

**Minutes of the Montpelier City Council Meeting
April 11, 2012
City Council Chambers, Montpelier City Hall**

In attendance: City Councilors Andy Hooper, Thierry Guerlain, Alan Weiss, Angela Timpone, Sarah Jarvis and Tom Golonka and City Manager Bill Fraser. City Clerk John Odum acted as Secretary of the Meeting.

In the absence of Mayor John Hollar, Councilor Golonka acted as Chair of the meeting in his capacity as City Council President.

The Chair called the meeting to order at 7:00 PM.

12-94. Under General Business, Craig Royce approached the Council for approval to close Governor Aiken Avenue on Sunday, April 22nd from 10:00AM to 3:00PM for an Earth Day celebration that includes food vendors. City Manager Fraser noted he had advised Royce to approach the Council, since he had missed the formal application deadline.

Councilor Jarvis moved that the request be added to the agenda and Councilor Timpone seconded. The motion passed unanimously at 7:02.

12-095. The Chair read the Consent Agenda items aloud, at which time it was discovered that Mr. Royce's request was already on the agenda.

Councilor Timpone moved that the Consent Agenda be approved, Councilor Jarvis seconded. Councilor Weiss asked that Item C be pulled for discussion.

The Chair called for a vote on the motion to approve the Consent Agenda, amended to remove Item C. The motion carried unanimously.

Councilor Weiss questioned whether language in Sections 1 and 2 of the Declaration of Official Intent to reimburse some expenditures from the Carr Lot development bonds (Item c), was internally consistent. The City Manager indicated he did not feel qualified to answer.

Councilor Weiss moved to table Item C, Councilor Hooper seconded. The Chair declared the item tabled until next meeting.

12-096. At 7:05, Councilor Jarvis moved that Jay White be appointed to another term on the Design Review Committee. Councilor Timpone seconded. The motion carried unanimously.

12-097. Councilors Weiss and Timpone, along with Planning Director Gwendolyn Hallsmith, spent a moment clarifying the structure and makeup of the Energy Committee before Councilor Timpone moved that all five candidates be appointed to the Committee. Councilor Weiss seconded. The motion was approved unanimously.

12-098. Councilor Weiss moved that Abby Colihan be reappointed to an additional term on the Tree Board. Councilor Timpone seconded. The motion carried unanimously.

12-099. Assistant City Manager Bev Hill spoke to the Council about the Regional Bike Path Committee before considering the appointment of James Sharp to the body. Hill gave some background on the bike path project and distinguished the Regional Bike Path Committee from the overall bike committee. She recommended the appointment of James Sharp, who had previously served on the committee.

At approximately 7:10, Councilor Timpone moved that James Sharp be appointed to the Regional Bike Path Committee. Councilor Hooper seconded. The motion passed unanimously.

12-100. City Manager Fraser took time to review the background of the Tax Stabilization request from Connor Brothers Stonecutters LLC, in regards to 575 Stonecutter's Way. The City Manager indicated that when the Council acted on the request, it also indicated that the applicant could return for the Level Four benefit if they could demonstrate that they met the employment criteria. Fraser indicated that they had indeed met the criteria, and recommended approval – noting that holding the matter over to the following meeting should not be necessary given that the matter on the floor was an amendment to the previous decision. Fred Connor came before the Council to answer questions.

Councilor Weiss questioned Mr. Connor as to how many employees of the facility were Montpelier residents.

Councilor Timpone moved the staff recommendation (to approve the level four benefit and defer the beginning of the contract to July 1, 2013). Councilor Hooper seconded. The motion passed unanimously.

12-101. At 7:15, Director Hallsmith, Joined by Planning Commission Chair Jesse Moorman, moved to the front to brief the Council on re-zoning process. Moorman recognized other Planning Commission members in attendance.

Councilor Guerlain expressed displeasure at having received so much supplementary information over email so soon before the meeting, which allowed insufficient time to review. He noted this is a recurring issue. Hallsmith and Moorman apologized.

The two then began an extensive and detailed discussion of the re-zoning process underway. Using maps and a power point presentation, Hallsmith and Moorman explained the relationship between zoning and the City Master Plan (noting that over 400 citizens were involved in the process of developing the Master Plan), laid out the working recommendations for rezoning to this point, noted features –such as the size and nature of buffer zones – that were still in development, proposed changes to the City's Design Control District, contrasted their working vision and

recommendations with current zoning, and explained their thinking in moving in the directions they were moving.

Hallsmith also reviewed the schedule for completing the re-zoning proposal, noting that the goal is to hold a public hearing on final product by September 24th, noting also that building code update and growth center designation deadlines were not far off.

Hallsmith and Moorman were joined at the table by Planning and Zoning Administrator Clancy DeSmet as questioning continued.

Councilor Hooper spoke with Director Hallsmith about the approach to parking for new housing. Hallsmith indicated she was inclined not to be overly directive on parking requirements and to let the market drive parking matters.

Chair Golonka and Councilor Guerlain expressed concern about the potential for city regulations that exceed equivalent state requirements, to be proposed without being specifically identified as such. In particular, Golonka and Guerlain noted the map's preliminary waterway buffers appeared to be in excess of what was required by the state. Hallsmith indicated that these were "bookmarks," noting that some were clearly not finalized (downtown), and that the particulars of the buffers had not actually been discussed yet. Golonka and Guerlain expressed their desire that any such proposals that deviate from state regulations be uniquely denoted. Hallsmith indicated she would draw attention to any such points of deviation, and suggested deviations may be appropriate at times.

Golonka further expressed concern that an extensive re-evaluating of buffer rules and regulations (in contrast to state designations) could be an inefficient use of City personnel and time.

The distinction and interaction between districts and designated neighborhoods was also discussed. Chair Golonka expressed concern that the two zoning categories could be confusing to developers. Hallsmith indicated she believed such a regime would be simpler than the present system, and that increasing simplicity was one of her goals in the process. DeSmet indicated that the neighborhood lines were "meaningless" from a regulatory standpoint, but that they may encourage neighborhoods to develop standards. Hallsmith also said she believes neighborhood-level sub-districts could make residents more invested and have the effect of minimizing resistance to development.

Councilor Timpone asked what zoning regulations are like in other cities. Hallsmith indicated that they varied, and that they were often far more complex.

Chair Golonka indicated that specific policy questions would be helpful for the Council to address at a later meeting.

Recommendations for “inclusionary housing” were discussed, and acknowledged as a potential major change for the city. Developments of a particular size would be required to include affordable housing units, or make a contribution to the Housing Trust Fund in lieu of the units. Director Hallsmith observed that Burlington does this, while Chair Golonka noted that such an arrangement would change the Housing Trust Fund guidelines, necessitating bringing that entity into the discussions.

Hallsmith discussed holding a contest for architects to design infill housing (new units built to fit into small or partial lots between existing houses, having the effect of increasing density, which is an expressed goal of the presenters).

Recommendations that parts of the City Historic Design District be expanded to encompass the National Historic Design District met with comment from City Manager Fraser, who expressed concern about homeowners’ reactions.

Councilor Weiss looked for clarification on the greater challenges of the zoning process. Director Hallsmith responded, and went on to contrast Montpelier’s situation (having surplus capacity with water, sewer) with other towns – and how that contrast puts the City in a good position to promote growth and development.

Presenters indicated they would formalize questions to pose to the Council for their next meeting, whenever the Council sees fit to bring them back.

Weiss wondered whether the council will be considering the details of implementation of a final zoning plan, or would they be reconsidering the fundamental tenets of the Master Plan. Hallsmith indicated the fundamentals were not planned to be reviewed.

Councilor Guerlain wondered whether requirements that developers provide affordable housing (pay into the Housing Trust Fund) came directly from the Master Plan. Councilor Timpone indicated that some of them came from the Barriers to Housing Report.

Councilor Jarvis expressed concern that some of the proposals might penalize or de-incentivize developers to modify vacant downtown spaces. Hallsmith suggested that care would be taken to prevent that from happening.

Some discussion of stormwater mitigation followed. Director Hallsmith noted the importance of buffers in the process, and the value of prevention over mitigation.

Councilor Weiss asked whether zoning regulations are generally adopted simultaneously, or can they be staggered over first few years. Moorman responded that they were generally adopted together, but that some pieces could be handled separately.

Councilor Guerlain wondered about the designation of property not in use.

At the end of the discussion, the Chair repeated the request that the presenters return with specific questions for the Council at a future meeting. City Manager Fraser took a moment to note the importance of zoning in city governance.

- 12-102. At 8:28PM, City Clerk John Odum shared the results of his discussion with Laurie Pecor at the Department of Liquor Control regarding the Council's desire to minimize extraneous paperwork during meetings, and what was legally acceptable in that regard as it pertains to catering requests and liquor license renewals.

Councilor Guerlain moved that the City Clerk be authorized to approve future catering requests. Councilor Hooper seconded. Councilor Jarvis offered a friendly amendment – that a 48 period in which the requests would be posted publicly before approval, to allow for public input – be added. The amendment was accepted. The motion carried unanimously.

Councilor Weiss advised that the Clerk stay conscious of the difference between indoor and outdoor permits. The Council and the Clerk agreed that questionable requests should still be brought before the Council.

- 12-103. Council reports began at 8:36PM. Councilor Hooper had nothing to report. Councilor Guerlain noted that LED streetlight prices had dropped dramatically. Councilor Weiss had no report. Chair Golonka had no report.

Councilor Timpone reported that she's had her first Recreation Department meeting, and noted that Times Argus reporter Keith Vance just became a father

Councilor Jarvis reported on her first Senior Center Advisory Board meeting, noting that everyone is impressed with the new department head. She also reported that 72% of center class enrollees are Montpelier residents, and only 9% are from towns that give no support to the Senior Center.

- 12-105. The City Clerk reported that no more index cards are being generated in the Clerk's office, now that vital records indexes are on a database.

- 12-106. The City Manager indicated he was making progress on District Heat and will have positive news to report during the discussion at the next meeting. He noted that proposals for the bike path bridge were due that Friday (the 13th). He also indicated that the City is trying to move as quickly as weather will allow on crosswalk painting.

Finally, Fraser reported that the Charter Change approved by the voters at the last Town Meeting Day had been passed out of the House Government Operations Committee unanimously

Councilor Jarvis moved for adjournment at 8:40. Councilor Timpone seconded. The motion was approved unanimously

Attest: _____
John Odum, City Clerk