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



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

COMMON COUNCIL ORDINANCE COMMITTEE **REGULAR MEETING**

April 19, 2022

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

AGENDA

- 1. ROLL CALL:**
- 2. PUBLIC HEARING (possible action on):**
- 3. PUBLIC HEARING DISCUSSION:**
- 4. PUBLIC COMMENT:**
- 5. ACCEPTANCE OF MINUTES:**
 - March 15, 2022 – regular meeting of the ordinance committee
- 6. OLD BUSINESS:**
 - Discuss draft of the new Pesticides ordinance.
- 7. NEW BUSINESS:**
 - Discuss the Affordable Housing ordinance with a presentation by the following:
 - Darin Callahan, Assistant Corporation Counsel.
 - Greg Burnett, Common Council member.
- 8. DISCUSSION ITEM:**
- 9. ADJOURNMENT:**

CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
MARCH 15, 2022

ATTENDANCE: Lisa Shanahan, Chair; Tom Livingston; Nora Niedzielski-Eichner; Tom Keegan; Dominique Johnson; Joshua Goldstein

STAFF: Atty. Brian Candela

OTHER: Richard Harris; Anthony R. Carr; Chris Torre; Drew Toher; Garrett Bolella; Kyle Benjamin; Sara Evans; Priscilla Feral; Louise Washer; Ken Hughes

CALL TO ORDER

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

PUBLIC HEARING

(POSSIBLE ACTION ON): DISCUSS AND VOTE ON CHAPTER 98, SECTION 43 (CITY CODE SECTION 98-43)
– BLOCKING OF INTERSECTIONS.

The documents for Chapter 98, Section 43 were provided for those present. Mr. Keegan expressed concern that, when this item was put forward and in place, that the Police Department would be on-board with it. He asked if they knew how they would approach this item. He has spoken to the Traffic Authority previously about this item.

**** MR. LIVINGSTONE MOVED TO BRING THIS ITEM TO THE COMMON COUNCIL.**

Mr. Goldstein asked if the infraction fine was limited by state law and if there was any flexibility in it.

Mr. Bolella said that it was specified through the ordinance, and he believed the flexibility was there.

Mr. Livingston asked about the timing of the item.

Mr. Bolella said that they were hoping to do this as soon as the advanced utilities project for the Walk Bridge was out of the area of Olmsted. He reviewed the work that needed to be done.

Ms. Johnson expressed hope about getting the word out about the project.

**** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC HEARING DISCUSSION

PUBLIC COMMENT

Ms. Priscilla Feral came forward for comment. She wished to urge the Committee to ban toxic pesticides on public properties in favor of organic land-care practices. She recounted her efforts to combat the pesticides and the impact they have on the local fauna.

Ms. Louise Washer came forward for comment. She wished to advocate for a pesticide ban in Norwalk. She further discussed her issues with pesticides and pointed out that other towns in Connecticut had changed their pesticide practices.

Atty. Brian Candela said that he had received a statement from Ms. Mary Wilson about this item. She is writing on the behalf of her organization to applaud the attempt to reduce the amount of pesticides. She noted that there had been a decline in insect populations over the past decades.

ACCEPTANCE OF MINUTES

FEBRUARY 15, 2022 – REGULAR MEETING OF THE ORDINANCE COMMITTEE

Please change all references of 'Chairman' to 'Chair' in all instances referring to Chair Shanahan.

**** MR. GOLDSTEIN MOVED TO ACCEPT THE MINUTES OF FEBRUARY 15, 2022 AS AMENDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

OLD BUSINESS

NEW BUSINESS

DISCUSS THE USE OF PESTICIDES WITH PRESENTATIONS BY THE FOLLOWING

Stanford has passed an ordinance where they ban the use of toxic chemicals on their laws. Chair Shanahan reviewed this for the Committee. She welcomed the experts who were coming to speak on this item.

DREW TOHER

Mr. Toher came forward to address the committee. He provided a PowerPoint presentation for the Committee. He provided the following points:

- An overview on the nature of pesticides.
- Problems with the chemicals and their effect on populations.
- Use in public spaces in cities.
- Effect on the local wildlife.
- Nationwide and community policies on pesticides.
- Potential positive effects of banning the pesticides.

SARAH EVANS, PHD MPH

Ms. Sarah Evan's came forward to discuss this item. She provided a PowerPoint presentation. She provided the following points:

- Issues with child development, neurological disorders, and chronic diseases.
- Efforts to pass legislation in New York City to eliminate the use of toxic chemicals.
- Accessibility of toxic chemicals.
- Reproductive problems with the chemicals.

DICK HARRIS

Mr. Harris came forward to discuss this item. He provided a PowerPoint presentation. He provided the following points:

- Recounted the historical issues with DDT and local wildlife.
- Discussions with D.E.E.P. regarding the local wildlife and their history.
- Problems with storm runoff in Norwalk.
- There is currently a loophole that allows toxic pesticides to be used on some produce.

MEMBER(S) OF THE DEPARTMENT OF PUBLIC WORKS

Mr. Chris Torre came forward to discuss this item. He reported that they no longer used pesticides in Public Works and, when they did, it was for invasives.

Mr. Ken Hughes came forward to discuss this item. He reported that it's been three years since they used Roundup on their properties. They have also never mass treated. He reviewed the City's pesticide practices.

Mr. Keegan asked if the golf course uses these chemicals.

Mr. Hughes said he did not know.

Mr. Goldstein asked if the City had decided to stop using pesticides three years prior or if it had been decided internally.

Mr. Hughes said it was an internally made decision. Mr. Anthony Carr went into further detail about this. The question of why people desired pesticides in the first place as well as the effects of their use was brought up and discussed.

Mr. Livingston asked about the drafting and ordinances for synthetic pesticides, the proposed organic solution, and emergency use.

Mr. Tohar reviewed the laws and ordinances for both synthetic and organic pesticides for the Committee. Questions about the following were also asked:

- Control of pests such as ticks and mosquitos.
- Policies of other places in the U.S.

- What constitutes an emergency to use pesticides.
- How other communities had managed their golf courses.

DISCUSSION ITEM

ADJOURNMENT

**** MS. JOHNSON MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:34 P.M.

Respectfully Submitted

Ian A. Soltes

Telesco Secretarial Services.

Statement from Protect Our Pollinators re Norwalk Ban on Non-Organic Substances

March 14, 2022

I am writing on behalf of Protect Our Pollinators, a 501(c)3 organization based in Newtown, CT. We applaud Norwalk's efforts to reduce the use of cosmetic and often unnecessary chemicals on town-owned properties.

As you may imagine, our group has concerns about the health of pollinators as well as other insect species. Bees are a keystone species meaning that they are necessary to sustain most plant life including critical food sources. However, their numbers, for both native and non-native bees, have been greatly reduced.

Many scientific studies have identified pesticides as playing a central role in the catastrophic decline in pollinators, including bees – part of the overall 75% decline in insects over nearly three decades – known as the “insect apocalypse.”

Beyond bees and insects, our group recognizes that creating pollinator-friendly habitats has many other benefits including healthy soils, non-polluted water sources, and safe environments for our children, our pets, and ourselves. One of the best ways to achieve these goals is to begin to think of spaces (such as town properties) as complex systems of soils, microorganisms, plants, and insects – and to develop management plans which will sustain these properties holistically.

Toxic pesticides often affect other life forms that were not the target. Many toxic pesticides kill good soil bacteria, kill off beneficial insects, pose health risks to our children and pets, and may get washed into waterways or drift onto adjacent properties. Toxic pesticides interrupt natural processes, putting the whole system out of balance, requiring more and often repeated interventions with more and sometimes stronger toxic chemicals. Why would anyone take this chance when good alternatives do exist?

While substituting one chemical for a less toxic one may be appropriate as a short-term solution (and we do support this), an even better approach would be a systemic look at land management which nurtures biodiversity and recognizes the interconnectedness of all elements.

Let's begin a shift away from toxic pesticides (which is a very large industry in the US) towards the use of safer organic chemicals, and eventually a look at practices which will better support sustainability and biodiversity.

This ordinance would be a very good start to making Norwalk's town spaces a safer place for all, as well as being a good starting point for attaining the above goals.

Thank you for the opportunity to provide input to this hearing.

Mary Wilson

Protect Our Pollinators
12 Whippoorwill Hill Road
Newtown, CT. 06470
203-417-1109

HEALTHY OUTDOOR PUBLIC SPACES

§ ____ -1. – Purpose.

The City of Norwalk recognizes that the health and safety of its residents is of paramount concern and that high standards for the promotion and protection of the health and safety of the people must underlie municipal action. It is also in the best interest of the City and its residents to protect the ecological integrity of the Long Island Sound and Norwalk's rivers and streams and to improve and protect water quality throughout the region.

Pesticides necessarily contaminate soil microbiology, plant life, wildlife, marine species, groundwater, rivers, and water wells. These lethal chemicals blindly kill and make no distinction between the unwanted pests and beneficial insects and healthy organisms. Many of these beneficial insects can help limit unwanted pests on properties where Organic Land Management practices are used.

Pregnant women, children, and pets are particularly vulnerable to the adverse health effects of pesticides, including cancer, respiratory, endocrinological, and neurodevelopmental disorders. Existing federal and state regulation of pesticides does not and cannot guarantee their safety. Fortunately, there are numerous effective and safe alternative solutions, as well as best property practices, that can be employed for sustainable lawn, soil, land, garden, and tree care.

Therefore, the City of Norwalk hereby creates this Chapter to promote a healthy environment that protects its residents, waterways, and wildlife from the risks inherent in pesticides by prohibiting or restricting their use on all City-owned public grounds, including but not limited to, parks, beaches, trails, recreation centers, and playgrounds.

§ ____ -2. – Definitions.

“City Property” means any property owned, occupied, or controlled by the City of Norwalk, including but not limited to, school grounds, parks, playgrounds, lawns, streets, sidewalks, grassy areas adjacent to city streets and sidewalks, right-of-ways, waters, waterways, fields, athletic fields, trails, beaches, and open spaces.

“Invasive Fauna Species” means any insect or animal species not native to the Connecticut ecosystem whose introduction to such ecosystem does or is likely to cause economic or environmental harm or harm to human health.

“Invasive Plant Species” means any non-native plants recorded on the Connecticut Invasive Plant List pursuant to Sections 22a-381a-e of the Connecticut General Statutes, as amended from time to time.

“IPMT” means the interdepartmental pest management team established to evaluate applications and make determinations under this Chapter. The IPMT shall be composed of the Director of Health, Director of Recreation and Parks, Senior Conservation Officer, Chief of Operations, and Director of Transportation, Mobility and Parking, or their respective designees. The Director of Health shall serve as Chair of the IPMT.

“Organic Land Management” refers to a problem-solving strategy that prioritizes a natural, organic approach to turfgrass and landscape management, and care of trees and shrubs without the use of pesticides. It mandates the use of natural, organic practices that promote healthy soil and plant life as a preventive measure against the onset of turf and landscape pest problems.

“Organic Product” means any products or materials:

- (1) Sanctioned as organic in accordance with the Organic Materials Review Institute (OMRI);
- (2) Whose active ingredients are all listed in the OMRI Generic Materials List;
- (3) Listed in the National Organic Program (NOP) Code of Federal Regulations Title 7-Subtitle B - Chapter I - Subchapter M - Part 205 - Subpart G - Section §205.601, as amended from time to time;
- (4) Designated and labeled as “for organic production” per the NOP; or
- (5) As prescribed by certified organic agents or contractors accredited through the Northeast Organic Farming Association (NOFA), provided that such prescription is in accordance with the land care and maintenance practices sanctioned by NOFA in its Standards for Organic Land Care for clients who ask for organic services.

“Prohibited Product” means any product, material, substance, pesticide, fungicide, larvicide, insecticide, herbicide, rodenticide, or fertilizer that contains (1) Glyphosate, (2) 2,4-D, (3) 1,3-D, (4) Neonicotinoids, or (5) Chlorpyrifos.

“Restricted Product” means any product, material, pesticide, fungicide, larvicide, insecticide, herbicide, rodenticide, or fertilizer that is not an “Organic Product” or a “Prohibited Product.”

“Tidal Wetlands” shall have the meaning set forth in the Connecticut Tidal Wetlands Act, as the same may be amended from time to time.

“Watercourse” shall have the meaning set forth in Section 22a-39-2 of the Regulations of Connecticut State Agencies, as the same may be amended from time to time.

“Wetlands” shall have the meaning set forth in Section 22a-39-2 of the Regulations of Connecticut State Agencies, as the same may be amended from time to time.

§ ____-3. – Use of Pesticides on City Property.

Neither the City of Norwalk, nor any commission, board, authority, or other body established thereby, nor any officer, employee, contractor, or agent of the City of Norwalk

or such commission, board, authority, or other body, shall use or apply any Organic Product, Restricted Product, or Prohibited Product on City Property, except as expressly provided in this Chapter.

§ ____-4. – Use of Organic Products and Restricted Products.

- A. Any officer, employee, or agent of the City, or any commission, board, authority, or other body established thereby, may apply to the IPMT for permission to use an Organic Product or Restricted Product on City Property to remediate an imminent threat to human health, the environment, or to the public welfare and safety. The IPMT may grant the application upon a finding that:
- (1) A situation exists that poses an imminent threat to human health, the environment, or to the public welfare and safety;
 - (2) Reasonable attempts have been made to remediate the condition using Organic Land Management practices and that such practices have failed to reasonably remediate the condition;
 - (3) The applicant will, to the greatest extent practicable, minimize the impact of the Organic Product or Restricted Product on abutting properties or any Tidal Wetland, Watercourse, or Wetland; and
 - (4) The proposed Organic Product or Restricted Product has proven to be effective against such condition; provided, however, that the IPMT shall not approve the use of a Restricted Product in any situation where an Organic Product has been proven to be effective against such condition.

In addition, the application must include a Pest Management Plan to prevent the post remediation reoccurrence of the condition using Organic Land Management practices. If approved, the use of the Organic Product or Restricted Product may continue until the condition is eliminated or until such earlier time as the IPMT may determine.

- B. Notwithstanding the foregoing, no use of Restricted Products shall be made (1) at schools or on school grounds unless requested by the principal of such school, or (2) within 200 feet of a Tidal Wetland, Watercourse, or Wetland.
- C. The application and the determination of the IPMT shall be posted on the City of Norwalk website and made available in hardcopy at the Health Department for public inspection during normal business hours.

§ ____-5. – Use of Prohibited Products.

The use of Prohibited Products on City Property is prohibited in all cases, except where, as of the effective date of this Chapter, an existing protocol uses such Prohibited Product on City Property to control the presence of an Invasive Species; provided, however, that in no event shall such Prohibited Product be used within 200 feet of a Tidal Wetland, Watercourse, or Wetland.

§ ____ -6. – Exemption.

Notwithstanding any other provision of this Chapter, Organic Products may be used on the tees and greens of a municipal golf course for maintenance, provided that the course is designated through Audubon International as a Certified Audubon Cooperative Sanctuary and, provided further, that no such products are used within 200 feet of a Tidal Wetland, Watercourse, or Wetland. The Director of such golf course shall, on a monthly basis, deliver a written report to the IPMT of all Organic Products used during the preceding month. Such report shall include the information required in Section 8 B below.

§ ____ 7. – Land Management Plan.

A. The Director of Recreation and Parks and Director of Public Works shall, on an annual basis, develop a Land Management Plan for all City Property. Organic Land Management practices shall be the method of choice to understand, prevent, and control actual and potential plants to be considered noxious weeds or Invasive Species or Invasive Fauna in such Land Management Plan. The essential practices of Organic Land Management include, but are not limited to:

- (1) Regular soil testing;
- (2) Addition of approved soil amendments as necessitated by soil test results, following, but not limited to, the recommendations of the Northeast Organic Farming Association;
- (3) Selections of plantings using criteria of hardiness, suitability to native conditions, drought, disease, pest resistance, and ease of maintenance;
- (4) Modification of outdoor management practices to comply with organic horticultural science, including scouting, monitoring, watering, mowing, pruning, proper spacing, and mulching;
- (5) The use of physical controls, including hand-weeding and over-seeding;
- (6) The use of biological controls, including the introduction of natural predators, and enhancement of the environment of a pest's natural enemies;
- (7) Through observation, determining the most effective treatment time, based on pest biology and other variables, such as weather and local conditions; and,
- (8) Eliminating pest habitats and conditions supportive of pest population increases.

B. Notwithstanding the foregoing, the Land Management Plan may, with the approval of the IPMT as provided under Section 4 of this Chapter, include the use of Organic Products and Restricted Products.

C. The Director of Recreation and Parks and Director of Public Works shall promptly deliver a written copy of the Land Management Plan and any updates thereto to the IPMT. In addition, the Director of Recreation and Parks and Director of Public Works shall, on a monthly basis, deliver a written report to the IPMT of all Organic Products

and Restricted Products used pursuant to such plan during the preceding month. Such report shall include the information required in Section 8 B below.

§____-8. – Reporting and Record Keeping.

- A. The Director of Health, as Chair of the IPMT, or his, her, or their designee, shall, on an annual basis, or as otherwise requested by the Common Council, prepare and deliver a written report to the Common Council specifying all Organic Products, Restricted Products, and Prohibited Products used on City Property in the prior fiscal year. Such report shall also be posted on the City of Norwalk website and be made available in hardcopy at the Health Department for public inspection during normal business hours.
- B. The written report required under this Chapter shall include the following information: (1) the common name of the product used; (2) the trade name of the product used; (3) the registration number designated by the United States Environmental Protection Agency; (4) a copy of the federally required product label listing the product uses and potential product risks; (5) the amount of product applied; (6) the method of application; (7) the location where the product was applied; (8) the square footage of area where the product was applied; (9) the name of the entity applying the pesticide; and (10) whether the person applying the product posted any notices informing the public that the product was applied.

§____-9. – Effective Date.

This Chapter shall be effective []

[DRAFT ORDINANCE]

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

a. [<<Insert Preamble>>]

b. Pursuant to C.G.S. § 7-148(c)(2)(K), the City of Norwalk (the "City") does hereby create a special fund account for the purpose of constructing, rehabilitating and repairing Affordable Housing known as the "Affordable Housing Trust Account." As used herein, the term "Affordable Housing" shall mean a household with an annual income which does not exceed sixty percent (60%) of the State of Connecticut Median Income, as adjusted for family size, as published by the United States Census Bureau and periodically updated by the U. S. Department of Housing and Urban Development (HUD).

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

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

a. The Mayor shall appoint an Affordable Housing Trust Committee ("Committee") consisting of five members to serve terms of four years each; provided, however, that the initial appointees shall have staggered terms so that three members shall serve for two years and the remaining members shall serve for four years. The Committee shall be comprised of persons holding the following status at the time of appointment: one Council Member of the Common Council; one Commissioner of the Planning and Zoning Board of Appeals; one Staff Employee of the Department of Health and Human Services; one Board Member of the Norwalk Redevelopment Agency; and one Norwalk resident living in Affordable Housing.

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

c. Committee members' powers and duties shall include:

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

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

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

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

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

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

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

§ 1-4. Expenditures from Affordable Housing Trust Account.

a. The Director of Planning and Zoning shall prepare, adopt and publish on the City's website Affordable Housing Trust Account Expenditure Guidelines ("Guidelines") establishing the process, procedures, guidelines, rules and requirements for application submission pursuant to subparagraph b of Section 1-4, and the mode, manner and means by which Affordable Housing Trust Account funds may be used by any applicant. No application for Affordable Housing Trust Account funds shall accepted or funds held in the Affordable Housing Trust Account be designated for a particular use or expenditure until the Guidelines have been so adopted and published.

b. Any individual or entity constructing, rehabilitating or repairing Affordable Housing may apply to the Committee for funds from the Affordable Housing Trust Account to pay for Qualified Expenditures in accordance with this ordinance. Qualified Expenditures means hard costs of constructing, rehabilitating and repairing Affordable Housing. Applications for funds from the Affordable Housing Trust Account to pay for Qualified Expenditures shall first be submitted to the Director of Planning and Zoning ("Director"). Provided the application conforms with the Guidelines and this ordinance, the Director shall forward the application to the Committee for its

review and recommendation(s) to the Common Council, originating in the Finance and Claims Committee thereof, for final action. Use of funds from the Affordable Housing Trust Account to pay for Qualified Expenditures shall be subject to any and all terms and conditions imposed by the Common Council in authorizing expenditures from the Affordable Housing Trust Account. The Common Council shall have the discretion to deny, in whole or in part, any application made pursuant to this ordinance.

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

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

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

