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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 Irene Dixon at idixon@norwalkct.org to provide written public comment prior to the meeting.

Mr. Livingston called the meeting to order at 7:31 p.m. and led the Assembly in reciting the Pledge of Allegiance.

I. ROLL CALL

Ms. Dixon called the Roll:

Council at Large:	Mr. Gregory Burnett	Mr. Joshua Goldstein
	Ms. Dominique Johnson	Ms. Barbara Smyth
District A:	Mr. David Heuvelman	

District B: Ms. Darlene Young

District C: Mr. John Kydes Ms. Jenn McMurrer
District D: Ms. Heidi Alterman Mr. Bryan Meek

District E: Mr. Thomas Livingston Ms. Lisa Shanahan

At Roll Call there were twelve (12) Common Council members present and three (3) absent (Ms. Niedzielski Eichner, Ms. Ayers and Ms. Revolus). A Quorum was present.

Also present were Mayor Harry Rilling; City Clerk, Irene Dixon, Assistant City Clerk, Jordan Schantz and Corporation Counsel, Mario Coppola.

II. **ACCEPTANCE OF MINUTES**

Regular Meeting: September 6, 2022

The following correction was made to page 5: Ms. Smyth added that this should be an annual event.

**** MS. SHANAHAN MOVED TO APPROVE THE MINUTES AS CORRECTED**
**** MOTION PASSED UNANIMOUSLY**

Special Meeting: September 13, 2022

The following correction was made to page 9: correct the spelling of work

**** MS. MCMURRER MOVED TO APPROVE THE MINUTES AS CORRECTED**
**** MOTION PASSED UNANIMOUSLY**

III. **PUBLIC PARTICIPATION**

Public participation comments are not verbatim and represent a summarization of statements unless otherwise noted.

Mayor Rilling reviewed public participation procedures.

Ms. Lisa Brinton spoke about the cannabis ordinance and the retail outlets. She expressed concern about the public smoking areas and noted that it took many years to ban smoking in public areas. She asked the Mayor to be judicious about the locations he chooses.

Mr. Richard Bonenfant spoke about the cannabis ordinance and said he felt the members of the Common Council abdicated their responsibility by saying the Mayor had to choose the location. He said that controlling cannabis will be difficult and that the tax revenue will be taken up by trying to control it.

Mr. Martin Tagafiro spoke about the cannabis ordinance and said he was totally against it. He said that parents tell their children that drugs are bad, but the Common Council is telling them that it is good. He said this is wrong and that they are making a mistake. In addition, he said he did not think the City would get as much money as they think they will.

Mr. Jason Mulligan said he wanted to talk about item 6A (Corporation Counsel). He said he was being sued. Mayor Rilling said that item is not on the agenda and told Mr. Mulligan he was out of order. He told Mr. Mulligan he could not talk about an item that is non on the agenda and if he did not sit down, he would be taken out.

Mr. Mulligan said he was talking about the cannabis ordinance. He said that since 2015 he has been under litigation and censored. Mayor Rilling stopped Mr. Mulligan and told him he was out of order and that he could not talk about an item that is not on the agenda. Mayor Rilling asked Mr. Mulligan to sit down. There was no audio for a few moments.

**** MR. LIVINGSTON MOVED TO RECESS AT 7:45 P.M.**

**** MOTION PASSED UNANIMOUSLY**

Those Common Council members present in the Common Council Chambers left the Chambers.

They returned at 7:55 p.m.

Mayor Rilling asked Mr. Mulligan to yield the floor to Ms. Smirniotopoulos, who was next . Mr. Mulligan said he came here with great intentions. Mayor Rilling said if he has to, he will call Security.

Ms. Donna Smirniotopoulos said she assumed everyone, except for one member of the Common Council would vote in favor of the cannabis ordinance. She suggested dedicating the revenue to help pay for outstanding litigation bills.

Ms. Danielle Bendera expressed concern about the material being proposed for the playgrounds. She asked what was being done to educate the public and if they had a chance to vote on the material being used at the playgrounds.

Mr. Chris Shimko spoke about the $500,000 grant for Freece Park and suggested that money could be utilized at other parks and school grounds.

IV. <u>MAYOR</u>

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS:

Mayor Rilling announced the resignation of Iliana Zuniga from the Commission on the Status of Women. He thanked her for her service.

APPOINTMENTS:

** **MS. SMYTH MOVED TO APPROVE THE APPOINTMENT OF RICHARD DELLINGER TO THE OAK HILLS PARK AUTHORITY**

Ms. Smyth spoke in support of this appointment.

** **MOTION PASSED UNANIMOUSLY**

** **MS. MCMURRER MOVED TO APPROVE THE APPOINTMENT OF JOHN CHURCH TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS**

Ms. McMurrer spoke in support of this appointment.

** **MOTION PASSED UNANIMOUSLY**

REAPPOINTMENTS: There were no reappointments announced this evening.

MAYOR'S REMARKS:

Mayor Rilling announced that there would be a celebration of the life of former Mayor William Collins held on October 8th, 2022, at The Maritime Aquarium at Norwalk. The public is invited.

V. <u>COUNCIL PRESIDENT</u>

A. GENERAL COUNCIL BUSINESS:

Mr. Livingston explained that it is a long practice to not discuss on going litigation. He said they will continue to keep members of the Common Council up to date and will hold a special meeting on October 17^{th} at 6:30. The meeting will be held in Executive Session where they will be provided with the most up to date information.

RESIGNATION AND APPOINTMENTS:

RESIGNATIONS: There were no resignations announced this evening.

APPOINTMENTS: There were no appointments announced this evening.

REAPPOINTMENTS: There were no reappointments announced this evening.

B. CONSENT CALENDAR:

Mr. Livingston announced that Mr. Burnett would be reading this evening's consent calendar.

**** MR. BURNETT MOVED TO APPROVE THE FOLLOWING CONSENT CALENDAR:**

VII.A.1, VII.A.2, VII.A.3, VII.A.5, VII.A.6, VII.A.6A, VII.B.1, VII.D.1

VI. <u>REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS</u>

A. CORPORATION COUNSEL

VII. <u>COMMON COUNCIL COMMITTEES</u>

A. RECREATION, PARKS & CULTURAL AFFAIRS

**1. AUTHORIZE THE MAYOR, HARRY W. RILING TO ENTER INTO AN AGREEMENT WITH MARCHING BEARS INC. FOR THE USE OF NHS ATHLETIC FIELD AND IMMEDIATE SURROUNDING GROUNDS FOR THEIR CAVALCADE OF BANDS EVENT TO BE HELD ON SATURDAY, OCTOBER 8, 2022 FROM 11:30 AM TO 9:00 PM. SET-UP TO BEGIN AT 8:00 AM WITH TEAR-DOWN AT 10:00 PM.
APPROXIMATELY 1,000 PEOPLE.**

2. AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO BOBCAT OF CONNECTICUT, INC. IN THE AMOUNT NOT TO EXCEED $83,211.00 FOR THE PURCHASE OF A BOBCAT TOOLCAT, UW3 FROM THE CAPITAL ACCOUNT: 0923-6030-5777-C0486, OFF THE COMBUYS PRICING CONTRACT, FAC88.

3. AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO EMBANKSCAPE EQUIPMENT LLC, DBA RC MOWERS IN AN AMOUNT NOT TO EXCEED $62,950.00 FOR THE PURCHASE OF A TRACKED 60" ROTARY MOWER, FROM CAPITAL ACCOUNT: 0923-6030-5777-C048, OFF THE HGAC GR20AAF1 PRICING CONTRACT.

5. AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO GENGRAS FORD IN AN AMOUNT NOT TO EXCEED $142,345.80 FOR THE PURCHASE OF THREE F-250 REGULAR CAB 4 BY 4 PICK-UP TRUCKS FROM ARPA ACCOUNT: 134010-5796-ARP02 OF THE STATE CONTRACT # 19PSX0161.

6. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO ENTER INTO AN AGREEMENT WITH GIACORP CONTRACTING, INC. FOR PROJECT # RNP 2022-3-FREESE PARK RAILING REHABILITATION FOR A SUM NOT TO EXCEED $129,650.00 (PHASE 1 ALTERNATE 2), $159,569.30 (PHASE 2), $112,418.00 (PHASE 3), $124,193.50 (PHASE 4). ACCOUNT: 0920-6030-5777-C0657 AND 0923-6030-5777-C0657.

6A. AUTHORIZE THE DIRECTOR OF RECREATION AND PARKS TO EXECUTE CHANGE ORDERS ON CONTRACT WITH GIACORP CONTRACTING, INC. FOR A SUM NOT TO EXCEED $52,583.08. ACCOUNT: 0920-6030-5777-C0657 AND 0923-6030-5777-C0657

B. PUBLIC SAFETY AND GENERAL GOVERNMENT

1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO ENTER INTO A LEASE WITH THE NORWALK HOSPITAL ASSOCIATION FOR THE PURPOSES OF INSTALLING AND MAINTAINING RADIO COMMUNICATION ANTENNA AND EQUIPMENT ON AND WITHIN EXISTING STRUCTURES FOR AN INITIAL TERM OF 5 YEARS WITH 5 SUCCESSIVE 5-YEAR RENEWAL PERIODS.

D. COMMUNITY SERVICES COMMITTEE

1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE ANY AND ALL AGREEMENTS, DOCUMENTS, INSTRUMENTS, OR AMENDMENTS AS MAY BE NECESSARY TO ACCEPT AND RECEIVE CHILD DAY CARE GRANT FUNDS ALLOCATED TO THE CITY OF NORWALK FROM THE STATE OF CONNECTICUT, OFFICE OF EARLY CHILDHOOD (OEC) FOR STATE FISCAL YEAR 2023 AND 2024.

**** MOTION PASSED UNANIMOUSLY**

VII. **COMMON COUNCIL COMMITTEES**

A. RECREATION, PARKS & CULTURAL AFFAIRS

** **MS. YOUNG MOVED TO AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO M. E. O'BRIEN AND SONS FOR THE FOLLOWING PLAYGROUND RENOVATIONS OFF THE CT STATE PRICING CONTRACT # 17PSX0081.**

Mr. Ken Hughes discussed the playground renovations. He explained that they went through a redesign for Devon's Place and the new surface provides easier maneuverability. He added that the Bouton Street Park and Flax Hill Park were on the long-term capital item list, but thanks to the ARPA funds, they are able to do these renovations sooner.

In response to Ms. Alterman's question, Mr. Hughes explained they pour the rubber material in late fall/early winter. They will complete the projects in spring 2023. He described the process used for laying down the rubber material. He said the first rubber material surface was installed at Calf Pasture (splash pad) in 2015 and it gets a lot of use.

Ms. Alterman asked the cost to re-condition the surface. Mr. Hughes explained that he did not believe there was a way to re-condition the surface, but instead, it would be a replacement. The same material has been in place for 20 years at Devon's Place. The old material gets recycled. Ms. Alterman said she did a lot of research on reconditioning the material. Mr. Hughes explained that a lot of the installs are unique to New England and suggested that Ms. Alterman focus her research on New England.

Ms. Alterman expressed concern about risk of injury. Mr. Hughes suggested she look at Devon's Place. He said that Devon's Place and the park at Roosevelt School are 100% ADA accessible.

Mr. Hughes offered to forward information about the material to the Common Council members. He said these surfaces are the industry standard for playgrounds. He said the manufacturer removes the existing material.

Ms. Johnson asked Mr. Hughes if he could confirm there were no carcinogens found in the material. Mr. Hughes said he has not heard of any and there have not been any red flags raised by any groups.

** **MS. YOUNG MOVED TO SEPARATE THE VOTES**
** **MOTION PASSED UNANIMOUSLY**

****	MS. YOUNG MOVED TO AUTHORIZE THE PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO M. E. O'BRIEN AND SONS FOR THE FOLLOWING PLAYGROUND RENOVATIONS OFF THE CT STATE PRICING CONTRACT # 17PSX0081.**
****	MOTION PASSED UNANIMOUSLY**

****	MS. YOUNG MOVED TO AUTHORIZE DEVON'S PLACE PLAYGROUND, AMOUNT NOT TO EXCEED $316,558.35 FROM CAPITAL ACCOUNT: 0923-6030-5777-C0364.**
****	MOTION PASSED WITH TWO (2) VOTES IN OPPOSITION (MS. ALTERMAN AND MS. SHANAHAN) AND ONE (1) ABSTENTION (MR. HEUVELMAN)**

****	MS. YOUNG MOVED TO AUTHORIZE BOUTON STREET PARK, AMOUNT NOT TO EXCEED $114,556.65 FROM ARPA ACCOUNT: 134010-5796-ARP01.**
****	MOTION PASSED UNANIMOUSLY**

****	MS. YOUNG MOVED TO AUTHORIZE FLAX HILL PARK, AMOUNT NOT TO EXCEED $132,268.40 FROM ARPA ACCOUNT: 134010-5796-ARP01.**
****	MOTION PASSED UNANIMOUSLY**

****	MS. YOUNG MOVED TO AUTHORIZE THE DIRECTOR OF RECREATION AND PARKS, OR HIS DESIGNEE, TO ISSUE CHANGE ORDERS ON THE RENOVATION OF DEVON'S PLACE PLAYGROUND IN AN AMOUNT NOT TO EXCEED $31,658.00 FROM THE SAME CAPITAL ACCOUNT.**
****	MOTION PASSED WITH TWO (2) VOTES IN OPPOSITION (MS. ALTERMAN AND MS. SHANAHAN)**

C. ORDINANCE COMMITTEE

****	MS. SHANAHAN MOVED TO APPROVE PROPOSED NEW ORDINANCE TO THE CITY CODE: REGULATION OF CANNABIS**

Ms. Shanahan described the process the Committee took to create the Ordinance. She said about a year ago this was turned over to Mr. Goldstein and Mr. Keegan.

Mr. Goldstein reviewed the Ordinance and said it required designated spots. The Ordinance introduces a highly regulated and profitable industry to Norwalk. He addressed the comment made during the public participation portion of the meeting suggesting the funds should be used to fund litigation. He explained that the funds have to be spent on a number of stated purposes.

Mr. Livingston thanked Ms. Shanahan for her leadership and Mr. Goldstein for his tireless work on this.

Mr. Heuvelman thanked those involved and said that they did not always agree, but the spirit of what is here is positive for Norwalk.

Ms. McMurrer also thanked those involved and said this is a step in the right direction.

Mr. Meek said his is still a no vote. He said they are about to approve targets for armed robberies.

Ms. Johnson thanked those involved and said she sees this as a collaborative effort. She said it has been important to her that these dispensaries were not within a certain radius of sensitive sites. She added that she knows this is part of an ongoing conversation.

Ms. Shanahan said this Ordinance responds to the State Ordinance. She said it would be derelict to not take advantage of the 3% sales tax revenue.

Ms. Smyth thanked those involved and addressed the comment made by the parent who spoke against this Ordinance. She said she understood his concerns, but is encouraged that this is very regulated and there are protections in place for kids.

Mr. Goldstein said this will encourage other business development.

Mr. Burnett acknowledged the work of the Ordinance Committee. He asked about the mechanisms for change. Ms. Shanahan said as they get more data, they can re-write the Ordinance. Mr. Goldstein said that amendments can be submitted and then they can go through the committee process.

Ms. Young thanked those involved and said that in her mind this will try to move the needle on equality in the community and the impact the war on drugs had in the community. She said she did not know how infrastructure moves the needle. How they are looking at funding does not do anything to improve the lives of people who were impacted by the war on drugs. Ms. Young said she hopes there is flexibility to change the Ordinance and that it is not a tedious process.

** **MOTION PASSED BY ROLL CALL VOTE WITH ELEVEN (11) VOTES IN FAVOR (MR. BURNETT; MR. GOLDSTEIN; MS. JOHNSON; MS. SMYTH; MR. HEUVELMAN; MS. YOUNG; MR. KYDES; MS. MCMURRER; MS. ALTERMAN; MR. LIVINGSTON; MS. SHANAHAN) AND ONE (1) VOTE IN OPPOSITION (MR. MEEK)**

IX. **MOTIONS POSTPONED TO A SPECIFIC DATE**

There were none this evening.

X. **SUSPENSION OF RULES**

There were none this evening.

XI. **ADJOURNMENT**

****	MS. SHANAHAN MOVED TO ADJOURN**
****	MOTION PASSED UNANIMOUSLY**

There was no further business, and the meeting was unanimously adjourned at 8:45 p.m.

ATTEST:________________________
Irene Dixon, City Clerk