

MINUTES OF WEST HARTFORD TOWN COUNCIL PUBLIC HEARING ON AN ORDINANCE DECLARING THAT NO ADULT ORIENTED ESTABLISHMENT AS DEFINED IN THIS ORDINANCE MAY BE DEEMED A PERMITTED ZONING USE DURING THE NINE (9) MONTH PERIOD OF MORATORIUM FOLLOWING THE ADOPTION OF THIS ORDINANCE

May 13, 1997

Council Chambers

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President Nan Glass called the hearing to order at 7:10 p.m.

Present were Councilors Rob Bouvier, Kevin Connors, Liz Gillette, Nan Glass, Bernard Jacques, Sandy Klebanoff, Patrick McCabe, Madeline McKernan and Council Zoning Alternate Deborah Buckley for Alfred Turco.

President Glass: I want to go through the material that we've received on this matter. We have the ordinance that was submitted and a recommendation of approval from the Town Plan and Zoning Commission and an opinion from the Capitol Region Council of Governments Regional Planning Commission finding no apparent conflict with regional plans or policies and I believe that is the official folder.

Councilor Gillette: I don't have any of those.

President Glass: You don't have any of those? Well, do you want to look at them here? I think they were all distributed.

Councilor Gillette: Okay, I'm sorry. I was looking on the table.

President Glass: No, it was just the stuff we received on this. Is there anybody on the sign up sheet?

Mrs. Wilder: No, Madam Mayor, there is not.

President Glass: Is there anyone in the audience who wishes to speak on this proposed moratorium? If not, is there anyone on the Council who has any questions or the administration or Mrs. Wilder? I think the ordinance more or less speaks for itself and it gives us an opportunity to prepare in the nine months to look at and study and prepare an ordinance concerning adult entertainment. Is that correct Mrs. Wilder?

Mrs. Wilder: That's correct, Madam Mayor.

President Glass: Thank you. Ms. Buckley.

Ms. Buckley: I just wanted to clarify which businesses are covered under this moratorium. I just wanted to give you a few scenarios and then you could tell me about them. If I was a new business that was coming into town and I intended

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the use of my business to be one of those described here, for example, an adult book store, between the passage date this evening and the effective date of this moratorium would I be allowed to establish and conduct a business?

President Glass: Mrs. Wilder.

Mrs. Wilder: Madam Mayor, if I might, Ms. Buckley, I would like to just point out that the ordinance will be effective ten days after publication of your action which is the soonest under the Charter that it could be. With that in mind, hopefully the ordinance would be effective within twelve or fourteen days. If a book store were to establish, for example, were to establish itself as an adult business in that period of time, depending on our existing ordinances, if that is a permitted use, and it probably is, then they would be permitted in the appropriate zone to open up in that period of time.

Ms. Buckley: And on a second scenario, if I had an existing business such as an adult book store that met these definitions, and it is now after the effective date of this ordinance, would I be subject to this moratorium?

President Glass: Mrs. Wilder.

Mrs. Wilder: Mrs. Glass, Ms. Buckley, no, you would not be. It would be a non-conforming use, however, to my knowledge and certainly I have not heard through the Planning Zoning Agency of the Town that we have any such businesses in town at the current time but I could be wrong about that.

Ms. Buckley: I just have one final question.

President Glass: Ms. Buckley.

Ms. Buckley: Thank you. Suppose I have an existing business which doesn't have the significant activities going on that are described in the ordinance and then after the passage of this ordinance I decide to change my inventory and stock and trade and the emphasis of my, for example, a book store, I've switched now from a definition that doesn't fit within this, and to one a business that does fit within these, does this moratorium apply to my business now?

Mrs. Wilder: Madam Mayor, Ms. Buckley, yes it would. After the effective date of this ordinance no establishment that meets the definitions herein is a permitted use. That is it is prohibited in all the zones in our town until such time, for nine months or until such time as you adopt an ordinance regulating or dealing with these establishments if that is sooner than the nine months.

Ms. Buckley: So there can be an existence which I think

sometimes people get confused, you can be permitted to do business in town and have all your correct permits and licenses for what you are doing but this use of that business that meets this description would not.

Mrs. Wilder: It would be prohibited at least during the period of the moratorium, yes.

Ms. Buckley: Thanks. And just in case someone asks if someone asked you something like why don't we have a, why doesn't this moratorium cover something like a spice channel on cable TV that comes into our homes, why isn't that part of this moratorium...

Councilor Jacques: United States Constitution has something to say about that.

Ms. Buckley: Well, I think it is important that we get the definitions out.

President Glass: Mrs. Wilder.

Mrs. Wilder: I think for clarification that is correct. In the privacy of your own home to view or read or whatever, pornography or any other video or literature, is certainly your right to do and it is a constitutional question and until you mentioned it right before this meeting I never heard of the spice channel.

President Glass: I will show you how innocent I am, all I ever heard of is Old Spice but I guess it is something different. Are there any further questions? We won't get into any of that.

Ms. Buckley: Thank you for your help.

Mrs. Wilder: And thank you very much for not asking me to go through these definitions.

President Glass: Thank you. If there are no further comments or questions we will adjourn the public hearing and we will start the Council meeting at 7:30 promptly.

The hearing adjourned at 7:20 p.m.

Norma W. Cronin
Town Clerk/Council Clerk