

**CITY COUNCIL CALENDAR
THURSDAY, MARCH 28, 2019
7 P.M. CITY COUNCIL CHAMBERS – ROOM 214
CITY HALL, 133 WILLIAM STREET, NEW BEDFORD, MA**

OPENING OF SESSION BY: CITY COUNCIL PRESIDENT LINDA M. MORAD

PRAYER LED BY: MAJOR MICHAEL JUNG, SALVATION ARMY

PLEDGE OF ALLEGIANCE

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER appropriating \$2,266,968.00 for Accelerated Repair Projects at the John Avery Parker Elementary School and Trinity Day Academy.

M1a. LOAN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting a LOAN ORDER appropriating for Accelerated Repair Project at the Elizabeth Carter Brooks Elementary School.

M2a. LOAN ORDER,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the Statement of Interest (SOI) Form to the Massachusetts School Building Authority for the following elementary school: James B. Congdon Elementary School, located at 50 Hemlock Street, New Bedford.

M3a. AN ORDER,

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER authorizing the Statement of Interest (SOI) Form to the Massachusetts School Building Authority for the following elementary school: John B. DeValles Elementary School, located at 120 Katherine Street, New Bedford.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting an ORDINANCE amending Chapter 20, Department of Planning and Community Development, dissolving the consolidated Department of Planning and Community Development and reinstating the stand-alone departments of Planning and of Housing and Community Development.

M5a. AN ORDINANCE,

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting an ORDINANCE, amending Chapter 15, Licenses and Permits; Business Regulations, that will allow the City to permit commercial aquaculture in its waters.

M6a. AN ORDINANCE,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for the TRANSFER of \$20,000.00 from PLANNING, SALARIES & WAGES, to PLANNING, CHARGES & SERVICES.

AN ORDER,

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M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, amending the order adopted by the City Council on June 14, 2018, and signed by the Mayor on June 19, 2018, which, in accordance with Massachusetts General Law Chapter 44, Section 53E ½, authorized the revolving fund under the control of the Community Services Department known as the **SENIOR TRAVEL REVOLVING FUND**, whose amount limited at **\$120,000.00** is hereby authorized at **\$135,000.00** for **FISCAL YEAR 2019**.

M8a. AN ORDER,

M9. COMMUNICATION, Mayor Mitchell, to City Council, submitting REAPPOINTMENT of PATRICK WALSH, New Bedford to the GREATER NEW BEDFORD REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT COMMITTEE, this term will expire May 1, 2022.

M10. COMMUNICATION, Mayor Mitchell, to City Council, submitting the DRAFT Final Fiscal Year 2019 Department of Planning, Housing and Community Development Action Plan and a separate DRAFT Executive Summary, which sets forth activities to be funded through the Community Development Block Grant (CDBG) Program, the Home Investment Partnership (HOME) Program, and the Emergency Solutions Grant (ESG) Program for the period July 1, 2019, through June 30, 2020.

M10a. DRAFT Final Fiscal Year 2019 Department of Planning, Housing and Community Development Action Plan.

M11. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of WAYNE RUSSELL VANDAL, Dartmouth, MA 02747.

M11a. AN APPLICATION,

M12. COMMUNICATION, Mayor Mitchell, to City Council, submitting the REAPPOINTMENT of ELSON COSTA, Lakeville, MA as a SPECIAL POLICE OFFICER.

M12a. AN APPLICATION,

M13. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of HORACIO H. FERREIRA, Dartmouth, MA as a SPECIAL POLICE OFFICER.

M13a. AN APPLICATION,

CHARTER RULED ITEM

CR1. WRITTEN MOTION, Requesting, that the City Council vote to accept the provisions of Chapter 33, Section 59, of the Massachusetts General Laws, that provides benefits to employees who are temporarily absent from work due to service in the Armed Forces if the Commonwealth or a reserve component of the Armed Forces of the United States. (CHARTER RULED by Council President Morad - March 14, 2019.)

NEW BUSINESS

1. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION AS AMENDED, AN ORDINANCE, amending Chapter 12 Health and Sanitation Section 12-39.5 Unattended Clothing Donation Containers.

1a. AN ORDINANCE,

2. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of AN ORDINANCE, amending Chapter 17, Section 17-8 Noncriminal Disposition of violations of certain Ordinances, rules and regulations – violating Section 12-39.5 Unattended Clothing Donation Containers, fine \$300.00.

2a. AN ORDINANCE,

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3. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of AN ORDINANCE, amending Chapter 17, Section 17-28 Chapter 40U of the Massachusetts General Laws – violating Section 12-39.5 Unattended Clothing Donation Containers, fine \$300.00.

3a. AN ORDINANCE,

4. REPORT, Committee on Veterans Affairs, Elderly, Youth, Health, Housing & Disability Issues, recommending that the City Council go on record in support of the Age Friendly Initiative and thanks Coastline Elderly and the Council on Aging for their involvement in making this initiative possible.

5. REPORT, Committee on Finance, recommending to the City Council ADOPTION of AN ORDER, that the City accept the provisions of M.G.L. c.43, §53F ½, establishing Cable Television Public Access as an Enterprise Fund effective Fiscal Year 2020, which begins on July 1, 2019.

5a. AN ORDER, (Referred to the Committee on Finance – February 14, 2019.)

6. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the LOAN ORDER, appropriating \$17 Million to construct the South Public Safety Center located on the property at Brock Avenue and Ruth Street and to include the demolition of the former St. Anne’s Church and School.

6a. LOAN ORDER, (Referred to the Committee on Finance – February 28, 2019.)

7. REPORT, Committee on Ordinances, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Councillors Carney, Abreu, Lopes, Martins, Winterson and Rebeiro, requesting, that the Committee on Ordinances, implement a policy that all licenses issued by the City of New Bedford which require a criminal background check known as a CORI, also require that fingerprinting also be added to the process, which will give the City notification of a felony committed in other States; and further, that any additional expenses incurred by the fingerprinting process be reflected in the cost of the license.

7a. WRITTEN MOTION, Councillors Carney, Abreu, Lopes, Martins, Winterson and Rebeiro, requesting, that the Committee on Ordinances, implement a policy that all licenses issued by the City of New Bedford which require a criminal background check known as a CORI, also require that fingerprinting also be added to the process, which will give the City notification of a felony committed in other States; and further, that any additional expenses incurred by the fingerprinting process be reflected in the cost of the license. (Referred to the Committee on Ordinances – April 28, 2016.)

8. REPORT, Committee on Ordinances, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Council President Lopes, Councillors Winterson and Abreu, requesting that the Committee on Ordinances, draft an Ordinance similar to the Seattle’s Municipal Code 12A.12.015 (B) (1) that establishes penalties for intentionally obstructing or interfering with pedestrian or vehicle traffic as a means of addressing panhandling.

8a. WRITTEN MOTION, Council President Lopes, Councillors Winterson and Abreu, requesting that the Committee on Ordinances, draft an Ordinance similar to the Seattle’s Municipal Code 12A.12.015 (B) (1) that establishes penalties for intentionally obstructing or interfering with pedestrian or vehicle traffic as a means of addressing panhandling. (Referred to the Committee on Ordinances – November 21, 2017.)

9. REPORT, Committee on Ordinances, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Councillor Gomes, requesting, that the City and the State Department of Transportation take immediate action on the new Route 18 railroad overpass to install fencing and temporary surveillance cameras for the purpose of catching those that choose to graffiti the railroad crossing; and further, that the Committee on Ordinances once more look at the laws pertaining to graffiti in the City of New Bedford and see if there’s anything we can do to strengthen them in order to prosecute and hold accountable those persons who put graffiti in the City of New Bedford.

9a. WRITTEN MOTION, Councillor Gomes, requesting, that the City and the State Department of Transportation take immediate action on the new Route 18 railroad overpass to install fencing and temporary surveillance cameras for the purpose of catching those that choose to graffiti the railroad crossing; and further, that the Committee on Ordinances once more look at the laws pertaining to graffiti in the City in New Bedford and see if there's anything we can do to strengthen them in order to prosecute and hold accountable those persons who put graffiti in the City of New Bedford. (Referred Committee on Ordinances – December 14, 2017.)

10. REPORT, Committee on Ordinances, recommending to the City Council to take “**NO FURTHER ACTION**” on a WRITTEN MOTION, Council President Morad, requesting that the Committee on Ordinances review the City Code, specifically Section 22-15, Snow and Ice – Removal from Sidewalks; Required, in an effort to determine if changes should be made to said Code Section as currently written.

10a. WRITTEN MOTION, Council President Morad, requesting that the Committee on Ordinances review the City Code, specifically Section 22-15; Snow and Ice - Removal from Sidewalks; Required, in an effort to determine if changes should be made to said Code Section as currently written. (Referred to the Committee on Ordinances – April 12, 2018.)

11. WRITTEN MOTION, Councillors Coelho, Lopes and Lima, requesting that the Special Committee on Memorials and Dedications look into finding an appropriate location in the downtown area honoring Joe Jesus for the love and dedication he had for the City of New Bedford. (To be Referred to the Special Committee on Memorials and Dedications.)

12. WRITTEN MOTION, Councillors Coelho and Giesta, requesting, that a representative from the New Bedford Public Schools meet with the Committee on Appointments and Briefings to discuss ideas on how to increase the amount of Crossing Guards at the public schools. (To be Referred to the Committee on Appointments and Briefings.)

13. WRITTEN MOTION, Council President Morad, requesting, that Park Board Chairperson Peter Boswell and Suzanne Sullivan, Chairperson of the non-profit Save The Bells, Inc., be invited to the Committee on Appointments and Briefings to provide an update regarding the bell tower project and the proposed placement of said bell tower at Clasky Common Park. (To be Referred to the Committee on Appointments and Briefings.)

14. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Daniel Xavier, 183 Campbell Street, New Bedford, MA 02740 d/b/a MCKENZIE BUS TRANSPORTATION INC., 183 Campbell Street, New Bedford, MA 02740**, hereby submitting a copy of the Application requesting a **RENEWAL OF A PRIVATE LIVERY LICENSE** to carry passengers for hire over the streets of New Bedford. (**Current License Expires May 24, 2019; Term of License May 24, 2019-June 30, 2019.**)

15. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **Daniel Xavier, 183 Campbell Street, New Bedford, MA 02740 d/b/a MCKENZIE BUS TRANSPORTATION INC., 183 Campbell Street, New Bedford, MA 02740**, hereby submitting a copy of the Application requesting a **RENEWAL OF A PRIVATE LIVERY LICENSE** to carry passengers for hire over the streets of New Bedford. (**Term of License July 1, 2019-June 30, 2020.**)

16. COMMUNICATION, Community Preservation Committee to City Council, submitting for consideration the CPA annual budget for Fiscal Year 2020.

17. COMMUNICATION, Community Preservation Committee to City Council, submitting for consideration the Community Preservation Act FY19 Project Funding Recommendations, a total expenditure of \$1,547,875.00 for seventeen (17) Projects. (Booklet of Funding Recommendations enclosed.)

18. COMMUNICATION/ORDINANCE, Council President Morad, submitting AN ORDINANCE, amending Chapter 24, Section 24-16 RELATIVE TO VEHICLES FOR HIRE. (To be Referred to the Committee on Ordinances.)

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19. COMMUNICATION, Jamie Ponte, Department of Public Infrastructure Commissioner, to City Council, recommending the discontinuance of a portion of the John F. Kennedy Memorial Highway, Variable Width, at the Northeast Corner of its present terminus; in order to be able to properly accommodate the new pump station which is to be built as part of the rehabilitation project, said section of highway is presently undeveloped and abuts the embankment of the Route 6/Fairhaven Bridge roadway layout.

19a. COMMUNICATION, Jamie Ponte, Department of Public Infrastructure Commissioner, to City Council, submitting the Metes and Bounds for DISCONTINUANCE of a portion of the John F. Kennedy Memorial Highway, Variable Width, at the Northeast Corner of its present terminus. (Map enclosed.)

19b. AN ORDER, For Hearing on THURSDAY, APRIL 25, 2019, at 7:00 P.M. in City Council Chambers, City Hall, for **DISCONTINUANCE OF A PORTION OF THE JOHN F. KENNEDY MEMORIAL HIGHWAY, VARIABLE WIDTH, AT THE NORTHEAST CORNER OF ITS PRESENT TERMINUS.**

19c. AN ORDER, That the City Solicitor be and is hereby requested to prepare AN ORDER for the **Discontinuance of a portion of the John F. Kennedy Memorial Highway, Variable Width, at the Northeast Corner of its present terminus.** Hearing on said matter has been ordered for **Thursday, April 25, 2019 at 7:00 p.m., in City Council Chambers, City Hall.**

20. COMMUNICATION, Council President Morad, submitting letter from Gerard Arnaudet, Executive Director, New Bedford Retirement Board, notifying of upcoming meeting/discussion relative to COLA for Fiscal Year 2020. (Copy all Councillors via email 03/22/19.)

21. COMMUNICATION, Councillor Abreu, submitting a request from the Department of Parks, Recreation & Beaches for a Plaque honoring Domingos and Celeste Aresta. (To be Referred to the Special Committee on Memorials and Dedications.)

22. COMMUNICATION, Councillor Abreu, submitting a request from the Department of Parks, Recreation & Beaches for a Bench and Plaque honoring Ricardo E. Arruda. (To be Referred to the Special Committee on Memorials and Dedications.)

23. COMMUNICATION, Councillor Abreu, submitting a request from the Department of Parks, Recreation and Beaches, for a Bench and Plaque in memory of Derek Pimentel. (To be Referred to the Special Committee on Memorials and Dedications.)

TABLED BUSINESS

01/10/2019 WRITTEN MOTION, Councillor Gomes, requesting, that the City Council forward a letter of request to the Commonwealth of Massachusetts' Cannabis Control Commission as to whether the City is following State Law regarding marijuana establishments in the City; and further, enclosed in the letter, please include a copy of the 11-page "Screening Form/Application for a Marijuana Establishment Host Community Agreement", and a copy of the City's zoning map that has been put forth by the Mayor's Review Committee, comprised of the City Solicitor, the City Planner, the Chief of Police, the Chief Financial Officer, the Director of Inspectional Services, the Director of Planning, Housing and Community Development, and the City's Health Director; asking that the Cannabis Control Commission review the application and the zoning map and report back to City Council as to whether this Application process and zoning map applies to the laws of the Commonwealth of Massachusetts' Cannabis Commission; and further, that Steven Hoffman, Chairman of the Massachusetts Cannabis Control Commission or a representative, meet with the Special Committee on Licensing and Zoning for Cannabis to discuss whether the City has followed Massachusetts Laws and policies regarding marijuana establishments in the City of New Bedford.

***In accordance with the Americans with Disabilities Act (ADA),
if any accommodations are needed, please contact the City Council Office at 508-979-1455.
Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.***

