

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

Mayor Moccia called the meeting to order at 8:05 p.m. and led the Assembly in reciting the Pledge of Allegiance. He asked that everyone remain standing for a moment of silence in remembrance of Mr. Don Nelson who was very active in the Tree Advisory Committee and Jonathan Brown, a 2010 graduate of Brien McMahon High School and active in the Norwalk Seaport Association.

ROLL CALL

Ms. Halsey called the Roll and the following Councilmembers were present:

Council at Large:	Douglas Hempstead	Anna Duleep Warren Pena
District A:	Matthew Miklave	David Watts
District B:	Carvin Hilliard	Michael Geake
District C:	Michelle Maggio	
District D:	Bruce Kimmel	Jerry Petrini
District E:	John Igneri	David McCarthy

There were 12 (twelve) Councilmembers present at Roll Call and three (3) absent (Mr. Bondi; Mr. Kydes and Ms. Romano)

II. ACCEPTANCE OF MINUTES

Special Meeting:

September 26, 2012

- ** MR. MCCARTHY MOVED TO ACCEPT THE MINUTES AS PRESENTED**
- ** MOTION PASSED WITH THREE (3) ABSTENTIONS (MS. DULEEP; MR. IGNERI; MR. MIKLAVE)**

III. PUBLIC PARTICIPATION

Mr. David Westmorland, Elmwood Avenue, President of the Norwalk Historical Society and Vice President of the Norwalk Historical Commission said that he was happy to see the Globe Theater on the agenda. He spoke about the Head of the Harbor project and said that the land is adjacent to Mill Hill. He said that the developers sent a revised plan to the Norwalk Historical Society and they provided their feedback. One area of concern is the parking along Smith Street. He said that there needs to be an agreement with Zoning for both Mill Hill and the developer to be able to count those spaces as part of their required parking. Mr. Westmoreland also talked about item 7B1 for site testing and suggested amending the item, pending Norwalk Historical commission approval.

Police Chief Thomas Kulhawik, addressed the resolution about re-instating the rank of Captain in the Police Department. He said that this is not a good solution and said that since 2007 there have been no Captains promoted. He said that it was not until 2010 when the Union grieved. He said that the Deputy Chief positions are 24/7 positions and that is necessary to deal with the 24/7 aspect of Policed work. Promoting Captains will decrease the number of officers available for patrol. Chief Kulhawik said that the resolution should not be approved.

Mr. Drew Todd, Friendly Road, Wolfpit PTO offered an invitation to everyone to the Wolfpit Pumpkin Festival this weekend. He explained that the money raised from this event goes directly into the classrooms.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS:

Mayor Moccia announced that Mr. Jaeger resigned from SWRPA.

APPOINTMENTS:

Mayor Moccia announced that he has appointed Carolyn Wall to take Mr. Jaeger's place on SWRPA.

REAPPOINTMENTS: Sheldon Miller, Transit District Commission

**** MR. HEMPSTEAD MOVED TO APPROVE THE REAPPOINTMENT OF SHELDON MILLER TO THE TRANSIT DISTRICT COMMISSION**

**** MOTION PASSED UNANIMOUSLY**

MAYOR'S REMARKS:

Mayor Moccia reiterated that there was a tragic loss for both families this week and he sends his personal condolences to both families.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS

B. CONSENT CALENDAR

**** MR. HILLIARD MOVED THE FOLLOWING CONSENT CALENDAR:**

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. CORPORATION COUNSEL

VII. COMMON COUNCIL COMMITTEES

A. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

1. TO AUTHORIZE HE MAYOR RICHARD A. MOCCIA, TO EXECUTE AN AGREEMENT WITH JAQUES PERSONNEL, INC TO CONDUCT A FIRE DEPARTMENT ENTRY LEVEL EXAMINATION FOR A SUM NOT TO EXCEED \$25,000 FROM ACCOUNT #01-31-40-5258

C. PUBLIC WORKS COMMITTEE

1. AUTHORIZE THE MAYOR, RICHARD A. MOCCIA, TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH RELIABLE EXCAVATING CO., INC. FOR PROJECT NO. PM 2012-2 BITUMINOUS CONCRETE PERMANENT PAVEMENT REPAIRS FOR A SUM NOT TO EXCEED \$118,500.00.

ACCOUNT NO. 0913 3310 5777 C0473 (\$50,000 P&Z SIDEWALKS) 030000-2602 (\$10,000 CONTRACTOR BOND, \$58,500 ADDITIONAL PAVEMENT REPAIR)

**** MOTION PASSED UNANIMOUSLY**

C. PLANNING COMMITTEE

**** MR. HEMPSTEAD MOVED TO APPROVE WALL STREET REDEVELOPMENT PARCEL 3 REDEVELOPER MF DISCALA COMPANIES TO CONDUCT SITE TESTING AT THE PUBLIC PROPERTY DELINEATED IN ATTACHED SCHEDULE A. AND TO AN**

D FURTHER AMEND THAT TO FORWARD TO THE HISTORICAL COMMISSION FOR THEIR APPROVAL OF ANY TESTING THAT IS ON THE PROPERTY UNDER THE COMMISSION'S PURVIEW

**** MOTION PASSED UNANIMOUSLY**

**** MR. HEMPSTEAD MOVED TO APPROVE CORPORATION COUNSEL TO PRODUCE A LICENSE AGREEMENT THAT ENABLES THE SITE TESTING.**

AND TO AUTHORIZED MAYOR RICHARD A. MOCCIA TO EXECUTE THE LICENSE AGREEMENT.

**** MOTION PASSED UNANIMOUSLY**

**** MR. HEMPSTEAD MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

A Resolution

**Common Council of the City of Norwalk, Connecticut
the Section 108 Loan Request As Made By Wall Street Theater Company,
Inc.**

WHEREAS, the Common Council of the City of Norwalk, Connecticut has, since approving the Wall Street Redevelopment Plan in 2004, sought the redevelopment of the Globe Theater to house a public cultural use that would increase the economic value and enhance the livability of the Wall Street area; and

WHEREAS, the Common Council has long recognized the potential need for public financing to accomplish this objective and recognized that the City could be called upon to participate in a redevelopment financing structure along with other private and public investors; and

WHEREAS, the Wall Street Theater Company, Inc. is seeking to advance a redevelopment concept that would transform the Globe Theater into an activated performance venue and has requested the City's consideration of a public investment in the form of a Section 108 Loan Guarantee; and

WHEREAS, the intended use of the Section 108 Loan Guarantee funding and the entire project's proposed financial structure has been reviewed by the Planning Committee of the Common Council over the course of several meetings; and

WHEREAS, the intended Section 108 Loan Guarantee has been determined by the Planning Committee to warrant continued but cautious advancement into the formal application process with HUD with certain structuring requirements and

restrictions; and

WHEREAS, such requirements and restrictions include but are not limited to the following: (A) the provision by the developer of cash equivalent collateral to guarantee any predevelopment draw on the City's guarantee currently estimated at \$275,000; (B) upon drawing on the remaining City guarantee the City be fully secured for such funds by an A rated bank or better; (C) these guarantees are to be equal to the City's full financial exposure during the term of the Section 108 Loan Guarantee; (D) the Redevelopment Agency be charged with approving the requested guarantee disbursements; (E) the final application contain an in-depth market study that considers the economic feasibility of the intended project whose results are acceptable to the City; and

WHEREAS, if this structure is achievable, it significantly mitigates the City's potential call risk by HUD upon the City's annual entitlement allocation of Community Development Block Grant (CDBG) funds which are being used to secure the debt structure should the Wall Street Theater Company, Inc. default on the secured loan and warrants meaningful consideration from the full Common Council; and

WHEREAS, such consideration take the form of directing the Redevelopment Agency as the City's CDBG Administrator to prepare for the Common Council's further review and consideration a Section 108 Loan Guarantee Application consistent with the terms as generally outlined herein.

NOW THEREFORE BE IT RESOLVED: that the Common Council of the City of Norwalk on this date hereby approves this resolution and indicates its support for the proposed redevelopment of the Globe Theater as presented by the Wall Street Theater Company, Inc. and directs the Norwalk Redevelopment Agency to undertake the development of the requested Section 108 Loan Application consistent with the terms and conditions so outlined herein for the consideration of this legislative body.

Mr. Hempstead explained the item. Mr. Kimmel commended the Planning Committee for pursuing this carefully and for working closely with Redevelopment and the Corporation Counsel's office to produce the resolution that has a number of protections for the City. He said; however, that the number of conditions raises a red flag and he will not support this resolution. He said that there has not been a market study done or a business plan. He said that he has strong reservations about using a Section 108 loan on this project.

Mr. Kimmel said that he did not think there would be a letter of credit coming from a bank. He said that he would like to see something happen with the theater, but this should not go so far with so many questions.

Mr. Miklave said that he will support the resolution. He said that it is important to

understand what the project is and what the City is being asked to do. He said that if Wall Street is left to the free market it will remain the way it is. He said that they have tried over the past nine years to do something with the Globe Theater to make it part of the development. The developer came forward with an interesting proposal and they believed that by packaging various tax credits with other schemes they will be able to sell more in tax credits than they need.

Mr. Miklave said that all members of the Planning Committee would not vote unless they received ironclad guarantees. He said that every person on the Committee said that this resolution would take this project to the next step and would not support any loans unless they were absolutely convinced that there was no risk to the City.

Mr. Hempstead said that this resolution was sent to the Law Department on several occasions and this will not put the City on the hook.

Mayor Moccia said that he agreed with both Mr. Kimmel and Mr. Miklave. He said that he hopes that now that funds are coming to PoKo, that they will see shovels in the ground.

**** MOTION PASSED WITH ONE (1) ABSTENTION (MR. KIMMEL)**

VIII. RESOLUTIONS FROM COMMON COUNCIL

A Resolution of the Norwalk Common Council

Sponsored by Council Members Warren A. Peña (At-Large), David Watts (District A), Matt Miklave (District A), John Igneri (District E), Anna Duleep (At-Large),

**** MR. HEMPSTEAD MOVED TO TABLE THE FOLLOWING RESOLUTION:**

Whereas, in 1994, the International Association of Chiefs of Police (IACP), conducted an extensive review of the operations of the Norwalk Police Department (NPD); and in May 1995 issued the report entitled “A Study of the Management, Organization and Resource Requirements of the Norwalk Police Department”, and in March 2007 the Board of Police Commissioners engaged the IACP to revisit the 1995 report specifically to review recommendations relating to organization of the command structure; and

Whereas, the IACP study recommends to eliminate one level of command (Captain Rank) and the position of Deputy Chief, and effectively ending a career at the Lieutenant rank, and where the City of Norwalk has ignored this study and has promoted both Captains and Deputy Chiefs since 1996; and

Whereas, eliminating Captains would result in an excessive (12 – 1) span of management control (to the Deputy Chief) which hampers the NPD’s ability to

promote public safety, and to have efficient and effective direction, coordination and oversight; and creates glass ceiling; and

Whereas, expanding the span of control of the police force would provide more superior officers to focus on investigations, street patrols, detective work and administration; and open a career path to reward loyal and dedicated public servants, promote management succession and build management infrastructure to respond to critical situations; and

Whereas, an inquiry with the Connecticut Conference of Municipalities (CCM) on September 28, 2012 states “The following is in response to your request for information regarding municipalities that have adopted the IACP study and rid their police department of captains and deputy chiefs in favor of commanders. CCM is currently unaware of any municipalities that have adopted this practice. Police departments in areas such as Chicago, San Francisco, Los Angeles and the Metropolitan Police District have created commander positions. However, those municipalities still have captains and deputy or assistant chiefs.”

Whereas, the Common Council supports the rank of Captain in the NPD, to effectively manage span of control at 9 – 1 or 6 – 1 (rank and file officers for every superior officer), and take action on a promotional list due to expire November 2012 to make Captains, and to open the process for other qualified candidates to the rank of Captain; and

Now, therefore, be it resolved by the Common Council of the City of Norwalk that:

The Common Council calls on the City of Norwalk and the Board of Police Commissioners to overturn the Captains ban and to begin promoting Captains.

Adopted by the Common Council of the City of Norwalk on October 9, 2012.

**** MOTION TO TABLE PASSED BY ROLL CALL VOTE WITH SEVEN (7) VOTES IN FAVOR (MR. HILLIARD; MR. HEMPSTEAD; MR. GEAKE; MS. MAGGIO; MR. KIMMEL; MR. PETRINI; MR. MCCARTHY) AND FIVE(5) OPPOSED (MS. DULEEP; MR. PENA; MR. MIKLAVE; MR. WATTS; MR. IGNERI)**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were no motions postponed to a specific date.

X. SUSPENSION OF RULES

There were none.

XI. ADJOURNMENT

**** MR. MCCARTHY MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 8:35 p.m.

ATTEST: _____
Erin Halsey, City Clerk