

Ms. DiBenedetto said that the quality of the work is excellent and that there was very little disruption. She wants to see the work confined to that area of the city. She asked if the permits are annual and reviewable.

Mr. Abruzese said that all licenses are annually renewable.

Councillor Dello Russo renewed his motion to approve (Councillor Caraviello second)—passed on a roll call vote of 6-0 with Councillor Marks absent.

Councillor Knight moved to report the paper out favorably and for the report to reflect that the Committee vote was favorable (Councillor Caraviello second)—passed.

Councillor Dello Russo moved to adjourn at 6:16 p.m. (Councillor Caraviello second)—passed.

President Falco adjourned the meeting at 6:16 p.m.

[End of Committee of the Whole Report.]

Vice President Lungo-Koehn moved to accept the report (Councillor Knight second)—passed.

19-481; 19-312 – September 11, 2019 Committee of the Whole Report.

**19-481
19-312
COMMITTEE OF THE WHOLE
MEETING REPORT
WEDNESDAY, SEPTEMBER 11, 2019, @ 6:00 P.M.
IN ROOM 207, COUNCIL OFFICE
MEDFORD CITY HALL**

Attendees: Council President John Falco; Council Vice President Breanna Lungo-Koehn; Councillor Richard Caraviello; Councillor Frederick Dello Russo; Councillor Adam Knight; Councillor Michael Marks; City Clerk Adam Hurtubise; Building Commissioner Paul Mochi; Assistant City Solicitor Kimberly Scanlon; Jennifer Grogan, City Clerk's Office; Allie Fiske, Business and Cultural Liaison, Office of the Mayor; Divya Anand; Jennifer Flygare; Attorney Sean Beagan.

President Falco called the meeting to order at 6:00 p.m. in the City Council Office in Room 207, Medford City Hall, 85 George P. Hassett Drive, Medford, Massachusetts.

The purpose of the meeting was to discuss the following draft ordinances:

- Brewery and Tasting Room/Taproom Ordinance
- Gender Equity Ordinance

The Committee discussed the Brewery and Tasting Room/Taproom Ordinance first. President Falco said that the outstanding questions included whether to allow Breweries and Taprooms in C-1 by right, and whether to allow food production on site, off site, or on site with food trucks.

Councillor Marks suggested allowing taprooms by right in C-1. He said that his understanding, after speaking with Max Heinegg, is that a brewery is a larger operation, with canning involved, and that brewery should be allowed in C-2 by right because the product is produced for distribution purposes.

Vice President Lungo-Koehn said that breweries are generally noisier operations.

Councillor Marks said that Fulton Street near the Flynn Rink was discussed, but that it needs ample on-site parking.

Mr. Mochi said that the Fulton/Flynn Rink area was very congested without much parking available.

Councillor Marks said that according to his conversation with Max Heinegg, a brewery produces more than ten barrels.

Councillor Knight arrived at 6:13 p.m.

Mr. Mochi showed and explained the zoning maps.

Councillor Dello Russo said that, to be consistent, breweries and taprooms might have to be handled by special permit.

Councillor Marks asked if the issue is that we will be allowing tap rooms in C-1 without approvals. President Falco said that yes, this was his understanding.

Councillor Marks said that certain areas, certain C-1 districts, such as Medford Square, South Medford, and Wellington Plaza should allow these businesses by right.

President Falco referred this portion to Ms. Scanlon, who said that there is a legitimate concern with spot zoning. Mr. Mochi said that there are challenges in place, calculated by the Building Department.

Ms. Fiske said that she would contact state agencies including the Alcoholic Beverages Control Commission to get additional information for the Council.

President Falco asked if the draft ordinance is modeled on an ordinance from another city or town. Mr. Mochi said that the draft ordinance seems to be modeled on Woburn, Malden, Everett and other communities.

Councillor Dello Russo asked, if we require special permits, can we do something by right here?

Councillor Knight asked whether this ordinance would allow the sale of alcohol produced on site but not for consumption on the premises. He also suggested allowing tasting rooms by right in C-1.

Ms. Fiske said that the ABCC might define tasting rooms and tap rooms as the same thing.

President Falco said that the definitions are the crux of the whole thing. He said it sounds like we need to hear back from the ABCC. He said we need:

1. Clarification on the definition of brewery, tasting room, and tap room, and differences between them.
2. Is there a definition issued by the state?
3. If something is allowed by right, must it be consistent with similar venues and similar products in the same zone?
4. Can square footage requirements be used in C-1?
5. Can a site allow retail sales not to be consumed on the premises for anything not attached to a brewery?

Councillor Caraviello arrived at 6:30 p.m.

Councillor Knight asked for the definition of a beer garden. Ms. Fiske said she could get that.

Councillor Marks said that detaching a tap room from a brewery gives it more flexibility.

Vice President Lungo-Koehn said that this could take lengthy research beyond the quick questions.

Ms. Fiske said that the quick questions can be answered within a week after receiving them.

Councillor Dello Russo said that the big issue is consistency. We don't want to seem arbitrary and capricious. He said he thinks we can move this forward fairly quickly.

Councillor Dello Russo moved to keep the paper in Committee of the Whole with the Clerk reporting out the questions, to reconvene with the same parties attending (Councillor Knight second)—passed.

Councillor Caraviello said that if we don't require food, we've now become a bar. This is a slippery slope.

Ms. Scanlon suggested having food available, even if it is limited.

Councillor Marks said that the Community Development Board recommended allowing food produced on site, off site, or in food trucks on site.

Councillor Knight noted that in issuing special permits, there are guidelines. He said that it sounds like the Council can address these through restrictions on special permits.

Mr. Mochi said some of these guidelines are noise, landscaping and setbacks.

Councillor Marks said it made sense to wait for answers and re-convene in a few weeks.

Councillor Knight asked what happens if the Licensing Commission passes regulations and then the Council passes an ordinance on the same topic? What governs?

Ms. Scanlon said that ordinance likely supersedes the regulation.

At 6:51 p.m., the Council began discussing Gender Equity.

President Falco suggested reviewing the language and the changes made.

Ms. Scanlon reviewed the changes and said that the Mayor had concerns with the idea of a co-chair and questioned why the Director of Diversity and Inclusion was removed. She said the Mayor had no objection to moving the Director of Diversity and Inclusion from ex officio to Liaison to the Commission.

Councillor Knight said he had no problem with the changes. He suggested eliminating the Director as ex officio, having him remain as liaison and a non-voting member.

Ms. Anand said that the reasoning was to remove the Diversity Director and insert someone else to get a gender minority or under-represented person in place.

Ms. Flygare said that this is future-proofing, to make this a permanent and legal commission rather than an ad hoc commission.

Councillor Dello Russo said that all of these items are under the purview of the Diversity Director's job. We already have a body that deals with these issues.

Councillor Knight said that no other boards have co-chairs. We need to be consistent. He said he doesn't see the value in a co-chair.

Councillor Marks agreed that we need to remain consistent.

Ms. Anand said that a co-chair would be in place because the issues are complex and one person might not have the requisite expertise or representation.

Councillor Marks said that this is true of all representative bodies.

Ms. Scanlon asked if there was a preference for nine or eleven members. Councillor Knight said that nine was more than enough.

Ms. Flygare suggested using eleven members and reserving two members for gender minorities and a woman of color.

Councillor Knight recommended nine members and recommended eliminating the Diversity Director as co-chair. Councillor Knight also said that he does not like the ward-representation language because it limits the ability to recruit the best and the brightest from our city. He said that staggered initial terms make sense. He repeated that he had no problem eliminating the Diversity Director as an ex officio member and making him a liaison. He recommended narrowing the group to one chair, with every attempt being made to reflect and represent geographic diversity across the community rather than ward representation.

Councillor Knight asked if we are allowed to reserve spots by gender or for people of color.

Ms. Scanlon said that this could result in discrimination.

Vice President Lungo-Koehn said that best efforts will be made to reserve space for gender minorities and people of color.

Councillor Knight said that the language says that a liaison shall be appointed from among employees of City Hall. He said that every best effort should be made to include a staff member from City Hall who represents a sexual or gender minority group. He said that the Mayor shall appoint the liaison and that the liaison should be the Diversity Director.

Councillor Dello Russo said that the Diversity Director should be an ex officio member.

Vice President Lungo-Koehn said that there could be language in favor of the Diversity Director "or a city employee appointed by the Mayor." Councillor Dello Russo said that he was opposed to that. He said he is not in favor of excluding the Diversity Director.

Councillor Knight moved to include the Diversity Director as Liaison (Councillor Caraviello second)—passed on a roll call vote with five in favor, Councillor Dello Russo opposed and Councillor Scarpelli absent.

Councillor Knight moved to adopt a nine-member commission (Councillor Caraviello second)—passed with Councillor Dello Russo opposed.

Councillor Knight moved to eliminate the co-chair, replacing the co-chair with a chair (Councillor Dello Russo second)—passed with Councillor Dello Russo opposed.

Councillor Knight moved to have the Assistant City Solicitor produce a new draft of the ordinance, with changes consistent with this meeting, and to have the new draft produced before the next meeting on this topic (Vice President Lungo-Koehn second)—passed with Councillor Dello Russo opposed.

Attorney Beagan said that he had grave concerns with what the Council is creating. He said that this Commission will have oversight over everything that happens in this city. He said that we are opening a huge can of worms. He said that this gives the board purview over the entire city.

Councillor Dello Russo said that the Council is abdicating its power with this Commission.

Mr. Beagan said that the Council needs to be careful.

Councillor Dello Russo moved to keep the paper in Committee, with edits to the text by the Assistant City Solicitor, and to adjourn and reconvene (Vice President Lungo-Koehn second)—passed.

President Falco adjourned the meeting at 7:32 p.m.

[End of Committee of the Whole Report.]

Councillor Knight moved to accept the report (Councillor Scarpelli second)—passed.

At 9:16 p.m., Councillor Knight moved to take papers in the hands of the Clerk (Councillor Caraviello second)—passed.

19-578—Offered under suspension by Councillor Marks

Be it Resolved that the “Do Not Enter” at the bottom of Bowen Ave. be discussed.

- a) Councillor Marks offered an amendment, in the interests of public safety, for people crossing Bowen and for people who live on Bowen, requesting placement of an additional “Do Not Enter” sign on the bottom section of Bowen Ave. and also that a street marking of “Do Not Enter” be painted at the bottom of Bowen Ave.
- b) Councillor Marks offered an amendment requesting that the Traffic Commission review all the streets that say “Do Not Enter” along Mystic Ave.

Councillor Marks moved for approval (Councillor Scarpelli second)—passed.

UNFINISHED BUSINESS

<u>16-759-</u>	Update on expenditures for property		
	IN CITY COUNCIL	NOVEMBER 15, 2016	TABLED
<u>18-417-</u>	Petition on Access TV Management		
	IN CITY COUNCIL	MAY 8, 2018	TABLED
<u>18-457</u>	Solicitor Draft Debt Exclusion Referendum Question		
	IN CITY COUNCIL	MAY 22, 2018	TABLED