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Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk website within seven (7) days after the meeting.



Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Brian Candela at bcandela@norwalkct.org to provide written public comment prior to the meeting.

COMMON COUNCIL ORDINANCE COMMITTEE **REGULAR MEETING**

October 18, 2022

7:00 p.m. – By Videoconference and Teleconference

AGENDA

- 1. ROLL CALL:**
- 2. PUBLIC HEARING (possible action on):**
- 3. PUBLIC HEARING DISCUSSION:**
- 4. PUBLIC COMMENT:**
- 5. ACCEPTANCE OF MINUTES:**
 - September 20, 2022 – regular meeting of the ordinance committee.
- 6. OLD BUSINESS:**
 - Discuss and Vote on Temporary Prohibition of all Cannabis Establishments.
 - Discuss the Affordable Housing ordinance.
- 7. NEW BUSINESS:**
- 8. DISCUSSION ITEM:**
- 9. ADJOURNMENT:**

CITY OF NORWALK
COMMON COUNCIL ORDINANCE COMMITTEE
REGULAR MEETING
SEPTEMBER 20, 2022

ATTENDANCE: Lisa Shanahan, Chairman; David Heuvelman; Joshua Goldstein; Tom Livingston;
Dominique Johnson; Nora Niedzielski-Eichner; Bryan Meek

STAFF: Lamond Daniels; Steve Kleppin;

OTHER: Council Member Jenn McMurrer; Council Member Darlene Young; Rick Bonenfant;
Marjorie Madden; Margret Watt; Lisa Britton; Nichole; Catherine Sendeker; Diane Cece

CALL TO ORDER

Chairman Shanahan called the meeting to order at 7:02 P.M. There was a quorum present.

ROLL CALL

Chairman Shanahan performed a roll-call of those present.

PUBLIC HEARING

DISCUSS AND VOTE ON CANNABIS ORDINANCE

An e-mail from the public was read for the Committee. The letter noted that people were not remaining home to smoke cannabis and were driving to other locations to smoke it causing air pollution. They noted that, when they requested people to move, they were frequently belligerent and problems were being caused when they requested the smokers to move.

PUBLIC HEARING DISCUSSION

PUBLIC COMMENT

Mr. Bonenfant came forwards to speak. He voiced dissatisfaction with meetings being held on ZOOM and felt it was limiting comments. He also voiced dissatisfaction with the chosen locations for the dispensaries and felt it would have a negative impact on the neighborhoods, especially Westport Avenue.

Ms. Madden came forward to speak. She had heard that there would be public places where people could smoke cannabis. She hoped any money made would go toward maintaining the areas and not come out of the Parks Budget.

Ms. Margret Watt came forward to speak. She said there had been discussion about having the mayor be the one who designates spaces for public consumption. She felt this was potentially polarizing and suggested that the designation be handled by a committee of key departments. If not it should have

checks and balances. She also suggested that there be higher fines for subsequent offenses and cited a vape shop that had been fined multiple times. She noted there was also a lack of funding for controlling cannabis. She noted there were also illegal advertisements that needed controlling. She also suggested that the ordinance specify where the eventual money should go and specify more about how it's used.

Ms. Nichole came forward to speak. Ms. Nichole said she had concerns about the ordinance especially regarding transparency. She requested that they add a section in the ordinance that this was not a dispensary but was a cash storefront which did not need a medical marijuana card. She voiced concerns regarding the lack of caps on products.

Ms. Britton came forward to speak. She wished to concur with the prior speakers. She was concerned that the revenue from the sales would not go into the City social programs. She was also concerned that smoking in public spaces would become a nuisance, create quality of life issues, and make administrative problems for the City.

A letter from a Ms. Ginger Cass was read into the record. She voiced her belief that marijuana led her son into drugs that resulted in his death. She wished to advocate for prevention as a result and was not in favor of the recreational stores.

Ms. Sendeker came forward to speak. She noted that one of her children had struggled for years with an addiction to marijuana. She highlighted some of the negative aspects of marijuana. She requested any money gained from the sales be set aside to provide counseling and support for people whose lives have been damaged/destroyed by marijuana. She noted that there were also people smoking in dead-end streets believing that they were not being seen. This would also cause issues with second-hand smoke.

Ms. Cece came forward to speak. She was confused about some of the issues including how the ordinance came to be. She wished to know why Norwalk was pursuing the sale of marijuana especially since neighboring communities have chosen to not do so. She also voiced concerns over where people could smoke it within city limits. She suggested that it only be permitted within the users home/private property and not in public.

There were no further public comments.

OLD BUSINESS

There was no Old Business to consider at this time.

NEW BUSINESS

DISCUSSION ITEM

Mr. Goldstein came forward to speak. He reviewed the history of the ordinance for the Committee. He noted it was based on State law. He reviewed the details of the State law for those present. This ordinance is the result of a months-long planning process with large amounts of communications involved. This is the first part of a two-part plan. They had made sure that any definitions mirrored those set by the State as closely as possible. He reviewed the legality of sale and purchase of marijuana. He

noted that they also did not regulate public consumption. As such it was important to try and pass the restrictions to alleviate some of the issue and allow the police to act. He noted that they needed to put in at least one designated spot for public consumption. He noted that not everyone had private property to smoke at home. He went into detail regarding where the ordinance said people could smoke marijuana as well as the penalties for violating the ordinance. He also reviewed the details of the Norwalk Cannabis Account for the Committee. He noted that the State had attached strings to the funds. There are six purposes where they are required to spend the funds.

- Youth Employment Programs
- Mental Health and Addiction Services
- Services to people who are formerly incarcerated.
- Streetscape and Community Improvements
- Youth Service Bureaus and Juvenile Review Boards
- Community Civic Engagement Efforts

He noted that they were curtailed in how the funds were spent. He noted that there was also a reporting requirement from the Chief of Community Services.

Mr. Daniels came forward to discuss this item. He wished to provide a Public Health overview. A review of the Public Health Organization's involvement followed. He noted that suggestions had been made which were articulated throughout the draft ordinance; which he reviewed. They are active in the Norwalk Partnership Marijuana Vapor Subcommittee. Mr. Goldstein clarified some of the details regarding the restrictions. Mr. Daniels said that he felt this was a very unique opportunity. They did not know what the funds would be like but wanted to ensure a system was in place to handle them. This was also an opportunity to collaborate with their partners. Further discussion followed. She went into detail regarding how the programs and systems would impact the communities and felt they had a good relationship with the communities in question.

Mr. Kleppin came forward to discuss this item. He reviewed how Planning & Zoning was planning to handle the new ordinance. He pointed out that their job was to decide where the sale of recreational marijuana and the growing of marijuana would be permitted if allowed within the City. They have looked to what other towns have done. Further discussion followed. He noted that, in the original legislation, they were allowed one retail establishment for every 25,000 people in the municipality. This restriction has since been lifted. Further review followed involving the details of the ordinances and properties. The ordinances involving cultivation were also discussed. Mr. Goldstein clarified that tax revenue would come from property taxes and municipal sales taxes. He felt that there were a lot of opportunities that the towns that had not allowed the growing and sale of cannabis were giving up. The ordinance combined with upcoming zoning regulations provides a legislative way to create an opportunity for the City, create new jobs, and bring in a new industry and ensure standards exist for sold cannabis.

Mr. Meek asked to clarify that the vote tonight was to take it to the full Council. Mr. Goldstein confirmed this. Mr. Meek asked if there was any estimate for the revenue. Mr. Goldstein said that the City did not have projections but the State did for State revenue and the potential anticipated municipal revenue is. He reviewed the details of the projected revenue.

Mr. Livingston asked when the moratorium expired. Mr. Goldstein said he believed it didn't expire till early December. Further discussion followed. Ms. Niedzielski-Eichner noted that this would be a balancing act and they did not desire to over-criminalize or over-correct. She noted that outright prohibition on substances could lead to more harm in the long term. She expected that there would be changes in the future. She also felt that the ordinance would not likely consume more time or resources than enforcing prior marijuana prohibition laws. Further discussion followed regarding Planning & Zoning enforcement and some of the finer details of the ordinance.

Chairman Shanahan wished to remind people that this process has been going on since November 2021. As such it has been in development for some time and is among the forefront of ordinances in the State. Mr. Meek recognized that many hours has gone into crafting the ordinance. He had concerns over potential armed robberies. He did not desire to vote for this and felt it would cause more problems. He felt there were more important matters to address. He felt the potential revenue would not live up to promises. Mr. Goldstein said that even a small amount of income to help other items was worthwhile. He noted that, in regard to sales tax, they were limited on what the money could be spent on. Mr. Livingston provided the cannabis ordinance for review. A review of the provided documentation followed.

**** MR. GOLDSTEIN MOVED TO TAKE THE ORDINANCE AS AMENDED BEFORE THE FULL COMMON COUNCIL FOR VOTING AT THE NEXT MEETING.**

**** THE MOTION PASSED WITH SIX (6) (SHANAHAN, GOLDSTEIN, LIVINGSTON, HEUVELMAN, NEIDZIELSKI-EICHNER, JOHNSON) IN FAVOR AND ONE (1) (MEEK) OPPOSED.**

PUBLIC COMMENT

Ms. Madden came forward for Public Comment. She felt it was disturbing that they could come back and change the three establishments limitation for possibly more. She felt the residents of Norwalk would find this unacceptable.

There were no further Public Comments at this time.

ACCEPTANCE OF MINUTES

JULY 19, 2022 – REGULAR MEETING OF THE ORDINANCE COMMITTEE

**** MR. LIVINGSTON MOVED TO ACCEPT THE MINUTES OF JULY 19, 2022 AS AMENDED.**

Please make the following changes:

- Correct the spelling of Mr. Meek's first name in all instances and occurrences.
- Page 2, Paragraph 3 change 'she addressed the idea of consumption spaces, noting that it was dangers, and it would be hard to manage.' To 'she addressed the idea of consumption spaces, noting its dangers, and it would be hard to manage.'
- Page 3, Paragraph 3. Change 'On Section 1-9 Mr. Goldstein said section B had been rewritten about the annual solicitation of application funds for account.' To 'On Section 1-9 Mr. Goldstein

said section B had been rewritten about the annual solicitation of application for funds from the cannabis account.'

- Page 3, Paragraph 5. Change 'Ms. Johnson said that it felt like the community services committee would leave itself open to people demanding changes.' To 'Ms. Johnson said that it felt like the community services committee would leave itself open to people demanding changes on individual applications as opposed to a set of applications as recommended by the Community Services Chief.'
- Page 3, Paragraph 5. Change 'He said the hope' to 'She said the hope'
- Page 3, Paragraph 7. Change 'Mr. Goldstein said they were required by state law if they allow retail sale to designate a public spot.' To 'Mr. Goldstein said they were required by state law of they allow the regulation of consumption to designate a public spot.'
- Page 4, Paragraph 4. Change 'Ms. Shanahan said they specifically said it was the mayor's discretion so things could move.' To 'Ms. Shanahan said our ordinance specifically said the designation of a smoking area is the mayor's discretion so the place could be moved if there were issues.'
- Page 4, Paragraph 6. Change 'She said it wasn't important to ensure that people,' to 'She said it was important to ensure that people'.
- Page 4, Paragraph 7. Change 'Ms. Shanahan said it was a lot of money for the city and not to take care of it and make sure the funds were dispersed' To 'Ms. Shanahan said there was a lot of revenue available to the City as a result of cannabis sales and to not take advantage of this revenue source

**** THE MOTION TO APPROVE THE MINUTES AS AMENDED PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MR. LIVINGSTON MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:50 P.M.

Respectfully Submitted

Ian A. Soltes

Telesco Secretarial Services

Candela, Brian

From: Candela, Brian
Sent: Tuesday, September 20, 2022 7:30 PM
To: Candela, Brian
Subject: Email from resident

Email sent via Zoom meeting:

Hi Margaret

Just to let you know that I cant make the meeting tonight at City Hall on zoom. I am presenting in Stamford at Saint Josephs.

If you get to speak please say that I am very sorry I cant be there but I am presenting sharing my son Ian's Story (invited to Stamford) and that I believe that marijuana lead Ian to the drugs that killed him even back then when the THC was so much lower. (25 yrs). And that is why prevention is key. If you want to add that my concern is this.. there aren't any warning labels on packages mandated for recreational MJ stores. Perhaps they are mandated for Medical MJ dispensary's and we are not talking about that. We are talking about MJ stores that are selling recreational MJ. Totally different.

thanks so much

Ginger Katz.

Brian Candela
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Candela, Brian

From: Catrin F <catrinf@outlook.com>
Sent: Tuesday, September 20, 2022 5:34 PM
To: Candela, Brian
Subject: Cannabis ordinance meeting 20 September

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: EXTERNAL Email: Don't open links or attachments from untrusted senders

Good afternoon,
this email will likely be too late for the meeting but I hope the message will be taken into consideration regarding the upcoming ordinance vote.

Judging what is happening next to my residence (condominium), people do not seem to be remaining at home to smoke cannabis, nor in their own driveways, streets, or neighborhoods, rather driving to other locations where it blows right into our windows filling up our apartments as if we were smoking it ourselves.

Should we have to live with our windows closed all the time paying extra for air conditioning for their right to smoke wherever and whenever they please or should we have the right to fresh air and they be limited to their own homes with closed windows not bothering anyone else all hours of the day and night? Don't get me started on the blasting radios accompanying all this.

Sometimes when we either call down and ask them to move away (often several times a day), they might. More often they can be quite belligerent and most of the time I have to walk down two flights of stairs out into the street to ask, not knowing what might happen or what other drugs are involved. Just recently, I was hit in the face with what the police told me was likely some kind of disintegrating gel pellet shot out from some device that stings just for asking someone to keep the noise down and move down the street. When is it going to be something worse than that? Too many people these days are carrying around too much anger.

Thank you for reading,
Catherine Frolich

Temporary Prohibition of all Cannabis Establishments

Purpose

The purpose of this regulation, in accordance with the authority granted under Section 148 of Public Act No. 21-1 of the June 2021 Special Session, “An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis,” is to temporarily prohibit adult-use cannabis establishments in the City of Norwalk.

Definitions

“Cannabis” means marijuana, as defined in section 21a–240 of the general statutes;

“Cannabis Establishment” means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter, as those terms are defined in Section 1 of Public Act 21-1; and

“Connecticut State Regulation of Cannabis” means Section 148 of Public Act No. 21-1 of the June 2021 Special Session, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis.

Prohibition

In accordance with the authority granted under Connecticut State Regulation of Cannabis, all Cannabis Establishments are prohibited in all zoning districts in the City of Norwalk for a period of 9 months.

Effective Date

The Temporary Prohibition of all Cannabis Establishments shall expire on March 1, 2023, or the effective date of the amendments to the City’s zoning regulations to allow retail sales of recreational Cannabis., whichever occurs first. This Chapter shall be effective 10 days following approval by the City of Norwalk’s Common Council.

[DRAFT ORDINANCE]

§ 1-1. Preamble; Establishment and Purpose of the Affordable Housing Account.

a. Purpose. The City of Norwalk recognizes the fundamental necessity of housing for all of its residents. Housing stability has been linked to positive life outcomes for children, greater neighborhood and community stability, and better individual and community health. Everyone in the city benefits from having neighbors of all income levels.

There is a nationwide housing crisis—one that is even more acute here in Fairfield County—as the growth in housing units has not kept pace with population growth, making housing harder to find and more expensive. That burden falls hardest on individuals and families whose annual incomes are less than sixty percent of the statewide median.

Further, home ownership is widely recognized as an important mechanism by which individuals and families build wealth. It is not, however, a mechanism that has historically been equitably available to everyone. Norwalk residents are still impacted by the historical legacy of the explicitly racist housing covenants and housing policies of the last century, as well as the subtler forms of discrimination on the basis of race and income that followed.

Moreover, how housing is designed, built, and renovated can have significant positive or negative effects on our environment, climate change, and flooding. Housing for a coastal city that will be significantly impacted by climate change must seek to limit its environmental impact and be built with climate resilience in mind.

The City of Norwalk is committed to remaining a city where everyone can afford to live. Therefore, it establishes the Affordable Housing Account for constructing, rehabilitating, and repairing affordable housing which can foster the building of climate-resilient affordable housing for rent and for purchase throughout the city.

b. Pursuant to C.G.S. § 7-148(c)(2)(K), the City of Norwalk (the “City”) does hereby create a special fund account for the purpose of constructing, rehabilitating and repairing Affordable Housing known as the “Affordable Housing Account.” As used herein, the term “Affordable Housing” shall mean housing whose annual cost for (a) rent or (b) the sum of mortgage payments, required insurance payments, and property taxes shall not exceed thirty percent (30%) of the gross annual income of a household with a gross annual income which does not exceed sixty percent (60%) of the State of Connecticut Median Income, as adjusted for family size, as published by the United States Census Bureau and periodically updated by the U. S. Department of Housing and Urban Development (HUD). Affordable Housing includes both housing for rent and for purchase.

c. The continuation of the Affordable Housing Account shall be perpetual notwithstanding that from time to time said account may be unfunded. Funds in the Affordable Housing Account shall not lapse at the end of the municipal fiscal year.

§ 1-2. Affordable Housing Committee; Committee Meetings; Power and Duties

a. The Mayor shall appoint an Affordable Housing Account Committee ("Committee") consisting of seven members to serve terms of four years each; provided, however, that the initial appointees shall have staggered terms so that three members shall serve for two years and the remaining members shall serve for four years. The Committee shall be comprised of persons holding the following status at the time of appointment: two Council Members of the Common Council; one Commissioner of the Planning and Zoning Commission; one Staff Employee of the Department of Health and Human Services; one Board Member of the Norwalk Redevelopment Agency; and two Norwalk residents living in Affordable Housing, one of which shall be an owner of said housing and the other residing in a rental unit.

b. The Committee shall meet monthly on the third Tuesday of each month. Notwithstanding the foregoing, the Committee may suspend monthly meeting during periods where no applications for expenditure from Affordable Housing Account funds are pending. All Committee meetings and decisions shall be open to the public and duly advertised, pursuant to the requirements of Connecticut General Statute Sections 1-225 to 1-232 and audio and video recorded. Each member of the Committee shall have one vote. All actions taken by the Committee shall be made by simple majority of a Quorum of Committee members present.

c. Committee members' powers and duties shall include:

1) Reviewing applications and recommendations on expenditure of funds from the Affordable Housing Account in accordance with subparagraph b of Section 1-4;

2) Preparing, submitting and presenting an annual report of the amount in the Affordable Housing Account on deposits and expenditures therefrom to the Common Council at their regular January meeting; and

3) Reviewing, revising, and adopting the Affordable Housing Account Expenditure Guidelines ("Guidelines") prepared by the Director of Planning and Zoning.

§ 1-3. Sources of funding; investments; limitations on use of fund.

a. In addition to such sums as may be directly appropriated by the City's Common Council for deposit into said Affordable Housing Account (if any), the City is authorized to and shall deposit into said Affordable Housing Account all inclusionary zone fees received heretofore and hereafter pursuant to Section 118-1050 of the Norwalk Workforce Housing Regulations.

b. The Affordable Housing Account shall be in the custody of the City of Norwalk. All or any part of the monies in said fund may be invested in any securities with appropriate liquidity in which public funds may be lawfully invested. All income derived from such investment shall be returned to the Affordable Housing Account and become a part thereof. The monies so invested shall at all times be subject to withdrawal for use as hereinafter set forth.

c. Except as provided in Section 1-2(d), no sums contained in the Affordable Housing Account, including interest and dividends earned, shall be transferred to any other account within the City budget.

d. In the event that work is performed by a Departments of the City for the purpose of constructing, rehabilitating and repairing Affordable Housing, the cost of said work may be reimbursed from the Affordable Housing Account provided that the cost is a Qualified Expenditure.

§ 1-4. Expenditures from Affordable Housing Account.

a. The Director of Planning and Zoning shall prepare Guidelines establishing the process, procedures, guidelines, rules and requirements for application submission pursuant to subparagraph b of Section 1-4, and the mode, manner and means by which Affordable Housing Account funds may be used by any applicant. The Guideline shall be effective upon adoption by the Committee and publication on the City's website. The Guidelines shall be reviewed and reapproved or amended, as applicable, no less than once every three (3) years. No application for Affordable Housing Account funds shall accepted or funds held in the Affordable Housing Account be designated for a particular use or expenditure until the Guidelines have been so adopted and published.

b. Any individual or entity constructing, rehabilitating or repairing Affordable Housing may apply to the Committee for funds from the Affordable Housing Account to pay for Qualified Expenditures in accordance with this ordinance. Qualified Expenditures means hard costs of constructing, rehabilitating and repairing Affordable Housing. Applications for funds from the Affordable Housing Account to pay for Qualified Expenditures shall first be submitted to the Director of Planning and Zoning ("Director"). Provided the application conforms with the Guidelines and this ordinance, the Director shall forward the application to the Committee for its review and recommendation(s) to the Common Council, originating in the Finance and Claims Committee thereof, for final action. Use of funds from the Affordable Housing Account to pay for Qualified Expenditures shall be subject to any and all terms and conditions imposed by the Common Council in authorizing expenditures form the Affordable Housing Account. The Common Council shall have the discretion to deny, in whole or in part, any application made pursuant to this ordinance.

c. Funds held in the Affordable Housing Account shall be used exclusively for Qualifying Expenditures.

d. No expenditure of funds from the Affordable Housing Account shall be approved except in accordance with the Guidelines; or made except in accordance with the provisions of this ordinance.

e. No expenditure of funds from the Affordable Housing Account shall be in excess of the available balance in the fund.