

**St. Albans City Council
Minutes of Meeting
Monday, July 9, 2012
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, July 9, 2012, in the Council Chambers at City Hall at 6:30 pm.

Council Present: Mayor Elizabeth Gamache; Aldermen: Richard Peters, Ryan Doyle, Chad Spooner, Tim Hawkins and Jeff Young.

Council Absent: None absent.

Staff Present: Dominic Cloud, City Manager; Peg Strait, Director of Finance and Administration; Chip Sawyer, Director of Planning and Development; Sue Krupp, City Clerk and Treasurer; Gary Taylor, Police Chief and Judy Dunn, Police Lieutenant.

Visitors: See attached sign-in sheet.

Executive Session I

A motion was made by Alderman Peters; seconded by Alderman Spooner to enter into Executive Session I at 5:30 pm, to consider civil matters where premature disclosure would clearly compromise the City. Vote was unanimous, 6-0.

A motion was made by Alderman Peters; seconded by Alderman Spooner to exit Executive Session I. Vote was unanimous, 6-0.

Open Session

1. Pledge of Allegiance. Mayor Gamache led the Pledge of allegiance at 6:34 pm.
2. Public Comment. No public comment was made.
3. Recognition of Police Department for Davis Death Investigation.
Mayor Gamache explained that the Davis Death investigation resulted in several arrests and involved a team effort by our police department. Chief Taylor reiterated that the Davis death investigation was a team effort by the entire City police department. The department spent \$36,000 in hourly pay to investigate this incident. Chief Taylor recognized Lieutenant Judy Dunn and Lieutenant Ron Hoague as well as Detective Sergeant Ben Couture who was the lead investigator in the case. He explained that their efforts resulted in five arrests and anticipates some additional arrests and charges in the case. Mayor Gamache thanked Chief Taylor for his effort and showed appreciation for his hard work.
4. Consider Ratification of Tentative Agreement with AFSCME (D&V).
Mr. Young explained that there were eight months of negotiations with AFSCME and believes the tentative agreement reached is a great agreement for the City as it is fair for both the City

and employees. In the agreement, the July 1 COLA will be 1% this year and 1.5% each of the next two years. Mr. Young explained that it was difficult to determine these percentages for this three-year contract so as not to pay more or less than we should down the road, and was a balancing act. Mr. Young added that there is an extensive step system in the contract with an automatic 1.5% (public works) or 2% (police and fire) pay increase on the employees' dates of hire in addition to the 1% and 1.5% COLAS. Mr. Young explained that the increases are generous and are almost exactly in line with what other municipalities are doing. He added that we "stood our ground," as the union was seeking an additional 3% on top of what was agreed upon. In regards to benefits, Mr. Young stated that there were no changes to the regular benefit package and expressed that we have an excellent policy for the employees.

Mr. Young explained that the initial months of negotiations were focused solely on the discussions surrounding the restructuring of the Fire Department. After much deliberation, settlements were made with employees which are expensive up front but will save the City money long-term. Mr. Young added that the agreement was well received by the Call Force. The Fire Department has a new management team in place which he believes will do well.

With regards to pay, Mr. Young explained that the tentative agreement includes changing from weekly to bi-weekly pay, with an option for employees to receive an additional week's pay initially if needed in order to ease the transition. There is also a new work schedule for the police department with the option of a 12 hour shift which is tentative and will be reviewed after 6 months to make sure it's effective. In terms of retirement, an amendment was made to reflect the membership of covered employees under the two City plans.

Mr. Young went on to say that as we invest more in the water and wastewater systems, there will be the need to change some job descriptions and managerial responsibilities which have been incorporated into the tentative agreement.

A motion was made by Alderman Young; seconded by Alderman Spooner to approve ratification of tentative agreement with AFSCME. Vote was unanimous, 6-0.

5. Adjourn for Liquor Control.

A motion was made by Alderman Young; seconded by Alderman O'Grady to recess out of regular session and commence as Liquor Control Board at 7:15 p.m. Vote was unanimous, 6-0. (See Liquor Control Board minutes).

Please note that adjournment for Liquor Control Board occurred subsequent to the discussion regarding Land Development Fees.

6. Clerk's Report.

Ms. Krupp explained that tax bills are coming out and residents should be receiving them within two weeks. In addition, water bills are due July 13th and absentee ballots for the primary should be received by July 14th. Ms. Krupp stated that the clerk's office was open to the public on Saturday, June 30th and advised that in the future, she will display upcoming Saturday office hours on the sandwich board outside City Hall so that people are aware.

7. Mayor's Report.

Mayor Gamache explained that she also had Mayor's hours on Saturday, June 30th and is hopeful that as the Saturday hours become better known, more people will come in.

8. Appointment to St. Albans Housing Authority (D&V).

Mayor Gamache explained that council appoints a representative to the St. Albans Housing Authority, which currently has two vacancies. She added that one applicant is present tonight and has received interest from another applicant but not within enough time for tonight's meeting and will fill the second vacant seat at a later time. Mayor Gamache introduced Claudia Donovan, Executive Director of the St. Albans City Housing Authority. Ms. Donovan stated that the Housing Authority currently has 85 vouchers under the program which are housing vouchers used to help low income families pay rent. She further explained that citizens of the City of St. Albans are given preference for those vouchers. There are currently three board members and they are looking for two vacant seats to be filled. Ms. Donovan introduced Chris Woodward who applied for one of the two vacant seats on the Housing Authority. Mr. Woodward lives and works in the City. He heard about the program and believes it would be a good experience and a great program to be a part of.

Alderman Spooner asked Ms. Donovan what the remaining terms are for both vacant seats. Ms. Donovan responded that she believes that one seat expires in 2013 and the other in 2014 and that a person serving on the board must be a law abiding citizen who resides in the City and/or within a six mile radius of the City.

Mayor Gamache asked what criteria are used to determine who is eligible for housing vouchers. Ms. Donovan explained that the individuals must be below 50% of median income. Qualified applicants are placed on a waiting list which opens annually. When an applicant's name comes up on the waiting list, a statewide criminal check is completed and the applicant cannot owe any debts to another housing authority. Ms. Donovan further explained that having a felony would not necessarily preclude someone from being eligible and that the Housing Authority would only prohibit someone on a lifetime sex registry or involved with the manufacture of methamphetamines and would additionally use the board's judgment on a case by case basis if there is any criminal background. Once a housing voucher is granted, the recipient has 60 days to find a housing unit and can spend no more than 40% of their adjusted income on housing. After a unit is found, the Housing Authority contacts the landlord and sets up an inspection and also conducts annual inspections of rented units. A contract is signed between the Housing Authority and the landlord and the landlord then signs a lease with the tenant. Payment for rent covered by the Housing Authority is typically direct deposited into the landlord's bank account with the tenant responsible for the remaining balance. Any increases or decreases in income must be reported to the Housing Authority so an adjustment can be made.

Mr. Spooner asked when the St. Albans Housing Authority meets. Ms. Donovan responded that they meet on the second Wednesday of each month at City Hall and Mr. Woodward confirmed that he will be able to attend those meetings.

A motion was made by Alderman Young; seconded by Alderman Spooner to appoint Chris Woodward to St. Albans Housing Authority to a term expiring November, 2014. Vote was unanimous, 6-0.

9. Consider Amendment to Land Development Fee Schedule to increase maximum daily penalty for land use violations from \$100 to \$200 (Chip Sawyer, Planning Director) (D&V).

Mr. Sawyer explained that in this year's session of the legislature there was an increase to the maximum fine limit for violations to a municipal zoning regulation from \$100 to \$200 effective July 1, 2012. Mr. Sawyer added that he is seeking council's approval to allow a zoning violation fine of \$200 for violations of our Land Development Regulations. Mr. Sawyer also explained that the fine for violations for parking in the setback is currently \$25 and \$100 for all other violations and is also requesting that both of those fines be doubled. Mr. Young asked Mr. Sawyer to define "setback." Mr. Sawyer responded that a setback area is the area between where the City's right of way ends and where the home owner can develop on his or her property. Included in the fines for violations are also waiver amounts for violations pursued through the Vermont Judicial Bureau. He went on to say that the amount of increase he is seeking for waiver amounts is \$35 for parking in the setback and \$125 for all other violations.

Mr. Sawyer added that our Zoning Administrator (ZA) has the option of pursuing violations either through the Environmental Court (EC) or the Judicial Bureau (JB). The JB option is often more effective in achieving compliance quickly; however, the City is required to set a Waiver Amount for violators to pay if they do not wish to contest the full fine before the JB. All violations are fined per violation per day with at least a 7 day time period before the violation kicks in. Discussion ensued about the process used to fine violators and the frequency of fines. Mr. Sawyer explained that the ZA first sends out a letter of inquiry to the resident to make them aware of the violation. The letter of inquiry states that if no action is taken within 7 days, a Notice of Violation will be sent and an additional 7 days must pass before a ticket is issued. Mr. Sawyer explained that not many fines have been issued, that the threat of the fine is working, and that the intent is to seek out chronic offenders.

Mr. Spooner asked if parking in the setback is different than parking in the greenbelt. Mr. Sawyer confirmed that is correct. Mr. Young asked if a boat or camper parked in the setback would be eligible for a fine. Mr. Sawyer confirmed that was correct. Mr. Doyle asked if the fee for all other violations would always be \$200 or if that was just the maximum that we would institute. Mr. Sawyer explained that the Zoning Administrator is going to be instructed to use the full \$200 and stated that he cannot think of a case in the past where there was a financial hardship for the person they were dealing with. Mr. Doyle asked for examples of some of the other violations. Mr. Sawyer stated that some examples would be a structure on someone's yard that is not approved or vinyl siding within the designated downtown, and further explained that once a resident is involved in the permitting process, they would not be fined. Mr. Young provided the example of someone building a deck without a permit or erecting a fence. Mr. Sawyer said that in that scenario, a resident would have to pay an extra fee because they got the permit after a structure was built or erected. Mr. Doyle stated that he would like to see the data supporting the number of people receiving fines for violations before approving the increased fine amounts. Mr. Hawkins stated that he has no sympathy for someone being fined as they receive adequate notice and have an opportunity to address the issue prior to being fined. Mr. Doyle asked Mr. Spooner if he would be willing to amend his motion to set the waiver amount at the old fee schedule. Mr. Spooner stated that his motion stands.

A motion was made by Alderman Spooner; seconded by Alderman Peters to approve the fine increase for violations of City Land Development Regulations as proposed. Vote was, 5-1, with Alderman Doyle opposed.

10. Update on TIF Process (Chip Sawyer).

Mr. Sawyer explained that our TIF proposal is before the Vermont Economic Progress Council (VEPC) and that the City hosted a meeting of the VEPC council a couple weeks ago that was very successful. The meeting included a staff presentation, testimony from public officials including the Mayor and council members, and was well received by the VEPC board. Mr. Sawyer stated that staff is responding to questions received from the VEPC board and their third party economists. Mr. Sawyer further explained that he will be attending the VEPC meeting in Montpelier on July 26, 2012 where our proposal will be discussed further. VEPC may give preliminary approval of the City's TIF at that meeting and any final details will be dealt with at their August 23rd meeting. In two months, it is very likely that we will have the TIF as a tool to be used for development in the City.

Mayor Gamache asked that Mr. Sawyer refresh council with what will happen next after approval. Mr. Sawyer explained that the baselines for property values in the TIF were already set in March based on the council vote. Next we will need to go before the voters with a debt ceiling vote. Part of our proposal is a compilation of all the public projects we'd like to accomplish in the City in order to jumpstart more private development with a price tag attached to those projects. The City will continue to pursue third-party funding, such as Federal funding and grants. The balance remaining is the amount to be funded through debt instruments that are then serviced by the TIF. The amount of debt to be issued will be put before the voters for approval. Additionally, Mr. Sawyer explained that we may soon be ready to put up a bond for one or more of these projects on our list. As we initially issue debt on one of our TIF projects, we can start capturing the increment of property value increases that are taxed with the State's Education Fund, which is where the City will receive most of its increment. Mr. Sawyer further explained that it will be prudent for the City to begin saving the State Education portion as soon as a project is shovel-ready.

Mr. Spooner added that it is important to know that City tax payers will not be paying for any of these projects and that the funds will be the result of a revenue stream from the Education fund.

Mr. Young asked Mr. Sawyer to confirm that once the debt ceiling is agreed upon in November, each bond issued for projects in the future must be brought before voters again. Mr. Sawyer confirmed that is correct and can only be done for the first 5 years. He went on to explain that paying attention to the cash flow of the TIF during the first 5 years is crucial as we do not want to bond for money that we are not receiving in the increment revenue. Mr. Young also asked how we protect ourselves so that we do not run into a giant deficit like other communities have with their TIF. Mr. Cloud explained that in the case of Milton, the TIF was doing so well that they did not need to borrow the money and paid for it with the cash rather than issuing bonds. The State auditor has taken a technical interpretation that the TIF statute does not contemplate being able to pay for projects with cash and therefore Milton had to make a repayment. Mr. Cloud further commented that we will benefit from learning where other communities went wrong. Mr. Hawkins stated that he is a strong supporter of the TIF.

Mayor Gamache reiterated that the timeline is important, that the opportunity is game changing for the City, and Council will continue to keep the community informed.

Mr. Young asked for examples of specific controls that the City has in place to ensure TIF will be successful. Mr. Cloud explained that the City has hired a professional appraisal firm to provide assessing assistance in addition to being audited annually by a third-party auditing firm. Mr. Young would like to see something put in place for the citizens as reassurance that everything has been done to ensure the system will work well.

11. Update on Transportation Enhancement Funding for Lake St. Streetscape Project (Chip Sawyer).

Mr. Sawyer explained that every year the City applies for VTrans funding that is packaged as the Transportation Enhancement Program and focuses on bicycle and pedestrian projects. The max is \$300,000 and there is a local match. This year, Mr. Sawyer explained that we are planning to apply to extend Streetscape treatments down Lake Street. With a focus on Main Street and Federal Street, Mr. Sawyer stated that we need to make the connection between the two using Lake Street. The first block of Lake Street between Main and Federal is our current focus. VTrans also brought back the bike pedestrian program, which is being considered for possible Streetscape funding. Mr. Young added that the enhancement money most recently funded the sidewalk in the park.

12. Board appointment policy clarification (D&V).

Mayor Gamache explained that board appointments were first discussed a few meetings ago and they are hoping to formalize a process that is currently in play. Mr. Cloud explained that the question he and the Mayor have been discussing is when does a vacancy occur? One interpretation is that a vacancy occurs at the expiration of every term and members who have been serving must reapply for their position. Another interpretation is that a vacancy occurs when someone steps down. Mr. Spooner and Mr. Hawkins both agreed that a vacancy should be defined as occurring at the end of a term. Mayor Gamache explained it is important to create opportunities for new energy to come onto City boards and committees. Mr. Spooner commented that without guidelines to notify the public of openings, interested parties would never know that an opening exists. Mr. Hawkins stated that the board itself should be responsible for providing notice to an individual whose term is to expire within 90 days that they must re-apply for the position if interested in continuing. Mayor Gamache agreed and stated that if we are consistent, this will become part of our normal practice. Mr. Doyle asked if there is a trigger for removing someone from a board. Mr. Cloud stated that each board has different statutory constraints.

With regard to the policy on board appointments which was adopted April 9, 2012, Mr. Young stated that he has an issue with the specificity of how long vacancies will be posted and would like to have an exact time frame in place; his preference is two weeks. Mr. Doyle commented that he would like to see a useful description included with each vacancy, and directions as to how to apply as a standing item posted on the City web page. Mayor Gamache said that as we launch our new website by the end of summer, we should be in a position to provide that type of information along with roles and responsibilities of boards and agrees that it would be very helpful to give people a sense of what the expectation is while serving on a particular board. Council decided to amend the current policy on board appointments adopted on April 9th, 2012 with amendments in "red."

1. A list of vacancies, **the description of duties** and directions for how to apply shall be a standing item posted on the City web page.

2. The list of vacancies shall be periodically distributed online through Front Porch Forum, Facebook, and/or other electronic media.
3. Prior to any appointments, notice of the vacancy shall be posted in a local newspaper, municipal building(s) and online **for two weeks**.
4. **A vacancy shall occur at the end of every term.**

A motion was made by Alderman Spooner; seconded by Alderman Young to accept the above amendment to the policy on board appointments. Vote was unanimous, 6-0.

13. Minutes (D&V).

a. 6/11/12 Regular Meeting.

Alderman Doyle stated that he believes J&L Services and possibly Charbonneau were also recognized by Ms. Viens for their services to the City pool, and he did not see them mentioned in the minutes. Mayor Gamache could not recall and stated that we could find out specifically and add those to the minutes if necessary.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to approve minutes from June 11, 2012. Vote was unanimous, 5-0 with Alderman Grady abstaining.

b. 6/26/12 Special Meeting.

A motion was made by Alderman Spooner; seconded by Alderman Doyle to approve minutes from June 26, 2012 Special Meeting. Vote was unanimous, 5-0 with Alderman Peters abstaining.

14. Warrants (D&V).

a. 6/6/12 (tabled previously).

A motion was made by Alderman Doyle; seconded by Alderman Young to approve warrants from June 6, 2012. Vote was unanimous, 6-0.

Mr. Spooner asked if check # 51367 referred to the City Pool. Ms. Strait explained it was for wastewater.

b. 6/20/12.

A motion was made by Alderman Doyle; seconded by Alderman Young to approve warrants from June 20, 2012. Vote was unanimous, 6-0.

c. 7/6/12.

Ms. Strait requested that warrants from 7/6/12 be tabled as one signature was missed.

A motion was made by Alderman Young; seconded by Alderman Hawkins to table warrant from 7/6/12. Vote was unanimous, 6-0.

15. Other Business.

Mr. Doyle asked if there were any DRB alternate openings. Mr. Sawyer explained that an ad was posted for two DRB alternates in the paper, on the City website, City facebook page and front porch forum with no applications received to date. Discussion ensued about using some creative forms of advertisement to help seek out interested parties. Mr. Sawyer explained that our main forms of advertisement are word of mouth, social media and the newspaper and stated that we could get our board members to recruit as well. Mr. Hawkins added that one does not need to have a college degree to become a member and Mr. Spooner added that one does not need to be a homeowner. Mr. Young stated that something could also be posted in the City Hall lobby.

Mayor Gamache stated that we currently have one vacancy on the Planning Commission and another vacancy pending. Additionally, a vacancy exists on the Housing Authority Board. Mr. Young announced that he has submitted his resignation on the City's Planning Commission, in addition to Laz Scangas, who has become the new Chairman of the Regional Planning Commission. Mr. Young is going to represent the Regional Planning Commission on the State Downtown Board and has agreed to work on the City's Finance Committee and Personnel Committee of Regional Planning.

Mr. Cloud explained that we have awarded façade grants in the amount of \$45,000 to come from the next disbursement of the Walmart funds after the developer has spent \$100,000 in building construction, which is anticipated to happen this summer. In addition, we have another \$100,000 that has already been received and will not be needed until the second phase of the Streetscape project in 2013. Mr. Cloud further explained that staff would like approval from council to take the \$45,000 from the \$100,000 of Walmart funds which was already received and will backfill the amount used for façade grants when the second installment of Walmart funds comes in. In the highly unlikely event that Walmart doesn't happen, we could backfill with revolving loan funds that the City has. Mr. Cloud stated the purpose behind this is to get these projects moving.

A motion was made by Alderman Spooner; seconded by Alderman Young to enable staff to use \$45,000 from the Walmart settlement that has already been received rather than to wait for the next disbursement. Vote was unanimous, 6-0.

Mr. Cloud explained that we have an existing credit card account with Bank of America under the Treasurer's name and he would like to move that account into the City Manager's name. The application to do so requires meeting minutes authorizing this account, naming the person authorized to submit the application and listing the authorized contact and cardholders. Mr. Young asked why we are choosing to do business with Bank of America rather than a local bank. Ms. Strait explained that we reached out to local banks that would authorize a cash card or debit card but not a credit card.

A motion as made by Alderman Young; seconded by Alderman O'Grady to follow the specifications in the letter from Bank of America as was addressed by Mr. Cloud. Vote was unanimous, 6-0.

Mr. Young commented that the Driscoll Drive project is complete and the Fairfield Street project will be completed Thursday. Also, the Civil War Reenactment will take place on July 21st and will be twice the size it was last year. Mr. Young explained that this event will be used as a preview for the 2014 event and will be looking at crowd control and parking issues to better prepare for

next year. Mr. Young would like to acknowledge Probation & Parole who has put in well over 100 hours of volunteer time in the park.

Mr. Spooner added that CVPS has removed the poles in the park.

Enter Executive Session II

A motion was made by Alderman Hawkins; seconded by Alderman Spooner at 8:17 pm to adjourn open session and enter into Executive Session II to evaluate a public officer. Vote was unanimous, 6-0.

A motion was made by Alderman Peters; seconded by Alderman O'Grady to exit Executive Session II and adjourn meeting. Vote was unanimous, 6-0.

Respectfully Submitted,

Kristen Knoff, Admin. Coordinator