

Minutes of the Montpelier City Council Meeting
May 22, 2013
Montpelier City Hall Council Chambers

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

President Golonka called the meeting to order at 7:00PM.

13-135. Councilor Weiss moved that the Council approve the consent agenda. The motion was seconded by Councilor Watson and passed unanimously at 7:01.

13-138. Richard Sheir and Cindra Conison of the Quirky Pet conducted a demonstration of the new pet microchip scanner purchased with funds from the recent collection made through the Clerk's office via the dog license renewal process. Police Chief Tony Facos was on hand and spoke positively about equipment and the effort, and explained that the remaining money in the fund will be used to board those dogs picked up by the police that the humane society can't take. Special thanks were offered to the Green Mountain Animal Hospital for their contribution.

13-139. Before beginning the discussion on the proposed ordinance amendment that would incorporate the Downtown Improvement District, Councilor Weiss asked for clarification on the rules designating a quorum as per the charter.

City Manager Fraser noted changes made to the proposed ordinance. Montpelier Alive Director Phayvanh Luekhamhan reviewed the new language, which was attached to the agenda. Councilor Watson asked for clarification on the assessment.

Councilor Weiss shared his view that the ordinance was not necessary. The city manager granted that he may be correct. Mr. Weiss went on to object to the district under the grounds that the ballot wording did not authorize the funds beyond an assessment (in this case, to fund a shortfall of expected funds in the first year through state PILOT revenue in excess of what the city expects from the state). The City Manager indicated that the city attorney had approved the ballot language. Hooper suggested this interpretation could create a contradiction.

President Golonka formally opened the public hearing at 7:18.

Jed Guertin indicated that his understanding as a voter was that the ballot article authorized an assessment to fund \$75,000 for the program.

City Manager Fraser indicated that the process and the review were consistent with similar articles, while granting that the article did not specifically mention PILOT money.

Councilor Guerlain noted that the source of the shortfall (the time lag for receipt of the expected money) was not known at the time of the ballot, and that the proposed solution was good.

President Golonka closed the public hearing at 7:22.

Councilor Hooper acknowledged that Weiss's alternative DID first year funding proposal of assessing for the full 75k and returning the PILOT as a refund was conceptually the cleanest option, but was needlessly bureaucratic.

Councilor Weiss objected to some of the language from the ballot that would be reflected in the ordinance. Mr. Weiss further asked to whom the proposed committee was accountable. The City Manager replied that the committee was ultimately accountable to the council.

Councilor Weiss asked for clarification on the district's fund balance. He further finally made note of the city's personnel costs to this point.

Councilor Hooper moved for approval of the attached ordinance. Councilor Watson seconded. The motion passed 4-1, with Councilor Weiss opposed, at 7:28 PM.

Councilor Guerlain asked and received clarification that the additional assessment will ultimately be around 4 or 5 cents when the distinct grand list on which it is built is complete.

13-140. Tina Ruth addressed the council in regards to her reappointment on the planning commission, as well as the ongoing discussion of merging the commission with the economic development corporation.

Councilor Watson moved the appointment of Tina Ruth and Kimberly Cheney as member and alternate, respectively, to the Central Vermont Regional Planning Commission. Councilor Guerlain seconded. The motion carried unanimously at 7:35.

13-136. President Golonka cited the summary document put together by the city manager after the previous goals discussion. Councilor Weiss asked if the wording of the document suggested that the city would take responsibility of maintaining the school's tennis courts. Councilor Golonka indicated he had no problem eliminating tennis court language. Councilor Hooper agreed.

Councilor Weiss offered a grammatical subject/verb agreement correction, which was notated by the city manager. Mr. Weiss also suggested including a reporting regime that takes some of the reporting requirements off of the city manager personally. City Manager Fraser appreciated the concern, but indicated that the reporting expectation in the draft was not burdensome, it fit within his workflow, and that he had no problem with delegating responsibilities in that regard. Councilor Weiss suggested September and February as times when a report could be formally written in as an expectation.

Councilor Guerlain suggested that the second meeting in September be a firm reporting commitment.

Councilor Hooper moved approval of the proposed goal statement, with the tennis court reference struck and the word “two” added to correct the grammatical error noted by Mr. Weiss. Councilor Weiss seconded the motion. It was adopted unanimously at 7:44.

- 13-137. President Golonka noted that possible pending litigation could necessarily impact the parameters of the discussion on the Carr lot. Kevin Casey of the Planning and Community Development Department, and Assistant City Manager Jessie Baker reviewed plans for the transit center with a power point discussion.

Councilor Weiss asked if there had been an economic study done regarding proposed upper floor development of the transit center. Baker indicated the presentation was driven by discussions, rather than a formal study. Fraser indicated it reflected long-stated goals of the Council. Mr. Weiss asked for further detail on the second floor plans, as well as the likely relationship with the state in maintaining the transit center.

Councilor Watson asked about the potential for unanticipated environmental needs and costs, such as a retaining wall. City Manager Fraser noted that such funds were built in, and that the acquired federal funds were designated to cover environmental concerns. Councilor Guerlain asked for further clarification.

Councilor Guerlain had several questions; first, he asked about the regional character of the building, he also expressed concerns about collaborating with the state. Second, he questioned the budget figures in the presentation.

Mr. Guerlain asked what would happen if no private developers stepped forward. Mr. Fraser indicated there would be no difficulty securing a partner for a second story, as a second story tenant had likely already been identified. Fraser noted that the proposals from potential partners would drive the ultimate development, and that the 2-floor model would be a minimum/fallback model.

Finally, Councilor Guerlain expressed concerns about parking pressures for a center that would serve the entire region, and contextualized his concerns against a 6-story development concept that was in circulation. Councilor Golonka suggested that the discussion was delving into too fine of detail for this stage of the process.

Councilor Weiss asked about the footprint of the building. Asst. City Manager Baker indicated that the initial request for letters of interest would likely be where that part of the discussion would begin, beyond the very broad parameters currently on the table. Mr. Weiss further asked about the June 10th benchmark on the timeline. Baker noted that it was a date for action that was contingent on the final status of the lot.

Councilor Guerlain asked what would happen if no building were to be built (if the city acquired the property, added the bike path, and left the rest for parking). Mr. Fraser indicated that the city would not have access to the federal funds, and expressed

concerns that such a change in approach would not be consistent with the project as approved by the voters. Councilor Guerlain continued, expressing reservations about having the city directly involved with development in this way. Fraser indicated that it was modeled after a similar public-private project in Barre.

Councilor Guerlain added that he felt the process as laid out was a sensible one. Weiss felt that the entire project was “pie-in-the-sky.”

Councilor Watson moved approval of the process moving forward. Councilor Hooper seconded. Councilor Weiss wanted to clearly state that the entire process was contingent on the final ownership status of the land. The motion carried unanimously at 8:30.

13-141. Councilor Watson shared an update on the identification of sites for photovoltaic units.

Councilor Guerlain noted he has been asked by constituents why there is no construction at the state plant for district heat. Fraser replied that the state is waiting for Act 250 approval, but that the state is on schedule for the agreement that was developed in March. Mr. Fraser confirmed that the state would provide “temporary” boiler heat (oil) in October. In November, they will cross over to new oil, and in January, they’ll be crossing over to wood system.

Councilor Watson asked if there might be simpler file sharing options for council meetings.

Councilor Guerlain moved that the council enter into executive session to discuss real estate pending acquisition, and include the City Manager and Assistant City Manager. Councilor Watson seconded. The motion carried unanimously at 8:37PM.

Before the council entered executive session, the Clerk noted that council meetings were now viewable on mobile devices.

Councilor Weiss moved that the Council return to open session and adjourn. Councilor Guerlain seconded. The motion passed unanimously at 9:07PM.