

City of Beverly
Special City Council Meeting
Public Meeting Minutes
Tuesday, April 19, 2022, 6:00pm
Beverly Middle School Library, 502 Cabot St.

CITY OF BEVERLY
RECORDS & COMMUNICATIONS
CITY CLERK'S OFFICE
2022 JUN 28 A 9:10

Julie Flowers, City Council President, called the meeting to order at 6:06pm. Assistant City Clerk, Christine Dixon, took the attendance by roll call.

Members Present: Hannah Bowen, Steven Crowley, Kathleen Feldman, Scott Houseman, Estelle Rand, Todd Rotondo, Matthew St. Hilaire, Julie Flowers

Members Absent: Brendan Sweeney

Crowley led the pledge of allegiance.

Flowers read a statement about accessing the hybrid meeting and public hearing.

Public Hearings

Order #075-6:00pm-Charter Review Report

Charles Grimes, 116 Rantoul Street, #310, spoke on a few issues. The proposed language regarding the budget management analyst is a significant improvement, but it does not go quite far enough to make clear that the role of the budget management analyst is under the control of the City Council without any involvement by the executive branch. The charter should include explicit, indisputable language enabling the City Council by a two-thirds vote to increase the School Department appropriation to an amount not exceeding that which the School Committee submitted to the Mayor pursuant to Section 6-3(b). The Audit Committee should not include the School Business Manager, the City Finance Director, or the City Accountant. The time for charter review should be expanded to 18 months. Grimes stated that he does not understand the rationale for the elimination of ward distribution requirement for signatures. There is what seems like an editorial error on page 26. It would be better to have version control by adding language with the last change date and line enumeration. Grimes expressed his opposition to a four-year term for mayor because it would make a mayor virtually unbeatable. Grimes stated the City Council needs guaranteed access to independent legal advice of its choosing, at least upon issues of its own power. Lastly, Grimes stated the addition of two district school committees seems reasonable if needed.

Joyce McMahon, 15½ Rowell Avenue, read a letter on behalf of eight former councilors and one present councilor who suggested changes to the charter to ensure an independent audit. They recommended reducing the number of individuals representing the administration on the Audit Committee and having more City Council appointed voting members than members from the administration.

Paul Lanzikos, 35 High Street, agreed with concerns around an independent audit process and stated that it should be clear the budget analyst works for the City Council. Lanzikos expressed support for changing the term of the mayor to four years. Lanzikos stated that municipal business is very complex today and if an individual is elected to a two-year term, no sooner have they been elected then they immediately have to start thinking about reelection. It is very important that the individual is given time to get established in the role to understand the breadth of issues. Lanzikos stated he thinks the voters are involved enough to minimize the concern that someone could be in that position and not in the best service of the City.

Mayor Michael Cahill thanked those who served on the Charter Review Committee. Cahill noted that in Section 2-11(d) there seems to be language left in as a vestige of another version. Cahill expressed concern about the question of the continued service of a ward councilor or ward school committee member who moves out of the ward but stays in the city and flagged it as an issue of concern because residents of that ward may not feel fully represented because they will not have a councilor living in the ward. Cahill recommended putting in language in the vacancy of office of mayor section that prepares for if the term of four years is approved by the voters. Cahill stated he does not support changes to Sections 3-3 and 3-4 on mayoral appointments and removal powers. Cahill said he also does not support the addition of language mandating a School Committee and City Council budget meeting called by the mayor. There is a lot of process built into the budget process already, and in practice the joint School Committee and City Council meeting has become a meeting that is intentionally scheduled in this window of time and addresses those needs and opportunities. Cahill stated he does not support the deletion in Section 3-2 of language referring to the mayor as chief procurement officer.

City Solicitor Stephanie Williams flagged for clarification the proposed insertion of language on the duties of the budget analyst in Section 2-8, lines 5 and 6. Williams also noted that the line "subject to council rules" in 2-9(d) on reconsideration could use clarity as well. Williams agreed with Cahill that in Section 2-11(d) there may be a drafting oversight. Williams stated, regarding Mayor Cahill's concern about removing Sections 3-3 and 3-4, that currently there is a replacement which is Section 8-15. Williams stated the Charter Review Committee originally had discussed having the mayor or council need to provide a reason for removal. The most recent recommendation uses the word "cause" instead. Williams suggested revisiting the change from "reason" to "cause" in this section. In Section 3-8(b) there is a proposed phrase that reads, "The City Clerk shall be the sole judge in determining the application of this sub-section" which is vague. Williams suggested further discussion and making sure ultimately that there is no discretion in whether or not a special election is held.

Grimes suggested a percentage rather than amount of months in Section 3-8 so that it could apply to a two-year term or a four-year term the same. Grimes also reiterated the need for consistent pagination.

Flowers noted that the Committee on Legal Affairs would be further discussing the proposed charter changes at their upcoming meetings.

Williams stated that if the public hearing is closed, the public cannot make comments at the committee meetings.

There was some discussion on if that applies to written submission of comments or if councilors could still receive written comments from constituents.

St. Hilaire and Houseman expressed support for continuing the public hearing.

A motion to recess the public hearing to May 2 at 8:15pm was made and seconded. A vote was taken, and the motion carried (8-0).

A motion to adjourn was made and seconded. A vote was taken, and the motion carried (8-0).

The meeting adjourned at 7:00pm.