

**Minutes of the Montpelier City Council Special Meeting
September 10, 2014
City Council Chambers**

In attendance: Mayor John Hollar, Councilors Tom Golonka, Thierry Guerlain, Justin Turcotte, Dona Bate and Anne Watson. Councilor Jessica Edgerly Walsh participated via webconference (Skype), and arrived after the meeting was underway. City Manager William Fraser was in attendance. City Clerk John Odum served as Secretary of the meeting.

The Mayor called the meeting to order at 6:33 PM.

- 14-203. Councilor Guerlain moved approval of the agenda, with the addition of a requested resolution honoring the Kiwanis club on their anniversary to be included on the consent agenda. Councilor Bate seconded. Motion carried unanimously (5-0 vote) at 6:35 PM.
- 14-205. Councilor Turcotte asked that item e) be tabled from the consent agenda without objection. Councilor Guerlain asked that item a) be similarly tabled. Councilor Turcotte moved approval of the consent agenda with the addition of the Kiwanis club item, and without items a) and e). Councilor Bate seconded. Motion carried unanimously (5-0) at 6:36 PM.
- 14-206. Councilor Guerlain moved that Stephen Everett and Eric Gilbertson be reappointed to the Design Review Committee. Councilor Bate seconded. Motion carried unanimously at 6:37 (5-0).
- 14-207. Councilor Jessica Edgerly Walsh arrived to the meeting via webconference (Skype). Kate McCarthy and Michael Sherman spoke to the Council regarding their candidacies to the Development Review Board as alternates (reappointments). Councilor Bate moved that Kate McCarthy and Michael Sherman be appointed to the Development Review Board. Councilor Guerlain seconded. In a roll call vote, the motion carried unanimously (6-0 vote).
- 14-208. Councilor Guerlain moved reappointment to the Montpelier Historic Preservation Commission of Anthony Otis to a 3-year term, and by Eric Gilbertson and James Duggan to two-year terms. Councilor Bate seconded. Councilor Turcotte wondered about the candidates' "Perception(s) of adding roadside markers" to downtown. Motion carried unanimously, by roll call vote, at 6:44.
- 14-209. The Mayor introduced a discussion on the use of upper floor development at 1 Taylor Street, based on the recommendation of the Committee, development team, and public discussion. Councilor Bate proposed the following resolution: "The Montpelier City Council approves use of the upper floors at 1 Taylor Street for at least 30 rental apartments. The Council authorizes the City Manager to negotiate a development agreement with Redstone that advances the design and construction phase of the building project, outlines a long-term agreement for the use of the upper floors, and prescribes the use of onsite parking spaces. Finally, the Council authorizes the City Manager to negotiate an agreement with CCTA/GMTA for the use of the first floor space and associated site space for a Transit Center." Councilor Watson seconded. A

discussion followed. Erik Hoekstra of Redstone Properties (the project developer) participated. The motion carried unanimously, by roll call vote, at 7:05 PM.

- 14-210. The Mayor introduced a discussion and update of the State Street redesign project (in front of the State House) approved at the April 16, 2014 City Council meeting. Councilor Guerlain moved that the Council adopt a plan to not put in diagonal parking and to go with the parallel parking plan as presented in the drawing presented to the Council. Councilor Watson seconded. Discussion followed, including members of the bike committee. Vote was 3-3 (Bate, Turcotte, Golonka voting nay and Guerlain, Edgerly Walsh, Watson voting aye). Mayor Hollar voted aye, and the motion passed on a 4-3 roll call vote at 7:33 PM.
- 14-212. City Manager Fraser introduced the consideration of a Municipal Planning Grant Application for Completion of the Zoning Re-Write before turning the discussion over to Planning Director Michael Miller. Councilor Watson moved the Council direct the City Manager and Planning Director to pursue a Municipal Planning Grant for completion of the zoning re- write. Councilor Bate seconded. The motion carried unanimously at 7:43 PM by roll call vote.
- 14-213. Mayor Hollar introduced a discussion of parking requirements in the Zoning Ordinance. Mr. Miller stayed at the front table to participate in the discussion.
- 14-214. Mr. Miller introduced the First Reading/Public Hearing to consider rescinding Chapter 18, Impact Fees, Article I. Establishment of Impact Fees of the City's Code of Ordinances. A discussion followed. The Mayor opened the public hearing at 8:11. Dot Helling offered comments. Public hearing was closed at 8:14. Councilor Guerlain moved approval of the first hearing and set second hearing for the September 24 meeting. Councilor Edgerly Walsh seconded. The motion carried unanimously by roll call vote.
- 14-215. At 8:15 the Mayor opened the first reading/public hearing on a proposed amendment to the City's Code of Ordinances, Chapter 16, Taxation, Article I, General Taxation (reduction in the late penalty for property taxes from 8% to 5%). The public hearing closed at 8:16. Councilor Guerlain moved approval of the first public hearing and set second hearing for the September 24 meeting. Councilor Watson seconded. The motion carried unanimously by roll call vote.
- 14-216. The Mayor initiated a discussion of creating a Vermont College of Fine Arts Liaison Committee. No votes were taken.
- 14-217. Councilor Turcotte indicated he would attend the Vermont League of Cities and Towns' Annual Business Meeting as a voting delegate.
- 14-205. Councilor Guerlain moved approval of consent agenda item a) with a correction indicating that the paintings formerly hanging on the Council Chamber walls went back to the TW Wood gallery, rather than the library. Councilor Bate seconded. The motion carried unanimously by roll call vote at 8:32 PM.

After a brief discussion of the item, Councilor Turcotte moved approval of consent agenda item e). Councilor Guerlain seconded. The motion carried unanimously by roll call vote at 8:34.

- 14-211. The Council began a discussion of Berlin Pond. Melissa Perley from Citizens to Protect Berlin Pond read a statement. Bob Green also addressed the Council. Councilor Watson moved that the Council find that the question of a response to the ANR finding involves legal action whereby premature general knowledge of discussions may place the city at a substantial disadvantage. Councilor Guerlain seconded the motion, which carried on a roll call vote of 5-0, with Councilor Turcotte abstaining, at 8:45PM.
- Councilor Bate then moved that the Council enter executive session to discuss the matter. Councilor Guerlain seconded the motion which carried on a roll call vote of 5-0, with Councilor Turcotte abstaining, at 8:46PM.
- Councilor Guerlain moved that the Council return from executive session. Councilor Turcotte seconded. Motion carries unanimously on a roll call vote at 8:54 PM. The Mayor shared the nature of the closed discussion in open session.
- 14-222. Councilor Watson moved that the Council find that the discussion of a possible appeal of the August 20 decision in Hallsmith v. City of Montpelier, Fraser & Baker involves legal action whereby premature general knowledge of discussions may place the city at a substantial disadvantage. Councilor Guerlain seconded the motion, which carried by unanimous roll call vote at 8:57.
- Councilor Edgerly Walsh moved the Council enter into executive session to discuss the matter in accordance with Title 1, Section 313 (1) E and F and that the City Manager and Assistant Manager be included. The motion was seconded by Councilor Turcotte and carried on a unanimous roll call vote at 8:58 PM.
- AT 9:30 PM, Councilor Watson moved that the Council return from executive session and was seconded by Councilor Edgerly Walsh. The motion carried unanimously on a roll call vote.
- Councilor Golonka made a motion to authorize the City Manager to file an appeal of the decision in Hallsmith v. City of Montpelier, Fraser & Baker. Councilor Guerlain seconded. The motion carried unanimously on a roll call vote at 9:30PM.
- 14-219. Councilor Bate informed the Council she was working on proposals for a transportation task force, and a committee orientation procedure.
- Councilor Guerlain noted he will be attending the next meeting via skype.
- Councilor Golonka invited interested citizens to consider serving on the Public Safety Authority board, before noting the recent passing of Lola Aiken.
- Councilor Watson shared an update on the Energy Committee's solar project
- 14-220. The Mayor reported on his attendance at a recent mayor's innovation project meeting. He noted that he will be at an event with AmeriCorps on Friday for their 20th anniversary.
- 14-221. The City Clerk noted water/sewer payments will be due on Monday the 15th.
- 14-222. Assistant Manager Jessie Baker gave a report from the energy committee.

The City Manager reported that he and the Assistant City Manager will be away at a conference the following week. He then noted the passing of Lola Aiken with an anecdote.

Councilor Guerlain moved for adjournment. Councilor Bate seconded. Motion carried on a unanimous roll call vote at 9:39.