

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
OCTOBER 17, 2023
BY VIDEOCONFERENCE AND TELECONFERENCE**

ATTENDANCE: Lisa Shanahan, Chair; Edwin Camacho, James Frayer,
Josh Goldstein (7:17 p.m.); Brian Meek; Nora Niedzielski Eichner (7:14 p.m.)

STAFF: Corporation Counsel: Brian Candela, Tayisha Toms

CALL TO ORDER

Ms. Shanahan called the meeting to order at 7:07 p.m.

ROLL CALL:

Ms. Shanahan called the Roll and acknowledged those in attendance as indicated above.

PUBLIC HEARING

Ms. Shanahan announced that there would not be a public hearing as the notice was not posted in the newspaper.

PUBLIC COMMENT:

Public comments are not verbatim and represent a summarization of statements unless otherwise noted. Speakers are Norwalk residents unless otherwise noted.

Ms. Diane Lauricella asked for a clarification to the minutes of last month of her comments regarding Affordable Housing ‘attached dwelling units’ should be ‘attached and detached accessory units’. The Chapter 9 item on the relationship of sale of City property it is important to assessment of the true market value of property in particular to a recent item concerning wetlands item in Rowayton where ¼ acre property was added to home ownership that would enhance the value of their land. She asks to add wording to the ordinance to avoid undervalue and to add as a caveat or standard ‘an appraisal as an assessment for fair market value on property for sale.’

ADMINISTRATION

APPROVAL OF MINUTES – September 12, 2023

Ms. Shanahan requested the change as requested by Ms. Lauricella to correct her comment as noted during Public Comments.

**** MR. FRAYER MOVED TO APPROVE THE MINUTES AS AMENDED WITH CHANGE AS NOTED.**

**** MOTION PASSED WITH ONE ABSTENTION (MEEK)**

Ms. Shanahan used the Chair prerogative to amend the agenda to change the order of business to skip over Blight Prevention 58A and to have discussion of sale of City property next on the agenda. She noted that this would be introductory discussion only with public hearing to be rescheduled.

**** MR. FRAYER MOVED TO CHANGE THE ORDER OF THE AGENDA AS NOTED.**

**** MOTION PASSED UNANIMOUSLY.**

Discuss Section 9-3: Procedure for sale of City property.

Ms. Tyisha Toms introduced the item and provided background information to the proposed changes to the ordinance as red-lined in the agenda attachment regarding a public hearing requirement for personal property and conveyance of tax. She explained redundancy with state statute, and thresholds of value for surplus property for a public hearing in accordance with public hearing past practice.

Ms. Niedzielski Eichner asked what the purpose of a public hearing is, and Ms. Toms explained the context depends on the nature of the hearing and the attendees involved to provide an opportunity to participate in the process with the valuation of the property sale.

Mr. Meek questioned the issue of conveyance tax and provided the example of Hatch & Bailey that the sale shortchanged the City as the tax was excluded from the value. Ms. Toms replied that it is statutory, and exemption based on where this applies if the City is purchasing from a private party sale. Mr. Meek questioned fair market value, and Ms. Toms clarified that the City does not lose as they do not pay conveyance tax in determine it doesn't change the value based on transaction cost.

There was discussion on how this is within the scope of the section on sale of property not the purchase price in relation to private sale in a reduction of the assessed value and protection for the City. Ms. Shanahan noted that this is beyond the scope of the discussion of the ordinance, and this could be added to a future agenda for sale of the property to the City if this is a part of another ordinance.

Mr. Frayer asked about the posting of items on the site mentioned as publicsurplus.com. Ms. Toms explained that it is for the establishment of competitive value or opening bid on the item for sale, and the starting bid is the appraised value that is the baseline, and it goes from there.

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Ms. Shanahan noted that this is an introductory discussion, and the addition of establishment of fair market value. Ms. Toms referred to examples of a fire truck and police boat where public hearings followed the ordinance.

Ms. Niedzielski Eichner noted that as with other items, this could be referred to the Common Council for review, and there was further discussion on the determination of threshold levels.

Ms. Shanahan thanked the Committee members for the feedback and noted that she will pull together the comments from tonight's discussion to Ms. Toms for additions to the draft ordinance recommended changes.

OLD BUSINESS:

Discuss and vote on resending the Affordable Housing Ordinance to public hearing.

Ms. Shanahan reported that the notice of public hearing was sent to the newspaper as customary procedure, but it was not published; therefore, this provides an opportunity to have further discussion. She noted that after a review of proposed changes, the next step would be to schedule a special meeting on October 30 to hold the public hearing.

Mr. Candela provided the proposed changes and reviewed the wording and definitions as red-lined on the ordinance attachments contained in the agenda packet. He noted that goal with revisions to the ordinances is to be as similar and consistent as possible across the many ordinances and proposed charter revision drafts.

There was discussion on application criteria for expenses and to create a broad framework that sets goals for construction and a 30-day comment period to provide public the opportunity for participation. Mr. Candela explained this was established application criteria for developers to set aside funds to affordable housing that the City of Norwalk is aligned with Planning & Zoning requirements. The Common Council then approves the application criteria after public comment and Committee review, that provides a mechanism for it to be forwarded to Common Council.

Ms. Niedzielski Eichner commented that she did not want this to be structured to have to forward to Common Council oversight, and not slow things down and not have it sit after the Committee has done the work with review.

Mr. Candela noted that the proposed changes will be sent to legal notice for public hearing on October 30.

Mr. Meek asked that section 1.2 is setting thresholds here for qualifications that could avoid house flipping or equity for means testing, define income, landlord depreciation, and could result in potential loopholes that could be exploited.

Ms. Niedzielski Eichner noted that she had emailed Mr. Meek on these changes and clarified that the ordinance was created for a broad framework within guidelines for development. She added that this cannot control the individuals set criteria levels for construction of housing. She added that the controls would be done at the level of hard cost of construction, that administer lotteries and managed by guidelines on what funds are to be used at a more granular level than the ordinance could not possibly attach all the evaluation of applications can be done, and complex equity questions and increased value to the City.

There was further discussion on the current P&Z regulations and the rationale behind the proposed changes that align with state guidelines widely used with City, state and federal funds for the common definitions used with existing funds for intended project approvals.

Mr. Meek noted the cause is noble although the definitions can be stronger as they vary for better protections for the City to avoid games that certain developers play. Ms. Niedzielski Eichner noted it is all deed restrictions as included and embedded in P&Z guidelines.

**** MR. CAMACHO MOVED TO APPROVE THE PROPOSED ORDINANCE CHANGES
FOR LEGAL NOTICE FOR PUBLIC HEARING AT A SPECIAL MEETING DATE OF
OCTOBER 30, 2023.**

**** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MR. GOLDSTEIN MOVED TO ADJOURN THE MEETING.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,
Telesco Secretarial Services