

**St. Albans City Council
Minutes of Meeting
Monday, February 9, 2015
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, February 9, 2015, in council chambers at City Hall at 6:30 pm.

Council Present: Mayor Elizabeth Gamache; Aldermen: Scott Corrigan, Ryan Doyle, Chad Spooner, Jim Pelkey and Tim Hawkins & Alderwoman, Tammi DiFranco.

Council Absent: None absent.

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

Visitors: See attached sign-in sheet.

1. Executive Session.

- a. Purpose: to finalize purchase and sale agreement for 43 Lake St.
- b. Motion and exemption: To consider negotiating or securing of real estate purchase options (D&V).
Alderman Pelkey and Doyle were not present for motion to enter Executive Session.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to enter Executive Session at 6:00 pm for the purpose of finalizing purchase and sale agreement for 43 Lake Street and consider negotiating or securing of real estate purchase options. Vote was unanimous, 5-0.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to exit Executive Session at 6:20 pm. Vote was unanimous, 7-0.

2. Convene Open Session with Pledge of Allegiance.

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

3. Public Comment.

No public comment was made.

Mayor Gamache shared a letter of appreciation from John Van Heusen, President and CEO of Ace Hardware. He shared his thanks and appreciation to council for their support and demonstration of how public and private enterprises can work together to do what's best for a community. Mayor Gamache recognized Alderman Doyle for his 3 years of service on the City Council and thanked him for all of his ideas, commitment and attention to detail.

Mayor Gamache announced that the presentation of audit will take place at a future meeting.

4. Consider approval of Purchase and Sale Agreement for 43 Lake St, the Hotel Development site (D&V).

Mr. Cloud recalled that for several years, staff has been working diligently to bring a hotel to downtown St. Albans. Tonight, he is pleased to announce that he has a Purchase & Sale agreement for a parcel at 43 Lake Street with Peak CM based in Winooski, Vermont. Peak CM is agreeing to partner with American Resort Management who will bring a hotel to the downtown, likely a Hampton Inn. The City's responsibilities are to offer a clean site; the City will offer the land for \$1, make Streetscape improvements on Lake Street and to make a one million dollar equity investment in the hotel which will come back to the City as outlined in the Purchase & Sale agreement. Mr. Cloud added that the exact

terms of that investment will be negotiated and is a contingency of the Purchase & Sale agreement. Mr. Cloud explained that what's important for the City is that council and the voters have been sold on a vision. That vision began with selling the State office building to Mylan which allowed the State of Vermont to move downtown and enter into a lease for brand new office space. That then allowed staff to build a new parking garage which now sets the stage for the proposal of a hotel at 43 Lake Street.

David White of White & Burke introduced himself. He stated that Peak CM is a Vermont based company with a tremendous amount of construction management experience in hotels. He added that American Resort Management is also highly qualified and is very happy with the team that has come together on this project. Mr. White explained that there is an aggressive schedule and Peak CM would like to begin construction by August, 2015. There are local approvals and Act 250 approvals that need to take place but believe it to be achievable if there are no hiccups along the way. The agreement does provide for a hold period allowing construction to begin April, 2016 if construction cannot take place this summer.

Mr. White emphasized that financially, the investment the City is planning to make is an absolutely stock standard approach and is a way a community development projects have been done nationally for decades. What is extraordinary is that the City has its own funds to do this without tapping in to local tax dollars. Secondly, he believes the voters of this City are amazing because they have consistently supported the Tax Increment Financing district, approving all TIF related items and believes the vote of faith and confidence in the vision council has for the downtown is not seen often. Without that community investment by the voters, the parking garage, new State office building and sale of the previous State office building to Mylan wouldn't have occurred. Thirdly, Mr. White stated that the hotel itself is extraordinary because he can't think of a single community in the State of Vermont other than downtown Burlington that has built a hotel in its downtown in decades.

Mayor Gamache thanked the City's dedicated staff and thanked Mr. White for all his expertise and support. She asked what this would mean for the City's grand list. Mr. Cloud responded that this deal sets a minimum floor that the property will be worth at least \$7 million on the back end. Mr. Pelkey noted that he thinks the public may not understand what the benefits are of selling the lot for \$1. Mr. Cloud responded that given market forces, hotels are not inclined to locate in downtowns off the interstate and the City's strategy has been to create such an irresistible package of incentives that would overcome market pressure elsewhere. That package includes land costs at zero, structured parking and making an equity investment in the deal.

A motion was made by Alderman Spooner; seconded by Alderman Pelkey to approve Purchase and Sale Agreement for 43 Lake Street, the Hotel development site. Vote was unanimous, 7-0.

For the purpose of timing, Mayor Gamache proposed to discuss agenda item # 8 next.

5. Presentation of Audit, Fred Duplessis, Sullivan and Powers.

Item was tabled for a future meeting.

6. Consider authorization to State of Vermont Revolving Fund for up to \$105,000 for pilot testing of 3 phosphorous removal technologies, Wayne Elliott, Aldrich & Elliot (D&V).

Mayor Gamache welcomed Wayne Elliott of Aldrich & Elliott. Mr. Elliott explained that the State has been discussing a site to perform testing of phosphorous removal technologies and is able to fund \$105,000 to perform Pilot Testing and use the City's plant as a test site. The \$105,000 includes engineering costs and the scope has been reviewed and approved by the State. The engineering costs are not to exceed \$45,000 and there is also an allowance for lab testing and miscellaneous costs. Mr. Elliott stated that the State would like Aldrich & Elliott to go out to bid through a RFP (Request for Proposals) process to select the 3 technologies to be used. After the pilot testing is completed, Aldrich & Elliott will work to summarize that data and the final report would be issued at the end of this year. Mr.

Elliot noted that the phosphorus TMDL will be issued this summer and the limit as proposed is currently a .2 milligram per liter. In the case of the pilot testing, the State would like to use technology that will allow for .1 milligram per liter. Mr. Doyle noted that TMDL stands for Total Maximum Daily Load, referring to the amount of phosphorous. Mayor Gamache asked if this is a grant or a loan. Mr. Elliott responded that it is neither but classified as a planning advance. He stated that it functions like a grant but the intent is that very little to no costs are incurred by the City. He added that the intent is that the State will put up this money and the City will be fully reimbursed. Mr. Elliott explained that this is a great public outreach opportunity and St. Albans is the only town being considered for this test pilot around the State. Mr. Doyle asked how much staff time in training and evaluation of the systems will take. Mr. Elliott responded that the company handling the demonstration units will have an operator on hand and all of the costs for lab testing are intended to be refunded out of the planning advance. City staff time will be very minimal and each pilot will run for duration of roughly 2 weeks.

A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to authorize the State of Vermont Planning Advance for up to \$105,000 for pilot testing of 3 phosphorous removal technologies. Vote was unanimous, 7-0.

7. Recess for Liquor Control (see separate agenda).

A motion was made by Alderman Doyle; seconded by Alderman Spooner to adjourn regular meeting and enter liquor control board at 7:38 pm. Vote was unanimous, 7-0.

8. Planning and Development Report, Chip Sawyer.

a. Consider resolution in support of application to Downtown Transportation Fund for Kingman Street (D&V).

Mr. Sawyer explained that the first item is a resolution that he is asking council to consider to support and authorize an application to the Downtown Transportation Fund in Vermont for Streetscape Improvements on Kingman Street. Mr. Sawyer stated that staff just received \$300,000 from VTrans in Federal money. There has been a conceptual design for Kingman Street for some time which would help tie in the downtown streets in the core lot including the new parking garage and State office building as well as the proposed hotel. The project is estimated to cost \$550,000. This downtown transportation fund is State money and the maximum grant is \$100,000 and would help make the project more feasible. The Hudson to Hoyt Streetscape project also has funding from these two programs; \$300,000 in Federal money and \$100,000 in State money. Mr. Sawyer added that he believes the application is a competitive one and is looking for council's authorization in a resolution. Mayor Gamache asked when staff would know if the grant was awarded to the City. Mr. Sawyer responded that a decision is made at the board meeting which is in April. Mayor Gamache asked when construction would be anticipated if staff continues to be successful in securing funding. Mr. Sawyer responded that construction would be at least a year out and the City would just be starting the design phase this year.

A motion was made by Alderman Doyle; seconded by Alderman Pelkey to approve application to Downtown Transportation Fund for Kingman Street. Vote was unanimous, 7-0.

b. Consider resolution in support of application to Land and Water Conservation Fund for Houghton Park playground (D&V).

Mr. Sawyer responded that this item is another required resolution for a grant application to the Land and Water Conservation Fund. Staff is applying to this program for a new playground at Houghton Street which is in need of replacement in terms of the latest codes and its current state. Mr. Sawyer stated that the design has been commissioned by Kelly Viens and the Parks Commission through a company called Miracle. The design would include a fully connected, multi-feature playground in line with what was recently installed at City School. If approved, staff would be asking

for \$24,000 in Federal funds and would certify that all standard codes are met, would certify in-kind matching funds in the amount of \$25,000 and would certify that the City will finance 100% of the project. It would also certify that the land for the project would be bound in perpetuity for recreational purposes. Mr. Sawyer stated that the land is already bound by this program but would be slightly shifted to allow for shade. The grant appoints Dominic Cloud and Kelly Viens as agents of the City for the matters of the grant.

Mr. Spooner stated that moving forward, he would like to see money set aside each year for maintenance and repair items. Mr. Sawyer stated that a 15 year warranty comes with this particular playground for most wear and tear. Mr. Spooner asked if the swings for younger children remain. Mr. Sawyer responded that the Parks Commission took the lead on this project and heard from parents that they'd prefer one focal area to watch their children play. The plan is to reuse the existing structures elsewhere in the City if possible. Mr. Doyle commented that swings and monkey bars are classic playground features and hopes they are incorporated into the proposal. He asked if this was the final design. Mr. Sawyer responded that he believes there are some monkey bar aspects incorporated but the design features the latest type of playground available. Mayor Gamache thanked the Parks Commission for their collaboration and input.

A motion was made by Alderman Hawkins; seconded by Alderman Doyle to support the application to the Land and Water Conservation Fund for the Houghton Park playground. Vote was unanimous, 6-0 with Alderman Spooner abstaining.

Mr. Doyle asked what the life expectancy is for the equipment at Barlow. Mr. Robtoy responded that he is unsure but the equipment at Houghton Street is used more than the equipment at Barlow.

- c. Final project hearing for Vermont Community Development Program grant # 07110-IG-III-2009-St. Albans City-0002 for Main Street Streetscape Project.

Mr. Sawyer explained that he received \$125,000 from the Vermont Community Development Program (VCDP) for the Streetscape project that was completed on Main Street and this is a required hearing before the grant can be closed out. He confirmed that the \$125,000 grant was used. Construction included ADA code elements such as sidewalk ramp construction, as well as non-code elements such as new underground electrical connections, stormwater planters, new street trees, landscaping and decorative bollards, a new traffic signal with pedestrian signalization at Fairfield, Main and Lake, street furniture including benches, cycle racks and trash receptacles and brick paver work. Mr. Sawyer welcomed any public comments or questions.

- d. Consider reduction of Planning Commission and Development Review Board to 5 full seats and discuss recruiting efforts(D&V).

Mr. Sawyer stated that the City has some very qualified and committed members on its Planning commission and Development Review Board. Both boards are 7-seat boards and the quorum of the board for making decisions is keyed into the number of seats. Both boards need 4 members for a quorum and Mr. Sawyer explained that it can be challenging with some seats being open. Staff fully intends to recruit for the boards but is wondering if council might consider a majority vote to reduce the number of full seats on both boards to 5, bringing the quorum to 3. Mr. Sawyer added that staff will continue to engage in recruitment and when the time comes, will bring applicants before council. Mr. Doyle commented that he believes it works better when there are more members on a board. He proposed setting a timeframe as to when the recruitment process ends so it doesn't linger. Mayor Gamache asked Mr. Doyle if he had a recommended timeframe. He responded that he would like to see the interest for interviews to build the boards back up to 7 members within the next two months. Mayor Gamache noted her concern that two months may not be enough time to recruit. Mr. Sawyer responded that it would be helpful to have a quarter if possible. Mr. Hawkins

responded that he doesn't have an objection to lowering the number of seats temporarily to 5 but doesn't always think it's the size of the board that matters but rather the commitment of the member and is in agreement with Mr. Doyle. He believes that more members on a board provide a better representation of the City. Council agreed to revisit this item on July 1, 2015.

A motion was made by Alderman Doyle; seconded by Alderman Spooner to approve reduction of Planning Commission and Development Review Board to 5 full seats with a timeframe to revisit by July 1, 2015 to attempt to bring the board back to 7 members through recruitment. Mr. Spooner agreed that 7 is a solid number and doesn't want the public to feel that staff is reducing the size of the board for means of favoritism to keep someone on the board or to leave someone off. Mr. Hawkins wondered if there was a lack of communication on the boards resulting in a lack of a quorum. Mr. Pelkey asked if the meeting dates could be flexible in order to ensure a quorum is in attendance. Mayor Gamache stated that she could follow up with the Chairs to get a better sense of what is occurring. **Vote was unanimous, 7-0.**

- e. First reading of proposed revisions to St. Albans City Ordinances, Title 17, Section 5151 – Speed, Section 5165 (and A and B) – Stop Signs, and Section 5202 – Traffic Light Locations.

Mr. Sawyer explained that staff is looking at one suggested policy change to reduce all of North Main Street to 25 mph. Currently from Upper Newton Street to the City limit; the speed limit is 35 mph. There is a lot of interest in adding a crosswalk across North Main Street in the vicinity of Lakeview Terrace area and believes there is a higher degree of safety to reduce the speed limit to 25 mph. Staff is suggesting the amendment take effect upon completion of a new crosswalk.

The other changes are a technical change to Section 5165 to include edits to stop signs and a technical change to Section 5202 to include edits to traffic light locations. Of special note is adding the signal at Lake Street, Federal Street and Catherine Street which can be done because the language at the beginning of the section says, "traffic lights now or hereafter located and in operation". Mayor Gamache noted that with regard to the crosswalk, the Town would also have to consider reducing the speed limit leading up to the City limit and has been in touch with the Chair of the Selectboard. Mr. Hawkins stated that he would caution council so not to over regulate some of the areas of the City. He understands accidents happen but it doesn't necessarily mean council needs to jump to react in some way those confines or refines traffic in parts of the City. He noted that South Main Street is equally as busy as North Main Street. Mr. Hawkins stated that he doesn't believe 35 mph on North Main is an egregious amount of speed and believes it looks more ridiculous to not also include South Main Street. He asked Mr. Sawyer if there is a requirement that there be a 25 mph speed limit on a street that has a crosswalk. Mr. Sawyer responded negatively but explained that staff received advice from VTrans who suggested the City reduce the speed. Mr. Hawkins stated that he is not so sure that the speed limit is 25 mph from Farrar Street in the City and on High Street to Route. 105. Mr. Sawyer responded that the 25 mph speed limit starts at Newton. Mr. Hawkins noted that regardless, the sign is not visible due to tree overgrowth.

Mayor Gamache noted that feedback was received from concerned citizens and property owners that prompted staff to start looking into this issue. Mr. Manahan agreed with Mr. Hawkins about being reactive but has spoke to property owners as far back as a year ago who have expressed that there is a lot of pedestrian traffic in that area. Mr. Doyle stated that he is more inclined to agree with Mr. Hawkins. He stated that he crosses South Main Street regularly and at the north end, there are sidewalks on both sides of the street near Gilman Street. Toward that end of North Main Street, however, the sidewalks dissipate and turn into an area with a lot of curb cuts. He would prefer speaking to residents in that area about the possibility of placing a sidewalk somewhere in addition to a crosswalk rather than just lowering the speed. Mr. Pelkey stated that he doesn't believe there is

any location in the City of St. Albans that needs to have a speed limit higher than 25 mph for safety sake. He added that he believes South Main should also be reduced to 25 mph but on the other hand, doesn't believe that an extra 10 mph reduction on either end of the City is going to make it any safer for pedestrians crossing a crosswalk in an area that has poor visibility and lighting.

Mr. Robtoy noted that someone at the State did indicate that there is a high area of accidents from Lakeview Terrace to the location where there are two restaurants on either side of the road. Mr. Robtoy recommended including a bump out with increased lighting in that area. Mr. Manahan stated that a conversation with Steve Smith of Jolley or Tom Hungerford might sway council's view. Mr. Hawkins commented that he believes they want a safe way for pedestrians to cross the street and noted the new crosswalks with lights that were installed in the City. Mr. Hawkins added that there are places in Cities designed so there are no walkers.

Mr. Sawyer stated that the crosswalk project is still in the design phase and does not need a decision right away in terms of the speed limit discussion. Staff will likely bring the technical corrections back soon for a second reading but will work further on the speed limit issue. Mr. Hawkins asked if the issue is really the speed or the ability for pedestrians to get across the road safely. Mr. Sawyer stated that if all of the experts recommend reducing the speed limit to 25 mph, he will come back to council with more information. Mayor Gamache noted that this discussion has prompted her to think about the speed limit on South Main and asked that Mr. Sawyer keep that stretch of street in his conversations with the experts. Mr. Doyle stated that North Main can be an unfriendly place for pedestrians. He noted his curiosity over the level of interest from property owners to make infrastructural changes to the front of their properties in order to accommodate pedestrians. Mr. Pelkey commented that he loves the new crosswalks with the strobe lights and wondered if Jolley and Hungerford would consider splitting the cost to install one.

9. Finance Report, Tom Leitz, Director of Administration.

Mr. Leitz noted that the General Fund is in a surplus position overall. Staff is not worried about collecting on the projected property tax revenue. The penalty in the taxes is at zero because it is assessed at year end but believes the estimate for that budget revenue is sound. Mr. Leitz noted that transfers from reserves were not in the report he gave to council in November. There were two City authorized transfers both for Public Works projects; one for sidewalks and one for street improvements. Mr. Leitz highlighted the City Clerk's department and explained that next year's budget has higher revenues than the current year budget. The Parking Garage has been added to the financial report presented to council for the first time. In terms of Assessing, staff has collected just under \$300 in the \$23,000 budget. He added that \$22,500 of the budget accounts for the State per parcel payments which will come in at the end of the year.

Mr. Leitz explained that it appears staff is way ahead on the Fire Department budget but is actually right on budget due to the lease revenues for the bucket truck. Mr. Leitz stated that the Police budget is not at the target year-to-date but noted that we weren't this time last year either. In Dispatch where the majority of the revenue comes from the contracts with the towns opposite is occurring.

Mr. Leitz explained that the Community Justice Center is grant driven and in most cases the grants are received up front. Staff has collected most of its revenue for the year and spent only three quarters of that revenue to date. The Recreation Department is also on budget. Day camp will be starting soon and attendance is already full. Mr. Leitz added that the Open Gym has also been drawing in great numbers.

Moving on to expenditures, Planning & Development is slightly over budget due to holiday decorations and some monitoring costs for the wells at Fonda. Both of those expenditures are budgeted higher in next year's budget. In terms of Debt Service, staff has paid 64% of the principal payments for the year and over 80% of the interest. Expenses for the Fire Department are slightly ahead of budget which is

largely salary driven and event driven. Police expenses are on budget and accruing some vacancy savings. The Community Justice Center is looking sound from an expenditure standpoint. Public Works is also on budget with some significant vacancy savings. On the capital side of Public Works, only one-third of the budget has been spent but staff will spend more as expenditures are booked. Mr. Leitz concluded that overall, the General Fund has a slight surplus. Mr. Leitz added that fountain donations are up to \$27,000. The Lake Street paving grant has been removed from the Public Works budget and the City Hall renovation is also being tracked separately.

In terms of the Water & Wastewater Funds, they have consistently been in surplus positions for the last several years and staff has no concerns.

10. Consider approval of revised Certificate of Highway Mileage (D&V).

Mr. Cloud explained that the certificate was approved last month but the agency sent the form for 2014 in error.

A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to approve revised Certificate of Highway Mileage. Vote was unanimous, 7-0.

11. Warrants: 1/26/15 & 2/6/15 (D&V).

A motion was made by Alderman Spooner; seconded by Alderman Doyle to approve warrants from 1/26/15 and 2/6/15. Vote was unanimous, 7-0.

12. Minutes: Reg. Meeting 1/12/15 & Special Meeting 1/28/15 (D&V).

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to approve minutes from 1/12/15. Vote was unanimous, 6-0 with Alderman Pelkey abstaining.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to approve minutes from 1/28/15 with correction. Mr. Corrigan noted that under item # 4 it reads, "Mr. Cloud responded affirmatively" but should read that he responded negatively. **Vote was unanimous, 6-0 with Alderman Pelkey abstaining.**

13. Other Business.

Ms. Krupp stated that dog licenses are due April 1st. A rabies clinic will be held at Walker's on March 28th from 10:00 am – 2:00 pm. She also received the first batch of absentee ballots today.

Mr. Spooner asked for an update on the officer that was injured. He also noted that he was on Fairfield Street attempting to travel down Lake Street and was the first vehicle stopped at the light and still couldn't make the light to turn down Lake Street. Mr. Sawyer asked if he didn't make it because there were already cars in the holding pen. Mr. Spooner responded affirmatively. Mr. Sawyer stated that there are plans to create more direction to drivers to not over stack the holding pen. He said by adding time to the cycle, will create more problems. Mr. Spooner thanked Mr. Robtoy and his team for the overtime they worked the last week and a half. Mr. Robtoy stated that at the end of the day, it is Brian Burns and his men who deserve the credit and have worked hard while being down by 3 men.

Mr. Doyle noted the new streetlights which are very different from the older ones and has requested specs from Green Mountain Power to follow up with residents about. He also noted that he collected 40 signatures yesterday from residents asking to prioritize Upper Welden Street for sidewalk improvements. He thanked the constituents in his ward as well as his parents for all of their support. Mr. Robtoy stated that he believes Upper Welden Street is on the tentative paving list for this summer.

14. Adjourn.

A motion was made by Alderman Pelkey; seconded by Alderman Doyle to adjourn meeting at 8:17 pm. Vote was unanimous, 7-0.

Respectfully Submitted,

Kristen Smith
Administrative Coordinator

Approved by Council