

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
AUGUST 16, 2016**

ATTENDANCE: Eloisa Melendez, Chair; Shannon O'Toole-Giandurco, Bruce Kimmel, Michael Corsello, Travis Simms, Douglas Hempstead

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

OTHERS: Mr. James Conte, Conte Construction; Sgt. David Orr, Norwalk Police

CALL TO ORDER

Ms. Melendez called the meeting to order at 7:03 p.m. A quorum was present.

Ms. Melendez introduced all the Council Members present.

PUBLIC HEARINGS.
(possible action on);

Extra Police Work.

Ms. Melendez called the public hearing on Extra Police Work to order at 7:04 p.m.

Mr. James Conte of Conte Construction came forward to speak about the extra police work. He said that Conte Construction was a heavy commercial construction company and it has been in existence for three generations. The company is now working on various sites through out Connecticut and Massachusetts. Mr. Conte said that the company has always advocated the use of police officers for traffic control. The most important reason is safety because construction is a dangerous job and keeping both the public and the workers safe is paramount. He said that he started working in the ditches and worked his way up. It is a dangerous atmosphere and the workers have a job to do and to deal with the public. When there are police officers on site, their presence alone changes the atmosphere. The workers don't have to worry about traffic control because the officer and the cruisers are on site. The public calms down when they see the officers. He said that it was invaluable to have officers trained in traffic control. They were there to help the contractors and they do. They are also first responders and they are available when things go wrong. Officers have total communications with emergency workers. He said that both his company and he are advocates for the officers. When officers are not on site, the workers lose time because they are concerned with the traffic rather than doing the job. There have been documented jobs where his company saved time because there was an officer on site.

Mr. Kimmel asked about the possible action. Ms. Melendez said that the Committee could moved to send the item to the full Council.

Ms. Melendez then asked if there was anyone else present who wished to speak on this issue. Hearing none, she closed the public hearing on Extra Police Work at 7:12 p.m.

Mr. Kimmel asked if they were sending Chapter 96-14 in the information packet to the Council. Ms. Melendez said they would have to vote on it later in the meeting.

Vicious dogs

Ms. Melendez opened the public hearing on the Vicious dog ordinance at 7:13 p.m. She asked if there was anyone who wished to speak to the Committee about this ordinance. Hearing none, she closed the public hearing on the Vicious Dog Ordinance at 7:14 p.m.

PUBLIC HEARING DISCUSSION.

Extra Police Work

**** MR. KIMMEL MOVED TO SEND CHAPTER 96-14 AS MODIFIED TO THE FULL COUNCIL.**

Mr. Hempstead said that he would like to see a modification of the language for the speed limit signs to include the phrase "in session".

**** MR. HEMPSTEAD OFFERED AN AMENDMENT TO READ "IN SESSION".**

Mr. Kimmel asked the police officers present about the 20 mph speed limit on West Rocks Road near the schools. He said that when a driver goes 20 mph in that area, if school is not in session, the drivers behind them honk. Sgt. Orr said that the speed limit remains in effect all the time. It is to make people aware that it is a school zone. Discussion followed about the speed limits and how the public handles it.

Mr. Hempstead said that there were other communities that had signs that indicated time periods. He pointed out that most of the schools are closed during the summer but some have summer programs. Sgt. Orr said that it would be up to the Committee to add it. However, after hearing Sgt. Orr's points, Mr. Hempstead said he would reconsider it.

**** MR. HEMPSTEAD WITHDREW HIS AMENDMENT.**

Sgt. Orr said that he had a request about clarity. He asked if the wording was from Option A. Ms. Melendez said that it was. Atty. McCann confirmed that it was.

**** THE MOTION TO FORWARD CHAPTER 96-14 TO THE FULL COUNCIL PASSED WITH FIVE IN FAVOR (MELENDEZ, HEMPSTEAD, KIMMEL, O'TOOLE-GIANDURCO AND CORSELLO) AND ONE OPPOSED (SIMMS).**

A discussion followed about a type of shark fishing that happened in Delaware that resulted in local municipality enacting an emergency ordinance.

Vicious dog Ordinance

**** MS. O'TOOLE-GIANDURCO MOVED THE ITEM.**

Mr. Corsello said that he would like to amend the item to eliminated 15-14, 1& 2. He said that he had a problem with the language and gave his reasons. Mr. Hempstead agreed and gave an example of a small dog that would approach a person and start yapping. Mr. Kimmel said that he agreed with Mr. Corsello. He said that as a runner, he was familiar with the way that many small dogs go crazy. During the campaign season, he said that he was surprised to see how many people did not have control over their dogs. He then spoke about the "known propensity" phrase and said that there was a certain subjectivity involved.

**** MR. SIMMS MOVED TO AMEND THE ORDINANCE BY ELIMINATING ITEMS 1 &2.**

Mr. Corsello said that he did not think the Committee would have to replace that wording with something else. Atty. McCann said that there had been a complaint from someone who reported the neighbors dog that constantly barking at them when they went to their car. Mr. Corsello said that he was not comfortable with something that might end up having the dog euthanized just for barking or rushing towards someone.

Mr. Kimmel said that he would support that motion with the understanding that if there were additional adjustments that needed to be changed, it would be done. Mr. Corsello said that he did not think that the definition of viciousness would be significantly changed.

**** THE MOTION TO AMEND THE ORDINANCE BY ELIMINATING ITEMS 1 &2 PASSED UNANIMOUSLY.**

**** THE MOTION TO SEND THE ORDINANCE AS AMENDED TO THE FULL COUNCIL PASSED UNANIMOUSLY.**

PUBLIC COMMENT

There was no one who wished to make a public comment at this time.

ACCEPTANCE OF THE MINUTES

June 21, 2016.

**** MR. HEMPSTEAD MOVED MINUTES OF JUNE 21, 2016.**

**** THE MOTION TO ACCEPT THE MINUTES OF JUNE 21, 2016AS
SUBMITTED PASSED UNANIMOUSLY.**

OLD BUSINESS

Ms. Melendez said that there had been a discussion regarding the possibility of adding a Council Member to the Parking Authority. Atty. McCann said that the ordinance limits the membership at five members and gives the Mayor the authority to appoint the members. He said that he did not know of a way that they would be able to enlarge the group via ordinance. Ms. Melendez clarified that the info in the packet was the State Ordinance. Atty. McCann handed out copies of the City ordinance.

Atty. McCann went on to speak about the recent parking fee increases. Mr. Kimmel pointed out that the dilemma was that because of the State bonds and State statutes, the Council could not change the budget for Authority. The Mayor would have to appoint a Council Member to the Parking Authority. A second method could be having the Parking Authority as a regular item on the Finance Committee. Mr. Kimmel said that the Planning Committee had first heard about the parking fee increase was when it happened. He said that the commuters are stuck because when the Parking Authority rates go up, the commuters are stuck in a monopoly. It is an untenable situation.

Mr. Simms said that he would like to see the Parking Authority changed to be under Public Works or another City department. Then they would make the recommendations and the Council would make the final decisions. He said that some of his constituents have to move their vehicles from the street parking in front of their residences by 6:30 a.m., which is a major inconvenience to the residents who live there. If they don't move the vehicle promptly, they get a ticket. Mr. Simms said that he had spoken to Mr. Chimento about this, but nothing has been done yet.

Mr. Hempstead asked if there was anything that prohibits the creation of a fee schedule. He also asked if there was anything that would prohibit the City from putting in Capital funding. Mr. Kimmel reminded everyone that before the Parking Authority was created, the City had major deficits in parking. The Council decided to create the Parking Authority and it was based on revenue bonds. The City could not maintain a triple A bond rating because of the Parking situation.

Mr. Kimmel said that he would insure that this issue would be on the Finance Committee agenda. He said that Mr. Brescia seemed to agree that the new fees were hurting South Norwalk.

Mr. Corsello reminded everyone that Mr. Hempstead had asked if the Council Members could have input into setting the rates. Discussion followed. Mr. Kimmel pointed out that if the City did not have a Zoning Commission, then the Council could do whatever they wanted. However once the Zoning Commission is established, the State does not allow the Council to interfere with the Zoning Commission.

Mr. Hempstead asked Mr. Simms if the meters were in residential areas, such as Monroe Street. Mr. Simms said that the meters were installed recently and the rate was \$1.50/hr. He said that it should only be on the commercial streets. The Parking Authority sends out a truck that waits for 6:30 a.m. and immediately tickets the cars. He said that this was not good for City.

Mr. Corsello asked whether the City could lend money to the Parking Authority, which would give the Council some control over the fees. Atty. McCann read a section of the State statute that could give the Council the authority to set the Parking Authority fees.

Mr. Hempstead said that Waypoint was supposed to have free public garages that never were built and those references should be removed from the document.

Ms. Melendez said that she would like Atty. McCann to update everything, but would like to have everyone review the ordinance for changes. Atty. McCann said that he would come up with a draft. Mr. Simms asked if they would have a Council Member on the Parking Authority. Atty. McCann said that the State does not allow it. It has to be autonomous. The State statutes set the membership at five members. However having them come to the Finance Committee would give the Council some control.

Mr. Kimmel said that he would like to see the ordinances from the other cities because Norwalk is the only triple A city that has a parking authority.

ADJOURNMENT.

**** MR. SIMMS MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY,**

The meeting adjourned at 8:07 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services

City of Norwalk
Ordinance Committee
Regular Meeting
August 16, 2016