



Legislative & Rules Committee – Board of Representatives

Eileen Heaphy, Chair

Elise Coleman, Vice Chair

Committee Report

Date: Tuesday, March 23, 2015

Time: 7:00 p.m.

Place: Democratic Caucus Room, 4th Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee met as indicated above. In attendance were Chair Heaphy, Vice Chair Coleman and Committee Member Reps. Day, Mitchell, Nabel, Okun, Ryan, Silver and Zelinsky. Also present were Reps. Fedeli and Franzetti; Thomas Madden, Director of Economic Development; Kathy Emmett, Corporation Counsel; Jim Lunney, Zoning Enforcement Officer; and Polly Rauh (see [public hearing sign-in sheet](#)).

Chair Heaphy called the meeting to order at 7:10 p.m.

Item No.	Description	Committee Action
¹ 1. LR29.039	ORDINANCE <u>for public hearing and final adoption</u> ; Amending Chapter 119, expanding the boundaries of the Energy Improvement District to include all of Stamford. 02/04/15 – Submitted by Mayor Martin 02/17/15 – Approved by Committee	Approved 8-0-1

Chair Heaphy opened the public hearing. Ms. Rauh spoke in favor of the ordinance, noting that there is no additional cost to the City and that it will enable shelters and the Tully Center to remain open in the event of an emergency. There being no other members of the public wishing to speak, the public hearing was closed. Mr. Madden stated that expanding the boundaries of the EID will open up opportunities for Stamford, particularly for the shelter system. A motion to approve this ordinance for final adoption was made, seconded and approved by a vote of 8-0-1 (Reps. Heaphy, Day, Mitchell, Nabel, Okun, Ryan, Silver and Zelinsky in favor; Rep. Coleman abstaining).

² 2. LR29.032	REVIEW; Policies and/or Procedures Regarding Electronic/Telephonic Attendance at Meetings of Boards and Commissions. 11/21/14 – Submitted by Mayor Martin 12/10/14 – Held by Committee 01/20/15 – Held in Committee 02/17/15 – Held in Committee	Report Made
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¹ Video Time Stamp 00:00:13

Representative Coleman reviewed the attached [handout](#). It was noted that the Code provides that OPEB members may attend electronically. Committee members discussed whether they should be counted toward a quorum or vote. The consensus of the Committee was that members who attend electronically should not be able to vote or be counted toward a quorum. Committee members then discussed whether board or commission members should be able to passively attend by telephone. Members noted that members can already watch the videos of meetings. The consensus of the Committee was that there be no change made to the current procedures which do not permit members to attend electronically, other than for OPEB. Chair Heaphy will draft a letter to the Mayor reflecting the views of the Committee.

- ³3. [LR29.034](#) REVIEW; All litigation settled by the City of Stamford for the past 2 years and a summary of all pending litigation, including the Board of Education.
12/03/14 – Submitted by Rep. Franzetti
12/08/14 – Held at Steering
01/20/15 – Held in Committee
02/17/15 – Report Made & Held in Committee

Report Made

Secondary Committee – Committee of the Whole

Ms. Emmett distributed the attached [handout](#), which regarding the current and settled litigation and included the information requested at the last meeting: the categories of the litigations, attorney names, and a list of property tax foreclosures. She noted that the current budget request for outside consultants, which included outside counsel, is \$600,000.00. The City is self-insured up to \$1 million per claim, with layered insurance after that of at least \$25 million.

- ⁴4. LR29.040 ORDINANCE for publication; Establishing a Policy for Private Donations to the City for public employment.
02/05/15 – Submitted by Rep. Nabel
02/17/15 – Held in Committee

**Held in
Committee
9-0-0**

A motion to hold this item was made, seconded and approved by a vote of 9-0-0 (Reps. Heaphy, Coleman, Day, Mitchell, Nabel, Okun, Ryan, Silver and Zelinsky in favor).

- ⁵5. [LR29.041](#) ORDINANCE for publication; Amending Chapter 214, Article V, Sidewalk Cafes, Section 214-46, Permit Application, concerning permit fees.
02/05/15 – Submitted by Jim Hricay
02/17/15 – Approved by Committee, as amended
03/02/15 – Held in Committee by full Board

**Approved, as
amended, 6-3-0**

Secondary Committee: Cost Savings & Revenue Enhancement

Mr. Lunney explained the process by which restaurant owners apply for sidewalk café permits. The owner must pay a \$100 fee to apply for the permit and provide a survey of the space, which is reviewed by the police department, fire department and the health department before he signs off on the permit. He explained that if there will be a fee based upon square footage, he

² Video Time Stamp 00:09:18

³ Video Time Stamp 00:37:35

⁴ Video Time Stamp 00:51:36

⁵ Video Time Stamp 00:53:31

will require updated surveys in order to ensure that the square footage is charged correctly. This will cost the restaurant owners a few hundred dollars. He noted that some restaurants apply for permits even though they do not have outdoor cafes in order to participate in outdoor festivals. This ordinance only applies to restaurants in the Downtown District. Committee members discussed whether this fee was appropriate, whether there should be a base fee and whether the square footage fee should be phased in. Committee members also discussed with Mr. Lunney how enforcement of illegal expansion onto a City sidewalk should be enforced. A motion to amend the fee to a \$200 application fee plus \$2 per square foot was made and seconded. A motion to amend that motion to reduce the application fee to \$100 was made, seconded and approved by a vote of 5-3-1 (Reps. Coleman, Day, Okun, Ryan and Silver in favor; Reps. Mitchell, Nabel and Zelinsky opposed, Rep. Heaphy abstaining.) A motion to amend the ordinance to phase in the square footage fee with the fee being \$1 per square foot the first year and \$2 per square foot thereafter was made, seconded and approved by a vote of 5-4-0 (Reps. Heaphy, Coleman, Day, Okun and Silver in favor; Reps. Mitchell, Nabel, Ryan and Zelinsky opposed.) A motion to approve the ordinance, as amended, was made, seconded and approved by a vote of 6-3-0 (Reps. Heaphy, Coleman, Day, Okun, Ryan and Silver in favor; Reps. Mitchell, Nabel and Zelinsky opposed.)

- ⁶6. [LR29.042](#) ORDINANCE for publication; Adding Section 1-20, **Failed 1-6-1**
Adjustment of Fees and Penalties.
03/04/15 – Submitted by Mayor Martin

Committee members discussed the Charter provision giving the Board of Representatives the authority to set fees and whether this ordinance was an intrusion of the executive into the legislative process. Members also noted that this ordinance does not allow for a public hearing or give the Board of Representatives the ability to amend a proposed fee. A motion to approve this ordinance was made, seconded and failed by a vote of 1-6-1 (Rep. Zelinsky in favor; Reps. Coleman, Day, Mitchell, Nabel, Okun, Ryan and Silver opposed; Rep. Heaphy abstaining.)

As a Secondary Committee:

1. F29.116 REVIEW; Financial Controls, Reporting Requirements and Other Contractual Obligations between the City of Stamford and Funded Third-Party Organizations
06/03/14 – Submitted by Rep. Buckman
06/09/14 – Held at Steering
08/11/14 – Held at Steering
09/29/14 – Report Made & Held in Committee
10/14/14 – Held at Steering
11/17/14 – Held in Committee
12/22/14 – Held in Committee
01/12/15 – Held at Steering
02/23/15 – Held in Committee

Chair Heaphy adjourned the meeting at 9:20 p.m.

Respectfully submitted,

⁶ Video Time Stamp 01:58:30

Eileen Heaphy, Chair

This meeting is on [video](#).