THE PLANNING COMMITTEE OF THE COMMON COUNCIL

125 East Avenue
P.O. Box 5125
Norwalk, CT 06856

TO: MEMBERS, PLANNING COMMITTEE OF THE COMMON COUNCIL

FROM: DOUGLAS E. HEMPSTEAD, CHAIRMAN

DATE: JUNE 9, 2015

RE: **MEETING NOTICE**

A Special Meeting of the Planning Committee of the Common Council will be held on **Monday, June 15th, 2015 at 7:30 pm** in Room 231 in Norwalk City Hall. Please Note the Time and Location.

PLANNING COMMITTEE OF THE COMMON COUNCIL
REGULAR MEETING
June 15, 2015
7:30 PM

A G E N D A

PUBLIC PARTICIPATION

CALL TO ORDER

ROLL CALL

I. APPROVAL OF MINUTES – May 7, 2015

II. BUSINESS

A. WALL STREET REDEVELOPMENT PLAN AREA

1. Review, discuss and approve advancing POKO LDA Default Resolution to Common Council to be issued if Phase I construction financing is not closed upon on or before June 29, 2015

2. Globe Theater Update

B. MAYOR'S TASK FORCE ON ZONING

1. Update

III. OLD BUSINESS

IV. NEW BUSINESS

ADJOURNMENT

CITY OF NORWALK
PLANNING COMMITTEE
REGULAR MEETING
MAY 7, 2015

ATTENDANCE: Douglas Hempstead, Chair; Richard Bonenfant; Bruce Kimmel; Shannon O'Toole-Giandurco; Travis Simms; Sharon Stewart; John Kydes (7:23 p.m.)

STAFF: Timothy Sheehan, Executive Director; Tami Strauss, Director of Community Planning and Development; Hunter Arton, Community Outreach Administrator

OTHERS: Glenn Iannaccone, Common Councilmember; Warren Peña, SNCC

PUBLIC HEARING

2015 NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT PROGRAM (NAA-TCP)

Mr. Hempstead opened the public hearing at 7:00 p.m. There were no members of the public and the public hearing was closed at 7:00 p.m.

CALL TO ORDER

Mr. Hempstead called the regular meeting to order at 7:00 p.m. He called the Roll and noted that a quorum was present.

APPROVAL OF MINUTES

March 30, 2015

** **MS. O'TOOLE-GIANDURCO MOVED TO ACCEPT THE MINUTES AS PRESENTED**
** **MOTION PASSED WITH ONE (1) ABSTENTION (MR. SIMMS)**

April 6, 2015

** **MS. O'TOOLE-GIANDURCO MOVED TO ACCEPT THE MINUTES AS PRESENTED**
** **MOTION PASSED UNANIMOUSLY**

BUSINESS

NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT PROGRAM

** **MR. SIMMS MOVED TO RECOMMEND 2015 NAA-TCP APPLICATIONS. DETERMINE WHICH, IF NOT ALL, 2015 NAA-TCP APPLICATIONS SHOULD BE RECOMMENDED FOR PROGRAM INCLUSION AND ADVANCE THOSE RECOMMENDED APPLICATIONS TO THE COMMON COUNCIL FOR APPROVAL OF HEIR INCLUSION IN THE 2015 NAA-TCP PROGRAM**

Mr. Simms said that he would like to hear about this program. Ms. Arton gave an overview of the program and said that organizations will be notified in August if they are going to receive funding. Mr. Sheehan explained that this is a tax credit and there are investors who buy the tax credits and get the benefit of the tax credit on their taxes.

Ms. Arton said that the organizations work hard to get investors and each organization is verified that they are a legitimate non-profit. Mr. Sheehan added that the tax credits come in as equity to the non-profit.

** **MOTION PASSED UNANIMOUSLY**

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

** **MR. KIMMEL MOVED TO ADVANCE THE CITIZEN PARTICIPATION PLAN, THE 2015-2019 CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT (CONPLAN), AND THE PY41 ANNUAL ACTION PLAN (AAP) TO THE COMMON COUNCIL AND REQUEST THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS ASSOCIATED WITH THE SUBMISSION OF THE 2015-2019 CONPLAN AND THE PY41 AAP TO HUD BY MAY 15, 2015 AND ALL DOCUMENTS CONSISTENT WITH THE APPROVED PY41 AAP**

Mr. Strauss explained that the five year plan has to be submitted to HUD by May 15th. Mr. Sheehan said that the CDBG has a prohibition against new construction.

Due to a potential conflict of interest, Ms. O'Toole-Giandurco and Mr. Bonenfant rescused themselves and left the meeting. Ms. O'Toole-Giandurco's husband works for the Carver Center and Mr. Bonenfant does some work for the Norwalk Seaport Association.

** **MR. KIMMEL MOVED TO AMEND THE MOTION TO MOVE $80,000 OUT OF THE SOUTH NORWALK COMMUNITY CENTER ROOF PROJECT AND PUT IT INTO THE SOUTH NORWALK COMMUNITY RENAISSANCE PROJECT**

Ms. Stewart said that the Committee decided that if they do not need the money for the roof, then they would not get funding for anything else. She said that they are continually wasting money at the SNCC. Mr. Hempstead said that when they asked for funding for the roof, he asked why they would ask for other funding if the roof leaks. Ms. Stewart said that she is against giving them funding.

Mr. Hempstead explained that all of the requests are funded for capital projects and there is not enough to do both projects for the SNCC. Mr. Simms said that he went to the Board of Estimate and Taxation meeting and when Kelly Robertson was asked about repairing the roof, she said that there was nothing wrong with the roof and they want to take the $80,000 and use it for another project.

Mr. Kydes joined the meeting at 7:23 p.m.

Mr. Simms said that the SNCC has to be more fiscally responsible.

Mr. Hempstead explained that the SNCC submitted two separate requests for funding; the roof and the classroom, and he said that his comment was that if the roof leaks, it should be done before they put any money into the building. Ms. Stewart disagreed and told Mr. Hempstead that he was ignoring the facts and asked him when he was going to listen to the facts. Mr. Simms said that this was a premature amendment. Ms. Stewart said that they need to make sure that they have the services and staff going on. Mr. Simms said that they have not provided the financials as requested. He said that when Ms. Robertson gave a presentation, she stated that there was nothing wrong with the roof and did not know why that proposal was submitted.

Mr. Kimmel said that during the first go around, his initial proposal was $85,000 for the roof and $37,500 for the first floor. He said that both items were discussed and that he was in favor of approving both. He said that he was under the impression that damage to the roof was more extensive, but after inspection was told that it was not that bad. He said that his memory is that this time, is the last time, and that now that he knows that the roof is in okay shape, he is making an amendment to move $80,000 that they thought was needed for the roof to the Renaissance project, with the full understanding that they are not coming back next year for funding.

Mr. Simms told Mr. Kimmel that what he said was a totally false statement. Mr. Kimmel said that he made that proposal three months ago. Mr. Hempstead told Mr.

Simms that they have a plan that went out for public comment and he said that he suggested doing the roof before doing anything else. Mr. Simms suggested waiting until receiving the financials from the previous year.

Ms. Strauss explained that their process is that the bills are incurred and then processed for payment. Ms. Stewart asked Ms. Strauss if Mr. Simms could see the bills. Ms. Arton left the meeting to get the bills.

Mr. Hempstead said that all requests were fully funded and no one was cut. He said that what went out for public comment included two requests from the SNCC. What is on the table is a recommendation to provide classroom space on the first floor.

Mr. Kimmel asked Mr. Peña to explain about the change from the roof to the first floor. Mr. Peña explained that children were eligible to participate in the After the Bell program. The intent has always been to have three classrooms on the first floor. The $80,000 would be used to create one more classroom and perhaps one more and a reception area. He said that through a relationship with Rick's Main Roofing, he sent a letter stating that he agreed to go on the roof on a *pro bono* basis to fix what needs to be fixed. As a result, the SNCC is asking to redirect funds to cater to the program and build classrooms.

Mr. Kydes asked if this will complete the classrooms. Mr. Peña said that is the quote they received. Mr. Kydes said that he believes this is their third time asking for funding and feels that the door should be opened to others. He added that he does not want to take away from the good work they are doing there. Mr. Peña said that they do not have plans to come back before this committee.

Ms. Simms and Ms. Stewart left the meeting at 7:49 p.m.

Mr. Kimmel said that he understands that this is the last time the SNCC will come before this committee. Mr. Peña said this is the last time, for a few years.

Mr. Hempstead said that a quorum was established at the beginning of the meeting or as Chairman, he will forward to the full Common Council.

** **THE AMENDMENT PASSED UNANIMOUSLY**

Mr. Kimmel said that he was accused of lying. He said that that kind of behavior has no place at Common Council meetings. Mr. Kimmel said that this is his sixth term on the Common Council and he never saw anything so crude as to intimidate a committee member.

** **MOTION AS AMENDED PASSED UNANIMOUSLY**

Mr. Bonenfant, Ms. O'Toole-Giandurco, Ms. Stewart and Mr. Simms returned to the meeting.

Mr. Simms told Mr. Hempstead that he needed a quorum to vote on the item. Mr. Hempstead said that he will check Mason's Rules, but as Chairman, can move the item to the full Common Council.

Ms. Stewart said that this sounds like a dirty deal.

Ms. Stewart and Mr. Simms left the meeting at 7:55 p.m.

** **MS. O'TOOLE-GIANDURCO MOVED TO APPROVE A PUBLIC HEARING ON THE PY40 CAPER FOR THE AUGUST 6, 2015 PLANNING COMMITTEE MEETING AT 7:00 P.M.**
** **MOTION PASSED UNANIMOUSLY**

SOUTH NORWALK TOD REDEVELOPMENT AREA SLUM/BLIGHT DETERMINATION

** **MR. HEMPSTEAD MOVED TO DESIGNATE THE SOUTH NORWALK TOD REDEVELOPMENT AREA AS MEETING THE DEFINITION OF A SLUM, BLIGHTED, OR DETERIORATED OR DETERIORATING AREA PER GENERAL STATUTES OF THE STATE OF CONNECTICUT AND CFR 570.208 (B) (1)**

Ms. Strauss explained the item and said that 75% of the properties evaluated exhibited the definition of a slum, blighted or deteriorated or deteriorating area. She requested approval of this designation.

Mr. Hempstead explained that the reason for this exercise is to get funding. Mr. Sheehan said that HUD looks at these areas as areas of opportunity. There is a need for additional investment in the neighborhood.

Mr. Bonenfant said that he was having a hard time with this designation, but would like to hear from others. Mr. Hempstead said that he understood, but this designation opens this area up for funding. Ms. Strauss said that was how the statute is worded.

** **MOTION PASSED WITH ONE (1) VOTE IN OPPOSITION (MR. BONENFANT)**

STAFF PROJECT UPDATES

- Head of the Harbor

Mr. Sheehan explained that they are meeting about the utility relocation orders. They anticipate advancing the foundation permit.

- Globe Theater

Ms. Strauss explained that last week they procured an environmental consultant to update the environmental report. They will be re-submitting to HUD and hope to get a waiver and then construction can commence. Mr. Hempstead noted that there is no money on the City side that is at risk.

- Wall Street Place

Mr. Sheehan said that City Bank completed the negotiations of Phase I of the development and they anticipate closing on Phase I in May.

- 95/7

Mr. Sheehan said that negotiations are ongoing between the City, Redevelopment Agency and the developer regarding the fourth amendment of the LDA. They anticipate that will come out of the group in June and then will go through the public approval process.

Mr. Sheehan said that the design guidelines are out of synch. Mr. Sheehan said that the renderings the Redevelopment Agency created took into account comments from this committee; they will not have something that will not lend itself to the character of the area.

Mr. Kydes left the meeting at 8:20 p.m.

Mr. Sheehan said that he did not feel there would be a problem bringing the design recommendation to the committee. Mr. Hempstead said that at this point, the committee and the public need to have an idea of where things are heading. Mr. Sheehan said that at this point the intent is to get it out of discussion in June.

Mr. Bonenfant said that before this goes too far the Common Council should provide their input. Mr. Sheehan said that the communication of what is being negotiated is being communicated to the Common Council. Mr. Hempstead said that anything that a Common Council brought up has been conveyed.

Mr. Sheehan said that environmental testing is going on at the site.

- Washington Village

Mr. Sheehan reported that DEEP's decision to develop in the flood plane was upheld.

Mr. Sheehan said that Ms. Strauss, Ms. Sweitzer and others have been speaking with people with concerns and will continue to do so.

Mr. Hempstead asked if there were any issues with moving the June meeting to June 15th.

Mr. Hempstead said that he did not take control of the meeting and said that he was also called a liar. He apologized for not controlling the meeting.

Ms. O'Toole-Giandurco looked up Mason's Rules; Mr. Sheehan will research further.

NEW BUSINESS

There was no new business discussed this evening.

OLD BUSINESS

There was no old business discussed this evening.

ADJOURNMENT

** **MS. O'TOOLE-GIANDURCO MOVED TO ADJOURN**
** **MOTION PASSED UNANIMOUSLY**

There was no further business and the meeting was unanimously adjourned at 8:36 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

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OF THE COMMON COUNCIL
125 East Avenue
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Norwalk, CT 06856

TO: MEMBERS, PLANNING COMMITTEE OF THE NORWALK COMMON COUNCIL

FROM: TAMI STRAUSS, DIRECTOR OF COMMUNITY DEVELOPMENT PLANNING

DATE: JUNE 11, 2015

RE: SECTION 108 LOAN GUARANTEE FOR THE GLOBE THEATER

As you recall, in order to remediate what HUD considered a violation of federal requirements, HUD Hartford had required that Norwalk undertake an environmental waiver request process as it relates to the Section 108 loan guarantee for the Globe Theater. Per HUD, the waiver request process required:

- Part 58 environmental review – An environmental consultant was procured to complete a Part 58 environmental review which was submitted to HUD in March 2015
- Re-determination of the 10-year slum/blight designation for Wall Street originally designated in July 2004, retroactive to July 2014. This re-designation included a 30-day public comment period, notice to property owners and a public hearing. This re-designation was approved by the Common Council on March 10, 2015 and evidenced to HUD immediately thereafter.
- All construction, rehabilitation, etc. work at the theater must cease until a decision is rendered.

After review of the new Part 58, HUD required that a 2012 Phase I Environmental Study of the property be updated including compliance with new federal regulations. The Wall Street Theater Company contracted with PAYNE Environmental to update the Phase I Report which was provided in draft to the Agency on June 3, 2015. The Redevelopment Agency reviewed the draft report and requested additional information.

The final report was hand-delivered to HUD on June 10, 2015. The Redevelopment Agency is now awaiting HUD's review of the updated Phase I report. Upon HUD's approval of the Phase I, it is our belief the Section 108 loan application and construction in the building will be able to proceed.