

On Wednesday evening, May 27, 2009, the City Council Members met in the Council Chamber.

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

Call to Order by the Mayor:

Mayor Hooper called the meeting to order at 7:00 P.M.

09-126. General Business and Appearances

Tom Stone, Area Sales Manager for Greyhound Bus, provided an update on bus service to Montpelier. They were thinking about making some changes, but recently the person who was running the station in Montpelier handed in his resignation abruptly and there were other issues with the property they were using. The Taylor Street Bridge is scheduled for work next year and they were going to have to find a temporary place if indeed they were going to move ahead with an inter-modal terminal. He has spent quite a bit of time looking around Montpelier for a place to park the buses that won't cause too many problems and also for someone who would be interested in selling tickets and servicing customers. He saw the comments from the last meeting and he is hoping they can work out a win/win solution for everyone. He would like to keep the buses either on Main Street or State Street for a number of reasons. Some people had suggested they go over to the railroad station, but that is too far out of the way and it doesn't reflect well on the image of the city itself.

The Taylor Street location is about to be torn down and removed so that is not a viable solution. With only six trips a day coming through the city they don't really need a full-time terminal. They can use a business they can share with, such as a convenience store, restaurant, a chocolate factory, etc. He has been looking at a number of different places for the buses to stop and he will keep the City Council updated.

Council Member Sherman asked if they find a place they will have six Greyhound buses in Montpelier.

Mr. Stone replied if they found a place they would have them. He went on to say they are the leader in the industry. The buses they just put on the road at the beginning of this month are top of the line and very fuel efficient and comfortable.

Sylvia Maratova suggested Stone Cutters Way could be a possible solution for the bus. There are many places to stop and park and a place to eat at the Co-Op.

Jill Aspenal, a Montpelier resident, said her family takes over 100 single trips on Greyhound every year. She would ask the Council to take serious consideration of the fact that there are probably twice a day often two buses at the same time around 11:30 A.M. and 2:30 P.M. with one going north and one going south. That is important for the parking aspect. In these days when we want to advocate for public transit the number of parking spaces we eliminate to fit the buses is an immediate pay back in just having good and visible access to public transit, even though she knows what a hot ticket parking is in this community. Let's go the public transit option and walk the talk.

Paul Markowitz, a resident of Montpelier, said Montpelier is the state capitol and we need a bus depot. It's an important part of our transportation system. It should be downtown and convenient. A place like the train station shouldn't even be on the table. It should be some place where people can get to easily and a place where people can buy tickets in advance. A store like Rhapsody that is willing to sell the tickets is a

great marriage of where people can stay. They can buy their tickets and it is downtown. Let's make this work downtown.

James Talbot said he received a phone call from Karl Etnier who asked if he would come to the Council Chambers to read a statement. He read Mr. Etnier's statement supporting the need for a bus stop. You will find a copy of his remarks attached to the minutes.

Jen Dole, a resident in Montpelier, says she rides the Greyhound Bus all of the time. Mostly, she takes it to South Station and then connects to Logan Airport. You can actually get a much cheaper flight out of Logan with fewer stops if you are willing to start your trip there rather than starting it out of Burlington. She has also ridden the bus to New York City, but certainly Boston is a more common trip for her. Greyhound is also the only service back to Montpelier if you have a flight that gets into Logan in the very late hours like 11 o'clock or midnight and you can actually catch a bus that leaves at 11:45 P.M. That isn't the case with Dartmouth Coach or any of the other services that stop at 8:00 or 9:00 P.M. You leave at midnight and roll into Montpelier at 3:00 A.M. Then, you actually walk through town with your bags to your house, which she can't think of any other American city she would feel comfortable doing that in. She also isn't the only one getting off there so people do use the service. The people she rides with are either travelers doing the same thing she is, trying to connect to another airport or people who want to spend a day in another city for business or pleasure. She sees a lot of Norwich students. She was not a disenfranchised person. She has money, a car, and is able to get to these cities in traditional ways. She simply chooses not to because she thinks Greyhound is a really liable and safe service. She is only telling the Council she wants Greyhound because she uses it and likes it. She could get by if it wasn't in town, but there are certainly other people who don't have that choice.

Barry McPhee said the loss of the Greyhound terminal here would push his family towards having to get a second vehicle. His side of the family lives in Boston so their trip back and forth is greatly abled by the Greyhound bus. As Coordinator of the Montpelier Energy Team he would make the general statement that the loss of a bus carrier such as Greyhound is the wrong way for Montpelier to go and inconsistent with the stated long term energy conservation goals. He realizes that the further into the center of town they go the more difficult it is to find places logistically feasible to locate the bus. If necessary, he would suggest they look further down State Street. Things tend to get quieter once you get past Capitol Plaza and they could even think about piggy backing onto some of the existing link stops, even the one out by the park and ride close to I-89.

Nancy Wasserman, a resident of the city of Montpelier, said she wanted to echo the other comments and would be happy to work with the Council to look at alternative sites for a Greyhound Bus site. We desperately need to keep that service here. She sent an e-mail to Bill Fraser and Mary Hooper about Green Mountain Transit Agency changing how it is appointing its board. That is coming up next week and she just wanted to make sure the Council was aware of that. GMTA is planning to change how it appoints its Board of Directors. Currently, the City of Montpelier is entitled through City Council to nominate two people. They are proposing to change it to have the City of Montpelier and City of Barre each have just one person. This is in part to enable there being some representatives from Franklin County because GMTA has expanded its territory under pressure from VTrans and others. As a designated representative from the City of Montpelier she wanted to make sure that Council Members were aware of it, had an opportunity to comment on it, and had an opportunity to determine who you wanted to represent you currently. Her understanding is that GMTA plans on considering this at their annual meeting next week. She thinks the city can actually be well served by one representative, but she believes she and Nancy Sherman would like to weigh in.

Council Member Golonka asked how many board members there are.

Ms. Wasserman said she believes there are eleven.

Council Member Golonka asked if it was their intention to keep eleven members.

Ms. Wasserman said there is an intention to keep eleven. There was some discussion about whether to expand. The proposal came from some of the members of the GMTA Board and the first time they saw it was at the May meeting, and it is meant to be voted on at the June meeting.

Council Member Golonka asked if there were eleven member towns. Is there a disproportionate amount of municipal support that Montpelier gives that gave us 20 percent?

Ms. Wasserman said initially it was.

Council Member Golonka said he didn't know what the other towns contribute.

Ms. Wasserman replied there is a commitment to continue the "pay to play" from the governance position. There are other representatives of other regions and there is a commitment to continue to have that occur. Currently, the larger communities in Franklin County don't contribute a local share, but the expectation is as they get to know the service better they will. The Board is looking to get some representation from Franklin County to begin to convey the spirit with which GMTA has been supported in other regions of the state. There is also the momentum to consolidate.

Council Member Golonka said his concern is he would probably consider cutting the City of Montpelier's municipal support now if we are going to lose our governing share if it is a "pay to play" support. He doesn't think it is fair personally to cut our position if we are the ones funding the operation.

Ms. Wasserman said the whole business as the organization grows there will be comparable support. The amount per board member is significantly less at GMTA than the Library, for example. She is happy to be told that the Council is not prepared to make a decision yet and take that back to GMTA.

Mayor Hooper said it is probably fair to report back that we have huge issues with the governance concerns.

Steve Lobb, a Montpelier resident, said as a senior citizen he thinks the city is a little shy on public transportation in general. He has a car and can drive but prefers not to. We all know about trying to preserve fuel, etc. There are a lot of senior citizens that don't have their own car. There are a whole lot of young people ages 20 to 25 who don't have a car. This is a capitol city. It is absolutely essential to have more transportation opportunities. He really can't imagine why we would not have this bus service.

Harold Garabedian said he thinks to lose Vermont Transit would be a shame. There are solutions. There are other equal inconveniences in the community and they could be worked around.

City Manager Fraser reported he had received four e-mail messages supporting the same sentiment. He reported the reason it wasn't on the agenda tonight is the Council didn't have a specific solution proposed for Council action.

Mayor Hooper said Greyhound has been here working with the city. Essentially, it is their job to figure out what will work and what won't work and the city has the right to say it is an okay place to stop or not. That is the limit of our responsibility. We have heard pretty strongly about this strong commitment to public transit and we are very interested in making sure we continue this service.

City Manager Fraser said the city has been pretty actively looking for alternatives and engaged with them.

Mayor Hooper said this is a private business that is making a decision and the city has been looking for opportunities to help make that decision work because we do recognize how valuable this service is to the community. It's a partnership.

Mr. Stone said he has worked with many cities and towns and the staff here in Montpelier are very helpful and want to improve transit in general. Transportation is a very hot topic and it starts with one or two carriers. Once they get a foothold the rest will come.

Council Member Weiss told Mr. Stone as he begins to narrow down the possibilities, would he be willing to bring one of their new shiny buses up here so we can see what it looks like and have a bus on display at one of those locations.

Mr. Stone replied that wouldn't be a problem.

09-127. Consideration of the Consent Agenda: V.A.

Approval of the minutes from the May 13th, 2009 Regular City Council Meeting.

Consideration of a request from Julie Smart, on behalf of the Meadow Neighborhood Party Committee, for permission to hold their Annual End-of-the-School-Year Street Party on Saturday, June 20th, from 6:00 to 9:00 P.M. (with a rain date of June 21st). The committee proposes to close off Summer Street, from Spring to Winter Streets, using DPW barriers.

Approval of distributing Mazer Grant funds to five different applicants for various projects as outlined in a memo from Planning & Community Development staff.

Consideration of a request from Tom Bivins, Executive Chef at NECL, for permission to close the westbound lane of State Street (between 130 State and Governor Aiken Avenue) from 2:00 to 10:00 P.M. on Sunday, August 16th, for "THE GREAT AMERICAN COMMUNITY PICNIC". Because tickets will be sold and then collected at the gate, the State Buildings, Grounds and Maintenance Use Agreement for the State Capitol stipulates that money (or in this case, tickets) may not be collected on the grounds and, therefore, must occur off property. He has also requested a closure of Governor Aiken Avenue as a food preparation and sanitation/rest area. (The Buildings and Grounds Committee has approved this request.) City Councilors have received a more detailed letter describing this event, as well as comments from the three major city departments.

Consideration of a request from Dave Nelson, owner of McGillicuddy's Irish Pub, for permission to close Langdon Street from 4:00 P.M. on Friday, July 3rd, until 1:30 A.M. on Saturday, July 4th, for its Annual Independence Day Street Party. (Council received a copy of Mr. Nelson's letter which outlines this event in further detail.)

Consideration of request for street closures and parking restrictions (on Friday, July 3rd) from the committee organizing the City's Annual Independence Day parade and festivities:

State Street: Between Governor Davis and Bailey Avenue from 2:30 P.M. until 10:00 P.M. for vendors and parade.

Main Street: From 6:00 P.M. until approximately 7:45 P.M. for the Montpelier Mile Road Race followed by the parade. Streets in the Meadow area will be used as staging areas from 4:30 to 6:00 P.M., as well as School Street from Main to St. Paul Streets. (All three streets/areas will be closed during the parade.)

Langdon Street: From 4:00 P.M. to 1:30 A.M. for a street dance (including set-up and take-down time).

60 State Street Parking Lot: From 3:00 P.M. to 1:00 A.M.

Consideration of a request for a waiver of the City's Noise Ordinance to accommodate the Independence Day Celebration Events until midnight on Friday, July 3rd.

Consideration of a request for a partial street closure from Alice Day and Michael Jermyn, 18 Foster Street; they are seeking approval to close that portion from 11 to 18 Foster for a Community Block Party scheduled for Saturday, June 13th, from 2:00 to 7:00 P.M. Police, Fire and Public Works staff received copies of the request; City Council Members will receive copies of their feedback.

Consideration of a request from the Chair of the Motorcycle Toy Run for a waiver of the City's Noise Ordinance in order for the participants to drive their motorcycles through the streets of Montpelier on Saturday, August 8th. (The Chair, Mark Tourville, and possibly one or two other reps will be in attendance to answer any further questions the Council might have.)

Consideration of issuing a Vendor's Permit to the following applicants: Laurie Elliot-Giroux, d/b/a The Hungry Hound Hot Dog House; and Paul W. Sudhoff, d/b/a Mr. G's.

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

Ratification of the issuance of a Catering Permit to Yebba, Inc., d/b/a The Abbey Pub & Restaurant, for a Cocktail Reception held on Thursday, May 21st, in the Cedar Creek Room of the State House from 4:00 to 7:00 P.M.

Applications for two Catering Permits from Vermont Hospitality Management, d/b/a New England Culinary Institute, for Corporate Events to be held on Tuesday, June 2nd, and Wednesday, June 3rd, from 5:00 to 10:00 P.M. at the National Life Guest House.

Application for an Outside Consumption Permit from Langdon Street Pub Company, d/b/a McGillicuddy's Irish Pub, to allow them to serve alcoholic beverages within a fenced-in area of Langdon Street adjacent to McGillicuddy's as part of the Independence Day Celebration from 4:00 P.M. on Friday, July 3rd, until 1:30 A.M. on Saturday, July 4th. When Mr. Nelson submitted his application, he informed the City Clerk that the band will stop playing, and the serving of alcoholic beverages outside will cease, at midnight. The 1:30 A.M. time will allow for the tent tear-down and patrons to finish their drinks outside without everyone having to go inside.

Consideration of the issuance of a catering permit from Yebba, Inc. dba The Abbey Pub & Restaurant to cater a cocktail reception at the Cedar Creek Room, State House, 115 State Street on Thursday, June 4, 2009 from 3:00 P.M. to 7:00 P.M.

Additional Consent Agenda Item:

Consideration of a request from MDCA's Executive Director, Suzanne Hechmer, for permission to place SculptCycles in the downtown and Vermont College areas of Montpelier. Specifically, the two that the MDCA would like to place on City property would be: the "Spin Cycle" on the grassy area just to the right of the City Hall Plaza (as you're facing the building ... where the tree was removed last year); and the "Dog Pack" which they'd like to place in the sidewalk area near The Drawing Board and Rhapsody. This piece includes individual dogs that would be secured to the ends of the bench, the light post and the sign posts in such a way as to not block pedestrian traffic or interfere with car doors opening.

Approval of payroll and bills:

General Fund Warrant dated May 20, 2009, in the amount of \$1,838,754.03 and Community Development Agency Funds in the amount of \$300.00, \$7,000.00, and \$4,063.00.

Payroll Warrant dated May 28, 2009, in the amount of \$132,967.59.

Motion was made by Council Member Hooper, seconded by Council Member Sherman to approve the consent agenda with the two additional items.

Council Member Weiss requested that the item on the Mazer Grant be removed from the consent agenda and be considered separately.

Mayor Hooper called for a vote on the consent agenda, after removal of the Mazer Grant awards. The vote was 6-0, motion carried unanimously.

Council Members Hooper and Sherman moved approval of the Consent Agenda, plus the two items on their

09-127A. Approval of distributing Mazer Grant funds to five different applicants for various projects as outlined in a memo from Planning & Community Development staff.

Council Member Weiss said a long time ago this Council asked the Tree Commission to do something in terms of a dedication for Norman Hudson and they are one of the groups to be included in the Mazer funding. His request is that since they probably haven't done anything we remind them they can't have their money until they have a plan.

Motion was made by Council Member Hooper, seconded by Council Member Sherman to approve the distribution of the Mazer Grant funds. The vote was 6-0, motion carried unanimously.

009-128. Brief presentation/update from Diane Scolaro on the City's 10th Annual Independence Day Celebration.

Diane Scolaro was not present so an update was not presented on the City's 10th Annual Independence Day Celebration.

009-129. Continuation of a public hearing to consider proposed amendments to the City's Code of Ordinances, Chapter 10, **MOTOR VEHICLES AND TRAFFIC**, Article VII, **PARKING AND PARKING METER ZONES**, Sec. 10-717. **LIMITED PARKING**, as it relates to increasing the allowed time for parking on Barre Street. V.A.

As a result of two public hearings, staff is now recommending the following amendment:

Sec. 10-717. LIMITED PARKING.

(a) Barre Street. Fifteen minute limited parking is provided on the north side of Barre Street from the northwest corner of #206 Barre Street (Federated Auto) southeasterly for a distance of fifty one feet from 6:00 A.M. to 6:00 P.M.; and on the south side of Barre Street from a point marking the east side of the drive

situated between #203-205 Barre Street and #207-209 Barre Street northwesterly for a distance of ~~seventy-five feet-~~ [forty two feet], from 6:00 A.M. to 9:00 P.M..

Recommendation: Continue the public hearing regarding parking on Barre Street; approve the amendment, with or without further changes.

Mayor Hooper opened the public hearing at 7:30 P.M. Tom McArdle, Assistant Director of Public Works, was present to answer any questions.

City Manager Fraser said at the last meeting the Council asked the staff to go back and look at some of the options that were available. The conclusion of the Traffic Committee was similar to what they had proposed at the last meeting. We don't have any safety concerns with regard to whatever the time limits were on the parking spaces and that the traffic circulation was going to be the same whether there were unlimited or all limited. There are no specific safety issues. We do have a situation on Elm Street in front of what used to be Cano's Market now the Birch Grove Bakery where there are two 15-minute spaces that were included to support that kind of business. Given that the discussion was a reduction from 6 to 2, this might be a reasonable opportunity to see how this worked and relieve some of the traffic conflicts of parking and conflicts in the neighborhood while still providing short term parking for the Barre Street Market but longer term parking for both the restaurant and hair salon. They have also talked to the Justice Center about possibly getting folks together to talk about how they communicate with one another and making sure we can reduce some of the other conflicts in the area. It seemed like the least disruptive solution.

Mayor Hooper said the proposal is to have two 15-minute parking spaces.

City Manager Fraser said he also made one administrative note with point marking on the east side of the drive to the west side of the drive.

Council Member Sherman asked if that was the side of the driveway closest to the store.

City Manager Fraser said that was correct.

Mayor Hooper said that is the recommendation from the Council, which is in line with something similar to what they heard the last time. This is an opportunity for people to comment on this.

Chris Smart, with Cheney Brock and Saudek was present tonight representing the Barre Street Market. They wanted to thank the Traffic Committee and the city staff for taking all the time they have and to give their full support for the recommendation, and also pledge if there is a mediation process with the Justice Center they would be thoughtful participants in the process to make this all work out for all the businesses and the neighborhood. He also thinks there may be a few other people here tonight who would also want to support the recommendation and sing the praises perhaps of the Barre Street Market. He thinks while they are all prepared to address their reasons for supporting the recommendation they might be willing to save the Council's time and stand down reserving time if there are any oppositions or questions the Council may have.

Crystal Maderia, owner of Kismet, said she isn't against the limited parking in front of Barre Street Market, but they are sincerely asking that the signs be clearer than they are now. The signs shouldn't be on the same side of the sidewalk and not being clear where the 15-minute parking starts and ends.

Mayor Hooper said she doesn't see anyone else wanting to address the Council on the public hearing being conducted on the proposed parking on Barre Street.

Council Member Golonka said the Council asked City Manager Fraser to look into the 160 police calls to this location. He doesn't like having laws on the books that we can't enforce. Are we planning on sending our police here another 170 times, or are we looking for a solution? He thinks it is untenable for that to continue. He is just concerned that the city isn't really addressing that issue.

City Manager Fraser said they think this solution will help that. Having less of them seems like there is less opportunity for that to happen.

Sylvia Maratova, a resident of Montpelier, said she came tonight to not only support the Barre Street Market but both businesses. We need to come together and share the parking area. She would like to propose that they meet together as a community group through mediation. She thinks a good mediator could really do this group a world of good because they have more in common than they really know.

John Geake said he thinks the last person who spoke put it quite well. He thinks something can be worked out through mediation. As a long time customer of the Barre Street Market Norman does really rely on people needing parking spaces. People drive down Barre Street, they stop, go in and come out; that's the nature of customers going in and out of the store. He has seen how he has had problems with people parking there to go into the restaurant, and the police have been called a number of times. The reason Norman has to do this is because he needs to keep those parking spaces open. If he doesn't keep the spaces open, then he doesn't have customers coming into the store and he doesn't have any revenue. Hopefully, something can be worked out through mediation.

Janet Miller, a resident of Montpelier, said she doesn't understand why people go to 191 Barre Street, park in front of the store and go to the apartment building to visit people. Why don't they just go down back of the building and park in the parking lot?

Mayor Hooper closed the public hearing at 7:43 P.M.

Motion was made by Council Member Sheridan, seconded by Council Member Hooper to approve the amendment to the parking ordinance for Barre Street. The vote was 6-0, motion carried unanimously.

09-130. Consideration of a request asking the City to reconsider its decision about allowing non-Farmers Market vehicles into the 60 State Street Lot on Saturday mornings. V.A.

(City Councilor Jim Sheridan has spoken with Mr. Joe Keene and requested that this item be on this evening's agenda).

Recommendation: Discussion; direction to staff.

Council Member Weiss advised Council Members that under parliamentary procedure it is not possible to reconsider this. What has to happen in place of reconsidering is a motion to rescind the earlier motion which would then clear the table and then a new motion can be made. It has to be done within 24 hours and no action can be taken on the motion that is to be rescinded.

Discussion followed and motion was made by Council Member Sheridan, seconded by Council Member Weiss to rescind the previous decision so the Council can discuss the issue and make a new motion.

Mayor Hooper said what they agreed to was that vehicles which are not associated with the Farmers Market would not be allowed to make drop offs. This would prohibit non-market associated vehicles from entering 60 State Street.

Council Member Hooper asked if they were rescinding the entire motion concerning the Farmers Market.

Council Member Sherman said the question was who would control the area along Julio's wall and the motion was to allow a designated area along Julio's wall for non-market participants and nonprofits with the contingency that since the market was expanding and had scheduled deliveries and drop offs and needed to have that entry way for their vehicles the nonprofits and independents who would be on Julio's wall would not have their vehicles driving in for safety purposes. If the Council rescinds, they rescind the whole motion concerning the use of it.

Council Member Weiss said it is very distinct that the motion applies only to the nonprofit vehicles not being permitted to enter that area. It had nothing to do with the rest of it in the minutes.

Council Member Golonka said they are only talking about cars coming in and out. Do we have to reauthorize them?

Council Member Weiss replied no.

Mayor Hooper said that Council Member Weiss reported in reading the minutes that it was specifically associated with vehicles, and that is what they have agreed to vote on.

Council Member Golonka said he would prefer retrieving the minutes to see what the motion was.

Mayor Hooper said the motion that was approved on April 29th was that Julio's wall be open on a first come first serve basis to whoever shows up but with the stipulation that they cannot drive in that area. Traffic will be barricaded and no entry except for authorized members of the Farmers Market could drive in. Walk-ins and small operations can be along the wall. Council Member Weiss seconded the motion. That is what the Council is discussing rescinding.

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

Council Member Sheridan said the only change he would make is that the people along Julio's wall be allowed to drive in and unload at the times they are out of the way of the Farmers Market. He asked members of the Farmers Market what times they have to be in and out during the morning.

Boots Wardinski, representing the Farmers Market replied the first vendors get there at 6:30 A.M. and they ask their vendors to be out by 8:30 A.M. In that area with parking on both sides it would be very tight and very narrow if there were people loading and unloading on both sides where the new market area is.

Council Member Sheridan said vendors for the Farmers Market are out by 8:30 A.M.

Mr. Wardinski said they don't want any traffic in there after 8:30 A.M. because of the pedestrian traffic. He has people at his vending site well before 9:00 A.M.

Council Member Sheridan asked how many vehicles they are talking about up against the wall.

Mr. Wardinski went on to say if there is somebody at the very beginning of the Farmers Market unloading and somebody at the very beginning of Julio's wall unloading it is going to be difficult for people to drive in and out from the Farmers Market. He believes it is a mistake.

Council Member Sheridan said he guesses he should be told why they shouldn't have the same rights that vendors of the Farmers Market have.

Mr. Wardinski said it is a safety issue.

Council Member Sheridan said maybe they should be consistent and not allow anyone to drive in. Why should one group be given the right to drive in where on the city side they are all getting a free ride?

Mr. Wardinski said their vendors are paying and they have liability insurance.

Council Member Sheridan said they are paying to the Farmers Market and not to the city.

Mr. Wardinski said there is a liability issue and they are insured for 60 State Street, so that means they are covering those people along Julio's wall over whom they have no control as to how they set up, what they sell, or what they do.

Council Member Sheridan asked why they are covering them.

Mr. Wardinski said their insurance policy covers 60 State Street and the city hasn't provided them with any paperwork showing they are not responsible so they can show their insurance agency they aren't covering a certain area.

Mayor Hooper said what they are hearing are they needed to get something from the city. Should anybody be allowed to drive in and out of there?

Mr. Wardinski said they couldn't have a market there if they couldn't drive in and unload. He couldn't park on State Street and haul in 200 plants. Alan LePage couldn't park on State Street or in the parking lot and haul everything over unless he got here at 5:00 A.M.

Council Member Sheridan said he is just trying to get people equal rights so they can drive in and unload their stuff, too; that's all. He is willing to discuss with the Farmers Market what might be the best time when other cars can fit in that area.

Mayor Hooper said one of the other issues that were raised with the use of that area had to do with safety and congestion at the mouth of the market. She believes that was the principle reason they were talking about restricting the use in and out of there. She asked that some professionals look at that.

Police Chief Facos said his observation this last Saturday morning from 7:35 to 8:35 A.M. while he was watching in plain clothes from a safety standpoint everything seemed to flow okay. However, he has a couple of concerns. He saw some vehicles that backed out onto State Street. The only other issue they need to look at, though not specific to 60 State Street but one other vendor, was on the sidewalk and blocking the crosswalk by Christ Church for over 20 minutes.

Mayor Hooper said at 1:00 P.M. it strikes her that it is potentially even more congested at that hour because that is when everybody is breaking down. There are more pedestrians about.

Police Chief Facos said he would be really concerned if he saw in general vehicles backing out on to State Street during a high traffic period.

Council Member Sheridan said he was only discussing before 9:00 A.M. If we want to discuss after 1:00 P.M. that is another issue. His concern is only at the beginning of the market time.

Council Member Jarvis said for her the reason why she wanted to limit the non-market vehicles was it seemed like a compromise in terms of her concerns about the fact that the Farmers Market has staff that are there to control the way things are set up and broken down. She was concerned about allowing part of the area to be unmanaged and she felt by not allowing those people to bring in their vehicles that at least the city was removing that one piece which is traffic safety and congestion.

Phyllis Chase, a local artist, said she applied to the Farmers Market and was accepted on a part-time basis for 13 Saturdays of the 30 Saturday season. The City of Montpelier owes the Farmers Market so much respect and so much appreciation for the business they bring into town every Saturday and how beautifully they manage that operation. They work very hard and present a lovely presentation. The only reason anyone would want to be against the wall of Julio's on Saturday morning is because of the Farmers Market. On her 13 Saturdays she arrives at 7:00 A.M., and it is a lot of work to be a farmer and a lot of work to be an artist. She drives in and rapidly unloads her vehicle. She is across the wall from Julio's. There is a line of cars all trying to do the same thing and there are many more cars trying to get to the back to set up. If there were cars on both sides there is no way the larger trucks trucking in their vegetables could get down to the back. She thinks the Farmers Market should have control of the entire area. If the City of Montpelier wants to make a space available for non-market people she suggests they do it on another day or in another location. The Farmers Market brings so much business to Montpelier. Even beyond safety issues as professional people trying to make a living the blockage of cars just becomes impossible, especially in bad weather.

Joseph Keane, a resident of Montpelier, said the area along Julio's wall has functioned well for years. He understands the concerns but in reality it has functioned smoothly and well for years without a problem. The best thing he has seen happen at the Farmers Market was to not have cars parked along the new area trying to pull in and out while the market is going on. That was like organized mayhem. As far as cars coming in and out to unload, typically not everyone arrives at the same time; it is staggered. When the market closes everybody is getting ready to leave at the same time. It takes quite awhile to unpack a lot of the booths. As far as equal treatment and fairness is concerned a number of the vendors along Julio's wall are not young people. Some of the folks from the Unitarian Church that bring the quilts are in their late 70's and very fragile, and to expect them to haul their booth and equipment from State Street is an issue of fairness. There are other vendors there that are handicapped, and to ask them haul in from State Street or from wherever they can park and haul booths and products in is a fairness issue. In the 25 to 26 times he has participated in the market he has never seen a case of that being an issue. It dovetails with restricting access to handicapped people and really flies in the face of the Americans with Disabilities Act. In general fairness it should be opened to all. It has functioned smoothly for years. He thinks he understands why the Capitol City Farmers Market was granted the permission as a peace offering, but he would respectfully suggest or request that the Council reconsider to either not let anyone drive in or let everyone drive in.

Darla Morrissette, who sells headbands at the Market on Saturdays, said she has been there since 2006 and there has never been a problem. She doesn't understand what is going on this year. It is like the Farmers Market against the people on Julio's wall. She has never done anything to make them so angry and wanting to keep us away. She did drive in there one day - not the first Saturday but the following Saturday - to unload because Joe had talked to the Chief of Police and he said go ahead. She didn't load up after the market. She was parked tight to the wall and there only 5 minutes, unloaded and got out. She has a lot of stuff she lugs in. It does not seem fair that one group who pays nothing to the city can drive in and the other group cannot. It seems like a lot of bitterness and hatred going on. She has never had anything against anyone. All of a sudden everyone is just so angry. You would think she was making a fortune. She does this because she enjoys it. Yes, she makes a little money, but so what? It's like singling out the Headband Lady, the Coffee Man, and the Apron Lady.

Jesse Schmidt said she has been managing the Farmers Market for the past seven years. Darla just pointed out one of the things that for the Market have been kind of confusing this year. She knows what the rules are but

a lot of people who are setting up there don't, and there is no one there managing the area and telling people what the rules are. They felt it wasn't their place to be involved in that area at all. There have always been vendors and nonprofits along Julio's wall and from the Market's perspective there have always been issues. A lot of people would park in those prime parking spaces, which they considered prime spaces for elderly people who came to the Market. She would ask them politely to leave the spaces open for the Market's customers and they would say no. There have always been complications. The Market sees this as having additional vehicular traffic in the area during setup and break down would be very complicated. Bottle necks at the Market for vendors are an issue every single Saturday. Every single Market day there are issues with vendors getting blocked in and not being able to get in and out easily, especially at the end of Market when everybody is trying to get their vehicle in at the same time to load up. It is frustrating at the end of the day when everyone is tired and ready to go home. From the Market's perspective having additional vehicles in the area would really complicate things. There would have to be somebody there managing those vehicles in the other area, or at least telling people what the rules are in a clear and concise way. The Farmers Market has always welcomed nonprofits at the Market. There are still spaces available for nonprofits to set up within the market area. They really want to support the community.

Kevin Thompson, one of the vendors at the Farmers Market, said when this was discussed at the meetings last fall in taking over the space one of the things that they were very clear about and one of their intentions was the space along Julio's wall and the space being used by nonprofits was so they could expand the space they have for nonprofits, different fundraisers and community groups. That has always been the Farmers Market's intention. As far as the driving in and out is concerned one thing that hasn't been pointed out is when you go in to set up you need two lanes of traffic open. You need to be able to get in and then get back out because there is no other way out of the parking lot. There have been issues already with the Julio's wall people driving in. Last week there was a vendor who drove in to unload and was parked so he was partially blocking one of the lanes of traffic. As the summer gets busier and the Market has more vendors it will become more of an issue, and if we are encouraging more people to drive in there will be more traffic and safety issues. The whole idea behind this was safety. Personally, he feels the Farmers Market should have control of the whole area and let us expand what they are doing with nonprofits and fundraisers. At that point if they are controlling it and there are nonprofits coming in, then they can come in and park to unload.

Nancy Wasserman said she believes everybody else who sells outside of the Market that is not along Julio's wall needs a vendor's license. It sounds like there are a whole bunch of people on Saturday mornings who are not required to get a vendor's license nor are they required to be a part of the Farmers Market. From the average customer's view point there is no difference. It's all part of the Farmers Market and it's all part of the ambience. The city and Capitol City Farmers Market is taking on a lot of risk by not having any oversight of at least some segment of the Market, even though we all would like to benefit the nonprofits and community fundraisers. Perhaps a vendor's license would be in order as part of the strategy or having the Farmers Market's management overseeing them.

Claire Fitts, a vendor at the Farmers Market as well as a Board Member, said she wanted to mention that we have some nonprofits mentioned to them they are having to start arriving there at 7:00 A.M., or even earlier, to even get a spot on Julio's wall. Fortunately, this has created a lot more interest in the wall and a lot more commotion around it and it is getting very crowded up there. As the season continues there will be issues where nonprofits won't be able to set up. That is an active concern of the Farmers Market. There is space in the market, but they wanted to have that space to increase the amount of room for the nonprofits as opposed to decreasing it. If there is some rule regarding driving in and out for the people on the wall and the city is not enforcing it, if the Farmers Market does start enforcing it they could be assuming liability. They send out announcements to their vendors all of the time and keep people from backing out on to State Street. They can help control that flow. All of the Farmers Market vendors have to park back behind the Chittenden Bank and they have had very good luck enforcing that with their vendors.

Joe Keane said regarding the insurance and liability issue, he is a nonprofit and raising money for the soup kitchens in Montpelier. As far as liability on the Farmers Market if they are not part of the Capitol City Farmers Market group and have no fiduciary interest whatsoever in their organization or participation they are excluded from coverage from their policy. That is a general rule of thumb in the insurance industry. Secondly, all of the monsters of what may or not happen hasn't happened for years. It's like fear and doubt when it has functioned so well and any momentary blockage for a minute or two is rectified. When the market is functioning everyone gets along well and cooperates. If somebody is in the way, they offer to move and move quickly. As far as lack of space for nonprofits, being a nonprofit himself there was at least 35 feet available along Julio's wall since the market opened and there was no one there. There is plenty of room for nonprofits, Montpelier citizens and service organizations. The neat thing about Julio's wall is that if someone comes along and there isn't enough room they scrunch down and make room for them, and it happened many times last year. That is one of the neat community things about Montpelier.

Boots Wardinski, representing the Capitol City Farmers Market, said it has run smoothly in the past, but the Farmers Market wasn't set up the way it is now in previous years. There weren't vendors up there and unloading and loading on both sides. The Market requires all of their vendors to take certain safety precautions with regards to their tents and umbrellas because they do blow over in the wind. That could happen along Julio's wall where there is no enforcement. If one of those tents blew over and hurt somebody in the market, regardless of whether people were not associated with the market, they would sue the Farmers Market because it happened in the market and they are concerned about that. There is usually a guy up by the Information Booth with a motorcycle selling raffle tickets, and he has been there every year that the Market has been there. That further restricts that end of the market. If you are going to continue to allow vendors along Julio's wall he would suggest there be at least 20 feet from the sidewalk down along Julio's where there are no vendors so that when people are coming in, especially at the end of the market when everyone is there, there is plenty of room to turn in, turn out and get out of the way. It is 23 feet from curb to the line into the market, but that is restricted by the guy with the motorcycle. If there is a car along Julio's wall loading their stuff at the end of the market, then it is down to 10 or 15 feet, and there have been bottlenecks there. Last week because there was no room along Julio's wall there were people setting up on State Street.

Mayor Hooper said last year a number of us were using the market and were concerned about the vehicular traffic, the in and out of cars in the upper portion of the parking area. She suggested to the market that they consider moving up and work with the city to figure out how to use that space up above. The market in considering that said they would just manage all of 60 State Street for the city. That was the proposal they made to the Council. They will make determinations about who can be there. They welcome the community members and the nonprofits there and they will make determinations about how that is managed. Her recollection of the City Council's discussion of that was they said no, thank you, but we think there should be some free use of a portion of it. This wasn't an attempt to solve a potential problem, and she thinks they will get there. It's really unfortunate that people are feeling frustrated and being pitted against each other, but this is just about figuring about how to change and make this work for everybody. The reason we were restricting the vehicular traffic was because of a concern about safety.

Council Member Jarvis said her inclination is to allow the Farmers Market to take over the whole 60 State Street parking lot and for the city to figure out an adjacent area for non-market vendors. She is thinking about possibly the Christ Church Pocket Park or the parking lot behind the Christ Church. We will have solved the issue of delineating where the market is and where it isn't in terms of liability, safety, etc. If it is either in the Christ Church Pocket Park or Christ Church parking lot there are separate traffic flows that can happen and you don't have issues of congestion and safety. She thinks one of those solutions might work. The city could acquire this either by lease or by arrangement. That area is basically adjacent to the Farmers Market.

Council Member Golonka said this seems to have become a bigger animal for monitoring by city staff. He would be interested to know what it would cost from the city's point of view to patrol that spot with a police officer during the set up time and in the afternoon time, and figuring out how to reimburse the city. He fears it is getting to the point where we may get into a situation where there is an accident. It hasn't happened yet, but if it does happen we're all going to be extremely disappointed we didn't have somebody managing the traffic flow. He would like to hear from the city staff. He knows we don't want to take on the administration, but in terms of managing traffic flow there seems to be a direct function we could serve and a direct function we could figure out how much it costs us and get reimbursement.

City Manager Fraser said the city hasn't costed that out. Our goal was to avoid regular assignment of staff of any sort. The option is to try to get somebody to come in off a shift and we can never guarantee they won't be on another call. There is definitely a cost to that. Maybe the Sheriff's Department could do this. He doesn't know what other options are available for directing traffic in that area. The position of the Council, and certainly his position, we are not interested in taking on additional management of that site.

Police Chief Facos said this is a commitment he can't guarantee. The Police Department is down on staff and even at full staff there are always things going on. Again, what happens if they have an emergency at one point? They have an obligation to provide coverage. There aren't part-time officers in Montpelier so he would certainly consider contracting out with the Sheriff's Department.

Mayor Hooper said Council Member Jarvis and Council Member Golonka have given two ideas for how that area could be managed. She believes the members have a concern about the safety of people going in and out of the market. Council Member Sheridan raised an issue of fairness and equity because that is the other piece on the table.

Council Member Sheridan said he went down to the market to buy some plants and he gets approached by Boots Wardinski who says there are people pulling in where they shouldn't be. They said they had talked to the police officer and they said they could, and it isn't fair. Here we are as a city offering everybody basically a free ride. All he sees is they provided a barn yard for kids to play and they can't get along. He is trying to approach it from a fairness and equitable consistent point of view. It seems sad that people have to be at each other when everybody is provided something free by the city to provide wares to the people. We know they are doing good for the city. He is just trying to find some common ground where they can make it work for everybody.

Mayor Hooper said his proposal is to not manage it.

Council Member Sheridan said maybe they need to drive in before 7:00 A.M. He doesn't understand why one group thinks that another group should have to walk their stuff in when they don't want to walk their own stuff in. He understands safety and organization, but it's one group thinking that they should have certain rights and privileges.

Council Member Jarvis said the Council is the one who made that rule.

Council Member Sheridan said they came to the Council and asked that they not have any more cars in there. That was a suggestion by the Farmers Market to the Council.

Council Member Sherman said she thinks what is really valuable along Julio's wall is the access to the crowd and to say we'll put them over at Christ Church isn't right. Christ Church has plenty going on in its front yard and with the parking area no one will have any place to park and we will have those issues again if we block off part of the parking lot. Who wants to be in the back parking lot? It's much better to have the access up by Julio's wall. If we are going to address the safety and congestion issues of the whole area, and

there is a group that wants access to that area let them have access but limit the cars and if they can walk their stuff in without pulling their cars in, great they can do it for as many times as they want. Keep those two lanes open for the people in the market so they can get their stuff in and get in on schedule and on time and be managed by the Farmers Market. Those who don't want to be managed can just have square footage and no car access.

Council Member Weiss said the Council has discussed this in April and May, and now in June and have heard a lot of good testimony. Council Member Golonka has a shorter range plan. Council Member Jarvis has a long range plan. He doesn't think too much has changed this evening. Therefore, because we have revoked a motion he is going to move that they keep Julio's wall open on a first come first serve basis to whoever shows up but with the stipulation they cannot drive in the area.

Council Member Golonka seconded the motion.

Council Member Hooper said he didn't know how to communicate this so it is enforced or recognized.

Mayor Hooper said the folks who know the rules are abiding by the rules but the rest who wander in and use the space are not. There is some inequity there.

Darla Morrissette said she would tell the people they couldn't drive in the area.

Boots Wardinski asked who was going to tell people not to drive in if Darla Morrissette isn't there.

Mayor Hooper said they don't have an answer.

City Manager Fraser said the city could go down and have a handout and tell the people what the rules are.

Council Member Golonka said Nancy Wasserman brought up the idea of a vendor's permit for the season if anybody wants to set up on Julio's wall. Maybe we could enforce that on the spot on a random basis. He thinks that would address their concerns of not having staff there, but putting them on notice that these are requirements and they are not supposed to drive into that area.

Mayor Hooper said perhaps that is something staff could give some thought to.

City Manager Fraser said the issue is that some people are there every week and some are not.

Mayor Hooper called for a vote on the motion. The vote was 4-2 with Council Member Sheridan and Jarvis voting against the motion.

09-131. Consideration of the Americans with Disabilities Act (ADA) and the current status of the City of Montpelier's compliance with the law. V.A.

Receive a presentation from Tom McArdle (Public Works Department) who will discuss the results of a preliminary review of compliance and necessary actions to be taken and also an opportunity to hear from Kim Brittenham, Community Access Specialist, Vermont Center for Independent Living, who has assisted with the interpretation and understanding of the ADA.

Receive and discuss a report (memorandum) dated May 20th describing recommendations for immediate and future actions to achieve ADA compliance.

Consider authorization of staff to implement suggested alterations to improve and address accessible parking deficiencies within municipal parking facilities as provided for in

Sec. 10-718. SPECIAL DISABLED PERSON PARKING.

Recommendation: Receive and discuss report. Provide an opportunity for public discussion and consider authorizing staff to move forward with immediate alterations identified. Consider staff recommendations concerning the development of a transition plan and direct staff to organize and develop a scope of work for a citizen committee to be developed at a date to be determined.

Tom McArdle, Assistant Director of Public Works, and Kim Brittenham from the Vermont Center for Independent Living appeared before the Council to give an introduction of the status of the City of Montpelier's compliance with the Americans with Disabilities Act (ADA).

Assistant Public Works Director McArdle said Montpelier is an accessible community, and that didn't happen by accident. There are a number of things the city is required to continue to do, and one of those things is we monitor that and evaluate ourselves. We need to provide information to the public in a way that is accessible to those with disabilities, and that is something that hasn't been kept up to date.

Assistant Public Works Director McArdle provided an outline of the Civil Rights legislation from 1990. Title 2 has to do with public services and transportation in communities. The Council also was provided an ADA Guide for Small Towns. It is several years old but it is still a good outline of what communities are required to do. He has some sample plans from various communities around the country. Some are very lengthy documents from the bigger cities to more simplified versions. That requires the towns to produce a transition plan. It is developed through a self evaluation. It is an understanding of all of the various aspects of the law and identifying where we have shortcomings and evaluating that. His background and what he does for Montpelier is the Title 2 part, but there are other aspects we must include in the plan, i.e. employment, public accommodations in the private sector, telecommunications, voting systems. Then, there is Title 5 which is miscellaneous and covers everything else. What we need to do with the self evaluation is find things that are inconsistent with the law, identify them, and determine what needs to be done and when and how it will be accomplished. Towns were required to have this in place in 1993. Montpelier did develop a transition plan in the 1990's with a 1995 completion schedule. That is what he meant when he said we didn't get to where we are by accident. The most noticeable feature is the ramp at City Hall, elevators, crosswalk ramps around town. When we construct projects the city is checking its ramps, even with paving projects. A lot of that came about through some litigation that has occurred and what is referred to as the redevelopment of a facility. In the transition plan we identify what needs to be done and how we are going to get there, and that may include when we construct X Street we will include these facilities. When we construct a signalized intersection, more recent rules address the location, height and location of crosswalk buttons, and the size of the button. How do people with visual impairments find the button? There are locator tones.

Assistant Public Works Director McArdle said there was a case several years ago about what defines a redevelopment. The courts have established that simply repaving a street is a significant redevelopment and will trigger some of that. Montpelier has done much of that. In the 1990's there was a specific project targeted at crosswalk ramps around town. There were a couple of years in our Capitol Plan where we reconstructed ramps as a dedicated project, but everything since that time has been addressed through redevelopment. Where do we go from here and how do we get there? He and Kim Brittenham have discussed this and it is a very long process requiring a number of different disciplines, architecture and civil fields that they will have to draw on to obtain good information about what we have in place and what we need to do to correct it. Where are we inconsistent and how are we going to address that? They have talked

about reinstating a committee, and we don't have an ADA Coordinator. We need to assign that position to somebody and then give them the resources, volunteers and consultant services to make things happen.

Ms. Brittenham said that isn't a full-time position. It can be a part of somebody's position, but a person would have that position. There needs to be a compliance officer and a grievance process.

Assistant Public Works Director McArdle said they are probably looking at consultant services as well. We can't rely on a volunteer committee to do some of the things and to have that background to recognize the width of a door, the height of a handle and some of the features. Mike Jones was the ADA Coordinator for Montpelier. Many of our bathrooms were changed at the time, doorways were checked, the lavatories where the doors swing, sinks changed to the proper height, but nothing is documented. We really need to start from the beginning to make this all happen.

Mayor Hooper asked if he was talking just about inside City Hall or citywide.

Ms. Brittenham replied citywide. It would include the school systems as well.

Assistant Public Works Director McArdle said it includes all municipal buildings.

Mayor Hooper said they aren't talking about the streets and sidewalks yet.

Assistant Public Works Director McArdle said Title 2 is the public rights-of-way. It is the entire city.

City Manager Fraser said the reason they brought this forward is because this is something we have to do. We have been trying to abide by it in spirit as we have been making improvements, even just the last time we did work at City Hall. It hasn't been comprehensive. Kim has come aboard and her position is specifically designed to help the city become aware of things we need to address. One of the reasons he asked this to be put on the Council's agenda is that during his time the Council has never had a briefing or discussion about what the city's obligations as an organization are. Tom can do the traffic part of this and we are going to need additional services.

Assistant Public Works Director McArdle said one of the things they would also like to do is to continue the things as we move forward that we know we need to do. While we put that plan together and identify how it is going to move forward we need to find out if there are people who have some background to address those things that we know are deficient in. One of the major topics that has been brought up is accessible parking in Montpelier. Over time things get missed and things get changed or advice and interpretation of some of the regulations is not correct. We took a tour with someone in a wheelchair recently and spent some time looking at all of the city's parking facilities. We have made some changes to some of our parking lots. He did an inventory last fall and asked Kim to review that, and we took a tour around to see what their recommendations were. The interpretation is rather rigid sometimes when you look at the ADA regulations and the access requirements, but in practical sense there are many things we could do to meet those standards and needs without fully complying with the standard. For example, at the North Branch Parking Lot the city resurfaced and reconstructed spaces provided. It was noted by the consultant at the time that we don't have an accessible route. None of the buildings have accessible entrances at the back of the store entrances. The accessible route doesn't exist. It is an alley. It is a 12 foot right-of-way to get into the parking lot. Is it appropriate to place the spaces in there? His interpretation of that was that the ADA regulations says if there isn't an accessible route to an accessible sidewalk or building that you provide those spaces at an alternate location. That really hasn't happened. What Kim has pointed out is if people can walk through this alley then somebody in a wheelchair can.

Ms. Brittenham said just because there isn't the ideal route of access you still need to provide those spaces. If people walk in the alley way, then people in a wheelchair should be able to go through the alley as well.

Council Member Sherman said it is interesting that we are talking about parking when we need to talk about sidewalks. That seems to be such a critical thing. To wait until we do a redevelopment project is a long way off. There are groups that talk to her about the condition of our sidewalks, and there are three right now that are totally inaccessible and she named Sibley Avenue, Northfield Street and Clarendon Avenue. She felt they should develop a list and do some prioritization.

Ms. Brittenham said it would be wonderful if they had a committee to focus on this.

Assistant Public Works Director McArdle said that is part of the transition plan. The sidewalks are, have been, and always will be part of our capital plan. All three of those streets are in the capital plan for sidewalk work, but they await funding. A couple are funded this year. As they do maintenance they incorporate the current standards of the proper width and slope. Working with VTrans Montpelier was a test site for the truncated domes, the product that is yellow and at the crosswalk ramps. For years ADA had interim regulations for a tactical warning device for those with visual impairments so they can tell they have met the public thoroughfare and need to be able to detect that with cane or by foot. He was asked if Montpelier would participate in that program along with a town in the southern part of the state to evaluate the products. They are involved with sidewalk work and do incorporate that and include that in their transition plan. Where we have sidewalk deficiencies we need to get after them. Sidewalks were included in a large part in the city's capital plan. At least eight years ago they were spending a lion's share of the money on street paving projects and started moving a larger percentage into sidewalk work. Barre Street has been completed, but there is much more to do.

He went on to say accessible parking and getting there with sidewalks are some of the things they can do, and they don't have to wait for a transition plan to do that. The city doesn't stop work on all of those things because we don't have our plan together. In fact, it is more incumbent upon us to do these things today. Right now besides sidewalks parking is another very pressing need. We do have shortages and we are not in compliance. He mentioned the North Branch Parking Lot and they have made some changes at the 60 State Street Parking Lot. There was a space that was felt not to be accessible and they had some issues with vandalism in that space, and the proposal is to restore those parking spaces. As mentioned with the Farmers Market and the lack of access, he reminds them that if they provide parking at all that a certain percentage of those spaces must be accessible. Parking not being allowed in 60 State Street lot will allow us not to provide the parking spaces in the lot for safety reasons, and that is an acceptable solution. The fact remains they must restore the spaces they had in there. One of the reasons why it was removed was the grade exceeds the ADA requirements. They did restore spaces that were lost over at the Capitol Plaza Parking Lot that were unintentionally reassigned. What they would like to do for the 60 State Street Lot is put an alternative on the street at the Rialto Bridge where the bridge is flushed with the roadway. The issue of on-street parking they are constructing a couple of spaces in front of the Post Office. That is something they are going to see more of in the future. The final rules are nearing completion for on street parking, that a paving project could trigger the requirement that we provide spaces on the street that are accessible, and they are going to need to look at how we provide the accessible ramp from the sidewalk from the space in a curbed environment. Their suggestion is to place one on State Street. There are eight spaces now on State Street.

Council Member Weiss said ADA compliance is inevitable. He moves the Council authorize staff to develop a transition plan, direct staff to organize and develop scope of work for a citizens committee and to do so no later than the 24th of June as stated in the recommendation. Council Member Sherman seconded the motion.

Mayor Hooper asked Tom McArdle if he was also looking for the Council to approve the installation of the spots delineated in his memo.

Assistant Public Works Director McArdle said the Council has the authority in Section 10-718 for the designation of spaces and the memo makes the recommendation to create seven in parking lots and one on the street. One of the benefits of the one parking space on the street is they have the accessible route and accessible aisle next to it. He is a little concerned about the June 24th aspect. Timelines are good to keep things moving, but he isn't sure they can accomplish all of the objectives in that short a timeframe.

City Manager Fraser said the main thing is to get the citizens committee up and running.

Council Member Weiss said the motion that has been made and seconded is specific to the recommendation.

City Manager Fraser said to authorize the transition plan and organize the committee.

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

Mayor Hooper asked if there was a desire to also address the request to designate the parking spaces, or, alternatively, would they care to have the committee that is going to be appointed to consider this. What sort of problems would that potentially create?

Ms. Brittenham said the parking recommendations are remarking spaces which are happening this month and next. They are talking about painting and signs.

Assistant Public Works Director McArdle said it is important to point out that we are non-compliant with parking spaces in our parking lots and he doesn't think City Council has a lot of prerogative about that. That needs to be done. He doesn't think it is appropriate to postpone that and include it in the transition plan. We need to do those now and the time to do the marking and signing is now with the marking they typically do in June.

Council Member Jarvis asked if the State Street change require an ordinance change for the on street parking.

Assistant Public Works Director McArdle said no, under that section you are allowed to designate a parking space for a specific use, that being for an accessible space for the disabled. Without reconstruction the city is not able to provide the ramp. In this one location the ramp already exists. The subject of the contract for the Post Office project is the development and construction of a ramp. Those are on street spaces. To date they have used loading zones and unloading zones to satisfy the need, but it's like false advertising.

Ms. Brittenham said there are portions of town, like the Library portion, where there are no lots with accessible spaces and no on street accessible spaces, so that is not an easy part of town to get to if you have a van and use a wheelchair.

Mayor Hooper said what they are hearing is that the staff would like authorization to go ahead with restriping and marking spaces within the parking lots.

Council Member Sheridan asked if these parking spaces were required to be kept open 24/7.

Mayor Hooper replied they are required to be only used by people with disabilities.

Council Member Sheridan said if they are in the Farmers Market we are going to be required to open that back up.

Ms. Brittenham said no one is allowed to park in the Farmers Market it is equal and not special.

Assistant Public Works Director McArdle said if they provide public parking, a portion of those spaces must be designated for accessible parking with a minimum of one. If we provide two parking spaces one of them must be accessible. It's a civil rights issue.

Motion was made by Council Member Weiss, seconded by Council Member Sherman to authorize the designation of accessible spaces in parking lots.

Assistant Public Works Director McArdle said he wanted to point out that if the city doesn't provide the one on the street then we need to add one back to the 60 State Street Lot.

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

Mayor Hooper asked if they would like to resolve the issue of the on street parking on the Rialto Bridge. Consensus was to refer it to the committee to come back to the council with a recommendation.

09-132. Consideration of awarding a contract to DuBois Construction for the construction of two ADA compliant parking spaces on State Street in front of the US Post Office/Federal Building to serve the disabled. V.A.

Senator Leahy's office was instrumental in securing federal funding for the development of parking for the disabled to address a well documented and unfulfilled need at the Federal Building. Accessible parking for the disabled was discontinued for security reasons following 9-11 when public vehicular traffic was no longer allowed on the property.

Funding for the project is 100% Federal Highway Administration. For ease and to expedite the project, a portion of the Federal funds previously secured for the Multi-Modal Center has been reallocated to the accessible parking project. Assurances were provided that the re-allocation will not adversely affect needed funds for the Multi-Modal Project.

The project was designed, and will be administered, by Public Works staff. Competitive sealed bids were due on Wednesday, May 20th, and two bids were received. The budget for this project is approximately \$50,000.

DuBois Construction, Inc., Middlesex, VT	= \$28,806.00
Hebert Excavation, Inc., Williamstown, VT	= \$35,900.00

Recommendation: Accept the low bid submitted by DuBois Construction, Inc., for the contract to reconfigure the on-street parking area and adjacent sidewalk in front of the Federal Building/Post Office for the development of two accessible parking spaces, and related work, and authorize the City Manager to sign the Contract Agreement in the amount of \$28,806.00, as well as any other contract documents.

This award is subject to approval by VTrans Contract Administration.

Motion was made by Council Member Weiss, seconded by Council Member Golonka to approve the recommendation

Mayor Hooper said she very much appreciates they have found a resolution to what is a deep and troubling problem, that the federal government removed access for people with disabilities from in front of this important building in the state, and certainly in the city, and they made it the city's burden to figure out how to solve that problem. They made the choice to create this situation and now they are asking us to solve the problem. She really appreciates the fact that Senator Leahy's office has stepped in and is trying to resolve the

problem, but it exists because of what the federal government did. They had accessible spaces. They removed them. She would be opposed to this if the area in front of the Post Office was working in the way we had planned it because we went through a very thoughtful citizen led design process to create a much more attractive welcoming space in front of the Court House, which we succeeded in doing, and in front of the Federal Office Building. Lots of people worked very hard and the city spent a lot of money creating that space, a portion of which is being removed. Unfortunately, it hasn't worked because the federal government placed the barriers in front and prevented that space from being used the way we had envisioned it.

City Manager Fraser said it was part of the Homeland Security Act and the city raised all of the issues. The case went to Federal District Court in Burlington and Judge Sessions ruled that the Homeland Security Act took priority over the ADA regulation and they couldn't move the spots.

Mayor Hooper said the federal building is dutifully protected on one side. She called for a vote on the motion. The vote was 6-0, motion carried unanimously.

09-133. Adoption of the City Council Goals for 2009. V.A.

(City Council held its Goal-Setting Workshop on Wednesday, April 1st. As a result, the City Manager compiled a draft list for Council's review at their May 13th meeting. Council chose to table the item until this evening.)

Recommendation; Discussion; adoption.

Mayor Hooper said under the second goal which talks about efficient constructive services and built environment, #6 which says to continue to improve pedestrian access, she would like to see that says include pedestrian and bike access, including creating sidewalks, bike paths and maintaining bridges.

Motion was made by Council Member Hooper, seconded by Council Member Golonka to adopt the City Council Goals for 2009 with the amendment made by Mayor Hooper. The vote was 6-0, motion carried unanimously.

09-134. Sabin's Pasture Workshop. V.A.

As a result of the Council's Goal-setting Session in April, it was decided that ample time would be set aside at each upcoming Council meeting to receive an update from one of the various committees or groups working on City-related projects.

Councilors feel that more time has been needed not only to receive the update, but to allow for a longer discussion as well.

Recommendation: Receive update; discussion; possible direction to the Sabin's Pasture group and/or staff.

Roger Krussman, Trust for Public Lands and Peter Richardson, Housing Strategies, Inc lead consultant were present for this agenda item.

Mr. Krussman updated the council on the project and spoke about the Act 250 process. Grow Center Designation was discussed as well as Tax Increment Financing. Also discussed was what position the City Council might take in the development process.

09-135. Carr Lot Workshop Discussion. V.A.

As with Agenda Item #09-134, this will also be an opportunity for Council to conduct a workshop-type discussion regarding the Carr Lot.

Again, Councilors feel that more time has been needed not only to receive updates, but to allow for a longer discussion as well.

Recommendation: Receive update, discussion, possible direction to the committee working on the Carr Lot and/or City staff.

Harold Garabedian, Benson Scotch and Barbara Scotch were present for this discussion.

Planning and Development Director Hallsmith and City Manager Fraser updated the council on this project. Handouts were provided that will be attached to the permanent minutes. Council members felt they would like to meet with counsel to review aspects of the land negotiation process.

When this workshop was completed council members chose to waive their reports and the balance of the agenda due to the late hour.

09-136. Report by City Council.

09-137. Mayor's Report:

09-138. Report by the City Clerk-Treasurer:

09-139. Status Reports by the City Manager.

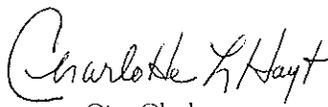
Agenda Reports by the City Manager:

09-140. No further items as of "press time".

Adjournment

After motion duly made and seconded by Council Members Weiss and Jarvis, the council meeting adjourned at 11:25 P.M.

Transcribed by Joan Clack

Attest: 
City Clerk