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February 9, 2010

REPORT OF THE COMMITTEE OF THE WHOLE
ON LEGISLATIVE MATTERS

The Committee on Legislative Matters convened on February 9, 2010 with Chairman Thomas Taylor presiding and Committee Members Aldermen Rebekah Gewirtz, Maryann Heuston, Walter Pero, Sean O'Donovan and William White also present and voting. Also present were Deputy Police Chiefs Paul Upton and Charles Femino, Assistant City Solicitor David Shapiro, OSPCD Executive Director Monica Lamboy, Superintendent of Inspectional Services Ed Nuzzo, Steve Mackey from the Chamber of Commerce and interested members of the public.

Mr. Shapiro reviewed the proposed changes made to the ordinance governing the operating hours of retail, restaurant and service establishments. Mr. Mackey told the members that the Chamber of Commerce had an issue with section (f) of the proposal and that it preferred changing the 10 day period to 30 days with just Board of Aldermen approval required, i.e., removing the public hearing requirement. The Chamber feels that the application would be seasonal, probably between Thanksgiving and Christmas.

Chairman Taylor suggested that since applicants must come before the Licensing and Permits Committee, it might be advisable to let that committee schedule any public hearings that it feels might be warranted. Mr. Shapiro cautioned that it would be better if clear guidelines were followed, however he pointed out that the Board of Aldermen could take each case on individual basis as long as it has sufficient facts to back up any decisions it makes. Deputy Chief Upton told the members that everything is handled on a case by case basis and added that the Board of Aldermen might want to consider requiring police details in some circumstances. Alderman White raised the question of possibly having varying permit fees, based on the types of (city) service responses that might be expected to occur?

Alderman White's motion **that the draft ordinance be amended to reflect that each day a business is open in violation of the ordinance should be treated as a separate offense**, was approved.

Alderman White's **motion that Section 8-7 (f) be re-worded to provide that the Board of Aldermen has the discretion to call for a public hearing when there is a potential impact on a neighborhood**, was approved.

The committee directed Mr. Shapiro to incorporate these recent changes into a new document and to place it on the February 11th Board of Aldermen agenda.

On another matter, Mr. Shapiro distributed a handout regarding business operations on Sundays and Holidays and asked that the members review the information for discussion at a later date. Mr. Shapiro clarified a question raised by Alderman Heuston regarding the city's regulatory powers and stated that the city has the authority to regulate what businesses may be opened on Sundays, regardless of what is allowed by state statute.

Mr. Shapiro also distributed a draft of a form letter to be used for local historic designations. Alderman White asked that the information be emailed to all members of the Board of Aldermen and that it also be placed on the February 11th BOA agenda.

The committee discussed matters before it and took action on the following 2 items:

186863: Communication - Asst. City Solicitor submitting proposed revisions to Ord. 8-7, Operating Hours of Retail and Service Establishments.

RECOMMENDATION: Should be placed on file

VOTE: Unanimous, 6 - 0 in favor

188756: Communication - Asst. City Solicitor submitting a revised Ordinance re: Operating Hours of Retail, Restaurant and Service Establishments.

RECOMMENDATION: Should be placed on file

VOTE: Unanimous, 6 - 0 in favor

Alderman Thomas F. Taylor, Chairman
Committee on Legislative Matters