

**CITY OF NORWALK
REDEVELOPMENT AGENCY
REGULAR MEETING
FEBRUARY 9, 2016**

ATTENDANCE: Felix R. Serrano, Chairman; Commissioners Lori Torrano, Lisa Cooper, and Tom Devine

AGENCY COUNSEL: Joseph DaSilva, Jr., Esq.

STAFF: Timothy T. Sheehan, Executive Director; John Slovak, Comptroller; Susan Sweitzer, Senior Project Manager; Tami Strauss, Director of Community Development Planning, Elizabeth Stocker, Director of Economic Development

OTHERS: Mayor Rilling, Former Mayor William Collins, Ralph Bloom, Lee Levey, Dorothy Mobilia, Christine Bradley, Todd Bryant, Maria Bryant, Patsy Brescia, Bruce Root

CALL TO ORDER

The Meeting was called to order at 5:30 P.M by Chairman Serrano.

ROLL CALL

Chairman Serrano noted that a quorum was present.

PUBLIC PARTICIPATION

Chairman Serrano opened the public participation portion of the meeting.

Ralph Bloom, 50 Aiken Street, Trustee and 16-year volunteer of the library, said the library has suffered from deficient parking due to lack of planning. It should have at least 88 spaces, but has 14. A number of other entities in the neighborhood use the library's parking. The present design of the proposed apartment building calls for 39 off-site spaces. What is going to keep those renters from parking on two public lots located only 15 feet away? The time has come to correct the parking situation and the City should offer to buy the construction site or proceed to use eminent domain.

Lee Levey, 100 Comstock Hill Avenue, said he has sat on the Library Board of Directors, and has been a member of the Planning Commission, Common Council, Planning Committee and is currently on the Zoning Board of Appeals. When he sat on the Library Board, they had urged the City to do something about the parking situation, but the City sat on its hands and did nothing. The library needs additional space and additional parking, none of which has been forthcoming in over 14 years. He would urge the Redevelopment Agency to look very carefully at this site, take into account how imminently important it is to the Wall Street area and to the Norwalk Library, and either purchase the site or take it by eminent domain.

Dorothy Mobilia, 47 Allen Road, former chairman of the Norwalk Zoning Commission, said under current zoning regulations, the applicant can build a 5-story apartment building on the site as of right. At the same time, as Redevelopment Agency Executive Director Tim Sheehan pointed out, the building's scale and layout does not meet the Agency's Wall Street

Redevelopment Plan guidelines, even though it complies with present zoning regulations. At its meeting last night, the District D Democratic Committee discussed the urgent need for parking in the Wall Street area and said they favored expansion of the historic Carnegie-endowed library. They asked her to pass along the following statement: "The District D Democratic Committee on Monday, February 8, had a long discussion on the library and the uptown business district development, and urges the Norwalk Redevelopment Agency to be forward thinking and acquire the property necessary to promote the growth and enhancement of the uptown business district."

Christine Bradley, 21 Ann Street, Library Director, said the main library on Belden Avenue was the first Carnegie Library in CT. It was completed in 1903, with an addition in 1981. The library is now 47,000 sq ft and three stories high. This application would shoehorn a 69 unit six story apartment building into a parking lot just 58 ft away from the library's windows. If the proposed construction is allowed to go forward, they will never have the opportunity to expand the library or provide adequate parking, and it will be all but inaccessible to future generations due not only to a lack of parking, but also to an increasingly congested Mott Avenue.

Todd Bryant, 23 Morgan Avenue, President of the Norwalk Preservation Trust, said he was involved in the 2004 Wall Street Plan, and supports the renovation of the theatre and many other things in Wall Street. The Preservation Trust started a project in partnership with the library to find a way to increase the parking and redesign and expand the library so that Norwalk would have a library equal to or better than those in surrounding towns, and building this building totally eliminates the possibility of any of that happening. The City should purchase this property and find a plan to expand the library, making it the center and the magnet that it should be for the Wall Street area.

Patsy Brescia, East Avenue, said she is there as a spokesman for the Board of Trustees of the library. She understands the constraints and limitations of this project, but time is of the essence. If they don't move forward and try to purchase the land or take it by eminent domain, they are making a huge mistake. The area at the intersection of Wall, Mott and Belden is the worse intersection in the City for pedestrian concerns, and it would be a travesty if this land was developed.

Maria Bryant, 23 Morgan Avenue, founding member of the Norwalk Preservation Trust, said she understands the dilemma that is faced with this application, but sometimes as of right doesn't mean that it is right, and she thinks this building could not be more wrong for that site. The building will effectively close the door on any kind of expansion or improvement to the library, which may mean that the library will have to close and move to another location and the area would lose a very valuable asset.

Bill Collins, Allen Road, said the Wall Street Redevelopment Plan was written in 2004, and not a whole lot has happened to implement the plan. This parking lot has been sitting there for years and everyone has known that it is vitally necessary to the expansion and improvement of the library, but the City has done nothing about it. It is time to try to acquire this development, whether by eminent domain or a straight purchase. Failing that, beyond this property is a big empty parking lot and the City ought to get busy and acquire that one. The Redevelopment Agency's time has come to take direct action and make some things happen, and they should not be afraid of condemnation of private property to the benefit of the City. Otherwise they are going to wake up some morning and find that another developer has acquired that property and is going to build 100 units on it. It's time for the Redevelopment Agency to get rolling.

Bruce Root, Aiken Street, speaking as Chairman of the Board of Trustees of the Norwalk United Methodist Church which is directly across from the library, said there are 60 to 80 people in their congregation and they have less parking than the library does. On Sunday morning, many of their people park across the street. The Boy Scouts, Girl Scouts and many volunteer groups meet in their building, and on a Monday or a Thursday night there is no parking on Mott Avenue, there is no parking in their parking lot and quite often the parking lot across the street is full, and he would suggest purchasing that property or taking it by eminent domain, because once there is a building there, they are effectively closing the church and all the programs they offer to the City as part of its outreach because people will have no place to park.

Chairman Serrano closed the Public Participation portion of the meeting.

C. WALL STREET REDEVELOPMENT PLAN AREA

1. 11 Belden Avenue Design Review

(a) Approve advancing 11 Belden Avenue memo to the Zoning Commission

Chairman Serrano said the Agency shares the same frustration with regards to the guidelines. Under existing zoning the project is allowed as of right, but the design guidelines say it won't fit because they have the focus of the library expansion and parking reconfiguration and not building a multifamily in that area. Typically with a design review they undertake, they make a recommendation, but they cannot comment on something that doesn't fit the guidelines when by zoning it is something by right.

Mr. Sheehan said there is no point in the City advancing approval of redevelopment plans where the goals and objectives of the plan are at odds with zoning. As a city they need to ensure that their land use regulations are properly aligned with their long term planning expectations relative to these plan areas. What they have been presented with doesn't fit with what the guidelines suggest, and the only thing they can do is advance it forward with the understanding that there should be some address to the concerns relative to the disparity between the guidelines and the zoning regulations. With regards to the potential taking of the site, the Common Council legislatively took action to remove the power of eminent domain from the Redevelopment Agency with regards to the Wall Street Redevelopment Plan area in response to the Kelo v. City of New London case.

In response to questions by Ms. Torrano, Mr. Sheehan said when you buy a piece of property, you look at what the land use regulations allow relative to the development, and this developer made a business decision based on what the zoning regulations allow, and he would leave it to the Corporation Counsel and Zoning to make a determination as to what they can do, but he thinks it is pretty limited in terms of their power to deny. They could certainly come back and talk to the Common Council about re-empowering the plan with eminent domain, but that's a process that takes notification and timing, and could open up a host of legal concerns. He has not had any direct conversation with the developer relative to sale of the property, but his sense is that he is not eager to sell.

Mr. Collins said he thinks it is time for some direct action, and the Agency should pass a motion requesting the City Council through the Planning Committee to restore eminent domain powers to the Redevelopment Agency for all of this and adjacent property and get the thing going. Even

if it can't get this property, there is one more that could save their bacon and they don't want to let it lie there without some kind of action.

Chairman Serrano said he hesitates to do anything in haste as it has led to difficult situations. He thinks it is an important topic that they can take up and put on an agenda and have it properly noticed so everyone knows it is coming up.

Mayor Rilling said they will pretty much be altogether tomorrow for the LDA signing of the GGP properties, and perhaps Corporation Counsel, Chairman Serrano and the Redevelopment Agency can sit down and explore the options of what has to occur. They have to be relatively cautious with eminent domain because they have found themselves in an untenable situation regarding the police station with the latest domain taking.

Chairman Serrano said the action item before them is basically just sharing the frustration because they are not able, as they typically would do in a design review, say it meets the guidelines.

Mr. Sheehan said design review is not going to solve the problem, because it is out of synch with what the plan is calling for and the objectives of the developer based on what's allowed as of right, so they need to refer back to the Zoning Commission.

- ** MR. DEVINE MOVED TO APPROVE THE REDEVELOPMENT AGENCY REFERRING TO THE ZONING COMMISSION THE CONTEXT OF THE MEMO BY ITS CHAIRMAN AS BEING REFLECTIVE OF ITS COMMENT WITH REGARDS TO THE DESIGN OF 11 BELDEN AVENUE, THE LOFTS AT MOTT AVENUE**
- ** MS. TORRANO SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES

- A. January 12, 2016 Regular Meeting
January 29, 2016 Special Meeting

- ** MS. TORRANO MOVED TO APPROVE THE MINUTES OF THE JANUARY 12, 2016 REGULAR MEETING AND THE JANUARY 29, 2016 SPECIAL MEETING OF THE NORWALK REDEVELOPMENT AGENCY.**
- ** MR. DEVINE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

II. FINANCE

- A. Norwalk Redevelopment Agency year to date quarterly financial statements on December 31, 2015 for statement of revenues and expenditures and balance sheets for all funds

Mr. Slovak reported on the Financial Statements as follows:

- Total Revenues are \$784,174 versus a budget of \$783,168 for a favorable \$1,006 revenue variance due to \$25,000 of actual unexpected DECD revenues received from the DECD Waypointe Grant.

- Total expenditures are \$740,850 versus a \$798,017 expenditure budget resulting in a \$57,167 favorable expenditure variance.
- There is an actual year to date operating surplus of \$43,324 versus a budgeted year to date \$14,849 deficit resulting in a favorable quarterly year to date operating variance of \$58,173.
- Operating Fund 100 Balance Sheet has \$7,416,265 cash and accounts receivable, \$1,010,101 due from other funds, and \$253,523 in net loans receivable and other assets. There are \$3,639,720 in Deferred Revenues which will be earned when expended, and \$4,282,301 in Net Assets.
- The GGP operating fund 115 has expenditures of \$104,252 on 12/31/15. On the balance sheet there is \$13,150 of cash and investments and \$13,150 of liabilities and nets assets.
- CDBG Revolving Loan Fund 200 Statement of Revenues and Expenditures has \$20,159 interest income from notes receivable and expenditures of \$3,962 resulting in a \$16,198 operating surplus. The CDBG Revolving Loan Fund Balance Sheet has \$832,246 in cash, \$56,947 due from other funds, \$779,161 net loans receivable, \$1,158,752 in liabilities, and \$508,603 in net assets.
- CDBG Non-Revolving Loan Fund 300 Statement of Revenues and Expenditures which includes NRA and sub-grantees has revenues of \$293,763, program expenditures of \$533,931 resulting in an operating deficit of \$240,168 which will be reimbursed from a CDBG drawdown. The Balance Sheet for CDBG (NRLF) Fund 300 has \$240,883 in cash, \$68,567 in receivables, and \$309,450 in liabilities and net assets.
- Norwalk Redevelopment Agency Project and Program Fund 500 Statement of Revenues and Expenditures encompasses various Capital Budget Grants from the City of Norwalk, grants from the State DECD, and other grants. The NRA Project and Program Fund 500 has \$1,707,949 in revenue and \$1,861,953 in program expenditures resulting in an operating deficit of \$154,004 to be reimbursed from various city capital budgets. The NRA Project and Program Fund balance sheet contains \$457,454 in total assets, and \$457,454 in liabilities and net assets.

** **MS. TORRANO MOVED TO APPROVE THE FINANCE REPORT AS STATED.**
 ** **MS. COOPER SECONDED.**
 ** **THE MOTION PASSED UNANIMOUSLY.**

III. BUSINESS

A. CHOICE NEIGHBORHOODS INITIATIVE

1. Approve the CCI Budget
2. Approve the expenditure of funds on a reimbursable basis
3. Authorize the Chairman to process such expenditures

Mr. Sheehan said the Agency is the co-applicant with the Housing Authority for the Choice Neighborhoods grant for the Washington Village Redevelopment, and as part of that they are taking on the neighborhood improvements, and the Commissioners are being asked to approve

the budget that was submitted to HUD. HUD, like the City, is a reimbursable program. You have to expend the money and then get reimbursed from HUD. The Commissioners are also authorizing the Chairman to process the expenditures so that if there is any auditing question, they actually have an Agency action.

- ** MS. TORRANO MOVED TO APPROVE (1) THE CCI BUDGET, (2) APPROVE THE EXPENDITURE OF FUNDS ON A REIMBURSABLE BASIS, AND (3) AUTHORIZE THE CHAIRMAN TO PROCESS SUCH EXPENDITURES.**
- ** MR. DEVINE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

B. WALK BRIDGE BUSINESS MITIGATION PLAN DEVELOPMENT

1. Authorize the appropriation of \$52,000 to be evenly split between Agency Fund 500 and Deferred Revenue
2. Authorize the Executive Director to execute the Consulting Contract and any related documents
3. Authorize the Chairman to process all contract related expenses

Mr. Sheehan said, after some significant failures, the state and federal government recognized that there needs to be a replacement of the Walk Bridge. The cost of that project by the State is estimated at between \$300 and \$600 Million. One of the issues is the impact the project will have on the businesses and residents over the anticipated three-year construction period, and the Commissioners are being asked to approve the development of a business mitigation strategy to look at all of the various impacts and craft a plan to look at mitigation measures to soften those impacts and begin to estimate the cost of those. The proposal from CSL Consulting will deal with these issues, as well as develop a communication protocol of how to get the information out to the people and get information back. There is some level of anxiety among business owners and residents of SoNo about the project, and there needs to be a plan so that the community knows that the area is open and doing business. They have an investment both as the City and the Redevelopment Agency into the SoNo area of hundreds of millions of dollars, and in order to protect that they are asking the Commissioners to consider an investment of 50 some odd thousand dollars.

Chairman Serrano said he can't emphasize enough the importance of getting a formal study and mitigation plan in place because there are those concerns, and many more.

- ** MR. DEVINE MOVED THAT, UPON CONSIDERATION OF THE FUNDING REQUEST AND REVIEW OF THE CSL CONSULTING CONTRACT FOR THE SOUTH NORWALK WALK BRIDGE BUSINESS MITIGATION PLAN DEVELOPMENT SERVICES IN THE AMOUNT OF \$51,380, THE NORWALK REDEVELOPEMT AGENCY AUTHORIZES THE FOLLOWING: (1) THE APPROPRIATION OF \$52,000 TO BE EVENLY SPLIT BETWEEN AGENCY FUND 500 AND DEFERRED REVENUE; (2) THE EXECUTIVE DIRECTOR TO EXECUTE THE CONSULTING CONTRACT; AND (3) THE CHAIRMAN TO PROCESS ALL CONTRACT RELATED EXPENSES.**
- ** MS. COOPER SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

Ms. Cooper left the meeting at 6:43 P.M.

D. COMMUNITY ARTS AND CULTURAL SPONSORSHIP PROGRAM
GRANT APPLICATIONS

1. Approve Extension of New England Auto Museum Grant Conditions

Ms. Sweitzer said last June the Agency approved an Arts and Cultural Sponsorship Grant to the New England Auto Museum in the amount of \$13,000 contingent upon them raising the balance of funds to pay for an assessment analysis by White Oak Associates for a contract amount of \$52,000. The museum has been pursuing those funds, but unfortunately has not been able to raise the balance of funds and are asking for an extension.

Mike Scheidel, president and CEO of New England Auto Museum, said they were hoping to get a grant from the state, but that hasn't happened. Their first fund raiser last June was their first car show at the Lockwood Mansion, but a tropical storm came up and they took a big loss on that. Another tropical storm occurred at their second fundraiser, which was a movie premier at the Children's Museum in October. Since then, they have raised a little more than 20%. In October, they formed an alliance with the Malcolm Pray Achievement Center in Bedford, NY, who would like a presence in this area, but it has been difficult going out and asking people for money when they don't have a location down yet. From all their talks with White Oak, they think Norwalk is a good location, and they are just asking for a little more time. Their next car show is Father's Day.

- ** MS. TORRANO MOVED TO APPROVE AN EXTENSION OF THE
PREVIOUSLY APPROVED TIMELINE TO SEPTEMBER 30, 2016 FOR THE
NORWALK AUTO MUSEUM TO COMPLETE FUND-RAISING TO ACHIEVE
THE \$52,000 GOAL TO CONTRACT WITH WHITE OAK ASSOCIATES FOR A
MUSEUM OPPORTUNITY ASSESSMENT ANALYSIS.**
- ** MR. DEVINE SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

III. NEW BUSINESS
(None.)

V. OLD BUSINESS
(None.)

ADJOURNMENT

There being no further Old or New Business, upon motion of Mr. Devine and second of Ms. Torrano, the Norwalk Redevelopment Agency meeting was adjourned at 6:51 P.M.

Respectfully submitted,

Karen Pacchiana