

**St. Albans City Council
Minutes of Meeting
Monday, August 13, 2012
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, August 13, 2012, in the Council Chambers at City Hall at 6:30 pm.

Council Present: Mayor Elizabeth Gamache; Aldermen: Richard Peters, Ryan Doyle, Chad Spooner, Aaron O'Grady, 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; Josh Cox, City Health Officer and Fire Marshal; and Allen Robtoy, Director of Public Works.

Visitors: See attached sign-in sheet.

Executive Session

A motion was made by Alderman Young; seconded by Alderman Spooner to enter into Executive Session at 6:00 pm, to consider real estate options and negotiate a contract. Vote was unanimous, 6-0.

A motion was made by Alderman Young; seconded by Alderman Peters to exit Executive Session at 6:30 pm. Vote was unanimous, 6-0.

Open Session

1. Pledge of Allegiance. Mayor Gamache led the Pledge of allegiance at 6:42 pm.
2. Public Comment.
Mayor Gamache asked for a moment of silence to honor the life of Dr. John Carmola who made a profound impact in the community. Mayor Gamache added that she has received several suggestions from members of the community wishing to find ways to honor Dr. Carmola and will be looking into those ideas in the coming weeks. No public comment was made.
3. Interview Candidates for Boards and Commissions.
Mayor Gamache explained that there are vacancies on the Planning Commission, DRB (Development Review Board) and SACHA (St. Albans City Housing Authority) and stated that council will move through a series of questions for each of the candidates, aiming to drive consistency in the process so that the qualifications and interests of the candidates can be identified.

Mayor Gamache stated that the Planning Commission is appointed by the City Council and focuses on planning activities within the community which can range from being a conduit to community members on planning matters, holding public hearings to determine future needs of our municipality, conducting surveys, holding discussion forums and educating the public about current

issues. The Planning Commission is charged with bringing long-term perspective to day-to-day decision-making and must take care to represent all members and interests of the community. Above all else, Planning Commission members must always act in the public interest and put the general welfare of the community above any personal interests.

The following questions were asked of all Planning Commission candidates.

- In two or three sentences, please introduce yourself and describe why you would like to serve on the Planning Commission.
- What are two or three attributes of a strong planning commissioner?
- Is there a particular expertise or a recent experience you have had that leads you to apply?

A. Rebecca Pfeiffer (Planning).

Mayor Gamache introduced candidate Rebecca Pfeiffer, and asked her the abovementioned set of questions. Her responses to each question are as follows.

1. Ms. Pfeiffer explained that she has been a resident of the City for nearly 4 years and currently works for the State Agency of Natural Resources. Ms. Pfeiffer stated that she has much experience in other communities working with various boards and Selectboards in the capacity of planning and DRB. She added that there is a lot of positive energy and forward momentum in the City of St. Albans and would like to be a part of it.
2. Ms. Pfeiffer explained that the first important attribute of a strong planning commissioner is having a vision of where the City or community can go as well as being realistic about how you can get to that place in addition to setting goals for the future. She added that another important attribute is someone who can bring people together without being divisive.
3. Ms. Pfeiffer reiterated her experience with the State of Vermont and expressed interest in representing a piece of the community.

Mr. Young asked Ms. Pfeiffer what she does with the Agency of Natural Resources. Ms. Pfeiffer responded that she works in the Flood Plane Management Program, helping communities with their flood hazard regulations including the actual interpretation and application of the regulations as well helping communities in the planning efforts around the flooding hazards. Ms. Pfeiffer also stated that she has had experience with historic preservation and designated downtowns.

Mr. Spooner asked Ms. Pfeiffer if she works with the Regional Planning Commission and also asked if she would have any scheduling conflicts attending the monthly Planning Commission meetings which are held on the fourth Monday of each month. Ms. Pfeiffer stated that Regional Planning is one of the Agency of Natural Resources' biggest partners and has also worked at the Regional Planning Commission located in St. Albans. Ms. Pfeiffer added that she will not have any issue being available for the meetings.

B. Joshua Martin (Planning).

Mayor Gamache introduced candidate Joshua Martin. His responses to each question are as follows.

1. Mr. Martin explained that he is originally from St. Albans and recently relocated back to the City. He is interested in becoming a part of the board because he believes that having a solid master plan and solid execution on a board will help attract people to the City and would like to contribute toward that goal. Mr. Martin added that he believes the City currently has a comprehensive master plan in place and would like to keep the plan going forward and offer his ideas.
2. Mr. Martin stated that attributes of a strong planning commissioner include punctuality, being informative and includes someone who has their own ideas and is consistent with the guidelines in place.
3. Mr. Martin explained that he has visited City Hall numerous times and enjoys the energy and people that make up the community and was also pleasantly surprised how progressive St. Albans has become since relocating.

Mr. Doyle asked Mr. Martin if he is familiar with form-based codes. Mr. Martin responded that he has some understanding. Mr. Doyle proceeded to ask Mr. Martin to describe his background in architecture and design. Mr. Martin responded that prior to attending law school he attended school to become an architect and also has experience with construction and the preservation of historic structures. Mr. Martin further explained that he has experience with permitting while working on a DRB in New Orleans and learned the importance of having guidelines in place to promote fairness and efficiency.

C. Sharon Holcomb (Planning).

Mayor Gamache introduced candidate Sharon Holcomb. Her responses to each question are as follows.

1. Ms. Holcomb explained that she is a merchant business owner downtown and has lived in the City for more than 30 years and would like to be on the board to help inform other merchants of the importance and ease of updating store fronts and the tremendous return that it provides.
2. Ms. Holcomb stated that she recently read the Municipal Plan to educate herself about the role of the Planning Commission and would like to provide her ideas to create the “vibrant downtown” outlined in the Plan.
3. Ms. Holcomb stated that it would be important to have a merchant owner on the committee so that the voice of the merchants can be heard and added that she has ideas that she would like to contribute.

D. David Barber (Planning).

Mayor Gamache introduced candidate David Barber. His responses to each question are as follows.

1. Mr. Barber stated that he was born in St. Albans and has been a resident of Ward 6 for almost 3 years. He is a graduate of Johnson State College and currently works at Pottery Barn. Mr. Barber explained that he believes community service is important and a great way

to give back and believes St. Albans has a lot of potential but needs people that will take more of an active role.

2. Mr. Barber stated that attributes of a strong planning commissioner include someone with knowledge and familiarity with planning concepts and terminology, an institutional memory, a strong sense of place, important to have a vision, ideas for development, passion, enthusiasm, being committed to fairness, willing to listen and attention to detail.
3. Mr. Barber explained that he served one term on Burlington's Design Review Board, completed a graduate level course on historic preservation at UVM, was a member of the Chittenden County Historical Society, worked for the City of Burlington for 9 years in Parks & Recreation, attended Create St. Albans Design, Federal Street By-Pass meetings, form-based zoning and sidewalk meeting, has written articles in the Messenger about various projects of interest such as St. Albans House and is an avid reader and local history buff.

Mr. Doyle explained that the Planning Commission does a lot of work with by-laws and asked if he would be interested in that aspect of planning and also asked if he could be succinct when necessary. Mr. Barber explained that he understands that there are timelines involved and is a supporter of form-based codes.

E. Michael Nicholas (Planning).

Mayor Gamache introduced candidate, Michael Nicholas. His responses to each question are as follows.

1. Mr. Nicholas explained that he and his wife have three children and purchased a home in the City last year. He would like to help the City progress while maintaining the hometown feel that he felt when he first arrived here.
2. Mr. Nicholas stated that attributes of a strong planning commissioner include someone who is involved, trustworthy, fair, willing to learn, can listen and be understanding, someone who is committed and can take pride in themselves, their work and their City, and someone who can establish a rapport with the public and fellow commissioners.
3. Mr. Nicholas stated that has always wanted to be involved in his community and a part of the process, has worked in positions of management and with the public and wants to work with the City to help maintain and enhance its beauty and hometown feel.

F. Michael Smith (Planning).

Mayor Gamache introduced candidate, Mike Smith. His responses to each question are as follows.

1. Mr. Smith explained that he was born and raised in St. Albans. He is passionate about the City and has owned and renovated a number of homes and a business in St. Albans since graduating from St. Michael's College. He would like to see the City grow and prosper and has a good vision for what would be beneficial to the City.

2. Mr. Smith stated that the most important attribute of a strong planning commissioner includes a clear vision of where the City can go five to ten years down the road and the ability to develop strong, fair by-laws that help nurture that vision.
3. Mr. Smith stated that he is converting a triplex on Messenger Street back to a single family and working on his own home on Bank Street and is interested in the restoration of residential properties in the City.

Mr. Doyle asked if he has been following the Planning Commission's discussions on the form-based codes. Mr. Smith responded that he works in Burlington and is also involved with the Recreation department and unfortunately has not kept up with that discussion. Mr. Smith also noted that he has served on the Chamber of Commerce and Hard'ack board.

Mr. Spooner asked if Mr. Smith would have the time to devote to the Planning Commission. Mr. Smith responded that he would be available, is passionate about the City, feels that there is huge potential and would like to be a part of it.

Mayor Gamache mentioned that later in the meeting, appointments will be made and asked if there was any public comment thus far. Chris Dermody, Chair of the Planning Commission, thanked the candidates for attending and appreciated their enthusiasm. Mayor Gamache also expressed her thanks to the candidates and their willingness to serve and interview in an open process. Mr. Young added that he was astounded by the quality of the candidates and encouraged anyone who is not appointed to attend the meetings and stay involved. Mayor Gamache also added that there will be more opportunities in the future. Mr. Barber asked if he had missed the greenbelt meeting. Mr. Spooner explained that it has not yet taken place.

The following questions were asked of all Development Review Board candidates.

- In two or three sentences, please introduce yourself and describe why you would like to serve on the Development Review Board.
- What are two or three attributes of a strong DRB member?
- Which is more important when reviewing an application: applying the regulations or the overall quality of the project?

G. Rebecca Pfeiffer (DRB).

Mayor Gamache introduced candidate Rebecca Pfeiffer. Her responses to each question are as follows.

1. Mayor Gamache asked Ms. Pfeiffer if there was anything that distinguishes her interest in the DRB from the Planning Commission. Ms. Pfeiffer stated that the technical nature and literal interpretation of by-laws led her to be more interested in the DRB and is what she has experience with in her career.
2. (Response is a combination of questions two and three). Ms. Pfeiffer explained that the law always applies but one of the strengths of a good DRB member is the ability to meet the intent of the spirit while maintaining and following the letter of the law. Ms. Pfeiffer stated that she enjoys working through that process and that the quality of a permit should far

outweigh the amount of permits issued. She added that her technical background working with other communities and being familiar with the process would make her a good fit for the position.

H. Edward Klingler, Jr. (DRB).

Mayor Gamache introduced candidate Edward Klingler. His responses to each question are as follows.

1. Mr. Klingler explained that he has worked most of his life as an airline pilot, ran a chimney sweep business for 15 years and moved to St. Albans about 5 years ago. He is very excited about the expansion taking place in the City and is his goal to ensure that the DRB is accessible to the public and that their voices are heard. Mr. Klingler added that he has an extensive volunteer background, is an advocate of CareNet Pregnancy Services, worked on the Champlain Valley Advocacy team and ran for selectman in Johnson in the 1980's.
2. Mr. Klingler stated that he has legal experience and is currently a paralegal. In addition, Mr. Klingler added that he has the attributes of a good DRB member because he is honest and would like to represent the voice of the average citizen while contributing to improvements in zoning.
3. Mr. Klingler responded that regulations must always be adhered to but should always go hand in hand with the quality of work and added that there are times where regulations can be legally amended but strongly believes that the law is the law and must be abided to as a basic framework.

Mr. Young asked Mr. Klingler if he is familiar with the Federal Street By-Pass Project. Mr. Klingler responded that there is a lot of potential and is a strong supporter and would like to learn more about it.

I. Kim Gross (DRB).

Mayor Gamache introduced candidate, Kim Gross. Her responses to each question are as follows.

1. Ms. Gross explained that she was born and raised in St. Albans and feels responsible to give back to her community having served on various City boards in the past. Ms. Gross added that she graduated from UVM as an adult with a Bachelor's degree in Business Administration focusing in Marketing and has been a Federal Law Enforcement Officer, interpreting and applying a wide variety of laws. She previously served on the DRB until it was discovered that her term expired.
2. Ms. Gross stated that important attributes of a strong DRB member include someone who is fair and impartial, has the ability to apply the law with common sense, someone who wants to make improvements and preserve the goodness in the City and feels the board should be varied.
3. Ms. Gross responded that applying the law is the bottom line but believes that there are times when an innovative plan could be adapted to and believes an underdeveloped plan

deserves as much consideration as an advanced plan. She feels that the board should be willing to hear suggestions and customer service and communication is very important.

Mr. Hawkins explained that he recalls Ms. Gross' work previously inhibited her from attending some of the meetings and asked if that would be an issue if she was appointed again. Ms. Gross explained that she is taking classes which would not interfere and neither would her work.

Chair of the DRB, Megan Manahan, expressed her thanks to the applicants for coming.

The following questions were asked of all Development Review Board candidates.

- In two or three sentences, please introduce yourself and describe why you would like to serve on the St. Albans Housing Authority.
- What are two or three attributes of a strong Housing Authority member?
- Do you have any experience with subsidized housing programs?

J. Tayt Brooks (Housing Authority).

Mayor Gamache introduced candidate Tayt Brooks. His responses to each question are as follows.

Mr. Spooner stated that he would like to make full disclosure that his wife sits on the St. Albans Housing Authority, though he does not believe this creates a conflict of interest for him.

1. Mr. Brooks explained that he has an extensive housing background and believes that housing is an important aspect for individuals and feels that the Housing Authority fills a very critical need. He has been engaged civically at the local and state level and wants the opportunity to give back.
2. Mr. Brooks responded that it is important to be active and engaged and feels very passionately about housing and community development.
3. Mr. Brooks explained that he acted as Deputy Commissioner and later, Commissioner for Governor Douglas. During that time, he was Chair of the Vermont Housing Council and gained experience working with Housing Conservation Boards such as Champlain Housing Trust and the Vermont State Housing Authority. There, Mr. Brooks added that he had the opportunity to talk about the Section 8 program.

Mr. Spooner asked if he has ever owned his own rental properties. Mr. Brooks responded that he has not.

Mr. Doyle asked Mr. Brooks what types of decisions the Housing Authority makes. Mr. Brooks explained that the function is to assist staff in reviewing applicants of Section 8 vouchers. Mr. Brooks further explained that sometimes the vouchers are distributed directly to the landlord and sometimes directly to the renter depending on how the program is set up.

4. Adjourn for Liquor Control.

A motion was made by Alderman Spooner; seconded by Alderman Young to recess out of regular session and commence as Liquor Control Board at 7:49 p.m. Vote was unanimous, 6-0. (See Liquor Control Board minutes).

5. Todd Minor: Appeal of Emergency Health Order/Hearing on Proposed Health Order (D&V).

A. Procedural Overview: Dominic Cloud, City Manager.

Mr. Cloud explained that the City issued an emergency health order on 172 North Main Street a week ago which is warranted by the Health Officer when there is a time sensitive, public health threat. Mr. Minor, the property owner, later appealed that health order. Given the actions that had occurred in the ensuing time period, Mr. Cloud explained that the Health officer thought the most egregious health violations had been ratified and the emergency health order was reduced to a regular health order and therefore granted Mr. Minor the appeal which he timely filed and has been rescinded. Mr. Cloud further explained that tonight's topic is in regards to the hearing and Notice of Intent to seek a Health Order which is required by State law to be served by the Health Officer and was executed on Friday, August 10th.

B. Todd Minor, Property Owner.

Mr. Minor stated that he does not disagree with the revised health order and is present amongst his tenants based on the manner that the tenants were treated when the health order was first issued. Mr. Minor explained that he initially contacted Josh Cox for an inspection and support because he had a problem with an occupant who refused to leave and was causing destruction to the unit. Mr. Minor stated that 4 of his 6 tenants are present and would like to make sure they are informed of the current situation as they were alarmed when told they must vacate their homes immediately. Mr. Minor added that two years prior, the building was inspected by an electrician and deemed safe of fire hazard. Mayor Gamache reiterated that the emergency health order was rescinded and the items outlined in the intent to seek a health order have been identified and are being addressed with time frames of 14 to 45 days to be completed. Mr. Minor stated that he expects to meet the deadline.

C. Josh Cox, City Health Officer and Fire Marshal.

Mr. Cox provided the following timeline in regards to contact with Mr. Minor and inspection of his property.

On July 31st, Mr. Cox explained that Mr. Minor came to the Fire Station to report destruction in Unit # 5 of his building caused by an occupant named Adam Weaver. Mr. Minor stated that Mr. Weaver was not a legal tenant and stated that the occupant had made physical threats toward Mr. Minor which had previously been addressed with the police department. Mr. Minor requested that the Fire Department inspect his building. On that same day, with the accompaniment of a police officer, Mr. Cox and Captain Matt Mulheron visited Mr. Minor's building at 172 North Main Street. Mr. Cox stated that Mr. Weaver and an unidentified male were present in Unit # 5. Upon inspection of that unit, Mr. Cox discovered numerous holes in the walls, kitchen floor and ceiling, an electrical extension cord hanging from a hole in the ceiling which was later cut in half and pushed back into the ceiling by Mr. Weaver, all smoke and carbon monoxide alarms had been removed, electrical wires exposed

from a light fixture, the fire extinguisher was inoperable, the front door and an exterior window were missing panes of glass, exterior front steps to an apartment were damaged and did not appear structurally sound, the bathroom sink was cracked and leaking, the boilers in the building were past due inspection and the handrail on the stairs was missing. No other tenants allowed Mr. Cox entry on that date. Mr. Minor stated that he would notify his tenants of a future inspection of all apartments by Mr. Cox.

On August 1st, Am Care visited the Fire Station to express concerns regarding the living conditions they found inside 172 N. Main Street with no knowledge of Mr. Cox's visit the previous day and stated that the living conditions were unsafe and unsanitary. On that same day, Mr. Cox, Captain Mulheron, Mr. Minor and a police officer were allowed entry into the remaining 6 apartments at 172 N. Main Street for inspection. Numerous violations of the VT Residential Housing Code, VT Fire & Public Safety Code and Public Health & Safety ordinance of the City of St. Albans were found and declared the building to be a dangerous structure. Preceding inspection, Mr. Cox contacted CVOEO (Champlain Valley Office of Economic Opportunity), also known as Community Action, to advise them that there were approximately 20 people who would be in need of emergency housing assistance. Community Action stated that there was a sufficient amount of funding available.

On August 2nd, Mr. Cox explained that he, Chief Miller and firefighter Holmes posted the dangerous building declarations near all entrances to the building, spoke with several tenants informing them of the declaration and urged them to contact Community Action for housing assistance.

On August 9th, the dangerous building declaration was reduced as Mr. Minor had initiated corrective actions on many of the violations identified since July 31st.

Mr. Cox proceeded to present a slideshow of photos showing the violations found in Mr. Minor's building.

Mr. Cox stated that he requests the Board of Health (City Council) issue the proposed health order with the condition that a licensed, master electrician must repair the building's electrical system within 14 days of this order given the acute threat to all persons residing in the building and also requested that the order to vacate be granted should the repairs not be made. Mr. Doyle asked Mr. Cox to confirm that only the electrical violations mentioned were the items that must be repaired within 14 days. Mr. Cox responded in the affirmative and stated that there are still other violations of the State Fire Code and VT Legal Housing Code that will be enforced but are not part of this Health Order.

Mr. Minor stated that upon the initial inspection, all public areas in the building have been removed of debris and cleaned and will enforce that the insides of apartments be kept clean as well. He added that holes have been patched and handrails have been installed.

Mayor Gamache stated that she noticed some non-electrical violations in the Health Order such as an egress violation that outlines a door that must be replaced within 45 days of the order, and of the electrical violations. Mr. Cox responded that all of the acute issues in the health order are electrical and have been given a time frame of 14 days to correct while other violations, such as the egress issue, state that Mr. Minor has 45 days from the date of order to correct.

Jessica Radbord, an attorney for Vermont Legal Aid, introduced herself and stated that she works with tenants living in sub-standard housing. She explained that her services are free and sometimes tenants are hesitant to be represented by VT Legal Aid because they worry about finding housing or are worried about other repercussions that could come back to them. She further explained that it is advantageous when a City seeks a health order because a tenant then does not have to step forward and go to the court for the same process.

Mr. Young asked Mr. Cox how a building such as Mr. Minor's, gets to such an extreme state and asked if the City has the right to inspect any building. Mr. Cox responded that the ordinance states that any trustworthy person having concern over the safety of a building, grants the Fire Marshal and Chief the right to investigate. Mr. Cox further explained that his authority to enter a building depends on the danger and threat at hand and in terms of inspection, VT statute defines most buildings to be public buildings with the exception of single family homes and certain other circumstances.

Mr. Cloud stated that the City has a proactive inspection program which ensures that buildings be inspected on a regular cycle, and in addition, responses are made to specific complaints.

Mr. Spooner asked how many days the landlord must give notice to a tenant before he or she can enter. Ms. Radbord responded that a landlord must give a reasonable amount of notice and that there is no specific number of days. Mr. Spooner commented on the importance of a landlord holding their tenants accountable for the condition of the apartments they reside in and conducting routine inspections on their own.

Mr. Peters asked Mr. Cox if the plumbing was also inspected. Mr. Cox responded that VT Legal Housing Code states that all plumbing systems must function properly and that it appeared to be working.

Mr. Hawkins asked Mr. Cox if he had any reason to believe that Mr. Minor would not address some of the violations mentioned in the Health Order. Mr. Cox responded that he does not have any reason to believe they will not be addressed. Mr. Hawkins also asked Mr. Cox if the tenants would be forced to vacate in the position that Mr. Minor finds the electrical work to be delayed. Mr. Cox responded that the integrity of the electrical system remains unknown and will be dependent on an electrical survey conducted by a master electrician. Mr. Minor confirmed that the electrical survey has been completed.

Eric Curtis, a tenant of the building, asked what right the City police have to enter the building and alarm tenants. Mayor Gamache stated that the severity of the situation raises issues with the safety of all of the tenants in the building.

Acting as the Local Board of Health, a motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve the Fire Marshall's request to seek a health order pursuant to his letter of intent dated August 9, 2012. Vote was unanimous, 6-0.

6. Technical Amendment to Parcels Included in Proposed Tax Increment Financing District (Chip Sawyer) (D&V).

Mr. Sawyer explained that some parcels within the proposed TIF district were left out in error. The City's Assessor recently discovered that GIS errors from the beginning of the City's TIF proposal

process omitted parcels within the proposed TIF boundaries. Mr. Sawyer went over the tax map, street by street and identified 49 parcels to be added. Mr. Sawyer reiterated the importance of having an accurate list of parcels as it is the list that makes up the TIF district and would shift the TIF District property baseline upward. Mr. Sawyer added that he is looking for a motion from council to approve the revised list.

Mr. Doyle questioned why some of the parcels being added to the list have a different 911 address located outside the City. Mr. Sawyer explained that those addresses are the mailing addresses of the owner, not the physical address of the property. Mr. Doyle also asked Mr. Sawyer who compiled the list of parcels. Mr. Sawyer stated that the initial list was compiled by the NRPC (Northwest Regional Planning Commission).

Mayor Gamache asked how the additions would affect the baseline. Mr. Sawyer stated that it would only affect it once the TIF was established but an accurate baseline is necessary as a starting point. Mr. Sawyer added that properties will need to be tracked as they merge and split, such as the Co-op.

Mr. Young stated that a lot of the properties are residential and asked if a homeowner added an addition to their home, would it increase the value. Mr. Sawyer confirmed that was correct, however, the TIF district focuses mostly on the commercial development aspect. With a successful commercial core, the City's entire grand list will benefit and the State will realize the education tax revenues by properties that are located in the City outside the TIF district.

Mr. Young asked if there was an update on the approval of TIF. Mr. Sawyer explained that it will go before VEPC on August 30th and likely be approved at that meeting.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve technical amendment to parcels included in proposed tax increment financing district. Vote was unanimous, 6-0.

Mayor Gamache stated that for the sake of time, Board Applicants would be addressed next and asked council to rank the applicants based on their interviews from 1 to 6 for Planning Commission, 1 to 3 for DRB and just 1 for the St. Albans Housing Authority with the highest rank being the highest number. Announcements of applicants appointed will take place later in open session.

7. Public Hearing and First Reading of Proposed Revisions to City Land Development Regulations: Sections 202, 304 and addition of 415 (Chip Sawyer).

Mr. Sawyer explained that the Planning Commission has been working on some updates that focus on definitions of Automobile Service Stations, Convenience Stores and Motor Vehicle Fuel Sales. Mr. Sawyer further explained that they have proposed some amendments to separate the definitions of each, given their own consideration on their principal uses and added some design considerations to gas stations in the central business district.

Mr. Sawyer stated that changes proposed to the St. Albans City Land Use Development Regulations include changes to Section 202, 304, and a proposed addition to Section 415. In Section 202, the word "motor vehicle" would replace the term, "automotive" or "automobile." An addition to the term "Motor Vehicle Service Station" would also include, "the definition of this use does not include other uses, such as a motor vehicle fuel sales or a convenience store." Under the term, "Convenience Store," "including the sale of gasoline, oil and related products" would be removed

from the definition and “The definition of this use does not include other uses, such as motor vehicle fuel sales or motor vehicle service” would be added. Mr. Sawyer explained that a new term, “Motor Vehicle Fuel Sales” is proposed and the definition includes, “Any structure, device, or land use intended to be used for the on-premises sale and dispensing of fuel products to motor vehicles. The definition of this use does not include other uses, such as motor vehicle service or a convenience store.”

Under Section 304, changes include revisions to how specific uses are listed in the Permitted and Conditional Uses table and in which districts they are conditional or permitted with the purpose of allowing each of the uses affected to be considered singularly. The affected uses are Automobile Service Station, Automotive Body and Repair Shop, Motor Vehicle Fuel Sales, and Sales and rental of goods, merchandise and equipment within a fully enclosed building. Mr. Sawyer stated that anything permitted can be approved directly by the Zoning Administrator whereas anything conditional would require an appearance before the DRB for approval.

In regards to Section 414, Mr. Sawyer stated that this proposed addition is for the B1 (Business 1) district only. The purpose of this section is to implement special design and form standards in the Central Business (B1) District and ensure that Motor Vehicle Fuel Sales uses conform to the character of the district. Mr. Sawyer stated that everything we are doing in our downtown is focused on its character, its walkability, its multi-modal focuses in that it serves vehicles and pedestrians alike and that car center uses are not part of the City’s vision for the downtown, B1 area. Mr. Sawyer further explained that the Planning Commission has previously discussed how easy it is in comparison to other municipalities to propose a gas station and go through conditional use review in the City and has discussed ways to address that concern without removing the ability for someone to have a use anywhere in the City. Mr. Sawyer reiterated that an applicant for a gas station in the B1 district will need to meet design considerations so the B1 district maintains its focus on that pedestrian feel.

Mr. Sawyer stated that the following design standards are proposed under Section 304 in the B1 District.

1. A primary entrance to the principal use shall be maintained along the frontage of the property.
2. Fuel pumps and other motor vehicle servicing equipment and vehicle shelter canopies shall only be an accessory use to some other principal use.
3. Detached vehicle shelter canopies are prohibited.
4. Attached vehicle shelter canopies are allowed. The height of an attached vehicle shelter canopy shall not exceed the height of the principal building that it is attached to so they do not become the prominent feature on the lot.
5. The roof design of an attached shelter canopy shall be the same as the roof design of the building it is attached to so that architecturally, everything flows.
6. Fuel pumps and other motor vehicle servicing equipment shall be located away from all frontages and behind the principal structure(s).

Mr. Sawyer proceeded to show a slideshow of images displaying the abovementioned design standards.

Mr. Barber stated that he recently read that many gas station owners own the buildings but not the pumps and asked if they would still need to adhere to these design standards. Mr.

Sawyer responded that it is his understanding that a gas station owner may not own the pumps but would still decide where the pumps are to be located.

Mayor Gamache stated that Board Appointments, agenda item # 13, would come next followed by agenda item # 8.

8. Public Hearing on Applications to the VTrans Bicycle & Pedestrian Program and Transportation Enhancements Program to Construct Streetscape Improvements on Lake Street (Chip Sawyer).

Mr. Sawyer explained that funding for the Transportation Enhancements consists of Federal money administered by VTrans with the top award typically around \$300,000. He added that the City has a solid track record with attracting that money toward projects and that the program was recently changed by the new transportation bill approved in Washington D.C. this year. The Transportation Enhancements program has been put on temporary hiatus and will return as the Transportation Alternatives Program. The City intends to use both of these programs once available as funding for the Streetscape Improvements on Lake Street, beginning with the upper block.

Mr. Sawyer further explained that the VTrans Bicycle & Pedestrian Program is a program that was just brought back and the application is due on August 24th. He added that even with the recent \$300,000 in Federal funding, and an additional \$75,000 in State funding, the City will need more money. Mr. Sawyer added that even with the impending approval of the TIF district which will bring in new municipal debt instruments used to pay for projects such as these, the TIF proposal did include that the City would continue to find as much Federal funding as possible for projects.

Mr. Sawyer stated that he is required to hold this portion of the meeting to announce the City's intent to seek these funds and to allow for any public comment. Mr. Young questioned whether the funds would be used for just the upper portion of Lake Street or other portions as well. Mr. Sawyer responded that the funding will be used toward the upper portion of Lake Street between Main Street and Federal Street and the intersection of Lake and Main which would be covered by phase one of Streetscape, as well as the intersection of Federal and Lake which would be covered by the Federal Street Multi-Modal Connector. He added that this project will improve the sidewalk and will add to the current streetscape design and continue the design down Lake Street. In addition to new sidewalks, improvements would include brick pavers, pedestrian lighting, trees and a crosswalk bump-out.

9. Consider Draft List of Council Priorities (D&V).

Mayor Gamache explained that a list of priorities was identified and compiled from a work session several months ago and is being presented tonight for a formal approval. Mr. Cloud stated that he notices that there are some items missing from this list, he would like to address at a future meeting. Mayor Gamache responded that the list can be considered a draft and will be addressed at the next council meeting. Mr. Hawkins added that he would like something included that addresses how council will monitor the list and check in to ensure the goals are being followed.

10. Consider Approval of Revised City Logo (D&V).

Mr. Sawyer explained that staff has engaged in a vigorous and very beneficial public process including presentations at City council meetings with an Ad Hoc Committee formed along input from the Downtown Board for design and branding efforts. Mr. Sawyer stated that the logo chosen is a stylized Maple leaf design that was brought forth by the consultant in green with a certain font for

“Saint Albans” and “Vermont” in italics. The logo was previously presented to City Council who approved the basic idea but requested more size and color options. That draft logo was then published in regional newspapers where members of the public stressed the preference for a silver maple leaf and not a sugar maple leaf. The draft logo was then edited by the consultant to reflect the sugar maple leaf in green and also provided the same logo with an orange color that reflects autumn and a light crystal blue color for winter. Mr. Sawyer stated that he is looking for approval of the green logo and permission to use the autumn and winter logo when needed.

Mr. Doyle stated that overall he is happy with the logo but concerned about the font used for the word, “Vermont,” indicating that it is not very clear to read.

Mr. Young stated that having sat on the committee working on the logo; he realizes that it is difficult for everyone to agree on every aspect of the logo chosen but feels the logo presented is a great compromise and we need to move forward. Mayor Gamache added that she feels we came up with a strong logo.

Mr. Hawkins expressed his desire for something more traditional but agreed with Mr. Young that the logo is a real compromise and that we need to make a selection and move forward.

A motion was made by Alderman Young; seconded by Alderman Spooner to approve the revised City logo as presented. Vote was unanimous, 6-0.

11. Consider updates to FY 13 Street and Sidewalk Project List (Dominic Cloud, City Manager) (D&V).

Mr. Cloud explained that staff has proceeded to implement the street and sidewalk project list and should have enough money in the paving and street improvement budgets to cold plane Bank Street down to Church instead of stopping at High Street. Mr. Cloud further explained that when the committee approved the project list, staff appropriated planning and design funds for the Diamond Street sidewalk; however this project requires minimal design and needs substantial reconstruction.

Based on the abovementioned changes to paving and sidewalks, Mr. Cloud explained that staff is proposing to postpone the Cedar Street sidewalk project until next summer (FY 14) and use those funds for a sidewalk project on the West side of Barlow (from Welden to Diamond) and the North side of Lincoln.

Mr. Young stated that in addition to the sidewalk issues on Diamond Street, there are also problems with the curbs and green space that needs to be reduced. Mr. Robtoy stated that he believes the project will be a challenge but the North side of Diamond is not nearly as challenging as the South side.

A motion was made by Alderman Spooner; seconded by Alderman Doyle to approve the updates to the FY 13 Street and Sidewalk Project List. Vote was unanimous, 6-0.

12. Financial Report (Peg Strait).

Ms. Strait stated that the financial statement represents the financial position for the three major funds through the end of the twelve month fiscal period that ended June 30th. Ms. Strait added that all of the expenses that come in this July and August that pertain to the fiscal year that ended on June 30th will be booked in the audited financial statements so both income and expenditures will be slightly higher and Water and Wastewater as Enterprise funds are reported internally and externally

on a full accrual basis. Ms. Strait further explained that the revenue is the total that we will see in the audit and there will be some extra expenses that come in between now and field work which will be more than offset by the capital items that will be moved up to the balance sheet in the asset section.

Ms. Strait explained that there are two major exceptions on the revenue side in the General Fund. The first is under Planning & Development for an \$80,000 permit fee for Mylan and the second exception is the \$97,000 grant from the State of Vermont for highway paving. That revenue, however, is offset by the paving that actually took place. Ms. Strait added that total revenue at the end of June came in at 100.6% of budget and expenditures came in at 100.9% of budget, leaving a slight deficit of about \$20,000. Some of the expenditures, however, were covered by revenue of previous fiscal years that was set aside in reserves which ultimately leaves a comfortable surplus on a cash basis in the General Fund at the end of June.

Ms. Strait explained that on the expense side, water and wastewater realized some vacancy savings and reallocation of personnel leaving a very comfortable surplus prior to depreciation.

Ms. Strait stated that the audit field work is scheduled for the last week in September and the first week in October and will report to council once the audit is received on the balance sheet and revenue and expense trends and ratios. She added that looking at them preliminarily at the end of June, they all look very healthy as they have been for the past three years.

Mayor Gamache thanked Ms. Strait for the excellent budget management. Ms. Strait responded that it has been a team effort amongst the City Manager and department heads. Ms. Strait stated that she hopes to have the audit by the end of November.

Mayor Gamache stated that she would like to move onto to warrant and minute approvals, agenda item # 16 and # 17 before proceeding to agenda item # 15, Other Business.

13. Board Appointments (D&V).

Mayor Gamache explained that the results of board appointments are compiled and will share the results based on the rankings, followed by a motion which could be based on the rankings and/or public comment and will ultimately vote on the motion made. Mr. Young mentioned that the first and second DRB Alternates would need to be distinguished.

Mayor Gamache announced the following applicants and their ranking for Planning Commission:

Rebecca Pfeiffer (20), Joshua Martin (24), Sharon Holcomb (17), David Barber (30), Michael Nicholas (22) and Mike Smith (34). Mr. Hawkins confirmed that Mike Smith received the highest ranking followed by David Barber.

A. First Planning Commission seat expiring 12/31/2013.

A motion was made by Alderman Hawkins; seconded by Alderman Young to appoint Michael Smith to the first Planning Commission with seat expiring 12/31/2013. Vote was unanimous, 5-1 with Alderman Doyle opposed.

B. Second Planning Commission seat expiring 12/31/2013.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to appoint David Barber to the second Planning Commission with seat expiring 12/31/2013. Vote was unanimous, 6-0.

- C. One seat on St. Albans Housing Authority expiring 11/30/2014.

A motion was made by Alderman Spooner; seconded by Alderman Doyle to appoint Tayt Brooks to the St. Albans Housing Authority with seat expiring 11/30/2014. Vote was unanimous, 6-0.

Mayor Gamache announced the following applicants and their ranking for DRB Alternates:

Rebecca Pfeiffer (20), Ed Klingler (11) and Kim Gross (11).

- D. First DRB Alternate seat expiring 12/31/2015.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to appoint Rebecca Pfeiffer as the first DRB Alternate with seat expiring 12/31/2015. Vote was unanimous, 6-0.

- E. Second DRB Alternate seat expiring 12/31/2015.

A motion was made by Alderman Doyle; seconded by Alderman Spooner to appoint Edward Klingler as the second DRB Alternate with seat expiring 12/31/2015. Vote was unanimous, 5-1 with Alderman Young opposed.

Mayor Gamache again thanked the applicants for applying and further reiterated that there will be more opportunities in the future as more seats reach their expirations. In terms of the Downtown Board, terms will expire at the end of the year and there may be some additional planning groups and initiatives that may materialize in the future. Mr. Doyle asked if the Downtown Board consisted solely of appointed positions or if there would be volunteer positions as well. Mayor Gamache responded that council appoints the Downtown Board but the four committees within the board (Economic Restructuring, Promotions, Organization and Design) are not appointed by council.

Agenda item # 8 was addressed next, followed by agenda item # 9.

14. Consider Approval of City Manager Contract (D&V).

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to move back into Executive Session at 10:02 pm. Vote was unanimous, 6-0.

15. Other Business.

Mayor Gamache explained that she has received several inquiries about the plans to restore the fountain in Taylor Park including inquiries from community members who believe they can secure some funding to help with that effort. Mayor Gamache added that we currently do not have a clear plan in place to get to that point. Mr. Young stated that in terms of restoration, it is not just a matter

of painting, repairing and turning the water back on, but there also needs to be a long term plan in place. He added that the base also needs to be rebuilt and the water needs to be re-circulated. Mr. Young stated that Laz Scangas and Mark Prent along with himself have evaluated the complete restoration to be in the \$100,000 range and proposes an Ad Hoc Committee formulate a plan for repairs and funding sometime after the summer to make a recommendation to council. Mayor Gamache stated that she is hopeful to get a plan together as soon as possible and will address at an upcoming council meeting.

Mayor Gamache also explained that she has received communications from residents in Ward 3 regarding concerns over greenbelt safety and maintenance and plans to hold a public meeting with residents and staff. She added that no date or time has been scheduled as of yet. Mr. Spooner stated that he would like to be included as Chair of Public Safety.

Mr. Young stated that the Civil War reenactment was very successful. He added that the flag pole project is moving forward as the Veteran's are able to fund the purchase of four additional flags and should have two more flag poles up next week: one City flag and one State flag with the POW flag to be located under the American flag. Mr. Young added that shortly thereafter, two additional flags will be erected. Mr. Young also explained that the Driscoll Drive project has been successful and added that he needs to do some clean up on the crushed stone but has virtually cleaned up the storm drain. Mayor Gamache added that as a reminder, we have made a commitment to hold a meeting with residents of Driscoll Drive before proceeding with the next phase which has not taken place as of yet.

Mr. Spooner stated that he has received a lot of complaints lately and would like to bring back parks patrol. Mr. Spooner also stated that he has received many inquiries regarding the railroad tracks and did not see any request for proposal on the Vtrans website.

Mr. Doyle explained that he held a small, informal ward meeting tonight at the Barlow St. School and plans to have another at a later date which will be posted on Front Porch Forum and in the Messenger.

Mayor Gamache stated that the council is not prepared to move to agenda item # 14, City Manager Contract, without reentering Executive Session.

16. Warrants (D&V).

A. 7/5/12 (Tabled from previous meeting).

A motion was made by Alderman Spooner; seconded by Alderman Peters to approve warrants from July 5, 2012. Vote was unanimous, 6-0.

B. 7/20/12.

A motion was made by Alderman Spooner; seconded by Alderman Peters to approve warrants from July 20, 2012. Vote was unanimous, 6-0.

C. 8/9/12.

Warrants for August 9, 2012 will be tabled until the next council meeting as they were not signed.

17. Minutes (D&V).

A. 7/9/12.

A motion was made by Alderman Spooner; seconded by Alderman O’Grady to approve minutes from July 9, 2012. Vote was unanimous, 6-0.

Agenda item # 15, “Other Business,” was discussed next.

18. Adjourn Regular Meeting and Re-enter Executive Session.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to adjourn regular meeting and re-enter Executive Session at 10:02 pm. Vote was unanimous, 6-0.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to exit Executive Session at 10:25 pm. Vote was unanimous 6-0.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to authorize Mayor to approve employment contract for City Manager as presented. Vote was unanimous, 6-0.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to adjourn meeting at 10:30 pm. Vote was unanimous, 6-0.

Respectfully Submitted,

Kristen Knoff, Admin. Coordinator