St. Albans City Council
Minutes of Meeting
Monday, September 10, 2012
City Hall, Council Chambers

A regular meeting of the St. Albans City Council was held on Monday, September 10, 2012, in the Council Chambers at City Hall at 6:30 pm.

Council Present: Mayor Elizabeth Gamache; Aldermen: Chad Spooner, Tim Hawkins, Aaron O'Grady and Jeff Young.

Council Absent: Richard Peters & Ryan Doyle. Chad Spooner joined at 7:40 pm.

Staff Present: Dominic Cloud, City Manager; Chip Sawyer, Director of Planning and Development; Brad Lanute, Zoning Administrator; Allen Robtoy, Director of Public Works and Sue Krupp, City Clerk and Treasurer.

Visitors: See attached sign-in sheet.

Open Session

1. Pledge of Allegiance. Mayor Gamache led the Pledge of allegiance at 6:37 pm.

   Mayor Gamache stated that agenda item # 6 regarding an ordinance prohibiting parking in greenbelt would be discussed following agenda item # 9; update on website.

2. Public Comment.
   Mr. Henry Demar stated that there are several crosswalks and handicap parking spots that have not yet been painted and/or outlined in the City; specifically the parking spot at the corner of Bank Street that has no clarification other than a sign. Mr. Demar also requested that the sign be raised. Mr. Cloud stated that he will look into the issue further.

3. Tax Increment Finance District, Update and Actions.

   a. Overview of status and next steps, Dominic Cloud.
      Mr. Cloud stated that there are a couple of action items that need to be addressed regarding the TIF District; the first is to authorize the Mayor and Manager to sign Certification of the District and the second is to authorize up to $175,000 in current expense notes and declaration of official intent to reimburse from TIF debt proceeds.

      Mr. Cloud went on to provide a brief TIF update and stated that the City was recently awarded one of two remaining Tax Increment Finance Districts by the State of Vermont. This designation allows the City to retain 75 percent of the increment from new development and use that increment to pay the debt service on bonds issued to complete public improvements that were part of our application. Mr. Cloud provided the following example with a new building constructed on a piece of property where there is currently vacant land appraised at $200,000. If the new building is worth $10,200,000, the difference between the two values is called the increment and in this example, the increment is $10 million. Seventy five percent of $10 million is $7.5 million. Mr. Cloud stated that the City is therefore allowed to apply the total tax rate which is currently 2.1573 to produce total revenues of $161,798

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per year for 20 years, from that one property alone. This equates to about $3 million that would be available to fund local projects as authorized in the approved plan.

Mr. Cloud stated that for a period of 20 years only, we can use these revenues to pay off bonds that are issued for the public improvements that were included in the plan that was proposed and provided the following important parameters for the program.

1. The dollars generated by the new developments are "use it or lose it" and cannot be used for other purposes if we don't use them to service debt on public improvements.
2. We can only issue debt for the first 5 years of the 20 year period so it is important that we move swiftly in order to maximize this opportunity. By design, the community must come out of the gate working hard and is the reason why we have a team of professionals working together to bring forward both the public project and private projects that match each other.
3. Property owners do not pay higher taxes because they are in a TIF district; to the contrary, TIFs help reduce property tax burdens over time because: 1) they incent development that otherwise may not occur; and 2) TIFs allow certain projects to be paid for by tax revenue that otherwise would go to the State instead of being paid for by additional local taxes or not being completed.

Mr. Cloud explained that the final and next step in the program is to propose an overall debt ceiling to the voters. Under our plan, the debt ceiling is $34,000,000. He added that the TIF program requires the City to include any projects we could possibly imagine doing into the initial TIF application and although unlikely that we would hit our debt ceiling of $34,000,000, is a requirement in order to make those projects happen.

Mr. Cloud stated that we plan to seek voter approval of this amount at the November general election and will likely require some special meetings in late September. He added that we may also seek voter approval to issue some actual debt for projects with a high degree of readiness such as Fonda and the Lake Street Streetscape. Mr. Cloud added that there will be additional conversation with council over the idea of approving an overall debt ceiling or a debt ceiling plus some actual debt.

Mr. Young commented that he heard Mr. Cloud this morning on VPR and stated that the discussion was very informative. He added that the Governor had stated that he would like to select one more applicant for TIF.

Mr. Young asked in terms of the five year time span for issuing debt, whether the bond must be proposed and approved within that five year time period. Mr. Cloud stated that the term used in the statute is "issue." Mr. Cloud stated that he would need to speak with Paul Giuliani, the City's TIF council, to determine if voter approval was the same as "issuing" or if the bond bank issued them on our behalf, but suspects it to be the latter. Mr. Young asked if that meant we could ask for a bond and let it sit in the bank for a year or two before using it. Mr. Cloud responded that it could mean that but doesn't necessarily have to be a bond; however, a bond is the most common vehicle to use. He added that the bond is used as a financial tool and the project does not need to be shovel-ready.

Mr. O'Grady asked if we can call a special meeting at anytime other than the general election to approve bonds. Mr. Cloud responded in the affirmative.

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Mayor Gamache reiterated that the next step is voter approval of a debt ceiling which is different from actual approval of the bonds and stated that once the debt ceiling is approved, there will be additional meetings where voters can approve specific projects as they arise. Mr. Cloud stated that at a minimum, we will be seeking voter's approval of our plan at the general election, described as a debt ceiling, and will most likely have a separate question to issue debt for some of the professional services that we are incurring. Mr. Cloud added that every time from there on, we will go back to the voters when we need to complete a project in the sense that the program itself as a whole stands on its own and each individual project stands on its own.

Mayor Gamache stated that she heard positive feedback regarding the City's TIF application in that it was very thorough and received in a timely manner.

b. Authorize Mayor and Manager to sign Certification of District, Chip Sawyer (D&V).
Mr. Sawyer explained that he is seeking a signature by Mayor Gamache and Mr. Cloud which certifies to the State of Vermont that the City accepts the final determination that describes the TIF proposal, verifies that we met all of the criteria to be approved for TIF and specifies that we must be in compliance with State law as well as some reporting conditions.

A motion was made by Alderman O'Grady; seconded by Alderman Young to authorize Mayor and Manager to sign Certification of District. Vote was unanimous, 4-0.

c. Authorization of up to $175,000 in current expense notes and declaration of official intent to reimburse from TIF debt proceeds (D&V).
Mr. Cloud stated that authorization of funds would allow us to go to the bank to take out a current expense note and in doing so, must sign a form which is a necessary part of Treasury regulations. The most important piece of this declaration is that the Issuer hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures, within 18 months of either the date of the first expenditure of funds by Issuer for such Project or the date that such Project is placed in service, whichever is later.

A motion was made by Alderman Young; seconded by Alderman O'Grady to authorize the City to issue current expense notes up to $175,000 and authorize the declaration of official intent to reimburse from TIF debt proceeds. Vote was unanimous, 4-0.

4. Joint Study Committee Update, Tim Hawkins.
Mr. Hawkins stated that Joint Study Committee met last Wednesday and has hit a roadblock where the Town Selectboard has issued a statement that they will not further assist the City representatives on the Committee. Mr. Hawkins further stated that it is almost his recommendation to have the City exit because without the Town's partnership, a viable plan cannot be presented to the voters and is a wasted effort. Mr. Hawkins stated that the Joint Study Committee has been tabled for a couple of months and the City representatives, in his opinion, have moved forward as far as they can at this point in time.

Mayor Gamache thanked both Town and City members for all of their efforts and asked Mr. Hawkins if there were any key notes or ideas that could be taken from the meetings thus far. Mr. Hawkins responded that Jeff Handy had commented at the last meeting that the City and Town can still find ways to work together on other committees that are Town/City related. Mr.

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Hawkins thanked the Town Clerk's office for all of their help and cooperation and stated that the future of the Joint Study Committee may fall into the voters' hands at the next election.

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 7:05 p.m. Vote was unanimous, 4-0. (See Liquor Control Board minutes).

Mayor Gamache stated that agenda item # 7 would be discussed next.

6. First Reading: An Ordinance Prohibiting Parking in Greenbelt and Other Unauthorized Locations, Dominic Cloud.

Mr. Cloud stated that this ordinance regulates parking on the lawn as well as parking on the street. He further explained that parking in the greenbelt has a large impact on neighborhood beautification and from a public safety standpoint; failure to enforce parking in the greenbelts is an example of the "Broken Window Theory" which has long recognized that maintaining urban environments in a well-ordered condition helps stop further vandalism and larger crime violations.

Mr. Cloud explained that under the proposed provisions of Section 3, the City Council hereby prohibits parking on (1) the area between the sidewalk and the street or within a grassed median, herein known as the "greenbelt", and (2) on a lawn or other unapproved location, and (3) restricts parking to approved driveways, approved parking lots, or approved on-street parking locations, unless written permission has been applied for and received from the City Manager.

Mr. Cloud stated that the difficult part is now finding alternative parking for residents. After touring the City with staff, it was determined that if you are permitted to only park on one side of the street, there is enough room even in the winter for vehicles to pass on the other side. Mr. Cloud added that a simple rule was created under this proposed ordinance to define which side of the street you can or cannot park on. On the East and West streets which are made up of hills, you must park facing downhill and cannot park on the South side but can park on the North side. Conversely, on a North to South Street, you cannot park on the West side but can park on the East side. Any person who violates the proposed provisions shall be subject to one (1) warning per individual vehicle per year, with each subsequent violation subject to a $15 fine. The Scofflaw ordinance shall come into effect for two (2) or more unpaid violations. Mr. Cloud added that it would be the City's intent to begin fixing the greenbelts concurrent with the enforcement of this ordinance. Once the City reclaims the greenbelt, anyone who damages the area would be held accountable for restoring it. Mr. Cloud stated that we will need to have clear signage and see this ordinance enforced by staff of the Zoning department, Fire Marshall and other positions within the Fire department rather than by the Police department. Mr. Cloud thanked Zoning Administrator, Brad Lanute, for his efforts in drafting the ordinance. Mr. Cloud stated that the intent was to not change the underlying patterns and specific places where there have been compromises that have been worked out over the years but to identify the general rule as discussed earlier, except as modified by the specific provisions that have been created.

Mr. Robtoy stated that he is a strong supporter of the proposed ordinance and does not believe it will compromise public safety or the plowing of public streets.

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Mr. Spooner questioned whether this ordinance gets rid of the winter parking ban. Mr. Cloud confirmed that was correct but residents will have to move their vehicle every 24 hours. Mr. Spooner asked if an appeal process before the council could be included under Section 3 (b) which states that the City council hereby prohibits any demolition, grading, graveling or paving within the greenbelt, unless prior written permission has been obtained by the City Manager.

Mr. Hawkins asked how the issue would be handled where residents have added stones to the greenbelts. Mr. Cloud stated the City would first restore the greenbelts and then enforce the ordinance once the City has already paid to restore its condition.

Mayor Gamache asked how the City planned to raise awareness about the major changes proposed other than the use of additional signage. Mr. Sawyer stated that we could place informational handouts on vehicles parking in the greenbelts currently. Mr. Cloud stated that the goal is to educate as much as possible before enforcement takes place.

Mr. Young asked how the City will handle vehicles that park over the curb and asked if this ordinance would apply to that scenario. Mr. Cloud responded in the affirmative. Mr. Young also mentioned that the lower part of Bishop Street according to the proposed ordinance, only allows parking on one side of the street on Sundays. Mr. Young added that considering Bishop Street is a one-way street, parking along both sides should be permitted. Mr. Lanute responded that parking would always be permitted on one side of the street with the exception of church service hours, where parking on both sides of the street would be permitted.

Mr. Cloud asked Council if they are more inclined to have the consistent rule Citywide that you must park on the downhill side of a street that runs east to west or if the preference would be to choose the option that yields the most parking. Mr. Spooner stated that the topic can be discussed in front of the Safety Committee.

Mr. Demar asked if the City would be installing parking ban lights Downtown. Mr. Cloud stated that it is not part of the plan.

7. <u>Second Reading: Amendments to the Land Development Regulations, Chip Sawyer.</u>
Mr. Sawyer explained that he is joined by Zoning Administrator, Brad Lanute, who had a hand in drafting the amendments being presented during tonight's second reading. Developed under the oversight of the Planning Commission, Mr. Sawyer stated that after the second reading, council can choose to vote and adopt, suggest changes or not move forward with any or part of the amendments.

   a. <u>Definitions (D&V).</u>

   b. <u>Permitted and Conditional Uses (D&V).</u>

   c. <u>Automotive sales, service, repair and fuels (D&V).</u>
   Mr. Sawyer stated that to review, the focus of this set of amendments pertains to gas stations and further explained that in our zoning regulations, you must define certain uses so that you can later apply general provisions and design guidelines to each use. The purpose of this revision is to clarify and detach definitions of gas stations, convenience stores and service stations. These uses are commonly combined but each requires different design and impact considerations. The proposed revisions to Sections 202 and 304 address this issue by clarifying the definitions and giving each use its own entry in the Permitted and

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Conditional Uses Table. These changes to the definition clarify the separate uses but emphasize that they can also be used together. Mr. Sawyer added that for every use, there are conditional use permits for different zones as well permitted use permits. Mr. Sawyer noted that one technical change made was to change the convenience store definition from a conditional use to a permitted use in the B1 district so as to follow the use guidelines of a retail store. However, if the owner wanted to add a gas station to their existing convenience store, that portion would be conditional and would need to go before the DRB (Development Review Board) for that request.

Mr. Hawkins asked Mr. Sawyer for the difference between a retail store and a convenience store. Mr. Sawyer responded that they are in many ways the same and have the same considerations but pertains to the familiarity of what the applicant calls them.

Mr. Sawyer stated that there is a much more substantial proposal for the addition of Section 415 which also pertains to gas stations. He further explained that Planning & Development staff and the Planning Commission decided that we needed to address gas stations in light of the vision for our Downtown which is primarily made up of the B1 Central Business District. The purpose of this addition is to find a way to allow gas stations to continue to exist and develop in this district but also take into account the City's visions and initiatives that mean to strengthen the Downtown's setting as a historic, livable, and pedestrian-friendly commercial/residential area.

Planning Commission and staff feel that in the B1 district, the traditional form of a gas station does not fit in light of the new vision. Staff has decided to take on the challenge of developing a design guide for gas stations instead of banning them altogether in B1 and has advised Planning Commission the same. Mr. Sawyer explained that in the proposed addition of Section 415, gas pumps would be hidden from the street and the streetscape side of the gas station would have a more pedestrian-friendly feel. Mr. Sawyer stated that council could accept the proposed addition or choose to rule out gas stations in the B1 district altogether, and the three gas stations that are currently non-conforming and located in that district--Mobil, Breakyard and Shell, would remain indefinitely. Mr. Sawyer stated that he suggests council consider Sections 202 and 304 separately from Section 415 because they do not require the design guidelines in Section 415.

Mayor Gamache asked Mr. Sawyer what he meant when he said, "the proposed solution is not an elegant solution." Mr. Sawyer responded that it is onerous and requires a lot of thought and effort but will conform to the vision of the Downtown.

Mr. Young stated that he believes we need to leave the door open to more innovative thinking rather than saying no altogether.

Mayor Gamache asked if approving Section 415 would impact the ability of Breakyard to expand as one side of their business is located in B1 and the other is in B2. Mr. Sawyer responded that it would impact their ability to expand their gas pumps but not their convenience store but if council chose to remove gas stations in B1 entirely, they would not be permitted to expand at all. Mr. Hawkins stated that he is reluctant to ban gas stations from the B1 District altogether as it would create an unfair advantage to the three that currently exist in that district.

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Mr. Sawyer stated that he feels Section 415 gives the DRB (Development Review Board) very clear expectations.

Mr. Demar asked if the City has been advised whether SB Collins or the Creamery has purchased the houses at the bottom of Hudson Street and the houses that run from Hoyt to Newton. Mayor Gamache stated that she is not aware of any advisement to the City. Mr. Lanute stated that the houses on the western side between Hudson and Hoyt are permitted for demolition and no information has come into the Zoning department regarding the purchase of any houses on the eastern side of Federal Street between Hudson and Hoyt.

A motion was made by Alderman Young; seconded by Alderman Hawkins to accept the revisions to Sections 202, 304 and 415. Vote was unanimous 4-0.

8. Staff Recommendations for Revised Façade Program, Chip Sawyer (D&V).
Mr. Sawyer explained that the façade improvement program was designed to set aside $50,000 to receive competitive applications from property owners in the Downtown for renovations they'd like to complete to the fronts of their buildings. Five applications were previously received, two of which were largely incomplete, and three applicants were recommended by the Downtown Design Committee and Downtown Board and then passed by Council for awards totaling $43,000 with at least a 1:1 match from the property owner. Mr. Sawyer added that residents recognize the return on investment and the program has the public's support.

Mr. Sawyer stated that there were some weaknesses with the program, however, and in proposing another round recommends some changes to the process. It is proposed that the award does not exceed $25,000, continues to be a 1:1 match and the main change will be in the nature of the submittal. The Downtown Board feels that the City will gain more value in the program with more staff and local official involvement in the formulation of the application. He further stated that the first round could have been more effective if the quality or completeness of the application was removed as a factor. Instead, Mr. Sawyer would like to see council and staff become directive in identifying key properties that would be a good fit for the program and would be more of a guided process toward putting together an application which would be submitted to the Downtown Board followed by recommendations made to Council. Mr. Sawyer stated that the Downtown Board would also like affirmation that these monies can pay for paint, which is one of the largest returns on investment. The other provision is that this would be a rolling program. Mayor Gamache stated that in terms of the paint, she is impressed with the impact it creates at such a low cost.

Alderman Spooner joined the meeting.

Mr. Hawkins stated that he would not want someone to rely on the City giving them money in lieu of fixing their property and is not entirely against the revisions but would like to throw out that caution. He feels we should be focusing on the properties that have been maintained.

Mr. Cloud stated that we have a great Public Health & Safety ordinance which has its limitations and we need to use all the tools we have to bring our Downtown back. Mr. Cloud explained that aside from properties with health and safety violations, there is a whole other category of properties located on key corners of the City where there is no health or safety violation in question but the owner is unwilling or unable to put money into the building. Mr. Cloud added that for a small amount of money, the return on investment for paint should be taken advantage of.

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Mr. Young added that it is still a one-to-one match so the applicants will be contributing and stated that aside from paint, the monies could be used for window treatments, doors and other things that bring the property in conformance with other areas. Mr. Young also stated that he was on the Committee that chose the applicants and although some of the applications were incomplete, there were some great plans that the City could have helped facilitate.

Mr. O'Grady asked if there is an established time limit for the applicant to claim their award as none of the last awardees have claimed theirs. Mr. Sawyer responded that once the grant agreements are signed by the awardees, they have 180 days to complete the project. Mayor Gamache asked if some guidelines should be put in place so that 180 days does not pass to then find out that the awardees cannot come up with their match. Mr. Sawyer responded that the newly revised process being proposed tonight would deter that from happening.

Mr. Cloud stated that the current process benefits the average person who has the skills to package a strong application and is completely irrelevant to where the property is located or what the return on investment is to the City.

Mayor Gamache reiterated that staff would be more involved on the front-end and the Downtown Board would play a role before the project was ultimately brought to Council for approval.

Mr. Spooner asked Mr. Sawyer how involved staff would be in the scenario where a tenant is suffering because the property owner is refusing to maintain the property and asked who staff would communicate with. Mr. Sawyer explained that whether staff was approached by the tenant or the property owner or whether staff seeks out the property, communication will involve all parties. Mr. Sawyer stated there will be a benefit to the tenant, the owner and the entire Downtown.

Mr. Hawkins stated that we should consider using the Home Improvement Program as a model which would entitle the City to place a lien on a property if it is not maintained for a period of time after the City provides funds to the property owner. He added that it is important to receive some affirmative obligation from the owners that the property will be continuously maintained. Mr. Cloud stated that it is not uncommon to have some security to protect the public interest.

Mr. Young stated that we should try the proposed revised façade program and use it as a learning experience before putting any more than $25,000 in.

Mayor Gamache explained that this is a strategic approach, sending a strong message that St. Albans is not going into decline and feels there is a lot of importance in moving forward with this program at this particular point in time. She added that she agrees that we should protect the public interest.

A motion was made by Alderman Young; seconded by Alderman Hawkins to support the proposal for the revised Façade Program as presented and to include language to ensure maintenance of the investment. Vote was unanimous, 4-0.

9. Update on Website, Chip Sawyer.

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Mr. Sawyer stated that the City's new website is active and the City needed a new design and redesign of the content. GovOffice hosts and runs the template for the current website. Kristen Knoff contacted GovOffice about initiating a new design and at the same time the City had been engaged in the process of adopting a new logo, which the new design incorporates. Mr. Sawyer further explained that the new design has a white background with dark font, more visual splash that better markets the City, an image banner which can be changed and the content has been reorganized with "News & Announcements" that display up to the minute information updated by the webmaster, Kristen Knoff. In addition, Mr. Sawyer stated that navigation links have been consolidated to be more user-friendly. Overall for both branding and accessibility of information for the public, the website is a huge leap forward and getting more support from staff at City Hall.

Mr. Hawkins asked how we are going to get the word out about the newly designed site. Mr. Sawyer explained that GovOffice launched the site without notice and is unveiling it tonight to City Council and will then announce it on Facebook and Front Porch Forum (FPF).

Mr. Spooner added that he would like to see links to visitor attractions and FPF on the website.

Mayor Gamache asked if we could track the performance of the old site with the new site through Google analytics. Mr. Sawyer confirmed that we could.

Mayor Gamache stated that the First Reading of the Greenbelt Ordinance, agenda item # 6 would be discussed next.

10. Resolution on Municipal Planning Grant Application, Chip Sawyer.
Mr. Sawyer stated that the City has a strong track record applying for and receiving grant money from the State. The Municipal Planning Grant tops out at $18,000 and requires an annual resolution by Council. Over the past few years, the City has received Municipal Planning Grant funds toward re-writing the City Plan and the "Create St. Albans" public planning process and the current project is the exploration of form-based codes for the Core.

Mr. Sawyer explained that the Planning Commission proposes to use funds to produce one comprehensive rewrite of our City Land Development Regulations which staff would be heavily involved in. The funds would pay for the services of the Regional Planning Commission to conduct the research and act as a Clerk-of-the-Works and would additionally fund some legal review. Mr. Sawyer added that the City match would top out at $3500 and has already been budgeted for.

A motion was made by Alderman Young; seconded by Alderman O'Grady to approve request for the Municipal Planning Grant application. Vote was unanimous, 4-0.

11. Financial Report, Peg Strait.
Mr. Cloud stated that the financial report is a draft, representative of all three funds that just closed at the end of the fiscal year. Mr. Cloud explained that under the GAAP Accounting Rules, we are not allowed to count monies that were saved in previous years or that have been collected through property tax collections and spent in prior years. By that measure, barring use of our savings and property taxes collected in prior years, the City ran a deficit of $181,000. Mr. Cloud stated that the deficit, however, does not substantiate the financials that have been presented to council monthly and is not the basis we've used while operating our budget which fully intended to use revenues that were saved in previous years for capital purposes and

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property taxes collected in previous years. By that measure, Mr. Cloud stated that the general fund finished with a surplus of $161,000. Similarly in the water fund and wastewater fund, where we do not budget for depreciation, the City produced a surplus of $219,000 and $200,000.

Mr. Young asked for the status of funds set aside for water/wastewater. Mr. Cloud stated that the total fund balance is at $318,000 for water and $564,000 for wastewater. Mr. Young asked if the goal would be to get to zero including the depreciation expense. Mr. Cloud responded that the financials are presented in a way that does not budget for depreciation as an accounting exercise but the dollars presented are the dollars that are in the account. Mr. Hawkins commented that this is why we have capital reserve.

To summarize, Mr. Cloud stated that we should be celebrating as the City produced a surplus of $161,000 in the general fund and $200,000 in water/wastewater in addition to setting aside $100,000 for both water and wastewater and also factoring offsets in each fund for unpaid taxes and utilities.

12. Resolution to Create Fund for Restoration of Taylor Park Fountain (D&V).
Mayor Gamache explained that she has been receiving input from community members about donating money toward the fountain and would like to create a fund so that the community can be assured that their donations are contributing toward the fountain restoration. Mr. Spooner asked if the donations would be tax deductible. Mr. Cloud reminded Council that the City is tax exempt , and creating this specific fund is rather an exercise of transparency. Mr. Hawkins stated that he is hopeful this fund will lead to events and fundraisers. Mayor Gamache stated that some work will need to be done to set up the fundraising and planning and to determine what steps need to be taken next. Mr. Young stated that the Design committee will tackle the design issues and is hopeful that the City could form an Ad Hoc committee to discuss fundraising this winter. Mayor Gamache stated that she would like to move forward in the next several weeks.

A motion was made by Alderman Young; seconded by Alderman Spooner to accept resolution to create fund for restoration of Taylor Park fountain. Vote was unanimous, 4-0.

13. Introduction of Conservation Commission Concept, Dominic Cloud.
Mayor Gamache stated that she would like to save this agenda item for a future meeting because she has received feedback from community members who would like to have more public engagement and is not quite ready to present at this meeting.

14. Consider authorization of $24,000 of wastewater reserve funds for Planning Study of Lower Welden CSO Abatement, Allen Robtoy (D&V).
Mr. Cloud stated that we've had a combined sewer overflow (CSO) on Lower Welden for some time now and we are trying to determine what the best technical solution for it is. Mr. Cloud further explained that we are under a 1272 Order by the State which is an order to address the CSO in a timely manner. This additional study is not a full design of an engineered solution but an analysis of some of the incremental steps we've taken so far and will assist in identifying some possible solutions to move forward. Mr. Cloud added that the request is to use some of the wastewater reserve funds for this study which would be a one-time expense.

Mr. Robtoy stated that the State wants to see more in terms of results and in order to get to that level; we need to move forward with planning.

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A motion was made by Alderman O'Grady; seconded by Alderman Spooner to consider authorization of $24,000 of wastewater reserve funds for Planning Study of Lower Welden CSO Abatement. Vote was unanimous, 4-0.

Mr. Young asked Mr. Robtoy for a status of the dam project. Mr. Robtoy stated that the contractor is two to three weeks behind schedule but he has begun to see a difference in the last week or so. He is nervous because a toe drain is going to be installed at the lowest elevation of the dam and is worried about replenishing the water due to the dry summer we've had. Mr. Robtoy further stated that the City does have a clause for liquidated damages so we do have an avenue to go after the contractor if need be. Mr. Young asked if the contractor provided a reason for being behind schedule. Mr. Robtoy stated that they didn't have adequate personnel and have overextended themselves with other contracts.

15. Adopt ADA Policy, Peg Strait (D&V).
Mr. Cloud stated that the City of St. Albans ADA Coordinator is Peg Strait, Director of Finance & Administration, and the policy outlines a procedure for anyone who wishes to file a grievance with the City.

A motion was made by Alderman Young; seconded by Alderman Spooner to adopt the ADA Policy as presented. Vote was unanimous, 4-0.

16. Other Business.
Mr. Young stated that Mr. Sawyer applied for and was awarded a $15,000 grant for a rain garden project in the park and is waiting to receive the funds. Mr. Young also added that the Regional Planning Commission is sponsoring a community wellness dinner funded by a Federal grant at MVU this Wednesday evening and includes a discussion about wellness priorities in Franklin County.

Ms. Krupp stated that the State of VT is doing a recount for progressive votes and ballots for the November 6th election will be in hand by September 23rd. As soon as they are received, absentee ballots will be issued.

17. Warrants.

    a. August 9, 2012.
    A motion was made by Alderman Spooner; seconded by Alderman Young to approve warrants from August 9, 2012. Vote was unanimous, 4-0.

    b. August 24, 2012.
    A motion was made by Alderman Spooner; seconded by Alderman Young to approve warrants from August 24, 2012. Vote was unanimous, 4-0.

    c. September 5, 2012.
    A motion was made by Alderman Spooner; seconded by Alderman Young to approve warrants from September 5, 2012. Vote was unanimous, 4-0.

18. Minutes (D&V).

    a. July 30, 2012 Special Meeting.

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A motion was made by Alderman Young; seconded by Alderman O'Grady to approve minute from July 30, 2012. Vote was unanimous, 4-0 with Alderman Spooner abstaining.

b. 8/13/12.
A motion was made by Alderman Young; seconded by Alderman Spooner to approve minutes from August 13, 2012. Vote was unanimous, 4-0.

Enter Executive Session

A motion was made by Alderman Young; seconded by Alderman Spooner at 8:57 pm to adjourn open session and enter into Executive Session to discuss real estate options and civil matters where premature disclosure would compromise the City or person involved. Vote was unanimous, 4-0.

A motion was made by Alderman Young; seconded by Alderman Hawkins to exit Executive Session and adjourn meeting. Vote was unanimous, 4-0.

Respectfully Submitted,

Kristen Knoff, Admin. Coordinator

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