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CITY COUNCIL MINUTES
MAY 11, 1993

CALL TO ORDER Mayor Feaster called the regular Council meeting of May 11, 1993, to order at 7:30 PM.

ROLL CALL Present: Feaster, Jones, Metcalfe, Trantham, Vanasse, Warner, Wintersteen (late)

APPROVAL/MINUTES M/M by Vanasse, 2nd by Jones to approve the minutes of the April 27, 1993, regular Council meeting as presented. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA AND CONSENT AGENDA Mayor Feaster requested removal of Item B, New Business (Introduction of Ordinance #93-16) from the consent agenda.

motion M/M by Jones, 2nd by Warner to approve Items A, C, D and E on the consent agenda. Voice vote. Motion carried unanimously.

Items approved by consent follow:

A) Introduction of Ordinance #93-15: An ordinance Repealing Ordinances #204 and #205, Authorizing a Lease between Pacifica Institute and the City of Bethel for the Bus Barn and Bojangles Buildings for public hearing May 25, 1993.

C) Resolution #93-15: A Resolution Supporting a Nursing Home in Bethel.

D) Resolution #93-16: A Resolution Authorizing the Incurrence of Indebtedness for Construction of the Waste Water Treatment Facility in the Amount of \$1,000,000.

E) Resolution #93-17: A Resolution Authorizing application for FY 94 Anti-Drug Abuse Grant, Multi-jurisdictional Task Force.

motion M/M by Vanasse, 2nd by Jones to approve the regular agenda by deleting Item B, under New Business, and by adding Executive Session, Legal Strategy in the case of Leroy Peters vs. the City of Bethel. Voice vote. Motion carried unanimously.

MAYOR'S REPORT Mayor Feaster referred Council to his written report. Mayor Feaster also announced the dates

of budget work sessions scheduled for May, indicating that the budget should be ready for introduction on May 25 and public hearing on June 8.

In response to a question from Councilman Trantham regarding the Mayor's Report, Mayor Feaster clarified the term micro-politics by explaining that often city employees lobby council members for special interests, rather than going through the chain of command which would allow the City Manager to deal with the requests. In response to another question from Mr. Trantham, Mayor Feaster stated that his statement was not City of Bethel policy. Mr. Trantham stated that he did not support the idea as he saw it as an attempt to "muzzle" people and make employees "second-class" citizens.

MANAGER'S REPORT

City Manager Hunter reviewed his written Manager's report with Council on the following items:

- His commitment to improving the quality and productivity of the community.
- The cost of relocating to Bethel.
- BIA Oil Spill.
- Hiring of new Public Works Director.
- Continuation of City Talk.
- Proposed reorganization of City Manager's office which will be presented at the first budget work session.
- Travel plans to Connecticut, May 28 - May 31, 1993.

Mayor Feaster requested that Mr. Hunter notify council members and staff of his appointment as Acting City Manager in his absence.

In response to a question from Councilman Jones regarding the report from Cigna Insurance, City Manager Hunter indicated that department heads have been requested to respond to the items listed in the report by May 12 so that steps can be taken to correct the problems as outlined in Cigna's report.

In response to a question from Councilman Warner, City Manager Hunter stated that the RFP for the Kilbuck and Main Wastewater Lift

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Stations has been advertised.

**REPORTS OF STANDING
COMMITTEES**

Mayor Feaster reported that the Clean Up, Green Up Committee was scheduled to meet again May 14, Noon, City Conference Room. The Clean Up, Green Up campaign is scheduled for the week of May 24 through May 29.

Councilman Vanasse reported that the Public Safety Committee met May 5, Noon, Police Department. City Manager Hunter was in attendance. Mr. Vanasse spoke briefly on the issues discussed referring to the minutes of the meeting.

Councilman Trantham reported that the Youth Service Committee met May 3, and referred Council to the minutes of the meeting.

Councilman Trantham reported that the Transportation Commission was scheduled to meet May 19. One of the items on the agenda is a discussion of the proposed rate structure for fares charged by taxi cabs. Mr. Trantham invited the members of the public to attend to respond to the proposed fare changes.

Councilman Jones reported that the Finance Committee will meet May 20, 7:30, City Offices.

Councilman Metcalfe reported that the Planning Commission will meet May 13, 7:30, City Offices. One of the items on the agenda is presentation of recommendations from the Special Committee charged with researching the issues concerning the claim to Lot 4, Block 8, USS 3790. Mr. Metcalfe referred Council to the minutes of the April 8, Planning Commission meeting.

Reporting for Councilman Wintersteen, Port Director Stuart Greydanus stated that the next meeting of the Port Commission was scheduled for May 17, 7:30 PM, Port office.

PEOPLE TO BE HEARD

Wally Wallace stated he had three questions concerning City Manager Hunter: 1) Does management of the Colosseum in Hartford,

Connecticut involve management decisions for the City of Hartford; 2) Why did Mr. Hunter's contract include a paragraph that entitled him to three weeks of military leave; and 3) Was City Manager Hunter's contract available to the public?

Dave Trantham, speaking on behalf of his daughter who owns the property located at 432 Tundra Ridge, stated that he and his daughter had learned that the trees on his property were in jeopardy of being removed. Mayor Feaster recommended that Mr. Trantham pursue this matter by means other than the public hearing portion of the City Council meeting.

OLD BUSINESS:

Item A: Ord.
#93-06 Sales Tax

ORDINANCE #93-06, AMENDING TITLE 4, CHAPTER 4.16.020, PARAGRAPH B(14)--SALES TAX

Mayor Feaster stated that the ordinance was introduced as a request from the Finance Committee. It provides for an exemption on sales tax for wholesale sales in Bethel for people from the villages. Mayor Feaster further explained that the City Attorney had reviewed the ordinance and offered an alternative approach that would not change the results desired by the Finance Committee. However, the Mayor pointed out that the ordinance before the Council must be dealt with first. Mayor Feaster opened the public hearing. There being no comments from the public, the hearing was closed.

Councilman Jones, representing the Finance Committee, stated that the Committee would support the City Attorney's recommendation, and that he strongly supported the concept of a tax exemption to villagers. Councilman Warner expressed his opposition to the concept of providing a tax exemption, and Councilman Vanasse expressed his support for the concept.

motion

M/M by Jones, 2nd by Trantham to approve ordinance #93-06 as submitted. Poll vote. Motion failed. 1-yes; 5-no (Feaster, Jones, Metcalfe, Vanasse, Warner). Councilman Wintersteen was not present for the vote.

Council requested that the ordinance be revised as recommended by the City Attorney and placed on the agenda for introduction at the May 25, 1993, Council meeting.

Item B: Ord. **ORDINANCE #93-08, AMENDING TITLE 9, CHAPTER
#93-08 Curfew Hrs. 9.20 BY ADDING A NEW SECTION 015 CURFEW HOURS
 EXCEPTIONS**

Mayor Feaster stated that this ordinance was introduced by Councilman Vanasse as a result of a letter received by the Council from high school students requesting extension of curfew hours on prom night. The proposed ordinance allows upon written request to the City Council exceptions to the curfew hours. Mayor Feaster pointed out that the City Attorney had been working on a revision of Title 9 and was proposing different language to the proposed ordinance. A copy of Mr. Chandler's letter of recommendation was before the Council. Mayor Feaster opened the public hearing. There being no comments from the public, the hearing was closed.

motion M/M by Warner, 2nd by Trantham for the approval of Ordinance #93-07 as presented.

Discussion followed.

motion M/M by Trantham to amend the motion by revising Ordinance #93-07, paragraph 9.20.015 by adding after the word "considered" the words "for gainful employment and school-related activities." The motion died for lack of a second.

Councilman Wintersteen was present for the vote.

vote Poll vote. Motion carried. 4-yes; 3-no (Feaster, Warner, Wintersteen).

Council broke at 8:20 PM for a short recess. At 8:30 PM, Mayor Feaster called the meeting back to order.

PEOPLE TO BE HEARD To meet the requirements of Resolution #706, at 8:30 PM the People To Be Heard portion was reopened.

Basri Hadjari asked Council to consider waiving of penalty and interest fees assessed to Isan Enterprises on back sales taxes. Mayor Feaster advised Mr. Hadjari that Council was not in a position to consider his recommendation without being provided additional information and documentation on the matter. Mayor Feaster suggested that the matter could be placed on the May 25, agenda for consideration. Mr. Hadjari agreed, and the City Clerk was directed to include the matter as an agenda item for May 25.

Item C: Ord.
#93-09

ORDINANCE #93-09: DISPOSAL/LEASE--LOT 4, BLOCK 8, USS 3790

Mayor Feaster explained that the ordinance provided for the lease of property to Golden Age Seafood. Mayor Feaster opened the public hearing.

Mr. J.B. Crow read from a prepared statement, a copy of which is attached as part of these official minutes.

Stuart Greydanus, Port Director, stated that it was his understanding from former Interim City Manager Nancy Gross that the land for lease was a portion that was not reclaimed. In other words, the City was leasing only that land that was not reclaimed.

There being no further comments from the public, the hearing was closed.

In response to a question from Councilman Trantham, Mr. Greydanus stated that the Lot 4, Block 8 of USS 3790 was surveyed by Al Bianchi. Further, Mr. Greydanus stated that he could not confirm that the survey did not include any reclaimed lands. In order to make a decision, Mr. Trantham stated that he needed that confirmation.

Councilman Metcalfe advised Council that Planning Commission Chairman, John Guinn, had appointed a special committee to investigate and listen to testimony regarding any claims to Lot 4, Block 8, USS 3790. Mr. Metcalfe said he was in the process of preparing a

report on the committee's findings from the investigation which would shed some light on the issue and, therefore, he felt it was premature for Council to take action on approval of an ordinance to lease the property in question.

motion

M/M by Metcalfe, 2nd by Jones to table Ordinance #93-09 to the May 25, 1993, Council meeting and to reopen the public hearing at that time. Poll vote. Motion carried unanimously.

Council also directed that the ordinance be reviewed by the Planning Commission to meet the requirements as set forth in the Bethel Municipal Code for disposal/lease of property. In addition, Council requested the proposed lease agreement be presented for review.

**Item D: Ord.
#93-10**

**ORDINANCE #93-10: DISPOSAL/SALE--SURPLUS
SEAWALL PIPE PILING**

Mayor Feaster explained that ordinance #93-10 provided for the sale of surplus property consisting of pipe piling with an estimated value of \$368,000. Mayor Feaster opened the public hearing. There being no comments from the public, the Mayor closed the hearing.

City Manager Hunter directed Council to his written recommendation to reject the two bids received. Mr. Hunter noted that the highest bid received was for \$76,516, an amount considerably lower than the estimated value of the surplus pipe.

motion

M/M by Jones, 2nd by Warner to approve Ordinance #93-10 as presented. Poll vote. Motion failed. 0-yes; 7-no (Feaster, Jones, Metcalfe, Trantham, Vanasse, Warner, Wintersteen).

**Item E: Ord.
#93-11**

**ORDINANCE #93-11: DISPOSAL/LEASE OF CAPTAIN
ATKINS AND DREDGING EQUIPMENT**

Mayor Feaster explained that Ordinance #93-11 provided for the sale of the Captain Atkins and the dredge. Four bids were received, with Moody's Sea Lighterage as the highest bid in

the amount of \$153,000. Since the closing date for receipt of bids, City Administration and council members received a late proposal from Bethel Contractors offering an exchange of gravel for the Captain Atkins and the dredge. Council concurred that not only would it be unethical to consider a late proposal, but it would put the City in a precarious position if the ordinance were voted down and the bidding process reopened. Mayor Feaster opened the hearing to the public.

Mike Patterson, representative of Moody's Sea Lighterage, advised Council that he had a cashier's check for 10% of the amount of the bid and a bank confirmation indicating the availability of the remaining 90% the week of May 18 pending preparation of the bill of sale and recertification of the title.

There being no further comments from the public, Mayor Feaster closed the public hearing.

motion

M/M by Vanasse, 2nd by Jones to approve Ordinance #93-11 for the sale of the Captain Atkins and the dredge in the amount of \$153,000. Poll vote. Motion carried. 6-yes; 1-no (Warner).

**Item E: Ord.
#93-12**

ORDINANCE #93-12: DISPOSAL/LEASE OF CITY PROPERTY--OFFICE SPACE AT THE SENIOR CENTER DESIGNATED SPACE B; and

**Item F: Ord.
#93-13**

ORDINANCE #93-13: DISPOSAL/LEASE OF CITY PROPERTY--OFFICE SPACE AT THE SENIOR CENTER DESIGNATED SPACE B

Mayor Feaster explained that both ordinances provided for the lease of office space located at the Senior Center, designated space A and B which previously was leased to the Homemakers Association. The only bid received came from S&J Associates. Mayor Feaster opened the public hearing.

Eric Shrum, representing S&J Associates, advised Council that S&J Associates was in the business of grant writing and business consulting, most of which was carried out by

telephone, on a computer and over the fax machine. There would not be a lot of walk-in traffic. S&J was requesting a two year lease with the option to renew one time, use of the Senior Center lavatory facilities, the ability to place a sign on the outside of the building, locks on the two offices changed with a limited number of keys available, and the right to sublease the offices to an approved entity.

There being no further comments from the public, Mayor Feaster closed the hearing.

Councilman Jones, one of the partners of S&J Associates, withdrew from any discussion on the matter and abstained from voting.

Council requested that both ordinances be submitted to the Planning Commission for its review, according to the requirements for disposal/lease of City property as set forth in the Bethel Municipal Code.

motion M/M by Warner, 2nd by Metcalfe to table Ordinance #93-12 to the May 25, 1993, regular Council meeting pending a recommendation from the Planning Commission. Poll vote. Motion carried. 6-yes; 1-abstention (Jones).

motion M/M by Warner, 2nd by Metcalfe to table Ordinance #93-13 to the May 25, 1993, regular Council meeting pending a recommendation from the Planning Commission. Poll vote. Motion carried. 6-yes; 1-abstention (Jones).

Councilman Trantham expressed concern regarding subleasing City property.

motion M/M by Warner, 2nd by Wintersteen to go into Executive Session for the purpose of discussing legal strategy in the case of Leroy Peters vs. the City of Bethel. Voice vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Jones to come out of Executive Session. Voice vote. Motion carried unanimously.

motion M/M by Warner, 2nd by Trantham, that the City

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of Bethel reject the settlement offer of May 5, 1993 in the Leroy Peters vs. City of Bethel. Voice vote. Motion carried unanimously.

COUNCIL MEMBER
COMMENTS

Councilmen Vanasse, Jones, Wintersteen welcomed Mr. Hunter to Bethel.

Councilman Trantham, representing constituencies in the community, stated that the City of Bethel should do everything in its power to keep its citizens as fully informed as possible. Mr. Trantham also addressed the problem he had encountered with regard to his daughter's property and the City of Bethel.

Councilman Metcalfe also welcomed Mr. Hunter. In addition, Mr. Metcalfe said he had several people approach him about celebrating the 4th of July on the 5th of July. Mr. Metcalfe proposed that the Council reconsider changing the date of the celebration back to the 4th.

Mayor Feaster encouraged all council members to work with the City Manager toward initiating and completing the projects that are needed to improve the quality of life in Bethel. Mayor Feaster also emphasized that council members are members of the community and do not receive any special rights because of their position on the Council. He further stated that and should they have a problem with anyone on city staff, they should go directly to the City Manager to try to obtain a resolution of the problem.

motion

M/M by Warner, 2nd by Trantham to adjourn the meeting at 9:40 PM. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS 25th DAY OF May, 1993.

James H. Feaster III
James H. Feaster III, Mayor

ATTEST:

Jane Elam
Jane Elam, City Clerk