

**CITY OF NORWALK
PLANNING COMMITTEE OF THE COMMON COUNCIL
SPECIAL MEETING
JUNE 17, 2013**

ATTENDANCE: Nick Kydes, Chair; Douglas Hempstead, Michael Geake, David McCarthy, Matthew Miklave (7:35 p.m.); Warren Peña (7:40 p.m.)

STAFF: Timothy Sheehan, Redevelopment Director; MaryGrace Weber, Darlene Young, Council Member David Watts (8:03 p.m.); Mr. Frank Farricker, Wall Street Theater

CALL TO ORDER.

Mr. Kydes called the meeting to order at 7:33 p.m.

ROLL CALL.

Mr. Kydes called the roll and announced that there was a quorum present.

1. APPROVAL OF THE MINUTES.

**May 2, 2013 Regular Meeting
May 14, 2013 Special Meeting
May 29, 2013 Special Meeting**

**** MR. MCCARTHY MOVED THE FOLLOWING MINUTES:**

**MAY 2, 2013 REGULAR MEETING
MAY 14, 2013 SPECIAL MEETING
MAY 29, 2013 SPECIAL MEETING**

**** THE MOTION TO APPROVE THE ABOVE LISTED MINUTES AS SUBMITTED PASSED UNANIMOUSLY.**

2. BUSINESS.

A. CDBG

Request for a Substantial Amendment to the City of Norwalk's PY 39 Annual Action to reflect the \$95,953 increase in the previously estimated CDBG line of credit, as confirmed and approved by HUD on May 30, 2013.

a. Approve the recommended draft substantial amendment to Norwalk's PY 39 Annual Action Plan to account for the \$95,953 increase in the previously estimated CDBG line of credit by fully funding the following sub-recipient organizations using such funding. In so doing the amounts of the individual grants as approved by the Common Council are not altered by contained to the CDBG program:

**Person to Person Emergency Financial Assistance Program
Domestic Violence Crisis Center's Safe House
Norwalk Housing Authority – 20 West Avenue**

b. Approve advancing the draft substantial amendment as outlined above for a 30-day comment period.

c. Schedule a public hearing on said amendment for Thursday, July 9, 2013 at 7:30 p.m.

Mr. Miklave joined the meeting at 7:35 p.m.

**** MR. HEMPSTEAD MOVED THE ITEM.**

Ms. Weber said that there was an adjustment to the document that had come in after the packet was finished. Mr. Miklave asked for some of the history. Ms. Weber said that there was a 20% administration cap, which is usually expended. There has been an additional allocation and the Redevelopment Agency would like to have these funds allocated to planning. If the planning is not included in the amendment, then all of the TOD planning and other planning project would not be billable. Discussion followed.

Mr. Peña joined the meeting at 7:40 p.m.

Mr. McCarthy noted that July 9th was not a Thursday. Following a discussion, it was decided to schedule the public hearing on Monday, July 15th.

**** MR. MIKLAVE MOVE TO AMEND THE FOLLOWING FROM:**

C. SCHEDULE A PUBLIC HEARING ON SAID AMENDMENT FOR THURSDAY, JULY 9, 2013 AT 7:30 P.M.

TO:

C. SCHEDULE A PUBLIC HEARING ON SAID AMENDMENT FOR MONDAY, JULY 15, 2013 AT 7:30 P.M.

**** THE MOTION TO AMEND THE DATE AS NOTED PASSED UNANIMOUSLY.**

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**** MR. MIKLAVE MOVED TO Approve the following as AMENDED:
REQUEST FOR A SUBSTANTIAL AMENDMENT TO THE CITY OF
NORWALK'S PY 39 ANNUAL ACTION TO REFLECT THE \$95,953 INCREASE
IN THE PREVIOUSLY ESTIMATED CDBG LINE OF CREDIT, AS
CONFIRMED AND APPROVED BY HUD ON MAY 30, 2013.**

**A. APPROVE THE RECOMMENDED DRAFT SUBSTANTIAL
AMENDMENT TO NORWALK'S PY 39 ANNUAL ACTION PLAN TO
ACCOUNT FOR THE \$95,953 INCREASE IN THE PREVIOUSLY
ESTIMATED CDBG LINE OF CREDIT BY FULLY FUNDING THE
FOLLOWING SUB-RECIPIENT ORGANIZATIONS USING SUCH
FUNDING. IN SO DOING THE AMOUNTS OF THE INDIVIDUAL
GRANTS AS APPROVED BY THE COMMON COUNCIL ARE NOT
ALTERED BY CONTAINED TO THE CDBG PROGRAM:**

**PERSON TO PERSON EMERGENCY FINANCIAL ASSISTANCE
PROGRAM
DOMESTIC VIOLENCE CRISIS CENTER'S SAFE HOUSE
NORWALK HOUSING AUTHORITY – 20 WEST AVENUE**

**B. APPROVE ADVANCING THE DRAFT SUBSTANTIAL AMENDMENT
AS OUTLINED ABOVE FOR A 30-DAY COMMENT PERIOD.**

**C. SCHEDULE A PUBLIC HEARING ON SAID AMENDMENT FOR
MONDAY, JULY 15, 2013 AT 7:30 P.M.**

**** THE MOTION PASSED UNANIMOUSLY.**

**2. NEON Request for Extension on PY38 CDBG Award for Renovations to
Bathrooms at Ben Franklin.**

**a. Consider NEON request for extension to PY38 CDBG award for the
renovation of the NCDP Bathroom at Ben Franklin and issue a
recommendation to staff as to how it should proceed.**

Mr. Sheehan reviewed the details of the situation with the Committee and stated that no extensions have been given to any of the applicants that did not comply with the regulation regarding having 50% of the allocation drawn by March 31st. Mr. Peña said that he had seen some of the back and forth between NEON and the City. He added that he would be abstaining from the vote. Mr. Sheehan said that there was a HUD CDBG requirement regarding the funding draws. Discussion followed about the details.

Mr. McCarthy pointed out that the kids would be the ones to suffer. Mr. Miklave suggested that the Chairman contact the NEON administration and express the fact that this was serious. He added that NEON needed to fulfill the requirements and have it done in 120 days. Mr. Kydes said that this would be setting a precedent in terms of granting the extension when the criteria has not been fulfilled. Mr. Geake pointed out that NEON had a chaotic year with the restructuring. He said that he agreed with Mr. McCarthy. Mr. Hempstead asked if NEON had been notified. Mr. Sheehan said that this was the first time this type of situation had happened.

Mr. Watts joined the meeting at 8:03 p.m.

Mr. Sheehan went on to add that they didn't draw the funds down by 50% as of March 15th, 2013. This is not in compliance with the HUD requirements.

Mr. Kydes stated that he wanted to see proof of NEON's committed matching funds within a week.

**** MR. HEMPSTEAD MOVED TO AMEND THE MOTION TO APPROVE AN EXTENSION OF 120 DAYS WITH THE PROVISIO THAT NEON PROVIDE THE COUNCIL WITH EVIDENCE OF COMMITTED MATCHING FUNDS WITHIN 30 DAYS OF THE COUNCIL APPROVAL.**

Discussion followed about the various details involved.

**** MR. HEMPSTEAD WITHDREW HIS MOTION TO AMEND.**

**** MR. MIKLAVE MOVED TO GRANT NEON A 30 DAY EXTENSION ON BEN FRANKLIN BATHROOM RENOVATIONS WITH THE REQUEST THAT THE NEON PROVIDE SATISFACTORY EVIDENCE TO THE COUNCIL REGARDING MATCHING FUNDS TO PREVENT ANY FURTHER DELAY OR FURTHER EXTENSIONS OF TIME.**

**** THE MOTION PASSED WITH FOUR IN FAVOR (HEMPSTEAD, MCCARTHY, MIKLAVE, AND GEAKE) AND ONE ABSTENTION (PEÑA).**

B. CDBG – DISASTER RECOVERY.

Ms. Weber then updated the Committee on the status of the Hurricane Disaster Recovery Funding. She noted that there were still residents living in the second story of their homes and it is now the start of a second hurricane season. The State has released an action plan regarding how the recovery funds will be used. That information is contained in the packet. The State requires a waiver by law to use funding to restore housing in the flood plain. This stipulation would affect the project at Washington Village.

There are three options:

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developing the Village in the three parcels; or
lifting the footings up past the 100 year flood height; or
possibly moving the housing to a different location in the urban corridor.

Mr. Sheehan pointed out that if the development was moved to the urban corridor, assembling six acres would be very expensive and therefore cost prohibitive. Discussion followed.

Ms. Weber said that the biggest fear of the residents has been displacement. The Committee thanked Ms. Weber for her report.

Mr. Kydes, Mr. Watts and Mr. Peña left the meeting at 8:26 p.m. Mr. Hempstead assumed the Chair.

C. WALL STREET REDEVELOPMENT PLAN AREA.

1. Request for Review and Approval to Advance Section 108 Loan on Behalf of the Wall Street Theater.

a. Review public comment received.

b. Advance to the Common Council a request to approve and ultimately advance to HUD the City of Norwalk's Application for a Section 108 Guaranteed Loan on behalf of the Wall Street

Theater,

Inc. subject to the Common Council's future approval of any closing thereof.

**** MR. MIKLAVE MOVED THE ITEM.**

Ms. Weber updated the Committee regarding the public comment. There were about four emails in support of the project from residents living near the theater and one lengthy letter in opposition from Ms. Becky Christopherson.

Ms. Christopherson letter included a number of statements such as she could not find the Wall Street Theater registered with the State and questioned his status as a 501(c)3. She also claimed that there was no business plan and the theater was limited in seating among other concerns.

Mr. Hempstead asked if there were any responses from the applicant. Mr. Farricker said that he would be happy to respond to the letter, but had not seen the letter.

Mr. Farricker then reminded the Committee that he had presented copies of the State registration when the name was changed and the 501(c)3 was pending. The business plan was included in the original proposal. He said that he understood Ms. Christopherson's concerns about the 108

funding, but that it was all based on HUD Hartford, and HUD Washington approval.

Mr. Miklave said that before he would be prepared to take the City's CDBG funding on the project, he would expect that Mr. Farricker would have to meet the City's requirements once HUD's approval has been given. Mr. McCarthy said that he agreed with Mr. Miklave.

**** MR. MIKLAVE MOVED TO AMEND THE MOTION TO ADVANCE TO THE COMMON COUNCIL A REQUEST TO APPROVE AND ULTIMATELY ADVANCE TO HUD THE CITY OF NORWALK'S APPLICATION FOR A SECTION 108 GUARANTEED LOAN ON BEHALF OF THE WALL STREET THEATER, INC. SUBJECT TO THE COMMON COUNCIL'S FUTURE APPROVAL OF ANY CLOSING THEREOF.**

TO:

ADVANCE TO THE COMMON COUNCIL A REQUEST TO APPROVE BASED ON THE COMMON COUNCIL RESOLUTION OF OCTOBER 9, 2012 AND ULTIMATELY ADVANCE TO HUD THE CITY OF NORWALK'S APPLICATION FOR A SECTION 108 GUARANTEED LOAN ON BEHALF OF THE WALL STREET THEATER, INC. SUBJECT TO THE COMMON COUNCIL'S FUTURE APPROVAL OF ANY CLOSING THEREOF.

**** THE MOTION TO AMEND PASSED UNANIMOUSLY.**

**** THE MOTION TO APPROVE THE AMENDED REQUEST AS FOLLOWS:**

ADVANCE TO THE COMMON COUNCIL A REQUEST TO APPROVE BASED ON THE COMMON COUNCIL RESOLUTION OF OCTOBER 9, 2012 AND ULTIMATELY ADVANCE TO HUD THE CITY OF NORWALK'S APPLICATION FOR A SECTION 108 GUARANTEED LOAN ON BEHALF OF THE WALL STREET THEATER, INC. SUBJECT TO THE COMMON COUNCIL'S FUTURE APPROVAL OF ANY CLOSING THEREOF.

PASSED UNANIMOUSLY.

NEW BUSINESS.

Mr. Miklave thanked Ms. Weber for all her help and hard work since this is her last day.

ADJOURNMENT.

**** MR. HEMPSTEAD MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services