

**St. Albans City Council
Minutes of Meeting
Monday, August 10, 2015
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, August 10, 2015, at 6:30 pm in council chambers at City Hall.

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

Council Absent: Mayor, Elizabeth Gamache.

Staff Present: Dominic Cloud, City Manager; Chip Sawyer, Director of Planning & Development; Sue Krupp, City Clerk & Treasurer and Chief Gary Taylor, Police Chief.

Visitors: See attached sign-in sheet.

1. Pledge of Allegiance.

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

2. Public Comment.

No public comment was made.

3. Mayor's Report

Mr. Spooner acknowledged three St. Albans City police officers, Sgt. Francis McCarty, Cpl. Paul Talley and Officer Keith Cote who will be receiving the New England Association Chief of Police Medal of Valor for their bravery and service during a house fire that occurred on July 30, 2014. Mr. Spooner read the press release aloud. Chief Taylor added that during the four decades he has been in law enforcement, he has not known any police officers in Vermont who have been recognized by the New England Chief of Police Association and awarded a medal of valor.

Mr. Spooner also commended Sarah Duffy, Finance Manager and the Finance Department for their diligent efforts in accounting transparency and accountability. For the second year in a row, the City was awarded the Certificate of Achievement for Excellence in Financial Reporting from the GFOA (Government Finance Officers Association) and Sarah Duffy was presented an Award of Financial Reporting Achievement as part of the program.

Mr. Spooner noted that Mr. Cloud also received the Francis Elwell award from the Vermont Town and City Management Association for outstanding achievement in the field of municipal management and was awarded for cumulative work in revitalization and economic development.

4. Report on bylaw changes re: medical offices, Chris Dermody.

Mr. Spooner recalled that the Planning Commission has been working on bylaw changes pertaining to medical offices. Mr. Dermody recalled that council formerly approved removal of clinics from the Low Density Residential district (LDR) and as a result, there were two offices in the LDR that were concerned despite their use being grandfathered. He explained that the goal of the Planning Commission is to address current uses and forms of Fairfield Street and Lower Congress Street. There are currently three parcels on the north side of lower Congress Street that are part of the LDR which include two dentist offices, a church, a rectory and some apartments. Mr. Dermody explained that on lower Congress Street, the High Density Residential (HDR) and Business-2 District (B2) provide a good buffer between B1

and LDR elsewhere in the City but HDR might be too dense for lower Congress and B2 has too many uses. The solution proposed is to create a B3 "Business-Neighborhood Transition" District that uses the current density standards of the LDR and adds the Medical Office and Place of Worship Use. It would also consider the Office/Clerical Research use. Once the Baptist Church is in the B3, staff could then remove Place of Worship from the rest of the LDR. Mr. Dermody added that he spoke with the concerned property owners of Fairfield Street and they welcomed the concept of a B3 District. The allowable uses for the LDR portion of Fairfield Street include single, duplex and multi-family residential, a medical office and the hospital. The form includes large houses, like much of the LDR, except for the hospital. Actual lot coverages may be in excess of the rules (legal non-conforming). In terms of B3 on Fairfield Street, the current proposal is to only add the two eastern-most parcels on the south side of the street as a B3 District. This would reflect transition from the NMC property and other commercial properties in the Town. It would also maintain the rest of the LDR on Fairfield Street and bring Medical Office back as a conditional use.

Mr. Dermody pointed out the proposal for new definitions of Medical Office/Clinic and Controlled Substance Dispensary in the handout. Mr. Sawyer explained that under the new definition of Clinic/Medical Facility, it limits it to out-patient services and specifically says that it does not include the dispensing of controlled substances. Under the new Controlled Substance Dispensary definition, there are two classes. Class A is for any entity that would serve 80% or more of total served prescriptions for substances listed on U.S. Drug Enforcement Administration Controlled Substance Schedules 1, 2 and/or 3 which includes methadone, marijuana and suboxone. Class B includes any other controlled substance dispensary. Mr. Sawyer explained that the reason for including the 80% rule in Class A is because some general pharmacies may prescribe some medications listed under the DEA's Schedule 1, 2 or 3.

Aside from the suggested B3 District, the proposal will come before council after being vetted to the Planning Commission and thinks that Class A would go in the commercial areas of the City except for the Historic District but Class B would be allowed in the Historic District. Mr. Dermody stated that the Planning Commission has agreed that Fairfield Street would be a good candidate of the B3 District and reiterated that it would come before Council and a Public Hearing would take place. Mr. Hawkins asked if Schedules 1, 2 and 3 of the DEA would be referenced in the appendix of the by-laws. Mr. Sawyer responded that staff would reference the DEA's website. Ms. Laddison asked what "PUD" stands for. Mr. Dermody responded that it stands for "Planned Unit Development." Mr. Sawyer stated that it's when you're allowed to subdivide a property in a slightly different way in which you have a higher density of use but promise to keep more of the land open. Mr. Spooner stated that he would like to see Fiddlehead Dentistry become compliant. Mr. Dermody recalled that no one from Messenger Street appeared at the Planning Commission meeting but the meeting was well-attended and receptive by Fairfield Street residents. Mr. Dermody added that the Planning Commission is still looking for board members.

5. Review of public health and safety ordinance, Dominic Cloud and Chief Taylor.

Mr. Spooner noted that this topic was revisited at the council retreat. Mr. Cloud explained that there are two full-time staff members working on code enforcement with joint jurisdiction over the City's PHSO (Public Health and Safety Ordinance), the National Fire Protection Association and the State Rental Registry program. Council set the condition of distressed properties and the cumulative impact that they have on neighborhoods as one of their highest priorities at the council retreat. Mr. Cloud stated that he believes staff can and will do better on enforcement and believes staff just needs to improve at the operating procedure level for how the enforcement is done. Mr. Cloud proceeded to read aloud the 11 items that make up the distressed property violations covered by the PHSO. (See attached excerpt from PHSO). Mr. Cloud asked council if there is anything else they feel is missing. Mr. Hawkins stated that he noticed in the ordinance that there were some exemptions and gave the example of a licensed junk

yard. He stated that he didn't see a statement that said this in no way hinders the ability for someone to have a licensed lawn sale or items in their yard advertised for free, provided that those items are placed back under cover in a certain amount of time. Mr. Hawkins noted that the ordinance covers the issue in a very general way and would like to see "extended period of time" further defined. He noted that he read the lawn sale ordinance as well. Mr. Cloud asked if it's correct that Mr. Hawkins is asking for language that specifies that items need to be moved inside every night or will be considered junk. Mr. Hawkins responded affirmatively and stated that it should be stated either in the PHSO or in the lawn sale ordinance.

Mr. Hawkins asked what happens when a neighbor complains about a house next door with tall grass, broken windows or a porch caving in. Mr. Cloud responded that those issues would be directed to the Chief and then be filtered to Matt Mulheron and/or Charlie Sargent for an inspection. Mr. Cloud responded that most of the issues evolve into an enforcement situation where staff needs to determine who owns the property which can be difficult because in a lot of occasions, the property is under foreclosure. Mr. Hawkins stated that there are a lot of incidents where the buildings are rental properties and the landlords live outside the City. Mr. Cloud stated that staff has been hesitant to exercise this power and it wasn't until council recently set this as a high priority that staff spent time retuning operations. He reiterated that the process is conducting an assessment of the problem which is most commonly trash, overgrown grass and the general physical condition of the property. After Matt and Charlie's initial visit with a verbal warning, they revisit the property after 7-10 days and if not taken care of, a safety order is issued and fines begin accruing. Mr. Cloud stated that in a lot of instances, the fines are paid for by the landlord and City staff is the entity cleaning up the property. Mr. Hawkins stated that we certainly don't want neighbors confronting neighbors. Chief Taylor agreed. He stated that as long as the City is acting on reports within 24-48 hours that satisfies a lot of what was identified as problematic at the council retreat. Mr. Cloud stated that a lot of the complaints being received were for lawn complaints of abandoned properties and would now like to spend some time creating a list of problem properties to present to council. He further stated that staff can best achieve council's goals by acting quickly and using the ordinance and also by taking a look at the issue of items being left outside overnight. Mr. Spooner stated that this would be another good candidate for tracking such as the pothole tracker that Burlington uses. Mr. Cloud responded that he likes the idea of tracking potholes but doesn't want to become the Solid Waste District. Mr. Hawkins stated that the exception would be if the City could recover money. Mr. Cloud stated that he believes there's a lot here for neighborhood vitality and wants to keep the dialogue open. Mr. Pelkey stated that he doesn't want people to get the impression that the City will clean up their junk if they don't. Mr. Cloud responded that staff keeps track of costs and places liens on the properties cleaned up by the City. Mr. Hawkins stated that he believes there's a 10 step process and council is only on step 2 and has no sympathy for landlords that don't take care of their properties and is willing to do something drastic. Mr. Cloud noted that staff has discussed batching properties for small claims court. Mr. Hawkins asked if the authority of the charter for the fine is \$500. Mr. Cloud responded that the fines are \$100/day.

Mr. Doyle asked for an update on 36 Diamond Street. Mr. Cloud responded that the City owns the property and Mr. Manahan has done outreach to the neighbors in the immediate area. The City is partnering with Building Trades to demolish the building and replace it with a new structure. Staff is in the research stage to determine what will fit in with the character of the neighborhood and once that is determined, there will be even more outreach. Mr. Cloud noted that the PHSO received \$30,000 in fines from that property. Mr. Doyle asked what the purchase cost was. Mr. Cloud responded that it was donated to the City.

6. Consider authorization of City Manager to sign police contract with St. Albans Town (D&V).

Mr. Cloud stated that this is a continuation of the existing police contract. The Town Selectboard voted unanimously to award the contract to the City. The numbers are competitive and demonstrate the power of two communities working together.

A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to authorize City Manager to sign police contract with St. Albans Town. Vote was unanimous, 6-0.

A motion was made by Alderman Corrigan; seconded by Alderman Hawkins to amend agenda and proceed to agenda items # 9 and then # 8. Vote was unanimous, 6-0.

7. Consider adoption of proposed revisions to the Alcohol Ordinance (D&V).

Mr. McNeil stated that since the last meeting, changes were made to the levels of coverage required for DRAM SHOP insurance. Divisions were made between restaurants, liquor stores and establishments that sell alcohol but not as a primary purpose of the business. In addition, some definitions were updated. Mr. McNeil stated that a "Low-Volume Alcohol Vendor" as used in the ordinance shall mean a Licensee who operates an establishment whose annual sales of alcoholic beverages is less than fifty percent (50%) of its total annual sales and a "High-Volume Alcohol Vendor" would include a Licensee who operates an establishment whose annual sales of alcoholic beverages is fifty percent (50%) or more of its total annual sales. To incorporate those two groups into the ordinance, the standard conditions of requirement for DRAM SHOP was changed from \$1 million and amended under Section 110.b. (See Attached Draft Liquor Ordinance).

Mr. Pelkey asked if most of the establishments in the City have at least \$500,000 in coverage for DRAM SHOP. Mr. Hawkins responded negatively and stated that Shooters was the only establishment that was represented at the last meeting that signified having coverage in the amount of \$500,000 and Beverage Mart is required to have at least \$500,000 in coverage because it is a State Liquor Store. Mr. Hawkins noted the 50% cut off between Low-Volume and High-Volume Alcohol Vendors and wondered if any establishments would make adjustments to be classified as a Low-Volume Vendor if they were on the cusp of the 50% mark. He wondered if the cut-off should be more 60/40 or 70/30 as opposed to 50/50. Mr. Hawkins agreed that an establishment selling 50% vs. 51% has an equal amount of liability exposure and thinks the City would offer the best protection to the general public by having those percentages in a much more offset range like 60/40. Mr. McNeil agreed that businesses could toy with the numbers to be under the 50% mark. Mr. Corrigan stated that he believes if an establishment tried to skew their percentage at 50/50, they'd probably do the same at 60/40. Mr. Hawkins stated that the State Liquor Control Board is very sophisticated in its analysis of what the establishments are buying from the agency and what they are selling and is much more difficult to skew numbers today than it may have been in the past. Mr. Corrigan stated that he would prefer to leave the cut-off at 50/50 and if a flaw is found, it could be revisited. Mr. Hawkins stated that a flaw could go undetected for quite some time.

Mr. Hawkins noted the past discussion under the scenario where an establishment with a history of no violations is given the ability to reduce their liability coverage to \$250,000 or an establishment who is a Low-Volume Vendor but with a multitude of violations being required to increase their liability coverage. Mr. McNeil stated that there is a statute in Title 7, Section 240 which states that the City's Liquor Control Board can mandate that an establishment who is a Class I, II, or III licensee that is suspended for selling to a minor must take on the financial responsibility for the violations. Mr. Hawkins stated that he would prefer the cut-off be 60/40 or 70/30 so Low-Volume Vendors are not spending the amount of money that a High-Volume Vendor should be paying for the risk they put the general public at. Mr. Spooner stated that he is in favor of 60/40. Mr. Pelkey agreed. Ms. Krupp asked if a copy of the draft ordinance would go out to establishments. Mr. Cloud responded that it would prior to a public hearing. Mr. Cloud stated that staff will incorporate this change and schedule a second public hearing for the next meeting.

Mr. Doyle asked if it's correct that 40% or more of alcohol sales would classify an establishment as a high-volume vendor. Mr. Hawkins said if an establishment has more than 40% of alcohol related sales, they would be a high-volume vendor and if less than 40%, the establishment would be classified as a low-volume vendor.

A motion was made by Alderman Pelkey; seconded by Alderman Corrigan to accept first reading of alcohol ordinance with an amendment of the cut-off for high and low-volume alcohol vendors to 40%. Vote was unanimous, 6-0.

8. Consider passage of warning for Special Meeting (D&V).

Mr. Cloud recapped that the AOT (Agency of Transportation) is preparing to pave the City's Class I Town Highways. That action has caused staff to determine what needs to be done beforehand so Public Works is not opening the street for water or sewer repairs after the roadway is paved. Mr. Cloud explained that the State's paving plan is what gave rise to the three line items on the bond vote warning and proceeded to read each Article aloud. (See Attached Bond Vote Warning). All of the utility costs have been incorporated into the water/wastewater budgets with voter support and the General Fund component will be incorporated in the FY 17 budget. The estimated impact remains the same at 2.5% on the grand list. Staff is hoping to release the bids this fall with a successful bond vote so there are actual numbers used when building the FY 17 budget.

A motion was made by Alderman Hawkins; seconded by Alderman Corrigan to approve warning for Special Meeting. Ms. Laddison asked if the voting for the bond vote would occur at the City Hall auditorium. Mr. Cloud responded affirmatively and explained that at least half of the gym will be available and will be handicap accessible. Mr. Spooner asked why Article I wasn't broken up since it is being served partly by the water/wastewater budget and partly by the General Fund. Mr. Cloud responded that staff could break it out into 4 articles instead of 3 but felt like if it passed, it would be one project, not two. Mr. Spooner asked why paving was included in the article if the State was going to be paving. Mr. Cloud responded that he wanted the ability to do a little paving in a resident's driveway if needed. Mr. Pelkey asked if staff could include language in the warning that explained to the voters that it's for preparation of the State funded paving project. Mr. Cloud responded that it can't be incorporated in the warning but should certainly be part of the public education piece. **Vote was unanimous, 6-0.**

9. First reading: proposed amendment to City Ordinances re: parking on No. Elm St. and Maiden Lane, Chip Sawyer (D&V).

Mr. Sawyer explained that there are proposed technical corrections to the ordinance. No parking signs were moved to the East side of North Elm Street but the ordinance still says no parking on the Westerly side of North Elm. Mr. Sawyer also noticed that the ordinance says no parking on the Easterly side of Maiden Lane and proposes to strike that language altogether. Mr. Hawkins asked if Maiden Lane was pursuant to the plan that was presented by Connor Contracting. Mr. Sawyer responded affirmatively. Mr. Spooner asked why not just move the sign on North Elm Street. Mr. Sawyer stated that staff preferred to keep the sign where it is. Ms. DiFranco noted that a resident wants no parking on the east side. Mr. Sawyer asked council what their preference is. Ms. DiFranco stated that the constituent that brought this issue to her would prefer there be no parking on the easterly side. Mr. Sawyer noted that he saw one sign that said "no parking from here to corner" near the intersection at Aldis Street but didn't see many others. Mr. Spooner stated that it would be nice to take a uniform approach and not allow parking on the west side for streets that run north and south and vice versa. Mr. Sawyer stated that he will take the comment raised by Ms. DiFranco's constituent into consideration and review the issue further. Ms. DiFranco stated that she believes a lot of the rental properties have tenants that are parking on the side of the street that doesn't allow parking and believes that is one of the main reasons

for people parking on the side of the street that they shouldn't be parking on. Mr. Sawyer asked Ms. DiFranco if she could talk to more people in the ward and find out what their preference is. Ms. DiFranco responded affirmatively. Mr. Hawkins asked if he is talking about Pearl to Lake Street. Mr. Sawyer responded affirmatively and stated that staff has not looked into sectioning it out. Mr. Cloud stated that one ideas for traffic calming that he recently read is to alternate back and forth where the cars can park.

A motion was made by Alderman Hawkins; seconded by Alderman Spooner to accept first reading of proposed amendment to City Ordinances re: parking on No. Elm St. and Maiden Lane. Mr. Doyle asked if North Elm Street is a Class II road. Mr. Sawyer responded affirmatively. Mr. Doyle noted that he heard feedback from someone regarding Class II roadways a couple years ago which was that if parking is too narrow for vehicles to pass on both sides, it would make sense to try and amend that situation. Ms. DiFranco stated that it is difficult for two vehicles to pass each other at the same time on North Elm is a vehicle is parked on the side of the street. **Vote was unanimous, 6-0.**

10. Re-appointment of Bill Cioffi to Northwest Solid Waste District for a three-year term (D&V).
Mr. Spooner stated that Mr. Cioffi does not wish to be re-appointed to the Northwest Solid Waste District and will table the item for a future meeting.
11. Consider Approval of Minutes: Reg. Meeting 7/13/15 (D&V).
A motion was made by Alderman Pelkey; seconded by Alderman Corrigan to approve regular meeting minutes from 7/13/15. Vote was unanimous, 5-0 with Alderwoman DiFranco abstaining.
12. Consider Approval of Warrant: 7/24/15 & 8/7/15 (D&V).
A motion was made by Alderman Corrigan; seconded by Alderman Pelkey to approve warrants from 7/24/15 and 8/7/15. Vote was unanimous, 6-0.
13. Other Business.
Mr. Hawkins stated that he noticed the lights at the intersection of Lake Street, Fairfield Street and North Main Street are going into pedestrian walking mode after the lights cycle and doesn't believe it needs to do that since there is the pedestrian walk button for pedestrians to push. Mr. Hawkins stated that he also noticed that when the light is green for Main Street thru-traffic, he can only get from in front of Tim's Place to the light before it turns red during normal traffic and believes the light is not long enough.

Mr. Hawkins noted the spider web of wires that is visible near the rear of the UPS Store. He believes it's the responsibility of the power company to fix that eye sore and council needs to hold them responsible. Mr. Spooner asked Mr. Cloud if council could mandate that second poles be removed within 60 days. Mr. Cloud responded that oftentimes the fire lines are the last lines that need to go.

Ms. DiFranco thanked Public Works for paving Spruce Street and commended Dave Southwick for coordinating the cyclist event.

Ms. Laddison noted an apartment building located at the corner of Barlow and Fairfield Street and said someone is parking their vehicle close to the curb at the corner of the intersection which is causing safety issues. Mr. Cloud asked what kind of vehicle it is. Ms. Laddison stated that it is a Volkswagen Passat wagon. Mr. Pelkey asked how far a vehicle must be parked from a corner. Mr. Cloud stated that he believes its 35 feet and is replicated from State law. Ms. Laddison added that she was also pleased to see that the issue surrounding access to the Barlow Community Center field was addressed. Mr. Cloud noted that a sign will be up in the coming weeks at the Barlow Community Center, similar to the City wayfinding signs and would like to put up a similar sign in each ward to identify neighborhoods.

Mr. Spooner stated that on Main Street, south of the Town school, there are no crosswalks. He would ideally like to see the speed limit reduced to 25 mph on the south end of town. Mr. Spooner handed out

a petition signed by 43 residents for a stop sign when traveling down Congress Street. Mr. Corrigan stated that he would rather go the enforcement route at this point because if a vehicle loses momentum going up that road in the winter, they will slide backwards and has seen in happen many times. He added that the school bus also travels in that direction. Mr. Spooner stated that he would like to get Allen Robtoy's opinion. Mr. Spooner stated that people may avoid that route it altogether and use Fairfield Street. Mr. Hawkins agreed that in the winter, a stop sign on Congress Street would cause an accident. Mr. Doyle stated that if people are heading westbound and a stop sign was placed on Congress Street at the Governor Smith Estate, it would allow vehicles to slow down their momentum at least before they go down the hill. Mr. Spooner stated that he thinks it would create more confusion.

14. Adjourn.

A motion was made by Alderman Pelkey seconded by Alderman Corrigan to adjourn meeting at 7:59 pm. Vote was unanimous, 6-0.

Respectfully Submitted,

Kristen Smith
Administrative Coordinator