

COMMON COUNCIL ORDINANCE COMMITTEE
REGULAR MEETING

January 21, 2020
7:00 p.m. – Room 101
Norwalk City Hall-125 East Avenue, Norwalk, CT

AGENDA

1. **ROLL CALL:**
2. **PUBLIC HEARING (possible action on):**
3. **PUBLIC HEARING DISCUSSION:**
4. **PUBLIC COMMENT:**
5. **ACCEPTANCE OF MINUTES:**
 - December 17, 2019 - ordinance committee meeting
6. **OLD BUSINESS:**
 - Discuss and vote on Code of Ethics Section 32-16 – Incurring costs by Board of Ethics; staff; and
 - Discuss and vote on Code of Ethics Section 32-17 – Representation of Respondent by City.
7. **NEW BUSINESS:**
8. **DISCUSSION ITEM:**
9. **ADJOURNMENT:**

**Draft Meeting Minutes from
the 12/17/2019 Ordinance
Committee Meeting**

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
DECEMBER 17, 2019**

ATTENDANCE: Tom Livingston, Acting Chair; David Heuvelman, Tom Keegan, Kadeem Roberts, Lisa Shanahan

OTHERS: Atty. Brian Candela, Corporation Counsel.

ROLL CALL

Mr. Livingston called the meeting to order at 7:00 p.m. and called the roll. A quorum was present. Mr. Livingston explained to the Committee and those present that Mr. Hosten had been elected to the vacancy on the Board of Education and had resigned from the Council.

PUBLIC HEARING

Discuss and vote on Tax Exemption for Solar Energy, Chapter 103, Article III

There was no one present who wished to address the Committee on this Ordinance.

Discuss and vote on Chapter 68 -- Noise Ordinance

- Section 68-5, Table 2
- Section 68-5(C)(13)
- Section 68-6(B)(6)

There was no one present who wished to address the Committee on these Ordinances.

PUBLIC HEARING DISCUSSION

Tax Exempt for Solar Energy, Chapter 103, Article III

Mr. Livingston asked Atty. Candela if there were mechanical means involved with solar energy systems as described in A1. Discussion followed. Atty. Candela said that he would remove that from the ordinance.

**** MR. LIVINGSTON MOVED TO APPROVE THE AMENDMENTS TO A1 AND B.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. LIVINGSTON MOVED TO FORWARD SECTION 103-3 AS AMENDED TO THE COMMON COUNCIL.**

Atty. Candela explained that this section of the Ordinance, there were outdated and noted that State Statutes had changed.

**** THE MOTION PASSED UNANIMOUSLY.**

Chapter 68 -- Noise Ordinance

- Section 68-5, Table 2
- Section 68-5(C)(13)
- Section 68-6(B)(6)

Atty. Candela gave the new Council Members a brief overview of the history of the noise ordinance and the visits from Mr. Zwelling. The proposed language was submitted to DEEP and they had 20 or so concerns. Atty. Candela reviewed the three major concerns which centered on a reduction of Commercial Sound Level Outdoors from 65 to 63; the operation of a portable generator when there is no emergency need and the noise generated by Construction work or Demolition activities in Residential Zones.

Mr. Livingston said that he felt that regarding the use of the generator should include the phrase "affecting the subject property". Atty. Candela made a note of this.

Mr. Livingston also noticed a scribner's error in 68-5 (C)(13), which Atty. Candela noted.

Mr. Heuvelman asked what would happen if someone did not pay their electric bill and was using the generator instead. Atty. Candela made a note of this regarding the disconnection of power due to non-payment of the bill.

**** MR. LIVINGSTON MOVED THE AMENDMENT TO 68-5 (C)(13) AND SECTION 68-6(B)(6).**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MS. SHANAHAN MOVED TO FORWARD THE FOLLOWING TO THE COMMON COUNCIL AS AMENDED:**

- SECTION 68-5, TABLE 2
- SECTION 68-5(C)(13) AS AMENDED
- SECTION 68-6(B)(6) AS AMENDED

**** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC COMMENT

There was no one who wished to address the Committee at this time.

ACCEPTANCE OF MINUTES

• October 15, 2019.

**** MR. LIVINGSTON MOVED THE MINUTES OF OCTOBER 15, 2019
** THE MOTION TO APPROVE THE MINUTES OF OCTOBER 15, 2019 AS
SUBMITTED PASSED WITH ONE (1) IN FAVOR AND FOUR (4) ABSTENTION
(KEEGAN, SHANAHAN, HEUVELMAN, AND ROBERTS)**

OLD BUSINESS

There was no old business to consider at this time.

NEW BUSINESS

Discuss and vote on the Ordinance Committee's schedule for the 2020 calendar year.

**** MS. SHANAHAN MOVED THE ORDINANCE COMMITTEE SCHEDULE
FOR THE 2020 CALENDAR YEAR.
** THE MOTION TO APPROVE THE ORDINANCE COMMITTEE SCHEDULE
FOR THE 2020 CALENDAR YEAR PASSED UNANIMOUSLY.**

DISCUSSION ITEM

Mr. Keegan asked for clarification on the process for submitting items for inclusion on the agenda. Mr. Livingston gave the new Council Members a brief overview of the process which is basically to submit the item to the Chair for inclusion. Suggestions for various discussion items came from Staff, Department heads, the local businesses or constituents. Atty. Candela also explained that the City is required to publish the agenda between 7 and 10 days before the meeting.

ADJOURNMENT

**** MR. KEEGAN MOVED TO ADJOURN.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:42 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services

Code of Ethics

Section 32-16: Incurring costs by Board of Ethics; staff

Section 32-17: Representation of Respondent by City

§ 32-16. Incurring of costs by Board of Ethics; staff.

- A. The Board of Ethics shall be authorized to incur costs providing education and training programs for the City and its Officers and Employees subject to the City's annual budget. The Board of Ethics shall also be authorized to incur costs in investigating and prosecuting any alleged ethics violation(s) and in responding to requests for advisory opinions, subject to the City's annual budget process. The Board of Ethics ^(KM.16) shall seek an annual appropriation to be used to cover its costs during the Year and may seek such further or increased appropriations as may be necessary to carry out the terms of this Code of Ethics.
- B. The Law Department shall assist the Board of Ethics in implementing its responsibilities under this Code and shall serve as staff to the Board of Ethics and any ~~hearing board~~ Hearing Board appointed under this Code. The Board of Ethics in appropriate circumstances, ~~as it shall determine,~~ may retain independent counsel to represent the Board, any Investigating Panel ~~investigating panel~~ or any ~~hearing board~~ Hearing Board.

§ 32-17. Representation of Respondent(s) respondents by City.

It is contemplated by this Code, that ~~p~~Persons making complaints and ~~r~~Respondents to any ethics complaint made under the Code shall not be represented by counsel appointed by or paid for by the City. In appropriate circumstances, when a Respondent has not been found in violation of this Code by the Hearing Board, the Board of Ethics may recommend to the Common Council that a Respondent be reimbursed for ~~any and all~~, or a portion of his or her expenses incurred in defending an ethics complaint including the reasonable costs of the Respondent's counsel. The Council may authorize such reimbursement subject to the availability of funding by the City.

City of Norwalk, CT
Monday, January 13, 2020

Chapter 32. Code of Ethics

§ 32-16. Incurring of costs by Board of Ethics; staff.

- A. The Board of Ethics shall be authorized to incur costs in investigating and prosecuting any alleged ethics violation and in responding to requests for advisory opinions, subject to the City's annual budget process. The Board of Ethics shall seek an annual appropriation to be used to cover its costs during the year and may seek such further or increased appropriations as may be necessary to carry out the terms of this Code of Ethics.
- B. The Law Department shall assist the Board of Ethics in implementing its responsibilities under this Code and shall serve as staff to the Board of Ethics and any hearing board appointed under this Code. The Board of Ethics in appropriate circumstances, as it shall determine, may retain independent counsel to represent the Board, any investigating panel or any hearing board.

§ 32-17. Representation of respondents by City.

It is contemplated by this Code, that persons making complaints and respondents to any ethics complaint made under the Code shall not be represented by counsel appointed by or paid for by the City. In appropriate circumstances when a respondent has not been found in violation of this Code, the Board of Ethics may recommend to the Common Council that a respondent be reimbursed for any and all expenses incurred in defending an ethics complaint including the costs of the respondent's counsel. The Council may authorize such reimbursement subject to the availability of funding by the City.