

## COMMITTEE ON BILLS ON SECOND READING

**April 6, 2010**

**6:00 PM**

Chairman DeVries called the meeting to order.

The Clerk called the roll.

Present: Aldermen DeVries, Lopez, Arnold, Corriveau, Shaw

Messrs.: T. Arnold, L. LaFreniere, A. Paras, B. Stanley

Chairman DeVries addressed item 3 of the agenda:

3. Ordinance Amendment:

“Amending Chapter 92 Fire Prevention of the Code of Ordinances of the City of Manchester by establishing annual Radio Master Box fees per building and increasing the charges for fire system inspections and false alarms.”

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted that the Ordinance amendment ought to pass.

Chairman DeVries addressed item 4 of the agenda:

4. Ordinance Amendment:

“Amending Chapter 93 Alarms of the Code of Ordinances of the City of Manchester by increasing the annual Alarm permit renewal fee and restructuring the false alarm fee schedule.”

On motion of Alderman Shaw, duly seconded by Alderman Lopez, it was voted to discuss this item.

Alderman Corriveau stated Matt, if memory serves me right these items haven't been updated since 1999.

City Clerk Matt Normand stated 1994.

Alderman Corriveau asked I'm just curious, going forward, if it is your plan for the Office of the City Clerk, whether annually or periodically, to review how long it has been for various fees to be updated?

City Clerk Normand replied we do review these periodically. This recommendation had come out of a discussion that came out of the budget deliberations from the Human Resources Department. I know Alderman Lopez had worked for over a year trying to get some changes to that.

Chairman DeVries stated as noted before there are a couple of technical corrections that I picked up. Looking at page 4-5 of the handout, amending chapter 93, item eight, there is a technical correction on the third line, which I believe might need to be changed to small c one, which would be consistent with what we did in item e because the lettering had changed.

City Clerk Normand stated okay, so we would amend that to uppercase b, subsection c, one through three.

Chairman DeVries stated also on the page prior to that, which is 4-4 of the handout, I'm questioning the very beginning. There is a revocation called for, but there is no reinstatement addressed with four false alarms and the potential revocation if it is not paid within 60 days, yet if you go to c, with the fifth false alarm there is a \$25 reinstatement fee with a \$100 service charge. My question is if we are going to non-payment on the fourth false alarm to revoke it, should we put that reinstatement fee earlier in order to charge that? I guess it would be a question for the Solicitor if not the Clerk.

City Clerk Normand stated I mentioned your concerns to the Solicitor and I think he is looking that over at the moment. I think we could certainly move that text up into b-1 that states that it includes the \$25 reinstatement fee.

Mr. Tom Arnold, Deputy City Solicitor, stated I think it depends on what the Committee and ultimately the Board's intent is. I know that c says it has a \$100 service charge that includes a \$25 reinstatement fee. It is succumbed by the \$100 fee that they pay. If that is what you want to do with b, you could of course state that, but that would be included in the \$50 service charge under b. If you wanted to make the charge in addition to the \$50 of course you would have to word it differently. Again, it depends on the Committee's and ultimately the Board's intent.

City Clerk Normand stated I do think that you want to keep it the way the text is written in c because it lays out a process for revocation as well and I think that is the intent of the \$25 reinstatement fee. That is included in the \$100 reinstatement fee and not above and beyond so there is no change in the Ordinance. I think that should stay there, but I understand your point on revocation. If the bill were to remain unpaid for 60 days, my recommendation on that would be the \$50 charge that is already in place include the \$25 reinstatement fee so there is not an additional charge above and beyond the reinstatement fee that has been laid out here.

Chairman DeVries stated I'm not sure that the fix would be quite that simple because the \$50 fee, whether it is paid timely or not, is only if the revocation is not paid within 60 days. My read is that there would be a \$50 service charge and a \$25 reinstatement fee on top of that if it is not paid within 60 days. Is there a way this can be passed through and worked on before it comes to the full Board? It wouldn't be coming before the full Board this evening would it?

City Clerk Normand replied I think the intent was to report these out tonight. They still have to go to the Committee on Accounts and Enrollment and that wouldn't take place until prior to the April 20<sup>th</sup> Board meeting. There is certainly time to amend that if you would like. We could probably work on something tonight before it reports out to the Committee depending on how long this Committee goes.

Chairman DeVries stated if the Committee is fine with this being a straight \$50 charge for reinstatement, that is fine for us and that looks like the policy we would be passing. I had just picked up on the inconsistency. I would assume that if there is non-payment of the third or fourth alarm, which has fees attached to them, they must have some process that we need to look at for reinstatement after a certain amount of time and maybe that is a better approach for the Clerk to take and come back to us with language if he feels that he needs to address something.

Alderman Lopez stated I'm trying to understand. I don't see anything wrong with the \$50 for the fourth alarm. As the City Solicitor stated, it includes the \$25 reinstatement fee and the \$100 service charge. I think the intent was to give the person the opportunity to not keep charging them. We could keep the \$25 that includes the \$50 as the City Clerk said or we could say \$50 plus \$25 reinstatement fee. I believe that in conversation we are all saying the same thing. I think we should move this forward to the full Board with some of the notes that you mentioned and let them work it out and bring it before the full Board so that we can include this in the budget process.

Chairman DeVries stated I am certainly fine with that. The intent wasn't to stall this at the process; it is just the purpose of the Committee to look for any inconsistency in the way this is being drafted with an eye to that. The drafting conformity looked a

little off to me. If you could take a look at page 4-6, the Clerk will continue and maybe the Fire Department as well dealing with D, non-permitted alarms at a fee or an assessment of \$100. I'm starting to question if that is a cheaper alternative than the cumulative false alarms that may come. If you look at the 9<sup>th</sup> alarm, if you add up the prior assessments, it is more expensive than nine at \$100 each. That is why I asked the Clerk to look at that language to make sure that we have updated the lack of an alarm fee to stay consistent with all the false alarm fees over time. Again, not a correction we need to do this evening, but something for the department to look at for consistency along with the other departments that advise him. Are you comfortable with that in the Clerk's office?

City Clerk Normand replied yes, but as I said to you before the Committee meeting started, this becomes onerous for the non-permitted applicant so to speak, if there is such a thing. For the person who does not have a permit, each time the alarm goes off there is a \$100 charge. Since we have been administering this for the Police Department, I think it was 1998, when that first bill comes in for an alarm holder, they tend to react pretty quickly. To my experience we have not had anyone go on at \$100 per charge. I don't see that as a problem, but something we would monitor if that came up in the future. I want to go back to item b-1, the issue on the reinstatement fee. Just to be clean with these amendments, my recommendation would be that we not do a reinstatement fee under that fourth false alarm and leave it as is for \$50 and keep c the way it is, rather than trying to draft something tonight that could have unintended consequences.

Chairman DeVries stated I'm fine with that. So what I have so far for corrections this evening is on page 4-5 the one technical correction to pick up the additional change to (B) (c) (1) on item h and other than that it is all under advisement. Do we have a motion that it ought to pass with that one technical correction?

Alderman Shaw moved to accept this item as amended. The motion was duly seconded by Alderman Lopez.

Alderman Corriveau stated I have no idea if I am reading this correctly so bear with me. On page 4-4, item (c) (3) (a), the very bottom paragraph after the fifth alarm so we are talking the sixth because on the next page we begin with the seventh...on page 4-5 when we get to the seventh, which is e, we discuss revocation. When we go back to 4-4 and the language we have been discussing today for the third and fourth alarm we have new revocation language and there is clear language about the fifth. My question is if there is a revocation position, maybe I am missing it, for the sixth false alarm? I see a notification provision.

City Clerk Normand replied there is not.

Alderman Corriveau asked is that purposefully done?

City Clerk Normand stated the only thing that has changed in this Ordinance is just that which is in bold so that language that you read here is what has been on the books since 1994. As you noted, there is no revocation charge to the sixth. Is that what your point was?

Alderman Corriveau replied yes. Assuming that I am reading this correctly, it struck me as odd that we would have revocation language for a third, fourth, fifth, seventh and eighth false alarm and not the sixth.

City Clerk Normand stated I don't know what the intent of the drafter was in 1994. I can tell you that it has been fairly seamless since we took over in 1998. Beyond that, I really can't help you. Sorry.

Alderman Corriveau stated I don't know if the Committee wants to address that or not.

Chairman DeVries stated my assumption is that the point has been well taken and that the Clerk's Office will review it with the pertinent departments and I hope we will see a more expansive overhaul of the Ordinance.

Alderman Arnold asked could you repeat the motion that is on the table?

Chairman DeVries replied the motion that is on the table is that it ought to pass with the one technical correction, which is amending Ordinance 93 h, on page 4-5 to give the one technical correction to (B) (c) (1), which is the reinstatement.

Chairman DeVries called for a vote on the motion. There being none opposed, the motion carried.

Chairman DeVries addressed item 5 of the agenda:

5. Ordinance Amendment:

“Amending Section 111.45 Amusement Device License and Fees of the Code of Ordinances of the City of Manchester by increasing the license fee associated with each so called ‘video poker’ machine or ‘slot’ machine.”

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted that the Ordinance amendment ought to pass.

Chairman DeVries addressed item 6 of the agenda:

6. Ordinance Amendments:

“Amending Appendix A of the Subdivision and Site Plan Regulations of the City of Manchester providing for the establishment of new fees.”

“Amending Appendix A of the Subdivision and Site Plan Regulations of the City of Manchester providing for the increase of certain fees.”

“Amending Chapter 155 Zoning Code, Subsection 155.02 of the Code of Ordinances, and providing for the increase of certain fees.”

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted to discuss this item.

Chairman DeVries stated 6-3 is the one piece where the last time it was before me I was opposed. Was this a new fee that was being brought forward or an update to an existing fee?

Mr. Leon LaFreniere, Director of Planning and Community Development, asked are you asking specifically of the application fee and mergers? The application fee would be a new fee and the use permit would be a new fee and the merger is an increased fee.

Chairman DeVries asked it is an increase from \$50 to \$75?

Mr. LaFreniere replied I believe it went from \$25 to \$75.

Chairman DeVries stated so it went from \$25 to \$75 and the other two are new.

Mr. LaFreniere stated yes.

Alderman Lopez moved that the Ordinance amendments ought to pass. The motion was duly seconded by Alderman Arnold.

Chairman DeVries called for a vote on the motion. The motion passed with Chairman DeVries and Alderman Shaw voting in opposition.

Chairman DeVries addressed item 7 of the agenda:

7. Ordinance Amendment:

“Amending the Building Code of the City of Manchester as adopted in Chapter 151.01 of the City of Manchester Code of Ordinances, by adding the 2009 edition of the International Existing Building Code as an additional tool in regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.”

Chairman DeVries stated I would note that this item will be tabled for discussion. It will be brought up at the very next Bills on Second Reading meeting.

Alderman Lopez asked are you pulling it from the agenda? We haven't voted to table anything.

Chairman DeVries replied you are correct. I would request to table it. We have had a request for discussion and we have some public testimony. There have been some concerns raised that I felt, with the scope of the hearing tonight we weren't likely to get through all 13 items. We can take it in order if you'd like. I was just trying to allow the people who are only here for item seven the ability to leave.

Alderman Lopez stated I know that you want to table this, but can you give me some reason why? This has been worked on now for quite a bit.

Chairman DeVries replied it was in deference to the public who asked if they could have the privilege of giving testimony this evening. I would want to honor that request. I'm looking at a very lengthy agenda ahead of us with some corrections that need some discussion and realizing I didn't have a whole lot of time for extensive testimony and so tabling this item because there are no budget timelines and bring it up at the next meeting. I'm not opposed, with a half hour ahead of us, to hear some brief testimony. We can try to trudge through.

Alderman Lopez stated I don't want to prolong it. When you say there was no public hearing, there was a public hearing.

Chairman DeVries stated I wasn't meaning to imply that there wasn't a public hearing. I wanted to be able to honor the request to hear some public testimony this evening.

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted to discuss this item.

Alderman Lopez asked can I ask the Planning Director as to the implications?

Mr. LaFreniere replied I will try to be as succinct as possible. I have had in depth conversations with Mrs. Paras and I appreciate her efforts on behalf of the City to take a look at this. She had a perspective that is a benefit. We work in this world and these codes all have different meanings to us because we work with them every day, but the public doesn't necessarily have them at their disposal so it is good to have someone take a look from the outside. In distilling down the nature of our conversations, I believe that there were a couple of issues that we felt we should bring to the Committee's attention this evening. I don't purport to speak for Mrs. Paras, but in discussing this, my sense was that when we were discussing what we were trying to accomplish...that gets us there and there will be more to come. Essentially we are currently under this code. This is the 2000 edition of the International Building Code that was adopted by the Board of Mayor and Aldermen in 2001. The language that you see in the prelude to this request references the repeal of the previous code and the adoption of this code. That is all staying intact and that is why I think there was some confusion on what we were trying to accomplish. There is no change to that language and that is why the old language stays there. We repealed it and adopted this in 2001. What we are requesting the Committee consider and the Board ultimately is the adoption of this code. The descriptive language talks about adding this code to our stable of codes as a tool that we can utilize as we are moving forward through our regulatory efforts and trying to rehabilitate a lot of our existing buildings, especially in the downtown area. This code represents a methodology that was not in existence on a national level back when this code was adopted. The first edition of this code came out in 2006 and it was really a very early attempt at the Nation Code Writing Panel's efforts to adopt an existing building code. This is the International Existing Building Code and it pertains to existing buildings as defined within this code. It allows for an opportunity to utilize some performance based standards as opposed to the descriptive based standards that the Building Code does in the case of existing buildings. What we didn't want to do when we brought this code forward that is under consideration was to bring what is now available as the 2009 International Building Code because since the time that we adopted our Building Code in 2001, the state has adopted a statewide building code. This document on April 1<sup>st</sup> became the new State Building Code. When we started the process of asking the Board to adopt the Existing Building Code this was not available for adoption in a form that would keep us in compliance with state law. We will be coming back to you probably next month with a request to adopt this code so we are consistent with the state. The state does not currently utilize this code. We want to adopt this to enhance our ability to deal with the difficulties and challenges with rehabilitating existing buildings. I'm hoping that that adds some clarity to the picture. When we talk about Existing Building Code as opposed to the code that currently exists as the Building Code of the City, the terminology is rife with opportunity for confusion. That is why I brought the props

with me so I could make it understood that this code pertains only to existing buildings and this is our existing code, but it pertains to all construction in the City and we are going to update that next month. That language that you see in that Ordinance currently that talks about repealing the 1987 and adopting the 2000 will be updated with the new code. I think that was particularly one of the issues that Mrs. Paras felt warranted some discussion and some clarity and I hope I did that. The Building Code that we are asking for adoption of is a separate and distinct document from the Building Code that we are under. The action that we are requesting does not in any way affect the Building Code. We would have brought it all in at once, except that this other code was not yet at the standard of the state and we didn't want to create an inconsistent situation. I think that those were the primary concerns that we had talked about.

Chairman DeVries stated thank you for the most confusing clarification that we could have had before us. The Existing Building Code is something that I may have known at one point in time as the Smart Code because it allows for some flexibility for existing structures to be renovated without treating them as if they are new structures, correct?

Mr. LaFreniere replied yes. The Smart Code is typically a term that is used for a variety of codes that offer a performance based type of standard.

Chairman DeVries asked and our adoption of the Existing Building Code by reference in our Ordinance does not in any way tie us to some of the new International Building Codes that we have heard about at the state level, which is the requirement for full sprinkler building out of existing buildings? That will come in our next discussion that you bring to us for the International Building Code adoption, right?

Mr. LaFreniere replied that is correct. Those discussions will specifically be dealing with our option to adopt the International Residential Code so that is going to be a separate discussion. This does not impact that. The current request does not impact that.

Alderman Arnold stated I certainly appreciate the clarification because I am usually the one who is looking for it. By way of further clarification, the International Existing Building Code, the IEBC...is it your position that it offers more predictability as it advertises?

Mr. LaFreniere replied I'm not sure that I would characterize it as more predictable, but more opportunistic because a specification code, which the existing or our current Building Code and most standard building codes are formatted under, says that you will have a stair that is so many inches wide, you will have a sprinkler system if you are over this height, and all the other necessary components to make a building safe as

if you were building a new building. It is easier to accommodate those types of specification standards when you are starting with a new building. When you are talking about rehabilitating an existing building, it is much more difficult in a lot of cases to adhere to those specification standards. The International Existing Building Code affords an opportunity to achieve equivalent standards of safety through a performance approach. If you can't provide the rating that the Building Code requires on your new construction on your exit access corridor, this code would allow you to use sprinkler heads that would afford you an equivalent level of protection. The specification code for new construction is very cut and dried on a lot of these standards. I would hesitate to say that the performance-based code offers predictability, but it definitely offers opportunity.

Alderman Arnold stated I'll try to rephrase my question another way. In your opinion, would the adoption of the IEBC promote rehabilitation opportunities beyond where they are right now?

Mr. LaFreniere replied yes, I believe so.

On motion of Alderman Lopez, duly seconded by Alderman Shaw, it was voted that the Ordinance amendment ought to pass.

Chairman DeVries stated I would like to thank you for making the trip in this evening. For clarification, Bills on Second Reading is not a policy Committee that would typically take the testimony, but thank you for working it out ahead of time with our Building Department. We do need to move on, but I would be happy to sit down with you after. I will have to cut you off if you go beyond one minute. Come on up, Mrs. Paras.

Alderman Arnold stated what I was suggesting was that because we have the agenda, I don't know what her time constraints are, but perhaps she wouldn't mind waiting until the public comment session at seven o'clock if should would be amendable to that.

Chairman DeVries stated that would be helpful if you could stay.

Mrs. Artemis Paras, 1276 Hanover Street, stated I have a couple of handouts and I'll just cover a couple of points. I don't want to speak extensively. Very briefly, I have put together what I would like to Committee to consider, particularly the language and the technical review. On the technical review, there was a vacillation between if we were adopting the code or if we were adding to the code. I checked with Leon LaFreniere and he concurred with me that this was an adoption so I would appreciate if all the correspondence that occurred, even back in January from our Planning Director and Enforcement Director, indicate that it was an adoption. Somehow things

got mixed up, but we adopt codes; we don't add to them. In terms of technicality, I would consider that to be a technicality. On page one, I put down the original Ordinance that Leon referred to as adopted in 1987. It was the Boca Code that was being repealed and we adopted the 2000 edition of the International Building Code. It is all self evident. On the back page, page two, you will see that there are amendments that have been submitted to the Board. I didn't discuss this with Leon, but there are pages and pages of amendments that were given to you back in January. I went through all of them and discussed them with Leon. What I would like to suggest is that all of you look at these amendments because I believe we are going to adopt the amendments along with the Existing International Building Code. A technical point here: Are we going to adopt all of the amendments? Alderman At-Large Lopez and I talked about that. We have to understand what we are adopting. If you don't recall getting all of this, perhaps Leon LaFreniere can speak to it because it occurred to me that this is not only the adoption of the code, but it is with the amendments. I asked the Building Regulations Deputy Director, Matt Sink, having worked with codes...the most important page is the scope and administration of the code in question. You will find all of information under the numerical section. What is the intent of the code? To provide flexibility, to provide the use of alternative approaches to achieve compliance with minimum requirements, etcetera. I'm finished; I promised I would be brief, but I wanted you to at least have the documentation.

Chairman DeVries stated and we thank you very much for your submittal and I think it will come in handy when we have the International Code back before us for adoption. We already had a motion that was seconded and passed.

Ms. Paras asked are you going to make that technical review change about the amendments? That would be something that would occur with concurrence from Leon LaFreniere and the Board of course.

Chairman DeVries replied I will not be taking that up this evening.

Ms. Paras stated it is going on to the full Board anyway.

Chairman DeVries addressed item 8 of the agenda:

8. Ordinance Amendment:

“Amending Section 70.78 to increase the penalty for parking within 15 feet of a fire hydrant.”

On motion of Alderman Arnold, duly seconded by Alderman DeVries, it was voted to discuss this item.

Alderman Shaw stated I have an issue with this because I think that the 15 feet should be marked at every fire hydrant. I don't know how much that would cost. I think it would be minimal, but I have a problem with that because not everyone has a sense of what 15 feet is. What might be 14 feet and six inches to someone might not be and the person would get a ticket. I don't know how you can randomly say something is 15 feet. I think they should all be marked.

Chairman DeVries stated you will also note that to complement the discussion we are also adopting the language for the compact part of the City which allows for some variation from the 15 feet where it is not available. We don't really have a department here to address it. Brandy, would you be able to address the concern before us for demarcation?

Alderman Arnold stated while Brandy is getting situated, I have a question for you if I may. Was this Ordinance vetted through Public Safety?

Chairman DeVries replied that is right. It has been through the policy committee. Brandy, are you able to address whether or not there might be the ability through demarcation to note the 15 feet? In the compact part of the City obviously it doesn't have the room, but there are some areas in the City where you are wishing to enforce the full 15 feet.

Ms. Brandy Stanley, Parking Division Manager, replied the state law requires that you park 15 feet away from a fire hydrant. Item nine has the language that addresses that particular item, but there is an exception in state law that allows the City to stripe an ordinated parking space in violation of that 15 foot rule and that also includes 30 feet from a stop sign and all that, but it has to be in the compact part of the City. To address Alderman Shaw's concern, I think that that is a question that probably needs to be worked over with the Highway and Water Works Departments because I honestly don't know how many fire hydrants there are in the City. I would say that the vast majority of them are not marked 15 feet away and mostly in the downtown. I would be surprised if there weren't, but in other areas of the City there are, if you are talking about striping and signing, I think it could be very expensive depending on how many there are. That is something that you probably need to work out with the Highway Department and the Water Works.

Alderman Shaw stated it is probably not feasible, but it just seems like it could be interpreted. I brought this up in Committee and it went nowhere. I just wanted to make that statement. Maybe we can further discuss it at some point and see how it goes.

Chairman DeVries stated the correct procedure might be for you to send a letter to the head of Public Works or Highway as well as possibly to Ms. Stanley noting your continued concerns with the matter and they will continue to address it with you.

Alderman Lopez stated I agree with Alderman Shaw. It has been brought up in the Traffic Committee that it is unfair. The compact area doesn't necessarily have to be downtown. We can designate a compact area any place in the City. Am I correct?

Ms. Stanley replied I don't know. What we were able to determine, when talking with the City Solicitor, was that a compact area of a City is defined by state law as an area around a class four highway.

Alderman Lopez stated I don't want to hold up the meeting because we have a 7:00 meeting, but it is a discussion that we can have offline. I believe that under the state law we have the right as the Board of Mayor and Aldermen and the Traffic Committee to designate a compact area in the City. There is no need to give someone a ticket who is parked ten feet away. That is something that needs to be coordinated with the Fire Department, Highway Department and the City Solicitor.

On motion of Alderman Arnold, duly seconded by Alderman DeVries, it was voted that the Ordinance amendment ought to pass.

Chairman DeVries addressed item 9 of the agenda:

9. Ordinance Amendment:

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.36 Stopping, Standing and Parking by adding Section (G) Parking Regulations Compact Part of City”

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted that the Ordinance amendment ought to pass.

Chairman DeVries addressed item 10 of the agenda:

10. Ordinance Amendment:

“Amending Chapter 70.55 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by establishing (G) Use of residential parking permits and adding a sentence to section (1) and a new section (4) for parking regulations compact part of the city.”

On motion of Alderman Shaw, duly seconded by Alderman Arnold, it was voted that the Ordinance amendment ought to pass.

Chairman DeVries addressed item 11 of the agenda:

11. Ordinance Amendment:

“Amending Section 70.54 of the Code of Ordinances of the City of Manchester by establishing a City Hall Parking Lot and removing Seal Tanning and Granite Street Lots.”

On motion of Alderman DeVries, duly seconded by Alderman Shaw, it was voted to discuss this item.

Chairman DeVries stated I have a question on 11-6 of our handout. Do you have the same number package? I'm looking at the district portion of Ordinance amendment 70.54. I'm noticing that when I compare it to district 27 on the next page, it is showing Monday through Friday. I'm assuming that district 27 is applicable seven days a week. Is that addressed elsewhere in the Ordinance?

Ms. Stanley replied yes, it is addressed elsewhere in the Ordinance right under the proposed change to add the City Hall Parking Lot. You'll see that it says 8:00 to 8:00 Monday through Friday in districts 21, 22, 23, 24...It looks like I need to look at that. It is probably going to take more than a minute.

Chairman DeVries asked would you like to look at these before they get to the full Board this evening? You'll have the opportunity if we need to pull this items back to the Committee if we need to remand it at that time. I know you have to go through the whole process again and I'm trying to avoid that.

Ms. Stanley stated the section that you are talking about, district 26, is not proposed to be changed. I printed out the entire existing section of 70.54 just so you could see what the whole thing was and the only thing we are proposing to change is to add the City Hall Parking Lot. I do agree that we need to look at that, but there is no change proposed in that particular section so we can go back and look at it and bring it to the Traffic Committee and make the correction that we need.

Chairman DeVries stated as the Committee desires, we can either pass it through for continued due diligence or we can table it here for her to come back.

Alderman Arnold stated unless there is some sense of urgency among the Committee members I was going to make a motion to table.

Ms. Stanley stated the only problem with that is that the ten spaces that are right out here are not enforceable until we can get this Ordinance passed.

Chairman DeVries stated we're not talking about an earth shattering event. I think what I have picked up is that there have been a lot of changes over the years to our Ordinances that we are starting to lose the proper continuity, thus desiring the more expansive review.

On motion of Chairman DeVries, duly seconded by Alderman Shaw, it was voted that the Ordinance amendment ought to pass.

Chairman DeVries addressed item 12 of the agenda:

12. Ordinance Amendment:

“Establishing a special purchasing procedure relating to the Employee Assistance Program and substance abuse counseling for City employees.”

On motion of Alderman Arnold, duly seconded by Alderman Shaw, it was voted to discuss this item.

Alderman Arnold stated Matt, I remember the discussions about this being quite lengthy because we had had a Committee meeting that came to order at the recess of a full Board meeting. This may be a question for Alderman Corriveau because I remember that he had some concern over the specificity of the language and whether or not it should include something relative to a term. Was that resolved?

City Clerk Normand replied I think as Attorney Clark suggested it was just an agreement that was going to come back to the Board for final approval.

Alderman Arnold stated I appreciate that clarification. Thank you.

Alderman Corriveau stated my understanding about this particular vote on the EAP is that this is simply moving forward what the Administration Committee and the full Board passed and following this vote, the City can then enter into negotiations with Mr. Jordan.

City Clerk Normand stated right. This would allow the City to enter into the procurement code. I believe that was the intent. An agreement will be worked out and then it will come back to this Board for final approval.

Alderman Corriveau stated okay. That's what I thought.

Chairman DeVries stated and the term limit for exemption is set within the Ordinance that we are being asked to adopt, which is on page 12-9.

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted that the Ordinance amendment ought to pass.

Chairman DeVries addressed item 13 of the agenda:

13. Ordinance Amendment:

“Amending Chapter 35 of the Code of Ordinances by inserting a new section 35.037, Roadway Improvement Reserve Account.”

On motion of Chairman DeVries, duly seconded by Alderman Arnold, it was voted to discuss this item.

Chairman DeVries stated if I could ask the Clerk to look at 13-3 of the amendment. I'm questioning the language in C where it says Aldermen-Elect. Would that be the correct term? I think that they are trying to say that it would be two thirds of the duly elected Aldermen, but to have an Alderman-Elect isn't that meaning individuals who haven't been sworn into office? I'm asking the question because I'm not sure that I know the answer. Maybe the Solicitor can help us.

City Clerk Normand stated I believe the Solicitor wrote this.

Mr. Arnold stated Aldermen-Elected means Aldermen elected to their office. In other words, it is not a mere majority of the Aldermen in attendance that night. It is the Aldermen who were elected.

Alderman Arnold stated I was just going to augment that. Provisions in the Charter use the term Aldermen-Elect and it has always been interpreted as Aldermen. Chairman DeVries stated it is always nice to have two attorneys on the Board.

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted that the Ordinance amendment ought to pass.

## **TABLED ITEMS**

14. Ordinance Amendment:

“Amending Section 33.60 Standby Duty by adding a new section (D).”  
*(Note: Tabled 11/24/09; Department Head to review Ordinance.)*

This item remained on the table.

15. A report of the Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the proposed amendments to the Peddler’s Ordinance be forwarded to the Committee on Bills on Second Reading.  
*(Unanimous vote)*  
*(Note: Tabled 11/24/09; City Solicitor to review Ordinance.)*

On motion of Chairman DeVries, duly seconded by Alderman Lopez, it was voted to remove this item from the table.

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted to discuss this item.

Chairman DeVries stated the Clerk has information for the Committee.

City Clerk Normand stated this sat in Committee for some time and the majority of these changes are housekeeping. Specifically I would point to page 15-3. In the definitions you will see some tightening of the definition of a criminal conviction. There are traffic regulations under the next section where we have addressed the pay and display meters. When we passed this Ordinance they were not in existence. Under

115.54 we pushed back the boundary that a peddler can operate around an elementary school or secondary school to 600 feet from 500 that it currently is today. In my recollection, the issue that hung this up in the past was under 115.45 B. If you read my letter on 15-2, the bottom paragraph notes that I came up with an alternative to actually making an Ordinance change that I think will be better. We mentioned a few discussions ago that if you make a change, there can be unintended consequences so rather than make that change to 115 B, I would propose as we have mentioned in the subsequent documents on 115.4 and 115.5, specifically 15-6, that we simply address the problem in the special procedures of the bid proposal. That was done when vendors would bid on locations, specifically City Hall Plaza, for the sole purpose of tying up the spot, but not offering any services to the public. We have tried to address those in those instructions and the reason why this is pertinent is because we are trying to get these bid proposals out to the public now so that they can bid by April 30<sup>th</sup>.

Chairman DeVries stated so my read of your request would be that we delete B from 115.

City Clerk Normand stated yes. It would require renumbering 115 A, B and C. Everything would move up by taking out that fee.

Chairman DeVries stated you would re-letter it for us and the rest of it would stay intact.

City Clerk Normand stated if the Committee so desires.

Alderman Arnold asked did the City Solicitor review this or is it set to go off to the City Solicitor's office?

City Clerk Normand replied it has been on the agenda for quite some time now so I'm not sure. Tom Arnold can speak to that.

Mr. Arnold stated I'm quite frankly not sure either. We have worked with the City Clerk to try to develop the proper language to achieve the purpose. I have not looked at the particular document in the back of this agenda so I can't comment on that further than saying that we did work together to achieve the appropriate language.

Chairman DeVries stated I would note that this has been tabled in this Committee since June of 2009 so it has been a period of time.

Alderman Corriveau moved to table this item. The motion was duly seconded by Alderman Arnold.

Chairman DeVries stated there was a request from the Clerk that there was some timeliness to the item.

Alderman Corriveau asked does it have a budget impact?

City Clerk Normand replied it is not anything to do with the budget, but now is the season for these peddlers to go out and offer their products. We are trying to get these proposals out there.

Alderman Arnold stated I feel compelled to second it just because of the conversations that Alderman Corriveau and I were having. If the Committee votes it down then the Committee votes it down.

Alderman Lopez asked is it to table it or table it until a certain date in order to assist the City Clerk?

Alderman Corriveau replied table it until the next meeting of the Committee is called to order.

Chairman DeVries stated I don't know my schedule to know when the next meeting would be, but I am not opposed to making that a timely meeting to assist the Clerk's office with that.

City Clerk Normand asked would the Committee be opposed to us amending the proposal so we can get those out and leave the Ordinance changes on the table, particularly 15-6?

Alderman Corriveau withdrew his motion. Alderman Arnold withdrew his second of the motion.

City Clerk Normand stated I think the Committee can handle this by allowing the City Clerk to move forward with our bid proposal. There isn't a policy decision of the Board. It is more of a courtesy in the original communication to the Committee. I probably didn't need to do that on just a bid proposal. You can leave your table motion or you can retable this.

Chairman DeVries stated when we are done with the ought to pass we would be happy to retable the ordinance.

On motion of Alderman Corriveau, duly seconded by Alderman Arnold, it was voted that the proposal ought to pass.

On motion of Alderman Corriveau, duly seconded by Alderman Arnold, it was voted to retable this item.

There being no further business, on motion of Chairman DeVries, duly seconded by Alderman Lopez, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee