

**St. Albans City Council
Minutes of Meeting
Monday, April 9, 2018
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, April 9, 2018, at 6:30 pm in the City Hall Council Chambers.

Council Present: Mayor Tim Smith; Aldermen: Michael McCarthy, Tim Hawkins and Chad Spooner; Alderwomen: Marie Bessette and Kate Laddison.

Council Absent: Alderman Jim Pelkey.

Staff Present: Dominic Cloud, City Manager; Chip Sawyer, Director of Planning & Development; Tom Leitz, Director of Administration; Kelly Viens, Recreation Director; Galloway, City Clerk & Treasurer & Marty Manahan, Director of Operations and Business Development

Visitors: See attached sign-in sheet.

1. Executive Session re: Litigation, Contracts and Real Estate Development at Congress and Main (second floor).
 - a. Consider a finding that premature disclosure of above matters could compromise the City (D&V).
A motion was made by Alderman Spooner; seconded by Alderwoman Laddison to find that premature disclosure of above matters could compromise the City or person involved. Unanimous Vote, 5-0.
 - b. Consider a motion to enter Executive Session for purpose of discussing litigation, contracts and real estate development options (D&V).
A motion was made by Alderman Spooner; seconded by Alderman McCarthy to enter Executive Session at 5:36 for purpose of discussing litigation, contracts and real estate development options. Vote was unanimous, 5-0.
Alderman Hawkins joined Executive Session at 5:45 pm.
2. Call to Order and Pledge of Allegiance in Council Chambers.
Mayor Smith called the meeting to order at 6:30 pm and led the pledge of allegiance.
3. Public Comment on items not on agenda.
No public comment was discussed.
4. First Reading of stormwater utility ordinance, Chip Sawyer.
Mr. Sawyer stated that he's talked before about a stormwater utility to fund our mandated stormwater activities, which entails additional water pollution controls. The City and Town explored a stormwater Utility together back in 2009, and since then we have learned a lot about the requirements and expectations. A first reading of the regulatory requirements was in December. The regulatory requirements have been combined into the stormwater utility ordinance that also includes the stormwater regulations that haven't been adopted and the utility itself – the set up and the revenue collection.

Mr. Sawyer noted the memo he submitted which talks about the things the MS-4 Permit requires us to do. The permit is issued by the State but it carries out requirements that come from the EPA and the

Clean Water Act. The EPA delegates it to the State to regulate as the State can regulate some important pieces of the MS-4 permit that the EPA can't, such as farms. The State then puts together the MS-4 permit and issues it to communities that have separated stormwater systems. There are five main criteria that need to be met:

- Adopt a Stormwater Management ordinance that regulates stormwater run-off and erosion from new construction.
- Adopt rules and a program that find where sources of pollution are connected to our stormwater system and eliminate them. Only stormwater should be in the stormwater system. This is called the IDDE program.
- Increase and record our street sweeping and catch basin cleaning activities. This will also give the City credit for the reduction of phosphorous. The City is participating in a grant program that measures the amount of phosphorous reduction by cleaning the catch basins more often. Leaf pick up might be something the City should explore more in the future.
- Provide outreach and technical assistance to property owners concerning stormwater.
- Construct treatment facilities that will get in between our stormwater and our brooks. This is a capital item. This is likely to require engineering, construction and debt service. The water needs to get to the brooks gradually. There has been some conceptual planning done for the treatment facilities that need to be built. Mr. Sawyer stressed that it's conceptual. The consultants put together a total budget of \$5 million for the flow restoration projects. Costs will likely increase. Within a year, the City will also have to come up with a plan for any additional treatment needed just for phosphorous. The State will change our MS-4 permit to insert the phosphorous requirements in the next couple of months. The City will then need to come up with a phosphorous plan. It is staff's recommendation to find a special revenue source for these projects rather than funding it all out of the general fund. Mr. Sawyer stated that if we don't accomplish our water quality goals under the MS-4 permit in the time that we are given, we could be subject to fines, court orders and consent decrees. However, if we fund this, it's a huge step towards cleaning up St. Albans Bay and we would be doing our part. These are all new activities and new rules. The proposed ordinance sets up the rules and creates the program to fund the activities.

To create the utility, the city council would need to adopt the ordinance, approve a stormwater utility budget, approve a stormwater ERU (Equivalent Residential Unit) and fee, approve a credit manual and approve erosion guidance for construction projects. Alderman Hawkins asked if the revenue that is generated by the stormwater utility is going to offset anything that would otherwise have to be paid through the GF, and if this is a benefit because there are some properties that do not contribute into the GF. Mr. Sawyer responded that it is true that everyone is going to be sharing the load under the model proposed and the reason for that is that this is a fee for service just like the water and sewer bill. Every property needs water and creates pollution through sewer. The stormwater pollution comes from the fact that everyone is responsible for their property and what happens when the rainwater hits their property. Alderman Hawkins stated that this has everyone in the municipality paying their fair share. The State is also coming up with a protocol that some properties in VT are going to pay for these types of things as well. How does the City prevent those properties from paying to the municipality and the State? Would the State give a credit or reduction for the communities that have their own stormwater utility so they don't get stuck paying both?

Mr. Sawyer responded that we would look for those opportunities to streamline what people are paying based on their property. One of the assumptions the City is making is that there will be support from the State for the capital projects and there will be a local match. There is also an assumption that the City will need to raise local money for its share. The City has been told to expect a 50/50 split for the stormwater projects and that the City is going to have to raise money no matter what. It isn't known how the state will raise its portion and will take a couple more years based on what has been seen in Montpelier. If the state adopts a per parcel fee, it's possible someone could get a bill from the state and also see it on their water bill. If there's a way to avoid that duality, the City will look into that and will continue to have a presence in Montpelier. Alderman Hawkins stated that we don't know that for sure yet. Mr. Sawyer stated that it won't be that our tax payers are doubly charged.

Alderman Hawkins asked if the administrative officer is just for the administration of the stormwater utility and asked if the fees would come from the stormwater revenues. Mr. Sawyer responded that one city staffer might be appointed for one stormwater function and another city staffer could be appointed for another stormwater function. The intent of this utility is that it would contribute to those extra duties that those city staffers would be putting into the stormwater program. Alderman Hawkins asked if it would be a new staff member. Mr. Sawyer responded negatively. Alderman Hawkins stated that it is not very clear in the ordinance.

He asked if the benefit of the stormwater is to take some relief or stress away from the water and wastewater systems. Mr. Sawyer responded affirmatively. Alderman Hawkins asked if we should be looking to those two funds to contribute to the stormwater utility. Mr. Cloud responded that it could be a part of the next budget process. The challenge is that the CSO goals and the stormwater goals conflict because to solve the CSO you want more water out of the pipe which increases the flows. Alderman Hawkins stated that every year we budget those based on what is happening today. This facility will be a cost savings in those two funds. Shouldn't there now be a budget item in those two funds that are a contribution to stormwater utility. Mr. Sawyer responded that we could research this issue. Alderman Hawkins stated that he wouldn't want to see a budget coming to him next year with a \$10,000 cost savings because of the stormwater utility when that cost savings should be an influx into the stormwater utility saving the ratepayers. Mr. Sawyer responded that the stormwater utility gives another tool to pull the funding from other sources plus the dedicated stormwater fee. Alderman Spooner stated that theoretically people who have more impervious surface will be paying more. Alderman Hawkins agreed but if the treatment plant is going to save money on hydraulic loading because the water is being taken out of the treatment plant sewer and going into the MS-4. Alderman Spooner stated that the MS-4 wants us to put less water in the brooks. Alderman Hawkins responded that the discharge will be less and that will be a cost saving. Mr. Sawyer stated that as the wastewater fund pursues the CSO projects and fixes the pollution we are going to have to keep up with increased stormwater flows that are now being treated in the separated system not the wastewater plant and the stormwater utility will be the tool we can use to make sure that every time the City does a CSO project, it fixes the pollution at the overflow site and it is not creating more pollution through stormwater. Alderman Hawkins stated that we don't want to scare the taxpayer into thinking we have an additional tax coming our way because of the stormwater management ordinance that there will be some cost savings and shifting of revenues that will help alleviate those concerns. Mr. Sawyer stated that we are in the role of creating something new. At the next budget cycle, the City can present a coordinated budget that gives a much better picture of who is doing what and how much it will cost. Alderman Hawkins stated that we put a lot of money aside in those two budgets for capital expenses and it doesn't necessarily mean we need to keep doing that if we need to divert money for the stormwater utility if it will lessen the impact for people

who are going to be charged for getting into the system. Alderman Hawkins stated that we are going to be looking for the efficiencies.

Alderman Spooner asked for some examples of what the projects could be. Mr. Sawyer responded that construction of treatment facilities needs to be done that will get in between our stormwater and our brooks. Retention ponds aren't as popular anymore, but we could consider more natural areas such as a gravel wetland that could double as a nice place to hang out. It could be green stormwater infrastructure and look like a rain garden on steroids. It would look like a large area of some integrated ponding areas, gravel and shrubs and things that get between the water and the brooks built to fill up during a storm and slowly trickle out. Mayor Smith asked if ground water recharge systems were an option; Mr. Sawyer responded affirmatively.

Mayor Smith asked if this would get phased in and over what time period. Mr. Sawyer responded that this would all start on July 1, 2018. Mr. Sawyer then reviewed all of the chapters of the ordinance and provided an overview of each chapter.

Mr. Sawyer stated that an ERU is commonly used for stormwater utilities. You find your average square footage of impervious on a single family home, a duplex that's under 10,000 square feet in size and you set it up so that those SF homes and duplexes are only paying 1 ERU and all other properties are paying multiple number of ERU's based on how much impervious they have on their lot. Based on the analysis 1 ERU is 3,000 square feet and the vast majority in the City would be assigned 1 ERU. You then create a fee per ERU and we are proposing \$2.50/month which would cost \$30/home for a single family or duplex unless it's on the larger size lot. The total expenses proposed in the FY19 Stormwater Budget is \$155,813. There is a table that shows there are 1600 1 ERU residential properties in the City that would each pay \$30/year and there are some residential properties with 2 or more ERU's (around 166) and would pay \$60/year. The most impervious cover in the City is owned by commercial property which is defined as anything having more than 4 residential units. The median number of ERU's that a commercial property has is 3 and the average is 9. Alderman Hawkins asked if the \$2.50/month is an amount that is billed based on this budget and that could change depending on what we budget later on. Mr. Sawyer responded affirmatively.

Alderman Hawkins stated that at the last meeting there was going to be some thought given to use credits to offset the amounts. Mr. Sawyer stated that what is common for a stormwater utility is a method to get credits if you are treating your impervious. The goal is to reduce water pollution in the city so if someone is treating impervious on their property they should be recognized for that. No one can zero out their ERU's but the City will prepare a manual for the council that would delineate what we expect to see for the treatment, how the City wants to see it proven, and how many ERU's that can get reduced. He isn't sure if the City would go up to a 75% credit but we would definitely be able to cut it in half. Mr. Sawyer stated that that would be adopted as a policy at a council meeting and could be updated anytime council wants. There will also be an appeal process. As the City gets new satellite data, the City should do an update of the impervious data City wide. Alderman Hawkins stated that he believes the \$2.50 is very reasonable but can see that \$156,000 going up in years to come.

5. Accept First Reading and advance ordinance to Second Reading (D&V).

A motion was made by Alderman Hawkins; seconded by Alderman McCarthy to accept first reading of stormwater utility ordinance and advance ordinance to second reading. Alderwoman Laddison asked about Chapter 7. Mr. Sawyer responded that it was deliberately left out by the consultants in case anything needed to be inserted into the ordinance. Mayor Smith asked if the City would be paying into

the utility so no one is exempt. He also asked if a standard downtown lot would be considered 1 ERU. Mr. Sawyer responded affirmatively to both questions. **Vote was unanimous, 6-0.**

6. Recess for Liquor Control Board (see separate agenda).
Motion was made by Alderman Hawkins; seconded by Alderman McCarthy to recess for liquor control board at 7:23 pm. Vote was unanimous, 6-0.

7. Second reading and public hearing on amendments to Regulations concerning subdivisions, Chip Sawyer.
These changes would bring our subdivision rules more in line with State statutes by having all applications that take a single lot and create two lots, or two lots and create three lots, to go before the DRB. Boundary line adjustments and mergers could be considered by the Zoning Administrator and plats could be signed by the Zoning Administrator. It also removes a definition that says anytime a parcel has more than one principal building, it will automatically be considered a subdivision. Starting on page 1 of 5 are the changes and the adjustment to the definition of subdivision. Changes to Article 8 and Section 801 are being made to differentiate between the subdivisions and the administrative lot revisions. At the end, Page 4 of 5, prior to plat recording, it eliminates a provision of having the DRB Chair approve a plat that they haven't seen. The DRB chair signs the plats that come before the DRB and the Planning Administrator signs the plats that come before him. By and large, all of the strike outs and additions are associated with this new title Administrative Lot Revision putting all the processes in Article 8.

8. Consider adoption of amendments concerning subdivisions (D&V).
A motion was made by Alderman Hawkins; seconded by Alderman Spooner to adopt amendments concerning subdivisions. Vote was unanimous, 6-0.

9. Update on City Pool feasibility study, Chip Sawyer.
Mr. Sawyer stated that we reviewed our city pool feasibility study and have since put it out to bid. We used Weston and Sampson who have done work for the City before and have also done some great work on pools around the area. The Recreation Department needed to take a hard look at the pool and wanted to avoid ever having a situation where it can't be used for a year. We are going to ask the consultants for recommendations and a budget for:

- Repairing the existing pool and equipment; getting an estimate on the lifespan of the current equipment.
- Constructing a new pool at the existing site
- Constructing a zero entry on site
- Constructing a dome for use at the existing site
- Potentially constructing a pool on a different site.

The Recreation Department received an update on the timeline and hope to have it in July. There will be a site visit this month once the pool can be drained. Mayor Smith asked Ms. Viens what the top concerns are with the pool as it is today. She replied that the upper wall is deteriorating. It was noticed about 5 years ago that it was soft and pulling away and has been repaired. Over the years, it has deteriorated and pretty much every part of the wall is deteriorated. The pool company that replaced the pump and filter did some evaluation of the wall. Mayor Smith asked if there was an indication of why water has gotten behind the upper wall. Ms. Viens responded that the water table is high and has gotten into the walls over the years. She added that the pool is 38 years and the life expectancy is 25 – 30 years. Alderman Spooner stated that this is a good opportunity and is used by a lot of the City kids

and believes it will help reduce the crime rate. He would like it to be designed so the most amount of kids and families with very young children can use it. He believes it's long overdue. Ms. Viens stated that it's not decreasing in use and is still a busy place. Mayor Smith asked when the filter was last replaced. Ms. Viens responded 4 years ago and that all of the equipment is reusable.

10. Mayor's Report.

a. Committee Assignments

Mayor Smith stated that members to Finance would include Tim, Jim and Mike and Public Safety would be Chad, Marie and Kate.

b. Other Business

Mayor Smith passed around a photo for a photo contest and has spoken to the Parks Commission who approved the use of Taylor Park for the contest. They are requesting photos with a focus on agriculture, then having a public reception and vote, and taking the top 15 – 20 to sponsors to blow them up and put in the park for 4-6 weeks. They would conclude the contest with an auction of the photos. He stated that Alderwoman Laddison and Tammi DiFranco were considering a block party in their ward. Alderwoman Laddison stated that she wasn't sure if it would make sense to have them on the same day or spread out throughout the summer. Mayor Smith stated that he would like to consider one as well. Ms. Viens stated that she is going to meet with Denise Smith tomorrow at NMC regarding the whole concept. Mayor Smith stated that he's been in touch with the Green Up campaign in Montpelier and will try to engage people to get more involved. He will be handing out bags at City School.

11. Necessity Resolution for Condemnation of 12 Congress Street, City Manager (D&V).

Motion by Alderman Spooner; seconded by Alderman Hawkins to remove agenda item # 11. Vote was unanimous, 6-0.

12. Consider approval of Declaration to reimburse expenses through indebtedness, Tom Leitz (D&V).

Mr. Leitz stated that this is related to wastewater plan. Final Federal and State loan packages are signed sealed and delivered. This ensures that if there are any miscellaneous costs incurred we can get them reimbursed. From the State's perspective, we are on our 5th loan. Every time we change the loan, it counts as a new loan.

A motion was made by Alderman Hawkins; seconded by Alderwoman Laddison to approve Declaration to reimburse expenses through indebtedness. Vote was unanimous, 6-0.

13. Consider approval of Certificate of Project Completion, Tom Leitz (D&V).

Related to neighborhood sidewalks. This is related to the first long term million dollar borrowing that was executed. We can now do the project completion and expect to go to the bond bank this summer for \$1.75 - \$2 million and close it out in year 3.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve Certificate of Project Completion. Vote was unanimous, 6-0.

14. Consideration of Façade Grant for 10 Lake Street (D&V).

Mr. Manahan stated that this is a project that Jay Mitiguy and a partner have purchased. Jay is a partner in about a dozen properties in the City. This was a building he bought about a year ago. Laz Scangas did some design work on the concept for the building. It's creating 2 store fronts and taking down the blue

clapboard and replacing all the brick. Jay has a quote between the brick work and façade work for \$120,000. The City has done a couple of different façade grants where we have provided labor. In this one we are proposing capping labor and helping with the \$120,000 project cost. All of the white brick is coming down. The structure will be evaluated from there and they plan to install new white brick which is part of the historical tax credit. Mr. Mitiguy stated that it's a speckled glazed brick. Alderman Hawkins asked what the durability is. Mr. Mitiguy stated that as far as he knows it's very durable. Mr. Manahan stated that all of the asbestos testing has come back negative, and the project includes new windows. Mr. Mitiguy stated that over the past year he has been upscaling the interior upstairs apartments and gotten all new tenants. The downstairs unit in the back and is a professional office space that has been occupied for the past year. This is the last part of the project. Mr. Mitiguy stated that he wants get the façade done and then will look for appropriate tenants. Mayor Smith asked what the size will be. Mr. Mitiguy stated that the east side is about 1600 and the west side is 1200 - 1300. Mr. Manahan noted that a window on the conceptual plans is going to move up. Alderman Spooner asked if we are able to make that side handicap accessible with the grade of the sidewalk. Mr. Mitiguy stated that there will be a handicap ramp that will access both sides. Alderman Hawkins asked what the timeline was. Mr. Mitiguy responded hopefully 12-weeks and the masonry work will start this week. Mr. Manahan stated that they will divert the pedestrian traffic. Mayor Smith asked if there will be any effect on traffic flow. Mr. Manahan responded that there may be some in that lane but they will try to get the brick work done quickly. Alderman Spooner asked how much is left in the façade grant fund. Mr. Leitz stated that he believes it's in the \$150,000 range.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve Façade Grant for 10 Lake Street. Vote was unanimous, 6-0.

15. Consider approval of warrants: 3/23/18 (D&V).

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve 3/23/18 warrant. Vote was unanimous, 6-0.

16. Consider approval of meeting minutes: Reg. mtg. 3/12/18 (D&V).

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve 3/12/18 regular meeting minutes with corrections. Vote was unanimous, 6-0.

17. Other Business.

Alderman Hawkins asked if there was any way the City could offer community service type activities for the high school and prepare a list of those. Mr. Manahan responded that Public Works had helped out and Ms. Viens stated that she sends lists to the school each month.

Mayor Smith stated that he's been to city hall twice this week and an individual is pan handling and intimidating people. Mr. Manahan stated that he has a no trespass order in many of the businesses and parking garage and to call dispatch if he is still being seen. Mr. Cloud asked if anyone knew if he had housing. Mr. Manahan responded that he believes he lives on Upper Welden. Mayor Smith stated that he's having a discussion and is potentially including Jim Hughes.

Alderman Spooner stated that the building on Houghton Park on the East side has had the cement board torn down. If someone patches it, he can paint it. He knows the graffiti walls have been a big hit in Swanton and would like to bring it up to the Parks commission for Houghton Park. He noted a suggestion that was brought up for a 1% meals and rooms tax to help pay for sidewalks and thought it could be stipulated for sidewalks and infrastructure projects.

Alderman Hawkins stated that there is graffiti on the parking garage. Mr. Manahan responded that it got hit this weekend along with a dozen other places. Mayor Smith asked what the repair would be. Mr. Manahan responded that there's a product called elephant snot. Mayor Smith asked if it leaves a shadow. Mayor Smith stated that the brick wall heading into Aldis Hill was also hit again and Aldis Hill will deal with it again. Ms. Bessette added that the dugout at the little league field was also hit.

18. Adjourn.

A motion was made by Alderman Spooner; seconded by Alderman McCarty to adjourn meeting at 8:08 pm. Vote was unanimous, 6-0.

Respectfully Submitted,

Kristen Smith

Community Relations Coordinator

Approved