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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

January 17, 2023

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:**
 - November 15, 2022 – regular meeting of the ordinance committee
- 6. OLD BUSINESS:**
 - Discuss and vote Chapter 55 - Demolition Delay ordinance
- 7. NEW BUSINESS:**
 - Discuss the Arts and Cultural District Proposal and Approval Process (Chapter 17A – Arts Commission)
- 8. DISCUSSION ITEM:**
- 9. ADJOURNMENT:**

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
NOVEMBER 15, 2022**

ATTENDANCE: Lisa Shanahan, Chairman; Joshua Goldstein, David Heuvelman, Tom Livingston, Dominique Johnson, Brian Meek, Nora Niedzielski-Eichner

STAFF: Atty. Brian Candela

OTHERS: Dr. Sarah Evans, Louise Washer; Dana Laird, Historic Commission Chair; Diana Revolus (7:05 p.m.); Audrey Cozzrain, Michele Sorensen, Serrafino Carri, Tracy Dinkin, Todd Bryant, Preservation Trust; Serrafino Carri, Betsy Wrenn, Jeff Cordulack

This meeting was held via Videoconference and Teleconference

CALL TO ORDER

Ms. Shanahan called the meeting to order at 7:02 p.m. A quorum was present.

PUBLIC HEARING
(possible action on):

• Discuss and Vote on Temporary Prohibition of all Cannabis Establishments.

Mr. Goldstein said that he hoped that the Zoning Commission had taken the draft regulations to public hearing, so he hoped that this would not be too long of an extension. Once the Zoning regulations are in effect, the moratorium will no longer be needed. This means it may only be a temporary stop gap measure.

There was no one from the public that wished to speak on this issue.

PUBLIC HEARING DISCUSSION:

**** MR. GOLDSTEIN MOVED TO APPROVE AND PRESENT THE TEMPORARY PROHIBITION OF ALL CANNABIS ESTABLISHMENTS TO THE COMMON COUNCIL AT THEIR NEXT MEETING ON NOVEMBER 22ND.**

**** THE MOTION PASSED WITH SIX (6) IN FAVOR (GOLDSTEIN, HEUVELMAN, JOHNSON, LIVINGSTON, NIEDZIELSKI-EICHNER AND SHANAHAN) AND ONE AGAINST (1) MEEK.**

PUBLIC COMMENT:

Atty. Candela said that an email regarding gas powered leaf blowers. He then read the following email from Ms. Emily Wade of Meeker Street into the record.

Per Lisa Shanahan's email, I just wanted to reach out in support of restrictions on gas powered leaf blowers. Unfortunately, I'll be unable to make the meeting in real time to voice my opinion there so I hope this email can suffice in my stead. Should you need more detail as to why I support restrictions, my concerns are environmental and regarding noise pollution. Leaf blowers, whether gas or electric disrupt over wintering pollinators so it is best to leave the leaves in order to protect our fragile ecology. Gas powered leaf blowers are also responsible for a significant amount of emissions.

As for noise pollution, I'm a musician and I cannot record in my home studio when there are leaf blowers at my neighbors' houses. Thus I would love to see usage restrictions for all types of noisy appliances, for example day/time usage restrictions. If I knew ahead of time which days would be quiet versus which days would have noise pollution, I could plan my work accordingly.

Thank you so much for considering my opinion and for discussing this important topic and thanks for all the work you do in service of our City.

Ms. Audrey Cozzrain came forward and thanked the Ordinance Committee for their time. She said that the gas powered leaf blowers pollute the air and are an noise pollutant. They also destroy the insects that burrow in the leaves. She then stated that the gas powered leaf blowers pollute more than a Ford pick-up driving from Texas to Alaska. She suggested that the leaves be left on the ground as a best practice. She asked that they consider banning these noisy and harmful machines.

Ms. Michele Sorensen, 27 Popular Street, said that she had a registered landscaping business, Native Landscaping, and uses hand tools or electric tools. She uses hand saws for pruning and does not mow lawns. She said that at 72 years old, the gas pollution affects her. There are also young children on her street. This is highly disturbing to the birds, also. It also affects climate change. Banning these tools will be a major step towards climate change, reduce asthma and coronary disease.

Mr. Serrafino Carri came forward and said that he had been a resident for about 20 years. He said that there was a practical consideration. He sees the City as setting the metric and then asking other landscapers to provide solutions. He noted that Ms. Sorensen had provided a number of solutions and suggested that the City provide a pilot program to show the residents how to conform to the metrics. This will allow the initiative to spread on its own rather than being enforced.

Ms. Tracy Dinkin said that this was a major issue and thanked the Ordinance Committee for considering this issue. When she first moved to Flax Hill, it was a quiet neighborhood despite the busyness of the street. There are often multiple leaf blowers running at the same time and she has seen the leaf blowers left running while the operators take their breaks or lunch. It pollutes the air with gas fumes and disturbs the animals. Often there is dirt that can be swept into the street, but the operators blow it into the air. Noise pollution is a problem. People have lived for thousands of years without leaf blowers and hundreds of years with rakes.

Ms. Betsy Wrenn, 67 Weed Avenue, came forward and said that her neighborhood has 1 acre zoning. It is becoming a mental health issue. She ends up listening to music and can't go outside because of the noise. It is becoming untenable. People are blowing their grass and clearing off the driveways. Some of her neighbors are blasting everything in sight with their leaf blowers. She noted that her sister lives in Charlottesville and they do not use leaf blowers in that area.

Mr. Kevin Tepas, of Garfield Road, said that the most recent projections regarding insect decline indicates the depletion of the food chain.

**** MR. LIVINGSTON MOVED TO ADJUST THE AGENDA TO ALLOW THE SPECIAL GUESTS TO PRESENT THEIR INFORMATION ON LEAF BLOWERS.
** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS:

• Discuss Leaf Blowers.

Ms. Shanahan said that while she was home during COVID, she became aware of the impact of leaf blowers have on the neighborhoods. She explained that there were four speakers and Dr. Evans would be speaking first.

Ms. Shanahan then introduced Dr. Evans who had previously helped the Ordinance Committee develop the pesticide ordinance.

Dr. Evans thanked the Committee for their time and said that she had previously lived in Norwalk but now lives in Fairfield. She then presented a PowerPoint slide deck on the Impact of Powered Leaf Blowers. She said that she had worked on projects for banning leaf blowers in other communities. With more people working from home, this noise pollution has become more evident. She noted that the gas powered leaf blowers create particular matter, benzene Formaldehyde, hydrocarbons NO₂, CO₂ and ozone. She noted that two stroke non road engines are a major source of air pollutants. She said that the use of these tools exposes the public to unnecessary health risks including heart disease, blood pressure, asthma, and lung cancer. It is an occupational hazard for landscapers. This air pollution also poses a risk to pregnant women along with infants and young children. This type of air pollution particulates penetrates deep into the lungs. She reviewed the numbers associated with air pollution contributing to death.

Dr. Evans displayed a graph showing the noise levels made by leaf blowers. They can be heard as far as 800 feet away and registered over the decibel levels recommended by the WHO outdoor daytime levels. There is a difference between the sounds of a battery powered leaf blower and gas powered leaf blowers. She also displayed a graph showing the levels of noise pollution. The pollution can induce hearing loss, impaired balance, stress, blood pressure, anxiety and depression, and a variety of other illnesses. She displayed a slide showing how individuals can reduce their exposure.

Dr. Evans then spoke about the impact that the gas emissions have on climate change. She also spoke about the recent move to preserve pollinators and encouraged everyone to “leave the leaves”.

Ms. Shanahan said that she had prepared a packet that will be attached to the minutes that will include the PowerPoint slide decks.

Ms. Shanahan introduced Ms. Alice Ely, who is a Master Gardener.

Ms. Ely then narrated her PowerPoint slide deck titled Re-thinking Leaf Removal. She said that in Westport, the landscapers said that they could not enforce sustainable gardening practices. She works to educate groups with the Pollinator Pathways. It is time to rethink yard clean-up. The downed leaves support insect life. Yards that have leaf cover are nurturing themselves. There are levels of ground level ozone that can be dangerous. Leaves and clippings are adding nutrients back into the soil. Many insects over winter in leaf debris. They are a superb free mulch and decomposes more quickly.

Ms. Ely then spoke about several different ways to handle the leaf piles including mulching, composting and moving the leaves to a wooded area.

Ms. Shanahan explained that Valerie Jacobs was not able to attend the meeting so Ms. Louise Washer would be presenting information on Ms. Jacobs’ behalf. Ms. Shanahan noted that Ms. Washer was the President of the Norwalk River Watershed ?? and on the Mayor’s Advisory on Water Quality.

Ms. Washer said that she would read Valerie’s letter into the record and then narrate a PowerPoint presentation along with several resources.

Mr. Jeff Cordulack was the next speaker. He owns an organic landscaping business for the last four years. He said that it was not good to use gas powered tools and said that there were alternatives. He favors the use of electric gardening and landscaping tools. He added that he speaks with landscapers and given them some additional suggestions. He said that while the leaf blowers does not have to be used extensively, but there are times when it is important to use them. However, he tries to teach people to group the leaves on tarps to move them rather than blowing them. He explained that he started his business to see if it would be possible to do it

“right” without gas blowers. He displayed several photos of his clients property and the various electrical tools that he uses. He encouraged Norwalk to join the nearby towns in banning gas powered leaf blowers. They could consider to allow the gas powered leaf blowers in the spring and fall but not in the summer. Then the next step might be banning the gas blowers completely.

Mr. Livingston asked about the cost to the customers. Mr. Cordulack said that his equipment doesn't break down as much as the other ones. While his mower costs about \$20,000, he has access to clients who only want electric. It eliminates the smell of gas on the equipment, the vehicles and the property. He noted that the battery machine was less costly but also required additional batteries. However, the gas blowers require about \$50.00 a week. While the overall costs may be a wash, it leaves the area cleaner.

Ms. Shanahan thanked the presenters for their work and providing resources.

Ms. Niedzielski-Eichner asked if there were any programs to help landscapers with affording the electric equipment. He suggested that the landscapers think of converting to electric in a financial model. Ms. Niedzielski-Eichner said that there had been discussions about 0% loans through a particular organization.

Mr. Meek asked about the leaf dump and noted that the Norwalk leaf dump had bankers hours. He wondered if people were hiring people to clean up their property because they couldn't get to the leaf dump when it was open. Ms. Shanahan noted that the focus of the presentations was to have the leaves left in place.

ACCEPTANCE OF MINUTES:

- October 18, 2022 – regular meeting of the ordinance committee.

**** MR. LIVINGSTON MOVED THE MINUTES OF THE OCTOBER 18, 2022 COMMITTEE MEETING.**

The following corrections were noted:

Page 2, please change “Mr. Goldstein said that the Ordinance Committee’s work was contingent on the Zoning Committee.”

To: “Mr. Goldstein said that effective date of the cannabis ordinance was contingent on the passage of the Zoning regulations.”

**** THE MOTION PASSED WITH FIVE (5) IN FAVOR (GOLDSTEIN, JOHNSON, LIVINGSTON, NIEDZIELSKI-EICHNER AND SHANAHAN) AND TWO (2) ABSTENTIONS (MEEK AND HEUVELMAN).**

OLD BUSINESS:

• Discuss Chapter 55 - Demolition Delay ordinance.

Mr. Livingston suggested that Mr. Todd Bryant of the Preservation Trust to present. Mr. Bryant displayed a photo of the remains of what used to be 21 Willow Street, one of the oldest houses in Norwalk. He noted that the penalties for demolition in Norwalk are very slack. The owner claimed that they were trying to remove a roof, but the on-site equipment being used was not the type that would be used to perform that task.

Mr. Livingston then noted the changes that the Committee had proposed. Discussion followed about breath of the proposed ordinance, the lack of information provided to the home owners upon purchase of the property, previous lack of quality construction, energy efficiency, and the potential for arbitrariness.

Ms. Laird, the Historic Commission Chair, then spoke and reminded everyone that this was not the first time that demolition had taken place on a historic structure. She listed a number of properties where demolitions had been done without permits. Mr. Bryant pointed out that there had been a historic plaque on the front of the house, which the owners had removed before the demolition started.

Ms. Shanahan thanked the speakers for bringing this matter to the attention of the Committee.

DISCUSSION ITEM

There was no additional items to discuss at this time.

ADJOURNMENT

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

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:18 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services

PROPOSED AMENDMENTS
January 12, 2023

Chapter 55. Demolition Delay

§ 55-1. Purpose.

The purpose of this chapter is to promote the educational, cultural, economic, and general welfare of the City of Norwalk, to establish a procedure whereby owners of buildings with significant historic characteristics will be informed of the economic, tax, aesthetic, and other benefits of historic preservation, and to further the preservation, rehabilitation, and reuse of architecturally significant buildings and structures by providing adequate time for all parties to consider and put forth appropriate development alternatives to demolition, including attempts to find a purchaser who will retain or remove such historic or architecturally significant building or structure or who will present some other reasonable alternative to the last resort of demolition.

§ 55-2. Definition.

A. "Demolition," ~~or~~ "Demolish," or "Demolished" means any wrecking activity directed to the disassembling, dismantling, dismembering, and/or razing of the exterior of any building or structure or part thereof. The term shall not be construed to prevent the ordinary maintenance or repair of any building or structure or part thereof that does not involve a change in the design thereof, including, without limitation, the replacement of windows, doors, siding, or roof.

B. "Part thereof" means fifty percent or more of a building or structure, as measured on ground level and above, as determined by the Chief Building Officer.

~~B.C.~~ "Historic Property" means any individual building, structure, object, or site that is significant in the history, architecture, archaeology and culture of the State of Connecticut, City of Norwalk, or the nation.

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§ 55-3. Permit required.

No person shall Demolish any building, structure, or part thereof without first obtaining a permit ~~for the particular demolition undertaking~~ from the Chief Building Official. Such permit shall be issued except as otherwise provided in this chapter and pursuant to Section 29-406 of the Connecticut General Statutes, as amended.

§ 55-4. Permit requirements for certain structures.

If the building, structure, or part thereof to be Demolished is (a) at least 50 years old, ~~or~~ (b) listed on the Historic Norwalk Resources Inventory, as amended from time to time, or (c) is a Historic Property then no permit shall be issued except in compliance with the provisions of this chapter and Section 29-406 of the Connecticut General Statutes, as amended.

§ 55-5. Application procedure.

PROPOSED AMENDMENTS
January 12, 2023

Any application to the Chief Building Official for a permit to Demolish any building, structure, or part thereof pursuant to the provisions of § 55-4 shall be subject to the following procedure:

A. The application for a Demolition permit shall include the following information:

- (1) Common name, if any, and actual street address of the building, structure, or part thereof to be Demolished;
- (2) The name, address and telephone number of the owner(s) of the building, structure, or part thereof to be Demolished;
- (3) The age of the building, structure, or part thereof to be Demolished;
- (4) The square footage or dimensions of the building, structure, or part thereof to be Demolished;
- (5) One or more current photographs of the building, structure, or part thereof to be Demolished showing the affected area(s);
- (6) The reasons for requesting a Demolition permit;
- (7) A brief description of the proposed reconstruction or replacement for the building, structure, or part thereof to be Demolished; and
- (8) The names and addresses of the owners of all properties adjoining and [immediately adjacent across the street] from the building, structure, or part thereof to be Demolished, according to an attached copy of the pertinent portion of the current assessor's map.

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B. Within 10 days following the initial submission of an application for a Demolition permit, the applicant shall:

~~B. send a copy of such application by certified mail and electronic mail to the Norwalk Historical Commission, the Director of Planning and Zoning, and any individual, firm, corporation, organization, or other entity which has requested, in writing, from the Chief Building Official copies of such applications.~~

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C. ~~Within 10 days following the initial submission of an application for a demolition permit, the applicant shall:~~

- (1) deliver a copy of such application by certified mail and electronic mail to the Norwalk Historical Commission, the Director of Planning and Zoning, and any individual, firm, corporation, organization, or other entity which has requested, in writing, from the Chief Building Official copies of such application(s);

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PROPOSED AMENDMENTS
January 12, 2023

(1)(2) ~~deliver~~Mail copies of a notice of intent to Demolish (the "Notice") ~~(hereinafter referred to as the "notice")~~ to the owners of all properties adjoining and [immediately adjacent across the street] from the property on which the building, structure, or part thereof to be Demolished is situated via registered or certified mail; and

(2)(3) Post in a conspicuous location on the property on which the building, structure, or part thereof to be Demolished is situated a sign at least 24 inches by 36 inches in size visible from the nearest street or other accessway adjoining the property. Such sign shall include copy of the Notice and shall contain the word "DEMOLITION" in capital letters no less than two inches in height. The sign required hereunder shall remain posted on the property if the permit is issued until the completion of all Demolition activities authorized by the permit.

~~D.C.~~ Within 14 days following the initial submission of the application for a permit to Demolish, the applicant shall file with the Chief Building Official a statement verified under oath on a form approved by the Chief Building Official certifying that all of the notice-delivery requirements ~~of this chapter under § 55-5B~~ have been satisfied and attaching thereto a copy of the Notice, as well as evidence of mailing as required under subsection B(2) above. Upon filing the certification statement, the application is deemed filed. If any notice-delivery requirement is not complied with, the Chief Building Official shall reject the application as incomplete.

~~E.D.~~ In the event that a written~~an~~, acknowledged objection~~is~~ is filed with the Chief Building Official and the Norwalk Historical Commission within 21 days after filing the certification statement as required by § ~~55-5C~~55-5B, above, the Chief Building Official shall not issue the permit until 180 days after the application is deemed filed or such earlier date that such objection is withdrawn by the party filing same. The sole basis for such objection shall be that the building, structure, or part thereof proposed to be Demolished is not architecturally or historically significant. If no such written objection is filed within 21 days after the filing of the certification statement, the Chief Building Official may issue the Demolition permit, provided that all other applicable requirements have been complied with.

~~F.E.~~ The Norwalk Historical Commission may hold a public hearing on any application to which an objection has been filed and may issue recommendations on alternatives to Demolition to the Chief Building Official.

~~G.F.~~ In no event shall the issuance of a Demolition permit be delayed for more than 180 days from the date the application is deemed filed.

§ 55-6. Demolition by Neglect.

Throughout the Demolition delay period imposed under § 55-5, the owner of record of the building, structure, or part thereof proposed to be Demolished shall secure and maintain such building, structure, or part thereof in a manner that minimizes the risk of

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PROPOSED AMENDMENTS
January 12, 2023

water penetration, vandalism, fire, or other significant damage and otherwise complies with Section 29-408 of the Connecticut General Statutes, as amended. Partial Demolition, including the removal of windows, doors, roofing, or any other building material, is expressly prohibited during the Demolition delay period, except to extent required by law or permitted by the Chief Building Official.

§ 55-7. Exceptions.

This chapter shall not apply to: (1) any structure determined to be unsafe by the Chief Building Official according to the State of Connecticut Basic Building Code or as defined as a Hazardous Building under § 26-11 of the Norwalk Code; (2) any structure that is less than 400 square feet in size; ~~or~~ (3) the lifting of a building, structure, or part thereof to comply with regulations of the Federal Emergency Management Agency (FEMA) or the City of Norwalk governing coastal flooding, provided such lifting does not involve a change in design of such building, structure, or part thereof; ~~or (4) any structure determined to be a threat to public health by the Director of Health; or (5) any structure that is exempt under the provisions of Section 29-402(c) of the Connecticut General Statutes, as amended.~~

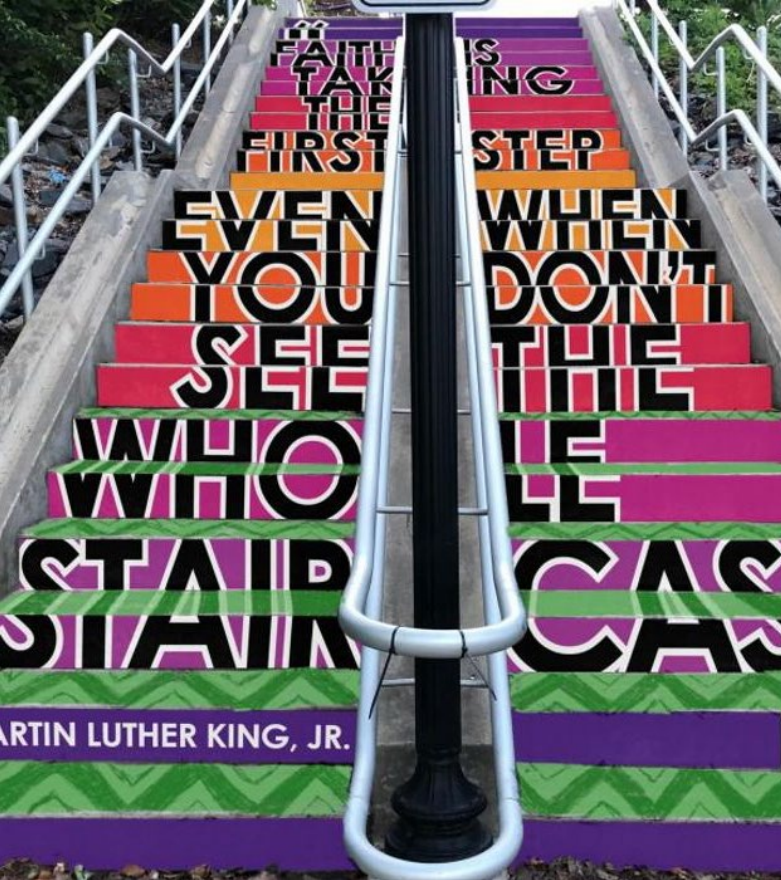
§ 55-8. Violation and fines; Lapse of permit.

A. Any person who violates any provision of this chapter shall be fined \$250 per day, with each day of such violation constituting a separate violation. All fines imposed under this chapter shall be collected and made payable to the City of Norwalk. Any person failing to abide by the provisions of this chapter or Connecticut General Statutes §§ 29-401 through 29-415, as amended, shall be fined not more than \$500~~250, with each day of such violation constituting a separate violation, or imprisoned not more than one year, or both, pursuant to Connecticut General Statutes § 29-414. All fines imposed under this chapter shall be collected and made payable to the City of Norwalk.~~

A.B. If Demolition is not commenced within six months after issuance of a permit, such- permit shall be deemed null and void.

§ 55-9. Report of Chief Building Official.

The Chief Building Official shall issue an annual report to the Mayor, the Common Council, and the Norwalk Historical Commission concerning the number of Demolition applications filed, the number of applications subject to this chapter, the number of applications that were objected to, and whether the buildings, structures, or parts thereof subject to such applications were actually Demolished.



Arts and Culture District

1/5/2022

City of Norwalk, CT

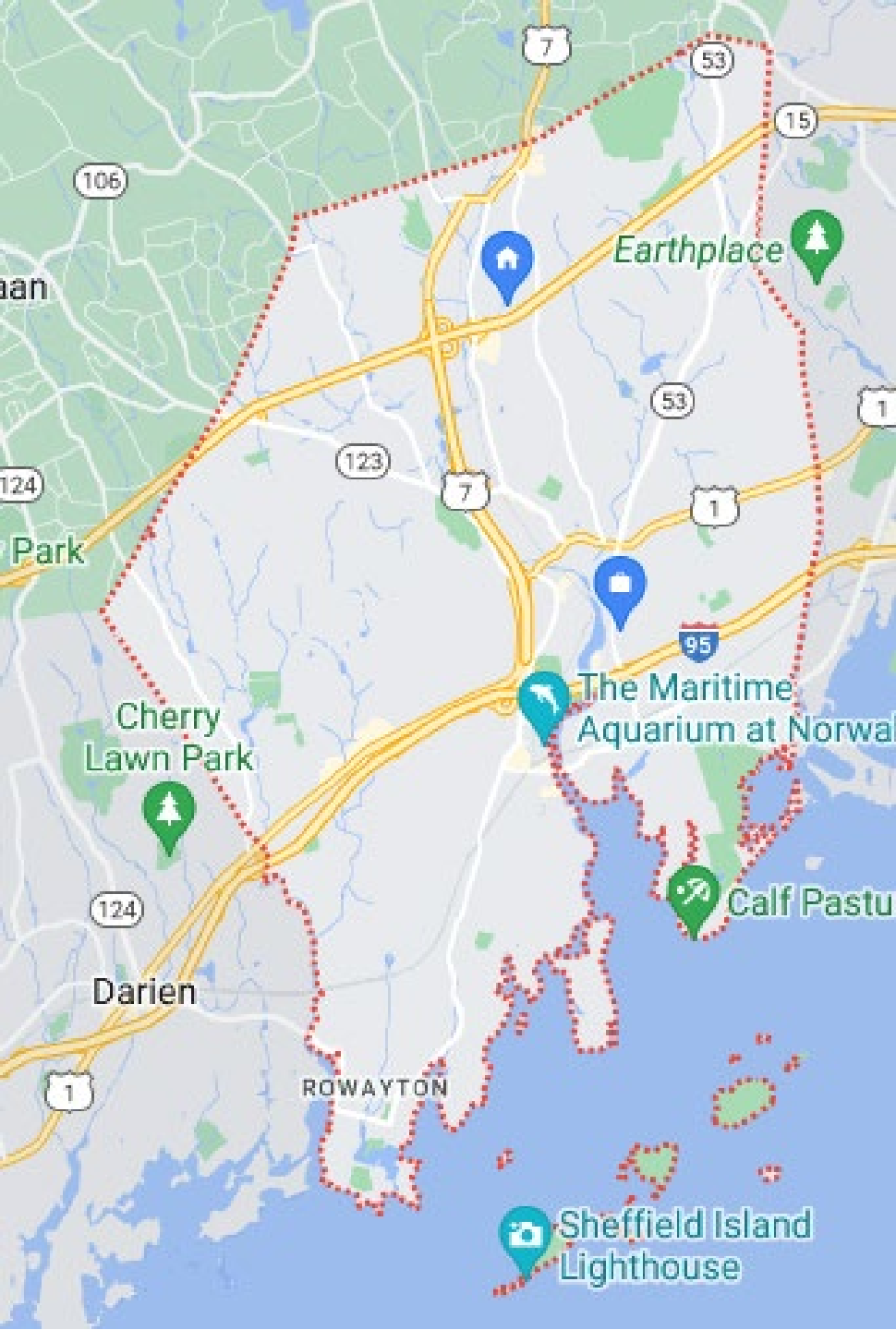
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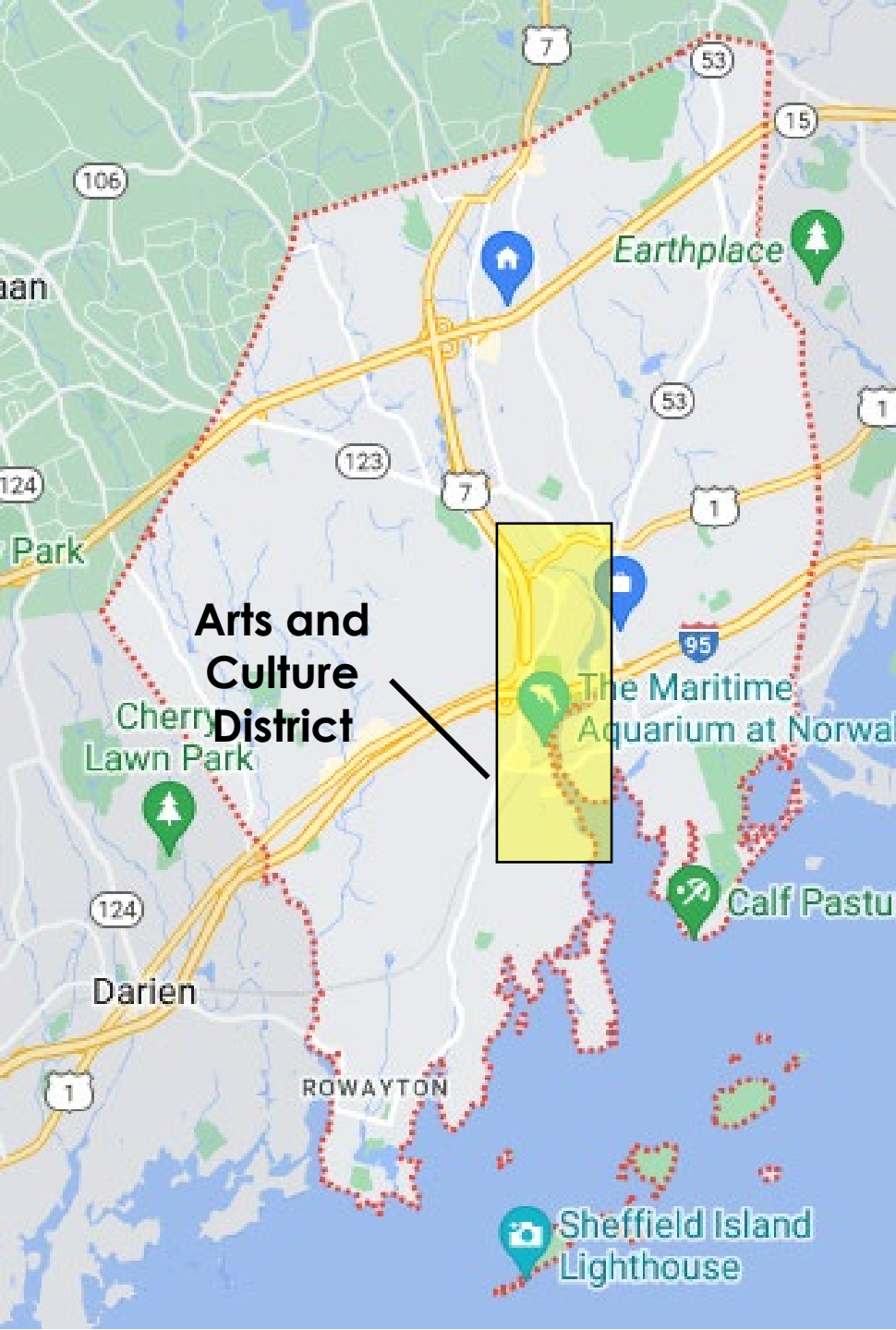


- **Goal: Preserving and Promoting Our Historical, Arts and Culture**
(POCD: Chapter 6)



Current Model

- Arts Commission consists of **11 members**
 - Two Common Council Members
 - 9 residents (3 serve for one year, 3 serve for two years, 3 serve for three years)
- Oversees Citywide art initiatives
- Goal is to serve as stewards to the City's Public Art Collection and drive forward arts related projects
- Ordinance guides responsibilities



Proposed Model

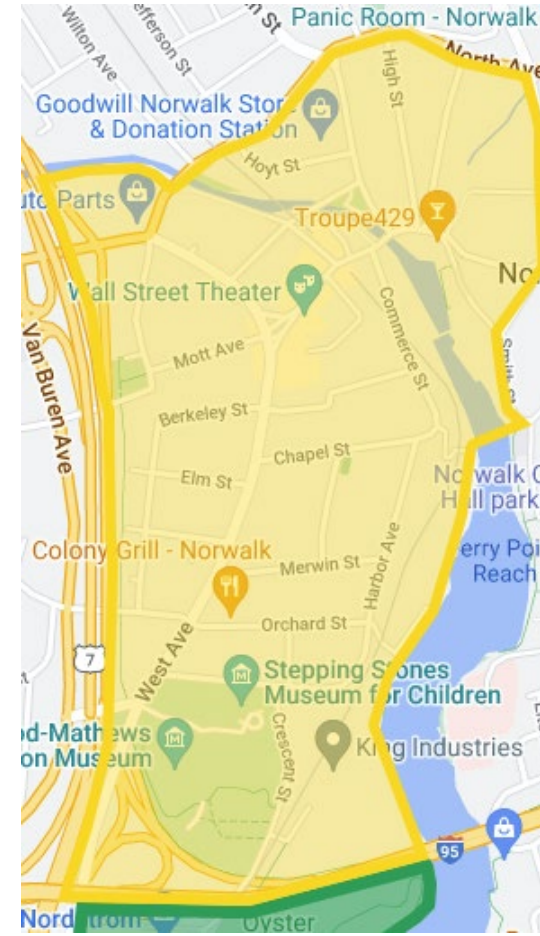
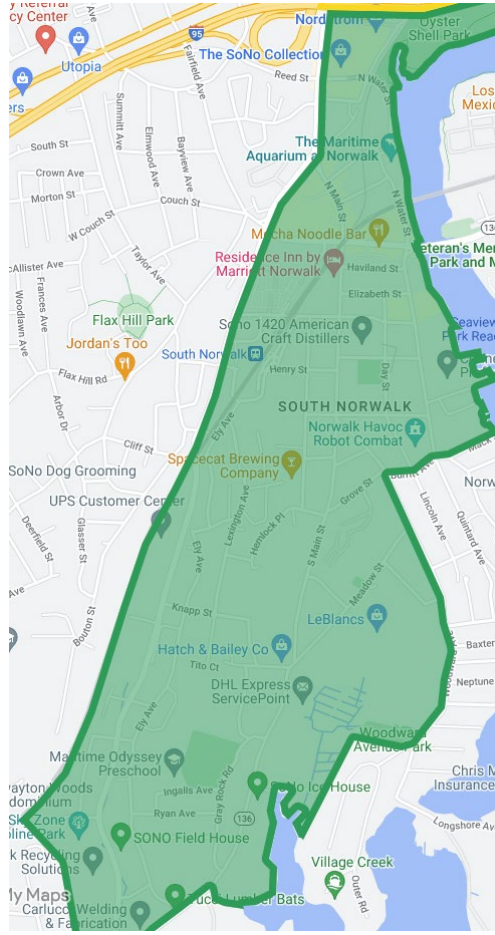
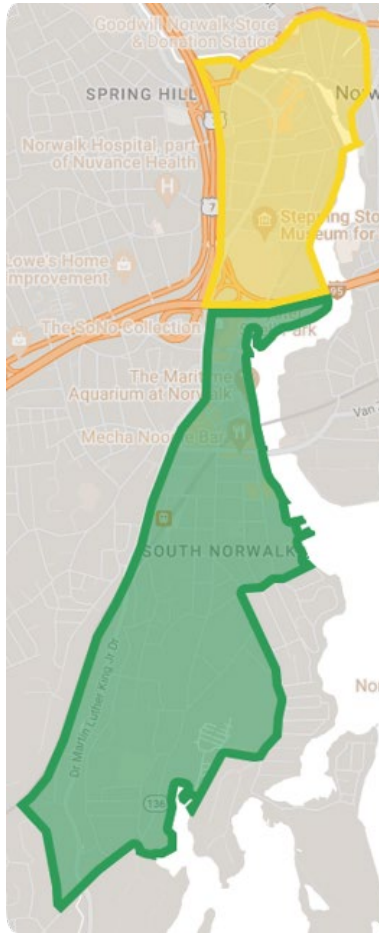
- Arts & Culture Commission will consist of **9 members**
 - 6 active in the City's cultural community as artists, arts administrators or board members
 - 3 resident members

*this will comply with the Arts and Cultural District member requirements

- Oversee Cultural District specific initiatives **and** Citywide initiatives
- Goal is to manage the Cultural District (proposed geography: urban core) and implement area-specific and citywide art initiatives while **raising additional funding** for arts and culture initiatives

Aspect	Existing	Arts And Cultural District (Proposed)
Goal	Implement citywide art initiatives and be stewards of the City's Public Art Collection	Oversee the Cultural District (urban core) and implement area-specific and citywide art initiatives while raising additional funding for arts and culture initiatives
Legislation/Ordinance	City ordinance	City ordinance & state enabling legislation
# of Members	11 (2 Council, 9 Residents)	9 (6 from arts organizations, 3 residents)
Geography	Citywide	Urban Core focus, Citywide
Budget	City Operating and Capital	City Operating and Capital, State grants, donations, and gifts

Comparison of Models



Proposed Geography - Urban Core

*aligned with the Enterprise Zone and the Opportunity Zone geographies



Steps to Implement Proposed Model

1. Submit a letter of intent to the Fairfield County Cultural Alliance
2. Take geography to Economic and Community Development Committee to get ratification
3. Take draft ordinance to Ordinance Committee for approval to modify the Arts Commission Ordinance to accommodate the new designation
4. Public hearing on the ordinance and geography for Cultural District
5. Council approval on both the geography and the ordinance
6. File application package with the Fairfield County Cultural Alliance
7. Once approved by DECD - Appoint members