

To allow public access, anyone may access a meeting by telephone, Zoom, and/or the City of Norwalk YouTube channel. Specific instructions and links can be found at www.norwalkct.org/meetings.



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COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

April 18, 2023

7:00 p.m. – By Videoconference and Teleconference

AGENDA

- 1. ROLL CALL:**
- 2. PUBLIC HEARING (possible action on):**
 - Discuss and vote on Chapter 73, Article I, Oak Hills Park Authority
- 3. PUBLIC HEARING DISCUSSION:**
- 4. PUBLIC COMMENT:**
- 5. ACCEPTANCE OF MINUTES:**
 - March 21, 2023 – regular meeting of the ordinance committee
- 6. OLD BUSINESS:**
 - Discuss and vote on the Arts and Cultural District Proposal, Approval Process and ordinance (Chapter 17A – Arts Commission)
- 7. NEW BUSINESS:**
 - Discuss the Affordable Housing ordinance
- 8. DISCUSSION ITEM:**
- 9. ADJOURNMENT:**

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, April 18, 2023 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on the Demolition Delay Ordinance. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by April 14, 2023.

Chapter 73. Park Authorities

Article I. Oak Hills Park Authority

§ 73-1. Creation; purposes.

- A. There is hereby created, in accordance with the provisions of Sections 7-130a through 7-130w of the Connecticut General Statutes, an authority known as the "Oak Hills Park Authority," with a principal office located at Oak Hills Park, for the purpose of acquiring, constructing, operating, maintaining and managing the Oak Hills Park, including the golf course, tennis courts and related recreational facilities currently located therein and any related project or projects as defined in such enabling acts and as further defined herein.
- B. The Oak Hills Park Authority is created for the purposes stated in Section 7-130a(d) as they relate specifically to public golf courses, including restaurants and driving range and the maintenance and protection of the Oak Hills Park. Nothing herein shall preclude the Authority from providing for other forms of public recreation listed in such Subsection (d) on any land which may be acquired for the primary purpose of golf, and the Authority shall seek to maximize the recreation and park use of Oak Hills Park.

§ 73-2. Membership; terms; removal; benefits or compensation.

- A. The powers of the Oak Hills Park Authority shall be exercised by an Authority consisting of nine members. Eight members shall be electors of the City of Norwalk, who shall be appointed by the Mayor and confirmed by the Common Council. The ninth member shall be the Director of Recreation and Parks for the City of Norwalk or their designee. Except for the Director of Recreation and Parks, who shall be a permanent member, members shall be appointed to serve for terms of three years or until their successors are appointed and qualified. Any vacancy shall be filled by the Mayor and confirmed by the Common Council for the unexpired portion of the term of the member whose place shall become vacant. No member, other than the Director of Recreation and Parks, shall serve more than two consecutive terms, and, after serving on the Authority for two consecutive terms, no member shall be reappointed to the Authority for at least two years.
- B. The Common Council shall have the power to remove a member of the Authority for inefficiency, neglect of duty or malfeasance in office, after an investigation, notice and public hearing.
- C. No member of the Authority shall receive any preferences, benefits or compensation, including preferences for golf or other recreational activities, from the Authority or any person or entity contracting with the Authority.
- D. No action of the Authority shall be lawful and binding unless approved by not less than five members of the Authority.
- E. The names, addresses and terms of office of the first members of the Authority shall be as follows:^[1]

[1] *Editor's Note: Said names, addresses and terms of office are on file in the office of the City Clerk.*

§ 73-3. Organization; powers and duties.

- A. The Oak Hills Park Authority shall organize and operate in conformity with the provisions of Section 7-130a of the Connecticut General Statutes.
- B. The Authority shall perform such duties and have such powers and privileges as are or may be imposed by such statutes and shall encompass all powers as set forth in Section 7-130d of the Connecticut General Statutes.

§ 73-4. Required reports; investigation of Authority's activities.

The Oak Hills Park Authority shall file a written report of its doings, its income and expenditures monthly, on or about the 15th of the month, with the Mayor, Board of Estimate and Taxation and the Common Council. The Authority shall provide for an annual independent audit and shall provide a copy of said audit to the Mayor, Board of Estimate and Taxation and the Common Council. The Authority shall be subject to and shall comply with all of the requirements of the Freedom of Information Act.

§ 73-5. Officers and employees.

- A. The Authority shall annually elect one of its members as Chairman and shall elect one of its members as Vice Chairman. The Authority may also appoint an Executive Director (who shall not be a member of the Authority), who shall serve at the pleasure of the Authority and have such duties and receive such compensation as shall be fixed by the Authority. The Executive Director shall be professionally qualified to carry out the purposes enumerated in § 73-1.
- B. The Authority or its Executive Director, as authorized by the Authority, shall have the sole right to employ, direct and control such persons as it deems necessary to carry out the purposes of the Authority. The selection, appointment, assignment of duties, amount of compensation, termination of service, status and other terms and conditions of employment of its employees shall be under the sole jurisdiction of the Authority or the Executive Director, as authorized by the Authority.

§ 73-6. Annual budget.

- A. In its capacity as a tenant of the park on or before the first day of January in each year, the Authority shall submit its proposed annual budget to the Mayor, Board of Estimate and Taxation and the Common Council.
- B. The Authority shall adopt an annual budget on or before the first day of June in each year for the ensuing fiscal year commencing July 1.

§ 73-7. Employment restricted.

- A. No member of the Oak Hills Park Authority or any immediate family member thereof shall apply for or accept employment at the Oak Hills Park or any of the facilities or operations located at the Oak Hills Park, including, but not limited to, the driving range, tennis courts and restaurant. This restriction shall apply during the time that said member is serving on the Authority and for a period of two years after the member ceases to be a member of the Authority.
- B. No immediate family member of the Executive Director shall accept employment or contract with the Oak Hills Park Authority or any facilities or operations located at the park including, but not limited to, any retail (pro) shop, restaurant, the driving range, golf or tennis lessons or golf carts.
- C. For the purposes of this section, the term "immediate family" shall be defined as including spouses, mothers, fathers, sons, daughters, sisters and brothers and in-laws thereof.
- D. The Executive Director may, at the discretion of the Authority, be the golf professional.
- E. The Authority shall have the right to grant to the golf professional such control over any retail (pro) shop as it deems appropriate and may grant the golf professional the right to provide golf lessons at Oak Hills Park on such terms as it deems appropriate. Except for such arrangements with the golf professional for a retail (pro) shop and/or lessons the Authority shall not permit the golf professional to provide any other services or equipment at Oak Hills Park.

§ 73-8. Use restrictions.

- A. The Authority shall create no rules or regulations which will mandate, coerce or require golfers to rent golf carts in order to play golf at the Oak Hills Park. Notwithstanding the foregoing, on or after October 31, 2000, the Authority may mandate the use of golf carts for tournament play.
- B. The golf course shall not be closed for public use because of tournament play for more than 50 days, or any part thereof, per year.
- C. The Authority shall not discriminate among golfers based on their playing ability.
- D. No free or discounted rounds of golf shall be allowed except for rounds charged at \$2 per round for all Authority employees. The rounds for employees are only allowed on weekdays, excluding holidays. Golf professionals and superintendents who are members of a professional golf organization may be allowed to play at no charge. The Executive Director of the Authority shall be allowed to play free of charge. The members and coaches of the golf program at the Norwalk high schools and their opponents from visiting schools are not covered by this section. They may conduct organized practices and hold their matches at Oak Hills Golf Course free of charge. Everyone playing under the above-referenced exceptions must be registered by name. The information shall be certified by the Authority's Chairman and included in the Authority's Annual Report.

§ 73-9. Rental charge for park.

- A. The Authority is authorized to enter into a lease agreement with the City of Norwalk. The Common Council may charge the Authority such annual rent for the use of the Oak Hills Park as the Council may set in said lease.
- B. Any and all contracts entered into by the Authority shall be subordinate to the lease between the Authority and the city.
- C. The Authority shall take custody of and take control over the Oak Hills Park on the date specified and under the terms provided in the lease.

§ 73-10. Fee hearings.

Before any fee schedule for the use of any facilities at the Oak Hills Park is enacted or modified, the Authority shall hold a public hearing in the City of Norwalk. The Authority shall provide legal notice of such public hearing not more than 14 and not fewer than seven days prior to the hearing.

§ 73-11. Applicable definitions.

The definitions in Section 7-130a, Connecticut General Statutes, shall, so far as applicable, govern the construction of the provisions of § 73-1 through 73-7 of this article.

Dated at Norwalk, Connecticut this _____ day of March 2023.

ATTEST:

Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, April 7, 2023

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Public Hearing on Tuesday, April 18, 2023 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on the Demolition Delay Ordinance. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by April 14, 2023.

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- B. The Oak Hills Park Authority is created for the purposes stated in Section 7-130a(d) as they relate specifically to public golf courses, including restaurants and driving range and the maintenance and protection of the Oak Hills Park. Nothing herein shall preclude the Authority from providing for other forms of public recreation listed in such Subsection (d) on any land which may be acquired for the primary purpose of golf, and the Authority shall seek to maximize the recreation and park use of Oak Hills Park.

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- B. The Common Council shall have the power to remove a member of the Authority for inefficiency, neglect of duty or malfeasance in office, after an investigation, notice and public hearing.
- C. No member of the Authority shall receive any preferences, benefits or compensation, including preferences for golf or other recreational activities, from the Authority or any person or entity contracting with the Authority.
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- B. The Authority or its Executive Director, as authorized by the Authority, shall have the sole right to employ, direct and control such persons as it deems necessary to carry out

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Dated at Norwalk, Connecticut this _____ day of March 2023.

ATTEST: _____

Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, April 7, 2023

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**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
MARCH 21, 2023
VIA TELECONFERENCE AND TELECONFERENCE**

ATTENDANCE: Lisa Shanahan, Chair; Ed Camacho; Josh Goldstein; David Heuvelman;
Thomas Livingston

STAFF: Brian Candela and Darin Callahan, Corporation Counsel;
Sabrina Godeski, Director of Business Development and Tourism;
Jessica Vonashek, Chief of Economic and Community Development

OTHERS: Tod Bryant, Norwalk Preservation Trust;
Dana Laird, Norwalk Historical Commission

ROLL CALL

Ms. Shanahan called the meeting to order at 7:02 p.m. She called the Roll as indicated above.

PUBLIC HEARING (possible action only)

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

- Discuss and Vote on Chapter 55 – Demolition Delay Ordinance

Mr. Bryant spoke in support of the Ordinance; however, he was disappointed that they did not get the 180 day delay. He added that what they will have now is a vastly better Ordinance.

Ms. Dana Laird spoke in support of the Ordinance and said she hopes this will give a little more weight to the powers of the Historical Commission. She would like to see Norwalk's historical structures respected and paid attention to.

There were no further comments, and the Public Hearing was closed.

PUBLIC HEARING DISCUSSION

Ms. Shanahan noted the Committee spent hours discussing this Ordinance. The Committee members made final revisions to the wording of the Ordinance.

- ** MR. LIVINGSTON MOVED THAT CHAPTER 55 – DEMOLITION DELAY
ORDINANCE PROPOSED ORDINANCE AS AMENDED BE APPROVED AND
FORWARDED TO THE COMMON COUNCIL FOR APPROVAL
** MOTION PASSED UNANIMOUSLY**

PUBLIC COMMENT:

There were no members of the public who wished to comment this evening.

ACCEPTANCE OF MINUTES

- February 21, 2023-regular meeting of the Ordinance Committee

The following corrections were made to the minutes:

Correct the spelling of the following names:

Priscilla Feral

Mary Verel

Tod Bryant

Page 5: Oak Hills should read – Mr. Livingston explained that this Ordinance is to put the Director of Parks and Recreation and Cultural Affairs on the Oak Hills Park Authority

Under the Leaf Blowing discussion the following sentence They had spoken to some members of the governing council...should read, they had spoken to some members of City government.

- ** MR. HEUVELMAN MOVED TO APPROVE THE MINUTES AS AMENDED
** MOTION PASSED UNANIMOUSLY**

OLD BUSINESS:

- Discuss and vote on the Arts and Cultural District Proposal, Approval Process and Ordinance (Chapter 17A – Arts Commission

Ms. Shanahan explained that the Committee is still working on how the account will work. She said she believes they will get grants that are pretty restrictive. Ms. Godeski explained that they will get grants and private donations. They will need to have a process on how the general funds are spent.

Mr. Heuvelman expressed concerns about how the funds will be accepted. Ms. Godeski said she believes that when they get a donation of money it will go to the Arts and Cultural District. Ms. Vonashek said that currently an individual can donate art and the Arts Commission can determine

City Of Norwalk

Ordinance Committee

Regular Meeting

March 21, 2023

Via Teleconference and Teleconference

Page 3

where to place it. The Arts and Cultural Alliance will be able to collect private donations. Mr. Heuvelman said they need to be clear on how the Commissions functions because they serve a dual purpose. Ms. Vonashek said that approvals would need to go through the Economic and Community Development Committee and the Common Council.

Mr. Goldstein asked if grants would be subject to conditions. He expressed concern that something would get lost and they would not be in compliance. Mr. Godeski explained they could include guidelines in the Ordinance regarding conditions.

Mr. Goldstein asked why in the officer section, the Mayor appoints a Chair and Vic Chair. Ms. Godeski said she believes this is to give more diversity to the Commission. For example, the same person would not hold this office year after year. Ms. Vonashek said this Commission will be responsible for administrating different funds and that it was important for the Mayor to appoint these positions. This is not a typical Chair position. Ms. Shanahan suggested limiting the terms to two terms.

Mr. Goldstein asked if there would be designated areas as the Cultural Arts District. Ms. Vonashek said the definition of this District is that it has to be walkable. She noted that the Cranbury section of Norwalk has a lot of historic sites, but it is not a walkable area.

Mr. Heuvelman said that he remembers seeing a PowerPoint presentation from the State. The idea is that it is not just about cultural assets. It is about attracting people to the City. He asked if they have to have individuals with expertise on the Commission. He said he feels there is a need to embrace non-residents who have the expertise, as well as residents with the expertise. Ms. Shanahan said the Mayor felt strongly that the Norwalk residents would be voting members of the Commission. She asked everyone to think about this and another draft will be offered at next month's meeting.

- Discuss and Vote on Chapter 763, Article I, Oak Hills Park Authority

Mr. Livingston explained that part of the amendment was to add the Director of Parks, Recreation and Cultural Affairs to the Oak Hills Park Authority. He said he also recommended removing the newspaper notices.

Mr. Camacho asked if it was legal to appoint the Director to serve on the Oak Hills Park Authority. Mr. Candela explained that the State's opinion was that it would not be prohibited.

**** MR. LIVINGSTON MOVED TO HOLD A PUBLIC HEARING ON
CHAPTER 763, ARTICLE I, OAK HILLS PARK AUTHORITY AT THE
NEXT ORDINANCE COMMITTEE MEETING
** MOTION PASSED UNANIMOUSLY**

NEW BUSINESS

- Discuss Chapter 66A of the Norwalk Code (Mooring and Anchoring); 2023 Mooring Fee Schedule

Mr. Callahan reviewed the item. He said the Harbor Management Commission revised the fee structure for the 2023 calendar year. He said that he had an opportunity to review Chapter 66A and based on that review saw that the process for revising the fee structure for moorings was antiquated. He said the update will require an additional process, but it is not complicated. He said it should be easy to do and warrants some consideration.

Mr. Livingston said he has been approached by some local yacht clubs with concerns about the Ordinance. They are confused about how the fees are set up. Mr. Callahan said he will have to work with the Harbor Management Commission on this. He added that technically, the fees will have to be part of the Harbor Management plan. Ms. Shanahan said she will work with Mr. Callahan and meet with the Harbor Management Commission.

DISCUSSION ITEM

There were no other discussion items.

ADJOURNMENT

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

There was no further business, and the meeting was unanimously adjourned at 8:04 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

Chapter 17A, Arts Commission, is hereby amended in its entirety to read as follows:

Chapter 17A

ARTS AND CULTURE COMMISSION

§ 17A-1. Commission; Purpose.

There shall be a Commission known as the "Norwalk Arts and Culture Commission" (the "Commission"). The purpose of the Commission shall be to serve as stewards for the City of Norwalk's public art collection and cultural assets. The Commission shall also promote the educational, cultural, economic, and general welfare of the public through the marketing of arts and cultural attractions, as well as encourage, facilitate, and cooperate with artists, artistic, and cultural enterprises and organizations for the development of the creative, performing, and visual arts as well as cultural activities in the City of Norwalk. The Commission shall be deemed a "cultural district commission" for purposes of Section 10-401a of the Connecticut General Statutes, as the same may be amended from time to time (the "Act").

§ 17A-2. Definition.

"Cultural District" means each area within the City of Norwalk designated by the Common Council from time to time as a Cultural District in accordance with the provisions of the Act. A map of each Cultural Districts as so designated shall be available from the Department of Economic and Community Development or its duly appointed successor.

§ 17A-3. Membership.

- A. The Commission shall consist of nine regular members appointed by the Mayor with the consent of the Common Council. All regular members shall be electors of the City of Norwalk, and a majority of the regular members must live or work in a Cultural District.
- B. Not less than seven regular members of the Commission must represent the Norwalk arts and culture community, including at least one representative from each of the following categories:
 - (1) local cultural or arts council,
 - (2) cultural organizations (i.e., historical society, museum, ethnic heritage organization),
 - (3) artists that live and/or work in a Cultural District,
 - (4) organizations that represent artists (artist cooperative, etc.), if applicable,
 - (5) for-profit creative businesses (i.e., theatre or gallery), and

(6) local business and/or chamber of commerce.

Any regular member of the Commission may represent more than one of the foregoing categories.

- C. Regular members shall be designated to serve staggered three-year terms. Any regular member may be removed by the Mayor for failure to attend three or more meetings of the Commission, without reasonable excuse, within a calendar year. Any vacancy for any reason in the position of a regular member shall be filled by the Mayor with the consent of the Common Council for the unexpired portion of the term of the member whose place becomes vacant.
- D. The Commission may also include up to three ex officio members, appointed by the Mayor with the consent of the Common Council. Each ex officio member must be affiliated with a Norwalk arts and cultural organization, but need not be an elector of the City of Norwalk. Ex officio members may fully participate in meetings of the Commission, but without being counted towards quorum requirements and without the right to vote. Ex officio members shall be appointed for three-year terms. Any ex officio member may be removed by the Mayor for the failure to attend three or more meetings of the Commission, without reasonable excuse, within a calendar year. Any vacancy for any reason in the position of an ex officio member may be, but is not required to be, filled by the Mayor, with the consent of the Common Council, for the unexpired portion of the term of the ex officio member whose place becomes vacant.

§ 17A-4. Officers; Operation.

- A. The Mayor shall appoint a Chair and Vice Chair of the Commission who shall each serve for a term of three years or until the earlier of their resignation, death, removal, or the expiration of their term on the Commission. No Chair or Vice Chair shall serve more than two consecutive terms in such position.
- B. The Chair shall be responsible for presiding over meetings of the Commission, establishing a meeting schedule, and appointing members to any subcommittee(s) established by the Commission. The Vice-Chair shall chair meetings in the event of absence of the Chair.
- C. The Business Development and Tourism Department, or other Department designated by the Mayor, shall provide administrative support to the Commission.

Section 17A-5. Powers and Duties.

- A. The Commission shall have such powers and duties as may be necessary or desirable for the purpose of carrying out the provisions of the Act and as may otherwise be designated by the Common Council from time to time. In furtherance of the foregoing, but not by way of limitation, the Commission shall:

(1) Assist the Mayor and Common Council in the determination and

establishment of Cultural Districts;

- (2) Prepare and maintain an inventory and asset map of the cultural and artistic resources of the City by each subject deemed to be of significance by the Commission; and
- (3) Develop and manage an Arts and Cultural Plan as a guiding document for the Commission, which shall include, but not be limited to, the following:
 - (a) the goals and objectives of the Commission, including goals and success measures for each Cultural District,
 - (b) a management plan for the maintenance and preservation of the City's arts and cultural resources, and
 - (c) a marketing plan for the promotion of the City's arts and cultural resources.

B. In no event shall the acts or proposed acts of the Commission conflict with the lawful designated duties of any other body or commission of the City of Norwalk.

§ 17A-6. Acceptance of Public Art.

- A. The Commission shall review any proposed gift or donation to the City of any piece of Public Art (as defined below) and make a recommendation to the Mayor and Common Council as to whether such gift or donation should be accepted or rejected and, if accepted, the proposed location of such piece of Public Art in the City. Upon receipt of such recommendation, which shall not be binding on the Mayor or Common Council, the Mayor and Common Council shall review and make a determination as to whether to approve such gift or donation, including the proposed location of such gift or donation, in accordance with City and Common Council policy and procedures.
- B. The Business Development and Tourism Department, or other Department designated by the Mayor, shall develop guidelines regarding the acceptance of Public Art, which guidelines shall be approved by the Common Council. DO WE NEED THIS?
- C. For purposes of this Chapter, the term "Public Art" means works of art in all artistic disciplines that are created or designed for, built, or displayed in a community space and accessible to all (public) for the benefit of residents and visitors. Public art may include murals, sculptures, temporary installations, art shows, and festivals and other types of artistic expression.

§ 17A-7. Establishment of the Norwalk Arts and Cultural District Account; Investment.

- A. There is hereby established an account known as the Norwalk Arts and Cultural District Account (the "Cultural District Account"). The Cultural District Account is established under authority of the Connecticut General Statutes for the exclusive

purpose of funding activities in a Cultural District that implement or promote the purpose of this Chapter. The Account shall consist of the following:

- (1) Funds attributable to sponsorships or underwriting of specific cultural or artistic events and/or programming within a Cultural District. Such sponsorships or underwriting shall be approved in accordance with City and Common Council policy and procedures; provided, however, that such approval shall not be required for any individual sponsorship or underwriting that does not exceed \$20,000 in the aggregate;
 - (2) Any funds from any source designated to be added to the Cultural District Account to be used exclusively for cultural or artistic events and/or programming within a Cultural District; and
 - (3) All investment income earned by the Cultural District Account.
- B. All of the monies in the Cultural District Account shall at all times be subject to withdrawal for use as provided in this Chapter. All or any part of the monies in the Cultural District Account may be invested in any manner in which public funds may be lawfully invested. No sums contained in the Cultural District Account, including interest and dividends earned, shall be transferred to any other account within the City budget or used for any purpose not provided for in this Chapter.
- C. Any budget proposed by the Mayor or approved by the Common Council, and any appropriation made for the arts and cultural enrichment of the City, shall not be reduced, ratably or otherwise, in consideration of any moneys in the Cultural District Account. Expenditures from the Cultural District Account shall add to and not replace budgets and appropriations which also serve the purposes of the Cultural District Account.
- D. The continuation of the Cultural District Account shall be perpetual notwithstanding that from time to time said account may be unfunded. Funds in the Cultural District Account shall not lapse at the end of the City's fiscal year.

§ 17A-8. Expenditures from the Cultural District Account; Administration.

- A. Any funds held in the Cultural District Account pursuant to Section 7(A)(1) of this Chapter shall be expended in accordance with the terms of the applicable sponsorship or underwriting. All other funds held in the Cultural District Account shall be expended in accordance with (1) the Arts and Cultural Plan and (2) any applicable guidelines prepared by the Business Development and Tourism Department and approved by the Common Council.
- B. No expenditure of funds from the Cultural District Account shall be in excess of the available balance in the fund.

- C. No officer or employee of the City, or any member of their immediate family, may receive a financial benefit from or have a direct or indirect personal or financial conflict of interest in any Person that receives funds from the Cultural District Account. Terms used in this subparagraph not otherwise defined in this Chapter shall have the meanings given in § 32-3 of the Norwalk City Code, as the same may be amended.

§ 17A-9. Cultural District Account Reporting.

The Chief of Economic and Community Development or their designee shall, on an annual basis or as otherwise requested by the Common Council, prepare and deliver a written report to the Common Council of the amount in the Cultural District Account and deposits and expenditures therefrom.

Effective Date.

The foregoing amendments to Chapter 17A shall be effective _____.

[DRAFT ORDINANCE]

Definitions.

Affordable Housing

Housing whose annual cost for (a) rent and utilities or (b) the sum of mortgage payments, required insurance payments, utilities, and property taxes shall not exceed thirty (30%) percent of the gross annual income of a household with a gross income which does not exceed sixty (60%) percent of the state of Connecticut Median Income, as adjusted for family size, as published by the United States Census Bureau and periodically updated by the U.S. Department of Housing and Urban Development (HUD).

Entity

A company, corporation, limited liability company, partnership, association, syndicate, trust, joint venture, or other legal entity of any kind.

Individual

A natural person.

Qualified Expenditures

Funds used for constructing, rehabilitating, improving, maintaining, repairing, or otherwise providing ~~or administering the provision of~~ Affordable Housing.

§ 1-1. Preamble; Establishment and Purpose of the Affordable Housing Account.

a. Purpose. The City of Norwalk ~~(the “City”)~~ recognizes the wide-ranging benefits of adequate housing for all those seeking permanent shelter. Housing stability has been linked to positive life outcomes for children, greater neighborhood and community stability, and better Individual and community health.

There is a nationwide housing crisis—one that is even more acute here in Fairfield County—as the growth in housing units has not kept pace with population growth, making housing harder to find and more expensive. That burden falls hardest on Individuals and families whose annual incomes are less than sixty percent of the statewide median.

Further, home ownership is widely recognized as an important mechanism by which Individuals and families build wealth. It is not, however, a mechanism that has historically been equitably available and accessible to everyone. Norwalk residents are still impacted by the historical legacy of explicitly racist housing private practices and public policies of past centuries, as well as the subtler forms of discrimination on the basis of race and income that persist today.

Moreover, how housing is designed, built, and renovated can have significant positive or negative effects on our environment, climate change, and flooding. Housing for a coastal city that will be significantly impacted by climate change must seek to limit its environmental impact and be built with climate resilience in mind.

The City of Norwalk is committed to being a city where everyone who wants to be able to affordably live in Norwalk has an opportunity to do so.

Therefore, it establishes the Affordable Housing Account for constructing, rehabilitating, improving, maintaining, repairing, or otherwise providing ~~or administering the provision of~~ Affordable Housing to low- and moderate-income Individuals and families and fostering the building of climate-resilient Affordable Housing for rent and for purchase throughout the city.

b. Pursuant to C.G.S. § 7-148(c)(2)(K), the City does hereby create a special fund account for the purpose of constructing, rehabilitating, improving, maintaining, repairing, or otherwise providing ~~or administering the provision of~~ Affordable Housing known as the "Affordable Housing Account."

c. The continuation of the Affordable Housing Account shall be perpetual notwithstanding that from time to time said account may be unfunded. Funds in the Affordable Housing Account shall not lapse at the end of the municipal fiscal year.

§ 1-2. Affordable Housing Account Committee; Committee Meetings; Power and Duties

a. The Mayor shall appoint an Affordable Housing Account Committee ("Committee") consisting of seven members to serve terms of four years each; provided, however, that the initial appointees shall have staggered terms so that three members shall serve for two years and the remaining members shall serve for four years. The Committee shall be comprised of persons holding the following status at the time of appointment: two Council Members of the Common Council; one Staff Employee of the Planning and Zoning Department or Commissioner of the Planning and Zoning Commission; one Staff Employee of the Department of Health and Human Services; and ~~two-three~~ Norwalk residents living in Affordable Housing, at least one of whom ~~shall be an owner of said housing and at least one of whom shall be~~ ~~the other~~ residing in a rental unit.

b. The Committee shall meet monthly on the third Tuesday of each month. Notwithstanding the foregoing, the Committee may suspend monthly meeting during periods where no applications for expenditure from Affordable Housing Account funds are pending. All Committee meetings and decisions shall be open to the public and duly advertised, pursuant to the requirements of Connecticut General Statute Sections 1-225 to 1-232. Each member of the Committee shall have one vote. All actions taken by the Committee shall be made by simple majority of a Quorum of Committee members present.

c. Committee members' powers and duties shall include:

1) Reviewing, revising, and adopting the Affordable Housing Account Expenditure Guidelines ("Guidelines") prepared by the Director of Planning and Zoning;

2) Reviewing applications and recommendations on expenditure of funds from the Affordable Housing Account in accordance with subparagraph b of Section 1-4; and

3) Preparing, submitting and presenting an annual written report to the Common Council at their regular January meeting of deposits into the Affordable Housing Account, expenditures therefrom, and the status of each project awarded funds and not yet complete when the immediately prior annual report was issued.

§ 1-3. Sources of funding; investments; limitations on use of fund.

a. In addition to such sums as may be directly appropriated by the City's Common Council for deposit into said Affordable Housing Account (if any), the City is authorized to and shall deposit into said Affordable Housing Account all fees received heretofore and hereafter pursuant to the Norwalk Workforce Housing Regulations of the Norwalk Zoning Regulations, Section 118-1050, as amended and revised.

b. The Affordable Housing Account shall be in the custody of the City. All or any part of the monies in said fund may be invested in any securities with appropriate liquidity in which public funds may be lawfully invested. All income derived from such investment shall be returned to the Affordable Housing Account and become a part thereof. The monies so invested shall at all times be subject to withdrawal for use as hereinafter set forth.

c. No sums contained in the Affordable Housing Account, including interest and dividends earned, shall be transferred to any other account within the City budget. All funds deposited in the Affordable Housing Account are subject to the deed restrictions imposed by the Norwalk Workforce Housing Regulations of the Norwalk Zoning Regulations, Section 118-1050, as amended and revised, whatever the source of the funds.

§ 1-4. Expenditures from Affordable Housing Account.

a. The Director of Planning and Zoning shall prepare the Guidelines establishing the goals, process, procedures, criteria, rules, and requirements for application submission, review, and awards pursuant to subparagraph b of Section 1-4, and the ~~means~~uses for which Affordable Housing Account funds may be used by any applicant. The Guideline shall be subject to a 30-day public comment period and hearing and effective upon adoption by the Committee and publication on the City's website. The Guidelines shall be reviewed and reapproved or amended, as applicable, no less than once every three (3) years. No application for Affordable Housing Account funds shall be accepted or funds held in the Affordable Housing Account be designated for a particular use or expenditure until the Guidelines have been so adopted and published.

b. Any Individual or Entity constructing, rehabilitating, maintaining, improving, repairing, or otherwise providing ~~or administering the provision of~~ Affordable Housing may apply to the Committee for funds from the Affordable Housing Account to pay for Qualified Expenditures in accordance with this ordinance. Applications for funds from the Affordable

Housing Account to pay for Qualified Expenditures shall first be submitted to the Director of Planning and Zoning ("Director"). Provided the application conforms with the Guidelines and this ordinance, the Director shall forward the application to the Committee for its review and recommendation(s) to the Common Council, originating in the Finance and Claims Committee thereof, for final action. Use of funds from the Affordable Housing Account to pay for Qualified Expenditures shall be subject to any and all terms and conditions imposed by the Common Council in authorizing expenditures from the Affordable Housing Account. The Common Council shall have the discretion to deny, in whole or in part, any application made pursuant to this ordinance.

c. Funds held in the Affordable Housing Account shall be used exclusively for Qualifying Expenditures.

d. No expenditure of funds from the Affordable Housing Account shall be approved except in accordance with the Guidelines or made except in accordance with the provisions of this ordinance.

e. No expenditure of funds from the Affordable Housing Account shall be in excess of the available balance in the fund.