

MINUTES OF PUBLIC HEARING ON AN ORDINANCE RESTRICTING
OFF-STREET PARKING TO DESIGNATED PARKING SPACES

December 10, 1991 Council Chambers 999

President Sandy F. Klebanoff called the hearing to order at 7:40 p.m.

Present were Owen Eagan, Linda I. French, Tom Johnson, Sandy F. Klebanoff, Charles R. Matties, Madeline S. McKernan, Carole Mulready, Larry Price and Andy Schatz.

President Klebanoff: Mr. Feldman I hope the administration has a presentation.

Barry M. Feldman, Town Manager: Madam Mayor, maybe I could ask Assistant Carucci to come to the podium and begin to talk a little bit more in detail regarding why this change in the ordinance was felt to be necessary. Maybe before I make any further comments on it I can ask Craig if he could tell us from a practical standpoint to kind of give you his observations and explanation as to why it is necessary.

President Klebanoff: Thank you. Chief Carucci.

Assistant Chief Craig Carucci: I will take the liberty of reading a memo that I drafted in collaboration with Deputy Chief Kane from the Fire Department. This is the first time perhaps in my professional career that I can speak for the Police Department and the Fire Department.

President Klebanoff: We won't speculate on whether or not it will be the last.

Chief Carucci: The Police and Fire Department support and recommend adoption of the proposed ordinance regulating parking in marked spaces in off-street parking lots. Most if not all major shopping centers are protected by the posting of fire lanes around the perimeter of the actual buildings. No such signs are displayed in the access aisles to these buildings. Thus vehicles parked on other than marked parking spaces can and often do congest these access aisles hampering or actually preventing ingress of fire apparatus. To include the access aisles under the fire lane ordinance would require the posting of virtually scores of additional signs in each particular parking lot.

The Police Department is unable to take enforcement action against vehicles so parked under the existing ordinances except under the trespassing with a motor vehicle ordinance. That requires a complaint from an owner, agent or occupant of the building and would be an enforcement nightmare in a multi occupancy building such as Prospect Plaza, Corbins

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Corner, Westfarms Mall and Bishops Corner. We also believe that the public confidence in their Police Department receives a negatively stilted view when a vast majority of motorists circle a busy parking area looking for a legal parking place and they observe a police officer drive past vehicles parked in the middle of an aisle without taking any enforcement action. Enforcement of this ordinance would better provide for the public safety, eliminate a source of public dissatisfaction with their police department and derive the salient benefit of providing an additional revenue source.

President Klebanoff: Thank you. Mr. Feldman.

Mr. Feldman: Madam Mayor just maybe by way of summary before Marge comments further, the effort is to give the police officer an additional tool when he or she encounters a car that is illegally parked in aisle, an actual travel aisle in a parking lot. Often the police officer if he or she believes necessary will ticket that car for a fire lane violation and I think as probably Marge will quickly point out that is probably not the best use of that part of the ordinance. It may not be an appropriate use to ticket for fire lane. Again what this ordinance would do is it allows the police officer the discretion to ticket a vehicle that is inappropriately parked within a portion or all of the travel lane or the travel aisle in a parking lot.

President Klebanoff: Mrs. Wilder did you have anything to add?

Marjorie Wilder, Corporation Counsel: Madam Mayor, the only thing I would like to add is that when Assistant Chief Carucci and Chief Kane and I and Pat Alair were discussing this, right about that time we actually had a situation where a person had been ticketed for parking in a fire lane which was not technically a fire lane but it wasn't in a marked spot and the person was quite upset because she felt that she knew she was not parked in a marked spot but she shouldn't have been ticketed for the fire lane and it would be a lot easier to explain that we have a very specific ordinance dealing with this specific problem.

President Klebanoff: Thank you. Questions from Council?
Mr. Matties.

Councilor Matties: First, can you define lane, not fire lane, but the other lanes you are talking about where people can be ticketed if they park there?

President Klebanoff: Mrs. Wilder.

Mrs. Wilder: Madam Mayor, Mr. Matties. The way the draft of this ordinance is written it is quite frankly any place

other than in a marked spot. The reason we wrote it that way is so that we wouldn't get involved in, we presented it to you in that so we wouldn't get involved in semantics and because the need of both the fire and the police department to clearly define a violation where you have approved or the Planning Department has approved a parking lot with a certain number of spaces and aisle width the feeling was that parked any place other than those marked spaces should be subject to a ticket.

President Klebanoff: Mr. Matties.

Councilor Matties: Will the lots be amply signed to warn the public that they better park in between the lines or something is going to happen?

Ms. Wilder: Madam Mayor, Mr. Matties, I probably should defer to Craig.

President Klebanoff: Excuse me, Chief Carucci. I think you have to come up to the podium, otherwise we lose the transcription.

Chief Carucci: Although there is no provision for that in the ordinance most merchants, most people that control the major parking areas are very interested in the ordinance and the easiest way to accomplish this to best come to the attention of the motoring public is a sign at the driveway of which I'm sure they will comply voluntarily. They want to control their parking lots and yet they don't want to unduly penalize their customers that visit them.

President Klebanoff: Mr. Matties.

Councilor Matties: That's, I don't know who to direct it to but that is the concern I have. As you know, we all want to invite people in to shop so much so that we give them free parking so that I don't know whether we end up antagonizing people unless they are forewarned that whatever rules apply on the road now apply in a private parking lot. Do we have a minimum size? I confess I didn't read that portion.

Chief Carucci: I'm sorry.

Councilor Matties: Do we have a minimum size lot?

Chief Carucci: Ten cars or more.

Councilor Matties: Ten cars or more, that will take an awful lot of lots in and I don't know whether, I guess I don't have to ask you Craig whether we should require a sign. I know you said that you think they would voluntarily do it but there could be a lot of instances where people get ticketed and the property owner neglected to put up a good

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visible sign. Did you see any problem if we required the property owner to do that?

Chief Carucci: No, I think that they would comply. My only concern is immediate. With the Christmas shopping season the problem becomes magnified and we really are powerless to address what is a potentially hazardous situation.

Councilor Matties: So you mean the delay...

President Klebanoff: Mrs. Mulready.

Councilor Mulready: To clarify for me how you would implement this, a good example to me would be what happens at Westfarms Mall on weekends right about now, one day sales or whatever you have, people park on the lawn. They park on the striped yellow areas that are at the end of lanes. What you would do is say that those are improper places for people to park and they would get a ticket?

Councilor Schatz: In the West Hartford parking lot.

Councilor Mulready: In the West Hartford parking lot understood.

Chief Carucci: Farmington similarly does the same on their side under their ordinances.

Councilor Mulready: So that is what this would allow you to do. Does Farmington already have such an ordinance?

Chief Carucci: I'm not sure what their ordinance is but I know they enforce the parking lots.

Councilor Mulready: They do ticket.

Chief Carucci: What we have been doing is extending based on the Fire Marshal's determination that although the perimeter of the building is marked with fire lanes no such signs exist in the access aisles and it is his feeling that if you can't get a fire apparatus to the building or any place in the parking lot to address a fire, consequently he feels everything is a fire lane and we have enforced the fire lane ordinance for those cars. It is difficult for the public to accept. They know that they have parked wrong and they know that they perhaps should be penalized in some way but when they are charged with a fire lane violation they can't reconcile it because the closest sign may be one hundred yards away.

Councilor Mulready: When you see the striped areas in a traveled area up and down the lanes is that really intended just for access or is it also for the case of a possibility of a car catching fire? Is that a possibility or fire

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apparatus having to go in there or police having to do in for some other reason?

Chief Carucci: At the end of an aisle it is for the radius turns. An automobile may be able to make the turn. A fire apparatus or delivery truck or a van, handicapped van may or may not be able to make that turn if the public expands what the Town Planner has approved.

President Klebanoff: Mr. Schatz.

Vice President Schatz: Chief a couple of questions, this does not apply to the areas that are marked fire lanes, that already is and you can now tow or do anything you want with respect to violations.

Chief Carucci: That's right.

Vice President Schatz: So we are not talking about those areas. You said a little while ago that the signs might cause, waiting for the signs might cause a problem because you will miss the Christmas season which is coming up but I think let's flip that around a bit. We have a lot of people who are out there now who may not be aware that this is going to happen, are you thinking in terms of, if this were to pass tonight, starting to enforce it immediately such that people may not have any notice of it other than what is covered in the newspaper tomorrow?

Chief Carucci: Well within ten days of the adoption of the ordinance but the reality is that in order to grant relief to the property owners on their request we are tagging but perhaps as Marge explained inappropriately. We are tagging on the extended fire lane. It has an effect on everybody else that might park in the middle of an aisle if they see a ticket on a car or an officer stop and address the problem but it is really an inappropriate use of that ordinance.

President Klebanoff: Are there further questions? Mrs. French.

Councilor French: I know that the major shopping centers were concerned with this ordinance but have you any idea how many office buildings and that type of parking lot would be included which would have more than ten parking spaces?

President Klebanoff: Chief.

Chief Carucci: No, I don't have any idea but as a routine we don't patrol inside the office building parking areas, per se, we go there on request of their own people. Places like Bishops Corner, Westfarms Mall, Corbins Parkade, Prospect Plaza, we routinely patrol the area for a lot of perhaps

obvious reasons and it is important for a police officer to see something so drastically wrong and have the public watch him drive by and he knows he can't address it and the public thinks he is just not doing his job.

President Klebanoff: Mr. Price.

Councilor Price: Just quickly from the comments that you have made Craig it is my understanding that your sense in speaking with the business community is they really want this.

Chief Carucci: They want something. They are not interested in penalizing the customers but they know that it can't be done on a trespassing request. If the Regional Drug Store at Prospect Plaza calls in a complaint about cars parked in the aisles in front of his store, and a guy says I have permission from Blockbuster TV to park here for ten minutes, who is right?

President Klebanoff: Are there further questions? Mr. Schatz.

Vice President Schatz: Just to clarify, this ordinance after adopted would not only apply where the business owner wanted you to do this, this would apply regardless of whether the business owner wanted those extra cars to be there or not.

Chief Carucci: That's correct.

Vice President Schatz: Even if it was temporary or five minutes or whatever.

Chief Carucci: That's correct.

President Klebanoff: I have a question also about parking lots other than commercial areas. The way I read this this will apply to the library, to churches, synagogues, to Town Hall, am I correct?

Chief Carucci: It could.

President Klebanoff: Could.

Chief Carucci: Well, I have been around an awful long time and I don't know of any time we have gone into a church, synagogue or Town Hall other than handicapped parking to tag.

President Klebanoff: But people would be violating the law if they were to continue parking as they do in areas of Town Hall and in churches and synagogues.

Councilor Price: Is there anyone at the table who hasn't violated that in this lot, seriously?

Vice President Schatz: Yes.

President Klebanoff: You don't spend enough time here especially not on Thursdays. Mr. Schatz.

Vice President Schatz: And in fact there are some official vehicles that are often parked out there as well.

President Klebanoff: All the time including police and fire.

Vice President Schatz: Chief, as I understand it, currently when you are trying to enforce it as you do it under the trespassing it is only by request of the property owner.

Chief Carucci: That's correct, owner agent or occupant.

President Klebanoff: Mrs. French.

Councilor French: Even though I understand your not talking about ticketing or going into those lots, I'm just wondering where, that is a concern and I'm wondering where the number ten came from in terms of spaces when I think the basic intent was the lots that are thirty or more. Was there any magic?

Chief Carucci: There was no magic to the number ten. I have to be frank. It did not originate at the Police Department. It was drafted, although we have no quarrel with the number ten...

Councilor Price: It is pretty standard through the ordinances and statutes.

President Klebanoff: Mr. Price.

Councilor Price: They have just taken it out of other ordinances and statutes.

Chief Carucci: Part of the premise in discussion, if I may, that the small mom and pop stores, the small convenience stores, Cumberland Farms, 7 Eleven, etc., Dairy Mart they generally border on ten cars but as a public safety matter they are not a hazard because the apparatus would not pull into the front door of a building for fire and I am repeating what I have been told by the Fire Marshal. They would be out on the street anyway and would not create the kind of hazard at the major shopping areas where they may not get close to the building because of just one car.

President Klebanoff: Are there further questions? Mrs.

Wilder if the Council at its meeting this evening were to suggest an amendment to the ordinance as it has been advertised to require the posting of a sign, would that be considered a substantive amendment or not?

Marjorie Wilder, Corporation Counsel: Madam Mayor, it is a substantive amendment but it certainly has been the topic of discussion in this hearing and I do not believe you would need to notice a second hearing.

President Klebanoff: Thank you. Mr. Johnson.

Councilor Johnson: I wonder if the Chief or the Corporation Counsel could just briefly explain to me what the difference in this ordinance is versus one that we just recently looked at. I feel like I have been here before.

President Klebanoff: The one that was withdrawn.

Councilor Johnson: The one that was withdrawn. What is the major difference?

President Klebanoff: Mrs. Wilder.

Ms. Wilder: Madam Mayor, Mr. Johnson, there is no significant difference. We did discuss this issue further with the Police Department, with Assistant Chief Carucci's help and the Fire Department and they in turn with various merchants in town, shopping centers, we did re-write it to try to clarify the terms of conditions we felt that the last draft may have been confusing and after consultation with the Town Manager and with the two departments we decided that it was a significant enough problem for both the Fire and Police Departments to come back to you with a re-drafted, hopefully clarified ordinance for you to consider.

President Klebanoff: Mr. Johnson.

Councilor Johnson: In a situation where there is a zoning change we would post signs and people would know. As an example when we heard the Stop and Shop thing there was considerable discussion on parking spaces for what I consider very minor changes. This has major ramifications in my mind. Could you give me a better understanding of what merchants or what associations have been involved in this process.

President Klebanoff: Mrs. Wilder.

Mrs. Wilder: Madam Mayor, I will certainly defer to Craig in one minute. I know that he has talked to many different shopping center managers about this issue but I would like to clarify one point that was made before in relation to

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your question. The ordinance under your Charter will not become effective for ten days after publication so unfortunately we probably will not be able to reach the Christmas shoppers although we certainly had hoped to present this to you in a more timely fashion so that you do have time to consider that issue. Hopefully we will get the post Christmas, hopefully busy sales in stores, but as to the question of who the Police Department dealt with I would suggest that Craig might be able to answer that.

President Klebanoff: Assistant Chief Carucci do you have any recollection?

Chief Carucci: Yes, primarily it was the Manager of Westfarms Mall who is, since she has had her position at the mall, has a different outlook on security and safety matters than her predecessor who has been looking for some kind of relief and again she does not want to zing their customers but she weighs the customer value against the public safety issue and has looked forward to the adoption of this ordinance, similarly, some of the individual store managers at Bishops Corner, Waldbaums for one.

President Klebanoff: Thank you. Mr. Johnson.

Councilor Johnson: I just have one more question. Chief, maybe I could give you an example and you could tell me how it is handled now and how it would be handled in the future. The West Hartford Center Merchants Association have always been concerned about the parking lots on Brace Road and behind the Town Centre, if there was a car today not parked in a white lined spot but not really a fire hazard, maybe next to the building that the little gym or something like that, we would not ticket that at this time or would that be subject to a ticket, also?

Chief Carucci: In the municipal lots they are ticketed for other improper parking, for parking in a no parking zone because it is a municipal lot or municipally controlled lot. That would not be the same case if the lot was all of a sudden taken over in total by the Center merchants, then it would be their property that they maintained and we would not tag for that. We would take on their request for trespassing but again, I submit that one car parked there may prevent the fire engine from making that turn.

Councilor Johnson: But in the case of West Hartford Center that would be ticketed now anyway.

Chief Carucci: Yes.

Councilor Johnson: Thank you.

President Klebanoff: I have another question regarding Mr.

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Matties idea of the sign requirement. If the requirement were to post a sign and the owner of the parking lot did not comply with that what position would you be in?

Chief Carucci: A similar position to trespassing. Now I believe the ordinance reads and we require in any case whether it reads or doesn't read, we require that if you have a small commercial property or any property and you want to keep a stranger from parking there, say overnight, you post it prominently so it is conspicuous enough to come to the attention of the public, so if you are a small store and you close at night and don't want people parking there, you post a sign at your driveway or prominently on your window, something that would reasonably come to their attention. Absent that or your affidavit that you personally told these people don't park here and they did so anyway, we would not tag. In an instant case if this ordinance had a sign requirement attached to it, and absent the sign we would not tag.

President Klebanoff: Thank you. Mr. Matties.

Councilor Matties: In line with that thinking and also the fact that Marge said this thought brought up before would require another public hearing, how about if this were written that it must be posted and then the question that the Mayor just asked if you didn't post a sign you are not going to get enforcement and maybe that will prevent an awful lot of property owners and merchants waking up some morning and finding out that tickets are being spread all over the parking lots so that it would become a selective thing on the part of the property owner if they posted the sign.

Chief Carucci: I think that is doable. I think the major shopping areas will post the signs as rapidly as they could.

President Klebanoff: Mr. Schatz.

Vice President Schatz: Let me follow up on that then. If the reason for this ordinance is as you have articulated because of safety concerns, what Chuck is suggesting is that the ordinance only be enforced where the property owner wants it to be enforced. If it is for safety concerns, isn't a concern you would have regardless of whether the property owner wanted it to be posted and enforced.

Chief Carucci: It is and I can go back to the fire lane ordinance that was drafted for those very concerns and yet the fire lane ordinance does nothing if you can't get there. I have absolutely no doubt that the major property owners which is what we are trying to address, because that is the span to get to the building, the smaller places perhaps would not but that would be a Fire Department concerning

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those smaller places could they get to the building or could they not get to the building but the length of access aisle in a major shopping area as anyone of the major commercial areas be it at Corbins Corner or Bishops Corner or Prospect Plaza are lengthy. Those people in the major areas I'm sure would put up the sign as rapidly as they can.

President Klebanoff: Mrs. Mulready.

Councilor Mulready: From what you just said I'm wondering if the number ten should be eliminated from and another description be entered if really the problem that you are addressing is major then the ten would seem to me be in appropriate if you are also trying to protect the smaller property owners from having the aggravation of tenants. I'm not clear as to where everybody is going on this. Is it a safety incident for every establishment or is a concern in major shopping areas for that safety.

Chief Carucci: We have a safety concern in every establishment but the reality is in a parking lot that is built to accommodate less than ten cars there is no problem getting to the building. If it is a police problem, we get out and run. If it is a Fire Department problem, they wouldn't pull that close any way. They would need that distance for the apparatus. In a large parking area it is a concern.

Councilor Mulready: I guess I suggest maybe a different number from ten.

President Klebanoff: Mr. Schatz.

Vice President Schatz: Let me ask you, would it meet all of your concerns and what you understand to be the Fire Department's concerns as well as the property owners concerns that have spoken if we were to have this be an ordinance that was not up to the property owner but was limited to the large lots in town. In other words if it had a much larger number but it said that this is it. It will be enforced. The town will post signs and it will be enforced.

Chief Carucci: I think that would satisfy our concerns.

President Klebanoff: The Town will post signs? Were you thinking the Town would post the sign?

Vice President Schatz: I understand but...

Councilor Matties: We can't afford it. We're not big spenders.

President Klebanoff: Mr. Schatz.

Vice President Schatz: I guess my concern is if this is really for safety reasons and whether we require the property owner to pay for the sign or whether we do, the point is if it is really for safety concerns that it ought not to be a voluntary thing. It ought to be required wherever it is we can put the safety concerns there and what the Chief has said is the safety concern is there in any of the large parking lots in town. We are no longer talking about a huge number but maybe we ought to be considering an ordinance that limits it to those lots and make it mandatory rather than leaving it up to the individual property owners.

President Klebanoff: Mrs. McKernan.

Councilor McKernan: It seems to me that there is an ordinance that has been put on the table after the Corporation Counsel, Fire Department, Police Department have gotten together. If you make a mistake you get a ticket, period. Stay out of the fire lanes. I mean we are going on and on and on with it. It seems to me they know the fire lanes are there. They know they shouldn't be there. Get them out of there.

Vice President Schatz: This has nothing to do with the fire lanes.

President Klebanoff: Excuse me. Mrs. McKernan.

Councilor McKernan: I think that we are going to get it so complicated and so complex that you are going to have to have Marjorie Wilder driving around with the policemen to make sure that those people are doing what they are supposed to be doing.

Councilor Price: She doesn't have time.

Councilor McKernan: I know it.

President Klebanoff: It is not in her job description.

Councilor McKernan: I know but tonight we could put it there.

President Klebanoff: Mr. Matties.

Councilor Matties: I'm not sure whether we are actually going into the debate portion here but...

President Klebanoff: Just seeking information.

Councilor Matties: Just sit here and think about how many lots you know of that exceed ten spaces and there are a lot and these people have had no part of this discussion and

that is a concern I have where the property owner is going to find they suddenly have to be careful, that their customers are going to be getting upset at them, the customer, a word nowadays that means an awful lot to merchants so that either we have the wrong number ...

President Klebanoff: It doesn't apply to gas stations.

Councilor Matties: I have more than ten spaces. Either we need a much larger number or some ability for the private property owner to make the decision and if we in our wisdom decide that the Mall and few other places should have it, then we can do it that way but I think Hall's Market has more than ten spaces.

Councilor Price: They do without question.

Councilor Matties: So we are talking about an awful lot...

Councilor McKernan: That is a terrible parking situation.

Councilor Price: And I would never park...

President Klebanoff: Excuse me, one at a time. Mr. Schatz.

Vice President Schatz: Again, Chief as I understand it what you are saying is something like Hall's Market would not be a major concern to you. It is really the Waldbaums, the Stop and Shops, the Mall, those kinds of parking lots. There could be a much larger number.

President Klebanoff: Any further questions? If not, is there a sign up sheet? Last chance, does anybody else wish to be heard or do you have any questions? If not, I will close the public hearing.

The hearing adjourned at 8:09 p.m.

Norma W. Cronin
Recording Secretary

Legal Notice appeared in the Hartford Courant on December 2, 1991