

**St. Albans City Council
Minutes of Meeting
Monday, May 14, 2018
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, May 14, 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.

Visitors: See attached sign-in sheet.

1. Executive Session re: Contracts, Personnel 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 Alderman McCarthy to find that premature disclosure of above matters could compromise the City or person involved. Unanimous Vote, 6-0.
 - 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 6:00 for purpose of discussing litigation, contracts and real estate development options. Vote was unanimous, 6-0.
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.
Josh Martin of Lincoln Avenue introduced himself. He stated that he's noticed that despite all of the money that's been spent on sidewalks and downtown improvements, there is a lot more noise from truck traffic and dogs which has affected the quality of life in the City. He believes noise pollution is something that is becoming more apparent. Mayor Smith thanked Mr. Martin for his comments and agreed that it is a topic of concern for the council and will continue to discuss a solution.
4. Second Reading, amendments to the Land Development Regs on Dwelling Units in Business Districts.
 - a. Public Hearing
Mr. Sawyer stated that this is the second reading for the amendments proposed to the Land Development Regulations concerning dwelling units in the Business Districts. The first change suggested is to Section 304 which is a very user friendly table that quickly shows which uses are allowed in the districts in the City. Mr. Sawyer explained that because of its simplicity, it's not very explanatory and suggesting to add text before the table that explains what the table means with the abbreviations listed. Mr. Sawyer noted that the top of second page of the handout is an excerpt from that table and suggesting to change the policy dwelling units in the business

districts. There is an existing rule that in the Central Business District, B1, you are permitted to have residential on the first floor of a building if the rest of the building is all used for residential and located outside the Historic District. The City also applies that rule to the B2 District but there are other residential, multi-family dwelling that also apply to the B2 District. Mr. Sawyer stated that it was getting confusing for which rules apply in the B2 and proposing to strike those lines entirely. In the cell under the B1 column it states “see Section 304b” which is a new section being proposed. Mr. Sawyer explained that the rules have been very strong about not allowing residential on the first floor in the B1 District within the Historic District, but letting it be permitted outside the Historic District. The Planning Commission and staff are proposing something in the middle where it is allowed in the Historic District and still allowed outside the Historic District, but would be a conditional use under all cases of this proposal. Based on these changes any time someone is proposing residential use that includes all or a portion of dwelling units on the first floor a building, it would have to come before the DRB and provide a character area analysis of that area.

Mr. Sawyer stated that there is also only one minimum lot size requirement in the B1 district. The only restriction is that you can have one dwelling unit per 2000 square feet of lot size for new construction but can have as many offices as you want and can put as many apartments as wanted inside rehab construction. Mr. Sawyer noted that it’s an ambiguous rule and doesn’t know where the 2000 square feet rule came from. Staff is proposing the same thing in Section 304b; making a deliberative conversation that happens in front of the DRB. There’s also a rule that the Planning Commission at this point feels that the City shouldn’t be allowing a lot of duplex and single family homes in the Historic District. The Commission expects to see a higher density of use, if the use is going to be residential, and is currently limited to multi-family which would be three or more units.

The last proposal is to strike out the minimum lot size rule for the B1 and specify that there is no minimum lot size required. All other rules that apply to development in the B1 would apply. Staff believes it will lead to a process that will better take into account the character of the area and also allow for development where it is appropriate. Mr. Hawkins asked if staff was looking at some particular projects or issues that brought about these changes. Mr. Sawyer responded that these changes have been on the list that the Planning Commission has been looking at and it does have to do with the new apartments that are being proposed for 10 Maiden Lane. He explained that it’s where staff realizes that those rules would have a detrimental effect. He further explained that the first instance where an applicant had to bring his application before the DRB for conditional use review was with a building on Federal Street, and noted the State’s enabling statute for zoning that says when you warn a change, any application received after that point must be considered as if that change were in effect.

- b. Consider revisions and/or adoption of amendments (D&V).

A motion was made by Alderman McCarthy; seconded by Alderwoman Laddison to approve amendments to the Land Development Regulations on Dwelling Units in Business Districts as presented. Vote was unanimous, 6-0.

5. Second Reading of Stormwater Operations & Management Ordinance (D&V).

- a. Public Hearing

Mr. Sawyer stated that the Stormwater Operations and Management Ordinance would create a stormwater utility and implement some stormwater regulations required by the City’s MS-4 permit. Since the first reading, staff applied a legal review to the ordinance so there have been some process changes but no policy changes to what was presented at the first reading. Staff has

eliminated some redundancies and defined terms that no longer show up in the documents. Staff also inserted associated State rules that apply to the tax sale process and updated all of the references to the City Charter and enabling State statutes throughout the document. Process changes were made that put everything under the coordination of the administrative officer and there were some parts where the DRB was specifically named because in many cases, applications that need to deal with erosion control or post construction stormwater management under these rules would be part of a zoning application for the DRB. Legal counsel felt that the DRB would be involved under the Land Development Regulations, the administrative officer will make sure they are involved to the degree they need to be involved in, and there was no need to add them in and make the process pieces of the ordinance more complicated because the effect would be the same. The administrative officer could be more than one person and could be existing City staff that already deal with these functions. Staff can also choose to use outside technical resources when necessary.

To summarize, Mr. Sawyer explained that Chapter 1 contains the purposes and definitions. Stormwater runoff can be a form of pollution and something needs to be done about it before it gets to the Bay. The MS-4 permit also has requirements that have to be met and the stormwater utility is being proposed as a form of revenue that has the best nexus to dealing with the City's obligation to improve water quality. Administration is discussed in Chapter 2 and speaks about the administrative officer and the appointment process. Chapter 3 speaks on the illicit discharge detection and elimination (IDDE) and would allow the City to more vigorously find those potential forms of pollution. Chapter 4 discusses what the City needs in terms of being able to monitor discharges. Chapter 5 discusses erosion and sediment control. Mr. Sawyer explained that the City will need to use the State's low risk erosion control handbook when development comes through the permitting office so applicants know that sediment on a project cannot erode off of a site and become pollution. Chapter 6 is the post construction stormwater management and would only be for projects that disturb more than an acre. Mr. Sawyer stated that this is another permit requirement and would fulfill a Federal rule that the State's program does not currently fulfill as designed but that the EPA still wants any development that disturbs more than an acre to have to deal with stormwater pollution after the development is done. The City would make sure the State's stormwater manual is applied to developments of that size. Chapter 8 is a self-explanatory document about construction waste and debris. Chapter 9 deals with enforcement measures. Chapter 10 discusses the user fees and would be where the City would establish the stormwater utility as a fee-based form of revenue. The City would use the model used by many other stormwater utilities in the State to establish an average Equivalent Residential Unit (ERU) and apply that number to all other properties in the City. Mr. Sawyer stated that one ERU = 3000 square feet of impervious. Staff is proposing that the council pass a stormwater utility budget and then based on the impervious cover, set an ERU rate based on how much the utility needs and what the impervious cover is on properties in the City. Staff believes that an ERU of \$2.50 per 3000 square feet of impervious per month would meet the current proposed stormwater utility budget that will be brought before the Finance Committee. Chapter 11 deals with the appeals process. Chapter 12 sets the effective date of the regulations and the formation of the utility as July 1, 2018. Mr. Spooner stated that 5 days for an appeal seems short and asked if that is standard. Mr. Cloud responded that it could be extended. Mr. Sawyer stated that it could be changed to 15 days.

Mayor Smith asked Mr. Sawyer how he plans to promote this and educate the citizens. Mr. Sawyer responded that there will have to be all sorts of different outreach regarding the new

stormwater and erosion rules through the Permitting office. There will also need to be outreach for the formation of the utility so that people know to look for some changes to their water/sewer bill and will use a combination of social media and letters in the water/sewer bills. Mr. Sawyer added that because of the timing of the approval of this ordinance and when water bills go out, there will be some time to get the word out before a user sees the fee on their bill as it would not appear until the September billing cycle. Mayor Smith asked if the Town is doing something similar. Mr. Sawyer responded that the City is not actively coordinating on how revenues will be raised and has heard from some Town staff that it is likely that they will create a special form of revenue but is not sure what their plans are. The Town and City have had many meetings together and the plans that the City has come up with for flow water restoration have always been joint documents. He believes it's likely that there could be areas of coordination in terms of what projects are ultimately pursued in the greater community to meet the watershed goals.

Mr. McCarthy asked if there would be a separate line item for the stormwater utility on the water bill. Mr. Sawyer responded that a line will be added to the bill that says "stormwater fee" and there will have to be a substantial customer service role when rolling this out. There will be a way to retroactively credit people when errors are found and a fee credit manual will be created as well as the guidance for the erosion control rules that will be brought before council.

- b. Consider revisions and/or adoption of amendments (D&V).
A motion was made by Alderman Spooner seconded by Alderman McCarthy to approve the revisions and adopt the ordinance for the stormwater operations and management ordinance with changes to Chapter 11, Section 11.1.b and 11.2.b from 5 to 15 days. Vote was unanimous, 6-0.

6. Recess for Liquor Control Board (see separate agenda).

A motion was made by Alderman Spooner; seconded by Alderwoman Laddison to recess for liquor control board at 7:02 pm. Vote was unanimous, 6-0.

7. Appointments to Design Advisory Board

Mr. Sawyer explained that there is an open seat on the Design Advisory Board and two candidates. Staff recommendation in the memo has the terms of the new seat if council wishes to make appointments. Mayor Smith thanked the applicants for their interest in participating in City government and proceeded to ask the following interview questions:

- What has motivated you to apply and serve on this board?
- What experiences in your background have influenced your desire to serve on this board?
- What are the qualities of a successful board?
- What is your vision for this board?

a. Interview John Morrie

- i. He has been on the board for 4 years and believes the board has made some great progress in the City. He would like to become an Alternate to allow someone else a chance to sit on the board. He will still attend most of the meetings and has some personal issues he is dealing with at home.
- ii. He has a construction background as well as a Business Management and Civil Engineering degree. He thought it was a good way that he could give back to the City.
- iii. He believes the board is very successful and the members have a lot of good discussions. Most of the projects are approved at the meetings when they are first presented.

iv. He envisions becoming better at researching projects before coming to the meetings and there is always room for improvement such as making better guidelines. Overall, he believes the board has done some good work.

b. Interview Elizabeth Reed

- i. She recently attended four years of college as an Art major and the community she was in has a lot of history like St. Albans and wants to help preserve that image of St. Albans. She added that she lives on Wiley Place.
- ii. She grew up in St. Albans and has a lot of great memories of the Downtown as a kid and wants to allow other people to have the same memories. She also works Downtown and her mother owns a business here.
- iii. A successful board is being able to communicate with one another and coming together to better the community.
- iv. Her vision for the board is for cultural and environmental sustainability.

c. Consider appointments (D&V).

A motion was made by Alderman Spooner; seconded by Alderwoman Laddison to appoint Elizabeth Reed to the open seat to expire on April 30, 2021 and John Morrie to an alternate seat to the Design Advisory Board also expiring April 30, 2021. Vote was unanimous, 6-0.

8. Consider grant agreement resolution for VCDP grant with Champlain Housing Trust, Chip Sawyer (D&V).

Mr. Sawyer recalled that staff went to the Vermont Community Development Program (VCDP) for an application to secure some money for Champlain Housing Trust (CHT) to keep running their low income home loan repair program. Organizations have to go through a municipality to get to VCDP funds and they asked if the City would be their sponsor. The City was awarded \$635,000 to go toward their regional program and Mr. Sawyer explained that staff has the capability of dealing with the administrative piece of the grant within the department budget. One of the steps necessary before the City signs the agreement with VCDP is that the City Council pass the grant agreement resolution which names Mr. Sawyer as the administrator and names Mr. Cloud as the authorizing official.

Mr. Cloud asked Mr. Sawyer to remind council of the terms on the loan. Mr. Sawyer responded that it is HUD money so there is an income sensitivity to the program. Normally, people can defer payment on the loan until the property is sold. Mr. Sawyer stated that it's a home run for property owners that don't quite have the means and need to make some repairs. Mayor Smith asked if the program is specific to Champlain Housing properties. Mr. Sawyer responded that it's open to anyone. Mr. Cloud stated that it aligns perfectly with the City's Public Health and Safety Ordinance program to help clean up the neighborhoods. Mayor Smith asked Mr. Leitz if it would impact the City's A133 audit. Mr. Leitz responded negatively.

A motion was made by Alderman Spooner; seconded by Alderwoman Bessette to adopt grant agreement resolution for VCDP grant with Champlain Housing Trust. Vote was unanimous, 6-0.

9. Overview and Discussion of City tree program, Chip Sawyer.

Mr. Sawyer stated that the City loves its trees and some of the trees have been allowed to misbehave and in many other cases, the City is planting a lot of trees. In 2015, staff received a tree survey for City trees in the right of way by the Urban Community Forestry Program. This produced a great report in a large data file of trees by species, size, their health and also assessed places in the City greenbelt and right of way where there could be more trees.

Staff has been using this inventory as a way to track trees to watch out for and has been updating the inventory as trees are removed and added. Currently, David Southwick oversees a tree removal permit process and any time Public Works removes a tree, they complete a permit with Dave so that it is

tracked. Staff also tracks when trees are installed. Mr. Sawyer explained that there are two major tree replanting programs; one is the neighborhood sidewalk project and the other program is a regular greenbelt tree planting program.

This spring, staff is planting 18 greenbelt trees and replacing 3 trees in the Downtown area. Last year, staff planted 19 trees in Houghton Park. In 2017, staff planted 5 trees in the Downtown and 15 trees in the greenbelts. Mr. Sawyer explained that staff tries to follow some principles under the tree program. If a tree is removed, a tree will be planted. Staff also follows the principle of planting the right tree in the right place. If there are utility lines involved, it would affect the species of tree staff chooses to plant. In the future, the City will be less likely to have to prune the tree because it's growing into someone's power line. Staff also plans for diversity in the tree cover. More than half of the City's trees are Maple and need to avoid a situation like what was experienced with the Dutch Elm disease. The City will normally continue to plant Maples but will diversify as much as possible. Mr. Sawyer added that he is also setting up a meeting for a walkthrough with an arborist to take a look at some of the trees that are currently planted under nearby utilities.

The City council and the voters have increased the City's tree removal and replacement budget. Mr. Sawyer explained that this year staff will put out a call for people that would like a new tree in front of their home and begin building that list for the spring so the inventory can be ordered. The City has to actively water the trees and maintain them and staff is looking into some things it can do in the winter to help maintain the trees. The trees are one of the reasons why the City removed the requirement that properties shovel and salt their own sidewalk. Mayor Smith noted page 2 where it states "we will also explore the benefits of planting in discreet sections of the City" and asked what that meant. Mr. Sawyer responded that this year the greenbelt tree planting program involved trees being planted in the west side and east side of the City and staff is going to look and see if it makes more sense to come up with a multiyear plan and become more strategic by planting in certain quadrants of the City. He added that it will help with the watering program as well. Mayor Smith asked Mr. Cloud if the local Rotary Club has a program for planting trees. Mr. Sawyer responded that he has a meeting set up with Allen Shannon of the Rotary to discuss that.

Ms. Laddison asked why there is such a lack of trees on Federal Street. Mr. Sawyer responded that there are many trees slated for the Federal Street Corridor project plans and also noted that there are a lack of trees on Lower Welden. Mr. Sawyer added that staff has been talking to property owners on the west side of Federal Street about restoring their greenbelts which would allow an opportunity to plant trees. Mayor Smith asked Mr. Sawyer if there would be curbing on the west side. Mr. Sawyer responded affirmatively. Mr. Spooner stated that Cedar Street has 3 trees in the greenbelt and there are room for 61 more. Pearl Street has 25 trees and there is room for 61 more. Walnut Street has 14 trees and there is room for 66 more. Finn Avenue has zero trees and there is room for 27. Hodges Court also has zero trees and there is room for 13. Mr. Spooner asked if this could be placed on the front page of the City website. Mr. Sawyer responded affirmatively and stated that right now, the City doesn't have a policy and staff would like to focus on folks who request trees who specifically want them. He explained that there have been instances where the City has tried to plant trees and property owners have said no. Mr. Spooner stated that he believes the City needs to have a good way to communicate with property owners and suggested putting a notice in the water bills. Mr. Cloud stated that staff is still at the embryonic stages of this process and the reason there are so many trees on the east side was due to Dr. Carmola. The City didn't have a tree budget as of 3 years ago and has been following the sidewalk program. Mr. Cloud stated that as funding is ramped up, a policy discussion can take place and then we can begin to do some outreach.

Mr. Cloud stated that staff can do some brainstorming about how to bolster the City's bargaining position in terms of utilities with GMP instead of just being in a reactive mode. He stated that there might be some things staff can do via an ordinance, MOU or contract to take control. Mayor Smith asked if it would make sense to create a MOU for property owners to take care of the trees that the City plants for them. Mr. Sawyer stated that currently, Public Works hires at least two summer workers to water the trees and is the most cost effective route right now but in the future, the City will need to get better about watering new trees. Mr. Sawyer noted that there are products that you can put around the trees that is filled with water which slowly waters them and protects them from lawn mowers. Ms. Bessette asked if consideration is taken on the sewer lines when the trees are planted. Mr. Sawyer responded that staff normally is looking to make sure a tree isn't planted on top of a gas line or water valve and to determine the location of a sewer line, you have to go into the basement of the house. Mr. Sawyer stated that staff does have dig safe mark out gas lines and does its best to locate utilities. Ms. Laddison asked about the type of trees planted along Main Street and asked what's planned for Houghton Park. Mr. Sawyer responded that the trees being planted on Main Street are Maples but overall has planted Birch, Ginkgos, Lindens and Oaks. In Houghton Park, staff chose trees that deal better with wet soils and planted Swamp Oaks, Tulips, Pears, Silver Maples and Hawthorns. Ms. Laddison suggested listing the species in front of the trees for the public to see. Mr. Sawyer responded that some educational markers could be made.

10. Consider authorization for City Manager to sign redevelopment fund loan documents for redevelopment of 14 Stebbins by Mary Ellen Vickery and Troy Pudvah, Marty Manahan (D&V).

Mr. Cloud explained that he is looking for a motion to finalize the loan documents as discussed in Executive Session.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to authorize City Manager to sign redevelopment fund loan documents for redevelopment of 14 Stebbins Street. Vote was unanimous, 5-0 with Alderman McCarthy abstaining.

11. Consider approval of meeting minutes: Reg. mtg. 4/9/18 & Special mtg. 4/30/18 (D&V).

A motion was made by Alderman Hawkins; seconded by Alderman McCarthy to approve 4/9/18 regular meeting minutes with a notation that Mr. Hawkins was present. Vote was unanimous, 6-0.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve 4/30/18 special meeting minutes. Vote was unanimous, 4-0 with Alderwoman Laddison and Alderman Hawkins abstaining.

12. Consider approval of warrants: 4/9/18, 4/20/18 & 5/11/18 (D&V).

A motion was made by Alderman Hawkins; seconded by Alderwoman Laddison to approve 4/9/18 warrant. Vote was unanimous, 6-0.

A motion was made by Alderman Hawkins; seconded by Alderwoman Bessette to approve 4/20/18 warrant. Vote was unanimous, 6-0.

A motion was made by Alderman Hawkins; seconded by Alderwoman Laddison to approve 5/11/18 warrant. Vote was unanimous, 6-0.

13. Mayor's Report.

Mayor Smith stated that he has received a few complaints on parking which he has shared with Mr. Spooner. He also received complaints about delays getting in and out of the industrial park which was addressed with VTrans and paving is now being done at night. Mr. Hawkins asked Mayor Smith if he received a Maple Festival Report. Mayor Smith responded negatively. Mayor Smith thanked everyone for marching in the parade.

14. Other Business.

Mr. McCarthy stated that he's received several noise complaints related to people driving lawn tractors from one block to another and of dogs barking. He is wondering if there is something that can be done such as a public awareness campaign. He expressed appreciation for the efforts of the police who have responded to some of the more egregious complaints and believes more public outreach should be done. Ms. Bessette stated that she receives complaints of loud exhausts. Mr. Spooner voiced the same concern. Mayor Smith asked Mr. Sawyer if he could put a message on the City Facebook page.

Ms. Laddison stated that she heard a lot of discussion during Green Up Day about the tractor trailer traffic on Upper Welden Street. Mr. Cloud responded that staff has discussed the idea of using the message board at the top of Upper Welden Street but would need permission from St. Albans Town. Ms. Laddison stated that one of the neighbors on her street stated that he knows the Town Manager very well and was going to speak with her about a possible ordinance change prohibiting tractor trailers on that street and a permanent sign. Mayor Smith stated that he would be curious as to where they are going. Ms. Laddison responded that neighbors believe it's a variety of trucks delivering to Mylan, the industrial park and maybe some deliveries to the hotel and is a much easier left hand turn at the light than it is at the interstate access road. Mr. Cloud noted that the interstate access is supposed to be signaled under Federal Street. Mr. Hawkins asked Mayor Smith and Mr. Cloud if they could mention the light by Seymour Road when they speak to the Town. The light does not work correctly and traffic becomes so backed up. Mr. Sawyer stated that it might be the VTrans district who is responsible for that light.

Mayor Smith stated that there has been discussion recently about merchants taking up the parking spots on Main Street and moving their vehicles around after 2 or 2 ½ hours. Mr. Cloud asked Mayor Smith to find out if it would help if they could park in the garage. Mayor Smith stated that a vehicle with advertising on it is worth more in publicity than the cost of a parking ticket. Mr. Cloud stated that the parking ticket fines could be increased and are only \$10.

Mr. Spooner stated that the owner of 17 Upper Welden contacted him and water is coming down the sidewalk and travelling into his front yard and into his basement because the sidewalk is eroded. He stated that someone else contacted him from Upper Welden Street and stated that GMP replaced a pole and left a pole that doesn't have any utilities on it. Mr. Cloud asked for the address. Mr. Spooner responded that he believes it is 28 Upper Welden Street.

Ms. Laddison stated that Ward 5 is going to have a block party on May 28th from 3 – 6 pm and everyone is invited. Mayor Smith asked when Tammi DiFranco is having her block party. Ms. Laddison responded that she believes it will be on June 5th in the Food City lot.

Mr. McCarthy thanked everyone for their participation with Green Up Day and thanked Brad Jenkins with the Boy Scouts and Girl Scouts. He stated that there was a great turn out.

Mr. Spooner asked if someone could pick up the trash along the railroad on Market Street.

15. Adjourn.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to adjourn meeting at 8:03 pm. Vote was unanimous, 6-0.

Respectfully Submitted,

Kristen Smith

Community Relations Coordinator

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Approved by Council