

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
OCTOBER 18, 2016**

ATTENDANCE: Eloisa Melendez, Chair; Douglas Hempstead, Thomas Livingston, Michael Corsello, Shannon O'Toole Giandurco

STAFF: Atty. Brian McCann, Corporation Counsel's Office.

OTHERS: Judith Bacal, Becky Christopherson, Dorothy Mobilia, Karen Spenser, Melissa Slatter; Vincent Penna, A.J. Penna and Sons; Robert Barron, Finance Director; Chris Torres, DPW

CALL TO ORDER

Ms. Melendez called the meeting to order at 7:04 p.m. She called the roll. A quorum was present.

**PUBLIC HEARING
(Possible action on:)**

Arts Commission

Ms. Judith Bacal came forward and stated her support for the creation of an Arts Committee as an official, permanent Commission. She spoke about the various artistic assets that Norwalk has along with the Historical Society. It will be important to preserve these for the future. She submitted an article about Arts and Culture to Ms. Melendez.

Ms. Becky Christopherson, a founding member and former chair of the Norwalk Arts Commission, came forward. She thanked the Committee for this opportunity to become a permanent Commission. When the Arts Committee was started, it was created as an "Advisory Commission". This gave the group the flexibility to grow and function. Now, the group knows their function and priorities as being stewards of the public art and providing the connection between the arts and the community.

Ms. Christopherson said that she was speaking on behalf of several members who were not able to attend the meeting, including Ms. Wallerstein. While the ordinance was well-crafted, the Arts Committee had four suggestions to improve it:

- The political affiliation clause should be removed. The Commission feels that the arts should not become politically charged. The mere act of asking for political affiliation could do this.
- Adding a diversity of membership on several levels. Ms. Christopherson said

that they would like to suggest the following wording: “That the nine members should reflect the City’s diversity, different art disciplines, the creative economy as well as arts advocates and patrons.”

- The Commission would like to discuss the two Common Council member requirement. With a the total of nine members, Ms. Christopherson pointed out that obtaining a quorum could be difficult. She proposed that the Common Council members be non-voting member, so they would not detract from the quorum. She also suggested that the Council Members receive the minutes and be able to participate in the meetings.
- Finally, the Commission would like to add “The purpose of this Commission is also to connect the arts to the community and the City.” To the purpose statement in the ordinance.

Ms. Dorothy Mobilia came forward and said that she was a friend of the Arts Commission. She said she was invited by Ms. Wallerstein to attend the meetings as a non-voting member. Having worked on Commissions in the past, this Commission is super-charged and has a can do attitude. The group is very productive. She added that making it an official commission would allow the group to apply for various funds that they can not do now.

Ms. Karen Spencer cane forward and said that she was a former member of the Arts Commission and the Zoning Commission. She said that she had submitted letters to various members of the Ordinance Committee. Ms. Spencer said that the political identification should be eliminated. With the growth in the City, the arts will be a key factor.

Ms. Melissa Slattery came forward and said that she was the curator of the Mayor’s Gallery. Her association with the group involved with showing the WPA murals to the visitors. She also said that she has conducted art workshops with students from High Roads School in Room 231. Ms. Slattery said that if the Commission became official, it would allow the Commission to apply for funding.

Ms. Melendez asked if there was anyone else present who wished to speak on behalf of the Arts Commission. No one came forward. She repeated the question. Hearing none, Ms. Melendez closed the public hearing on the Arts Commission at 7:17 p.m.

PUBLIC HEARING DISCUSSION

Mr. Hempstead asked if the current commission had minutes taken and the meetings were advertised. Ms. Christopherson said that minutes were taken and the notice of the meetings were advertised. She added that everyone on the Arts Commission has some type of specialization in the arts and was not sure that it would be appropriate for the

Council Members to be voting members. Ms. Christopherson said that the group has helped with the development for the placing public art.

Mr. Hempstead then asked for clarification regarding their concern about obtaining a quorum when having two Council members on the Board. Ms. Christopherson said that there was a rhythm to their meetings and also recognized that the Council Members were extremely busy. She went on to explain that everyone that was on the Arts Commission was highly specialized within some field of the arts, either as a patron, advocate or as an artist. She did not know how many artists serve on the Council and was not sure that it would be appropriate to have requirement to have two Council members be voting members and part of the quorum.

Ms. Melendez asked if the Commission would be fine with having two Council Members as non-voting members and not counted as part of the quorum. Ms. Christopherson said that this was correct. One of the things that the Commission has accomplished is something similar to a public arts policy. She explained that until recently, people could come and place sculptures in the City where they wanted to. Sometimes some people would be aware of it, however there was no plan to maintain the sculpture. It could also be removed at the owners whim. By becoming part of that process, people who are qualified to evaluate public art and the placement of it would have the ability to decide where sculptures were going to go and how long they would be there. As far as Council Members are interested in participating, and want to be part of the organization, the Arts Commission would welcome that.

Mr. Corsello asked if the Commission members would be required to have a specialized skill in the arts. Ms. Christopherson said that the language that had proposed, the Commission was seeking diversity in the membership. They want people who are artists, but also those who are arts advocates or arts patrons. However, even with that broad of a definition, it is still a fairly small group of people.

Mr. Corsello pointed out that their mission went beyond just evaluating art and involved many other aspects. Ms. Christopherson said the group wants to build a connection between the people who produce art and the people who enjoy art on all levels. But there is a particular focus on being stewards of the art of the City. She then asked what the Ordinance Committee saw as the role of the Common Council members on the Arts Commission if they were voting members and contributed to making a quorum. She said that she didn't understand why this was necessary.

Mr. Corsello pointed out that he did not think that candidates that might be appointed to the Art Commission in general would necessarily need to have an arts background. There could be valuable art pieces on loan to the City and that might require legal input or have financial implications. Ms. Christopherson said that in the past, the Corporation Counsel's office helped the Commission craft the public arts policy. Discussion followed about the residents who might have an appreciation of the arts and are concerned about

the City maintaining its art collection. Ms. Christopherson said that the Commission had not discussed that aspect, so she would prefer not to answer.

Mr. Livingston said that while he fully supported the proposals, he was troubled by Ms. Christopherson's statements. He asked how members were currently being appointed. Ms. Christopherson said that the new members were appointed by the Mayor. She outlined the process.

Mr. Livingston asked if it was the Commission's expectation that everyone currently on the Commission would be part of the new commission. Ms. Christopherson said that she believed there was language in the ordinance about this and thought there was a general expectation that the Commission members would remain the same. It was pointed out that there was no reference to this issue in the ordinance.

Mr. Livingston said that he understood that the Arts Commission was concerned about having two members of the Council take up two seats on the voting board. He asked if it would help if the Commission was enlarged. Ms. Christopherson said she would take that back to the Arts Commission for their consideration. She said that she thought there was a sense that the Commission did not want to be dependent on Common Council members in order to be able to conduct their business. Discussion followed.

Ms. O'Toole-Giandurco said that it was her understanding that the goal was to expand the Arts and to apply for grants. She pointed out that having someone from a financial background would be beneficial. She also asked who would be overseeing the administration of grant funding. Ms. Christopherson said that they had not considered or discussed the possibility of having other professionals involved in Commission. The current goal of the organization was to establish a permanent Arts Commission, so that they would not be serving at the pleasure of the Mayor or disbanded. Ms. Christopherson then went on to speak about the history of previous arts groups and said that the Commission still had to discuss the details of the Commission's functioning, such as handling the finances. She added that one of the first things that the Arts Commission would do after they achieved permanent status was to address the financial issue. Having a permanent status would allow the group to hire a part time consultant to assist the Commission. She spoke about the people who have been hired to create the application for the Commission and also the person that was hired as a part time curator for the Mayor's Gallery.

Mr. Kimmel said that he knew Ms. Wallerstein for many years. He asked Ms. Christopherson if she considered Ms. Wallerstein an artist. Ms. Christopherson replied that in her view, Ms. Wallerstein was an arts advocate and an arts patron. Mr. Kimmel said that this was good because it reflected the kind of diversity that the Arts Commission was looking for. Mr. Kimmel went on to speak about building bridges between the community and the artists. He pointed out that the bridges have not been built between

the community and the musicians. Having some non-artistic members would do wonders for the group.

Regarding Council membership can become complicated. Mr. Kimmel said that Mr. Livingston was the Council Member on the Historical Commission. The Historical Commission is dependent on the City for financial funding. Mr. Livingston knows what is going on and can then give the other Council Members his perspective of what is happening with the various projects. Discussion followed.

Mr. Hempstead asked how many people were on the board now. Ms. Christopherson said that there were 11 members currently, along with 25 friends who regularly attend the meetings. One of those who regularly attend is Ms. Katherine Hebert, who is there to assist the Commission by providing information about the City policies and procedures. Ms. Christopherson said that both 7 and 11 had been strike outs. She said that while the Board would like to have 11 members, they had suggested 9. The discussion then moved to the number of members that would be on the Board, the definition of diversity and cultural backgrounds. Ms. Christopherson said that she thought those who were involved with the Arts Commission was a fairly diverse group.

Mr. Hempstead pointed out that having Council Members on the Commission was important because they were utilizing public property and funding. The Council Members are elected to represent the residents of Norwalk. Mr. Hempstead pointed out that there was no politics going on at this point and added that the Council Members had not received the information packets until recently. Once the Commission is created, the Council wants the group to flourish and avoid situations caused by "I didn't think about that". He said that 11 members would address the issue that the Arts Commission was concerned about.

Mr. Hempstead said that the issue about the political parties was put there for protection. It is supposed to protect minority views and make sure that the Commission doesn't end up with everyone having one viewpoint. Discussion followed.

Mr. Kimmel pointed out that throughout history many of the great artists created political works. He was concerned that there was an assumption that an artist that identified with a political party was some how less of an artist. Ms. Christopherson said that was not the Commission's concern, but that the group was concerned about the ratio that was specified in the ordinance. Mr. Livingston said that it just addressed the majority party. Ms. Christopherson replied that political diversity was at the bottom of their list. She said that it might jeopardize their ability to build the more important diversities. She asked that if there was some kind of political requirement, it be kept as broad as possible. It could jeopardize the other diversities and the kind of work that they were trying to do.

Mr. Corsello then spoke about the draft policy document and the references to an Ad Hoc Review Committee and the Department of Cultural Affairs. He asked for clarification on

those two items since they do not presently exist. Ms. Christopherson said that it was an example of the kind of policy that could be put together after the Commission is formalized and show where the Arts Commission would like to go, along with the kind of supporting documents that could be produced. She stressed that it was a draft document.

Ms. Mobilia said that when the discussion touched on diversity, the direction the Committee was headed into was different than what the State means when it talks about art in public places. There are a number of public places such as City Hall, the Lockwood Mathews Mansion and other locations where public art can be displayed. Ms. Mobilia then read a brief statement about The State of Connecticut's Arts in Public Program and how it adds value to the State and its residents. It is important to move the arts from nice to necessary. The group engaged a firm to help guide their discussions and the use of a design thinking to the process. The five year program is asking for a determination of the importance of the arts in the State and how the arts should be moved from nice to necessary. These questions are ones that will filter down to the Commission. With Norwalk's wonderful history, through art, there can be a strong expression of who Norwalk is. The Commission will be looking to implement some of these goals, especially since funding will be available. Ms. Mobilia said that those were her thoughts on diversity.

It was pointed out that a great deal of the discussion centered on the visual arts and the Arts Commission representatives asked about the other arts, such as music. Ms. Christopherson said that the purpose stated in the ordinance was to enhance the City of Norwalk's cultural assets. She said that the City did not have any musical assets. This was part of the goal for the Commission. Ms. Christopherson pointed out that the written word was being promoted by ms. Bradley at the library, along with musical events featuring Mr. Jim Clark. Ms. Christopherson said that she would hate to see the Commission formalization process be delayed for a long time while the details were being hammered out.

Ms. O'Toole-Giandurco said that at the last meeting, Ms. Wallerstein had been present at the last meeting but was not present at this meeting. She said that many of the questions that were being asked had been discussed last meeting. Ms. O'Toole Giandurco said that she would like to see this tabled so that Council Members could consider this. The Council does not add Boards and Commissions frequently. Ms. Christopherson said that the Commission would like to keep the Commission goal as broad and inclusive as possible because so many things change so quickly.

Mr. Kimmel said that he would like to point out that the Arts Commission's bylaws would become effective once the Arts Committee was approved by the Council. He asked the Ordinance Committee members if they were comfortable with the bylaws. The general consensus was that the Ordinance Committee members were comfortable with this. Discussion followed.

Mr. Hempstead said that he would like to see a few versions of the item presented. He suggested that the Board being made up with 11 members with 2 Council Members. Mr. Hempstead had some suggestions for changes. Discussion followed about whether an Executive Director would be a City employee. Atty. McCann pointed out that the Executive Director would be technical expertise that was hired for the Arts Commission.

Mr. Hempstead also had some questions about the artistic assets owned by the City and whether there was an inventory list of the artistic assets.

**** MS. MELENDEZ MOVED TO TABLE THE ITEM TO THE NEXT MEETING IN NOVEMBER.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Kimmel said that he would encourage the Ordinance Committee to consider whether or not they needed more than five people on the Art Commission Board.

PUBLIC COMMENT

Mr. Vincent Penna, of A. J. Penna and Sons, came forward to state that he was in favor of hiring police officers for construction projects. As a contractor, Mr. Penna said that he felt that the officers were more efficient and make the workers feel safer. He recounted an incident where a vehicle came through the traffic cone area and struck one of his workers. If not for the police officer being there, the worker would not have survived. He said that as a contractor, he felt that everyone would be better off. There have been times when he hired flaggers and it was a crap shoot as to whether or not the flagger would show up. The police are almost always available and for the few jobs that they aren't able to

Mr. Corsello said that he did not see this item on the published agenda. He wondered if that was appropriate. Mr. Corsello said that the words "Extra Police Work" had not been included on the website. Ms. Melendez said that it was not included on the agenda until this afternoon. Mr. Corsello said that there may be others who would want to give input. She said that they would have a discussion, but would not vote on the Extra Police work and it would have to be on agenda again.

ACCEPTANCE OF MINUTES

September 20, 2016

**** MR. LIVINGSTON MOVED THE MINUTES OF SEPTEMBER 20, 2016.**

**** THE MOTION TO APPROVE THE MINUTES OF SEPTEMBER 20, 2016 AS SUBMITTED PASSED UNANIMOUSLY.**

OLD BUSINESS

(Possible Action on:)

Extra Police Work

Ms. Melendez said that there had been a great deal of discussion about this item relating to the costs.

Mr. Livingston said that there were three costs: the cost of the police; the cost to the City and finally the additional costs to residents that are having work done in front of their homes.

Mr. Corsello said that there had been a series of emails that had been sent out which he had not received. Mr. Barron discovered that the email address for Mr. Corsello listed on the documents was incorrect.

Mr. Barron said that he was trying to identify the costs and the return. He said that there was a cost to the City because the officers use police cars, wear city uniforms and this results in the costs. He then gave an overview of the figures on a document showing charges and revenue.

Mr. Kimmel had several questions about the 15% surcharge, which Mr. Barron answered. Mr. Barron asked if there were jobs that DPW does that do not require an officer on site. He pointed out that if when DPW does a job with the expanded definition would cost the City because it would come out of the City budget. When the surcharge is applied to DPW jobs, it costs the City. By exempting DPW, the budget costs will be reduced.

Atty. McCann said that he did not see this creating additional jobs but pointed out that currently, DPW is not required to have officers on site. He reminded everyone that the City could not put in language excluding City projects. The entire Ordinance Chapter 96 is contingent upon the need to have a road opening permit.

Mr. Torres pointed out that when they work on bridges or do road paving, they do not need to have a road opening permit. He added that they were not against the idea, but just wanted people to realize that there would be a cost to the City. When the DPW road job happens, a certified DPW employee acts as a flagman. If it is a paving contractor or bridge contractor, the contractor hires the flag man. Discussion followed.

Mr. Hempstead pointed out that there was also the issue of road encroachment when a sewer line or a water line have to be replaced.

One of the police officers said that there had never any pressure from the Police Department on DPW to have police officers at job sites. Mr. Livingston said that he would not be comfortable voting on this without knowing the costs.

Mr. Hempstead asked Mr. Barron if the total numbers on the document included just the road work or festivals and other events. Mr. Barron said that it included the festivals. Discussion followed about the details of the flaggers and the actual cost for the City.

Mr. Kimmel said that he would like to come back next month with something that meets the concerns about the costs. He asked DPW and Police to try and work things out. Having the information prior to the meeting will also be important.

NEW BUSINESS
(Possible Action on:)

There were no additional items to consider at this time.

ADJOURNMENT

**** MR. LIVINGSTON MOVED TO ADJOURN.**
**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:58 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services