

**St. Albans City Council  
Minutes of Meeting  
Monday, May 18, 2015  
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, May 18, 2015, in council chambers at City Hall at 6:30 pm.

**Council Present:** Mayor Elizabeth Gamache; Aldermen: Tim Hawkins, Scott Corrigan, Jim Pelkey and Alderwomen Tammi DiFranco & Kate Laddison.

**Council Absent:** Alderman Chad Spooner.

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

**Visitors:** See attached sign-in sheet.

1. Call to Order Pledge of Allegiance.

Mayor Gamache called the meeting to order and led the pledge of allegiance at 6:30 pm.

2. Public Comment.

Gerald Dacey introduced himself and distributed photos of the handicap parking space where Route 7 and Route 36 meet at the edge of Taylor Park. He noted that the space is invisible from Fairfield Street and poorly marked; lacking the blue background that typically identifies most handicap parking spaces. The sign is hidden from oncoming traffic on Fairfield Street due to vegetation and cannot be readily seen. Mr. Dacey noted that the signage is edgewise to oncoming traffic and believes it should face traffic. In addition, the handicap space runs adjacent to a bike lane. Due to the location of the parking space, a person's attention is split between looking for bicycles traveling by, pedestrians entering and exiting the crosswalk as well as vehicles traveling through the intersection of N. Main and Lake due to changing traffic signals. Mr. Cloud requested a copy of Mr. Dacey's testimony and contact information and stated that staff would look into the issue and get back to him. Mr. Dacey recommended changing the angle of the sign.

3. Third reading of proposed amendments to City Land Development Regulations, primarily concerning creation of a Medical Institution District, Chip Sawyer.

**Alderwoman Laddison recused herself from the discussion.**

Mr. Sawyer explained that this is the third reading of proposed revisions to the City Land Development Regulations, concerning the creation of a Medical Institution (MI) District. He added that nothing has changed from the second reading last month and explained that primarily, the proposal concerns creating a MI district to reflect the current state of the Northwestern Medical Center property and their immediate expansion needs while allowing for restrictions and other provisions to deal with concerns of the adjacent neighbors. There is also a proposed change for Section 304 to remove Clinical/Medical Facility from the LDR district and reminded council that they have the ability to divide the question if they so wish.

Mayor Gamache noted that there were concerns raised at the second reading related to the vision and timeline for the areas that impact two of the businesses affected; Fiddlehead Dentistry and the offices of Dr. Payne and Dr. Schulten. She asked Mr. Sawyer to discuss the sequencing of the events. Mr. Sawyer responded that based on the motion of the Planning Commission, they would like to remove the

Clinical/Medical Facility from the LDR which would impact three neighboring businesses and result in them become grandfathered. Mr. Sawyer further explained that the Planning Commission is interested in the possibility of redistricting the businesses affected but is not a sure thing. It is staff's recommendation based on current uses and how they do not reflect the true purpose of the LDR, to be candidates for redistricting. He would recommend doing that first and then remove Clinic/Medical Facility from the rest of the LDR. Mr. Pelkey asked if it's correct that staff is asking for the Medical District to be approved first and not act on the LDR piece. Mr. Sawyer responded that his recommendation is that the conversation about those two items could be treated separately although the Planning Commission recommends approving it in one package. Mr. Cloud asked what the impact would be on the affected properties if the question is not divided and the change took effect. Mr. Sawyer responded that they would be legally non-conforming and would be a grandfathered use. He gave the example of Bob's Meat Market and said the business can continue running as is. Those practices never have to change the way they do business but if they do want to make a change to their business in the future, they would need to go before the board and added that there is always an area of uncertainty. He believes the other option would be to first look at redistricting the businesses affected and then remove the Clinic/Medical Facility from the LDR district. Mayor Gamache agreed that at the last reading, the proposed events seemed out of sequence.

Mr. Dermody stated that the Planning Commission unanimously voted for this change and believes that if Clinic/Medical Facility isn't removed now from the LDR, a medical marijuana clinic or methadone clinic could walk into the LDR today and open up for business. He expressed that time is of the essence and added that the Planning Commission is very seriously looking forward to addressing the businesses that would be affected. Mayor Gamache asked Mr. Dermody to speak in terms of timing for the affected property owners. Mr. Dermody responded that he is planning at the very latest to start discussing the issue in October.

David Barber of the Planning Commission introduced himself and reiterated that the few practices affected would be grandfathered for their current use and expressed his concern that the council isn't supportive of the Planning Commission. He asked for council to support the rights of the residential property owners on Fairfield Street in the LDR to protect their properties' values from inappropriate businesses moving in. Mayor Gamache thanked Mr. Barber for his comments and expressed that she does value the opinions of the Planning Commission. Mr. Pelkey noted that council may not always support the opinion of the Planning Commission but never disregards their recommendations.

Mayor Gamache asked what the process would be if a dispensary was proposed in the LDR. Mr. Sawyer responded that the application would be submitted to the permitting office and if they were in a design review district, the application would have to go before the Design Advisory Board (DAB) which is concerned with aesthetics and architecture. The application would then go before the Development Review Board (DRB) which has a list of criteria that the business would need to address for a conditional use application such as care to the area, traffic and public safety. He added that there are a lot of things that can be done with conditional use to mitigate what adjacent landowners might fear about a proposed use. By and large, Mr. Sawyer stated that the majority of the cases eventually get approved as long as the applicant is willing to give when the DRB lays out certain conditions that must be met. Mr. Sawyer further explained that normally when these types of applications get appealed to the Environmental Court, it's because the DRB and the applicant have reached an impasse. If something is in the use table, that proposed use is likely to be approved if the applicant meets all of the conditions. The fact that it would be a methadone clinic would not change, however, things like parking configuration, hours of operation, lighting, and/or the main entrance could be affected by the DRB decision based on evidence brought to the hearing.

Dr. Linda Ulrich and Dr. Chuck of Fiddlehead Dentistry introduced themselves. Dr. Ulrich stated that she was not made aware of the first reading and because the second reading was their first chance to understand the proposal, they couldn't advocate for themselves. Dr. Ulrich feels that their practice is being swept into this when most of the concerns pertain to what might happen across the street from the hospital. She noted the stewardship that her practice has brought to the community and asked council to not have tunnel vision and make progress just for the sake of progress. She believes putting restrictions to grandfather a use that many not exist 10 years from now, would be restricting the City as a whole. Dr. Ulrich noted that her business supplies jobs for 15 full-time employees and emphasized a shift of focus toward long-term stewardship. Dr. Chuck stated that he appreciates the effort of all involved and agrees that in the LDR, a methadone clinic should not be allowed. He thinks the public has the right to attend a public discussion and believes he didn't get that due diligence.

Mr. Dermody reiterated that they started the discussion and would like to make sure that the process is done publicly. Mr. Pelkey voiced strongly that he is not in favor of grandfathering the practices affected and would prefer to redefine Clinic/Medical Facility which would keep clinics out of the LDR for right now.

4. Consider approval of all or portions of proposed amendments to City Land Development Regulations (D&V).

**A motion was made by Alderman Pelkey; seconded by Alderman Hawkins to approve Medical Institution district and not take any action on removal of Clinic/Medical Facility from the LDR district.**

Mr. Corrigan noted he was on the DRB when the development at the top of Congress and across from Smith Street was taking place and noted that everyone was worried about the traffic it was going to create which ultimately did not cause any issues at all. He sympathized with Dr. Chuck and Dr. Ulrich but believes it is temporary and the Planning Commission will do their due diligence and work quickly. Mr. Corrigan stated that he believes council need to support its Planning Commission as best as possible.

**Vote was 3-2. Motion did not carry.** Mr. Hawkins asked if it was possible to reclassify the items that council is afraid of for now so they wouldn't fall under the definition of Clinic/Medical Facility. Mr. Sawyer responded that it is possible but is not sure how quickly it could happen. He stated that the nature of medical service vs. dispensaries and how often they meld could be difficult to come up with a cut and dry definition to allow one and not the other. Mr. Cloud responded that staff would have to research statutory protections that it has. Mr. Sawyer responded that it is one of things that should be looked into. He stated that part of the reason for suggesting the question be divided is so each proposal could be considered on its own merits and not have the two contingent upon the other. Mayor Gamache stated that if divided, she would be supportive of accepting the proposed revisions except for removing the Clinic/Medical Facility from the LDR. Mr. Corrigan stated that he believes the Planning Commission has a compelling argument for leaving it the way it is. Mr. Pelkey asked if it would make sense to table the item until Mr. Spooner is present at the next meeting.

Dr. Ulrich noted that that Fiddlehead does not dispense any pharmaceuticals and doesn't believe physicians dispense pharmaceuticals either which would support the change in the definition. Mr. Dermody asked if council would like the Planning Commission to suspend other considerations and take this issue up publicly at the next regular meeting. Mayor Gamache asked Mr. Dermody what priority would be placed on the back burner. Mr. Dermody responded that the zoning rewrite, housing study and other smaller items would be placed on hold. Mr. Barber noted that his concern is not just the use and asked what would happen if Fiddlehead is passed on and becomes the prospect of a commercial space. He gave example of Owl's Club which will endure a loss of green space and trees with a business that is radically out of character with the historic neighborhood. Mr. Pelkey noted that the Conner property which Mr. Barber is referring to is in the B1 district, not the LDR. Mr. Hawkins asked if council could procedurally request the Planning Commission to move expeditiously to rezone the affected

businesses. Mr. Cloud responded that council can direct staff only but could present a motion that reflected council's preferences. Mr. Dermody clarified that he could put the redistricting at the top of his priority list but would ask to have the definition removed. Mr. Hawkins stated that he believes it would be a quicker solution to reclassify the difference between a medical clinic and a dispensary than the redistricting of the LDR. Mr. Dermody responded that it would be a minimum of 5 months if he understands the process correctly. Mr. Sawyer responded that it could be as quick as 3 months.

**Mayor Gamache called a 5 minute recess at 7:24 pm. The meeting re-convened at 7:32 pm.**

**A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to approve all portions of the proposed City Land Development Regulations as presented by the Planning Commission.** Mayor Gamache appreciated the fact that the Planning Commission agreed to make the redistricting a priority and would hope to see it readdressed in 3 months or so. She asked if council agreed with that timeline. Mr. Hawkins stated that his motion is based on the assertion by the Planning Commission Chairman and the time criteria put forth by the Planning Director. Mr. Pelkey commented that he appreciates that the Planning Commission is willing to work on it but doesn't think they can guarantee the timeline. Mayor Gamache asked what council's recourse would be if the issue is not addressed within 3 months. Mr. Cloud responded that council can direct staff to get the job done. Mr. Hawkins added that council would stand ready if either of the affected properties had to do something that they were not allowed to do by the DRB or the Planning Commission. Mr. Cloud stated that council can change the by-laws. Mr. Corrigan stated that he believes council should assume everyone in the room is going to act in good faith. **Motion carried, 4-1 with Alderman Pelkey opposed.**

5. Recess for Liquor Control (See Separate Agenda).

**A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to recess for liquor control at 7:36 pm. Vote was unanimous, 6-0.**

6. Consider funding request from St. Albans Area Watershed Association, Steve Cushing.

Mayor Gamache introduced Steve Cushing from the St. Albans Area Watershed Association (SAWA). Mr. Hawkins asked Mr. Cushing if this proposal is different from the funding request that he presented several months ago. Mr. Cushing responded that he believes it is the same request and hadn't heard of any decisions made since his original request. Mr. Hawkins responded that council took his original request for \$12,000 - \$13,000 to be used toward operational expenses under advisement and it was referred to the Finance Committee who decided it would be a part of the water & wastewater budget discussion. Mr. Cushing explained that SAWA is proposing to purchase a second weed harvester and has been looking for funds to purchase and operate a second harvester. Without knowing what funds the City would allocate to support the funding of the operational expenses, SAWA was uncertain as to whether or not they would have enough money to float a loan to purchase a second harvester. Mr. Cloud explained that the Town of St. Albans has approved \$7,500 in operating expenses while the City intended to match that in the wastewater budget which begins July 1st and is in the staff draft. He added that there is an additional request above the \$7,500 to add funds to be used toward the purchase of an additional weed harvester. Mr. Cushing responded that they weren't necessarily requesting additional funds but are at a standstill as to whether they can purchase an additional harvester because they didn't know what the City was going to contribute for funding. He stated that they have an opportunity to purchase a used harvester that was previously used in Lake Carmi. Mr. Cushing presented an operating budget based on two weed harvesters and explained that it would cost \$34,000. Currently, SAWA has \$26,000 in operating funds in their budget. Mr. Hawkins commented that he believes Mr. Cushing presented at the right time when he first came before council in November because an affirmative decision was made to let include this in the water and wastewater budget discussions. He

added that the Finance Sub-Committee will meet in the next couple of weeks and remains committed to helping with this endeavor.

7. Consider merger of Community Justice Center and Court Diversion, Marc Wennberg & Nina Curtiss (D&V).

Mr. Wennberg explained that the Community Justice Center (CJC) has been a part of the City since 2005. In that time, the program has grown across all Franklin and Grand Isle counties. He thanked Kelly Gosselin who has been on the Citizens Advisory Board since it started. Ms. Curtiss stated that the Franklin County Court Diversion recently merged with Grand Isle and has been serving both counties for 30 years. They have a governing board and introduced 3 members present; Don Poirier, President, Cathy Lavoie, and Mitch Crane.

Ms. Curtiss reiterated that she and Mr. Wennberg have been discussing the proposed merger for 16 months, forming an advisory council which has members from both boards, Tom Leitz of the City and Councilor Pelkey. That group has been meeting for 6 months and the work led to a unanimous vote to merge. Ms. Curtiss explained that the purpose of merger is twofold; to remove redundancy and confusion between the two organizations and to focus on restorative justice and strengthen the services provided. She added that this is the first time in the State that two existing organizations will potentially come together to form one entity and is being closely watched at the legislative and state level.

Mr. Wennberg noted that one of the main questions posed during the planning process is where would the organization would be housed. After careful review, both boards felt it should live within the City of St. Albans. The reasons are threefold from an organizational perspective; there are existing partnerships with City staff and an integrated and seamless relationship, it would bring value to the City through the services provided and it helps to have the financial team of City behind them. He noted that one of the core goals the organization will be working toward is creating a peaceful community, addressing conflict and crime citizen to citizen, holding people accountable and supporting citizens that are reentering the community. He personally believes that type of service is in direct alignment with the vision of the City of St. Albans which is to create a livable community for all.

Ms. Curtiss noted the idea of a safe and vibrant community and believes they will be able to provide greater efficiencies and collaboration through a merged organization. She added that the process used in restorative justice every day is very innovative and limitless and believes there is a great deal of possibility through this merged organization. They work hard in their respective agencies to create positive relationships and will be able to do that at a larger degree. Mr. Wennberg added that they have been working with their consultant to determine what area of restorative justice they'd like to see explored in the future and both indicated that they would like to see it flourish in the schools before police involvement is required.

Mayor Gamache noted that the history of court diversion has been budget neutral and asked Mr. Cloud to recap what this means in terms of resources and budget impact. Mr. Cloud responded that the core premise has been twofold; there are a lot of programmatic efficiencies and effectiveness. In addition, Court Diversion is not looking to increase the General Fund's exposure and need to support programs. Mayor Gamache noted her involvement with the CJC in 2005 and at that time there were discussions about increasing efficiencies by merging organizations and is happy to see it coming to fruition. She believes it will make sense to remove redundancies and commended Kelly Gosselin and all of the volunteers on Court Diversion who have contributed many hours of their time. Mayor Gamache stated that she is very supportive of the work that has been done through the CJC on its own and appreciative of the neutral budget. She is very much in support of the merger. Mr. Pelkey commented that he works for the court system and is very familiar with both organizations. As a former attorney, he has seen the

positive outcome of court diversion and is a firm believer in it. He asked if they have found a physical location to house the merged organization. Mr. Wennberg responded that they are still looking.

**A motion was made by Alderman Pelkey; seconded by Alderman Laddison to approve merger of the Community Justice Center and Court Diversion, while working with the City finance team to operate a revenue-neutral budget at no expense to the City's tax payers.** Mr. Corrigan asked if there were any reasons not to merge. Mr. Cloud responded that there have been programs in the past that caused a burden to the City's General Fund but this program isn't one of those. Mr. Cloud explained that there is always some level of risk involved but the opportunity comes to the City as a strong, well-funded program. **Vote was unanimous, 6-0.**

8. Update on Proposed Infrastructure Improvement Projects, Dominic Cloud, Peter Cross, Wayne Elliot.

Mr. Cloud noted explained that there are 4 or 5 infrastructure projects to discuss. He further explained that the opportunity has risen because the Agency of Transportation is going to repave all of the City's Class I highways which include Main Street, Lake Street and Fairfield Street. In lieu of that, Mr. Cloud stated that now's the time to look at the underground utilities and curbing. At the same time, the City is coming off a brutal winter and staff needs consider what needs to be done to keep the capital investments strong. Mr. Cloud explained that if council chose to replace the fair or poor-related curb and sidewalks along the Class I Town highways, the cost would be \$1.5 million. The annual debt service is \$90,000 and would be a General Fund project. Mr. Cloud stated that Fairfield Street needs a lot of work; in addition to the surface at-grade issues, there are issues beneath the surface. The cost for just the utility portion of the project would be \$2.1 million. The General Fund portion of that cost is \$490,000, the water portion is \$350,000 and the wastewater portion is \$690,000. The estimated annual payments total \$130,000. Mr. Cloud explained that one of the main reasons the City lost water during the recent water main breaks was because the City only has one storage tank and could benefit from having a second tank. Staff has also been experiencing issues with the water treatment filter which is past its useful life at the Fairfax Treatment Plant. Mr. Cloud stated that the tank would cost \$1.7 million and \$700,000 for the filter, both of which are water projects. Mr. Cloud added that of equal importance is the need for new valves in the system and can be covered with the City's capital reserves. Staff is proposing to jumpstart that initiative this year with reserves of \$200,000 and subsequent appropriations in additional years for \$100,000 - \$150,000.

  - a. Class One Highway Curbs and Sidewalks, Peter Cross.

Mr. Cross stated that the Class I Highways in the City include Fairfield Street, Lake Street, South Main Street, North Main Street and Lower Newton Street. He explained that they are proposing to complete the north side of Fairfield Street from Church Street to Berkeley Terrace and the south side from Main Street to the Town line. On south Main, they are proposing from Stebbins Street, both sides down to the interstate access road and slightly further on the west side. On Lake Street, they are proposing from Adams Street easterly to Cedar Street. On North Main, they are proposing from the west side at Hoyt Street to where the sidewalk stops by Dr. Schumer's office and on the east side from Brainerd Street north to the opposite side of Fitness Zone. Mr. Cross explained that this is critical to get done by next spring. The design is essentially done and is just a matter of getting it bid out to allow the City to complete the project prior to the State's paving project.
  - b. Fairfield Street: Underground Utilities, Curbs and Sidewalks, Wayne Elliot.

Mr. Elliot stated that underground utilities beneath Fairfield Street are very challenging. There are portions with multiple sewer and water lines and gas lines and the water lines are 100 years old. There is concern about the services and the goal would be to install new valves. Mr. Elliot added that the cost includes excavation, pavement removal, pipe removal and restoration of the roadway. The sewer line is a 100 year old concrete line that has led to numerous blockages. The clay lines are

in generally good condition. On the storm water side, there are parts of the street without catch basins and would like to install 1800' of new storm pipe and catch basins. The total estimated cost is \$2.1 million which includes a 15% construction contingency.

c. Aldis Hill Storage Tanks, Wayne Elliot.

Mr. Elliot explained that he completed a water facilities plan in 2013 for the entire water system and one of the deficiencies identified was water storage. The Aldis Hill tank stores 1 million gallons; the City is using 200 million gallons per day for its domestic demand and currently needs about 2.3 million gallons of storage. Mr. Elliot explained that they were able to take credits from both water plants and credit from the Fairfax side but a need of 960,000 gallons still exists. With 20 years of projected future growth, there is an estimated need for 1.5 million gallons in the second tank. Mr. Elliot stated that the State has funding in the drinking water revolving loan fund which could be used and would potentially consider a bond vote in September. If approved, the twin tank would be a glass-fused tank which has less maintenance costs associated than the welded-steel tank that currently exists. Aesthetically and color-wise, the glass tank would operate the same but be slightly bigger in diameter. They did look at raising the existing tank to increase storage but would increase the system's already high water pressure. Mr. Elliot stated that the total project cost would be \$1.7 million.

d. Fairfax Filter Improvements, Wayne Elliot.

Mr. Elliot explained that parts of the Fairfax Plant dates back to 1970's. The objective is to produce as much water out of the Fairfax plant because it will reduce operating costs because it is gravity fed. Estimated construction costs would be \$540,000 and the total project cost would be \$700,000. Mr. Elliot stated that initially they were discussing the use of some of the capital reserves which would move the project along quicker but funding could also come from the State's revolving loan fund.

Mayor Gamache noted that it's nearing the time council meets to set priorities for the upcoming year and is glad to have this list in play now. She added that she is also grateful for the funding provided by VTrans for paving even though they don't have the flexibility of timing. Mayor Gamache noted that council will incorporate the projects into the planning process and is interested to see what the annual payments would look like for each project and how they would be divided across the different funds. Mayor Gamache thanked Mr. Cross and Mr. Elliot for their work.

**Mayor Gamache suggested moving on to agenda item # 12 next.**

9. Update on Draft Affiliation Fee Ordinance, Dominic Cloud.

Mr. Cloud announced a couple of changes since the draft ordinance was presented at the last meeting; staff has withdrawn the allocation fee ordinance from the water ordinance and the wastewater ordinance and created a standalone section which makes the process more manageable. New definitions have been added for "affiliation fee" and "Route 7 North Sewer District". Affiliation fee is now defined as an annual fee charged to water and/or wastewater users not located within the City or the Route 7 Wastewater District. Route 7 North Sewer District is now defined as the geographic area indicated so long as the original grant of wastewater capacity (100 gpd) has capacity remaining. When the capacity is exhausted, the district shall cease to exist for purposes of this allocation ordinance and the district shall be treated like other areas outside the City limits. Mr. Cloud stated that the idea is so long as there is capacity left; the Route 7 North Sewer District continues to be different from other areas.

Mr. Cloud noted Section 6 which reflects the general priorities of the City in regard to uncommitted reserve capacity and must comply with the following priorities:

- Existing facilities within the legal limits of the City which, by virtue of pollution from the facilities to water of the State of Vermont (“Required Connections”), shall be entitled to first priority in allocation of uncommitted reserve capacity.
- New or expanded development and/or connections located within the Growth Center of the City of St. Albans.
- New or expanded development and/or connections located within the City of St. Albans but outside the Growth Center.
- New or expanded development and/or connections located outside the City of St. Albans but within the Route 7 North Sewer District, so long as capacity within the original grant of 100,000 gpd remains.
- New or expanded development and/or connections not addressed above.

Mr. Cloud explained that Section 8 re-codifies the bulk of the affiliation fee previously discussed with a couple of enhancements:

- New construction or expansion of existing property requiring only Water connection: .12 or \$100 of appraised value based on municipal appraisal from Town where property is located
- New construction or expansion of existing property requiring only Wastewater connection: .16 per \$100 appraised value based on municipal appraisal from Town where property is located.

Mr. Cloud explained that what staff has done is pro-rate existing program based on the allocation fee charges that already in place.

Section 9 reiterates the allocation principles; recognizing that the capacity of the plant is a limited resource in high demand, and that uncontrolled assignment of capacity could cause an adverse impact on the City’s tax base, economic competitiveness, and ability to provide municipal services, the City shall strictly allocate the uncommitted reserve pursuant to the policies, procedures, principles and criteria outlined in the Ordinance.

Section 11 outlines the application review process; the Manager may review projects located wholly within the legal boundaries of the City, the Route 7 North Sewer District and single and two family residential units located wholly outside the City.

Mr. Cloud explained that within Section 17 lie two subsections; subsection 1 is for projects located within City limits or within the Route 7 North Sewer District and essentially asks “do we have capacity?” and “what are the flows like?” Subsection 2 is for projects located outside the City limits or outside the route 7 North Sewer District and must meet at least some but not all of the following criteria:

- Is there sufficient capacity in the water and/or wastewater plants and distribution/collection system?
- Has the applicant demonstrated why the project cannot reasonably or adequately be located within the boundaries of the City of St. Albans?
- Has the applicant presented convincing evidence that the connection will result in an increase in the number and type of employment opportunities in the City or the region?
- Does the project directly or indirectly result in the addition or retention of employment opportunities and/or economic activity in the City?
- Does the project result in the relocation of employment opportunities or economic activity from within the City limits to outside the City limits?

- Could the relocation of employment opportunities or economic activity from within the City limits to outside the City limits be mitigated through conditions?
- Does the connection result in retention of existing facilities in the City or the region?
- Does the project address unique environmental, public health or economic concerns for the region?
- Does the project support the expansion, retention or creation of facilities which provide essential or desirable public services?
- Does the project result in a net financial benefit or loss to the City?
- Does the project directly compete with economic development projects of the City and/or core employment sectors within the City (i.e. hospitality, pharmaceutical manufacturing, or governmental services)?

Mr. Cloud explained that this is an effort by the City to find a way forward and believes we need to balance some competing interests. If we do have the capacity, an awful lot of projects could be permitted by going through the steps of this analysis to determine whether jobs are relocating outside the City and whether the impact could be mitigated. The intent is to allow applicants a chance to make their case and convince the board based on some criteria.

Mayor Gamache reminded the public that this is council's first time reviewing the draft in this form and is a prelude to a first reading. Mayor Gamache opened the floor to public comment. Mark Lareau, Vice Chair of FCIDC, introduced himself. He noted a letter that has been sent to council from FCIDC stating their concern over the uncertainty and subjectivity of the ordinance and asked they take it into consideration. Mayor Gamache acknowledged receipt of the letter today and stated that she was not sure that all off the councilors had been able to read it yet. She noted surprise in what appears to be the shift of FCIDC's feeling about the concept. Mr. Lareau responded that they see the potential concept as another hurdle in attracting potential clients to the industrial park due to the uncertainty and time involved. He noted that FCIDC is having a difficult time being competitive with Chittenden County and upstate New York. Mayor Gamache noted that in the letter received, FCIDC indicated that it would take an additional 4-6 months in the permitting process and explained that she and the City Manager hold a different view and envision a much simpler process. Mr. Lareau responded that he believes their response was based on the last draft presented a month ago. A board member of FCIDC, who did not state his name, noted that the board agrees to the concept of the affiliation fee. Mayor Gamache noted if she understood correctly from the letter, FCIDC was advocating for approvals simply based on available capacity and no other criteria.

Mr. Hawkins noted the criteria under Subsection 2 of Section 17 and asked if an additional criterion should be included at the end such as, "if any of the answers of the above criteria negatively affect the nature of an approval of a project, do the remaining positive answers override a negative decision?" Mr. Cloud responded that it is a good idea and is certainly the way it was intended.

10. Update on Draft Liquor Control Ordinance, Dominic Cloud & Colin McNeil, Esq.

Mr. McNeil noted that the draft liquor control ordinance was derived from the ordinance that Councilor Hawkins originally put together. They looked into other laws and ordinances throughout the State and spoke to William Goggins of the State Department of Liquor Control. Mr. McNeil stated that he, the City Manager and Chief Taylor also met with the Burlington Police Department to learn how the City is enforcing the laws on the books and to learn how the City has taken additional steps to control liquor violations in the City of Burlington. Mr. McNeil explained that the draft ordinance presented adopts the State wide liquor control regulations that have been adopted by the Vermont Liquor Control Board. The ordinance sets forth the grounds and adds transparency and consistency to how a liquor license in the

City of St. Albans can be granted, denied, revoked or suspended. It also sets forth the standard conditions that could be attached to a liquor license granted by the commission and includes language that protects the City from liability. Lastly, the ordinance divides certain violations into different categories which identify violations of the liquor control rules and the statutes as a nuisance in the City and allows the city to impose fines. It also includes different penalties for each category of violation. Mr. McNeil noted that there is an entertainment permit included in the council packets which would be viewed as a next step and act as an additional enforcement tool.

Mr. Hawkins asked if the class violations were changed. Mr. Cloud responded that he didn't believe so. Mr. Hawkins stated that he thought under Section 116 - Penalties, there was a higher dollar limit and asked if they were told by the State to include that. Mr. McNeil responded that the reasoning behind the \$800 is that a civil violation by a municipality is limited to \$800 while the State has the ability to collect \$2500. Mayor Gamache asked Mr. Hawkins if he was speaking about Class A licenses. Mr. Hawkins responded affirmatively. Mayor Gamache asked if "and/or revocation" in the language means a suspension and penalty or revocation. Mr. Hawkins noted that he believes it was cited as "and/or" across the board and asked Mr. McNeil if that remained true or if it was changed. Mr. McNeil responded that he could not recall. Mr. Cloud asked Mr. Hawkins if he is looking for the ability to fine and not suspend. Mr. McNeil interpreted it as being that a suspension could go hand in hand with a fine but likely if a license is going to be revoked, while you could do a fine and a revocation, the revocation would be a sufficient penalty. He added that it was written to allow all three options. Mr. Cloud suggested putting the fine up front to stop there. Mr. Hawkins said he was thinking an \$800 fine per violation and/or suspension of a license for 10 business days and/or revocation.

Mr. Hawkins noted that he is worried about entertainment permits because most of the establishments on occasion have bands. Mr. Hawkins stated that he didn't want to prevent those establishments from having those types of functions. Mr. Cloud asked if the permit is a blanket permit for \$100. Mr. McNeil noted that the \$100 would cover be a one-time fee and cover the establishment for a full year. Mr. Cloud stated that Burlington referenced it as another tool to address the conduct of behavior that occurs in the bars. Mr. Corrigan commented that the language should be more specific in regards to the frequency of when the \$100 fee is incurred.

Mr. Hawkins noted Section 110 and said it was his understanding that there were four levels of insurance and only two carriers in the area that provided it starting at increments of \$25,000 up to \$100,000. Mr. Cloud stated that he believed the discussion was starting at a floor of \$1 million. Mr. Hawkins agreed. Mr. Pelkey noted that Sub-Section E indicates that the \$100 permit fee previously discussed is effective for one year but should be moved to the section where fees are discussed. Mr. Hawkins asked Mr. Cloud if Chief Taylor approved of the draft. Mr. Cloud responded affirmatively. Mr. Hawkins asked if staff should roll this draft out to the entertainment community before the next meeting. Mr. Corrigan stated that he doesn't see the harm in allowing them see the draft. Mr. Cloud noted that the suggested changes can be made and schedule a meeting for the public before the next council meeting. Mr. Pelkey stated that he would like to hold a public hearing and the agenda tonight does was not warned as such. Mr. Hawkins suggested that Mr. McNeil make the changes discussed tonight, allow council to see the updated draft one more time and then hold a public hearing. Mr. Cloud asked Mr. Hawkins if the agenda item for the next meeting can be called a First Reading from an efficiency perspective. Mr. Hawkins responded affirmatively. Mr. Corrigan asked if something should be included under Section 116 that states suspensions will not be lifted until fines are paid.

Ms. Krupp stated that in Section 106 on the application, it states that all licenses will be issued by the Clerk in accordance to Title 7. She stated that special event permits must be in her office within 10 days of the event because they must be forwarded to the State. Mr. Hawkins asked if the language could be

changed to “timely submission.” Mr. Hawkins also noted that Mr. McNeil might want to add language that states all taxes (rooms and meals) must be paid before a liquor license is granted. Mr. McNeil added that he also sent a draft to William Goggins for the attorney of the board and the Attorney General to look at and get feedback before proceeding.

11. Consider Authorizing City Manager to sign hotel investment agreement (D&V).

Mr. Cloud explained that this item is a request to authorize the City Manager to sign the hotel investment agreement .All along; the terms have been up to \$1 million for 5 years with 3% interest. In discussions with Northfield Savings, they are adding a requirement that there be a debt-service coverage ratio of at least 1.25 and that repayments be delayed by a year. Mr. Hawkins asked if it’s correct that the bank makes a payment for the first year that goes into an escrow account. Mr. Cloud responded affirmatively. Mr. Hawkins stated that that was not in the agreement. Mr. Cloud responded that there is no agreement yet and the bank is requiring it as a term. Mr. Hawkins asked if it’s also correct that the City doesn’t get the money until the project is complete. Mr. Cloud responded that there is a 5-year term and never got to the point of determining whether that is a 5-year term with an annual payment or a balloon payment on the back end. Mr. Cloud reiterated that there is no cash flow issue. Mayor Gamache asked if the City is still in the realm of possibly constructing this year. Mr. Cloud responded affirmatively but stated that it depends on permitting.

**A motion was made by Alderman Corrigan; seconded by Alderman Hawkins to authorize City Manager to sign hotel investment agreement. Vote was unanimous, 6-0.**

12. Consider extending expiration of John Morrie’s Design Advisory Board seat to May 30, 2015 for purposes of recruitment (D&V).

**A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to extend expiration of John Morrie’s Design Advisory Board seat to May 30, 2015 for purposes of recruitment. Vote was unanimous, 6-0.**

13. Consider David Southwick for appointment to Downtown Board for term expiring December 31, 2017 (D&V).

Mr. Hawkins commended Mr. Southwick’s application and qualifications.

**A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to appoint David Southwick to Downtown Board for term expiring December 31, 2017. Vote was unanimous, 6-0.**

14. Consider Approval of Minutes: Reg. Meeting 4/13/15 (D&V).

**A motion was made by Alderman Pelkey; seconded by Alderman Corrigan to approve regular meeting minutes from 4/13/15. Motion carried, 5-1 with Alderwoman Laddison abstaining.**

15. Consider Approval of Warrants: 4/24/15 & 5/8/15 (D&V).

**A motion was made by Alderman Pelkey; seconded by Alderman Hawkins to approve warrants from 4/24/15 and 5/8/15. Vote was unanimous, 6-0.**

16. Other Business.

Mr. Corrigan noted there is access to the parking garage on the north side of the State building but there is no signage. Mr. Cloud noted it’s in the design and staff can get another sign up.

Mr. Hawkins stated that he has received complaints about people loitering in front of Tim’s House and in front of steps at the State building. He asked Mayor Gamache if it was correct that council was asked to submit a list of priorities to be discussed at the work session. Mayor Gamache responded affirmatively and said she would work on setting a date to discuss priorities for the upcoming year.

Ms. Laddison asked about crosswalk repainting and asked if a schedule was laid out. Mr. Cloud responded that he doesn’t know if there is a schedule but knows the areas that Public Works has

prioritized. Ms. Laddison responded that she was hearing concerns about the crosswalks in school areas. Mr. Cloud noted that Public Works is currently down two employees and is having a hard time getting their attention onto surface projects with the exception of Huntington Street because they are so backed up from the winter. Mayor Gamache noted the problem last year with disappearing crosswalks due to pollen. Mr. Cloud stated that the Public Works department has a new machine which should help with that issue.

Mr. Pelkey asked for the target date for completion of the crosswalk in front of the Streetscape extension from Hudson to Hoyt Street. He noted the barriers are very high. Kate Laddison added that that stretch is one of the Safe Routes to School areas on Wednesday's and asked if the route would be changed temporarily. Mr. Cloud responded that he received a text from Mr. Manahan that read the section will be completed this week with a new sidewalk.

17. Adjourn.

**A motion was made by Alderman Corrigan seconded by Alderman Pelkey to adjourn meeting at 9:28 pm. Vote was unanimous, 6-0.**

Respectfully Submitted,

Kristen Smith  
Administrative Coordinator

Approved by Council