

ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS ARE SUBJECT TO THE AVAILABILITY OF FUNDS

Mayor Rilling called the meeting to order at 7:31 p.m. and led the Assembly in reciting the Pledge of Allegiance.

Ms. King read the notice stating that the meeting was being audio recorded and videotaped with subtitles for public broadcast. She asked everyone to speak clearly, one at a time, into the microphone and said that assisted listening devices were available.

I. ROLL CALL

Ms. King called the Roll. The following Common Council members were present:

Council at Large:	Mr. Michael Corsello Mr. Colin Hosten	Ms. Barbara Smyth Mr. Nicholas Sacchinelli
District A:	Ms. Eloisa Melendez	Mr. Chris Yerinides
District B:	Ms. Darlene Young	
District C:	Mr. John Kydes	Ms. Beth Siegelbaum
District D:	Mr. George Tsiranides	Mr. Douglas Hempstead
District E:	Mr. John Igneri	Mr. Thomas Livingston

At Roll Call there were thirteen (13) Common Council members present and two (2) absent (Mr. Burnett and Mr. Dumas). Also present were Mayor Harry Rilling, Corporation Counsel, Mario Coppola and City Clerk, Donna King.

II. ACCEPTANCE OF MINUTES

Regular Meeting: July 9, 2019

The following correction was made to page 6, second sentence: the City could save an estimated 6.6% and achieve a \$2.1 million savings over the next 14 years.

**** MR. IGNERI MOVED TO ACCEPT THE MINUTES AS AMENDED
** MOTION PASSED WITH TWO (2) ABSTENTIONS (MR. YERINIDES AND MS. YOUNG)**

III. PUBLIC PARTICIPATION

Mayor Rilling announced that following discussions today, the Common Council will table item 7D1 to September 12th; however, they will still listen to comments during the public participation portion of this meeting. They will work on the design and how to maintain the area as an arts center. Currently there are four options relative to the arts cultural center.

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

Mr. Lee Levy, spoke about the design of the proposed building and said it was improper. Aside from the mall, this is the most important construction project in Norwalk. After the flood of 1955, the result was the construction of one story buildings. The thought was they were temporary. He urged the Common Council to consider the design of this building as it will be an important addition to Wall Street.

Mr. Bill Kutik said that Wall Street Place has to get finished, because teachers, Firefighters and Police officers and other Norwalk employees need to be able to live where they work. He suggested that the Garden Cinema be run by a new non-profit.

Mr. Peter Fullham said he was very happy about the news; however, the project should not be 100% affordable housing. For businesses to flourish, it needs to be a mix.

Ms. Debora Goldstein proposed that phases two and three be abandoned. They do not provide adequate protection for past mistakes and the one-way street needs to be resolved. She pointed out what the plan does not do.

Mr. John Romano said that it looks like the issues are starting to be addressed. He asked the Common Council to reconsider the LDA and to come up with something that is more appealing to the citizens of Norwalk.

Mr. John Flynn said that the 100% affordable housing units would be run by the Norwalk Housing Authority. He brought up ethics guidelines. Mayor Rilling responded to Mr. Flynn and told him that the Norwalk Housing Authority was not going to be managing Wall Street Place.

Ms. Elizabeth Greenwood said that Washington Village was built as a mixed used and asked why this development was going to be 100% affordable. She said this location is far from the bus hub and asked what is going to be taken into consideration during construction for those who are disabled. She said she does a considerable amount of walking there and is disabled. Ms. Greenwood talked about the noise levels from the bridge and mall construction.

Mr. Chris Ward, Stamford resident said he is an independent film maker and advocated for saving the Garden Cinema.

Mr. Richard Bonenfant said the City is trying to attract families to Norwalk, but the schools are filled. He asked where the children living in the building will play and go to school.

Ms. Nancy McGuire spoke in support of saving the Garden Cinema. She said she was not against affordable housing, but said that the Garden Cinema pays \$3.00 per square foot and the new development will pay \$.76 per square foot. She said tenants want to be within walking distance of a train station. This 100% affordable housing project is a total win for the developer but a loss for the taxpayers.

Mr. Michael McGuire said this project may not get built, because of certain standards that have to be met. The on-going lawsuits are a non-starter. In addition, at \$800,000 per unit it is going to be very challenging and the project will be heavily scrutinized.

Ms. Lisa Brinton said she was happy this item was tabled. She said she hoped the Common Council would look at the financing and economics of this deal. The terms of the deal bail out Citibank and provide a nice fee for the McClutchy's. Ms. Brinton talked about the impact on services additional residents and children would have. She said there are more first responder calls, resulting in an additional minute to the response time. PoKo is the poster child for a bad land deal. She said they need to look at the financial of this deal.

Mr. Michael Barbis, Chair, Board of Education spoke about the impact the development will have on the schools. Based on the 2018/2019 school year, they had 94 new students from the new apartments. This project will add between 25 – 46 additional students. The cost to educate 25 students is \$437,000 and over \$800,000 to educate 46 students.

Mr. David Katz spoke in support of saving the Garden Cinema. He added that it is not the City's obligation to bail out the lender on the project.

Mr. Marc Alan thanked the Mayor for being open to options regarding the Garden Cinema. He also thanked the 3,000 people who signed the petition in the last two days.

Mr. Frank Farriker said this is a great opportunity to figure out how to make uptown Norwalk into an arts hub.

Ms. Ursula Caterbone said the announcement to table the item is a step in the right direction. She asked the Common Council to keep the Garden Cinema and use it as an arts center. This area boasts a lot of actors who are huge film buffs and would support a film arts center.

Mr. Urban Mulvahill asked if the mechanical parking garage was still part of the project. When he was a member of the Parking Authority, they expressed concern about the parking for the project.

Ms. Lisa Henderson spoke in opposition to moving the PoKo plan forward. The plan does not benefit the taxpayers of Norwalk who deserve better than this.

Ms. Diane Lauricella said this is one of the more important projects in our time. She asked that the four options be presented to the public. She said this is not public housing. She asked the Common Council to discuss the value of independent research to see how to make this deal fair to the taxpayers. The development has to reduce the length of years that taxes are forgiven. In addition, they need to discuss the number of children that will live in the project. The Garden Cinema is an asset and a center of activity. Ms. Lauricella asked the Common Council to consider re-inserting 25 – 30% market rate units. While the trend is to have more rental units, it needs to be fair to the taxpayers rather than Citibank. Instead of using “may” in the LDA, she said they need to use “must”.

Ms. Donna Smirniotopoulos said she loves the Garden Cinema and spoke about the history. In May 2018 she said she filed an FOI request about Wall Street Place, Phase I, related to the identification of the developer and anything and everything that might be of interest to the taxpayers. She said that what she uncovered contained damning information. She asked what has been going on over the past 18 months that it is at a standstill. She said that it sounds like it was about to fall down, then on January 8th, Mr. Sheehan said that the developer had strong ties to the Malloy administration. Ms. Smirniotopoulos said this family donated to the Democratic State Central Committee and that Ms. Melendez should recuse her self when they vote on this item. They need to be careful with the way then handle taxpayer money.

Mr. Jason Milligan told the Common Council that he was proud of them. He named the properties he owns in the Wall Street area and said he has a stake in that area. He apologized to Mr. Kydes, Mr. Coppola and Mayor Rilling for the way he treated them. He said he is amenable to providing parking for the project for a reasonable fee.

Ms. Joanne Horvath asked what happened to the plans for the original historical looking brick building. She said that is what the building should look like and the present building should be demolished. She said it is imperative that Isaac Street remain a two-way street.

Mr. Darnell Crossland said the building is tantamount to a housing project and is not adding to the area. No one wants that project in that area and they need to re-think the plans. He suggested taking the building down and starting over. He suggested killing the parking lot deal.

Ms. Nancy Diamond said that for the last nine years, she produced a film series at the Garden cinema. People attending the film series also went to the local restaurants. She urged the Common Council to incorporate the Garden Cinema as part of the plan.

Mr. Rene Fontaine said the Garden Cinema brings people into Norwalk from surrounding towns and has a vital purpose.

There were no other members of the public who wished to speak and the public participation portion of the meeting was closed.

A recess took place at 8:51 p.m. The meeting reconvened at 9:02 p.m.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

RESIGNATIONS: There were none.

APPOINTMENTS:

Due to a potential conflict of interest Ms. Smyth recused herself and left the Common Council Chambers.

**** MR. LIVINGSTON MOVED TO APPROVE THE FOLLOWING
 APPOINTMENT:**

PETER SMYTH, ARTS COMMISSION

Mr. Livingston and Ms. Melendez spoke in support of this appointment.

**** MOTION PASSED UNANIMOUSLY**

Ms. Smyth returned to the Common Council Chambers.

REAPPOINTMENTS:

**** MR. KYDES MOVED TO APPROVE THE FOLLOWING REAPPOINTMENTS:**

LOU SCHULMAN, ZONING COMMISSION

STEPHANIE THOMAS, ZONING COMMISSION

MICHAEL WITHERSPOON, ZONING COMMISSION

Mr. Kydes spoke in support of the reappointments. Mayor Rilling expressed his thanks.

**** MOTION PASSED UNANIMOUSLY**

**** MR. KYDES MOVED TO APPROVE THE FOLLOWING REAPPOINTMENT:**

FRANK MANCINI, ZONING COMMISSION

Mr. Kydes spoke in support of the reappointments. Mayor Rilling expressed his thanks and said this is a good group of people on the Zoning Commission.

**** MOTION PASSED UNANIMOUSLY**

**** MR. HEMPSTEAD MOVED TO APPROVE THE FOLLOWING REAPPOINTMENT:**

WILLIAM IRELAND, CHIEF BUILDING OFFICIAL

Mr. Hempstead spoke in support of the reappointment.

**** MOTION PASSED UNANIMOUSLY**

**** MR. CORSELLO MOVED TO APPROVE THE FOLLOWING REAPPOINTMENT:**

BRIAN MCCANN, ASSISTANT CORPORATION COUNSEL

Mr. Corsello, Mr. Hempstead and Ms. Melendez spoke in support of the reappointment.

**** MOTION PASSED UNANIMOUSLY**

**** MR. SACCHINELLI MOVED TO APPROVE THE FOLLOWING REAPPOINTMENT:**

DEANNA D'AMORE, DIRECTOR OF HEALTH

Mr. Sacchinelli, Mr. Hempstead and Mr. Yerinides spoke in support of the reappointment. Mr. Hempstead added that these are fine City employees.

**** MOTION PASSED UNANIMOUSLY**

Ms. King administered the Oath of Office to Mr. Smyth, Mr. Schulman and Mr. Mancini.

MAYOR'S REMARKS:

Mayor Rilling said this is the fifth year of the Mayor's Summer Science & Engineering Program where 50, seventh and eighth grade students from Norwalk participate in the summer camp free of charge at The Maritime Aquarium. He thanked Mr. Kydes and The Maritime Aquarium community. A walk will take place at 6:15 p.m. prior to the Wednesday Summer Concert at Calf Pasture Beach. New signage at the Beach will help people locate where they parked. The annual St. Ann's Feast will be held from July 26 to July 28, 2019.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS:

Due to a potential conflict of interest, Mr. Hempstead recused himself and left the Common Council Chambers

**** MR. KYDES MOVED TO APPROVE THE FOLLOWING ITEM:**

1. AUTHORIZE MAYOR HARRY W. RILLING TO EXECUTE A DOCUMENT CONFIRMING THAT THE CITY OF NORWALK HAS CONSENTED TO A TRANSFER OF OWNERSHIP OF THE ENTITY WHICH OWNS THE NEW MALL AT 100-101 NORTH WATER STREET WHERE BROOKFIELD PROPERTY REIT, INC., THE SUCCESSOR IN INTEREST TO GENERAL GROWTH PROPERTIES ("BROOKFIELD"), WILL TRANSFER 100% OF THE INDIRECT OWNERSHIP INTERESTS IN THE PROPERTY OWNER TO A NEWLY FORMED DELAWARE LIMITED LIABILITY COMPANY IN WITH A NEW PRIVATE INVESTMENT FUND THAT WILL BE MANAGED BY BROOKFIELD. THE CITY'S CONSENT IS REQUIRED PURSUANT TO AMENDMENT NO. 4, SECTION 11, OF THE LAND DISPOSITION AGREEMENT BY AND BETWEEN THE CITY OF NORWALK, THE NORWALK REDEVELOPMENT AGENCY AND GENERAL GROWTH PROPERTIES, INC. ("GGP").

**** MOTION PASSED UNANIMOUSLY**

Mr. Hempstead returned to the Common Council Chambers.

B. CONSENT CALENDAR:

**** MS. SIEGELBAUM MOVED THE FOLLOWING CONSENT CALENDAR:**

VII.A.1, VII.A.2, VII.A.3, VII.A.4, VII.B.1, VII.C.1, VII.C.2A, VII.C.2B, VII.C.3A, VII.C.3B, VII.C.4A, VII.C.4B, VII.C.5A, VII.C.5B

VI. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

A. CORPORATION COUNSEL

VII. COMMON COUNCIL COMMITTEES

A. FINANCE COMMITTEE

1. ACCEPT AND APPROVE THE REPORT OF THE CLAIMS COMMITTEE DATED: JUNE 13, 2019.

2. FOR INFORMATIONAL PURPOSES ONLY: NARRATIVE ON TAX COLLECTIONS DATED JULY 11, 2019.

3. FOR INFORMATIONAL PURPOSES ONLY: MONTHLY TAX COLLECTOR'S REPORT DATED: JUNE 2019.

4. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH THOMSON REUTERS WESTLAW FOR SUBSCRIPTION SERVICES RELATED TO LEGAL RESEARCH FOR A SUM NOT TO EXCEED \$88,680.00.

B. ORDINANCE COMMITTEE

1. APPROVE PROPOSED REVISIONS TO CHAPTER 32, CODE OF ETHICS: § 32-1 – TITLE; ADMINISTRATION § 32-2 – DECLARATION OF POLICY § 32-5 – PROHIBITED REPRESENTATION § 32-6 – PROHIBITED USE OF CITY PROPERTY AND FACILITIES § 32-7 – PROHIBITED USE OF INFLUENCE AND INFORMATION § 32-10 – NEGOTIATION OF FUTURE EMPLOYMENT

C. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AMENDMENT TO CONSTRUCTION SOLUTIONS GROUP, LLC'S CONTRACT (CSG) TO PROVIDE PROGRAM MANAGEMENT SERVICES FOR THE MARITIME AQUARIUM FUNCTIONAL REPLACEMENT PROJECT FOR A TOTAL NOT TO EXCEED \$347,830.00 PLUS AN ALLOWANCE OF \$40,000 FOR REIMBURSABLE EXPENSES. FUNDS ARE AVAILABLE FROM THE STATE'S FUNCTIONAL REPLACEMENT ACCOUNT #09194031 5799 C0635

2A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH BESTECH INC. OF CONNECTICUT FOR THE ROWAYTON ELEMENTARY SCHOOL ASBESTOS FLOOR TILE ABATEMENT PROJECT FOR A TOTAL NOT EXCEED \$92,000.00. FUNDS ARE AVAILABLE IN ACCT. # 09205010 5777 C0653.

2B. AUTHORIZE THE NORWALK PUBLIC SCHOOLS FACILITIES DEPT. TO ISSUE CHANGE ORDERS ON THIS CONTRACT FOR A TOTAL NOT TO EXCEED \$9,200.00. FUNDS ARE AVAILABLE IN ACCT. # 09205010 5777 C0587

3A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH RELIABLE FLOORING CONTRACTOR, LLC FOR THE ROWAYTON ELEMENTARY SCHOOL ASBESTOS FLOOR TILE ABATEMENT PROJECT – NEW FLOORING INSTALLATION FOR A TOTAL NOT EXCEED \$48,687.00 (BASE BID PLUS ALTERNATE ITEM). FUNDS ARE AVAILABLE IN ACCT. # 09205010 5777 C0653 AND #09205010 5777 C0587.

3B. AUTHORIZE THE NORWALK PUBLIC SCHOOLS FACILITIES DEPT. TO ISSUE CHANGE ORDERS ON THIS CONTRACT FOR A TOTAL NOT TO EXCEED \$4,869.00. FUNDS ARE AVAILABLE IN ACCT. # 09205010 5777 C0587.

4A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH HAZPROS INC. IN THE AMOUNT OF \$74,500.00, FOR THE BRIEN MCMAHON HIGH SCHOOL UTILITY TUNNEL CLEANING PROJECT. FUNDS ARE AVAILABLE IN ACCT. # 09205010 5777 C0655, UTILIZING STATE OF CONNECTICUT CONTRACT PRICING PER CONTRACT 16PSX0110.

4B. AUTHORIZE THE NPS FACILITIES DEPT. TO ISSUE CHANGE ORDERS ON THIS CONTRACT FOR A TOTAL OF \$7,450.00. FUNDS ARE AVAILABLE IN ACCT. # 09205010 5777 C0655.

5A. AUTHORIZE THE MAYOR, HARRY W. RILLING, TO EXECUTE AN AGREEMENT WITH EMCOR SERVICES / NEW ENGLAND MECHANICAL IN THE AMOUNT OF \$46,345.00, FOR BRIEN MCMAHON HIGH SCHOOL BRANCH DUCTWORK CLEANING AND AIR HANDLER CLEANING SERVING AHU #2 & AHU #5 ON THE 2FL. FUNDS ARE AVAILABLE IN ACCT. # 09205010 5777 C0655, UTILIZING STATE OF CONNECTICUT CONTRACT PRICING PER CONTRACT 15PSX0065.

5B. AUTHORIZE THE NPS FACILITIES DEPT. TO ISSUE CHANGE ORDERS ON THIS CONTRACT FOR A TOTAL OF \$4,635.00. FUNDS ARE AVAILABLE IN ACCT. # 09205010 5777 C0655.

**** MOTION PASSED UNANIMOUSLY**

VII. COMMON COUNCIL COMMITTEES

D. PLANNING COMMITTEE

1. APPROVAL FOR MAYOR HARRY W. RILLING TO EXECUTE THE PROPOSED AMENDMENT TO THE LAND DISPOSITION AND DEVELOPMENT AGREEMENT (“LDA”) BY AND BETWEEN THE CITY OF NORWALK, THE REDEVELOPMENT AGENCY OF THE CITY OF NORWALK AND POKO-IWSR DEVELOPERS, LLC, DATED NOVEMBER 14, 2007 (AS AMENDED), AND THE PROPOSED AMENDMENT TO THE LOAN RECOGNITION AGREEMENT (“LRA”), BY AND BETWEEN POKO-IWSR DEVELOPERS, LLC, THE CITY OF NORWALK, THE REDEVELOPMENT AGENCY OF THE CITY OF NORWALK, CITIBANK, N.A...., DATED NOVEMBER 14, 2007 (AS AMENDED), WHICH AMENDMENTS TO THE LDA AND LRA ARE NECESSARY TO ALLOW FOR THE PROPOSED DEVELOPMENT BY MUNICIPAL HOLDINGS, LLC TO COMPLETE THE PHASE I CONSTRUCTION OF THE WALL STREET PLACE PROJECT. TABLED TO SEPTEMBER 10, 2019 MEETING

Mr. Kydes said it was important for the entire Common Council to have the same information as the Planning Committee.

Ms. Straus gave an overview of the proposed plan and said the Common Council is being asked to approve the proposed amendment to the LDA and LRA.

Attorney Debra Brancato, representing JHM reviewed the history of the site and recapped the key topics that were presented to the Planning Committee. She noted that JHM and Citibank have been working with the City since 2017 to come up with solutions.

Mr. John McClutchy said he remains committed to addressing the comments to design a film arts center to the extent it is feasible. This review by the Common Council is the beginning of a lengthy process and if the project is approved it will undergo a significant and detailed review process and will be subject to a lot of scrutiny.

Mr. McClutchy gave an overview of JHM and said they have been developing housing for over 50 years. They are going this project with the Richmond Group and they are experts in tax credits. They are concerned with making a development that fits within the community. They listened to what people had to say and reached out to people in the arts community to find a way to save the arts community. He said that he doubts they will be able to save the Garden Cinema because they need the space for parking.

Mr. McClutchy said if they work together, they will find a way to have people be a part of this process. They built 100% affordable units in Darien. There was a lot of skepticism, but it has been more than accepted by the community. He invited members of the Common Council to tour their properties. There is a misconception about 100% affordable housing. He said it is not low-income housing. He said he is here to work with the community and is willing to listen to any comments and suggestions and let people know what works, what does not work and why.

Mr. Todd McClutchy presented preliminary site plans and said it is a two-property development. Parking was proposed to be an automated system, but that was not feasible. They have been able to accommodate a portion of the parking under the building. The parking structure will have approximately 150 parking spaces. In addition, they will have a minimum of 50 public parking spaces.

Mayor Rilling asked about parking. Mr. McClutchy said there will be reverse angle parking on Wall Street and along Isaac Street. They also looked at parallel parking on Isaac Street. They will bring back Isaac Street as a two-way street.

The development will have 101 units (21 – 1-bedroom units; 68 – 2-bedroom units and 12 – 3-bedroom units) and most of the residential units will face Isaac Street.

As part of the design review process, they will have open dialogues of what can and can't occur as far as façade treatment. He said that all of their developments are for the long term hold and they want to make sure all of the materials reflect that long term hold. Mr. McClutchy presented renderings of examples of apartment finishes in a mixed-use development.

Mr. McClutchy reviewed rent levels. The range is from \$1,100 per month to \$3,000 per month.

Mayor Rilling asked about the cost of the Garden Cinema. Mr. McClutchy said they have a non-disclosure agreement.

Next steps were discussed. Mr. Hempstead asked if Phase 2 and Phase 3 documents exist. Mr. Coppola said they are still enforceable, but there is litigation. Mr. Hempstead asked who could purchase tax credits. Mr. Coppola said that for the most part, banks and insurance companies get the most benefits from the purchase of tax credits.

Mr. Hosten asked how pending litigation will jeopardize funding. Mr. McClutchy said the State does not care. Mr. Hosten asked what was a reasonable timeline to start work. Mr. McClutchy said 180 days after all approvals are received.

Mr. Livingston said that a concern is that in three years, they do not end up where they are now. He asked if they could get confirmation that they have funding. Mr. Todd McClutchy said he has a commitment from Citibank. In the event of default, Mr. Livingston asked if they would go into arbitration and remediation.

Attorney Carolyn Covalo, representing the Redevelopment Agency distributed a timeline and milestones and said that the timeline is being reset.

Mr. Hempstead asked Ms. Covalo to create a timeline of how long this can go and the segments of the existing LDA that will be enforceable under the amended LDA. He asked for a real potential timeline. Mr. Coppola said the timeline was discussed in Executive Session.

**** MR. KYDES MOVED TO TABLE THE ITEM AND MOVE IT BACK TO COMMITTEE**

**** MOTION PASSED UNANIMOUSLY**

X. MOTIONS POSTPONED TO A SPECIFIC DATE

There were none.

XI. SUSPENSION OF RULES

There were none.

XII. ADJOURNMENT

** MS. MELENDEZ MOVED TO ADJOURN
** MOTION PASSED UNANIMOUSLY

There was no further business and the meeting was unanimously adjourned at 10:38 p.m.

ATTEST: _____
Donna King, City Clerk