

AN ORDINANCE AMENDING SECTION 10.4. PLANNED DEVELOPMENT DESIGN DISTRICT, PDD. OF THE NORWICH ZONING ORDINANCE BY DELETING OR AMENDING CERTAIN PERMITTED USES SET FORTH IN SUBSECTION 10.4.2 AND BY DELETING CERTAIN SPECIAL PERMITTED USES SET FORTH IN SECTION 10.4.3. AND BY AMENDING THE ALPHABETICAL IDENTIFICATION

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that:

1. Subsection 10.4.2. *Permitted Uses* of the Norwich Zoning Ordinance be and hereby is amended to delete as Permitted Uses in the Planned Development Design District the following uses; (a) Marinas; (b) Docks, slips, piers; (c) Yacht clubs, boating clubs; and (f) Health clubs; to amend paragraph (i) by deleting the words “and resorts”; and to amend subparagraph 2. of paragraph (i) by adding the word “and” between the words “Hotels” and “inns” and deleting the words “or golf facilities”; and by reformatting the alphabetical identification of the remaining items.

The deletions and amendments are made as follows:

10.4.2. *Permitted Uses*:

~~(a)~~ — Marinas.

~~(b)~~ — Docks, slips, piers.

~~(c)~~ — Yacht clubs, boating clubs.

~~(d)~~**(a)** Open space/parks.

~~(e)~~**(b)** Governmental offices.

~~(f)~~ — Health clubs.

~~(g)~~**(c)** Technology research and industries, including information technology, computers and software.

~~(h)~~**(d)** Healthcare technology research and industries, including advanced medical equipment, pharmaceuticals, biotechnology facilities.

~~(i)~~**(e)** Hotels **and** inns, ~~and resorts~~ with the following provisions:

1. Multiple structures may be constructed provided all structures are architecturally compatible and are part of comprehensive planned development.
2. The facility shall provide a separate lobby and a separate sitting area and amenities such as tennis courts, swimming pools, spas, health and/or fitness rooms. ~~or golf facilities.~~
3. Exterior of structure shall be brick, stone, wood clapboards or wood shingles. Color schemes for the project must be complementary to the architecture as determined by the commission.

4. Landscape plans shall be provided and shall be implemented using a diverse and creative design. All species shall be hardy for the location.
2. Subsection 10.4.3. *Special Permitted Uses* of the Norwich Zoning Ordinance be and hereby is amended to delete as Special Permitted Uses in the Planned Development Design District paragraph (g) in its entirety and paragraph (i) in its entirety, and by reformatting the alphabetical identification of the remaining items.

The deletions and amendments are made as follows:

10.4.3. *Special Permitted Uses*:

- (a-c) *Reserved*.
- (d) Restaurants. Drive-thru facilities are not permitted.
- (e) *Reserved*.
- (f) Colleges, universities, educational institutions: which are defined as public or private institutions of higher learning offering a course of studies leading to a degree or certification in a specific vocation or technical field. Such institutions may include accessory uses to support the principal institution. Examples of such accessory uses are: residential facilities for staff and/or students, sports fields and/or other structures for institutional events. It is the commission's intent to encourage the development within this district of business and educational facilities that work together on educational and training programs.
- ~~(g) Garden apartments, townhouses and residential group buildings, in accordance with the provisions of section 8.3.1(d) hereof and high-rise apartments and high-rise group buildings in accordance with the provisions of section 8.3.1(e) hereof provided that they are accessory to a principal use.~~
- ~~(h)~~**(g)** Retail uses and retail/wholesale distribution centers.
- ~~(i) Child care facilities.~~
- ~~(j)~~**(h)** Helipad as an accessory to a principal use.

3. This ordinance shall take effect ten (10) days after passage and publication in a daily newspaper of general circulation in the City of Norwich pursuant to Section 11 of Chapter 5 of the Charter of the City of Norwich.

Purpose: To eliminate certain uses and special permitted uses considered to be impractical, inappropriate and/or unlikely to encourage balanced economic development from the Planned Development Design District.

Submitted by
Alderman Tucker Braddock
Alderman Peter Desaulniers

ORDINANCE 1666
ADOPTED 5/7/2012
PUBLISHED 5/10/2012

AN ORDINANCE APPROPRIATING \$650,000 FOR PUBLIC SAFETY COMMUNICATION MODERNIZATION AND IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$650,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH:

Section 1. The sum of \$650,000 is appropriated to improve and modernize the public safety communication system of the City of Norwich, including placement of City communication lines on the Department of Public Utilities fiber optic communication system and the acquisition and installation of equipment necessary therefore, replacement of obsolete mobile radios, portable radios, pagers, base stations, repeaters, receivers, control stations, siren controls, etc. and reprogramming serviceable mobile radios, portable radios, base stations, repeaters, receivers, control stations, siren controls, etc. to comply with FCC narrowbanding requirements, improvements to public safety and other City facilities as required to accommodate the communication upgrades, warranties and testing. The appropriation shall include related appurtenances, improvements and equipment, or for so much thereof as may be accomplished within said appropriation, and for architectural, engineering and consultant fees and related services, administrative, advertising, printing, legal and financing costs. Said appropriation shall be in addition to all other appropriations for said purpose, and inclusive of state and federal grants in aid thereof.

Section 2. The total estimated cost of the project is \$650,000. No portion of the project cost is expected to be paid from sources other than the proposed bond issue. The estimated useful life of the project is ten years. The project is a general benefit to the City of Norwich and its general governmental purposes.

Section 3. To meet said appropriation \$650,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the ten years year after their date, or such later date as may be allowed by law. Said bonds may be issued in one or more series as shall be determined by the City Manager and the Comptroller, and the amount of bonds of each series to be issued shall be fixed by the City Manager and the Comptroller in the amount necessary to meet the City's share of the cost of the Project determined after considering the estimated amount of State and Federal grants in aid of the Project, or the actual amount thereof, if this be ascertainable, and the anticipated times of receipt thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the City Manager and the Comptroller, bear the

City seal or a facsimile thereof, be certified by a bank or trust company designated by the City Manager and the Comptroller, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the City Manager and the Comptroller, and be approved as to their legality by Joseph Fasi LLC, Attorneys-At-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the City Manager and the Comptroller. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The aggregate principal amount of the bonds, annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the City Manager and the Comptroller in accordance with the requirements of the General Statutes of Connecticut, as amended. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the City Council. In order to meet the capital cash flow expenditure needs of the City, the City Manager and Comptroller are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 4. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law. The principal and interest on the proposed issue are to be paid from property taxation to the extent not paid from other funds available for the payment thereof and the full faith and credit of the City are pledged to such payment.

Section 5. Said bonds shall be sold by the City Manager and Comptroller in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, auction or similar competitive process, at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation the purchase contract shall be approved by the City Council. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Manager and Comptroller are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 6. The City Manager and the Comptroller are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes

evidencing such borrowings shall be signed by the manual or facsimile signatures of the City Manager and the Comptroller, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the City Manager and the Comptroller, be certified by a bank or trust company designated by the City Manager and the Comptroller pursuant to Section 7-373 of the General Statutes of Connecticut, as amended, and be approved as to their legality by Joseph Fasi LLC, Attorneys-At-Law, of Hartford. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 7. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 8. The City Manager and Comptroller are hereby authorized to exercise all powers conferred by section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 9. It is hereby found and determined that the issue of all, or a portion of, the Bonds, Notes or other obligations of the City authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest. The City Manager and the Comptroller are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to law including but not limited to any "tax credit bond," or "Build America Bonds" including Direct Payment and Tax Credit versions.

Alderman Mark Bettencourt
Alderman H. Tucker Braddock Jr.
Alderwoman Sofee Noblick