

**St. Albans City Council
Minutes of Meeting
Monday, June 10, 2019
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, June 10, 2019, at 6:30 pm in the City Hall Council Chambers.

Council Present: Mayor Tim Smith; Aldermen: Tim Hawkins, Mike McCarthy, Jim Pelkey (by phone) & Chad Spooner, Alderwomen: Marie Bessette and Kate Laddison.

Council Absent: None absent.

Staff Present: Dominic Cloud, City Manager; Chip Sawyer, Director of Planning & Development; Tom Leitz, Director of Administration; Marty Manahan, Director of Operations, Business Development and Public Works; Gary Taylor, Police Chief and Curry Galloway, City Clerk.

Visitors: See attached sign-in sheet.

1. Executive Session Re: real estate development and contract negotiations.
 - a. The Council finds that premature disclosure would compromise the City or person involved (D&V).
A motion was made by Alderman Spooner; seconded by Alderman Pelkey to find that premature disclosure would compromise the City or person involved. Vote was unanimous, 7-0.
 - b. The Council moves to enter Executive Session for purposes of discussing real estate development and contract negotiations. (D&V).
A motion was made by Alderman Spooner; seconded by Alderman Pelkey to discuss real estate development and contract negotiations. Vote was unanimous, 7-0.
A motion was made by Alderman Spooner; seconded by Alderman Hawkins to exit Executive Session. Vote was unanimous, 7-0.
2. Convene Open Session with Pledge of Allegiance.

Mayor Smith opened the meeting and led the pledge of allegiance at 6:44 pm.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to move Liquor Control after item # 3. Vote was unanimous, 7-0.

Mayor Smith noted that "parking agreement" should be "agreements" on number 14.
3. Public Comment on Non-agenda Items.

No public comment was made.
4. Second Reading of amendments to land use regulations regarding district change for 17 Congress St.

Mr. Sawyer stated that the Planning Commission has put together a proposal to redistrict 17 Congress Street from the BNT to the B1 district. It's based on the suggestion of the property owners when they found out the parcel is different from its neighboring parcels in the BNT district. The first reading was held last month. They discussed some concerns from neighbors that didn't have to do with the proposed change itself but wanted to make sure the neighbors have a say if anything changes at the site going forward. The document changes Article 10 both in the descriptions and in the zoning map to move the property from the BNT to the B1.

Mr. Hawkins stated that he called the Rectory and while he's not convinced there's no other way this could be sold and be viable in this district, the rectory has no opposition so he has no objection.

No public comment was made.

5. Consider adoption of amendment regarding district for 17 Congress Street (D&V).

A motion was made by Alderman Spooner; seconded by Alderwoman Bessette to adopt amendment regarding B1 district for 17 Congress Street. Vote was unanimous, 7-0.

6. Consider certifications for Brownfield Loan, Chip Sawyer (D&V).

Mr. Sawyer stated that for the Congress, Main and Maiden Lane project, staff has sought funding for some of the contamination cleanup. There is a required certification from the City that says the plan meets the City's regulations and won't be an undue burden. He presented the resolution for consideration. He noted that the redevelopment has been approved by the DRB and City staff and engineers are working on all aspects of the project to make it successful.

A motion was made by Alderman Pelkey; seconded by Alderman Spooner to approve certifications for Brownfield Loan. Vote was unanimous, 7-0.

7. Update on Certified Local Government Program, Chip Sawyer.

Mr. Sawyer recalled the conversation that Joe Luneau started at the last meeting. He has spoken to the State Historian and agrees that is a slam dunk for the City. The City is required by its Growth Center Designation to do an update to the Certified Local Government Program and could put the grant funds to good use. His recommendation is have staff prepare a draft ordinance for first reading at the next meeting. They will hash out details such as the number of members.

Mayor Smith asked Mr. Sawyer if he knows if there are interested parties. Mr. Sawyer responded that he hasn't had in depth conversation with the DAB and Planning Commission yet but would guess that there would be a lot of interest.

8. Recess for Liquor Control (D&V).

A motion was made by Alderman Spooner; seconded by Alderman McCarthy to recess for liquor control at 6:50 pm. Vote was unanimous, 7-0.

9. Consider approval of extra-territorial allocation application for 324 South Main St., Westview Condominium Development LLC (D&V).

David Goodrich introduced himself, owner of Westview Condos. He is proposing to build 12 units on the property in front of 324 South Main Street and rather than have them be rental units, he would like to build condos with attached garages. He believes they will market in the low \$200,000 range. This will be the 4th phase of the Westview Condominium project and will be low rise vs. high rise. He completed preliminary work with the Town Zoning Office who is favorable to the project and has approval from the Town Fire Chief who is writing a letter of support to the Town DRB. Mayor Smith asked Mr. Goodrich for the specific location of the proposed project.

Mayor Smith asked who would be responsible to pay the affiliation fee. Mr. Goodrich responded that he will be responsible as long as he owns the property.

A motion was made by Alderman Pelkey; seconded by Alderman Spooner to approve extra-territorial allocation application for 324 South Main Street. Vote was unanimous, 7-0.

10. Consider approval of extra-territorial allocation for Champlain Veterinary Clinic (D&V).

Agenda item was tabled.

11. Consider authorization of one-year police contract with Town of Highgate (D&V).

Chief Taylor stated that the Town of Highgate approached him 6 weeks ago as well as the State Police and asked if the City would be interested in making a proposal to provide part time policing in their community, compatible to what they already have which is 28 hours. After meeting with them, it was clear Highgate was looking for a change. The City has the capacity to do this without adding additional officers or stripping any

from the City or Town. Chief Taylor stated that 15% of the week, the City would be responsible for some high visibility patrols. He noted they have a lot of ATV activity and speeding vehicles. This is another opportunity for the City to expand its offset revenue sources in the amount of \$58/hour for 24 hours/week. It would be a one year pilot project and would review at the end of the year to make sure it's mutually beneficial in both communities. He stated that the City does have a product that they are interested and believes we can fairly easily accommodate their needs.

Mayor Smith asked Chief Taylor to comment on staffing status. Chief Taylor responded that as of right now, he has hired 27 officers in total. When the Sheriff left, he lost one of his Sergeants who will be returning to the force at the end of the month. He has hired 9 officers and 4 dispatchers in the last 5 weeks and has 6 enrolled in the full time police academy. He picked up 3 fulltime certified officers and parks patrol officially started today.

Mr. Spooner asked Chief Taylor if they have to sign a pledge to stay with the City for a certain period of time when they go to the academy. Chief Taylor responded that they are given a sign on bonus and a 3 year contract. Mr. Spooner asked if there is a plan to engage with the current law abiding citizens with ATV's to help ramp down that illegal activity in the Town. Chief Taylor responded that the problem is a community problem, not a policing problem. It will include some education in the schools, businesses and community. The Town is prepared to identify the violators and are asking for some follow up. He stated that Jim Hughes is also in support and agrees with the City's philosophy. Chief Taylor stated that the timing officers will be present in Highgate will be mixed up and referred to it as an invisible presence.

Mayor Smith asked where the money goes when someone receives a ticket. Chief Taylor responded that a speeding violation goes to the community, all but a surcharge and police academy fee. All but the processing fee on truck tickets goes to the community. Ordinance tickets also go to the community. Mayor Smith asked Chief Taylor where he is maxed out in terms of staffing. Chief responded that he has 3 SRO's coming out of the schools, has an officer coming back from Iraq and had a graduate at the last Police Academy class who will return next week. He also hired an officer from Caledonia County who will be on his own in 4 weeks. He has an interview tomorrow with another officer in Southern Vermont. He noted those are quick turnovers because they don't have to go to the academy. Mr. Hawkins asked what the total number is when the department is at full staff. Chief Taylor responded that he has 27 and has discussed the idea of over hiring by one officer in case some don't make it through the academy. The goal would be to have 27 full time officers.

No public comment was made.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve one-year police contract with Town of Highgate. Vote was unanimous, 7-0.

Mr. Spooner noted that in the past he has had customer service issues with interactions with dispatch. The last couple of times he's come into the station, he was greeted very warmly and received great service. Chief Taylor commented that he has been focusing on customer service training and will continue to do so.

12. Consider approval of FY 20 Water, Wastewater & Stormwater budgets (D&V).

a. Cloud, Leitz and Sawyer.

Mr. Cloud read aloud the enclosed memo. Mr. Sawyer responded that the project described would treat approximately 21 acres in the area of SATEC and South Main Street. It would be a gravel wetland which is a constructed system of meanders for the water to flow through during a storm. It will remove some phosphorous and help the City fulfill many of the water quality requirements under the MS-4 permit. There is a construction estimate of \$750,000 and anticipate at least 50% in grants from the State. The next project that would be funded in part by xxx is on Lemnah Drive. Mr. Hawkins asked Mr. Sawyer if it's correct that the City is designated as a MS-4 district and any project that lies within the City with a prior stormwater permit could come under the designation. Mr. Sawyer responded affirmatively. Mr.

Hawkins if it counts if any of those projects are improved by the City. Mr. Sawyer responded affirmatively and stated that the City took over 3 expired stormwater permits and gets credit for that. Mr. Hawkins asked if the City has a list of every stormwater permit in the City boundary. Mr. Sawyer responded affirmatively. Mr. Hawkins asked Mr. Sawyer if staff is actively engaging with property owners. Mr. Sawyer responded negatively. Mr. Hawkins asked if there is a reason why the City wouldn't want to do that. Mr. Sawyer responded that it's something that will probably happen in the future. Mr. Hawkins stated that he knows a lot of permit holders that are facing an expensive task to do what needs to be done to get another permit. His recommendation has been to approach the City to come under the City's permit and asked if that's an appropriate thing to be doing. Mr. Sawyer responded affirmatively. Mr. Hawkins stated that in the real estate profession, this is a big problem for a lot of property owners with expired permits and are facing high costs in making the property acceptable for the State of Vermont.

Mayor Smith stated that he would caution staff in taking some of those over before we know what the cost is. Mr. Cloud stated it would be case by case. Mr. Spooner noted that Guyette Circle was taken over. Mr. Sawyer responded that the City is maintaining the system, as well as Murray Drive and part of Lemnah Drive.

Mayor Smith asked Mr. Cloud if the Federal Street Bypass project is still in the works. Mr. Cloud responded that this is being done in a way that wouldn't preclude the bypass from coming in. The project is shovel ready and fully permitted but the latest estimates are 12 – 14 million and the City would have to match a portion of that.

Mr. Leitz stated that in both water and wastewater in the CIP, there is \$5000 allocated for Kingman and Stebbins. He learned that there is substantial funding available and encouraged to apply. In wastewater on line 66, the \$10,000 is allocated for the weed harvester. In wastewater, the initial plan was 5 years of 5% increases to deal with the upgrade. Because the City has received so much funding along the way, the net impact will be the same. When the project is complete, the City will have short term debt to cover the Federal piece and are well positioned to wrap the project up within budget.

Mr. Hawkins asked Mr. Leitz to touch on the new equipment the City is buying. Mr. Leitz responded that if you look at the garage today since Rob Green took over, it is proficiently organized and needs some money for tools. It will help with efficiency on jobs. Mr. Leitz responded that the City also has a new pay loader, a utility truck and a backhoe. Mr. Hawkins noted that the biggest driver is the chemicals. Mr. Leitz stated that it's going to take getting through the FY 20 budget to get a handle on any efficiencies for the new plant. Mr. Spooner asked what the City's TMDL is supposed to be. Mr. Manahan responded that he believes the target is just under 2 at 1.95.

Mayor Smith asked if there are any bonds retiring. Mr. Leitz responded that there is nothing short term. Mayor Smith stated that he would hate to get in the habit of the increase happening every year. Mr. Cloud responded that the challenge is, there are 20 years to fix the streams. Some of the way to cushion the impact is to try and get as much State money as possible and the best way to do that is to position ourselves as a regional provider for the State model that was just adopted in legislature.

Mr. McCarthy noted that all of the municipalities that have the infrastructure that we have, have faced criticism and is proud of this community. The City is meeting its obligations and creating balance.

b. Finance Committee.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve FY 20 Wastewater budget. Vote was unanimous, 7-0

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve FY 20 Water budget. Vote was unanimous, 7-0.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve FY 20 Stormwater budget. Vote was unanimous, 7-0.

13. Review of 2019 Goals and Objectives, City Manager.

Mayor Smith stated that he would like a brief update of the 2019 Goals and Objectives and would like to ask each councilor what priorities they're hearing on the streets.

Mr. Cloud stated that many are ongoing and in progress but would be helpful to get some prioritization from council as it is half way through the year.

Mayor Smith asked council if anyone has any pressing topics. Mr. Spooner responded with noise and speed. Mayor Smith stated that he did have a conversation with Chief Taylor about noise and it boils down to how long you want to spend chasing noisy motorcycles vs. public safety. He noted that the motorcycle noise is a quality of life issue. Mr. Spooner stated that the black smoke from the vehicles that was an issue a few years ago was remedied by the automated inspection program. He asked Mr. McCarthy if there is something similar for motorcycles. Mr. McCarthy responded negatively. Mr. Cloud asked if most of the motorcycle noise is due to modification. Mr. Spooner responded affirmatively. Mayor Smith stated that an education plan on the website or Facebook page might be a better measure than policing.

Mr. McCarthy noted that his wife has mocked up a campaign for speeding and wondered if it would be a good idea to create a summer campaign for speeding and noise and added that it is really a cultural thing. He recommended making a public statement with temporary lawn signs or some increased police presence.

Mr. Spooner stated that the only other issue he would like to prioritize is to find a way to show appreciation to people that volunteer their time in the community, similar to what rotary does for their Person of the Year.

Ms. Bessette stated that her main concern is noise complaints and speeding and asked how the vehicles with modified tail pipes pass inspection. She has also thought about putting a sign on her front lawn. Mr. Cloud stated that he thinks it would be worth a try to print up some lawn signs and could use the Main Street banners as well. Mr. Cloud stated that he and Marty can run with it. Mr. Spooner noted that his neighbor screwed some small cones to a piece of wood and puts them at the edge of the road and is very effective.

Ms. Laddison stated that her priority is the City Pool. She stated that a long term solution needs to be discussed and doesn't want there to be a year where the pool can't be open. Mr. Cloud stated that that almost happened this year. He and Ms. Viens have been meeting regularly and are making progress on a site. The discussion seems to be focusing more on the existing site and have been able to get in contact with a firm that has experience in construction and the estimating which will provide better planning and estimates.

Mr. McCarthy stated that his priority is around public safety with traffic and also believes the pool should be a priority. He believes a City wide 25 mph speed limit is a good discussion to have.

Mr. Hawkins stated that noise is an issue. He stated that he and his wife almost came close to being hit at the crosswalk on North Main Street. He would like some crosswalk maintenance and signage to be considered.

Mr. Pelkey stated that he would like to see the crosswalk strobe lights at SATEC and in front of City Hall once the project across the street is complete.

Mayor Smith asked if painting will be happening on the crosswalks. Mr. Manahan responded that in the next couple of weeks, Public Works will be out painting all of the crosswalks. They've talked about using planters on the Mylan crosswalk and noted that BAART on South Main has requested one. Mayor Smith stated that he had a request on Elm and Lake going to the south side of Lake Street from Holy Angels Church and asked for some signage.

Mayor Smith stated that his priorities are the sidewalk in Taylor Park which will be done on the west side. Mr. Hawkins asked if that project was a complete product failure. Mr. Manahan responded affirmatively. Mayor Smith stated that there is also limited lighting in Taylor Park with no lighting on the north and south end. Mr. Manahan responded that the lights on the north end have been replaced and the lights on the south end will be rewired.

14. Consider approval of Congress and Main Development Documents.

a. Sources and Uses Table (D&V).

Mr. Cloud stated that the first item outlines the various funding sources of the Congress and Main project.

A motion was made by Alderman Pelkey; seconded by Alderman McCarthy to approve sources and uses table. Vote was unanimous, 7-0.

b. Purchase and Sale Agreement (D&V).

Mr. Cloud stated that the purchase and sale agreement outlines the terms under which the City will sell the land to build the commercial building on the corner. Conditions precedent to closing on the City side include the demo, site work, utility and environmental remediation. The developers will need to reimburse the City for their share of the engineering and design cost.

A motion was made by Alderman McCarthy; seconded by Alderwoman Laddison to approve the purchase and sale agreement for the Congress & Main project. Vote was unanimous, 7-0.

c. Rent Deficiency Agreement (D&V).

Mr. Cloud stated that the rent deficiency agreement backstops the rent from the first floor which allows the stability for the project to attract the private investors. The guarantee that the City has agreed to is \$8 per square foot of base rent. Rent is anticipated to be 12 years.

A motion was made by Alderman McCarthy; seconded by Alderwoman Laddison to approve the rent deficiency agreement. Vote was unanimous, 7-0.

d. Parking Agreement (D&V).

Mr. Cloud stated that the parking agreement is between the City and CCV. The City has agreed to provide 20 parking spaces on site for staff and faculty and is augmented with 55 spaces for students in the parking garage.

A motion was made by Alderman McCarthy; seconded by Alderwoman Laddison to approve parking agreement. Vote was unanimous, 7-0.

Mr. Cloud noted the companion agreement with CCV as it pertains to the Congress and Main project. It provides that the City will make spaces available in the parking garage, provides an option on those spaces at the termination of the lease with CCV to Congress & Main, the building owner and grants use of up to 5 spaces in a municipal parking lot within 500' of the commercial building.

A motion was made by Alderman McCarthy; seconded by Alderwoman Laddison to approve the parking agreement with Congress & Main LLC. Vote was unanimous, 7-0.

e. Police Station Lease (D&V).

Mr. Cloud stated that this is the lease for the current CCV, future police station. It's a 15 year lease and tracks the same term as across the street. It includes base rent of \$20/square foot of \$200,000/year. Beyond that, the City will operate it as if it owns it and will arrange for snow plowing, janitorial services and pay the electric bill. The City is paying taxes on the building which is part of what makes the TIF funding available for the project across the street. Mr. McCarthy asked if it's correct that this is 100% new increment because as it stands now, it's not taxable. Mr. Cloud responded affirmatively.

A motion was made by Alderman McCarthy seconded by Alderwoman Laddison to approve police station lease. Vote was unanimous, 7-0.

f. Condominium Declaration: The Council authorizes the City Manager to execute and record a declaration on terms substantially the same as the draft declaration reviewed on June 10, 2019.

Mr. Cloud stated that this is a technical document that follows the process and components outlined in State law for declaring a condominium. It's in draft format and asking council to allow the City Manager to finalize it in working with legal counsel. In terms of the intent and purpose, it's a legal document that declares 4 units, the first is the underlying land which will include the parking lot followed by 3 additional units and the rights to build those buildings.

A motion was made by Alderman McCarthy; seconded by Alderman Pelkey authorize the City Manager to execute and record a declaration on terms substantially the same as the draft declaration reviewed on June 10, 2019. Vote was unanimous, 7-0.

15. Consider approval of minutes: Reg. Mtg. 3/11/19 & 5/13/19 and Special Mtg. 5/21/19 (D&V).

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve 3/11/19 minutes. Vote was unanimous, 7-0.

A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve 5/13/19 minutes. Vote was unanimous, 7-0.

A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve 5/21/19 special meeting minutes. Vote was unanimous, 3-0 with Alderwoman Bessette, Alderwoman Laddison, Alderman Spooner, and Alderman McCarthy abstaining.

a. Consider approval of warrants: 5/17/19 & 5/31/19 (D&V).

A motion was made by Alderman Hawkins; seconded by Alderwoman Bessette to approve 5/17/19 minutes. Vote was unanimous, 6-0 with Alderwoman Laddison abstaining.

A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve 5/31/19 minutes. Vote was unanimous, 7-0.

16. Mayor's Report

Mayor Smith asked if there is a plan for replacing dead trees on Main Street. Mr. Sawyer responded that staff is going to give the trees a little more time to see how they react over the summer before making a decision.

Mayor Smith stated that he met with Kate Manahan and are discussing the possibility of having the car show in Taylor Park instead of Kingman Street.

He noted that the Sunflower Festival is August 2-4. The City, Town and Department of Agriculture are a sponsor and sunflowers have been planted around the City and Town. The Mayor's Photo Competition deadline is June 30th. The theme is Lakes, Rivers and Waterways and a reception will take place on July 11th.

A welcoming parade received the BFA softball team with the help of police and Deputy Fire Chief, Matt Mulheron. Mr. Cloud stated that he liked that the both the Town and City firetrucks were involved. Mayor Smith commended Mr. Mulheron for combining both departments.

17. Other Business.

Ms. Laddison stated that the railroad crossing on Aldis Street is horrendous.

Mr. McCarthy stated that the pothole at the corner of Lincoln and Bishop needs to be fixed. He noted the letter that Sue Prent submitted to council about the concerns on Maiden Lane and stated that a lot of those concerns were discussed tonight.

Ms. Bessette stated that a neighbor at 18 and 22 North Elm needs some gravel at the driveway apron.

Mr. Spooner stated that Lower and Upper Newton lights are still not sensing traffic. Mayor Smith noted the light for southbound traffic is turned. Mr. Manahan responded that a bracket has been ordered. Mr. Spooner noted that one license plate on one of the police SUVs is all white and doesn't have red lettering anymore. He asked for an update on the art wall in Houghton Park. Mr. Cloud stated that he will look into it. He added that the bridge on Lemnah Drive is in rough shape and suggested that Mr. McCarthy bring that to the TAC. He would also like a crosswalk in front of Beverage Mart. Mr. Manahan stated that he doesn't believe one is allowed at an egress. Mr. Spooner stated that a planting guild has started in Houghton Park and is coming along well. He noted that the Public Works employees have been out a lot in the streets and the City is starting to look good.

Mr. Hawkins commended Mayor Smith on his speech at the Memorial Day ceremony. He stated that the sound system is terrible and would like to see that improved. It was frustrating to him that there was no police presence at the top of Kingman Street which was very dangerous while the band was marching. He noted the pits in the park and is worried someone is going to get hurt in those. He thanked Mr. Cloud for the responses to the recent auditor's statement on TIF. There's been a recent development of a lot on Brainerd Street where the house had burned down. He is hoping the driveway was required to be paved and won't stay in its current condition. Mr. Sawyer responded that the current rules do not require that driveways be paved. Mr. Hawkins commented that the shopping center has taken a turn for the worse. Signs are bent, rails are knocked down and believes the developer should be required to fix what's there before he is given any additional permits. He noted a few vacant buildings in the City, including buildings the City owns. He suggested an ordinance that requires at the very minimum that windows be cleaned and sweeping be done and the front of the building be kept in good order. He noted the state of the taxi service in the City and hears a lot of complaints about unreliable taxi service because they shut down early or don't travel where customers want to go. Mr. Cloud asked about an Uber service. Mr. Hawkins stated that there isn't enough service here and they don't get paid enough. He believes if there were one or two good taxi service, it would be a huge benefit. Ms. Galloway stated that she's been looking at the taxi ordinance to figure out why the City is regulating it and only received 3-4 applications this year.

Mayor Smith added that he attended the tree drive with Mr. Southwick and handed out almost 150 trees. Mr. Sawyer stated that it was a great event and sold out fast on Facebook. Mayor Smith stated that he would like to do more to welcome new businesses that are opening and noted that he brought flowers to the new nail salon. Mr. Manahan stated that the Merchants Committee has talked about that and he can follow up. Mayor Smith stated that a newsletter will be in the next water bill with an update on activities in the City and Town this summer.

18. Adjourn.

A motion was made by Alderman Spooner seconded by Alderman Pelkey to adjourn meeting at 8:58 pm. Vote was unanimous, 7-0.

Respectfully submitted,

Kristen Smith
Community Relations Coordinator

Approved