

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
REGULAR MEETING
MAY 24, 2016**

ATTENDANCE: Eneida Martinez, Co-Chair; Jack Banta; Jose Casco, Co-Chair;
Kathryn Bukovsky

OTHER: Ken Flatto, Director of Finance; Mark Anastasi, Associate City
Attorney; Daniel Roach, Mayor's Office; Atty. Diane Lord,
Willinger, Willinger & Bucci

CALL TO ORDER

The Chair called the meeting to order at 6:19 PM. A quorum was present.

APPROVAL OF MINUTES

March 21, 2016 (Special Meeting)

**** COUNCIL MEMBER BANTA MOVED TO APPROVE THE MINUTES OF THE
MARCH 21, 2016 SPECIAL MEETING.**

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

**** MOTION PASSED UNANIMOUSLY.**

March 22, 2016 (Regular Meeting)

**** COUNCIL MEMBER BANTA MOVED TO APPROVE THE MINUTES OF THE
MARCH 22, 2016 REGULAR MEETING.**

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

**** MOTION PASSED UNANIMOUSLY.**

May 12, 2016 (Special Meeting)

**** COUNCIL MEMBER BANTA MOVED TO APPROVE THE MINUTES OF THE
MAY 12, 2016 SPECIAL MEETING.**

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

**** MOTION PASSED UNANIMOUSLY.**

May 16, 2016 (Public Hearing)

**** COUNCIL MEMBER BANTA MOVED TO APPROVE THE MINUTES OF THE
MAY 16, 2016 PUBLIC HEARING.**

**** COUNCIL MEMBER CASCO SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

The Chair asked if it would be feasible to combine some of the items. Atty. Anastasi stated that it would be.

**** COUNCIL MEMBER BUKOVSKY MOVED TO COMBINE AND TABLE THE FOLLOWING ITEMS:**

- 1. 12-15: PROPOSED REQUEST THAT THE TAKING OF VEHICLES AND THE ACTION OF “BOOTING” MUST ONLY BE EMPLOYED AFTER MULTIPLE OFFENSES AND THAT A CERTIFIED LETTER BE SUBMITTED TO THE OWNERS OF VEHICLE AND THAT NOTICE IS PROVIDED TO THE APPROPRIATE CITY COUNCIL COMMITTEE FOR THEIR APPROVAL OF SAID ACTION.**
- 2. 68-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 2.38 CODE OF ETHICS AMEND SECTION 2.38.020 – DEFINITIONS AND SECTION 2.38.040C – COMMISSION ON ETHICS.**
- 3. 69-15: PROPOSED AMENDMENT TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 2 ADMINISTRATION AND PERSONNEL, AMEND TO ADD NEW CHAPTER 2.125 – COMMISSION AND OFFICE OF GOVERNMENTAL ACCOUNTABILITY.**
- 4. 108-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 2 ADMINISTRATION AND PERSONNEL, ADD NEW CHAPTER 2.126 – MUNICIPAL IDENTIFICATION CARD PROGRAM.**
- 5. 128-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 2.389 CODE OF ETHICS, AMEND TO ADD NEW SECTION 2.38.050 PROVISION CONCERNING SUBSEQUENT EMPLOYMENT.**
- 6. 129-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, AMEND CHAPTER 8.76 ANTI-BLIGHT PROGRAM.**

**** COUNCIL MEMBER BANTA SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Atty. Anastasi stated that the copy machines in his office are broken, and thus he would read his opinions into the record. Council Member Banta offered to assist Atty. Anastasi in making copies using the machines upstairs, and Atty. Anastasi accepted his offer.

77-15
PROPOSED RESOLUTION REGARDING THE CREATION OF A 180 DAY MORATORIUM CONCERNING THE REQUIREMENTS FOR LIQUOR STORE PERMITS.

**** COUNCIL MEMBER BUKOVSKY MOVED TO SUBMIT ATTY. ANASTASI’S WRITTEN OPINION RE: ITEM #77-15 INTO THE RECORD AS EXHIBIT #052416-1.**

**** COUNCIL MEMBER BANTA SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

The letter read as follows:

Council Member Banta asked if Atty Lord would be permitted to speak through the Chair. Atty. Anastasi stated, as this meeting was not a public hearing, it was not Atty. Lord was not technically entitled to speak. Council Member Banta asked what the man in the pertinent case wants to move. Atty. Anastasi stated that he didn’t feel they should focus on individual issues

that are currently pending in front of the land use board. Atty. Anastasi stated that this is a Planning and Zoning issue, and that the City Council has no right as a body to impose a moratorium on the land use board. Council Member Martinez stated that Planning and Zoning follows state statute, and that it is their prerogative to regulate land use. Atty. Anastasi stated that the Council has every right to be heard by the board, but has no right to impose a moratorium. Atty. Anastasi stated that there is no reason to believe that they will make a change, and that the commission will be advised by Atty. Ed Schmidt. Atty. Anastasi stated that the committee does not have the authority to regulate land use.

Atty. Anastasi stated that the authority to impose land use regulations rests with the Planning and Zoning Commission, and that this is also the opinion of Atty. Schmidt, who is their resident expert on the subject. He stated that the land use board has adopted moratoriums previously whilst they studied whether or not certain applications were advisable. He stated if the committee is not comfortable denying the item, they can table it and Atty. Schmidt will attend the next meeting, as he is their resident land use expert. Atty. Anastasi stated that the council members are also welcome to call Atty. Schmidt individually, and oftentimes text amendments are submitted by staff and triggered by the commission itself, not generally outside third party applicants. He stated that there is no reason for the commission to view this favorably, but also no reason for them not to.

Council Member Martinez stated that, while she cannot vote on this, she would love some more detailed information from Atty. Schmidt.

**** COUNCIL MEMBER BUKOVSKY MOVED TO TABLE ITEM #77-15 RE: PROPOSED RESOLUTION REGARDING THE CREATION OF A 180 DAY MORATORIUM CONCERNING THE REQUIREMENTS FOR LIQUOR STORE PERMITS.**

**** COUNCIL MEMBER BANTA SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

01-15

PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 15.12 HOUSING CODE, AMEND SECTIONS: 15.12.250 AND 15.12.320.

Atty. Anastasi stated that there was no one present from Housing, but that he remembered the committee had been worried about delegating its ability to set fees for another party.

**** COUNCIL MEMBER BUKOVSKY MOVED TO ENTER ATTY. ANASTASI'S WRITTEN OPINION RE: ITEM #01-15 INTO THE RECORD AS EXHIBIT #052416-2.**

**** COUNCIL MEMBER BANTA SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Atty. Anastasi stated that if someone wants to recommend fees, they can come to the committee to approve them, as this is easier than going through the process of entering something into the code or ordinance. He stated that there is a second issue or whether or not the department has adequate staff to address the dramatic increase in workload that will result from a change of this nature. He stated that it is also proposing to eliminate prior exemption for any property materially reconstructed in the last 15 years. He stated that he did not recommend approving the

resolution at this time, as the committee currently has no way to determine whether or not Housing will be able to accommodate the increased workload and if new hires would be feasible for their budget.

Council Member Bukovsky stated, regarding 15.12.320, that she agrees with Atty. Anastasi. She stated that if Housing feels they need to raise fees, they are welcome to go through the same process every other department does, as changing the methodology would cause confusion for the public.

Council Member Bukovsky stated, regarding 15.12.250, that she likes the idea of inspecting single family homes for any rental that is not owner-occupied, and that it is important for safety's sake. However, it will create a financial and work burden, and until they know that they have the resources to live up to the new needs, it would be best to table this section of the item. She stated that it would be helpful to have a member of Housing present to discuss the item.

**** COUNCIL MEMBER BUKOVSKY MOVED TO DENY ITEM #01-15 RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 15.12 HOUSING CODE, AMEND SECTION: 15.12.320 WITH THE FOLLOWING STIPULATION:**

1. THE DEPARTMENT IS WELCOME TO BRING PROPOSED FEE CHANGES TO THE COUNCIL FOR APPROVAL.

**** COUNCIL MEMBER CASCO SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER BUKOVSKY MOVED TO TABLE ITEM #01-15 RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 15.12 HOUSING CODE, AMEND SECTION: 15.12.250.**

**** COUNCIL MEMBER BANTA SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

107-15

**PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES,
CHAPTER 12.40 – WHARVES AND VESSELS – ARTICLE II RULES AND
REGULATIONS; AMEND SECTION 12.40.120 SPEED REGULATIONS.**

**** COUNCIL MEMBER BUKOVSKY MOVED TO ENTER ATTY. ANASTASI'S WRITTEN OPINION RE: ITEM #107-15 INTO THE RECORD AS EXHIBIT #052416-3.**

**** COUNCIL MEMBER CASCO SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Atty. Anastasi stated that this item proposes a small modification to address issues and concerns during the upcoming busy boating season so that the DEAP don't issue a permit to block boat use in Black Rock. The amendment would be as follows: delete FLG19 to its terminus at the head of Cedar Creek Channel, and insert FLG7 to the end of Cedar Creek Channel. He stated that this basically defines the no wake zone so Black Rock can be successfully permitted.

**** COUNCIL MEMBER BUKOVSKY MOVED TO APPROVE ITEM #107-15**

**PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES,
CHAPTER 12.40 – WHARVES AND VESSELS – ARTICLE II RULES AND
REGULATIONS; AMEND SECTION 12.40.120 SPEED REGULATIONS.**

- ** COUNCIL MEMBER BANTA SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

127-15

**PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES,
CHAPTER 2.102 PLANNING AND ZONING COMMISSION, AMEND SECTION
2.102.060 LAND USE APPLICATION AND REVIEW FEES.**

- ** COUNCIL MEMBER BUKOVSKY MOVED TO ENTER ATTY. ANASTASI'S
WRITTEN OPINION RE: ITEM #127-15 INTO THE RECORD AS EXHIBIT #052416-4.**
- ** COUNCIL MEMBER BANTA SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

Atty. Anastasi stated that he recommends the committee substitute the full fee schedule for the new fee schedule recommended by the Planning and Zoning Commission, and thus recommend to the full council that they be adopted.

Council Member Bukovsky asked if this is tantamount to replacing an existing fee schedule within ordinance, but not the way it is arrived at or determined. Atty. Anastasi answered in the affirmative, stating that these are proportional increases. Atty. Anastasi stated that the commission was unaware that the process of fee changing required the committee to weigh in, and that he found the state statute that empowered them to do so by ordinance. He stated that none of the fee changes are dramatic, and are essentially 15% across the board.

Council Member Martinez asked if Mr. Buckley generated the new fee schedule, and Atty. Anastasi answered in the affirmative. Atty. Anastasi stated that the new fee schedule was approved by the Planning and Zoning Commission, and that they are likely already published. He further stated that the sooner the committee adopts the new schedule the better.

- ** COUNCIL MEMBER BUKOVSKY MOVED TO APPROVE ITEM #127-15
PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES,
CHAPTER 2.102 PLANNING AND ZONING COMMISSION, AMEND SECTION
2.102.060 LAND USE APPLICATION AND REVIEW FEES.**
- ** COUNCIL MEMBER BANTA SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY.**

Atty. Anastasi stated that a public hearing would need to be held relative to items 127-15 and 107-15.

- ** COUNCIL MEMBER BANTA MOVED TO HOLD A PUBLIC HEARING ON
JUNE 6, 2016 AT 6:00 PM RELATIVE TO THE FOLLOWING ITEMS:**
 - 1. 107-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF
ORDINANCES, CHAPTER 12.40 – WHARVES AND VESSELS – ARTICLE II
RULES AND REGULATIONS; AMEND SECTION 12.40.120 SPEED
REGULATIONS.**

2. 127-15: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, CHAPTER 2.102 PLANNING AND ZONING COMMISSION, AMEND SECTION 2.102.060 LAND USE APPLICATION AND REVIEW FEES.

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

ADJOURNMENT

**** COUNCIL MEMBER BUKOVSKY MOVED TO ADJOURN.
** COUNCIL MEMBER BANTA SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:11 PM.

Respectfully submitted,

Catherine Ramos
Telesco Secretarial Services