

CITY OF LYNN

**Regular City Council Meeting, December 18, 2018
Council President Darren P. Cyr**

Eleven Councilors Present

Moment of Silence

Pledge of Allegiance

Motion made by Councilor Walsh and seconded by Councilor Starbard to accept the Meeting Minutes of December 11, 2018.

Motion carried.

Councilor Starbard presented Rashida Ellis with a Citation on behalf of the Lynn City Council congratulating her for becoming USA Boxing's Elite Female National Champion.

PUBLIC HEARINGS:

**IN THE YEAR TWO THOUSAND EIGHTEEN AN ORDINANCE
AMENDING THE ORDINANCE REGULATING
THE RULES AND PROCEDURES OF THE LYNN CITY COUNCIL**

The following rules of procedure shall govern the meetings of the Lynn City Council:

RULE I - COUNCIL MEETINGS

- a) Regular meetings of the City Council shall be on the second and fourth Tuesdays of the month at 8:00 p.m. in the City Hall with the exception July and August where regular meetings shall be held on the second Tuesday of the month. The day, time and place of meeting may be changed per order of the Council President or by a vote of a majority of the members of the Lynn City Council.
- b) All meetings may be recessed to a certain time, place and date, but not beyond the next regular meeting. Once adjourned, a meeting may not be reconvened.
- c) A meeting may be postponed by the President, or by the Vice-President in the absence of the President, due to an emergency.

- d) Special Meetings of the City Council may be held on the call of the President of the City Council, on the request of the Mayor, or on the call of any three or more members, by electronic mail notification (email) delivered to the registered email address on file with the City Clerk. Or hand delivery to all Councilors at their place of residence at least forty-eight hours in advance of the time set. The agenda at special meetings shall not be amended to include other items.
- e) When the Council shall determine to go into the Committee of the Whole, the President shall appoint the member who shall take the chair.
- f) All meetings of the full City Council (regular, special, public hearings) shall be held in the Lynn City Council Chambers for the purposes of broadcasting (Executive Sessions and emergency meetings are exempt).
- g) Except as otherwise authorized by General Laws, all sessions of the City Council shall be open to the public and press. The multiple member body may recess for the purpose of discussing in a closed or executive session limited to its own membership, any matter which would fall within the scope of the Open Meeting Law, provided that the general subject matter for consideration is expressed in the motion calling for such session.
- h) The citizens of the City of Lynn shall have the right to speak before the City Council at public hearings. Each speaker, recognized by the President or by request of an individual Councilor, through the President, shall limit his/her discussion to an item(s) specifically listed on the Agenda, and keep his or her presentation to within five minutes or less.
- i) Executive sessions may be held for the following purposes:
 - 1) To discuss the reputation and character, physical condition or mental health, rather than the professional competence of a single individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.
 - 2) To consider the discipline or dismissal of, or to hear complaints or charges brought against a public officer, employee, staff member or individual. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open.
 - 3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the governmental body, and to conduct collective bargaining sessions.
 - 4) To discuss the deployment of security personnel or devices.

- 5) To consider allegations of criminal misconduct.
- 6) To consider the purchase, exchange, lease of value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.
- 7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

RULE II- AGENDA

A true copy of any order, request, resolution or other form of business to be presented to the City Council at its regular meeting for its action shall be filed in the office of the Clerk of the Council as follows:

- a) Title for the Agenda shall be submitted to the City Clerk no later than 4:00 P.M. on the Friday prior to the Council meeting. The Agenda shall be prepared and posted by the City Clerk as required by law.
- b) Except in the case of emergencies, all items to be placed on the Agenda, including but not limited to, orders, financial transfers, resolutions, ordinances, contracts and all back-up material relative to an Agenda item, are to be submitted to the City Clerk no later than 4:00 p.m., on the Friday prior to a Council meeting.
 - 1) That portion of the Agenda of the City Council making reference to contracts shall contain the following: Name of Company, the dollar amount of said contract, and a brief description of the purpose of said contract.
 - 2) That portion of the agenda making reference to all the appointments shall contain the following: Name of the designated appointee, the board, commission or position to which said candidate is being appointed; and term of said appointment.
 - 3) That portion of the agenda in reference to gifts or donation being made to the City of Lynn said designation shall contain the following information: The name of the donor; a description of the donation being made; recipient of said donation; and if the donor is a corporation or any entity other than the individual, the name of the corporation and/or entity, the name(s) of its principals.

- 4) The Council meeting packets will be hand-delivered to the residence of the City Councilor on the Friday prior to the Council meeting, and, except in the case of an emergency, absolutely no items will be considered for inclusion on the agenda after that time.
- 5) Except in the case of an emergency as determined by the President of the Lynn City Council or by a majority of the members of the Lynn City Council, any material relative to an Agenda item submitted to Council after the above described cut-off dates will be stricken from the Agenda and the action item, be it an ordinance, contract or resolution, will be held over until the next regularly scheduled City Council meeting.
- 6) Except in the case of an emergency as determined by the President of the Lynn City Council or by a majority of the members of the Lynn City Council, at least forty-eight (48) hours before any meeting of the City Council is to be held, an Agenda, containing all specific items which are scheduled to come before it at the meeting shall be posted by the City Clerk as required by law. An emergency measure shall be introduced in the form and manner prescribed generally except that it shall be plainly designated as an emergency measure. A preamble which describes and declares that an emergency exists and which defines its nature in clear and specific terms shall first be separately voted upon and shall require the affirmative votes of two-thirds of the members of the full city council. Following such adoption of an emergency preamble the city council may, by a two-thirds vote, pass the measure with or without amendment at the meeting at which it was introduced. Emergency measures shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted in conformity with this section is passed extending it, or a measure adopted in conformity with the procedures for measures generally is passed extending it.

RULE III - PRESIDING OFFICER

- a) After a majority of the councilors-elect have been sworn in, the City Council shall be called together by the longest serving Councilor, who shall preside. Annually on the first meeting of each calendar year the City Council shall elect from among its members, a President and Vice President to serve for that calendar year or at the pleasure of the council. The President shall preside at the meetings of the City Council and perform such other functions as may be assigned by the Charter, by ordinance or by vote of the City Council.
- b) If in voting for President of the City Council there are more than two candidates and no candidate receives the votes of a majority of the full City Council, 6 votes, the names of the two candidates receiving the greatest number of votes shall be placed on a second ballot. The winner of this second ballot is elected to serve as President of the City Council. The voting to elect a Vice President

of the City Council shall proceed in the same manner as voting for the President. In the event that one candidate receives the largest number of votes, but not a majority and a tie exist between two or more candidates, then all shall be voted on again until a candidate receives a majority (6 votes).

- c) In the absence of the President, the Vice President shall preside. In the absence of the President and Vice President, the longest serving member present shall call the City Council to order. The City Council shall then proceed to ballot for a President Pro-Tempore, and a plurality of the vote taken shall be sufficient for a choice.
- d) The President may, subject to the approval of the Council, declare a recess, when he/she considers the same to be desirable.
- e) The President shall declare all voice votes. However, any single member may request a roll call vote by a yea or nay vote.

RULE IV - CALL TO ORDER

The President shall take the chair at the hour appointed, or to which the City Council had recessed or been called together. He/she shall then proceed to business. If less than a quorum is present, the Council may recess generally or to a certain day, but not to a date beyond the next regular meeting.

RULE V- QUORUM

A majority of the full City Council shall constitute a quorum.

RULE VI - ORDER OF BUSINESS — CITY COUNCIL AGENDA

- a) The posted Agenda shall state the order of business.
- b) All documentation that supports Agenda items addressed to the City Council shall be presented by the President who may explain the subject thereof, and they shall be dispersed and addressed in the order of the agenda, unless the City Council otherwise directs.
- c) At every regular meeting of the Lynn City Council the order of business shall be as follows:
 - 1) Call to Order;
 - 2) Call the Roll;

- 3) Silent Prayer/Pledge of Allegiance;
- 4) Communications;
- 5) Public Hearings;
- 6) Unfinished Business;
- 7) Committee Reports;
- 8) New Business

RULE VII- VOTING

- a) Unless otherwise specified in these rules or in the charter, any motion or measure may be adopted by a majority vote of those members of the City Council present, except matters pertaining to zoning which shall require a two-thirds vote of the full Council; unless otherwise specified by the General Laws of the Commonwealth.

Principal Votes:

Salary Ordinance	Requires 2/3 vote of full Council 8 Votes M.G.L. c. 44, s 33A
Transfer from one Department To Another Department	Requires 2/3 vote of full Council 8 votes M.G.L. c. 44, 2 33B
Transfers with a Department	Requires Majority of full Council 6 votes M.G.L. c. 44, s. 33B
Creation of a New Position	Requires majority of full Council 6 votes M.G.L. c. 44, s. 33A
Any Appropriation	Requires majority of full Council 6 votes M.G.L. c. 44, s. 32 (Charter S. 5-3)
Confirm Appointment	Requires majority of full Council 6 votes Charter S. 3-9
Emergency Preamble	Requires 2/3 vote of full Council 8 votes Charter S. 3-10

A preamble which describes and declares that an emergency exists and which defines its nature in clear and specific terms shall first be separately voted upon and shall require the affirmative votes of two-thirds of the members of the full city council. (Charter S. 3-10).

Waive or Amend Rules

2/3 vote of those present and voting

- b) All votes shall be taken by a call of the roll or by a voice vote and the ayes and nays shall be recorded.
- c) The order of voting shall be in alphabetical order, except the President of the City Council shall always vote last.
- d) Any member who voted with the majority may move for a reconsideration of any action at the same meeting or at the next regular meeting. However, no motion for reconsideration shall be brought no later than the close of business from day following the original vote on the action. When a motion for reconsideration is decided, that vote shall not be reconsidered.
- e) All resolutions must be read in full unless, after the reading of the title, further reading is waived by unanimous consent of the City Council members.
- f) Every matter coming before the City Council for action shall be put to a vote, the result of which shall be duly recorded. A full, accurate, and up-to-date record of the proceedings of the City Council shall be kept and shall be open to inspection by the public.
- g) Absent specific and material change in circumstances upon which the prior unfavorable action was based, after the Council rejects an Ordinance or Resolution, no matter similar to it, can be introduced for one year subsequent to the vote of rejection on that particular Ordinance or Resolution.

RULE VIII - COMMITTEES

The Council President shall from time to time establish such standing committees that he deems necessary to exercise its legislative powers subject to the following:

- a) No committee shall meet during any meeting of the City Council.
- b) The Council President shall appoint members to the standing committees and shall appoint a chairperson to said standing committee.
- c) All committees of the City Council shall consist of an odd number of three or more and in no case shall any committee consist of more than 5 city councilors.

- d) Reports shall be received from any committee agreed to in committee actually assembled. Reports may be in writing or presented orally at the next Council meeting thereafter.
- e) In the event of a non-unanimous decision of a committee, those members who voted in opposition to the majority may issue a minority report to the full City Council. Majority reports shall be presented prior to a minority report, if any.
- f) Items which have been referred to any committee of the City Council by the full City Council must be reported back to the City Council by that committee at least every month from the date of referral pending a final committee recommendation.
- g) No sub-committee shall take any action on any business referred to that committee by the full City Council unless the committee has referred to it in a motion or order to do so from the full City Council.

RULE IX - APPOINTMENTS BY COUNCIL

- a) The City Council shall appoint a City Clerk, a City Solicitor, the First Assistant City Solicitor, Second Assistant City Solicitor and two members of the Board of Assessors in accordance with Section 3-7 of the City Charter.
- b) Whenever a vacancy exists in the appointments that this Council has to make pertaining to the City Clerk, a City Solicitor, the First Assistant City Solicitor, Second Assistant City Solicitor and two members of the Board of Assessors, a call for candidates will be advertised.

RULE X - RULES OF DEBATE

- a) A member of the City Council may speak on any one subject; a member of the Council may not speak again until all other members who wish to be heard have spoken, and no member shall speak more than twice on any subject unless authorized by the City Council. See Robert's Rules of Order.
- b) A motion shall be made and seconded. The President may choose to clarify the debate by having the Clerk read the motion from the notes. At any point a member of the Council may ask the Clerk to read the motion from the notes through the President. When this occurs, the President shall instruct the motion to be read by the Clerk. A motion may not be withdrawn without the consent of the second. When the mover modifies the motion, the second may withdraw.

- c) Any decision or ruling of the President of the City Council may be appealed by request of any member. The President shall call for roll call to see if the President ruling shall be upheld. When the President's decision is not supported by the Council then the decision is reversed. When the President's decision is supported by a majority vote of the Council then the decision is confirmed.
- d) When two or more members rise at the same time, the Chairman shall name the member who is to speak first.
- e) The President of the City Council may call the Vice President or other member who he/she may appoint to the President who may preside during the meeting; and when out of the President may participate in any debate, but shall not resume the President while the same question is pending, provided the same is taken previous to adjournment.
- f) No motion or proposition on a subject different from that under consideration shall be admitted under premise of any amendment.
- g) All orders presented to the City Council shall be fully read before any action is taken.

RULE XI- PUBLIC PARTICIPATION

- a) The public shall have the right to speak before the Council during the specific time specified within the Agenda's order of business. Each speaker shall limit his/her discussion to his/her subject and shall keep his/her presentation to within five minutes or less unless the Council shall, by a two-thirds vote of its full membership, allow a longer time.
- b) The majority of the City Council shall have the right, as well as the President of the Council, to determine what reasonable conduct of people appearing before them should be. A motion may be made by any member that some party in the audience is out of order and that unless he/she ceases and desists, he/she will be held in contempt of the body. If that motion is seconded, it shall be voted upon immediately and take precedence over any motion then on the floor.
- c) Public members attending Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the Council. Any person on the Agenda, when recognized to speak by the President, shall state his/her name and address in an audible tone for the record. All remarks and questions shall be addressed to the Council as a whole and not any individual member thereof. All remarks and questions addressed to the administration of the City shall not be addressed to any individual city employee. No person other than

members of the Council and the person having the floor shall enter into any discussion either directly or through a member of the Council without the permission of the presiding officer.

RULE XII -DECORUM

- a) The President of the City Council shall preserve order and decorum, He/she may speak to points of order in preference to other members and shall decide all questions of order, subject to appeal to the City Council, on motion of any member regularly seconded.
- b) When a member is about to make a motion, second a motion, speak in debate or deliver, any matter to the City Council, he/she shall first be recognized by the presiding officer. He/she shall confine himself/herself to the question under debate and avoid personalities.
- c) No member in debate shall make reference to any other member but in respectful terms.
- d) No person shall be interrupted while speaking but by a call or order, or for explanation. When a member is called to order, he/she shall immediately take his/her seat, unless permitted to explain; and the City Council, if appealed to, shall decide the case without debate. If the decision is against the member, he/she shall not be permitted to speak unless by way of excuse for the same, until he/she has made satisfaction.

RULE XIII- MISCELLANEOUS RULES

- a) In accordance with the provisions of M.G.L., chapter 268A, no member shall vote on any question or serve on any committee in which he or she has an interest distinct from the public.
- b) Except when a member of the Council has or desires the floor, the Mayor shall have the privilege of the floor for the purpose of giving information to the Council on business and affairs of the City. The Mayor shall be permitted to make a longer presentation than members of the public and shall be permitted to request that third parties to assist in his/her presentation.
- c) Councilors, by right, may request a legal opinion of the City Solicitor.
- d) The City Solicitor shall likewise have the privilege of the floor on the introduction or interpretation of any existing or proposed ordinance or resolution or on any question of legal procedure.

- d) All discussion by City Councilors ceases once a motion has been tabled. No one in attendance may speak on the tabled items (Mayor, Council, City Employees or Public).
- f) No Councilor shall utilize City personnel, stationery, stamps or other public monies or items for making "bulk mailings". "Bulk mailings" shall mean any form of mailing to provide the distribution of information of a general nature. This rule is not meant to prohibit Councilors written response to specific constituent complaints when requested in writing. This rule is not meant to prohibit Councilors from sending a mailing to a specific neighborhood that may be affected by an issue that will be presented to the Council for consideration. The provisions of this rule shall be enforced by the President who may order the Councilor and all Council employees involved to cease such activity. The President's determination on such may only be overruled by a majority of the City Council at open session.
- g) Present votes - In the instance where a member shall either vote present or not cast a vote on an issue, such vote shall not be interpreted as consenting to the majority nor shall such action or inaction by the member be counted as his/her being considered as part of the quorum on that issue. If as a result of this rule a "no quorum" is declared on the vote, such action item shall be carried forward to the next meeting.

RULE XIV - ENFORCEMENT OF DECORUM

- a) The provisions of these rule shall be enforced by the President who may order the Councilor(s) and all Council employees to cease such activity. The President's determination on such may only be overruled by a majority of the City Council at open session.

RULE XV - ROBERT'S RULES

- a) Robert's Rules of Order shall be the reference adopted by this City Council on all points of parliamentary practice not specifically covered by the Rules of the City Council. A PDF of Robert's Rules of Order will be provided each year to Council.

RULE XVI - CHANGING THE RULES

- a) The President of the Council may from time to time convene a meeting of the Rules Committee for the purpose of modifying the Council Rules and

Procedures. The rules may be changed only after the proposed change has been reduced to writing and approved by two-thirds of the full Council.

No one appeared in Favor.

No one appeared in Opposition.

Public Hearing Closed.

Motion made by Councilor Barton and seconded by Councilor Capano to grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

Petition of Justin Morley of Ironbound, to hold a New Year's Eve Block Party at Mount Vernon St on December 31, 2018. Hours will be 6pm to 12:10 am.

The following appeared in Favor:

Jaime Figueroa, 12 Gardner Street, Lynn

Calvin Anderson, 12 Concord Street, Lynn

Elizabeth Vincens, 24 Mt. Vernon Street, Lynn

Alex Aquenas, Lynn

The following appeared in Opposition:

Michael Newbert, Brook Road, Marblehead

Public Hearing Closed.

Motion made by Councilor Chakoutis and seconded by Colucci to grant.

Motion carried by the following yea and nay vote:

11 YES 0 NO

PUBLIC HEARINGS TO BE SET DOWN:

-Petition of National Grid to install one joint owned pole on Marine Blvd midspan to pole 20 and pole 19.

Motion made by Councilor Colucci and seconded by Councilor Barton to set down for a Public Hearing.

Motion carried.

COMMITTEE REPORTS:

Report of the December 18, 2018 Committee on Ordinance and Rules recommending the following to be accepted:

Discussion and/or to Set Down for Public Hearing:

A Proposed Ordinance Establishing the Salary of the Personnel Director – **Motion made by Councilor Capano and seconded by Councilor LaPierre to set down for a Public Hearing.**

Motion carried.

REPORT ACCEPTED.

NEW BUSINESS:

Council President Cyr recognized Councilor Peter Capano, announcing that this would be his last City Council meeting after serving thirteen and a half years on the Council.

Council President Cyr wished Councilor Capano the best of luck as he begins his term as State Representative at the State House.

Council President Cyr asked Councilor Capano to speak. Councilor Capano thanked his colleagues and said he was looking forward to serving as the State Representative.

Motion made by Councilor Colucci and seconded by Councilor Barton to adjourn.

Notice of this meeting was posted in the City Clerk's Office at least forty-eight (48) hours in advance.

A True Copy Attest:

CITY CLERK