

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
REGULAR MEETING
JUNE 28, 2011**

ATTENDANCE: Andre Baker, Co-chair; Anderson Ayala, Angel dePara,
Council President Thomas McCarthy; Martin McCarthy (6:52 p.m.)

STAFF: Mark Anastasi, City Attorney

OTHERS: Captain B. McCarthy, Bpt. Police; Council Member Robert Walsh

CALL TO ORDER

Council Member Baker called the meeting to order at 6:14 p.m.

Approval of Committee Minutes: March 22, 2011; Special Meeting May 13, 2011

**** COUNCIL MEMBER A. AYALA MOVED TO APPROVE OF COMMITTEE
MINUTES: MARCH 22, 2011; SPECIAL MEETING MAY 13, 2011
** COUNCIL PRESIDENT MCCARTHY SECONDED.
** THE MOTION PASSED UNANIMOUSLY.**

**58-10 Proposed amendments to the Municipal Codes of Ordinances, Chapter 10.20
Towing, amend Section 10.20.080 Qualified Towers – Storage Space, add new Subsection
C.**

Atty. Anastasi said to the best of his knowledge, this item had been not been presented to the Police Commission. He said that that when he called the Police Department to check if this had been approved by the Police Commission.

Captain McCarthy said that he had been informed that this should have been included in the resolution in 1999. Discussion followed about the details of this. Atty. Anastasi suggested that it might be good to table this item until the Police Commission has reviewed it.

Council Member Walsh said that he agreed with Atty. Anastasi and that he had some question about why one indoor space was needed for every outdoor spot. He added that he was concerned that there was possibility of removing some towing companies already on the list. Captain McCarthy said that he did not believe that there were any towing facilities that would be removed from the list. Most, if not all of the towing companies have been working with both the police department and the city for a number of years and he did not believe that the changes would affect them. However, there is a need to pass the ordinance because of liability reasons. This would protect the City from the suits against damages. Atty. Anastasi said that the City's

position is that the towing company had the responsibility for securing the vehicle, however, there was a need for indoor storage in the cases of criminal cases where there might be evidence in the vehicle or the vehicles have been severely damaged and it should not be out in the weather. Captain McCarthy reviewed the qualifications for the two tow lists

**** COUNCIL MEMBER A. DEPARA MOVED TO TABLE AGENDA ITEM 58-10 PROPOSED AMENDMENTS TO THE MUNICIPAL CODES OF ORDINANCES, CHAPTER 10.20 TOWING, AMEND SECTION 10.20.080 QUALIFIED TOWERS – STORAGE SPACE, ADD NEW SUBSECTION C PENDING BOARD OF POLICE COMMISSIONER ACTIONS**

**** COUNCIL PRESIDENT MCCARTHY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

70-09 Proposed Amendment to the Municipal Code of Ordinance, Chapter 8.76 Anti-Blight Program amend Section 8.7.040 Enforcement, Subsection A.

Council Member Holloway was not present to answer questions.

**** COUNCIL PRESIDENT MCCARTHY MOVED TO TABLE AGENDA ITEM 70-09 PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCE, CHAPTER 8.76 ANTI-BLIGHT PROGRAM AMEND SECTION 8.7.040 ENFORCEMENT, SUBSECTION A.**

**** COUNCIL MEMBER A. AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

79-09 Request concerning Personal Services Contracts and Procedural Ordinances.

Council Member Baker said that there had been a request for additional financial information pending and asked Atty. Anastasi if he had received the requested information. Attorney Anastasi said that he had not. Council Member Walsh asked to amend this item to get some information from the Finance Department of amounts paid vendors for the current budget and the prior two financial years.

Council Member Walsh said that the Council was responding to personal contracts going out and whether there was anything questionable going on. He said that he would like a list of the current 2010-2011 budget year and the two prior budget year of 2008-2009 and 2009-2010 for all the vendors, what the item was for and the amount that was paid. Atty. Anastasi said that he would send an email to Ms. Norton in the morning.

**** COUNCIL PRESIDENT MCCARTHY MOVED TO TABLE AGENDA ITEM 79-09 REQUEST CONCERNING PERSONAL SERVICES CONTRACTS AND PROCEDURAL ORDINANCES PENDING THE RECEIPT OF THE REQUESTED INFORMATION ON VENDORS AND THE AMOUNTS PAID OUT FOR CURRENT**

2010-2011 BUDGET YEAR AND THE TWO PRIOR BUDGET YEAR OF 2008-2009 AND 2009-2010.

**** COUNCIL MEMBER A. AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

87-10 Proposed amendments to the Municipal Code of Ordinances, amend to add new Chapter 8.81 Sexually Orientated Business Ordinance, constructed in a manner similar to the Town of Berlin.

Council Member Walsh said that he had reviewed the Town of Berlin ordinances regarding Sexually Orientated Businesses and worked it into a similar format for Bridgeport. He said that this type of resolution was almost belts and suspenders. The actual ordinance goes further than where a Sexually Orientated Business can be place in a land use zone and includes the quality of life issues. This ordinance would also encompass issues such as the hours, by limiting companies like massage parlors to certain hours. Once the business are established in a location, this would help patrol their actions.

Council President McCarthy asked if this ordinance had been challenged in court. Council Member Walsh said that it had been challenged in court twice, and both times the court had then ruled in favor of the town. One of those rulings had come from the Connecticut State Supreme Court. Council President McCarthy had some particular questions about the details. Discussion followed about the section of the ordinance, which would require having the appeal being presented to the Council.

Council Member dePara said that he had concerns about creating a whole new regulation system that would involve the participation not only the Police Department, but the Health Department, the Town Clerk and City Clerk and others. He pointed out that there were numerous deadlines in the ordinance and care needs to be taken so that the City could implement the ordinance. Council Member dePara said that it would be important to have the filing funneled through one department and then is disseminated to the other departments. He said that he believe that it had a lot of potential. Council Member Baker agreed. Council Member dePara said that there was always a learning curve when a new program was started up. Because it was such an important ordinance, he would like to know that most of the departments had reviewed this and would be able to implement it when it is enacted.

Atty. Anastasi said that his office does agree with Council Member Walsh and felt that this needed to be addressed. He said that the Planning and Zoning had issued a moratorium to work on the zoning regulations. They had recently voted to approve changes in the zoning regulations. Atty. Anastasi added that Atty. Schmidt had written up a number of comments on this work in progress. Atty. Schmidt feels that now this had been done, the next step would be to work on the ordinances.

Atty. Anastasi then distributed copies of a member from Atty. Schmidt to Atty. Anastasi about the working draft comments for Adult Entertainment.

**** COUNCIL PRESIDENT MCCARTHY MOVED TO ADD A MEMO FROM MA FROM EFS RE: ATTORNEY-CLIENT PRIVILEGED -- COUNCIL WORKING DRAFT OF ADULT ENTERTAINMENT ORDINANCE AS EXHIBIT A**

**** COUNCIL MEMBER DEPARA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Council Member M. McCarthy joined the meeting at 6:52 p.m.

Atty. Anastasi said that he did not have much more to add, but stressed that it was a draft and a work in progress. Atty. Schmidt will be present at the next meeting and encouraged everyone to send him comments.

Council President McCarthy suggested that a special committee be created with some members from Ordinance and Public Safety committees. Atty. Anastasi said that he did not believe that there would be many appeals. There may be some in the beginning, but once those were over, there were very few. He suggested that it be handled the same way the debarment process. Council Member dePara said that he believed that there needed to be some committee work. Council Member Walsh said that the co-sponsor had some major contact with these Sexually Orientated Businesses (SOBs). He pointed out that a currently operating business would not have to go through the licensing process.

Council President McCarthy left the meeting at 7:00 p.m.

Atty. Anastasi encouraged individual members to email their comments to Atty. Schmidt so they can be worked into the draft. He suggested that this could be done within the next month. Now the Zoning Regs re-write is now over, this is Step 2. Council Member Baker said that he would like to put it on the next agenda. Atty. Anastasi said that Atty. Schmidt would try to get a draft to the Committee members a week in advance.

Council Member dePara said that it would be important to have representatives from all the departments that would be involved in this process, along with the CAO to discuss the overall project. Atty. Anastasi agreed and said that when a workable draft is available, he would try to see that it was sent to the various departments that would be impacted so they can weigh in. They will also be issued an invitation to attend the

**** COUNCIL MEMBER A. AYALA MOVED TO TABLE AGENDA ITEM 87-10 PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND TO ADD NEW CHAPTER 8.81 SEXUALLY ORIENTATED BUSINESS ORDINANCE, CONSTRUCTED IN A MANNER SIMILAR TO THE TOWN OF**

BERLIN FOR REVIEW AND INPUT BY THE VARIOUS DEPARTMENTS AND COUNCIL COMMITTEES INVOLVED.

**** COUNCIL MEMBER M. MCCARTHY SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

42-10 – Proposed amendment to the Municipal Code of Ordinance amend Chapter 2.38 Code of Ethics.

No one was present from the Ethics Commission to answer questions.

**** COUNCIL MEMBER DEPARA MOVED TO TABLE AGENDA ITEM 42-10 – PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCE AMEND CHAPTER 2.38 CODE OF ETHICS UNTIL REPRESENTATIVE FROM ETHICS COULD BE PRESENT.**

**** COUNCIL MEMBER A. AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL MEMBER M. MCCARTHY MOVED TO ADJOURN.**

**** COUNCIL MEMBER A. AYALA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:11 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services