

COMMON COUNCIL ORDINANCE COMMITTEE

SPECIAL MEETING

August 9, 2018

7:00 p.m. – Common Council Chambers

Norwalk City Hall-125 East Avenue

Norwalk, CT

AGENDA

1. ROLL CALL
2. PUBLIC HEARING (possible action on):
 - Vote on proposed ordinance - Department of Chief of Staff
 - Vote on proposed ordinance - Economic and Community Development Department
 - Vote on proposed revisions/amendments to Article III: Department of Recreation and Parks ordinance
 - Vote on proposed revisions/amendments to Department of Public Works ordinance
3. PUBLIC HEARING DISCUSSION
4. PUBLIC COMMENT
5. ACCEPTANCE OF MINUTES: July 17, 2018
6. OLD BUSINESS:
7. NEW BUSINESS:
8. DISCUSSION ITEM:
9. ADJOURNMENT

CITY OF NORWALK

LAW DEPARTMENT

CITY HALL
125 EAST AVENUE, P.O. BOX 5125
NORWALK, CONNECTICUT 06856-5125



TELEPHONE
(203) 854-7750
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SPECIAL MEETING and PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Common Council Ordinance Committee will hold a Special Meeting and Public Hearing on Thursday, August 9, 2018 at 7:00 p.m. in Norwalk City Hall, Common Council Chambers, 125 East Avenue, Norwalk, Connecticut for the following purposes:

- Vote on proposed ordinance - Department of the Chief of Staff
- Vote on proposed ordinance - Economic and Community Development Department
- Vote on proposed revisions/amendments to Article III, Department of Recreation and Parks ordinance
- Vote on proposed revisions/amendments to the Department of Public Works ordinance

Dated at Norwalk, Connecticut this 31st day of July, 2018.

ATTEST:

Irene T. Dixon, Assistant City Clerk

THE HOUR: Please publish once on Wednesday, August 1, 2018.

Chapter ____: Department of the Chief of Staff

§ ____-1 Office Established.

On and after the effective date hereof, there shall be a Chief of Staff of the City of Norwalk, who shall have all of the powers, duties and responsibilities hereinafter set forth in the ordinance and in the position description for the Chief of Staff of the City of Norwalk as adopted and amended from time to time.

§ ____-2 Appointment.

The Mayor of the City is hereby authorized to appoint and hire a Chief of Staff. The Chief of Staff shall serve at the pleasure of the Mayor and may be removed at any time by the Mayor at his/her discretion. The compensation and benefits of the Chief of Staff shall be detailed in the position description as adopted and amended from time to time.

§ ____-3 Duties, supervision and qualifications.

- A. Generally, advises the Mayor and provides extensive professional assistance and recommendations on City issues to the Mayor and Department Chiefs and performs highly responsible administrative work covering a broad range of municipal activities. This is a professional position requiring extensive experience in government and business and exceptional analytical and communication skills.
- B. The Chief of Staff shall serve under the direction of the Mayor and perform all duties assigned by the Mayor, including those outlined in the position description entitled "Chief of Staff", as maintained by the Human Resources and Personnel Department, which is incorporated by reference as if fully set forth herein, including any additional terms and conditions of employment or duties negotiated or required from time to time when not inconsistent with this ordinance and reasonably necessary to carry out its purposes.

Chapter ____: Department of the Chief of Staff

§ ____-1 Office Established.

On and after the effective date hereof, there shall be a Chief of Staff of the City of Norwalk, who shall have all of the powers, duties and responsibilities hereinafter set forth in the ordinance and in the position description for the Chief of Staff of the City of Norwalk as adopted and amended from time to time.

§ ____-2 Appointment.

The Mayor of the City is hereby authorized to appoint and hire a Chief of Staff. The Chief of Staff shall serve at the pleasure of the Mayor and may be removed at any time by the Mayor at his/her discretion. The compensation and benefits of the Chief of Staff shall be detailed in the position description as adopted and amended from time to time.

§ ____-3 Duties, supervision and qualifications~~qualifications~~.

- A. Generally, advises the Mayor and provides extensive professional assistance and recommendations on City issues to the Mayor and Department Chiefs and performs highly responsible administrative work covering a broad range of municipal activities. This is a professional position requiring extensive experience in government and business and exceptional analytical and communication skills.
- A.B. The Chief of Staff shall serve under the direction of the Mayor and perform all duties assigned by the Mayor, including those outlined in the position description entitled "Chief of Staff", as maintained by the Human Resources and Personnel Department, which is incorporated by reference as if fully set forth herein, including any additional terms and conditions of employment or duties negotiated or required from time to time when not inconsistent with this ordinance and reasonably necessary to carry out its purposes.

Chapter ____: Economic and Community Development Department

§ ____-1 Office Established.

On and after the effective date hereof, there shall be a Chief of Economic and Community Development of the City of Norwalk, who shall have all of the powers, duties and responsibilities hereinafter set forth in the ordinance and in the position description for the Chief of Economic and Community Development of the City of Norwalk as adopted and amended from time to time.

§ ____-2 Appointment.

The head of the department shall be the Chief of Economic and Community Development. The Mayor is hereby authorized to appoint and hire a Chief of Economic and Community Development who shall be subject to confirmation by the Common Council. The Chief of Economic and Community Development shall serve at the pleasure of the Mayor and may be removed at any time by the Mayor at his/her discretion. The compensation and benefits of the Chief of Economic and Community Development shall be detailed in the position description as adopted and amended from time to time.

§ ____-3 Duties.

- A. The Chief of Economic and Community Development shall be responsible for neighborhood, community and economic development planning and programs; planning and zoning; code enforcement; blight enforcement; business development and tourism, transportation, mobility and parking as well as a liaison to state and federal agencies dealing with these areas; such other related activities as may be assigned to the Chief from time to time by the Mayor or the Common Council; and those outlined in the position description entitled "Chief of Economic and Community Development".
- B. The Chief of Economic and Community Development shall have the general supervision of the operation and management of the several units of the department. The Chief shall be responsible for the presentation of a consolidated budget to the Common Council; the supervision of all employees of the department and the preparation of an annual report of the activities of the entire department of Economic and Community Development.

Chapter ____: ~~Community and~~ Economic and Community Development Department

§ ____-1 Office Established.

On and after the effective date hereof, there shall be a Chief of Economic and Community Development of the City of Norwalk, who shall have all of the powers, duties and responsibilities hereinafter set forth in the ordinance and in the position description for the Chief of Economic and Community Development of the City of Norwalk as adopted and amended from time to time.

§ ____-2 Appointment.

The head of the department shall be the Chief of Economic and Community Development. The Mayor is hereby authorized to appoint and hire a Chief of Economic and Community Development who shall be subject to confirmation by the Common Council. The Chief of Economic and Community Development shall serve at the pleasure of the Mayor and may be removed at any time by the Mayor at his/her discretion. The compensation and benefits of the Chief of Economic and Community Development shall be detailed in the position description as adopted and amended from time to time.

§ ____-3 Duties.

- A. The Chief of Economic and Community Development shall be responsible for neighborhood, community and economic development planning and programs; planning and zoning; code enforcement; blight enforcement; business development and tourism, transportation, mobility and parking as well as a liaison to state and federal agencies dealing with these areas; such other related activities as may be assigned to the Chief from time to time by the Mayor or the Common Council; and those outlined in the position description entitled "Chief of Economic and Community Development".
- A.B. The Chief of Economic and Community Development shall have the general supervision of the operation and management of the several units of the department. The Chief shall be responsible for the presentation of a consolidated budget to the Common Council; the supervision of all employees of the department and the preparation of an annual report of the activities of the entire department of Economic and Community Development.

§ ____-3.

§ ____-4.

Article III: Department of Recreation and Parks

[Adopted 8-28-1979⁽¹⁾]

[1] *Editor's Note: This ordinance also repealed former Art. III, Recreation and Park Commission, adopted 6-20-1961, effective 9-1-1961, as amended.*

§ 74-23 Establishment; powers and duties.

There is hereby established in the City of Norwalk a Department of Recreation and Parks.

A. The Department shall be charged with the control, development, management, operation and maintenance of a system of public parks and recreational areas and facilities now in existence or that may hereafter be acquired, except narrow parkways, boulevard strips and small areas along streets which shall be under the jurisdiction of the Department of Public Works; and the control, development, management, operation and maintenance of the Oak Hills Park and all other matters relating thereto shall be under a separate department, as provided by ordinance. Said Department shall be charged with the construction, protection, repair, furnishing, cleaning, heating, lighting and general care of all public buildings, except school buildings and structures under the jurisdiction of the Board of Education, and the water pollution control plants, pump stations and the solid waste transfer station.

[Amended 7-27-1982]

- B. The Department shall be charged with the supervision and maintenance of playgrounds, playfields, bathing beaches, swimming pools, recreation centers and other recreation and park activities, areas and facilities.
- C. The Department shall have the authority to conduct outdoor and indoor recreation activities and facilities on public school grounds and in public school buildings, provided that planned school activities under the jurisdiction of the Board of Education shall have priority.
- D. The Department, with the approval of the Common Council, shall have the authority to conduct, at reasonable charges, such facilities for amusement, entertainment, refreshment or transportation of the public as are suitable for park and recreation purposes.
- E. The Department may plan, set up or place and protect and care for flowers, vines, shrubs and trees to adorn and improve public squares, grounds, boulevards, streets, avenues or spaces within the city.
- F. The Department shall recommend to the Common Council the institution of condemnation proceedings whenever, in its judgment, private property should be taken in the name of the city for the purposes of the Department.
- G. The Department shall have the right to call upon any other department of the city government for assistance in performing its duties, and it shall be the duty of such other departments to comply with a proper request of said Department. Any questions as to what shall constitute a proper request for assistance shall be decided by the Mayor.
- H. The Department shall exercise such other duties as are conferred on it by ordinance and shall perform such special functions and assignments as the Mayor and Council may from time to time direct.

§ 74-24 Director.

- A. The head of the Department of Recreation and Parks shall be the Director of Recreation and Parks, who shall be in charge of and responsible for the operation of the Department in carrying out its functions and duties as set forth in this ordinance. He/She shall be appointed by the Mayor, subject to confirmation by the Common Council, for a term of four years and may at the beginning of a term be made subject to a probationary period of service, after which he/she may be removed during the term only for good cause. The Director reports to the Chief of Operations and Public Works. The Director so appointed upon the adoption of this ordinance shall serve until January 1, 1982; thereafter the term of the

Director shall expire on January 1 at intervals of four years.

- B. The Director of Recreation and Parks shall have substantial training and experience in recreation and park management and qualifications conforming to such formal job description as may be adopted by the Common Council. His/Her compensation shall be fixed by ordinance. He/She shall not, without the express consent of the Mayor, engage in any business or hold any office, public or private, for which a salary or emolument is paid.
[Amended 10-22-1985]

- C. ^[1]The Director shall recommend such personnel positions as are required to carry out the duties and responsibilities assigned to the Department pursuant to this ordinance. The number, duties, responsibilities and salaries of such personnel positions shall be set forth in written job specifications, approved by the Common Council, and shall further be subject to such other approval of the Board of Estimate as may be required by law. The Director may appoint and may remove individual assistants and employees of the Department in accordance with city policies and procedures. The Mayor shall have the authority to make temporary reassignments of Department employees to duties in other city departments during seasonal periods when the Department workload shall warrant such reassignment.

[1] *Editor's Note: Former Subsection C was repealed 10-22-1985. This legislation also provided for the redesignation of former Subsection D as the present Subsection C.*

§ 74-25 Adoption of additional regulations; violations and penalties. ^[1]

[Amended 10-22-1985]

The Common Council may from time to time adopt such additional rules and regulations as it shall deem necessary for the proper administration of beaches, parks and recreational programs within the City in the following manner:

Prior to adopting any such rules and regulations, the Common Council, or a committee thereof, shall conduct a public hearing for the

- A. Prior to adopting any such rules and regulations, the Common Council, or a committee thereof, shall conduct a public hearing for the purpose of considering their adoption. Notice of the time and place of such public hearing, which notice shall include the rules or regulations proposed, shall be published twice in a local newspaper having substantial circulation in the City of Norwalk at least five days, but not more than 15 days, prior to the date of said hearing.
- B. Following such public hearing, the Council shall act upon such rules and may make such changes or alterations in the form or content of the proposed rules and regulations as seem appropriate or necessary as a result of the public hearing held in connection therewith. Such changes, additions or alterations shall not require further public notice.
- C. Such rules shall become effective after publication once in a local newspaper having substantial circulation in the City of Norwalk within 21 days following Council approval.
- D. Any person who shall violate any of the rules and regulations adopted by the Common Council, as above provided, shall be fined not more than \$100; and the Department shall also proceed against any violator, as provided by law, for reimbursement for damage to city property from his/her violation.

[1] *Editor's Note: Former § 74-25, Commission, was repealed 10-22-1985. This legislation also provided for the renumbering of the remaining sections in the chapter.*

§ 74-26 Fees.

[Amended 10-22-1985]

- A. The Director shall, with the concurrence of the Council and after a public hearing, set fees as may be appropriated for the use of city parks and recreational facilities. Said public hearing shall be held upon no less than five nor more than 15 days' notice of the time and place of such hearing, and said notice shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the City of Norwalk. All fees shall be deposited with the general fund of the City of Norwalk. Fees set by the Director for participation in individual programs and events shall not be subject to the provisions of this section.
- B. The Director may, with the concurrence of the Council, establish such regulations as are appropriate for the administration of the provisions of this section.

§ 74-27 Severability; when effective.

- A. The provisions of this ordinance shall supersede all ordinances or parts thereof inconsistent herewith. If any part of this ordinance shall be declared invalid by a court of competent jurisdiction, all other parts shall remain in effect.
- B. This ordinance shall take effect upon adoption and compliance with the provisions of § 1-193 of the Code of the City of Norwalk.

Article III: Department of Recreation and Parks

[Adopted 8-28-1979^[1]]

[1] *Editor's Note: This ordinance also repealed former Art. III, Recreation and Park Commission, adopted 6-20-1961, effective 9-1-1961, as amended.*

§ 74-23 Establishment; powers and duties.

There is hereby established in the City of Norwalk a Department of Recreation and Parks.

A. The Department shall be charged with the control, development, management, operation and maintenance of a system of public parks and recreational areas and facilities now in existence or that may hereafter be acquired, except narrow parkways, boulevard strips and small areas along streets which shall be under the jurisdiction of the Department of Public Works; and the control, development, management, operation and maintenance of the Oak Hills Park and all other matters relating thereto shall be under a separate department, as provided by ordinance. Said Department shall be charged with the construction, protection, repair, furnishing, cleaning, heating, lighting and general care of all public buildings, except school buildings and structures under the jurisdiction of the Board of Education, and the water pollution control plants, pump stations and the solid waste transfer station.

[Amended 7-27-1982]

- B. The Department shall be charged with the supervision and maintenance of playgrounds, playfields, bathing beaches, swimming pools, recreation centers and other recreation and park activities, areas and facilities.
- C. The Department shall have the authority to conduct outdoor and indoor recreation activities and facilities on public school grounds and in public school buildings, provided that planned school activities under the jurisdiction of the Board of Education shall have priority.
- D. The Department, with the approval of the Common Council, shall have the authority to conduct, at reasonable charges, such facilities for amusement, entertainment, refreshment or transportation of the public as are suitable for park and recreation purposes.
- E. The Department may plan, set up or place and protect and care for flowers, vines, shrubs and trees to adorn and improve public squares, grounds, boulevards, streets, avenues or spaces within the city.
- F. The Department shall recommend to the Common Council the institution of condemnation proceedings whenever, in its judgment, private property should be taken in the name of the city for the purposes of the Department.
- G. The Department shall have the right to call upon any other department of the city government for assistance in performing its duties, and it shall be the duty of such other departments to comply with a proper request of said Department. Any questions as to what shall constitute a proper request for assistance shall be decided by the Mayor.
- H. The Department shall exercise such other duties as are conferred on it by ordinance and shall perform such special functions and assignments as the Mayor and Council may from time to time direct.

§ 74-24 Director.

- A. The head of the Department of Recreation and Parks shall be the Director of Recreation and Parks, who shall be in charge of and responsible for the operation of the Department in carrying out its functions and duties as set forth in this ordinance. He/She shall be appointed by the Mayor, subject to confirmation by the Common Council, for a term of four years and may at the beginning of a term be made subject to a probationary period of service, after which he/she may be removed during the term only for good cause. The Director reports to the Chief of Operations and Public Works. The Director so appointed upon the adoption of this ordinance shall serve until January 1, 1982; thereafter the term of the

Director shall expire on January 1 at intervals of four years.

- B. The Director of Recreation and Parks shall have substantial training and experience in recreation and park management and qualifications conforming to such formal job description as may be adopted by the Common Council. His/Her compensation shall be fixed by ordinance. He/She shall not, without the express consent of the Mayor, engage in any business or hold any office, public or private, for which a salary or emolument is paid.
[Amended 10-22-1985]

- C. ^[1]The Director shall recommend such personnel positions as are required to carry out the duties and responsibilities assigned to the Department pursuant to this ordinance. The number, duties, responsibilities and salaries of such personnel positions shall be set forth in written job specifications, approved by the Common Council, and shall further be subject to such other approval of the Board of Estimate as may be required by law. The Director may appoint and may remove individual assistants and employees of the Department in accordance with city policies and procedures. The Mayor shall have the authority to make temporary reassignments of Department employees to duties in other city departments during seasonal periods when the Department workload shall warrant such reassignment.

[1] *Editor's Note: Former Subsection C was repealed 10-22-1985. This legislation also provided for the redesignation of former Subsection D as the present Subsection C.*

§ 74-25 Adoption of additional regulations; violations and penalties. ^[1]

[Amended 10-22-1985]

The Common Council may from time to time adopt such additional rules and regulations as it shall deem necessary for the proper administration of beaches, parks and recreational programs within the City and parks in the following manner:

- A. Prior to adopting any such rules and regulations, the Common Council, or a committee thereof, shall conduct a public hearing for the purpose of considering their adoption. Notice of the time and place of such public hearing, which notice shall include the rules or regulations proposed, shall be published twice in a local newspaper having substantial circulation in the City of Norwalk at least five days, but not more than 15 days, prior to the date of said hearing.
- B. Following such public hearing, the Council shall act upon such rules and may make such changes or alterations in the form or content of the proposed rules and regulations as seem appropriate or necessary as a result of the public hearing held in connection therewith. Such changes, additions or alterations shall not require further public notice.
- C. Such rules shall become effective after publication once in a local newspaper having substantial circulation in the City of Norwalk within 21 days following Council approval.
- D. Any person who shall violate any of the rules and regulations adopted by the Common Council, as above provided, shall be fined not more than \$100; and the Department shall also proceed against any violator, as provided by law, for reimbursement for damage to city property from his/her violation.

[1] *Editor's Note: Former § 74-25, Commission, was repealed 10-22-1985. This legislation also provided for the renumbering of the remaining sections in the chapter.*

§ 74-26 Fees.

[Amended 10-22-1985]

- A. The Director shall, with the concurrence of the Council and after a public hearing, set fees as may be appropriated for the use of city parks and recreational facilities. Said public hearing shall be held upon no less than five nor more than 15 days' notice of the time and place of such hearing, and said notice shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the City of Norwalk. All fees shall be deposited with the general fund of the City of Norwalk. Fees set by the Director for participation in individual programs and events shall not be subject to the provisions of this section.
- B. The Director may, with the concurrence of the Council, establish such regulations as are appropriate for the administration of the provisions of this section.

§ 74-27 Severability; when effective.

- A. The provisions of this ordinance shall supersede all ordinances or parts thereof inconsistent herewith. If any part of this ordinance shall be declared invalid by a court of competent jurisdiction, all other parts shall remain in effect.
- B. This ordinance shall take effect upon adoption and compliance with the provisions of § 1-193 of the Code of the City of Norwalk.

Chapter 90: Department of Operations and Public Works

[HISTORY: Adopted by the City of Norwalk Common Council 11-9-1993;^[1] amended in its entirety 12-12-2006. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Parking Authority — See Ch. **73A**.

Publicsewers — See Ch. **91**.

Septage disposal — See Ch. **92**.

Collection and disposal of solid waste — See Ch. **94**.

Streets and sidewalks — See Ch. **95**.

Excavations and encroachments — See Ch. **96**.

Excavating and filling of land — See Ch. **97**.

Vehicles and traffic — See Ch. **98**.

Snow emergency — See Ch. **99**.

Water Pollution Control Authority — See Ch. **113**.

[1] *Editor's Note: This ordinance superseded former Ch. 90, Public Works, Department of, adopted 12-12-2006 5-10-1988.*

§ 90-1 Establishment and functions.

There is established a Department of Operations and Public Works which was formerly known as the Department of Public Works.

The functions of which shall include:

- A.** The maintenance and repair of all accepted streets and appurtenances and of public ways and public grounds not under the supervision of others.
- B.** The collection and disposal of solid waste in accordance with state statutes.
- C.** The management and operation of the wastewater treatment plant and collection system. The Chief of Operations and Public Works, which was formerly known as the Director of Public Works, shall have responsible charge, jurisdiction, rights and powers to perform all duties relating to the supervision, operation, repair, maintenance and upkeep of the wastewater system of the City. He/She shall, subject to the orders and directions of the Water Pollution Control Authority, have charge of the sewer system of the Fourth Taxing District and of the care and maintenance thereof and of the construction of all new sewers.
- D.** The preparation, or assistance in the preparation, of plans and specifications for bidding the construction, demolition, repair, renovation or rehabilitation of municipal improvements and all manner of public works projects carried out by the City.
- E.** The supervision and coordination of public improvements carried out by contract to the City of Norwalk and the performance, direction or inspection of actual conduct of all construction work by or on behalf of the City.
- F.** The prevention of encroachment and excavations in the public streets and highways, except in accordance with duly adopted law and regulation.
- G.** The development and administration of a comprehensive program of fleet maintenance services for all City departments, agencies and commissions, with the exception of the Fire Department. The program shall include the acquisition, assignment, disposition, sale and modification of all equipment and related parts and supplies. Acquisition and assignment of police

vehicles shall be the responsibility of the Police Department. Acquisition and assignment of parks maintenance vehicles and equipment shall be the responsibility of this Department.

- L. The control, development, operation and maintenance of a system of public parks and recreational areas and facilities, including narrow parkways, boulevard strips and small areas along streets, now in existence or that may hereafter be acquired; and the control, development, management, operation and maintenance of the Oak Hills Park and all other matters relating thereto shall be under a separate department, as provided by ordinance. Said Department shall be charged with the construction, protection, repair, furnishing, cleaning, heating, lighting and general care of all public buildings, except school buildings and structures under the jurisdiction of the Board of Education, and the water pollution control plants, pump stations and the solid waste transfer station.
- M. The maintenance of playgrounds, playfields, bathing beaches, swimming pools, recreation centers and other recreation and park activities, areas and facilities.
- N. May plan, set up or place and protect and care for flowers, vines, shrubs and trees to adorn and improve public squares, grounds, boulevards, streets, avenues or spaces within the City.
- O. Shall recommend to the Common Council the institution of condemnation proceedings whenever, in its judgment, private property should be taken in the name of the City for the purposes of the Department.
- P. Shall have the right to call upon any other department of the City government for assistance in performing its duties, and it shall be the duty of such other departments to comply with a proper request of said Department. Any questions as to what shall constitute a proper request for assistance shall be decided by the Mayor.

§ 90-2 Chief of Operations and Public Works.

The head of the Department of Operations and Public Works shall be the Chief of Operations and Public Works, who shall be appointed by the Mayor, subject to confirmation by the Common Council, and may be removed by the Mayor at his/her discretion. The Chief shall have had at least five years of applicable executive or administrative experience prior to appointment. His/her compensation shall be fixed by ordinance. He/She shall be licensed to practice professional engineering in the State of Connecticut or shall become certified to do so within six months of assuming the position of Chief of Operations and Public Works. He/She shall have all the powers and duties hitherto conferred or imposed by law, ordinance or Charter provision on the Commissioner of Operations and Public Works and such other duties as may be required of him/her by ordinance.

§ 90-3 Staff.

The Chief is authorized to employ, in compliance with all existing procedures, all necessary assistants and staff for the carrying out of the duties imposed upon him/her by this Code.

§ 90-4 Approval of rates and fees.

- A. The Chief shall, with the concurrence of the Common Council, make and alter, from time to time, rates, fines, penalties and fees with respect to operations of the Department. The Chief shall establish rates, fines, penalties and fees to be charged for the various departmental services and functions and shall submit same, hereinafter referred to as the "Fee Schedule," to the Public Works Committee, which shall hold a public hearing thereon within 30 days. Said public hearing shall be held upon no less than seven nor more than 14 days' notice of the time and place of such hearing, published in the form of a legal advertisement appearing in a newspaper having substantial circulation in the City. Within 30 days of receipt by the City Clerk of notice of the action taken by the Public Works Committee subsequent to such public hearing, the Common Council shall act upon the Fee Schedule. If the Council takes no action within such 30 days, the Fee Schedule shall be deemed approved, and the City Clerk shall issue a notice so stating, which shall be maintained with the records of the Common Council. If the Council votes to disapprove all or a portion of the Fee Schedule, it may itself establish any of such rates, fees, charges or penalties, or may ask the Chief to submit revised proposals to the Common Council.

- B.** The Chief shall recommend to the Water Pollution Control Authority rates, fines, penalties and fees, or alterations to same, with respect to operations of the wastewater collection and treatment system. The Chief shall organize proposed rates, fines, penalties and fees to be charged for the various system services and functions, or alterations to same, into the Fee Schedule and submit to the Water Pollution Control Authority, which shall hold a public hearing thereon within 30 days. Said public hearing shall be held upon no less than seven nor more than 14 days' notice of the time and place of such hearing, published in the form of a legal advertisement appearing in a newspaper having substantial circulation in the City. If the Water Pollution Control Authority votes to disapprove all or a portion of the Fee Schedule, it may itself establish any of such rates, fees, charges or penalties, or may ask the Chief to submit revised proposals to the Common Council. The Chief shall implement the approved Fee Schedule.
- C.** The Chief shall recommend to the Parking Authority rates, fines, penalties and fees, or alterations to same, with respect to operations of the parking system. The Chief shall organize proposed rates, fines, penalties and fees to be charged for the various system services and functions, or alterations to same, into the Fee Schedule and submit to the Parking Authority, which shall hold a public hearing thereon within 30 days. Said public hearing shall be held upon no less than seven nor more than 14 days' notice of the time and place of such hearing, published in the form of a legal advertisement appearing in a newspaper having substantial circulation in the City. If the Parking Authority votes to disapprove all or a portion of the Fee Schedule, it may itself establish any of such rates, fees, charges or penalties, or may ask the Chief to submit revised proposals to the Common Council. The Chief shall implement the approved Fee Schedule.
- D.** The approved Fee Schedules, as they may be modified from time to time in accordance with the procedure set forth in this section, shall be posted at the City website and in the offices of the City Clerk and the Department of Operations and Public Works at all times and shall be made available for distribution to persons requesting same.

The Chief shall employ and maintain, as a regular employee, a Principal Engineer of the Department, who shall be a qualified professional civil engineer with at least five years of experience with the design or construction of public works, highways, public utilities and municipal improvements. He/She shall be licensed to practice in the State of Connecticut or shall become certified to do so within six months of assuming the position of Principal Engineer. Said Engineer shall provide professional assistance to the Chief concerning engineering projects and shall supervise the Department's engineering and construction administration staff at the direction of the Chief.

§ 90-6 Duties and responsibilities of Chief.

- A.** The Chief shall cause to be made and prepared all surveys, maps, profiles, calculations, construction documents, drawings and specifications required for the use of the City and shall cause to be performed all surveying and engineering services which may be required of him/her by the Common Council and by each and every department, authority, commission or agency of the City government.
- B.** The Chief shall have the care and custody of all maps and plans of the public works and improvements of the City.
- C.** It shall be the duty of the Chief to record, and keep in such manner that they can easily be examined, all surveys and layouts of streets, sewers and public works for which a manuscript, survey or layout is adopted by the Common Council.
- D.** It shall be the responsibility of the Chief to establish and prepare the necessary standard construction specifications, design standards and manuals required for the operations of the Department, the wastewater collection and treatment system and the parking system, subject to the concurrence of the Public Works Committee of the Common Council, the Water Pollution Control Authority or the Parking Authority.
- E.** The Chief shall be charged with the control, development, operation and maintenance of a system of public parks and recreational areas and facilities now in existence or that may hereafter be acquired as further explained in § 90-1 and § 74-23 through § 74-27.

§ 90-7 Recordkeeping requirements.

- A.** The Chief shall keep a written record of all permits and licenses granted under Chapters **90** through **99** of the Code, and such written record shall at all times be open to inspection.
- B.** The Chief shall keep a detailed and properly classified account of all expenses in his/her Department, which shall at all times be open to inspection.
- C.** The Chief shall at the end of each fiscal year complete a report in writing to the Common Council of all work done and money expended under his/her direction during such period.
- D.** The Chief shall keep a record of complaints made by the public, and shall enter therein all complaints made to him/her concerning streets, highways, sidewalks, gutters, parking facilities, wastewater collection and treatment facilities and public places, and any breach of Chapters **90** through **99** of this Code, together with the action taken by him/her with respect thereto.

§ 90-8 (Reserved)

§ 90-9 Effect on taxing districts.

Nothing in §§ **90-1** through 90-8 shall be construed to affect the buildings, structures and properties belonging to the First, Second, Third or Sixth Taxing Districts of said City or their management and operation. When, in the judgment of the Chief, public safety is or may be adversely affected by work to be performed by the taxing districts, the Chief may at his/her discretion make the requirements of this chapter and any other appropriate chapter applicable to such taxing district.

§ 90-10 Interference with personnel.

No person shall resist, molest, interfere with or disobey the Chief or his/her assistants while engaged in the duty of keeping the streets, sidewalks and public places of the City open and free from obstruction by vehicles, crowds, groups of persons or otherwise.

If any provision, clause or phrase of this Chapter **90** is adjudged by any court of competent jurisdiction to be invalid or if the applicability thereof to any persons or circumstances is held invalid, such judgment shall not invalidate the remainder, and the applicability thereof to other persons or circumstances shall not be affected thereby.

§ 90-12 Repealer.

Any provisions of the Code of the City of Norwalk inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency.

Chapter 90: ~~Public Works~~, Department of Operations and Public Works

[HISTORY: Adopted by the City of Norwalk Common Council 11-9-1993;^[1] amended in its entirety 12-12-2006. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Parking Authority — See Ch. **73A**.

Publicsewers — See Ch. **91**.

Septage disposal — See Ch. **92**.

Collection and disposal of solid waste — See Ch. **94**.

Streets and sidewalks — See Ch. **95**.

Excavations and encroachments — See Ch. **96**.

Excavating and filling ~~filling~~ of land — See Ch. **97**.

Vehicles and traffic ~~traic~~ — See Ch.

98. Snow emergency — See Ch. **99**.

Water Pollution Control Authority — See Ch. **113**.

[1] *Editor's Note: This ordinance superseded former Ch. 90, Public Works, Department of, adopted 12-12-2006 5-10-1988.*

§ 90-1 Establishment and functions.

There is established a Department of Operations and Public Works which was formerly known as the Department of Public Works.

The ~~the~~ functions of which shall include:

- A.** The maintenance and repair of all accepted streets and appurtenances and of public ways and public grounds not under the supervision of others.
- B.** The collection and disposal of solid waste in accordance with state statutes.
- C.** The management and operation of the wastewater treatment plant and collection system. The Chief of Operations and Public Works, which was formerly known as the Director of Public Works, ~~Director of Public Works~~ shall have responsible charge, jurisdiction, rights and powers to perform all duties relating to the supervision, operation, repair, maintenance and upkeep of the wastewater system of the City. He/She shall, subject to the orders and directions of the Water Pollution Control Authority, have charge of the sewer system of the Fourth Taxing District and of the care and maintenance thereof and of the construction of all new sewers.
- D.** The preparation, or assistance in the preparation, of plans and specifications for bidding the construction, demolition, repair, renovation or rehabilitation of municipal improvements and all manner of public works projects carried out by the City.
- E.** The supervision and coordination of public improvements carried out by contract to the City of Norwalk and the performance, direction or inspection of actual conduct of all construction work by or on behalf of the City.
- F.** ~~The analysis, planning, recommendations, execution and furnishing of other assistance to the Traic Authority with respect to traic safety and control, on-street parking facilities, installation and maintenance of traic control devices, street and safety signage, and roadway safety markings and related aspects of the above functions assigned to the Department by ordinance. These functions were moved to Transporation, Mobility and Parking.~~
- G.F.** ~~The analysis, planning, recommendations, execution and furnishing of other assistance to the Parking Authority with respect to all City parking facilities and operations. These functions were moved to Transporation, Mobility and Parking.~~
- H.G.** The prevention of encroachment and excavations in the public streets and highways, except in accordance with duly adopted law and regulation.
- I.** ~~The acceptance and abandonment of streets and highways. These functions were moved to Transporation, Mobility and~~
Parking.

J.H. The establishment of snow emergency routes and rules for parking thereon during declared snow emergencies. **These functions were moved to Transporation, Mobility and Parking.**

K.I. The development and administration of a comprehensive program of fleet maintenance services for all City departments, agencies and commissions, with the exception of the Fire Department. The program shall include the acquisition, assignment, disposition, sale and modification of all equipment and related parts and supplies. Acquisition and assignment of police

vehicles shall be the responsibility of the Police Department. Acquisition and assignment of parks maintenance vehicles and equipment shall be the responsibility of the Parks and Recreation Department: this Department.

- L. The control, development, operation and maintenance of a system of public parks and recreational areas and facilities, including narrow parkways, boulevard strips and small areas along streets, now in existence or that may hereafter be acquired; and the control, development, management, operation and maintenance of the Oak Hills Park and all other matters relating thereto shall be under a separate department, as provided by ordinance. Said Department shall be charged with the construction, protection, repair, furnishing, cleaning, heating, lighting and general care of all public buildings, except school buildings and structures under the jurisdiction of the Board of Education, and the water pollution control plants, pump stations and the solid waste transfer station.
- M. The maintenance of playgrounds, playfields, bathing beaches, swimming pools, recreation centers and other recreation and park activities, areas and facilities.
- N. May plan, set up or place and protect and care for flowers, vines, shrubs and trees to adorn and improve public squares, grounds, boulevards, streets, avenues or spaces within the City.
- O. Shall recommend to the Common Council the institution of condemnation proceedings whenever, in its judgment, private property should be taken in the name of the City for the purposes of the Department.
- P. Shall have the right to call upon any other department of the City government for assistance in performing its duties, and it shall be the duty of such other departments to comply with a proper request of said Department. Any questions as to what shall constitute a proper request for assistance shall be decided by the Mayor.

§ 90-2 Director-Chief of Operations and Public Works.

The head of the Department of Operations and Public Works shall be the Chief of Operations and Public Works Director, who shall be appointed by the Mayor, subject to confirmation by the Common Council, and may be removed by the Mayor at his/her discretion. The Chief Director shall have had at least five years of applicable executive or administrative experience prior to appointment. His/her compensation shall be fixed by ordinance. He/She shall be licensed to practice professional engineering in the State of Connecticut or shall become certified to do so within six months of assuming the position of Chief Director of Operations and Public Works. He/She shall have all the powers and duties hitherto conferred or imposed by law, ordinance or Charter provision on the Commissioner of Operations and Public Works and such other duties as may be required of him/her by ordinance.

§ 90-3 Staff.

The Chief Director is authorized to employ, in compliance with all existing procedures, all necessary assistants and staff for the carrying out of the duties imposed upon him/her by this Code.

§ 90-4 Approval of rates and fees.

- A. The Chief Director shall, with the concurrence of the Common Council, make and alter, from time to time, rates, fines, penalties and fees with respect to operations of the Department. The Chief Director shall establish rates, fines, penalties and fees to be charged for the various departmental services and functions and shall submit same, hereinafter referred to as the "Fee Schedule," to the Public Works Committee, which shall hold a public hearing thereon within 30 days. Said public hearing shall be held upon no less than seven nor more than 14 days' notice of the time and place of such hearing, published in the form of a legal advertisement appearing in a newspaper having substantial circulation in the City. Within 30 days of receipt by the City Clerk of notice of the action taken by the Public Works Committee subsequent to such public hearing, the Common Council shall act upon the Fee Schedule. If the Council takes no action within such 30 days, the Fee Schedule shall be deemed approved, and the City Clerk shall issue a notice so stating, which shall be maintained with the records of the Common Council. If the Council votes to disapprove all or a portion of the Fee Schedule, it may itself establish any of such rates, fees, charges or penalties, or may ask the Chief Director to submit revised proposals to the Common Council.

§ 90-5 Principal Engineer.

- B.** The Chief Director shall recommend to the Water Pollution Control Authority rates, fines, penalties and fees, or alterations to same, with respect to operations of the wastewater collection and treatment system. The Chief Director shall organize proposed rates, fines, penalties and fees to be charged for the various system services and functions, or alterations to same, into the Fee Schedule and submit to the Water Pollution Control Authority, which shall hold a public hearing thereon within 30 days. Said public hearing shall be held upon no less than seven nor more than 14 days' notice of the time and place of such hearing, published in the form of a legal advertisement appearing in a newspaper having substantial circulation in the City. If the Water Pollution Control Authority votes to disapprove all or a portion of the Fee Schedule, it may itself establish any of such rates, fees, charges or penalties, or may ask the Chief Director to submit revised proposals to the Common Council. The Chief Director shall implement the approved Fee Schedule.
- C.** The Chief Director shall recommend to the Parking Authority rates, fines, penalties and fees, or alterations to same, with respect to operations of the parking system. The Chief Director shall organize proposed rates, fines, penalties and fees to be charged for the various system services and functions, or alterations to same, into the Fee Schedule and submit to the Parking Authority, which shall hold a public hearing thereon within 30 days. Said public hearing shall be held upon no less than seven nor more than 14 days' notice of the time and place of such hearing, published in the form of a legal advertisement appearing in a newspaper having substantial circulation in the City. If the Parking Authority votes to disapprove all or a portion of the Fee Schedule, it may itself establish any of such rates, fees, charges or penalties, or may ask the Chief Director to submit revised proposals to the Common Council. The Chief Director shall implement the approved Fee Schedule.
- D.** The approved Fee Schedules, as they may be modified from time to time in accordance with the procedure set forth in this section, shall be posted at the City website and in the offices of the City Clerk and the Department of Operations and Public Works at all times and shall be made available for distribution to persons requesting same.

The Chief Director shall employ and maintain, as a regular employee, a Principal Engineer of the Department, who shall be a qualified professional civil engineer with at least five years of experience with the design or construction of public works, highways, public utilities and municipal improvements. He/She shall be licensed to practice in the State of Connecticut or shall become certified to do so within six months of assuming the position of Principal Engineer. Said Engineer shall provide professional assistance to the Chief Director concerning engineering projects and shall supervise the Department's engineering and construction administration staff at the direction of the Chief Director.

§ 90-6 Duties and responsibilities ~~responsibilities~~ of Chief Director.

- A. The Chief Director shall cause to be made and prepared all surveys, maps, profiles, calculations, construction documents, drawings and specifications required for the use of the City and shall cause to be performed all surveying and engineering services which may be required of him/her by the Common Council and by each and every department, authority, commission or agency of the City government.
- B. The Chief Director shall have the care and custody of all maps and plans of the public works and improvements of the City.
- C. It shall be the duty of the Chief Director to record, and keep in such manner that they can easily be examined, all surveys and layouts of streets, sewers and public works for which a manuscript, survey or layout is adopted by the Common Council.
- D. It shall be the responsibility of the Chief Director to establish and prepare the necessary standard construction specifications, design standards and manuals required for the operations of the Department, the wastewater collection and treatment system and the parking system, subject to the concurrence of the Public Works Committee of the Common Council, the Water Pollution Control Authority or the Parking Authority.
- D.E. The Chief shall be charged with the control, development, operation and maintenance of a system of public parks and recreational areas and facilities now in existence or that may hereafter be acquired as further explained in § 90-1 and § 74-23 through § 74-27.

§ 90-7 Recordkeeping requirements.

- A. The Chief Director shall keep a written record of all permits and licenses granted under Chapters **90** through **99** of the Code, and such written record shall at all times be open to inspection.
- B. The Chief Director shall keep a detailed and properly classified account of all expenses in his/her Department, which shall at all times be open to inspection.
- C. The Chief Director shall at the end of each fiscal year complete a report in writing to the Common Council of all work done and money expended under his/her direction during such period.
- D. The Chief Director shall keep a record of complaints made by the public, and shall enter therein all complaints made to him/her concerning streets, highways, sidewalks, gutters, parking facilities, wastewater collection and treatment facilities and public places, and any breach of Chapters **90** through **99** of this Code, together with the action taken by him/her with respect thereto.

§ 90-8 (Reserved)

§ 90-9 Effect on taxing districts.

Nothing in §§ **90-1** through **90-8** shall be construed to affect the buildings, structures and properties belonging to the First, Second, Third or Sixth Taxing Districts of said City or their management and operation. When, in the judgment of the Chief Director, public safety is or may be adversely affected by work to be performed by the taxing districts, the Chief Director may at his/her discretion make the requirements of this chapter and any other appropriate chapter applicable to such taxing district.

§ 90-10 Interference with personnel.

No person shall resist, molest, interfere with or disobey the Chief Director or his/her assistants while engaged in the duty of keeping the streets, sidewalks and public places of the City open and free from obstruction by vehicles, crowds, groups of persons or otherwise.

If any provision, clause or phrase of this Chapter **90** is adjudged by any court of competent jurisdiction to be invalid or if the applicability thereof to any persons or circumstances is held invalid, such judgment shall not invalidate the remainder, and the applicability thereof to other persons or circumstances shall not be affected thereby.

§ 90-12 Repealer.

Any provisions of the Code of the City of Norwalk inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency.

**CITY OF NORWALK
ORDINANCE COMMITTEE
JULY 17, 2018**

ATTENDANCE: Eloisa Melendez, Chair; Michael Corsello;
Thomas Livingston; Beth Siegelbaum; Doug Stern;
Chris Yerinides

STAFF: Brian Candela, Corporation Counsel; Darin Callahan,
Corporation Counsel

OTHERS: Richard Bonenfant; Adolf Needleman

1. ROLL CALL

Ms. Melendez called the meeting to order at 7:00PM and called the roll. A quorum was present.

2. PUBLIC HEARING (POSSIBLE ACTION ON)

There was no public hearing held this evening.

3. PUBLIC HEARING DISCUSSION

Richard Bonenfant- 17 Park Hill Avenue

Mr. Bonenfant stated that the idea of an Innovation District is one of the worst ideas he has seen in a long time and urged the committee to put it to rest. He said it will be

choking Wall Street with apartments and technology companies and does nothing to bring Norwalk residents into the area to visit, and the opposite will happen and people will avoid this section because of the congestion and there would be no reason to go there. He said give folks a reason to visit such as restaurants, shops, family activities and things to do. He said not now, but some day this will evolve into developer friends looking for tax breaks and can easily foresee one and two story structures such as bakeries, diners and flower shops etc. being thrown out so that the landlords can demolish and build six story structures for the tax advantages. You're telling taxpayers to pay their taxes and someone else's too. Where will the children play, what school will they go to and do we really want thousands of more toilets flushing into the harbor as well as the strain to the police, fire, teachers and garbage. How do you enforce the post award compliance section. He encouraged the committee to look at all the ramifications before going too far with this.

**** MS. MELENDEZ MOVED TO CLOSE THE PUBLIC HEARING.**

**** THE MOTION PASSED UNANIMOUSLY.**

The public hearing closed at 7:04PM.

4. PUBLIC COMMENT

No one from the public commented.

5 ACCEPTANCE OF MINUTES

July 19, 2018

Under the correction of minutes change "Kary" to "Cary"

**** MS. SIEGELBAUM MOVED TO APPROVE THE MINUTES
AS AMENDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

6. OLD BUSINESS- INNOVATION DISTRICT

Mr. Livingston stated that a number of questions and comments have been raised including in the press and elsewhere regarding the conflict of interest and other matters with respect to the Redevelopment Agency in connection with the POKO matter, particularly legal misrepresentation and these are serious matters and need to be addressed. He said that he was going to originally propose that this matter be tabled until they were addressed however, today the Mayor had sent a letter to the Head of the Redevelopment Agency seeking answers to these questions, and he is willing to move forward with the consideration of this matter pending that information. He said to be clear he is not say there is or was any improper behavior put he is not personally willing to give any more power to the Redevelopment Agency until he is comfortable until all of the questions have been satisfactory resolved.

Mr. Livingston asked Mr. Candela where he had gotten the definitions. Mr. Candela said from various government websites and the Redevelopment Agency. Mr. Livingston asked what pedestrian friendly under mixed use means. Mr. Candela said the definitions were provided by the Redevelopment Agency and they did not provide any information as to where they had received them from. Mr. Livingston requested additional information on that. Mr. Livingston said that the categories are broader than what we are defining and seem to be inconsistent. Mr. Candela said he could get additional definitions for those things under mixed use. Mr. Livingston suggested under section h to change "substantial" to "directly or "indirectly, has ownership interest in".

**** MS. MELENDEZ MOVED TO SUSPEND THE RULES TO REOPEN THE PUBLIC COMMENT.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Adolf Needleman

Mr. Needleman stated that he has been a resident of Norwalk for over 55 years and has been in Silvermine for over 50 years, and he is active in NASH and CNNA. He said he thinks there is a very serious conflict brewing between the various commissions and the POCD, and the POCD is operating as the community voice for the city and the commissions may be operating on a different standard. For example, there was on overwhelming anti-residential and anti- high-rise construction by those people who had participated in the POCD meetings. He said last week when he heard Mr. Sheehan speak

and he got the impression that the latest Redevelopment plans were following the same pattern that was done at West Avenue, and that is in direct conflict with the POCD and residential stakeholders. He said two consultants have suggested that the direction of Norwalk is best defined by light industrial and light manufacturing as opposed to residential. He said he is concerned that Norwalk is not organized well enough for that and a plan is needed for light industrial to be a true organization.

**** MS. MELENDEZ MOVED TO CLOSE THE PUBLIC COMMENT
** THE MOTION PASSED UNANIMOUSLY.**

The discussion regarding the Innovation District continued as follows:

Mr. Stern stated that his concerns in many ways echo those articulated by Mr. Bonenfant and if the purpose of this proposal is to create a certain set of rules within a certain geography to provide the Common Council flexibility when it comes to encouraging certain sorts of industry, and the purpose of that is to encourage certain new industries to come to Norwalk and job creation he could accept that, he just does not see how mixed use developments as its commonly understood accomplish that goal and he does not think changing the definition would satisfy him in terms of elevating that concern. Mr. Livingston said you might have a business that will come in but they need to have a residential component of it to make it work, or as Mr. Sheehan said last time, to provide apartments for the workers. Mr. Yerinides said the other argument is what we don't know what the market is going to want in the future and don't want to not include the mixed use component now and not be able to include it in the later on when the market may be different. Mr. Stern said that he has a fear that once something like this is done there will be a flood of developers claiming poverty as to reasons why they can't approach certain parts of town for certain types of development, and he does not think that is a necessary tool in our toolbox and if market factor change to the extent that we need to include it we can discuss it at that time. Ms. Melendez asked Mr. Stern if he meant residential developments and he said yes, and the five-six story Waypointe size mixed-use buildings and he thinks their applications should be made through zoning and go through the normal course of the application. He said what we are trying to do here is to create different kinds of incentives to encourage certain kinds of industries to this particular geography of town and he does not know why mixed used residential needs to be a part of that. Mr. Livingston said there may be some project that has a residential component but he is not opposed to putting some sort of limit on that.

Ms. Melendez said she thinks jobs and the types of things we are trying to bring are directly connected to mixed use and the residential piece and she knows in some ways it's worked in the Merritt 7 section of town, and if we are going to do this ordinance we have to include possibilities for everything and that it does not make sense to take away

the it may possibility. She said that she does think the idea that Mr. Livingston had of limiting it is not a bad idea, but she does not have the knowledge to determine the appropriate number or percentage.

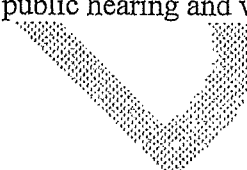
Ms. Siegelbaum said she does not see why Norwalk needs more apartments right now and all these new apartments and from what I have been hearing about town, nobody is happy about it.

Mr. Corsello said that he thinks approving this is a very slippery slope and he would hope that any Common Council is going to take it very, very seriously and scrutinize any applicant that comes before it and is not something that should be done lightly.

**** MS. MELENDEZ MOVED TO APPROVE SCHEDULING A PUBLIC HEARING.**

**** THE MOTION FAILED WITH THREE IN FAVOR (MS. MELENDEZ, MR. CORSELLO, MR. LIVINGSTON AND THREE (3) OPPOSED MR. STERN, MS. SIEGELBAUM AND MR. YERINIDES)**

Ms. Melendez said she is uncertain of her options regarding the tie vote and that the chairperson of other Committees can move a matter to the full Council for a vote without the Committee's approval, she said, asking Assistant Corporation Counsel Brian Candela if she could do the same for a public hearing. Mr. Candela said that he would research it. Ms. Melendez said that if the vote had been four to two, she wouldn't be considering it and that this issue has been on the agenda for couple of meetings and not that many people have spoken, but she has read a lot of chatter so she doesn't know if actually saying there is a public hearing on this issue will bring more people out because people definitely have opinion on them so that is why she would like to bring it to public hearing. There was further discussion ensued and it was decided the Ms. Melendez would schedule a public hearing and wait for an answer from Attorney Candela.



7. NEW BUSINESS

There was no new business discussed.

8. DISCUSSION ITEM: CHAPTER 12 ARTICLE 1 12-1 OF THE ORDINANCES OF THE CITY OF NORWALK

Ms. Melendez said that it has come to their attention that there is an ordinance that was adopted in 1957 limiting the sale of alcohol on Sundays from 12:00PM-9:00PM, and it is not being enforced and suggested that the committee change it so business owners don't continue to violate the law, and also so it does not detour future business's. Mr. Callahan said that he received a call from a business that was interested into coming to Norwalk and opening a restaurant and questioned the ordinance. Mr. Livingston asked if there is a separate ordinance for bars, and if there is any legislative history on this ordinance. Mr. Candela said he would have to research that but from all of the ordinances that he has looked at six of the municipalities site the state statute, and the rest have times that have not been changed in over 30 years and are similar to what Norwalk has. Mr. Corsello said that his concern is that if this is just being ignored or does it just not pertain to the businesses we think it pertains too and there are various types of liquor permits.

9. ADJOURNMENT

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

**** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 8:06 PM

Respectfully submitted,

Dilene Byrd

Telesco Secretarial Services