



Committee on Ordinances

August 27, 2013 – 7:00 PM - **Minutes**
City Hall, 133 William Street, City Council Chamber, Room 214

** View Agenda **

MEETING: COMMITTEE ON ORDINANCES

DATE: AUGUST 27, 2013

TIME: 7 P.M.

PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; DAVID ALVES, VICE-CHAIRMAN; HENRY BOUSQUET; DEBORA COELHO; BRUCE DUARTE, JR. (7:23); BRIAN GOMES (7:23); JANE GONSALVES (7:10); JOSEPH LOPES; JAMES OLIVEIRA

ABSENT: COUNCILLORS DENIS LAWRENCE, JR.; JOHN SAUNDERS

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Councillor Martins called the Ordinance Committee meeting to order and took attendance. The Clerk read a communication into the record from Councillor Lawrence stating he would not be in attendance due to his being on vacation. This communication was received and placed on file by Councillor Alves and seconded by Councillor Lopes. Councillor Martins informed the Committee that he received calls from Councillors Duarte and Gomes stating that they would be late as they are attending a community meeting.

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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 1200 to insert a definition for “alternative motor vehicle fuels” and a revised Appendix A Table of Principal Use Regulations to insert “alternative motor vehicle fuels” in D. Industrial #10 (Ref’d 6/27/13, duly advertised in the New Bedford Standard Times on Wednesday, August 14, 2013 and Wednesday, August 21, 2013) and a Communication, Jill Maclean, Acting City Planner to Councillor Steve Martins, Chairman of the Committee on Ordinances, notifying the Committee that the Planning Board held a Public Hearing on August 14, 2013 to discuss the proposed Ordinance to amend Chapter 9, Article II, Section 1200 by inserting a definition for Alternative Motor Vehicle Fuels, and amending Appendix A Table of Use Regulations by inserting alternative motor vehicle fuels in Section D#10. The Planning Board voted to send a **FAVORABLE RECOMMENDATION** to the Ordinance Committee. Councillor Alves made a motion to open the public hearing, which was seconded by Councillor Lopes.
(1, 1a, 1b)

Jill Maclean, Acting City Planner was present and addressed the Committee stating that this ordinance is to allow for alternative fuel to be stored as opposed to only allowing for diesel fuel to be stored.

Attorney John Markey stated that ABC Disposal suggested this change and the administration felt that such a forward thinking idea should be acted upon.

There was no one wishing to speak or be recorded in favor of the Ordinance and no one wishing to speak or be recorded in opposition of the Ordinance.

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

On motion by Councillor Lopes and seconded by Councillor Alves, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, amending Chapter 9, Section 1200 to insert a definition for “alternative motor vehicle fuels” and a revised Appendix A Table of Principal Use Regulations to insert “alternative motor vehicle fuels” in D. Industrial #10. This motion PASSED on a Roll Call Vote of Yeas 7, Nays 0.

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Notice, City Clerk of reference of a Public Hearing on a Written Motion, Councillor Saunders, Requesting that 209 Theodore Rice Boulevard (Plot 136/Lot 322) be REZONED from INDUSTRIAL C to MIXED-USE BUSINESS, two of the four corners are already zoned Mixed-Use Business. (Ref’d 7/18/13, duly advertised in the New Bedford Standard Times on Wednesday, August 14, 2013 and Wednesday, August 21, 2013) and a Communication, Jill Maclean, Acting City Planner to Councillor Steve Martins, Chairman of the Committee on Ordinances, notifying the Committee that the Planning Board held a Public Hearing on August 14, 2013 to discuss the proposed zoning change for Plot 136, Lot 322 (209 Theodore Rice Boulevard) from Industrial C to Mixed-use Business (MUB). The Planning Board voted to send a **FAVORABLE RECOMMENDATION** to the Ordinance Committee. Councillor Lopes made a motion to open the public hearing which was seconded by Councillor Alves. The hearing was opened. (2, 2a)

Jill Maclean, Acting City Planner was present and addressed the Committee, stated that this is to re-zone the lot near the entrance of the Business Park from Industrial to Mixed Use Business in order to allow for a restaurant, retail, or other type of establishment.

Tom Davis, Executive Director of the Greater New Bedford Industrial Foundation was also present and explained that the current businesses inside of the park are very much in favor of this zoning change, saying many of them have reported that a restaurant and/or health club would be welcome additions to the park.

There was no one wishing to speak or be recorded in favor of the zoning change and no one wishing to speak or be recorded in opposition of the zoning change. Councillor Alves made a motion to close the public hearing, which was seconded by Councillor Lopes. The hearing was closed.

On motion by Councillor Alves and seconded by Councillor Oliveira, the Committee VOTED: To recommend to the City Council APPROVAL of the request that 209 Theodore Rice Boulevard (Plot 136/Lot 322) be REZONED from INDUSTRIAL C to MIXED-USE BUSINESS. This motion PASSED on a Roll Call Vote of Yeas 7, Nays 0.

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Notice, City Clerk of reference of a COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDINANCE, Amending Chapter 19, Section 19-7(c) PERSONNEL, by striking “Commissioner of Public Infrastructure M-14” and inserting in place thereof “Commissioner of Public Infrastructure M-17” and inserting “Deputy Commissioner Public Infrastructure M-14”, “Director of Facilities and Fleet Management M-14”, Director of Planning and Community Development M-16”, “Life Support Specialist M-C” at the end of the Section (Ref’d 5/23/13) was received and placed on file by Councillor was received and placed on file by Councillor Alves and seconded by Councillor Coelho. (3, 3a)

On motion by Councillor Alves and seconded by Councillor Coelho, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Amending Chapter 19, Section 19-7(c) PERSONNEL, by striking “Commissioner of Public Infrastructure M-14” and inserting in place thereof “Commissioner of Public Infrastructure M-17” and inserting “Deputy Commissioner Public Infrastructure M-

14”, “Director of Facilities and Fleet Management M-14”, Director of Planning and Community Development M-16”, “Life Support Specialist M-C’ at the end of the Section. 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 22, Article I, Section 22, Streets, Sidewalks and Other Public Ways; Public Works, by striking “public facilities” from the end of the first sentence and inserting in place thereof “public infrastructure” (Ref’d 5/23/13) was received and placed on file by Councillor Alves and seconded by Councillor Gonsalves. (4, 4a)

On motion by Councillor Alves and seconded by Councillor Gonsalves, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Amending Chapter 22, Article I, Section 22, Streets, Sidewalks and Other Public Ways; Public Works, by striking “public facilities” from the end of the first sentence and inserting in place thereof “public infrastructure”. 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 2, Article XXI, Department of Public Infrastructure, by striking the Article in its entirety and inserting in place thereof, Article XXI, Public Infrastructure Department (Ref’d 5/23/13) was received and placed on file by Councillor Oliveira and seconded by Councillor Alves. (5, 5a)

On motion by Councillor Oliveira and seconded by Councillor Alves, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Amending Chapter 2, Article XXI, Department of Public Infrastructure, by striking the Article in its entirety and inserting in place thereof, Article XXI, Public Infrastructure Department. 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 2, Article XX, by striking Article XX in its entirety and inserting in place thereof, Article XX, Department of Facilities and Fleet Management (Ref’d 5/23/13) was received and placed on file by Councillor Alves and seconded by Councillor Gonsalves. (6, 6a)

On motion by Councillor Alves and seconded by Councillor Gonsalves, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE, Amending Chapter 2, Article XX, by striking Article XX in its entirety and inserting in place thereof, Article XX, Department of Facilities and Fleet Management. 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 20, Planning and Development, by striking said Chapter in its entirety and inserting a new Chapter 20, Department of Planning and Community Development (Ref’d 5/23/13) was received and placed on file and adopt by Councillor Alves and seconded by Councillor Lopes. (7, 7a)

Councillor Lopes made a motion to amend the ordinance as follows: to amend Section 20-10 of the proposed ordinance by inserting, after paragraph (d), the following new paragraph, (e):

Notwithstanding any provision of the city code to the contrary, the city planner either shall be a resident of the city at the time of appointment or become such resident of the city in not more than 90 days after qualification for office. The city planner shall automatically be removed from office for failure to comply with the residency requirement of this section. This motion was seconded by Councillor Gonsalves.

Councillor Lopes made another motion to further amend the ordinance as follows: To Amend Section 20-13 of the proposed ordinance by inserting, after paragraph (d), the following new paragraph, (e):

Notwithstanding any provision of the city code to the contrary, the Assistant City Planner either shall be a resident of the city at the time of appointment or become such resident of the city in not more than 90 days after qualification for office. The Assistant City Planner shall automatically be removed from office for failure to comply with the residency requirement of this section. This motion was seconded by Councillor Gonsalves.

Councillor Lopes made another motion to further amend the ordinance as follows: To Amend Section 20-11 of the proposed ordinance by replacing the word “him” with the gender neutral term “him/her”. This motion was seconded by Councillor Gonsalves.

On motion by Councillor Alves and seconded by Councillor Duarte, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDINANCE AS AMENDED, amending Chapter 20, Planning and Development, by striking said Chapter in its entirety and inserting a new Chapter 20, Department of Planning and Community Development. This motion PASSED on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Gomes, Duarte and Oliveira, requesting, that the Committee on Ordinances and Legal Counsel Gerwatowski take immediate action and draft an Ordinance that would create curfew zones throughout the City of New Bedford targeting hot spots and areas where criminal activity has affected the quality of life within the neighborhoods, these curfew zones would be from dusk to dawn and be implemented as needed throughout the City; and further, this would give the Police Department and the City a tool in eliminating the criminal activity occurring in neighborhoods across the City which is affecting the quality of life of residents of those neighborhoods. (Ref'd 6/27/13) (8)

On motion by Councillor Gomes and seconded by Councillor Duarte, 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 Related Motion, Councillor Lawrence, requesting that the Committee on Ordinances look into creating an Ordinance that would make the Emergency Management position a full-time position in the City of New Bedford. (Ref'd 2/14/13) (9)

On motion by Councillor Alves and seconded by Councillor Duarte, the Committee VOTED: To take “No Further Action” on this matter at this time. This motion passed on a voice vote.

Councillor Alves made a motion to adjourn, which was seconded by Councillor Coelho.

This meeting adjourned @ 7:30 p.m.

ATTEST:

Clerk of Committees