

NEW BEDFORD, MASSACHUSETTS

MEETING: COMMITTEE ON ORDINANCES
DATE: NOVEMBER 14, 2017
TIME: 7:04 P.M.
PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING

PRESENT: COUNCILLORS STEVEN MARTINS, CHAIRMAN; LINDA MORAD, VICE CHAIRPERSON; IAN ABREU; NAOMI CARNEY; DEBORA COELHO; HUGH DUNN; BRIAN GOMES (7:14); DANA REBEIRO; KERRY WINTERSON

ABSENT: COUNCILLORS JOSEPH LOPES; JAMES OLIVEIRA

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Councillor Martins called the Ordinance Committee Meeting to order and took attendance, the Clerk read Communications from Councillors Lopes and Oliveira explaining their absences. A motion was made to receive and place on file the Communications by Councillor Coelho and seconded by Councillor Abreu.

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Notice, City Clerk of reference of a PUBLIC HEARING on a WRITTEN MOTION, Councillor Rebeiro, requesting that the parcels of land at 473 County Street (New Bedford Assessor's parcel ID 52/170) and the parcel on the South Side of Elm Street (New Bedford Assessor's parcel ID 52/169) be rezoned from Residence A to Mixed-Use Business (To be Referred to Committee on Ordinances and Planning Board). (Ref'd 9/28/17) (Duly advertised in The Standard-Times on Wednesday, November 1, 2017 and Wednesday, November 8, 2017.) 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 November 8, 2017 to discuss the proposed rezoning request for the rezoning of a lot located at 473 County Street (identified as Map 52 Lot 170) as well as a lot on the south side of Elm Street (identified as Map 52 Lot 169) from its current Residential A (RA) zoning designation to a Mixed Use Business (MUB) zone. A motion was made to recommend that the City Council approve the rezoning of the two subject lots, changing the zoning from an RA zone to a MUB zone; the Planning Board voted to send a **FAVORABLE RECOMMENDATION** to the Ordinance Committee. (Ref'd 11/9/17) the hearing was opened by Councillor Morad and seconded by Councillor Coelho. (1, 1a)

Robert Xifaris of 134 South Second Street, Unit 410, gave an overview of the need to change the zoning. As it stands the property can only be used for homes. No one has looked at the property to do this, by changing the property to mixed use; this will bring new taxes to the City. The Church as it is now could be used for offices and a convention center. He provided the Committee with a packet which included ideas for the property and a copy of his presentation. A

motion was made to receive and place on file the packet of information by Councillor Coelho and seconded by Councillor Abreu.

Mr. Ross Hooley, 9 Fort Street, Fairhaven, MA, he is a member of the former churches leadership and he is in favor of the rezoning of the church. They have tried for years to sell the parcel without being able to; the rezoning will make the property more appealing.

Reverend Kenneth McMillan, the Pastor of the former church, 33 Point West Drive, Fall River, MA is the current Pastor at Center Trinity Church in Fairhaven. He spoke in favor of the rezoning.

The following were recorded in favor of the rezoning:
Jill Fox, 63 Green Street, Fairhaven, MA
Sharon & Sean Corley, 63 Green Street, Fairhaven, MA
Ruth Desmaris, 260 Summer Street, New Bedford, MA

The Chair asked if there was anyone present who would like to speak in opposition of the rezoning, there were none. The Chair asked if there were anyone who wanted to be recorded in opposition of the rezoning, there were none.

Councillor Winterson made a motion to close the public hearing and it was seconded by Councillor Abreu.

Councillor Morad expressed concern that if the proposed reuse of the church, once sold, fell through, that it could end up being a fast food restaurant. She was told by the church leadership that they would be very selective on who they sold the property to.

On motion by Councillor Rebeiro and seconded by Councillor Abreu, the Committee VOTED: To recommend to the City Council APPROVAL of the rezoning of the parcels of land at 473 County Street, Plot 52, Lot 170 and on the south side of Elm Street, Plot 52, Lot 169 from Residence A to Mixed-Use Business. This motion passed on a Roll Call Vote of Yeas 9, Nays 0.

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Notice, City Clerk of reference of a PUBLIC HEARING on a WRITTEN MOTION, Councillor Oliveira, requesting, that 934 Ashley Boulevard (Assessor's Map 127D, Lot 143) be Rezoned as MIXED-USE BUSINESS, in contrast to its current designation as RESIDENTIAL, abutting properties have been MIXED-USE BUSINESS for many years, and based on the historical use of 934 Ashley Boulevard, the request is valid (To be Referred to the Committee on Ordinances and the Planning Board.) (Ref'd 10/12/17) (Duly advertised in The Standard-Times on Wednesday, November 1, 2017 and Wednesday, November 8, 2017.) was received and placed on file and the hearing was opened by Councillor Coelho and seconded by Councillor Carney. (2)

Councillor Martins announced that though the hearing was not necessary because the petition was being withdrawn, where it was published, the Committee had to open the hearing and then close it because the zoning was already mixed-use business.

The Chair asked if there was any one present who wanted to speak or be recorded in favor of the petition; there were none. The Chair then asked if there was any one present who wanted to speak or be recorded in opposition of the petition; there were none. The hearing was closed.

On motion by Councillor Morad and seconded by Councillor Rebeiro, the Committee VOTED: To recommend to the City Council to take “No Further Action” on a WRITTEN MOTION, Councillor Oliveira, requesting, that 934 Ashley Boulevard (Assessor’s Map 127D, Lot 143) be Rezoned as MIXED-USE BUSINESS, in contrast to its current designation as RESIDENTIAL, abutting properties have been MIXED-USE BUSINESS for many years, and based on the historical use of 934 Ashley Boulevard, the request is valid. This motion passed on a voice vote.

On a Related Motion by Councillor Morad and seconded by Councillor Carney, the Committee VOTED: That Patrick Sullivan appear before the Ordinance Committee to discuss how his department should forward communications from the Planning Board to the City Council in the future. This motion passed on a voice vote.

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Notice, City Clerk of reference of a AN ORDINANCE, RELATIVE TO VEHICLES FOR HIRE (Ref’d 10/27/16) (3/21/17-remain in Committee) (10/17/17-tabled for 30 days to allow for amendments: increase number of years from 3 to 5 under section 24-14 and add a pedicab clause) was removed from the table by Councillor Morad and seconded by Councillor Carney. (3)

Councillor Morad asked Dennis Farias, City Clerk if he was satisfied the way the Ordinance has been written and he responded that he was and that the level of fees applied is appropriate.

Police Chief Cordeiro informed the Committee that he reviewed the proposed Ordinance and he had no concerns and he thought it was constructed very well.

Councillor Carney expressed her continued concern that there has to be a better way to fingerprint and to do a more thorough background check nationally like they are able to do in the prison. The Chief said that it would be too cumbersome, but that he would have a conversation with the City Clerk to see what could be done. He said that to ask the federal and state law enforcement agencies to assist would not be good because they are already stretched beyond capacity. Councillor Carney asked if they could specify what you could not be given a license for, e.g. elderly abuse.

Attorney Gerwatowski said that laws are not meant to be specific, that the Ordinance, as written, allows for the City Clerk to have the final decision as to who would be issued a license.

Councillor Dunn asked if language could be added to permanently ban sex offenders from receiving taxi and livery licenses, and he was told that could be done.

After a discussion and suggestions being made to create the proper language, the following motion was made.

Councillor Dunn made a friendly amendment that in Section 24:14 Notwithstanding the preceding, no public vehicle driver license shall ever be issued to (add) any person required to register as a sex offender in any jurisdiction. This amendment was seconded by Councillor Coelho and it passed on a Roll Call Vote of Yeas 9, Nays 0.

On motion by Councillor Morad and seconded by Councillor Rebeiro, the Committee VOTED: To table this matter at this time and invite taxi and livery license companies to the next meeting to review the proposed changes and that copies of the Ordinance be sent to invitees at the same time. This motion passed on a voice vote.

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

This meeting adjourned @ 8:21 p.m.

ATTEST:

Denis Lawrence, Jr.,
Clerk of Committees