



Legislative & Rules Committee – Board of Representatives

Eileen Heaphy, Chair

Elise Coleman, Vice Chair

Committee Report

Date: Thursday, October 29, 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. Mitchell, Nabel, Okun, Silver and Zelinsky. Absent or excused were Committee Member Reps. Day and Ryan. Also present were Reps. Fountain and McMullen; Bill Jessa and Sue Greene, Tax Assessor's Office, Tilford Cobb, Animal Control Center; and Jim Lunney, Stamford Zoning Officer.

Chair Heaphy called the meeting to order at 7:05 p.m.

Item No.	Description	Committee Action
1. LR29.060	RESOLUTION; Approving Real Estate Sales Agreement Between the City of Stamford and The Innis Arden Golf Club (0 Fairfield Avenue). 07/17/15 – Submitted by Mayor Martin 08/11/15 – Approved by Planning Board 08/13/15 – Approved by Board of Finance 08/31/15 – Held in Committee (public hearing held) 09/21/15 – Held in Committee	Held in Committee

Chair Heaphy explained that the Mayor had requested that the Committee hold this item for an additional month. A motion to hold this item was made, seconded and approved by a vote of 7-0-0. (Reps. Heaphy, Coleman, Mitchell, Nabel, Okun, Silver and Zelinsky in favor).

The Committee next considered Item No. 4.

¹ 4. LR29.059	ORDINANCE for publication; amendment of Chapter 220, Article IV of the Code, Senior Citizens Tax Abatement, to make Pilot Program permanent. 07/16/15 – Submitted by Rep. Fountain 08/31/15 – Held in Committee 09/21/15 – Held in Committee	Approved 7-0-0
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¹ Video Time Stamp 00:00:50

Ms. Greene and Mr. Jessa explained that the only change to this proposed ordinance from the current pilot program is to include a \$2 million cap on total benefits. They distributed the [attached chart](#) regarding last year's program. In response to questions from the Committee, they stated that:

- There is no appeal process for participation in this program
- Last year's program cost \$1,854,336 and 1110 people participated
- In 2013 the cost was \$527,257 and 877 people participated

The Committee discussed the possibility of applying the reduction when the cap is reached first to those in the highest income bracket and eliminating the highest income brackets. This would have affected 57 household last year. Items discussed included:

- This would penalize seniors who have paid their taxes
- Whether the individuals in this bracket need the abatement
- Whether this would push the benefit down to those in greater need.

A motion to eliminate the highest income brackets was made, seconded and failed by a vote 2-5-0 (Reps. Nabel and Silver in favor; Reps. Heaphy, Coleman, Mitchell, Okun and Zelinsky opposed).

A motion to approve the ordinance for publication was made, seconded and approved by a vote of 7-0-0 (Reps. Heaphy, Coleman, Mitchell, Nabel, Okun, Silver and Zelinsky in favor).

- ²2. [LR29.041](#) ORDINANCE for publication; Amending Chapter J. Lunney
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
03/23/15 – Approved by Committee, as amended
04/29/15 – Public Hearing Held; Failed in
Committee, as amended
05/06/15 – Returned to Committee by full Board
05/19/15 – Held in Committee
06/15/15 – Held in Committee
07/21/15 – Held in Committee
08/31/15 – Held in Committee
09/21/15 – Held in Committee

Secondary Committee: Cost Savings & Revenue Enhancement

Rep. Zelinsky stated that the Mayor had requested at pre-Steering that this item be held and expressed concern that the fee be based on square footage. Committee members discussed whether holding this item would create too much of a time crunch for the people who would have to apply for the permits and licenses. A motion to hold this item was made, second and failed by a vote of 3-4-0 (Reps. Nabel, Okun and Zelinsky in favor; Reps. Heaphy, Coleman, Mitchell and Silver opposed).

Committee Members reviewed the revised draft:

- Mr. Lunney explained the 2 ft. amenity zone along the roadway is in addition to the 4 ft. sidewalk clearance

² Video Time Stamp 00:42:42

- Rep. Zelinsky stated he would like to see a written opinion from corporation counsel that the City can charge a permit fee for the private space
- Mr. Lunney suggested adding language to the end of §214-46.C(4) as follows: “The plan referenced above shall meet the following requirements: it shall be prepared by a Connecticut licensed surveyor, architect or engineer, and shall be to scale with dimensions, showing all physical features existing or proposed.”

A motion to amend the ordinance to include the language suggested by Mr. Lunney to the end of §214-46.C(4) was made, seconded and approved by a vote of 7-0-0 (Reps. Heaphy, Coleman, Mitchell, Nabel, Okun, Silver and Zelinsky in favor).

Committee members continued to discuss the proposed ordinance, including:

- whether the 70% of the sidewalk limitation should be added back, given new restrictions created by the amenity zone and the requirement of access to the restaurant entrance
- whether the license fee should be based upon seating or square footage, i.e. the amount of City property being used

A motion to amend §214-46.D of the ordinance to replace “in the following amounts:” and items (1) through (3) with “in the amount of \$2 per square foot, based upon the square footage detailed in the plan described in § 214-46.C(4) hereof” was made, seconded and approved by a vote of 7-0-0 (Reps. Heaphy, Coleman, Mitchell, Nabel, Okun, Silver and Zelinsky in favor).

A motion to amend §214-46.A.4 of the ordinance to change the permit fee from \$100 to \$250 was made, seconded and approved by a vote of 7-0-0 (Reps. Heaphy, Coleman, Mitchell, Nabel, Okun, Silver and Zelinsky in favor).

Rep. Zelinsky made a motion to amend the ordinance to add back the sentence in § 214-46.C(4) that “Any sidewalk café may occupy up to seventy percent (70%) of the sidewalk” which motion did not receive a second.

A motion to approve the proposed ordinance for publication, as amended, was made, seconded and approved by a vote of 6-0-1 (Reps. Heaphy, Coleman, Mitchell, Nabel, Okun, Silver in favor and Rep. Zelinsky abstaining).

3. [LR29.052](#) ORDINANCE, for publication; Amending Chapter 111. Public Safety and Animal Welfare.
 06/02/15 – Submitted by Mayor Martin and Rep. Heaphy
 06/15/15 – Held in Committee
 07/21/15 – Held in Committee
 08/31/15 – Held in Committee
 09/21/15 – Held in Committee

Held in Committee

Secondary Committee: Public Safety & Health

A motion to hold this item was made, seconded and approved by a vote of 6-0-0 (Reps. Heaphy, Coleman, Mitchell, Nabel, Silver and Zelinsky in favor).

Chair Heaphy adjourned the meeting at 9:25 p.m.

Respectfully submitted,
Eileen Heaphy, Chair

This meeting is on [video](#).