

On Wednesday evening, June 24, 2009, the City Council Members met in the Council Chamber.

Present: Mayor Hooper; Council Members Golonka, Sheridan, Weiss, Jarvis, and Hooper; also Assistant City Manager Hill. City Manager Fraser and Council Member Sherman were away.

Call to Order by the Mayor:

Mayor Hooper called the meeting to order at 7:00 P.M.

09-154. General Business and Appearances

None.

09-155. Consideration of the Consent Agenda:

V.A.

Approval of the minutes from the June 10th City Council Meeting. There is a revision to those minutes from City Manager Fraser.

Further consideration of a request from Sandy Vitzthum, 14 Loomis Street, for permission to close a portion of Loomis Street (from Park Avenue to Liberty Street) from 5:00 to 10:00 P.M. on Saturday, August 29th, for their Annual Neighborhood Block Party. (She'd like to reserve Sunday, August 30th, as the rain date ... from 2:00 to 6:00 P.M.)

This item was on the Council's June 10th Consent Agenda but was tabled pending proof that the neighbors had been notified ... plus ... staff had also forgotten to include that Ms. Vitzthum's seeking a variance of the City's Noise Ordinance for this event as well; she plans to have a live band play from 6:00 to 10:00 P.M.

Award of contract for Trash & Recycling Barrel Maintenance for FY 2010 to Lloyd Franks of Plainfield (in the amount of \$10,870), with the stipulation that trash and recycling will be disposed of at the Public Works Garage.

Approval of an Application to the United States Department of Rural Development for a \$50,000 Housing Preservation Grant. (The Grant would extend the current HPG Program for another two years and provide loans to five low and very low income Montpelier homeowners.) Council Members received an update of the housing preservation grant from Ken Russell. Ken noted there are some minor technical changes that have been made, including a change on page 7 which is a reconfiguration of the draw down schedule.

Consideration of awarding the bid for a Tax Anticipation Line of Credit for \$2,500,000 for FY '10 (July 1, 2009 to June 30, 2010) to cover the expenses for the City's General Fund, School Department and Recreation Department. Bids on the interest rate were received on Friday, June 19th, 2009. A memorandum is enclosed with the results and recommendations. Council Members received a memo on that and the recommendation is that we go with the low bid received from Community National Bank at 1.8 percent and authorize the signing of necessary documents.

Consideration of becoming the Liquor Control Commission for the purpose of reviewing the following:

Ratification of the issuance of a Catering Permit Application submitted by Vermont Hospitality Management, d/b/a New England Culinary Institute, for a Book Store Grand Opening on Saturday, June 27th, from 5:30 to 7:30 P.M. on the Vermont Institute of Fine Arts Campus. (Council Members were polled on June 18th, via e-mail.)

Applications for Catering Permits from Vermont Hospitality Management, d/b/a New England Culinary Institute, for two events on Saturday, July 11th: a Wood Art Gallery Reception from 8:00 to 10:00 P.M. at Alumni Hall; and a Faculty Reception from 8:00 to 10:00 P.M. at Noble Lounge.

Application for a Catering Permit request received from 10 Gem LLC d/b/a The Black Door Bar & Bistro to cater the Montpelier High School 40th Reunion Bar B-Q at 100 East State Street, Law Office of Primmer & Piper on Friday, June 26, 2009 from 5:30 P.M. to 10:00 P.M.

Application for an Outside Consumption Permit from Great American Enterprises, Inc., d/b/a Charlie-O's, to allow alcoholic beverages to be served within an approved seating area at 70 Main Street. (The Development Review Board reviewed, and approved, an outside area for this purpose. The Findings of Fact were not ready in time for distribution with the Council's agenda packets but were e-mailed to them prior to this evening's meeting. The City Clerk also has the entire packet of information that was prepared for the DRB Meeting and will have it available at the Council Meeting.)

Consideration of a request received from Paul W. Strenslund d/b/a Woodchuck Ice Cream Truck, 283 River Street Montpelier, for a vendor's license to sell ice cream from a mobile truck that plays music.

Approval of payroll and bills:

General Fund Warrant dated June 17, 2009, in the amount of \$1,280,464.77 and Community Development Agency Funds in the amount of \$995.00, \$6,200.00 and \$25.00.

Payroll Warrant dated June 25, 2009, in the amount of \$135,723.25.

The outside consumption permit for Charlie-O's, Sandy Vitzhum's request, the vendor's license for Woodchuck Ice Cream and the grant application were removed from the consent agenda and considered separately.

Motion was made by Council Member ~~~~, seconded by Council Member ~~~~ to approve the consent agenda after removal of the requested items. The vote was 5-0, motion carried unanimously.

- 09-155 (a). Consideration of a request received from Paul W. Strenslund d/b/a Woodchuck Ice Cream Truck, 283 River Street, Montpelier, for a vendor's license to sell ice cream from a mobile truck that plays music.

Council Member Weiss expressed concern that there were safety issues operating the business at 283 River Street location.

Mayor Hooper said he will be moving around town and not selling ice cream at that location.

Paul Strenslund said he thought of this idea last year. It's part of Americana. When he was a kid there were ice cream trucks going around town. He's not going to get rich at this, but felt it was a good thing. He was really good with people and telling stories.

Council Member Weiss asked Police Chief Facos if an operator of a mobile ice cream truck who will be dealing with children would require a background check.

Police Chief Facos said it was a requirement he is not sure of, but they can look into that.

Mr. Strenslund said he would be going from neighborhood to neighborhood and there would be a crowd of kids. Their parents will probably be with them. They can check his record. He has no priors. His father was a State Police officer in Connecticut.

Council Member Jarvis asked Mr. Strenslund if he was operating now in Barre.

Mr. Strenslund replied yes.

Motion was made by Council Member Weiss, seconded by Council Member Jarvis to approve the request of Paul Strenslund dba Woodchuck Ice Cream Truck for a vendors license to sell ice cream from a mobile trust that plays music. The vote was 5-0, motion carried unanimously.

- 09-155(b). Further consideration of a request from Sandy Vitzthum, 14 Loomis Street, for permission to close a portion of Loomis Street (from Park Avenue to Liberty Street) from 5:00 to 10:00 P.M. on Saturday, August 29th, for their Annual Neighborhood Block Party. (She'd like to reserve Sunday, August 30th, as the rain date ... from 2:00 to 6:00 P.M.)

This item was on the Council's June 10th Consent Agenda but was tabled pending proof that the neighbors had been notified ... plus ... staff had also forgotten to include that Ms. Vitzthum is seeking a variance of the City's Noise Ordinance for this event as well; she plans to have a live band play from 6:00 to 10:00 P.M.

Council Member Weiss said the only technicality is that it was tabled at the last meeting and needed to be taken off the table before voting action could occur. Council Member Weiss, seconded by Council Member Sheridan moved that they take this item off the table for consideration. The vote was 5-0, motion carried unanimously.

Motion was made by Council Member Jarvis, seconded by Council Member Hooper to approve the request of Sandra Vitzthum for permission to close a portion of Loomis Street for the Annual Neighborhood Block Party from 5:00 to 10:00 P.M. on August 29th and grant a variance of the noise ordinance. The vote was 5-0, motion carried unanimously.

- 09-155(c). Approval of an Application to the United States Department of Rural Development for a \$50,000 Housing Preservation Grant. (The Grant would extend the current HPG Program for another two years and provide loans to five low and very low income Montpelier homeowners.)

Ken Russell, Montpelier Planning Department, said the city has had this loan program since 1989. The city is asking for \$50,000 and need to provide a match of \$13,000. They have served five low income homeowners in the city. It is a good program and helps a lot of people.

Council Member Weiss said we are talking about \$50,000 and he can't figure out why we are going to spend almost \$10,000 in personnel and overhead. That's a 20% override which appears to him to be abnormally high.

Mr. Russell said it is his understanding that it is standard to be just under 20 percent.

Assistant City Manager Hill said the grant allows up to 20 percent.

Mr. Russell said that amount is spread over two years and it could actually be longer.

Mayor Hooper said this is a grant that in fact is rather labor intensive for the Planning Department.

Motion was made by Council Member Sheridan, seconded by Council Member Jarvis to approve an application to the US Department of Rural Development for a \$50,000 Housing Preservation Grant. The vote was 5-0, motion carried unanimously.

09-155(d).

Application for an Outside Consumption Permit from Great American Enterprises, Inc., d/b/a as Charlie-O's, to allow alcoholic beverages to be served within an approved seating area at 70 Main Street. (The Development Review Board reviewed, and approved, an outside area for this purpose. The Findings of Fact were not ready in time for distribution with the Council's agenda packets but were e-mailed to them prior to this evening's meeting. The City Clerk also has the entire packet of information that was prepared for the DRB meeting and will have it available at the Council Meeting.)

Mayor Hooper explained what the City Council's jurisdiction is as well as the jurisdiction of other entities within the state government. This item is for the City Council only as it relates to an outdoor consumption permit. Issues related to the use of the space as governed by the city zoning are dealt with through out Development Review Board and in accordance with the decisions they may make. The Development Review Board heard this application on this past Monday and the board has not issued their Findings of Fact, so the City Council doesn't know their decision. She forgets what their statutory deadline is for issuing the findings, but it is either two or three weeks before they are able to do this. The only issue before the City Council is the outdoor consumption permit as it relates to the Council as the Liquor Control Commission. There are a lot of folks who would like to address the City Council on this, and they welcome that. Council Member Sheridan has done a little work on this and there are also some representatives of the business here who can give us some background so we have information on what is being proposed.

After that she will turn it over to folks in the audience, the Council will ask questions, and then make a decision on how to proceed.

Council Member Sheridan said the reason he pulled this off the agenda is because he lives next door and since Thursday he has been deluged with people calling and stopping him about this. He has probably put the equivalent of two 8-hour days into this since Thursday. He has had three meetings with the Planning Department, met with the City Manager, the Police Chief, met with Kevin Casey and Jesse Jacobs and the Bar Manager of Charlie-O's twice. He has had long talks on the phone with his landlord and the adjacent building's landlord Candy Moot. He has met with a number of the neighbors, businesses, and just interested people. It has really become a time consuming affair. In doing this he has heard lots of rumors and innuendos. He has also been on the Times Argus web site and read all of the comments from people. He has asked the people from Charlie-O's to come and make a short presentation about what they expect this to be, give some perimeters on what they hope to see and maybe they can answer some questions before a stream of people come up for testimony. He has considered this very intensely and it is a very serious issue for him.

Mayor Hooper said the other area of jurisdiction is with the Liquor Control Board, as does the City Council, as it relates to noise. The city has a noise ordinance which regulates noise during certain hours.

Kevin Casey and Jennifer Rollins appeared before the council representing Charlie O's management.

Ms. Rollins said she graduated from U-32 High School and Johnson State College and has worked at Charlie-O's for ten years. Her 21st birthday was spent at Charlie-O's in 1991. She has children who she likes to show that they can be proud of what they do because she is proud of what she does.

Charlie-O's is open 365 days a year. Their doors are open to people sometimes when other doors aren't. They are there for weddings. They have been there for funerals. They have been there for I Got a Job and been there for I Lost a Job. Charlie-O's is there in the community 365 days a year. They are also one of the oldest businesses in this community, and they don't take that lightly. They see that as a responsibility. They are on Main Street and want to be good neighbors and support the rest of downtown. They want to be ambassadors for Montpelier.

She went on to say that what she is proposing, which is a project she stands behind with her time and energy, is outdoor seating. It's not a Beer Garden. She didn't come up with that term so if people are expecting pretzels and steins of beer they might be let down. It is outdoor seating. It will be a place where people can gather during the daytime. They can buy sandwiches from downtown businesses, bring lunches or pizza and meet their friends when they get out of work. It's not a late night place. They aren't going to have any live loud music. They aren't going to have late night noise. She wants to develop their daytime business in that space. She wants to see green, wants it to be comfortable, and wants it to be a place where people can chat and relax. It would be under the supervision of Charlie-O's under the certified trained guidance of the staff that works for her and with her. When that space is not being used it will be locked and secured. If they aren't allowed in Charlie-O's they aren't allowed in that part of the extension of Charlie-O's. If they aren't 21 and can't demonstrate that they are capable of handling themselves they certainly won't be allowed to be there. If they abuse the privilege of being in an extension of Charlie-O's outdoors, they will not be allowed to come into Charlie-O's.

Charlie O's is one of the oldest businesses in Montpelier and they have had to change with the times. Montpelier has had a nice balance of preserving its unique independent quality for a town as small as we are with independent bookstores, independent movie theaters, and even the ones that do come in blend very well into the fabric of downtown. It's a place of diversity. One year there were several hundred motorcycles come through town delivering toys on a toy run, and on that same day there was a Bread and Puppet Theatre Parade on the same street, so that is part of the diversity of Montpelier. That is why she thinks to have green space, a welcoming space, a cleaned up space, responsible space, downtown when people come through out little Main Street and see that they are going to see a vibrant community. She thinks there is a great friendly competition and cooperation between the downtown businesses. With the way things have changed in Montpelier over the last couple of years, specifically the last several months, they deserve a chance to show they want to be part of that. They want to be part of creating a vibrant downtown.

Mayor Hooper asked Kevin Casey to tell the Council how the space is going to be constructed.

Kevin Casey said they have gone through a number of iterations of this. The general design is there will be ten tables with umbrellas with the similar maroon that matches the awnings on the street. There will be similar furniture to what is on the deck of the Black Door. They are putting plantings along the front side of Main Street. A part of this is just to clean up the space and give it a use. Over the last few years everyone has heard about ideas about trailer diners and they have run into issues with the floodplain. Right now the market isn't really right for putting up a building. Their thought was to clean it up, make it look good and get some economic value out of it as well as to give something back to the town. He spoke with Samosaman today and he said this was a place for his customers to go and sit outside and eat. He thinks it will add a lot of value to the downtown.

It is their hope this would go through. Specifically, outside of the lawn furniture and the plantings, after meeting with the Technical Review Committee they made some adjustments so the sight

triangles as you are coming out of the alley the fence will be lower and it won't affect the site distance for a car. They are also proposing trellis fencing that will be planted with ivy, flower boxes and trying to green up the space to make it a focal point. It will serve Charlie-O's, but it will also serve some of the local takeout restaurants and the lunch culture downtown. They hope to get this approved.

Ms. Rollins said she sees this as a daytime and early evening space. This is an extension of their liquor license and under their supervision which means she is responsible. She told them 11:00 P.M. She thinks a lot of people are imagining it as a lot of late night talking outside. It wouldn't be economically viable for her as a manager to staff that area at 11:00 P.M. at night when they have something inside Charlie-O's they are paying for. She wants them inside and doesn't want to keep more people on staff outside. It is mostly to bring the daytime business back up. It is a place for people to meet during the daytime.

Mayor Hooper asked them to explain how people are going to enter, how they are going to serve people and what the staffing will be in the area.

Ms. Rollins said she spoke with the people at the Department of Liquor Control and Police Chief Facos about this. This will be served by Charlie-O's certified on-the-clock trained personnel. People won't be walking through the space with containers of alcohol. If you want to sit in the space you will be served and supervised by Charlie-O's staff. She will require someone to be out there continuously as a door person just like they have a door person inside to watch what is going on. If it gets to the point it's not feasible to pay someone to be on the clock at that time they will shut the area down and people will have to come inside

Mayor Hooper asked her to tell how they were going to get the drinks from Charlie-O's to 70 Main Street.

Ms. Rollins said it will be served from a tray. There will be a shared walkway. Because the owner of that lot is the same owner that owns part of the walkway they can still be insured for that, and if someone is on the clock at Charlie-O's as an employee and certified through the DLC they would be bringing the drinks on a tray and nobody would be walking out with beers in their hands. She wants everything served from a tray from the back side - not over Main Street. There will be a front and back entrance and someone out there monitoring the space. The drinks will go through the back door of Charlie-O's through commonly owned property on to the 70 Main Street lot.

Mayor Hooper inquired if the back entrance would only be for staff.

Ms. Rollins replied people will be allowed to go out the back entrance. They will try to keep that open because it is good for traffic flow. When the smoking ban happened a few years ago there was a little bit of learning process that they couldn't just walk around. It didn't take them long to get people trained. You wouldn't see groups of people gathering at the back door.

Charles Nichols read an e-mail from David Kelley who owns the corner building behind Charlie-O's which is attached.

Candy Moot, a resident of Montpelier and an owner of a building located at 12 State Street, the back of which also abuts Charlie-O's spoke to the council about her concerns. She had also spoken at the DRB hearing. She doesn't like being in a position of being against something but spoke of her concerns and provided a copy which is attached to the minutes.

Stephanie Johnson said she is a massage therapist and has an office in Dave Kelley's building on the corner of State and Main on the third floor. She needs to have an air conditioner in that room because it is very hot and the noise level with the air conditioner is much more of a problem because

the windows are actually open so she hears the traffic. Her main concern is noise not only of the people in Charlie-O's but also traffic making that turn, especially Harley Davison motorcycles. She has been in the space for about a year. She doesn't know about noise ordinances in Vermont, but in California there are noise ordinances that would not allow the kind of noise that Harley Davison motorcycles make. She thinks most of the Harley Davison drivers are going to Charlie-O's. Her business is to try and help people relax. Their building backs up close to where the proposed site is. People tend to get louder when they are drinking. She is also concerned about cigarette smoke. The benches outside her office on the street people sit and smoke and throw their butts down. She would welcome an outdoor place to gather for lunch up until dinner time as long as there is some monitoring of the noise, but once it gets into the evening hours it should be quiet.

Melody Ashford, a resident at 12 State Street and a 20 plus year veteran of Charlie-O's and downtown, said she loves Charlie-O's and Positive Pie. She really wants to see something done to that space. She lives in Candace Moot's apartment building. If you look at the photograph in the Times-Argus hers is the actual apartment on the second floor that has the whole front and side view of the parking lot. It stretches from her kitchen, living room and into her son's bedroom. She spoke about the noise, but not just from Charlie-O's. There is also a parking issue. There are three people in her building who have no parking space because the landlord doesn't have the spaces available. She understands that Mr. Jacobs owns the outskirt parking - not the center where the meters are - and that is leased to the city. How do you expect 80 people to come in and park when the tenants of the building are already trying to find parking?

Kenneth Renthrow, a resident at 12 State Street for 16 years, said Mr. Kelley's last point got him thinking. If this is a service to the community, what does the community need? We don't really need another place to drink. He has problems with his endocrine system and homeless for years with a lot of stress. He has to take care of his body. There is only one place on a low income that he can afford to eat which is at Rhapsody and perhaps the Co-Op. We don't need another place to drink. That's the bottom line. There are laws against people having empty cans in their cars and laws against people having a bottle in a bag walking down the street. There are laws against people drinking in public, drinking while they are driving. His baby sister was almost killed by a drunk driver in San Antonio when she was three years old. It is hypocrisy to him to always encourage people to drink when there are laws that say if you do we are going to slam the book at you. He has lived here in Montpelier for 26 years. We need affordable healthy places to nurture our bodies and spirits and to grow, not another place to drink. When people drink reasoning goes out the window. He has had grown men walk to his apartment during the summer when the door was open. He has had people throw up in front of his door, people take his blankets and spread them in front of his door and sleep on them. He had a lady wailing all hours of the night that had a court order and wasn't supposed to be drinking. She spent every last dime at Charlie-O's to the point where she couldn't afford a cab home. He finally called the police so they could get her home. Before the Council makes a decision about this he is asking them to think about is what the need to the people here is in Montpelier, and what are the concerns? What is he as a tenant who has lived on the main drag for 26 years have for a benefit?

Council Member Sheridan said he was taking off his Council hat and speaking as a resident at 4 State Street. He has been a resident of 4 State Street for 11 years and an actual resident of downtown for 16 years. He lived 5 years above the liquor store so he has a very good handle of what living downtown is about. He has been a Charlie-O's neighbor for eleven years. He has a deck cut into the roof that overlooks the parking lot and Charlie-O's back door. It overlooks the building where Melody and Ken live in. Because of the disease he has he doesn't sleep much at night so he is up late. If the weather is nice he is out wandering around. When he is out wandering at night there is only one thing to do - go wandering around the bars. He doesn't drink personally. He sits in the bars and just watch how the bars handle customers and if they do or don't over serve. What is the behavior of the people like? His first time going into Charlie-O's was when he was 19 and the

drinking law age was 18. The City Manager goes into Charlie-O's now with his band. He talked to Police Chief Facos about how he felt about this and what he thought of their management. He has known Jennifer the entire time she has been there and at one time she was thinking about challenging him for a seat on the City Council. In his opinion Charlie-O's is one of the best managed bars in the city, in fact all of our bars are well managed. They are very quick to shut people off and quick to get troublesome people out of the bar. For him they have been a good neighbor. Is it loud downtown? If you live in downtown it is going to be loud. Positive Pie probably has the loudest music in the city. The music at the Black Door bounces off City Hall. There are sirens, traffic, and people hollering to people on the street. It is loud downtown. If you don't like noise downtown it probably is not a place for you to live. His landlord asked if this was the tipping point that would make him move. He replied no, it is hardly a tipping point for him. You get used to noise when you are downtown and you don't hear it any more. At 7 o'clock Sunday morning they were jack hammering on a doorway in front of a business on State Street. You have to expect a certain amount of noise or move out. Charlie-O's are excellent neighbors. As a neighbor he is willing to give them a chance and see how it goes. He is going to stand on his deck and watch and if things don't work out he will be at the Police Department making a complaint. He thinks this will clean up the vacant lot and stop the occasional urinating out there because it will be lit up. It may stop the people gathering right below the fire escape. He sees more positives than negatives by this project. He hopes the Council will consider it.

Mayor Hooper asked Police Chief Facos to tell the Council about the noise ordinance and how it applies in this instance.

Police Chief Facos said if there is a complaint about the noise disrupting the peace and tranquility they call the police. If it is overly loud they document it and go find the offender and a warning is issued. If it is more technical they get into the decibel readings, which would be 65 decibels in the industrial area and 55 decibels in a residential area. Where that would be measured from is the actual complainant's property. They do have a decibel measuring device and have used it on several occasions for a variety of reasons in the city. A minor point was discussed at the Technical Review Committee is that if this goes through, as far as the drinking in public space ordinance 11-800, that is a public area so there might need to be an additional provision for this to happen? Technically, since it is a public area right now you cannot have an alcohol container in that area. They would be subject to an ordinance violation.

Mayor Hooper asked if it was public if it is fenced in because it is private property.

Police Chief Facos said he discussed with Jessie Jacobs the city's lease right-of-way would be.

Mayor Hooper asked if there were hours on the noise ordinance.

Police Chief Facos said according to Montpelier City Ordinance, Chapter 11, Section 11-1001 relating to prohibitions under noise control under Table A the time of day would be 9:00 P.M. to 6:00 A.M. would be 55 decibels for residential. Commercial and industrial would be 65 decibels. From 6:00 A.M. to 9:00 P.M. it is 60 decibels for residential and 65 for commercial and industrial.

Jody Stallman said she moved to Montpelier about nine months ago. She lives at 26 State Street over Subway on the top floor. She moved to downtown Montpelier precisely because of its vibrant downtown and the neighborhood noise. She likes feeling she is in Alfred Hitchcock's rear window looking out and hearing who is laughing at the Black Door. She spoke of the people who want to get drunk and sit outside they are doing that at the Black Door's patio and there are a lot of subcultures out who want to participate in life, and it is too bad that Charlie-O's gets the bad reputation and has to put up with the brunt of a few people who act badly. By and large the people she sees out and about is really respectful of the neighborhoods. They love Montpelier precisely because they see

business owners who want to put money into their businesses in this crappy economy and make it better for all of us. She looks at Sarducci's who puts in improvements every year. She has worked at restaurants for a lot of years. The Black Door just fixed up their back deck. The Three Penny Taproom she finds really exciting because they are local guys and want to do good. If you go into the Three Penny Taproom there are people she has never seen out before. When she worked at Sarducci's there would be a lot of people who said they drove from Montreal to come to Montpelier and have a bite to eat, go to the Savoy and walk around. Last week someone from Burlington said they had no idea when they went shopping at the Drawing Board and what a nice afternoon they had walking around in downtown. She sees this addition at Charlie-O's as simply raising the bar for everybody. She trusts they are creating a nice space. She has seen how they run their bar. They don't put up with any junk. She sees that space largely corralling any loitering out back and out front. Sometimes if you go by the front of Charlie-O's at 8:00 or 9:00 P.M. there are twenty people smoking you need to wade through. It might be nice to have that some place else.

Mayor Hooper said folks have raised a number of issues. She wants to remind them that what they are talking about is the City Council acting as the Liquor Control Commission for the City of Montpelier so their responsibility is limited to those issues associated with that. Parking and traffic, image and size belongs to the Development Review Board, and they are issues not before the City Council. They cannot address those issues in this forum. They are limiting their consideration of this as it relates to the Liquor Control Commission and the Council's jurisdiction as it relates to noise. The Council hasn't received the findings from the Development Review Board and that is important information that is being developed by citizen volunteers who work for the city in the administration of the city's zoning ordinance that might inform the Council's decisions as they relate to the Liquor Control Commission. She wanted to summarize the facts that are in front of the Council and what the Council's jurisdiction is.

Council Member Sheridan said it is important they see the Development Review Board's findings. He moved the Council table the discussion until the next meeting when they have the DRB findings. There may be something that nobody has anticipated. There was no second to the motion.

Jennifer Rollins asked if they are tabling action pending the findings of the Development Review Board if they would have time at that point to address some of the things that people brought up, or would the Council rather they address these now publicly.

Mayor Hooper said the Council doesn't want to hear about parking and traffic because that is not their jurisdiction.

Kevin Casey said he is a resident of downtown Montpelier. If he was concerned about how loud it was going to be he wouldn't be behind the project. This affects him directly as well. Both Candy Moot and Dave Kelley brought up the fear of empty apartments. The other thing to recognize is that the owner of Charlie-O's is also a major landlord downtown and he is responsible for renting all of his apartments and commercial spaces in his day job. If that was a concern for him, that it would affect the other part of the business, he wouldn't be pushing this. They have tapped into tenants that really want that kind of vibrancy and that life of downtown. He understands people's concerns about noise. He isn't personally worried about it. Parking is just an issue downtown. Everybody hates the parking situation. This isn't going to affect it any more than anything else. Let's build a 10-story parking garage and then we'll never have parking problems. They are just trying to be good neighbors and do something nice with this vacant lot.

Ms. Rollins said if they were to move the overflow of people that go outside to smoke cigarettes, and have outdoor seating they could see where some of the issues were coming from. Maybe these aren't Charlie-O's customers that are climbing up fire escapes, that maybe the broken glass is found at back is not coming from Charlie-O's, that maybe the fact that they run a tight ship and move everything

out to the lot they will start seeing where these other things are coming from. Rather than address some specifics about glass or crazy people walking into apartment buildings, these things are going to be moved. She wants to see a cleaned up space and a supervised space. She wants to see somebody responsible for making sure that the cigarettes are out and someone responsible to make sure alcohol is contained in one space. She wants to see someone who is certified and working with the Department of Liquor Control and someone who can see the police cruiser parked right across the street. She has been dealing with Police Chief Facos for the last year about issues she has and he has been helping her out. Their track record is good. That addresses the fire and safety issues that Mr. Kelley has. Regarding the numbers, once again they don't have the Development Review Board's findings in front of them. If the capacity size wise of the area is for 140 people she still has to ask herself as a manager would she ever want to see 140 people corralled in one spot and would she want to be responsible for that. Charlie-O's has been in this town for 35 years, so under her watch as manager she certainly would not want to put their liquor license in jeopardy. It would be the same liquor license and not a separate venture. It would be Charlie-O's. Anything that would put that in jeopardy she certainly couldn't back up. As far as the safety issues, capacity for 140 people, that is not what she asked for. She is asking for seating for 60. You can't control 140 people in that one spot. The idea of whether we need another place to drink, it's not necessarily another place to drink. It is an extension of what Charlie-O's already has. She is asking the Council to please consider that they have grown in 35 years and tried to be a good neighbor and change with the times. On any given night it is a really good cross section of Montpelier with all kinds of people.

Mayor Hooper said she assumes there is going to be a motion made to table this discussion and there will be another opportunity to address the Council at their next meeting.

Council Member Sheridan moved to table this discussion until the next meeting when they have the DRB's findings. Council Member Weiss seconded the motion. The vote was 4-1, with Council Member Hooper voting against the motion.

The Council will consider this issue again at the July 8th Council Meeting.

Council Member Golonka expressed concern for this item being placed on the consent agenda. He felt it did a disservice to the people who are waiting here for the 7:10 P.M. agenda item. We knew there was going to be a long discussion about this and it shouldn't have been put on the Consent Agenda. This is the longest Consent Agenda the Council has seen in six years.

- 09-156. First public hearing to consider an amendment to the City's Code of Ordinances, Chapter 10, Article VII, LIMITED PARKING, and TOW-AWAY ZONES, as they relate to providing a bus stop (for public transportation coaches) in front of City Hall. V.A.

Sec. 10-717. LIMITED PARKING.

New Sub-section:

(ii) Main Street. For the establishment of a bus stop zone for the loading and unloading of passengers, parking is restricted daily to bus use only (public transportation coaches) on the easterly side of Main Street and located in front of City Hall beginning at the intersection of Blanchard Court and extending northerly for a distance of seventy-two feet.

Sec. 10-715D. TOW-AWAY ZONES.

New Sub-section:

(i) Main Street - Within the bus stop zone located on the easterly side of Main Street in front of City Hall as described in Sec. 10-717, sub-section (ii).

Staff used the MDCA's e-mail address book, and attached a copy of this agenda, to notify affected property owners and businesses.

Recommendation: Conduct the first public hearing; provide staff with any further amendments; set the date for the second public hearing for July 8th.

Mayor Hooper opened the public hearing on the proposed ordinance amendments at 8:30 P.M.

Jody Brown from the Drawing Board appeared before the Council to express her support for the proposal, particularly because she spoke out against the last proposal. She thinks they should continue working towards developing the transit center at the Carr Lot. That would be the ideal location. Loading the buses in front of City Hall works for a lot of reasons. The last proposal was problematic. She thanked the Council for their hard work.

Mayor Hooper closed the public hearing at 8:33 P.M. on the proposal to create a bus waiting area in front of City Hall.

Council Member Jarvis said she doesn't think this is a very good solution but the best we can do at this point. It is really unfortunate the city is going to lose more parking spaces and unfortunate we don't have another spot. It is really important for them as a Council to promote public transportation. At their last meeting they heard from a cross section of our community who uses public transport, and probably would even more if there was a place where they felt they were safe getting on and off the bus and they could buy their tickets ahead of time. She is in favor of this location. It's not a great one, but it's the best the city can do at this time.

Council Member Golonka said he would reiterate his strong distaste for this selection. It takes away parking to the citizens of Montpelier who pay taxes who need to go to City Hall and he thinks it will have a serious impact on the core downtown. He won't support this proposal.

Council Member Weiss said the agenda says to conduct a hearing and provide staff with any further amendments. He has a number of them. Number one, find another place. Number two, provide us with the economics. What are we going to lose? What economic contribution will this internationally owned bus company provide for the city? Provide us with a schedule so we will know when buses are coming and going as well as indicating what the actual stoppage time is going to be. Previously, Mr. Stone representing the bus company said 3 minutes, but 3 minutes does not allow for getting people off the bus and getting their luggage. Finally, what will happen within City Hall if that is the spot? Are people going to leave packages to be picked up? Are the bathrooms going to be available? What happens when City Hall is closed when we have buses coming in at 2:00 A.M.? Staff owes the Council a complete documentation of the facts just cited.

Council Member Hooper said he hates the proposal but it is all they have. They were recently dealing with a business on Barre Street that needed parking spots for its Montpelier resident customers and we couldn't give them their own spots. We are giving a British company three prime spots in the middle of town. It is distasteful but he is going to vote for it.

Council Member Sheridan said he is still receiving feedback from people. They haven't been able to point out a better place that can work. This is something we can't afford to lose, either. We have people who need the bus service. He is still hoping someone might uncover a diamond in the rough. He will probably support it if it meant the city was going to lose the bus service for sure. We are cutting access to our own City Hall. He felt they cut off access years ago when they designed the plaza

out front that made people have to walk around instead of direct access in to City Hall. He said he thought Council Member Weiss had some great points.

Mayor Hooper said with regard to location she believes the staff and the bus company have reviewed this and she wouldn't be expecting an alternative location unless the public has some ideas they haven't thought about. She doesn't want people to be expecting yet another analysis of that.

Mayor Hooper said her initial reaction was being disturbed by putting the bus there, but the more she thought about it as an interim solution to the problem that it was a good one. Not only would this bus company be able to stop there six times a day but also in time they would be able to reroute the GMTA as a stopping area instead of in front of Shaw's which is problematic. Now that the Link is also stopping in front of Shaw's it gets worse and worse. Then, the tour buses can also be parked there so it will take care of other problems. While this is three parking spaces in the downtown because of safety and traffic concerns we have frequently given up parking spaces in other areas, such as Terrace Street.

Council Member Jarvis said the city does require businesses that cause a loss of parking to pay a replacement fee.

Mayor Hooper said the answer is yes and no. Within certain specified areas there is not a requirement that a new business or new use is being located that they provide parking.

Council Member Jarvis said she is talking about a loss of existing parking to pay a replacement fee. It's a line item in the city budget.

Mayor Hooper said that is associated with our zoning permit. If you can't provide sufficient parking associated with the new business or the new use, you can pay a parking replacement fee so the city can build parking at some future time.

Assistant City Manager Hill said she and Police Chief Facos have discussed with City Manager Fraser about replacement parking, while it won't be on Main Street, that the three or four lost spaces they need to take out front can be replaced plus some additional ones in the area on Taylor Street that is presently used for the bus area. That has already been look at by staff. The city never had asked for payment from the bus company in essence to do business in the city. We have always bent over backwards the other way because there has been such a fear we would lose the bus service from the downtown and that cost would be more than any revenue piece. Mr. Stone has been more willing to work with us than his predecessor who every time there has been an issue has said they would rather stop in Berlin and they don't want to come into downtown Montpelier. The past history has been the issue of the city having to almost pay them to be here to provide public transportation.

Council Member Golonka asked why they didn't have a discussion on that. Why should the city be held hostage by a company? It's an issue of whether it should be downtown or somewhere else in Central Vermont, and then maybe Montpelier isn't right. He understands there are people who want to have it in the core downtown, but if it is going to mean costing a significant change to the traffic pattern and flow in downtown Montpelier then we are cutting off our right arm to save our foot. He just thinks it is the wrong thing for the downtown Montpelier area. They are assuming that it should be imperative to being downtown and maybe the answer is that it's not.

Assistant City Manager Hill said that past history has been to keep public transit coming into Montpelier.

Council Member Golonka said public transportation is extremely important and he argued that for the GMTA Link. This is six trips and we are bending over backwards to give up prime parking spots. He doesn't think it's worth it. If it needs to go to Berlin, so be it.

Council Member Jarvis said if moving the bus stop away from Taylor Street frees up parking spots on Taylor Street she wonders if they might think about ways to shift permitted spaces over to Taylor Street freeing up some of the permitted spaces to go back to meters.

Mayor Hooper asked if they wanted to work with keeping Greyhound in the downtown.

Council Member Jarvis said she felt she heard loud and clear at the last Council meeting, and she has never received so many e-mails and phone calls from all kinds of people for all kinds of reasons for wanting us to keep the Greyhound bus service in Montpelier. A large section of the population of Montpelier wants it.

Council Member Hooper said he would be a little concerned about getting them back for our transit center. The location on Main Street is very poor. There is no long-term parking near by. It serves people who can walk to it.

Council Member Weiss said the Assistant City Manager brought up a very important point which he would like added to his list. That has to do with handicap accessibility. That bus will be carrying handicapped people. Is the sidewalk going to need adjustment? Are we going to have to modify anything going into City Hall to meet the ADA requirements, particularly in view of the fact that at some point we are going to have an ADA Committee? He would like to know what those elements are going to be starting with the sidewalk.

Motion was made by Council Member Jarvis, seconded by Council Member Sheridan to approve first reading of the ordinance amendment and set the second public hearing for July 8th. The vote was 4-1, with Council Member Golonka voting against the motion.

09-157.

Consideration of a letter from the Montpelier Parks Commission supporting the creation of a public park at Stonewall Meadows. V.A.

This 7-acre property is located at the end of Hebert Road in Montpelier. Parks staff and members of the Parks Commission have met with representatives from the Stonewall Meadows Recreation Association who have expressed strong interest in conveying their common land to the City (at little or no cost) for permanent use as a city park.

Park Commissioners feel that "creating a park in the southern portion of Montpelier would protect and enhance recreation opportunities in a portion of the city where no park facilities currently exist."

Council Members have received a copy of the letter from the Commission which concludes with the following paragraph:

"In summary, given the underserved nature of the neighborhood, the Parks Commission supports the City's ownership of the approximately seven-acre Stonewall Meadows Common Recreation Land for the purpose of creating a public park, to be managed by the Montpelier Parks Department, provided that the conveyance allows the flexibility for the Parks Commission to develop a management plan with neighborhood and public input."

Recommendation: Receive presentation from representatives of the Parks staff and Park Commission; discussion; direction as to how Council wishes to pursue.

Geoff Beyer, Parks Director and Ethan Parke, Montpelier Parks Commission new Chairman appeared before the council for this agenda item. Leigh Seddon, former chair was in the audience. Also represented were members of the Stonewall Meadows Recreation Association.

Parks Director Beyer said the Parks Commission has been interested in the Master Planning process and the enVision Montpelier process and he has been interested in serving all parts of Montpelier. There have been a number of residents say in surveys that the city is heavily served in the northern part of the city between Hubbard Park and the North Branch Park, but the southern half of the city has to drive to get to those resources. They have had their eyes on some different opportunities and there is a recent development application in the area near Stonewall Meadows that brought that whole issue of serving that area to light. Since then, the Stonewall Meadows Recreation Association has approached the Parks Commission about whether they would be willing to take on land they have held in common as a recreation area as a city resource. The Park Commissioners thought it was a good idea to assure public access to an area in that part of the city that is presently unserved by open space. The Stonewall Meadows Association since they sent the letter to the Council has had a vote and voted unanimously to sell the land at a token cost to the city.

Council Member Golonka asked Geoff Beyer if he had looked at the financial impact in terms of the loss of tax revenue and the anticipated increased costs given the fact the Council is probably not going to increase anyone's budget next year.

Parks Director Beyer said the City Assessor gave a report that said he thought it was a loss of \$250 or \$300 a year in tax income.

Council Member Sheridan said Alan Weiss and he have met with them and he thinks it is \$500 dollars in taxable income.

The Parks Commission has talked about managing it to suit the needs of the neighborhood. There would be neighborhood input in creating a management plan. At the Stonewall Meadows Recreation Association meetings they are interested in keeping it as it is, which is much like the North Branch River Park which is kept as a wild place where there would be walking paths. To keep the open fields would mean a brush hog coming up for a half a day once a year to brush hog the fields after the frost to have a minimum impact on wildlife. Every once in awhile when they have an influx of volunteers, like Volunteers for Peace or a school group, to maintain the trails, he sees this as a very minimum cost.

Council Member Golonka said in the discussion they had about Sabin's Pasture one of the concerns he raised was he didn't want to create a park just for the benefit of some people for their backyard. This seems like that type of proposal where they were proposing a park for a few people in a generally small area. Why can't they manage it themselves? What is the benefit for them of giving it to us? He is concerned they are doing it just for the benefit of a few when we have limited resources in the city.

Parks Director Beyer said there is definitely some benefit to the Recreation Association. Their main concern is serving the public. If the Recreation Association's membership were to dwindle and they ended up selling it to a private party an opportunity to serve this neighborhood that is now unserved could be a lost opportunity and very expensive to preserve it. Presently, it is an unserved area of town. People have to drive across town to get access to public lands.

Jim Murphy, a resident at 8 Hebert Road, said they are poorly organized and a poorly funded organization running the park. They would be happy to give it away. They would prefer not to see a developer come in and would much rather see that it remain as open space. That side of town is not served at all by a park. It would serve their neighborhood but would also serve other neighborhoods. Overall, it's a win/win situation and low cost to the city. It will certainly be a benefit to their

neighborhood, and he thinks to that whole side of town.

Council Member Jarvis asked Mr. Murphy if it is commonly owned land.

Mr. Murphy said it is common owned and run by a poorly funded and poorly organized recreation association.

Council Member Jarvis said she was concerned about what the restrictions are on the deeds on whether or not it can be conveyed and what can happen to it.

Mr. Murphy said his understanding is that the recreation association has the ability with a duly called meeting and vote to sell or transfer the land to the city.

Council Member Jarvis said she wondered whether there were restrictions or covenants that are restricting them from doing certain things with the land.

Mr. Murphy said he thinks the condition of the sale would be the land remains as is, that it remain as open space and the current character of the land is preserved. One thing he knows that everybody does not want is the type of structures such as a soccer field or a baseball field where there would be extensive traffic or lights at night.

Mayor Hooper said if a motion were made to pursue this opportunity that it would be contingent upon figuring out what would be appropriate. It has been suggested they don't want to see it developed. She assumed that the development in that area is that it is conservation land associated with whatever density is forgiven for the development, so it is not developable.

Mr. Murphy said he didn't know the answer to that question. He isn't sure that it is not developable. It may be developable if the association fell apart and a private interest got involved. He is certain there isn't any sort of conservation easement or the like on it, but whether there is another condition he doesn't know.

Council Member Sheridan said he would like to address his park rich District 1 Council Members who has Hubbard Park and the North Branch Park. They know that District 2 is looking at possibly a very large park on Sabin's Pasture. District 3 has the Peace Park which is not even an acre. District 3 encompasses everything south of the river plus the heart of the downtown. This would be their first park of somewhat considerable size, and he would like to see District 3's residents have a park. It's dead for right now but will be back when times get better which is Mr. Fecteau's proposal to put another 200 units in that area which would be in the immediate vicinity that this park would serve. It could also serve Berlin Street area which has a lot of residents. It would also serve the Sherwood Drive area. He is in favor of this proposal. He met with George Johnson and Alan Weiss and they feel it would be a great addition in their district.

Council Member Hooper said he is curious if there is parking available at the park for folks who don't live within walking distance.

Parks Director Beyer said his understanding without making any changes there is limited parking for four or five cars at a time. It could work right now without making any changes.

Mayor Hooper said it's very exciting to have this opportunity to continue creating this string of parks around the city.

Council Member Sheridan moved that the Council ask the staff to pursue the acquisition of this land with all of the documentation and bring it to the Council when it is ready for final approval.

Council Member Jarvis seconded the motion.

Council Member Golonka said he would like to see it in the parks budget as to what they anticipate an increase to manage this so the citizens of Montpelier can be served so this isn't just a backyard park for a few people.

Ethan Parke, Chair of the Parks Commission said the commission has talked about how the new park would be managed in such a way that it would be opened to all of Montpelier's citizens. If it became part of the Montpelier parks system it would be like any other park. Within that they wanted to reserve the flexibility to plan for such things as parking, trails, and whatever might be appropriate. These management decisions would go through a public process working with the neighborhood, but also keeping in mind the needs of the whole city. They did not want to see restrictions in the deed that were so restricted they wouldn't have that flexibility to do that plan.

Mayor Hooper called for a vote on the motion. The vote was 5-0, motion carried unanimously.

09-158.

Senior Center/58 Barre Street Workshop Discussion.

V.A.

Council continues to set aside time on each agenda to allow an opportunity to receive updates and discuss certain projects.

Staff has provided Council with some support documentation for their review prior to this Workshop.

Recommendation: Receive update; discussion; possible direction to staff and/or the committee working on this project.

Mayor Hooper invited everyone from the Senior Center to the table to have an informal discussion around the Senior Center at 58 Barre Street.

Assistant City Manager Hill said one of the Council's priorities at its goals setting session was the building at 58 Barre Street and the oversight of the Senior Center which is also located at 58 Barre Street. She introduced members of the Advisory Board and members present tonight. Jean Macdonald is the newly elected chair of the Advisory Board. Liz Dodge is the Vice Chair. Mary Alice Bisbee is Secretary. Jane Osgathorp, Bill Doelger, Doug Zorzi and Fran Crushnick were also present. City Council Member Jim Sheridan is no longer sitting on the Advisory Board but is the Council's representative.

Assistant City Manager Hill reviewed some of the actions that the Advisory Board has taken during the past couple of months. At their May 28th meeting the Montpelier Senior Activity Center Advisory Board had voted to ask the City Council to rehabilitate and renovate 58 Barre Street and allow them to stay in that building. The motion was made by Doug Zorzi seconded by Liz Dodge and approved. In addition, the Advisory Board would like to continue to look at alternative sites that have potential for future growth. The general discussion behind that was that it appeared that at least for the time being this seems to be more of a site and place for them. They certainly feel their center needs some updating.

Council Member Golonka said if they are going down the path to generate \$3 million, they aren't getting another site. Those statements don't really go well together.

Council Member Jarvis said if the Council does decide to renovate 58 Barre Street they aren't going to move out for a year or two.

Liz Dodge said they have created two committees for planning, one which would do the short term and the other one which would look at the future.

Assistant City Manager Hill said Garth Genge is present because he has worked on the enVision Montpelier process. He has chaired the Infrastructure Committee, and as part of that process he has volunteered to help with the planning grant the Council approved two weeks ago to look at the 58 Barre Street building. In talking with the City Manager and Gwen Hallsmith about how best to use the grant they felt they should also include the recreation building as part of the planning grant process. Because of recent events with the Catholic school buildings on Barre Street, if they can obtain permission from the Diocese that also should be looked at. There are three buildings all in the same area that are older buildings and all have issues, and the city should look at it in a combined package. Garth Genge is here tonight to get a feel from the Council about what they are looking for. They want to be able to stay where they are as long as it is possible and parking can be feasible. They have talked about energy rehabilitation for the center and that would need to be done. If there are any type of renovations to the Senior Center they are going to have to look for a temporary spot.

Doug Zorzi said the City's Planning and Development Office has designated the Senior Center as a community center and an institutional use. As such that prohibits them from looking at certain areas given Montpelier's zoning. They have looked at well over two dozen potential sites and only two of the sites are favorably zoned for Senior Center consideration. This request to the City Council and the Planning and Development Office seeks a more lenient definition associated with the Senior Center. The Senior Center, they believe, is not going to be a stand alone facility if they look into the future and look at relocation. They would represent a very small percentage of use within an existing building as the Senior Center is not structured to do the appropriate grounds work, building, maintenance, etc. They would most likely be looking for partners with other users in a new building. With that in mind they would seek consideration as a commercial use as a public assembly area, and they would seek consideration of institutional use as a club. Presently, the Senior Center occupies just short of 9,000 square feet. In a new configuration, that square footage would most likely exceed 10,000 square feet in consideration of the fact that it would involve other parts or uses in that building and if they were to come in under a commercial use designation. Secondly, it is most likely it would be a facility that would be for profit in that the land owner or building owner would be offering it as a for profit facility. They are seeking a more uniform designation so they could consider some 24 alternative sites within the city. They would appreciate the Council's consideration of this.

Mayor Hooper asked if they had raised this with the Planning Commission.

Mr. Zorzi said they had not.

Mayor Hooper suggested this is not an area that is appropriately brought to the City Council, that this is the Planning Commission's determination of what appropriate uses are and what zones.

Mr. Zorzi said the only thing he would like to interject is the Senior Citizens Center makes recommendations to the Council as their authority. If the Council would like to approach the Planning Commission they wouldn't care.

Mayor Hooper said her concern is that the Planning Commission is an independent body and it could be very confusing for the City Council to tell them how to treat a use or property, and this is crossing a line. They can authorize the Advisory Board to make any sort of approach to the Planning Commission they choose. It is an issue that is for the Planning Commission as it relates to a rewrite of the zoning regulations.

Assistant City Manager Hill said during budget sessions she was asked to look into the possibility of the city renting out some of the classroom spaces. It was also decided that the existing tenants who were there under the school's jurisdiction and paying no rent would have to pay rent starting July 1st but they haven't been able to come up with a proposal they feel will be acceptable to the Council. One of the things she failed to mention on the proposal for rental was the consideration that they would be in competition with private business owners who rent space. One of the people who was interested and contacted her about renting space already rents from a private landowner in town.

Council Member Weiss said if they start renting there is also the Disabilities Act to be considered. He thinks it is pertinent when they are talking about renting as opposed to letting somebody have the space for nothing.

Assistant City Manager Hill said she thought from her discussions with the ADA that it was presently used for office space. She didn't make it clear to them that they presently don't pay rent. She did mention they would probably be adding additional office space rentals.

Council Member Weiss said she mentioned a grant and the recreation building. For the moment the recreation building is under the jurisdiction of the school system and they have to sign off on that proposal.

Garth Genge said the original intent was basically to look at the recreation center and 58 Barre Street. There are possibilities for energy efficiency dollars that could improve the buildings now regardless of what the ongoing use would be. The idea of getting the planning grant was to not make those decisions until they could get some real numbers as to what it would cost to do that. They might be able to insulate and prepare the buildings without coming to a full definition of what the final use would be. CVCLT has two properties there. One is a children's center and they are looking to renovate. St. Michael's has just closed the school and he doesn't know what their uses are. For the planning grant the notice is due on July 8th and the public hearing would be July 22nd or 23rd, and the grant would be due July 28th. It is getting enough people together to say we would be interested without overly committing to any final plan but getting together and figuring out the best use for all of these buildings and all of the parties considered. Basically, the initial grant was just for the recreation center and 58 Barre Street and to get as much information together for future development.

Mayor Hooper suggested that might be an item that could be checked off, which is to say to Garth and the city staff to go ahead with the CDBG planning grant application with a minimum looking at the recreation building and 58 Barre Street.

Assistant City Manager Hill said they talked about a planning grant to look at all of the potential options out there for 58 Barre Street.

Mayor Hooper asked if they should also approach the Diocese to see if they would like the city to consider that building as well.

Mr. Genge said one of the options with the planning grant application now is they don't have to commit to a partnership but do it as a consortium so that each piece of it could be looked at as a whole.

Council Member Golonka said there is significant money available for grants right now either for senior center rehabilitation or playground implementation. He thinks they could act on that quicker than a planning grant application would enable them to do. We are in a unique situation with a lot of federal money and if we could come to a conclusion quickly to get \$2 million to renovate the Senior Center, how do we get that moving quicker?

Assistant City Manager Hill said Bill Doelger set up a meeting with Senator Leahy's Office and they basically said the same thing that Garth just said. There are a lot of ideas out there but the rules for the stimulus money are still being developed.

Council Member Weiss moved that the Senior Center Advisory Board be authorize the expenditure of up to \$5,000 and that the City Manager seek a competent person who will take this a step forward working with the city in terms of seeing how we can get up to \$2 million in federal funds for these projects. Council Member Golonka seconded the motion.

Mayor Hooper said for the record three or four weeks ago she told City Manager Fraser that he should be hiring somebody to go out and look for some money and he asked what money they were going to use to hire somebody with. Remember we are laying people off on July 1st.

Council Member Weiss said this community received \$16,000 in unbudgeted funds from Berlin dealing with taxation or water.

Mayor Hooper said the reserve fund may be something to talk about. She reminds them that every department in city government is on extremely tight budgets. They are pushing everything forward because not only are we dealing with the tight budget but also the storms damage that occurred. Council Member Sheridan said we need to remember this may be a one time shot that is gone.

Mayor Hooper asked if instead of suggesting a specific dollar amount ask for the City Manager to put together a proposal for how to go out and get this money. The Council could authorize him to spend up to a certain amount.

Council Member Golonka replied he didn't think City Manager Fraser has the time. He likes the idea Alan suggested of authorizing a certain amount of money for Bill to bring somebody in to help with it.

Assistant City Manager Hill said when they say to bring someone in do they have a person in mind, but normally for something like that they would have a process to go by.

Mayor Hooper called for a vote on the motion. The vote was 5-0, motion carried unanimously.

Mayor Hooper said the Council is clear that this \$5,000 is out of the reserve fund. The Council members agreed.

Mr. Doelger said one of the things the Senior Center is really struggling with is parking. With that in mind, and looking at alternate uses in the same area, what is the Council's feeling as owner of the structure at the Recreation Center to the possible consideration of having that building evaluated for structural adequacy and whether or not there is any merit in further consideration of taking the building down and using it for parking. That building has major structural problems which are very expensive and it is another problem the city needs to deal with. This might all wrap up well with the school system if they indeed move out of Main Street School. That gymnasium which was constructed in the early 80's becomes available perhaps it could be used in lieu of the present recreation center and be used on evenings and weekends and still be available for the school during the week. That is a preliminary assessment that has not been discussed with anyone at the school. What are the Council's feelings about that building if it were proven that it is the only viable future use?

Assistant City Manager Hill said she wanted to interject one point of clarification. There have been some discussions over the years about closing a building, but the thing that has been made clear to us at City Hall is that if we ever do away with the gym on Barre Street we really need a replacement gym

because the two gyms, the one at the High School and the one at Main Street, are not adequate for all of the schools' and community's needs.

Council Member Golonka said he recalls from the zoning amendments the city strengthened the demolition criteria so it would probably need much more scrutiny.

Council Member Weiss reminded the Council that as they are meeting tonight the School Board is meeting and receiving a report from Brian O'Regan who has been studying what the School Board is calling consolidation. He is making a recommendation tonight regarding the Main Street School, whether it stays and what it would serve or whether it is closed and how students would shift between Union School and the High School. Perhaps we'll have some indication as to where the School Board is going with this.

Assistant City Manager Hill said the city may then want to add another building to that mix.

Mayor Hooper said she assumes whatever analysis is done of the Recreation Department a portion of that would be the consideration of the structural integrity of that building. She is extremely alarmed by the notion of pulling down buildings to build parking lots. Every day she is so grateful for the vision of the folks who started in the 70's of making sure that our downtown buildings were rehabilitated rather than destroyed.

Mr. Doelger said at the back half of the Recreation Center facing south there is a significant gap right up the wall from the foundation. Structurally, there is a major problem. Anything can be fixed with a lot of money.

It was noted that the Recreation Center building was a historic building.

Mayor Hooper said they had agreed to submit an application for the CDBG planning grant for the Recreation Department and 58 Barre Street.

Council Member Jarvis inquired whether the report of building code violations restricts the city from renting the building.

Assistant City Manager Hill replied no. The City Manager has always said that any standards to which we hold the public accountable we hold to ourselves. He feels very strongly about that. The issue of the fact that in the upstairs hallway there are two double doorways that you enter, those doors do not latch closed. They need to be replaced. Todd Law has been working on getting some estimates. That would meet the fire standards and cost the city upwards of \$5,000 per set of doors, which would be \$10,000 installed. Todd's concern is that either on a hot day or hot night people tend to keep the doors open we would be in violation of the building code again. In order to prevent that hardware would have to be installed. They are magnetic doors and tied to the fire alarm system. That would probably add another \$5,000. We also need to install more smoke detectors in the building.

Assistant City Manager Hill said Todd Law had concerns with was some of the ADA requirements on the second floor regarding the height of things. The second floor isn't ADA compliant now. She went on to say the outdoor emergency lights are temporarily wired and they need to be more permanently wired to meet the building code. They were approached by a school in the area who wanted to rent one and maybe two classrooms in the building.

Council Member Jarvis said the Montessori School is researching starting an elementary program.

staff and City Manager staff about parking issues. Through the last five years of residency in any city he has lived in he has never had a more difficult time with parking. He knows parking in the city has been an issue for decades and he acknowledges that. In the four or five cities he has lived in New England and out of New England he finds it very difficult there is a set up in terms of the permits the city have presently where they are acknowledged mostly for people who work in the city rather than people who abide by the city's regulations seven days a week. They are grandfathered in where it says he has to rub shoulders and become best friends with one of the local business owners downtown or a municipal employee, and he is new in town and it is a really hard thing to do. It puts residents who live in the downtown apartments in a very tight spot of being in communication with everyone. People do not feel they are treated right because they have to jump back and forth. There are commercial disputes with Shaw's about their parking lot and with other businesses around the area. There are miscommunications with the Police Department with the no parking ban in the winter. The lavender pamphlet has become very unuseful to new residents and is not very specific. It doesn't give a very good explanation.

Mayor Hooper asked him what the issue was.

Mr. Davis said the little key card is not convenient for residents. It does not exemplify convenience for someone who lives seven days a week with all of the rules and policies 365 days a year. He understands there is a permit situation set up that works well, but it might work well for those who have had them for a very long time. What he is proposing is that residents should have a justifiable number of those allotted to them because they live here all of the time. They have to move their cars so the plows can plow snow in the winter time and in the summer time on the weekends when everybody doesn't work that lives outside the city don't have to abide by the same regulations. What if you work in the city and live in the city? You have to deal with those regulations seven days a week 365 days a year and you are put on the back burner because you are a new resident in town. In every other city he has lived in there is the little sticker on your car that says you live on such a block and should be able to park and not worry about a meter. Where is any sort of permit system set up where the residents feel like a resident of the city?

Council Member Sheridan said he is resident of downtown and has done that for 16 years. He is a downtown resident and has never lived in a spot that has a parking spot. He has played the musical chair game for 16 years. He knew when he moved in there was not a parking spot offered. They had a parking committee once that looked upon setting a zone on Court Street where they could park all day and night free, but it went nowhere. It's not going to be brought up again by him because he has been there and done that.

Assistant City Manager Hill said she thinks the permits would be available to residents but they wouldn't allow him to park over night during the winter snow ban. He could get a permit to park in the Jacobs Lot.

Council Member Sheridan replied it is a little more than \$500 a year, or \$90 a month.

Mayor Hooper added if they were available, but they are all allocated.

Mr. Davis said he had asked staff about an association that dealt with the residential community that lived in the downtown district. A lot of cities have those types of organizations.

Mayor Hooper said there is a downtown community association, which is not a city organization, and he is certainly welcome to talk to them. They are the Montpelier Downtown Community Association, although they are housed in City Hall, and Suzanne Hechmer is the Executive Director. He should talk to her about this issue because it is an important one and one the Council has talked about a lot. His point about the structure of peoples' access to permits is a very interesting one.

Assistant City Manager Hill said they can't put an elementary school into 58 Barre Street the way it is set up now.

Mayor Hooper said the staff is looking at resolving the fire code violations and the building code violations.

Assistant City Manager Hill asked what the Council wanted the Senior Center to do with the rental proposal. Any amount of rent they charge has to include heat and electricity because you can't meter it separately. She called around town to get rental figures. There is a wide range of figures depending upon the building. The general range is anywhere from \$13 to \$18 per square foot. Most of the rents did not include electricity.

Council Member Weiss said it was his opinion that the matter of rental space does not for the moment involve the Senior Center's Advisory Board. They have been in charge of four things and he thinks they have done a great job. As far as rental of 58 Barre Street is concerned he doesn't want to hear any figure until they know what the cost is going to be of upgrading the space in order to make it legal to rent because if that space is left empty there will be some things they won't have to do which wouldn't cost the city anything. He would respectfully request at the next meeting they receive figures in terms of what it will cost to occupy those floors for rental.

Assistant City Manager Hill said before the Advisory Board leaves there was one other thing in the Council Members' packets which was the operational plan for the Montpelier Senior Activity Center relating to the van.

Council Member Hooper said he would strike one sentence in the Operational Plan for the Senior Center van, the first full sentence on the back page where it says trips must be within four hours of the city of Montpelier he doesn't think they need that because they are going on trips overnight.

Council Member Hooper moved that the Council receive the Operational Plan for the Senior Center van, with Council Member Weiss seconding the motion. The vote was 5-0, motion carried unanimously.

Jane Osgatharp said she was feeling very frustrated because the Senior Center has been stuck with their planning process for what they are going to do both short term and long term trying to figure out what they can do for their short term interim problem when the building is under renovation. They are still out there in limbo. In terms of their being able to really move ahead with serious planning they are still stymied.

Mr. Doelger said there are two resolutions brought to the Council by the Senior Center Advisory Board.

Mayor Hooper said the Advisory Board has advised the Council that they would like the city to rehabilitate and renovate 58 Barre Street so they may stay there. That information will be derived from the planning grant the city is applying for.

09-159. Parking Workshop Discussion. V.A.

Recommendation: As with Item #09-158, conduct the workshop and possibly provide further direction.

Nathaniel Davis, a resident who lives above Rhapsody at 28 Main Street, said he has lived in Montpelier for nine months. He had spoken with the Town Clerk's Office staff, Police Department

Assistant City Manager Hill said she is concerned that if he goes to the MDCA they will throw him back to the Council because they will say it is the City Council that controls the parking. The MDCA doesn't handle those types of issues. They basically are a business oriented organization at this point. If he were to approach their organization he could suggest they might want to expand into the residential area. The MDCA was created more as part of a state law that required a downtown organization in order for the city to qualify for certain funding.

Mr. Davis said that was the reason he brought this up. A community isn't just businesses.

Council Member Sheridan said if he would like to get involved with the downtown CAN organization, which he is presently the leader of, he will give him his name and number and sit with him to explain what it is about and how he can organize it and make it a force to tie into our Planning Department in the enVision Montpelier process. But he is going to have to commit to some time to do this. He is going to have to organize a voice of the neighbors. He has been through this for 16 years and totally knows what he is talking about.

Mayor Hooper said she thinks what Mr. Davis is saying to the Council is that the city should be providing parking for residents.

Mr. Davis said the short answer is no. Residents should have a stronger voice.

Council Member Hooper said he was talking to the City Manager about the parking meter keys. He said they could give residents a discount to give them cheaper parking in the downtown through this mechanism.

Assistant City Manager Hill said what has happened over the years is that if you rented in the downtown that the landlord made it clear the apartment came without parking and a lot of people who rent downtown do it because they don't have a car. Over the years there has been a little understanding that people who rented the downtown apartments did so knowing there wasn't going to be any parking.

Mr. Davis said that is still avoiding the fact about how to build a community of all sectors working together instead of having a Downtown Community Association with just business owners represented.

Mayor Hooper asked if there were specific parking issues on the Council Members' minds so we can prepare for them.

Council Member Golonka said every year they bring up the parking permit issue for nonresidents who come into the city.

Police Chief Facos said he has not had any specific direction on parking.

Council Member Golonka said the Council was talking about charging nonresidents a parking permit for non-metered spaces.

Mayor Hooper said now that the city has invested in all of the new metered heads with the cash key feature she is interested in getting rid of the meters. You would hang the boxes on peoples' property and they would get their ticket. You wouldn't have to stripe the spaces or have 20 feet parking spaces. There would be no designated areas. It would help with plowing in the winter time. What we keep doing with our parking is fiddling with what we do. We extend the no parking zones or limit parking on one of the street, but we have never stood back and said is this working and is there a better way to do it?

Council Member Weiss suggested they also talk about outsourcing of parking. Will there be a parking authority that would be responsible?

Police Chief Facos said the rationale when they sought to increase the fines was hoping that what we did have was working better. The plus side is the revenue side of it is up, but that was not the real motivation. When he spoke to the parking people today they are writing about the same number of tickets, so unfortunately that didn't have as much of an impact as he was hoping for.

Assistant City Manager Hill said revenues have been fairly flat in the parking revenues for the last few years. They are selling a few more parking keys so that accounts for the difference. The only increased revenue in the last two years is because the parking tickets have increased. The other revenues have been flat.

Mayor Hooper inquired if all of the parking machines were working okay. There were a couple of years when they were down.

Police Chief Facos said they had a really big problem with Capitol Plaza last summer. It's old equipment and the new lease agreement really puts it all on us. The two machines on Stone Cutters Way are aging. All they really are doing is enforcing what they get. He was hoping by raising fines people would at least obey time restrictions and it would work a little better, but it didn't have that affect.

Assistant City Manager Hill said there is an area at the further end of Stone Cutters Way that doesn't seem to be used as much as it was before they put the machine in. Perhaps they would do better to switch that over to permit parking.

Police Chief Facos said their sale of permits is way up on Stone Cutters Way this year. They have almost doubled. Those are the pre-sold permits.

Mayor Hooper said the other issue we have with the way we do business on parking is that it is a little bit of everybody's job. It is the Police Department, Public Works Department, Clerk's Office, Finance Office, and there is no one person who takes care of it or says what are they going to do to create a new parking space today. Everybody is managing their piece and doing a very good job of it.

09-160. Consideration of City Council Meeting schedule for the summer months. V.A.

In the past, Councilors have changed dates, or only held one meeting, during the months of July and August to accommodate vacation schedules ... and the short Vermont summers.

Recommendation: Possibly reschedule meetings in July and August.

Assistant City Manager Hill said the Council usually drops one meeting in July. It has been suggested to meet twice in July, skip the 12th of August and meet on August 26th because most kids are back in school then. Bill's recommendation was to keep two meetings in July depending on what the attendance could be, take August 12th off for summer vacation and meet on August 26th.

Discussion followed and the consensus was to meet on July 8th and July 22nd and in August meet once on August 19, 2009.

09-161. Report by City Council.

Council Member Weiss said the Bike Path Committee is meeting on June 29th and he would like to have it placed on the agenda for an update at the July 8th meeting. On June 11th the Central Vermont Chamber of Commerce had a regional governing board meeting and Jim Sheridan, Tom Golonka and he were there. The items discussed were law enforcement, fire fighting and ambulance service. They would like to have a standing committee of two representatives from each of the communities and they are suggesting the City Council select one member of the council and the other person would be a citizen who would be interested in these topics. They want to have the nominations in by July 8th and the first meeting is July 16th.

Mayor Hooper reminded people that in her fifth year of talking with communities about regionalization opportunities, and have in fact asked the City Managers of Berlin, Barre, and Barre Town to have conversations, which they have had and are continuing to have. She isn't sure what the Chamber of Commerce is going to do.

Council Member Golonka said they seem to be formalizing what we tried to do a year ago. His concern with this meeting is that you really see the other communities and what they think is important. It will be a piecemeal effort for whatever interest the group has at the time. He believes they will be productive because they will be facilitated by non interested party. Before Berlin wanted to talk about water and they fizzled out because they decided to build their own. He doesn't hold out hope that they will come up with any big meaningful change, but if they do he would hate for Montpelier not to be a part of it. Tom said he had some time available.

Mayor Hooper said Tom just volunteered. They will include it on the Council agenda for July 8th.

Council Member Sheridan said he wanted to thank everybody for their patience on the Charlie-O's issue. It's a big issue. Channel 3 News was here covering the meeting. He thinks it was a very productive discussion.

Council Member Hooper said he had voted against tabling the Charlie-O's issue because he thought they could have acted on it tonight. The Development Review Board acted in parallel and we didn't need to wait for them.

09-162. Mayor's Report:

None.

09-163. Report by the City Clerk-Treasurer:

City Clerk-Treasurer Charlotte Hoyt reported her office has the absentee ballots available for the Special City Meeting scheduled for July 14, 2009.

09-164. Status Report by the City Manager:

Assistant City Manager Hill said Alan said the Chamber of Commerce was asking for a Council representative and also a citizen at large. Does the Council want the staff to put out a request for a citizen at large?

Mayor Hooper said they will send Tom Golonka and Alan Weiss to the first meeting.

Assistant City Manager Hill told Council Members they might be receiving calls on traffic issues.

City Hall is receiving them on a daily basis.

Council Member Jarvis said next week they are talking about severe traffic delays so spread the word.

Assistant City Manager Hill said last night in downtown Montpelier it was backed up. They were part of the paving project at the intersection of Main Street and Memorial Drive at the bridge and it ended up backing up traffic through every intersection in town. It was a different tonight.

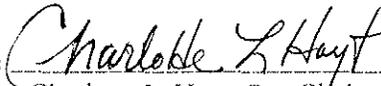
Agenda Reports by the City Manager:

09-165. No further items as of "press time".

Adjournment:

After motion duly made by Council Member Weiss, seconded by Council Member Sheridan the council meeting adjourned at 11:08 P.M.

Transcribed by Joan Clack

Attest: 
Charlotte L. Hoyt, City Clerk