

**St. Albans City Council
Minutes of Meeting
Monday, September 9, 2013
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, September 9, 2013, in council chambers at City Hall at 6:30 pm.

Council Present: Mayor Elizabeth Gamache; Aldermen: Chad Spooner, Ryan Doyle, Tim Hawkins, Jeff Young, Aaron O'Grady and Jim Pelkey.

Council Absent: None absent.

Staff Present: Dominic Cloud, City Manager; Sue Krupp, City Clerk and Treasurer; Peg Strait, Director of Finance & Administration & Chip Sawyer, Director of Planning & Zoning.

Visitors: See attached sign-in sheet.

1. Pledge of Allegiance.
Mayor Gamache called the meeting to order and led the pledge of allegiance at 6:30 pm.
2. Public Comment.
Peter Ford introduced himself on behalf of the Save Our Smith Homestead group. He stated that the organization has been generously granted the services of Paul Gillies, an environmental attorney with Tarrant, Gillies, Merriman & Richardson in Montpelier. Mr. Gillies is very interested in preserving the Smith homestead due to its historical importance and the issue surrounding its historical designation and the section of the Land Regulations pertaining to historic designation and protection. Mr. Ford stated that it may very well be an issue that the Conner's try to contest legally and as far as his group is aware, there has been no agreement between the Conner's and the Save Our Smith Homestead group in terms of site visits or the structural inspection. As a result, there is an open-ended schedule as to when the case might go to trial but does not believe it will occur before March, 2014. Acknowledging that the City Council has chosen not to act under the 90-day provision which Section 7 of the Land Regulations allow, Mr. Ford stated that his group requests that the City continue to act as an honest broker at the very least. The Save Our Smith Homestead organization has offered a fine compromise which includes preservation of the historic building and demolition of the remainder. Mr. Ford stated that their group has not had any response from the Conner's and added that they would very much like to be on the next agenda to present a petition of signatures and provide further update. Mayor Gamache asked Mr. Ford if he is the Chief Representative of the Save Our Smith Homestead organization. Mr. Ford responded that he is only a representative of the organization.
3. Recess for Liquor Control (See Separate Agenda).
A motion was made by Alderman Pelkey; seconded by Alderman Doyle to recess out of regular session and commence as Liquor Control Board at 6:36 p.m. Vote was unanimous, 7-0. (See Liquor Control Board minutes).
4. VCDP hearing for completion of Samaritan House Project (Linda Ryan, Samaritan House).
Ms. Ryan of Samaritan House thanked the City for supporting the Samaritan House renovation project which now houses a beautiful resource center. Ms. Ryan stated that they gave notice to Martha's kitchen approximately 2 years ago and paid them \$10,000 for moving costs. Ms. Ryan invited council and the public to visit the renovated site for a tour and added that their Open House was successful and well attended by the Governor and other State Representatives. She explained that in the resource

center, they hold a minimum of two workshops weekly that cover topics such as job readiness, health issues, substance abuse, anger management and how to write a resume. In terms of efficiency of the building, the renovated Samaritan House has solar hot water which has helped reduce overhead costs. Mayor Gamache asked if the purpose of this hearing was an after the fact public hearing. Ms. Ryan responded affirmatively and stated that this hearing must occur before the grant can be closed out. She explained that after the renovation was completed, a single audit and regular audit were conducted followed by a tour of the facility with VCDP. She is now working with Mr. Sawyer to close out the grant.

Mayor Gamache thanked Ms. Ryan and noted that per the report provided, during the 9 months from September 2012 until early June 2013, Samaritan House recorded 132 stays of varying lengths of time. Of these, slightly over half (53%) were women. Families seeking emergency shelter included 27 children under the age of 6. Ms. Ryan stated that Samaritan House helped 56 families transition into permanent housing last year and believes the Governor's initiative with the Vermont rental subsidy has allowed families to move into transitional living situations before a permanent housing situation can be established.

Mr. Doyle noted that per the report provided, Samaritan House has far exceeded the required 130 beneficiaries and asked if that was a requirement issued by the State. Mr. Sawyer responded that it is part of the HUD (Housing Urban Development) funding which is federal money and one of the eligibility requirements of the grant is that you must support people of low to moderate income. Mr. Sawyer added that 130 beneficiaries was the initial number provided by Samaritan House for the number of people they would be able to support. Ms. Ryan stated that in order to close out the grant, Samaritan House had to reach the number of beneficiaries initially provided in the grant.

Mr. Young stated that it is his understanding that funding for permanent housing vouchers has decreased and asked Ms. Ryan if it has been difficult to find permanent housing for families. Ms. Ryan responded affirmatively and stated that it has been harder due to the sequestration and how that has affected the State Section 8 program overall. She added that it has dramatically affected homeless shelters in the entire State. For example, a family on welfare receives \$650/month which is not even enough to rent an apartment today. Ms. Ryan recalled that families were given \$600/month in 1969 and rent averaged \$250/month at that time. She believes the only way to end homelessness is with rental subsidies which has been voiced by the Coalition to End Homelessness and the national and local Affordable Housing Coalition. Mr. Pelkey noted that per the report provided, Samaritan House provides services to families at risk of homelessness and asked Ms. Ryan if that resource is used to help families keep their homes. Ms. Ryan responded affirmatively and stated that they have one full-time and three part-time case managers who work with a community housing review team which includes Field Service Director, Community Action, Voices Against Violence, DCF and Economic Development.

5. Public Hearing/Information Session on TIF Bond Vote.

Mayor Gamache reminded the public that polls are open tomorrow from 7 – 7 and City Councilors as well as the City Manager will be available to answer questions. Dominic Cloud, City Manager, explained that this project has been described as a game changer, a generational opportunity and a chance to secure the future of St. Albans. He explained that the City is asking for voters' authorization to use up to \$13 million in tax increment financing. Mr. Cloud emphasized that it is important to understand that the City services the debts on the \$13 million, not from existing tax payers but from the new development that will occur if the parking garage project is approved. The CEO of Mylan Technologies met with staff and expressed their plans to double the size of their company over the next five years and looking to acquire the land that they will need to make those expansions. Mr. Cloud further stated that Mylan is in the process of purchasing the State office building and would create an opportunity for the State to move into leased space downtown. The City has worked closely with the State to run a competitive

process to select a developer. The ReArch Company of South Burlington will build a 40,000 square foot office building on Federal Street, if in turn the City can provide the parking in parking garage. Mr. Cloud stated that not only would a parking garage allow the State office building to come downtown but would also create conditions where the City can redevelop another large commercial development on Lake Street, where staff envisions a hotel to be located. Mr. Cloud proceeded to present the TIF Public Hearing slideshow. (See attached TIF Public Hearing slideshow). Succeeding the presentation, Mayor Gamache opened the floor for questions and/or comments from the public.

Ms. Ryan, a homeowner on Lakeview Terrace, stated that she is very proud of the accomplishments thus far in the City. She noted her concern about violence and drug use in the core lot and is hopeful that the parking garage will be beautiful and create a safer environment.

Jeff Bean stated that he received a flyer in his mailbox regarding the loss of 153 parking spaces to accommodate 100 parking spaces in the parking garage. Mr. Cloud responded that there are 100 parking spaces in the core lot today and will be 100 spaces there tomorrow. He explained that the garage design calls for 370 spaces which include ground parking along the edge of the garage. The State needs 170 spaces and the City will continue to provide 100 spaces for the general public. In addition, the City anticipates the future commercial development on Lake Street to need 100 spaces. Mr. O'Grady commented that they could possibly need fewer spaces as well. Mr. Cloud responded affirmatively and stated that the parking garage is run like an Enterprise fund and will have a separate budget much like the City's Water and Wastewater funds. Mr. Bean asked what sort of security precautions will be in place not just in the structure of the parking garage but also in the surrounding area. Mr. Cloud responded that the best deterrent to illicit activity is economic activity. He also stated that many security cameras will be present. Desman Architects, the firm building the garage, is one of the top three parking garage firms in the country and the entire garage is designed to have as many open features as possible to allow for passive security to occur. Mr. Cloud stated that the dark garage design without regard to security has become very much a thing of the past.

Ms. Ryan stated that she collaborates a lot with State workers who are very excited as well about the project. She commented that she believed she had heard that the State was also going to offer some security for the garage and asked Mr. Cloud to clarify. Mr. Cloud responded that the State building will have a direct connection to the office building from the garage which will be separated by a secure door and has been working very closely with the State to address their security concerns. He added that he is not aware of any special security features that the State has requested. Mr. Cloud noted that the State has been a great partner and without the leadership from the Governor's office and local legislatures, the project would not have progressed this far. Mr. Doyle added that there are going to be light fixtures around the perimeter of the parking garage as well to allow for the street and sidewalks to be well lit. He further stated that there are also private parking spaces that will not be impacted by the project. Mr. Young commented that the engineer indicated that the lighting in the garage would be ten times brighter than what was required.

Mike Bushey, a lifelong resident of St. Albans, introduced himself. He commented that Downtown St. Albans looks terrific, crediting the City Manager. Mr. Bushey asked Mr. Cloud if Mylan has agreed to buy the building on Houghton Street. Mr. Cloud responded that the Purchase & Sale Agreement is about as far along as it can get before being signed and there is no doubt over the intent of the parties but must be moved through a lot of stages. Mayor Gamache added that she was fortunate enough to have been invited to the ribbon cutting ceremony at Mylan yesterday where Mylan executives both locally and nationally expressed that they want to do business here in St. Albans. Mr. Bushey asked if the State was paying for the parking spaces inside the parking garage designated for State employees. Mr. Cloud responded that the developer who is leasing the office building to the State is purchasing the parking

rights for \$2.5 million. Mr. Bushey noted that many businesses do not hold regular business hours downtown and also stressed the importance of filling the empty storefronts. Mayor Gamache stated that as Chair of the Downtown Board, she agrees and believes it is important to develop an environment for an active downtown that is suitable and has begun to see some steps in the right direction, fully expecting to see more open businesses as the revitalization moves forward. Mayor Gamache stated that it is also important for residents to buy local and support the City's local businesses.

Mr. Young asked Mr. Cloud what happens to the 170 spaces designated to the State during nights, holidays and weekends and asked if they would be accessible to others during those times. Mr. Cloud responded that it is currently being negotiated under the Parking Management Agreement and is hopeful that he will be able to present the agreement to council within the next couple of weeks. Mr. Young asked Mr. Cloud if the 170 parking spaces would include clientele as well as the employees. Mr. Cloud responded that the State is not losing any parking from the Houghton site to the downtown site and exactly how the State makes the parking available to their employees and patrons will all be embedded within the Parking Management Agreement. In addition, there will be 30 handicap spaces in the garage which is more than what is required. Mr. Young stated that some people have a negative connotation of parking garages but believes this garage shows a tremendous amount of utilitarianism and is about as good as it could get from a use and financial standpoint. Mr. Pelkey stated that many communities who build parking garages end up not filling them to capacity and suffer financially. He added that in this case, half of the parking spaces are spoken for already and the City will not be underutilizing the space.

6. City Council Resolution in support of Municipal Planning Grant funds (D&V).

Mr. Sawyer stated that the City has been very successful in obtaining VT Municipal Planning Grants in the past and over the last three years has been able to update the City plan, draft a special form-based code draft for the core of the City and is now working on updating the overall zoning by-laws. Mr. Sawyer explained that the issue of housing in the City is a lingering topic that could be explored further. He added that many questions are unanswered such as what the City currently has for housing, how much does the City need, how much subsidized housing there is in the City, what does subsidized housing look like, what is the effect of subsidized housing on the Grand List, what do we do about different statements received regarding subsidized housing, private market housing or market rents and how do we get answers to questions, some of which were raised recently when CHT (Champlain Housing Trust) came before council seeking the City's blessing to apply for VCDP funds to improve and secure some subsidized housing in the City. Mr. Sawyer noted that subsidized housing was also a recent priority voiced by council as something that should be addressed. He stated that there are communities that have conducted housing studies and assessments before and believes that the City could do the same and customize the study to answer some specific questions raised. Mr. Sawyer added that with the approval of the Planning Commission, he is now asking for council's permission to use Municipal Planning Grant funds for a housing study. Mayor Gamache stated that she strongly supports this emphasis and believes a study like this is critical to support the City's future planning efforts.

A motion was made by Alderman Pelkey; seconded by Alderman Doyle to approve resolution in support of Municipal Planning Grant funds committing the City to no more than \$6,000. Vote was unanimous, 7-0.

7. City Council Resolution in support of BGS Recreation Facilities Grant funds (D&V).

Mr. Sawyer explained that the City received funds from the State Recreation Facilities Grant 2 years ago to replace the pool filter. In speaking to the Recreation Director, Kelly Viens, it has been decided that the City should apply again for a grant because the starting blocks at the City pool are in poor shape and needs a capital investment in order to maintain the Swim program. Mr. Sawyer stated that the starter

blocks would cost \$12,000 and added that there is a one-to-one match. He also stated that per Mrs. Viens, there is \$5,000 in the Recreation Budget to be used toward the starter blocks and they are very well assured that the community including the St. Albans Sharks would help raise the remaining one-to-one match requirement. Mr. Sawyer explained that he is asking for council to approve the Mayor to submit a letter of support with this grant application.

A motion was made by Alderman Young; seconded by Alderman Pelkey to approve resolution in support of BGS Recreation Facilities Grant funds. Mr. Hawkins asked Mr. Sawyer how the City budgeted \$5,000 in the Recreation Department. Mr. Sawyer responded that there is some money left over in equipment maintenance. Mr. Pelkey asked Mr. Sawyer if the present condition of the starter blocks were unsafe. Mr. Sawyer responded that they are not unsafe and Public Works has done a good job keeping them updated but added that they are in poor condition and do not meet the standard regulations that a competitive governing body has for such equipment. Mayor Gamache noted that the Sharks competitive event that took place over the course of a weekend during the summer attracted hundreds of people from different communities and had a positive impact on both the Recreation program and business in St. Albans. Mr. Young commented that Kelly does a tremendous with the Recreation budget and would want to show her support. He also stated that the Sharks Swim Team has come a long way in the last few years, becoming much more competitive with an increase in participation. **Vote was unanimous, 7-0.**

8. Financial Report (Peg Strait, Finance Director).

Ms. Strait stated that at the end of August, the City had completed 2 months in the current fiscal year. The General Fund has a surplus of \$463,000 due to a number of revenue items that are front loaded at the beginning of the year. Dispatch revenue is at 70% of budget at the end of August. Ms. Strait added that the City contracts with 14 municipalities, all of which have paid for the entire year with the exception of three. The Community Justice Center has three Department of Correction grants through the State and all three grants have been received at 50% at the end of August. Recreation is at 90% of budget for the year due to day camp, soccer and pool lessons and concessions are double what were budgeted.

In terms of General Fund expenses, Ms. Strait stated that the Northwest Regional Planning, FCIDC and the Solid Waste District have been paid in full for the year. Interest on the Fonda line of credit is paid twice each year and the City has made one of those semi-annual payments. Under Public Works capital, there is a \$250,000 item for the street improvement program which at the end of August, had been spent at 99.5% or \$248,000. Pool expenses were 74% spent at the end of August.

Ms. Strait explained that operations in the General Fund for the year are following the same trend they followed for the last 5 years. Under other governmental funds, the Revolving Loan Funds are in a money market account which accrues a small amount of revenue each month. Ms. Strait stated that the \$3,000 spent pertains to the façade grant for Wait & See. The MPG grant includes a \$4,500 carryover from last year. Ms. Strait noted a carry over for the Federal Street Bypass project as well and a small expense to Cross Consulting. Streetscape expenses include payments to VHB for design engineering and to Ruggiano for construction engineering and environmental work. There will be a drawdown against those expenses within the next 30 days for approximately \$35,000. Ms. Strait stated that the bulk of TIF expenses are for the purchase of the building on Federal Street and consulting work for the parking garage.

Under the Water & Wastewater Fund, unlike the General Fund, there are no revenues frontloaded in the first couple of months. Ms. Strait explained that the second month deficit is very similar to last year's because the first quarter billing for water and wastewater will take place in September at which time revenues will hopefully exceed expenses. Expenses are under control at 13% as opposed to the

target of 16%. Ms. Strait stated that the City will not be putting any reserves away for capital items and expensing those reserves until the end of the first quarter. Allocation fee reserves match the revenue items under water allocation fees and interest and wastewater allocation fees and interest. August 30th was also the end of the modified accrual year for the General Fund and the full accrual year for the Water and Wastewater Fund. Ms. Strait added that there was not much change during the month of August; expenses in the General Fund were right on target with a slight deficit of 5/10^{ths} of 1%. The Water and Wastewater Fund also had a slight deficit as well of about \$60,000 each but included all of the capital items which will come out of the expenses in the audited financial statements and be placed on the balance sheet and capitalized.

Ms. Strait explained that the auditors will be here a week from today and that the Finance Department is completely prepared for this year's audit. A tax sale took place on August 30th which included one parcel with delinquent property taxes and the remaining parcels for delinquent utilities. The parcel on the tax sale with delinquent taxes in the amount of \$5,000 was not sold. The remaining four parcels with delinquent utilities totaled \$12,000 however there was a bidding war for two of the parcels. Of those two parcels, both had delinquent utilities in the amount of \$2,000 and one sold for \$67,000 and the other sold for \$61,000. All of those funds are in escrow because the owner has one year to reclaim the property and make payment. Ms. Strait added that to reclaim their property, the owner must pay the amount the property sold at tax sale, not the delinquent amount listed on the tax sale.

9. Warrants 8/21 & 9/4.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to approve warrant from 8/21/13. Vote was unanimous, 7-0.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to approve warrant from 9/4/13. Vote was unanimous, 7-0.

10. Reg. Meeting Minutes – 8/12.

A motion was made by Alderman Spooner; seconded by Alderman Young to approve minutes from 8/12/13 as amended. Vote was unanimous, 5-0 with Aldermen Hawkins & O'Grady abstaining.

11. Other Business.

Mr. Bushey commented on the prior discussion during Liquor Control Board and stated that he once worked at a place that had training videos on the premises as well as a machine that would not allow a transaction to be completed unless an ID was requested and once checked, the machine would give the cashier the age of the customer.

Mr. Hawkins stated that the corner of Catherine and Lake Street has a stop sign and also beside the corner is a 2 ½ hour parking space. He explained that if a vehicle is parked in that parking space, another vehicle cannot engage the stop sign and if a vehicle does pull out from the stop sign, it puts that vehicle in the lane of traffic traveling south from Lake Street onto Catherine Street. Mr. Hawkins stated that he believes there is an AOT (Agency of Transportation) regulation that states a parking space cannot be located within a certain number of feet from a stop sign. Mr. Cloud noted that the City needs to remove the parking space, not the stop sign. Mr. Hawkins asked Mr. Spooner if he could discuss the issue at the next Public Safety Committee meeting. Mr. Spooner responded that he believes he can just address the issue with Allen Robtoy. Mr. Hawkins also asked Mr. Young why the trees were removed and replaced with new trees on Main Street during the Streetscape project. Mr. Cloud stated that the trees would not have survived the construction. Mr. Sawyer added that the new trees are also a better species of tree for the downtown area. Mr. Cloud also noted that the location of the trees was oftentimes right in front of the doorways of businesses and the new trees are now spaced between buildings. Mr. Sawyer stated that the new trees will support the new sidewalks. Mr. Doyle added that it is four times the soil area as

well. Mr. Pelkey asked if the new trees were smaller. Mr. Sawyer responded that the new species of trees planted will grow taller but not spread out as much.

Mr. Hawkins commented on the trash bins in the park and stated that they seem to always be overflowing with trash.

Mr. Young explained that when you build a new sidewalk, it is almost impossible to build what the City did downtown around existing tree without destroying the roots and existing soil. The trees that were previously there were never taken care of and there were a lot of different reasons why they were removed. Some trees were also removed along North Main and on the West side of Bank because they were never pruned and became a safety hazard. Mr. Young stated that the goal for the new streetscape is for a more compatible species of trees to be planted that will be maintained and pruned to enhance the landscape and safety of residents. Many Norway Maple trees were removed as well because they have been declared an evasive species and are banned for sale in the Vermont. Regarding Taylor Park, Mr. Young stated that the City is nearing the end of their grant, all plants have been planted and they are now tweaking with mulch. He will be taking some photos for competitive awards for the garden. Mr. Young stated that he noticed yesterday that the Wine and Food festival is not going to be in the park this year and expressed his disappointment. Mr. Sawyer confirmed that it will take place in the Museum and that the decision was made due to weather and setting up the tent could be difficult.

Mr. Doyle stated that the block party that occurred last week was a great event and wondered if it could happen more often. He expressed interest in having the Promotions Committee come together to plan a similar event for next summer.

Mr. Spooner stated that as beautiful as the railroad tracks look on North Elm, he feels it is a pedestrian nightmare. There is no barrier between the vehicles and the children using the sidewalk and when looking at the intersection, he sees an intersection that was designed for vehicle traffic with the sidewalk being an afterthought. After discussing with Allen Robtoy, it was decided that the best solution would be to put the stop signs back up at that intersection. The State, however, won't accept that crossing as being complete with the stop signs and cited MUTCD (Manual on Uniform Traffic Control Devices) 5 and 8 which only deal with vehicular traffic. Mr. Spooner stated that he would like to speak to other communities who have a similar traffic crossing close to a school and also have someone from AOT come in and explain why the stop signs cannot be put back up. Mr. Cloud responded that he will get a representative from the AOT to speak with him. Mayor Gamache stated that it would also be beneficial to hear what the Safe Routes to School has to say about the issue. Mr. Spooner stated that Chief Taylor has recommended that the stop sign be put back. Mr. Young stated that it is his understanding that the speed of traffic has considerably increased.

Mr. O'Grady asked if the rain gardens at the bottom of the park are going to stay at the depth they're currently at now. Mr. Sawyer responded affirmatively. Mr. Young suggested placing some rails around the rain gardens to avoid someone from falling into them.

Mr. Young stated that it would be nice to have a Conservation Committee created so that some of the issues raised during the Streetscape project can be discussed. Mayor Gamache encouraged the public to contact City Hall if they see anything that they would like to discuss or needs attention.

Mr. Bean stated that the success on Main Street so far may be overshadowed by some of the weeds and overgrowth on some of the side streets and thinks that the City should put an emphasis on maintaining all side streets and residential areas in the City. As we move forward with infrastructure improvements, Mr. Bean stated that he believes the City should look to see what they can do right now to enhance the appearance of sidewalks before initiating replacement of sidewalks. Mr. Bean stated that he feels the City should include such maintenance as a line item in the budget.

Mr. Bushey stated that speed of vehicles have increased at North Elm Crossing and would like to see the stop signs put back for the safety of children in a school zone. Mr. Young asked Mr. Spooner if the new sidewalk on Aldis Street is complete. Mr. Young stated that a curb was not included and when kids are walking as a group, they must walk on the grass. On the Federal Street side, Mr. Young explained that there is not enough space for kids to stand and wait for traffic and has no markings.

12. Adjourn & Enter Executive Session

- a. To discuss appointment of a public officer and civil matters.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to adjourn from open session and enter executive session at 8:28 pm. Vote was unanimous, 7-0.

Respectfully Submitted,

Kristen Smith
Administrative Coordinator

Approved by Council