

***Common Council Actions***

**MAY 24, 2005**

**NORWALK, CONNECTICUT 8:00PM DST, COUNCIL CHAMBERS  
ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO  
APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND  
OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS  
ARE SUBJECT TO THE AVAILABILITY OF FUNDS.**

The regular meeting of the Common Council of the City of Norwalk was held on Tuesday, May 24, 2005, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor Alex A. Knopp called the meeting to order at 8:10 pm and lead the assembly into the Pledge of Allegiance. Mayor Knopp noted the absence of a member of Corporation Counsel.

**I. ROLL CALL**

Betsy Bain Bruce Kimmel  
Kenneth Baker Richard McQuaid  
Fred Bondi Matthew Miklave (8:20 pm)  
Michael Coffey Jeanette Olmstead-Sawyer (absent)  
Carvin Hilliard Kevin Poruban  
Douglas Hempstead Douglas Sutton  
William Krummel Peter Wien  
Leona Williams

There were thirteen (13) members present at Roll Call.

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**II. ACCEPTANCE OF THE MINUTES**

**A. Regular Meeting – May 10, 2005**

**\*\* MR. BONDI MOVED APPROVAL OF THE MINUTES AS PRESENTED.  
\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

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**III. PUBLIC PARTICIPATION**

Steven Calacosi, a member of the Ed Spec Committee for Naramake said he was taken a back at the amount of \$2 million for the school repairs. He said this amount is not insignificant but when you look at the needs of Naramake School \$2 million is a drop in the bucket. He referred to the report prepared by Fletcher Thompson that indicated \$1.9

million would be needed for basic, simple repairs alone. He asked the Common Council members to reconsider the amount of \$2 million.

Lisa Faroni, PTO, Naramake, said that parents just want the best for their children and Naramake is not the best building; she urged Council members to re-consider the space requirements as part of the project.

Mayor Knopp noted that although the public participation section is not a time for debate, he did point out that the Common Council has no jurisdiction over the education specifications. This is the jurisdiction of the Board of Education and nothing the Common Council could do tonight can change what has been submitted on the ED049 being sent to the State.

Lisa Gregory indicated that she is an art teacher at Naramake School and spoke of all the improvements/additions that are required.

Sandra Miklave stated her support for the staff and parents of Naramake School saying that they need more to support the curriculum including the needs of special education children.

Mr. Miklave joined the meeting at 8.20 pm.

Bob Henry, Principal of Naramake School said regarding where they are in this process it was his feeling that there has been a lag in communication between the Board of Education and the Common Council. He asked if there was any way to send the education specifications back to the Board of Education so they could re-examine the needs of the school.

Jon Pritko representing the National Marine Manufacturing Association asked permission to use Calf Pasture Beach, Shady Beach, Marvin School and Taylor Farm for the annual boat show from September 22-25, 2005 and to continue as they have in the past.

Jack Chiarmonte, NY Pizza, stated that he was happy to be present this evening regarding the issue of outdoor dining. He thanked the Mayor for his support during the last Ordinance Committee meeting. Regarding the fee Mr. Chiarmonte said the fee seems fair and is in the ballpark of other municipalities; he noted that this was going to be a costly process for the merchants of South Norwalk (purchasing tables, chairs etc). He said at the end of the year the entire process can be re-visited and any questions can be resolved then. He urged Council members to approve the ordinance and thanked everyone involved.

Jeff Esaw said he appreciated being given the opportunity to participate in the outdoor dining noting that there is quite a buzz in the air. He said he and other merchants in South Norwalk take pride in being there and are doing all they can to get it cleaned up. He thanked all involved.

Dana Bilello thanked that the Mayor for his support during the last meeting. She noted her restaurant in South Norwalk is relatively new and already has an outdoor patio. From her experience Ms Bilello indicated that al fresco dining helps business and will make South Norwalk more inviting. She noted her support for the ordinance and thanked the Ordinance Committee.

Art Scialaba applauded the Common Council on forming an Ethics Committee noting that it is long over-due.

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#### IV. MAYOR

##### A. RESIGNATIONS AND APPOINTMENTS

For reappointment to the Planning Commission, Mayor Knopp noted that he was pleased to put forth the name of Walter Briggs. Mr. Briggs was nominated by the Commission as Chairman and has done a terrific job developing the Master Plan and the Mid-Harbor Plan.

**\*\* MR. KRUMMEL MOVED APPROVAL TO REAPPOINT WALTER BRIGGS TO THE PLANNING COMMISSION.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Secondly for reappointment on the Planning Commission, Mayor Knopp named Walter McLaughlin noting that he has diligently served on the commission for a number of years.

**\*\* MR. MCQUAID MOVED APPROVAL TO REAPPOINT WALTER MCLAUGHLIN TO THE PLANNING COMMISSION.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Finally for reappointment on the Planning Commission, Mayor Knopp put forth the name of Don Nelson, one of Norwalk's most active citizens saying that he had played a remarkable job in so many roles.

**\*\* MR. KRUMMEL MOVED APPROVAL TO REAPPOINT DONALD NELSON TO THE PLANNING COMMISSION.**

Mr. Krummel noted that he had worked with Mr. Nelson on various occasions and was always impressed.

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

For reappointment to the Tree Advisory Committee, Mayor Knopp said that Don Nelson is the perfect person to act as Chairman listing all he has done for the trees.

**\*\* MR. COFFEY MOVED APPROVAL TO REAPPOINT DONALD NELSON TO THE TREE ADVISORY COMMITTEE.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Mayor Knopp said for reappointment to the Zoning Commission he was pleased to put forth the name of Robert Keyes, an attorney in Norwalk who has served diligently on the commission.

**\*\* MR. BONDI MOVED APPROVAL TO REAPPOINT ROBERT KEYES TO THE ZONING COMMISSION.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Under appointments, Mayor Knopp put forth Corrine Weston to serve on the Zoning Commission. Ms. Weston is Chairman of the Woodward Avenue neighborhood association and also serves on the Industrial Zones Task Force.

**\*\* MR. COFFEY MOVED APPROVAL TO APPOINT CORRINE WESTON TO THE ZONING COMMISSION.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Finally Mayor Knopp suggested the elevation of David Watts from alternate to full member of the Zoning Commission.

**\*\* MR. MIKLAVE MOVED APPROVAL TO APPOINT DAVID WATTS FROM ALTERNATE TO REGULAR MEMBER ON THE ZONING COMMISSION.**

**\*\* MOTION PASSED TWELVE VOTES IN FAVOR, TWO ABSTENTIONS (MR. HEMPSTEAD, MR. MCQUAID) BY VOICE VOTE.**

## **B. REMARKS**

Mayor Knopp remarked that his father had recently been diagnosed with a brain tumor and thanked Common Council members and members of the public for their kind words and phone calls.

The Mayor reminded Council members of the Memorial Day Parade starting at 9:00 am at Veteran's Park.

Lastly, Mayor Knopp thanked everyone involved with all of the significant construction projects including the new restaurant at Oak Hill Golf Course, the new Police Station and the train station at East Norwalk.

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## **V. COUNCIL PRESIDENT**

### **A. CONSENT CALENDAR**

**\*\* MR. BONDI MOVED APPROVAL OF THE CONSENT CALENDAR AS PRESENTED:**

## **VII. COMMON COUNCIL COMMITTEES**

### **A. FINANCE COMMITTEE**

2. For informational purposes only: monthly Tax Collector's Report Dated April 30, 2005.
3. For informational purposes only: Narrative on Tax Collections dated May 12, 2005.
4. Resolution Making Appropriations Aggregating \$10,077,000 For The 2005-2006 Capital Budge And Authorizing The Issuance Of \$7,628,324 General Obligation Bonds Of The City To Meet Certain Appropriations In The 2005-2006 Capital Budget.
5. Resolution with respect to the Authorization, Issuance and Sale of not exceeding \$23,000,000 City of Norwalk General Obligation Bonds, Series 2005.

### **B. LAND USE AND BUILDING MANAGEMENT COMMITTEE**

1. Authorize the Mayor, Alex A. Knopp, to execute an agreement with SSC Security Services of CT to provide security service at City Hall and the Main Library:

The fee for the City Hall base contract for FY2005-06 shall not exceed \$29,848.00; FY2006-07 - \$30,451.20; FY2007-08 - \$31,054.40, option FY2008-09; \$31,824.00, option FY2009-2010; \$32,780.80.

The fee for the Main Library base contract for FY2005-06 shall not exceed \$32,292.00; FY2006-07 - \$32,938.88; FY2007-08 - \$33,608.64; option FY2008-09 - \$34,444.80; option FY2009-10 - \$35,474.40. Funds for this service is included in the Operating Budget Accounts 01-4075-5266 Building Management and 01-6200-5296 Main Library.

2. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Kohler Ronan, LLC to provide engineering design services for boiler replacement and evaluate building HVAC System at the Lockwood House in the amount not to exceed \$7,600.00. Acct. #09057100-5777-C0325
3. Authorize the Mayor, Alex A. Knopp, to execute an amendment to Grubb & Ellis Management Services, Inc.'s building management services contract to extend the contract from July 1, 2005, to June 30, 2006 for a total not to exceed \$380,000.00 Acct. # 01-4071-5258.

### **D. RECREATION PARKS & CULTURAL AFFAIRS COMMITTEE**

1. Approve the use of Brien McMahon Athletic Complex as well as Brookside Fields by the Brien McMahon Band for their annual Celebration of Sound to be held on Saturday, September 17, 2005 from 10:00AM – 10:00 PM. Estimated attendance 2,000.

3. Authorize the Mayor, Alex A. Knopp to enter into an agreement with the South Norwalk Community Center for the use of the grounds at Columbus School for its annual Summer Camp to take place from Tuesday, July 5, 2005 – Friday, August 12, 2005 from 8:30 AM – 2:30 PM. Estimated attendance 125.

4. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Industrial Business Group, LLC (d/b/a) Dalton Contracting Company for the repair of various basketball and tennis courts throughout the City for a sum not to exceed \$103,320.00.

Accounts as follows:

09036030-5777-C0217

09046030-5777-C0217

09056030-5777-C0321

09016030-5777-C0199

5. Approve the use of the Showmobile by the SoNo Arts Celebration Inc. for their Annual SoNo Arts Celebration Inc. for their Annual SoNo Arts Celebration to take place, August 6-7, 2005 on Washington Street.

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

## **B. OTHER GENERAL COUNCIL BUSINESS**

### **1. Appointment: Ethics Committee**

**\*\* MR. BONDI MOVED TO APPOINT AN ETHICS COMMITTEE AND TO APPOINT MICHAEL COFFEY, CARVIN HILLIARD AND RICHARD MCQUAID.**

Mr. Coffey commented that this is a fantastic move. As Chairman of the Ordinance Committee he said they are looking at updating the Code of Ethics. He applauded these efforts noting that it is time for a change.

Mr. Hempstead noted that he too was glad to see the appointment of an Ethics Committee but was curious how the names were chosen, as there is no back-up material. He also said that in the past the Ethics Committee was only called to order when an issue came up and he was concerned that this committee has no official charge.

Mayor Knopp said it was his understanding that the charge of the committee is set out in the ordinance.

Mr. Kimmel descried how the Ethics Committee had worked in the past noting his reservations about what would happen if a problem is brought forward; he suggested this committee needs expansion.

Mr. Krummel said that he was impressed with Mr. Coffey's argument regarding the current Code of Ethics suggesting that this in itself is the objective of the committee. He said they should not wait for a complaint the committee should meet as soon as possible to look at the Code of Ethics.

Ms. Bain applauded the Ordinance Committee noting the need for revision to the Ethics Code. Ms. Bain pointed out that this has been discussed at state level and requested that they wait for two weeks before acting on this. This way they would be able to hear all the results from the Legislature.

**\*\* MS. BAIN MOVED TO TABLE THE ITEM FOR A PERIOD OF TWO WEEKS.**

Mr. Hempstead indicated that they have been charged to name an Ethics Committee noting that he could not support Ms. Bain's motion, as this should have been done eighteen months ago.

Mr. Bondi said he could not support Ms. Bain's motion, as there is no proof that the State will come up with any changes within the next two weeks and even if they do it will make a change it will not go into effect for the next six months.

**\*\* MOTION TO TABLE THE ITEM FAILED, TWO VOTES IN FAVOR (MS. BAIN, MR. BAKER) AND TWELVE VOTES OPPOSED (MR. HEMPSTEAD, MR. MCQUAID, MR. WIEN, MR. HILLIARD, MR. PORUBAN, MR. BONDI, MR. KIMMEL, MR. COFFEY, MS. WILLIAMS, MR. SUTTON, MR. MIKLAVE, MR. KRUMMEL) BY A SHOW OF HANDS.**

Mr. Miklave said that although he did not consider the suggestion unreasonable the issues involved are very complicated and the current Code does not strike an appropriate balance.

**\*\* MAIN MOTION PASSED THIRTEEN VOTES IN FAVOR, ONE ABSTENTION (MS. BAIN) BY VOICE VOTE.**

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## **VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS**

### **A. NORWALK FACILITIES CONSTRUCTION COMMISSION**

1a. **RESOLVED**, that the Common Council authorizes the Norwalk Board of Education to apply to the Commissioner of the State Department of Education and to accept a grant for the alteration project at Nathan Hale Middle School.

1b. **RESOLVED**, that per City of Norwalk ordinance, the alteration project at Nathan Hale Middle School be hereby referred to the Norwalk Facilities Construction Commission (NFCC), the City's standing building committee.

1c. RESOLVED, that the Common Council hereby authorizes the preparation of schematic drawings and outline specifications for the alteration project at Nathan Hale Middle School.

2a. RESOLVED, that the Common Council authorize the Norwalk Board of Education to apply to the Commissioner of the State Department of Education and to accept a grant for the alteration project at Ponus Ridge Middle School.

2b. RESOLVED, that per City of Norwalk ordinance, the alteration project at Ponus Ridge Middle School be hereby referred to the Norwalk facilities Construction Commission (NFCC) as the City's standing building committee.

2c. RESOLVED, that the Common Council hereby authorizes at least the preparation of schematic drawings and outline specifications for the alteration project at Ponus Ridge Middle School.

3a. RESOLVED, that the Common Council authorize the Norwalk Board of Education to apply to the Commissioner of the State Department of Education and to accept a grant for the extension and alteration project at Cranbury Elementary School.

3b. RESOLVED, that per City of Norwalk ordinance, the extension and alteration project at Cranbury Elementary School be hereby referred to the Norwalk Facilities Construction Commission (NFCC), the City's standing building committee.

3c. RESOLVED, that the Common Council hereby authorizes the preparation of schematic drawings and outline specifications for the extension and alteration project at Cranbury Elementary School.

4a. RESOLVED, that the Common Council authorizes the Norwalk Board of Education to apply to the Commissioner of the State Department of Education and to accept a grant for the extension and alteration project at Jefferson Elementary School.

4b. RESOLVED, that per City of Norwalk ordinance, the extension and alteration project at Jefferson Elementary School be hereby referred to the Norwalk Facilities Construction Commission (NFCC), the City's standing building committee.

4c. RESOLVED, that the Common Council hereby authorizes the preparation of schematic drawings and outline specifications for the extension and alteration project at Jefferson Elementary School.

\*\* MR. KRUMMEL MOVED ITEMS 1A, 1B, 1C, 2A, 2B, 2C, 3A, 3B, 3C, 4A, 4B, 4C AS A BLOCK.

Mr. Krummel indicated that the above motions are at for Nathan Hale, Ponus Ridge, Cranbury and Jefferson.



Mr. Hempstead asked if the deadline of June 30, 2005 is still applicable. The Mayor replied that it is.

Mr. Hempstead noted that there was not a representative of the Board of Education present as he had questions regarding the comments made earlier by the Naramake parents and if they had access to input about what they needed and if this was incorporated.

Mayor Knopp said that the educational specifications that were submitted are a product of the Board of Education, they established a permanent educational specifications committee that receives recommendations from the school-based education specifications committee; these are approved by the Board of Education, they never come to the NFCC or the Common Council. Prior to the adoption last Tuesday the schools were asked to identify their top ten items - four out of the five schools came forth with this information Naramake did not. The Mayor said that what is before the Council this evening is a ministerial action to implement the decisions of the Board of Education; they are not able to change the contents of what was or was not submitted on the ED049 to the State.

Mr. Hempstead confirmed that Council members this evening don't know what was or was not incorporated in the plan. He said this Item is regarding thousands of dollars and there is no one here to answer a question noting the inappropriateness of this. He indicated that he would therefore abstain from voting on this item.

Mr. Krummel noted that the Mayor was an ex-officio member of the Board of Education and asked if he knew if there had been representatives of the parents before the Board of Education regarding the educational specifications and the facilities analysis that was passed.

The Mayor replied they had on many occasions; he went on to further explain that a recommendation had been made by to the city wide, permanent educational specifications committee that went before the Board of Education and was approved last Tuesday night. He added that he had not attended the school-based committee meetings so he could not comment on what happened there. Parents have come to the Board of Education to either thank or complain about the educational specifications. Lastly he explained what would happen if these are not acting upon this evening.

Mr. Bondi said he too was frustrated that the Board of Education has not sent a representative he added that this is not the first time this has happened. He went on to say that Dr. Corda was instructed to send a representative this evening and had refused commenting that it is a shame that they cannot work as a team.

Mr. McQuaid said he too felt frustrated as their backs are against the wall and it is an insult to the Common Council that no one from the Board of Education is present.

Mr. Hempstead said out of respect for the Mayor he should not have to have been put in a position to answer questions on behalf of the Board of Education.

Mr. Miklave indicated that if there were not a deadline he would not vote in favor of the motion.

Finally Mayor Knopp wished to indicate to the parents that once this section is approved it is not the end of the road it is the start of different stage of the process where there will be revisions of priorities.

**\*\* MOTION PASSED THIRTEEN VOTES IN FAVOR, ONE ABSTENTION (MR. HEMPSTEAD) BY VOICE VOTE.**

5a. RESOLVED, that the Common Council authorize the Norwalk Board of Education to apply to the Commissioner of the State Department of Education and to accept a grant for the alteration project at Naramake Elementary School.

5b. RESOLVED, that per City of Norwalk ordinance, the alteration project at Naramake Elementary School be hereby referred to the Norwalk Facilities Construction Commission (NFCC), the City's standing building committee.

5c. RESOLVED, that the Common Council hereby authorizes the preparation of schematic drawings and outline specifications for the alteration project at Naramake Elementary School.

**\*\* MR. KRUMMEL MOVED ITEMS 5A, 5B AND 5C AS A BLOCK.**

Mr. McQuaid recused himself and exited the Common Council chambers.

Mr. Krummel said the previous discussion would apply here. He said as part of the ordinance of the NFCC it states that there be a building advisory committee for each school project. On this committee it is stated that there should be three parent representatives in additions to the principals and teachers. The Mayor indicated that really the participation of parents in Naramake School is beginning now and it is a very important role.

Mr. Bondi thanked the Naramake parents and Mr. Henry for voicing their opinions. He said unfortunately they are not able to give out the great news that they want to hear but hoped that what does get done gets done properly.

Mr. Hempstead agreed with Mr. Bondi's comments. He added that the parents should start their lobbying with their elected member of the Board of Education.

**\*\* MOTION PASSED TWELVE VOTES IN FAVOR, ONE ABSTENTION (MR. HEMPSTEAD) BY VOICE VOTE.**

Mr. McQuaid re-joined the meeting.

6a. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to amend Turner Construction Company contract for the Kendall Elementary School Project to establish the Guaranteed Maximum Price (GMP) for an amount not-to-exceed \$6,050,000. Acct. # 0904-5010-5777-B0313

6b. Establish an allowance for Owner's Contingency in the amount of \$550,000.

6c. Authorize the NFCC to issue change orders on contract for a total not to exceed the Owner's Contingency Allowance.

**\*\* MR. KRUMMEL MOVED ITEMS 6A, 6B AND 6C AS A BLOCK.**

Mr. Miklave and Mr. Coffey recused themselves and exited the Common Council Chambers.

Mr. Krummel said Kendall School is shaping up to be a success story. The bids have come in under budget so that all of the bid alternatives can be included in the project.

Mr. Hempstead noted for the record that he was not going to recuse himself but stated that Turner Construction have done work with Stew Leonards in the past. He said in reading through the report it seemed as though the reasons for adding classrooms was because they were anticipated not because they were actually needed, because of this uncertainty he wished to have a representative to fully answer his question. Mr. Hempstead added that the work at Kendall School should have been done a long time ago.

Ms. Bain indicated that there are still portable classrooms at Kendall School.

Mr. Kimmel commented that the Facilities Report is assumed on the needs of the schools and very precise projections.

**\*\* MOTION PASSED TWELVE VOTES IN FAVOR BY VOICE VOTE.**

Mr. Coffey and Mr. Miklave re-joined the meeting.

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## VII. COMMON COUNCIL COMMITTEES

### A. FINANCE COMMITTEE

1. Accept and Approve the Report of the Claims Committee Dated May 12, 2005.

Mr. Miklave recused himself and exited the Common Council Chambers.

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Mr. Miklave re-joined the meeting.

Mayor Knopp requested that the agenda be taken out of order. There were no objections.

## B. LAND USE AND BUILDING MANAGEMENT COMMITTEE

5. Authorize the Purchasing Agent to issue a Purchase Order to Valley Communications Systems, Inc. for the upgrade of Video Distribution System at Naramake School for a total not to exceed \$45,987.22. Acct # 09035010 518 C00064

**\*\* MR. KRUMMEL MOVED APPROVAL OF THE ITEM.**

Mr. McQuaid recused himself and exited the Common Council Chambers.

Mr. Krummel stated that the Land Use and Building Management Committee had received a presentation during their last meeting and had unanimously approved it.

Mayor Knopp commented that the Board of Education has also approved this.

Mr. Hempstead said when this was originally proposed there was money in the budget for it and was curious to know if this money was held over.

Mr. Lo (Building and Facilities Manager) stated that \$60,000 had been allocated for this in the budget – the prior money was all used up.

Mr. Miklave said that he was glad to be supporting this item and it was long over-due.

Mr. Krummel offered a word of praise to Bob Henry.

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Mr. McQuaid rejoined the meeting.

## A. FINANCE COMMITTEE (Continued)

6. RESOLUTION PROVIDING FOR THE DISPOSITION OF SALE PROCEEDS FROM THE REED-PUTNAM PARCEL 3, SO-CALLED, PURSUANT TO SECTION 6 OF PUBLIC ACT NO. 00-168, AS AMENDED BY SECTION 13 OF SPECIAL ACT NO. 01-6

RESOLVED: That the proceeds from the sale by the City of the Reed-Putnam Parcel 3 property, as more fully described in Section 6 of Public Act No. 00-168, shall be used pursuant to and for the purposes described in said Public Act, as amended by Section 13 of Special Act No. 01-6, (together herein “the Act”) as follows:

(1) \$5,389,000 shall be used for the parking garage constructed for the Maritime Aquarium at Norwalk, including (a) \$4,089,000 to provide for additional financing of costs not covered by the \$9,110,000 in principal amount of City of Norwalk and Norwalk Parking Authority Lease Revenue Bonds for the Maritime Center Garage Project, Series 2002 (the "Lease revenue Bonds) and (b) \$1,300,000 to provide for a portion of debt service payments on the Lease Revenue Bonds during the start-up period for the garage, and the use thereof for such purposes is hereby determined to be authorized by and in accordance with the Act; and

(2) \$1,861,000 shall be transferred to the City of Norwalk Capital Non-Recurring Special Revenue Fund to be held by the City and used solely for purposes determined and approved by this Council from time to time to be for "economic development and urban renewal purposes" authorized by and in accordance with the Act.

**\*\* MR. KIMMEL MOVED APPROVAL OF THE ITEM.**

Mr. Kimmel said regarding Item 2, they have no choice on how the money is spent that was part of the deal with the State several years ago.

Mr. Hempstead asked about the definition of economic development. He said Item 1 is his main concern in that they are taking capital funds to make up a deficit in revenues.

The Mayor disagreed with Mr. Hempstead's characterization of this and asked Mr. Hamilton to speak.

Mr. Hamilton (Finance Director) stated that the Bond Council prepared the resolution itself and they determined that the use of the funds is in accordance with the Statute. With respect to the Parking Authority, a number of years ago the city was losing \$400,000 a year on its operations, the projections in the current year are revenues in the amount of \$320,000; he noted that there has been a very significant turn around. It was the expectation of the parking garage that there would be an initial ramp up period as the dynamics of the parking change within the community the finances would improve over several years.

Mr. Hempstead said that it was his assumption that the reason for the Parking Authority was to take the capital costs off-line to make it into a revenue producing option. If true, the shortfalls in revenue are offsetting the cost of building the garage and he asked what the deficit will be and how much more capital money will be needed.

Mayor Knopp replied that in 2001 the proposal for the Parking Authority was solely for the Maritime Garage and the debt service projection showed on-going deficits for eight years for the operation of that garage. What the current Administration did was to change the Parking Authority from just the Maritime Garage to the entire city so they utilize revenue and reduce costs to help minimize the impact when they built the garage.

**\*\* MOTION PASSED UNANIMOUSLY VOICE VOTE.**

B. LAND USE AND BUILDING MANAGEMENT COMMITTEE (Continued)

4a. Authorize the Purchasing Agent to issue Purchase Order(s) to Glencoe/McGraw Hill for the purchase of textbooks for a total not to exceed \$57,538.86. Acct #'s 0903-5010 5777 C0309 and 0905-5010-5777-C0309

4b. Authorize the Purchasing Agent to issue Purchase Order(s) to Addison Wesley for the purchase of textbooks for a total not to exceed \$2,807.06. Acct #'s 0903-5010 5777 C0309

4c. Authorize the Purchasing Agent to issue Purchase Order(s) to Pearson Education for the purchase of textbooks for a total not to exceed \$43,162.81. Acct #'s 0903-5010 5777 C0309 and 0905-5010 5777 C0309

4d. Authorize the Purchasing Agent to issue Purchase Order(s) to Prentice Hall/Pearson for the purchase of textbooks for a total not to exceed \$14,896.96. Acct #'s 0903-5010 5777 C0309 and 0905-5010 5777 C0309

4e. Authorize the Purchasing Agent to issue Purchase Order(s) to Holt, Rinehart for the purchase of textbooks for a total not to exceed \$81,503.28. Acct # 0905-5010 5777-C0309

4f. Authorize the Purchasing Agent to issue Purchase Order(s) to Amsco for the purchase of textbooks for a total not to exceed \$1,080.00. Acct. 0905-5010 5777- C0309

4g. Authorize the Purchasing Agent to issue Purchase Order(s) to Thomson for the purchase of textbooks for a total not to exceed \$3,215.69. Acct. # 0903-5010 5777-C0309

4h. Authorize the Purchasing Agent to issue Purchase order(s) to Holt, Rinehart and Winston for a total not to exceed \$2,120.58. Acct # 0903-5010-5777-C0309

\*\* MR. KRUMMEL MOVED ITEMS 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H AS A BLOCK.

Mr. Krummel indicated that the Committee had received a presentation from the Science Coordinator and there is back up on each item; he added that this is one of the best presentations that they ever received. He said that he hoped this would become a model for similar purchases.

Mr. Kimmel agreed that this had been a good discussion noting that the Committee members had received answers to all of their questions.

Mr. Hempstead stated that he was against using capital money to purchase textbooks.

\*\* MOTION PASSED THIRTEEN VOTES IN FAVOR, ONE VOTE OPPOSED (MR. HEMPSTEAD) BY VOICE VOTE.

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IX. MOTIONS POSTPONED TO A SPECIFIC DATE

C. PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Removed from the table at the May 10,2005 meeting to be put on the agenda of the May 24, 2005 meeting.

1. Authorization to approve the Resolution to Endorse the Pre-Disaster Mitigation Strategy Document:

WHEREAS: Floods, hurricanes, severe winter storms and other natural disasters can cause repetitive loss of human life and property in the City of Norwalk.

WHEREAS: Mitigation reduces or eliminates long-term risk to human life and property resulting from hazards.

WHEREAS: The Pre-Disaster Mitigation Strategy Document outlines strategies and action items that reduce the impact of natural disasters in the City of Norwalk.

WHEREAS: The Pre-Disaster Mitigation Strategy Document satisfies the mitigation planning requirements of the Disaster mitigation Act of 2000.

Now therefore, be it resolved, that the City of Norwalk hereby endorses the Pre-Disaster Mitigation Strategy Document.

\*\* MS. BAIN MOVED ADOPTION OF THE MOTION.

Ms. Bain indicated that this had been tabled during the last meeting and since that time the required information had been supplied.

Mr. Hempstead asked if any more costs could be incurred in the future.

Mr. Dolhancryk (Emergency Planning) replied that there would be no commitment – this portion is to apply for the pre-disaster mitigation funds.

\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

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VII. COMMON COUNCIL COMMITTEES (Continued)

C. ORDINANCE COMMITTEE

2. Amend City of Norwalk Code to add Ordinance entitled “City of Norwalk Outdoor Dining On Public Land”.

**\*\* MR. COFFEY MOVED APPROVAL OF THE ITEM.**

Mr. Coffey thanked that Mayor for his support regarding outdoor dining. He said this is a fantastic opportunity and will be great for Norwalk noting that this part of the planning is critical and is an important element for business owners. He referred to the changes that have been made since previous meetings and thanked Ed Schmidt and Katherine Lasberg for their help.

Mr. Hempstead thanked Mr. Coffey for listening noting that this is much improved. It is now a workable document and he suggested a change in Section 3A with regard to the railing and fences: in the sixth line of Section 3A to add a period after “operation” and at the end of the last sentence to add “, unless the director approves otherwise.”

Mr. Alvord (Director of DPW) agreed with the change.

**\*\* MR. HEMPSTEAD MOVED TO AMEND THE MOTION AS SUGGESTED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Secondly Mr. Hempstead suggested that under Section 3E that they take out “outdoor heaters” to encourage people to eat outdoors.

Mr. Poruban stated that he had spoken with the Fire Marshall about this and it was his recommendation for that that section to remain.

Mr. Hempstead asked if the fee could be on a separate fee schedule. Mayor Knopp replied that it was not feasible at this time but hopefully it could be revised in the future.

Mr. Poruban requested that under Section 4 that the leasing fee be raised from \$2 to \$3 (per square foot). He referred to the contract with the restaurant and the Maritime Garage saying that this way the fees would be similar.

Mr. Kimmel asked Mr. Alvord if he could give a range of minimum and maximum spaces of restaurants.

Mr. Alvord referred to the agreement between the Maritime Garage and the Pelican restaurant noting that the set-up is similar to the one proposed by the city. He gave a comparison of the Pelican restaurant and Papaya Thai.

Mr. Kimmel asked how this fee compared to that of other towns.

Mr. Alvord said there are different arrangements everywhere; some towns base it on tables and chairs; just a flat fee; or just a leasing fee etc. There is not a general rule.



Mr. Kimmel asked what the cost of outdoor dining would be to the city and would the \$2 per square foot cover the cost.

Mr. Alvord explained that the biggest cost would be the time of the staff to process applications and to do inspections.

Mr. Wien asked about other costs to the city for example if the restaurateur damaged the sidewalk (for example).

Mr. Alvord responded by saying that each business would have to give a bond so this would be used if the infrastructure to the city were damaged if there was a refusal to pay.

Mr. McQuaid stated that he was not in favor of raising the fee. He said for the first year they should show good faith noting that \$2 per square foot is sufficient.

Mayor Knopp concluded by saying that he did not think the \$3 per square foot is unreasonable, however being the end of May the restaurant owners will lose a couple of months of benefit and it comes too late in the process to raise the fee now.

**\*\* MOTION TO RAISE THE LEASING FEE TO \$3 PER SQUARE FOOT FAILED TWO VOTES IN FAVOR (MR. PORUBAN; MR. KRUMMEL) AND TWELVE VOTES OPPOSED, BY A SHOW OF HANDS.**

Mr. Bondi raised the issue of the liquor permit.

Mayor Knopp indicated that he had discussed this issue with Corporation Counsel and it is their opinion that a permit would be obtained through the City Clerk's office; therefore it is unnecessary to amend the ordinance. Finally the Mayor thanked everyone involved in this and for working together; he said he hoped it would make the downtown a more lively area.

**\*\* MOTION AS AMENDED PASSED UNANIMOUSLY BY VOICE VOTE.**

1. Amendments to City of Norwalk Code Chapter 113, Water Pollution Control Authority, Section 113-15.

**\*\* MR. COFFEY MOVED APPROVAL OF THE ITEM.**

Mr. Alvord stated that the changes to this ordinance effect the Tax Assessor's guidance regarding appeals; also when reading the original ordinance Mr. Alvord said it was not in compliance with State law regarding that appeal process. He said the changes rectify this.

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

**D. RECREATION PARKS & CULTURAL AFFAIRS COMMITTEE**

2. Authorize the Mayor, Alex A. Knopp to enter into an agreement with the National Marine Manufacturing Association for the use of Calf Pasture Beach, Shady Beach, Marvin School and Taylor Farm for the Annual Norwalk In-Water Boat Show attendee parking throughout the event to take place from Thursday, September 22, 2005 – Sunday, September 25, 2005 from 7:00 AM – 7:00PM. Estimated attendance 5,000+

**\*\* MR. BONDI MOVED APPROVAL OF THE ITEM.**

**\*\* MR. BONDI MOVED TO AMEND THE MOTION BY RAISING THE PARKING FEE FROM \$5 TO \$6.**

Mr. Bondi indicated that this fee has not been done for a number of years and it is time to add \$1 to cover expenses.

Mayor Knopp asked if there was a fee charged for the facilities.

Mr. Mocciae (Director of Parks and Recreations) replied that they charge a minimum fee if the do not get the maximum number of cars.

Mayor Knopp confirmed that the revenue comes from the parking.

Mr. Mocciae said this is the 30th year of the boat show and the fee was last changed seven years ago.

Mayor Knopp asked how much revenue was made last year.

Mr. Mocciae said it ranged from \$20,000 to \$23,000 adding that in the past it had been as high as \$40,000.

Mr. McQuaid stated that he would be voting against this increase, as it is not up to the committee; it should have been discussed with the representative from the boat show.

Mayor Knopp indicated that he had asked Mr. Mocciae to discuss this issue with representatives of the boat show.

Ms. Bain said normally an increase like this would require a public hearing and asked if it would be the same in this case.

Mayor Knopp said this was part of a contract not an ordinance.

**\*\* THE AMENDMENT PASSED THIRTEEN VOTES IN FAVOR, ONE VOTE OPPOSED (MR. MCQUAID) BY VOICE VOTE.**

**\*\* MAIN MOTION AS AMENDED PASSED THIRTEEN VOTES IN FAVOR, ONE VOTE OPPOSED (MR. MCQUAID) BY VOICE VOTE.**

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VIII. RESOLUTIONS FROM COMMON COUNCIL

There were none this evening.

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X. SUSPENSION OF THE RULES

There were none this evening.

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XI. ADJOURNMENT

\*\* MR. BONDI MOVED TO ADJOURN.

\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

The meeting was adjourned at 10.40 pm.

ATTEST: \_\_\_\_\_

Pam Stark, City Clerk

