

On Wednesday evening, March 11, 2009, the City Council Members met in the Council Chamber.

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

Call to Order by the Mayor:

Mayor Hooper called the meeting to order at 6:00 P.M.

EXECUTIVE SESSION ...

- 09-054. Consideration of an Executive Session, in accordance with Title I, Section 313, Subsection (a) for the purpose of discussing a personnel/contractual issue (City Manager's Annual Evaluation and Employment Agreement.) *(Possible Voting Action)*

After proper motion the City Council members went into executive session in accordance with Title I, Section 313, Subsection (a) for the purpose of discussing a personnel/contractual issue (City Manager's Annual Evaluation and Employment Agreement).

After proper motion the City Council came out of executive session in accordance with Title I, Section 313, Subsection (a) for the purpose of discussing a personnel/contractual issue City Manager's Annual Evaluation and Employment Agreement).

Opportunity for three City Councilors to be sworn in if they haven't already done so with the City Clerk prior to this meeting. City Manager's Annual Evaluation and Employment Agreement).

Prior to opening the public portion of the meeting Mayor Hooper swore in Council Members Jarvis, Glonka and Sheridan.

PUBLIC PORTION OF MEETING BEGINS ...

- 09-055. Election of President, Vice President and Parliamentarian of City Council V.A.

Council Member Sheridan nominated Council Member Golonka for President; Council Member Sherman seconded the nomination. Council Member Golonka was elected President of City Council on a vote of 5-0.

Council Member Sherman nominated Council Member Jarvis for Vice President; Council Member Sheridan seconded the nomination. Council Member Jarvis was elected Vice-President of City Council on a vote of 5-0.

Council Member Golonka nominated Council Member Weiss as Parliamentarian; Council Member Sherman seconded the nomination. Council Member Weiss was elected Parliamentarian of City Council on a vote of 5- 0.

- 09-056. General Business and Appearances

None.

- 09-057. Consideration of the Consent Agenda: V.A.

Consideration of the minutes from the February 25th, 2009 Regular City Council Meeting.

Approval of a "Finance and Maintenance Agreement" between the State of Vermont, Agency of Transportation, and the City of Montpelier for paving construction projects known as "Montpelier STP 2618(1) & NH 2604(1)". These highway projects, combined under a single contract, involve US Routes 2 & 302 which are municipally owned, class one, town highways. The road segments are locally known as Bailey Avenue, Memorial Drive, Berlin Street, River Street and the East Montpelier Road. The Finance & Maintenance Agreement includes a project description, assigns project responsibility and state/municipal cooperation, use of municipal facilities, relocation of municipally owned utilities, assigns post-project maintenance responsibility, and outlines the allocation of funds. Funding is 100% State and Federal (State: 18.92 %; Federal: 81.08%) while Montpelier is responsible for 100% of all non-participatory costs such as requested sidewalk work, and adjustment of city-owned utilities. A cost estimate of the City share is included in the FY '10 CIP Budget.

In addition to resurfacing, other notable project highlights include the removal of four of the five existing over-head and lighted route signs replacing them with ground mounted installations. This will be done at no cost to the city, thereby eliminating a financial liability for these currently sub-standard structures and costly lighting bills. A second cost-saving benefit is the replacement of traffic signal loop detectors currently imbedded in the pavement with cameras for video presence detection of vehicles.

Recommendation: Approval of the agreement and designation of the City Manager to execute the agreement, on behalf of the City Council, as the duly authorized agent.

Consideration of a "Declaration of Official Intent of the City of Montpelier to Reimburse Certain Expenditures from Proceeds of Indebtedness". The City of Montpelier expects to pay certain preliminary expenditures (the "Reimbursement Expenditures") in connection with the preservation of open space within the so-called Sabin's Pasture (the "Project") prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long-term basis. The City expects that for that part of the Project consisting of engineering, design and feasibility studies, debt obligations in an amount not expected to exceed \$188,000 will be issued and "that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures." Staff is seeking authorization for the City Clerk to execute this document as well.

Consideration of accepting the proposal submitted by C.N. Wood Company, Inc. of Woburn, Massachusetts, for the purchase of a CCTV Sewer Inspection Camera for the Public Works Department, and authorize the City Manager to make this purchase in the amount of \$67,075.

Consideration of receiving, reviewing and sharing the 2008 Bridge Inspection Summary Reports provided by the VTRANS Structures Section and thereafter, signing the form stating such has occurred.

Consideration of becoming the Liquor Control Commission for the purpose of reviewing the following:

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

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

An Application for a First Class Liquor License from Hyzer Industries, Inc., d/b/a Three Penny Taproom, for their new business to be located at 108 Main Street, Montpelier.

An Application for a Restaurant License from Hyzer Industries, Inc., d/b/a Three Penny Taproom, again for the new business to be located at 108 Main Street.

An Application for a Catering Permit from the New England Culinary Institute for a corporate event at the National Life Guest House on March 24, 2009 from 5:00 to 10:00 P.M. and on March 25, 2009 from 5:00 to 10:00 P.M.

An Application for a Catering Permit from the New England Culinary Institute for an Open House to be held for the National Wildlife Federation at their new location on 129 State Street on March 26, 2009 from 4:00 to 6:00 P.M.

Approval of payroll and bills:

Payroll Warrant dated March 5, 2009, in the amount of \$139,856.94.

General Fund Warrant dated March 11, 2009, in the amount of \$369,756.44.

Council Member Hooper asked to pull the Bridge Inspection Report off the consent agenda for discussion.

Mayor Hooper said she would like to pull the Finance and Maintenance Agreement.

Council Member Weiss said he had questions about the Liquor Control Commission.

Motion was made by Council Member Sheridan, seconded by Council Member Hooper to approve the consent agenda after removal of the three items. The vote was 6-0, motion carried unanimously.

09-057A.

Approval of a "Finance and Maintenance Agreement" between the State of Vermont, Agency of Transportation, and the City of Montpelier for paving construction projects known as "Montpelier STP 2618(1) & NH 2604(1)". These highway projects, combined under a single contract, involve US Routes 2 & 302 which are municipally owned, class one, town highways. The road segments are locally known as Bailey Avenue, Memorial Drive, Berlin Street, River Street and the East Montpelier Road. The Finance & Maintenance Agreement includes a project description, assigns project responsibility and state/municipal cooperation, use of municipal facilities, relocation of municipally owned utilities, assigns post-project maintenance responsibility, and outlines the allocation of funds. Funding is 100% State and Federal (State: 18.92 %; Federal: 81.08%) while Montpelier is responsible for 100% of all non-participatory costs such as requested sidewalk work, and adjustment of city-owned utilities. A cost estimate of the City share is included in the FY '10 CIP Budget.

In addition to resurfacing, other notable project highlights include the removal of four of the five existing over-head and lighted route signs replacing them with ground mounted installations. This will be done at no cost to the city, thereby eliminating a financial liability for these currently sub-standard structures and costly lighting bills. A second cost-saving benefit is the replacement of traffic signal loop detectors currently imbedded in the pavement with cameras for video presence detection of vehicles.

Recommendation: Approval of the agreement and designation of the City Manager to execute the agreement, on behalf of the City Council, as the duly authorized agent.

Mayor Hooper said she wanted to make sure the city is taking advantage of this as an opportunity to improve signage in terms of coming into the city. She asked Tom McArdle from Public Works if he had talked with Suzanne Hechmer.

Assistant Public Works Director McArdle said he had talked with Suzanne. Unfortunately, for that aspect of the project it is not timely. The contract has already moved to contract administration, so

adding new sign requests can't be done through that contract. He had told Suzanne Hechmer (Executive Director of the MDCA) that it is better to keep the sign requests out of that contract. There are signs that the city can and will install. There is a uniform code for signs, and there are some options he needs to discuss with her. He referred to the Manual of Uniform Traffic Control Devices and said those options are a little more broad and inclusive. It is something that conveys the message that this is the downtown.

Mayor Hooper said they should pay attention to signage in general in terms of how it supports the businesses on that section of the highway. There is a desire to look for opportunities in ways they have used in the downtown.

Assistant Public Works Director McArdle said with a project of this nature all aspects of the highway facility are reviewed, including road signs, guardrails, pavement markings, and drainage and pavement road conditions. That led to a discussion about the overhead signs which are from the 1970's. Some of the signs are out of date and some don't provide the proper lane assignment. They are too low for the current standards so there have been a number of them impacted by trucks. Those signs will be replaced as a part of this project.

The alternatives or options available to provide information for businesses are through the Vermont Business Directional Sign, the white on black type of signs. Those replaced the billboards we saw many years ago. That was Vermont's selection to provide information for travelers. In some states you will find business logos, which is a directional sign for information. They will cluster a number of signs on an interstate for McDonald's or gas stations. Vermont's option is that it is a tourist directional and information sign. They have to comply with the road standards. It's a state law.

The Finance and Maintenance Agreement is a reaffirmation that Montpelier will maintain this highway in accordance with state and federal regulations once the state and federal dollars are put into the project. It is part of the agreement the city enters into and we must comply with those standards. The business directional signs are actually applied for by the individual businesses and they pay an annual lease and maintenance rate through the State of Vermont.

Mayor Hooper said another issue that was raised was concern about the sign you can get that prevents right on red so pedestrians can walk.

Assistant Public Works Director McArdle said that is not part of this project. He would need to get City Manager Fraser's approval. He has some good sign options and a new internally illuminated sign which he saw in Williston and it does meet the standards. This would be funded through the city's traffic impact fees.

Council Member Weiss said later on in the agenda the council will be discussing changing an ordinance for night construction noise. Theoretically, if that were not approved, what impact would that have on approving this contract now?

Assistant Public Works Director McArdle replied there would be none.

Motion was made by Council Member Jarvis, seconded by Council Member Sheridan to approve the Finance and Maintenance Agreement" between the State of Vermont, Agency of Transportation, and the City of Montpelier for paving construction projects known as "Montpelier STP 2618(1) & NH 2604(1)". The vote was 6-0, motion carried unanimously.

09-057B. Consideration of receiving, reviewing and sharing the 2008 Bridge Inspection Summary Reports provided by the VTRANS Structures Section and thereafter, signing the form stating such has occurred.

Council Member Hooper said a lot of Montpelier's bridges are rated very well in one category and then do not meet federal standards over and over in other categories. He asked Public Work Director Law for an explanation.

Director of Public Works Todd Law said the standards were set with new bridge lane widths. A lot of the truss bridges don't meet that standard because the lane width is only about 8 feet rather than 11 or 12 feet. That is the big issue.

Council Member Hooper said even though they have just replaced a bridge we are not going to meet the standards because we aren't matching the widths.

Public Works Director Law said they always look at the structural integrity of the bridges. Every time they rehabilitated the historic bridges, they probably won't meet all of the standards.

Council Member Sherman said with the Taylor Street Bridge it was quite a while ago they voted to rehabilitate that bridge, but that bridge is going to fall into the water before it gets rehabilitated at the rate we are going.

Public Works Director Law said right now they are waiting on a right-of-way. The easement deeds have been sent to both parties they need easements from for the construction, and then it has to go to the VTrans right-of-way section and they are ready for construction. They were hoping to do this work this summer, but it is more likely it will be next summer. They just reevaluated it and it is still structurally sound. There is no real immediate issue.

Council Member Sherman said she thought there was something going on underneath the bridge.

Public Works Director Law said it is nothing that detracts from the structural integrity of the bridge. They have had Pam Thurber, the Inspection Chief, look at it and she has no concerns. They evaluate those every two years.

Council Member Sherman asked what if there was a decision made to replace instead of rehabilitation. On a cost basis, is it possible to reconsider that?

Public Works Director Law replied not that he was aware of because of the decision made a number of years ago to put that on the National Register for historic bridges. Our agreement with them for the 100% funding was that the city would keep the truss, rehab it in place, but keep it as a truss bridge rather than a replacement.

Mayor Hooper asked if the city was working to push that project forward.

Public Works Director Law replied yes. One party is Alan Carr and the other one is an out-of-state business who he has made contact with but hasn't heard back from yet. One of the principals has passed away but he hasn't heard back from his point of contacts since they sent out the deeds in January.

Mayor Hooper said this potentially becomes a public safety issue.

Public Works Director Law said condemnation is an alternative.

Council Member Golonka said the last time they talked about this bridge it was about to fall into the river and now they are saying we don't have to inspect it for another two years. That concerns him. Who looks at it, and at what point will the Council be notified that this bridge complies?

Public Works Director Law said the state has been looking at it regularly using the two-year inspection cycle. In the three years he has been here the state has looked at the bridge 5 or 6 times. They were very quick to tell the city that the Langdon Street Bridge needed to be closed and rehabilitated before they could do the replacement.

Council Member Golonka said he is concerned that if these delays continue the bridge will just fall into the river. We have been warned year after year.

Council Member Jarvis said with the timing we would want to know by this winter whether we need to start condemnation proceedings so she would echo the Mayor's idea of giving strong warnings to the principals. She asked if they should set it on the agenda in a few months to get a status report.

Motion was made by Council Member Sherman, seconded by Council Member Hooper to accept the 2008 Bridge Inspection Summary Reports provided by the VTRANS Structures Section and sign the form stating such has occurred. The vote was 6-0, motion carried unanimously.

09-057C.

Consideration of becoming the Liquor Control Commission for the purpose of reviewing the following:

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

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

An Application for a First Class Liquor License from Hyzer Industries, Inc., d/b/a Three Penny Taproom, for their new business to be located at 108 Main Street, Montpelier.

An Application for a Restaurant License from Hyzer Industries, Inc., d/b/a Three Penny Taproom, again for the new business to be located at 108 Main Street.

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An Application for a Catering Permit from the New England Culinary Institute for an Open House to be held for the National Wildlife Federation at their new location on 129 State Street on March 26, 2009 from 4:00 to 6:00 P.M.

Council Member Weiss said this reads the consideration of becoming the Liquor Control Commission. If as the Liquor Control Commission, does the Council have to act independently of being the City Council because we are being asked to become that commission? Why do we have a request to approve a restaurant license? Restaurants open and close in Montpelier with great frequency and this is the first time he remembers being asked to approve one.

Clerk-Treasurer Hoyt replied it was on the agenda because it is a restaurant that hasn't existed before and they whenever a new restaurant is established it is placed on the council agenda for approval.

Mayor Hooper said the request is that we do a little research on how we organize ourselves as a Liquor Control Commission.

Council Member Golonka said he would like to recuse himself from acting on his wife's liquor license, to avoid the appearance of a conflict of interest.

Motion was made by Council Member Hooper, seconded by Council Member Jarvis to approve the items acting as the Montpelier Liquor Control Commission. The vote was 6-0, motion carried unanimously.

Liquor License and Tobacco Renewal Applications

American Legion Montpelier Post #3, Inc 21 Main Street	1 st Class License for Club Tobacco License
Bashara & Company LLC 100 State Street	1 st Class Liquor License
Brockton Corporation dba Shaw's Beer & Wine	2 nd Class Liquor License Tobacco License
Center for Natural Living Inc dba Rhapsody	1 st Class Liquor License
Cumberland Farms #8024 37 Berlin Street	2 nd Class Liquor License Tobacco License
Elks, Montpelier Lodge #924 Country Club Drive	1 st Class Liquor License Club
Good Fortune Enterprises Inc dba House of Tang	1 st Class Liquor License
Hunger Mountain Cooperative, Inc 623 Stone Cutters Way	2 nd Class Liquor License
Kaminski Enterprises, Inc dba Berlin Street Mobil 3 Berlin Street	2 nd Class Liquor License Tobacco License
Langdon Street Café Collective, Inc 4 Langdon Street	1 st Class Liquor License
Meadow Mart, Inc 284 Elm Street	2 nd Class Liquor License Tobacco License
Mohammed, Naoman dba Barre Street Market 203/205 Barre St	2 nd Class Liquor License Tobacco License
Moreau & Moreau, Inc dba M & M Beverage Centers 12 Main Street	2 nd Class Liquor License Tobacco License

W. Parker Corporation Parker's Quick Stop 15 Berlin Street	2 nd Class Liquor License Tobacco License
Perry Service Station LLC 152 State Street	2 nd Class Liquor License Tobacco License
Postive Pie Inc 24 State Street	1 st Class Liquor License
Rite Aid of Vermont, Inc Rite Aid Pharmacy #4581 29-31 Main St	2 nd Class Liquor License Tobacco License
Royal Dragon Inc Royal Orchid Thai Restaurant 38 Elm Street	1 st Class Liquor License
Sarducci's Inc 3 Main Street	1 st Class Liquor License
Slimain Handy's Convenient Stores, Inc dba Simon's Store & Deli of Montpelier 377 River St.	2 nd Class Liquor License Tobacco License
Sykas, Stephen dba Yankee Wine & Spirits	2 nd Class Liquor License
Vermont Hospitality Management, Inc dba Chef's Table/Main Street Grill & Bar 118 Main Street	1 st Class Restaurant License
Vermont Hospitality Management, Inc dba New England Culinary National Life Drive	1 st Class Restaurant License
Vermont Hospitality Management, Inc dba New England Culinary 89 Main Street	2 nd Class Liquor License
Wesco Inc Champlain Farms 5 Memorial Drive	2 nd Class Liquor License Tobacco License
Wesco Inc Fastop 108 State Street	2 nd Class Liquor License Tobacco License

09-062. Public hearing to receive feedback on one of two Community Development Block Grant Applications that are currently in progress ... an Implementation Grant on behalf of Central Vermont Home Share. V.A.

Recommendation: Conduct the public hearing; approve and sign a Resolution for the Application.

Mayor Hooper opened the public hearing on the Community Development Block Grant for an implementation grant on behalf of Central Vermont Home Share at 7:35 P.M.

Planning and Community Development Director Gwen Hallsmith, Community Development Specialist Nina Thompson, and Betsy Reed, Director of Home Share Central Vermont appeared before the council for this agenda item.

Community Development Specialist Nina Thompson said they are requesting an Implementation Grant on behalf of Home Share Central Vermont. Betsy Reed, the Director is present to speak a little about the program and the application. The city has agreed to take on the role of administration and will receive \$8,000. The city will also contribute \$2,000 for in-kind administrative costs over two years. The grant request is for \$200,000.

Betsy Reed, Director of Home Share Central Vermont, said in 2002 the Montpelier Housing Task Force was approached by an older gentleman who didn't want to go to a nursing home and had a great big house in Montpelier. He wondered why there couldn't be a Home Share Program in Central Vermont. The Montpelier Housing Task Force took his concerns to heart. A working group was established and the City of Montpelier was instrumental in getting the Home Share Program launched in Central Vermont. Since 2003 they have grown dramatically. The people in their program range in age from 17 to 96. Since the economic downturn they are serving people well beyond their mission. Their mission originally was to serve mainly older people and people in their 50's who are looking for an affordable place to live. The youngest person is 17; the oldest just turned 97. They are serving folks from all walks of life. Even with aggressive funding their revenues are down. At the same time they are being besieged and have a back log of requests for help. They don't have the revenue. They have some very staunch foundation supporters who have given year after year and this year called and said their portfolios are down and grants are frozen. They have been searching everywhere for dollars and it made good sense to apply for a community development block grant, but also seemed to make really good sense to come back to the City of Montpelier. They feel like they are a winning team and are asking Montpelier if they would be the lead municipality in the grant.

Community Development Specialist Thompson said the action they are asking from the City Council is that they would approve the financial agreement tonight and sign the resolution which will enable the City of Montpelier to make the application for the Community Development Block Grant to make the funds available to Central Vermont Home Share. The city will be reimbursed for our administrative time.

Council Member Weiss said he would like to understand why 2.6 full-time employees can't handle 35 phone calls in a month.

Ms. Reed said it is more than the phone calls. Right now there are 138 people in the program. Some people are being interviewed, reference checks are being done, and it is very labor intensive process. When people do decide they want to live with each other they have someone on staff that has a master's in mediation who works with them to craft an agreement that is good communication. They continue to work with people to insure that the Home Share remains successful. Staff is actually juggling a lot of things at the same time.

Council Member Weiss asked if the grant was approved how the funds would be expended.

Ms. Reed said a portion will go to core funding. The mediation person, who is very much in demand, will go to four days a week (she's now a .6 position.) Ms. Reed is full-time, the Home Share Supervisor is full-time and they will have somebody half-time in Lamoille County and half-time in Orange County. They hope to be able to bring on more volunteers as well.

Council Member Weiss said his last question is for Planning. In terms of in-kind services, how many hours a day, week, month or year are they going to have to contribute to meet the in-kind agreement?

Community Development Specialist Thompson said she didn't have the calculation, but could get that information for Mr. Weiss.

Planning Director Hallsmith said when the Planning Office manages the CDBG grants there is a lot of work involved. It's not just the \$2,000 they are providing in-kind but they are also being reimbursed \$8,000 for the time it takes to both process the grant agreement and do the grant close out and monitor the activities of the grantee during the course of the operations. Even though they haven't divided up the hours they have estimated what it will take to manage these grants.

Council Member Weiss said he is concerned that at some point the Planning Department is going to be over loaded. He doesn't know why they should continue to overload a department.

Mayor Hooper said the Council's expectation of the position that Nina filled is that it spend a significant amount of time on housing related issues, and this is a fulfillment of that job description. It is a fair question to ask if we are taking on too much.

Planning Director Hallsmith said they are typically managing a CDBG grant a year, whether it is implementation or planning, or both, so this is actually part of the normal workload for that position.

Council Member Golonka said with regards to working in Lamoille and Orange Counties, does Nina anticipate she will be physically working in Lamoille and Orange Counties?

Community Development Specialist Thompson said her responsibility is the grants management to make sure compliance is met, do the reporting, collect the money and pass it through.

Council Member Sherman said Ms. Reed indicated she has 80 Home Share matches at this point. What is the longevity? Do the numbers go up and down?

Ms. Reed replied that the longest match so far is 4 ½ years. She believes they will only get longer. There are some matches that end as a result of death. There are some matches that end as a result of love. They do ask for a 9-month commitment. Many of the matches go well beyond the 9 months; some are now in their second and third years. As they grow she imagines that people will be living together much longer, and she also sees this as a silver lining in part to the economic problem.

Mayor Hooper closed the public hearing at 7:45 P.M.

Council Member Sheridan said he brought the gentleman to the Housing Task Force many years ago, and he is just amazed the program is still going. He is really pleased the program has kept going and they have done the matches they have. When the concept was brought to him he thought it would be a terrific fit for this community knowing that the population was aging and we had a lot of big houses that could have room for people to live in and help each other out. With the economic times he thinks the program is only going to grow.

Motion was made by Council Member Sheridan, seconded by Council Member Sherman to approve the Agreement and sign the Resolutions for VCDP Grant on behalf of Central Vermont Home Share. The vote was 6-0, motion carried unanimously.

09-063. Public hearing to receive feedback on the second Community Development Block Grant Application that is currently in progress ... a Planning Grant to explore the potential of a local Care Bank Program. V.A.

Recommendation: Conduct the public hearing; approve and sign a Resolution for the Application.

Mayor Hooper opened the Public Hearing at 7:48 P.M.

Planning Director Hallsmith said they discussed this at a regular Council meeting a few weeks ago and the Council approved it in concept.

The outline of the proposal is to explore the development of a Care Bank, which is very similar to the Time Bank the city has now, where people dedicate both time and money to a system that then provides care and the activities of daily living for seniors, people with disabilities, young people and enables them to do a lot of that without needing a lot of money. Right now the type of services that people often need are not well covered by Medicaid and Medicare. There is an aging population here in Montpelier and by the end of this year we will have over 50% of our population being over the age of 50 and eligible for Senior Center membership. We already have double the national average for the number of people who are over 85.

A study that was done by one of our stakeholders looked at the parent support ratio. She is a social services researcher. In 1950 for every two people over the age of 85 there were 100 people who were in that group that typically cared for older parents. In Montpelier that ratio is 9 to 100, so it has tripled since 1950. By 2020 she estimates it will be 23 out of 100. We need to figure out better assistance for caring for older people and we need to do it in ways that don't break the bank. This type of complementary currency program is one of those ways.

She said she had some bad news and good news. The bad news is they made an error in the posting for the hearing tonight, and the error was a serious error. The state has decided that we can't go forward with this particular application at this time. But the good news is that they did not hold Home Share to that standard, so Home Share can move forward and the Care Bank cannot move forward at this time. She would still like the Council to pass the resolution and have the public hearing in case they change their mind. This is not an emergency and it will be fine for us to apply for in the next round. It will give us more time to work with stakeholders and start the feasibility study. It is unfortunate, but all of the stimulus money that is coming through is tied to a lot of federal regulations that require an extensive amount of crossing "t's" and dotting "i's".

Council Member Weiss moved the Council table action on this proposal until such time new word is received because what he is hearing is that if they approve this concept paper tonight and the federal rules are changed we no longer have control over what may be happening. There is also a financial implication here about hiring a consultant, and after the \$25,000 is spent who is going to run that position?

Council Member Golonka seconded the motion to table the proposal.

Mayor Hooper told Planning Director Hallsmith she couldn't come back to her unless there was a point of information.

Planning Director Hallsmith said she actually does have a point of information that speaks to that. One is the deadline is Tuesday, so if they change their minds tomorrow and let the city submit the grant they would move forward. The other point of information is that the city is not hiring a new staff person. The consultant is putting together a feasibility plan so that won't be an issue.

Council Member Golonka asked what the nature of the mistake or error that caused this problem.

Community Development Specialist Thompson replied it was her mistake. Public notices have to go out 14 days before a public hearing. She was pulling together three different towns and trying to coordinate all of the different public hearings and notices for every paper. She got very focused on timing. However, what she omitted from the ad copy was that the city was applying for \$200,000. It has been discussed in every public hearing, and this is true also for the Care Bank. Another compliance requirement is to have on hand in City Hall a copy of the concept paper. The fact that the money amount was not in the newspaper and they decided to go ahead is not going to change anything in the application or anything they have discussed.

Mayor Hooper said there is a motion to table. She would note that if the motion fails that a subsequent motion could be made to submit the grant within the time frame, and if that failed then they would not support it. In other words, if we can't make this cycle then we would expect staff to bring it back to the Council so we could address the issues later.

The vote was 1-5 and the motion to table failed.

Motion was made by Council Member Jarvis, seconded by Council Member Sherman that the City Council members approve the proposal for this grant cycle. The vote was 6-0, motion carried unanimously.

09-064. Consideration of requesting the Vermont Agency of Transportation (VTrans) to require their contractor to perform a portion of the highway improvement work during nighttime, off-peak hours for the U.S. Route 2 Resurfacing Project known as NH2604(1). V.A.

The involved highway is locally known as Bailey Avenue (from the bridge to Memorial Drive), Memorial Drive (from Bailey Avenue to Berlin Street), Berlin Street (from Main Street to Granite Street) and River Street (from Granite Street to Scribner Street).

In response to concerns conveyed to VTrans by the Department of Public Works, VTrans has offered to consider a request from Montpelier to require their contractor to perform work during times when traffic impacts will be less intrusive on the travelling public and for those who conduct business along this busy highway.

For the past two years, this section of highway has been under heavy utility construction activity, resulting in severe traffic delays and may have contributed to lost business revenue. Other concurrent construction this summer, such as the Rte. 2/302 Roundabout Project and possibly Towne Hill Road, if federal stimulus funding is approved, further contributes to concerns about traffic and economic impacts.

The City Council conducted a public hearing in the spring of 2008 at which time many construction impact concerns were raised and modifications to the work schedule were agreed to. The subject paving project was also discussed at that time with a great deal of apprehension, given the pending third consecutive year of construction.

VTrans has considered these concerns and negotiated the following work schedule to include those aspects of the project that can be completed in the evening/night with a reasonable expectation of achieving satisfactory work quality:

All cold plane (aka: milling or grinding) activities will be performed at night between the hours of 5:30 P.M. and 6:00 A.M.

All mainline pavement leveling activities (not including the wearing course) will be performed at night between the hours of 5:30 P.M. and 6:00 A.M.

No work shall be performed weekdays during the hours of 4:00 P.M. to 5:30 P.M. due to peak traffic.

Remainder of the project: normal contract language allowing the contractor to work daytime hours. The contract will include a statement to the effect that "any deviation from the above hours of operation must be approved by the resident engineer and the City of Montpelier in advance".

The Department of Public Works developed an extensive mailing list (approximately 250) of potentially interested property owners and businesses to provide a copy of this agenda item as an invitation to attend this hearing or, otherwise, provide comments.

Recommendation: Conduct a public hearing to receive comments and listen to concerns from affected residents who reside within "earshot" of the project limits and from business owners adjoining the highway who may be impacted by construction activities. If approved, modify or waive the City's Code of Ordinances which restricts construction noise between the hours of 9:00 P.M. and 7:00 A.M., Article X, "Noise Control", Section 11-1001 "Prohibitions", part (e) "Construction and Maintenance Sounds".

Mayor Hooper asked Tom McArdle, Assistant Director of Public Works, to give an overview of the project and then there will be an opportunity for both the Council Members to ask questions and to hear from members of the community about this proposal.

Tom McArdle, Assistant Director of Public Works, said there are a few projects involved on U.S. Route 2 through Montpelier, a Class I town highway. Two projects are paving projects, one of which is for discussion tonight concerning night construction. The two paving projects are packaged together under one contract. They are two different routes so they have different highway project numbers. The second project is U.S. Route 302 from the Y intersection to the Berlin Town line.

The other project mentioned in the newspaper is the Route 2/Route 302 Roundabout. That is not the subject for discussion for night construction work. That contract has been awarded and final preparations are being made to start that project in April, or as soon as the weather allows. There are a number of final preparation items that need to be completed. They do expect to mobilize fairly soon and you will begin to see construction trailers and signs soon. Their staging area will be the former Grossman's site. That is a separate contract.

Council Member Jarvis asked if it was too late to talk about night construction.

Mr. McArdle replied yes. That is a rather complex project. Night construction is very expensive, but the quality of work is usually a concern. The Route 2/Route 302 Roundabout project has a rather lengthy approach work on the Montpelier side of the intersection. That approach work extends down to the Pioneer Street intersection, which is primarily paving. There is also quite a bit of drainage work. The sidewalk will be extended from where it ends down by the substation at the Trading Post around

the corner. There will be some improvements to the traffic signal at Pioneer Street. Not a lot of that work lends itself to night construction.

They really pushed the envelope as far as state and federal funding on that project and included as much as they could. When the Federal Highway Department did ultimately review the final plans there were a few things dropped as far as the local participation goes.

The project they are here to discuss tonight is one aspect of the Route 2 paving project which has a NH project number, which stands for the national highway system. U.S. Route 2 is on the national highway system and is a primary route. The right-of-way is owned by the City of Montpelier and Town Highway Class I facilities are maintained by the State of Vermont with primarily federal money. The Finance and Maintenance Agreement signed earlier was mostly because the city maintains this roadway and it is Montpelier's Class I ownership because we own the right-of-way.

Two years ago they started utility construction in anticipation of the repaving of this road. There were a number of outstanding utility issues that needed to be addressed. The city attempted to put them on the fast track to complete all of the utility work before the paving project. Unfortunately, this will result in the third consecutive year of construction along this route and some areas experiencing more extensive construction than others.

The first year a water main project was involved. With water mains and working around old systems they had a lot of unanticipated issues, late evenings and a lot of people without water. This is pretty typical for very old water systems being replaced. There were similar issues down on Berlin Street last summer.

Last year they were in front of City Council with some suggestions to lessen the impact on that for the second year of construction, which was a sewer project. In working with the business community and a few residents that were affected, they did come to the city and ask that we look at some options to reduce that impact. In addition to impacts on the businesses they experienced significant traffic delays - everything from delaying school buses to the tourists passing through Montpelier into the foliage season. They are trying to move 16,000 to 17,000 cars a day on this road, and reducing it to one lane just didn't work that well. The work zones were very lengthy and the clearance time between a stopped vehicle in the work zone and trying to move them through the work area was extensive. The arrival and departure rate just didn't balance.

The issue of night construction was discussed last spring. It was warmly received by the business community but not so by the residents so they tried to strike a balance. These are contracts that are solely controlled by the city and funded entirely by taxpayers so the city was in the driver's seat as far as what they could require the contractor to do. However, there are also limits as to what contractors can actually accomplish. Night construction wasn't really a good option for that when you are working in trenches and there are safety issues involved. They opted for an early start to that project. They finished about 3 o'clock in the afternoon rather than extending through the peak hour. It worked pretty well. There was an extensive mailing list with a communication system in place. Kurt Monika was in charge of that project and kept folks informed. One of the things that Kurt was attempting to balance the contractor's desire to continue work and to get out of the road by 3 o'clock.

Bearing this in mind when he started negotiating and discussing the contract with the state the issue of construction impacts arose again because this project now coincides with the Route 2/Route 302 intersection project and they are also making an application to do some work on Towne Hill Road. The Towne Hill Road project has been identified as a candidate for the stimulus money from the American Recovery Reinvestment Act. If they do receive funding for Towne Hill Road, that is a likely alternative route for traffic that would try to avoid the two projects on River Street. The only other way

would be the Interstate or Berlin Street, and Berlin Street has experienced a significant increase in traffic already.

The first option was to get them off the road during the peak hour. 4 o'clock was a deadline. No work between the hours of 4:00 and 5:30 P.M. and an option for night construction. Contracting requirements specify that we are quite rigid in how we lay out the contract requirements. It became difficult to bid it as an option or to obtain a certain price to bid certain work at night as opposed to the entire project or parts of it. There is a lot of concern that night construction for finished paving work is not a good idea. You could leave a bump or ridge and never see it with the shadows at night. They thought about what could be done at night and be done relatively well. That is a high impact issue with traffic which left them with cold planing, which is the milling of the old surface and grinding it down and a leveling course of pavement. There is a lot of utility work that will be done, adjusting structures and guardrail work and signs. That is all performed after the shim course of pavement goes down. It is also used to guide the rest of the work for elevations and final adjustments on all of the utilities. It doesn't demand a great deal of care as it would during daylight when you are working with hot mix and finished course of pavement and pavement markings.

This project is at the VTrans contract administration section now. They hope to allow release for bid in two weeks and have a contract awarded within 6 to 8 weeks. The duration of the project is 88 days. Some contractors could do it in two months; they don't always use the full allotment of time.

The project must be completed by October 15th. The day the contractor starts work the clock starts ticking and it is 88 calendar days. What he mentioned in the letter explaining the night work is that the cold planing and milling probably will take 2 to 3 weeks. It is hard to tell with working at night. Chances are they will move ahead a little faster, but they are working around a lot of manholes and water valves that aren't perfectly visible. They start on Bailey Avenue, and the bridges are included. There will be paving on Bailey Avenue Bridge. That milling operation covers a twelve foot wide section and moves along going as far as they could in one work day.

It is a request from the City of Montpelier to VTrans to allow night construction. They are willing to fund the extra cost as part of the project. This is what is referred to as a "shovel ready" project. The state is using stimulus money to pay for this project now. They reallocated the funds that were going to go into this project to other projects because this one is ready to go. Using their own language in the stimulus projects, their concern is that so many stimulus projects are out there going on at the same time that the impact could be detrimental to the economic benefits they hope to achieve that we might be affecting the economy in a negative way by slowing traffic down. It is with their own criteria and that is one of the negotiating tactics we use to allow them to consider this, including Towne Hill Road.

If this is not approved tonight the project would then fall back to a completion at 4 o'clock in the afternoon and the contractor would be allowed to resume construction after 5:30 P.M. The cessation of work at 4 o'clock is two lanes of traffic being restored. Work can still continue with signage and guardrails as long as it does not cause the second lane to be closed. The rest of the day would be a one lane closure and they would attempt to minimize the work zone. They would keep short work zones so when traffic is held up it is clear on the other side so it doesn't take longer to move traffic. At 4 o'clock two lanes of traffic would be restored.

They received three e-mails, two for the construction and one with some special concerns and one from a person who was very much against it because of the noise. The city ordinance does not allow construction work that results in noise from 9:00 P.M. to 7:00 A.M. The suggestion is a waiver or relaxation of that noise ordinance to allow for construction for this specific project.

Council Member Jarvis asked Tom if it was correct that from 4:00 P.M. to 5:30 P.M. work cessation will happen regardless of what the Council does tonight.

Assistant Public Works Director McArdle replied that was correct.

Council Member Jarvis said Tom seems to be talking about work in the evening. Is there a possibility of having the work start earlier in the morning instead or in addition?

Assistant Public Works Director McArdle replied yes. During the summer months there are a lot of daylight hours. In fact, the evening work could continue until 9:00 P.M. That is something that could be included that the city would allow. This is actually compelling the contractor to do this. You must do cold planing and shimming during these hours for main line construction. That could be an option that the city would allow construction through this time. That is essentially how the Route 2/Route 302 project is set up. You are allowed to work these times. Whether the contractor exercises that option or not is up to them. They will gauge their own production levels and determine whether they are doing 10 or 12 hour days. For them it is overtime and a cost issue. If the city compels it, they will bid it accordingly.

Council Member Jarvis asked if the Council was voting on a request to the state to compel this.

Assistant Public Works Director McArdle replied yes. The state is allowing the city to make this request that would compel the contractor to do the work during that time period.

Mayor Hooper said if they don't waive the city's noise ordinance they cannot do the work.

Assistant Public Works Director McArdle said that was correct.

Council Member Jarvis said she didn't think the city had the authority to compel them.

Assistant Public Works Director McArdle said that currently on the table it is 5:30 P.M. to 6:00 A.M. If we don't want to allow construction during that time period, what we would like them to do is to compel the contractor to start at 5:00 A.M. The Contract Administration will do that, but that would be the written request to the state.

Council Member Golonka asked how late they can work at night right now. He thought last year the city let them work until 10:00 or 11:00 P.M. during the summer months.

Assistant Public Works Director McArdle said it is 9:00 P.M. without any action being taken by the Council.

Council Member Golonka said the compulsion for the contractors to work at night, have they done any calculations about what this is going to save in terms of time, aggravation, or potential backups. Is this really going to have a benefit?

Assistant Public Works Director McArdle said they would be working essentially on a traffic free road, which is like painting a room without all of the furniture in the way. They will be able to move along pretty quickly. Time is then subtracted because you have to mobilize lighting and take more time working around hidden structures. We have never managed any project in Montpelier at night. In fact, any time with any of their projects this has been suggested it has not been successful. It is their understanding the project will move faster. It will take traffic out of the picture.

Council Member Golonka inquired if they didn't do night construction would the 88 day window be changed.

Assistant Public Works Director McArdle said he believed the 88 days is the typical production schedule, so if they can get it done in 60 days with the night construction then the price for the project will be less.

Council Member Golonka said his question is whether it will be longer.

Assistant Public Works Director McArdle replied it is more likely to be shorter if it is at night. There are some contracts that have incentive and disincentive clauses where there are bonuses for completing a project in a more timely fashion. This does not.

Mayor Hooper opened the questioning up to the public. She said this is an opportunity for the public to advise the Council about this project.

David Spooner said he had the opportunity to talk with Bill LaPorte tonight. He was one of the managers for Pike Industries. Mr. LaPorte felt that the night time planning could be done as quickly as 4 to 6 days. If he had to deal with traffic the time would double or triple the planning time period. He felt he could lay the shim coat in 6 nights. It quadruples to 6 times that because the problem he has is getting the mix to his machines to lay it because of the traffic he has to fight to get through. He understands the city has the problem of balancing of keeping businesses open and keeping the people happy so they get a night's sleep. There is so much going on with this strip. Last year we called it the Gateway to Montpelier, and at 16,000 cars per day he thinks they are under estimating the amount of traffic coming through there because it seems to be non-stop. When these projects start, it totally shuts down the consumers on all of the businesses because they are afraid to try to get back into traffic. Now with Towne Hill Road happening, and also the Roundabout, they are going to be looking for any way to avoid Montpelier. Using a night time scenario on this project would help allow traffic move through this very narrow area. Bill told him he had been awarded the job with J. McDonald on the Roundabout, and what they plan on doing through there is keeping two lanes open all of the time. That is through the planning process and the paving process. They are not expecting a bottleneck of traffic from Walker's through to the Pioneer Street Bridge, but if they go with the daytime paving and grinding project from there on because of the width of the roads they would be looking at the bottleneck of traffic again. That would be one real strong case for a nighttime paving project.

Bill McQuiggan, a resident of Montpelier and owner of True Colors Home Decorating, said as businesses they face another problem which right now is the weak economy. They have had to deal with this disruption for two years. As a business owner anything that will help to speed up the project he could get behind. If they can get some of this work done at night, it would be good for the business owners and their neighbors as well. When they are trying to conduct business during the day it is very hard when there is all of this noise going on and disruption to customers trying to get to your location. Whatever they can work out for a balancing act would be great, but if they can expedite this and get a good portion of the work done at night to open things up and have two lanes of the road open during the day it would help them quite a bit, especially with these economic times.

Lowell Smith, owner of Capital Video at 25 Berlin Street, said the past tenant in the building succumbed to the construction of last year. Two years of construction hurt him. It is a concern to him because he is a new business in this location and now they have a food operation along with their video business. Their busy hours are from 4:00 P.M. to 8:00 P.M. When he first occupied the space they had a sewer backup. Roto Rooter came in and cleaned, and three weeks later it backed up again. When the sewer gets out to the road it crosses to the other side of the road. The Department of Public Works came over and ran a camera down the sewer line after it backed up the second time, and there is a dip in the line. They checked the field notes from the engineers Dufresne Henry on the project that sewer lines were broke a lot during the project and patched. He doesn't know whether the particular situation he is in at the moment is a result of a break or a patch in the line, but it takes a dip and there is standing water in the line out in the road. When there is standing water anything that clogs the line

will collect it at that point, so it is a concern to him that this will continue to happen unless something is done about it. If the road work is done, then there is less of a chance of something being done about it and it would be better to get these things taken care of before the road work is done. Being a new business on that side of town he is certainly concerned about any loss of business he might receive, so certainly the faster the project goes the better for him.

Nora Zablow, a resident of Roberts Street which is directly above River Street, said she certainly understands and empathizes with all of the problems for the business owners and the inconvenience for everybody having to travel that area during the construction period. She also wants to note that there are real medical reasons why we have a noise ordinance. She used to live near Elm Street and lived through four years of water and sewer and road construction from spring through November starting at 7:00 A.M. There are real physiological health affects of constant noise, and this is a balance that needs to be worked out. When she first heard that nighttime construction was being proposed it literally made her physically ill just to think about it because not only does she live there but also does most of her work there. She suffers from chronic health problems already. She isn't sure if there is a way to have some kind of compromise where the work is not going to be done all night. Anybody is welcomed to spend a day or night at her house with the windows closed. She hears everything that goes along for quite a distance on River Street. From her research she found there is a publication put out by the EPA in 1991, *The Noise Effects Handbook: Desk Reference to Health and Welfare Effects of Noise*. The documented health effects of chronic noise include neurological, neuropsychological disturbances, headache, fatigue, insomnia, irritability, cardiovascular, increase in hypertension and cardiovascular disease, digestive disorders, endocrine disorders, interference with communication, etc. She lives in a place where you can't have a conversation in her yard at 5 o'clock without shouting. She wants the Council to be really aware that the residents within distance of the construction might be very seriously affected. She certainly empathizes with the business owners who have had to suffer, but if her health is deteriorated to such a degree that she can't work for two weeks it will affect her economics as well because if she doesn't work she doesn't get paid and can't afford to go any place. She noted in Singapore in 2001 the National Environment Agency passed a noise ordinance that no noisy construction work could be performed within 150 meters of a residence between 7:00 A.M. and 10:00 P.M. After 10:00 P.M. only quiet work such as brick laying, plastering and painting will be possible. She hopes they consider this as seriously as the government of Singapore.

Gerald Rokes, a resident of 101 Berlin Street, said it is ironic he works for the state on bridge projects and he is going to need sleep. The whole right side of the road has been dug up, and that is going to sag again. Cold planing will be good for 2 to 5 years before it is going to act up just the way it is now without full sub-base reconstruction, and we aren't doing that. This cold planing at night, and the work being done at night, he doesn't know if anybody has been out on the interstate and stopped by one of the machines that does the grinding of asphalt, it is a God awful noise. Then, there are the asphalt trucks lining up to dump asphalt. He spoke of the smell and the heat and felt it was bad enough during the day, never mind on a hot summer's night when you want to open the windows to let some air in the house. Four to six weeks, or whatever it may be, is far too long. He sympathizes with some of the businesses here, but some of these businesses, and one in particular he goes to he is not going to not go there because of the traffic. He is going there because of the service and likes the people he purchases from. He has sat in front of his house, which is 10 feet away from the road, for 15 minutes trying to get in his driveway after 4:00 P.M. when they were supposed to be letting traffic through and they weren't letting traffic through. He is sitting there waiting to get to his house; he can see it and walk to it, but he can't drive his car there. As much as he despises that happening he despises the fact that from the hours of when he is trying to sleep, 10:00 P.M. until 4:00 A.M., that is probably not going to happen. They say the work will be a lot shorter. He saw that last summer with the water mains breaking in front of his house. Will they be driving new posts for the guardrails?

Assistant Public Works Director responded not at night.

Mr. Rokes said the noise ordinance is there for a reason. He understands there are inconveniences for both people involved, business owners and property owners, and he would like to see something from 5:00 A.M. to 7:00 A.M., suspend for traffic going into Montpelier and restart at 9:00 A.M. At night they should stop at 3:30 P.M. and restart at 5:00 P.M. and continue on until 9:00 P.M. while there is light. Those key hours of 10:00 P.M. to 4:00 or 5:00 A.M. while people are trying to sleep the work shouldn't be done.

Sherman Reuben, a resident at 193 River Street, said during the last two years they have had the staging area for all of the trucks so he got to deal with them an hour before and an hour after they are allowed to make noise. Where will the staging area be for the paving project from Scribner Street down to the Interstate?

Assistant Public Works Director McArdle said the contractor will make those arrangements once the contracts are awarded.

Mr. Sherman said it is likely again to be on the Trading Post property.

Assistant Public Works Director McArdle said that is within the construction zone of the Route 2/Route 302 paving project. He isn't sure he would choose that area if he were a contractor because of crossing project limits which might be a conflict. The Route 2/Route 302 approach work originally went to Scribner Street and this project abuts up to it. That limit was changed so that the paving project goes up just about to Pioneer Street. This paving project will go to Pioneer Street, not Scribner Street.

Mr. Sherman said with this equipment everybody is going to hear it for at least a half a mile in any direction. Will the two projects be running concurrently?

Assistant Public Works Director McArdle replied potentially.

Mr. Sherman said he agrees with the two previous speakers that the noise ordinance is not a convenience ordinance but a health issue. There are a lot of residents who live either on the street or the street just above. He doesn't think many of them can do without a week of sleep, much less six weeks without sleep.

Council Member Hooper asked if the Council had received a time estimate for how long the nighttime construction would be. How many days would it be?

Assistant Public Works Director McArdle said he didn't have a conversation with Bill. The estimate that the representative from Pike Industries is offering is 4 to 6 days of planing and 6 nights of shimming.

Mayor Hooper said they are receiving testimony that it will take 4 to 6 days of night work potentially to do the entire length of the project from Bailey Avenue all the way out to Pioneer Street.

Assistant Public Works Director McArdle replied for that aspect of the project. The total project length with all of the other work involved with the signs etc. the night construction they are talking about is about 10 to 12 days.

Council Member Hooper asked if he was saying they will do one section at a time and then leveling again.

Assistant Public Works Director McArdle said typically it is all milled, cleaned up and trimmed, before any paving is done. There will be wedges here and there and signs saying grooved surfaces and

motorcycle warnings. You will drive over a milled surface a little bit, which is a good thing because it breaks up some of the loose edges. There may be a little bit of a lag between the completion of the milling and the application of the wearing surface.

Council Member Sherman asked if the start date would be July or earlier when it isn't so hot.

Assistant Public Works Director McArdle said the contract could be awarded in 6 to 8 weeks from now. Once the project is started by the contractor the clock starts ticking and they must complete it in 88 days. They could potentially start towards the end of May and go through the summer.

Council Member Hooper said October 15th is the drop dead end date.

Mr. McArdle replied yes.

Council Member Jarvis said when they are doing the milling is it something they need to do for 12 hours in a row. Is it something they can do from 6:00 to 11:00 P.M.? How do we reach a compromise?

Assistant Public Works Director McArdle said on that question they need a contractor sitting up here. The opportunity would be that the contract will allow 5:30 P.M. to 6:00 A.M. His guess is they will look at an 8 or 9 hour work time.

Council Member Jarvis said if they keep their noise ordinance as it is, or relax it for a few hours in the evening, is that a make or break thing?

Assistant Public Works Director McArdle said it comes back to whether we are going to allow it or going to require it. We have to be careful if we require it. We should allow a 10-hour work day.

David Spooner said last year they had it set up so the contractor could start at 5:30 A.M. and work until 10:00 P.M. They had to pay their people to be there for those hours in the day, so you ended up not having a 10-hour payroll but a 14-hour payroll which put them into 4 hours of overtime. They ended up dragging the project longer because they weren't utilizing that time we gave them after the 4:00 P.M. to 6:00 P.M. traffic rush. It was a good idea in concept, but there wasn't enough money. The guys didn't want to stay there that long. They couldn't entice them.

Assistant Public Work Director McArdle said he didn't think allowing a lane closure during the peak hour is a good idea.

Mayor Hooper said from Bailey to Northfield Street there aren't as many residential properties. It certainly is an issue with the businesses. She wonders if in their thinking about what to allow and not to allow they would be comfortable saying they aren't concerned about the night work for that stretch of the road. She guesses it is more tolerable to those who live 3 or 4 blocks away as opposed to 10 feet away. It might be possible to allow unrestricted night work over a segment of the project and in the areas where there is a higher residential population right on the street we think about it differently.

Assistant Public Works Director McArdle said if they are going to do it we need to make the zone worthwhile for the contractor. There just isn't large enough segment between Bailey and Northfield Street do that. What they did not want us to do is break it up into segments.

Council Member Sherman inquired what happens on weekends.

Assistant Public Works Director McArdle said he doesn't believe the ordinance speaks to that.

Council Member Sherman said the construction could continue on weekends.

Mayor Hooper said she is wondering about allowing night construction on Friday and Saturday when people can sleep Saturday and Sunday during the day. She appreciates that people work different schedules.

Assistant Public Works Director McArdle said it could be allowed, but he doesn't think it would be appropriate to support compelling that those are the two days of the week you would have to do that work. You would have to give them more.

Mayor Hooper said if they began at Bailey Avenue and had seven days of night work you could get a long ways through the project assuming that Bailey Avenue to Northfield Street isn't as disturbing to people. Then, with a couple of days through the weekend they would be more than half way through the project.

Council Member Sherman said faster is better so she approves the idea of allowing them to work the overnight schedule hoping that the contractors will be mindful when they are in those areas where houses are five feet from their work area. Getting through the project fast is her preference.

Mrs. Gerald Rokes, a resident of 101 Berlin Street, said she honestly has to disagree because she lives on the street and she doesn't think they as residents should be put through that agony. Last year was a nightmare. Last year people were asking her what these people were doing by keeping hanging out in front of her house. She keeps hearing about the traffic. She is a driver and has to deal with the traffic, too. But this is about the people who live on that street. They are getting robbed of their sleep. How would they like to be in her shoes, sleep in her house and listen to that noise and smell all that stuff? She doesn't think anybody would want to do that.

Mayor Hooper said they appreciate that and what they are struggling with is a compromise. The city has to do the work.

Mrs. Rokes asked why they couldn't do that in the morning when there is no traffic in that lane instead of doing it at night.

Mayor Hooper said where there are just two lanes there isn't enough room to just close one lane. In fact, you have to close off more area maintain the safety of the workers to get the project done. They can't leave just one lane open.

Mrs. Rokes said there should be a restriction for the night time, and it should be allowed to go until 11:00 P.M. That's ridiculous! There are people who don't live on that street are making decisions for people who live on that street.

Mayor Hooper said somebody has to make those decisions.

Council Member Sheridan said he didn't think he could support what was being suggested. The people who live along that stretch are the people who have voted him here for six consecutive terms and those are the people he is going to represent tonight. He is willing to waive the noise ordinance from 5:00 A.M., but he can't support waiving the noise ordinance from 10:00 P.M. to 5:00 A.M. There are a lot of people who live along that stretch when you start at Northfield Street and go down by Blackwell Street. Up on that hill, not only on the street, that is going to be an awful lot of noise at a time of year if you don't have air conditioning the windows will be open and they won't sleep. If they wanted to start at 5:00 A.M. he felt that would be a good compromise.

Mayor Hooper suggested no noise restrictions from Bailey Avenue to Northfield Street and have a conversation for the highly residential area, and after Taplin Street go back to no restriction for working overnight.

Assistant Public Works Director McArdle said the project starts in between Scribner and Taplin Streets. The way that would appear in the contract is under special provisions and the noise ordinance would be identified as having been waived for the project stations from Bailey to Northfield Street, and it would also include the 5:00 A.M. for startup time for the project. This is similar to what they did for Route 2/Route 302. He would talk to the state about a requirement but he doesn't see that happening. They usually don't require a contractor to begin at such a time of day. This is not in the city's prerogative to decide when that contractors begins work on a given day. We can restrict when they won't work.

Mayor Hooper said that would serve the purpose of trying to protect the most sensitive residential areas. Unfortunately, it is also the most sensitive commercial areas they would be placing the burden on.

Assistant Public Works Director McArdle said by closing the project down in the afternoon at 4:00 P.M. and allowing the contractor to begin at 5:00 A.M. there is some incentive there to start earlier in the day.

Council Member Jarvis said she would like to propose a third option. While she likes Jim's idea of relaxing the noise ordinance somewhat, she would also suggest that they waive the noise ordinance altogether for a very limited number of nights. It sounded like ten was the magic number in terms of the cold planing and shimming. Waive the noise ordinance for ten nights.

Council Member Golonka do we want to set requirements or just set parameters and let the contractors work around the parameters.

Assistant Public Works Director McArdle said they could do that with a contract provision that the contractor is allowed up to ten nights of night construction. Over a period of 88 days of construction it would be problematic to say within those 88 days 10 of those days must be night days. The contractor could be allowed up to 10 nights and they don't need to be consecutive. We have to give them enough flexibility but still are limiting how much night construction actually takes place.

Council Member Hooper suggested that wouldn't the best way be to relocate the affected people on the nights when they would be affected.

Mayor Hooper said they should definitely have that as a provision, that people can avail themselves of that. Frankly, who wants to leave their home?

Mayor Hooper said there are a couple of proposals. One is they won't allow night construction, that they will extend the hours from 5:00 A.M. until 4:00 P.M. over the whole construction zone. Then, there was the proposal we would allow ten nights of nighttime construction during the whole period of the contract.

Council Member Hooper asked if the construction company would set up lights to work during the night time.

Assistant Public Works Director McArdle said the cost and effort to mobilize the lights for night operation probably wouldn't happen. If they had 10 consecutive nights of work they probably would use lights.

Council Member Sheridan said it bothered him that for two weeks people are going to have their entire working nights disrupted. He said he wasn't going to vote for it.

Council Member Jarvis moved the Council waive the noise ordinance for a maximum of 10 nights for this project. As part of that motion she would move that they restrict the hours of the noise ordinance to the hours of 11:00 P.M. to 5:00 A.M. for the remainder of the project. Council Member Sherman seconded the motion.

Mayor Hooper said she assumes they would also seek relocation assistance for residents.

Council Member Weiss asked if in the motion do they need to specify a beginning and ending date in terms of the ordinance itself, or will at the end of the project somebody come back to us to get the wording out of the ordinance.

The response was that the exemption was for this project only and the ordinance itself was not changed.

Mayor Hooper called for a vote on the motion. The vote was 5-1, with Council Member Sheridan voting against the motion.

Mayor Hooper said there will be relocation assistance available to residents.

09-066.

Consideration of a City Council Resolution, authorizing submission of a Growth Center Designation Application. V.A.

The State of Vermont has made it possible for cities and towns to seek Growth Center designation; after seeking public input, the Planning Commission has recommended that an application be submitted to the State for this designation.

City Councilors have already reviewed the need for the proposed application and the benefit(s) to be gained; they now need to pass this resolution, approving the preparation and filing of an application.

Recommendation: Receive a brief update; discussion; approve Resolution and authorize the Mayor, as the City's elected official, to sign the document.

Planning and Development Director Gwen Hallsmith did a power point presentation for the council and members of the viewing public.

Planning and Development Director Hallsmith said the Growth Center application has been underway for about a year and a half. The city hired two consultants and spent \$15,000 of planning money and prepared an application.

The Growth Center legislation was passed a few years ago to serve to support the state's downtowns, village centers and new town centers by encouraging new residential neighborhoods and compatible civic commercial and industrial uses to locate within a close proximity to traditional community centers. That was the goal of the legislation.

The benefits we stand to gain from the Growth Center are numerous. One of the main issues that enticed the City of Montpelier to apply is the fact the city can apply for tax increment financing. This is one of the real benefits of having this designation. It also gives the city access to additional economic development incentives through the Vermont Economic Development Agency. It puts the city on the priority list for state infrastructure financing which in this era of multi-billion dollar stimulus package coming into the state is a good idea. Montpelier residents do pay more than their fair share for the infrastructure we have to support as a regional center.

Tax increment financing is a complicated idea. It allows the city to build infrastructure without raising taxes, at least in the short run. It puts the city back into the infrastructure business. A lot of Montpelier was built with city developed infrastructure. Development did not pay to put any of the streets in place, but now when new development comes in the developers are expected to put in the water, roads and the sewer.

The city establishes a tax increment financing district to do this. The Growth Center is just the first step in this. This is also a fairly complicated process and you have to do a lot of number crunching. The city has to bond for infrastructure construction and right now the state law reads that we have to make that bond once. The state raises the values of the properties in the district from the point of view of paying the state education tax. We are able to pay off the bond that we float in the district with the incrementally higher taxes we have available because of the development on the property.

Right now Sabin's Pasture is taxed as a field. If we establish a tax increment financing district on that field, the state will continue to look at that property as a field for the next 20 years even though there are roads, sewer and houses built there. It is the difference in tax between the field and the roads, houses, water and sewer that we can use to pay off the bond. That's how TIFs work.

How will a Growth Center reduce my taxes? That's the question which is important for us to look at because this is part of the reason it is a good idea for the city to apply. One is that Montpelier now has surplus infrastructure in water, sewer and schools. This is an unusual case. Most cities, if you have more growth, you need to build more infrastructure so there is a real cost that comes with growth. In Montpelier we have room for more people. Adding taxpayers and ratepayers without adding infrastructure means that more people will be paying for the same services.

Tax increment financing also allows for infrastructure to be improved without raising taxes. This is what the City of Winooski did. They took their downtown and really improved their downtown using a TIF. We can do the same thing here.

How does the Growth Center help the downtown and other businesses? The focus of our Growth Center application is to create more residential development in the community. We are not focused right now on additional commercial and industrial development. It's not that we don't want it, but in fact because of the need for more residents that has been our priority. With more residents within walking distance of the downtown we have more customers.

Part of the exercise of applying for the Growth Center is proving that you can't accommodate the growth you are going to experience over the next 20 years within those boundaries, and that is conclusively the case here. Not only because it is built out, but also because redevelopment in the downtown is very difficult. Not only is it an important historic district, which means there are restrictions in place to keep it historically valid, but it is a floodplain. Even with efforts that have been made recently to try to put new development in it tends to cost more money and make it more difficult. Those are two reasons why it's not really possible for us to accommodate development there.

Will businesses be pulled away from the downtown? This is another question people have asked her. Again, the downtown is 93 percent built out. However, the Route 2 corridor is also built out. Whatever can happen now with businesses under our current zoning doesn't change with the Growth Center designation. The Route 2 corridor is open to redevelopment. Redevelopment doesn't happen in the same way as original development does. Her experience working in cities that do redevelopment projects are that by and large these projects are done through urban renewal where the city is a partner, you go in and use eminent domain and other power of cities to take over areas, take down the blighted structures and put up new structures. Redeveloping the Route 2 corridor could be done through this project. One of the things that could be done would be to improve some of the residential properties there so there are better residential properties within walking distance from the downtown. Another

would be to take some of that residential property down and put up better, bigger and higher residential properties in that area, again bringing more pedestrians to the downtown.

The Growth Center map that was developed is based on the zoning districts. The zoning districts they used were Medium Density Residential, High Density Residential, Central Business I, Central Business II, and General Business. That is because these areas in the community are the ones that were already zoned for high density development, and high density development is required under the statute for Growth Center designation. Right now the Growth Center is estimated to be able to accommodate 104 percent of the growth that we will be able to see in the next 20 years.

Council Member Sherman inquired how it could accommodate more than 100 percent.

Planning Director Hallsmith said the amount of new residential units they are projecting for the next 20 years is x number. The build out goes through and looks at all of the parcels and estimates how many units can be on each parcel? The employment estimates were done differently. It doesn't start with the land and work back from there like the residential estimates do. It starts with the employment projection and works back from there. You wonder where we are going to put 200 square feet of commercial development in the Growth Center. The model shows we have room for 13,000 square feet on the conservative side of new commercial development in the Growth Center, and on the un-conservative side it is about 65,000 to 70,000 square feet. That comes from the employment projection and the need we have for space based on employment of about 1,400 people over the next 20 years. They did a fairly complex analysis of the different types of employment and how much each of those different types of employment needed space.

The other thing that has come up in the previous public meetings was, how does the Growth Center relate to the region? Part of the reason they are looking at the Growth Center is because over the last 20 years the growth has all been out of Montpelier in a sprawling form of development rather than a compact form of development.

The conclusions are that having state priority for infrastructure funds at this point in time is a great idea because there is a lot of money coming into the state for infrastructure. The other reason we move forward now with the Growth Center application is that the Sabin's Pasture development has been moving forward and one of the ideas there was the city could be partners with that development and provide the infrastructure with tax increment financing. Also, using the boundaries of the city as already defined by zoning boundaries is an effective and logical way to move forward at this point. Boundaries of the Growth Center can be changed. The city will be changing the zoning in the future, and when we do that we can re-zone the Growth Center as well. These aren't cast in stone. Once you have it adopted the legislation does allow it to be changed at any time, although they encourage you to look at it every five years.

Planning Director Hallsmith said she had worked hard on this, but she doesn't want everyone to feel like this is Gwen's project because it isn't. It's the city's project. Personally, she thinks it is an important decision for the Council to make. She encourages the Council to think long term like they are trying to do with the enVision Montpelier process and try to give voice to both future generations and our entire natural environment, which are our important voiceless players in this equation. She doesn't want them to think if they vote it up or down that it is going to make any difference to her. Her goal was to prepare the best application we could, which she tried to do even though they were short of funding, and to encourage as much public debate as possible because that is the best way for decisions to be made.

Mayor Hooper said the Council is considering whether or not to submit the application to the state and answer any questions we may have.

Council Member Sheridan asked what was the reason that the National Life Office Park wasn't included in the Growth Center?

Planning Director Hallsmith said there were a couple of reasons for that. When they were thinking about moving forward with the tax increment financing district having a property potentially within the district where the property value is going to change dramatically was a problem. This Growth Center is specifically to encourage residential development. If we were going to include an area like the office park area around National Life we would want to take a hard look at the zoning and whether we would be risking pulling businesses out of the downtown by allowing that to be part of the Growth Center. If there was a proposal for development up there and it fit with what was in mind we could change the boundary and include it.

Council Member Sheridan said they own quite a large chunk of land, and if they decided to sell some land there are spots there that could be developed for housing.

Planning Director Hallsmith said the boundary can change and there was a risk there of new development pulling development away from areas they would have wanted.

George Malek, Executive Vice President of the Central Vermont Chamber of Commerce, said he appreciates the opportunity to comment. This has certainly been an exciting process because it provides the opportunity for Montpelier to reap some rewards of being a regional center. That has always been a challenge, and continues to be a challenge, and Montpelier is called upon to provide a variety of services to folks who live in the hinterlands. Fortunately, the TIF process provides the opportunity for Montpelier to do things that can't be done in those other towns and recapture some funding that isn't available to those surrounding towns. It is good seeing that opportunity being pursued. It would certainly be great for the downtown business community. Obviously, the effort that has gone into the downtown over the years has been tremendous, but it always winds up requiring people who can actually come in, consume and buy. The Chamber of Commerce certainly would have liked to see the city consider the entire city and they share some concern as to it would have been good to have included in the Growth Center the office park, but recognizing there is only 2% of Washington County that has sewer and higher density and therefore potentially lower costs residences are much more amenable on municipal sewer. It is great to see the majority of the sewered areas of Montpelier included in the Growth Center. They strongly endorse the Planning Commission's suggestion that it move forward.

Sam Matthews, Executive Vice President of the Central Vermont Economic Development Corporation, said she appreciates the opportunity to speak to the Growth Center application. Gwen has eloquently pointed out all of the benefits the city can reap. It is rare that you are able to leverage such a great tool to help you not only vision your future but actuate it, and that is exactly what this Growth Center designation and application will do. It will actually provide you the tool kit to carry out your vision for your city. CVEDC is one of the 12 regional development corporations strongly supporting the application. She noted that the City of Montpelier is particularly lucky to have staff that could have prepared such a well presented application. She has had the benefit prior to coming to Central Vermont of seeing other applications in process and Gwen has done a stellar job. CVEDC strongly supports it and hope they will leverage this good tool which is in keeping with all of Vermont's vision of itself of growth centers surrounded by rural communities.

Bob Hill, Executive Vice President of the Vermont Association of Realtors, and Montpelier resident and voter, appeared before the Council to address them on this topic. It has been his pleasure to watch this develop in the Legislature over several years and he has followed the process and sees the original intent coming to life. It's very exciting. Many of the things that Planning Director Hallsmith mentioned in terms of planning in order to avoid sprawl is at the center of the vision that brought this together in the first place. He applauds the Council's efforts to look at this and to be at the forefront

of taking advantage of this incentive program as not many others have jumped up and come to the plate and been willing to make the effort. To be in the lead is very appropriate for the capital region to take the lead in this and show others how it can benefit their communities so others will take advantage as well. He encourages the Council to take this step.

Stan Walker, Chair of the Regional Planning Commission, said he would echo what everyone else has said. He definitely wants to say that Gwen's Planning Department and Planning Commission has really taken advantage of some legislation that has been put forward to help Vermont maintain the vitality of being the center of our region. The Regional Planning Commission definitely supports this whole concept and wishes the Council would pass this and take advantage of all of the tools that are out there.

Dona Bate, a resident of Montpelier, said she would like to add that every once in awhile she feels like she lives in a gated community. She likes that they really think about changes, progress and historical value, but she also likes the Growth Center because it does invite diversified housing, diversified incomes and people. She thinks Montpelier will be enhanced by this, so she hopes the Council will consider this proposal and say yes.

Jack McCullough, Co-Chair of the Montpelier Housing Task Force, said they support the Growth Center application. They spoke before the Planning Commission and the Planning Commission supported it unanimously. He has lived in Montpelier for almost 26 years now. He thinks Montpelier really is the best place in the whole state to live. The Growth Center designation provides an opportunity to serve the housing needs of people who really could and would live here in the city if the opportunities were there, and it also enables the city to expand its role as a regional center for this part of the state. It is an excellent opportunity for the city to take. Inherent in this application is flexibility and the specters they have heard of the bad things that are going to happen if this is adopted, none of those are locked in. The city is not locked in to a particular development, a particular project or design of tax increment financing if the projects aren't there to support those, or if the projects that are proposed are not consistent with our vision for the city of Montpelier. This creates the opportunity and flexibility should we adopt it.

Council Member Hooper asked if the Growth Center is all upside why isn't everyone creating growth centers? Why isn't every town submitting a growth center application?

Planning Director Hallsmith replied there is a fairly substantial hurdle in the preparation of the application itself. It's hard. Montpelier spent \$15,000 on two consultants and she still had to put in a lot of work to finish it because \$15,000 wasn't enough. Most of the Growth Center grants that were dedicated to that were \$25,000.

City Manager Fraser said not everyone meets the standards. You have to have a designated downtown and a regional growth center.

Council Member Jarvis replied there are risks with the TIF.

Council Member Weiss moved the Council authorize the submission of the Growth Center application and authorize the Mayor as the City's elected official to sign the document. Council Member Sheridan seconded the motion.

Mayor Hooper said she actually is a member of the worthy opposition because she has some concerns she wants to express. She thinks it is absolutely terrific that Montpelier is doing this and she really pushed Gwen to do this because she thought this would be very important for the city, particularly for the sort of development we are interested in seeing along Barre Street and in the downtown. Her only reservation about this is they are putting implementation somewhat ahead of planning. She was reminded just recently that 10 to 15 years ago we had the great idea of redeveloping Stone Cutters Way.

We went ahead with the redevelopment plans before we had even finalized the zoning, and there was some good controversy and some people were very unhappy with some of the outcomes of that. We didn't get the sort of residential development and we have all tried to make that area work. She was one of the people who pushed for getting one of these development tools ahead of the completion of the Master Planning process that we are engaged in now that would inform the rezoning effort she expects they will engage in next after the completion of the Master Plan. That is just one of her reservations.

She said her next reservation is we know from the downtown work we have done that there are certain very specific things you have to do to maintain the vitality of the downtown. She is a little concerned that unless we are very careful in the use of the tools we are creating that we may inadvertently pull some vitality out of the downtown. We just saw, for example, a very important employer consider developing a parcel that is in our downtown but is not part of the designated downtown, and if we had a TIF in this area we would have been helping them to do this. She is talking about the Elks property. We really don't want to see properties like that go outside of the downtown. She is very hopeful that any development that happens as a result of this will be focused immediately adjacent to the downtown, that in fact we look at ways to redevelop the downtown. While she acknowledges there is 93% percent of the downtown that is covered with something and much of it is underutilized, much of it could be much better used. These tools will accomplish this and now allow ourselves to go looking for a TIF out on Route 2 North, which is in the designated downtown.

Mayor Hooper said she does hope the Council will approve it. Gwen passed down a revised resolution and inserted into the resolution items that talk about what she just said, that we want to focus our commercial development adjacent to the downtown. She said she wanted to go on the record thanking Gwen for making all of this happen. She hopes they will be able to use this sort of tool in the future to help our existing commercial development rather than looking to develop new commercial development.

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

Mayor Hooper said part of the Growth Center happened under the watch of Karen Vogan, the Planning Commission Chair for the City of Montpelier. She has had to resign because she lives out of town but wanted to thank her for her efforts.

09-058. Re-adoption of City Council Rules of Procedure. V.A.

Motion was made and seconded by Council Members Weiss and Sheridan to approve re-adoption of the City Council Rules of Procedure. The vote was 6-0, motion carried unanimously. (A copy of the City Council Rules of Procedure will be attached to the minutes.)

09-059. Re-adoption of Council's Ethics Policy. V.A.

Motion was made by Council Member Sheridan, seconded by Council Member Hooper to approve Re-adoption of the Council's Ethics Policy. The vote was 6-0, motion carried unanimously. (A copy of the Council's Ethics Policy will be attached to the minutes)

09-060. Consideration of Council/Committee assignments. V.A.

Included in this item will be the appointment of a City Representative, and Alternate, to the Central Vermont Solid Waste Management District, as well as the appointment of a Town Service Officer for the City.

Mia Moore has been serving as the City's rep to the CVSWMD and wishes to continue; City Councilor Andy Hooper has been serving as Alternate and is also interested in remaining in his position.

Ethan Parke notified City staff that he would like to step down as Town Service Officer; Rick DeAngelis has come forward to fill this vacancy.

Recommendation: Discussion; appointments.

Motion was made by Council Member Weiss, seconded by Council Member Sheridan that the Council appoint Mia Moore to serve as the City's representative to the CVSWMD and Council Member Hooper will serve as the Alternate. The vote was 6-0, motion carried unanimously.

Motion was made by Council Member Weiss, seconded by Council Member Jarvis to appoint Rick DeAngelis to service as the City's Town Service Officer. The vote was 6-0, motion carried unanimously.

Motion was made by Council Member Sheridan, seconded by Council Member Sherman to re-adopt the committee assignments and request that Harold Garabedian remain on the Green Mountain Public Transit Advisory Board. The vote was 6-0, motion carried unanimously.

09-061. Setting of the date, time and location for a City Council Goal-setting Session V.A.

City Manager Fraser reviewed dates for the April Council Meeting and a change was made to hold them on April 8th and April 29th, to accommodate for the school vacation schedule.

Discussion followed on setting a date for the City Council Goal-setting session and the date of April 1st at 6:00 P.M. was scheduled.

Council Member Weiss suggested they have an outside facilitator so they can move the goals into objectives and strategic planning. He didn't feel it was fair to ask City Manager Fraser to serve in two capacities.

09-065. Consideration of "residency requirements" for Planning Commission members. V.A.

Recently, two members of the Planning Commission moved to an adjacent town; the moves were reluctantly made but necessary due to loss of employment, etc.

Both members would have like to have stayed on the board, but it has been past practice that anyone serving on a Montpelier board or commission is required to reside in Montpelier.

Council had requested that this item be on an upcoming agenda for further discussion.

Recommendation: Discussion; possible direction to staff.

City Manager Fraser said he wrote a fair amount about this in the packet a week or so ago. The state law requires a majority of members be residents but not all. The City Council here has consistently required members step off or not accepting applications when they had willing people in an open spot

on positions like the Planning Commission, the Development Review Board and the Design Review Committee that really deal with either active permits or land use regulations. On key issues that really affect property use the Council has consistently been adamant about residents being members. The only key question is if we have a sitting member and they move out of town is it a temporary thing and would be moving back in six months that is not the intention. When someone changes their domicile, that's different. Personally, listening to the kind of feedback they get in the office they would be opening themselves up to criticism.

The reason we are asking about this is that recently there were two members who move out of town and they both chose to resign. He just received an application from a person who was a Worcester resident.

Council Member Weiss asked if they were talking about somebody who has never lived in Montpelier who would like to serve on a board as compared to somebody who has been serving on a board and then moves out of town.

City Manager Fraser said those certainly are two different flavors. There was a situation with a sitting member of the Council, a lifetime resident of Montpelier as far as he knows, who moved out to East Montpelier and the Council asked her to resign. In fact, there was another time when a Design Review Committee member we allowed them to stay one more meeting so there would be a quorum, but there were Council members who didn't want to do that. It has been a pretty consistent position over the years.

Karen Vogan, Chair of the Montpelier Planning Commission, said she didn't want to advocate for her position to be reconsidered. Her situation is she would be happy to give her seat over to a Montpelier resident who is committed to staying in town and wants the seat. What she thinks might be an interesting subject to discuss is not necessarily so much matter of are you a resident of Montpelier but are you a committed member of the Planning Commission or whatever board you might be serving on. In that discussion consider when you are reappointing someone what their attendance record has been and their involvement in activities outside of the board. Are they participating in enVision Montpelier meetings? Are they truly an active member of the board? In her case she was genuinely passionate about what was being done in Montpelier and maybe considering a six-month extension of service so that committed member could continue to follow through on the projects that they had begun. That might be worth considering. Moreover, residency, attendance and commitment to the board is more what they should be considering.

Mayor Hooper said they have talked in the past about meeting attendance and commitment to the boards.

Council Member Golonka said he thinks they should hold the major committees to the residency requirement. They hold Council Members to a residency requirement as part of the Charter. If you start making exceptions, it is a slippery slope. He thinks they have to observe the residency requirement as a matter of policy.

Assistant City Manager Hill said personally she thinks we have some very committed business people in town who don't live here. They have a real vested interest in the future of this town so she would suggest that some consideration be given to perhaps one being a nonresident if they were a taxpayer. When she sees the people in the MDCA meetings, they are really committed to the good of this town and some of them would make good members.

Planning Director Hallsmith said she tends to agree with Bill that they would open ourselves up to criticism if we had nonresidents on the board because there is a lot of sentiment in Montpelier that we pay for a lot of services that other towns use. She does want to acknowledge publicly Karen's service. When they lost Karen they lost their Chair, and she has done an excellent job as Chair and she

shepherded what was actually a very difficult process through with the Growth Center. Even though she agrees that Planning Commission members should be residents she does support her idea that when something like this happens that it would be nice if there was at least a window to complete projects, a window to complete a term and continue on. With Karen's loss we really have lost one of our best members.

Council Member Sheridan said he would take that up on a case by case basis. He agrees with Council Member Golonka and has always felt this way. Attendance is important to him. One of his very first fights with the people he was serving with 10 years ago on the board was over appointing someone who had been on something for a long time but only attended 25 percent of the time. He likes members to be residents because they should live in the city you are making decisions for, but attendance and dedication is very important.

Council Member Sherman asked Council Member Sheridan if he considered being a taxpayer being equivalent to being a resident.

Council Member Sheridan said a resident is both. They are on a higher level than just a taxpayer to him. A taxpayer is on a higher level than just a resident from another town who isn't a taxpayer.

Council Member Sherman said there would still be the appointment process, but you wouldn't exclude someone who was not a resident who owned a business and paid taxes in the city. That's an important commitment and civic engagement.

Council Member Sheridan said if there were two people and he thought they were equally good, he would probably choose the resident over the taxpayer.

Mayor Hooper said she wouldn't want allow more than one non-resident taxpayer to be a member of the Planning Commission. There needs to be a limit. We don't want a Planning Commission that is all nonresident taxpayers.

City Manager Fraser said there is a difference in the Planning Commission now than there was when we took the hard line ten years ago because it no longer acts on applications. The thing that resonated from Councils before was people bringing in applications for a permit and there were several people who weren't actually living in the community issuing those decisions.

Mayor Hooper said there is a proposal to consider one nonresident taxpayer to serve on the Planning Commission and we would also consider members who are on the Planning Commission and have to leave town but would like to continue serving in a limited capacity on the Planning Commission to complete their term.

Karen Vogan said it was never her intention to fall short of her commitment. She took the appointment and her commitment to the Planning Commission very seriously and it was the last thing that had her hanging on to Montpelier before she decided to leave town. She would be happy to come back. The last thing she wants to do is keep the seat from somebody who is a resident, a taxpayer and committed to the position.

Council Member Weiss said let her continue to serve without a motion and is okay with a general consent. His concern, until they can think about, is that the Planning Commission is listed as one of the standing committees in the charter. If the Council makes a motion to adopt something else we may be starting to make a charter change for which he isn't sure they have the authority to do.

Council Member Golonka said he likes the residency requirement.

Council Member Hooper said that is his sense as well.

Council Member Sheridan said his first preference would be to a resident; it's always going to be to a resident.

Council Member Golonka moved that City Council appoint members of the major committees, the Development Review Board, the Planning Commission and the Design Review Committee, with priority to Montpelier residents and they will entertain applicants that are nonresidents secondly. As a side note on a case by case basis any existing members if they move they can make an exception for the duration of their term. The motion was seconded by Council Member Sheridan.

Council Member Weiss asked they put it in the rules and procedures of the City Council. It needs to be codified.

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

Council Member Sherman said she would like to make a recommendation that the Council encourage Karen Vogan to stay on as Chair of the Planning Commission until her term is fully served. Council Member Hooper seconded the recommendation.

Planning Commission Chair Karen Vogan said she has another full year to serve her term.

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

09-067. Report by the City Council.

Council Member Sheridan thanked the voters of District 3 for sending him back to serve another term.

Council Member Jarvis thanked the voters of District 2 for re-electing her to the City Council. She was happy to be a part of the North Street CAN neighborhood meeting. She thought it was a great model and it reminds her they have talked a lot in the past about getting out into the community and have that kind of interaction with the public that we don't get enough of.

Council Member Golonka thanked the voters of District #1 for electing him to another term on City Council. He announced that the Montpelier Rotary Citizen of the Year Award was honoring Senator William Doyle. There will be a dinner to honor Senator Doyle on April 16th at the Capitol Plaza.

Council Member Hooper said the North Street CAN meeting was great.

Council Member Sherman spoke about the updates to the Ordinance Books and suggested they no longer receive them if they could be viewed online.

09-068. Mayor's Report:

Mayor Hooper chose not to make a report this evening due to the lateness to the hour.

09-069. Report by the City Clerk-Treasurer:

City Clerk & Treasurer Hoyt reported that the Water and Sewer bills were due on Monday, March 16th. They needed to be received in the office, have a US post mark March 16th or prior or there was the drop box at the rear entrance to city hall that was available until midnight on the due date.

09-070. Status Reports by the City Manager.

City Manager Fraser reported that the Fire Chief reports that the ice in the river is flowing well and is down past the North Branch confluence and it looks like it is flowing well.

Agenda Reports by the City Manager:

Adjournment:

After motion duly made and seconded by Council Members Sheridan and Hooper, the City Council meeting adjourned at 10:46 P.M.

Transcribed by Joan Clack

Attest: Charlotte L. Hoyt
Charlotte L. Hoyt, City Clerk