

**Minutes of the Montpelier City Council Meeting**  
**March 27, 2013**  
**Montpelier High School Library**

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

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The Mayor called the meeting to order at 6:35 PM.

- 13-086. Councilor Hooper moved approval of the Consent Agenda and was seconded by Councilor Watson. Councilor Guerlain suggested that Jeff Tucker's mention in the previous meeting's minutes be contextualized by identifying him as from the engineer firm of DuBois & King. Councilor Hooper accepted this as a friendly amendment, and the consent agenda passed unanimously as amended at 6:36PM.
- 13-087. Councilor Weiss moved that John Bloch's term on the Montpelier Planning Commission be extended until April 10 to allow more time to fill it. Councilor Watson seconded the motion, which carried unanimously at 6:37.
- 13-088 At 6:39, the Mayor opened the first public hearing for a proposed amendment to the City's Code of Ordinances, Chapter 10, Motor Vehicles and Traffic, Article VII.

The change would be as follows: Parking is hereby prohibited on the east side of Hubbard Street from East State Street to Marvin Street, and on the west side of Hubbard Street from the Park Avenue curb line southerly for a distance of 50 feet; and also on the westerly side for a distance of one hundred seventy-eight (178) feet northerly from the curb line intersection with East State Street, said point being sixty-six (66) feet northerly of the driveway to number 58 East State Street. Parking is also prohibited on the easterly side of Hubbard Street from its curb line intersection with Barre Street northerly for a distance of fifty (50) feet; and beginning at a point located two hundred twenty (220) feet from the curb line intersection of Barre Street and extending in a northeasterly direction for a distance of two hundred eighty (280) feet; and parking is prohibited on the westerly side of Hubbard Street from its curb line intersection with Barre Street northerly for a distance of ninety (90) feet; and on the westerly side from the curb line intersection of East State Street southerly for a distance of thirty three feet (33').

Police Chief Tony Facos addressed the council explaining the challenges behind the recommendation, would make the current restrictions as posted by police order into ordinance.

Guerlain asked about extending available parking on East State Street to add 3 or 4 more spots. Facos wasn't sure why this had not been done in the past and suggested public works would be able to respond authoritatively. Facos speculated that it was a road width issue. Guerlain asked that it be looked into.

The public hearing closed 6:42.

- 13-089. At 6:43, the mayor opened the first public hearing for a proposed amendment to the City's Code of Ordinances, in regards to fire prevention. The following sprinkler exceptions were proposed by Fire Chief Robert Gowans:

Exception No. 4: Residential additions which do not exceed 50% of the square footage of the previously existing building or, in any case, 1,000 square feet. Residential additions which do exceed 50%, or 1,000 square feet, may however file an alternate Fire Safety Compliance Plan approved by the Fire Chief.

Exception No. 7: In areas where insufficient water supply would cause an undue hardship, an alternate Fire Safety Compliance Plan can be submitted to the Fire Chief for approval.

Chief Gowans explained the reasoning behind the proposed changes. Councilor Edgerly Walsh asked for clarification. Gowans described the ordinance as enhancing safety at potentially lower expense. When Edgerly Walsh asked if a more comprehensive code would be appropriate, Councilor Golonka noted that it would be a problematic task. City Manager Fraser concurred.

Councilor Edgerly Walsh explained that her concern was based on a desire to make it simpler for homeowners to add rental units. Chief Gowans explained that this was part of his goal and invited Edgerly Walsh to discuss the ordinance in detail with him in the future.

Councilor Guerlain asked about the out-of-service notes on the fire alarm pull boxes. Chief Gowans explained the current malfunction of the system, and added that he is looking at options for a comprehensive overhaul or removing of the system.

The public hearing was closed at 6:52.

- 13-091 The Council opened discussion of an RFP (request for Proposals) in which the City would solicit proposals for net-metered photovoltaic electricity generation on City property, at no cost to the City. Councilor Edgerly Walsh recused herself from the discussion due to professional conflicts.

Councilor Watson indicated that energy committee members could not make it to the meeting. She reported on the meeting of that body, where the feeling was that it was not a good time to issue an RFP, and instead issue an RFI (Request for Information). She expanded on what such an RFI might look like.

The mayor spoke positively about the underlying idea. Councilor Guerlain suggested it sounded almost too good to be true, and wondered if solar panel sites had yet been identified. Councilor Watson replied that the water treatment plant (in Berlin) had been informally discussed, as well as the stump dump, and the land around Berlin Pond was mentioned.

Councilor Guerlain asked for clarification on the power generation limitations of the project. Councilor Edgerly Walsh responded to the rest of the Council from the table reserved for public testimony. She went into detail about the permitting involved in different power generation levels. Guerlain wondered if it wasn't appropriate to move straight to an RFP. Edgerly Walsh suggested that the RFI would narrow the field for a more comprehensive RFP proposal.

Councilor Weiss asked about zoning, Act 250 implications, and tax implications. Edgerly Walsh indicated that such projects were exempt from many zoning requirements, and that Act 248 had implications. She also indicated that the federal tax credit expires in 2016. She also indicated there would be state funding implications subject to the 2013 budget.

The view of the council was that staff should proceed with the project.

13-090. A discussion of 58 Barre Street Senior Meals Program and proposed partnership with Just Basics, Inc. for providing Meals on Wheels was initiated with testimony from Janna Clar (the Senior Center Director), who was accompanied by Board Members Elizabeth Dodge & Fran Kruschenick, as well as joined by Kimberly Lashua and Becca Clark of Just Basics. Clar thanked Bev Hill for her support of the proposal before noting that the MOU (Memorandum of Understanding) for the project had been written. She reviewed the project and placed it within the context of the city's goals.

Councilor Golonka wondered if it was wise to tie up the kitchen with such a contract. He also expressed concerns (within the context of the ongoing discussion over the regionalized nature of many city services and the associated distribution of funding sources) about expanding programs.

Clar noted that the full program will not exclusively tie up the use of the kitchen. Councilor Watson pitched the garden space at the high school as a resource that could compliment the program.

Regarding the regionalization-of-services concern, Lashua noted that some of Berlin would be served. In the proposed budget, there is money to cover Berlin for fiscal year 2014. Beyond that, she suggested that there would be other options.

Lashua explained that in-house meals would be open to anyone, as per legal requirements. Clar broke out the budget numbers, noting that most of the money for the home delivery program would not come from the city (\$18,000 would come from the city out of roughly \$92,000 – this compares to roughly \$14,000 in past years). At Mayor Hollar's request, Clar broke out the budget further and indicated she could provide more details.

Councilor Weiss expressed concern that roughly 50% of the meals program budget needed to be raised through grants and donations. Lashua replied that the income projections were based on previous years. Clar indicated that anyone paid towards a meal is considered a donation, since there is technically no charge.

Councilor Weiss then asked about personnel burdens created by the program. Clar felt that it would be manageable, citing the current meal volunteer base. She also indicated that Lashua planned to be on site for the early weeks of the project.

Councilor Guerlain inquired asked about parking and traffic. Lashua detailed the pressures, suggesting that delivery traffic in particular may be challenging at first. Clar indicated that parking is challenging, and would continue to be, but was optimistic that it could be improved.

In response to a question from Councilor Edgerly Walsh, Clar indicated that \$4800 more dollars had been raised from surrounding communities than had been budgeted for.

Councilor Weiss moved the proposal be accepted. Councilor Edgerly Walsh seconded. The motion passed unanimously at 7:35.

13-092.

The mayor reviewed his concerns stated from the previous meeting in regards to Council appointments to independent nonprofit boards, noting that city attorney Paul Giuliani suggested that the process could continue, but that those council representatives should be prepared to recuse themselves on conflict of interests (such as city budgetary matters).

Councilor Golonka repeated his feeling that the notion of a conflict was inaccurate, and that the question of recusal should be a case by case matter for the individual. Hollar felt that the conflict was inherent and unavoidable.

Edgerly Walsh felt Giuliani's memo spoke primarily to disclosure concerns. Hollar felt this was a misinterpretation, and that the full disclosure referred to the member's participation as a city councilor and external board member. Councilor Guerlain testified to his experience, suggesting the conflict cited by Hollar does indeed exist.

Councilor Weiss noted that the council representation on the library board was mandated by the library bylaws and suggested that portion of the bylaws could be removed. Councilor Golonka spoke to the value to the council of having representation.

The consensus emerged that the position could continue as it has been, with the understanding that members will recuse themselves when appropriate.

Councilor Guerlain moved the following appointments (and was seconded by Councilor Hooper):

- Councilor Guerlain – Kellogg Hubbard library board
- Councilor Hooper - Montpelier Alive board
- Mayor Hollar – T.W. Wood gallery board (as per charter)
- Councilor Guerlain replaced on the Capital Improvements Committee with Councilor Hooper

The motion was unanimously approved at 7:56.

13-093. The Mayor opened the discussion on updating the Council's Goals/Priorities for 2013-14. Mayor Hollar hoped that the goals could be modified and amended, rather than rebuilt from the bottom up. He suggested that the council look at the action steps for modification.

Councilor Watson initiated a discussion about whether or not every city department's functions should be directly reflected in the goals. Fraser framed the goals as an expression of how the council intends to spend its time. Hollar reinforced that the goals also filter down to the staff level.

Councilor Edgerly Walsh suggested that the council pick specific infrastructure Grand List and business development metrics to target. Councilor Guerlain pointed to 2 goals that address that, and was enthusiastic about developing the discussion.

Councilor Weiss would like "lead roles" named in the steps.

Councilor Watson indicated she would like reports on the Master Plan goals.

Mayor Hollar suggested an updated goals document be circulated by City Manager Fraser with the dated (accomplished) items removed, and have the councilors come back with specific proposals.

13-094. Hooper reported on a constituent comment about Langdon Street dancing-related concern, but was unclear on some of the details. He reported that the culvert on Terrace Street was causing problems.

Councilor Guerlain encouraged a council volunteer to step up to replace him on the Senior Center advisory board, expressing his feeling that he was unable to give the post the attention he felt it merited. There were no volunteers, but the feeling of the council was that a council representative on the board was not necessary. The City Manager indicated he would check in with the Senior Center.

Councilor Guerlain had questions about the Grunhaus vending cart. Councilor Golonka wanted to review the entire ordinance and discuss the possibility of closing the streets to vendors in the winter. Councilor Guerlain felt that the ordinance was unfair as written to year round businesses.

Councilor Weiss wanted the council to look at restoring funds for the citizen survey. He also reported on attending VLCT educational forums, and based on those, felt buoyed by the quality of Montpelier's professionalism.

Councilor Golonka asked about possible school break conflicts on April 24<sup>th</sup> with the upcoming meeting. Guerlain noted he would have a conflict as well. The Council settled on the 1<sup>st</sup> of May (although Councilor Guerlain would not be available).

Councilor Edgerly Walsh reported on the bike path meeting.

13-095 Mayor Hollar noted the upcoming meeting with representatives from Quebec. He also made note of the district heat conflict resolution.

13-096. The City Clerk noted that the process of updating land record software was underway, and that the savings would be substantial once implemented.

13-097. The City Manager gave a district heat update, noting that the city was still on schedule with the start date, and was confident on working with Montpelier Alive in informing the public what to expect.

Secondly, Bill reported on the charter committee work and flagged a concern about how to address Berlin Pond. He suggested it may be beyond their purview. Councilor Weiss indicated the committee was doing well, but that it would be better for that body to avoid discussions of policy.

Councilor Guerlain moved that the Council go into executive session to discuss. Councilor Hooper seconded the motion. It was unanimously approved at 8:41.

At 9:30, Councilor Weiss moved to come out of executive session, and was seconded by Councilor Hooper. The motion carried unanimously.

At 9:31, Councilor Weiss moved to adjourn, with Councilor Hooper seconding. The motion carried unanimously.