

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
SPECIAL MEETING
MAY 12, 2016**

ATTENDANCE: Eneida Martinez, Co-Chair; Mary McBride-Lee; Kathryn Bukovsky; Anthony Paoletto; Michelle Lyons; Tom McCarthy, Council President

STAFF: Dennis Buckley, Zoning Administrator; Nestor Nkwo, OPM Director; Bruce Nelson, Building Official; Atty. Mark Anastasi, Associate City Attorney; Warren Blunt, Environmental Health Director; Richard Thode, Asst. Fire Chief; Michael Samperi, Weights and Measures; Steve Hladun, Parks & Recreation

CALL TO ORDER

The Chair called the meeting to order at 7:10 PM. A quorum was present.

AGENDA

Co-Chair Martinez asked if it would be possible to combine the items for the purpose of approving them. Atty. Anastasi stated that it would be, so long as the committee approves.

The members of the committee expressed no objection to the combination of the items.

**** COUNCIL MEMBER BUKOVSKY MOVED TO COMBINE THE FOLLOWING ITEMS FOR THE PURPOSES OF VOTING:**

- 1. 109-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 5 – BUSINESS LICENSES AND REGULATIONS, AMENDING VARIOUS CHAPTERS: 5.12, 5.16, 5.24, 5.32, 5.36, 5.46, 5.48, AND 5.80 ALL RELATING TO FEES.**
- 2. 110-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 6.04 – ANIMAL CONTROL REGULATIONS GENERALLY, AMEND SECTION 6.04.020, BUYING AND SELLING LIVE POULTRY, RELATING TO FEES.**
- 3. 111-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 8 – HEALTH AND SAFETY, AMENDING CHAPTERS:**

8.12, 8.16, 8.20, 8.28, 8.36, 8.44, 8.84 AND 8.90 RELATING TO FEES AND AMEND TO ADD NEW SECTIONS: 8.20.660 AND 8.28.230.

- 4. 112-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 9.16 – WEAPONS, AMEND SECTION 9.16.020 PERMIT TO CARRY CERTAIN WEAPONS – FEE.**
- 5. 113-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 10.12 – STOPPING, STANDING AND PARKING GENERALLY, AMEND SECTION 10.12.010, RESTRICTIONS ON STOPPING OR PARKING GENERALLY – VIOLATIONS – PENALTIES – EXEMPTION, RELATING TO FEES.**
- 6. 114-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 12 – STREETS, SIDEWALKS AND PUBLIC PLACES AMENDING VARIOUS CHAPTERS: 12.08, 12.12, 12.16 AND 12.28, RELATING TO FEES.**
- 7. 115-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 15 – BUILDINGS AND CONSTRUCTION AMEND VARIOUS CHAPTERS: 15.08, 15.32 AND 15.36 RELATING TO FEES.**

**** COUNCIL MEMBER MCBRIDE-LEE SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Nkwo passed out a summation of the whole ordinance to those seated, condensed in an Excel format for easy informational grabs.

Mr. Nkwo stated that the first page features a summary of the updated fee schedule. He stated that the last time an increase took place was in 2008 or 2009, and that the correct mathematical percentage with inflation would be around 22%, however, in the interest of not shocking the public, most of the average increases are about 15%. He stated that the Building Department did a language update in 2014, but that this didn't address the fees themselves. Mr. Nkwo stated that the City will never catch up due to the lack of timely increase, but that the increase is better than doing nothing. He stated that the columns display the current fees, the proposed fees, the actual amounts collected this fiscal year, and the amounts that will theoretically occur as a result of the increase percentage. He stated that this page also refers to the ordinance which gives them legal authority.

Mr. Nkwo stated that the second page is fairly standard, and that the only thing to point out is the new ordinance correlating the fees for the fire marshal inspections with the square footage of the space. He stated that the rationale is that the marshal goes out to perform inspections, and which can be immensely time consuming depending on the site.

Asst. Chief Thode provided the new Jewish community center as an example, and stated that they have had a fire marshal dedicating 2-3 days per week to the site, as it is roughly 3,000

square feet with a detailed and intense layout. He stated that they came up with the idea of a fee in order to recoup some of the costs that come with the man hours.

Co-Chair Martinez asked why the amount was 15% and not higher for more detailed sites. Mr. Nkwo stated that they didn't want the constituents to cry foul with too dramatic a change, and that the committee can adjust the percentage if they see fit. Asst. Chief Thode stated that he supports Nestor's initial percentage. Council Member Bukovsky also expressed her support for the 15% figure, and stated that they don't want to sticker shock people with a steep increase, but can always increase the amount upon annual or biannual review.

Mr. Nkwo stated that they should begin doing a constant review of fees, rather than a sporadic one.

Council Member McCarthy asked if their amounts were compared to other towns. Mr. Nkwo stated that they did, and that some of the recommendations came from the City's Building Official. He stated that the Fire Department came up with the initial idea, and that they then checked the surrounding areas to make sure that their rates were reasonable. He stated that their amounts are slightly higher than Stamford, but the cities are different enough that the comparison isn't necessarily pertinent.

Council President McCarthy asked everyone from the various departments to let the committee know if they would like something changed in regards to the fees, once their items are addressed.

Mr. Nkwo stated that there is a new ordinance called a floor-plan review, and that it is only relevant to people trying to establish a new restaurant or sites where environmental health needs to review the site. He stated that there is another new ordinance for rodent free inspection, in which a site that is to be demolished must be inspected in order to ensure that a rodent colony has not taken root in said building, and won't disappear into another neighborhood following the demolition. He stated that this is part of the State's health care requirement.

Mr. Blunt stated that Stamford's fee for restaurant inspections are actually much higher than Bridgeport's, and that a restaurant such as Testo's would cost \$750. Co-Chair Martinez noted that Stamford is also on the Greenwich line, which encourages more profits due to the high economic brackets in the abutting town. Mr. Nkwo stated that they have tried to not compare Bridgeport too closely to Stamford, as they are also closer to New York City and there is a sizable income disparity between the two locations. Mr. Nkwo stated that the fee is moderate.

Mr. Nkwo stated that the fees in the City's ordinance regarding pistol permits is superseded by the State's dominant ordinance and its fees. He stated that the new fees reflect the State's current rates.

Atty. Anastasi suggested that they change the language in the ordinance to reflect the \$70 present fee or whatever fee is established by the State, in order to keep the ordinance current without having to constantly revise it.

**** COUNCIL PRESIDENT MCCARTHY MOVED TO AMEND ITEM 112-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 9.16 – WEAPONS, AMEND SECTION 9.16.020 PERMIT TO CARRY CERTAIN WEAPONS – FEE TO REFLECT THE FOLLOWING:**

- 1. THE FEE SHALL BE \$70 OR SUCH GREATER AMOUNT AS IS ESTABLISHED PURSUANT TO STATE LAW.**

**** COUNCIL MEMBER LYONS SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Nkwo stated that they could potentially make the fees for excavating permits higher. Council President McCarthy asked if anyone knew of the statutory limit on the fine. Atty. Anastasi stated if they do in fact set a number higher than the statutory limit, then they will just be limited to the established fee.

**** COUNCIL PRESIDENT MCCARTHY MOVED TO AMEND ITEM 114-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 12 – STREETS, SIDEWALKS AND PUBLIC PLACES AMENDING VARIOUS CHAPTERS: 12.08, 12.12, 12.16 AND 12.28, RELATING TO FEES TO REFLECT THE FOLLOWING:**

- 1. CHAPTER 12.08.080 - SIDEWALK PERMIT FEE AMEND AMOUNT FROM \$ 50.00 TO \$75.00**
- 2. CHAPTER 12.08.120 – CONTRACTOR’S LICENSE FEE AMEND AMOUNT AMOUNT FROM \$ 125.00 TO \$150.00**
- 3. CHAPTER 12.12.110 – EXCAVATION PERMIT FOR STREET OPENINGS WHERE PAVEMENT IS LAID-FEE AMEND AMOUNT FROM \$125.00 TO \$ 150.00(COMBINED SEWER) AND \$125.00 TO \$150.00 (STORM AND SANITATION)**
- 4. CHAPTER 12.12.150 – PUBLIC UTILITY EXCAVATIONS – LICENSE FEE AMEND AMOUNT FROM \$ 125.00 TO \$150.00**
- 5. CHAPTER 12.12.200 – PUBLIC UTILITY EXCAVATIONS – PERMIT FEE AMEND AMOUNT FROM \$125.00 TO \$150.00**
- 6. CHAPTER 12.16.220 – PERMIT TO OCCUPY PORTION OF STREET-FEE AMEND AMOUNT FROM \$40.00 TO \$50.00**

**** COUNCIL MEMBER LYONS SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Nkwo stated that the amounts indicated under Weights and Measures are pretty standard, and that the fee increase in total would be \$12,000. Mr. Samperi stated that he is in favor of the new prices. Co-Chair Martinez seconded the support of said prices.

Mr. Nkwo stated that Mr. Buckley drew up his own spreadsheet, and that his fees are in fact approved by the Zoning Commission, not the committee. He stated that the fee schedule for this department is thus purely informational. Mr. Buckley stated that he has historically never been to one of these meetings and that previously Mike Nidoh would come in and report any changes.

Mr. Blunt requested that they return to the Health Department page, and Co-Chair Martinez obliged. Mr. Blunt suggested that the itinerant food vendor license price on page 3 be changed from \$280 to \$300.

Council President McCarthy asked if the itinerant food vendor license includes hot dog vendors and food trucks, and Mr. Blunt answered in the affirmative.

Mr. Blunt suggested that the temporary food vendor license price be changed from \$115 to \$125. Asst. Chief Thode stated that any of the trucks that can cook also require a fire marshal inspection.

Council Member Lyons asked if the Housing Department is included in the packet. Mr. Nkwo stated that they are not, and that one of their ordinances is pending, caught up in committee, and that he didn't want to put it on again and conflict with the pending ordinance. Council Member Lyons asked what the pending ordinance addresses, and Mr. Nkwo stated that it relates to a certificate of occupancy. Co-Chair Martinez stated that the committee had needed legal advice regarding the ordinance, and as they had no one from legal present at the last meeting, they couldn't place the item back on the agenda. Atty. Anastasi stated that he was unsure if any fees established by statute regarding housing must be done by ordinance.

Council Member McBride-Lee asked for clarification on the full payments for inspections and fees for food vendor licenses. Mr. Nkwo stated that, with the changes, the fee for the temporary food vendor license would be \$125, plus an additional \$30 for the fire marshal's inspection, and then another portion from Environmental to ensure the temperature of the food and equipment placement is sound. Mr. Blunt stated that a lot goes into procuring a food vendor license, including going over the menu, investigating items and equipment involved, and other steps to ensure minimum risk of foodborne illness.

Council Member Bukovsky stated that her opinion is that they don't want to shock the constituents by throwing them a 50% increase on a \$150 permit this year. She stated that they certainly want to bring the fees to the point where they can revisit them next year or the

**** COUNCIL PRESIDENT MCCARTHY MOVED TO AMEND ITEM 111-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 8 – HEALTH AND SAFETY, AMENDING CHAPTERS: 8.12, 8.16, 8.20, 8.28, 8.36, 8.44, 8.84 AND 8.90 RELATING TO FEES AND AMEND TO ADD NEW SECTIONS: 8.20.660 AND 8.28.230 TO REFLECT THE FOLLOWING:**

- 1. THE PRICE FOR AN ITINERANT FOOD VENDOR LICENSE SHALL BE \$300 AND THE AMOUNT FOR A TEMPORARY FOOD VENDOR LICENSE SHALL BE \$125.**

**** COUNCIL MEMBER BUKOVSKY SECONDED THE MOTION.**

Mr. Blunt asked when the ordinance changes will be implemented. Atty. Anastasi suggested that the changes become effective May 18th, and made public by newspaper on May 17th, assuming everything goes according to plan regarding the public hearing.

Council President McCarthy stated that he thought the statute mandated that the changes go into effect 10 days after the fact. Atty. Anastasi stated that he would check. Mr. Nkwo stated that the changes become effective immediately upon approval by the governing body's approval and acceptance of Atty. Anastasi's opinion. Atty. Anastasi stated that, historically, following publication and hearing, the changes go into effect 30 days after their adoption, unless another date is specified in the ordinance approval. Atty. Anastasi stated that, rather than relying on publication, that they pick a hard date, and that they should order a public hearing on all the items, as well as placing an effective date of May 18, 2016.

Co-Chair Martinez asked if the suggested date would be a problem as the new budget does not go into effect until July 1st. Atty. Anastasi stated that any surplus the City will pick up in that timeframe will be in the shortfall they receive next year, and that it is all speculative. Mr. Nkwo stated these measures were part of the measure to try and close the current year's grab, and that anything they can procure this summer is positive.

**** MOTION PASSED UNANIMOUSLY.**

Council Member Lyons inquired about the dumpster permit. Mr. Nkwo stated that people, by right, put a dumpster in front of their homes when they're doing construction such as fixing roofs, and that before they do this, they are supposed to pull a permit as they are occupying space. Mr. Nkwo stated that the permits are to help compensate for loss of parking meter revenues. Council Member Lyons asked about dumpster next to a business or on a business' property. Mr. Nkwo stated that the City has no jurisdiction over private property unless it spills over into the sidewalk, at which point it becomes a blighting issue. Mr. Buckley stated, in that event, that the Police Department should be contacted, as it is blocking the public right of way.

Council President McCarthy asked if there is any ordinance that authorizes the Zoning Board to set fees. Atty. Anastasi stated that the City Attorney, Building Department and Mayor's Office will confer on this and come to an agreement by Monday.

Council Member Lyons stated that she agreed with Council President McCarthy and Atty. Anastasi.

Mr. Nkwo stated that page 8 contains the fees for the golf course, included for informational purposes and approved by the Parks Board.

Council Member Lyons asked if there were any changes to the City's policy regarding free park stickers for seniors, and Mr. Nkwo stated that the policy is the same as before.

Co-Chair Martinez stated, for informational purposes, that those individuals who are 65 and over can get a free park pass. Mr. Samperi noted that the individual's car must be registered in their name as well.

**** COUNCIL PRESIDENT MCCARTHY MOVED TO APPROVE THE COMBINED AND AMENDED ITEMS, WITH AN EFFECTIVE IMPLEMENTATION DATE OF MAY 18, 2016:**

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**** COUNCIL MEMBER BUKOVSKY SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** COUNCIL PRESIDENT MCCARTHY MOVED TO ADJOURN.**

**** COUNCIL MEMBER LYONS SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:05 PM.

Respectfully submitted,

Catherine Ramos
Telesco Secretarial Services