

FINANCE/CLAIMS COMMITTEE PUBLIC HEARING AND SPECIAL MEETING

Thursday February 23, 2017 7:00P.M.

CITY HALL

Common Council Chambers

125 East Avenue

Norwalk, Connecticut

AGENDA

PUBLIC HEARING

Public hearing on Fiscal Year 2017-2018 Operating Budget Cap

Immediately followed by a Special Meeting

1. Fiscal Year 2017-2018 Operating Budget and Cap Review and Discussion and Recommendation.
2. Resolution appropriating \$200,000 for the purpose of a Parking Capacity Study.



CITY OF NORWALK
Harry W. Rilling
Mayor
hrilling@norwalkct.org
norwalkct.org
P: 203-854-7701 / F: 203-854-7939
Norwalk City Hall
125 East Avenue, PO Box 5125
Norwalk, CT 06856-5125

Date: February 8, 2017

To: Members of the Board of Estimate and Taxation
Members of the Planning Commission
Members of the Common Council

From: Harry W Rilling, Mayor

Re: Special Appropriation Request – Parking Capacity Study

Attached is a \$200,000 Special Appropriation request from the Norwalk Parking Authority from the Fee in Lieu of Parking Fund (03-0000-2604) for the purpose of conducting a study of the City of Norwalk's parking capacity needs. The study will aid in the development of a citywide strategic parking plan and provide the framework and vision for parking in Norwalk.

The attached backup documentation provides an explanation for this request and the Director of Finance's recommendation concerning the use of these funds.

ACTION REQUIRED:

1. RESOLUTION appropriating \$200,000 for the purpose of a Parking Capacity Study.



CITY OF NORWALK, DEPARTMENT OF FINANCE
Robert Barron, CPFO
Director of Finance
rbarron@norwalkct.org

P: 203-854-7870 / F: 203-854-7848
125 East Avenue, PO BOX 5125
Norwalk, CT 06856-5125

Date: February 8, 2017

To: Harry W Rilling, Mayor
Members of the Board of Estimate and Taxation
Members of the Planning Commission
Members of the Common Council

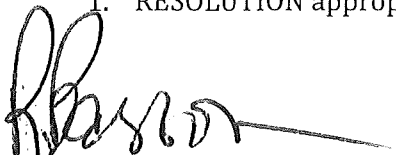
Re: Special Appropriation Request – Parking Capacity Study

Attached is a \$200,000 Special Appropriation request from the Norwalk Parking Authority from the Fee in Lieu of Parking Fund (03-0000-2604) for the purpose of conducting a study of the City of Norwalk's parking capacity needs. The study will aid in the development of a citywide strategic parking plan and provide the framework and vision for parking in Norwalk.

Attached is also a 2006 legal opinion from Peter Nolin, former Corporation Counsel, to Tom Hamilton, former Director of Finance, outlining the procedure for using Fee in Lieu Parking funds. The requested use of funds is consistent with the legal opinion and is appropriate since the study supports the "acquisition, development, expansion or capital repair of municipal parking facilities..."

ACTION REQUIRED:

1. RESOLUTION appropriating \$200,000 for the purpose of a Parking Capacity Study.


Robert Barron
Director of Finance



MEMORANDUM

January 31, 2017

To: Bob Barron
Finance Director

From: Dick Brescia
Chairman

Re: **Special Appropriation Request – Parking Capacity Study**

The Parking Authority approved a request on Wednesday, January 25, 2017, for a Special Appropriation in the amount of \$200,000 from the Fee in Lieu of Parking fund (03 0000 2604) for the purpose of conducting a study of the City of Norwalk's parking capacity needs.

Increasingly, issues around parking have been rising to the surface. The Mayor, the Redevelopment Agency and the Parking Authority are being approached by local businesses and residents requesting assistance accommodating increasing demand for parking on a regular basis. It has become clear that these requests can no longer be handled singularly, but must be considered in the context of an overall parking capacity plan for the City.

In order to develop a plan, we are requesting a special appropriation to enable the Parking Authority to commission an in-depth parking capacity study and strategic parking plan. The study would involve a comprehensive inventory of Norwalk's current public and private parking stock, as well as analysis of future parking needs, including a recommendation on the potential need for capital investment in additional surface or structured parking.

The goal of the study is the development of a citywide strategic parking plan to provide the City and the Parking Authority with a framework that helps articulate and clarify a vision and approach for parking in Norwalk. The aim is to come out of the planning process with a plan that will serve to align policy-makers, city staff, residents, business and property owners so that parking goals outlined in the plan are shared and reflect a common vision for the city as a whole. The plan will explore innovative strategies and parking values from a variety of user's perspectives so that the implementation tools outlined in the plan can be used by all stakeholders to achieve the best parking plan possible. It is our intent that the study and resulting plan will be used to inform the POCD planning process.

Use of the Fee In Lieu of Parking fund for the purpose of funding such a study is in compliance with the requirements of the Connecticut General Statutes and the funding authorization process, as outlined in the attached legal opinion from the Norwalk Corporation Counsel's Office (attached).

Cc: Mayor Harry Rilling
Laoise King, Chief of Staff
Kathryn Hebert, Administrative Service Manager
Steve Kleppin, Director PZ
Diane Beltz Jacobson, Assistant Corporation Counsel

CITY OF NORWALK

LAW DEPARTMENT

CITY HALL, P.O. Box 798
NORWALK, CONNECTICUT 06856-0798



TELEPHONE
(203) 854-7750
FAX (203) 854-7901

May 26, 2006

Thomas Hamilton
Director of Finance
City of Norwalk
125 East Avenue
Norwalk CT 06856

Re: Fee-in-Lieu Funds

Dear Tom:

You have requested our opinion on the procedure for using funds deposited with the City as a fee in lieu of parking pursuant Norwalk City Code Section 118-1222 ("Fee-in-Lieu Funds") and whether such funds may be used for the payment of debt service on the Maritime Garage. You also note an August 11, 1988, memorandum from Michael Greene, then the Assistant Planning Director for the City to John Smith the then Comptroller which purports to record a City agreement for the use of such Fee-in-Lieu Funds. Specifically that memorandum states the Zoning Commission must approve the use of such Fee-in-Lieu Funds. I do not believe that memorandum is correct or controlling.

Norwalk City Code Section 118-1222 creates the program under which such Fee-in-Lieu Funds may be collected. Under Section 118-1222A:

The purpose of this regulation is to allow land uses within the Norwalk and South Norwalk business districts to meet off-street parking requirements, in full or in part, by the use of municipal parking facilities, subject to the payment of an in-lieu parking fee to the city. Such payments will allow the City of Norwalk to acquire land, finance, design, construct and carry out capital repairs and perform other necessary and desirable actions to provide municipal off-street parking facilities in the designated areas.

Nothing in that section or elsewhere in the Zoning Regulations, City Code or Charter specifies the approval procedure under which such funds shall be spent and I see no provision granting the Zoning Commission the power to approve the use of Fee-in-Lieu Funds.

Moreover, the City's program for Fee-in-Lieu Funds, is specifically authorized and in my view controlled by state law. Conn. Gen. Stat. §8-2c is the statute which authorizes municipalities to incorporate programs to accept Fee-in-Lieu Funds in their zoning regulations. Note that Conn. Gen. Stat. §8-2c provides in pertinent part:

Any such payment to the town, city or borough shall be deposited in a fund established by the town, city or borough pursuant to this section. Such fund shall be used solely for the acquisition, development, expansion or capital repair of municipal parking facilities, traffic or transportation related capital projects, the provision or operating expenses of transit facilities designed to reduce reliance on private automobiles and capital programs to facilitate carpooling or vanpooling. The proceeds of such fund shall not be used for operating expenses of any kind, except operating expenses of transit facilities, or be considered a part of the municipal general fund. Expenditures from such fund shall be authorized in the same manner as any other capital expenditure of the town, city or borough.

Thus, under state law, such funds may be expended under an authorization "in the same manner as any other capital expenditure...." This means to spend Fee-in-Lieu Funds, the City needs to follow its customary approval process for capital expenditures which means review by the Planning Commission, and approval by the Board of Estimate, Common Council and Mayor, but not the Zoning Commission. Obviously the Planning Commission, Board of Estimate, Common Council or Mayor could and probably should seek in put in the use of such funds from the Zoning Commission, but approval of the Zoning Commission is not formally required to expend such funds provided the expenditure is in accordance the purposes set forth in Section 118-1222A and the more restrictive provision of Conn. Gen. Stat. §8-2c.

It is appropriate for the City to use Fee-in-Lieu Funds for the payment of debt service on the Maritime Garage. Conn. Gen. Stat. §8-2c permits the use of Fee-in-Lieu Funds for the acquisition, development, expansion . . . of municipal parking facilities. . . ." Thus, Fee-in-Lieu Funds clearly could have been used by the City to build the Maritime Garage. The mere fact the City now proposes to use Fee-in-Lieu Funds, a few years after the construction, to repay debt does not appear to change the purpose of the expenditure. The debt at issue was incurred by the City "solely for the acquisition, development, expansion . . . of municipal parking facilities. . . ." Therefore the repayment of such debt, especially principal, falls plainly within the statutory parameters for the use Fee-in-Lieu Funds under Conn. Gen. Stat. §8-2c and does not appear to constitute an operating expense of the City.