

**St. Albans City Council
Minutes of Meeting
Monday, October 14, 2019
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, October 14, 2019, at 6:30 pm in the City Hall Council Chambers.

Council Present: Mayor Tim Smith; Aldermen: Michael McCarthy, Tim Hawkins, Chad Spooner and James Pelkey & 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 Public Works, Operations & Business Development.

Visitors: See attached sign-in sheet.

1. Convene Open Session with Pledge of Allegiance.

Mayor Smith called the meeting to order at 6:30 pm and led the pledge of allegiance.

A motion was made by Alderman Spooner; seconded by Alderman McCarthy to add a twelfth agenda item for Executive Session where premature disclosure may put the City at a disadvantage. Vote was unanimous, 7-0.

2. Public Comment on items not on agenda.

No public comment made.

3. Planning Development Report.

a. Consider recommendation to change height regulations in the Service-Industrial District (D&V).

Mr. Sawyer recalled that the St. Albans Co-op Creamery has merged with Dairy Farmers of America and will help them expand into new markets. Their engineers have looked at what's next for that site and the type of silos needed are higher than what is allowed in the Service-Industrial District under a waiver. Currently, there is a waiver for up to 85 feet in height and the DFA is requesting a consideration to go up to 105 feet with a waiver from the DRB. Mr. Sawyer stated that the Co-op's silos current height are 85 feet and there are two grain elevators in the City that are 120 feet or higher. He is suggesting that council make a request to draft the change to be run through the Planning Commission process before being brought back in front of council for consideration.

Mr. Hawkins recalled that the council took a lot of heat when they approved the increase in height of the grain elevator at Bordeau Brothers. He commented that they take up a lot of space and can interfere with a good portion of the view from the upper side of the City. Mr. Hawkins asked if there would be a conditional use process as part of the waiver. Mr. Sawyer responded affirmatively. Mr. Hawkins recalled that he believes the issue with the Bordeau silo years ago was that only the abutters were notified and the residents that had an impact on their view were not. Mr. Sawyer reiterated that this proposal is for 15 feet lower than the grain elevator. Mr. Pelkey asked if the Co-op would be replacing the existing silos. Mr. Sawyer responded that he did not know.

Mr. Cross stated that he doesn't believe they are replacing the existing silos. The DFA wants to modify the production of the creamery which means they won't mix milk in a single silo as they do

now. He stated that they are planning on adding another building to receive the tanker trucks to unload the milk. The silos will be on a 4 foot concrete pad and the silos will be about 95 feet in height. Once the catwalk is installed, it could reach up to 105 feet. Mr. Pelkey asked where they would be located. Mr. Cross responded that the new silos will most likely be placed in front of the existing silo. The goal is to be ready next spring and can't move forward without this modification. Once the by-law is modified, they can move forward with site plan approval and the Act 250 approval. Mr. Sawyer added that Act 250 would give a lot of other avenues for input as well. Mayor Smith asked if the DRB could approve a waiver without the change. Mr. Sawyer responded that it could only be approved with a waiver for up to 85 feet. This allows for any case in which someone wants to go higher, that they have to go before the DRB and abutters would be warned.

A motion was made by Alderman McCarthy; seconded by Alderwoman Laddison to change height regulations in the Service-Industrial District as recommended and to be referred to the Planning Commission. Vote was unanimous, 7-0.

- b. Consider approval of request to study the SASH/South Main intersection and pedestrian crossings (D&V).

Mr. Sawyer stated that there is a crosswalk where the St. Albans State Highway (SASH) meets South Main but it is rather wide and in a high traffic area. There have been various ideas pitched to City staff to add crosswalks to the area so students can safely cross to SATEC. He recalled that there is a long term plan to have a traffic signal in that location if the Federal Street Connector is ever completed. A pedestrian island could be considered at the bottom of the SASH or they could add crosswalks or a 3-way stop. Staff would like to get some engineers to weigh in to find a solution to some of the pedestrian issues at the South Main intersection. Mr. Sawyer stated that SATEC does have a blinking light that reduces speed to 25 mph. They are also looking at putting in a pedestrian crossing sign at SATEC. Mr. Sawyer stated that staff would like to get some experts on board to be given some options and find out when these problems are occurring and how badly and will be able to implement some of these ideas. Mr. Pelkey stated that he agrees with Mr. Hawkins' idea for a flashing sign to reduce the speed during school hours. Mayor Smith stated that it would also be a good idea to look at the sidewalk scenario on Nason Street by the railroad tracks as there is no crosswalk there.

A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve request to study the SASH/South Main intersection and pedestrian crossings. Vote was unanimous, 7-0.

- c. Consider authorization to enter into VEDA/State of Vermont loan for brownfield funding for Maiden Lane Housing (D&V).

Mr. Sawyer stated that in June when the Sources and Uses for Congress and Main went before council, one of the lines stated "NRPC and State Brownfield Loan." The State loan is asking for a resolution specifically authorizing that loan in the amount of \$393,500.

A motion was made by Alderman Hawkins; seconded by Alderman McCarthy to approve authorization to enter into VEDA/State of Vermont loan for brownfield funding for Maiden Lane Housing. Vote was unanimous, 7-0.

4. Consider approval of extra-territorial allocation application for North Stars Masonry, Inc. Franklin Park West Lot #20 (D&V).

A motion was made by Alderman Spooner; seconded by Alderman Pelkey to approve the extra-territorial allocation application for North Stars Masonry, Inc. Franklin Park West Lot #20. Vote was unanimous, 7-0.

5. Consider approval of Readsoft memo, Tom Leitz (D&V).

Mr. Leitz recalled the Readsoft memo that was in front of council several months ago. He noted that at the end of each month, the bank account is balanced from a fraud perspective which is pretty consistent with governmental norms. Mr. Hawkins asked Mr. Leitz how many sets of eyes look at these. Mr. Leitz agreed that there are a lot of eyes but the higher the threshold, the more open the risk is since there is typically a 30 day lag with catching up on discrepancies. Mr. Pelkey noted the run down of the number of vouchers on the memo and asked if the \$50 was cumulative. Mr. Leitz responded affirmatively. Mr. Spooner stated that he personally doesn't mind approving the full warrants because it allows him to know what's going on in the City. Mr. Hawkins stated that he does not need to operate the City's operating budget or receipts of coffee or paper. His concern is the major projects like Congress & Main. Mayor Smith stated that council can still review the full warrant if they wish to and was in agreement with the proposal.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve the Readsoft memo. Vote was unanimous, 7-0.

6. Operations Report, Marty Manahan.

a. Consider approval of plan to make 2 hours free parking available in garage (D&V).

Mayor Smith noted the graffiti that took place in multiple areas of the City over the weekend and asked what the plan is for cleaning it. Mr. Manahan responded that Matt Mulheron will take charge of the cleanup and will paint any areas where the graffiti cannot be removed. If they catch the person who did it, they can attempt to be reimbursed through the restorative system.

Mr. Manahan stated that there was a request by the merchants to provide 2 hours of free parking in the garage and would like to test it out during the holiday months. He stated that it would take a simple change in the programming which can be turned off at any time. Mayor Smith asked if it's a request specifically for the holidays. Mr. Manahan responded that he believes it's a permanent request and the goal is to attract shoppers during the holiday season. Mayor Smith asked how it would be promoted if approved. Mr. Manahan responded that the merchants can do some outreach. Mr. Spooner asked how quickly it could go into effect. Mr. Manahan responded that it would just take a phone call to ITS. Mr. McCarthy stated that you have to have a system of incentives and need to get more of the vehicles off Main Street. He believes this will be a great way to retrain some behavior. Mr. Manahan stated that the merchants would also like to see the parking ticket amounts be raised for parking over 2 hours on Main Street. Mr. Hawkins asked why someone would choose the garage to park over parking for 2 hours on Main Street. He stated that if he was a business in the downtown, he would want to pay for his customers to park. Mr. Manahan responded that that ability exists now.

A motion was made by Alderman McCarthy; seconded by Alderman Spooner to approve allowing parking in the garage to be free for 2 hours and to be revisited after the holiday season. Vote was unanimous, 7-0.

b. Consider approval of plan to transition from automatic winter parking ban to flashing sign and electronic notification plan (D&V).

Mr. Manahan stated that right now, the winter ban goes into effect from December 15th through the end of March. If a vehicle is parked on the street during the ban, they will get an initial warning followed by a ticket. Staff would like to move to a beacon program on North Main, South Main, Lake Street and Kingman Street that can be activated only when the winter ban is in effect. Staff would also pass the message along through social media. Mayor Smith asked Mr. Manahan how they'd get the word out in the residential neighborhoods. Mr. Manahan responded that for the most part, the only time it's needed in the residential areas is during high snow events and will get the word out through social media and word of mouth. He stated that his main focus is getting the downtown

area cleaned up. Mr. Pelkey asked if it would make sense to add a beacon on Upper Welden, Fairfield or other areas where people would be traveling from neighborhood areas. Mr. Manahan responded that you could but once one neighborhood wants it, they all will.

Mr. Spooner asked if the City has registered for VT Alert which is a free service that allows you to advertise snow bans. Mr. Manahan responded that the City does use that system. Mr. Manahan added that with this proposal, vehicles that do get towed would get towed to the Public Works garage and would avoid storage fees.

A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve transition from automatic winter parking ban to flashing sign and electronic notification plan. Vote was unanimous, 7-0.

Mr. McCarthy asked Mr. Manahan who would be responsible or be able to help with the cleanup on the brick wall that you access by Governor Smith Drive. Mayor Smith stated that Aldis Hill has hired Mr. Mulheron and Mr. Sargent off hours to clean it with a pressure washer and a graffiti removal solution.

7. City Manager Report.

a. Consider authorization to research and consider adoption of local option tax (D&V).

Mr. Cloud noted the memo in the packet. He stated that there's been a lot of dialogue across the State and there is a sense among some local officials that the ability to have a local option tax might be closing. From a technical perspective, 1% is available, collected through the State. He stated that this is a pretty compelling list of communities that are similar to the City of St. Albans. The real money seems to be in the general sales tax. He is told people tend to think of it as a retail tax but the big money generators are cable bills, for example. In St. Albans Town, WalMart is not the majority player and represents less than half. Some other communities have levied 1% on alcohol, rooms and meals tax. This is collected at the wholesale level where as right now, ours is collected at the retail level. He believes it's something worth looking into.

Mayor Smith asked if it's correct that it's not applicable to vehicle purchases. Mr. McCarthy responded affirmatively because they have a Purchase and Use tax associated with the sale. Real estate is also no applicable. Mr. Cloud added that his understanding is that it's destination-based when referring to online sales. Mr. Hawkins stated that he thought South Burlington turned down the local option tax. Mr. Cloud stated that they proposed to amend their charter to add an additional tax for rental cars which passed to the voters but legislature turned it down as a charter amendment. Mr. Cloud stated that there is a very clear path set. Mr. Hawkins asked why the City should do this. Mr. Cloud responded that it diversifies our revenue sources and by definition, diversifying our revenue streams reduces pressure on the property tax, stormwater fee and could be targeted toward capital projects. Mayor Smith stated that at one point there was the discussion to address the downtown amenities such as the flowers and banners and could be used for that funding.

A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to authorize staff to research the local option tax. Mr. Spooner stated that in the end the tax payers vote on it regardless. Mr. Hawkins stated that staff still has an obligation to make sure it makes sense. **Vote was unanimous, 7-0.**

b. Congress and Main update.

Mr. Cloud explained that there were a couple of slow downs related to underground utilities for the Congress & Main project. Staff had a difficult time getting VT Gas, GMP and Consolidated Communications to come together. In addition, there was some other minutia that resulted in

delays. The project is back on track and continue to push hard to have the podium on the back of the site up by mid-December so the residential projects can begin. Before that, staff expects to see steel go up for the commercial building on the front of the site.

c. Consider adoption of condominium declaration for Congress and Main Redevelopment as outlined in resolution (D&V).

Mr. Cloud stated that staff is declaring a condominium as part of the project. Mr. Cloud stated that the City is Unit 1 in the site plan which includes all land in the project and includes an easement to units 2, 3 and 4. Unit 2 is the commercial building on the front of the site. There is very similar language for unit 3 and 4 which are the housing units. He stated that there has been great discussion around the podium which is what the two units will be supported by. The State Fire Marshall had a hard time wrapping his head around that in terms of who owns what and where the sprinklers run. Mr. Cloud stated that staff has gone through great lengths to have everything as separate as possible and is why the City owns the land and the rest have building rights. Staff envisions over the next week or so, there will be changes that will need to be tried up which will be influenced by what the State regulator signs off on.

Mr. Pelkey asked for the vote to be tabled until council has time to read the document. Mr. Spooner asked Mr. Hawkins if he read it. Mr. Hawkins responded affirmatively and stated that he doesn't see a problem with it. Mr. Hawkins stated that all these declarations do is give the condominium owners a fair opportunity to see what it is they are getting, the responsibilities they will have and how the organization is going to be handled. As far as operations for the City, it doesn't mean as much as it will for the people that will be living there and it can be amended. Mr. Hawkins stated that usually these documents are for protection so if someone does something out of the norm, it does not decrease the value of the nearby condominiums. Mr. Cloud added that the City has 50% of the shares. Mr. Hawkins asked if there would be an issue if council made a motion to accept the declaration and if Mr. Pelkey had any issues in the next 24 hours, the motion could be revisited.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to adopt condominium declaration for Congress and Main Redevelopment as outlined in the resolution and allow Mr. Pelkey 48 hours to review it. Vote was unanimous, 7-0.

Mayor Smith asked Mr. Cloud for a detailed timeline for the project across the street. Mr. Cloud stated that the steel will be up mid-December for the commercial space. Shortly after, the steel will go up for the back buildings. Sometime between the fall of 2020 and the end of 2020, both buildings will be finished. There is some coordination with CCV as to when they'll be able to move in line with their academic calendar. Once CCV moves out of the South Main location, the renovations will begin with the Public Safety facility which will take about 6 months.

8. Mayor's Report

Mayor Smith asked for a moment of silence for the losses of Mark Reynolds, Jim Brouillette and Claudette Bostwick who were longtime residents and upstanding citizens in the community.

a. Candidates for City Boards:

i. Jesse Remillard for the unexpired term of C. Bostwick (D&V).

Mayor Smith stated that Jesse Remillard lives on Brainerd Street, is active in youth sports and works for Immigration.

A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to appoint Jesse Remillard to the seat previously held by Claudette Bostwick. Vote was unanimous, 7-0.

ii. St. Albans materials at VLCT conference.

Mayor Smith noted that he attended the VLCT conference and White & Burke had a great promotional handout spotlighting the City parking garage.

9. Other Business.

Mr. Spooner thanked Public Works for their hard work. He recalled discussion about having an art wall in Houghton Park and asked what the delay was. Mr. Sawyer responded that the Parks Commission weighed in and are looking into the design and materials. Mr. Spooner asked if there was any progress with the sensor at the lights located on Upper Newton Street. Mr. Manahan responded that parts have been ordered. Mr. Sawyer stated that he noticed if you pull forward, the sensors don't recognize vehicles but if you pull back they do. Mr. Spooner asked if someone gave the City a house on the corner of Maple and LaSalle and asked if there's any way council can get a list of all the properties that the City owns. Mr. Cloud noted that property, 7 Nason Street, 99 High and Fairfield Street which are owned by the City. Mr. Cloud recalled that he believes council's goals and objectives were to move those properties. He stated that staff learned from the Diamond Street experience with the Tech Center that someone needs to be working for the City to oversee that work. He explained that Jim Cameron is heading that directive. Mr. Cameron's directive was to focus on Federal Street and Nason in order to get the houses to the market by spring. Mr. Manahan stated that the City has a couple of people interested in the Nason Street property.

Ms. Bessette commented on how nice the flowers in the Downtown look.

Mr. Pelkey stated that a constituent in his ward would like to see the "no left turn" sign put back at the top of Kingman Street. He handed out a photo of the bump out at the end of the courthouse driveway on Lake Street. He stated that the large flower pots are obstructing the view of oncoming traffic on Lake Street. Mr. Cloud asked Mr. Manahan to remove all of the pots.

Ms. Laddison stated that she has been noticing more houses decorated with Halloween decorations and is very happy to see it spreading into the neighborhoods.

Mr. McCarthy stated that there was an article that caught his eye a week ago in VT Digger which talked about the changes in population in Vermont municipalities. He wondered if there is anything the City could do to help census workers access the apartment buildings in the City and believes the City is under sampled. Mr. Sawyer responded that the City can partner with the NRPC and make people aware that it can be done online.

Mr. Hawkins stated that there will be a normal Veteran's Day functions with the band playing. He hopes the police block off vehicular traffic from Kingman while the students are playing and walking. He noted that it hasn't been blocked off in the southern direction in the past. He also hopes the sound system is better. Mr. Manahan stated that it's typically the Legion that brings in the sound. Mayor Smith stated that the VFW is in charge of Veteran's Day and the Legion is in charge of Memorial Day. He has had conversations with members of the VFW and Legion to jazz it up and make it more of an event. He stated that they've also had some discussion about putting up banners with pictures of Veteran's. Mr. Hawkins noted the article in the Messenger by Caroline Branagan regarding TIF and asked if anyone responded to it because it was completely misstated. Mr. Cloud stated that he would be happy to reply.

Mayor Smith stated that the new radio station, 1420 is a great resource. He and Mr. Cloud had an excellent meeting at St. Mary's to talk about potential parking for the high school. On October 29th, the Senate of Economic Housing will be at City Hall to discuss housing. There is also a workforce summit at the Museum on October 22nd to discuss what might happen relative to finding workforce to fill jobs. He and Mr. Manahan discussed that a lot of street signs are missing. Mr. Manahan responded that there are none on High Street and are missing about 90 signs. One was replaced on Thorpe Avenue and a week later it was gone. Mayor Smith thanked Mr. Manahan and Public Works for rewiring the lights in

the park and found that GMP never reconnected the power to a new pole. He had another call regarding the parking at the Passport Agency and asked if Mr. Spooner and his committee would like to look at it. Mayor Smith stated that their concern is that patrons cannot find parking because the students are using it and asked if there could either be meters or a designated space for passport customers. Mr. Hawkins noted that patrons of Tim's Place also take up some of the parking in front of the Passport Agency. Mayor Smith stated that he was asked to do a Human Rights Proclamation and will add that to the next packet.

Mr. Hawkins asked if everyone remembers when power was lost in Ward 1 when the pole snapped and stated that he believes a light was lost. Mr. Sawyer responded that he had it put back. Mr. Manahan stated that he had a conversation with GMP who is waiting for VTel, Consolidated and Xfinity to come off and the last one off is responsible to remove the pole. Mayor Smith asked if we can start fining them. Mr. Cloud responded affirmatively and stated that the PHSO Ordinance can be amended.

10. Warrants and Minutes

c. Minutes: Regular Mtg. 9/9/19 (D&V).

Ms. Bessette noted that 15 Elm Street in the minutes should have been reflected as 18 Elm Street.

A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve 6/10/19 regular meeting minutes with correction. Vote was unanimous, 6-0 with Alderwoman Laddison abstaining.

d. Warrants: 9/13/19 & 10/4/19 (D&V).

A motion was made by Alderman Pelkey; seconded by Alderman Spooner to approve 9/13/19 warrants. Vote was unanimous, 7-0.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve 10/4/19 warrants. Vote was unanimous, 7-0.

11. Adjourn

A motion was made by Alderman Spooner; seconded by Alderman Pelkey to adjourn meeting at 8:20 pm and enter Executive Session. Vote was unanimous, 7-0.

Respectfully Submitted,

Kristen Smith

Community Relations Coordinator