



# *Committee on Ordinances*

May 21, 2014 – 7:20 PM - **Minutes**

City Hall, 133 William Street, City Council Chamber, Room 214

**\*\*View Agenda\*\***

**MEETING: COMMITTEE ON ORDINANCES**

**DATE: MAY 21, 2014**

**TIME: 7:20 P.M.**

**PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING**

**PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; DAVID ALVES; HENRY BOUSQUET (8:10); DEBORA COELHO; JOSEPH LOPES (7:21); LINDA MORAD; DANA REBEIRO; KERRY WINTERSON**

**ABSENT: COUNCILLORS JAMES OLIVEIRA, VICE-CHAIRMAN; NAOMI CARNEY; BRIAN GOMES**

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Councillor Martins called the Committee on Ordinances Meeting to order and took attendance. The Clerk read several Communications into the record as follows, from Councillor Lopes stating he would be late in attending tonight's meeting due to his attendance at the Clark's Cove Neighborhood Meeting; Councillors Bousquet, Carney, Gomes and Oliveira who are unable to attend tonight's meeting and also one from Attorney Gerwatowski, who is unable to attend as well. These Communications were received and placed on file by Councillor Alves and seconded by Councillor Coelho.

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Notice, City Clerk of reference of a Written Motion, Councillors Bousquet & Gonsalves requesting, the City consider regulating on the premise dynamic display signage before the City had a repeat of the fiasco that took place at the corner of Route 140 and Route 6. (Ref'd 11/26/13, 4/29/14 - tabled) (1)

Councillor Martins asked that this item remain on the table until former Councillor Jane Gonsalves arrives, as she was invited on the matter.

On motion by Councillor Alves and seconded by Councillor Coelho, the Committee VOTED: To keep this item on the table until former Councillor Jane Gonsalves arrives. 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, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125, CHRONIC PROBLEM PROPERTIES (Ref'd 4/24/14) was received and placed on file by Councillor Alves and seconded by Councillor Rebeiro. (2, 2a)

Attorney Flor spoke on behalf of the Solicitor's office and explained that they revised the Ordinance to include Councillor Coelho's previous comments and concerns that domestic violence calls should not be counted as a qualifying incident, so as to not discourage people from calling 911 in such cases, as well as Councillor Lopes' suggestions.

Councillor Coelho asked what exactly would be considered "qualifying incidents." Attorney Flor stated that criminal activity would qualify as such.

Councillor Alves asked what the actual charge for the police and city services are, because there is no fee structure in the Ordinance. Additionally, Councillor Alves raised the issue that there does not appear to be any enforcement of the fines that are levied. Attorney Flor responded that the Chief would determine what the bill would be based on time and cost of responding officers, etc. Attorney Flor responded that if the fines are not paid, they would be added to the tax bill, and that it is rather difficult to define a set fine because it is impossible to know how much time, etc. would be involved in these calls; and this is why it is the Chief that will determine the department's costs incurred by nuisance property calls.

The Chief echoed this statement, saying that no call is ever black and white. Councillor Alves remained concerned about this.

Councillor Rebeiro asked Attorney Flor if this only applies to multi-family units or if it would also apply to single family homes. Attorney Flor said it would definitely apply to all residential homes, including single families.

Councillor Lopes asked Attorney Flor if other cities used defined fee structures in similar ordinances. Attorney Flor responded that this is based on Boston's ordinance.

Councillor Morad also expressed concern about the lack of a set fee structure, and said that in the hands of the wrong person, it could get out of hand because it is so subjective.

Councillor Rebeiro asked how long this Ordinance has been in effect in Boston and what the results are. Attorney Flor stated that Boston has been using it for two years, and they have labeled it "successful", although admittedly there is no concrete data.

Councillor Lopes asked Police Chief Provencher if he could speak with other Chiefs to see what they do and he said that he would do so.

Councillor Martins asked DIS Commissioner Romanowicz if he is able to take on this new amount of work. Commissioner Romanowicz stated that he is bringing aboard a new inspector, bringing him to eight (8) total; and that would be sufficient. Councillor Martins asked the same to Dr. Weiss,

who stated that there is more up front work, for which she is not receiving any new staff, but she believes it will actually reduce the workload in the long run.

On motion by Councillor Alves and seconded by Councillor Coelho, the Committee VOTED: To table this matter pending the Committee's receipt of information from Police Chief Provencher and Attorney Flor about the way other communities set up their fine structure. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Bousquet & Gonsalves requesting, the City consider regulating on the premise dynamic display signage before the City had a repeat of the fiasco that took place at the corner of Route 140 and Route 6 (Ref'd 11/26/13, 4/29/14 - tabled) was removed from the table by Councillor Alves and seconded by Councillor Lopes. (1)

Former Councillor Gonsalves addressed the Committee and expressed her concerns with signs that are too large, bright, etc., particularly in residential and historical areas of the city.

Councillor Alves asked DIS Commissioner Romanowicz for clarification as to when, if ever, a flashing sign is legal. Commissioner Romanowicz stated that flashing signs are only allowed when flashing the time and/or temperature.

Mr. Allan Wolstenholme of 353 Whitlow Street also spoke about his concerns regarding these large signs being too dangerous and distracting. He feels at the very least there should be restrictions, such as having signs be "shut off" between 10 pm and 6 am, and that the overall brightness of these signs should be reduced.

Councillor Morad asked City Planner Jill Maclean how far along the ordinance is. Ms. Maclean stated that there is a Committee that will be working with the City Council, sign companies, the public, etc. They hope to draft language in July and then proceed to the Council for approval by September. Councillor Morad asked if they could include Attorney Gerwatowski in their planning, and Jill said she would do so.

On motion by Councillor Alves and seconded by Councillor Coelho, 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 Communication, Mayor Mitchell, to City Council, submitting AN ORDINANCE, Amending Chapter 16, Article IV, SOLID WASTE COLLECTION AND DISPOSAL, and AN ORDINANCE, Amending Chapter 17, Section 17-18, Noncriminal Disposition of Violations of Certain Ordinances, Rules and Regulations (Ref'd 4/24/14) was received and placed on file by Councillor Alves and seconded by Councillor Winterson. (3, 3a, 3b)

The Councilors, Ken Blanchard and Scott Alfonse discussed matters such as where the bulk of litter in the city comes from (thrown out of car windows, as Councillor Morad and Councillor Alves

believe, or from improper trash receptacles/bags left on curbs, as Ken Blanchard believes), and how this new system would work for different types of homes, including side by side duplexes, considering they would have to share a barrel.

Ken Blanchard and Dr. Weiss both stressed the amount of outreach and education that has been going on in the city about this program, and they expect it to be a success.

On motion by Councillor Alves and seconded by Councillor Rebeiro, the Committee VOTED: To recommend to the City Council ADOPTION of AN ORDINANCE, Amending Chapter 16, Article IV, SOLID WASTE COLLECTION AND DISPOSAL, and AN ORDINANCE, Amending Chapter 17, Section 17-18, Noncriminal Disposition of Violations of Certain Ordinances, Rules and 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 ORDER, awarding to BWC Origination 1, LLC, the attached Solar (PV) Generation Net Metering Power Sales Agreement for the purpose of procuring the solar electricity credits generated by a photovoltaic system in the New Bedford Industrial Park (4/24/14) was received and placed on file by Councillor Morad and seconded by Councillor Winterson. (4, 4a)

Councillor Morad asked DPI Commissioner Ron Labelle if the city is purchasing this parcel from the Business Park. Commissioner Labelle stated that it is not, but rather Blue Wave is doing so.

John Devillars from Blue Wave spoke about the company and informed the Committee that it is a private firm, and is the largest such company in the United States, and one of the largest in the world.

On motion by Councillor Winterson and seconded by Councillor Bousquet, the Committee VOTED: To recommend to the City Council ADOPTION of the ORDER, awarding to BWC Origination 1, LLC, the attached Solar (PV) Generation Net Metering Power Sales Agreement for the purpose of procuring the solar electricity credits generated by a photovoltaic system in the New Bedford Industrial Park. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillors Lawrence and Bousquet, requesting, on behalf of the Mt. Pleasant Street Neighborhood Association, that the City Council explore the possibility of creating an Ordinance that would require all foreclosed and vacant properties to mark copper piping within the property with an identifiable iridescent paint, this would immediately identify any copper that might have been illegally removed from the aforementioned types of property (Ref'd 06/14/12, 10/23/12 - remain in Committee, 12/12/13 - remain in Committee) was received and placed on file by Councillor Alves and seconded by Councillor Rebeiro. (5)

Councillor Bousquet recommended that the Police Chief and DIS Commissioner Romanowicz be invited to a future meeting in order to discuss this.

On motion by Councillor Bousquet and seconded by Councillor Lopes, 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 Communication, Mayor Mitchell, to City Council, submitting AN ORDINANCE, amending Chapter 6, Article VII, Prevention and Abatement of Nuisances, by adding Section 6-125, CHRONIC PROBLEM PROPERTIES, which is designed to hold accountable the small number of irresponsible landlords who flagrantly neglect their responsibilities to their tenants, neighborhoods and the City. (Ref'd 08/13/13, 12/12/13 – Remain in Committee) (6, 6a)

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

Councillor Lopes made a motion to adjourn, which was seconded by Councillor Winterson.

This meeting adjourned @ 9:08 p.m.

ATTEST:

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Clerk of Committees