**Ordinance** **Committee**

Wednesday, February 28, 2024

Video of meeting can be found at <https://youtu.be/Kxh-FCSSJUA?feature=shared>

Members present in person: Chair Israel Rivera, David Bartley, Jenny Rivera, Meg Magrath-Smith

Members present on Zoom: Vice Chair Linda Vacon

Other councilors present: Carmen Ocasio

Chair I. Rivera called the meeting to order at 6:31 PM

Councilor Bartley made a motion to take a roll call vote that for the purposes of this meeting would be applicable to all motions to remove an item from the table, place items on the table, package items, open or close a public hearing, or suspend the rules, unless there is an objection. Councilor Vacon seconded the motion. Motion passed.

Item 1: Minutes of February 7, 2024 meeting.

--->Received 5-0.

DISCUSSION:

Councilor Bartley made a motion to receive the minutes. Councilor Vacon seconded the motion. Motion passed.

(2:15)

Councilor Bartley made a motion to remove item 2 from the table and open the public hearing. Councilor Vacon seconded the motion. Motion passed.

Item 2: PUBLIC HEARING 1-22-24 -- Special permit application extension ACMJ Inc to build and operate a marijuana cultivation and processing establishment at 532 Main St (026-03-012)
---> Approved with conditions, 5-0:
1. That the applicant put their corporation into good standing with the Commonwealth;
2. That the applicant provide updated site drawings to the Council.

DISCUSSION:

Ezra Parzybok, Principal Consultant from Blue Skies Unlimited LLC, stated that he was representing ACMJ, and that this was just an extension request of the previously granted special permit since they were at the two year mark. He added that they were moving forward but needed the extension.

Steven Fontana stated that he was also available for questions on this.

Councilor Magrath-Smith asked for an explanation of the request for an extension.

S. Fontana stated that they had trouble finding financing and were forced to change the footprint in order to afford what they were trying to do. He then stated that they were about to submit their first building permit application by the end of March, and had plenty of supporting documents, including architectural drawings as well as drawings from a mechanical engineer.

Councilor Magrath-Smith asked if this was at the former Barkley's Furniture building.

S. Fontana confirmed that was correct.

Councilor Magrath-Smith asked for an explanation of the difference between the original plan and the current one.

Chair I. Rivera explained to Mr. Fontana that some councilors were new and were seeing information for the first time.

S. Fontana stated that they were on the second floor, utilizing one-third of it at 13,000 square feet. He then stated that Barkley Furniture occupied the other two-thirds but had since vacated. He then explained that they initially planned to fill the entire space out but they were not able to raise enough to cover the cost of over $1 million.

E. Parzybok stated that it was a little misnomer that it was shrunk down. He then explained that a typical special permit would have an approved floor plan and altering the plan would require a new review. He further explained that in this case, the project was going in phases and there was no change in the actual design.

Chair I. Rivera suggested that changing the schematics was changing the special permit, requiring a whole new process. He then stressed the importance of seeing the drawings, emphasizing that one-third of the original plan was a significant size.

Councilor Vacon noted that many other projects had come in as phased projects and did not believe that implementing a portion of it to start was not changing the plan as long as that later got additional funding to eventually do the other two-thirds. She suggested that changing the layout or how they would be using the space would be different.

Chair I. Rivera stated that he agreed with that point.

Councilor Vacon asked if they intended to build out the first third as the submitted plans described.

S. Fontana stated that this was just about the starting point and the ultimate plan remained the same.

Chair I. Rivera asked for clarification that phase 1 would look the same as the original plan.

S. Fontana stated that it would.

Councilor Magrath-Smith asked for an explanation of how the current plan in phase 1 was different form the original.

S. Fontana stated that they would be delaying the construction of two rooms.

E. Parzybok stated that it would be like planning a farm with three rooms but starting with just one room of plants. He then explained that it would cost so much because building out the rooms required HVAC, paneling, lighting, and expensive materials in each room.

Councilor Magrath-Smith asked if that meant the other two rooms would not be used at all, or would they have a different use. She noted that as there had been ongoing discussions of safety in the industry, she asked if not using those rooms meant a delay in ducting out or having ventilation.

S. Fontana stated that they would be unused other than slowly building them out but they would have no other purpose.

Councilor Bartley thanked them for their investment and stated that he planned to support it but asked that they put their corporation into good standing with the commonwealth. He then stated that he would propose this as a condition.

Chair I. Rivera asked how long an extension would be granted.

Councilor Bartley stated that one year was standard as state law.

No members of the public sought to speak.

Councilor Bartley made a motion to close the public hearing. Councilor Vacon seconded the motion. Motion passed.

Councilor Bartley made a motion to approve the extension, with the condition that the applicant put their corporation into good standing with the Commonwealth. Councilor Vacon seconded the motion.

Councilor Magrath-Smith made a motion to add a condition that the applicant provide updated site drawings to the Council.

Councilor Vacon stated that they were already provided and were in the packet.

Chair I. Rivera suggested that they may have new drawings.

Councilor Bartley asked Mr. Fontana how fast the updated drawings could be sent.

S. Fontana stated that they could be sent that evening.

Chair I. Rivera seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

(17:35)

Councilor Bartley made a motion to remove item 3 from the table and open the public hearing. Councilor Vacon seconded the motion. Motion passed.

Item 3: PUBLIC HEARING 12-19-23 MALDONADO VELEZ -- Zoning ordinance change proposal to allow cannabis businesses beyond the IG zone and allow priority for social equity applicants and those negatively impacted by war on drugs.

---> Continued to March 27th, 6:30 PM 5-0.

DISCUSSION:

Chair I. Rivera stated that it made sense to have a conversation about how it would look to expand the zoning for marijuana businesses.

Councilor Bartley expressed his opposition to this, stating that the way the ordinance was set up had been insightful and effective. He added that the industry was not knocking at the doors as it once was. He suggested that if there was another wave of applicants, there was still ample space in the IG zone. He noted that there was one facility where the zone was changed on Lyman Street, which made sense, was not a spot zone, and several neighbors came in to support it. He added that he would be open to expanding into other zones if there was demand, but there currently was not.

Councilor Vacon stated that some of the businesses in Northampton had been closing. She then expressed concern in potentially bringing in additional competition to the businesses in Holyoke that were doing fairly okay but were still getting their feet under them.

 Councilor Magrath-Smith noted that the ordinance made distinctions between manufacturing establishments, medical marijuana dispensaries, recreational retail establishments, and marijuana testing facilities, but they were all lumped together into the IG zone. She noted that communities around the city had not done the same. She then stated that while she understood keeping manufacturing facilities in the industrial zone, there was a case to be made for allowing dispensaries or other non-manufacturing facilities to expand into other zones.

Councilor Vacon noted that it was retail that suffered in Northampton. She then suggested that if there was interest in continuing to develop the downtown area, it would be jumping ahead of that to expand this industry into other zones. She added that while it may not forever be a bad idea, it would be better to keep it while the current businesses were still getting stable.

Chair I. Rivera stated that the original plan to keep them in the IG zone made sense, noting that when earlier industries moved out, the city was left with a lot of empty buildings. He added that they were helping improve buildings that may not have other been improved. He then suggested that it reached the point of being stressed with the businesses all competing with each other and nobody was thriving. He added that it would benefit them to expand the industry, noting that the city could not stop applications from coming in and this would allow more businesses to come in rather than saturating one area. He added that there were other areas in need of development, including areas next to the highway. He added that there was also a cultural piece to the matter, emphasizing that continuing to house the industry in the poorest communities was not benefiting anyone, noting that the definitions related to community impacting funding had changed, eliminating the ability to uplift these communities through those funds. He added that the responsibility needed to be shared across communities. He also stated that there were religious communities in the areas that did not want those businesses there.

Atty Bissonnette emphasized that no matter what zoning was allowed, any cannabis business required a special permit of the City Council so there would always be a final say over any specific proposal. He also stated that Holyoke has managed to avoid litigation over the selection of businesses to receive licenses, noting that many other cities had only allowed 5 or 6 licenses, leading to the conviction of one executive officer for accepting bribes, as well as solicitation of the selection of committee members, and a lot of other criminal and civil litigation. He then explained that Holyoke avoided all of that by allowing anyone that fit the criteria to get a special permit. He noted that Holyoke's 72 applications was only second to Boston within the state, with 35-40 special permits having been approved. He then explained that there wasn't much Holyoke could give to social equity applicants because the city had an open invitation to come in and there was no funding available on the local level. He then stated that the city could be waiting for the state to suggest ordinances that should be adopted relative to impact fees and social equity business development.

Chair I. Rivera suggested that the city missed a piece on social equity when the legislation was enacted, noting that other communities had allotted some of their cannabis tax revenue to social equity before putting it into their general funds.

Councilor Magrath-Smith recalled that when the cannabis industry was discussed at a recent MMA conference, the topic of recent settlements was brought up, including one in Uxbridge where the town had to settle with one business. She suggested that there would be issues because communities had started to levy impact fees before there was state guidance on how to use those funds. She then stated that she would plan to file an order asking for a clear sense of how the impact fees had been spent and what the rationales had been. She noted that in the Uxbridge case, they couldn't justify how the funds had been used. She then asked for a timeline on getting that information.

Atty Bissonnette stated that the cannabis industry had been exerting pressure to get the impact fee removed, leading not to having them removed but guidance on how cities could recoup costs of impacts after the fact. He then explained that they expected final suggested ordinance language relative to impact fees from the state soon. He then noted that Holyoke had collected around $5 million in impact fees since the outset. He then stated that the mayor would have news soon on negotiations that had been ongoing with cannabis businesses. He then stated that in the future, businesses renewing their licenses would likely receive waivers from host community agreements.

Councilor Bartley explained that part of the reason for putting cannabis businesses only in the IG zone was to attract more business into the downtown area. He then suggested that expanding it into other zones would lead to consumers and other business owners no longer going downtown. He then emphasized that there were public hearings through all of the discussions and could not recall one person, religious or otherwise, coming in to say they were opposed to the industry in the IG zone. He then emphasized the importance of the City Council being involved in granting special permits, adding that some councilors had attempted to do great damage to the City Council by taking away some of its authority to grant them, including with land transactions. He added that this authority was about holding the City Council accountable as well as giving the public a chance to weigh in. He also recalled that not one councilor suggested putting the impact funds into the general fund, but always believed they should be used in the IG zone neighborhoods. He also noted that a cannabis stabilization account was created for that. He added that Holyoke had not been sued once relative to those funds. He also recalled that another factor had been increasing investment into the South Holyoke neighborhoods.

Chair I. Rivera stated that as it sounded like the cannabis stabilization fund would likely not be there for long, investment into the downtown communities needed to come from tax revenue being paid by the cannabis industry. He then suggested that if another public hearing was held, he was certain people from the religious community would be there to oppose. He also suggested that it was unfair to refer to people in lower ward communities not coming to speak, emphasizing that voting numbers showed that only around 200-300 of the 2,000 regularly come out to vote. He added that it took a lot for people to muster the courage to speak at a Council meeting. He also suggested that those living in the downtown area wouldn't go up to shops in other areas of the city. He further suggested that it would be a different demographic that would shop at new cannabis businesses in other areas of the city. He added that it made sense for manufacturing made sense to stay in the IG zone, but retail should be allowed in other areas. He added that he was regularly hearing about it from people in the South Holyoke communities every time another cannabis business opened up there.

Councilor Magrath-Smith asked for clarification that since this was flowing through a special permit process and the Council could spot zone, the Council could expand to other areas such as the Kmart plaza without having to change the ordinance.

Councilor Bartley stated no.

Chair I. Rivera stated that he did not believe the Council could do that.

Atty Bissonnette clarified that there would have to be a zone change and it would create a spot zone. He added that once a zone change was approved, a special permit would then have to be approved, requiring two approvals from the same body. He suggested that there may be a way to join them together. He then explained that it would be up to the Council to determine if there were other areas to test out allowing cannabis businesses of different types.

Chair I. Rivera asked where the Planning Board would need to be in this process.

Atty Bissonnette stated that the Council had to seek input from different department, including the Planning Department and the Engineer. He added that several departments receive a request to provide comment when permits are applied for. He then explained that with respect to a zone change, the Council had to obtain a recommendation from the Planning Board before acting.

Admin Asst Anderson-Burgos noted that because this would be a zoning ordinance change, the Planning Board opened their own public hearing on this topic the previous night.

Chair I. Rivera asked if that meant they were not done with it.

Admin Asst Anderson-Burgos stated that was his understanding.

Chair I. Rivera asked if that meant this should be tabled until they are done with theirs.

Admin Asst Anderson-Burgos stated that he would check on what they did in their public hearing.

Councilor Vacon noted that she saw that public hearing on the Planning Board agenda. She then stated that the committee would need to wait for the Planning Board recommendation until action could be taken.

Councilor J. Rivera echoed Chair I. Rivera's sentiments that people were questioning it every time another cannabis business opened in Wards 1 or 2. She added that a lot of the homeowners in that area were paying more attention to meetings and were becoming unhappy that they were only opening in those two wards.

Chair I. Rivera suggested that this be continued to two meetings later.

Admin Asst Anderson-Burgos stated that would be March 27th.

Chair I. Rivera made a motion to continue the public hearing to March 27th at 6:30 PM. Councilor Magrath-Smith seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

(1:02:40)

Councilor Bartley made a motion to remove item 3 from the table. Councilor Magrath-Smith seconded the motion. Motion passed.

Item 4: 12-5-23 MURPHY-ROMBOLETTI, JOURDAIN, I. RIVERA -- Ordered, that the position of Crime Analyst be created and added to Ordinance Schedule A.
\*Tabled 2-7-24

---> Referred to the Law Department, laid on the table 5-0.

DISCUSSION:

Chair I. Rivera stated that a job description as well an ordinance draft had been provided.

Councilor Vacon asked how the proposed crime analyst position compared to the pay range for police officers.

Chair I. Rivera noted that Sgt. Zurheide was in attendance from the Police Department.

Atty Degnan stated that she drafted the ordinance to create the position and to put it into Schedule A. She noted that the duties and responsibilities section came from the job description provided by the Personnel Department. She then explained that this would be a civilian position with varied responsibilities. She added that under qualifications, they were looking for someone with a bachelor's degree in criminal justice, along with preferences in specific relative types of work experience. She then asked for clarification of the compensation question.

Councilor Vacon asked how officer pay scales compared to the crime analyst position, including the low and high salaries for police officers.

Sgt. Zurheide stated that those were contractual and could provide those later, but did not have them available at that time. He then explained that they arrived at the scale for the crime analyst by contacting other police departments, including the State Police.

Councilor Vacon asked if the city's HR attorney reviewed it in terms of ranking job responsibilities and grading.

Sgt. Zurheide stated that it was sent to City Hall but he was unsure who reviewed it.

Atty Degnan stated that their outside attorney on similar matter, Russell Dupere, likely had a chance to look at it. She added that Personnel Director, Kelly Curran, looked at it. She then confirmed that police officer salaries were not a part of Schedule A but set contractually.

Councilor Vacon clarified that she was just looking to compare them.

Councilor Magrath-Smith noted that a lot of discussion had taken place on attracting the right talent and keeping it. She then stated that in looking at Sptringfield's crime analyst position, she found that their job description was similar to this one. She also stated that this salary was within the range of what was being offered regionally, with this one between $58,000 and $82,000 while Springfield's low was at $62,000.

Chair I. Rivera asked if that was comparing to Springfield's top analyst or their coordinator and low level crime analyst. He emphasized that this person would be building out and starting something new. He then expressed a preference that the qualifications have a "master's preferred" qualification, noting that this would be a research position. He added that they needed to have significant experience in doing something similar. He also expressed a preference to allow people with a sociology degree to apply, noting that they also do a lot of research. He added that they needed to be a visionary and be able to see what it would look like years later. He suggested that the bar was set low for the pay being offered. He also expressed concern that the qualifications only required at least one year of experience, noting that this could include someone barley out of college.

Atty Degnan asked if he was looking to see the qualifications strengthened.

Chair I. Rivera stated that he was. He added that some of the responsibilities included things that a research may not do, but recognized that some things may have to be taken on as it was just being created. He also stated that there were a lot of other degrees in addition to criminal justice that had research-based skills that could be applied to this position.

Atty Degnan stated that she could change the education requirements to master's.

Chair I. Rivera clarified that it would be a preference so that there was flexibility to entertain a good candidate that had a bachelor's degree but with good experience.

Atty Degnan noted that it referred to a related social science.

Chair I. Rivera clarified that the draft referred to criminal justice or a relevant field of study.

Councilor Magrath-Smith asked if it could be moved to City Council with the amended language or if it needed to be tabled to come back.

Chair I. Rivera stated that it would be however it was voted on. He then suggested that it was about making sure it was about making sure someone was in the position who could help build the future of the position.

Councilor Bartley asked if the ordinance needed to show who they would report to.

Atty Degnan stated that could go into the job description.

Councilor Bartley asked if the job description would be in a personnel handbook.

Atty Degnan stated that would be a question for the Personnel Director.

Councilor Bartley stated that he would prefer to wait to forward it to the Council until language was finalized in committee. He then expressed appreciation that the bar was being raised on education requirements, noting that the new job description for the City Engineer was adopted on a 12-1 vote the previous year without even needing an engineering degree or bachelor's degree. He then expressed frustration at being the only vote against. He then stated that he had no issues with any of the other requirements.

Chair I. Rivera clarified that the vote on the City Engineer would have required someone to have 20- years of experience without an engineering degree.

Councilor Vacon asked to ensure that the grading had been reviewed by the outside counsel to keep the integrity of the grading document created a few years earlier.

Councilor Bartley made a motion to lay item 4 on the table. Councilor Vacon seconded the motion.

Atty Degnan asked to confirm what was being looked for with regard to work experience.

Chair I. Rivera stated that the current language asked for at least one year, adding that he would like to see at least 4-5 years with a bachelor's degree and 2-3 years with a master's degree.

Councilor Bartley raised a point of order, noting that a motion had to be made to make those requests and it would have to be voted on.

Chair I. Rivera expressed his understanding that the chair doesn't make motions.

Councilor Bartley suggested that the chair also should not go into arguments about why a vote was taken two years ago.

I. Rivers stated that he was waiting for someone to make a motion, noting that he could not.

Councilor Bartley stated that a chair can make a motion.

Chair I. Rivera made a motion to amend the language to say "master's preferred." Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

Chair I. Rivera made a motion to amend the language so that the qualifications say "any social science field," and that within the experience, it can be a "bachelor's degree with at the least four years' experience or a master's degree with at least two years' experience." Councilor Vacon seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 4--Nays 1 (Bartley)--Absent 0.

Councilor Vacon made a motion to refer item 4 to the Law Department and to lay on the table. Chair I. Rivera seconded the motion. Motion passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

(1:28:50)

Councilor Bartley made a motion to remove item 5 from the table. Councilor Magrath-Smith seconded the motion. Motion passed.

Item 5: 12-19-23 MALDONADO VELEZ -- Ordered, Order that the city creates a Housing Committee tasked with creating policy suggestions and implementation of office of tenant protections, office of returning citizens and homelessness liaison. Roles and committee to be created by Ordinance while bylaws to be created by the committee.
The committee should included at least one of the following - 1 tenant in market rate housing, 1 tenant with section 8 voucher holder, 1 tenant with MRVP or continuum of care, 1 tenant of HHA, 1 tenant representative of local organization working on housing issues, 1 home owner, 1 landlord.
\*Tabled 2-7-24

--->Laid on the table, 5-0.

DISCUSSION:

Chair I. Rivera stated that former councilor, Jose Maldonado Velez, asked for this to be pushed off until he could come in at a future meeting.

Councilor Bartley asked Atty Degnan if she wrote this.

Atty Degnan stated that she had but expected that it would be talked out as it was not totally clear in the order what was being asked. She added that there needed to be details on what their duties and responsibilities would be. She also noted that committees cannot create offices or departments.

Councilor Bartley suggested some of it would need to be expanded, noting that just saying "create a policy" was amorphous language. He also suggested that the committee should have an end with a report, giving it purpose and a time for the Council to follow up. He also suggested that the membership was top heavy with tenant representation and could be leveled out with representation from organizations such as the Holyoke Housing Authority. He then expressed support as something that was needed but should be modeled off of other committees such as the Whiting Street Reservoir Committee.

Councilor Magrath-Smith stated that it read much like the mayor's advisory committees in terms of how they were established, but this would be going into ordinance through the City Council. She also agreed that there should be a set timeline with a report due at the end.

Councilor Bartley noted that the Whiting Street Reservoir ordinance was created in the way it was due to recognizing that without a timeline, it's purpose and work would just disappear. He added that they needed a reason to meet and have some goals. He also suggested that with each member appointed by the mayor, there also needed to be City Council confirmation.

Atty Degnan noted that there were a lot of ad hoc committees that existed for one purpose and then they were done after the purpose was served. She suggested that ad hoc committees were not usually put into ordinance.

Councilor Bartley stated that it was common in law to have a sunset clause.

Councilor Magrath-Smith made a motion to lay item 5 on the table. Councilor J. Rivera seconded the motion. Moton passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

(1:37:50)

Councilor Bartley made a motion to remove item 6 from the table. Councilor J. Rivera seconded the motion. Motion passed.

Item 6: 2-6-24 OCASIO -- Ordered, That a handicap sign be placed in front of 799 High St. for Francisco Rivera Chevere, Placard# PL 1770918, Exp: 04/16/24.

---> Approved, 5-0.

DISCUSSION:

Councilor Ocasio stated that there had initially been an issue with the spot in front of the building, and that the resident was looking to add the sign to a space near the building. She added that there wasn't a spot in front of the building because it was at the intersection with another main road.

Councilor Magrath-Smith raised a point of order in that the request wasn't accurate.

Chair I. Rivera suggested putting in a new order for the correct spot. He then asked if the spot was public property.

Councilor Ocasio stated that it was a public parking spot on the street.

Admin Asst Anderson-Burgos clarified that the application was the address of the person applying for it. He then explained that the requested spot was a little askew of that address because it was the closest spot to the building. He added that there was a bumpout in front of the building due to being at an intersection. He then explained that Don Sanders from the Disabilities Commission spoke to him with a couple questions, Councilor Ocasio followed up with the resident, and they were able to work out the details.

Chair I. Rivera asked if it was okay leaving the request for 799 High Street even though the sign would not be at that address.

Admin Asst Anderson-Burgos stated that the spot was in between 799 and the building next door. He added that the address on the application is for the address where the resident lives.

Chair I. Rivera stated that if it was removed later, they would have to remember that the sign was not in front of 799 High Street.

Councilor Vacon stated that the legal form would have the exact location for the ordinance table. She then made a motion to approve item 6. Bartlet seconded the motion. Moton passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

(1:41:20)

Councilor Bartley made a motion to suspend the necessary rules to remove items 7 through 19 from the table as a package. Councilor Vacon seconded the motion. Motion passed.

Item 7: 3-21-23 TALLMAN, MCGEE -- Ordered, that an ordinance be created to allow wind turbines for residential use. See attached model type rules.

--->Given a leave to withdraw, 5-0.

Item 8: 1-3-23 BARTLEY -- Ordered, A zone change to Holyoke's marijuana ordinance be adopted to extend the time from two to three years that a special permit so granted may exist until it lapses. See OPED letter dated 11/3/22 for background and rationale. The city council would thus adopt MGL Chapter 40A language that allows municipalities to extend permits from two to three years.

--->Given a leave to withdraw, 5-0.

Item 9: 10-4-22 GIVNER -- Order that Zoning Ordinance 4.4.6 "Location of Accessory Structures" be updated to align with zoning in our neighboring municipalities in an effort to allow more flexibility on residential lots. -Send to Ordinance and request Building Commissioner study be shared with all City Council members.

--->Given a leave to withdraw, 5-0.

Item 10: 8-2-22 GIVNER -- Ordered, Order to amend the Holyoke Zoning Ordinance to reflect the following: (54) a zone change to BG for the parcels 091-00-062 & 091-00-063 (a future SP condition item could be, to join both parcels by ANR).

--->Given a leave to withdraw, 5-0.

Item 11: 8-2-22 GIVNER -- Ordered, Order to amend the Holyoke Zoning Ordinance to reflect the following: (2) Section 7.2.13, amend text by adding the BG zone to the others currently listed (BH, IG, BE).

--->Given a leave to withdraw, 5-0.

Item 12: 8-2-22 GIVNER -- Ordered, Order to amend the Holyoke Zoning Ordinance to reflect the following: (1) Sec 4.3, amend table to allow Motor Vehicle Sales (use) in BG by Special Permit (CC).

--->Given a leave to withdraw, 5-0.

Item 13: 8-2-22 GIVNER -- Order to amend the Holyoke Zoning Ordinance to reflect the following: (3) Create a new Special Permit for allowing the non-conforming use in a historic structure in BG zone.

--->Given a leave to withdraw, 5-0.

Item 14: 6-21-22 MCGEE -- Ordered, that the City Council review Section 7.10, Marijuana Facilities, to ensure that the review process is business sensible and that the review process for obtaining the Special Permit is being adhered to by Ordinance; amendments to this Section may be proposed and approved as part of this discussion.

--->Given a leave to withdraw, 5-0.

Item 15: 6-21-22 MALDONADO VELEZ, GIVNER -- Ordered that the City Council add a Section for Battery Storage Facilities to the Zoning Ordinance (Section TBD) to reflect technology advancements and future need for such installations; new facilities will be reviewed through Section 10.0, Major Site Plan Review.

--->Given a leave to withdraw, 5-0.

Item 16: 6-21-22 MCGEE -- that the City Council review Section 5.3, Special Permit to Exceed Height Limitation, in order to allow increased building height for all uses and additional zoning districts. Ensuring the allowable height may be increased by Planning Board Special Permit and in conjunction with those projects meeting the applicability of Section 10.1.2, Major Site Plan Review.

--->Given a leave to withdraw, 5-0.

Item 17: 6-21-22 GIVNER -- that the City Council review Section 6.4, Signs, in its entirety in order to make changes to the existing Ordinance to further refine and streamline the signage regulations.

--->Given a leave to withdraw, 5-0.

Item 18: 5-3-22 MALDONADO VELEZ -- Ordered, Order that we create an ordinance to allow backyard hens in residential zones.

--->Given a leave to withdraw, 5-0.

Item 19: 2-15-22 GIVNER -- Ordered, That the city revisit previous legal language to create an ordinance allowing backyard chickens in residential areas in an effort to enhance food equity.

--->Given a leave to withdraw, 5-0.

DISCUSSION:

Chair I. Rivera stated that all of the orders had expires due to being zoning orders that had not been taken up in time.

Councilor Bartley made a motion to give items 7 through 19 a leave to withdraw. Councilor Vacon seconded the motion. Moton passed on a call of the roll of the yeas and nays--Yeas 5--Nays 0--Absent 0.

Meeting adjourned at 8:16 PM