

Minutes of the Montpelier City Council Special Meeting
June 5, 2013
Montpelier City Hall Council Chambers

In attendance: Mayor John Hollar (presiding), City Manager Bill Fraser, City Councilors Jessica Edgerly Walsh, Thierry Guerlain (via webconference), Alan Weiss, Andy Hooper, Tom Golonka and Anne Watson. City Clerk John Odum acted as Secretary of the meeting.

Mayor Hollar called the meeting to order at 6:34PM.

13-147. The Mayor explained the agenda item and opened the evidentiary hearing concurrent with the opening of the meeting. The witnesses giving testimony (City Manager Bill Fraser, Jeff Tucker, Larry Martin & Alan Palmer) were sworn in by the Mayor (called to hear testimony and consider the necessity, and possible compensation to be paid, for acquiring lands and rights in land for public purposes, namely a Multi-modal Transportation Center, pursuant to 24 V.S.A., Â§2801 et seq. The lands considered at this hearing are located on Taylor Street and are owned by the Allan R. Carr Revocable Trust.

First to give evidence was City Manager Bill Fraser. He referenced a memo outlining his arguments, and indicated that Jeff Tucker would follow him to review the survey. City Manager Fraser reviewed the city's need for the Carr Lot. Fraser also reviewed the history of the site selection process, as well as the city's attempts to secure the site.

Mr. Tucker entered two pages of surveys and two pages of site plans into the record as exhibits A-1, A-2, B-1 and B-2. Mr. Tucker then reviewed the exhibits.

City Manager Fraser offered his written materials into the record as exhibit G.

The City Manager was joined by Larry Martin (whose credentials and background as an appraiser are included in exhibit F - an appraisal of the lot - which was entered into the record). Martin reviewed some of the appraisal's content, methodology, and conclusions.

City Manager Fraser briefly discussed the environmental reviews of the site and the retaining wall. He added that there is one outstanding soil test, which was the only outstanding piece of data that could yet impact the assessed value of the property. The results are expected next week.

Jeff Tucker returned to the table to assist the City Manager in responding to the Mayor's questions about transitioning the site from its current use as a parking lot for the state.

Alan Palmer from the state's Building and General Services Department testified, and was joined by Jacob Humbert from the Attorney General's office. Humbert appeared to testify only on the question of damages related to the state's lease on the site. Palmer

reviewed the current lease on the lot held by the state. The lease was entered into the record as States 1.

Palmer also discussed improvements the state has made to the site.

States exhibit 2 was entered (the City Center lease) into the record as a comparison. Under prompting from Humbert, Palmer reviewed States exhibit 2.

Humbert indicated (and explained the basis for) an estimated damage claim which he believes should attach to the city if the city were to terminate the lease upon taking ownership of the lot. The Mayor indicated that this was not consistent with commitments made to him by representatives from the state on numerous previous occasions. Humbert countered that an acquisition by eminent domain would allow the state to claim damages, whereas a commercial transaction would not.

In response to a question from Councilor Edgerly Walsh, Palmer reviewed the parking challenges faced by the state in Montpelier.

The Mayor reminded Humbert and Palmer that the city's planning for the site predated the state's lease by several years.

Councilors Guerlain and Edgerly Walsh questioned Humbert's figures in determining potential damages. Humbert granted that the ultimate damage figure could be different.

Councilor Golonka asked about comparable leases at National Life. Palmer indicated he did not have that data available.

Councilor Watson questioned the validity of the basis for the damage calculation, given the inconsistencies in the parking supply for state workers.

Councilor Edgerly Walsh and Golonka asked questions raising the potential value of the city's planned transportation hub to the state in providing for its employees.

The Mayor swore in Allan Carr, property owner. Mr. Carr testified that he felt the appraisal was too low, that he had received offers for leases as long as twenty years, and that he would fight any eminent domain seizure in court.

The Mayor recessed the public hearing at 7:49PM.

Jay White rose to comment. Mr. White referenced the other properties identified as part of the overall project, wanting to know whether the project would go forward if the Carr lot was acquired, but the other parcels were not. City Manager Fraser replied that, while the city was confident it would acquire the properties, there may be options without them (although the Bike Path funds assume the additional properties would be acquired). White expressed his concern that these additional acquisitions could become problematic.

Councilor Edgerly Walsh responded to Mr. White, expressing her view of the necessity of the project.

Danny Cohn testified to his discomfort with the condemnation by eminent domain. The Mayor replied that no one was comfortable with this proceeding and reviewed the reasoning behind going forward with it. Cohn expressed frustration that a prior building project proposed by Mr. Carr's had been rejected, as well as noting that there was no guarantee that Greyhound would utilize the transit center.

State Representative Mary Hooper spoke in support of the project, noting how long it had been under discussion. She also referred to discussions in the legislature about the need to promote transportation alternatives for state employees in Montpelier. Hooper further reminded the Council that many state employees were scheduled to be relocated to offices in other towns which would have the effect of lessening the parking pressure.

The Mayor noted that 262-6251 was the call-in number for comments from television viewers.

Tim Heney noted how long the project had been discussed, adding that he wasn't convinced of the necessity for this specific project, and that eminent domain was inappropriate.

City Manager Fraser made some quick responses to some of the comments. He noted that the approved project does include all four properties, so working with only the Carr Lot would require amendments. He also indicated that the sequence of acquiring the properties is necessitated by the federal approval. Fraser also indicated that, despite the length of the discussion, the city has only been able to move forward with acquisition relatively recently. Finally, he spoke to the city's efforts to negotiate a purchase price, and the limitations created by the professional assessment.

Mr. White spoke again, asking who would own the proposed transit center. Fraser replied that the city would own the transit center, and that a private interest could potentially own the upper floors. White expressed discomfort at the idea of transferring any portion of a seized property to another private entity.

Councilor Edgerly Walsh echoed the comments of the Mayor and the City Manager that this was a significant and uncomfortable discussion.

Councilor Golonka moved that the council go into deliberative session and invite the city's attorney. Councilor Edgerly Walsh seconded. The council passed the motion unanimously at 8:19.

At 8:45 PM, Councilor Weiss moved that the Council return to open session and adjourn. Councilor Guerlain seconded the motion, which carried unanimously without discussion.