



Committee on Ordinances

January 26, 2016 – 7:11 PM - **Minutes**

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

MEETING: COMMITTEE ON ORDINANCES

DATE: JANUARY 26, 2016

TIME: 7:11 P.M.

PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; IAN ABREU; HENRY BOUSQUET; NAOMI CARNEY (7:13); DEBORA COELHO; JOSEPH LOPES; LINDA MORAD; JAMES OLIVEIRA; KERRY WINTERSON

ABSENT: COUNCILLORS DANA REBEIRO, VICE-CHAIRPERSON; BRIAN GOMES

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Councillor Martins called the Committee on Ordinance Meeting to order and took attendance. Communications were read into the record for Councillors Rebeiro and Gomes stating the reasons for their absences. These Communications were received and placed on file by Councillor Lopes and seconded by Councillor Winterston. The Clerk also announced he received a call from Councillor Carney stating that she would be late in attending tonight's meeting.

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Notice, City Clerk of reference of a Public Hearing, continued 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, 12/14/15- hearing continued to 1/26/16, 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 January 13, 2016 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. A motion was made to recommend that the City Council approve the rezoning of the Reynolds Street lot, changing the zoning from an RC zone to a MUB zone, The Planning Board voted to send a **FAVORABLE RECOMMENDATION** to the Ordinance Committee. (Ref'd 11/12/15, 12/14/15- hearing continued to 1/26/16) Councillor Bousquet made a motion to continue the public hearing which was seconded by Councillor Lopes. (1, la)

Mr. Helio Medeiros of 1329 Rockdale Avenue, New Bedford, MA, spoke in favor of the proposal.

Mrs. Wanda Medeiros of 1329 Rockdale Avenue, New Bedford, MA, also spoke in favor of the proposal.

There was no one else who wished to speak or be recorded in favor of the proposal; the Chair asked if there was any one who wished so speak or be recorded in opposition of the proposal, there was none.

Councillor Bousquet made a motion to close the hearing, which was seconded by Councillor Winterson.

On motion by Councillor Bousquet and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council, ADOPTION of the ORDINANCE, Rezoning Plot 91, Lot 45, from Residential "C" to Mixed Use Business. This motion passed on a Roll Call Vote of Yeas 9, Nays 0.

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On motion by Councillor Bousquet and seconded by Councillor Abreu, the Committee VOTED: To keep items 2, 4, and 5 on the table. This motion passed on a voice vote. They are as follows:

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- table for 60 days, 12/14/15- remain in Committee) (2)

Notice, City Clerk of reference of a Written Motion, Councillors Lopes, Rebeiro, Martins, Winterson, Bousquet and Alves, requesting that the Committee on Ordinances draft and approve an Ordinance that would exempt all City Council support staff from the City's policy requiring the Mayor's approval/signature on any requisition form or any other type of paperwork; and further, that the City Council President sign off on such positions; support staff is to include employees in the City Council Office, Clerk of Committees Office, and the position of City Clerk/Clerk of the City Council. (Ref'd 8/20/15, 11/19/15- tabled) (4)

Notice, City Clerk of reference of a Written Motion, Councillors Bousquet, Lopes, Winterson, Alves, Martins, Coelho, Carney, Morad and Council President Gomes and Councillor Rebeiro and Oliveira, requesting on behalf of dog owners in New Bedford, that the City encourage leash law adherence, and severely penalize dog owners who fail to properly restrain their pets in the event of an aggressive attack on another person or pet in the City. (Ref'd 8/20/15, 11/19/15- tabled) (5)

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Notice, City Clerk of reference of a Written Motion, Councillor Martins, requesting, that the Committee on Ordinances consider crafting an Ordinance relative to regulating the displaying of the American flag on all City properties, in order that the City of New Bedford will conform to the accepted National standard for the ratio of flag size proportionate to flag pole height, the Purchasing Department and/or Chief Procurement Officer shall oversee the proper procurement and distribution at the request of Department Heads; and further, the same office shall maintain an inventory of all flag poles of the City of New Bedford in order to insure proper sizing, the standard to be followed by all Departments shall be as follows; Flag pole height 15' – 20' – 3x5 flag size; Flag pole height 25' – 4x6' flag size; Flag pole height 30' – 5x8' flag size; Flag pole height 35' – 40' – 6x10' flag size; 45' – 8x12' flag size and Flag pole height – 60'- 10x15- flag size (Ref'd 12/17/15) was received and placed on file by Councillor Morad and seconded by Councillor Oliveira. (3)

On motion by Councillor Morad and seconded by Councillor Bousquet, the Committee VOTED: To refer this matter to Attorney Gerwatowski for drafting and to send to the City Council when drafted. 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 of the City Code by inserting Section 2-241 COMMUNITY PRESERVATION COMMITTEE (Ref'd 1/22/15) was received and placed on file by Councillor Coelho and seconded by Councillor Lopes. (6, 6a)

The Clerk read and email from Attorney Espinola from the City Solicitor's Office. This email was received and placed on file by Councillor Morad and seconded by Councillor Lopes.

Attorney Espinola addressed the City Council's concern of the diversity of the Board.

Councillors Lopes, Morad and Oliveira expressed their concerns and believed that there are six wards and each ward should be properly represented.

On motion by Councillor Lopes and seconded by Councillor Morad, the Committee VOTED: To amend Section 2-241 "f" by inserting a comma, at the end of the sentence and including the following: no more than one member maybe appointed by the Mayor from each ward unless the provision is waived by the City Council to fill a vacancy on the Committee. This motion passed on a voice vote.

On motion by Councillor Morad and seconded by Councillor Lopes, the Committee VOTED: To recommend to the City Council ADOPTION, AS AMENDED, of the ORDINANCE, Amending Chapter 2 of the City Code by inserting Section 2-241 COMMUNITY PRESERVATION COMMITTEE. This motion passed on a voice vote.

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

This meeting adjourned @ 7:38 p.m.

ATTEST:

Clerk of Committees