

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
VIA TELECONFERENCE
APRIL 18, 2023**

ATTENDANCE: Lisa Shanahan, Chair; Edwin Camacho; Joshua Goldstein;
David Heuvelman; Thomas Livingston; Nora Niedzielski Eichner

STAFF: Brian Candela, Assistant Corporation Counsel; Steven Kleppin, Director
of Planning and Zoning; Sabrina Godeski, Director of Business
Development and Tourism; Jessica Vonashek, Chief of Community and
Economic Development

OTHERS: Nicol Ayers and Darlene Young, Common Council members

1. ROLL CALL:

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

2. PUBLIC HEARING (possible action on):

- Discuss and vote on Chapter 73, Article I, Oak Hills Park Authority

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

Ms. Shanahan explained that this item adds the Director of Recreation and Parks to the Oak Hills Park Authority and removes that the notice has to be made in the newspaper.

3. PUBLIC HEARING DISCUSSION:

**** MR. HEUVELMAN MOVED TO APPROVE CHAPTER 73, ARTICLE I, OAK
HILLS PARK AUTHORITY**

Mr. Camacho commented that the terms of office do not seem to be staggered. Ms. Shanahan said this Authority has been in place for about 10 years. Mr. Camacho said it might not be a good idea to make an exception for the Authority without going through the Common Council. Mr. Livingston asked if doing this would require holding another public hearing since they would be making a change in the Ordinance. Mr. Candela said this is a change that is significant enough to go back to a public hearing. Mr. Candela read Chapter 7-2A and Mr. Camacho said that was ok as stated.

**** MOTION PASSED UNANIMOUSLY TO FORWARD THIS ITEM TO THE FULL COMMON COUNCIL FOR APPROVAL**

4. PUBLIC COMMENT:

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

5. ACCEPTANCE OF MINUTES:

- March 21, 2023 – regular meeting of the Ordinance Committee

**** MR. LIVINGSTON MOVED TO APPROVE THE MINUTES AS PRESENTED
** MOTION PASSED WITH ONE (1) ABSTENTION (MS. NIEDZIELSKI EICHNER)**

6. OLD BUSINESS:

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

Ms. Shanahan expressed her thanks to Mr. Livingston for his work on this item. She asked if anyone had any comments to share.

Mr. Livingston gave an overview of the proposal. He noted that they tried to incorporate State guidelines and removed any redundant or unnecessary language.

Ms. Shanahan talked about the acceptance of art. Recreation and Parks created guidelines and Ms. Shanahan said she believes the schools will have their own set of guidelines. The guidelines have not been approved. The Committee members discussed guidelines. Ms. Godeski explained that any donations will have to come through the Common Council. Mr. Heuvelman said the guidelines have to be consistent between the different Ordinances, commission and boards.

In response to Mr. Goldstein's question, Ms. Vonashek described how the Cultural District was created. In addition, if they are going to accept a monetary donation for an art piece, she said they could take it through the Economic and Community Development Committee or to the Finance Claims Committee. Mr. Heuvelman asked if Recreation and Parks would be the logical designee. Mr. Livingston explained the language was written to provide flexibility to the Common Council to decide how they want to act. Ms. Vonashek added that the flexibility is very helpful from a staff standpoint.

Mr. Heuvelman discussed the section in the section in the proposal related to meeting attendance. He asked if that is something they want to pick up for other Commissions. Mr. Livingston said that is new and that is something they can look at under the Charter Revision. Mr. Heuvelman said this is something they need to look at seriously.

Ms. Niedzielski Eichner said that every board should have a Common Council committee that owns and connects with it. She said that with guidelines, it would be helpful to start thinking about consistency. She said it is important that the Common Council have input into the guidelines and they should be consistent. Mr. Livingston said the guidelines for public art will have to go to the Mayor and then the Common Council for approval. Mr. Heuvelman commented that if everything has to go to the Common Council, then what is the point of having a commission. Ms. Vonashek said she is trying to understand from an operations process how this will look. She said the Commission makes recommendations based on their expertise and then the Common Council makes their recommendations based on a financial aspect.

Ms. Niedzielski Eichner said guidelines would be developed by the department and would be administrative. She said this would hopefully streamline the process. Ms. Vonashek said it makes sense but is not sure how it feeds into the Ordinance. Ms. Niedzielski Eichner said that as a committee, they are trying to standardize the Ordinances and be consistent going forward.

Mr. Livingston said this was in good shape, except for how to handle guidelines. He said that if anyone has better wording, they can discuss it at next month's meeting. Mr. Livingston added they need to have guidelines for whenever they deal with money.

Mr. Camacho said that once the Commission is set up, he does not know if the Common Council needs to be involved. He said they need to trust the people who have been appointed.

Mr. Goldstein said that trying to streamline this is good; however, trying to alter a staff process on the fly is not good. There is a lot to think about.

**** MR. LIVINGSTON MOVED TO APPROVE THE ARTS AND CULTURAL
DISTRICT PROPOSAL, APPROVAL PROCESS AND ORDINANCE (CHAPTER
17A – ARTS COMMISSION) AND FORWARD THIS ITEM TO THE FULL
COMMON COUNCIL
** MOTION PASSED UNANIMOUSLY**

7. NEW BUSINESS:

- Discuss the Affordable Housing Ordinance

Ms. Ayers explained that the ad hoc committee has worked on this document for a few months. She said it is a living document and has been through several versions. She said the Committee has been trying to address the affordable housing crisis. She said the word affordable is defined in the document and they also acknowledge this is a national crisis and concern.

Ms. Ayers said this is a big step. The Committee is meeting tomorrow and will have a presentation about what the City is doing to address affordable housing. She discussed the language in the document that allows community members on the Committee to have access to the funds. She said they wanted to be sure there was a provision where they would not be precluded from accessing the funds. Ms. Young added that if someone is on the Committee and they need assistance, they should be able to take advantage of the opportunities. Mr. Candela said as it pertains to a conflict of interest, he will have to talk about this more and will have to get advice from the Board of Ethics.

Mr. Camacho said that since they are dealing with limited resources, he is not sure how someone on the Committee could vote because that vote would be a conflict of interest. Ms. Shanahan said they are putting a conflict-of-interest clause in the Ordinance. Ms. Niedzielski Eichner said there is a lot of space for use of these funds and that could be a conflict of interest. She said there needs to be input from the Board of Ethics. Mr. Candela said there are a lot of different ways to implement the funds and it will have to be addressed.

Ms. Niedzielski Eichner said this is a narrow Ordinance and is specific to a source of funding that the developers are required to pay. She gave an overview of how the Ordinance was created. She noted that it is a goal to get more affordable housing units in the City. She said the Committee approves the grants and then that approval goes to the Common Council for a vote. The Committee members reviewed the application and made recommendations.

Mr. Kleppin reviewed the funding sources. Mr. Livingston asked if they anticipate language in the Ordinance that would include closing costs. Ms. Niedzielski Eichner explained that this is not intended to help someone purchase a home, this is for the hard costs to construct new units.

Ms. Young said she has issues with funding developers. There is a population of people who are stuck in the middle, and they have to keep an eye on that. This sounds like a program that is not for the folks who need it. Ms. Ayers said they need to make sure they are helping people and not hindering them.

Mr. Livingston asked about the committee structure. Ms. Ayers said that at their last meeting they wanted to be sure the voices of the people directly affected would be heard and they landed on having two Common Council members on the Committee. Mr. Livingston said the approval process was not clear. Ms. Niedzielski Eichner said that under the Workforce Housing Regulation all funds are subject to deed restrictions. Mr. Camacho said that the deed restrictions in other affordable housing projects tend to wane over time. Ms. Shanahan said that the Workforce Housing regulations require deed restrictions in perpetuity.

Mr. Camacho asked for examples of the types of grants or disbursements that will be made from these funds. Ms. Niedzielski Eichner said there was a lot of debate in the Committee and the Ordinance is written to allow discretion once it is implemented. The goal of the Committee was to create more affordable housing units. Mr. Kleppin said home ownership would be difficult because they can't control an individual's income. This works on managed properties that provide affordable housing. Ms. Niedzielski Eichner said the goal is to leave it open for rental units or home ownership. The deed restriction is in the regulations and the funding comes from the regulations.

Ms. Shanahan, Mr. Livingston, Ms. Niedzielski Eichner and Ms. Ayers will work on the draft ordinance. Mr. Camacho said the two versions he is hearing seem to be almost incompatible. He said he is concerned about the two views of what the ordinance can be.

Ms. Young said that as a City, they need to think about how they are going to move forward to provide affordable and workforce housing for the people. They really need to think about how they are going to help people and move people forward. In addition, they need to think about the permanent deed restriction.

Ms. Niedzielski Eichner said that deed restrictions were discussed in Committee and is an ongoing issue. The Zoning regulation that provides the bulk of funds requires deed restrictions in perpetuity. That was added to the Ordinance for administrative consistency. Ms. Niedzielski Eichner said that deed restrictions do not serve the purpose of building equity in home ownership but is good for rental property. She said she is open to thoughts and ideas on how to handle deed restrictions. She added that part of the formation of the committee was to have a space for these conversations; this is an issue that was flagged in committee.

This item will be discussed at next month's meeting.

8. DISCUSSION ITEM:

There were no other items discussed.

9. ADJOURNMENT:

**** MS. NIEDZIELSKI EICHNER MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY**

There was no further business, and the meeting was unanimously adjourned at 8:57 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services