOT has rejected the reimbursement. There are various reasons for the rejections in some of these older projects, but one recurring reason was that money was expended by the City *before* the date the project had received formal approval by MassDOT, a critical precondition of reimbursement.

In order to finally close out these accounts, the City needs to appropriate funds to eliminate the remaining deficit. Further, the Auditor is requiring resolution of this deficit before we can execute any further contracts on Chapter 90 work. To avoid a delay in the Chapter 90 work we wish to accomplish this construction season, I ask that we address this deficit now. Funds are available from Free Cash.

There is a silver lining to this work with MassDOT to fully account for the City's Chapter 90 Program -- unspent funds can be reallocated to new projects. In other words, even though MassDOT won't allow us to use these available Chapter 90 funds to cover certain deficits because they don't qualify for reimbursement, these same funds are consequently considered "uncommitted". Therefore, the City of Chelsea can still utilize them for new projects approved by MassDOT. Based upon the final accounting we are preparing, the City expects that MassDOT will certify almost \$450,000 in uncommitted funds from some of these old prior year roadway projects. So, even though this reconciliation effort has led to the need for an appropriation of \$250,000 to cover our internal deficits, it has allowed for the release of almost double that amount in new state support for the City's roadways.

Prior Year Bills -- \$541.45

There are two prior year bills that require payment. The bills are as follows:

Parking Department	Meter Head Replacement	\$126.45
Human Resources Dept.	Physical for Firefighter	\$415.00

In each case, the respective Department has sufficient funds to meet the outstanding obligation. No new funds are required. The only action necessary is Council approval to make the payments.

Donation Approval

Finally, Ms. Cristina Caruso made a donation to the Chelsea Public Library in the amount of \$100.00 to benefit the Children's Library. All such donations require Council acceptance. Pursuant to M.G.L. c. 44, §53A, I ask that the City Council formally approve this donation.

For the above reasons, I respectfully ask that the City Council approve these financial requests. The proposed Orders are attached.

Sincerely,
Thomas G. Ambrosino
City Manager

Communications and petitions to the Council:

A copy of a communication was received from Traffic and Parking Clerk Jeannette Cintron White regarding the actions approved at the February 5, 2019 Traffic and Parking Commission meeting. A motion from Councilor Vidot to accept and file was adopted under suspension.

Unfinished Business:

Councilor Avellaneda requested that the amendment to the Ordinance of Licenses to marijuana establishments be removed from the Sub-Committee on Conference to be acted upon. No objections. Councilor Avellaneda moved roll call. Councilor Recupero offered an amendment and Councilor Vidot offered an amendment. A roll call on the amendment offered by Councilor Recupero was defeated 5-5-1-0. Voting yes were Councilors Brown, Perlatonda, Tejada, Robinson, and Recupero. Voting no were Councilors Vidot, Avellaneda, Rodriguez, Lopez, and Bishop. Councilor Garcia was absent. On the amendment offered by Councilor Vidot the roll call was defeated 5-5-1-0. Voting yes were Councilors Vidot, Avellaneda, Rodriguez, Lopez, and Tejada. Voting no were Councilors Brown, Perlatonda, Robinson, Bishop, and Recupero. Councilor Garcia was absent. The final roll call on the actual proposal by Councilor Avellaneda was defeated 2-8-1-0. Voting yes were Councilors Avellaneda and Rodriguez. Voting no were Councilors Vidot, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero. Councilor Garcia was absent. The order and the amendments read as follows:

Whereas, the City of Chelsea has adopted an Ordinance as to the issuance of licenses to marijuana establishments;

Whereas, the Commonwealth has established a priority for applicants with its Social Equity Program that is designated to create sustainable pathways to the adult-use cannabis industry for people

disproportionately harmed by marijuana prohibition and desires to further create a pathway for our residents to enter into this new industry.

Now Therefore, be it Ordained, that the Revised Code of Ordinances of the City of Chelsea as amended be further amended by adding a new paragraph at the end of the existing Section 14-458 and with the following language:

Within two years of the passage of this Ordinance, the Licensing Commission residents or entities with a majority at least 60% of its ownership made up of Chelsea residents. These licenses shall only be sold or transferred to another Chelsea residents or entities with a majority at least 60% of its ownership made up of Chelsea residents.

Amendment by Councilor Vidot:

Amendment: Within two years of the passage of this ordinance, the Licensing Commission shall hold two adult use recreational retail license for an applicant owned by a Chelsea residents or entities with a majority at least 60% of its ownership made up of Chelsea residents, and/or meet the qualifications of eligibly of the Commonwealth's Economic Empowerment program as mandated by the Cannabis Control Commission. These licenses shall only be sold or transferred to another Chelsea residents or entities with a majority at least 60% of its ownership made up pf Chelsea residents and/or meet the qualifications of eligibility of the Commonwealth's Economic Empowerment program as mandated by the Cannabis Control Commission.

Amendment by Councilor Recupero:

Amendment: Within two years of the passage of this Ordinance, the Licensing Commission shall hold one 1 adult use recreational retail license for an applicant owned by a Chelsea residents or entities with a majority at least 60% of its ownership made up of Chelsea residents. These licenses shall only be sold or transferred to another Chelsea residents or entities with a majority at least 60% of its ownership made up of Chelsea residents.

The following financial orders were removed from Unfinished Business and a roll call to adopt all of the orders was requested by Councilor Brown Prior to the roll call Councilor Robinson offered an amendment to have the orders posted at the next Council meeting by roll call. The roll call defeated the amendment 4-6-1-0. Voting yes were Councilors Avellaneda, Lopez, Robinson and Bishop. Voting no were Councilors Vidot, Rodriguez, Brown, Perlatonda, Tejada, and Recupero. Councilor Garcia was absent. The original motion by Councilor Brown to approve all of the Financial Orders by roll call passed 10-0-1-0. Voting yes were Councilors Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop and Recupero. Councilor Garcia was absent.

ORDERED, that in accordance with M.G.L Ch. 44, Section 64, budget management procedures, whereby costs incurred in FY18 were not paid and are owed to the vendor, and to meet this obligation funds are required from the current year FY19 budget, the City Council authorizes the expenditure of \$2,737.62 from the School Department expenditure line to satisfy the unpaid Out of District Assessment balance to Seem Collaborative from a prior year.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$30,000.00 from Free Cash to the FY2019 DPW Street and Sidewalks, Street Signs Expense Account #0142252-546500 for Holiday Decorations program.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$15,000.00 from Free Cash to the FY2019 DPW Streets and Sidewalks, Other Charges - Pest Control Expense Account 0142252-571000.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$40,000.00 from Free Cash to the FY2019 DPW Solid Waste Trash Containers Expense Account 0143052-546700.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$260,000.00 from Free Cash to the FY2019 DPW Streets and Sidewalks Street Lights Installation Capital Account #0142258-581300.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$40,000.00 from Free Cash to the FY2019 DPW Streets and Sidewalks Overtime Salary Account #0142251-510400.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$60,000.00 from Free Cash to the FY2019 DPW Structures and Grounds Overtime Salary Account #0147051-510400.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$40,000.00 from Free Cash to the FY2019 Law Department Legal Services Expense Account #0115152-530100.

ORDERED: that the Chelsea City Council authorize the appropriation of \$170,000 from Free Cash to the School Capital Stabilization Account, Fund #7024.

ORDERED: that the Chelsea City Council authorize the appropriation of \$701,000 from Free Cash to the General Stabilization Account, Fund #7020.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$100,000.00 from Free Cash to the FY2019 DPW Structures and Grounds Building Maintenance Expense Account #0147052-524100.

New Business:

The following Ordinance proposal was introduced by Councilor Vidot. A motion from Councilor Bishop moved the Ordinance to the Sub-Committee on Conference and requested a list of all vacant buildings Commercial and Residential. Adopted under suspension.

WHEREAS, the Chelsea City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Chelsea;

WHEREAS, the City of Chelsea wishes to address the problem of vacant commercial and residential properties that create public health problems, lower property values and adversely impact the quality of life in neighborhoods; and

WHEREAS, the following change to the City's Ordinances will help to accomplish this public purpose.

NOW, therefore be it Ordained, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended by striking the existing Section 6-1 of Chapter 6 and replacing with a new Section 6-1 as follows:

AN ORDINANCE ADDING A NEW SECTION 6-1 OF CHAPTER 6 TO THE CHELSEA CODE OF ORDINANCES

Sec. 6-1 Regulation of Vacant Buildings

(a) Purpose and Intent

The city has found that vacant buildings encourage temporary occupancy by transients, drug users and persons engaged in criminal activity; cause surrounding areas to suffer from stagnant or declining property values; and create significant costs to the city by virtue of the need for constant monitoring and occasional cleanup. Accordingly, the purpose of this chapter requiring the registration of all vacant buildings, both residential and commercial, is to assist the city government in protecting the public health, safety and welfare of its residents by encouraging the prompt rehabilitation and permanent occupancy of such abandoned structures.

(b) Definition

For purposes of this chapter, a "vacant building" means any commercial building in which no person or entity actually conducts a lawfully licensed business in such building; or any residential building in which no person lawfully resides in any part of the building; or a mixed-use building in which neither a licensed business nor a lawful residents exists. Further, any building in which more than one-half of the total exterior windows and doors are broken, boarded or open without a functioning lock shall be deemed "vacant" regardless of occupancy.

(c) Registration

Within thirty (30) days of a building becoming vacant, each owner of such vacant building shall register said building with the department of inspectional services by providing such department, on a form to be created by such department, with the name, address and telephone number of each owner of the building, the street address of the building, and the name and contact information of an individual who resides within the Commonwealth of Massachusetts and is authorized to accept service of process on behalf of the owners, and who shall be designated as a responsible local agent, both for purposes of notification in the event of any emergency and of service of any and all notices issued pursuant to this chapter. Such person must be able to respond in person to any issues or emergencies that arise within two (2) hours of being notified. Contact information must include a telephone number that is active 24 hours per day. The failure timely to register a vacant building shall be a violation of this chapter.

(d) Maintenance Requirements.

(1) Properties subject to this Section must be maintained in accordance with the relevant sanitary codes, building codes, and City regulations concerning external and/or visible maintenance. The owner must designate and retain a local individual or local property management company responsible for the security and maintenance of the property. This person may be the same as the local agent identified in Subsection (c). Such local individual or local property management company must inspect and maintain the property on a bimonthly basis for the duration of the vacancy.

(2) The property must contain a posting with the name and 24-hour contact phone number of the local individual or local property management company responsible for such maintenance. This sign must be posted on the front of the property so that it is clearly visible from the street.

(3) In addition to maintaining the building to codes, the owner of a vacant building must also promptly repair all broken windows, doors and other openings. Boarding up of open or broken windows and doors is prohibited, unless ISD determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a determined period of time. Boards or coverings must be fitted to the opening size and colored to blend with the existing building color scheme.

(e) Registration Fees.

(1) On or before November 15th of each calendar year, the owners of any vacant building shall pay to the department of inspectional services a registration fee to cover the administrative cost of monitoring and ensuring the proper maintenance of such vacant buildings. The annual registration fee shall be based on the duration of the vacancy as of November 15th of such year according to the following schedule:

\$500.00	For properties that have been vacant for less than one year
\$1,000.00	For properties that have been vacant for one year or more but less than two years
\$2,000.00	For properties that have been vacant for two years or more but less than three years
\$3,000.00	For properties that have been vacant for three years or more

(2) All registration fees collected pursuant to this Section shall be directed to the revolving account to cover personnel costs and the board-up fees pertaining to the City's enforcement of this Section.

(3) A failure to pay the registration fee required by this Section shall be a violation of this Ordinance.

(f) Billing Statement

On or before October 15th of each calendar year, the department of inspectional services shall send a billing statement, setting forth the required registration fee, to each owner of a vacant building. However, the registration fee set forth in Section 6-1(e)(1) shall be due and payable on November 15th of each year regardless of the delivery or receipt of such billing statement.

(g) Appeal

Any owner assessed a registration fee under this Section shall have the right to appeal the imposition of such fee to the Office of the City Solicitor upon the filing of an application in writing, no later than fifteen calendar days after mailing of the billing statement. The appeal request shall be accompanied by a fifty-dollar nonrefundable appeal cost. The appeal shall be limited solely to the issues of whether the building is vacant and how long the building has been vacant. The owner shall have the burden of proof on appeal. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome on appeal. If the decision is adverse to the owner, the payment shall be due within ten calendar days of the decision of the Office of the City Solicitor.

(h) Enforcement

Any person or entity violating this Section, by failing to register a vacant building, failing to pay the registration fee or otherwise, shall be subject to a fine of up to three hundred dollars (\$300.00) per offense. Each day that the owner is in violation shall constitute a separate offense. The department of

inspectional services shall have the right to enforce this chapter pursuant to M.G.L. chapter 40U as accepted by the City of Chelsea. This Section may also be enforced according to the noncriminal disposition process of M.G.L. c. 40, Section 21D.

The following Ordinance proposal was introduced by Councilor Vidot. A motion from Councilor Bishop to send to the Sub-Committee on Conference and have a list of short term rentals available was adopted under suspension.

WHEREAS, the Chelsea City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Chelsea;

WHEREAS, the City of Chelsea wishes to adopt rules to properly regulate the new short term rental industry in order to ensure that this industry works to the benefit of the City's residents without adverse impacts.

NOW, therefore be it Ordained, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

AN ORDINANCE REVISING PART II CHAPTER 6 OF THE CHELSEA CODE OF ORDINANCES TO ADD A NEW SECTION ON SHORT TERM RENTALS

Amendment 1

That Chapter 6 be amended by adding a new Section 6-5 Short Term Rentals, which shall read as follows:

Section 6-5. Short-Term Rentals

(a) Purpose and Intent

The purpose of this Section is to provide a process through which certain dwelling units may be registered with the City of Chelsea for use as short-term rental units under the terms and conditions set forth in this Section.

(b) Definitions

Limited Share Unit means a Residential Unit that is the owner-occupied unit of an Operator, a portion of which is offered as a Short-Term Rental, but only while the Operator is present. One bedroom must be reserved for the Operator. And, no more than 3 bedrooms may be utilized for the Short-term Rental.

Owner-Adjacent Unit means a Residential Unit in an owner-occupied two or three family residence that is not the Operator's residence but that is located within the same dwelling as the Operator's residence; provided that, for purposes of an owner-occupied three family residential dwelling, in addition to the unit in which the Operator resides and may use as a Limited Share Unit, the Operator of an Owner-Adjacent unit may only register and use one Owner-Adjacent Unit as a Short Term Rental; and provided further that the entire Owner-Adjacent Unit must be rented only as a whole unit to one party of short-term renters at any one time and not rented as separate bedrooms to separate parties.

Operator means the owner of the Residential Unit that the owner seeks to offer as a Short-Term Rental. Only one owner may be registered as an Operator on the Short-Term Rental Registry for a Residential Unit.

Residential Unit means a dwelling unit within a dwelling that is classified as residential use. For purposes of this Section, a Residential shall not include any units in a hotel, motel, licensed rooming house or licensed bed and breakfast.

Short-Term Rental(s) means the use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than thirty-one (31) consecutive calendar days for a fee.

Short-Term Rental Registry means the database maintained by ISD that includes information on Operators who are permitted to offer their Residential Units as Short-Term Rentals.

(c) Short Term Rentals Allowed in Chelsea

1. Short-Term Rentals shall be allowed only if they meet the definition of a Limited-Share Unit or an Owner-Adjacent Unit in an owner-occupied condominium or owner-occupied one, two or three family home.
2. A Short-Term Rental occupancy shall be limited to two persons per bedroom, although children under 12 related to, or the legal ward of, either bedroom occupant shall not be counted for purposes of this limit.

(d) Ineligible Residential Units

The following Residential Units are not eligible to be offered as Short-Term Rentals:

1. Residential Units that do not meet the definition of either a Limited Share Unit or an Owner-Adjacent Unit.
2. Residential Units designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state or federal law;
3. Residential Units subject to any requirement of local, state or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short-Term Rental.
4. Residential Units that are the subject of three (3) or more findings of violations of this Section within a one year period, or three (3) or more violations of any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct or other similar conduct within a one year period.
5. Residential Units previously rented to a Section 8 Certificate holder or that were previously subject to any affordability covenants, unless one year has expired since the expiration of the Section 8 tenancy or affordability restriction.

(e) Requirements for Rentals

In order to offer a Short-Term Rental, the Operator must comply with the following:

1. The Operator must certify at the time of registration that the Operator has permission to offer the Residential Unit as a Short-Term Rental, and that offering the Residential Unit as a Short-Term Rental complies with all applicable condominium documents, bylaws, or other governing documents.
2. When registering, an Operator must provide his or her name and contact information, and in the event the Operator is not present during the Short-Term Rental, the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the Short-Term Rental within two (2) hours of being notified. Contact information must include a telephone number that is active 24 hours per day to tenants, Short-Term Rental occupants, and public safety agencies. This phone number shall be included in the registration of the Short-Term Rental unit at the time of registration.
3. The Residential Unit offered as a Short-Term Rental shall not be subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders or other requirements, laws or regulations that prohibit the Operator from offering the Residential Unit as a Short-Term Rental. If a violation or other order is issued after the Residential Unit has been listed on the Short-Term Rental Registry, ISD shall suspend the Residential Unit's registration on the Short-Term Rental Registry until the violation has been cured or otherwise resolved.
4. The Operator shall retain and make available to ISD, upon written request, records to demonstrate compliance with this section. The Operator shall retain such records for a period of three years from the date the Residential Unit is registered with ISD.
5. The Operator shall, within thirty days of approved registration, provide notice to abutters of a Residential Unit that the Residential Unit has been registered as a Short-term Residential Rental. For the purposes of this section, an abutter shall be defined as any residential dwelling located within 300 feet of said Residential Unit.

(f)i. Short-Term Rental Registration Process and Fee

1. An Operator who wishes to offer a Residential Unit as a Short-Term Rental shall register with ISD on a form prescribed by ISD to be listed on the Short-Term Rental Registry. A registration shall be valid for a one-year term, from January 1 through December 31 of each year.
2. The annual registration fee shall be \$200.00 per Short-Term Rental Unit.
3. Prior to the annual registration as a Short-Term Rental, the Residential Unit shall be subject to an inspection by ISD for issuance of a Certificate of Occupancy. The fee for such Certificate of Occupancy shall be included as part of the annual registration fee. No registration shall occur until such time that the Certificate of Occupancy is issued.
4. A registration shall be tied to both the Residential Unit and the Operator and will not automatically transfer upon the sale of the unit. New Operators are responsible for ensuring that they re-register with ISD to obtain a new registration if they wish to continue to list the Residential Unit on of the Short-Term Rental Registry.

(g) Room Occupancy Excise Tax

A Residential Unit subject to the provisions of this Section shall pay all excise tax on Short-Term Rentals approved by the City Council pursuant to Sections 3A and 3D of Chapter 64G of the Massachusetts General Laws.

(h) Enforcement and Penalties

1. Any person who (i) offers a unit as a Short-Term Rental where such unit is not an eligible Residential Unit, (ii) offers an eligible Residential Unit as a Short-Term Rental without registering such Short-Term Rental Unit with ISD, or (iii) offers an eligible Residential Unit as a Short-Term Rental while the unit's registration on the Short-Term Rental Registry is suspended, shall be fined \$300.00 per violation per day. Each day's failure to comply with a notice of violation or any other Order shall constitute a separate violation. The City may, in addition to issuing fines, seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short-Term Rental.

2. The provisions of this Section shall be enforced in accordance with the provisions of M.G.L. c. 40U and, if applicable, by seeking to restrain a violation by injunction. Representatives from ISD, the Chelsea Police Department and the Chelsea Fire Department shall have authority to enforce this Section.

The following Ordinance proposal was introduced by Councilor Vidot. A motion from Councilor Robinson referred it to the Planning and Development, set up a Sub-Committee on Conference and Schedule a Public Hearing. Adopted under suspension.

WHEREAS, the Chelsea City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Chelsea;

WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and

WHEREAS, the City of Chelsea wishes to adopt new zoning rules to properly regulate the new short term rental industry in order to ensure that this industry works to the benefit of the City's residents without adverse impacts.

NOW, therefore be it Ordained, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

AN ORDINANCE REVISING PART II CHAPTER 34 OF THE CHELSEA CODE OF ORDINANCES TO ADD ZONING PROVISIONS ON SHORT TERM RENTALS

Amendment 1

That Chapter 34, Article X Definitions be amended by adding to Section 34-241 – Definitions a new definition which shall read as follows:

Section 34-241. Definitions

Short-Term Rental(s) means the use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than thirty-one (31) consecutive calendar days for a fee, provided that such Residential Unit meets the definition of a Limited Share Unit or Owner-Adjacent Unit set forth in Chapter 6, Section 6-5 of this Code of Ordinances.

Amendment 2

That Chapter 34, Article XIII The Table of Principal Use Regulations, Section 34-300 be amended by adding the following Use to the list of Residential Uses in Subsection A.

Principal Use	Districts													
	R1	R2	R3	BR	BR2	BH	B	SC	W	I	LI	LI2	NHR	NHC
Short-Term Rentals	Y	Y	Y	Y	Y	N	N	N	Y	N	N	Y	Y	N

The following Ordinance proposal was introduced by Councilor Vidot. A motion from Councilor Bishop to send to the Sub-Committee on Conference, refer it to the Planning Board, and schedule a Public Hearing was adopted under suspension.

WHEREAS, the Chelsea City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Chelsea;

WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and

WHEREAS, the City of Chelsea wishes to adopt new zoning rules to properly regulate improvements to its business districts, including but not limited to outdoor cafes and sign and façade improvement.

NOW, therefore be it Ordained, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

AN ORDINANCE REVISING PART II CHAPTER 34 OF THE CHELSEA CODE OF ORDINANCES TO ADD THE FOLLOWING ZONING PROVISIONS

Amendment 1

That Chapter 34, Article X Definitions be amended by adding to Section 34-241 – Definitions a new definition which shall read as follows:

Section 34-241. Definitions

Outdoor Café & Dining Area means a portion of an immobile retail food establishment located on a public right-of-way directly adjacent to an existing retail food establishment. No additional parking is required for an Outdoor Café & Dining Area due to its temporary nature.

Amendment 2

That Chapter 34, Article XIII The Table of Principal Use Regulations, Section 34-300 be amended by adding the following Use to the list of Residential Uses in Subsection A.

Principal Use	Districts													
	R1	R2	R3	BR	BR2	BH	B	SC	W	I	LI	LI2	NHR	NHC
Outdoor Café & Dining Area	N	N	N	Y	Y	N	N	N	N	N	N	N	N	N

Amendment 3

That Chapter 34, Article II Zoning Districts be amended by striking the existing Section 34-27, Subsection (f) and replacing with the following new Subsection.

Section 34-27(f). Specific Districts

(f) *Retail Business (BR) District.* The purpose of the BR district is to provide a downtown area with the range of business sales and services which generally constitute a central business district **with the aim of promoting enhanced cohesion, vibrancy, and pedestrian activity.**

Amendment 4

That Chapter 34, Article III Use Regulations be amended by striking the existing Section 34-52 and replacing with the following new Section.

Section 34-52 – Residential Units in Basement/Ground Floor in Retail Business Districts.

(a) Within the Retail Business (BR) and Retail Business 2 (BR2) Districts, residential units in the basement or on the ground floor shall only be allowed by Special Permit from the ZBA, except that no Special Permit shall be allowed or considered by the ZBA for a residential unit on the ground floor or basement floor in that portion of the Retail Business District on Broadway between City Hall Avenue and Williams Street if such residential unit abuts Broadway.

(b) *Prohibited materials.* The following materials shall be prohibited from use as exterior cladding for permanent buildings:

- (1) Vinyl Siding
- (2) Asphalt Panel Siding
- (3) Exterior Insulation Finishing System (EIFS)

Amendment 5

That Chapter 34, Article IV Dimensional Regulations be amended by striking the existing Section 34-78, Subsections (f), (i), (j) and (n) and replacing with the following new Subsections (f), (i), (j) and (n).

Sec. 34-78. - Special dimensional regulations

(f) *Side yards in BR and BH districts.* In the Retail Business District and the Highway Business District, side yards between buildings may be omitted, provided that:

- (1) The side yard does not adjoin a residential district or building used **exclusively** for residential purposes;
- (2) The access of emergency equipment to the rear yard of any building is not thereby obstructed;
- (3) No off-street parking or loading area is thereby rendered inaccessible.

(i) *Projections into required yards.* The following may project into required yards:

- (1) Open steps.
- (2) Terraces and porticos, but to a distance no greater than five feet into the required front yard (exclusive of the open steps).
- (3) Bay windows may project no more than two (2) feet into any required yards so long as the individual bays are a maximum of ten (10) feet wide, have a minimum of ten (10) feet clear between adjacent bays, provide a minimum of ten (10) feet of vertical clearance below if there are walkways beneath, and constitute no more than twenty-five (25) percent of the overall surface of the total facade they project from.
- (4) Balconies may project no more than two (2) feet into any required yards so long as they are a maximum of ten (10) feet wide, have a minimum of ten (10) feet clear between adjacent balconies, provide a minimum of ten (10) feet of vertical clearance beneath them, and do not have solid or opaque railings.

(j) *Special height regulations.*

(1) Exceptions. The height regulations of the chapter shall not apply to the following:

a. Erection of belfired and towers designed exclusively for ornamental purposes, flagstaffs, chimneys, flues, electric generating plants, passive solar devices, elevator shafts, water tanks, standpipes, bulkheads, **headhouses for roof access, roof deck railings** and mechanical equipment.

b. Parapet walls or cornices extending not more than three feet above the height limit.

(2) *Limitation of height due to Logan Airport.* Reference should be made to Federal Aviation Regulations, 14 CFR, Part 77, objects affecting navigable air space, or any amendments thereto, with regard to limitations on height of structures due to existing or planned approaches to Logan Airport. Notwithstanding any provision of this chapter, no structure shall be erected or maintained in any district to a height in excess of any limitation established by these regulations.

(n) *Siting of buildings.* For lots with a single frontage, permanent buildings shall be sited so that the primary building entrance and any ground-floor retail is oriented to face said

frontage unless otherwise approved on a site plan. For lots with two or more frontages, permanent buildings shall be sited so any ground floor retail shall face the primary frontage, with entrances for living units or lobby entrances located on the secondary frontages. Vehicular entrances and loading shall not be located along the primary frontage of any permanent building with two or more frontages unless given site plan approval.

Amendment 6

That Chapter 34, Article V General and Supplemental Regulations be amended by striking the existing Section 34-106, Subsections (a), (d)(6) and (h)(1) and replacing with the following new Subsections (a), (d)(6) and (h)(1).

(a) *Generally.* Accessible off-street parking facilities for the parking of motor vehicles shall be provided in accordance with the standards set forth in this section **and comply with the Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB).**

(d) *Parking lot design.* The following regulations are applicable to parking lots with five or more Spaces:

(6) *Lighting.* Any illumination for a parking area shall be arranged or designed so as to prevent glare and shall be shielded to prevent light from directly shining upon any adjoining building or property in residential use or adjacent streets. **The lights are to be LEDs or an equally energy-efficient type of bulb. Light fixtures in the BR District that are publicly visible from Broadway shall be historical/period style fixtures. Lighting shall conform to the recommendations of the International Dark Sky Association (IDA).**

(h) *Special district regulations.*

(1) **Retail Business District. In the BR district:**

(a) **No owner shall as a result of a change of use or addition remove any existing off-street parking in order to expand the existing building unless said parking is replaced elsewhere on site.**

(b) **No off-street parking requirements shall be required for any change of use, new construction or addition that results in a new use, new construction or addition that is less than 5,000 gross square feet excluding unoccupied basements, cellars, and below grade parking areas.**

(c) **Any change of use, new construction, or addition in excess of 5,000 gross square feet shall provide off-street parking at a rate consistent with section 34-283 for the amount of the resulting structure in excess of 5,000 square feet.**

Amendment 7

That Chapter 34, Article V General and Supplemental Regulations be amended by striking the existing Section 34-110, Subsection (m) and replacing with the following new Subsection.

Sec. 34-110. - Performance Standards

(m) *Dish antennas.* For commercial or industrial districts, dish antennas may be located in either the rear yard or on a roof at the discretion of the zoning enforcement officer after consultation with the building inspector. **Satellite dishes affixed to buildings such as those for residential use shall not be located facing a public right of way, and may not overhang any public sidewalk or street. Dishes must be removed within thirty (30) days of disuse.**

Amendment 8

That Chapter 34, Article XI Table of Dimensional Regulations be amended, for the Retail Business (BR) District only, by striking the existing requirement in the BR District for side yard setback and replacing with the following new restriction for side yard setback:

Retail Business (BR)

Side yard setback: **10' only when abutting a zone other than the BR district**

The following Order was introduced by Councilor Vidot. A motion from Councilor Bishop referred it to the Planning Board, schedule a Public Hearing and have sub-committee on conference, was adopted under suspension.

WHEREAS, the Chelsea City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Chelsea;

WHEREAS, a specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and

WHEREAS, the City of Chelsea wishes to adopt new zoning rules to properly regulate signage and façade improvements to its business districts.

NOW, therefore be it Ordained, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

AN ORDINANCE REVISING PART II CHAPTER 34 OF THE CHELSEA CODE OF ORDINANCES TO ADD THE FOLLOWING NEW SIGN ORDINANCE

Amendment 1

That Chapter 34, Article V General and Supplemental Regulations be amended by striking the existing Section 34-109 entirely and replacing with the following new Section.

Sec. 34-109. - Signs and illumination

(a) *Generally.* Any sign erected or painted on a structure after the adoption of the ordinance from which this chapter is derived shall conform to the applicable standards set forth herein.

(1) *Permit required.* The erection of any sign with any these characteristics:

- In excess of six square feet
- Hanging or projecting signs
- Sidewalk signs

shall require a permit from the building inspector and the zoning enforcement officer who shall determine conformance of such signs with these provisions **at their discretion and in consultation with the Planning Department.**

(2) *Everett Avenue urban renewal area.* In the Everett Avenue urban renewal area, signage is subject to design review and design standards. See section 34-155(h) and (i).

(3) *Materials.* Signs other than permitted temporary signs shall be constructed of durable materials, **as determined by the building inspector.** The owner of any sign shall inspect annually such sign belonging to such owner and it shall be the duty of said owner to keep such signs in good repair and of neat appearance at all times.

(b) *Signs in residential districts.* The following signs are permitted in R1, R2 and R3 districts:

- (1) One sign per occupant not exceeding two square feet in area may be placed either on each wall of a building facing a street or in each yard facing a street provided that, if freestanding, it shall not be higher than four feet and shall be set back at least three feet from the street line. Such signs shall be for identification purposes only, displaying the number or name of the occupant, except that they may include identification of any accessory professional office and other permitted accessory uses. A sandwich sign shall not be considered a freestanding sign and is not allowed.
- (2) One bulletin or announcement board or identification sign not exceeding ten square feet in area for each permitted nonresidential building or use provided that such sign, if freestanding, shall not be located nearer to a street line than one half of the depth of the required front yard. Churches, public educational and other institutional uses shall be permitted two such bulletin or identification signs on each building provided one does not exceed 20 square feet in area and the other ten square feet in area.
- (3) One temporary real estate sign advertising the sale or rent of the premises on which the sign is located not exceeding six square feet in area.
- (4) One temporary contractor's sign maintained on a building while work is actually in progress not exceeding 20 square feet in area.

(c) *Signs in Retail Business (BR) Districts.* The following signs are permitted in BR and BR2 districts:

(1) *Upper story signage.*

Definition. Signage for businesses located on floors above the ground floor level. Signage may take the form of lettering, panels, or window graphics. Signs may be located between second and third story windows, or on window glass. One sign is

allowed per establishment, except businesses with multiple frontages which are allowed one sign per frontage.

Size and proportion. Multiple signs along a single building facade shall all be identical in size and their location shall be considered in relationship to the overall building. Signs shall not obscure architectural features and shall strive to complement/highlight building details. The overall depth of signs shall be eight inches maximum. Signage on windows shall follow the guidelines outlined in Sec. 34-109(c)(6).

Materials & techniques. Signs may be composed of painted or dimensional letters or graphics on a panel for exterior-applied signage, cut vinyl, metal leaf, or hand-painted for signs on window glass.

Lighting. Signage may be lit using down-lighting fixtures mounted to the building or sign panel. Halo-lit or backlighting of the letters is permitted. Exposed conduits should be minimized and painted to match the facade color. Window signs are not permitted to be illuminated.

(2) *Building name and address.*

Definition. Signs that display the name and address of a commercial property, such as residential or office building, and identify the main entry doorway. Signs may be lettering or plaques located above the main entry doors, next to the doors, or used in combination. In the case of multiple entries along one street frontage, the owner shall designate one entrance as primary, and one as secondary, with the secondary entrance utilizing minimal signage. Buildings with more than one street frontage may designate one entrance per frontage as a primary entrance. Plaques should be located at eye-level, between four and five feet to the center of the sign, in compliance with ADA requirements.

Size and proportion. Signage should be proportioned to the scale of the building entry and be sized to fit within natural zones on building facade, such as areas above doorways, or columns next to entries. Signs shall not obscure architectural features and shall strive to complement/highlight building details.

Materials & techniques. Signs must be composed of durable materials. They may be cut, cast, individual letters, or panels.

Lighting. Small down-lighting fixtures mounted to the building or sign panel, or halo-lit or backlighting of the letters is permitted. Exposed conduits shall be minimized and painted to match the facade color.

(3) Sign band.

Definition. A sign band is located on a building in the horizontal zone above storefront windows, or on upper floors below the windows or cornice. Signage may be composed of individual letters or contained in a single panel that is mounted parallel (flat) to the building facade. Corner businesses may have one sign in the sign band on each street frontage.

Size and proportion. The sign should fit within the sign band area outlined above and expose a portion of the building facade around all sides of the sign panel. Signs shall not obscure architectural features and shall strive to complement//highlight building details. The overall depth of signs should be 8 inches maximum.

Materials & techniques. Sign bands may be painted or dimensional letters or graphics on a panel, or cut letters and shapes applied directly to building and composed of metal, plastic, glass, ceramic or wood.

Lighting. Signage is intended to be lit externally and may use multiple small down-lighting fixtures mounted to the building or sign panel. Halo-lit or back-lighting of the letters is permitted. Exposed conduits should be minimized and painted to match the facade color.

(4) Awnings as signs.

Definition. In addition to providing sun and weather protection, awnings can be used as signs when there is not a definite sign band available. Awnings may also supplement wall signs or projecting signs. Open-sided awnings are preferred, with the graphics restricted to the vertical surface.

Size and proportion. Awnings are permitted above each display window and building entrance. Each awning may not exceed the length of the correlating window or entrance to which it is associated. Awnings may be used on both street-facing sides of a corner storefront. Awnings should be sized appropriately to the store front and building facade, and may not exceed 20 feet in length. Awnings should not project more than 5 feet from the facade and be a minimum of 8 feet from the lowest point of the drop valance to the sidewalk. Nothing is permitted to be hung from awnings.

Materials & techniques. Use high quality materials such as silk-screened or sewn-on appliqué graphics on fade-resistant canvas awning material. Use high quality supports and minimize drilling and damage to building facade. Awnings must be mounted securely such that windy days do not cause excessive flapping or failure. Plastic awnings are prohibited.

Lighting. Awnings may be illuminated with building mounted down-lights. Awnings may not be internally illuminated. Lighting with the sole purpose of illuminating the sidewalk may be used.

(5) *Projecting sign.*

Definition. These signs project outward from the building facade, typically over the sidewalk. They should be securely mounted near the entrance to the business. The sign must have two identical sides. Projecting signs are also called blade, shingle and pendant signs. Corner businesses may have one projecting sign on each street frontage.

Size and proportion. Projecting signs shall be sized appropriately to the building facade and located so as to not obscure architectural details. Vertical columns are ideal mounting locations. The bottom edge of the sign should not be lower than eight (8) feet above the sidewalk. Signage should project no more than 36 inches from the face of the building (including brackets) and maintain a six (6) inches space between the sign and the building face.

Materials & techniques. Use high quality materials such as cut or painted metal, plastic, and wood. Use layering and depth to create visual interest. Minimize penetrations, drilling into, and damage to building facades or columns. Brackets may be expressive and decorative. Signs must be secured so that wind will not cause swinging or detachment.

Lighting. Signage may be lighted externally. Use small lighting fixtures mounted to the sign or building face. Exposed conduits are to be minimized and painted facade color.

(6) *Window and door graphic.*

Definition. These graphics typically display the business name and logo and may state the nature of the business. Signage typically is located on the main storefront display windows. Detailed information, such as telephone numbers and hours of operation, is preferred to be smaller scale and located on entry doors. Window graphics may be located on each main display window of the tenant space.

Size and proportion. Window graphics may not exceed 15% of the size of the window to which they are affixed. Retailers are encouraged to minimize additional signage and postings that may further obscure views into the space.

Materials & techniques. Individual letters and graphics are preferred. These may be cut vinyl, metal leaf, or hand-painted. White or light-colored letters are preferred to darker colors due to their increased visibility. Large decals are strongly discouraged.

(7) *Sidewalk sign.*

Definition. Sidewalk signs, also called sandwich boards or easel signs, allow merchants to display special menu items or store events. Signs must be placed directly in front of the business to which they pertain. They may not be placed within five (5) feet of the building facade nor within two (2) feet of the curb. Signs shall not interfere with pedestrians or create safety hazards. Signs may only be displayed during the hours of operation of the business.

Size and proportion. Overall dimensions shall be a maximum of thirty (30) inches wide by forty-two (42) inches tall. Plastic and banner-style sidewalk signs are not permitted.

Materials & techniques. Use high quality materials such as metal or wood. Signs shall not be chained to trees and other sidewalk elements. Use locking stays to keep signs in the open position. Secure signs so that wind will not blow signs over. Signs should not be displayed on excessively windy days.

(d) *Signs in Highway Business (BH), Shopping Center (SC), Industrial (I) and Waterfront (W) Districts.* The following signs are permitted:

(1) Two signs pertaining to each establishment or occupancy in a building, store or office the total area of which shall not exceed 200 square feet shall be permitted, provided that:

- a. One of these signs may be freestanding, further provided that such sign shall not exceed 15 percent of the area of the building face or 60 square feet whichever is the smaller area.
- b. In the case of an open-air use containing no building, one freestanding sign not exceeding 60 square feet shall be permitted for each 100 feet of lot frontage on the street on which the use had direct frontage.

(e) *Signs in the Naval Hospital District—Commercial.* The following signs are permitted in the NHC district:

- (1) Each industrial building shall be permitted one sign on each wall facing a street on which the building has direct frontage, provided that such signs must be attached and parallel to the building.

(f) *Off-premises signs.*

- (1) *Special permit.* Billboards or signs advertising a business, service or product at another location, hereinafter referred to as off-premises signs, shall not be erected except upon the issuance of a special permit by the zoning board of appeals.
- (2) *Nonconforming off-premises signs.* Notwithstanding the foregoing or any other provision of this chapter, any off-premises sign or billboard which was lawfully erected and maintained, and for which a permit was issued under the provisions of M.G.L. c. 93, was in compliance with the ordinances of the city and was otherwise lawful in all respects on the date when said permit was issued, shall be permitted to be used and maintained and may from time to time be repaired or replaced without the approval of said zoning board of appeals.

(g) *Design standards and restrictions.*

- (1) No hanging or projecting signs shall be permitted **except within the BR and BR2 Districts.**
- (2) All signs or advertising devices shall be stationary, except time and temperature indicators, and may not contain any visible moving or movable parts.
- (3) No sign shall generate music or an audible message.
- (4) No sign, other than traffic control and route signs authorized by public agencies **and temporary Sidewalk Signs per Sec. 34-109 (c)(7)** shall be placed within a public right-of-way.
- (5) No sign shall be so designed, colored or placed, as to endanger, obscure, confuse, blind by glare or otherwise create a hazardous condition to motor vehicle traffic or pedestrians.
- (6) No sign painted or attached to a building shall project more than six inches from the wall or above its roof or parapet line **except within the BR and BR2 Districts per Sec. 34-109 (c)(5).**
- (7) No sign shall be placed in any side or rear yard adjoining a residential district.

(h) *Illumination.* The following standards shall apply:

- (1) Signs in residential districts may not be illuminated except for signs identifying a place open to the public, such as a church or nursing home, and such signs may be lighted only indirectly and in a manner that will not permit direct light to shine onto any street or adjacent property.
- (2) Any lighting shall be continuous and non-flashing.
- (3) No signs shall be of the exposed neon-type or exposed gas-illuminated type **except high-quality custom-made signs with the permission of the Planning Department.**
- (4) **Internally illuminated sign boxes with translucent plastic faces are prohibited.**

(5) Lighting shall conform to the recommendations of the International Dark Sky Association (IDA).

(i) *Temporary signs.*

- (1) *Banners, flags, and pennants.*** Banners, flags, and pennants associated with an event, such as grand openings, sales or closings, are not allowed on any premises for more than two weeks in aggregate in any calendar year.
- (2) *Removal.*** Temporary signs relating to a business, service, product, or activity on the premises on which the sign is located shall be removed from public view within seven days after the activity advertised has ceased or after substantial damage to the sign, whichever comes first.
- (3) *Placement.*** No temporary sign shall be placed or allowed to be placed or affixed to any public building, land, fence, utility pole or tree within the city.
- (4) *Mobile signs.*** Mobile signs are prohibited in the city.
- (5) *Sidewalk sign.*** Sidewalk signs are prohibited in the city except in the BR and BR2 Districts per Sec. 34-109(c) (7).

(j) *Removal.*

- (1) *Change in occupancy causes sign to no longer apply.*** Any sign erected after adoption of the ordinance from which this chapter is derived which, because of a change in occupancy, ceases to refer to a bona fide business conducted, or product sold on the premises, shall be removed by the owner within 30 days after written notification from the building inspector or within such longer period not exceeding one year as the inspector and zoning officer may determine.
- (2) *Projecting sign.*** Any projecting sign which, because of a change in occupancy or a change in use, ceases to refer to a bona fide business conducted, or product sold on the premises shall be removed by the owner within 30 days after written notification from the building inspector and zoning enforcement officer or within such longer period not exceeding one year as the inspector and zoning officer may determine.
- (3) *Nonconforming signs.*** All nonconforming signs may continue to be used and maintained hereafter and may be replaced from time to time, unless ordered removed in accordance with this chapter or unless abandoned.

(k) *Maintenance.* All signs shall be maintained by the owner of the property on which the sign is located in a safe, clean, sanitary and inoffensive condition. All superficial damage or graffiti shall be remediated by the owner within ten (10) days of the damage taking place. Signs deemed unsafe or structurally deficient by Inspectional Services shall be removed within seven (7) days or sooner at the discretion of the Building Inspector from the exterior of the property, and may not be reinstalled until the new or modified signage has been reviewed by the building inspector.

The following Ordinance proposal was introduced by Councilor Vidot. A motion from Councilor Bishop to send to the sub-committee on conference was adopted under suspension.

WHEREAS, The Commonwealth of Massachusetts has enacted several new laws around the regulation of Short-Term Rentals in Massachusetts, specifically Chapter 337 of the Acts of 2018; and

WHEREAS, The Acts provide for the local taxation of the proceeds from such Short-Term Rentals; and

WHEREAS, The City of Chelsea City Council desires to capitalize and realize the benefits of these Acts;

NOW THEREFORE BE IT ORDERED,

That the City of Chelsea accepts the provisions of Subsection (b) of Section 3D of Chapter 64G of the Massachusetts General Laws and imposes upon an Operator of a Short-Term Rental an additional community impact fee of three percent (3%) of the total amount of rent for each transfer of occupancy in a Short-Term Rental Unit that is located within a two-family or three-family dwelling that includes the Operator's primary residence. All community impact fees collected pursuant to this Order shall be dedicated exclusively to affordable housing and deposited in the Affordable Housing Trust Fund.

The following Ordinance proposal was introduced by Councilor Vidot. A motion from Councilor Bishop to send to the Sub-Committee on Conference was adopted under suspension.

WHEREAS, the Chelsea City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Chelsea; and

WHEREAS, the City of Chelsea has successfully implemented a pilot program for outdoor café and dining in the City; and

WHEREAS, the City of Chelsea wishes to adopt permanent rules to properly regulate outdoor café and dining to enhance the downtown business districts.

NOW, therefore be it Ordained, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

AN ORDINANCE REVISING PART II CHAPTER 14 OF THE CHELSEA CODE OF ORDINANCES TO ADD A NEW SECTION 14-91 ON OUTDOOR CAFE & DINING AREAS

Amendment 1

That Chapter 14 be amended by adding a new Section 14-91 which shall read as follows:

Section 14-91. Outdoor Café & Dining Areas

- a. *Generally.* An Outdoor Cafe & Dining Area means a portion of an immobile retail food establishment located on a public right-of-way directly adjacent to an existing retail food

establishment. The following Rules and Regulations govern the operation of approved Outdoor Café & Dining Areas.

- b. *Licensing Authority.* The City of Chelsea Licensing Commission shall license all Outdoor Café & Dining Areas. However, the Licensing Commission shall only grant such license if the proposed Outdoor Café is located in the Retail Business (BR) District or the Retail Business 2 (BR2) District.
- c. *Permitting.* A permit issued by the Licensing Commission shall be required to operate the Outdoor Café & Dining Area. Permit applications and information about completing the application are available online at the City of Chelsea's Licensing Department website and at the Zoning offices at City Hall, 500 Broadway, Chelsea, MA 02150.
 - 1. A non-refundable application fee shall be paid with the submittal of the initial application by a business for a Sidewalk Café permit.
 - 2. The Outdoor Café & Dining Area permit shall only authorize food and beverage service. Regardless of what other activity may be permitted to take place inside the establishment that holds the Outdoor Café & Dining Area permit, such other activity except food and beverage service shall be prohibited.
 - 3. The permittee or the permittee's designee shall be required to post the original Outdoor Café & Dining Area permit, and any conditions that have been imposed upon such permit, on the premises of the affiliated franchise of the Sidewalk Café.
- d. *Location and dimensions.* An Outdoor Café and Dining Area is only permitted within the Retail Business (BR) District and the Retail Business 2 (BR2) District. These areas can take on a variety of configurations but each must be limited in width to the frontage of the business with which it is associated. Outdoor Café and Dining Areas can be against the business facade, on the sidewalk along the curb, or, with additional permits, on the street in a former parking space or in an alley. The location and configuration of all Outdoor Café and Dining Areas shall be done in consultation with the Chelsea Planning and Development Department.
- e. *Operational conditions.*
 - 1. Outdoor Café & Dining Areas may operate during the establishment's general business hours.
 - 2. All tables, chairs, umbrellas, planters, heaters or any other object associated with the Outdoor Café & Dining Area ("Outdoor Café & Dining Area Elements") shall be promptly stacked/set aside and secured immediately after the Outdoor Café & Dining Area discontinues its daily operation. Stacking or storing of any Outdoor Café & Dining Area Elements in the public right-of-way at any other time is prohibited.
 - 3. Paper products and plastic cutlery for the consumption of food or beverages are not permitted at the Outdoor Café & Dining Area.
 - 4. Outdoor Café & Dining Area patrons must wear shoes and shirts at all times.
 - 5. All Outdoor Café & Dining Area employees shall be subject to and comply with all applicable requirements and standards for a retail food establishment.

6. The permittee shall be required to abide by all federal, state and local laws, rules and regulations applicable to the operation of the Outdoor Cafe & Dining Area in the City of Chelsea.

f. *Prohibited uses.*

1. The Outdoor Cafe & Dining Area may not be used for any purpose other than food and beverage service associated with the adjoining business.
2. Alcoholic beverages are not allowed within the Outdoor Café & Dining Area.
3. Outdoor storage or other uses are strictly prohibited.
4. Smoking and vaping are not allowed within the Outdoor Cafe & Dining Area.
5. Animals, with the exception of registered service animals, are not allowed within the Outdoor Cafe & Dining Area.

g. *Clear path of travel.* A minimum five (5) foot wide clear path of travel of the public right-of-way must be maintained at all times.

1. The width of the Clear Path of Travel is measured from the outside edge of the sidewalk café fencing or fence post base to the nearest adjacent building facade or curb.
2. A-frames, portable signs, or any other object are not allowed in the clear path of travel.
3. The clear path of travel should be straight and not involve sharp or jagged turns that would impair pedestrian circulation.

h. *Setbacks.* Setbacks are required from the following elements. These elements must be clearly identified on the required site plan in the permit application:

1. Five (5) feet from bus stops, handicapped parking, fire hydrants, crosswalks and commercial loading zones.

i. *Design and layout.*

1. The Outdoor Cafe & Dining Areas shall only be permitted within the Retail Business (BR) District and the Retail Business 2 (BR2) District.
2. All services provided to patrons of the Outdoor Cafe & Dining Area and all patron activity shall occur within the designated Outdoor Cafe & Dining Area, and shall not impinge on the required clear distance for pedestrian passage at any time.
3. The Outdoor Cafe & Dining Area shall not interfere with any utilities or other facilities such as fire hydrants, parking meters, or mailboxes located on the sidewalk or public right-of-way.
4. The Outdoor Cafe & Dining Area shall be accessible to disabled patrons and employees, and buildings adjacent to these areas shall maintain building egress as defined by the current building code.
5. All Outdoor Cafe & Dining Area Elements shall be reviewed by the Planning and Development Department and Inspectional Services as part of the Outdoor Cafe & Dining Area permitting process.

6. The use of removable umbrellas may be permitted provided they do not interfere with street trees. No portion of the umbrella shall be less than seven feet above the sidewalk. Umbrellas and any type of overhead structure shall be designed to be secure during windy conditions and shall be weather resistant. No part of the umbrella shall be within twenty-five (25) feet of a stop sign or intersection.
 7. No electrical wires are permitted to cross the Clear Path of Travel associated with the Outdoor Cafe & Dining Area.
 8. Menus shall be restricted to a maximum size not to exceed nine inches wide and twelve inches long and shall be secured to tabletops or designed in order to prevent debris.
 9. A sign posted in a visible location is required at the Outdoor Cafe & Dining Area which states, "It is unlawful to consume alcoholic beverages in the Outdoor Café & Dining Areas".
- j. *Enclosure.* A physical perimeter to define the Outdoor Cafe & Dining Area from the clear path of travel is required. Different types of enclosures can be used such as fencing, bollards, free standing bases with ropes or chains, or elevated plant containers. The following design standards apply to enclosure:
1. Enclosure must be between 30" and 42" high.
 2. Enclosure must be detectable by cane to warn visually impaired persons of potential hazards in the path of travel. It is the food service establishment's responsibility to comply with all regulations of the Americans with Disabilities Act (ADA).
 3. The enclosure may either be attached to the sidewalk with bolts or utilize free-standing bases. When bolted fencing is removed, the bolts must be removed from the Outdoor Cafe & Dining Area, the holes must be filled, and the area must be restored to original or better condition.
 4. Enclosure should be constructed with a railing, rope, or other horizontal element. Posts with pointed tops are not permitted. Avoid solid panels – fencing must have some level of transparency.
 5. All seating and tables must be freestanding, matching and durable. Five percent of seating must be accessible to persons with disabilities. It is the food service establishment's responsibility to comply with all regulations of Title III of the ADA.
- k. *Heating Elements.*
1. Heating elements are allowed within the footprint of the permitted Outdoor Café & Dining Area, but may not encroach on the Clear Path of Travel.
 2. Heating elements are not allowed to be within five (5) feet of street trees or overhead wires.
 3. Heating elements must be reviewed by the City of Chelsea Fire Marshall and must be temporary in nature and easy to remove.
1. *Exiting and Occupancy Requirements.* Outdoor Cafe & Dining Areas will not require a change to the occupancy permit for the food service establishment, provided that the Outdoor Cafe & Dining Area exits directly to the public sidewalk. The exit must be free of obstructions, including all gates.

m. *Enforcement*

1. Fine for Violation. Any permit holder operating an Outdoor Café & Dining Area in violation of any provision of this section or any rules and regulations promulgated by the Licensing Commission may be subject to a fine of three hundred (\$300.00) dollars per day. Each day of violation shall constitute a separate and distinct offense. The provisions of G.L. c. 40, s. 21D may be used to enforce this section
2. Revocation, Suspension, Modification. Once a permit has been issued it may be revoked, suspended, modified, or not renewed by the Licensing Commission for failure to comply with the provisions of this section, any rules and regulations promulgated by the Licensing Commission, or any laws of the Commonwealth or the United States.
3. No permit shall be revoked, suspended, modified, or not renewed without a hearing before the Commission, prior to which hearing the Commission shall give reasonable notice of the time and place of the hearing and the specific grounds of the proposed action. The decision resulting therefrom shall be final.
4. The Licensing Commission or its designee may suspend a permit for no more than three (3) days without a notice or hearing, if the Commission or its designee specifically notifies the permit holder in writing that there is a probability of violation of public safety, health or order. In such a case, a hearing shall be held before the Commission within forty-eight (48) hours of the suspension in order to determine whether the public safety, health or order concern justified the suspension.
5. The provisions of this section may be enforced jointly by the Chelsea Police Department and the Chelsea Inspectional Services Department.

This ordinance shall be effective immediately.

The following order was introduced by Councilor Vidot. A motion from Councilor Tejada to adopt by roll call passed 9-0-2-0. Voting yes were Councilors Vidot, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop and Recupero. Councilors Garcia and Avellaneda were absent.

ORDERED, that the Chelsea City Council hereby approves a Conflict of Interest Exemption pursuant to Massachusetts General Law Chapter 268A, Section 20(B) for the part-time position of Library Desk Attendant/Aide in the Chelsea Public Library to be held by Jay Velez effective immediately.

The following order was introduced by Councilors Lopez and Recupero. A motion from Councilor Lopez to adopt under suspension was adopted.

Ordered, that the City Manager instruct DPW and ISD to begin implementing and enforcing that constituents of Chelsea make use of the trash barrels distributed by the City of Chelsea by January 1, 2020.

The following order was introduced by Councilor Brown. A motion from Councilor Brown to adopt under suspension was adopted.

ORDERED, that the City Manager review the signage at the southeast corner of the intersection of Pembroke and Beacon and remove any unnecessary signage.

The following order was introduced by Councilor Perlatonda. A motion from Councilor Perlatonda to adopt under suspension was adopted.

Ordered, that the City Manager provide the Council with mobile phone numbers of all Department heads to have in case of emergencies.

The following orders introduced by Councilor Brown Chairman of the Sub-Committee on Finance, were objected to the first reading by Councilor Bishop and will appear on the Agenda dated February 25, 2019.

Order introduced by Councilor Brown regarding appropriation of \$50,000 from Overlay Surplus Account to the Assessors Office Legal Services Account.

Order introduced by Councilor Brown regarding appropriation of \$10,500 from Free Cash to the FY2019 Emergency Management Department Alarm Box Maintenance Expense Account.

Order introduced by Councilor Brown regarding appropriation of \$7,000 from Free Cash to the FY2019 Emergency Management Department Vehicle Maintenance Expense Account.

Order introduced by Councilor Brown regarding appropriation of \$30,000 from Free Cash to the FY2019 Emergency Management Department Radio Purchase & Repair Expense Account.

Order introduced by Councilor Brown regarding appropriation of \$31,500 from Free Cash to the FY2019 Emergency Management Department Other Supplies Expense Account.

Order introduced by Councilor Brown regarding appropriation of \$1,500 from Free Cash to the FY2019 legislation Rent/Lease Expense Account.

Order introduced by Councilor Brown regarding appropriation of \$15,563 from Free Cash to supplement the Fiscal Year 2019 Regional School Account for student tuition.

Order introduced by Councilor Brown regarding appropriation of \$250,000 from Free Cash to Account #5000400-497100 Chapter 90 Other-Transfer from General Fund.

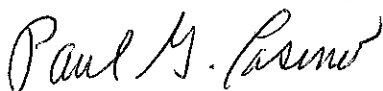
Order introduced by Councilor Brown regarding the expenditure of \$415 from the Human Resources expenditure line to satisfy the unpaid medical bill balance to Professional Health Services, Inc, from the prior year.

Order introduced by Councilor Brown regarding the expenditure of \$126.45 from the Parking Department expenditure line to satisfy the unpaid meter part balance to MacKay Meters, Inc. from a prior year.

Order introduced by Councilor Brown regarding the gift to the Chelsea Public Library in the amount of \$100 from Cristina Caruso to support the Children's Library.

The meeting adjourned at 8:35 p.m.

Respectfully submitted,



Paul G. Casino
Clerk of the Chelsea City Council