

**St. Albans City Council
Minutes of Meeting
Monday, June 8, 2015
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, June 8, 2015, in council chambers at City Hall at 6:30 pm.

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

Council Absent: None absent.

Staff Present: Dominic Cloud, City Manager; Chip Sawyer, Director of Planning & Development; Sue Krupp, City Clerk & Treasurer, Marty Manahan, Director of Operations and New Business Development, Allen Robtoy, Director of Public Works and Tom Leitz, Director of Administration.

Visitors: See attached sign-in sheet.

1. Call to Order Pledge of Allegiance.

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

2. Public Comment.

Ms. Prent read aloud a statement to the City on behalf of herself, her husband, Mark Prent and Peter Ford expressing their dismay regarding the Environmental Court decision to demolish the historic Smith House/Owl Club. She explained that the decision was not a total win or loss for either side; Judge Durkin did hold Connor Construction somewhat accountable according to the requirements of the historic preservation rules. Ms. Prent stated, however, that they have yet to see any evidence that a single piece of the historic building has found a permanent home in the community, as is the intention of the rules with regard to preserving significant architectural details.

Mr. Ford explained that he recently learned of BFA students developing an app regarding historic preservation sites in the City and noted the irony of the situation. He noted that given all of the resources spent on the St. Albans Raid and the fountain preservation, nothing has been done as a community to preserve the Smith House or prevent something like this from happening again.

3. Re-appointment of John Morrie to Design Advisory Board.

Ms. Gamache explained that this item is for the consideration of John Morrie's appointment to the Design Advisory Board (DAB) for a term expiring April 30, 2018.

A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to appoint John Morrie to the Design Advisory Board with a 3 year term expiring on April 30, 2018. Vote was unanimous, 7-0.

4. Parks Commission Presentation.

Mayor Gamache welcomed Peter Chevalier, Chair of the Parks Commission. Mr. Chevalier introduced Barbara Weinstein who was also present and named the other members of the commission; Angie Sturm, Brianna Haenke, Jeff Young, Joanie McGinn and Wendy Stous. He explained that the commission's charge is to develop ideas for the City's parks and present those ideas for council consideration. Mr. Chevalier named the following priorities set by the Parks Commission and stated that some have already been taken care of.

1. Obtain up to 10 trash receptacles for Taylor Park that match the receptacles purchased for the Streetscape project.

2. Set aside funds (\$500) for planting and cabling of trees in Taylor Park.
3. Reappointing the Civil War Memorial in Taylor Park.
4. Obtain cost estimate for removal of 4 dead cottonwood trees in Houghton Park immediately and the removal of the remaining dead trees.
5. Partner with local businesses to obtain new picnic tables in Houghton Park.

Mr. Chevalier noted that the commission is excited about the new playground at Houghton Park which should be installed in April, 2016. He explained that some of the existing playground structures will still be used at Houghton Park and some of the pieces in good condition will likely be moved to the City Pool. The commission will begin working at the next meeting to develop a process and/or protocol for arts in the park which is something the group strongly supports. They will speak to other municipalities to determine what their processes are.

Mayor Gamache expressed her appreciation for the level of work being done by the Parks Commission in a short period of time. She asked Mr. Chevalier if the commission has anything to report on Barlow Street. Mr. Chevalier responded that all three of the City's parks were considered but felt that Taylor Park and Houghton Park needed the most attention at this time. Mayor Gamache noted that the commission is made up of citizens with a diverse point of view which yields healthy discussions and ideas. Mr. Chevalier agreed and stated that the commission is made up of citizens of all ages and backgrounds.

Mr. Hawkins asked why some of the priorities mentioned couldn't be taken care of administratively. Mr. Chevalier responded that the commission's charge is not to make those decisions but to bring items to the attention of council. Mr. Hawkins asked why there isn't a staff member taking minutes for the commission and making a formal presentation on the commission's behalf. Mayor Gamache asked what Kelly Viens' role is. Mr. Chevalier responded that Ms. Viens attends all of the Parks Commission meetings and does a great job guiding the commission with their charge. Mr. Cloud stated that Ms. Viens' role is to act as a staff liaison to the Parks Commission in the same way she guides the Recreation Commission. Mr. Hawkins stated that believed some of the tree issues mentioned would be in the realm of the Sub-Committee on Public Safety & Quality of Life. Mr. Robtoy stated that he already has the 4 trees in Houghton Park slated for removal by July 1, 2015 and the remaining trees that need to be removed will cost around \$24,000.

Mr. Spooner asked Mr. Chevalier if the Parks Commission proposed to remove all 13 trees in Houghton Park at one time. Mr. Chevalier responded affirmatively. Mr. Spooner asked if the commission has discussed what would replace the dead trees, if anything. Mr. Chevalier responded that the group has discussed replacing the dead trees with Maple trees. Mr. Spooner noted the maintenance issues mentioned such as the picnic tables and uniform trash receptacles and asked if the commission has discussed creating a maintenance plan. Mr. Chevalier responded affirmatively but isn't prepared as a commission to bring that plan before council. Ms. Weinstein added that Mr. Young has indicated that the Commission may be able to receive significant grant money from the Champlain Basin Initiative for removal and replanting of the trees at Houghton Park because they are stabilizing a stream bank.

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

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to recess for liquor control at 6:56 pm. Vote was unanimous, 7-0.

7. Consider approval of pilot Art in the Park Demonstration Project (D&V).

Mayor Gamache explained that she doesn't want to get ahead of the recommendations that will be forthcoming from the Parks Commission but has placed this item on the agenda as a pilot.

a. Ulrich-Verderber's Presentation.

Dr. Linda Ulrich introduced herself. She and her husband, Dr. Verderber own and operate Fiddlehead Dentistry and are artists along with their daughter, Louisa. Dr. Ulrich noted the horse sculpture created by Louisa that currently sits outside of Fiddlehead Dentistry and the daily traffic that it receives. She strongly believes that art should be made a part of everyone's normal day life and explained that her daughter, Louisa, has a knack at managing her materials in such a way so that everyone can connect with her sculptures. Dr. Ulrich explained that their interest is to broaden people's mindset about how art connects us all. The piece that Louisa is proposing for a pilot Art in the Park demonstration is of a prehistoric creature built to scale and will stand 18 feet tall. They envision the sculpture to be placed in the open corner of the park across the street from Jeff's Restaurant and would offer a pad of gravel to be laid down underneath the sculpture. Dr. Ulrich noted that Louisa plans to place her sculpture for sale to help pay for her college tuition and in the chance that this sculpture sold quickly, she has others to replace it. She offered to manage the pilot program and help in any way she can.

Mayor Gamache asked Dr. Ulrich to speak on the timing of the project. Dr. Ulrich responded that Louisa recently won a global citizenship award and will be traveling to Switzerland and then to Tibet for a college course but will return home and be available to install the sculpture during the weekend of July 3rd. She reiterated that they have their own boom truck and would complete the installation themselves.

Mr. Pelkey noted his concern over the safety and liability issues surrounding the size of the sculpture. He also mentioned that he would not want the sculpture to take away from the newly casted fountain once it arrives back from Alabama and would prefer the item to be tabled to allow the Parks Commission to weigh in. Mr. Spooner noted that he thinks the idea is wonderful and believes there are a lot of great artists within our community. He expressed his concern over using the City's park to advertise something for sale but if donated, he would not have any issues with the sculpture being located in Taylor Park. Ms. Laddison stated that aside from the safety issues, she is excited about the idea and is hopeful that the program comes into fruition. Mr. Hawkins expressed that he is in support of the concept but is not sure the park is the place for it. He is in favor of having art in the park for a limited time with a piece that is moveable and creates a limited liability environment. Mr. Hawkins commented that he doesn't believe the character of the piece proposed matches the theme of the park and wouldn't vote for something like this to be installed in the park until after the presentation of the fountain occurred and the Parks Commission and Rotary weighed in.

Mayor Gamache asked Dr. Ulrich if it would be possible to place the horse sculpture that currently lives at Fiddlehead Dentistry in the park and place the proposed sculpture at Fiddlehead Dentistry. Dr. Ulrich responded affirmatively and added that another option Louisa is working on is of two people dancing from the 1870's era which will be done in September and smaller in scale.

b. Parks Commission Input.

Mr. Chevalier noted that the Parks Commission is in favor of art in the park but agrees with Council that the fountain should remain the focal point in that section of Taylor Park. He asked that the Parks Commission be given more time to develop a protocol for art in the park to allow for an appropriate display.

Ms. McGinn of the Parks Commission commented on the remarkable talent that Louisa possesses. She seconded the notion that the Parks Commission is supportive of art in the park and hasn't yet discussed the idea in depth. She mentioned that as Houghton Park is transitioning that it may also be a good location for art.

Mayor Gamache asked Mr. Chevalier if he thought the Parks Commission would be able to discuss and develop a policy for art in the park by September so not to miss the opportunity to display the dancing people sculpture. Mr. Chevalier responded affirmatively. Mr. Hawkins commented that art means a lot of things to different people and reminded council that this would be a public display on government property. Mayor Gamache noted that this topic is uncharted territory for the City and believes council can learn from other communities who have had successful public displays of art. Ms. Weinstein added that the safety and liability issues are of her utmost concern.

8. Consider approval of FY 16 Paving and Sidewalk Plan (D&V).

a. Recommendation of Quality of Life Committee, Chad Spooner.

Mayor Gamache recused herself from the discussion because she lives on one of the streets proposed. Mr. Spooner explained that the Quality of Life Committee met last week and were in agreement with the list of streets proposed for paving which are as follows:

Proposed Paving Projects

- Donnelly Court
- Borley Street
- Rublee Street
- Rugg Street
- Prospect Street
- Congress Street
- Forest Hill Drive
- Bishop Street
- Brown Avenue
- Upper Welden Street
- Edward Street
- Huntington Street

Mr. Spooner stated that it is more cost effective to pave streets that are located close to one another. He noted that the sidewalk list proposed at the Quality of Life meeting did change based on input. Originally, High Street was slated but because it already has sidewalk on one side of the street in good condition, it was removed from the list.

Proposed Sidewalk Projects

- Spruce Street, both sides
- Messenger Street, East side
- Sawyer Street, East side

A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve the FY 16 Paving and Sidewalk Plan. Mr. Corrigan asked if there would be any need to take a look underneath the streets before they are paved. Mr. Robtoy responded that there are all kinds of reasons but it would not be practical or timely. **Vote was unanimous, 6-0.**

9. Consider approval of FY 16 Water and Wastewater Budgets (D&V).

a. City Manager presentation.

Mr. Cloud stated that the water and wastewater budgets proposed require a 2.7% increase which is below the 5% benchmark previously established. Consistent with previous years, the increase is primarily on the consumption based charges. The average user will see a combined water and sewer bill increase by \$8 per quarter.

Mr. Cloud noted the four infrastructure projects rolled out several months ago; the Fairfax filter, Fairfield Street utility improvements, valve program and Aldis Hill storage tank. He stated that staff is not proposing to move forward with the Aldis Hill storage tank project at this time. Mr. Cloud stated that this budget proposes the transfer of \$100,000 in water fund reserves to complete the valve project. The Fairfax filter is proposed to be funded with \$750,000 of new debt if authorized by the voters and the Fairfield Street utility improvements are proposed to be funded with \$1.25 million in new debt if authorized by the voters. The debt service on those bonds is embedded within this budget as is the transfer of reserves. In addition, \$165,000 has been added to the wastewater upgrade line item. This is year three of a multi-year plan to create capacity within our rates to service the debt on the planned upgrade. Mr. Cloud noted that staff has level funded the budget stabilization reserves of \$125,000 in both funds.

b. Recommendation of Finance Committee, Tim Hawkins.

Mr. Hawkins explained that several years ago, a commitment was made to upgrade infrastructure, preserve existing infrastructure and put money away for future use. He noted that it was done in a way to include user fees and not heavily burden the flat fees. He believes the budget represents a very modest increase for a well-deserved asset. Mayor Gamache expressed how impressed she's been to see the progress made over the last several years. Mr. Spooner asked how many valves would be replaced or installed. Mr. Robtoy responded that at least 36 valves would be replaced.

A motion was made by Alderman Spooner; seconded by Alderman Laddison to approve FY 16 Water and Wastewater budgets. Vote was unanimous, 7-0.

10. First Reading, Liquor Control Ordinance.

a. Colin McNeil, City Attorney.

Mr. McNeil explained that the liquor control ordinance draft presented reflects comments made at the last meeting. It was previously discussed that the last draft was sent to the State Liquor Control Board and their attorney for review. Mr. McNeil noted that it has since been sent to the Vermont Attorney General's office for further review without any objections.

Under Section 106: Application, the following paragraph was added, "Upon receipt of an application, the City Clerk shall conduct a background check of the applicant, at the applicant's sole expense, that shall be completed prior to the application being considered by the Commission." In Section 108, the word "Renewal" was added to the heading and sub-section 1.D. was added which speaks on Meals & Rooms Taxes to say that an applicant must be fully compliant and pay their Meals & Rooms Taxes prior to obtaining a renewal of a liquor license. In Section 108, sub-section 2.H., language was removed pertaining to standard conditions and in working with the City Clerk, the language was replaced with, "All licenses shall report and changes in management or contact information to the City Clerk's office in writing within 39 days of such change." In addition, sub-section 2.K. was added which reads, "All Licensees agree that they shall maintain at all times while their license is in effect the appropriate insurance covering reasonable liability, to include, but not limited to, so-called DRAM SHOP coverage in an amount not less than \$1 million per occurrence. In Section 108(b), sub-section 7, language was added to highlight the Meals & Rooms Taxes. In Section 110.B, an amount of \$1 million was added to include a floor for insurance coverage.

Mr. Hawkins noted "Said Application shall be submitted no later" in Section 106 and asked if "no later than 10 days" should be changed to "no sooner" and asked if "10 days" should reflect "10 business days." Mr. Hawkins stated that he conversed with a couple of bar owners about the proposed ordinance who were shocked by the \$1 million coverage and is wondering if the amount could be subject to council. Mr. Cloud wondered what the industry standard is and stated that he would like to hear testimony by bar owners and insurance experts first. Mr. Hawkins asked if "Per

the authority” under Section 108(b) could be changed to, “Pursuant to.” Mr. Hawkins asked if the following language made sense, “No revocation shall be made by the Commission, however, until the licensee shall be notified and be given a hearing before the State of Vermont Liquor Control Board.” Mr. McNeil responded affirmatively and stated that the language comes directly from the State statute. Mr. Hawkins asked if it is possible to attach an addendum with the general regulations when making the ordinance available to license holders. Mr. McNeil responded affirmatively. Mr. Hawkins noted Section 116: Penalties and asked if “\$800 per violation and/or revocation” under Class A violations should be changed to “\$800 per violation and/or revocation of license.” Mr. McNeil responded affirmatively.

Mr. Hawkins stated that council is reading this draft tonight in order to make revisions for the second reading and asked if testimony should be heard before the second reading takes place. Mayor Gamache responded affirmatively. Mr. Cloud stated that testimony could occur at the second reading. Mr. Hawkins asked if the second reading with testimony would occur at a regular council meeting or at a separate public hearing. Mr. Cloud responded that it could be discussed at a public hearing or if there is not a lot scheduled on the July council meeting agenda, it could be included in that regular meeting. Mr. Cloud proposed bringing the ordinance back before council for a second reading first and then warn a special meeting for license holders. Mr. Hawkins asked if insurance agents would be present at the next reading. Mr. Cloud responded that he would like to get the insurance specific information to council prior to the next meeting.

Mr. Spooner noted Class A violations under Section 116 and asked why the suspension of a license would be for “at least” ten business days without a more precise timeframe. Mr. Hawkins responded that the language was written that way so council could set the suspension depending on the severity of the situation.

11. Consider authorization to prepare bond votes for Fairfax Filter, Fairfield Street Improvements, and Class I curbs and sidewalks in Fall (D&V).

a. City Manager Presentation & Council Discussion.

Mr. Cloud presented an updated spreadsheet outlining the infrastructure renovation priority projects, timing and funding sources for each. For the Class One Highway curb and sidewalk project, it would cost \$1.5 million with an estimated annual payment of \$90,000 sourced by the General Fund with a start time of spring, 2016. Fairfield Street Utilities would cost \$2.1 million spread across the funds with an estimated annual payment of \$15,080 from the General fund, \$24,580 from Water and \$57,850 from Wastewater. The Fairfax Filter project would cost \$700,000 serviced by the Water fund with estimated annual payments of \$45,000.

Mr. Cloud explained that staff would likely warn the Fairfield Street project as a standalone question which would involve the underground work as well as the curbs and sidewalks. Mr. Spooner asked why staff would consider warning Fairfield Street separately and not put forth one question encompassing all curb and sidewalk work needed. Mr. Cloud responded that the State of Vermont is contributing \$3.5 million into paving the City’s streets and the time to do curb work is before paving is done. He added that he doesn’t believe staff is ready for that question to be put before the voters. If the City is going to have a curb and sidewalk bond, council needs to determine exactly which streets are to be included and need to determine whether “poor condition” is the sole driver, the potential for network or other factors. Mr. Cloud added that he understood council wanted to have feedback from the neighborhoods before moving forward.

Mr. Spooner expressed that his fear is a future bond for curbs and sidewalks will fail because voters will wonder why it wasn’t included in the Fairfield Street bond. Mr. Hawkins stated that he believes the bond would fail if it encompassed all curb and sidewalk work needed because it would be too

large of a number. Mr. Cloud stated that he believes holding a bond as presented would build support for a similar, future bond and would act as a demonstration project and is manageable. Mr. Hawkins asked what the term would be on the bond. Mr. Cloud responded that he believes it is a 25 year term. Mayor Gamache indicated that she is supportive of moving forward as presented. Mr. Cloud noted that part of what staff is trying to do is convert the dollars spent annually in the sidewalk budget to debt service instead of projects. Mayor Gamache asked how much the expanding grand list will impact the City. Mr. Cloud responded that there are too many variables to determine that right now and depends on the percentage of TIF and growth in the Ed fund among other factors.

A motion was made by Alderman Pelkey; seconded by Alderman Hawkins to authorize City Manager to prepare bond vote for Fairfax Filter, Fairfield Street Improvements and Class I curbs and sidewalks in the Fall. Vote was unanimous, 7-0.

12. Redevelopment Report.

a. Consider approval of 10 South Main Renovation Plan (D&V).

Mr. Cloud explained that the City closed on 10 South Main a couple of weeks ago. The source of the funds came from the WalMart settlement. The estimate to complete the façade improvements, code work and structural repair is \$80,000.

A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to approve 10 South Main Renovation Plan. Vote was unanimous, 7-0.

b. Consider approval of 36 Diamond Renovation Plan (D&V).

Mr. Cloud noted the effectiveness of the PHSO ordinance. He explained that 36 Diamond Street has been tied up in probate court due to significant violations of the PHSO. The lien holder of the property, Wells Fargo, has a great program that recognizes the impact homes in disrepair have on their neighborhoods and has donated the property to the City. Mr. Manahan has been working closely with Building Trades to provide labor to refurbish the property. Mr. Manahan explained that the Northwest Technical Center provided a portfolio of their construction work on 3 other houses in St. Albans. The City would be looking for the current structure at 36 Diamond to be torn down and cleared and to allow the Technical Center students to construct another home on the lot. Mr. Spooner asked if the proposed home would fit with the neighborhood. Mr. Manahan responded affirmatively and will bring plans before the council.

A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve 36 Diamond Renovation Plan. Vote was unanimous, 7-0.

c. Consider approval of 12 South Main Façade Improvements (D&V).

Mr. Hawkins recused himself from the conversation. Mr. Manahan explained that he has been in communication with Keith Taruski, property owner of 12 South Main. Mr. Taruski as well as the tenant have agreed on a façade concept with the City and is willing to provide material for the work if the City provides the labor. He added that the estimated cost for labor is \$9,000 and materials are \$3,000. Mr. Cloud stated that the labor costs would come from the WalMart fund. Mayor Gamache asked what the balance in that fund will be after this project Mr. Cloud responded that there is \$130,000 left not including the repayment from 10 South Main and the loan from St. Albans House.

A motion was made by Alderman Pelkey; seconded by Alderman Corrigan to approve 12 South Main Façade Improvements. Motion carried, 6-0 with Alderman Hawkins abstaining.

13. Discussion of Sidewalk Rehabilitation Planning.

Mr. Cloud stated that he is looking for direction from council to determine the highest priority sidewalks, ward by ward. Mayor Gamache stated that assessing the interest of council members and getting involved ward by ward is one way develop a priority list and would also drive engagement from neighbors. Ms. Laddison and Mr. Pelkey indicated that they are supportive of creating a list ward by ward. Mr. Spooner noted that he would like to see staff involved. Mayor Gamache stated that she believes there is some value in having a walking discussion and likes the idea of holding three separate meetings to cover the wards instead of six. Mr. Spooner noted that some of the streets listed in the handouts are missing. Mr. Cloud agreed that there is more fine tuning that needs to be done. Mr. Hawkins commented that he thought during the last discussion, the main priority set was for children to be able to navigate to school safely. Mr. Spooner responded that he believed that has been accomplished. Mayor Gamache noted that Messenger Street still needs work. Mr. Cloud stated that there needs to be a balance between safe routes to school and equity. Mr. Hawkins expressed that he is advocating for prioritizing transportation corridors first.

14. Consider Approval of Minutes: Reg. Meeting 5/18/15 (D&V).
A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to approve regular meeting minutes from 5/18/15 with corrections. Motion carried, 6-0 with Alderman Spooner abstaining.
15. Consider Approval of Warrant: 5/22/15 (D&V).
A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve warrant from 5/22/15. Vote was unanimous, 7-0.
16. Other Business.
Mr. Spooner noted that the Run for Beer went by South Elm Street. Mayor Gamache stated that she continues to receive feedback on the route of the Glow Run.
17. Adjourn.
A motion was made by Alderman Spooner seconded by Alderman Pelkey to adjourn meeting at 8:41 pm. Vote was unanimous, 7-0.

Respectfully Submitted,

Kristen Smith
Administrative Coordinator