

**COMMON COUNCIL ORDINANCE COMMITTEE
REGULAR MEETING
TUESDAY, AUGUST 20, 2024
VIA TELECONFERENCE AND VIDEOCONFERENCE**

ATTENDANCE: Margaret (Lisa) Shanahan; Chair, Heather Dunn, Joshua Goldstein, Johan Lopez, Nora Niedzielski-Eichner

STAFF: Brian Candela

OTHER: Diana Paladino, Kenneth D'Arinzo; Reapportionment Advisory Committee (7:10 p.m.), Nicole Eaddy; Common Council (7:10 p.m.) Steve Kleppin; Planning and Zoning, James Walsh; Chief of Police

CALL TO ORDER

Ms. Shanahan called the meeting to order at 7:07 p.m.

1. ROLL CALL

The attendance was noted as above

2. PUBLIC HEARING (possible action on):

There was no public hearing.

3. PUBLIC HEARING DISCUSSION:

There was no public discussion.

4. PUBLIC COMMENT:

Diana Paladino-Christopher
1 Naples Avenue

Ms. Paladino introduced herself and announced her role as the incoming Norwalk Republican Registrar of Voters. She noted she will officially take office on January 7th, 2025. She stated she hoped for the opportunity to serve as Brian Smith's designee on the Reapportionment—Advisory Committee representing the minority party.

At 7:10 p.m. Mr. Candela stated for the record, that Kenneth D'Arinzo and Nicole Eaddy were present as attendees.

5. ACCEPTANCE OF MINUTES:

- July 16, 2024 – regular meeting of the ordinance committee

**** MR. LOPEZ MOVED TO ACCEPT THE MINUTES FOR THE 7-16-24 MEETING.**

**** THE MOTION PASSED WITH FOR AYES AND ONE ABSTENTION (MS. DUNN).**

6. OLD BUSINESS:

There was no old business to discuss.

7. NEW BUSINESS:

- Discuss and vote on revisions to the Ordinance Establishing an Advisory Committee for the Reapportionment of Common Council Voting Districts.

Mr. Candela described the revue of a document that discussed providing additional time to deal with the logistical issues caused by the lack of a republican registrar. He stated the proposed plan would address the issues caused by the current lack of a Republican Registrar.

A slide of the amendment and what it entails was presented. Mr Candela pointed out a few changes designed to make the plan more flexible. He went on to explain how this would address the issues faced by the committee until the appointment of the new Registrar.

Ms. Niedzielski-Eichner wanted it made clear they were not changing the current composition of the committee. She stated this action was to guarantee that all necessary language conformed with requirements of the charter. Ms. Shanahan said the extra language was there to provide a roadmap for new committees to organize themselves.

Ms. Shanahan announced a special public Ordinance Committee hearing on September 3rd at 6:00 p.m. She requested everyone to calendar the meeting.

Mr. Candela explained the reasoning behind the timeline.

Mr. Goldstein wanted to make sure the timeline would accommodate any necessary changes that may be made. Ms. Shanahan explained the expedited meetings were to ensure they meet the state deadlines.

Ms. Paladino recognized the work of the committee and the inclusion of language to address the situation of minority party representation.

**** MS. DUNN MOVED TO TAKE THE MOTION TO THE PUBLIC
HEARING ON SEPTEMBER 3, 2024.
** THE MOTION PASSED UNANIMOUSLY.**

- Discuss the Vape Shop proposed ordinance following a presentation

Chief Walsh began by discussing the investigation into illegal sales of cannabis and other THC-based products in local smoke and vape shops. He stated they have had over fourteen successful investigations over the last three years. He also noted there is a high recidivism rate among the establishments they have taken action on. Chief Walsh credited this to the fact that the sale of these products is not a high enforcement priority. He equated the current situation with one they had with massage parlors 20 – 25 years ago. He described the regulations put in place to prevent the illegal activities occurring in those parlors. He pointed out unlike then they have no oversight to close these smoke/vape shops down. Chief Walsh indicated they could not take punitive or suspension action against these establishments. He stated the goal was to develop an ordinance similar to what was created for the massage parlors. This ordinance would internally regulate the smoke/vape shops and address the bad actors.

Mr. Kleppin discussed the adoption of new zoning regulations in 2024 that set out to define vape shops determine their potential locations and how they should be regulated. He also made mention of twenty-eight establishments that were open before the adoption of the new regulations. Mr. Kleppin stated these places were being investigated to see if they complied. He indicated they had sent out a good number of Notices of Violation. He stated they were working through issues such as signage and dedicated floor and shelf space. Mr. Kleppin noted they were working to determine how to deal with the difference between a straight vape shop and a retail store that sells vaping products.

Ms. Shanahan talked about a model requiring licensing for all vaping products. Mr. Kleppin suggested a special permit process.

Ms. Niedzielski-Eichner said she believed the situation was comparable with the regulation of alcohol. She also felt the way the massage parlors were handled could set a precedent for how to approach the vape shop issue.

At 7:42 Ms. Dunn was dropped from the Zoom Call.

Mr. Goldstein expounded on the complaints of many of their constituents about the vape shops. He stated the best part of the ordinance was that they could lobby both state and federal partners to help mitigate illegal issues that may arise. Mr. Goldstein asked if like Westport, Norwalk could limit the number of new vape shops to zero. Mr. Kleppin said once compliance was determined the one-mile radius rule would limit the number of vape shops throughout the city. Mr. Goldstein also asked if there had been any discussion from other Ct. police chiefs about

strategies that may be helpful. Mr. Wash noted that most were engaged in enforcement actions similar to that of Norwalk. Mr. Candela mentioned several municipalities were amending their zoning regulations as well.

Mr. Lopez proposed a multi-dimensional response including the legal aspect and the health component. He asked if they were thinking about using a special permit in lieu determining of what level of percentage they want to regulate. Mr. Kleppin said they could do both. He stated special permits provide a stricter standard and give the city the ability to say no. He went on to state the percentage could be dropped to whatever they felt was necessary.

Mr. Lopez asked if there was any data that could be used to inform policy. Mr. Candela stated they have every single operation document.

Ms. Shanahan inquired about those establishments that sold vape products but were under the percentage. Chief Walsh talked about the tendency of those given a small window to make it larger. He stated the need to clearly define exactly what they want.

Ms. Niedzielski-Eichner asked do we regulate this more like you regulate alcohol or more like you regulate cigarettes. She felt that it should be regulated more like alcohol. She also expressed her concerns about off-label products. Chief Walsh reiterated that the massage parlor model which would make it easier for a municipality to determine whether an establishment can stay in business. He stated that liquor laws have a lot of statutes and subdivisions to weed through. Chief Walsh pointed out the number of vape shops that were closed for violating the planning and zoning standards.

Mr. Lopez asked about teenage fatalities because of the high THC product. Chief Walsh said no. He then explained the state's regulations for adult use of cannabis. He pointed out that the issue was the selling of unregulated marijuana products being sold in larger quantities at a cheaper price.

Ms. Shanahan explained they were working on a draft. She noted they would be working off the massage parlor ordinance and the work of other jurisdictions.

8. DISCUSSION ITEM

There were no discussion items.

9. ADJOURNMENT

**** MS. SHANAHAN MOVED TO ADJOURN THE MEETING.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting ended at 7:58 p.m.

Respectfully submitted
China Mayhew
Telesco Secretarial Services