

**CITY COUNCIL CALENDAR
THURSDAY, APRIL 25, 2019
7 P.M. CITY COUNCIL CHAMBERS – ROOM 214
CITY HALL, 133 WILLIAM STREET, NEW BEDFORD, MA**

OPENING OF SESSION BY: CITY COUNCIL PRESIDENT LINDA M. MORAD

**PRAYER LED BY: REVEREND KEVIN HARRINGTON
ST. FRANCIS OF ASSISI PARISH**

PLEDGE OF ALLEGIANCE

HEARINGS

1. COMMUNICATION, Jane Medeiros Friedman, First Assistant City Solicitor to City Council, pursuant to an Order of the City Council dated March 28, 2019, enclosed is AN ORDER for the DISCONTINUANCE of a portion of John F. Kennedy Memorial Highway, variable width, at the northeast corner of its present terminus.

1a. AN ORDER, (DISCONTINUANCE of a portion of John F. Kennedy Memorial Highway, variable width, at the northeast corner of its present terminus.)

MAYOR'S PAPERS

M1. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER, to execute on behalf of the City a Preservation Restriction for Rural Cemetery; the restriction is given as part of a \$50,000.00 grant to be awarded by the Massachusetts Preservation Projects Fund and matched by Community Preservation Act funds for a total of \$100,000.00.

M1a. AN ORDER,

M2. COMMUNICATION, Mayor Mitchell, to City Council, submitting the FINAL Fiscal Year 2019 Department of Planning, Housing and Community Development Action Plan for a period July 1, 2019 through June 30, 2020; also submitting a RESOLUTION, authorizing the Mayor to Apply for Federal Financial Assistance from the United States of America.

M2a. ACTION PLAN 2019,

M2b. RESOLUTION,

M3. COMMUNICATION, Mayor Mitchell, to City Council, submitting a ONE-YEAR Waiver of Residency for JONATHAN VILLA, variable time paramedic for the Department of Emergency Medical Services, who currently resides in Somerset, Massachusetts.

M4. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for TRANSFER of \$447,660.00 from POLICE, SALARIES & WAGES, to POLICE, OTHER FINANCING USES.

M4a. AN ORDER,

M5. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for TRANSFER of \$4,000.00 from TOURISM, SALARIES & WAGES, to TOURISM, CHARGES & SERVICES.

M5a. AN ORDER,

4/23/2019 3:14:32 PM CITY CLERK

M6. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN ORDER for TRANSFER of \$410.00 from LICENSING, SALARIES & WAGES, to LICENSING, CHARGES & SERVICES.

M6a. AN ORDER,

M7. COMMUNICATION, Mayor Mitchell, to City Council, submitting the APPOINTMENT of DANIEL HIGGINS, New Bedford, MA, to the WATER BOARD, replacing the late Carl Natho; this term will expire April 2021.

M8. COMMUNICATION, Mayor Mitchell, to City Council, submitting AN APPLICATION for the REAPPOINTMENT of SHAWN MACFARLAND, New Bedford, MA as a SPECIAL POLICE OFFICER.

M8a. APPLICATION,

CHARTER RULED ITEM

CR1. COMMUNICATION, Mayor Mitchell, to City Council, submitting DRAFT language for special legislation that would effectuate the agreement between the City, the Alma del Mar Charter School, and the Department of Elementary & Secondary Education to establish a 450-student neighborhood-based charter school at the site of the former Kempton Elementary School. (CHARTER RULED by Councillor Dunn.)

CR1a. REVISED DRAFT Possible Legislative Language – between the City of New Bedford and the Alma del Mar Charter School, dated April 3, 2019.

NEW BUSINESS

1. REPORT, Committee on Ordinances, recommending to the City Council to REJECT the Proposal of the rezoning of 157 – 161 Coggeshall Street, Plot 93, Lot 169, New Bedford, MA, from Mixed-Use Business to Industrial “B”.

2. REPORT, Committee on Ordinances, recommending to the City Council ADOPTION of the ORDINANCE, AS AMENDED, amending Chapter 15, Licenses and Permits; Business Regulations, that will allow the City to permit commercial aquaculture in its waters.

2a. AN ORDINANCE, (To be Passed to a Second Reading, as amended.)

3. REPORT, Committee on City Property, recommending to the City Council that the City Property Committee ACCEPTED the Proposal submitted by PACE and APPROVED the lease and purchase of the property located at 32 Madison Street known as the former T. A. Greene School subject to the City Solicitor’s negotiating the terms to assure that the bid selection, lease and purchase comply with Chapter 30B of the Massachusetts General Laws.

4. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the ORDER for the TRANSFER of \$160,000.00 from DOWNTOWN ENTERPRISE FUND, FREE CASH, to DOWNTOWN ENTERPRISE FUND, CHARGES & SERVICES in the amount of \$60,000.00 and DOWNTOWN ENTERPRISE FUND, CAPITAL OUTLAY in the amount of \$100,000.00.

4a. AN ORDER, (Referred to the Committee on Finance – February 14, 2019.)

5. REPORT, Committee on Finance, recommending to the City Council ADOPTION of the LOAN ORDER, AS AMENDED, in the amount of \$3,975,000.00 for the purpose of making critically-needed repairs to City-owned buildings including, but not limited to, projects for the repair and renovations of public safety facilities, recreational facilities, general office space, roads and infrastructure.

5a. LOAN ORDER, (Referred to the Committee on Finance – December 13, 2018.)

6. REPORT, Committee on Ordinances, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Councillor Abreu, requesting, that the City Council engage in dialogue with our Health Department and the Department of Inspectional Services about implementing mandatory CPR and Heimlich training and certifications for all New Bedford restaurants, bars, food-related cafes and establishments which seat less than 25 patrons, currently, Massachusetts General Law (105:CMR-Mass Dept. of Health 590.003(A)(2) Mgmt. and Personnel) has only established a mandatory statewide law for all restaurants which seat 25 or more patrons that they must have on its premises while food is being served a person trained and certified in CPR; and further, a collaborative approach on the local level on this issue could help potentially save lives.

6a. WRITTEN MOTION, Councillor Abreu, requesting, that the City Council engage in dialogue with our Health Department and the Department of Inspectional Services about implementing mandatory CPR and Heimlich training and certifications for all New Bedford restaurants, bars, food-related cafes and establishments which seat less than 25 patrons, currently, Massachusetts General Law (105:CMR - Mass Dept. of Health 590.003(A)(2) Mgmt. and Personnel) has only established a mandatory statewide law for all restaurants which seat 25 or more patrons that they must have on its premises while food is being served a person trained and certified in CPR; and further, a collaborative approach on the local level on this issue could help potentially save lives. (Referred to the Committee on Ordinances – September 28, 2017.)

7. REPORT, Committee on Ordinances, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Councillors Coelho, Lopes and Giesta, requesting, that the Committee on Ordinances look into the possibility of creating an Ordinance, addressing jaywalking in the City of New Bedford, jaywalking as defined by crossing the street in an illegal or unsafe manner, whereupon Police can enforce jaywalking laws by issuing citations, the penalty of violating jaywalking laws typically would include a fine similar to a parking ticket, in many jurisdictions, fines increase with repeat jaywalking offenses.

7a. WRITTEN MOTION, Councillors Coelho, Lopes and Giesta, requesting, that the Committee on Ordinances look into the possibility of creating an Ordinance addressing jaywalking in the City of New Bedford, jaywalking as defined by crossing the street in an illegal or unsafe manner, whereupon Police can enforce jaywalking laws by issuing citations, the penalty for violating jaywalking laws typically would include a fine similar to a parking ticket, in many jurisdictions, fines increase with repeat jaywalking offenses. (Referred to the Committee on Ordinances – September 13, 2018.)

8. REPORT, Committee on Ordinances, recommending to the City Council to take **“NO FURTHER ACTION”** on a WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Ordinances meet with the Inspectional Services Commissioner to discuss implementing an Ordinance that would give City residents and Property Owners, with enough footage, an opportunity to put solar panels in their backyards instead of the traditional roof solar panels; and further that the City Solicitor along with the City Council’s Legislative Counsel begin drafting an Ordinance that would allow residents with enough space, to utilize their backyards to locate a solar farm.

8a. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Ordinances meet with the Inspectional Services Commissioner to discuss implementing an Ordinance that would give City residents and Property Owners, with enough footage, an opportunity to put solar panels in their backyards instead of the traditional roof solar panels; and further that the City Solicitor along with the City Council’s Legislative Counsel begin drafting an Ordinance that would allow residents with enough space, to utilize their backyards to locate a solar farm. (Referred to the Committee on Ordinances – September 13, 2018.)

9. REPORT, Committee on City Property, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Giesta, requesting, that the City Council direct the Committee on City Property, prior to taking any votes on any proposals regarding the Phillips Avenue School, hold a public hearing in order to acquire information, thoughts and opinions from the various citizens in and around the neighborhood or from anyone else who may be interested in the fate of the former Phillips Avenue School property.

9a. WRITTEN MOTION, Councillor Giesta, requesting, that the City Council direct the Committee on City Property, prior to taking any votes on any proposals regarding the Phillips Avenue School, hold a public hearing in order to acquire information, thoughts and opinions from the various citizens in and around the neighborhood or from anyone else who may be interested in the fate of the former Phillips Avenue School property. (Referred to the Committee on City Property – October 11, 2018.)

4/23/2019 3:14:32 PM CITY CLERK

10. REPORT, Committee on Finance, recommending to the City Council to take **“NO FURTHER ACTION”** on the WRITTEN MOTION, Councillor Lopes, requesting that the Committee on Finance meet with the City Treasurer and the Commissioner of the Department of Public Infrastructure to discuss a temporary establishment of an amnesty program for the collection of quarterly Real Estate Tax, Water and Sewer bills for those City residents effected by the Government furlough, said amnesty program would allow for the City residents effected by the furlough to establish a payment plan with the City of New Bedford void of any penalties and interest on the unpaid portion of City billings during the United States Government furlough and for a period of 60 days after the conclusion of the furlough.

10a. WRITTEN MOTION, Councillor Lopes, requesting that the Committee on Finance meet with the City Treasurer and the Commissioner of the Department of Public Infrastructure to discuss a temporary establishment of an amnesty program for the collection of quarterly Real Estate Tax, Water and Sewer bills for those City residents effected by the Government furlough, said amnesty program would allow for the City residents effected by the furlough to establish a payment plan with the City of New Bedford void of any penalties and interest on the unpaid portion of City billings during the United States Government furlough and for a period of 60 days after the conclusion of the furlough. (Referred to the Committee on Finance – January 24, 2019.)

11. REPORT, Committee on Finance, recommending to the City Council to take **“NO FURTHER ACTION”** on the COMMUNICATION, Councillor Lopes and Council President Morad, submitting the 2018 New Bedford Economic Development Council Tax Increment Financing Program Annual Report.

11a. COMMUNICATION, Councillor Lopes and Council President Morad, submitting the 2018 New Bedford Economic Development Council Tax Increment Financing Program Annual Report. (Referred to the Committee on Finance – February 14, 2019.)

12. LOAN ORDER, appropriating \$17,000,000.00 to construct the South Public Safety Center located on the property at Brock Avenue and Ruth Street and to include the demolition of the former St. Anne’s Church and School.

13. LOAN ORDER, appropriating \$2,266,968.00 for Accelerated Repair Projects at the John Avery Parker Elementary School and Trinity Day Academy. (Passed to a Second Reading - March 28, 2019.)

14. LOAN ORDER appropriating \$360,772.00 for Accelerated Repair Project at the Elizabeth Carter Brooks Elementary School.

15. AN ORDINANCE, amending Chapter 12, HEALTH & SANITATION - Section 12-39.5 Unattended Clothing Donation Containers. (Passed to a Second Reading, as amended March 28, 2019.)

16. AN ORDINANCE, amending Chapter 17, Section 17-18 Noncriminal disposition of violations of certain Ordinances, rules and regulations - by adding Section 12-39.5 Unattended clothing donation containers. (Passed to a Second Reading - March 28, 2019.)

17. AN ORDINANCE, amending Chapter 17, Section 17-28 Chapter 40U of the Massachusetts General Laws - by adding Section 12-39.5 Unattended clothing donation containers. (Passed to a Second Reading - March 28, 2019.)

18. WRITTEN MOTION, Councillor Lopes, requesting that the Administration establish a Public Arts Fund which will be derived from a yearly transfer, 10% from the Arts and Culture Fund and 1 % on building Loan Orders in excess of ten (10) million dollars. (To be Referred to the Administration and CFO Sky.)

19. WRITTEN MOTION, Councillor Lopes, requesting, on behalf of Birgilio Cabral the Owner of Union Fruit Market located at 111 Ruth Street, that the Traffic Commission install a 30-minute parking sign in front of said business. (To be Referred to the Traffic Commission.)

4/23/2019 3:14:32 PM CITY CLERK

20. WRITTEN MOTION, Councillors Giesta, Coelho and Abreu, requesting that the Department of Facilities and Fleet Management work with ABC Disposal Service, Inc. to make sure that trash, furniture, mattresses, etc., left in front of properties are those of the homeowner before issuing a Citation and if a Citation is issued, DFFM should contact the owner directly, either by phone or mail and not leave the Citation attached to the door of the property that they have determined is in violation; and further, the City should also give the owner 30 days to fix the violation, and putting a lien on the property that is in violation is an excessive penalty especially for the first offense.

21. WRITTEN MOTION, Councillor Dunn, requesting, that Director of Tourism and Marketing, Dagny Ashley provide an update to the City Council on efforts to leverage the upcoming Plymouth 400 to attract tourism to the City of New Bedford.

22. WRITTEN MOTION, Councillor Markey, requesting, that Airport Director, Scot Servis be invited to attend a Special Committee on the Airport meeting to update the Council on the current status and operation of the New Bedford Regional Airport.

23. WRITTEN MOTION, Councillor Gomes, requesting, that the Committee on Public Safety and Neighborhoods meet with Hank Turgeon, President of the New Bedford Police Union along with the Executive Board for the purposes of discussing the recent Police survey, morale, and the recent vote by the New Bedford Police Union; and further, to also discuss the recent study and assessment of the New Bedford Police Department that was done by the City at a cost of \$80,000.; and further, that if needed, the Committee on Public Safety and Neighborhoods go into Executive Session to protect the best interests of the Police Department and public safety of the City; and further, that the Police Chief release to the Committee on Public Safety and Neighborhoods the crime statistics for the years 2014 through 2018, more importantly the year 2015 that has never been submitted to the FBI, and that this information be provided to said Committee within 14 business days. (To be Referred to the Committee on Public Safety and Neighborhoods and Rule 40 Waived.)

24. WRITTEN MOTION, Councillor Gomes, requesting, that the Department of Public Infrastructure do an immediate inventory of all of the City's street lights and their ground bases, due to the number of deteriorating ground bases throughout the City; and further, that immediate action be taken to replace those streetlights and ground bases, this request is made on behalf of public safety and liability to the City if one of these light poles should come down due to their deteriorating conditions. (To be Referred to the Committee on Public Safety and Neighborhoods.)

25. WRITTEN MOTION, Councillor Gomes, requesting, that Mayor Mitchell and Mark Champagne, Commissioner of the Department of Facilities and Fleet Management take immediate action to notify all residents in the area of the Phillips Avenue School, 249 Phillips Avenue, that they have 21 days to remove their cars from the school parking lot and that the City permanently close the school parking lot area due to the condition of the building and the safety and the liability to the City; and further, that the only time parking will be permitted for the time being will be when a snow ban is in effect, and that snow ban parking only be permitted on the east side of property and that the whole entire area not be used due to the conditions of the building; and further, that any car not removed within 21 days be towed at the owners expense out of the City-owned parking lot and the parking lot be chained closed till further notice. (To be Referred to the Committee on Public Safety and Neighborhoods, the Mayor Mitchell and Mark Champagne, Commissioner of the Department of Facilities and Fleet Management and Rule 40 Waived.)

26. WRITTEN MOTION, Councillor Gomes, requesting, that Mayor Mitchell and DPI Commissioner Ponte consider that the Department of Infrastructure put on a night and weekend crew to deal with the pothole situation that is erupting all over the City due to the recent rain storms and the warm weather approaching; this action will give an opportunity to the crew to get a lot more work done while there is less congestion throughout the City.

27. COMMUNICATION/DEMOLITION, New Bedford Historical Commission, to City Council, re: BUILDING DEMOLITION REVIEW of 4597 ACUSHNET AVENUE, (MAP 137/LOT 23), a Circa 1922 one storey, wood-framed residence, advising that "the structure is not located in a National Register Historic District; the structure has minimal historic significance related to its association with the growth of neighborhoods in response to the burgeoning textile industry in the early 20th century; the structure is in poor condition due to extensive deferred maintenance and restoration or preservation efforts would be impractical due to the existing condition of the structure, "in light of these findings, the New Bedford Historical Commission has determined that the structure at 4597 Acushnet Avenue is neither Historically Significant nor a Preferably Preserved Structure."

28. COMMUNICATION/DEMOLITION, Anne Louro, Preservation Planner, to City Council, re: BUILDING DEMOLITION REVIEW of 890 BROCK AVENUE, (MAP 15/LOT 167), a Circa 1947 wood-framed, former St. Anne's Church building and 45 SALISBURY STREET, (MAP 15/LOT 154), a Circa 1899/1905 wood-framed and masonry school buildings, advising that "Saint Anne's Church (1947) and Saint Anne's School (1899/1905) are both eligible to be listed on the National Register of Historic Places; the buildings are associated with the City's French-Canadian population which migrated here in the late 19th century to work in the textile mills; the construction of the Church and its associated buildings by the Fall River Diocese in the south end of the City is relevant to the broad cultural, economic, political and social history of the City; the Church building is architecturally significant, a fine example of the Neoclassical style, serves as an architectural landmark, and is a placemaking gateway into the City's peninsula", "considering these findings, the Preservation Planner has determined the following: St. Anne's Church building is NOT seventy-five (75) years old and is NOT REGULATED by the Demolition Delay Ordinance; St. Anne's school buildings are severely deteriorated and will no longer retain historical context due to the planned demolition of the associated Church building. The Preservation Planner has determined that the school buildings at 45 Salisbury Street are neither Historically Significant nor Preferably Preserved Structures."

29. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **PETER MEDEIROS, 1629 Padanaram Avenue, New Bedford, MA 02740 d/b/a PETER'S BUS, INC., 1629 Padanaram Avenue, New Bedford, MA 02740**, hereby submits a copy of the Application requesting a **RENEWAL of a PRIVATE LIVERY LICENSE**, to carry passengers for hire over the streets of New Bedford. **(Term of License July 01, 2019 – June 30, 2020.)**

30. COMMUNICATION, City Clerk/Clerk of the City Council, to City Council, on behalf of **GEORGE M. VIVEIROS, 102 Durfee Street, New Bedford, MA 02740 d/b/a MED FIRST, INC., P.O. Box 3001, New Bedford, MA 02741**, hereby submitting a copy of the Application requesting a **RENEWAL OF A PRIVATE LIVERY LICENSE** to carry passengers for hire over the streets of New Bedford. **(Term of License July 1, 2019-June 30, 2020.)**

31. COMMUNICATION, Council President Morad, submitting AN ACT, Relative to the Operation of Charter Schools in the City of New Bedford, said matter was Charter Ruled at the April 11th City Council Meeting. (To be Referred to Representative Markey to submit on behalf of the City of New Bedford; Copy all Councillors via email on April 22, 2019.)

32. COMMUNICATION, Councillor Lopes, submitting a copy of an email and pictures from Christine Pereira-Vasquez, teacher at Congdon School regarding the condition, health and environmental dangers at the Congdon School. (To be Received and Placed on File.)

33. COMMUNICATION, Councillor Gomes, submitting a copy of the Standard-Times article dated April 18, 2019, relative to the Committee on City Property meeting regarding the proposed sale of the Phillips Avenue School to Cruz Management.

34. COMMUNICATION, Councillor Giesta, submitting copies of letters from Princeton Street residents regarding their opposition to the property owner of 293 Princeton Street request to the Zoning Board of Appeals for a variance for said property. (Copies of said letters referred to the Zoning Board of Appeals 04/23/2019; To be Received and Placed on File.)

TABLED BUSINESS

01/10/2019 WRITTEN MOTION, Councillor Gomes, requesting that the City Council forward a letter of request to the Commonwealth of Massachusetts' Cannabis Commission as to whether the City is following State Law regarding marijuana establishments in the City; and further, enclosed in the letter, please include a copy of the 11-page "Screening Form/Application for a Marijuana Establishment Host Community Agreement", and a copy of the City's zoning map that has been put forth by the Mayor's Review Committee, comprised of the City Solicitor, the City Planner, the Chief of Police, the Chief Financial Officer, the Director of Inspectional Services, the Director of Planning, Housing and Community Development and the City's Health Director; asking that the Cannabis Control Commission review the application and the zoning map and report back to the City Council as to whether this Application process and zoning map applies to the laws of the Commonwealth of Massachusetts' Cannabis Control Commission; and further, that Steven Hoffman, Chairman of the Massachusetts Cannabis Control Commission or a representative, meet with the Special Committee on Licensing and Zoning for Cannabis to discuss whether the City has followed Massachusetts Laws and policies regarding marijuana establishments in the City of New Bedford.

***In accordance with the Americans with Disabilities Act (ADA),
if any accommodations are needed, please contact the City Council Office at 508-979-1455. Requests should be
made as soon as possible but at least 48 hours prior to the scheduled meeting.***