



Committee on Ordinances

May 13, 2013 – 7:00 PM – **Minutes**
City Council Chamber, Room 214, Municipal Building

****View Agenda ****

MEETING: COMMITTEE ON ORDINANCES
DATE: MAY 13, 2013
TIME: 7:08 P.M.
PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; DAVID ALVES, VICE-CHAIRMAN (7:40); HENRY BOUSQUET; DEBORA COELHO; BRUCE DUARTE, JR.; JANE GONSALVES (7:15); DENIS LAWRENCE, JR.; JOSEPH LOPES; JAMES OLIVEIRA; JOHN SAUNDERS

ABSENT: COUNCILLOR BRIAN GOMES

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Councillor Martins called the Ordinance Committee Meeting to Order and took attendance. Memos from Councillors Gonsalves and Alves explaining why they would be late were read into the record and were received and placed on file on a motion by Councillor Lawrence and seconded by Councillor Lopes.

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Notice, City Clerk of reference of a Public Hearing, on a Communication, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 9, Section 4000, by adding a new Section 4700A, Interim Regulations for Medical Marijuana Dispensaries, which will establish a moratorium to allow New Bedford time to consider whether to allow facilities associated with the medical use of marijuana. (Ref'd 3/14/13, duly advertised in the Standard-Times on Tuesday, April 30, 2013 and Tuesday, May 7, 2013) and a Communication, Jill Maclean, Acting City Planner to Councillor Steven Martins, Chairman Committee on Ordinances submitting the Planning Boards **FAVORABLE RECOMMENDATION** from their Public Hearing held on May 8, 2013, with the unanimous Vote of 3 to 0 in favor. Councillor Lopes made a motion to open the public hearing which was seconded by Councillor Coelho. (1, 1a, 1b)

The Chair opened the hearing. No one wished to speak or be recorded in favor. The following people spoke in opposition to the proposed moratorium: Jesse Pitts of 103 Alewife Road, Plymouth, MA 02360; Dawn Blake Souza of 177 Plymouth Street, New Bedford, MA 02740; Charles Smiler of 347 Union Street, New Bedford 02740; Kenneth Machado of 855 Main Road, Westport, MA 02790; Randy Santos of 980 Peckham Road, New Bedford, MA 02745; Shawn Duarte of 208 Leonard Street, Acushnet, MA 02743; Peter Wilde of 19 Valentine Street, New Bedford, MA 02744; Chuck Dade of 398 Hawthorn Street, New Bedford, MA 02740; David Donahue of 22 South Sixth Street, New Bedford, MA 02740.

The following people were recorded in opposition: Janine James, 175 Cottage Street, New Bedford, MA 02740; Colleen & Christopher Garron of 11 Mapleview Terrace, New Bedford, MA 02740; Pamela and Tony Sanders of 208 Leonard Street, Acushnet, MA; Felicia & Charlotte Perry of 32 Jenney Street, New Bedford, MA; Jack McGee of 150 Cottage Street, New Bedford, MA; Anthony Perry of 32 Jenney Street, New Bedford, MA; Harry James of 175 Cottage Street, New Bedford, MA; Jan Rapoza of 137 West Hill Road, New Bedford, MA; Dan Feingold of 1232 Main Street, Acushnet, MA.

Councillor Coelho made a motion to close the public hearing, which was seconded by Councillor Lopes. The hearing was closed.

On motion by Councillor Gonsalves and seconded by Councillor Bousquet the Committee VOTED: To recommend to the City Council that it REJECT the Mayor's request for AN ORDINANCE, amending Chapter 9, Section 4000, by adding a new Section 4700A, Interim Regulations for Medical Marijuana Dispensaries, which will establish a moratorium to allow New Bedford time to consider whether to allow facilities associated with the medical use of marijuana. This motion passed on a Roll Call Vote of Yeas 7, Nays 2, with Councillors Bousquet, Coelho, Duarte, Gonsalves, Lawrence, Martins and Oliveira in favor and Councillors Lopes and Saunders opposed and Councillors Alves and Gomes not present for vote.

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Notice, City Clerk of reference of a Public Hearing, on a Report, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, Relative to Pawnbrokers – Establishment. (Ref'd 3/27/13, duly advertised in the Standard-Times on Tuesday, April 30, 2013 and Tuesday, May 7, 2013) (2, 2a)

The Chair opened the public hearing. No one spoke or was recorded either in favor or in opposition. The chair then closed the hearing.

On motion by Councillor Lawrence and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Relative to Pawnbrokers – Establishment. This Ordinance is subject to the Planning Board holding a public hearing. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Martins, requesting, that the Committee on Ordinances review the current Ordinance, Chapter 23, Section 23-25, Motorized Scooter, Prohibition, for the purpose of amending such in order to assist law enforcement to better enforce the regulations, this amendment should require sellers of motorized scooters to inform purchasers about the rules for operating them, (no riding double, cannot be driven at night, requires approved DOT helmet, must stay to the right, like bicycles, etc.) (Ref'd 4/25/13) was received and placed on file by Councillor Lawrence and seconded by Councillor Coelho. (3)

Councillor Martins stated that this issue continues to come up at neighborhood group meetings by residents and Community Police Officers who request an ordinance that would require dealers of such vehicles to post Massachusetts Regulations pertaining to them in the dealerships so that those buying the vehicles are aware of the regulations.

Lt. Rezendes stated that there is also no "teeth" in the current ordinance, meaning that the Police Officer cannot have a scooter towed. He suggested that such a provision be added to the ordinance.

Attorney Gerwatowski stated that the motorized scooter law does not affect the mini motorcycles that the Committee is discussing. He stated that they cannot be banned from city streets as he has heard some people say they want to see happen.

Lt. Rezendes indicated that the RMV defines a motorized scooter as a small, but not fast motor vehicle with a small engine that cannot exceed 20 mph, and it dictates that they cannot be operated before sunrise or after sunset and can never be ridden in a park. The Police Department, he said, would simply like to be able to have the option of towing violators of those existing regulations.

Attorney Gerwatowski stated that he would draft language and propose it to the City Council directly in order to expedite this due to the warm weather now being upon us.

On motion by Councillor Coelho and seconded by Councillor Alves, the Committee VOTED: To ask Attorney David Gerwatowski to draft language and propose it to the City Council directly regarding motorized scooters being a small but not fast motor vehicle with a small engine that cannot exceed 20 mph, and dictated that

they cannot be operated before sunrise or after sunset and can never be ridden in a park, so that the Police will be able to have the option of towing violators of those existing regulations. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Communication, Mayor Mitchell to City Council, submitting AN ORDINANCE, Amending Chapter 6, Building and other Structures, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125, Chronic Problem Properties (Ref'd 1/24/13, tabled 2/12/13) was removed from the table and received and placed on file by Councillor Alves and seconded by Councillor Lopes. (4, 4a)

Dan Romanowicz, DIS Commission was present to address this issue but he apologized for not having any information.

On motion by Councillor Lawrence and seconded by Councillor Alves, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Oliveira, Gomes, Lopes, Council President Martins, Councillors Gonsalves, Coelho, Bousquet, Alves and Duarte, requesting, that the City Council revisit the Ordinance that describes the activities of hawkers and peddlers for the purpose of modifying its current language to allow food trucks and so called food trailers to conduct business within the City, much like the recent Ordinance fashioned by the City of Boston, the City of New Bedford could benefit by receiving revenue for space dedicated to food trucks and also introduce a new dimension of food vendors that would provide variety and convenience to its residence that otherwise would not occur (Ref'd 5/10/12, 10/23/12 – refer to legal counsel for drafting, 3/19/13 Tabled for 30 days, 4/22/13 - tabled) was removed from the table by Councillor Lawrence and seconded by Councillor Lopes. (5)

Councillor Bousquet stated that since it is already mid-May, he would like to see some progress made on this issue in order to assist local business owners.

Councillor Bousquet made a motion to take a five (5) minute recess in order to allow the Councillors time to read proposed language by Attorney Gerwatowski, which was seconded by Councillor Lawrence. This motion passed on a Roll Call vote of Yeas 8, Nays 1 with Councillor Duarte opposed.

The Committee was in recess from 7:57 to 8:03.

On motion by Councillor Lawrence and seconded by Councillor Bousquet, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

Councillor Bousquet made a motion to adjourn, which was seconded by Councillor Lawrence.

This meeting adjourned @ 8:05 p.m.

ATTEST:

Clerk of Committees