



Committee on Ordinances

December 14, 2015 – 7:04 PM - **Minutes**

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

MEETING: COMMITTEE ON ORDINANCES

DATE: DECEMBER 14, 2015

TIME: 7:04 P.M.

PLACE: MAIN LIBRARY, LECTURE ROOM, THIRD FLOOR

PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; JAMES OLIVEIRA, VICE-CHAIRMAN; DAVID ALVES (7:14); HENRY BOUSQUET; NAOMI CARNEY; DEBORA COELHO (7:09); BRIAN GOMES; JOSEPH LOPES; LINDA MORAD; DANA REBEIRO (7:41); KERRY WINTERSON

ABSENT: NO ONE

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Councillor Martins called the Ordinance Committee Meeting to order and took attendance. He explained why the meeting was being held in the Library instead of City Council Chamber, due to the elevator not working.

Notice, City Clerk of reference of a Public Hearing, on a Written Motion, Councillor Alves, requesting, that the lot on Oakdale Street, identified on Assessor's Map 74, Lot 95 be rezoned from RESIDENCE A to RESIDENCE B (Ref'd 10/22//15, duly advertised in the Standard-Times on Tuesday, December 1, 2015 and Tuesday, December 8, 2015) and a Communication, Acting City Planner Jennifer Clarke to Councillor Steven Martins, Chairman, Committee on Ordinances, notifying that the Planning Board held a public hearing on December 9, 2015 to discuss the proposed rezoning request for the rezoning of a lot on Oakdale Street indentified as being Map 74 Lot 95 from Residence A (RA) zone to Residence B (RB) zone. A motion was made to recommend that the City Council deny the rezoning of the Oakdale Street lot and therefore the Planning Board voted to send an **UNFAVORABLE RECOMMENDATION** to the Ordinance Committee (Ref'd 10/22/15) was received and placed on file by Councillor Oliveira and seconded by Councillor Carney. (1, 1a)

Councillor Morad made a motion to open the hearing, which was seconded by Councillor Bousquet.

Patrick Sullivan, Director of Planning and Community Development was present to answer questions from the Committee. He explained the Planning Board forwarded an unfavorable recommendation when they weighed the impact to the area and the proposed development would be a detriment to the neighbors and neighborhood. The only people who would receive anything positive out of this development would be the developers proposing the construction of two new units as opposed to the one.

Councillor Rebeiro asked what would be detrimental if the units were built and he explained that the area is a neighborhood of single family homes and this changes the one unit building that abuts the single

family homes to two units. The plan did not fit in with the neighborhood and it would not be conducive to the rest of the neighborhood.

Councillor Martins asked if there was anyone present who would like to speak in favor of the petition, there were none.

Councillor Martins asked if there was anyone present who wished to be recorded in favor of the petition, there were none.

Councillor Martins asked if there was anyone who would like to speak in opposition of the petition. The following individuals spoke against the proposal citing various reasons, including, noise, litter, too many buildings on too small of a lot, not being suitable for the neighborhood:

Tony Bras, 45 Pamela Drive

Attorney Marc Deschaies, 388 County Street, on behalf of Joe and Barbara Silva, 114 Oakdale Street

Joseph E. Silva, 114 Oakdale Street

At this time a petition was submitted to the Committee against the proposal and a motion was made to receive and place it on file by Councillor Morad and seconded by Councillor Alves.

The following people continued to speak against the proposal:

Emmitt Gordon, 39 Pamela Drive

Jean Athurde, 66 Pamela Drive

Maria Pine, 63 Pamela Drive

John Brizida, 69 Pamela Drive

Barbara A. Silva, 114 Oakdale Street

The following were recorded as opposed to the proposal:

Susan Miranda, 60 Pamela Drive

Carlos Rapozo, 30 Pamela Drive

Lynda Gordon, 39 Pamela Drive

Marie Barnes, 67 Pamela Drive

Joe Pine, 63 Pamela Drive

Manuel Pimental, 36 Pamela Drive

Philip Miranda, 60 Pamela Drive

Julie Ouellette, 1239 Roseanne Street

A motion was made to close the hearing by Councillor Gomes and seconded by Councillor Carney.

On motion by Councillor Alves and seconded by Councillor Gomes, the Committee VOTED: to recommend that the City Council take "No Further Action" on the Written Motion by Councillor Alves requesting that the lot Oakdale Street, identified on Assessor's Map 74, Lot 95 be rezoned from RESIDENCE A to RESIDENCE B, as Councillor Alves WITHDREW his motion. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Public Hearing on a Written Motion, Councillor Bousquet, requesting on behalf of Mr. Helio Medeiros, that 170 Reynolds Street, New Bedford, Plot 91/Lot 45, be REZONED, from Residence "C" to MIXED-USE BUSINESS (Ref'd 11/12/15, duly advertised in the Standard-Times on Tuesday, December 1, 2015 and Tuesday, December 8, 2015) and a Communication, Acting City Planner Jennifer Clarke to Councillor Steven Martins, Chairman, Committee on Ordinances, notifying that the Planning Board held a public hearing on December 9, 2015 to discuss the proposed rezoning request for the rezoning of a lot on Reynolds Street identified as being Map 91 Lot 45 from Residence "C" (RC) zone to a Mixed Use Business (MUB) zone. The Planning Board voted to *CONTINUE* until the Planning Board's next meeting to be held on January 13, 2016 at 6:00pm in Room 314 of City Hall. A motion was made to receive and place on file and open the hearing by Councillor Alves and seconded by Councillor Morad. (2, 2a)

Councillor Martins asked if there was anyone present who would like to speak in favor of the petition, there were none. He asked if there was anyone who would like to be recorded in favor of the petition, there were none.

Councillor Martins asked if there was anyone present who would like to speak in opposition of the petition. The Chair recognized Veronica Medeiros, 178 Reynolds Street, who cited noise, rodents and traffic increase as her reasons for being opposed.

The following people were recognized by the Chair as being recorded against the petition:

Maria Barboza, 178 Reynolds Street
Berina Santos, 178 Reynolds Street

On motion by Councillor Bousquet and seconded by Councillor Winterson, the Committee VOTED: To continue the public hearing to January 26, 2016, at 7 PM, in City Council Chamber, Room 214. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councilor Coelho, requesting, once again, that the Committee on Ordinances look into the possibility of streamlining the Building Permits application process, so all Permits can be applied for and obtained in a one stop and shop manner, allowing contractors to obtain the necessary paperwork in one stop and be able to meet all of their permitting needs in one application. (Ref'd 9/24/15) (3)

On motion by Councillor Morad and seconded by Councillor Bousquet, the Committee VOTED: To waive the reading and follow the Chair's recommendation and refer this matter to the Committee on Appointments and Briefings. This motion passed on a voice vote.

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On motion by Councillor Lopes and seconded by Councillor Coelho, the Committee VOTED: To take “No Further Action” on items 4 – 32a, severing items 6, 7, 12, 15, 15a, 22, 24, 26, and 27 to remain in Committee. This motion passed on a voice vote. They are as follows:

Remaining In Committee:

Notice, City Clerk of reference of a Written Motion, Councillor Gonsalves, on behalf of the Buttonwood Park Zoo, that City Code Chapter 4, Section 4-5, Relative to Beekeeping, be amended to allow the Zoo to develop an exhibit on Beekeeping. (Ref’d 04/11/13, 12/12/13, 04/29/14 – tabled, 09/17/14 – tabled, 10/22/14 – tabled for 60 days-December, 2/23/15 – NFA (asked to keep this in Committee because it goes with two other items still pending, 03/23/15 - tabled) (6)

Notice, City Clerk of reference of a Written Motion, Councillors Lopes and Martins, requesting that the Committee on Ordinances draft an Ordinance as it relates to House Bill 3074, An Act permitting the use of traffic control signal violation monitoring system devices as a means of prompting traffic safety in the City of New Bedford. (Ref’d 05/09/13, 12/12/13 – Refer to Legal Counsel for drafting, 03/19/14 – tabled, 06/23/14 – draft, letter to State Rep, 11/12/14 – tabled, 2/23/15 – remain in Committee) (7)

Notice, City Clerk of reference of a Communication, Councillor Martins, submitting an Ordinance from the City of South Bend, Indiana, regarding Honey Bee Keeping Regulations. (Ref’d 08/21/14, 09/17/14 – tabled, 10/22/14 – tabled for 60 days-December, 2/24/15 – remain in Committee, 03/23/15 - tabled) (12)

Notice, City Clerk of reference of a Written Motion, Councillor Martins on behalf of Massachusetts Transgender Political Coalition, requesting that the City Council create a Non-Discrimination Ordinance relative to “Gender Identity”, and the City of New Bedford will join a handful of other Cities that have created a local Ordinance protecting individuals who should never be denied equal treatment or opportunity as a result of gender identity; and further, that with an Ordinance regarding discrimination based on gender identity, the City of New Bedford will seek to protect its Citizens and visitors in the enjoyment of their civil rights by ensuring that everyone is free from discrimination and by promoting mutual understanding and respect among all who reside, visit and work within the City. (Ref’d 2/26/15, 5/11/15 – table for 90 days, ask Gerwatowski to draft some preliminary language) (15)

Notice, City Clerk of reference of the Findings of the National Transgender Discrimination Survey and related information. (Ref’d 2/26/15, 5/11/15 – table for 90 days, ask Gerwatowski to draft some preliminary language) (15a)

Notice, City Clerk of reference of a Written Motion, Councillor Lopes, requesting, that the Committee on Ordinances review Chapter 12, Section 39.5 of the City Code, which regulates unattended clothing donation containers, and that both Department of Inspectional Services Commissioner Romanowicz and Board of Health Director, Dr. Brenda Weis, be invited to attend a Committee on Ordinances meeting to discuss solutions that will improve the current Ordinance and will properly address the sanitation and quality of life issues that can arise from these collection bins being located in residential neighborhoods. (Ref’d 05/28/15) (22)

Notice, City Clerk of reference of a Related Motion, Councillor Morad, requesting that the Committee on Ordinances review the current laws related to the granting and renewal of Private Livery Licenses in the City to ensure that policies are in place in order to ensure the public's safety and benefit by enforcing timely renewals by livery license holders; and further, that the City Clerk and the Chief of Police be invited to attend the Committee on Ordinances meeting in order to provide their input as it relates to this issue. (Ref'd 6/25/15, 10/19/15 – tabled for 60 days) (24)

Notice, City Clerk of reference of a Written Motion, Councillors Alves and Martins, in an effort to better support local businesses that have opened “brick and mortar” businesses in the City, pay real estate taxes and hire our residents, and in light of the number of street vendors and peddlers that have infected our streets selling flowers, plants and miscellaneous items without a valid license and are in violation of the current City Peddlers Ordinance, requesting, that the Committee on Ordinances review any and all similar Ordinances currently in effect in such communities as Haverhill and Somerville, and any other community in the Commonwealth that has one, to see what we can do to improve our City Ordinances to address the issue of unlicensed or out of town peddlers on our City streets. (Ref'd 6/25/15, 9/15/15- table to March 2016) (26)

Notice, City Clerk of reference of a Written Motion, Councillors Coelho and Martins, requesting, that the Committee on Ordinances review its current Ordinances on Hawkers and Peddlers, due to small business owners complaining about people using public sidewalks to set up tables and sell flowers without a valid license; and further, that the Police Department enforce the Ordinances currently on the books; and further requesting, that Ms. Connie Pereira, owner of Abracadabra Flower and Gift Service, Inc., be invited to attend the Committee on Ordinances meeting. (Ref'd 6/25/15, 9/15/15- table to March 2016) (27)

Taking “No Further Action”

Notice, City Clerk of reference of a Written Motion, Councillors Gonsalves, Saunders, Lopes, Oliveira, Lawrence and Bousquet, requesting, that the Committee on Ordinances consider an Ordinance to set limits on the number of Yard Sales held per household per year. (Ref'd 06/14/12, 09/12/12 – Letters to MIS, 10/23/12 – refer to legal counsel for drafting, 12/12/13 – Remain in Committee, 2/23/15 – remain in Committee) *Invite former Councillor Jane Gonsalves to meeting* (4)

Notice, City Clerk of reference of a Written Motion, Councillors Gonsalves and Martins, requesting that the Committee on Ordinances review the current Ordinance in the City of Boston regarding the placement of satellites, antennas and receivers on residential properties throughout the City. (Ref'd 06/14/12, 09/12/12 – Letter, Gerwatowski to draft Ordinance, 10/23/12 – tabled, 12/11/12 – table, letters to Mayor, 2/24/15 – remain in Committee) *Invite former Councillor Jane Gonsalves to meeting* (5)

Notice, City Clerk of reference of a Written Motion, Councillor Alves, requesting, that the Committee on Ordinances meet with Michael Patenaude to discuss the potential benefits of allowing bee keepers to

operate in the City of New Bedford. (Ref'd 05/08/14, 9/17/14 – tabled, 10/22/14 – tabled for 60 days-December, 2/24/15 – remain in Committee, 03/23/15 - tabled) (8)

Notice, City Clerk of reference of a Written Motion, Councillor Bousquet and Council President Lopes, requesting, that the Committee on Ordinances draft an Ordinance encouraging food services, supermarkets, and other users of expanded polystyrene foam to discontinue their use of the product and move to recyclable or recycled paper based materials, expanded polystyrene foam is a tremendous threat to our oceans and its ecosystems, and as a community who makes its living from the ocean we should be concerned for its health. (Ref'd 05/22/14, 11/12/14 – tabled, 2/24/15 – remain in Committee, 05/11/15 –send letters to Dunkin Donuts and Honey Dew franchises asking them to switch to paper cups instead of Styrofoam) (9)

Notice, City Clerk of reference of AN ORDINANCE, RELATIVE TO SMOKING MARIJUANA IN PUBLIC. (Ref'd 06/12/14, 2/24/15 – remain in Committee) (10)

Notice, City Clerk of reference of a Written Motion, Councillor Coelho, requesting, that in light of the recent incidents where the theft of copper resulted in dangerous house fires, that the Committee on Ordinance revisit the existing Ordinances, Chapter 15, License and Permits; Business Regulations, Section 33-51, in order to strengthen the guidelines and the enforcement of same; and further, requesting that a representative from the Police Department attend the Committee on Appointments and Briefings meeting to inform the Council as to what is being done in other communities regarding this problem. (Ref'd 05/23/13, 07/15/14 – Refer to Ordinances, 11/12/14 – tabled, 2/24/15 – remain in Committee) (11)

Notice, City Clerk of reference of a Written Motion, Councillors Carney, Bousquet, Gomes, Martins, Council President Lopes, Winterson, Oliveira, Rebeiro, Morad, Alves and Coelho, requesting, on behalf of our Senior Citizens, that the City Council file a Home Rule Petition establishing a Senior Citizens Safety Zone Ordinance, said Ordinance will give the City the authority to establish Senior Citizen safe zones and enable the City to reduce the speed limit to 20 miles an hour in these areas of concern located across the City. (Ref'd 11/25/14, 1/20/15 – tabled, 2/24/15 – remain in Committee) (13)

Notice, City Clerk of reference of a Communication, Representative Koczera, to City Council, regarding the filing of a Home Rule Petition similar to the City of Quincy establishing Senior Citizen Safety Zones. (Ref'd 11/25/14, 1/20/15 – tabled, 2/24/15 – remain in Committee) (13a)

Notice, City Clerk of reference of a Written Motion, Councillors Alves, Gomes, Council President Lopes, Councillors Martins, Rebeiro, Winterson, Carney, Oliveira, Coelho and Bousquet, requesting that Legal Counsel Gerwatowski draft an Ordinance that would recognize and confirm the City Seal that has been used for over the past 50-100 years, recognizing and illustrating in detail the proud legacy and the history of our City, as the acknowledged world leader in/Whale Oil that lit up the world for years, and that also recognized our City as the hub of the textile industry and that the City Council acknowledges and declares that it should be recognized and acknowledged as the “Official Seal of the City of New Bedford” and is to be used on all official stationary and publications of the City. (Ref'd 12/18/14, 1/20/15 – tabled, 2/23/15 – remain tabled, 03/23/15 – tabled until next meeting, so that the appropriate language and images to be considered be presented to the Committee for review, 5/11/15 – Adopt as amended FAILED, tabled) (14)

Notice, City Clerk of reference of a Communication/Email, Councillor Martins, submitting from Allan Wolstenholme, New Bedford, MA, a copy of the Luminance Measurement and Brightness of Electronic/Dynamic Display LED Sign. (Ref'd 03/26/15) (16)

Notice, City Clerk of reference of a Communication/Email, Councillor Martins, submitting from Allan Wolstenholme, New Bedford, MA, a copy of the City of New Bedford Sign Standards Draft, signed March 09, 2015 and suggested changes to Appendix A and Appendix B. (Ref'd 03/26/15) (17)

Notice, City Clerk of reference of a Written Motion, Councillor Martins, requesting that the Committee on Ordinances look into banning the synthetic drug called Spice which is currently being sold at gas stations. (Ref'd 04/09/15) (18)

Notice, City Clerk of reference of a Written Motion, Councillor Gomes, requesting that the City of New Bedford establish an Ordinance adopting M.G.L. Chapter 256 of the Acts of 2010, "An Act Reforming the Administrative Procedures Relative to Criminal Offender Record Information and Pre- and Post-Trial Supervised Release", of which Chapter 6, Section 172B ½ creates an "umbrella statute under which municipal officials may enact Ordinances to require State and National criminal history record checks of applicants for licenses in specified occupations", by adopting such an Ordinance, the City will be authorizing the New Bedford Police Department, Massachusetts State Police and the FBI to provide criminal background history of Taxi and Livery License applicants to the City Clerk and City Council in order to ensure the safety of our City's residents. (Ref'd 04/23/15, 10/19/15-Refer to Atty. Gerwatowski to draft appropriate language for an Ordinance to adopt M.G.L. CH. 256 of the Acts of 2010) (19)

Notice, City Clerk of reference of a Written Motion, Councillors Martins and Morad, requesting that an Ordinance be established for the City of New Bedford regarding "social media policy", that the evolution of the internet has increasingly transformed the nature of website content from static presentation of information to the creation of interactive applications that encourage dialogue and collaboration; and further, that the City of New Bedford should encourage it's departments to communicate, collaborate, and exchange information in support of the City's mission, using social media technologies and that interactive social media web applications such as Facebook, Twitter, and LinkedIn offer enormous opportunities to City of New Bedford residents to interact directly with their City government; and further, that the City of New Bedford "social media pages" have a designee from City Department heads who will act out as a spokespersons for the City and their Department on various social media sites to ensure constituency of message, and that once this Ordinance is established, it will comply with all policies, rules, and requirements. (Ref'd 05/14/15) (20)

Notice, City Clerk of reference of a COMMUNICATION, Councillors Martins and Morad, submitting a copy of AN ORDINANCE from the City of Anna, TX, regarding their Internet Website and Social Media Policy. (Ref'd 05/14/15) (21)

Notice, City Clerk of reference of a Written Motion, Councillors Martins, Lopes, Coelho, Carney, Rebeiro and Gomes, requesting that the Committee on Ordinances review the Ordinance from Worcester regarding prohibiting aggressive begging, soliciting and panhandling in public places, to enact a similar Ordinance in the City of New Bedford. (Ref'd 6/11/15, 9/15/15-table) (23)

Notice, City Clerk of reference of An Ordinance, (Submitted by Councillor Martins) from the City of Worcester regarding prohibiting aggressive begging, soliciting and panhandling in public places. (Ref'd 6/11/15, 9/15/15-table) (23a)

Notice, City Clerk of reference of a Written Motion, Councillor Alves requesting, in light of a recent occurrence in which individuals attended a local festival with Pit Bull dogs and proceeded to move through the crowd, raising fear and concern among a number of parents and elderly as to the safety of those in the area, and when asked by Police Officers to restrain or remove the animals from the area, the individuals declared the animals were "Medical Service Dogs" without further identification and would not leave, and in an effort to better identify a "Legal Medical Service Dog (or other animal)", and to insure the safety of individuals at upcoming public and private events in the City, that the Committee on Ordinances review and clarify the definition of a "Legal Medical Service Dog" for our Police Department to enforce. (Ref'd 6/25/15) (25)

Notice, City Clerk of reference of a Written Motion, Councillor Carney, requesting that the Committee on Ordinances review the Ordinance, Relative to the Establishment of a Community Preservation Committee, and send it to the full City Council for approval, due to the amount of interest from City residents that this Councillor received. (Ref'd 7/16/15) (28)

Notice, City Clerk of reference of a Written Motion, Council President Gomes, requesting that the Committee on Ordinances meet for the purpose of putting together a permitting process for panhandling in the City of New Bedford with the exception of public safety officials; this will guarantee their organizations will be permitted in safe areas of the City; and further, to address the out-of-control panhandling that is occurring on every major intersection and Highway exit throughout the City. (Ref'd 7/16/15, 9/15/15- table) (29)

Notice, City Clerk of reference of a Written Motion, Council President Gomes, requesting, once more that our State Legislative Delegation take immediate action on the State level to regulate mini-scooters and scooters on City streets, a law should be drafted that would require scooter owners to have a Massachusetts license to operate on City Streets in the Commonwealth of Massachusetts, as well as proof of insurance and proof of purchase, along with all regulations that motorcycle drivers operate under, including wearing a helmet; and further, that fines and penalties be held against the operator for operating without required regulations and a Massachusetts drivers license (Ref'd 10/08/15) (30)

Notice, City Clerk of reference of a Communication, Councillor Martins submitting a Communication, dated October 06 2015, from Florists of New Bedford, regarding the enforcement of the City's Ordinance, Chapter 15, Section 15-52 Hawkers and Peddlers. (Ref'd 10/22/15) (31)

Notice, City Clerk of reference of a Written Motion, Councillor Martins, requesting, that the Committee on Ordinances, consider amending Chapter 24, Section 24-7, RELATIVE TO THE NUMBER OF CLASS A LICENSES. (Ref 10/22/15) (32)

Notice, City Clerk of reference of AN ORDINANCE, amending Chapter 24, Section 24-7, RELATIVE TO THE NUMBER OF CLASS LICENSES. (Ref 10/22/15) (32a)

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

This meeting adjourned @ 7:53 p.m.

ATTEST:

Clerk of Committees