

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.

CALL TO ORDER

Mayor Rilling called the meeting to order at 7:30 p.m. and led the assembly in the Pledge of Allegiance.

I. ROLL CALL

City Clerk King called the roll. The following Council Members were present:

Council at Large:	Mr. Richard Bonenfant	Mr. Douglas Hempstead	
	Mr. Glenn Iannaccone	Mr. Bruce Kimmel	Ms. Sharon Stewart
District A:	Ms. Eloisa Melendez	Mr. David Watts	
District B:	Ms. Phaedrel Bowman	Mr. Travis Simms	
District C:	Mr. John Kydes	Ms. Michelle Maggio	
District D:	Ms. Shannon O'Toole-Giandurco	Mr. Jerry Petrini	
District E:	Mr. John Igneri	Mr. David McCarthy	

Mayor Harry Rilling; Attorney Mario Coppola, Corporation Counsel; Donna King, City Clerk. Fifteen members present.

City Clerk King read the notice that this meeting is being video taped and audio recorded for public broadcast.

II. ACCEPTANCE OF MINUTES - Regular Meeting – September 9, 2014

Mr. Hempstead noted corrections:

Page 2, paragraph 4, sentence 1, 'resident' should be replaced with 'co-property owner.'

Page 4: Items 5a. and 5b. delete 'sent back to committee'.

Page 5: The Resolution Against Bullying was Tabled.

**** MR. MCCARTHY MOVED TO TABLE APPROVAL OF THE MINUTES FROM THE MEETING OF SEPTEMBER 9, 2014 AS AMENDED WITH THE CORRECTIONS AS NOTED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mayor Rilling asked if any member of the public wished to speak on an agenda item other the Islamic Center to come forward to allow those items to be addressed prior to the Consent Calendar.

1. Diane Lauricella, 21 Blue Mountain Road said that item 6A is a terrific first step at moderating pricing and hopes purchasing will have time to pursue other initiatives on saving energy. She added that regarding item D2 and likes Mr. Kimmel's idea for endorsement by the entire council. She stated it is important to have a policy against bullying and equally important to have civility and transparency and definition of adult bullying especially for women. She read from the resolution and explained that she has experienced bullying and some people now are afraid, they fear not to speak and it scares people silent. She asked to have the resolution sponsored by all members and to hold those in public office to be held accountable for their comments and to allow the public the freedom to speak freely.

Mayor Rilling asked if others wanted to speak on items other than the mosque, and hearing none closed public comments at 7:40 p.m.

APPOINTMENTS:

Enrique A. Santiago — Fair Rent Commission

Mr. Bonenfant stated that Enrique is young, new, brings a great deal of enthusiasm, and he is pleased to give him a chance to serve.

**** MR. BONENFANT MOVED TO APPROVE THE APPOINTMENT OF ENRIQUE SANTIAGO TO THE FAIR RENT COMMISSION WITH A TERM TO EXPIRE ON 07/01/2017.**

**** THE MOTION PASSED UNANIMOUSLY.**

Rev. Jamal Lee — Norwalk Public Library Board of Trustees

Ms. Bowman stated that she is proud to endorse Rev. Lee's appointment and he will do a fine job on the Library Board. Mr. Simms said he also supports Rev. Lee's appointment.

**** MS. BOWMAN MOVED TO APPROVE THE APPOINTMENT OF REV. JAMAL LEE TO THE NORWALK PUBLIC LIBRARY BOARD OF TRUSTEES WITH A TERM TO EXPIRE 12/31/2016.**

**** THE MOTION PASSED UNANIMOUSLY.**

REAPPOINTMENTS:

Mary Geake — Fair Rent Commission.

Mr.. Hempstead stated that he has known Mary Geake to be very caring and also knowledgeable about the City and will continue to be an asset on the Commission.

Re-appointments -- continued

**** MR. HEMPSTEAD MOVED TO APPROVE THE REAPPOINTMENT OF MARY GEAKE TO THE FAIR RENT COMMISSION WITH A TERM TO EXPIRE 07/01/2017.**

**** THE MOTION PASSED UNANIMOUSLY.**

Brenda Penn-Williams — Fair Rent Commission

Mr. Bonenfant stated that he supports the reappointment. Ms. Bowman stated that he fully endorses the reappointment of Ms. Penn-Williams and she will continue to be an asset on the Commission.

**** MR. BONENFANT MOVED TO APPROVE THE REAPPOINTMENT OF BRENDA PENN-WILLIAMS TO THE FAIR RENT COMMISSION WITH A TERM TO EXPIRE 07/01/2017.**

**** THE MOTION PASSED UNANIMOUSLY.**

Charles A. Pirro, III — Pension Board - Michael Sweeney — Pension Board

Mr. Igneri stated that both Mr. Pirro and Mr. Sweeney have outstanding resumes, have served many years on the Pension Board and have done a great job with the management of the City pension funds.

**** MR. IGNERI MOVED TO APPROVE THE REAPPOINTMENT OF CHARLES PIRRO, III AND MICHAEL SWEENEY TO THE PENSION BOARD WITH A TERM TO EXPIRE 09/01/2019.**

**** THE MOTION PASSED UNANIMOUSLY.**

MAYOR REMARKS

Mayor Rilling introduced Torian Blakes and read that he is an eleven year old that is one of only ten that has achieved national recognition for an essay on tennis. Torian was congratulated by the Council members and presented a certificate for his outstanding accomplishments with the Grassroots Tennis group

Mayor Rilling announced the City Mentor Challenge is on endorsed by the Mayor's office and Superintendent Dr. Rivera. He stated that all are encouraged to be a mentor to provide one hour per week to guide and meet with a child in the Norwalk Public Schools.

Mayor's Night Out on Monday, September 29, 2014 from 7:00 to 8:30 p.m. at Cranbury Elementary School - residents are encouraged to come out and discuss with City Department Heads their comments and input on City services.

Mayor Rilling stated that they would go out of order on the agenda to have additional public comments following a presentation by Corporation Counsel at the end of the agenda.

Mr. Hempstead explained that on consent meant the item was approved by both caucuses and that those in attendance for items should note that on consent means approval, and they would not be asked to address the council for further question on those items.

COUNCIL PRESIDENT

Mr. Hempstead echoed comments by the Mayor on the Mentor Challenge and added that this is a truly remarkable program that can make a meaningful difference in the life of a child.

Mr. Hempstead announced the Touch-a-Truck event on Saturday, September 27th at the Public Works Center includes hands-on activities and demonstrations by Fire Department, Police Department and Public Works.

CONSENT CALENDAR

- ** MR. HEMPSTEAD MOVED THE CONSENT CALENDAR AS FOLLOWS:
VIA.2, VIA.3, VIA.5, VI.B.1a, VI.B.1b, VI.C.1;
C2 TABLED; D1a, 1b, withdrawn; D2 TABLED.**
- ** MOTION TO APPROVE THE CONSENT CALENDAR PASSED
UNANIMOUSLY.**

Items on the Consent Calendar are in bold as follows:

COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

- 2. For informational purposes only: Narrative on Tax Collections dated September 11, 2014**
- 3. For informational purposes only: Monthly Tax Collectors Report Dated:
July 31, 2014 - August 31 2014.**

The Common Council hereby delegates to the Mayor or Director of Finance, subject to the approval of the President of the Common Council, the Majority Leader of the Common Council, the Minority Leader of the Common Council, and the Chairman of the Finance Committee of the Common Council, or any two of them (the Committee'), the authority to execute any and all documents relating to the procurement of electricity from the Firm(s) participating in RFP #3448, electricity generation services that provides the most favorable pricing terms and conditions for the City for a term not to exceed five (5) years, commencing January 1. 2015 thru December 31. 2019. Accounts various.

Consent Calendar – continued

5. Authorize the Mayor, Harry W. Rilling, to submit an application to the State of Connecticut for grant funds provided under the State of Connecticut's Local Capital Improvement Fund for Local Capital Improvement Program (\$632,242 — 2014 Entitlement).

B. LAND USE & BUILDING MANAGEMENT

1a. Authorize the Mayor, Harry W. Rilling, to execute an Agreement with Domus Construction LLC for the Roof:

Leak Repair project at Lockwood Mathews Mansion for a total not to exceed \$149052.00. Acct. #09156310 5777 C0186.

1b. Authorize the Historical Commission to issue Change Order on Contract for a total not to exceed \$3000. Acct. #0912/1563105777 C0186.

C. PLANNING

1. Approve and authorize Mayor Rilling to execute the State of Connecticut Negative Pledge Agreement related to the Connecticut Department of Economic and Community Development (DECD) Brownfield Assessment Grant for 55 Dr. Martin Luther King, Jr. Drive.

**2. Approve and Authorize the Mayor to execute the Maritime Aquarium Lease Agreement.
ON CONSENT TO TABLE UNTIL OCTOBER 14, 2014.**

D. PUBLIC WORKS –

Items 1a. 1b. ITEMS WITHDRAWN.

Item 2. Resolution Against Bullying

ON CONSENT TO TABLE UNTIL OCTOBER 14, 2014

Ms. O'Toole-Giandurco stated that she would recuse herself from the meeting.

Ms. O'Toole-Giandurco left the Concert Hall at 8:08 p.m.

A. FINANCE COMMITTEE

**1. Accept and Approve the Report of the Claims Committee Dated:
August 14, 2014 - September 11, 20**

Mr. Hempstead recused himself from the item and left the meeting at 7:58 p.m.

Mr. Kimmel presented the item and spoke about the 99% rate of tax collections as one of the highest in the state. He credited the hard work and efficiencies of the Finance Department and commended the Tax Collector Lisa Biagiarelli.

**** MR. KIMMEL MOVED TO ACCEPT AND APPROVE THE REPORT OF THE CLAIMS COMMITTEE DATED: AUGUST 14, 2014 - SEPTEMBER 11, 20, 2014.
** MOTION PASSED UNANIMOUSLY.**

Mr. Hempstead returned to the meeting at 8:00 p.m.

Mr. Kimmel moved the item for discussion:

4. The Common Council hereby delegates to the Mayor or Director of Finance, subject to the approval of the President of the Common Council, the Majority Leader of the Common Council, the Minority Leader of the Common Council, and the Chairman of the Finance Committee of the Common Council, or any two of them (the Committee), the authority to execute any and all documents relating to the procurement of electricity from the Firm(s) participating in RFP #3448, electricity generation services that provides the most favorable pricing terms and conditions for the City for a term not to exceed five (5) years, commencing January 1, 2015 thru December 31, 2019. Accounts various.

Mr. Kimmel explained that this enables the City to react quickly to lock in the best deal for electricity which saves taxpayers money. Mr. Kydes explained that the Energy Task Force is in agreement with this action and thanked all those involved including the Superintendent of Schools office for working together in collaboration with the Purchasing Department. Mr. Hempstead echoed the comments made and noted that this has been the past practice for several years and is a good strategy that works to save citizens money with utility bills.

**** MR. KIMMEL MOVED TO APPROVE THE COMMON COUNCIL HEREBY DELEGATES TO THE MAYOR OR DIRECTOR OF FINANCE, SUBJECT TO THE APPROVAL OF THE PRESIDENT OF THE COMMON COUNCIL, THE MAJORITY LEADER OF THE COMMON COUNCIL, THE MINORITY LEADER OF THE COMMON COUNCIL, AND THE CHAIRMAN OF THE FINANCE COMMITTEE OF THE COMMON COUNCIL, OR ANY TWO OF THEM (THE COMMITTEE), THE AUTHORITY TO EXECUTE ANY AND ALL DOCUMENTS RELATING TO THE PROCUREMENT OF ELECTRICITY FROM THE FIRM(S) PARTICIPATING IN RFP #3448, ELECTRICITY GENERATION SERVICES THAT PROVIDES THE MOST FAVORABLE PRICING TERMS AND CONDITIONS FOR THE CITY FOR A TERM NOT TO EXCEED FIVE (5) YEARS, COMMENCING JANUARY 1, 2015 THRU DECEMBER 31, 2019. ACCOUNTS VARIOUS.
** MOTION PASSED UNANIMOUSLY.**

Mayor Rilling noted the order of the agenda would have a another public comment portion of the meeting under item VII.1 following a presentation by Corporation Counsel.

E. CORPORATION COUNSEL

1. Discussion and potential action on proposed settlement in the case of Al Madany Islamic Center of Norwalk, Inc. v. Norwalk, Et. Al., 3:12-CV-00949-MPS, which was approved by the Planning and Zoning Commission on September 4, 2014.

Corporation Counsel Mario Coppola provided an overview of the item and outlined the finalizing of the terms of the settlement. He referred to documents that were available for the public, and he asked City Attorney Joseph Williams to go through the agreement. He summarized that Norwalk will reimburse Al Madany \$307,500 for its expenses, pay \$975,000 for damages, buy the property at 127 Fillow St. for \$585,000 and pay up to \$215,000 for development costs at a new location. Norwalk will also help Al Madany find a new site. Attorney Williams referred to the agreement and provided the following summary:

- The city will pay Al Madany \$925,000 to settle Al Madam's claims for litigation damages. The payment is due on or before July 3, 2015.
- The city will buy the property from Al Madany for \$585,000 — deemed the fair-market price based upon an appraisal obtained by the city.
- Within 30 days, the city will pay Al Madany \$307,500 to cover out-of-pocket litigation costs incurred by Al Madany. The Connecticut Interlocal Risk Management Agency (CIRMA), the city's insurance carrier, will reimburse the city for that amount, according to the city's law department.
- The city will work in good faith with Al Madany for no less than two years to locate an acceptable alternative property for the proposed mosque/multipurpose hall.
- The city's economic development director, the Norwalk Redevelopment Agency executive director, planning and zoning director, corporation counsel and mayor will assist in that effort.
- If and when Al Madany identifies an acceptable alternative property, the city will reimburse Al Madany up to \$215,000 for the reasonable out-of-pocket development costs incurred by Al Madany at a new property. Those costs may include legal, engineering and architectural fees, and costs associated with landscaping services and traffic calming measures.

Attorney Marci Hamilton reviewed the legal strategy used and spoke about the Religious Land Use and Institutionalized Persons Act (RLUIPA). She said the choice was to challenge the law's constitutionality or go for a rational settlement, and explained that Norwalk chose the latter. She said this is an agreement that is welcoming this mosque to Norwalk, and the City is being a good citizen, but says that their current location is not the right one.

Public Participation

Mayor Rilling asked City Clerk King to call those who signed up to speak to come to the microphone when their names were called.

Comments represent summarizations of statements made, unless otherwise noted.

1. Anne Koehler, 46 Prospect stated she is not comfortable with any part of this settlement because the group knew it was too big for the property. She asked why give them money from the City after holding us hostage just to be politically correct. She said the group should be stuck wit it and expenses should be out of their pocket after being held hostage by demands is not proper.
2. Sheldon Green, 108 New Canaan Avenue said he is amazed after watching all of the proceedings

and finds it remarkable what went on. He asked that if you want to raise money for something, have a tag sale, have a bake sale, or do a car wash? Here you can buy a piece of property that you know you will never be able to use for the purpose intended, find every legal device and attorneys here and challenge a major city in Connecticut. Do so successfully and say to the city, eat my mistake. I wish I could have thought of something like that years ago and would have been a millionaire.

3. Kimberly Grimm, 133 Fallow Street said she wanted to thank the council. She explained that she felt very slighted by the Zoning Commission, but felt when we all spoke to you, you all listened. She said that she wanted answers to questions, such as, what will the city do with the property, and she is concerned with the precedent that is being set here, and we should all learn from this She suggested that the Mayor do something on changes to zoning regulations to make sure this does not happen again..
4. Joan Dupree, Berkshire Hathaway Realtors asked for the appraisal details and if this is in the agreement, as it sounded like the city was paying too much and asked if an appraisal had been done. Corporation Counsel Coppola said there had been appraisals, and we determined fair market value based on highest and best use, and that it was part of the negotiations.
5. Peter M. Nolin, Douglas Drive, said he commended everyone on the stage for coming up with a different solution and promised to spread the word. He explained to remember that maybe it is overpaying in the context of a litigation settlement but saving the neighborhood and helping the Al Madany community find a better location. This I think is a win-win settlement. It's a lot of money, but I will support this and defend it because I think you are doing the right thing.
6. Diane Lauricella, 21 Blue Mountain Road, said she wanted to echo the comments made by Mr. Nolan in support of this agreement. She wanted to add an addendum that it is in line with Conservation and Development guidelines in force and in sync with transit-oriented development and conventional industrial zoning. She noted that the Muslim community should have a place for worship and education, but in an area where it truly fits and is compatible with the larger neighborhood. She added that the commissioners need training on handling of a special permit and need to be held accountable and asked for a review of the zoning regulations.
7. Patricia Conlin, 29 Glenn Avenue said she called for a moratorium on special permits until the zoning regulations can be fixed. She said she didn't like the precedent being set. She added that you have restored my faith in local politics. She said she figured that this was in like Flynn, and

didn't hear all the particulars as far as costs, but in the long run it's a cheap price to pay for what might have been and I thank you all very much.

Public Comments – continued.

8. Muhammad Khan said he was a 35+ year resident of Norwalk and spoke about the struggles the members of the Islamic Community have faced with finding a place of worship. He spoke of the diversity that comprises Norwalk and the many religious freedoms that the City accommodates.

Mayor Riling asked if there were other members of the public who wished to speak, and hearing none, closed the public participation of the meeting at 8:35 p.m.

Mr. McCarthy requested a recess. **Mayor Riling called for a five-minute recess.**

The meeting was recessed at 8:36 p.m. and reconvened back into public session at 8:55 p.m.

E. CORPORATION COUNSEL

1. Discussion and potential action on proposed settlement in the case of Al Madany Islamic Center of Norwalk, Inc. v. Norwalk, Et. Al., 3:12-CV-00949-MPS, which was approved by the Planning and Zoning Commission on September 4, 2014.

Mr. Hempstead made the motion to accept the settlement, then referred to the voluminous amount of information Council members received in executive sessions. He said Council members struggled between fiduciary responsibilities to taxpayers, to protect residents and neighborhoods, and the nation's promise to its citizens to allow them to worship as they see fit.

Mr. Hempstead added that a lot of us here struggled both ways with mind, heart against each other because we are here with a fiduciary responsibility to try to make sure that our expenditures are wisely spent, but at the same time, there are lessons in this. He added that this country is founded, one of its main principles is freedom of religion and freedom of worship as we see fit, where we see fit. But by the same token, Norwalk is not the same city it was 50 years ago when it was undeveloped.

Mr. Kimmel said there were possible consequences if this ended up in court by not settling and referred to the weight of RLUIPA. He explained that there is the possibility of a solid argument that even the large version of the mosque may have indeed corresponded to our zoning regulations. He added that the potential costs of the litigation were quite high, and referred to the remarks about it being a precedent, and what the city would do with the property. He explained that most likely it will sell it, making it a wash and reducing the total outlay to \$1.3 million. He added that the payment here was preferable to potential legal costs if the lawsuit between the city and Al Madany continued. He explained that we're asked about the \$925,000 plus the \$215,000 but weighing that against the potential of spending millions is the key issue. He said this is a precedent which we don't like, and the only way to address it is to clean up our zoning regulations so we can have a little bit more control with what happens regarding land use in

Norwalk.

Mr. Petrini said Council members listened to the public, looking at the upside and the downside, would rather use your money to work on this settlement whereas legal costs. He explained that money would be better placed helping a congregation that has waited patiently and wants to have a place of worship rather than going to court. He added that is the reason why I am going to sign onto the settlement, because we have used your money to the best purpose.

Mr. Simms said Council members heard residents' concerns and we did listen to residents, their voices were really loud that this isn't the spot for it.

Mr. Kydes stated that he wanted to echo the comments made tonight and that he is in support of the amended agreement and acknowledged all the hard work by the legal team.

Mr. McCarthy spoke about the most unusual meeting two weeks ago where he understood both sides. He explained the term community and how so many people spoke and explained that in this case the big difference is that our children go to school together. He referred to the difficulty with the zoning process and RLUIPA not being fair to neighborhoods and artificial restrictions and neighborhood burden. He stated that tonight is a win-win where Al Madany will find appropriate land for the mosque. He thanked Mr. Petrini and Mr. Hempstead and Mr. Watts that formed an efficient team and acknowledged their guidance and leadership.

Mr. Bonenfant stated he wanted to echo the comments made tonight and thanked the legal team and the council members for working together.

Mr. Simms thanked Corporation Counsel Mario Coppola and the legal team that worked tirelessly to come to an agreement and terms mutually agreeable and a workable solution.

Ms. Maggio said being from District C she had rarely been in that section of the City and she had learned a great deal through this process. She said she had been prepared two weeks ago to vote against the settlement, and two things happened. She said Attorney Hamilton explained RLUIPA and one of the Al Madany members made a big impression with his speech at the last council meeting, in which he said they had made a big sacrifice to give up the classroom space for their children. She suggested the disposition by the City is that it could become open space, maybe with trails for kids who want to do some sightseeing. She said she was not thanking anyone because we all worked equally, Mario, Joe and Marci worked the hardest but that was their job. The Council is spending a lot of money and setting a terrible precedent and the only people that can help us with that is the congressmen who passed it. She added that here we are taking the lesser of two evils; we are deciding to settle on this case so that it doesn't cost the taxpayers more.

Mr. Watts acknowledged the work by the Mayor and said you allowed us as Council members to talk among ourselves without interfering, letting us do what we thought was in the best interest of the city, and then the Mayor came in and showed leadership. He added that he can't thank

him enough.

Mr. Igneri said this was very hard decision, and he strongly supports the settlement and looks forward to sleeping again. He explained we spent many hours over weekends and during the week, here until the small hours of the morning.

Ms. Bowman said she had fully supported the mosque but one of the things that we stress on the council, is you should respect the person who represents that district and Mr. Watts really represented you all very well.

Ms. Stewart said she is very proud of the accomplishments that were made here, and really am grateful for the outpouring of emails and long conversations. I think that going forward as a community we should be able to work on any projects that we face without a problem at all

Mayor Rilling said he is proud of Norwalk, we did it right, we discussed things, we respect each other, we worked together and we came up with what we consider to be the best possible solution and worked things out. He added going forward that is how Norwalk will continue to work. Mayor Rilling praised Corporation Counsel Mario Coppola, and Attorneys Joseph Williams and Marci Hamilton, for reaching the agreement and all the hard work by them and the Council members. He thanked residents for voicing their opinions.

**** MR. HEMPSTEAD MOVED TO APPROVE THE PROPOSED SETTLEMENT IN THE CASE OF AL MADANY ISLAMIC CENTER OF NORWALK, INC. V. NORWALK, ET. AL., 3:12-CV-00949-MPS, AS AMENDED WITH AGREEMENT AS OUTLINED.**

Council President called for a roll-call vote.

**** MOTION TO APPROVE PASSED UNANIMOUSLY.**

IX. MOTIONS POSTPONED TO A SPECIFIC DATE – none

X. SUSPENSION OF RULES - Mayor Rilling requested to move the order of the agenda to include a public comment section on Item VII.1 after the presentation by Corporation Counsel.

XI. ADJOURNMENT

**** MR. WATTS MOVED TO ADJOURN.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,
Marilyn Knox;
Telesco Secretarial Services

ATTEST

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**SEPTEMBER 23, 2014
REGULAR MEETING MINUTES**

Donna King, City Clerk