

**St. Albans City Council
Minutes of Meeting
Monday, November 9, 2015
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, November 9, 2015, at 6:30 pm in council chambers at City Hall.

Council Present: Mayor Elizabeth Gamache, Aldermen: Tim Hawkins, Jim Pelkey, Scott Corrigan & Chad Spooner and Alderwomen Tammi DiFranco & Kate Laddison.

Council Absent: None absent.

Staff Present: Dominic Cloud, City Manager; Chip Sawyer, Director of Planning & Development; Tom Leitz, Director of Administration and Marty Manahan, Director of Business Development.

Visitors: See attached sign-in sheet.

1. Executive Session.

- a. Purpose: to discuss contract negotiations regarding water and wastewater, hotel development, and trash disposal.
- b. Motion 1: The Council finds that premature public disclosure of above matters would compromise the City (D&V).
- c. Motion 2: to enter Executive Session for purpose of discussing contract negotiations (D&V).

A motion was made by Alderman Corrigan; seconded by Alderman Hawkins to discuss contract negotiations regarding water and wastewater, hotel development and trash disposal to which the City is a party and which premature public disclosure would compromise the City. Vote was unanimous, 7-0.

A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to enter Executive Session at 5:30 for purpose of discussing contract negotiations. Vote was unanimous, 7-0.

A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to exit executive session at 6:22 pm. Vote was unanimous, 7-0.

2. Pledge of Allegiance.

Alderman Spooner opened the regular meeting and led the pledge of allegiance at 6:30 pm.

3. Public Comment.

Ms. Prent reminded council of her request for the removal of a parking space opposite her driveway.

4. Interviews for Parks Commission (2 vacancies).

Mayor Gamache noted that Becky Manahan has removed her submission. She thanked the candidates for their willingness to volunteer and serve the community. Ms. Gamache explained that she would be asking each candidates a series of questions and council may make appointment during Executive Session at the end of the meeting.

Mayor Gamache proceeded to ask each candidate the following questions:

- Please introduce yourself and explain why this opportunity interests you.
- How do you use/interact with our City Parks?
- What is your vision for our City Parks and what are one or two priorities you have for the parks?

- Why are parks an important part of the community?
- How would people who have served on a committee with you describe what it's like to work with you?

a. Stina Booth

1. She is a resident and has a family in St. Albans. She grew up in St. Albans and regularly visits the parks with her kids and has seen the positive changes that have taken place and wants to make sure things continue to move in a positive direction. She would like to be more involved in the community.
2. She brings her kids to play at all of the City parks and attends all of the Recreation events in the parks. She has also taken part in the food/wine event and other adult events in the park.
3. Her vision for the parks is to maintain them and continue to keep the parks as hubs to the City's neighborhoods. She would like to make sure that all of the parks are utilized and kept in a clean atmosphere. She feels very safe in the parks and wants to make sure that continues.
4. The surge in events at the parks have had a major impact in St. Albans' overall image and feels it's important to have events that ties everyone who lives here together.
5. She is efficient.

b. Samuel Brown

1. He enjoys volunteering and has a lot more free time to give back to the community while working in the school system.
2. He takes students to the park for events regularly and will be attending the Veteran's ceremony in Taylor Park.
3. He thinks Houghton Park is underutilized and would like to see more events held in that space. He believes there is a lot of opportunity.
4. He believes parks are a basis for community and a great place for everyone to enjoy regardless of status.
5. He is laid back, fun and easy going.

c. Tom Koldys

1. He is interested as a resident of St. Albans, has spent most of his life here and is now raising a family in St. Albans. He is hoping to be a part of the process to make sure the community is as good as it can be for his kids and everyone else's families as well. He has a desire to give back and to volunteer.
2. He has spent most of his adult life as a seasonal Recreation Department employee and began taking care of the parks as a maintenance worker for the City. He has an intimate knowledge of the park and takes pride in seeing them continue to flourish. He is hopeful that in a larger capacity he can now affect change in the parks and wants to be a part of the recreational activities.
3. He is nostalgic for people being outside on their front porches and being active and present in the community and thinks the parks are a good place to start getting people involved and creating more of a family atmosphere.
4. In order to have a community, people need to be involved and visible and believes a park is a great common meeting ground for involvement and being more active.
5. He has a good sense of the desired goal and works well with others.

Mayor Gamache thanked the Parks Commission Chair, Peter Chevalier and staff, Kelly Viens for attending. Mr. Chevalier explained that the Parks Commission's charge is to gather ideas from the community and make recommendations to council. He added that they have openings on the

Commission due to one member moving and another with time constraints Mr. Sawyer added that there are other boards with vacant seats and are plenty of other opportunities to serve.

5. First Reading: Repeal of ordinance requiring downtown business owners to shovel sidewalks.

a. Overview of ordinance change: Chip Sawyer.

Mr. Sawyer stated that since 1997 in the ordinances, the City has required that property owners in the Business Districts clear the snow, ice, dirt and debris from the sidewalks abutting their property. Staff has found that the implementation of that requirement over time has resulted in piecemeal and inconsistent clearing of sidewalks. For the last three years, Public Works has put a lot more energy into clearing sidewalks in the downtown which has restored the consistency of the original requirement of the ordinance.

Mr. Sawyer noted that some property owners piled snow in places that were problematic due to sight lines or other reasons and some property owners used salt excessively which damages street trees and the sidewalk. When brought to their attention, property owners oftentimes note that it is their responsibility per the ordinance. Staff feels that in light of the ability of the Public Works Department to clear the downtown sidewalks and in light of the fact that street trees are becoming a hallmark of the City's Business District, staff is proposing to repeal the rule. Mr. Sawyer added that there's nothing that would prevent a property owner from clearing their sidewalk if they wished. Mr. Spooner asked if this change would only be pertinent to the Downtown. Mr. Sawyer responded that this change would mean that there is no one in the City that is required to clean their sidewalks anymore. Mr. Spooner asked what will happen when it snows and someone calls in to complain that it hasn't been cleared. Mr. Sawyer stated that he believes the property owners that have shown that it is important to them to have their sidewalks cleared are going to continue to clear it. Mr. Cloud added that Public Works will continue to field the complaint calls just as they do now.

b. Council to consider motion accepting current draft of ordinance for First Reading and direct staff to publish concise summary in locally distributed newspaper together with notice of Final Public Hearing and location of copies of the proposed ordinance (D&V).

A motion was made by Alderman Spooner; seconded by Alderman Pelkey to accept current draft of ordinance for first reading and direct staff to publish concise summary in locally distributed newspaper together with notice of Final Public Hearing and location of copies of the proposed ordinance. Vote was unanimous, 7-0.

6. Second Reading and Consideration of Adoption.

a. Amendments to the land development regulations regarding business/neighborhood transition district, medical office definitions, and uplighting (D&V).

Mr. Sawyer stated that this is the proposal to create two areas in the City that would be a new district called a Business/Neighborhood Transition District (BNT) and would change how staff defines Medical Offices/Clinics to separate out activity of doctor and dentist offices from the dispensing of controlled substances. He explained that new definitions for Business District, Controlled Substance Dispensary/Pharmacy, Medical Office/Clinic and Residential District were included in the regulations under Article 2. The definition of Principal Building was also amended. Changes to Article 3 were made to include the Business-Neighborhood Transition District under Residential Districts and the definition of St. Albans Historic District was included. In Section 303 of Article 3, a description of BNT was included which outlines that the intent of the district is to provide an area of transition between commercial areas and other residential districts. This new district recognizes the primacy of the residential character and recognizes the fact that historically there have been commercial uses in the district and allows some of the classic commercial uses to exist in a residential setting. Section 304 lists all of the uses that are allowed in the different districts and indicates which ones are conditional

and permitted. A column was created for the BNT including all of the uses of the LDR. A column was also included for BNT in the Dimensional Requirements table under Section 306. In Article 4, the proposal is to include the first case of a very descriptive type of design standard for the BNT and includes rules that the Permitting Administrator can go through with an applicant and requires any new building in the BNT to look like a house. This is akin to a form-based code and is a way of requiring that things look a certain way within general parameters while leaving a lot of room for creativity. In Article 5, Section 517.1 which covers General Regulations and Standards for signs, the LDR, HDR and the new BNT Districts were combined into one Residential District column on the Sign Standard Table. Article 10 describes the Zoning and Design Review District Boundaries and now includes a description of the BNT as well as a parcel by parcel description of the historic district. Mr. Sawyer stated that he will take questions on the substance and the purpose of the proposal. He added that the Planning Commission took a lot of input on this and the vast majority of the neighbors were widely in favor of what was proposed. Mayor Gamache expressed her appreciation for the work done by staff and the Planning Commission.

Mr. Pelkey noted that the County at one point sold the old jail building to a private party and asked if that is considered a historic structure because it wasn't reflected in the map of the historic district. Mr. Sawyer responded that he will double check that one more time but recalled that the jail was not included in the original historic survey.

Mr. Corrigan noted page 21, item # 6 which states, "porches shall have 6 feet of depth" and noted that the drawing below states "6 foot minimum depth." He asked if the language above the drawing should reflect the word "minimum." Mr. Sawyer responded affirmatively.

Ms. Prent asked how parking areas are dealt with as far as proportions to the buildings they adjoin. Mr. Sawyer responded that in the proposed BNT, the maximum lot coverage would be the same as LDR. Buildings, sheds and parking areas can cover no more than 40% of the total lot. Ms. Prent asked if they are hard and fast rules or whether a variance could be acquired. Mr. Sawyer responded that variances are difficult to obtain. She noted the parking lot at the new office building behind the former Smith House which is larger than the building itself. Mr. Sawyer responded that the Smith House is located in the Business District which doesn't have any requirements for lot coverage.

Mr. Sawyer stated that uplighting is used to highlight landscaping and/or architecturally unique parts of a building. Currently in the City, there is a general prohibition against uplighting unless grandfathered. Staff talked to the Design Advisory Board (DAB) and the Planning Commission and came up with some standards for when uplighting would be allowed in the City. The Planning Commission reorganized the General Regulation of Article 5 and listed what's prohibited in terms of lighting, adding metal halide and high-pressure sodium because most places use LED lighting. They also incorporated into the prohibition some existing rules that limited lights to poles that are 20 feet or under. The prohibition for upward-directed lighting is listed unless in compliance with Section 518 (B) which states the following: Upward-directed lighting is allowed in the DR-1 Traditional Downtown Design Review District. Lighting shall be designed to minimize lighting of the night sky and shall accentuate individual architecture or aesthetic elements of a building. Uplighting shall not exceed 1,100 lumens for any one accent feature. Lighting fixtures shall be connected to dimmer switches. Materials lit by uplighting shall not be glossy or any other type of surface that would produce unnecessary reflection or glare. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the building façade. Illumination shall be confined to the property boundaries. Mr. Sawyer explained that this all has to be approved by the DAB and must be approved by a qualified lighting professional. Mr. Sawyer added that there is one change to Article 7 that clarifies which boards gets to hear these cases.

Mr. Hawkins asked why the approval by DRB is crossed off and replaced with DAB and asked if it's not correct that lighting would be a part of a site plan approval that would be granted by the DRB. Mr. Sawyer stated that the language could be changed to say "with review of the appropriate board." Mr. Hawkins stated that he would be fine with that.

A motion was made by Alderman Spooner; seconded by Alderman Pelkey to adopt amendments to the land development regulations regarding business/neighborhood transition district, medical office definitions and uplighting pending the two changes proposed. Vote was unanimous, 7-0.

b. Amendments to St. Albans City Ordinances regarding traffic direction and stop sign on Maiden Lane (D&V).

Mr. Sawyer stated that this is to reflect the changes that were just made on Maiden Lane. Section 5165 of the City Ordinances lists all of the stop signs in the City and has been amended to reflect the direction change to Maiden Lane.

A motion was made by Alderman Spooner; seconded by Alderman Pelkey to adopt amendments to St. Albans City Ordinances regarding traffic direction and stop sign on Maiden Lane. Ms. Prent reminded council that she is waiting for a decision from staff on whether the parking space in front of Fairpoint can be eliminated. Mr. Spooner asked if staff has looked into Ms. Prent's request. Mr. Cloud responded that he is waiting to connect with Mr. Robtoy for his final response. Mr. Spooner asked how many parking spaces were gained when the diagonal parking was completed. Mr. Cloud responded that he believes there are 10 or 11 spaces now where 5 or 6 were before. Mr. Hawkins stated that he wouldn't classify the added spaces as gains because they are earmarked for specific businesses. **Vote was unanimous, 7-0.**

7. Second Reading and Consideration of Adoption.
Ordinances Regarding Water and Wastewater Allocations, Affiliation Fees and Utility Operations.

a. Overview of ordinance characteristics, Dominic Cloud.

Mr. Cloud asked council if he could read the titles of the various ordinances with proposed amendments vs. reading aloud the entire ordinance. He stated that there are three ordinances with proposed amendments; Title 19: Water System Operations, Title 9: Wastewater System Operations and Title 22: Water & Wastewater Allocations.

A motion was made by Alderman Pelkey; seconded by Alderman Hawkins to read the ordinances by title as opposed to reading the entirety of the ordinances. Vote was unanimous, 7-0.

Mr. Cloud stated that changes to Title 19 and Title 9 were simply to align with other restructuring that takes place in the Allocation Ordinance. Most of staff's effort has been toward the granting of new water/wastewater allocations. As council is aware, there has been a moratorium in place on the granting of new allocations outside the City limits. The proposed ordinance lifts the moratorium as of November 15, 2015. Mr. Cloud explained that the meat of the ordinance begins in Section 9 with the Affiliation Fee Program which allows properties located outside of the City who wish to use City water and wastewater services to develop to affiliate with the City and pay a fee based on the appraised value of their property. A full connection costs .28 per \$100 and is prorated in various iterations based on whether the connection is just water or just wastewater. The ordinance lays out some criteria in Section 14 that the board will be using to evaluate the granting of an allocation. Mr. Cloud explained that one change has been made since the last reading in Section 14, Sub-section 2. "Projects need not receive "positive responses" now reads "favorable responses."

b. Public comment, oral and written.

Mr. Cloud asked that a letter received from FCIDC on August 10, 2015 be entered into the record. (See attached letter).

Mr. Hawkins noted the scenario where a property located in the Town is granted an allocation and asked if there's a way to cancel that in the event there are some other types of agreements made in the future. He asked what would happen if the Town built their own plant and it ended up costing the tax payer more than the affiliation fee program and the City decided to end the program. Mr. Cloud stated that once council has granted an allocation and there is a contractual agreement, it would be hard for the City to back out of that agreement. He believes that there are some opportunities that the recipient of the allocation has to allow that allocation to expire if they choose to get into a different program that is more beneficial for them. He further stated that if council wants to make a different policy decision at a different date to change or redirect the program, the City can do that but once an allocation has been granted, it's a binding commitment on the City's part. Mr. Hawkins stated that he routinely sees development rules and regulations in the land records that state that everyone will contribute to the cost, expenses and maintenance of a shared septic system, however if the municipality constructs appropriate infrastructure, it will be required to hook up to that infrastructure. He wondered if that would ever become problematic for the City. Mr. Cloud agreed that according to the water/sewer laws, a municipality is allowed to order property owners to hook up. Mr. Cloud explained that nobody in the State of Vermont has done what the City is doing and is replicating a lot of national programs. He stated that there's an awful lot of permutations that could develop as this program goes forward and believes that this is the right thing to do right now. Mr. Cloud stated that the City can get out of the program by changing the ordinance.

- c. Council to consider motion approving changes to ordinances regarding water and wastewater allocations, affiliation fees, and water and wastewater operating ordinances (D&V).

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve changes to ordinances Title 9, Title 19 and Title 22 regarding water and wastewater allocations, affiliation fees, and water and wastewater operating ordinances. Vote was unanimous, 7-0.

Mr. Spooner asked if the hospital can now go forward with their project. Mr. Cloud responded that the hospital can apply to the program on November 15th.

8. Review of findings and recommendations of the St. Albans City Housing Study.

- a. Dominic Cloud, Chris Dermody and Chip Sawyer.

Mr. Cloud stated that several weeks ago, there was a property being auctioned off in one of the neighborhoods and the City was concerned that it might not be acquired and redeveloped in a way that was consistent with the council's vision for neighborhoods. A City representative attended the auction and ultimately, stepped down from bidding process as the City became confident that the property would be redeveloped by a professional developer. Mr. Cloud stated that it left a lot of questions, however, about how far the City should go to acquire and in some cases demolish and renovate the housing stock of the City.

Mr. Sawyer stated that one of the reasons for the study was to analyze problem properties that are weighing down the neighborhoods in which they are located. A major question has been whether or not subsidized housing has anything to do with this or whether it entirely unrelated. The Planning Commission was charged to engage in this study and answered the following six questions.

1. What is the nature of the City's current housing stocks, especially owner vs. renter and the % of subsidized units?
 - Most residential properties (75%) are single family homes,

- The ration of owner vs. rental housing units is around 1:1,
 - The majority of City housing units were built before the 1950s, and
 - The percentage of subsidized rental housing units (project-based) is 22.8%.
2. What are market rents in the City?
- The study found that median rents range from \$775 to \$850. The report contains more break-outs and permutations of that data, e.g. rents per number of bedrooms.
3. What critical needs exist for housing in the City? What do we need more of?
- This question was the hardest to answer, especially from a local perspective, because needs are so great and truly regional in nature. The report suggests that the provision of housing can be an important tool for nearly any socio-economic policy goal, and that the City's greatest housing need may be just to keep its current housing in good shape and maintain quality of life in the neighborhoods.
4. What is the effect of subsidized housing on the private rental market in the City? And vice versa.
- From a landlord survey and other input, the study found that there is no commonly-held answer to this question. The two main conclusions are:
- The opinions on negative or positive effects of project-subsidized housing upon market rate housing are mixed among private landlords.
 - Tenant-based subsidies (Section 8) can benefit market rate housing just as much as any other type.
5. What is the effect of subsidized housing on the City's grand list?
- In terms of direct effect upon the grand list, the study verified what had already been reported to the Council from staff. The data show that the State's rules for assessing subsidized housing projects provided an initial negative impact on the grand list when enacted in 2007. Over time, the subsidized project values have increased at a slightly smaller rate than the rest of the grand list.
6. What are some ways to ensure the proper maintenance of housing in the City and the residential quality of life of our neighborhoods?
- Tenants need to be able to pay landlords enough to be able to maintain their property.
 - Homeowners need to have enough money to maintain their properties.
 - Neither of the above two deals with the very real issues of aesthetics, noise or lawn clutter that also affect neighborhood quality of life.

Mr. Sawyer explained that this study has revealed no immediate solution for quality of life issues. However, the study did provide some insight on how much landlords could do to affect some of the tangible and intangible aspects of tenant behavior. Mr. Sawyer stated that questions #6 is a good segue into the other part of the report that may be most interesting to the City Council. The study listed various possible options to explore to deal with housing issues and problem properties in the City, many of which have been implemented in other communities, and some of which are more applicable to the City than others.

Mr. Dermody, Chair of the Planning Commission, referred to page 39 of the study which is the Opportunities and Solutions Matrix and outlines everyone's responsibilities and rights. He stated that we need help to provide ways for landlords to come to St. Albans and offer affordable and efficient options

for tenants. Mr. Dermody stated that there is the need to look creatively outside our own solutions. He added that the City is doing a good job inspecting buildings but to incentivize compliance with the City Fire Code and City Public Health and Safety Code, the City could create a “gold star” program to recognize rental units that have continually met codes and standards.

Ms. Prent asked when the study would be available online. Mr. Sawyer stated that he will make sure it is available online.

9. Consider authorization for Mayor to sign revised purchase and sale for Hotel property (D&V).

a. Update and overview, Dominic Cloud.

Mr. Cloud recalled that the Purchase & Sale was previously signed but staff has added two new provisions. The property continues to be sold for \$1. New provisions: if Peak CM fails to initiate after closing, the City would get the property back for \$1. There is up to \$180,000 in façade grant to assist in facade improvements. Now offering an investment of \$1 million and a grant up to \$180,000. The project is progressing well with DRB decision expected to be received this week. Staff is preparing for a closing in early December.

A motion was made by Alderman Spooner; seconded by Alderman Pelkey to authorize Mayor to sign revised purchase and sale for Hotel property consistent with parameters outlined by City Manager. Vote was unanimous, 7-0.

10. Consider Approval of Warrants: 10/23/15 & 11/6/15 (D&V).

A motion was made by Alderman Spooner; seconded by Alderman Corrigan to approve warrants from 10/23/15 & 11/6/15. Vote was unanimous, 7-0.

11. Consider Approval of Minutes: Special Meeting, 9/8/15; Regular Meeting 10/13/15 (D&V).

A motion was made by Alderman Pelkey; seconded by Alderman Corrigan to approve minutes from special meeting, 9/8/15. Vote was unanimous, 5-0 with Aldermen Hawkins and Spooner abstained.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to approve minutes from regular meeting, 10/13/15. Vote was unanimous, 5-0 with Alderman Pelkey and Mayor Gamache abstaining.

12. Other Business.

Mayor Gamache stated that she and the City Manager have been meeting with Sam Smith and Bruce Cheeseman from the Town to discuss water and wastewater and the possibility of creating an agreement with the Town. A great deal of time has been spent exploring common interests from both parties. Mayor Gamache stated that the conversations have been progressing in a positive way and feels for the first time in a long time there is acknowledgement from both parties of what the importance and fair value of water and wastewater is to the communities. Staff intends to continue those discussions and will bring updates as they proceed.

13. Executive Session

a. Purpose: To consider candidates for the Parks Commission.

b. Motion: To enter Executive Session for purpose of evaluating a public officer (D&V).

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to consider candidates for the Parks Commission. Vote was unanimous, 7-0.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to enter Executive Session for the purpose of evaluating a public officer to include Kelly Viens and Dominic Cloud. Vote was unanimous, 7-0.

14. Appointments to the Parks Commission (D&V).

A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to appoint Stina Booth and Tom Koldys to the Parks Commission. Vote was unanimous, 7-0.

15. Adjourn.

A motion was made by Alderman Corrigan seconded by Alderman Hawkins to adjourn meeting at 8:18 pm. Vote was unanimous, 7-0.

Respectfully Submitted,

Kristen Smith
Community Relations Coordinator

Approved by Council