

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE**

TUESDAY, MAY 22, 2012

6:00 PM

ATTENDANCE: Council members: Paoletto; Co-chair, *Blunt; Co-chair,
Curwen, *Bonney, Martinez

* = *arrived late*

NON-COMMITTEE: Council members: Brannelly, Olson

Co-chair Paoletto called the meeting to order at 6:20 pm.

He stated that the agenda would be taken out of order.

Approval of Committee Minutes: February 28, 2012

**** COUNCIL MEMBER CURWEN MOVED TO ACCEPT THE
MINUTES**

**** COUNCIL MEMBER MARTINEZ SECONDED**

**** MOTION PASSED UNANIMOUSLY**

22-11 Proposed Resolution to review procedures for Council Members'
Expense Reimbursement (Stipends).

City Attorney Anastasi updated that there was one change to the resolution. He referred to the existing ordinance and the copy where the changes were stricken and the additions were denoted in a lighter color. He explained the changes that were added as they were outlined in the document. He commented that there would be an annual submittal of records for all expenses. He noted the wording change from "quarterly" to "annually".

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE**

**** COUNCIL MEMBER MARTINEZ SECONDED**

**** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

51-11 Proposed Amendments to the Municipal Code of Ordinances, Chapter 12.32 Historic Districts, amend to add new Section 12.32.070 Civkin Historic District.

Attorney Anastasi updated that on March 5; Attorney Conte filed a memo with the City clerk - *as read into the record* that pertained to the contents of the ordinance.

Council member Olson stated that the matter pertained to one house located on Mayflower Drive per the owner's request. He noted that Mr. Halsted has been working with the owner and they were asking for approval subject to the city council appointing a study committee and then a hearing will be held and the matter will be presented to the state commission – *he distributed a sheet of steps that will be necessary to approve the item.*

Co-chair Paoletto recapped that they will tentatively approve the item tonight, then the matter is forwarded to the city council to appoint a study committee. If the item is approved, the matter goes to the state commission. He said it takes 90-days and then the item goes back to the Historic Commission and to the city council for final approval.

Co-chair Paoletto asked if they had to have the study committee in place before the matter goes before the council. Mr. Halsted said yes. The committee is comprised of five to six people as proposed:

- Council member John Olson
- Stuart Sachs; ASLA Landscape Architect and chairman of the Historic District Commission #1
- David Barbour; AIA Architect
- Frank Borres, member of Stratfield Historic District Commission
- Calvin Burwell

Council member Curwen asked Attorney Anastasi to clarify that no laws will be Violated. Attorney Anastasi said the study committee members will have to be appointed in the usual manner according to the charter.

Co-chair Paoletto said if the item tentatively passed, he will suggest a meeting with Attorney Anastasi to clarify the guide lines that the state requires to form the study committee. attorney Anastasi said he would follow up and he or Tyrone McClain will advise the Ordinance Committee of the status.

Council member Martinez asked if the ordinance was only for this one house. Co-chair Paoletto said yes.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE**

**** COUNCIL MEMBER MARTINEZ SECONDED**

**** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

Co-chair Paoletto asked Council member Olson and Mr. Halsted to keep the committee updated with any new details.

89-11 Proposed Amendment of Code of Ordinances section 13.04.040 Board of Directors to the Ordinance Committee

**** COUNCIL MEMBER CURWEN MOVED TO ADD ITEM 89-11 TO THE AGENDA**

**** COUNCIL MEMBER MARTINEZ SECONDED**

**** MOTION PASSED UNANIMOUSLY**

City attorney Anastasi stated that a public hearing should be ordered for this item. He updated that there were two substantive changes to the ordinance:

- 1) the make-up of the WPCA board consisting of five (5) members from the general public and four (4) persons holding office

He said that historically, the two (2) non-voting members are the a) City Attorney and the Director of Public Facilities. He said the city attorney and the city engineer consist of technical support staff and the Finance and Public Facilities departments work more closely with the WPCA.

- 2) codify the concept of having four (4) office holders and the ability to designate an alternate

Council member Curwen asked if this was in correlation with the charter revision changes. Attorney Anastasi explained that the WPCA was created by ordinance; however, he said he would research the matter further. He recalled that the WPCA was created during the mid-1980's to function as a separate authority.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE
** COUNCIL MEMBER MARTINEZ SECONDED
** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

68-11 Proposed Amendments to the Municipal Code of Ordinances, amend Chapter 5.12 Massage Establishments and Massage Therapists.

Council member Brannelly asked if the committee would consider amending the original resolution for the purpose of combining items 67-11 and 68-11 to be two separate amendments. She noted that they have very similar language. Co-chair Paoletto said he observed that both of the resolutions already had two separate resolution numbers.

*It was clarified that they needed to be officially separated for record keeping.

**** COUNCIL MEMBER CURWEN MOVED TO OFFICIALLY ADOPT ITEM 67-11
Proposed Amendments to the Municipal Code of Ordinances, amend to add new
Chapter 8.81 Sexually Oriented Business Ordinance *and* ITEM 68-11 Proposed
Amendments to the Municipal Code of Ordinances, amend Chapter 5.12
Massage Establishments and Massage Therapists **AS TWO SEPARATE
RESOLUTIONS****

**** COUNCIL MEMBER MARTINEZ SECONDED**

**** MOTION PASSED UNANIMOUSLY**

Council member Brannelly gave an update that the document was worked and reworked. She relayed that its origin was from the Town of Berlin. She explained that they tried to redefine areas to make the new ordinance completely separate from massage establishments and they needed to make the distinction from massage parlors and sexually oriented businesses.

She further stated that the language was changed to make sure that it was consistent and identified in capital letters; such as the Health Department being added along with the Chief of Police.

She went on to explain that the purpose of the ordinance related to enforcement and that if a business has three (3) violations, then the establishment may be shut down. She emphasized that the ordinance now has more weight and if an establishment is found to be non-compliant, they can be shut down.

City Attorney Anastasi said he talked to Attorney Schmidt and he indicated that the ordinance was a modification of the Town of Berlin's ordinance. He said Attorney Schmidt suggested holding a public hearing that would be conducted during the

City of Bridgeport
Ordinance Committee

May 22, 2012

Page 4 of 8

committee meeting just in case further revisions were required. Co-chair Paoletto questioned that since both items pertained to the same topic, he said that public hearings are normally held as an Ordinance Committee Public Hearing in council chambers that is usually held prior to the city council meeting.

Council member Curwen made a comment about the potential lawsuits pending regarding adult entertainment, noting that they don't pertain to massage parlors.

Co-chair Paoletto asked for clarification pertaining to the fees as they were outlined in the resolution:

- permit cost of \$250.00
- additional \$250.00 to the Health Department
- additional \$150.00 per massage therapist (as outlined under the Police Department guidelines)
- additional \$50.00 for the application permit

Council member Brannelly said they worked hard to get the fees in place. She verified that the costs indicated are already outlined in the ordinance.

**** COUNCIL MEMBER CURWEN MOVED TO APPROVE**

**** COUNCIL MEMBER McCARTHY SECONDED**

**** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

67-11 Proposed Amendments to the Municipal Code of Ordinances, amend to add new Chapter 8.81 Sexually Oriented Business Ordinance.

Council member Brannelly stated that chapter 8.81 will be a completely new ordinance because it was never addressed. She explained that they tried to get it to be more in-line with other ordinances and the zoning regulations – *she briefly reviewed the different chapters included in the ordinance.*

She referred to page 12 that outlined existing businesses – Sec. 14-291. She asked Attorney Anastasi what that chapter specifically referred to. She also mentioned Sec. 14-261. Attorney Anastasi said he wasn't sure if the section numbers were designated from The Town of Berlin or from the state statute. After a closer look at the statute numbers, he determined that the chapters were in reference to the state statute.

Co-chair Brannelly continued and said that the matter pertained to the health and welfare of workers and patrons, as well as the can's and cannot(s) of what's acceptable. Also to make it clear what is not considered a legitimate business.

Council member Curwen asked about a proposed settlement pertaining to (land use) and if that wording was stricken from the ordinance. Attorney Anastasi said yes. Attorney Anastasi stated that a federal court lawsuit pertained to free speech, because they aren't allowed to operate under the old conditions. He explained there were those that wanted those establishments to be exempt from the ordinance, but it wasn't allowed.

Attorney Anastasi clarified that all parties are invited to the public hearing and if they present good proposals, they may be considered as long as it doesn't alter the intent of the ordinance and it makes sense.

Council member Curwen asked what the time frame was on the pending settlements. Attorney Anastasi said he hoped they would be brought to conclusion fairly soon.

Council member Brannelly stated that a majority of the city council members co-sponsored the two resolutions.

She mentioned the matter of grandfathering in establishments. She clarified that if there is a health issue, then the discussion of grandfathering is a moot point. Attorney Anastasi agreed with Council member Brannelly, noting that the grandfathering issue wasn't an option.

Council member Baker thanked Council member Brannelly for the time she dedicated to both items. He commented that the main intent was to tighten the guidelines in the best interest of public safety and the purpose wasn't to eliminate them; but to impose restrictions.

Council member Baker asked if a lawsuit ensues, will it mean the establishment can go back to operating as it was before. Attorney Anastasi clarified the importance of maintaining legitimate establishments. He said nothing will get done in court that won't come back to the city council for review.

Council member Curwen commented that they shouldn't be premature in the matter. He suggested that they order a public hearing before ruling on the item because this will allow time to tweak the ordinance if necessary. And it will also give the city attorney's office time to review it.

**** COUNCIL MEMBER CURWEN MOVED TO TABLE ITEM 67-11 FOR THE PURPOSE OF SCHEDULING A PUBLIC HEARING FOR INPUT**
**** COUNCIL MEMBER MARTINEZ SECONDED**

Council member Brannelly commented that she would like to see the item treated the same as item 68-11.

Co-chair Paoletto stated that he was the co-chair of the committee and he was also a co-signor of the resolution. He emphasized that both items were very important issues. However, he stated that he wasn't entirely sure that the pending lawsuits won't affect the outcome.

**** MOTION PASSED WITH THREE VOTES IN FAVOR; ONE VOTE IN OPPOSITION (COUNCIL MEMBER BONNEY) AND ONE ABSTENTION (COUNCIL MEMBER BLUNT)**

**** COUNCIL MEMBER CURWEN MOVED TO SCHEDULE A PUBLIC HEARING FOR ITEM 67-11 and 68-11 ON TUESDAY, MAY 29, 2012 AT 6:00 PM IN COUNCIL CHAMBERS**

**** COUNCIL MEMBER MARTINEZ SECONDED**

**** MOTION PASSED THREE VOTES IN FAVOR AND ONE ABSTENTION (COUNCIL MEMBER BLUNT)**

**** COUNCIL MEMBER CURWEN MOVED TO SCHEDULE A PUBLIC HEARING FOR ITEMS: 22-11; 51-11 and 89-11 PRIOR TO THE NEXT SCHEDULED CITY COUNCIL MEETING**

**** COUNCIL MEMBER MARTINEZ SECONDED**

**** MOTION PASSED WITH THREE VOTES IN FAVOR AND ONE ABSTENTION (COUNCIL MEMBER BLUNT)**

ADJOURNMENT

**** COUNCIL MEMBER CURWEN MOVED TO ADJOURN
** COUNCIL MEMBER MARTINEZ SECONDED
** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 7:25 pm.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services