

On Wednesday evening, May 12, 2010, the City Council Members met in the Council Chamber.

Present: Council Members Jarvis, Golonka, Hooper, Sheridan, Weiss and Sherman; also City Manager Fraser. Mayor Mary Hooper was absent performing her duties as a Legislator.

Call to Order by the Mayor

Acting Mayor Jarvis called the meeting to order shortly after 7:00 P.M.

10-113. General Business and Appearances

None.

City Manager Fraser requested that two items be added to the agenda. Consideration of a Pre-Hearing Notice and an executive session to receive a status report on the Police Union negotiations. Consensus of the council was to add these two agenda items to the agenda.

10-114. Consideration of the Consent Agenda:

- a) Consideration of the Minutes from the April 28<sup>th</sup>, 2010 Regular Meeting.
- b) Consideration of the becoming the Liquor Control Commission for the purpose of acting on the following:

No applications as of "press time"

- c) Payroll and Bills.

Payroll Warrant dated April 29, 2010, in the amounts of \$109,449.83 and \$26,922.14.

General Fund Warrant dated May 5, 2010, in the amount of \$662,474.71 and \$1,645.00.

Payroll Warrant dated May 13, 2010, in the amounts of \$108,324.61 and \$25,652.31.

Motion was made by Council Member Sheridan, seconded by Council Member Golonka to approve the consent agenda. The vote was 5-0, motion carried unanimously.

10-115. City Hall Arts Center Management – Ordinance.

- a) Second Reading of proposed revisions to Article VIII of the City Ordinances concerning use of City Hall was held on April 28<sup>th</sup>.
- b) The City Manager has proposed amendments to the ordinance which more accurately reflect current practices and which allow changes to rental policies and fees without requiring future ordinance amendments.
- c) Recommendation: Approve the policies and agreements as presented.

Acting Mayor Jarvis opened the public hearing at 7:07 P.M. No one came forward to comment and the public hearing was closed.

Motion was made by Council Member Weiss, seconded by Council Member Sheridan to approve the revisions to Chapter 2, Article VIII Use of City Hall at its second reading. The vote was 5-0, the motion carried unanimously.

10-116. City Hall Arts Center Management – Policies and Agreements.

- a) In conjunction with this, Council will consider:
  1. Revised Rental Management Agent with Lost Nation Theatre
  2. Revised Use of Rental Agreement with Lost Nation Theatre
  3. Revised City Hall Arts Center Rental Policy and Rate Sheet
  4. Revised City Hall Arts Center Rental Contract
- a) The City Manager has proposed the above policies and agreements which are consistent with the proposed ordinance amendment and which reflect current practices.
- b) This item was tabled from the Council's April 28<sup>th</sup> meeting.

c) Recommendation: Approve the policies and agreements as presented.

Discussion followed on the process for waiving the fee. It was decided that they would consider those on a case by case basis.

Council Member Weiss noted that the agenda item reflected that this item was tabled, however the minutes of the prior meeting did not note that the item was tabled.

City Manager Fraser reviewed the insurance coverage with the council members.

Motion was made by Council Member Sherman, seconded by Council Member Hooper to approve the three agreements with the addition to the rental policy and the new insurance coverage numbers. The vote was 5-0, motion carried unanimously.

10-117. The District Energy Committee will present a recommendation to the City Council for the hiring of a Project Manager for the District Energy Plant.

a) Proposed Action: Approve Project Manager Contract.

Planning and Development Director Hallsmith gave an update on the project. They had four candidates and had interviewed two. They had offered the position to one of the candidates. She was asking the council to approve a contract for a six month tenure which would take them through the bond vote. After that we could continue with the same candidate or perhaps select someone else who would be more appropriate for the construction phase.

Motion was made by Council Member Weiss, seconded by Council Member Sherman to authorize negotiation of a contract for a six month period with compensation in line with the budgeted amount. The vote was 5-0, motion carried unanimously.

Acting Mayor Jarvis moved to agenda item 10-119 at this time.

10-119. Adoption of the City Council's Goals and Priorities for 2010; Manager will compile a list developed from April 12<sup>th</sup> Work Session.

City Manager Fraser said as he was preparing to compile the list he ran into a problem because they had gone through the process but didn't finish. He suggested they put discussion on the next agenda to finish up the work that needed to be done.

Motion was made by Council Member Weiss, seconded by Council Member Sheridan to table this agenda item for two weeks. The vote was 5-0, motion carried unanimously.

Acting Mayor Jarvis returned to agenda item 10-118.

10-118. Consideration of the City Council's endorsement of the Montpelier Community Justice Center's Citizen Advisory Board Bylaws.

a) The Citizen Advisory Board of the Montpelier Community Justice Center adopted the Bylaws in January, 2009, a version amended from the original document created in October, 2003, and amended in March, 2005. The MCJC is required to have a Citizen Advisory Board (CAB) per the Safer Communities Grant from the Agency of Human Services that provides the bulk of its funding.

Yvonne Byrd, Executive Director said as the status of the Montpelier Community Justice Center had change to a city department it was felt that it would be appropriate to have the Council endorse the by-laws of the Capital Community Justice Center Advisory Board.

Council Members reviewed the document and suggested the following changes:

Page 2, a. Memorandum of Understanding should be attached to document.

Page 2, h. Self-govern and maintain the existence of the CAB, to be stricken.

Page 2, g. regarding approve grant applications and the annual budget – word differently to reflect submitted to City Manager with final approval by the City Council.

Page 5 Article 4 questioned the need for a treasurer as they were now a city department. It was suggested that treasurer be deleted.

Motion was made by Council Member Sheridan, seconded by Council Member Weiss to adopt the by-laws with the suggested changes. The vote was 5-0, the motion carried unanimously.

10-119A. Consideration of issuing a Pre-Hearing Notice regarding the inquiry concerning the Vermont Compost Company Main Street Facility, Montpelier, Vt.

Council Member Jarvis recused herself from participating on this agenda item to avoid the appearance of a conflict of interest as she is employed by the firm that is

representing Mr. Hammer.

Council Member Hooper, Vice President of the Council presided over this portion of the meeting.

City Manager Fraser explained that Attorney Stitzel had advised that the council adopt this Pre-Hearing Notice. The Pre-Hearing Notice frames the issue. Attorney Stitzel will be present before the formal hearing begins to review the process and the council's role. Once the Pre-Hearing Notice is adopted a copy will be sent to all parties involved.

Council Member Weiss asked that information on deliberative session be provided to the council by the City Manager or City Attorney.

Motion was made by Council Member Sheridan, seconded by Council Member Golonka to adopt the Pre-Hearing Notice. The vote was 4-0, motion carried unanimously.

Council Member Hooper stepped down as Acting Mayor and Council Member Jarvis resumed her duties as Acting Mayor.

10-119B Report by City Council.

Council Member Golonka noted Attorney Giuliani's letter regarding Berlin Pond Source Protection.

Council Member Sheridan said there would be a round table discussion regarding the Senior Center tomorrow and he would report back to the council at the next meeting.

Council Member Sherman had attended the Master Plan public hearing and the next hearing was scheduled for May 24<sup>th</sup>.

Council Member Jarvis has received calls about the crosswalks downtown and painting was delayed due to the changing temperature. Public Works staff hope to begin that process again soon.

Council Member Jarvis asked about the status of the wastewater penalty and the RFP related to river conservation.

City Manager Fraser said they are still working on that process and what groups would qualify. The State would make the final approval.

## 10-120. Mayor's Report.

Mayor Hooper was absent this evening.

## 10-121. Report by the City Clerk-Treasurer

City Clerk & Treasurer Hoyt reminded members of the viewing public that property taxes were due on Monday, May 17, 2010.

## 10-122. Status Reports by the City Manager

City Manager Fraser told the council that the amended vendor's ordinance took effect today. A question was asked if a vendor could move to another location after the regular day time hours to accommodate events taking place during the evening hours. Consensus of the Council was that would be a city manager decision.

City Manager Fraser reported that the Onion River Exchange would not be taking over the REACH Program. The city will get the program up and running and seek a non-profit partner.

City Manager Fraser said he had attended a meeting last Friday on the use of the railroad tracks through Montpelier. Information is still being gathered. He spoke about Operation Life Saver which is an educational program planned to educate the school students on the rules, risks and dangers of walking near or on the railroad tracks. Attorney Giuliani and Valerie Capels, former Planning Director are helping the city gather information on the Stonecutters Way project. Letters were written to VTTrans and the Senate Transportation Committee. City staff is still seeking an attorney with rail expertise to assist the city. The Bike Path projects are on hold. VTTrans and the railroad are seeking to site a mile long rail siding in the City of Montpelier. Upgrades to the crossing at Pioneer Street are planned, which could cause that intersection to be closed for a period of time.

## 10-123. Agenda Reports by the City Manager

Consideration of an executive session in accordance with Title 1, Section 313, Subsection (a)(2) Labor relations agreement with employees (Police Union negotiations).

Motion was made by Council Member Hooper, seconded by Council Member Golonka to go into executive session at 8:02 P.M., in accordance with Title 1, Section 313, Subsection (a)(2) Labor relations agreements with employees to receive an update on the

Police Union negotiations. Premature general public knowledge would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage. City Manager Fraser was invited to attend. The vote was 5-0, motion carried unanimously.

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

Motion was made by Council Member Hooper, seconded by Council Member Sheridan to come out of executive session, in accordance with Title I, Section 313, Subsection (a)(2) where they had discussed police union negotiations. The vote was 5-0, motion carried unanimously.

Adjournment.

Motion was made by Council Member Hooper, seconded by Council Member Sheridan to adjourn the meeting. Motion carried.

Attest:

City Clerk