

**CITY OF NORWALK
COMMON COUNCIL ORDINANCE COMMITTEE
JUNE 15, 2010**

ATTENDANCE: Kelly Straniti, Chair; Richard Bonenfant, Nora King, Joanne Romano, Travis Simms (7:25 p.m.); John Tobin

STAFF: Robert Maslan, Jr., Corporation Counsel; Brian McCann, Michelle Emond-Breen

CALL TO ORDER

Ms. Straniti called the meeting to order at 7:05 p.m.

ACCEPTANCE OF MINUTES

Approval of the minutes from the May 18, 2010 meeting.

**** MR. BONENFANT MOTIONED TO APPROVE THE MINUTES FROM THE MAY 18, 2010 MEETING AS SUBMITTED**

**** THE MOTION PASSED UNANIMOUSLY.**

DISCUSSION AND POSSIBLE ACTION ON
PROPOSED MASSAGE PARLOR ORDINANCES

Mr. Maslan presented a draft ordinance for review and explained the research that his office performed with regard to the Massage Parlor Ordinance. Ms. King stated that it appears that the ordinance presumes there is a problem with all establishments and a discussion ensued regarding the rights of good establishments. Ms. Romano stated that there have been many problems and the ordinance was very much needed to protect the public from potential problems with human trafficking and other violations.

Mr. Maslan said that the Police Department is very pro-active and that they do undercover work and the ordinance is a way for the City to have a double check that the procedures are enforced with the Health Department. He added that the Police Dept. will handle the criminal liability associated with the establishments. Mr. Maslan suggested that those operations where the main business is hair or nail salons, be excluded.

Ms. Emond-Breen pointed out that shoulder massages done by someone without a massage therapists license is against state statutes.

Mr. Simms joined the meeting at 7:25 p.m.

The Committee talked about their concerns about people transferring their permits and how to handle violations of the ordinance when an independent contractor performs an "out-call". Ms. King said that each establishment would have to be licensed and each employee would have to be licensed and that licenses would have to be verified by the state. She added that hotels and other places such as spas or casinos all have massage therapists come in for appointments made by guests.

Mr. Maslan said that there has to be a due process before an establishment can be shut down, if a violation is confirmed. The discussion centered around establishment owner's accountability under the ordinance when one employee or contractor is found to have violated the ordinance. Ms. King suggested exempting anyone who works in a medical facility. Ms. Straniti suggested that a distinction be drawn between on-site violations and off-site violations, where all off-site violations result in the individual's license being immediately revoked and the business owner's license being suspended. The violation would also be pending a hearing and/or including inspection by the Health Department, using the exemptions in the State statute. Mr. Maslan said that it would make sense to have an ordinance based on State statutes including those exceptions.

Ms. Straniti suggested the ordinance to require the application be made by the business owner in person and a removal of the references to Chief of Police and masseuse or masseur to massage therapist. Mr. Bonenfant suggested receiving feedback from licensed therapist organizations and businesses, and Ms. Romano suggested Noelle Spa for input. Ms. Straniti stated that the AMTA (American Massage Therapist Association) input should be reflected to determine if the ordinance is too restrictive, and added that she felt it is needed to close the gap that currently exists.

**** MS. ROMANO MOTIONED TO HAVE A PUBLIC HEARING ON THE MASSAGE PARLOR ORDINANCE IMMEDIATELY PRIOR TO THE NEXT REGULAR COMMITTEE MEETING.**

**** MOTION PASSED UNANIMOUSLY.**

DISCUSSION OF NAMING OF CITY BUILDINGS

Mr. Bonenfant provided the background on this item that it was a result of trying to formulate a process for naming buildings, streets, etc. He provided a proposed ordinance for discussion and read the definition and procedure as follows:

The primary consideration when naming a facility should be to clearly identify the location and function for ease of access and to avoid confusion. A geographical description is preferred in the name.

A public facility or part of a facility may be identified by naming in honor of an individual or group through use of a memorial plaque or similar commemorative inscription.

If a facility is to be named in honor of an individual or group, it is generally required that the persons have made a significant contribution to the community through their service and deeds, and were respected for their accomplishments as well as demonstrating good conduct. Those persons should not be in a position to influence the process whether involving the funding or future operations of the facility; and it is ultimately important for the City to avoid any perception of improper manipulation, special favor or vested interest. Normally it would be preferred that an individual be deceased for at least two years although not a prerequisite, however that person should be retired from public service within the community. It would not be desirable to honor individuals who could use the tribute as an advantage in pursuing their causes or aspirations, nor would the City wish to be exposed to potential embarrassment if issues arose as a result of the individual leading an active social life. The process of the naming of public facilities should be conducted with the utmost integrity and ample caution.

PROCEDURE:

1. The proposed naming of a facility is placed on a Land Use and Building Management Committee Regular Meeting Agenda for discussion and review.
2. A Public Hearing is required prior to forwarding the naming request to the full Common Council for approval. The hearing shall be held at a Regular meeting of the Land Use and Building Management Committee and the scheduling of said hearing shall have been approved at a previous Regular meeting by a majority vote of the Committee.
3. A Two-Thirds majority (10 votes) of the Common Council is required for the approval of the naming or renaming of a facility which falls under the responsibility of the Land Use and Building Management Committee of the Common Council.

Ms. Romano stated that she felt it should be a simple majority and not require 2/3rd majority vote, to avoid any political advantage. Mr. Tobin stated that if naming a building after an individual could not get at least 2/3rd vote, which may indicate a problem. Mr. Bonenfant suggested that naming of buildings should be run through normal committee approvals, such as buildings through Land Use Committee, parks through the Recreation and Parks Dept. and streets through Public Works. It was decided to keep it a simple, one page document, and Ms. Straniti suggested the proposed ordinance be forwarded to Corporation Counsel for review/discussion and possible action at the next meeting.

NEW BUSINESS
Ordinance for Fire Marshall Inspection Fees

Ms. Straniti requested the item be tabled due to receiving the information only recently, along with insufficient detailed information on financial breakdown by fee. Ms. King asked where this came from, and Mr. Bonenfant replied that most likely it is in response to Chief McCarthy and Fire Marshall Iannaccone being asked to provide manpower justification for staffing. Ms. King stated that she would like to see information on other cities such as Stamford and Bridgeport, as opposed to what is done in Wilton.

**** MR. BONENFANT MOTIONED TO TABLE THE DISCUSSION OF AN ORDINANCE FOR FIRE MARSHALL INSPECTION FEES PENDING FURTHER INFORMATION FROM THE DEPARTMENT.**

**** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MS. ROMANO MOVED TO ADJOURN**

**** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Services