

**Minutes of the Montpelier City Council Meeting
June 13, 2012
City Council Chambers, Montpelier City Hall**

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

At 6:35PM, Mayor Hollar called the meeting to order.

Councilor Timpone moved that agenda item 7 be tabled. Councilor Golonka seconded. The motion passed unanimously at 6:35.

12-142 Under General Business, resident Diane Wright rose to speak about the new crosswalk signals. She indicated she was speaking on behalf of herself as well as David Kelley, Jim Sheridan, Gaston & Fairbanks, and her “friend Stephanie who has a business.” Wright indicated her sleep and piece of mind have been negatively impacted by the new system, but also indicated it had improved in the last day (she thanked Tom McCardle for the changes). She noted that an autistic boy she cares for has also been negatively impacted and expressed a desire to hear from the visually impaired community, for whom the new system is intended to benefit.

Resident Stephanie Johnson said she still has a headache from the “cuckoo clock” crossing tone, and indicated it has been bothering her in her massage office. She felt that people can’t understand the various beeps and audio commands, and suggested she’ll have to move her business if there aren’t changes.

Ellis Backus of Cool Jewels suggested that the signal doesn’t fit in in Vermont or America. He further suggested the lights’ deployment was a governmental action taking us “deeper into [George Orwell’s] 1984.”

At the request of Diane Wright, the Mayor put the crossing light conversation on hold until after 7:00 to avoid confusion for people who thought the meeting started at 7:00.

12-143. At 6:47, the Council took up the Consent Agenda. Fred Bashara approached the Council to discuss item D1. Bashara was concerned about the potential impact on his businesses of an extended closure of the streets specified in the agenda item.

Montpelier Alive Director Phayvanh Luekhamhan indicated that the street closure request was consistent with previous years. Councilor Golonka disputed that, noting that the street was closed during parades, but that the theater and the parking lot were never closed off the way that item D1 would authorize (and if it had been, it had been done without Council approval). Bashara expressed the hope that, in the future, business owners would be notified about comparable agenda items, noting that he only

discovered it when Councilor Golonka brought it to his attention. It was suggested there may have been some confusion surrounding the request.

The City Clerk added a new liquor and tobacco license request from Meadow Mart onto the Consent Agenda.

Councilor Golonka moved for approval of the Consent Agenda minus item D1. Councilor Jarvis seconded. Motion passed unanimously (6:57 PM).

- 12-144. At 6:58, Councilor Jarvis moved that Alex Hoffmeier and Shawn White be appointed to the Conservation Commission. Councilor Golonka seconded. The motion passed unanimously.
- 12-145. A discussion on Item 5 began, noting that the yet-to-be-formally appointed Budget Study Committee had just met in an informal capacity, and were joined by the City Manager who went over meeting requirements. Carl Johnson came before the Council as a Committee representative to speak. He looked to the Council to formalize the group membership and charge. The Mayor (and other Council members) agreed with the need for clarity, noting – along with Councilor Golonka – that media coverage of the committee’s development had not been accurate.
- Councilor Timpone suggested a Council member be appointed to the committee along with the list of names proposed. She also broached the topic of staff participation, with City Manager Fraser advised against.
- Councilor Weiss began a discussion as to whether or not it was appropriate for the committee to compare and contrast the city’s budget with comparable municipalities, asserting his belief that no two communities are truly comparable. Councilor’s Guerlain, Jarvis and Golonka disagreed with the assertion.
- There was some discussion over whether the committee should be tasked with collecting data only, or also making budgetary recommendations to the Council. Mr. Johnson urged the Council to include recommendations into the charge, noting that there would likely be recommendations regardless. A discussion followed on the particular of the timing and format of the committee product.
- The Mayor noted that the self-selected group that was to make up the formal committee after Council action (including John Bloch, who had also indicated his desire to be a member) was a talented group of people from different backgrounds.
- Councilor Weiss advised strongly against a Council Member being a member of the committee, and there was consensus that a Council liaison would be appropriate.
- The Mayor proposed the following charge for the committee: The committee will be charged with comparing the costs and effectiveness of Montpelier’s

municipal services with those provided by comparable communities. The committee is authorized to make any recommendations it believes are appropriate, related to its charge. The committee is requested to supply a report to the City Council by September 17th, 2012.”

At 7:23PM, Council Weiss moved “that we approve the charge of the committee as presented by the Mayor; that we appoint these members including John Block, and appoint Tom Golonka as Council Liaison.” Councilor Hooper seconded. The motion was approved unanimously.

- 12-142 The Mayor directed the meeting back to “General Business” to complete the discussion of the new crossing light/sound. With no further public input, the Council moved into its own discussion of the issue. The City Manager noted that a full discussion would need to include representatives from the Department of Public Works, as well as the visually impaired community. He noted the federal accessibility guidelines that direct decisions in the matter, and noted that updated restrictions go into place according to the regular replacement schedule of the equipment, accounting for different towns implementing such audio-driven crosswalk systems at different rates and times. He noted that different tones had been tried, and that city staff had been caught off guard at how “over the top loud” the initial deployment was. He offered an apology for the inconvenience.

Fraser also noted that since the latest adjustment in volume, there had been no complaints.

Councilors Golonka and Timpone expressed a desire to talk about it further. Golonka noted he had received more complaints than he had over the Scott Construction overpayment of a few years back. Timpone repeated the need to involve advocates for the visually impaired. Mayor Hollar expressed a desire for more clarity on the legal requirements, while Councilor Jarvis responded that decisions on the final status of the system should be based on results, rather than legal requirements.

When the discussion moved towards the details of how and what could be further adjusted immediately, Councilor Weiss noted the Council was veering into what he saw as staff responsibilities, rather than policy. He then moved that the item be tabled, with an additional recommendation the City Manager come back with a report on the matter at the next meeting. Councilor Hooper seconded and the motion carried unanimously (7:34 PM).

- 12-143d. The Council returned to consent agenda item d, as Director Luekhamhan returned with Sgt. Wade Cochran of the Montpelier Police Department. Cochran explained that, in the past Taylor Street Bridge was closed for Independence Day celebrations, and that had worked well for pedestrian traffic. He indicated that they had allowed some access into the parking lot and onto Taylor Street, and that too had worked well.

Councilor Golonka repeated his concern that this action had been previously taken without Council approval. Cochran noted that Taylor Street had only

been closed for a short period of time, but that the PD would work with whatever the Council decided.

- 12-146. At 7:44, the Council began a discussion on whether to instruct staff to develop a permitting regime for downtown restaurants who wish to have outdoor seating on public sidewalks. City Manager Fraser likened it to the vendor licenses the City currently makes available (and Councilor Weiss advised that the policies be comparable).

Councilor Jarvis suggested staff look to Kent Ohio's policy for guidance, and to consider liability issues. Mayor Hollar suggested staff look at policies surrounding Burlington's Church Street Marketplace.

The Council agreed informally that staff should pursue an outdoor seating policy.

- 12-151. The Council took up item 11 – the draft statement regarding Berlin Pond.

At Councilor Weiss's question, Planning Director Gwendolyn Hallsmith explained what a Conservation District was. After clarification, Councilor Jarvis moved for approval of the draft statement. Councilor Weiss seconded. The motion passed unanimously at 7:57.

Nat Smead rose to ask if the last portion of the approved statement constituted some sort of surrender. The Mayor said the City had come to understand that the State would not give them the support they had been looking for. He also indicated that a date had not been settled on for a formal meeting with the Berlin Selectboard.

Fraser indicated that, while he couldn't speak to the particulars of testing, he would be informed if water quality issue comes up in the City's water system (he had not been notified of any).

Councilor Golonka noted that the issue is ongoing, and the Council can revisit its statement in the future.

- 12-148. At 8:02, the Council took up the issue of outside agency funding. The Mayor expressed concern about the current ballot-driven process, saying that voters are not able to inform themselves about ballot funding requests, and that there is no capacity to monitor or audit the use of public money in this context.

As an alternative to organizations seeking funding on the ballot, Mayor Hollar proposed create a \$100,000 fund and form a committee that would be charged with deciding how to allocate that fund based on what's been approved in the past. Personal contributions to the fund (which would not encompass library requests) could be encouraged. There was some discussion of strategies to insure fund recipients didn't then ask for further money on the ballot as well (a Council statement to that effect, funding from

the pool could include a stipulation against requesting money from the ballot, deadlines could be structured to make that difficult, etc).

Councilor Hooper suggested the Council wait a year to gauge what the impact of the recently passed charter change raising the threshold for access to the ballot from 5% of voters to 10%. Councilor Weiss noted that the Council did adopt a statement of policy on the matter recently.

Councilor Golonka expressed support for the Mayor's proposal. Councilor Guerlain had questions about how money would be awarded. Councilor Jarvis believed it was worth trying, while Mayor Hollar speculated that this could be a boon to organizations because the ballot process was burdensome. Councilor Weiss suggested forming a three member committee to review and make recommendations, and do so no later than the second meeting in August.

There were concerns about auditing grant recipients. Councilors Jarvis and Weiss suggested that expecting a presentation from recipients could be satisfactory.

The Mayor noted that Plainfield and Marshfield have similar processes in place.

The City Manager advised the Council move cautiously, so as not to adversely impact agencies.

Councilor Weiss moved that the Mayor "appoint a three person council committee to review and make recommendation on the proposal before us and to do so no later than the second meeting in August." Councilor Guerlain seconded.

Councilor Golonka noted there was a similar process for Rotary grants. Councilor Jarvis questioned whether the organizations were similar enough to be comparable, and Councilor Golonka believed them to be.

At 8:24, the motion was voted on and approved unanimously. Mayor Hollar, Councilor Hooper and Councilor Weiss agreed to serve on the committee.

- 12-149. Item 9, the discussion of policy concerning equity of services, fees, and costs for city services serving non-residents, was initiated. A wide-ranging discussion followed, with Councilor Timpone noting that the entities in question (the Senior Center, Library, etc) are all different, Councilor Golonka expressing concern that any changes they make may not have teeth, City Manager Fraser noting the challenging nature of measuring the differential between the costs borne by residents vs. non-residents, and Councilor Guerlain's speaking out against the City being the "trough of last resort."

After Councilor Weiss added that such a policy was desirable, Mayor Hollar indicated he would work on crafting something more specific, noting that he believed the city had been "cavalier" on the matter. When Councilor Jarvis

took issue with the “cavalier” characterization, the Mayor referred to his frustration over the fact that only .7% of the Senior Center budget comes from other towns.

Assistant City Manager Bev Hill reviewed the history of the Senior Center, and the ongoing attempts to secure funding from the surrounding towns it serves. She contrasted these efforts against the Recreation Department which doesn’t do comparable work to secure funds.

Hollar indicated he would work with the City Manager on a formal proposal.

12-143d. At 8:45 PM, the Council returned to the Taylor Street closure (Consent Agenda Item d). Councilor Jarvis asked what the impact would be if it were only closed during and after fireworks to manage traffic. Councilor Golonka believed that would not likely be an issue.

Council Weiss asked about the protocols regarding business owners and street closings. City Manager Fraser indicated that businesses are given notice, according to protocol. Councilor Golonka observed that Bashara had not received notice, and Councilor Jarvis noted that the procedure around municipal events has been different.

Councilor Jarvis expressed the view that serving notice of the proposal now for discussion at a further meeting would be inefficient, since there is one effected business owner who had spoken at the beginning of the meeting already. Councilor Golonka insisted that the notice was inadequate to allow for considered commentary before the Council (Golonka disclosed that Bashara is his father-in-law).

Councilor Guerlain moved that the item be discussed at the next meeting, and that affected persons be given notice. Councilor Golonka seconded.

Councilor Jarvis voiced the opinion that an inordinate amount of time had already been spent on the matter, which would be more appropriately handled by staff. Mayor Hollar replied that he was responding to the desire of the Council to engage in the discussion.

It was agreed that approaching Mr. Bashara prior to the next meeting to work out the details in advance would be desirable.

At 8:50 PM, the motion passed unanimously.

12-152. Councilor Weiss recapped the recent Energy Advisory Committee meeting, which covered topics such as district heat, micro-grid, PACE, carshare energy, and created new subcommittees on energy generation, transportation, smart grid, and capital area neighborhoods.

Councilor Jarvis commented positively on the new sidewalks, as well as noting the new Thai take out restaurant.

12-155. City Manager Fraser repeated that he would find a date for a Berlin meeting on the pond issue. He also noted that Bev Hill would be retiring after June 30, and would return in a part time capacity in August.

After some discussion of the summer calendar, it was decided that July 11th would be the only City Council meeting in July.

Councilor Weiss reminded the City Manager to be sure the Berlin meeting has enough seating.

12-157. At 8:59, Councilor Jarvis (citing statute) moved that the Council go into executive session to discuss an acquisition of real estate. Councilor Hooper seconded. The motion passed unanimously.

At 9:19, Councilor Weiss moved to come out of executive session, Councilor Guerlain seconded. The vote was 6-0 in favor of the motion.

Councilor Weiss moved to adjourn, Councilor Timpone seconded. The motion passed unanimously.