

COMMON COUNCIL - SPECIAL MEETING

JUNE 16, 1987

Meeting to be called to order at 7:00 O'Clock P.M. by the Honorable James E. Dyer, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

PRAYER

ROLL CALL

Council Members - Johnson, Sollose, DeMille, Philip, Godfrey, Flanagan, Zotos, Hadley, Rotello, Cassano, McManus, Gallo, Esposito, Charles, Boynton, Butera, DaSilva, Eriquez, Farah, Smith, Torian.

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Present

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Absent

NOTICE OF SPECIAL MEETING - To be held on the 17th day of June, 1987 at 7:00 O'Clock P.M. in the Common Council Chambers at City Hall, for the purpose of acting upon the following:

- ✓ 01 - Downtown Special Services Tax District.
- ✓ 02 - ^{Report} Resolution for the Hayestown Avenue Bridge Reconstruction.
- X 03 - Portable Classrooms - Roberts Avenue School.

PUBLIC SPEAKING SESSION

There being no further business to come before the Common Council, a motion was made by _____ and seconded by _____ for the meeting to be adjourned at _____ P.M.

CITY OF DANBURY

To: Members of the Common Council

A special meeting of the Common Council _____ of the City of Danbury will be held on the 16th day of June 19 87 at 7:00 o'clock p.m., at the City Hall in said Danbury.

For the purpose of

- 1. Special Services Tax District.
- 2. Resolution - Reconstruction of Hayestown Avenue Bridge.
- 3. Portable Classrooms - Roberts Avenue School.

Dated at Danbury, this 12 day of June 19 87.

 _____ Mayor
 _____ *Janetta S. Samaha* Asst. Clerk

To the sheriff or any policeman of the City of Danbury:

You are hereby required to notify the above named member _____ of the Common Council of the City of Danbury of the special meeting of said board by leaving with or at the usual place of abode or place of business of such member not less than 24 hours before the hour specified for said meeting, a notice in form annexed, and to make due return thereof at the time



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

June 11, 1987

Honorable James E. Dyer, Mayor
City of Danbury
155 Deer Hill Avenue
Danbury, Connecticut 06810

Dear Mayor Dyer:

Pursuant to our discussion at the June meeting of the Common Council, I ask for a special meeting of the Common Council to act on the proposed Downtown Special Services District. The Council is now in possession of the maps of this district as requested. I believe a quick resolve of this matter is in the best interest of the City.

Sincerely,

Joseph DaSilva
/js

Joseph DaSilva
Councilman-at-Large

cc: City and Town Clerks
Common Council Members



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 2, 1987

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

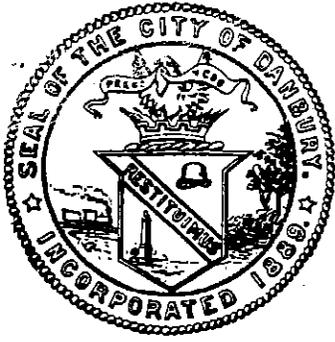
Re: Downtown Special Taxing District

The Common Council held a public hearing for the Downtown Special Taxing District on May 21, 1987 at 7:30 P.M. in the Common Council Chambers in City Hall.

The Common Council met as a committee of the whole immediately after the public hearing and voted to recommend to the Common Council that the ordinance pertaining to the special taxing district be sent to referendum. Council Members Flanagan and Charles voted in the negative.

Respectfully submitted,


CONSTANCE McMANUS
President



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

That the Code of Ordinances of Danbury, Connecticut is hereby amended by adding a chapter, to be numbered XIXB, which said chapter reads as follows:

CHAPTER XIXB - DOWNTOWN SPECIAL SERVICES DISTRICT

Section 19B-1 Purpose and Intent

WHEREAS, The City of Danbury supports the revitalization of its downtown; and

WHEREAS, Revitalization requires improvements to the image and to the physical appearance of downtown; and

WHEREAS, Such improvements will benefit directly the owners of downtown property; and

WHEREAS, Chapter 105a of the Connecticut General Statutes entitles any municipality having a population in excess of 35,000 according to the most recent federal census to establish by ordinance of its legislative body within its confines a special services district to promote the economic and general welfare of its citizens and property owners; and

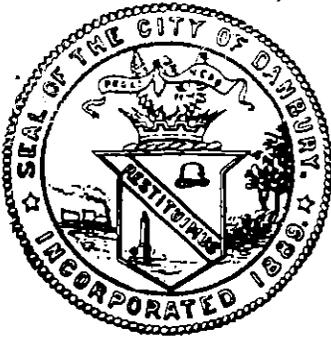
WHEREAS, Such a district enables property owners to tax themselves and administer such revenues to provide benefits and services for the district;

Now THEREFORE, in accordance with Chapter 105a of the Connecticut General Statutes, the City of Danbury does hereby establish a special services district within its confines, to be created and operated according to the procedures set out in Chapter 105a. The purpose of the district shall be to prevent further deterioration of the central business district; to enhance the environment in which people shop, live and work in the central business district; to demonstrate private commitment to the central business through physical, economic, and social improvements; to work with the government of the City of Danbury to maximize the usefulness of available public funds by consolidating and coordinating private efforts to assist the City's downtown revitalization program; and to maintain physical, economic and social improvements to the central business district through a long-term operations strategy allocating organizational and financial responsibility.

Section 19B-2 DEFINITIONS

For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein:

1. District shall be the municipal special services district established according to Chapter 105a of the Connecticut General Statutes, whose boundaries are delineated in Section 19B-4, Subsection 1, of this ordinance.
2. Property shall be real property within the district that is identified in the tax records of the City of Danbury as a parcel of land and/or building for which there is a map and lot number assigned by the Assessor's Office of the City of Danbury.
3. Property owner shall be the holder of record of a taxable interest in real property within the District.



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4. Holder of record of a taxable interest in real property shall be the corporation, partnership, unincorporated association, trustee, fiduciary, guardian, conservator, or other form of entity or any combination thereof as identified in the records of the City of Danbury.
5. Lessor of Property shall be the holder of a leasehold interest in real property within the district who has subleased all or a portion of said leasehold interest as distinguished from a property owner.
6. Lessee of property shall be the tenant occupying and in possession of premises located on a property in the district.
7. Ex-officio shall denote a non-voting member.
8. Board of Commissioners shall be the executive body elected by the holders of record of a taxable interest in real property to govern the district.
9. Commissioner shall be any single member of the Board of Commissioners, with the exception of the ex-officio members.
10. Fiscal year shall be July 1 to June 30, unless it is changed by vote of the Board of Commissioners and approved by majority vote of the holders of record of a taxable interest in real property.
11. Assessed value of real property for each fiscal year shall be the value of real property as listed on the grand list of the municipality, in effect as of October of the prior year.

Section 19B-3 POWERS OF THE DISTRICT

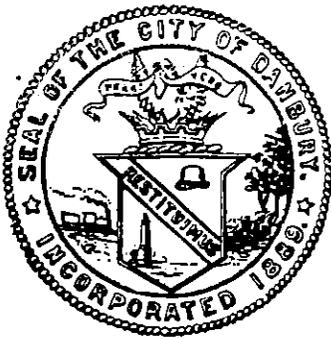
1. District Legal Status

a. The district is a body politic and corporate subject to such status and regulations that govern such a legal body.

2. Powers

The district shall have the following powers:

- a. to sue and be sued;
- b. to acquire, hold and convey any real estate, real or personal;
- c. to contract;
- d. to borrow money, provided any obligation incurred for this purpose shall be discharged not more than one year after it was incurred, and such district may pledge any tax levies received against any such obligation;
- e. to recommend to the Common Council of the City of Danbury the imposition of a levy upon the taxable interests in real property within such district, the revenues from which may be used in carrying out any of the powers of such district;
- f. to construct, own, operate and maintain public improvements;
- g. to provide, within such district, some or all of the services which said City of Danbury is authorized to provide therein, such as security services or cleaning services excluding therefrom any elementary or secondary public education services and provided that such services are not now being provided within any portion of the area included in such district by any multi-town body or authority;



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- h. to retain legal counsel with the approval of the Common Council;
- i. to buy, lease, and operate buses, mini-buses or other transportation for shuttle service in the downtown area;
- j. to receive and use gifts and donations for the purposes of the district;
- k. to construct, acquire, or obtain leasehold interests in motor vehicle parking facilities within such district;
- l. to operate a motor vehicle parking facility within such district;
- m. to enter into, fund, and perform agreements which reduce the cost of motor vehicle parking to residents and visitors of such district;
- n. to operate revenue-sharing facilities or events and to use the revenues for district purposes.

Section 19B-4 BOUNDARY OF THE DISTRICT

1. Description

The boundary of the district shall be all that certain piece or parcel of land described on Schedule A attached hereto and made a part hereof.

2. Eligibility of Tax Exempt Property

All property therein shall be included in the district. For the purpose of this district, the property owners of tax exempt property within the district will not be eligible to vote, nor will they be subject to any tax levies, unless the tax exempt status changes. If the tax exempt status changes, the property shall be subject to the district tax levy in accordance with Section 19B-7 of this ordinance, and such levy shall be pro-rated to cover the period from the change of the tax status to the end of the fiscal year.

Section 19B-5 PROCEDURE FOR THE REFERENDUM ESTABLISHING THE DISTRICT

1. Referendum: Voting Procedure

a. Within 45 days of the passage of this ordinance by the Common Council, a ballot shall be prepared and mailed to all holders of record of taxable interest in real property within the district boundary as established by Section 19B-4 of this ordinance.

b. The ballot shall be mailed to the address used by the Tax Collector of the City of Danbury for tax collection purposes. The ballots are to be returned by mail or in person to the Town Clerk postmarked or delivered within 15 business days of the initial mailing.

c. Each property owner regardless of the number of properties of record in his name shall be entitled to cast only one ballot which will be so counted in determining whether the necessary majority of property owners have voted in favor of the referendum.

d. The ballot shall be signed by the property owner(s) having at least 50% interest in said property, or a representative of the owner(s) duly authorized to cast such ballot.

2. Referendum: Oversight and Tabulation of Results

a. The referendum ballot shall be overseen by 3 supervisors appointed by the Mayor. The supervisors shall count ballots, and determine results of the referendum, and shall rule on any contested ballots.

deleted
by the
Common
Council
6-16-87



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b. For the purposes of determining whether the majority of property owners has voted in favor of the resolution, each ballot will be counted in two ways. An abstention will be considered to oppose the district.

i. Each ballot will be counted as a single vote for or against the district regardless of the number of properties of record in his name, except as otherwise provided in Section 19B-5, Subsection 3.c.

ii. Each ballot will be weighted by the assessed value of the property for which the ballot is cast except as otherwise provided in Section 19B-5, Subsection 3.c.

c. A majority of the property owners by number as hereinbefore defined in Section 19B-5, Subsection 1.c. and by assessed value must vote in favor of the district for the district to be approved.

d. If the district is not approved, this ordinance shall be null and void.

3. Referendum: Appeal

a. Ballots cast for a property owner shall be available for inspection by holders of record of a taxable interest in the property at the Office of the Town Clerk for five business days after the close of the referendum period.

b. Holders of record of a taxable interest in the property may contest in writing the ballot cast to the supervisors of the referendum. All appeals must be submitted within five business days of the close of the referendum period.

c. The supervisors shall evaluate the validity of the appealed ballot. The supervisors will review evidence submitted by the voter and the appellant in making their determination. They may change the ballot if sufficient evidence of improper vote is presented by the appellant. If the supervisors, after a review of the evidence, determine that the ballot was properly cast by owner(s) of a majority interest in said property, then said ballot is binding upon all owners of said property. If the supervisors, after a review of the evidence, determine that the appealed ballot was cast by an owner of only 50% of the interest in said property, then said ballot shall be given a 1/2 weight both as to the count by number and the count by assessed value. The decision of the supervisors shall be final.

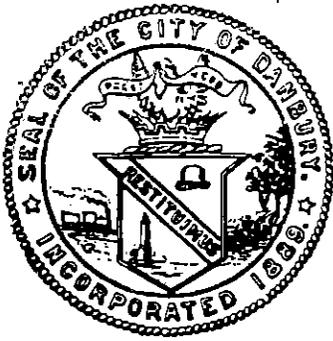
Section 19B-6 DISTRICT ORGANIZATION AND OPERATIONS

1. Commencement of District Operations

a. Within 20 business days of the referendum results creating a district, the Mayor shall call a general meeting of the property owners to nominate and elect the Board of Commissioners.

b. The Board of Commissioners shall meet within 20 business days of the general meeting to prepare the bylaws governing their operations and those of subsequent general meetings.

c. The Board of Commissioners shall prepare the first year's budget for the district and submit it for consideration to the general meeting of the property owners by January 15 of each year.



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2. Board of Commissioners

a. The Board of Commissioners shall have five members, two ex-officio members, and three alternates. The five positions on the board will be elected at large from the entire district. Three alternates shall also be elected, to substitute for absent commissioners on a rotating basis. The Commissioners shall be elected from any of the following categories: property owners, lessors of property, lessees of property and employees of any of the aforesaid categories. Any provision to the contrary notwithstanding, it is understood that at any time a commissioner no longer fits in any one of the aforesaid categories, said commissioner shall automatically be terminated. The Board of Commissioners is hereby empowered to fill any vacancies which occur on the Board of Commissioners. The two ex-officio members will be the Mayor and the President of the Common Council.

b. The Board of Commissioners shall be the executive body governing the day-to-day operations of the district. The board shall make administrative decisions and interpret policy for the district.

c. At the first meeting of the Board of Commissioners, bylaws shall be drafted for the operating procedures of the board. The operating bylaws may expand upon the procedures necessary to perform district functions.

d. The term of the five commissioners and the three alternates shall be for two years.

e. With the exception of the first election of the Board of Commissioners, a nominating committee shall be appointed by the Board to prepare nominations for the biennial election. Nominations may also be made at the time of the general meeting.

f. Commissioners shall be elected by a plurality vote of a quorum of property owners present at the general meeting.

g. The Board of Commissioners shall elect officers. The positions shall be determined at the first meeting of the board after the district is created and incorporated into the operating bylaws.

h. The Board of Commissioners shall hire such staff assistance as is considered necessary to perform their duties and as is approved in the budget submitted to the general meeting.

i. The Board of Commissioners and its staff shall be authorized to conduct the business of the district in a responsible manner.

3. General Meetings of Property Owners

a. There shall be an annual meeting of district property owners present or by proxy to approve the yearly budget and to conduct other such business as is determined necessary.

b. Special meetings may be called by the Board of Commissioners to conduct business that can not be postponed until the annual meeting.

Section 19B-7 DISTRICT REVENUE AND BUDGET

1. District Budget

a. As soon as practical after the enactment of this Special Services District, the district shall adopt a budget for the balance of the fiscal year at a special meeting of property owners, present or by proxy, and shall file said interim budget with the Director of Finance or Comptroller of the City of Danbury forthwith. Thereafter the district shall adopt an annual budget at a general meeting of property owners, present or by proxy,



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and shall file the budget with the Director of Finance or Comptroller on or before February 1 each year. The annual budget may be amended as provided in the bylaws of the district. Amended budgets must be filed with the Director of Finance or Comptroller within 15 days of adoption.

b. Upon the adoption of the interim budget the Board of Commissioners shall recommend to the Common Council of the City of Danbury a levy upon taxable interests in real property within said district. Thereafter the Board of Commissioners shall recommend to the Common Council of the City of Danbury, on or before April 1 of each year, a levy upon taxable interests in real property within such district. In accordance with Section 7-339r(d) of the Connecticut General Statutes, it shall be the obligation of the Common Council to impose the recommended levy as a municipal levy and such levy shall be in addition to the regular municipal levy and it shall be the obligation of the City to collect such levy for the benefit of the district.

c. Said Budget shall include an amount to reimburse the City of Danbury for ordinary, customary and usual charges incurred by the City of Danbury for those services performed on behalf of the Special Services District such as preparing and mailing tax bills, collection of taxes and accounting services. Any controversy or dispute arising out of the amount claimed by the City of Danbury as reimbursement for said charges shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

2. Collection of Levy

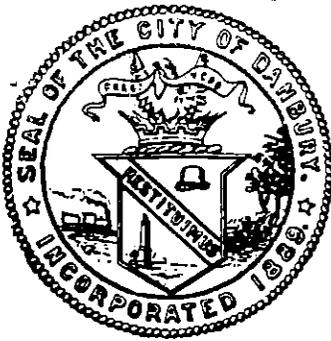
a. The levy upon taxable interests in real property in the district shall be due and payable in four parts, on July 1, October 1, January 1, and April 1, following the adoption of the levy for the fiscal year. On or before July 1 each year, the Tax Collector of the City of Danbury shall bill holders of taxable interest in real property in the district. Any provision to the contrary notwithstanding it is herein provided that as soon as practical following the imposition of the levy based on the interim budget the Tax Collector of the City of Danbury shall bill holders of taxable interest in real property in the district, which tax bill shall be due and payable on April 1, 1987 following the issuance of said bill.

b. Delinquent interest charges shall be assessed on late district tax payments and shall be computed in the same manner as used for establishing delinquent charges on regular property tax bills of the City.

c. The Tax Collector of the City of Danbury shall collect the district tax, interest charges and any other revenue of the district and shall deposit said monies received in a special revenue fund of the City to be maintained by the Treasurer of the City for the benefit of the District.

3. Disbursement of Funds

a. No disbursement shall be made from said fund except in compliance with Chapter VI Section 6-1 of the Revised Charter of the City of Danbury as the same may be amended from time to time and provided further that said disbursement is based upon the written request of a duly authorized representative of the district and only in accordance with the then current approved annual budget of the Board of Commissioners of the district. The district shall set forth in its bylaws procedures for approving disbursement of funds and for requesting such disbursement from the City, including but not limited to, a procedure approved by the Treasurer of the City of Danbury whereby, upon the request of a duly authorized representative of the district, the Treasurer of the City shall issue



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checks payable to a special bank account established by the Board of Commissioners and upon which account duly authorized members or agents of the Board of Commissioners may issue checks provided said disbursements are in accordance with the then current annual budget of the Board of Commissioners of the district.

b. All orders on contracts for expenditures approved by the Board of Commissioners on behalf of the District which meet the criteria established in Section 7-339q of the Connecticut General Statutes shall be awarded to the lowest responsible bidder only after public invitation to bid, which shall be advertised in the newspaper having circulation in such special services district.

Section 19B-8 MUNICIPAL OBLIGATIONS

1. Maintenance of Effort and Services

Notwithstanding the powers of the District defined in Section 19B-3 of this ordinance, the City shall continue to be obligated to provide existing municipal services within the district. Further, in keeping with the intent of this ordinance, which is to improve the district through a cooperative effort of the City and the property owners of the district, the City agrees to maintain the existing level of municipal services provided within the district.

2. Municipal Regulations

The district shall be subject to such ordinances of the City as apply to private organizations conducting business with the municipality (e.g., zoning, inland wetland regulations, etc.). The City may waive local fees which may apply to activities conducted by the district.

Section 19B-9 DISSOLUTION OF DISTRICT

The district may be dissolved as provided in Section 7-339s of Chapter 105a of the Connecticut Statutes.

Section 19B-10 SEVERABILITY CLAUSE

All provisions of the Danbury Code of Ordinances in conflict herewith shall not apply to the district and if for any reason any word, clause, paragraph or section of this ordinance shall be held to make the same unconstitutional, this ordinance shall not hereby be invalidated and the remainder of the ordinance shall continue in effect. Any provision herein which is in conflict with the Connecticut General Statutes is hereby repealed, it being understood that said statutes shall take precedence over this ordinance.

Section 19B-11 EFFECTIVE DATE

This ordinance shall within ten (10) days be published in its entirety in the Danbury News Times and shall become effective upon approval in accordance with Section 19B-5 hereof.



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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

JAMES E. DYER, MAYOR

COMMON COUNCIL

REPORT

June 16, 1987

Honorable Mayor James E. Dyer
Honorable Members of the Common Council

Re: Resolution for the Hayestown Avenue Bridge
Reconstruction

The Common Council held a public hearing regarding the resolution for the Hayestown Avenue Bridge reconstruction on June 10, 1987 at 7:30 P.M. in the Common Council Chambers in City Hall.

The Common Council met as a committee of the whole immediately following the public hearing and voted unanimously to recommend that the Common Council adopted the resolution as submitted.

Respectfully submitted,

Constance McManus
CONSTANCE McMANUS
President



RESOLUTION

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CITY OF DANBURY, STATE OF CONNECTICUT

_____ A. D., 19

RESOLVED by the Common Council of the City of Danbury:

WHEREAS, the Hayestown Avenue Bridge is in need of reconstruction; and

WHEREAS, the total cost of such reconstruction is \$353,677.50; and

WHEREAS, the eligible grant percentage is 29.8% equating to a State Project Grant of \$105,395.90; and

WHEREAS, the local match in the amount of \$248,282.00 is available through bond authorization adopted by the Common Council on August 25, 1983, approved by Mayor James E. Dyer on August 26, 1983 and approved at referendum on November 8, 1983;

NOW, THEREFORE, BE IT RESOLVED THAT Mayor James E. Dyer be and hereby is authorized to make application and contract for said funds and to take any additional steps necessary to accomplish the purposes hereof.

No paperwork was
found in the file.

Sorry for the
inconvenience, we
will continue to
update files if
information becomes
available.