

On Wednesday evening, March 24, 2010, the City Council Members met in the Council Chamber.

Present: Mayor Hooper; Council Members Golonka, Sherman, Sheridan, Jarvis, Hooper and Weiss; also City Manager Fraser.

Call to Order by the Mayor:

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

10-074. General Business and Appearances

Dan Cardozo, a city resident had written a letter to Council Member Sherman and she suggested he come down to address his concerns to the Council directly. He had concerns about the Motorcycle Toy Run held in downtown Montpelier. What concerns him most about the event is the gridlock and the noise through downtown Montpelier high noon on a Saturday with the Farmer's Market in full swing, and you can't cross the street for thirty minutes. A third of the bikers run pipes that are illegal. It's great fun to rev your engines and make a noise in the canyons of downtown Montpelier, but it really is disruptive. If anybody on the Council were to ask the participants at the Farmer's Market whether they appreciate such a thing he thinks they would hear mostly negative comments. At least that is what he has heard when he has talked to folks there. Last year he got out of town before the bikers came because he didn't want to be stuck in gridlock and didn't want to hear the noise. He has been a motorcyclist for 35 years. He owns and rides a bike but he doesn't run illegal pipes. Illegal pipes give motorcyclists who obey the law a bad name. That is his overall concern.

His suggestions a couple of years ago, and his suggestion now especially with the Taylor Street Bridge being closed, is reroute the parade down Memorial Drive across the bridge between the Credit Union and High School and come back up by the State House. People who want to watch the parade can watch the parade down there. The bad boys can rev their engines away from downtown and the problem is solved.

Council Member Sherman said today that apparently there has been no parade permit requested so far this year and there is another event happening at the State House on the 14th so there may be some question about whether they will be coming here in the first place or going some place else.

Mayor Hooper told Dan Cardozo that it is the Council's job to listen but not to have a full discussion.

Dan Cardozo said what he understands from Council Member Sherman is that when there is a permit to be issued there is an opportunity for the Chief to define the route and any special conditions. Whether it is the Council's job to ask the Chief, whether it is his job to ask the Chief, but he would like to have the Chief of Police be asked to have these special conditions.

Mayor Hooper said the Council would need to add this as an agenda item so it would be properly warned and they can have a conversation about it.

City Manager Fraser reminded the Council that they have the Proclamation for the Valentine Phantom. They are going to do some work through the Phantom network and believe they can get it to the real Phantom.

10-075. Consideration of the Consent Agenda:

A) Consideration of the minutes from the City Council's February 10th and February 17th, 2010 Regular Meetings.

B) Summary Budget Report by Department for General Fund and Detailed Budget Status Reports for General Fund, Water Fund, Sewer Fund, Cemetery Fund, Parks Fund, Parking Fund and Senior Center Fund for a seven-month period beginning July 1, 2009, and ending January 31, 2010.

C) Consideration of a request from Joseph Gainza, Director of Vermont Action for Peace, for a waiver of the City Hall Auditorium rental fee for a dance they held the evening of Friday, March 5, 2010. (Mr. Gainza's letter is attached for review.)

D) Consideration of declaring the week of April 4th to April 10th, 2010, "**Montpelier Affordable Housing Week**" as requested by Jim Libby and Members of Montpelier's Housing Task Force.

E) Consideration of a request from Brooke Garber for a waiver of the City's Noise Ordinance in order to have live music at her wedding reception on August 21st, 2010. The reception will be held under a tent at Vermont College, and she would like to have the band play until 11:00 P.M. Brooke has talked with Police Department staff and has notified residents within the 250 foot radius, using a mailing list she actually obtained from the College. Her letter also mentioned that Council would be acting on her request at this meeting.

F) Consideration of a request from Anne-Marie Keppel for permission to close State Street to traffic (from Main to Elm) on Saturday, June 5th, from 7:00 A.M. to 5:00 P.M. for the 6th Annual Montpelier Fashion Show.

G) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:

a. Application for an Educational Sampling Event Permit from Distilled Spirits Council, Washington, DC; this will be a "tasting event to educate legislators on the distilled spirits industry."

b. Annual renewal of Liquor Licenses. (City Clerk will distribute list of applications at the meeting.)

c. Annual renewal of Tobacco Licenses. (City Clerk will distribute list of applications at the meeting.)

H) Approval of Payroll and Bills

General Fund Warrant dated March 10, 2010, in the amount of \$193,318.55 and \$156.00.

Payroll Warrant dated March 18, 2010 in the amount of \$106,010.08 and \$26,114.34.

Motion was made by Council Member Sheridan, seconded by Council Member Hooper to approve the consent agenda.

Council Member Weiss said he would like to remove two items from the consent agenda. The first is the Vermont Action for Peace (C) and the second is the request to close traffic for the Fashion Show.

Mayor Hooper called for a vote on the remainder of the agenda. The vote was 6-0, motion carried unanimously.

- 10-075. (C) Consideration of a request from Joseph Gainza, Director of Vermont Action for Peace, for a waiver of the City Hall Auditorium rental fee for a dance they held the evening of Friday, March 5, 2010. (Mr. Gainza's letter is attached for review.)

Council Member Weiss said in terms of the request to waive the fee for the Vermont Action for Peace for the Haiti proposal it is his understanding that in terms of raising the fee no food or beverages can be served, and even if the fee is waived there is still a \$50 mandatory charge. He would like to know if food and beverages were served and if they were there can't be a waiver.

Paul Markowitz, with an ad hoc group called the Central Vermont Friends of Haiti, said they were the ones who organized the dance that took place a couple of weeks ago. Yes, there were food and beverages served and all of the proceeds from that went to Haiti.

Council Member Weiss said with the current policy the language is quite clear that a fee cannot be waived if food and beverages are being served. Therefore, he doesn't think they should waive it.

Council Member Jarvis said they have talked about changing that policy, but unfortunately they haven't done it yet.

Mr. Markowitz said all of the bands and everybody who contributed didn't get paid for any of this. They are already paying \$200 to Lost Nation Theatre, which is a minimum fee they have to pay. This is another \$300 fee on top of this which would take \$300 away from the group so all of the proceeds can go to Haiti.

Council Member Sheridan said he would move the waiver. Council Member Sherman seconded the motion.

Council Member Golonka asked who paid for the clean up of the facility.

Mr. Markowitz said they cleaned it up themselves. They had to pay for a staff person from Lost Nation to be there, but that is part of the \$200 fee.

Mayor Hooper called for a vote on the motion. The vote was 5-1, with Council Member Jarvis abstaining to avoid the appearance of a conflict of interest.

- 10-075 (G). Consideration of a request from Anne-Marie Keppel for permission to close State Street to traffic (from Main to Elm) on Saturday, June 5th, from 7:00 A.M. to 5:00 P.M. for the 6th Annual Montpelier Fashion Show.

Council Member Weiss said the Chief of Police has already noted they don't want to close State Street for a parade. He doesn't see how they can close all of State Street on June 5th with the Taylor Street Bridge closed. There needs to be some accommodation to allow traffic to flow.

City Manager Fraser said to be clear they aren't closing all of State Street but only Main to Elm so people can get around.

Motion was made by Council Members Sheridan, seconded by Council Member Jarvis to approve the request for permission to close State Street to traffic from Main to Elm Street on Saturday, June 5th, from 7:00 A.M. to 5:00 P.M. for the 6th Annual Montpelier Fashion Show.

Council Member Hooper said he was curious about how the length of this closure compares to previous fashion shows.

Ann-Marie Keppel said they did this last year. The reason for the expansion is she has tried to expand the event. There have been about 1,000 plus spectators that come to the event. They stay for the one hour of the event and then all leave so the objective is to keep everybody downtown longer and keep them shopping. There are street entertainers and music. It is simply to set up the tents, have the performances and the fashion show and then disassemble the tents and clean the street to resume traffic. It is an extended period of time, but it is for a good purpose to keep downtown shoppers here for longer. It is the same amount of time as last year.

Mayor Hooper called for a vote on the motion. The vote was 6-0, motion carried unanimously.

10-076.

Consideration of supporting an air monitoring program that the Conservation Commission is undertaking with science classes from U-32 and Montpelier High School.

- a) Conservation Commission Chair Kris Hammer will be in attendance to present to Council several grant proposals totaling \$12,500; he wants to use this time to update the Council on the Commission's latest activities, as well as seek Council support for these grant proposals.
- b) Recommendation: Receive presentation from Kris Hammer; opportunity for Discussion; direction to Conservation Commission.

Kris Hammer said he presented members of the Council a copy of their proposal. This came about through the enVision process. The Conservation Commission has been very involved with both reducing our reliance on fossil fuels and making good air quality in Montpelier priorities. They noticed there really is no way to measure what kind of air quality we have in Montpelier. He has been involved with one of the chemistry teachers at Montpelier High School and the head of the Science Department at U-32 who are really interested in doing more applied science. They have done a lot of work with the water quality monitoring and he presented his data to the Conservation Commission a couple of years in a row. They are applying for a couple of grants and ask the City of Montpelier to be their fiscal agent.

Council Member Jarvis asked if they were looking for city staff support for the actual application process.

Kris Hammer said the first application has already been sent off. This is mainly so the Council is aware of what they are doing. Right now their application is for a pilot program just this year. Ideally, they would like to set up a 10-year monitoring program so once the district energy system goes in and as they start to use more pellet stoves and more people are using wood they would like to have something that is sustainable. They may commit some of their budget to that. He has been talking to Gwen about possibly building a monitoring program into the district energy plant as part of that budget. They aren't sure where the funding is going to come for that. They are going forward with a pretty robust sampling. They have been talking about sampling methodology.

Mayor Hooper asked if they knew where they were going to sample.

Mr. Hammer said that would be up to the science classes. There are some logistics about how they set the stuff up, how it is secured. The idea is to do a number of sampling positions around the city, but it is also to leave it up to the students to say what are some interesting questions they can answer and develop a methodology. They may come up with some other ideas or interesting questions. This program was used up at U-32 about 10 years ago and it is really what got the whole legislation about bus idling introduced. They used similar equipment and monitored exhaust at the school and looked at carbon monoxide levels and used that data to advocate turning the buses off. The students are interested in doing some science that they see is really going to benefit the city. They are hoping to do more of this kind of collaborative effort with the schools.

Council Member Weiss said with two school systems operating why is he asking the city to be the fiscal agent.

Mr. Hammer said it is largely because of the grant. It's not really a school program. It is a community based program and some of the funding sources wouldn't support a school program. There are other grant sources for educational institutions. This is a community based effort and they are tapping into the schools and want to involve the high schools. It is something that is going to serve our community and not just the schools.

Mayor Hooper asked if action was needed on this.

Mr. Hammer said the Norcross Wildlife Foundation requires a letter of support be sent by the fiscal agent.

Motion was made by Council Member Sheridan, seconded by Council Member Weiss that the Council support the air monitoring program. The vote was 6-0, motion carried unanimously.

Kris Hammer said he also wanted to update the Council on some of the other stuff they are doing. They are working with the Nature Conservancy to do a whole educational program about invasive species in Montpelier. They are planning a workshop later this year and hope to get out on some properties in town. There are plenty of invasive species in the parks. They are going to do some educational work around identification and talk about control methods. One of the things they noticed early on is that there is a whole row of barberry right in front of City Hall up against the building. That is an invasive plant. It is actually a landscape plant, but it has these wonderful red berries that the birds love. If you go into Hubbard Park there is a lot of barberry so it is escaping. There is also a hedge of it down by the Health Center. They have been working with Suzanne Eikenberry from Montpelier Alive to look at removing the barberry and then on Green Up Day they would do a whole planting to replace them with a non-invasive plant. They seem to be very supportive. He has talked to Todd Law about it and checked in with Bev Hill. There are folks in the city who are aware this is happening. They are hoping to use the Green Up Day event as a kick-off to the whole educational program about invasive plants.

10-077.

Report from Mia Moore, the City's Representative to the Central Vermont Solid Waste Management District (CVSWMD) to update the City Council on the District's latest activities.

Mia Moore said she had a couple of points to go over where the District is at and then finish by why she is encouraged by what is happening. Donna Barlow Casey has left the District after 14 years of service. She has gone on to be the Director of Vermont Technical College's Center for Sustainable Practices. This was a dream job she could not pass up. The District is taking this opportunity to become a little bit leaner at the central staff level by restructuring and creating a General Manager position. This position is going to do a combination of Executive Director and Administrative Manager. They are working with the Vermont League of Cities and Towns to hire a General Manager. Lisa Stewart, who was the Administrative Manager, is acting General Manager during this time period. So far she is doing a great job.

Janice Wolfrin resigned her position as Chair of the Board of Supervisors and also stepped down from being a Plainfield representative and took a seat as a member of the Plainfield Planning Committee. The upcoming April meeting is when they welcome all of the new representatives to the Board of Supervisors and elect new leadership positions. They will be electing a new chair then.

As of mid February the District is no longer operating any trash transfer depots. The transition to town management of the depots went surprisingly smoothly. All of the towns that used to have a District operated depot are now managing that themselves and contracting out to a private hauler. The private haulers have actually hired on some of the District's former staff who were running District depots.

Cabot and Strafford on Town Meeting Day voted to leave the District. Northfield has warned a special meeting in mid April to decide whether or not they would like to leave the District. Lisa Stewart is working with Northfield in anticipation of that vote to demonstrate to them the benefits of staying with the District. Calais is working with their representative, Bill Powell, to decide whether or not to move toward leaving. Barre Town is in a wait and see period and they haven't heard anything else from any of the other towns.

She sits on the Financial Oversight Committee and they are working on creating the FY 2011 budget and the income they are assuming for that budget will come from assessment and surcharge for about 57,000 residents within the District. That accounts for them not having Cabot and Strafford and losing one big town and one little town so they are conservatively estimating there will be about 57,000 residents that they can be getting the assessment and surcharge from as far as income goes.

She spoke about the upcoming programming and what the District is planning on doing with all of this restructuring. They just released the schedule for hazardous waste collections. There will be five of them in 2010. They are planning collections for e-waste, bulk materials, scrap metal, clothing, etc. They are a resource for district residents who are interested in diverting their household food scraps through either purchasing a green cone at cost from the District or learning how to build a composting bin. Their school organics program continues to grow. Nearly 100 percent of the schools within the District, or about 20 towns, have implemented some sort of food scrap diversion program. Most of them are using their pickup operation. The very small schools are either using green cones on their own school property or have partnered with local farmers.

With regards to their business organics program they have just added new customers and are fully intending to operate that organics pick up program through FY 11. The digestive product at Vermont Technical College the District was a founding partner with the College to determine the feasibility of a digester that would provide electricity for Vermont Technical College and some of the surrounding area. The first phase of the feasibility study to determine the feasibility is nearing completion. They are no longer moving forward as a partner in this, but they are working with Vermont Technical College to continue being a provider of food scraps that will be needed to run the digester.

These are all very exciting projects for the District. The transition period in the immediate term seems a little bit shaky or rocky, but in the medium and long term this is a very exciting opportunity for the District. Everything she just stated as far as programming that the District is providing seems like reason enough alone to stay with the District as far as Montpelier is concerned. In addition to that, they are working on a budget that would maintain all of these programs but in fact reduce the per capita assessment that towns need to pay in order to be members of the District. They are just in the early stages of deciding if they can do it at all and if so what they will be reducing it to so she doesn't have numbers yet. That is a consideration on the table as they discuss the budget for FY 11. That still includes the District continuing to subsidize pick up for their business organics program for businesses that are within District towns. Businesses that operate in non-district towns will need to start to pay the full price of the organics pick up program while the district will continue to subsidize that through FY 11 for businesses that operate within District towns. She sees those as two very good reasons for Montpelier to continue to be a member of the Central Vermont Solid Waste Management District.

She went on to say that they are actively works on recruiting district representatives from Hardwick, Plainfield, Tunbridge, Washington, Williamstown and Woodbury.

Council Member Sheridan told Mia Moore it was a nice report and she has his vote.

Council Member Sherman asked her to remind them what the per capita rate was currently.

Ms. Moore said currently it is \$3.10 per resident.

Council Member Sherman asked if the Lawrence Wallbridge fund and projects will continue.

Ms. Moore replied yes, in the FY 11 budget the current draft has \$10,000 in that fund. Lawrence Wallbridge Fund is a small grants program that the District has to encourage reuse and recycling with nonprofits and small businesses.

Mayor Hooper said one of the reasons she thought it was important that we receive a report was because of the issue of other towns considering their resignation. Municipalities are obligated by law to participate in a district. We have to comply with Act 78. If our solid waste management district is not available to us, then we have to do those things ourselves which creates a whole different system.

Mia Moore said one of the benefits that Montpelier gets as being a member of the District is that it brings them into compliance with Act 78. The reason she wanted to join the District was because of its zero waste emissions.

Mayor Hooper said if Barre, Berlin, East Montpelier and some of the larger towns chose not to participate, then it is of concern. If enough towns withdraw there is a concern so we need to pay attention and be speaking with our colleagues and encouraging them to continue their participation.

Council Member Sherman asked Ms. Moore to tell her the relationship between the Casella site that most Montpelier residents use and the District. Is the Casella site totally independent or is there collaboration?

Ms. Moore said it is totally independent. The only relationship she knows of is that they need to pay the surcharge on the trash and the recyclables that are collected there when they tip at the Central Vermont Landfill.

Mayor Hooper said Mia Moore has outlined a direction that is being taken. This could be the Council's opportunity to either affirm or suggest an alternative direction, or ask for more information if we need it.

Council Member Hooper said he is fairly sure that Cabot and Northfield have reservations because they lost their subsidized depots. Why are the other towns leaving or considering leaving?

Ms. Moore said she thinks Strafford had a subsidized depot as well. She isn't sure about Calais. Barre Town had a subsidized depot as well. She was here last September or October and one of the suggestions that came from the Council was for the District to revisit its health care benefits plan for its staff. She mentioned that to Lisa and Donna at the time and they asked for the blueprint for what Montpelier had just done as far as the health benefit program for their city staff. She just received that information from Sandy Gallup to share with the Financial Oversight Committee when they start having those conversations.

10-078. Revisit the suggested amendments to the City's Vendor Ordinance.

- a) City Council Members received a copy of a memo from Suzanne Eikenberry, *Montpelier Alive* Executive Director, outlining some changes they'd like incorporated before the 2010 summer vending season.
- b) Council discussed these proposed amendments at their March 10th meeting; staff was directed to contact a few of the vendors and work through some points raised that evening.
- c) Suzanne is ready to come back to Council with some slight variations to their initial proposal.

d) Recommendation: Further discussion; direction to staff with any further changes and/or set the date for the first public hearing ... possibly April 14th.

Mayor Hooper said at their last meeting there was a presentation and discussion of the proposed changes. She is going to turn the discussion over to Police Chief Facos and Suzanne Eikenberry from Montpelier Alive.

Police Chief Facos said with regards to revamping the ordinance for vendors the issue that came up was enforcement. How do we do that? What is involved with that? The way the ordinance is currently structured it is a very unwieldy process. They had a situation on Friday between a business and a vendor regarding violation of the existing ordinance and the officer who initially handled the complaint reviewed what was going on and it boiled down to protein products versus hot dogs versus the distance ruling. Currently, they would take statements from those witnesses, conduct an investigation, write an affidavit and go to the city attorney. There is no set penalty. We do not have a ticket system for the violation. The bottom line is that it would really become a nightmare. On behalf of the Police Department and all parties involved he thinks they should avoid that.

Good ordinances have to be clear in purpose and be clearly able to be enforced if they are going to be effective. Setting the stage for any potential changes he would like to outline some fundamental concerns to him which he has shared both with Montpelier Alive as well as the City Manager. There should definitely be a new permit process, and on that permit, however the details are worked out, it needs to be clearly defined as to what the rules and responsibilities are for the vendor. Along with that on that permit the holder would sign acknowledging they understand what every one of those requirements means to them and they will conduct their business in accordance to those regulations. The penalty phase should be quite simple. If there is an infraction or violation the police would be the investigating body and look into whether or not there was a violation of the permit. The first time there would be a warning and an educational opportunity. Any future violations of any of those would be the revocation of the permit. The Council could establish the permit for whatever time period. That holds all businesses accountable. It also keeps the interests of public safety in mind, pedestrian traffic, etc. If you have a problem vendor it is a mechanism to let them know this isn't going to happen in the city.

This would keep it very simple and keeps it off the administrative level. We do not need to involve the city attorney unless there were unforeseen complications, and also an officer is not going to be writing affidavits and not asking for witness statements from business owners and pedestrians. That also protects the vendor. Along with that, just to avoid any conflict, he strongly agrees with designated locations. He doesn't know how it is going to be decided who gets what and what the process will be, but it should be their designated spot for the duration of the permit. It's not first come, first serve, whether it is 5:00 or 6:00 in the morning. That will lead to problems.

Walking around the city, how is our community ADA compliant? Our sidewalks aren't very wide. He has been out with Tom McArdle from the Public Works Department and they have literally brought out the tape measure and assisted businesses on how far out they can and cannot go into the right-of-way. Suzanne and Montpelier Alive have done a tremendous job with communicating and educating the merchants regarding the sign boards. We need to keep in mind what our ADA requirements are. He would hate to see permits paid for and issued and then down the road find out this is not an adequate location.

Suzanne Eikenberry, Shawn Bryant, Montpelier Alive Board President and committee members appeared before the council. She said they took the feedback they received two weeks ago and asked themselves what were their top priorities to make the vendor situation work more smoothly this summer than it did last summer. They removed the suggestion to change the fee because they know it won't go into effect this summer anyway and really focused on the things they think will help avoid conflict. Designated spaces are still at the heart of what they are suggesting. They think it is really important to define similar businesses. There was a question at the last meeting of how you define

fifty feet. They think vendors should have the right to have sign boards out and they should also be given the sign board ordinance so they know what they are expected to follow. They also are staying with the suggestion that tables shouldn't be allowed. They saw how enforcement needed to be added and she backs everything that Chief Facos just stated. She didn't realize that part of his problem on enforcement and thought he could do it on an administrative level. She agrees that adding that into the ordinance is really important. His suggestion of a warning for the first offense and second offense to pull the permit makes a lot of sense.

Regarding designated spaces, they had a situation on Friday where the police were called in over a disagreement between a vendor and a building owner and two restaurants. That actually pointed out why designated spaces are a good idea. First of all, there was the conflict of whether or not that was a legitimate space and that conflict could be avoided up front by naming what spaces are legitimate spaces. Secondly, there was a suggestion towards the end of that conflict that the vendor consider moving to a space in front of TD Bank which isn't on their list of designated spaces. She looked at that idea and saw that was a great example of why having the designated spaces run through the City Manager makes a lot of sense because there is one place in front of the bank that could be added to the list. Under the way they have suggested the ordinance change that vendor could come to the City Manager and ask for that space to be added. However, there are other spaces in that area that would be very problematic. It is a very busy intersection. The way the ordinance is written you have to leave 5 feet from an intersection, crosswalk, or fire hydrant. If you picture 5 feet away from the crosswalk at the corner of State and Main, and there is a vendor with a line of people there, she thinks they would find pedestrians walking in the street at a very busy intersection. Even though our ordinance would allow that right now she thinks they would be creating a safety hazard. They could be between Langdon Street and State Street, over towards the Langdon Street side there is a window that is in a staircase and the sidewalk is really wide.

The other situation she thought of which the ordinance doesn't address is that even if the sidewalk is really wide a vendor setting up directly in front of a retail display window wouldn't be good. There are situations the ordinance hasn't been very specific about, but you would probably want the right spot. The conflict would be greater than the reward.

Shawn Bryant said they need to make sure there is access for people to get in and out of their cars. One of the concerns would be if a vendor sets up in the green strip between the parking space and the sidewalk where there may appear to be enough room but if it impedes the ability of people to open their doors and get out of their car that wouldn't work. He thinks Chief Facos made some very good points. The ADA concern is a very real and legitimate concern. As Suzanne and he went around measuring the spaces to look for places where they thought it would be appropriate for vendors to locate one of the things they took into account was whether there was enough room to still allow a reasonable legal access for people with disabilities while still creating enough space for a vendor. When you walk around Montpelier and start looking at the sidewalk with a critical eye you find out they aren't nearly as wide as you think they are.

Council Member Sherman said she recalled trash was a major issue in their previous discussion. How are they going to deal with trash?

Ms. Eikenberry said the way you have to deal with trash is through the vendor's fee. The way they came up with suggesting the higher fee was the need to increase it, but if they want to really get something passed for the summer they would not press the fee because other issues are more pressing in terms of making things run smoother downtown.

Council Member Sherman said did they say something about requiring them to have trash containers.

Ms. Eikenberry said the state requires them to and they could be required to have it in front of their vending cart instead of the back of the cart. That is one suggestion.

Council Member Sherman said to her it is important they deal with the trash they generate.

Mayor Hooper said as a matter of process the City Council is going to ask a few more questions and there will be an opportunity for members of the audience to ask questions of the City Council. Then, they will make a decision about how they will proceed. If they choose to amend the ordinance, the way they do that is through a public hearing process. They are having an informal conversation now and deciding if there is a desire to amend the ordinance and then go into a more formal process which will be duly warned and noticed.

Council Member Hooper asked if they are only using designated spaces in the downtown for vendors, do they still need to have the 50 foot requirement in the ordinance.

Ms. Eikenberry said for the downtown the City Manager requested that if she was going to have the ability to add designated spaces she wants to set a guideline. She personally thinks the City Manager also needs to have the ability to use personal judgment on some of those cases they haven't anticipated like 5 feet from intersection of State and Main may not be enough.

Mayor Hooper said in her memo which proposes 8 items that would be addressed one of them is the issue of tables. She recommends they not allow tables.

Ms. Eikenberry said the biggest reason is space. When you look at the size of the spaces that are available you are looking at an average of 10 feet by 11 feet. You have an 8 foot cart, a cooler or two from vendors, the space the vendor takes up standing, and there isn't room for tables downtown. Our downtown is very compact. The second reason is an equity issue. The state through their Health Department has ruled that restaurants without bathroom access cannot have tables so it does affect some of our downtown restaurants. However, they have also said that vendors can have up to 16 seats. Remember when the state is looking at vendors they are also looking at people at fairgrounds and not just thinking about an urban setting. The State Health Department does allow vendors to have seats.

Mayor Hooper said if the issue was table seats it is simply one of unimpeded access and keeping the area open. Can't we just deal with it based on the size and have a requirement that the area is kept open?

Ms. Eikenberry said she is thinking back to enforcement and the ADA requirements. If they look at the situation last summer where there was the one cart that did have tables you often saw pedestrians having to walk around in the street. It was very hard if someone was in a wheelchair to use that ramp. She had a number of people tell her they had to cross the street if they just wanted to walk down the street. You could do it on a case by case basis, but she thinks they will find the spaces aren't there.

Corinna Jordan, a resident in Montpelier, said she is interested in vending dry goods. She is looking for something useful to do during the summer because she is in school now. She would like to do a fun, possibly profitable, green product educational cart type of thing. She has been considering what the ordinance is and what the costs are. She would like to be able to move around and not be in one spot. She is hearing why there should be designated spaces downtown and she is thinking there might not even be spaces wide enough on the public sidewalks to set up. The cart she is considering is 2 or 3 feet by 4 feet so it isn't as big as some of the food service carts would have to be. She has questions about insurance. Insurance is \$600 per year, and that's a lot of money. She gets the impression for vendors insurance is required. If she is not selling food, does she need to have the same kind of insurance? How much more dangerous would her vending cart be than a baby cart?

Tim Azarian, a vendor downtown said he is disappointed because it feels like there is one group against another group here, which is Montpelier Alive against the vendors. It seems like that because there seems to be no collaboration. No one contacted him or made a phone call to tell him they wanted him to work with them to come up with suggestions. There is so much they could have worked out. He thought at the end of the last meeting it was recommended that group contact vendors to try and work out some of these issues instead of bringing them back to the Council. He

is not opposed to the idea of designated spaces. It makes sense. Regarding the trash, they always brought their own trash can and put it by the cart and took it home at the end of the day. There is a recommendation on the bulb outs. There is one space here at the Washington County Court House bulb out which is where they had been setting up. It is saying we get off the sidewalk and go to the bulb out area. The problem is that their backs are either going to be to the sidewalk where people are walking back of them because there is no way for them to come around front. The other way they would have the streets at their backs with the traffic and all of their stuff on the edge of the curb. It would feel completely unprotected and unsafe to have their backs to the street. His biggest contention, and the only one he is passionate about and the one he will continue to come to Council meetings for, is the tables and chairs. Tables and chairs aren't all that convenient for them to do. The main reason they started using tables and chairs is because we really hate to use throw away items so they bring down bowls and plates, and once those are filled up they go to disposable items. If you give someone a bowl or a plate they can't take it back to their office so people need a place to sit down and enjoy their meal. A lot of people would come to hang out and not even order food. People would bring their hot dogs over and there were two little tables that they had for people to take a break and a rest. They received a lot of complements all summer, especially from out of staters and Canadians so they were encouraged by the tables. Their health license states they can't have tables and chairs as Suzanne said. His recommendation is that instead of completely wiping out all tables and chairs is to find some kind of compromise or modify the law to make it work for Montpelier. Sixteen tables is probably too much, so limit it to two. They just want space for a couple of people to sit down. They aren't asking for an expanded space.

He hears the concerns about handicapped people and some of the sidewalk space. They came to them and they immediately moved their tables and chairs. During the end of the summer they moved them even further away from the cart. He felt they were sensible when people did say something to them. The times it was brought up they definitely addressed it. He is suggesting having a limit. The vendors are really colorful and add a lot of vibrancy to the downtown. He thinks there is a lot of potential to find compromise to make it work for everybody. You could justify tables and chairs, if you are a vendor and you want to have a table and chairs then you need to offer not to go items. The last problem with tables and chairs is that there are restaurants that do have tables and chairs. Rhapsody has two tables and Positive Pie has a few. If the City Council does go with the suggestion about tables and chairs it is not going to seem fair that restaurants can have them out, also. Please take that into consideration.

Mayor Hooper said if there are new ideas the Council would like to hear them. If there are general points of agreement what they should do is ask the handful of people to sit down together and work out and come up with explicit language that could be presented at a public hearing.

Nick Sammons said he is new to Montpelier and is looking at opening up a vending cart. It would be really nice outside of this forum they could work something out. Vendors really do bring vibrancy to this town. Portland is famous for its vendors. His cart is really not to make money but to be able to participate in the community and offer a product of Vietnamese sandwiches that everyone would like. He doesn't see they are competing in any way with restaurants. There is no competition. If restaurants want to start their own vending cart they have the option to do so.

Guy Andrews said they are thinking about putting a vending cart business together. He wanted to bring a suggestion to the Council about solving some problems around vending cart application fee. Designated areas look like the way to go. Anyone who has been around in the summer knows there are some really advantageous locations in the city that seem to be doing a really good vending business. Maybe a per square foot basis rental could be implemented. Some of the carts seem larger than others. That might accommodate some of the seating as well. He suggested they look at what some of the other cities have done. Burlington has a lot of vending carts. Maybe they could look at the City of Rutland and Portland, Maine.

Benjamin Allard, one of the owners of the Skinny Pancake, said he supports vending carts. He actually spent four years running a cart before he opened a restaurant. It was his form of income

from 2003 to 2006. In Burlington they have strict rules and regulations. He recommended they look at Burlington's Church Street Marketplace rules and regulations. He spent many years butting heads against those rules and regulations. There is a reason you can't move 10 feet down the street because there is a business you are going to block. Even this past year they were lucky enough to move their cart to a more advantageous location after waiting years trying to get to that location. When they got to the point they looked at the size of the cart, which is rather large, and they looked at the business behind it and said they couldn't go straight in front of that business because it would kill it, which is a reality. The gentleman who said you don't compete with businesses, that's not true. Absolutely, vending carts do compete with the businesses next to them. Vending fees on Church Street will run anywhere from \$1,800 to \$2,400 – that's a much bigger market. If you are actively working there that as a percentage becomes a very small percentage for overhead. It is extremely affordable over the course of the year. He isn't advocating for those kinds of numbers. You are required to have specific dollies, trash cans, matching seats, coolers so it doesn't look like a yard sale, and extremely specific locations. Church Street is clearly a thriving commercial district where carts and storefronts live in reasonable harmony, and it is all based on strict rules that are enforced.

Chip Hart from City Center Associates said he wrote a memo which got delivered on March 10th. They appreciate both the Council's efforts and Suzanne's with Montpelier Alive's efforts, and now the Chief's efforts since he has become engaged. They would endorse an ordinance that would be satisfactory to everybody. They would also happily participate in a process. They aren't against vendors. They think there has to be some sensitivity to location. They frankly think the elephant in the room is the physical challenge to locating vendors. They buy the idea of the added vibrancy. They have the interest of their tenants at heart and thought the 50 foot rule was a reasonable one and would like to see that kept in the ordinance. He is not unsympathetic to the challenges of the Council, but the vibrancy of the downtown and creating an orderly business model which recognizes considerable physical limitations of the downtown and is favorable to all participants would be their goal.

Mayor Hooper said she was going to bring this back to City Council and ask them how they would like to proceed.

Ms. Eikenberry said their process before they developed these suggestions was to first look at a bunch of other jurisdictions, rules and regulations. They did look at the Church Street in Burlington example. They called different parties who had an interest in this, including Tim, restaurants, the City Manager and Mayor, and they talked to a very large number of people about this before they developed their set of suggestions and really strove to get something that was middle ground. Clearly, there is a lot of people they didn't think about contacting. So far during the last two meetings four people have come forward saying they are interested in starting a cart downtown this summer.

Council Member Sheridan asked if this wasn't what we have a Justice Center for. They could mediate a meeting with everybody, the vendors, Chief of Police, Suzanne Eikenberry, and give them a forum. There is conflict here and a possible ordinance.

Council Member Jarvis said maybe they could involve Yvonne Byrd as the facilitator so that Suzanne is not put in a funny position because she is the Director of an organization that represents constituent businesses. To ask her to be the middle man is a bit much, but perhaps someone like Yvonne could play that role.

Council Member Golonka said he disagrees with that. It is the Council's job to propose ordinance changes and we have asked them to come up with suggestions, and she has done that. If we are going to take this any further we owe the public a hearing and we alter it as we see fit as a Council.

Council Member Sherman said it is dialogue and they don't need mediation yet. The City Manager also plays an important role here. We should keep it with the Council and the City Manager, but she thinks it is time to move ahead with the ordinance and public hearing process.

Council Member Weiss told the City Manager that it was reported last Friday there was a vendor problem. Did that person apply for a license?

City Manager Fraser replied yes.

Council Member Weiss said therefore the process of getting a license under the existing ordinance is already taking place.

City Manager Fraser said until we have a new ordinance the existing ordinance is what rules.

Council Member Weiss said it is perfectly possible that licenses will be issued before a new ordinance is invoked and therefore a new ordinance may not take effect until the summer of 2011.

City Manager Fraser said no, not necessarily. The license is issued to give permission to do business in town and right now we have one set of restrictions of how they can do those, but a new set of restrictions could still be issued. He thinks there might be agreement on the notion of designated spaces, trash receptacles and some of the other changes were on track. We would be down to only talking about tables and perhaps a process by which people block retail spaces and the process of how people are assigned their spaces. If the Council wanted this up for hearing for the next meeting and we could get the interested parties together. We could come up with some suggestions everybody could live with.

Mayor Hooper said there has been suggested a process we could use which would be to set a public hearing. She feels what is proposed before us thanks to Montpelier Alive needs to be amended further. We can set the hearing. We can ask the Manager to see that a meeting is convened of the folks who have expressed points of view and an interest in this and ask them to develop a draft to amend the ordinance. Suzanne has recommended an outline in a memo to the Council of what Montpelier Alive recommends be included in the ordinance.

Council Member Sheridan said usually when they have a hearing they have a set ordinance in place. He doesn't think everything is set in place yet. Are we ready to go to an ordinance or not? He doesn't want to have another discussion meeting and try to create an ordinance on the spot.

Mayor Hooper said there are two points of view. One is to let's get to it and make a decision, and the other is we are not ready to make a decision yet.

City Manager Fraser said they do have a draft ordinance presented. Staff have often drafted ordinances. They could back and add some things which were discussed in our draft and still warn that for the first reading. We could have some proposed amendments we would all agree to and then have another hearing.

Mayor Hooper said her only concern is that the perception not be that this is a done deal and in fact we really are soliciting the input of the people who are directly affected and making sure it is working for them. That is the outcome they are looking for.

Motion was made by Council Members Jarvis, seconded by Council Member Sherman to set the first hearing and ask City Manager Fraser to convene a group including Montpelier Alive, interested vendors and community members to work on an ordinance with the understanding the Council is going to receive some additional input at the hearing.

Council Member Weiss said we shouldn't forget that we wanted to take a look at newsstands. We aren't happy with the proliferation of newsstands down near the Post Office.

Mayor Hooper said she thinks there is a consensus that designated spaces makes sense. She would like to know how they are going to allocate them and that is an issue she really wants to hear back

from the vendors on how it is going to work. They all agree defining what similar business is important. She doesn't know that they need to be regulating tables if they are regulating space.

Council Member Sherman replied that doesn't work for her. She thinks tables are a critical part of this and they need to be included. Council Member Jarvis agreed. Vendor tables are a critical issue and an equity issue.

Mayor Hooper said she is suggesting they not exclude them from the ordinance. Police Chief Facos' list clearly needs to be part of this.

Council Member Hooper said one other thing he would like is that the designated space needs to be very clear.

Council Member Weiss said he also would like consideration about the possibility of vendors who don't want to be there every day. What do we do with their designated spaces?

Mayor Hooper called for a vote on the motion. The vote was 6-0, motion carried unanimously. There will be a public hearing on April 14th and she looks forward to everyone working very hard on this before then.

10-079. Consideration of supporting an Application for a VHCB Feasibility Grant.

- a) Council is being asked to support staff's efforts with the planning grant for the Senior Center; VHCB has suggested that the City apply for some additional money from them to help determine the feasibility of developing the building for housing.
- b) Community Development Specialist Garth Genge will be in attendance to present this proposal and answer any questions that Council, or members of the audience, may have.
- c) Recommendation: Receive proposal; opportunity for discussion; approve staff moving forward with the Feasibility Grant Application.

Mayor Hooper recused herself from participation. The committee she sits on is actively engaged with issues associated with funding of the Vermont Housing Conservation Board. While she doesn't feel she has a conflict she doesn't want there to be anything close to a perception of that occurring.

Council Member Jarvis, president of the Council took the chair to preside over the meeting.

Garth Genge, Community Development Specialist said one of the funding opportunities for the 58 Barre Street housing portion is that the Vermont Housing Conservation Board has a \$10,000 feasibility fund for initial feasibility of affordable housing projects. He didn't put an application in right away because he understood that it was for nonprofit housing providers to do it, and since they had two of them trying to choose who was going to do it was a little bit complicated. In talking to the Conservation Board he found out that the municipality can make an application. The City of Montpelier can make the application for the funding. One of the reasons for doing it now is because their feasibility money really is feasibility. It is about initial investigation so that the dollars allocated to the early parts of the review could go to that. They received the grant from the Vermont Community Development Program, and that grant contract hasn't been written and there is usually some kind of restriction so it would also allow a little bit of flexibility between the different sources of money to pay for the different portions. It just gives us a little more flexibility. He provided a budget that is a little bit flexible in terms of some portions being shifted between architects right now. Gossens Bachman has been very good working with us and finding other sources to do things more cheaply so it will probably fluctuate as we go along. The survey is almost done. The title search is in progress. Drawings are being developed so we will have the actual dimensions of the building. He is meeting tomorrow with the legal representative. Jeff Kantor who has been

exploring some of the funding options. In the afternoon they are meeting with the historic consultant about the historic tax credits. Things are moving along and ideally they will be on time for the proposal next month.

Council Member Weiss suggested that the group who is looking at 58 Barre Street also needs to look at the Recreation building directly across the street. Those two buildings go hand in hand. Any work that is done at 58 Barre Street needs to take into consideration the building across the street because they are partners and he would be disappointed when the committee reports back if there is not some reference to how that recreation building ties into this proposal.

Community Development Specialist Genge said there is an application before the Vermont Community Development Program with a portion of the dollars being allocated for evaluating the energy efficiency and the accessibility issues at the Recreation Center. They may restrict use of the funds more than he put in the budget, but that is part of the program. They are also looking at the site itself. With the St. Michaels School Building next door they don't want to put them in an untenable position so they are trying to keep all of the possibilities there in mind. The focus is on 58 Barre Street because those are the steps they can take right away. He isn't sure where the sources for the Recreation Center could come from for dollars. He had a meeting with the Senior Center Advisory Board today and it is understood that the future growth of the Senior Center having more need for facilities the best place to expand into would be the Recreation Center. That is on the table, but how soon and how quickly that can happen they don't know.

Motion was made by Council Member Sheridan, seconded by Council Member Sherman to move forward with the feasibility grant application.

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

Mayor Hooper resumed her position as chair of the meeting.

10-080. Adoption of a formal grievance process and a formal *"Notice of Provision of Services"* for the Americans with Disabilities Act.

- a) The ADA Committee has been meeting to develop a Transition Plan which is required by the ADA.
- b) This plan will inventory all City facilities and programs and identify where deficiencies may exist.
- c) The plan will then outline the cost and effort needed to rectify the deficiencies and lay out a proposed time frame for accomplishing this work.
- d) Drafts of these two items are included with this agenda; they have been reviewed by the ADA Committee and are recommended for adoption.
- e) Recommendation: Presentation of these documents; review and discussion; adoption.

City Manager Fraser said they have had this ADA Committee that Council Member Sheridan is chairing. Included on the committee is Tom McArdle, although his expertise is in transportation he is probably our most knowledgeable city employee on general ADA regulations, and Kim Brittenham from the Vermont Center of Independent Living who is an expert on ADA. We wanted the Council to find out what the committee's task is and explain the transition plan to the Council Members. There are a couple of items that have been drafted by Kim and the committee for a grievance process and a statement of benefits. Kim and Tom can give you a brief overview of what our

responsibility as a community are and the breadth and scope of the things they have to look at. It is interesting on how much of that prior discussion was largely focused on compliance because we need to keep that out front at all times.

Tom McArdle said the committee was appointed at the recommendation of staff and in consultation with Kim and others that the city needed to address and update its ADA compliance through a complete assessment. The City Council appointed an ADA Committee and advertised for those positions and they have been holding monthly meetings and trying to develop a transition plan. That's the common term for conducting an evaluation of our compliance with all of the various aspects of ADA, and it is quite lengthy and very complete. It addresses all aspects of public accessibility. The transition plan allows or guides communities and the private sector in evaluating their own deficiencies, conducting self evaluations and documenting all of that and developing a transition plan. The transition plan is transitioning from noncompliance to compliance with accessibility which ranges from communications and physical right-of-way issues and meetings. Part of that includes a way for those folks with disabilities to find out what is available, what does a community have available to meet their needs, whether it is to attend an event or meeting, to find out how they can accomplish their objective. In order to provide that information there is a notice of service. If we are unable to provide that service we are providing a means for them to appeal that to seek relief, which is the grievance procedure. There are also some specific tasks they have tackled they felt were immediate needs. Last fall they addressed some parking deficiencies. They are looking at restroom facilities at the Mountaineers Field. City Clerk Charlotte Hoyt participated in a pilot program for "vote by phone" at March Annual meeting. There are a number of areas they are already addressing and will continue to be. They are working on the web site to address accessibility areas.

Kim Brittenham said she is present to answer questions about the notice of provisions or the grievance procedure. They are taken this directly from the Department of Justice templates.

Council Member Golonka said the grievance procedure is a little confusing to him. He needs someone to tell him what the cross outs mean. He can't figure out the first one on page 1.

City Manager Fraser said on page 1 it is supposed to say City Manager where it says ADA Coordinator. The initial hearing would be with the City Manager and any further appeal would be to the City Council.

Assistant Public Works Director McArdle said as of now the City Manager is the ADA Coordinator so they are trying to work around that as well.

Mayor Hooper said to be clear in the proposed grievance procedure wherever it says ADA Coordinator that will be City Manager. Now there is a proposal that the appeals body is the City Council.

Assistant Public Works Director McArdle said typically before it gets to that point there is an opportunity for the committee to correct those issues.

Council Members Weiss and Sherman moved adoption of the grievance process and notice of provision of services for the Americans with Disabilities Act. The vote was 6-0, motion carried unanimously.

City Manager Fraser said the first is the notice.

Mayor Hooper asked what this means. She understands they are notifying people with disabilities that services will be made available. For example, if someone wanted to attend a City Council meeting who needed assistance with signing the City Council would then provide an interpreter.

Ms. Brittenham replied that was true. If they don't have a way for people to know what accommodations the city provides or to ask for accommodations, then you assume the entity doesn't know how to provide them and you might not try. It is a way of including people with disabilities.

Mayor Hooper said she totally understands the need for notice.

City Manager Fraser said that was the issue that Kim raised.

Assistant Public Works Director McArdle said some things do take a little bit of time like finding a signer and when they are available. This also gives the city time to work with that individual to meet their needs.

Ms. Brittenham said it is a requirement. The Department of Justice requires that all municipalities with 50 or more employees, which includes full and part time employees, need to have an ADA Coordinator, a grievance process and they publish this notice of provisions.

Mayor Hooper said this could mean that all of the city's written materials need to be produced in Braille when requested. She asked if the Council needed to adopt the notice of provision of services.

City Manager Fraser said they were suggesting they felt the Council should endorse it. It is an affirmative statement from the elected officials that this is something they endorse.

Council Member Sherman asked if captioning would be sufficient to make a Council meeting ADA accessible.

Ms. Brittenham said closed captioning is when the text appears on the bottom of the screen when the viewer wants it to appear. Open captioning is more like subtitles when it just appears.

Council Member Hooper spoke about access and people who are deaf and asked if they needed to not only see a recorded meeting but participate in that.

Assistant Public Works Director McArdle said they are looking into that and working with the technology people in City Hall. They have done an inventory of all of our communication systems. The notice of provisions would allow somebody to look into that and tells them how to do it. Ultimately, they will be back with the transition plan and the self evaluation. There will be an opportunity for public comment and review.

Council Member Sherman moved the Council adopt the notice of provision of services and that the ADA Committee work on them. Council Member Weiss seconded the motion.

Council Member Sheridan said as Chair of the Committee it is a really terrific committee and he would like to commend Tom McArdle and Kim Brittenham. They should be lauded for their efforts in this. They really helped him as Chair to come into what is a tough job.

Mayor Hooper called for a vote on the motion. The vote was 6-0, motion carried unanimously.

10-081. Reports by City Council.

Council Member Sherman reported she attended the Chamber of Commerce Regional Public Safety Authority meeting. There were ideas about bringing together dispatch, fire and ambulance and police services for a four-town area. She had a conversation with Sandy Pitonyak about the Book of Ordinances. Although some desks do have the books and some don't and it is totally unreliable if they are not totally up to date in the books. She suggested to her they dispense with the books and go to the city web site where all of the ordinances are easily available and can be download and

printed. That is an idea the Council might want to consider. The other issue she has heard a lot from residents at a Montpelier neighborhood potluck a few days ago are the sidewalks on Sibley Avenue between College Street and Barre Street. It is in a rough condition and residents are very eager to have that improved. She staved off an effort to start a petition saying it was unnecessary and it could be brought to the Council's attention without that.

Council Member Jarvis thinks what ought to be communicated to them is that while they appreciate that and would love to fix it, there is no money in the budget for it.

Council Member Jarvis said she saw on the job posting for the Care Bank position. She would like to know the process for getting that out from under city management. How long a time line are we talking about in terms of that being a program that stands fully on its own? She is especially concerned about that because knowing that Garth in the near future may be very much unavailable to us. She is concerned about the priorities of the Planning Department and the timing, especially because of the 58 Barre Street project. There is a lot that is going on that needs to be shepherded through and he is not going to be able to do that at a certain point. She assumes that Gwen will have to step in. That is her priority and the Care Bank is not her priority. She would like to see that the city is pushing that out of its hands. Something that bothers her every day she drives by are the trash cans outside City Hall. It is this beat up broken plastic thing. She knows that Montpelier Alive did a bunch of nice trash cans last summer.

Council Member Golonka said from the regional shared services meeting they had last week they will be asking for an agenda item at the next Council meeting to discuss the city's further continuance in that process and whether or not we want to move forward.

Council Member Hooper said he would like to remind people that the winter parking ban is still in effect until April 1st.

Council Member Weiss said he wanted to offer commendation to the folks who organized the 13th Annual Green Mountain Film Festival. It is going exceedingly well. They have done well in selecting and have had good attendance. He thinks it is a real benefit to the city of Montpelier. In anticipation of the meeting on April 5th, is there any expectation that Council Members are supposed to bring in their objectives?

Mayor Hooper replied of course.

10-082.

Mayor's Report:

There was a citizen who asked the Council to consider how the toy run is going to be managed. Do we need to have a conversation here?

City Manager Fraser said it depends upon what their choice is. The last time this came up we talked about a lifetime waiver for the noise and a strong support for continuing it as it is. They do understand there are some complications this year because of the prior use of the State House Lawn so that in itself may be an opportunity to do something different with location, etc.

Council Member Weiss said he didn't want to waste agenda time for that particular topic. Let it be decided administratively.

Council Member Sherman said she thinks this is important to consider this. It is complicated. There is an increasing number of participants and the delightful challenge of revving up. Someone needs to know that is an issue and the route is very important, particularly this year

Council Member Hooper said they should put up signs early in the morning the day before very visibly that the street will be closed for an hour.

Mayor Hooper said they will handle this administratively.

Mayor Hooper said they should let the community know they are having a goals setting session and invite them to communicate with us. It is our obligation to let people know that this is the annual moment when we say what we are going to work on for the year. We could put this out on the web site and use it as a press release. She reported they had a really nice dinner with the Dewey Hall residents, which is the group that was formed as a result of some concerns about neighborhood concerns and the use of Dewey Hall at Vermont College in terms of noise, maintenance, smoking and that which was a typical hard conversation beginning three or four years ago has become a very neighborly process which the College, neighbors and New England Culinary Institute are engaged in and are respectful of each other. It was a fine thing they did up there through the Community Justice Center process.

10-083. Report by City Clerk-Treasurer.

City Clerk Hoyt reminded members of the viewing public that you needed to have your dogs registered by April 1st.

10-084. Status Report by the City Manager.

Last week they met about the District Heating Plant with the Senate Institutions Committee. They are expecting a detailed report from Veolia by the end of the month which will give us a better picture of the some of the numbers. He was on VPR at noon today talking about and answered some questions from call-ins. The Department of Energy is very engaged in that project. Almost every week they are working with Lost Nation Theater preparing some documents and a rental policy. In order to get to the issue of fees for events they are putting in a provision for a deposit for clean up.

10-85. Agenda Reports by the City Manager

a) Consideration of an Executive Session, in accordance with Title I, Section 313, Subsection (a)(1) for the purpose of discussing Police Union Negotiations.

Motion was made by Council Member Golonka, seconded by Council Member Sherman to go into executive session at 9:30 P.M., in accordance with Title I, Section 313, Subsection (a)(1) for the purpose of discussion Police Union Negotiations. The vote was 6-0, motion carried unanimously.

Present: Mayor Hooper; Council Members Golonka, Sherman, Sheridan, Jarvis, Hooper and Weiss; also City Manager Fraser.

After motion duly made and seconded by Council Member Weiss and Hooper, the Council Members came out of executive session at 9:50 P.M., in accordance with Title I, Section 313, Subsection (a)(1) where they had discussed Police Union Negotiations. The vote was 6-0, motion carried unanimously.

Adjournment:

After motion duly made and seconded by Council Members Hooper and Jarvis the Council Meeting adjourned at 9:51 P.M.

Transcribed by Joan Clack.

Attest:


Charlotte L. Hoyt, City Clerk

CITY OF MONTPELIER

Council Meeting

Consent Agenda

March 24, 2010

Liquor License and Tobacco Renewal Applications

**Belladonna LLC
12 Main Street**

**2nd Class Liquor License
Tobacco License**

**Brockton Corporation
dba Shaw's Beer & Wine #7521
2 Main Street**

**2nd Class Liquor License
Tobacco License**

**City Dog Country Dog, Inc
dba Restaurant Phoebe
52 State Street**

1st Class Liquor License

**Grace & Duane, Inc
dba Montpelier Village Pizza
89 Main Street**

1st Class Liquor License

**Hyzer Industries, Inc
dba Three Penny Taproom
108 Main Street**

1st Class Liquor License

**Great American Enterprises, Inc
dba Charlie O's Cigar Bar & Le Café Tabac
70 Main Street**

**1st Class Liquor License
Tobacco License**

**Inndeavors Inc
dba Inn at Montpelier, The
147 Main Street**

1st Class Liquor License

**Langdon Street Café Collective, Inc
4 Langdon Street**

1st Class Liquor License

**Sarducci's Inc
3 Main Street**

1st Class Liquor License

**Uncommon Market, LLC, The
1 School Street**

2nd Class Liquor License