

**CITY OF NORWALK
COMMON COUNCIL ORDINANCE COMMITTEE
REGULAR MEETING
DECEMBER 21, 2021**

ATTENDANCE: Tom Livingston, Acting Chairman; Josh Goldstein; David Heuvelman; Dominique Johnson; Tom Keegan; Nora Niedzielski-Eichner (7:06)

STAFF: Atty. Brian Candela; William Mooney, Health Department;

OTHER: Dana Laird; Laura Kenny; Matthew Sapienza; Jessica Vonashek; Josh Goldstein

CALL TO ORDER

Chairman Livingston called the meeting to order at 7:01 P.M.

ROLL CALL

Chairman Livingston performed a Roll Call of those present. There was a quorum present.

PUBLIC HEARING

There was no Public Hearing at this time.

PUBLIC HEARING DISCUSSION

There was no Public Hearing Discussion at this time.

PUBLIC COMMENT

There was no Public Comment at this time.

ACCEPTANCE OF MINUTES

OCTOBER 19, 2021

**** COMMITTEE MEMBER KEEGAN MOTIONED TO ACCEPT THE MINUTES OF OCTOBER 19, 2021 AS SUBMITTED.**

**** COMMITTEE MEMBER HEUVELMAN SECONDED THE MOTION.**

**** THE MOTION PASSED WITH FOUR (4) IN FAVOR (LIVINGSTON; HEUVELMAN; KEEGAN; JOHNSON) AND ONE (1) ABSENTION (GOLDSTEIN).**

OLD BUSINESS

DISCUSS AND VOTE ON CHAPTER 45, ARTICLE IV, OUTDOOR DINING. STANDARDS/GUIDELINES FOR OUTDOOR DINING

Ms. Jessica Vonashek came forward to discuss this item. She reviewed the background of the item for the Committee. The Governor passed an executive order at the beginning of the COVID pandemic that allowed outdoor dining regulations to be lifted to a certain degree. This order has been extended multiple times and has become a piece of legislation that has been passed by the House and Senate. They are looking to update the ordinance and have it in place before it expires. She reviewed the proposed ordinance structures.

Committee Member Niedzielski-Eichner joined the meeting at 7:06 P.M.

There is a sister document that has the guidelines and standards. Everything that was included in the executive order and legislation has, to a large part, been included in the ordinance.

Chairman Livingston noted that, if they are comfortable with the ordinance, it can be sent to the January Public Hearing. Discussion followed.

Chairman Livingston asked to define the term 'sponsoring restaurant'.

Ms. Vonashek said she had received questions regarding the terms and reviewed them for the Committee. This included what constitutes outdoor dining. There can be delineation with the law department as to what can be counted as a 'sponsoring restaurant'.

Committee Member Heuvelman said he was getting confused due to retail establishments potentially also being permitted from that set of regulations and if they needed to look at those ordinances as well.

Chairman Livingston said that the guidelines were not updated to reflect the matter.

Ms. Vonashek confirmed this and said they could work with zoning to make it reflect only outdoor dining and not retail.

Committee Member Heuvelman asked if this would only be at the City level approval process or if the Council would need to weigh into the guidelines and standards.

Chairman Livingston said that they were just looking at the ordinance currently and they would be developed by staff. Discussion followed regarding the following items:

- The term 'sponsoring restaurant'.
- That there is currently no discretion regarding ordinance violations and the fines applied making the definition of the term extremely important.
- It is important to make the ordinance simpler and easier to understand.
- How this ordinance would apply to bar owners and if food needs to accompany drinks.
- The definition of 'Directly Contiguous'.
- The Police Department's concerns regarding serving/eating food, alcoholic drinks, and the ordinance.
- Permits for curb areas.
- The need for annual applications for an outdoor dining permit.

- That the primary issue is too much noise and drinking late at night and the possibility of a cut-off hour as a solution.

Chairman Livingston said that this item could be deferred until it has been revised and brought up in January.

Ms. Vonashek said she wished to have the time to address the items and discuss the proposed ordinance with the legal department.

Committee Member Heuvelman asked for clarification about the 'Blue Line' and the related violations.

Atty. Candela said that this would apply to past violations as well as current ones. The language for the ordinance has been carried over from the executive order. Discussion followed. It was noted that outdoor heaters were banned in the outdoor dining areas and it was unclear where this ruling had come from.

NEW BUSINESS

DISCUSS AND VOTE ON CHAPTER 45, ARTICLE II – SALE AND DISPENSING OF FOOD AND DRINK, SECTION 21 - DEFINITIONS, FOOD-HANDLING ESTABLISHMENT

Mr. Matthew Sapienza came forward to discuss this item. The City has received a letter from a NPO called 'The Institute for Justice'. There was an article in a newspaper regarding cottage foods and their sale and regulation. This article pointed out that Norwalk and Danbury were the only cities in Connecticut that prohibited cottage foods. The Institute for Justice advocates for the cottage food industry and requested that the ordinance be clarified to allow cottage foods. It was noted that the City cannot ban cottage food sale. The City does not desire to regulate the industry of necessity. The State already requires permits for the sale of Cottage Foods.

The proposed revision will provide an exception to food business for cottage food operations that have valid licenses pursuant to the Commissioner of Consumer Protection. Further discussion followed.

Committee Member Johnson said she had met members of the industry and that, as she understood it, was limited by zoning. There has been no issue with the zoning regulations, and they are handled by the Zoning Commission. There are new regulations from the State explicitly allowing cottage food industries.

Mr. Sapienza said there were two limitations involving the Health Department and the other being Zoning Regulations. Discussion followed. This item will go to Public Hearing if approved.

**** CHAIRMAN LIVINGSTON MOVED TO APPROVE THE PROPOSED AMENDMENT TO THE DEFINITION OF FOOD HANDLING ESTABLISHMENT AS PRESENTED TO THIS COMMITTEE BE MOVED TO THE PUBLIC HEARING AT THE NEXT REGULARLY SCHEDULED MEETING OF THIS COMMITTEE IN JANUARY.**

**** THE MOTION PASSED UNANIMOUSLY.**

DISCUSSION ITEM

DISCUSS CHAPTER 55 – DEMOLITION DELAY

This item will not be voted on in this meeting.

Ms. Dana Laird, Chair of the Historic Commission, came forward to discuss this item. There is currently a demolition delay, and this will be an extension of it and other provisions. This item is meant to introduce the subject to the Committee. The goal is to expand the delay from 120 days to 180 days to align more with Westport and Stanford. They may also address other issues at a later date. She then explained the current process to the Committee.

Chairman Livingston noted that there have been questions raised regarding the notification process due to it not working as well as desired and notices were not always received in a timely manner. He also questioned the terminology for being demolished, if a house being lifted for flooding purposes should be covered, and what constitutes an appropriate penalty for violations.

Committee Member Goldstein asked what the difference between 180 and 120 days was.

Ms. Kenny responded that there was an ongoing demolition and, in some cases, it can take a prolonged period of time to come up with proper plans. Extending the time frame can help with various time-sensitive issues, especially when multiple parties are involved.

Ms. Laird said that an additional purpose was to reduce the amount of people thinking of Norwalk as just land to build houses and not thinking of prior establishments. The process of obtaining a notice of receipt was reviewed for the Committee. It was confirmed that this will apply to any building in Norwalk over 50 years old.

ADJOURNMENT

**** CHAIRMAN LIVINGSTON MOVED TO ADJOURN.**

**** COMMISSIONER JOHNSON SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:36 P.M.

Respectfully Submitted,
Ian A. Soltes
Telesco Secretarial Services.