

Minutes of the Montpelier City Council Meeting

July 18, 2012

City Council Chambers, Montpelier City Hall

Present: Council Members Golonka, Timpone, Weiss, Guerlain, Hooper, City Manager Fraser, Mayor Hollar. Assistant City Clerk Crystal Chase acted as Secretary of the Meeting.

The Mayor called the meeting to order at 6:30pm.

12-176. Mayor Hollar noted that Jana Clar from senior center had given the council and updated memo regarding item (h). Clar noted that they decided to go with a different offer, with a lower bid. Hollar noted that the minutes from June 27th city council meeting were not in packet and needed to be pulled.

Council member Guerlain requested that Items B, F and I be pulled from consent Agenda.

Motion to approve consent agenda with changes made by council member Weiss, Seconded by councilor Timpone. The motion was approved unanimously.

On Item (I) from the consent agenda, Councilor Guerlain voiced concern about funding another regional project.

In attendance for this item were Kevin Casey- City of Montpelier, Community development Specialist, Karen Whitchell & Ruthann Sullivan, member of the board for C.A.L.M. Casey was approached by CALM to possibly purchase building at 46 Barre Street. He noted that they are already currently in the building.

Whitchell testified that the project will contribute to the vitalization of Barre Street. In terms of operational costs, they are funded by the people who use the services. The money is federal money that comes from state and the state sends out.

Councilor Golonka questioned why the owner of the building was not the applicant. Whitchell indicated that the way the Vermont Community Development program works is that the organization seeking purchase is the applicant. We have a purchase and sale agreement extending out through the year.

Councilor Golonka asked how this matched up with the city's goals & objectives; he also wanted to know if there were any matching components required from the city. Casey replied that in the master plan it is outlined to create new community centers and this goes in line with that. This support will help ensure long term stability and that this asset is not lost.

Councilor Weiss asked who the 30,000 goes to, and Casey responded that it goes to CALM to fund the feasibility study and predevelopment activities. Weiss inquired further as to the city's involvement - does CALM hire personnel, do the reports and the accounting? Casey responded that, yes, they do. City Manager Fraser noted that these types of grants have to go to and through the community so we would have to do some of the reporting

In response to a question from Councilor Guerlain, Sullivan indicated she was not aware of any plans to come to city for operational funds at this time.

Councilor Weiss moved to approve the request, Councilor Guerlain seconded. Motion passed 5-0.

- 12-177. The Council discussed the appointment of Alternate to the EC Fiber Board. Councilor Golonka questioned why the council was spending time looking at this if nobody can see this project coming to Montpelier. Mayor Hollar concurred, recommending appointment for now and further consideration at a later date. Councilor Hooper made a motion to approve Rob Chapman to the board with a second from Councilor Guerlain. Motion passed 5-0.
- 12-178. After a brief discussion with Development Review Board candidates Harvey Golubock and James LaMonda regarding their qualifications, Councilor Golonka moved that the Board enter into Executive Session to discuss, as allowed under statute. Councilor Timpone seconded. The Board approved the motion unanimously and entered Executive Session at 6:58pm. At 7:04, Councilor Weiss moved the Council return from executive session. The motion was seconded by Councilor Golonka and approved unanimously. Upon their return, at 7:04pm, Councilor Guerlain moved to appoint Phil Zalinger, Roger Cranse, and James Lamonda with 3 year terms, Harvey Golubock with a 1 year term and Joshua O'Hara as an alternate. Councilor Weiss seconded. The motion carried unanimously.
- 12-179. Greg Gossens presented a power point presentation with images from various places with "parklets". Noting that they generally take up between 1-2 spaces, they would be a seasonal and the owner of the parklet would be responsible for maintenance and storing the parklets through the winter months. They generally take only 1 day of construction and can be either public or private. He believes this has great potential for our city and could even generate some revenue. In his discussions with some downtown store owners, they were enthusiastic about the idea. He explained that the typical cost of a parklet was between \$8-12,000. They are looking at trying to do four different parklets in town as a pilot. It would be up to the applicant to go the surrounding properties for approval and come to us with the locations. He indicated they are looking to see if the council will support us in moving forward and working with staff and if you have a preference in public/private.
- Councilor Golonka indicated his strong preference for private parklets. Councilor Timpone indicated she was supportive, but wondered how business owners would feel about losing parking spaces. She also hoped they would be spread out and not clustered.
- Councilor Guerlain questioned if State Street would be wide enough for parklets on both sides and asked what the fee would be. Gossens replied that, yes, the street is wide enough, and their working assumption was that the fee to be what the parking meters would incur over the months used plus 20%.
- Mayor Hollar commented that they would be a great addition to our downtown and spoke appreciatively of the work that has been done. He preferred private sections as oppose to public.
- Downtown business owner Cindra Connison (owner of The Perky Pet) liked the idea, but was opposed to losing any parking spaces.
- Mayor Hollar added that it seems like a great thing to move forward and look into, and that he didn't see any "red flags."
- 12-180. Gregg Guyette addressed the Council, indicating that Montpelier Alive has been having conversations about priorities for the organization. In terms of staff time and expense there are two major festivals that take place, one being the July 3rd event and the other First Night. With comparable expense and time, July festival serves around 15,000, while first night only serves around 2,000. It has a high expense with relatively few served. In looking for a more cost effective approach, they have decided to change the model of the celebrations. The intention is

to continue to have all the favorite activities, but to look to the surrounding venues to host their own events. With scaling back on that, MA is looking to have a winter carnival in February.

MA Director Phayvanh Luekhamhan added that they want to make sure that we have great festivals that work and have the greatest impact on the community - and in order to prioritize marketing Montpelier more, they need to cut back in other places. The Winter Festival will kick off Feb 1st with a formal "Snow Ball" followed by various dance workshops, a scavenger hunt, an obstacle course, etc.

- 12-181. Councilor Timpone reported that the committee of council members (Golonka, Guerlain, Timpone) was formed to meet with residents and staff regarding the health concerns from residents in the area about the transmissions from the antenna. She indicated the Health Department did come and do an RFR reading and the city was in compliance with regulations, but that residents were still concerned. The committee came up with the recommendation to reduce the amount of readings from the antenna from every 30 seconds to every 3 minutes, with the understanding that this reduction would decrease the transmission by 80% and cost the city about \$400.00. Overall, Timpone felt that the issue wasn't settled yet, and that the committee needed to look further into it and come up with better options.

Councilor Golonka noted that they did look into the options of transmitting through cable line, but that would result in a much higher cost to the city for initial set up and change of software as well as a monthly charge for service. He believed that the reduction of the transmissions was a great first step. Councilor Timpone added that they also looked at the option of a phone line, rather than a radio antenna - which would have the initial upfront costs of about \$5,000 and a monthly cost of about \$20.

Councilor Guerlain commented that the current system is robust, reliable and paid for and compliant with regulations. He noted the city was replete with radio frequency devices such as cell phones and the like, and that this is only one radio source that was under discussion.

Resident Lara Merchant indicated that she appreciated the work that has been done, and that her concern is only this antenna because it is 50 feet from her daughter's bedroom. She indicated she did not feel the committee had done all they could and felt like the committee could've better worked with the residents. She wanted the committee to explore more options. As far as the committee's recommendation, the antenna is still there and therefore still too frequent. She felt the committee's recommendation was more of a zero-sum ultimatum.

Heather Boucher- Resident of Hebert Road, testified that she understands the costs, but noted that the antennas unique proximity to residencies made the case unique. When she wondered where the proposed number of polling times came from, Councilor Golonka replied that Tom Allen told them it was unadvisable to poll less than every three minutes, as doing so jeopardizes the response time of city crew and could result in sewage overflows. Golonka responded to Ms. Merchants "ultimatum" feeling, stating that they didn't mean to make her feel that way; it was just what they thought they could do at this point.

Councilor Weiss suggested the Council ask Public Works Director Todd Law to speak with the experts, staff and residents as necessary, and to come back no later than August 8th with a firm recommendation.

Councilor Guerlain moved that the existing committee, residents and staff continue to work on this with vendors and experts to develop other options. Councilor Weiss's suggested amendment that this was a "starting point," adding that effective as soon as possible, the city should reduce polling to the rate of every three minutes as recommended by committee - was added. Also

added to the motion from Councilor Timpone was a notation that meetings be properly warned for the residents, and that the city will have the health department come out and retest the reduced rate.

Councilor Golonka seconded the motion, which passed unanimously at 8:16.

- 12-176 (l). At 8:18pm, the Council took up an added item from the Quirky Pet on State Street, with Richard Sheir and Cindra Connison representing the store. The owners requested permission to proceed with a piece of 3-D public art that would cover 3 sidewalk slabs next to the window. After some clarifying discussion about pedestrian access, Councilor Timpone moved to approve the request and Councilor Hooper seconded. The motion passed unanimously.
- 12-182. Police Chief Tony Facos addressed the Council to discuss his proposal for a special disabled persons parking ordinance as part of the first public hearing required under the Charter. Chief Facos entertained questions about enforcement and the relevant State laws. He also advised that guidance on the specific wording (e.g. disabled, handicapped, etc.) in ordinances may require some alteration to ordinances at a later date.
- 12-183. Mayor Hollar began a discussion on his proposed guiding policy on city services, worded as "City agencies and non-profit entities that provide services to residents of Montpelier and surrounding towns shall, as a condition of receiving funds from the City of Montpelier, ensure that per capita costs of services are reasonably apportioned between the City of Montpelier and Montpelier participants, and other communities and non-resident participants." In response to questioning from the Council, he suggested it would be a soft policy guiding approach, rather than a hard and fast requirement. Councilor Golonka expressed concern that the word "shall" may make it a harder and faster policy than intended. Councilor Guerlain expressed concern about the breadth of impact on non-profits. With a nod to these concerns, the Mayor restated the intent of the policy to create a fair funding system for services that extend to non-Montpelier residents.
- Councilor Weiss advised the policy needed objectives to make it more impactful. City Manager Fraser relayed questions on the policy raised by staff. It was noted by several Councilors – as well as the Mayor – that the policy will be subject to differing interpretations.
- Councilor Weiss moved the policy be approved.
- Jenna Clar, Director of the Senior Center, addressed the Council on the matter, expressing concerns about the implementation, wondering who would make decisions on implementation, how the decisions may be made, and asking whether there may be support from the City staff in meeting any guidelines. Councilor Guerlain acknowledged the points, and raised questions about how the policy may be applied to services such as police.
- Councilor Golonka seconded the motion, subject to the adding of the phrase "reasonably strive to" to the policy.
- Jean Kern, 23 Cliff Street, addressed the Council. She expressed concerns about the practicality of, and the justification for, going to other towns for funds for Montpelier services that are open to non-residents.
- Ed Oravec of Cliff Street expressed concerns about the vagueness of the policy and what its implications may be. He also expressed concerns over the impact on nonprofits in Montpelier, as well as the City's reputation.

The Mayor called for a vote, and the motion passed unanimously. Councilor Weiss called for a further meeting to work out the policy's parameters. The Mayor indicated the Council would do so after hearing back from staff. The Council then took a brief recess.

- 12-184. The renewed discussion of the proposed formation of a Montpelier Community Fund began with a request for technical clarification from Councilor Guerlain. Jean Kern then rose to ask about the reasoning behind the proposal both generally, as well as the \$100,000 specifically, questioning whether the approach was consistent with the Democratic process and whether or not it set city nonprofits against each other.

Mayor Hollar responded that the policy would not lose the right to put financial requests on the ballot, but that this proposal could create an alternate way for nonprofits to approach the taxpayers for support, in the process minimizing the number of those requests that end up on the ballot. He noted that Plainfield and Marshfield have similar processes. Kern was concerned that the proposal would not be subject to a popular vote.

Councilor Golonka compared it to the Housing Trust Fund, which he characterized as successful. He also expressed the opinion that it would make for a more efficient and clarifying process. Councilor Timpone indicated she had heard complaints about the number of ballot items, and that this proposal would respond to that desire.

A discussion followed clarifying application deadlines, impacts of passed ballot items on funds, and the disposition of excess funds. Councilor Weiss moved that the policy be approved, Councilor Golonka seconded. After consideration (and rejection) of a friendly amendment from Councilor Golonka regarding recruitment of board members, the motion carried unanimously.

Councilor Weiss asked that the City Clerk come up with the critical dates, and that the committee be carefully tasked.

- 12-176 (b). Councilor Guerlain expressed concerns about boundary delineators and plants on item 6 of the proposed permit for outdoor seating within the public right of way. He also expressed concerns about the implications of the City Noise Ordinance. Councilor Weiss quoted from a Times Argus article relating to Waterbury, where advice was given by a municipal insurance carrier to avoid allowing alcoholic beverages.

Councilor Guerlain moved to table the motion.

- 12-176 (f). City Manager Fraser reviewed the VEDA loan for the District Heat project, which was approved by voters. Councilor Guerlain asked for clarification about the "unanimous" language. He also asked about the "loan agreement," noting that the term was not defined in the document. Councilor Golonka referenced a recommendation from City Attorney Paul Giuliani protecting the City from liability should the City not proceed with the project to insure the concern was addressed.

The City Manager noted that the questions are better asked of Giuliani. Councilor Golonka suggested the item be approved contingent upon assurance that the Giuliani concern is addressed.

Councilor Guerlain asked about language under the tax certificate, item 6 - saying that the City "will" enter into an agreement, rather than "may," which he felt was more accurate (an objection the City Manager supported). He also noted a typo ("workon" beginning the fifth line down of the same page). Guerlain also asked about implications of item 11, and had more questions about the loan terms and implications relating to when the project becomes "cash positive."

Councilor Golonka expressed further concern about potential liability if the City accesses these funds and then decides not to complete the project. City Manager Fraser reviewed a previous memo in which he explained the genesis of some of the loan language that raised the concerns of some Councilors on the matter, as well as the possibility of a debt being on the City's books even if they were not required to repay some amount.

In response to a question from the Mayor, the City Manager indicated that the Council can wait on approving the item, but that short-term borrowing of \$250,000 would have to come from the City's General Fund.

Councilor Golonka moved approval contingent on confirmation that Attorney Giuliani's concerns are addressed. Councilor Hooper seconded. The motion passed 4-1 with Councilor Weiss voting no.

- 12-187. Councilor Weiss shared three requests for August 8 agenda topics. First was the issue of a City Charter Committee. Second was the proposed November vote on reapportionment. Third was to be the process for appointing a Council replacement for Sarah Jarvis, but he deferred to the Mayor who broached the topic immediately.

Mayor Hollar recommended that candidates be interviewed on August 8th and that the appointment be made at the following meeting. The City Manager raised the possibility of interviewing and deciding on the 22nd. The merits of either approach were discussed. Councilor Weiss stated his belief that any potential candidate should file ("informally") 25-signature petitions (registered voters), as candidates on Town Meeting Day do. He also suggested they be called on to submit statements in writing regarding their interest, commitment, and history with the city. Councilor Weiss's recommendations were accepted, with documentation due in the City Clerk's office by close of business August 15th for a full discussion and final vote on August 22nd.

Councilor Timpone reported that the ADA Committee was holding an accessibility public awareness event at the Farmer's Market on Saturday from 10:30 AM to 12:30 PM. She also reported the State Street Slam basketball tournament will be closing registration soon.

Councilor Guerlain spoke positively of the recent flurry of neighborhood block party events. He also noted the good time he had at the recent Barre Street Pancake breakfast.

Councilor Guerlain shared concerns about City Hall staffing levels surrounding the recent transitioning staff, expressing the desire to discuss it further. He also wondered whether the Council should be discussing the implications of marijuana dispensaries. Guerlain also questioned what the next step on the City Council goal discussion and follow up would be. Mayor Hollar concurred that there should be a process of follow up. The City Manager went over the process among staff to track progress on Council goals. Councilor Weiss spoke approvingly of the periodic goal status reports from the City Manager.

- 12-190. The City Manager noted that he had followed up with the owner of the Carr Lot as directed. He also indicated that the Fire Chief will act as City Manager in his upcoming absence, if needed.

To discuss items relating to City Contracts (Carr Lot, District Heat, Fire Union Negotiations, water negotiations with the Town of Berlin), the Mayor entertained a motion from Councilor Golonka to enter executive session. Councilor Hooper seconded. The motion was unanimously approved at 10:16. At 10:25, Councilor Weiss moved to come out of executive session. The motion was seconded by Councilor Golonka and approved unanimously. At 10:26, the Council emerged from executive session. Councilor Weiss moved to adjourn the meeting, Councilor Golonka seconded. The motion was unanimously approved.