

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE**

TUESDAY, SEPTEMBER 25, 2012

6:00 PM

ATTENDANCE: Council members: Paoletto; Co-chair, M. McCarthy, Curwen,
Bonney, Blunt, Co-chair.

NON-COMMITTEE: Council members: Brannelly, dePara, Olson
*Council President McCarthy

*= voted on the motions

OTHER(s): E. Schmidt, Assistant City Attorney
J. Mitola, Associate City Attorney
K. Dubay-Horton, Director of Health & Social Services
M. Nldoh, Director of Planning

Co-chair Paoletto called the meeting to order at 6:17 pm.

Approval of Committee Minutes: May 22, 2012 (Regular Meeting)

Approval of Committee Minutes: May 29, 2012; June 4, 2012 (Public Hearings)

Approval of Committee Minutes: June 14, 2012; June 20, 2012; June 28,
2012 (Special Meetings)

**** COUNCIL PRESIDENT T. McCARTHY MOVED TO ACCEPT THE (3) SETS OF
MINUTES**

**** COUNCIL MEMBER BONNEY SECONDED**

**** MOTION PASSED UNANIMOUSLY**

Co-chair Paoletto stated that the agenda would be taken out of order.

129-11 Proposed Amendments to the Municipal Code of Ordinances, Chapter 12.08 Street, Sidewalk and Driveway Construction and Maintenance, amend Section 12.08.030 Restrictions as to Driveways.

Mike Nidoh distributed copies of the ordinance to the committee members. He reviewed the ordinance and explained that it was difficult for fire trucks to access over the curb, so they need to construct it to allow a wider width. The ordinance will read as follows:

“Except as otherwise provided in this code, driveway approaches shall be limited to a width of twenty (20) feet at the sidewalk with allowable two-foot flair at each side at the curb, making the maximum width at the curb twenty-four (24) feet. No driveway approaches for the same property shall be closer together than twenty-five (25) feet.

“Except as otherwise provided in this code, driveway approaches shall be limited to a width as follows:

- (a) *For **residential properties** involving one, two and three family structures, a driveway approaches at the property line of a maximum of 20 feet with 2-foot flairs at the curb line shall be allowed;*
- (b) *For **larger multi-family residential properties** such as apartment complexes and condominiums in excess of four (4) units, a driveway approaches at the property line of a maximum of 24 feet with 3-foot flairs at the curb line shall be allowed; and*
- (c) *For **commercial, industrial and institutional properties** such as mixed-use retail centers, office complexes, factories and warehouses, restaurants, and stand-alone commercial properties such as banks, fast-food restaurants and gas stations, a driveway approach at the property line of a maximum of 30 feet with 3-foot flairs at the curb line shall be allowed.*
- (d) *No driveway approaches for the same property shall be closer together than twenty-five (25) feet except those uses listed in (a) above that would utilize a common driveway.”*
- (e) *No driveway approaches as street corners or crosswalks shall be permitted closer than thirty (3) feet from the “stop bar”, crosswalk”, bus stop” and/or intersecting street line.*

Mr. Nidoh stated that they were trying to modernize the ordinance. He noted that up to these limits, the proposed can be done over the counter as-of-right.

Co-chair Paoletto referenced item (b) and asked what the old maximum was. Mr. Nidoh said it was 20 feet and it has now been bumped up to 24 feet.

Council member Bonney asked if there would be 3 feet on each side. Mr. Nidoh explained that where the curb started, there would be a maximum of 3 feet to allow for the curvature.

Council member Olson asked if the proposed would also apply to new properties. Mr. Nidoh said yes. He mentioned that most developers were looking for a wider driveway and he reiterated that the proposed would apply to new construction.

Mr. Nidoh used the example of the Bayview Shopping Center to recall how they combined the driveway openings into a single location, noting that the work was considered to be a renovation to create one new one that would come under this ordinance.

**** COUNCIL MEMBER BONNEY MOVED TO APPROVE**

**** COUNCIL MEMBER McCARTHY SECONDED**

**** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

140-11 Proposed Amendments to the Municipal Code of Ordinances, amend to add new Chapter regarding the Establishment of a Food Policy Council.

Co-chair Paoletto stated that he and Council member Blunt submitted the resolution. He urged the other committee members and council members present to sign on if they wished.

Council member Blunt recalled that there was a preliminary meeting to review what they were trying to accomplish and to answer the what, why etc.

Co-chair Paoletto clarified that the only difference in the document that was submitted tonight compared to the one that was turned into the city council is that the city of New York calls their council a "commission"; so that word was deleted and it is named the "Food Policy Council". He referred to page 3 of the document and noted that they added a couple of sentences. He reviewed the section headed "**Membership**" on page 2 of 3.

It was stated that Marilyn Moore, Kristen Dubay-Horton and Albertina Baptiste were present to address the ordinance.

Ms. Moore mentioned the REACH coalition as one of the groups that worked in conjunction with other groups toward developing the food policy council. She said they looked at the lack of grocery stores on the east end of Bridgeport for three years and this expanded to other areas as well. They conducted a survey to find out what owners were selling in the bodegas and what was lacking. They also looked at what it would take to ensure that people would have access to healthy foods at an affordable cost; so all the ground work was done. She commented that one idea that came out of all this was the creation of the Food Policy Council in terms of what they are, what they can do and how they will be successful.

Ms. Dubay-Horton added that in areas where there is no access to healthy food, the rates of obesity are higher than it is in other areas. So she hoped that they could work together to overcome the barriers. She further noted that Council members Blunt and Paoletto were instrumental in promoting the policy.

Co-chair Paoletto stated that everyone was aware of supermarkets moving out of certain neighborhoods leaving them with a lack of health foods. So they tried to develop a comprehensive plan to address the issue. He said the ordinance mimics the policy that was created in the cities of New Haven and Hartford and they extracted the best parts of their policy. He thanked everyone involved and for bringing the matter forth. He further thanked Council members dePara, M. McCarthy and Martinez for attending all the meetings and educational seminars pertaining the matter.

Council member Olson asked if the policy would involve the Merton Center and other places that offer the same services. The response was that everyone in the city would benefit; including those who run shelters etc.

Council member Curwen stated that he would like to sign on to the resolution as a co-sponsor. He commented that Bridgeport has such a diverse population and he felt that the food council they were trying to form would be a good thing; wherein most other cities, they don't deal with the same amount of diversity. He also noted that Bridgeport consists of a city with different types of food cultures and he hoped that some of these cultures could be incorporated into the policy.

Council member Blunt stated the policy would set the foundation for the city council that would come up with varied strategies and initiatives that would result in making the city healthier. Overall, he felt there is a good potential for it to succeed.

It was noted that the following council members signed on to the resolution as either current or new co-signors:

- *Council members: Curwen, M. McCarthy, Martinez, Bonney, Brannelly, Olson.*

**** COUNCIL PRESIDENT McCARTHY MOVED TO AMEND ITEM 140-11
EXHIBIT-A-9-25-12**

**** COUNCIL MEMBER BONNEY SECONDED**

**** MOTION PASSED UNANIMOUSLY**

**** COUNCIL PRESIDENT McCARTHY MOVED TO APPROVE BY
SUBSTITUTION EXHIBIT-A-9-25-12 AS AMENDED**

**** COUNCIL MEMBER BONNEY SECONDED**

**** MOTION PASSED UNANIMOUSLY**

***Consent calendar**

**** COUNCIL MEMBER CURWEN MOVED TO ORDER AND SCHEDULE A
PUBLIC HEARING FOR ITEMS 129-11 AND 140-11**

**** COUNCIL MEMBER BONNEY SECONDED**

**** MOTION PASSED UNANIMOUSLY**

143-11 Proposed Amendments to the Municipal Code of Ordinances, amend to add new Chapter Disability Benefits Police and Fire.

It was stated that Associate City Attorney Mitola was present to address this item and that Attorney John Galliette was retained as council for Pension Plan-B.

Attorney Mitola gave some background information about the plan. He stated that the city has two pension plans designated as plan A and B. He pointed out that the plans apply to all employees that were hired before October 15, 1981 and both plans provide service for the connected disability benefit for pension-B. He explained that when it applies, there's specific language in plan-A which makes the plans non-taxable. However, when plan-B was implemented, the non-taxable language wasn't included. The matter was brought to his attention and a meeting was held where they met with Mr. Morley and Mr. Klein and it was suggested that Attorney Galliette should review the

language. He went on to say that there is a way to fix the problem by passing an ordinance. He clarified that the benefits currently aren't subject to an IRS tax and the ordinance also gives trustees of the plan authority to designate who is entitled to benefits subject to review; so by passing the ordinance, he said he felt they could fix the problem. He noted that they also drafted an amendment on the fire department and police department side. He explained that the matter was important, because if the IRS eventually takes notice, it would subject Bridgeport and the plan holder to a certain level of liability. He clarified which disability benefits were non-taxable and/or taxable based on the determination.

Attorney Mitola commented that the Town of Fairfield had some issues with the plan and they did something similar and that's the reason why the ordinance was drafted. He noted that the administration and City Attorney Anastasi review the ordinance.

Council President McCarthy asked if there would be any cost associated with the plan. Attorney Mitola replied no, the change doesn't increase the payment that policy-holders receive.

Council member Brannelly asked if the language is being modified so that people won't have to pay taxes on their benefits. Attorney Gillette responded that for plan-A, the language that pertains to the taxable issue is already incorporated, but plan-B doesn't have it; so that's the reason for modifying the ordinance.

Council member Curwen stated that they were looking at certain groups of individuals in the retirement plan, he asked how they would be affected. Attorney Mitola said unions are aware of it and they've been in contact with the police union and fire union and they understand that the language is going to be fixed. In reference to the transfer issue of active members, they've been transferred to the state plan and many are receiving service connected benefits under plan-B and that's why they are trying to resolve the issues before the IRS potentially gets involved, but it doesn't really affect the transfer issue.

Council member Curwen questioned what the dollar impact would be. He emphasized that he thought there would be an impact somewhere along the line. Attorney Mitola said he didn't think anything would be changed for the serviced connected benefits pension plan as far as payout. However, on the police side, if they are seeking benefits, the employee has to go before the board. He clarified that the pension plan isn't paying out more money, so there is no extra cost to the city. He explained that if it was ever determined by the IRS that the plan benefits were taxable, it could subject the city to

liability. It was noted that pension payments are subject to withholding, as determined by the IRS.

Council member dePara asked if the city has reached out to the IRS to clarify the liability risks. Attorney Galliette responded that the IRS doesn't have any corrective procedure in place; however, they will look at the employee or former employee's tax returns if they are ever audited.

Council member dePara asked if the city made any effort to notice the individuals that may be affected by the change. Attorney Mitola said it would be up to the trustees of the pension plans to notify the recipients that there might be an issue. Council member dePara asked if there has been any discussion with the CAO of the Finance Department regarding filing procedures to ensure that it happens. Attorney Mitola said they informed the CAA, he has been briefed and he received approval to go forward.

Attorney Mitola suggested that they could tell the beneficiaries that the city corrected a potential problem. He stressed that there was always the intent to treat the plan benefits as non-taxable and he noted that it's possible that the IRS may agree. However, if they don't; that's the reason they decided to fix the problem to affirm what they have been doing for the last twenty-five years. Council member dePara emphasized that it would be the responsible thing to let individuals that are retired and other employees know about the situation.

Council member Bonney said he was aware there is the concern of adhering to the statutes. He questioned if the IRS will have the ability down the line to say that the state had it all wrong. He further questioned what liability the city would then incur. Attorney Galliette said that with the ordinance authorized for disability benefits, it will speak to the amounts that were previously paid. If they are audited by the IRS, they will go back three years to determine if the amount withheld was taxable.

Council member Bonney asked if there was any way to add text that would allow the pension holder to opt out if they wanted to. Attorney Mitola said if they chose to opt out on benefits they received for the last three years, it wouldn't be allowed. However, going forward, the pension won't be taxable so there wouldn't be any reason to opt out.

Attorney Mitola clarified that if the ordinance passes, and the ordinance reads that the pension is non-taxable, then it should be acceptable to the IRS. He stated that it would clearly indicate that *"there is an ordinance that governs disability payments"*.

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

***Consent calendar**

****Let it be noted that due to a conflict, Co-chair Paoletto didn't vote on this item.***

**** COUNCIL MEMBER CURWEN MOVED ORDER A PUBLIC HEARING
** COUNCIL MEMBER BONNEY SECONDED
** MOTION PASSED UNANIMOUSLY**

13-11 Proposed Amendments to the Municipal Code of Ordinances, Chapter 15.12 Housing Code, amend Section 15.12.250 Rental Conditions-Certificate of Apartment Occupancy.

Co-chair Paoletto stated this was the same proposal, but there were a couple of issues that were brought up. He explained that a Certificate of Apartment Occupancy will be required for any dwelling consisting of a 3-family dwelling or more. However, if the dwelling is owner occupied, it is currently exempt. He said they were looking to remove the exemption out of the ordinance and include **all rental properties**; i.e., if they are the owner of the rental property and they don't reside at the premises, they are required to have a certificate of occupancy. He explained that if the ordinance is passed, it will set a precedent for this type of ordinance. He commented that there are currently many illegal apartments in the city that exist.

He went on to say that the ordinance will allow his department access to more properties that they ordinarily don't have access to. He explained that when his department receives a complaint a violation is issued, but his ordinance involves more and it's the route he would chose because he thought it would be more effective. He mentioned that it would be unlike New Haven's ordinance that imposes a yearly fee, but they don't actually inspect the units. He noted that the work load wouldn't really be increased for this department and again, the ordinance will make it a requirement for the owner. He clarified that revenue isn't the primary reason for submitting the ordinance. The purpose is to identify illegal apartments in the city, inspect them and vacate them if necessary.

Council member stated that they will also be looking for infestations of any kind during the inspections. Co-chair Paoletto added that he and Council member Blunt are working with the health director to have the housing code department conduct infestation inspections in the dwellings. However, he said access is limited to certain rooms in the dwelling and they usually don't have access to the basement or attic.

It was if the certificate of occupancy will still be issued if a dwelling is found to have an infestation problem. Ms. Dubay-Horton said no.

Council member dePara said he had a concern with the certificate of occupancy being tied to the tenant rather than the actual unit. Co-chair Paoletto responded that the owner isn't required to obtain a certificate of occupancy if the tenant resides at the dwelling for five years. Ms. Dubay-Horton added that when they experience a situation of serial renters and a case where the apartment may not have been inspected in between, then she felt in this instance, the ordinance would protect the owner.

Council member dePara clarified that his issue was the potential dollar amount that might be associated to the property owner. Co-chair Paoletto stated that he stood firm on the matter of issuing certificates of occupancy frequently.

Council member dePara stated that he was agreeable to the yearly inspection. Co-chair Paoletto stated that it wouldn't be fair to tenants that have already resided in an apartment for five years. He stressed that it would also be difficult to oversee the yearly inspection as far as department manpower.

Council member M. McCarthy asked how much the CAO fee is currently. Co-chair Paoletto said the fee is currently \$80.00 and it will remain that amount.

Council member dePara asked if housing comes out to inspect along with other regulatory departments and if there is ever a lag in other departmental inspections. Co-chair Paoletto said they handle the CAO from start to finish in conjunction with the Lead Prevention Department. If there is a lag in between, it's no more than one or two days, but it's usually done in conjunction. He noted that the lag often exists on the owner's part from not having the funds available.

Council President McCarthy questioned if a dwelling is owner-occupied in less than 3-units, is that type of situation self-contained. Co-chair Paoletto said they

have found in the last couple of years that there are more illegal apartments and owners that are just trying to make money.

Council President McCarthy expressed his concern that the ordinance may put a burden on those that are doing the right thing.

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

***Consent calendar**

****Let it be noted that Co-chair Paoletto abstained from the vote.***

**** COUNCIL MEMBER CURWEN MOVED TO ORDER AND
SCHEDULE A PUBLIC HEARING
** COUNCIL MEMBER BONNEY SECONDED
** MOTION PASSED UNANIMOUSLY**

22-11 Proposed Amendments to the Municipal Code of Ordinances, Chapter 2.06 Common Council, amend Section 2.06.040 Reimbursement of Council Member's Expenses (Stipends).

**** COUNCIL MEMBER CURWEN MOVED TABLE
** COUNCIL PRESIDENT McCARTHY SECONDED
** MOTION PASSED UNANIMOUSLY**

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

Council President McCarthy stated there was some discussion about getting a litigation update.

**** COUNCIL PRESIDENT McCARTHY MOVED TO ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF RECEIVING A LITIGATION UPDATE FROM ASSOCIATE CITY ATTORNEY SCHMIDT
** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY**

The committee entered into executive session at 7:50 pm.

**** COUNCIL MEMBER CURWEN MOVED TO COME OUT OF EXECUTIVE SESSION
** COUNCIL PRESIDENT McCARTHY SECONDED
** MOTION PASSED UNANIMOUSLY**

The committee came out of executive session at 8:15 pm.

Co-chair Paoletto stated that no action was taken.

Attorney Schmidt stated that there was an ongoing process to tweak the draft that resulted from the meeting on July 9, 2012. He said he would review the definitions sheet as submitted and distributed. He recalled that there were recommendations and suggestions regarding the text and language in reference to adding or deleting. He clarified that the ordinance is **not** about alcohol or zoning, it strictly pertains to a public health and safety matter.

He went on to review **Section-H 8.81.060(1)H** as it was outlined in the full document. There was a suggestion to strike the first sentence.

**** COUNCIL MEMBER BONNEY MOVED TO ENTER THE DEFINITIONS WORKSHEET INTO THE RECORD AS EXHIBIT-B-9-25-12
** COUNCIL MEMBER M. McCARTHY SECONDED
** MOTION PASSED UNANIMOUSLY**

**** COUNCIL PRESIDENT McCARTHY MOVED TO ENTER THE TECHNICAL REVISIONS DOCUMENT INTO THE RECORD AS EXHIBIT-C-9-25-12
** COUNCIL MEMBER M. McCARTHY SECONDED
** MOTION PASSED UNANIMOUSLY**

*There was a suggestion to **delete Section-H** entirely.*

Council member M. McCarthy referred to **Section-J**. He questioned what a 3-ft. candle at floor level pertained to. Attorney Schmidt said he thought it would be equivalent to the average range of illumination. He said the information would be verified. Council member Blunt said the state code mandates a specific area of lighting, noting that he would verify that.

Council member Curwen referred to **Section 20-(2)F** that outlined “lap dancing. Attorney Schmidt clarified that lap dancing is considered actual physical contact. Council member Curwen stated if that was the case, it’s considered a violation and the text could be modified.

Council member M. McCarthy asked if the definition of sexual activity included any contact. Attorney Schmidt read a portion of the document that pertained to the types of contact that would be considered a violation.

Attorney Schmidt emphasized that they would conduct inspections to make a determination of any criminal activity going on on-site, which is crucial to enforcing the ordinance. So the definition of sexual activity is rather narrow and he cautioned that they shouldn’t get bogged down in the minutiae.

Section 8.81.60(2)(b) was reviewed. Attorney Schmidt explained the purpose for conducting a criminal check for the “entertainer” pertains to a matter of public safety; i.e., the possibility that a hired entertainer has committed a serious crime(s). He added that when an inspection is conducted, a journal will be kept and it would then be referred to as needed.

Council member Olson asked if an entertainer is found to have committed a crime in the past and paid their dues, then what was the relevance of the language. Attorney Schmidt responded that the nature of the crime is what will need to be looked at; for example, a recent crime such as assault and battery would be considered serious. He commented that conducting a background check would improve the safety of everyone.

Council member Curwen questioned how it would, noting that the language doesn’t read specific types of crimes.

Council member M. McCarthy questioned at what point they stop delving into people’s lives. Attorney Schmidt stated that the language could be deleted, noting that it’s not that important. He clarified that this is a regulatory ordinance and any revenue producing component is an unimportant factor.

**** COUNCIL MEMBER M. MCCARTHY MOVED TO STRIKE SECTION 8.81.60(2)(b)**

Council member Brannelly clarified that the nature of sexually oriented business is and can be extremely volatile. She clarified that the definition pertains to “entertainers” only and not other regular employees; such as dish washers, bartenders etc., she felt the background check should be demanded.

Council member McCarthy mentioned that he didn’t think it was city business to dictate how a business hires their employed.

**** COUNCIL MEMBER CURWEN SECONDED**
**** MOTION PASSED TO REMOVE SECTION 8.81.60(2)(b) WITH FOUR VOTES IN FAVOR AND TWO VOTES IN OPPOSITION (COUNCIL MEMBERS: BONNEY and T. McCARTHY)**

Attorney Schmidt stated that deleting the section doesn’t undermine the ordinance at all.

There were further open comments and discussion among the committee members and other council members present regarding certain sections of the ordinance and the implications thereof, before the committee decided upon the following secondary motions as follows:

1)
**** COUNCIL MEMBER T. McCARTHY MOVED TO AMEND THE ORIGINAL SUBMISSIONS TO INCLUDE ALL THE SUGGESTIONS SUBMITTED IN EXHIBIT-B-9-25-12**
**** COUNCIL MEMBER BONNEY SECONDED**
**** MOTION PASSED UNANIMOUSLY**

2)
**** COUNCIL MEMBER T. McCARTHY MOVED TO AMEND BY SUBSTITUTION EXHIBIT-C-9-25-12 OVER THE ORIGINAL SUBMISSION**
**** COUNCIL MEMBER BONNEY SECONDED**
**** MOTION PASSED UNANIMOUSLY**

3)
**** COUNCIL MEMBER CURWEN MOVED TO REMOVE THE TEXT PERTAINING TO LAP DANCING REFERENCED UNDER SECTION-F 8.81-020(f)**
**** COUNCIL MEMBER T. McCARTHY SECONDED**
**** MOTION PASSED UNANIMOUSLY**

4)

** COUNCIL MEMBER T. McCARTHY MOVED TO MODIFY THE TEXT UNDER SECTION- 8.81.060(4) REFERENCING OPERATING REQUIREMENTS TO READ “NO SEXUALLY ORIENTED BUSINESS SHALL BE OPEN BEFORE 10:00 AM OR REMAIN OPEN AFTER 1:00 AM BETWEEN MONDAY AND FRIDAY

** COUNCIL MEMBER BONNEY SECONDED
** MOTION PASSED UNANIMOUSLY

5)

** COUNCIL MEMBER T. McCARTHY MOVED TO STRIKE THE ENTIRE SECTION-8.81.060 (1) (h)
** COUNCIL MEMBER M. McCARTHY SECONDED
** MOTION PASSED UNANIMOUSLY

6)

** COUNCIL MEMBER CURWEN MOVED TO REMOVE SECTION-8.81.060 (2) (b) FROM THE FINAL DOCUMENT
** COUNCIL MEMBER M. McCARTHY SECONDED
** MOTION PASSED WITH FOUR VOTES IN FAVOR AND TWO VOTES IN OPPOSITION (COUNCIL MEMBERS: BONNEY AND T. McCARTHY)

**Let it be noted that Council member Paoletto voted in favor to break the tie.*

There was some open discussion and comments regarding the removal of Section-8.81.060 (2)(b).

** COUNCIL MEMBER T. McCARTHY MOVED TO APPROVE EXHIBIT-C-9-25-12 AS AMENDED
** COUNCIL MEMBER BONNEY SECONDED

After some discussion, Council member T. McCarthy rescinded the motion.

7)

** COUNCIL MEMBER CURWEN MOVED TO REMOVE THE FIRST SENTENCE OUTLINED IN SECTION-8.81.060 (e). THE SECOND SENTENCE SHALL REMAIN AS IT'S OUTLINED
** COUNCIL MEMBER T. McCARTHY SECONDED
** MOTION PASSED UNANIMOUSLY

8)

** COUNCIL MEMBER M. McCARTHY MOVED TO ADD LANGUAGE TO SECTION-8.81.060 (c) THAT SHOULD INCLUDE THE WORD "NEW". THE LANGUAGE SHOULD READ "EVERY NEW SEXUALLY ORIENTED BUSINESS"

** COUNCIL MEMBER CURWEN SECONDED
** MOTION PASSED UNANIMOUSLY

9)

** COUNCIL MEMBER T. McCARTHY MOVED TO AMEND SECTION 8._____? ADD SPACE BEFORE THE LINE THAT READS "ANATOMICAL AREA"

** COUNCIL MEMBER BONNEY SECONDED
** MOTION PASSED UNANIMOUSLY

10)

** COUNCIL MEMBER T. McCARTHY MOVED TO ADD THE FOLLOWING TEXT TO SECTION 8.81.063 TO INCLUDE "HEALTH DIRECTOR OR HIS OR HER DESIGNEE"

** COUNCIL MEMBER BONNEY SECONDED
** MOTION PASSED UNANIMOUSLY

** COUNCIL MEMBER T. McCARTHY MOVED TO APPROVE EXHIBIT-C-9-25-12 AS AMENDED

** COUNCIL MEMBER BONNEY SECONDED
** MOTION PASSED WITH FOUR VOTES IN FAVOR AND ONE VOTE IN OPPOSITION (COUNCIL MEMBER CURWEN)

** COUNCIL MEMBER BONNEY MOVED TO ORDER AND SCHEDULE A PUBLIC HEARING

** COUNCIL MEMBER T. McCARTHY SECONDED
** MOTION PASSED UNANIMOUSLY

ADJOURNMENT

**** COUNCIL MEMBER CURWEN MOVED TO ADJOURN
** COUNCIL MEMBER M. McCARTHY SECONDED
** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 10:10 pm.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services