

**St. Albans City Council
Minutes of Meeting
Tuesday, October 13, 2015
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Tuesday, October 13, 2015, at 6:30 pm in council chambers at City Hall.

Council Present: Aldermen: Tim Hawkins, Scott Corrigan & Chad Spooner and Alderwomen Tammi DiFranco & Kate Laddison.

Council Absent: Mayor Elizabeth Gamache and Alderman Jim Pelkey.

Staff Present: Dominic Cloud, City Manager; Chip Sawyer, Director of Planning & Development; Sue Krupp, City Clerk & Treasurer; Allen Robtoy, Public Works Director; Tom Leitz, Director of Administration and Marty Manahan, Director of Business Development.

Visitors: See attached sign-in sheet.

1. Executive Session.

- a. Purpose: to discuss possible real estate acquisition and pending or probable litigation to which the City is a party.
- b. Finding: premature public disclosure of above matters would compromise the City.
- c. Motion: to enter Executive Session for purpose of discussing possible real estate acquisition and possible litigation (D&V).

A motion was made by Alderman Corrigan; seconded by Alderman Hawkins to discuss possible real estate acquisition and pending or probable litigation to which the City is a party and which premature public disclosure would compromise the City. Vote was unanimous, 5-0.

A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to enter Executive Session at 5:30 pm for purpose of discussing possible real estate acquisition and possible litigation and include Marty Manahan, Director of Business Development, to the discussion. Vote was unanimous, 5-0.

A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to exit executive session at 6:22 pm. Vote was unanimous, 5-0.

2. Pledge of Allegiance.

Alderman Spooner opened the regular meeting and led the pledge of allegiance at 6:30 pm.

3. Public Comment.

Sue Prent of 35 Bank Street introduced herself. She explained that she lives next door to the apartment building owned by Bill Leahy and shares the driveway with his tenants. She noted a parking space located directly opposite the driveway with a lamppost next to it in the right-of-way. Due to the lamppost, vehicles park even farther out from the sidewalk than normal and has been continuously causing issues. Ms. Prent stated that she and the residents of the apartment building are requesting that the space be turned into a no parking area because it's dangerous in the winter when occupied by a parked vehicle. Mr. Spooner stated that staff will look into her concern.

Agenda item # 9 was discussed next.

4. Recognition of St. Albans Rotary.

Mr. Spooner stated that council would like to recognize the St. Albans Rotary for the beautiful fountain brought back to Taylor Park. He also thanked Mr. Cloud, Mr. Sawyer and Mr. Robtoy for all of their work and dedication. Mr. Robtoy stated that Superintendent Brian Burns deserves the recognition and was very instrumental in the process. Mr. Spooner also thanked Jeff Young, Save the Ladies and reiterated that the project would not have been possible without the St. Albans Rotary for undertaking the funding of the restoration project.

5. Liquor Control Ordinance.

a. Update on changes, Colin McNeil.

Mr. McNeil stated that some changes were made to Section 110, the insurance portion of the ordinance based on professional input. The term, "DRAM SHOP" was removed entirely and replaced with liquor liability insurance which includes DRAM SHOP. Staff was able to confirm that liquor liability is not part of general liability insurance. He stated that it will be up to council to decide if they want to include liquor liability insurance for the low-volume alcohol vendor as well as the high-volume vendor. He also confirmed that the cost for liquor liability is 2.5% of gross alcohol sales.

In Section 110, low-volume alcohol vendors are now required to obtain the same amount of liquor liability insurance as high-volume vendors with the exception that they have a minimum coverage requirement of \$250,000 as opposed to \$500,000. Language was also included in Section 116 that gives the commission the option to increase the coverage amount required based on past violations.

Mr. McNeil stated that he has also been working with the City Clerk to include some changes to the application procedure. He explained that for all licenses that last for the duration of one year, expire on April 30th. The Clerk requires the application renewal to be filed at least 30 days in advance. For special event permits, applications must be filed at least 10 days in advance of the event and if applicants have a charge account with the State, they can file within 5 days prior to the event.

The final change made under Section 108.b regards the definition of "proximate cause" which is addressed in the State's general regulations. Mr. McNeil stated that council could recommend removing the language from the section since it is expressed in the State regulations. Mr. Hawkins asked Mr. McNeil if he could read aloud the State's regulation that discusses proximate cause. Mr. Hawkins added that the 2.5% of gross liquor sales previously mentioned was based on a \$1 million policy. Mr. Hawkins stated that he would be in favor of removing item #6 from Section 108.b which read, "The operation of the premises has become a proximate cause of an increase in disturbance on the premises or in the immediate vicinity of the premises." Mr. McNeil stated that language in the last sentence of the last paragraph of Section 110 was added to reflect the discussion about allowing the local control commission the freedom to increase or decrease coverage amounts. Mr. Spooner thanked Mr. McNeil and Mr. Hawkins for all of their work fine tuning the ordinance.

b. Council to consider motion accepting current draft of ordinance for First Reading and direct staff to publish concise summary in locally distributed newspaper together with notice of Final Public Hearing and location of copies of the proposed ordinance (D&V).

A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to accept current draft of ordinance for First Reading and direct staff to publish concise summary in locally distributed newspaper together with notice of Final Public Hearing and location of copies of the proposed ordinance. Vote was unanimous, 5-0.

6. Consider authorization of up to \$160,000 from water reserves for Houghton Street Water Line Replacement (D&V).

Mr. Robtoy stated that he is requesting \$160,000 to replace Houghton Street water lines which are a century old. He stated that the same line has broken four times on the street in the last 24 months.

Peter Cross came up with the cost of \$140,000 for construction costs, \$9500 for design and construction oversight and included a 5% contingency which brings the total to \$158,000. Mr. Robtoy stated that the line is a critical link between Lake Street and Lower Welden Street and is a main source of water for Mylan's original plant and Immigration. He strongly recommended replacing the line before other projects move forward in the area.

Mr. Hawkins noted that the City doesn't own all of Houghton Street. Mr. Robtoy stated that the City still maintains the right-of-way and would never recommend capping off the line on either end which would lead to water quality issues such as low chlorine residuals and bacteria. Mr. Hawkins asked if it's correct that either side of Houghton Street gets water from one side of Houghton Street. Mr. Robtoy responded affirmatively. Mr. Spooner asked if the line goes directly down the center of the street. Mr. Robtoy stated that it meanders a bit but will have the line surveyed. Mr. Spooner asked if any of the impervious surface is planned to be removed. Mr. Sawyer responded that the traffic patterns are being altered, adding some green space and creating some impervious surface for truck turn-arounds. He added that no structures will be built where the right-of-way to the water line will be. Mr. Spooner expressed his support of using the reserves for this project.

A motion was made by Alderman Corrigan; seconded by Alderman Hawkins to authorize up to \$160,000 from water reserves for Houghton Street water line replacement. Vote was unanimous, 5-0.

7. Planning Report.

a. First reading of amendments to Land Development Regulations (Planning Commission Chair, Chris Dermody and Chip Sawyer).

Mr. Sawyer presented the proposed revisions to the land development regulations for new Business-Neighborhood Transition District and new definitions for Medical Offices and Controlled Substance Dispensaries. He recalled that the proposal is a reaction to the removal of the Clinic/Medical Facility use from the Low Density Residential (LDR) earlier this year. The change was driven by two factors:

- The desire to further preserve the residential nature of the LDR District by removing non-residential issues.
- The fact that the nature of the Clinic/Medical Facility use definition would have allowed for methadone clinics, marijuana dispensaries and other similar uses.

Mr. Sawyer further explained that after several meetings, the Planning Commission put together this package which will better serve existing medical offices in the LDR District and provide a more precise definition of the Medical Office use in the City. To this effect, the following changes are proposed.

1. A new Business-Neighborhood Transition (BNT) District is proposed to provide a designation for key properties that represent the fringe between the LDR District and more commercial districts. This change will also bring Dr. North's dentistry, Fiddlehead Family Dentistry, and Dr. Payne/Scholten/Kennedy back into full conforming use status. In addition, the BNT District includes design standards that ensure that any new building in the district will maintain the neighborhood's residential look and feel.
2. New definitions are proposed for Medical Offices and Controlled Substance Dispensaries to create the distinction that was lacking in the earlier definition. This change further distinguishes between general pharmacies and places that specialize in controlled drugs. This change was made with the input of medical professionals and the head pharmacist at NMC.
3. Other associated changes and clarifications are proposed, including:
 - a. A clearer regulatory delineation of the St. Albans Historic District,

- b. The closure of a loophole where the limit of only one principal building in residential districts contradicted itself, and
- c. A more efficient way of distinguishing between general standards for residential and business districts in the Regulations.

Mr. Sawyer noted that a definition for Controlled Substance Dispensary/Pharmacy has been included under Article 2. Definitions which is further distinguished by a Class A and Class B Controlled Substance Dispensary. The definition for Medical Office/Clinic is also included in this section as well as a change to the definition of Principal Building.

Article 3. District Regulations, outlines some regrouping of the districts and now includes St. Albans Historic District under Section 301. Under Section 303, the purpose of the new BNT District is outlined which is to act as a fringe between commercial areas and the LDR.

Under Section 304. Permitted and Conditional Uses table, a column was created for the BNT District and every use in the LDR was allocated to the BNT District and the additional uses added are Medical Office/Clinic, General Offices and Place of Worship to capture the Baptist Church on Congress Street. With this change, there are no longer any places of worship in the LDR so the use can be removed and no longer needs to be protected.

In Section 306. Dimensional Requirements, the exact density and dimensional standards of the LDR were given to the BNT District. There are a couple extra uses because it's located on the fringe of the B1 and LDR but otherwise will look like a residential district which was desired and appreciated by the members of the public that attended the Planning Commission meetings.

Mr. Sawyer explained that Section 417 under Article 4 outlines the new design standard for the BNT District with images and architectural descriptions to ensure that the buildings always look residential. Within these minimum standards, there is still a lot of room for the applicant to build something affordable and as expressive as the applicant wants it to be.

Mr. Sawyer stated that the sign section of the regulations had to be included where the BNT is proposed. A map at the end of the proposed regulations show the proposed district which includes 3 parcels on the north side of Congress Street, three parcels to the west of Messenger Street, and two parcels on the south side of Fairfield Street to the Town line. Mr. Sawyer added that this is a fringe zone between a City district and what's on the other side in the Town when you leave the City. The final page of the proposed regulations shows a map of the historic district.

Mr. Dermody stated that the Planning Commission is working to ensure that the residential areas remain residential. He added that the Planning Commission meetings were well-attended with 30-40 visitors total amongst both hearings.

Mr. Sawyer proceeded to present the first reading of proposed revisions to the Land Development Regulations for new Uplighting Standards. Currently, the City has a prohibition against any lighting that is pointed upwards. He explained that many communities have used uplighting to highlight certain aspects of commercial areas and/or aspects of architecturally redeeming buildings at night. Input on the topic was gathered from members of the Design Advisory Board which includes architects, designers and contractors. In the end, the Planning Commission shuffled around some of the approvals vs. prohibition of lighting language under Article 5. The prohibition of lighting section was kept, adding "metal halide, high-pressure sodium" to mandate the use of LED's. The City prohibits any light fixture on a pole exceeding 20 feet which was an existing rule but moved to the front of the section. In addition, upward-directed lighting was added to the prohibition section unless in compliance with Section 518 (B) which is what is being proposed.

Section 518 (B) states that you can have uplighting in the DR-1 Traditional Downtown Design Review but must have a favorable recommendation from the DAB, for building facades, it must light a specific part of the building, there are limits to how many lumens any one accent feature can get and needs to be located and aimed professionally and must be shielded. Mr. Sawyer added that similar standards were included for landscaping.

Mr. Spooner noted the uplighting at the State Farm building that he had an issue with which has since been fixed. Mr. Spooner added that there are some places in the City where uplighting is grandfathered. Mr. Spooner asked if signs could be uplighted. Mr. Sawyer responded negatively and stated that the Planning Commission specifically removed signs from this proposal.

A motion was made by Alderman Corrigan; seconded by Alderwoman DiFranco to accept first reading of amendments to the Land Development Regulations. Vote was unanimous, 5-0.

b. Second reading of amendment to St. Albans City Ordinances regarding parking on Maiden Lane (D&V).

Mr. Sawyer explained that the second reading of amendment to St. Albans City Ordinances regarding parking on Maiden Lane states that you can park on the eastern side of Maiden Lane which was missed at the last reading. Mr. Spooner asked if staff can also look at the parking space previously noted by Ms. Prent. Mr. Sawyer responded affirmatively. Mr. Spooner asked Ms. Prent if it's the last parking spot on the west side. Ms. Prent responded affirmatively. Ms. Prent added that she would recommend adding signage to reflect that parking is not allowed on both sides of the street. She stated that Fairpoint also often parks in front of their driveway which creates another obstruction. She added that in the winter it gets much worse due to the pileup of snow.

A motion was made by Alderman Corrigan; seconded by Alderman Hawkins to approve second reading of amendment to St. Albans City Ordinances regarding parking on Maiden Lane. Vote was unanimous, 5-0.

c. First reading of amendment to St. Albans City Ordinances regarding traffic direction and stop sign on Maiden lane.

Mr. Sawyer stated that this is the first reading to put the new direction on Maiden Lane in the ordinances. He added that the ordinance will also state that the stop sign is on Congress Street.

A motion was made by Alderman Corrigan; seconded by Alderman Hawkins to approve first reading of amendment to St. Albans City Ordinances regarding traffic direction and stop sign on Maiden lane. Vote was unanimous, 5-0.

d. Public hearing for grant application to Transportation Alternatives Program.

Mr. Sawyer stated that as part of the grant application process for the Transportation Alternatives Program, a public hearing is required. This application is for the improvements at the Lake, Catherine, Federal and Market Street intersection in the amount of \$300,000. The project will start with a 4-way stop because the traffic signal will require more federal funding. The traffic signal would also require more than \$300,000 being applied for but would make the 4-way stop much more affordable. Mr. Sawyer stated that this is a pedestrian safety project and the application is for a pedestrian-oriented grant program. Mr. Spooner asked Mr. Sawyer if he needs to go before the TAC (Transportation Advisory Committee). Mr. Sawyer responded negatively.

Ms. Laddison asked Mr. Sawyer to describe the intersection further. Mr. Sawyer responded that the Federal Street lanes will be realigned and moved farther to the west which will improve the sight lines and the pedestrian crossings. It will include a 4-way stop with a couple of double-stacked lanes. In addition, the reconfigured intersection will help to eliminate the weaving of traffic and will include a pedestrian island, reconstructed sidewalks and more pedestrian-scaled lighting. Mr. Sawyer added

that the project also includes improvements at Catherine and Stebbins for trucks turning. Mr. Spooner asked if the island would be raised with a curb. Mr. Sawyer responded affirmatively.

8. Finance Report

a. First Quarter Financials, Tom Leitz.

Mr. Leitz noted the following highlights of first quarter financials:

- Tax sale is scheduled for this month with staff collecting a significant amount of delinquencies. Interest for property taxes has been collected throughout the year and penalty will not be collected until end of year.
- Pilot revenue was budgeted at less than ½ in comparison to prior years but staff received a memo from the State that the City will get an additional \$40,000 of pilot revenue.
- City Clerk revenue is trending slightly behind but expects business to pick up in the spring.
- Planning & Development revenue is largely driven by permit fees and is on track. Bulk of Assessing revenue includes the State payment that comes in at the year end. Expenses are on target; capital includes matching funds for Federal Street.
- \$475,000 of budgeted revenue for the Fire Department includes funds for borrowing on a tanker truck. Revenues are at \$90,000 and have collected about 25% to date. The new pumper tanker has been ordered and is expected to be delivered sometime over the winter. Payments will not be made toward the tanker until it physically arrives.
- Police/Animal Control; \$580,000 in revenue is from Town Contract and receive quarterly payments. Also includes quarterly payments of \$140,000 for School Resource Officer (SRO) and a domestic violence grant for \$100,000 which is essentially guaranteed. The City has revenue coming in for Burn Grant which was not budgeted for this Fiscal Year. The City will net out a substantial gain. Budgeted revenue for Dispatch includes contracts with neighboring towns. The overall budget is \$2.4 million with personnel and fringe accounting for almost \$2.1 million.
- Restorative Justice Center; the old CJC grants were front-loaded, however, the RJC component are not front-loaded. Staff is working closely with new agency to ensure they are on budget and running at no cost to City.
- Parking Garage; even with act of vandalism that occurred to kiosk, there is \$38,000 in revenue collected for garage which is ahead of target. Expenses for the first quarter account for roughly \$18,000. Mr. Spooner asked Mr. Leitz what big drawer is for expenses at the garage. Mr. Leitz responded that it primarily includes maintenance of the equipment.
- Public Works; Revenues include fountain donations of \$128,000. Some State revenue will come in as well as revenue from excavation permits. Expenditures are slightly over budget currently due to road paving and sidewalks but staff is hopeful expenses will be in a better position at year-end.
- Recreation; Pool and Day Camp program has been in high-demand and currently ahead of budget by \$20,000. Expenses are also slightly ahead of budget year-to-date.
- Fountain - \$200,000 was received by Rotary for the fountain restoration. There is \$130,000 in expenses remaining. Won't cost the City anything in the end.
- Water/Wastewater Fund(s); Budget stabilization funds guarantees the City's water/wastewater fund(s) is financially stable and allocation fees are reserved. Each fund is currently in a deficit position compared to this time last year due to purchase of new Vactor. There were substantial problems with the Vactor truck and had to purchase a new one. New machine cost \$300,000 and City had \$75,000 saved. Staff doesn't see any issues in any of the funds with substantial reserves in place. \$50,000 of the \$100,000 allocated has been spent on valves and the rest will be spent next year. Fairfield Street work and Fairfax filter work has begun.

b. Consider approval of internal control checklist (D&V).

Mr. Leitz explained the approval of the City's internal control checklist is a requirement of the audit. There are no substantial weaknesses in the City's internal controls and no changes from last year.

A motion was made by Alderman Corrigan; seconded by Alderman Hawkins to approve internal control checklist. Vote was unanimous, 5-0.

9. City Manager Report

a. Consider City Manager's recommendation re: City Hall renovation costs (D&V).

Mr. Cloud explained that there is a \$300,000 shortfall between funding sources and sub-contractor's bids in the City Hall renovation for a couple of reasons. The design process was only 60% complete when the City went to the voters and the design process continued longer than anticipated. This produced about \$25,000 in actual expenses, but also resulted in bids not being released until May. Special code requirements for vault construction that were unknown during estimating accounts for about \$25,000. The late bidding timing combined with a large complicated package resulted in only one bid for mechanical systems. That bid alone was about \$200,000 over what was estimated. There was also an estimating error for elevators which accounted for an additional \$50,000.

Mr. Cloud explained that staff proposes to allocate the \$300,000 shortfall across the funds using the 50/25/25 formula such that the general fund portion is \$150,000, with \$75,000 allocated to each of the enterprise funds. The enterprise funds can cover their share with capital reserves. Staff proposes to cover the general fund's portion in a similar manner using the following funding sources:

- \$50,000 from the Clerk Record preservation fee reserve which currently has a balance of \$80,000.
- \$100,000 from the FY 15 and 16 TIF personal property tax reserve (\$50,000 from each year).
Mr. Cloud explained that these funds are personal property tax increment funds that have been reserved in the case that TIF needed additional support in the early years. The TIF is performing far ahead of projections and does not need these funds in FY 15 or 16.

Mr. Cloud stated that another strategy to cover the shortfall would be to make some adjustments in the scope of the project. There is a potential of up to \$126,000 in adjustments by delaying or deleting the entryway vestibule, delaying the parking lot and delaying the front steps. He reiterated that the voter's approved this project and the City can deliver this project without asking for more money.

Mr. Hawkins stated that he is in favor of staff's proposal to use reserves. Mr. Corrigan added that these are the reasons for having a reserve fund and is also in support of the proposal. Mr. Spooner asked how staff came up with the 50/25/25 formula. Mr. Cloud responded that you aggregate the FTE (full-time equivalent) allocation of all of the people working in the building. He noted that allocating people is a little different than allocating large capital equipment in infrastructure like City Hall. City Hall has used the 50/25/25 formula for at least 3 years now.

Ms. Krupp stated that she does not have an issue with using \$50,000 from the preservation fund, however, according to statute, the money needs to be used solely for the preservation of records and recommended that it be used toward the purchase of the vault.

A motion was made by Alderman Hawkins; seconded by Alderman DiFranco to approve City Manager's recommendation of the allocation of \$300,000; \$50,000 from the preservation fund and \$50,000 from each enterprise fund totaling \$100,000 for a total of \$150,000. Vote was unanimous, 5-0.

b. Update on 36 Diamond construction.

Mr. Manahan explained that the property at 36 Diamond Street has been surveyed and the house was demolished. Staff has engaged Laz Scangas to come up with a design for the property. Mr. Scangas has been working with Building Trades to come up with designs and gather input. The base design that will likely be used is similar to other properties on the street and the intent is to build a single family home. Building Trades will attempt to pour a foundation this fall and then build walls at their shop at BFA before bringing them on site.

Mr. Hawkins asked where the City will come out financially when the project is complete. Mr. Manahan responded that there was no cost to the City for the land but will have electrical and plumbing expenses. He expects that the City will make a profit which can then be used for other neighborhood beautification projects. Mr. Spooner asked if staff has showed the proposed design to neighbors. Mr. Manahan responded negatively and wanted to show council first before rolling out the design to neighboring residents. Mr. Hawkins stated that he is very glad the City is doing this and believes the project is an investment for the whole City. He recommended possibly setting up an account to budget for these type of projects in the future. Mr. Manahan stated that this also provides a tremendous amount of opportunity for Building Trades.

10. Consider Approval of Warrants: 9/25/15 & 10/9/15 (D&V).
A motion was made by Alderman Laddison; seconded by Alderman Hawkins to approve warrants from 9/25/15 & 10/9/15. Vote was unanimous, 5-0.
11. Consider Approval of Minutes: Special Meeting, 9/8/15; Regular Meeting 9/14/15 (D&V).
Approval of minutes from Special Meeting, 9/8/15 were tabled due to a lack of quorum.
A motion was made by Alderman Hawkins; seconded by Alderman DiFranco to approve minutes from regular meeting, 9/14/15. Vote was unanimous, 5-0.
12. Other Business.
Mr. Spooner stated that the tracks on Aldis Street are starting to deteriorate and asked if staff could notify VTrans.

Mr. Spooner read aloud a resolution for 83-85 North Main Street which states that the property is in danger to the public health and safety and is dangerous and unsafe in case of fire. The City Building Inspector, Matt Mulheron, issued a safety order for the property on August 26, 2015 pursuant to the City's Public Health and Safety Ordinance commanding the owner of the property, Samuel Wunsch, to perform directives by September 29, 2015 to make the building safe which was not completed. The resolution requests that the City Council order the Building Inspector to sure up or otherwise secure and install a proper fence or put up boarding for the protection of the public and/or passerby's.

A motion was made by Alderman Corrigan; seconded by Alderman Hawkins. Vote was unanimous, 5-0.
13. Adjourn.
A motion was made by Alderman Corrigan seconded by Alderman Hawkins to adjourn meeting at 8:04 pm. Vote was unanimous, 5-0.

Respectfully Submitted,

Kristen Smith
Administrative Coordinator