

**CITY OF NORWALK
PLANNING COMMITTEE
REGULAR MEETING
MARCH 5, 2009**

ATTENDANCE: Rev. Phyllis Bolden, Chair; Carvin Hilliard, Kelly Straniti, Andrew Conroy, William Krummel

STAFF: Timothy Sheehan, Redevelopment Agency Director; Susan Sweitzer, Redevelopment Agency; Munro Johnson, Redevelopment Agency; Sally Johnson, Redevelopment Agency

OTHERS: Atty. Frank Baker, Robinson and Cole; Council Member Laurel Lindstrom; Council Member Anna Duleep (7:17 p.m.)

CALL TO ORDER

Rev. Bolden called the meeting to order at 7:06 p.m.

PUBLIC PARTICIPATION

Rev. Bolden asked if there was any member of the public present who wished to speak. No one came forward. Rev. Bolden asked if there was any member of the public present who wished to speak. No one came forward. She then closed the public participation session.

Mr. Sheehan requested that the Committee consider New Business next.

**** REV. BOLDEN MOVED TO CONSIDER THE NEW BUSINESS AGENDA ITEM NEXT.**

**** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

Mr. Sheehan said that he would like to request that the Committee consider scheduling the public hearing for the upcoming CDBG hearings.

**** MS. STRANITI MOVED TO SCHEDULE A PUBLIC HEARING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT ON APRIL 2, 2009 AT 6:30 P.M.**

**** THE MOTION PASSED WITH FOUR IN FAVOR (BOLDEN, HILLIARD, STRANITI, AND KRUMMEL) AND ONE OPPOSED (CONROY).**

BUSINESS

A. West Avenue Redevelopment Project

1. Conditioned Approval of the Waypointe Master Development Agreement.

Atty. Baker requested the Committee consider entering into Executive Session in order to review the real estate negotiations associated with the Waypointe Master Development Agreement (MDA).

**** MS. STRANITI MOVED TO ENTER INTO EXECUTIVE SESSION IN ORDER TO REVIEW THE REAL ESTATE NEGOTIATIONS ASSOCIATED WITH THE WAYPOINTE MASTER DEVELOPMENT AGREEMENT.**

The Committee, Mr. Sheehan, Ms. Sweitzer, Atty. Baker and Council Member Lindstrom entered into Executive Session at 7:15 p.m.

Council Member Duleep joined the meeting at 7:17 p.m.

The Committee returned to public session at 7:30 p.m.

Atty. Baker said that he had received several changes from the last meeting and the negotiating team agreed to changes requested. He then proceeded to outline each change that was made in the MDA with the Committee.

Section 5.2 relates to the City's bonding obligations. Atty. Baker said that it is the practice of the City of Norwalk to select the lesser of the two bonding amounts in the MDA. This change has been made as requested.

Section 6.4 concerning the restriction against transferring property to a tax exempt entity in the SSD. This has been changed to reflect that only the Council has the right to waive the restriction rather than the Finance Director as originally cited.

Sections 11.8 and 11.11c – require that “substantial changes” be subject to approval of the Common Council

Mr. Krummel had some questions about the definition of “substantial change”. Atty. Baker directed everyone's attention to page 23 of the MDA, where the definitions were listed.

In Section 14.2 speaks to the fact that instead of having the Financial Director waiving any financial conditions proceeding to the closing, the Council now has the jurisdiction. Waivers are only permissible by the Council

In regards to the SSD Ordinance, Atty. Baker indicated that the definition of taxable interest for real estate is found on page 4 of the Ordinance. The areas in the categories need to remain in the same tax category regardless of occupancy until the loan is repaid in full. Mr. Krummel had some questions regarding the maturity of the bonds and any unpaid amount outstanding to the City.

Exhibit DD addresses minimal rentals by square foot, which states what the allocations are between the various classes such as retail, residential, parking and public areas. Originally there was Accessory Community Uses, but it was later discovered that there was no zoning category for this in Norwalk. Therefore, the square footage was then incorporated into Retail.

In Section 6.2 of the MDA, titled Bond Terms, Atty. Baker indicated that the language had not been changed from the "Approval of the Finance Director and the Redeveloper" to "Approval of the Common Council and the Redeveloper" Atty. Baker then said that he would make sure that this language was adjusted.

There was a brief discussion regarding the date on the cover page. Ms. Sweitzer said that the date would indicate which edition of the contract the Committee is reviewing.

Another brief discussion followed regarding the brackets around the name "Waypointe", which will be removed before the MDA is presented to the Council.

There were no additional questions from the Committee.

Mr. Sheehan then directed the Committee's attention to the Summary of Planning Committee Review, which is a timeline of the public comments.

Mr. Sheehan also said that there had been a number of questions that had been submitted from the public regarding the MDA. He said that both the questions and answers would be posted on the website following the meeting. Those answers will include the references to the MDA where the information is contained. Mr. Sheehan then read the questions and their answers with the Committee.

Mr. Krummel said that the Public Hearing was on the bond resolution at the March 2, 2009 meeting. Mr. Sheehan said that March 2, 2009 hearing did not take place, but public input was given during that meeting. Technically, the Planning Committee has not held a public hearing on the MDA. However, he reminded everyone that the Committee

had indicated to the staff that they did not want to have a public hearing, but a public presentation on the MDA. There is no statutory requirement for a hearing on the MDA, but there is one for the Bond Resolution.

**** MS. STRANITI MOVED THE FOLLOWING:**

APPROVAL TO FORWARD THE MASTER DEVELOPMENT AGREEMENT BY AND AMONG CITY OF NORWALK, THE NORWALK REDEVELOPMENT AGENCY AND WAYPOINTE LLC TO THE COMMON COUNCIL FOR CONSIDERATION SUBJECT TO THE PRIOR COMMON COUNCIL PUBLIC HEARING ON THE BOND RESOLUTION, THE PUBLIC HEARING ON THE WAYPOINTE ORDINANCES AND APPROVAL OF THE ORDINANCES BY THE ORDINANCE COMMITTEE OF THE COMMON COUNCIL.

Mr. Krummel questioned the fact that the Ordinance Committee would recommend the ordinances. Mr. Sheehan explained that once the ordinances were approved, they would be inserted into the MDA and then the entire MDA would be brought to the Council. A discussion then followed about the sequence of votes and how this would be implemented. Mr. Sheehan then reviewed the process of approval to the Committee.

**** MR. KRUMMEL MOVED TO AMEND THE MOTION**

APPROVAL TO FORWARD THE MASTER DEVELOPMENT AGREEMENT BY AND AMONG CITY OF NORWALK, THE NORWALK REDEVELOPMENT AGENCY AND WAYPOINTE LLC TO THE COMMON COUNCIL FOR CONSIDERATION SUBJECT TO THE PRIOR COMMON COUNCIL PUBLIC HEARING ON THE BOND RESOLUTION, THE PUBLIC HEARING ON THE WAYPOINTE ORDINANCES AND FAVORABLE CONSIDERATION OF THOSE ORDINANCE BY THE ORDINANCE COMMITTEE AND THEIR ADVANCEMENT TO THE COMMON COUNCIL.

**** THE MOTION TO APPROVE THE AMENDMENT AS AMENDED PASSED UNANIMOUSLY.**

OLD BUSINESS

Mr. Krummel said that with regard to the 95/7 plan, he had heard that the location of the hotel had been changed. Mr. Sheehan said that he believed there had been discussion about moving the hotel from the southern most portion of the project near the church to a location closer to Reed Street. Mr. Krummel asked if this would be a substantial change. Mr. Sheehan said he believe it might be and that he would check the 95/7 MDA.

ADJOURNMENT

- ** MS. STRANITI MOVED TO ADJOURN.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

