

**CITY OF NORWALK
PLANNING COMMITTEE
NOVEMBER 17, 2008**

- ATTENDANCE:** Rev. Phyllis Bolden, Chair; Doug Hempstead; Bill Krummel; Andy Conroy; Kelly Straniti.
- STAFF:** Tim Sheehan, Director of Redevelopment; Susan Sweitzer.
- OTHERS:** Diane Cece.

CALL TO ORDER

The meeting was called to order at 7:35 p.m. by the Chair.

PUBLIC PARTICIPATION

There was no public participation.

BUSINESS

WEST AVENUE REDEVELOPMENT PROJECT

DISCUSSION OF WAYPOINTE MASTER DEVELOPMENT AGREEMENT

ARTICLE II:

Re the projected operating account, Mr. Krummel noted it was for acquisition costs. Mr. Sheehan reviewed the applicable section. Mr. Krummel said the Zoning Commission reviews the applications when Waypointe has complete site control of the project, which means that all of the acquisitions have to be completed. Mr. Sheehan agreed. Mr. Krummel said that the MDA cannot be filed until the acquisitions have been completed. The project acquisition account no longer exists after the MDA has been filed. Mr. Sheehan said that is one condition. Article 20.1, Section D, according to Mr. Sheehan, defines acquisition expenses, which means all direct expenses reasonably included for acquisition of property and including many various costs and fees. Mr. Krummel said they are all associated with acquisition fees; Mr. Sheehan disagreed. There are other costs other than the acquisition of land.

Mr. Hempstead asked for updates as to what is available in all of the accounts. Mr. Sheehan said it should be in the document. Ms. Sweitzer suggested there be quarterly reports.

ARTICLE III:

Mr. Sheehan reviewed the terms. Discussion took place on the statement that the residential component was exempt from the substantial completion provisions. In actuality, it will be very difficult to segment out much of the residential because of the design of the project.

Mr. Hempstead said he agreed with the view of the Mayor's Committee that the things listed are adequate. Mr. Sheehan said they anticipate close to two years to go through the site acquisition process. At that time, the Master Development Agreement and the bonding commitment would go into place. He thinks this is too short a time frame; at the least, the Council should either extend the time or allow the developer to ask for an extension. It was noted that Waypointe felt the timing was reasonable.

Extension discussion took place on whether the agreement should contain the option for extensions or not. Mr. Conroy suggested that "at their option" be inserted in #10. "The Council, at its option" will be added.

ARTICLE IV:

There were no questions or comments.

ARTICLE V:

The Chair asked Mr. Sheehan if Mr. Seligson has any plans to contract with minority contractors. Mr. Sheehan responded that there is a good faith provision of 10% set aside for disadvantaged contractors.

Mr. Krummel suggested that in Article 5.1a, line 13, "and" be listed rather than "or as", and it was agreed to make this change.

In response to a question from Mr. Krummel, Mr. Sheehan said he would prefer that Robinson & Cole legally define "commercially reasonable efforts".

It was noted that the City has no way to make sure that the redeveloper has sufficient funding to complete the project.

Mr. Krummel raised concerns about 5.2, the city's bond obligations. "At least" \$103,000,000 was his concern. Mr. Sheehan said that the bond would not be issued until an actual construction cost of the public improvements is done. Mr. Krummel does not want any commitment of money to take place until there is a cost estimate. Mr. Hempstead agreed with Mr. Krummel that it should say "a sum not to exceed".

ARTICLE VI:

The members of the SSD Board of Directors: Mayor

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President of Common Council
Majority Leader of Council
Minority Leader of Council
Board of Estimate & Taxation Chair

Sec. VI.1.d, add “on the SSD” after “levy” in the first line. The levy is to be instituted on the uses in the district when the first of those uses is established, according to Mr. Sheehan. He said that a project could be developed but not completely occupied, but the SSD tax is being paid on the full project. The SSD tax can only be imposed on the approved uses.

Discussion took place on 9/5/7 in terms of taxing. They are discussing a special taxing district.

Mr. Conroy said the owners can authorize a tax, but it won't be levied until it is built and a C.O. is obtained.

Mr. Hempstead asked if the bond level would include the cost of the bonds. Mr. Sheehan said it was capped at \$103,000,000. The Chair asked for a flow chart. Mr. Sheehan said if there is an existing use with an approved SSD tax, it goes into place immediately.

Mr. Krummel said that the City will levy a tax on that property each year. It will be supplemented by the SSD tax. Mr. Sheehan said that the developer might want to look at phasing of the residential component. However, they will pay the full residential SSD tax component. Mr. Sheehan said it will be difficult for the redeveloper not to integrate the housing component into the project.

Mr. Krummel asked about the alternative minimum tax. Mr. Sheehan said the intention is that the redeveloper won't take any action to jeopardize the tax-exempt status of the bonds. The bonds will be used for public improvements.

Regarding the State traffic certificate, Mr. Sheehan said he was not comfortable with that provision because it gives the redeveloper an out. The City should have consent on the onerous nature of the STC certificate, not only the redeveloper.

In Sec. V.5, if the City wants to go beyond \$103,000,000, it should be at the discretion of the Common Council, but that is not in the document. Mr. Hempstead felt there should be a lid on the amount. This will set off red flags. The Chair said that the discretion is in the hands of the City.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

ADJOURNMENT

The next meeting will take place on December 4th at 7 p.m.

The Chair adjourned the meeting at 9:45 p.m.

Respectfully submitted,

Cheryl Telesco
Telesco Secretarial Services

