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**CITY OF NORWALK
ORDINANCE COMMITTEE
OCTOBER 20, 2020
BY VIDEOCONFERENCE AND TELECONFERENCE**

ATTENDANCE: Lisa Shanahan, Chair; David Heuvelman; Dominique Johnson; Thomas Keenan; Manny Langella; Thomas Livingston; Kadeem Roberts

STAFF: Brian Candela, Corporation Counsel; Sabrina Church; Director of Business Development and Tourism; Police Chief Thomas Kulhawik

OTHERS: Michael Church, Board of Ethics; Nicholas Sacchinelli, Common Council member

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Via Teleconference and videoconference

ROLL CALL

Ms. Shanahan called the meeting to order at 7:00 p.m. and called the Roll as indicated above.

PUBLIC HEARING (possible action on)

A public hearing was not held this evening.

PUBLIC HEARING DISCUSSION

There was no discussion this evening.

PUBLIC COMMENT

No members of the public wished to speak this evening.

ACCEPTANCE OF MINUTES:

September 15, 2020 – regular meeting

The following corrections were made to the minutes:

Correct the spelling of Mr. Heuvelman's name throughout.

Page 2 – Old Business: fifth paragraph, second sentence - ...stating that she did not receive any reporting records...

Page 2: last paragraph, barred should be replaced with not covered and status should be replaced with statute

Page 3: first paragraph – Mr. Bonnist said the living wage does not apply to entities that employ 25 or more employees and CPS employs three with the City of Norwalk. He said that by definition Century Protective Services is barred from the application of the Ordinance.

Page 3: third paragraph – change should be replaced with describes.

Page 3: fifth paragraph – second sentence. She asked how many total employees Century employs.

Page 3: sixth paragraph – Mr. Soracco said that during the orientation process, new employees are given a handbook and they have the chance to read the handbook...

Page 4: first paragraph – add authority to the end of the second sentence.

Page 4: second paragraph, first sentence – Mr. Heuvelman asked CPS if they accept the

...

Page 4: second paragraph, third sentence – If CPS is a covered entity

Page 4: fourth paragraph, fifth sentence – employee should be changed to supervisor

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Page 4: seventh paragraph, first sentence – Ms. Shanahan made the following motion
Page 4: seventh paragraph, third sentence should read: Respondent failed to comply with the Living Wage and failed to comply with the reporting requirements.

- ** **MR. LIVINGSTON MOVED TO ACCEPT THE MINUTES AS CORRECTED**
- ** **MOTION PASSED UNANIMOUSLY**

OLD BUSINESS

Discuss and Vote on Code of Ethics Section 32-4 – Conflicts of Interests; interference with duties; prohibited interests; exceptions

Ms. Shanahan explained that she and Mr. Livingston with the help of Mr. Heuvelman have been working on this item. Mr. Livingston explained his reservations because the language being used was not consistent throughout the document.

Mr. Church asked if there was something the Committee would like the Board of Ethics to look at. Ms. Shanahan said she would welcome any thoughts or comments from the Ethics Board.

Mr. Candela noted the Board of Ethics received a clean copy of Section 32-4 and it is also posted on the website. He added that this is on their agenda this week. Mr. Livingston asked if it would make sense for the Board to review this before the Committee makes any revisions. Mr. Church said they would be happy to review this Section and provide commentary. He said they have gone through this several times and they are looking for something that the Ordinance Committee will be comfortable with. Mr. Heuvelman said it may be better for the Board of Ethics to review this.

- ** **MR. HEUVELMAN MOVED TO TABLE THE DISCUSSION AND VOTE ON CODE OF ETHICS SECTION 32-4 – CONFLICTS OF INTERESTS; INTERFERENCE WITH DUTIES; PROHIBITED INTERESTS; EXCEPTIONS**
- ** **MOTION PASSED UNANIMOUSLY BY A SHOW OF HANDS**

Discuss and Vote on Chapter 38, Article 1, Sections 38-1, 38-2, 38-3, 38-4, 38-5, and 38-6

Ms. Shanahan explained that the amendments to this statute is in response to an issue that came up about a year ago regarding hunting waterfowl. She said this is the work of a number of people.

Mr. Heuvelman asked about the prohibition of firearms within the City and what is new in this Ordinance compared to the existing Ordinance. Mr. Livingston said he submitted his changes and they were forwarded to the Ordinance Committee members.

Mr. Keegan asked Chief Kulhawik if there are a lot of complaints about hunting at Calf Pasture Beach that would necessitate the Ordinance. Chief Kulhawik said there are not a lot of complaints. Mr. Keegan asked if when responding to a complaint, the Police found the hunters to be in compliance. Chief Kulhawik said they are in compliance.

Ms. Shanahan explained that the Committee followed the statute for Connecticut. It is a matter of people carrying guns across city properties. Mr. Keegan asked if they should change the language in 38-3 regarding skeet ranges and the Commission appointment dates. This Commission licenses rifle, pistol and skeet and trap shooting ranges. He noted that the dates for the appointments are the second Tuesday in November 1948, 1949 and 1950. Mr. Candela said he did not know if this specific commission exists. Mr. Livingston said there is a shooting range on Rt. 123 and suggested leaving in the language referencing skeet shooting ranges. Mr. Keegan suggested striking the outdated language on page 19.

The Committee members discussed section 38-4 regarding rules for carrying firearms and hunting in or on city owned or leased properties and facilities.

Ms. Shanahan asked if an off duty Police officer would have a duty to intervene if they were in a City owned building and they had their firearm with them. Chief Kulhawik said it would depend on the situation; however, he would expect they would intervene and if not, they would have to determine if the off duty Police officer was derelict in their duties.

Ms. Shanahan said there is a concern because Connecticut is an open carry state. She added that if they are going to address hunting, they should address people carrying firearms on City property. Mr. Sacchinelli said there are people who are legally licensed to carry a firearm, but under this Ordinance that would be a crime. He asked Chief Kulhawik if this was enforceable. Chief Kulhawik said that right now certain buildings post a notice that no firearms are permitted in that building. The general approach is to ask a person who is legally carrying a firearm to leave the building. Mr. Candela said that a person with a license for a firearm can bring it into a building unless there is a sign posted, prohibiting anyone from bringing a firearm into the building.

Mr. Sacchinelli said he was concerned about the broadness of the language and asked if this can make a legally armed resident a criminal. Chief Kulhawik said that would depend on the circumstances. Mr. Sacchinelli asked if the Ordinance is approved, if it would be enforceable if someone who is legally licensed to carry a firearm, brings it into a City owned building where there is no posting prohibiting the firearm. Chief Kulhawik

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said it would fall under the City property. Mr. Sacchinelli said that he was fairly certain that the Ordinance as written was an infringement of an individual's Constitutional rights. Mr. Candela said that he understood that other jurisdictions in Connecticut have this type of Ordinance and it has not been challenged. Mr. Livingston said this Ordinance was created under the authority of the State statute.

Mr. Livingston said that City buildings and parks should be gun free areas. He said the only issue is whether or not parking lots should be covered.

Mr. Heuvelman asked Chief Kulhawik if the complaints about guns have been around waterfowl or hunting. Chief Kulhawik said the only complaints they receive are related to hunting waterfowl. Mr. Heuvelman asked if there was a way to write a "peaceful transport" that would cover the parking lot situation. He said that signage is needed. Mr. Heuvelman said he hears issues on both sides and said that he does not want to see guns in City parks or in City buildings. Mr. Sacchinelli said he does not want to put a legally armed resident in a bad situation.

Mr. Candela said he will forward the Ordinance from other municipalities.

Ms. Johnson said that the City owns the school buildings, and that Connecticut has stringent weapon laws. She asked if there have been any instances of people asking to cross school property with an unloaded weapon. Chief Kulhawik said he has not had that request. He described a situation where a person at Marvin School called the Police because they saw someone riding their bicycle past the school and they had a weapon. The person was heading to Calf Pasture Beach to go hunting.

Ms. Johnson asked about the state of signage prohibiting weapons at the schools. Mr. Candela said the statutes in Connecticut are very stringent concerning weapons in the schools. Chief Kulhawik added that even if someone is licensed to carry a weapon, they are prohibited in the schools. Mr. Candela suggested looking at the Weston municipal code.

Mr. Langella asked about wildlife management. He asked if the City would see a cost to contract out for wildlife management if people decrease the amount of hunting they would normally do. Ms. Shanahan said the only place hunting is allowed is at Calf Pasture Beach and certain areas at Veteran's Park. Mr. Livingston noted that the City is not currently culling wildlife.

Mr. Heuvelman suggested changing the pellet size to #1. He said that he wants to see people who are duly licensed are not unduly burdened. He said they need to come up with a clear solution.

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- ** MS. JOHNSON MOVED TO TABLE THE VOTE ON CHAPTER 38,
ARTICLE 1, SECTIONS 38-1, 38-2, 38-3, 38-4, 38-5, AND 38-6
** MOTION PASSED UNANIMOUSLY**

NEW BUSINESS

Discuss Chapter 45, Article 4, Sections 45-29, 45-30, 45-31, 45-32, 45-33 and 45-34

Ms. Church explained that due to Covid the City has had to expand outdoor dining. She said that the Executive Orders provides more outdoor dining without additional parking requirements. She said they are looking to expand the Ordinance to reflect the Executive Orders. She added that they want to have a process that is easy for the business owners.

Ms. Johnson asked about ADA compliance. Ms. Church explained that was something they had to deal with. They had to make temporary ramps on Washington Street. She said they will have to do something to remain ADA compliant. Ms. Johnson said she wants to be sure there is accessibility.

Ms. Shanahan asked if there are things they need to consider during the shoulder season. Ms. Church explained that these changes are for the warmer weather. Very soon, they will be releasing information regarding tents for outdoor dining.

Ms. Church said they are looking to complete a FAQ (frequently asked questions). She said this Ordinance is for outdoor dining anytime during the year.

Mr. Candela said he will be forwarding a publication describing outdoor dining to everyone.

Mr. Heuvelman asked Ms. Church if she is looking for continued use of a right of way or if they are looking to make this site specific, for example, in SoNo. Ms. Church said she wants to allow the use of the right of way on a case by case basis.

DISCUSSION ITEM

There were no further discussions.

ADJOURNMENT

- ** MR. LANGELLA MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 8:26 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services