

**CITY OF NORWALK
COMMON COUNCIL ORDINANCE COMMITTEE
REGULAR MEETING
JANUARY 18, 2022**

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

STAFF: Atty. Brian Candela; William Mooney, Health Department;

OTHER: Matthew Sapienza; Nicholas Bamonte Jessica Vonashek

CALL TO ORDER

Chairman Shanahan called the meeting to order at 7:01 p.m., listed the above members in attendance, and that a quorum was present.

PUBLIC HEARING

There was no Public Hearing at this time.

PUBLIC COMMENT

1. Richard Bonenfant, 6 Park Hill Avenue, Norwalk spoke about Outdoor Dining guidelines and asked that location be considered as a very important element with regard to residential properties. He gave an example of a rear parking lot that borders along a resident's property is much different than tables on a sidewalk. Another issue to consider is enforcement of the guidelines, so that it is clear who is called if it is a violation.
2. Chris Hickey, a restaurant owner and life-long Norwalk resident spoke on the amended rules that he finds satisfactory, but he warned that any pull-back now is very dangerous for local businesses under current COVID conditions.

Atty. Candela read emails and noted they would be printed and attached to the minutes.
Emails are summarized as follows:

3. Gaylo Aleman, Washington Street restaurant owner of Tablao SONO supports moving time to eleven o'clock, the continuation of COVID pandemic has resulted in extended dining times so that patrons can have more flexibility to enjoy a meal outdoors for a longer time.

Public Comments – continued.

4. Matt Storch, thanked the committee for addressing timing issues of outdoor dining, the ambiance of outdoor dining added extra value. He explained that all venues are unique—dinner & a move needs a two-hour dining so an 11pm time is fair and was not an unrealistic curfew.

Ms. Shanahan asked if there were more comments from the public, and hearing none, closed the Public Comments portion of the meeting at 7:11 p.m.

ACCEPTANCE OF MINUTES

Chairman Shanahan thanked Mr. Livingston for chairing the meeting in her absence. Atty. Candela provided a mark-up of the minutes with corrections. Mr. Livingston noted further corrections: page 2, paragraph 4: Change If the ‘Committee’ to ‘guidelines’; Page 3, paragraph 3: change ‘she’ to ‘it’; in the next sentence Health Department...change ‘limitations’ to zoning regulations.

- ** MR. KEEGAN MOVED TO ACCEPT THE MINUTES OF DECEMBER 21, 2021 AS AMENDED WITH CORRECTIONS AS NOTED.**
- ** MR. HEUVELMAN SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY WITH ONE ABSENTION (SHANAHAN).**

OLD BUSINESS

DISCUSS AND VOTE ON CHAPTER 45, ARTICLE IV, OUTDOOR DINING. STANDARDS/GUIDELINES

Ms. Jessica Vonashek reviewed the item and the proposed wording for the guidelines. Mr. Livingston asked to delete the word ‘stores’ as it is not relevant. Also, in the last sentence to change ‘The’ to ‘This’ is clearer reference. The corrections were made on the screen mark-up version as presented.

A discussion followed on the time issue and Committee members each shared viewpoints on whether it should be one time for both weekday and weekends. It was agreed by consensus that 11 p.m. as one consistent time was easier to enforce. Mr. Livingston noted that the closing time and noise should be separate issues and that the location is also a consideration when in proximity to residential property. There was further discussion on the importance of standards and enforceable guidelines to simplify the permitting process.

Ms. Shanahan asked for a sense of the Committee for a show of hands on agreement to the 11 p.m. time. There was consensus on the 11 p.m. as the standard closing time.

Mr. Keegan asked about the nuisance offenses, and Ms. Vonashek agreed to provide a summary report on violations.

**** MR. LIVINGSTON MOVED TO TAKE THIS ITEM: DISCUSS AND VOTE ON CHAPTER 45, ARTICLE IV – OUTDOOR DINING. STANDARDS/GUIDELINES - TO A PUBLIC HEARING AT THE NEXT MEETING.**

**** MR. KEEGAN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

**NEW BUSINESS -
DISCUSS TEMPORARY PROIBITION OF CANABUS ESTABLISHMENTS.**

Mr. Matthew Sapienza provided an overview of the item and explained the state legalized recreational cannabis use in July, and various municipalities have limited or prohibited the drug's sale. New Fairfield and Danbury both enacted one-year prohibitions on cannabis while New Canaan and Newtown approved total cannabis bans. Included in the law legalizing recreational cannabis use, signed by Gov. Lamont is a provision that will require cities with a population greater than 50,000 to create outdoor spaces specifically intended for using cannabis.

Mr. Goldstein asked what other cities have done and Ms. Vonashek replied that New Canaan said no, and we are expecting some other neighbors to say no to these establishments entirely. Laws regarding cannabis establishments can be passed on the municipal level as either city ordinances or zoning regulations. Of the two options, Norwalk has yet to determine how the law will take effect.

Mr. Sapienza outlined that Cannabis establishments, as defined under the new law, fall into 11 categories: Producers, dispensary facilities, cultivators, micro-cultivators, retailers, hybrid retailers, food and beverage manufacturers, product manufacturers, products packagers and delivery services or transporters. Municipalities can only have one cannabis establishment for every 25,000 residents, meaning Norwalk may open three cannabis retailers. The benefits for municipalities would be the potential tax revenue, and that is any sale of cannabis that would take place within the city limits.

Atty. Nicholas Bamonte continued on the legislation and explained that there would be a 3% municipal sales tax, in addition to the state 6.35% sales tax. However, the revenue the city receives through cannabis sales must be used toward specific purposes outlined in the law, such as streetscape improvements, educational programs and various services, which are some caveats for how the city would be able to use those funds, which tracks sort of with this whole landscape. He added that the City would get this tax revenue, but have to use it to better our residents and community as it might relate to recreational cannabis.

Ms. Shanahan explained that putting this temporary block in place right now is so we can take the time to fully realize what ought to be the Norwalk-facing program, and to perform due diligence to decide where these things should go before people come in and find a retail space where they just move in with a business.

Ms. Vonashek added that the intent of the temporary ban on cannabis businesses is to allow time for the council to conduct research on the recently passed legalization of recreational cannabis and determine what restrictions, if any, the city plans to place on its cultivation and sale. She added that the city is not resistant at all to having these types of retail establishments, it's about making sure they go to the right neighborhood.

**** MR. LIVINGSTON MOVED TO PUT THIS ITEM ON THE AGENDA FOR
PUBLIC COMMENTS AT THE FEBRUARY MEETING.
** MR. KEEGAN SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MR. LIVINGSTON MOVED TO ADJOURN.
** MS. JOHNSON SECONDED THE MOTION.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:21 p.m.

Respectfully Submitted,
M. Knox
Telesco Secretarial Services