

**COMMITTEE ON  
BILLS ON SECOND READING**

**November 12, 1996**

**5:45 PM**

Ald. Wihby, Elise, Clancy,  
Pariseau, Cashin

**Executive Conference Room**

Chairman Wihby called the meeting to order.

Present: Ald. Wihby, Clancy, Pariseau, Cashin  
Ald. Elise arrived late.

3. Ordinance Amendment:

“Amending Sections 18-24 & 18-25 (Youth Community Outreach Worker, Wastewater Treatment Plant Assistant Maintenance Supervisor, Senior Watershed Patrol Maintenance Officer) of the Code of Ordinances of the City of Manchester.

Ald. Pariseau moved that the ordinance ought to pass. Ald. Clancy duly seconded the motion. In response to question, it was noted that it did involve upgrades which had been approved by the personnel committee. Chairman Wihby called for a vote. The motion carried with Ald. Cashin duly recorded in opposition.

4. Ordinance:

“Establishing the maximum fees which may be charged for towing a motor vehicle without the consent or authorization of the owner or operator.”

Ald. Pariseau moved that the ordinance ought to pass. Ald. Clancy seconded the motion. Several people were in attendance wishing to address the ordinance.

In response to questions raised, Chief Driscoll advised that there were three parts to the ordinance relating to the tow fee, the first was the tow fee, the second was relating to storage, and there was not hoist up or let down fee allowed.

Attorney Arnold advised that the ordinance related to non-concentual tows only and elaborated somewhat on what this would entail.

Ald. Elise arrived and noted that Dr. and Mrs. Miller had recently had an experience relating to a non-concentual tow which they wished to share information on to the committee.

Chairman Wihby advised that several people were present wishing to speak; that it was not a public hearing but that the committee could hear from one person on each side of the issue if it desired.

Ald. Cashin questioned private contracts, commenting on problems in the area of the Coliseum establishment, and asking if it was felt that the \$50.00 tow fee would be adequate to have companies enter into the contracts.

Chief Driscoll felt that the fee was adequate. Discussion ensued relative to current fees being charged and how they were charged. It was noted that the city's current tow fee under contracts was \$50.00, and in snow emergency situations it was \$90.00. Dr. Miller addressed the committee advising of his wife's experience with parking in a private downtown lot the previous evening, not have cash to get the vehicle out and a local business owner's assistance in providing cash since cards and checks were not acceptable. The total cost had come to \$125.00 for a 10 minute park. Don Lavasseur, owner of the Second Street Plaza spoke in opposition to the ordinance feeling the city should not be regulating private business. His fear was that he would be unable to get a contract with a tow company at the \$50.00 rate, and asked if the city was to regulate to set the fee at a reasonable limit which he did not think \$50.00 was.

Discussion followed where it was agreed that if \$50.00 appeared to be a problem the committee would revisit the issue. Ald. Elise expressed comments on the generosity of Mr. Metulas, a business owner who had helped the Millers.

Chairman Wihby called for a vote. The motion carried.

5. Ordinance Amendment:

“Amending an Ordinance Regulating Traffic Upon the Public Streets of the City of Manchester by replacing Sections 54, 57, 59 and 63 of Article VIII. Parking Meters and Regulations Governing the Use Thereof.”

Ald. Pariseau moved that the ordinance ought to pass. Ald. Cashin duly seconded the motion.

Ald. Elise commented that she was opposed to the amendment; that the city was now trying to raise revenues through parking meters referencing the recent increase proposed for the downtown area, rather than the overparking issue.

Clerk Johnson noted that the ordinance was presented as a “clean up” of the current language existing since the 1948 ordinance was adopted, it was not setting forth the regulatory issues referred to by Ald. Elise, but rather removing language requiring meter poles to be painted certain colors and other types of outdated language.

Chairman Wihby called for a vote. The motion carried with Ald. Elise recorded as opposed.

6. Ordinance Amendment:

“Amending Section 20-30 of the Code of Ordinances of the City of Manchester by reducing time requirements for Police Chief to Dispose of Unclaimed Property.”

Chief Driscoll advised that this ordinance was found to be in conflict with recent state legislation, and they wished to remove the request.

On motion of Ald. Pariseau, duly seconded by Ald. Cashin, it was voted to recommend that the ordinance be found inexpedient to legislate.

7. Ordinance Amendment:

“Amending the Zoning Ordinance of the City of Manchester by modifying Section 4.03 Item 71 and Article VII limiting parking lots for business uses within residential zones, as further amended by deleting Section 4.03 Item 45.”

(Note: public hearing held September 30, 1996.)

A somewhat lengthy discussion ensued relative to the Building Commissioner’s interpretation of the current zoning ordinance as it related to a proposed muffler shop in the Ward 5 area. Mr. MacKenzie outlined the current interpretation noting that if the ordinance was not passed then the current interpretation would stand, if the ordinance was passed it would not allow businesses to put parking for the business in the residential zones. Chairman Wihby noted that there were several people present and he would allow one person for each side to come forward.

George Mateulas addressed the committee as a business owner and private property owner and outlined the problems he had in his attempts recently to open a restaurant. He did not think the city should be adding restrictions to the zoning ordinance to prevent businesses from operating where they should be. After some explanation from the Chair, Mr. Mateulas noted that as a property owner he probably would not want a business to come in and buy a lot next to his home for business parking.

Leslie Osher addressed the committee and provided a letter outlining concerns with the current amendment. She went through each section in some detail noting that the scope of the amendment was not adequate to the purpose stated - it did not for instance address current businesses in pre-existing non-compliance or variance situations.

On motion of Ald. Pariseau, duly seconded by Ald. Clancy, it was voted to table this item pending further review.

## **TABLED ITEMS**

8. Proposed amendment to compensation for boards and commissions of the City of Manchester referred to Committee by the Committee on Finance.

(Note: referred to City Solicitor's Office for review on 6/10/96).

On motion of Ald. Cashin, seconded by Ald. Pariseau, it was voted to remove this item from the table and recommend a finding of inexpedient to legislate.

9. Proposed revision to Chapter 8. Finances, of the Code of Ordinances of the City of Manchester.  
(Tabled 8/26/96)

This item remained on the table pending further clarification of the changes.

10. Ordinance Amendments:

“Amending the Code of Ordinances of the City of Manchester by deleting Chapter 17, Section 17-12, Curfew for Children, and replacing it with a new Section 17-12, Curfew for Children.”

“Amending Chapter 17 of the Code of Ordinances of the City of Manchester by inserting a new section, Section 17-26. Nudity in Places Selling Alcoholic Beverages.”

“Amending Chapter 17-27 of the Code of Ordinances of the City of Manchester by inserting a new section, Section 17-27. Exotic/Unusual Entertainment in Places Selling Alcoholic Beverages.”

“Amending the Code of Ordinances of the City of Manchester by deleting Section 7 1/2-7, ‘Assessment and collection’ in Central Business Service Districts, in its entirety and inserting a new Section 7 1/2-7 ‘Assessment and collection.’”

(Tabled 8/26/96)

On motion of Ald. Pariseau, duly seconded by Ald. Clancy, it was voted to remove this item from the table.

Chief Driscoll advised that they were looking to move on the second and third ordinances, but the first relating to children’s curfew was recommended to be tabled by Attorney Arnold, who was reviewing case law on the matter.

On motion of Ald. Clancy, duly seconded by Ald. Pariseau, it was voted to place the ordinance relating to curfew for children back on the table.

On motion of Ald. Pariseau, duly seconded by Ald. Clancy, it was voted to recommend that the last three ordinances ought to pass.

There being no further business to come before the committee, on motion of Ald. Cashin, duly seconded by Ald. Pariseau, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee