

On Wednesday evening, September 23, 2009, the City Council Members met in the Council Chamber.

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

Call to Order by the Mayor:

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

09-235. General Business and Appearances

None.

09-236. Consideration of the Consent Agenda:

Consideration of the minutes from the September 9, 2009, regularly scheduled Council Meeting.

Consideration of awarding a contract for the FY 2010 Bituminous Concrete Paving of Municipal Streets. A request for quotes/bids was solicited by the Public Works Department from several area contractors. Bids were opened on September 16, 2009.

Two bids were received for a total of 210 tons of bituminous concrete paving complete and in-place:

A.C. Paving Corp.	@	\$145.00 ton = \$30,450
Pike Industries, Inc.	@	\$149.00 ton = \$31,290

Based on our past work experience with these two contractors, we would be pleased to recommend either contractor. Therefore, the award may be considered solely on the basis of the lowest bid as received from A.C. Paving Corporation which is recommended by the Director of Public Works.

Funding for this contract is available from the Capital Improvement Plan in the amount of \$78,347. Approximately \$25,000 of this fund will be used for the road reclamation work (revert to gravel) on Bliss & Murray Roads, and a portion will be needed to offset any overruns of the budgeted local share costs associated with the State Class One Paving Project. The streets to be paved at the total bid price noted above are **Corse Street & Holmes Court**. Contractor consideration was also requested for an optional 100 tons (\$14,500) for the resurfacing of **Cherry Avenue** to be added to the contract by change order if sufficient funds are available.

Recommendation: Award of the contract for FY 2010 Street Paving to A.C. Paving Corporation in the amount of \$30,450 and designation of the City Manager as the duly authorized agent to execute the contract documents and change orders if applicable.

Consideration of approving a one-year TD Banknorth Loan in the amount of \$15,000 at 3.5% for the purpose of purchasing a Police SUV and to sign the loan documents. (Prior to last year, the City purchased police vehicles with a two-year lease. Due to the current high interest rate on vehicle leasing, this vehicle will be financed with a one-year loan. The funding for this purchase is included in this year's Equipment Plan.)

Ratification of a poll vote taken of Council Members on Friday, September 18th, for a Waiver of the City's Noise Ordinance, to allow the Imprint Brick Paver Installation on Main Street (Rite Aid crosswalk and crosswalk borders) on Monday, September 21st, to exceed beyond 9:00 P.M. (It's their intent to begin around 5:00 or 6:00 P.M. when there's less pedestrian and vehicular traffic.)

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

Ratification of a poll vote taken on September 18th, for permission to issue Catering Permits to Vermont Hospitality Management, Inc., d/b/a New England Culinary, for Receptions/Dinners scheduled for Monday, September 21st, and Tuesday, September 22nd, from 5:00 to 8:00 P.M. at National Life's Hopkins House.

Applications for Catering Permits from Vermont Hospitality Management, Inc., d/b/a New England Culinary Institute, for Receptions/Dinners on Saturday, September 26th, from 1:00 to 4:00 P.M. at College Hall on the Vermont College of Fine Arts Campus, and on Saturday, October 3rd, from 4:00 to 10:00 P.M. at the Chapel and Wood Art Gallery on the Vermont College Campus.

Applications for Catering Permits from Yebba, Inc., d/b/a The Abbey Pub and Restaurant, for Cocktail Receptions on Friday, September 25th, from 4:00 to 9:00 P.M. at 136 State Street; and on Thursday, November 12th, from 4:00 to 9:00 P.M. at 115 State Street.

Approval of payroll and bills:

General Fund Warrant dated September 9, 2009, in the amount of \$322,687.01 and \$916,879.77.
Community Development Agency Funds dated September 9, 2009, in the amount of \$2,600.00 and \$4,000.
Payroll Warrant dated September 17, 2009, in the amount of \$142,054.39.

Council Member Sheridan request that the item on the financing of the Police SUV be removed from the consent agenda to be considered separately.

Motion was made by Council Member Sheridan, seconded by Council Member Weiss to approve the consent agenda after the removal of the item on the financing of the Police SUV. The vote was 6-0, motion carried unanimously.

09-236a.

Consideration of approving a one-year TD Banknorth Loan in the amount of \$15,000 at 3.5% for the purpose of purchasing a Police SUV and to sign the loan documents. (Prior to last year, the City purchased police vehicles with a two-year lease. Due to the current high interest rate on vehicle leasing, this vehicle will be financed with a one-year loan. The funding for this purchase is included in this year's Equipment Plan.)

Council Member Sheridan asked if they ever considered taking this out of the reserve fund instead of paying interest on a loan.

Finance Director Gallup said the city had been leasing for two years and they buy one every year. This was for two-year leasing which is what they had been doing previously for the last two years. She would love to just buy one car a year because right now there is half of one vehicle in the budget and another half of another vehicle in the budget. It's that leap of \$10,000 to \$15,000 extra to get on schedule where you just buy one vehicle a year and pay for it. The reason they are doing loans is because the leases for equipment went up to 18% last year with the credit crisis. They just said no to everybody, including municipalities. She went to TD Banknorth and a couple of other banks and asked if they could give them a one-year loan for \$15,000 and they said they would do it for a lower interest rate. She would love it if they didn't finance their vehicles because they do buy one a year and it would be easier to just pay out for one rather than financing for two.

Council Member Golonka said he agreed with Council Member Sheridan. By buying it they would be saving 3% interest.

Finance Director Gallup said they would just have in the police budget a bigger number than what they budgeted. She said at the end of the year if she is \$15,000 over budget in expenditures she can point to that and say the Council told them to use the fund balance.

City Manager Fraser said they are saying to pay for the whole thing now and then just budget for one car instead of having the overlap. He believes the Council is saying they should borrow the money from themselves.

Mayor Hooper said just to be clear they are talking about two different things. During the budgeting process the Council may want to have a conversation about getting on a schedule of paying for one vehicle on an annual basis.

Finance Director Gallup said it will hurt this year and next year they could have the usual \$20,000 to \$30,000 we have to purchase a vehicle and not have an increase in the budget.

Mayor Hooper said her only question with this is paying back the fund balance. How do we accomplish that?

Finance Director Gallup said they wouldn't. They would be taking it out of the fund balance.

City Manager Fraser said the other option would be that next year in the budget instead of having \$20,000 there would be \$40,000. This way they would keep the budget the same for next year and just pay for it now out of the reserve.

Mayor Hooper said they budgeted in this fiscal year \$7,500 for half of it so they would only be taking \$7,500 out of the fund balance.

Finance Director Gallup said it is almost a \$30,000 vehicle.

City Manager Fraser said they aren't talking about a large sum of money here and talking more about changing the way the city buys its cars.

Mayor Hooper inquired if they just used the fund balance for something else.

City Manager Fraser said it was money they set aside two years ago for that purpose.

Mayor Hooper said it makes sense to her but it isn't a piggy bank.

Council Member Hooper asked if the question was to buy a vehicle outright with the fund balance instead of borrowing the money.

Finance Director Gallup said \$15,000 is in the budget and the car costs \$30,000. We need to finance \$15,000. In the budget there is another \$10,000 for the second half of the car they purchased last year.

Motion was made by Council Member Sheridan, second by Council Member Golonka to use \$15,000 from fund balance instead of borrowing \$15,000 for the purchase of an SUV for the Police Department. The vote was 6-0, motion carried unanimously.

09-237. Reappointment of Lucia Bragg as one of the Ex-officio Youth Members to Montpelier's Planning Commission.
V.A.

On February 20th, 2008, Council voted to approve the Planning Commission's recommendation to allow two ex-officio youth members (ages 15-18) to the Planning Commission for renewable one-year terms.

Ariana Lewis has notified staff that she chooses to step down; Lucia Bragg would like to be reappointed.

Staff has asked Ms. Bragg for her assistance in recruiting another student to serve as the other youth member.

Recommendation: Appoint Lucia Bragg to another 1-year term as an Ex-officio Youth Member to Montpelier's Planning Commission.

Mayor Hooper said the Council Members also have a letter that came in from Louie Cecere who has expressed an interest in the position. There are currently two openings and two applicants.

Council Member Jarvis moved they reappoint Lucia Bragg and appoint Louie Cecere to the Montpelier Planning Commission as Ex-officio Youth Members. Council Member Sheridan seconded the motion. The vote was 6-0, motion carried unanimously.

09-238.

Consideration of a proposal from William & Sandra Ricker, owners of real estate at 174 Main Street, for acquisition of land for the purpose of access to the east side of their duplex property. V.A.

This access was restricted with the installation of a fence as a part of a Main Street School playground project.

Recommendation: Receive details from Mr. Ricker and/or his legal counsel; discussion; direction to them and/or staff.

William and Sandra Ricker, Steve Burkholder, owner of the property on the other side of the access and School Board Chair John Hollar were present for this agenda item.

Mr. Ricker presented a brief history of what had been involved. He also provided pictures of the property for the Council Members review. In 1987 they purchased the property at 172 Main Street. Mr. Burkholder is the owner of the property at 176 Main Street. The city bought the property they are talking about back in 1982. About 15 months ago they got excited because there was talk about moving the house at the rear of 174 Main Street up to the front. When that fell through they were relieved and he received a notice in the mail that was going to be acted on. At the same time that was acted on the school playground was also acted on. In August of last year Mike Pitonyak from Capital Earth Moving was out there and put up a fence so the basketball wouldn't come on their property. He talked to Don Lorinovich, head of Facilities for the School Department, and told him they had been accessing the east side of their property and have always gone off Scribner Place and around because the curb cut on the other side is owned by Steve Burkholder.

He told Don Lorinovich they were going to need a right-of-way because it is in their deed and that had been violated. Don said he would go ahead with that. Their letter to him was dated October 30th and then it got into the Christmas season and they ended up going to Florida. Mr. Ricker said he called his attorney, Jim Palmisano, in February and he told them that Don had retired. At the same time the Superintendent of Schools was going through health problems so he decided not to do anything until he got back to Vermont in May. When they got back in May the school's attorney Phil Zalinger and Phil took umbrage of what they were trying to do. He asked Steve Burkholder about the possibility of buying the property and then talked to John Hollar. John subsequently took it up with the School Board and in July the School Board approved an appraisal and was considering selling it to them. He talked to Mayor Hooper in July who said this was a city matter and not a school matter. That is why they are in front of the Council tonight.

Mr. Ricker reviewed the individual pictures at this time. They have always accessed off the west side to come around and go in. Once the fence went up that was no longer an option. When they were able to do it that way they could park on their own property. He is sure they encroached to a degree on the school's and city's land but they had enough room. Now when they go in from the east side they have to go in perpendicular to the house because they can't swing around and come in. Essentially, they are parking on school or city land. In the letter dated September 9th from Jim Palmisano to him and Sandy he summarizes what he said to Phil Zalinger on May 18th. At the time the city purchased the property, which was in 1982, the access to the east side of his property had been going on for many years prior to that. His understanding is that granted a prescriptive easement. That wouldn't have been if the city had owned the property all of that time because there is an exclusion on the city. Since it had been privately done, even though the city purchased it there is still an easement there. If there was an interpretation of the deed that could be ambiguous, this prescriptive easement enhances his case. What they want is to purchase that property.

John Hollar, School Board Chair said he brought this issue to the board. Lynne Ribolini the Facilities Director has looked at it and their conclusion is they don't see that this conceivably could be useful property for school purposes so they would support Bill Ricker's proposal to purchase the property from the city. This property is

on the opposite side of the fence that has been put up. Unless the school at some point could use the whole lot, including the house, he doesn't see that it could be useful for the school, and certainly not any time in the near future. Even for the long time unless you had the entire parcel he doesn't see how it would be useful. They

would support the proposal and really don't have any concerns about it. The School Board did discuss it, but as

Mayor Hooper pointed out, this is really the City Council's determination, but they would support Mr. Ricker's proposal.

Mayor Hooper said she presumes Mr. Ricker's proposal is to purchase the entire property and she would like to know if Steve Burkholder has a point of view on this because his property is also affected.

Mr. Ricker said he is receptive to going in with them to purchase the property together.

Mayor Hooper said as Bill Ricker notes, and one of the concerns she raised with him, and she appreciates that the school has no use of this property she is concerned for the overall obligation to the property. If this were not in school use, at some time in the future would giving up this parcel of the school property not allow the city to use the property for some other use? There has been speculation they could use this for senior housing or other sort of use that fits in with the building and they might need additional access into the property. This is a logical way to go in. There are potentially other ways into the property from the north side of the school building, but it is a very quiet residential street as opposed to being something right on Main Street so she is concerned about closing off that access. You will note in the school attorney's response to the Ricker's attorney that he suggested something that would be renewed annually. She has wondered about a solution that kept the city as an owner of that property but granted an easement to both property owners so they could have their parking.

Council Member Jarvis said a license would be revocable.

Council Member Golonka asked why the city doesn't just maintain an easement. Mr. Palmisano recommended that if the city does sell it they could just maintain an easement. If we sell it we can get it back on the tax roles. He does see the concern about the fence. It went right up to where the driveway used to be so it did take away a right that was part of the deed without compensation or consideration. He thinks they have a duty to respond to that. He is willing to consider selling it if that would solve the problem and they don't have to go to court or legal proceeding to review this, which it sounds like where it is headed if we don't do this. Obviously, there are issues with the prescriptive easement that he doesn't want to litigate over.

Mayor Hooper said she doesn't know if there is a dispute over the deed or the boundaries, but it seems pretty obvious where the boundaries were and we just put our fence on where the boundaries are.

Council Member Golonka said he recalls there was a street there when the old house was there. It was all playground that was used by the school, but it is up for interpretation. He is concerned about a right that we potentially have taken away and this would be one way of preserving it.

Council Member Weiss asked Mr. Ricker if the property under discussion in any way appreciate or depreciate the value of the apartment house.

Mr. Ricker replied it would devalue the apartment house considerably. He wouldn't be able to sell it if he didn't have some type of a right-of-way. He needs a right to park and a curb cut. He needs those things in order to keep his property value the same as it is today. If they purchased the property in conjunction with Steve that would keep his property value where it is today. If he purchased the property totally it probably would enhance his value.

Council Member Sheridan said he agrees with Tom. He thinks we can have our cake and eat it too. We can put it on the tax roles and ask for a right-of-way so if we have to get through there in the future. He would imagine it would be a driveway shared by three people – the city, Mr. Burkholder and Mr. Ricker. It should be sold at the appraised value and no deals.

Council Member Jarvis said she certainly understands the thought about how they might use it in the future, but she remembers when they were talking about moving that old house forward that there were serious issues in terms of sewer lines that would provide significant barriers to developing that lot in the future. If we really need to look out for what the city's interests are and how we might use the lot, then access is our main concern.

Council Member Weiss asked Mr. Hollar if there was any way in which this property belongs to the school system that the Department of Education would fuss about the fact they are not meeting land standards.

Mr. Hollar said this property is really not a functional part of the school land, so he doesn't think there is any chance that the Department of Education will have any input on that.

Mayor Hooper said she is concerned about potential future uses of the property and access. Obviously, another use of it would probably require additional parking concerns and there would be concerns about the impact on the neighborhood of any change of use to that property. Potentially dozens of people living in the neighborhood would be concerned about parking and the use of the property in general. She just doesn't want the Council to do something that ties our ability to use the property to its fullest use in the future. She thinks it is terrific that everybody is working hard to figure out how to meet the needs of our citizens and also trying to figure out how to get some tax value out of it. She wants to be careful about giving up use of the land today for a small tax value when we might have uses into the future. We need to carefully consider the other alternative, which is just retaining the land and deeding the easements to adjacent property owners so they have accomplished all they want. It probably doesn't add to the value as much to their property as owning it outright would, but they have maintained the city's interest in it. She doesn't know if they need to talk with somebody who has more expertise in property values or real estate to give some guidance on it, but she is worried they would be giving up something of much more value than whatever we would get back in terms of cash value they will receive today.

City Manager Fraser said if we put easements on the property it will restrict its future use because we have to respect the easements and they are still going to be able to drive in. Even though we own the land we have functionally reduced the amount of land available for anything like parking unless the city were to buy out those easement rights in the future. If you are talking about going that route you are still putting a restriction on the property.

Council Member Sherman said she recalls when we had a prior sale of some city land we were asked to have a public hearing, i.e. the Marvin Street sale.

City Manager Fraser said he doesn't think they are going to sell it tonight. The question is, what direction do you want us to follow? There is a process we have to follow to sell public land.

Council Member Sherman inquired if another curb cut would be required. Would there be an easement next to your property?

Mr. Ricker said he wasn't involved. He would either have to make a deal with him or have a curb cut.

Mayor Hooper said there is one there already.

Mr. Ricker said it is on Steve's property.

Motion was made by Council Member Weiss, seconded by Council Member Golonka that the City Manager be empowered to initiate the process for selling of the property in question to the Rickers, et al.

Council Member Jarvis asked if he would accept an amendment of retaining an easement.

Council Member Weiss replied no.

Council Member Sheridan said he would vote against it.

Council Member Jarvis moved to amend the motion by saying that the city will retain an easement for ingress and egress to the back of the property. Council Member Sheridan seconded the motion.

Mayor Hooper called for a vote on the amendment. The vote was 5-1 with Council Member Weiss voting against the motion.

Council Member Weiss asked if at a prior meeting the Council gave away a piece of city property on North Street to somebody who needed additional driveway space.

Mayor Hooper said that was down on North Franklin Street.

Council Member Golonka said it was at the last Council meeting, and the issue was that since that was the only person who could use this were the adjacent property owners, and he thinks applies to this at all.

City Manager Fraser said they had actually adopted a policy. One of the key issues is if there are no other people involved. Presumably, if there is an easement across then that devalues the lot as an independent lot.

Council Member Weiss said he doesn't see the difference. If it is a piece of municipal property and the Council votes to let somebody have it he doesn't remember anything about process or public hearings.

Council Member Jarvis said at the last one the city didn't give them any property but a right-of-way. Here we are talking about selling property and retaining a right-of-way.

Mr. Burkholder said any right-of-way or easement would it have to meet certain engineering guidelines? Will the physical property have to change once this transfer takes place?

Council Member Jarvis said not unless and until it was actually used. It would be something kept in our pocket and if one day they wanted to use that ability it would be there.

City Manager Fraser said the way the motion was worded was that the city could work that out administratively without coming to a public meeting and trying to sort it. We can sit down with Public Works staff and sort it out. If there are issues they can always come back to the Council and say they may have to have a shared right-of-way. If the motion succeeds the way it is worded now he is authorized to work out the details.

Sandy Ricker said since 1987 when they purchased the property the school has been extremely accommodating in allowing them to use their property for her kids to play ball. They always took care of the property and mowed the lawn. It has provided two of her grandsons with paying jobs.

Council Member Sheridan said just having dealt with a neighbor incident it is a pleasure to see two neighbors work together in harmony to try to come to a solution.

Council Member Weiss said if the motion as amended passes will the expectation then be that the Rickers will purchase property with an easement.

Mayor Hooper said something will happen between those two property owners. The easement is between whoever buys the property and the city. She would presume that whatever easement was placed on it for the city's benefit would restrict any sort of permanent use or no structure could be built on it. It would have to be maintained as a right-of-way and it would also have to be wide enough to accommodate potential future uses in terms of access to that property.

Mayor Hooper called for a vote on the original motion as amended. The vote was 5-1, with Council Member Weiss voting against the motion.

Tom Greene, President of the Vermont College of Fine Arts, will update the Council on the College; he will also be requesting that the City support the installation of a "*Supplemental Guidance Sign*" on Interstate 89, at Exit 8, for the college.

Recommendation: Receive presentation and consider supporting installation of the sign.

Mayor Hooper said the Vermont College of Fine Arts is interested in pursuing a supplemental guidance sign on Interstate 89. One of the steps of the process is to ask for the City to support that application. She suggested to Tom that this would be also a nice opportunity to tell the Council a little bit about what is going on up on the hill.

Mayor Hooper noted for the record that she is a member of the Board of Trustees of the Vermont College of Fine Arts and she doesn't see there is any conflict. She doesn't intend to recuse herself.

Tom Greene said in two weeks they are going to be celebrating the 175th Anniversary of Vermont College. Of course, it has been in Montpelier only since 1868 and started in Newbury, Vermont 175 years ago. There were many times in its history when its future as an institution has been gravely in doubt. Most notably, for him was in 2006 which was the last time he appeared before the Council to talk about the College. That year was the first time he had ever mentioned the Vermont College of Fine Arts and there was a group of people here who met to talk about the future of the college when Union Institute & University announced they were going to sell the college and their options were really on the table which meant for the first time since 1868 there was the distinct possibility that the college would not be in continuous educational use.

They have made tremendous progress since then. They became an independent college last year. They completed a very successful first year of operations and now are into their second year. They had the resolute naïveté to start a college during a recession and nonetheless it has worked out. Their story as an institution and becoming an independent college and having for the first time since 1972 the college on the hill both managed locally but with a vision that firmly says they will always be anchored in Montpelier, Vermont is really a community story as much as it is a college story. They have been humbled and overwhelmed by the amount of support they have received from the City of Montpelier and the larger Vermont community. They have built a Board of Trustees that mirrors the vision of what they are trying to accomplish, which is a board that is both national in scope but really anchored here in Vermont. There are a lot of prominent Vermonters on their board. Mayor Hooper is on the Board. Governor Kunin has joined us. In two weeks from now when the Board of Trustees meets on October 3rd he is going to be recommending to the Board a strategic plan that outlines the future of the College over the next five years. Part of that vision is always to be anchored in Montpelier but to be global and national in reach and really become part of the global conversation in arts and letters. In some ways they are already doing that. Their faculty and students come from around the country to this campus, but they need to do more and they need to be more sustainable.

They took on a fairly hefty debt structure. They bought the most expensive house in the neighborhood up on College Street and there is a significant mortgage. But they are making it work. They need to grow. Over the past year they have added some good jobs. They have added jobs to the community with good benefits and good pay. Their five-year plan they are about to outline is a reflection of what we have and maybe what we hope to be, which is they hope to be a good neighbor here in Montpelier and to do better work in bringing the college into the community and the community to the college to have the two more integrated. It is also a plan for growth, and a plan for sustainable growth, and growth that in some ways will be invisible and in some ways will help Montpelier significantly, both in terms of new jobs, new programs, a busier campus but a busier campus within the framework and footprint they are already operating. One of the things they want to do is to raise money to invest in the physical structure and campus both to support their mission in terms of the arts and having better facilities for the arts, better housing for students, but also to really lift that historic campus and modernize it in ways that would be appropriate to how it looks and how it feels and works.

They are mindful of both where they have come from and have a broad vision for where they are going. They are doing well. Enrollment is good. They are really looking to take the next step and do more on the campus.

He would be happy to hear any feedback of what they can do better and what they have done well.

Council Member Sherman said the Wood Art Gallery that is at the Vermont College of Fine Arts had an incredible opening about ten days ago. She has never seen it so full and it was truly a major cultural event. She also understands there is a history of the college being prepared and there is a lot of archival work going on.

Mr. Greene said on October 3rd and 4th they are doing a 175th Anniversary celebration. There are a number of events going on that day, some for the community and among those is a presentation on the history of Vermont College by Michael Sherman.

Council Member Sheridan thanked him for the vision of wanting to keep it here. He is speaking for his father who is a 1948 graduate of Vermont College.

Mr. Greene said one of the things they are going to do this year on the celebration weekend is they will have a Board of Trustees meeting and they are mixing the old and the new. They are very conscious of the past and bringing together graduates of Vermont Junior College, Vermont College who have a specific Board of Trustees that works for the alumni of that group who are vested in the campus and the future. They are pleased about the college continuing that legacy. They are going to bring their Board of Trustees together with their board for a dinner and a chance to bring the past and future together at once which should be interesting.

Mayor Hooper said they have all noted the commitment of the College to become more a part of the community and it began probably before the college even owned the property with the Farmer's Market up there. It has just been clear through the actions that the Vermont College of Fine Arts has taken over time that it really has a deep commitment to bringing the community into the College and the College out to the community. It is fabulous to see the soccer teams that are playing up there thanks to the College. There is an extraordinary level of activity there. It just seems brighter than it has been for a long period of time.

Mr. Greene said the highway sign is something they have been thinking about for awhile and what it means to have a sign on the highway. He was requesting that the Council support the idea of Vermont College of Fine Arts becoming the supplemental highway signage. They are currently the only college located off the interstate not currently upon the Interstate. Under the federal regulations is that higher education institution takes a priority in highway signage, and he thinks there is a fine argument to be made for that. There are two sides of the argument for Montpelier. One is that it is very helpful for the College to be recognized there, but it is also helpful for Montpelier to be recognized for having a college. If you drive up Interstate 91 and Interstate 89, there is Marlboro College, School for International Training, Goddard College at Exit 6, Norwich University at Exit 5, Vermont Technical College at Exit 4, and Montpelier which has a burgeoning fine arts higher education institution is not recognized. The requirements of the federal regulations as they have been explained to him require that you be a nonprofit institution so an institution like NECI would not be eligible because they are a for profit college, and that you be also a single destination place and not a branch campus. In that case they are for all intents and purposes the only higher education institution solely located in Montpelier, Vermont. They are the only nonprofit. His request is that the Council make a statement of support on behalf of them for their application to the Commerce Department to support a supplemental traffic sign.

Motion was made by Council Member Sheridan, seconded by Council Member Sherman that Council provide a letter of support for the installation of a supplemental traffic sign for the Vermont College of Fine Arts.

Council Member Weiss said at one time the Department of Transportation had a daily visit number. It isn't written here. Has that come up in any of their discussions? That became a competitive matter if there were two or more institutions. The one that had the highest number of daily visits was selected.

Mr. Greene said his understanding of that is that entire metric has shifted. That is when they included for profit institutions. NECI used to be on the highway. Morse Farm probably has the most visits in Central Vermont. The way the regulations have moved you have to be a nonprofit. There is a list of possibilities for what gets the highest priority and higher education leads that list.

Mayor Hooper said one of the things to know is that there are limitations on the amount of verbiage that can be

on the sign. There is the possibility that the current supplemental guidance sign that says "Welcome to Montpelier" in French would come down because that is the extra sign up there. The whole issue of signage on the Interstate is one of the hot topics. She was trying to find out who recommended that sign be up there and it turns out it was just a former city manager of Montpelier. This was an issue for Ryan Cotton who thought we should be welcoming Canadian visitors into the city. This was initiated by Ann Cummings, a former Mayor, and Ryan Cotton.

Mr. Greene said there are four green signs allowed between one mile and the exit, and three of them are essentially spoken for because one says Montpelier – 1 mile, another says Montpelier – ½ mile, and one says Montpelier. There is allowance under federal guidelines on a highway for a fourth sign, and that is where this sign

would go, which is similar to the one you see on Exit 5 which says Norwich University.

Council Member Hooper asked if he needed additional signage within the municipality.

Mr. Greene said there are also strict rules about that as well. They are allowed one additional sign, which is another step they are going to take. That is the old Vermont College on East State Street at the entrance. It will now say Vermont College of Fine Arts. Goddard College couldn't get a sign on Exit 8 so they settled for Exit 7.

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

09-240. Central Vermont Regional Planning Commission Update.

V.A.

Montpelier Planning Commissioner David Borgendale is also the City's representative to the Central Vermont Regional Planning Commission; he will be providing Council with an update on the CVRPC's activity and current issues.

Recommendation: Receive update; opportunity for discussion; possible direction to Mr. Borgendale and/or staff.

David Borgendale, Montpelier Planning Commission member and Montpelier's representative to the Central Vermont Regional Planning Commission, appeared before City Council to provide an update on the current issues. There is an Act 250 Committee of the Regional Planning Commission that reviews and decides what the RPC's position is on any Act 250 permit application. When the Sabin's Pasture Master Plan came up there ended up being some problems because what the Regional Planning Commission is supposed to do is say the application before Act 250 complies with the Master Plan or it doesn't. There were some members of the review committee that didn't like what Montpelier was doing in terms of having a permitted conservation area within the plan and attempted to qualify the opinion as to whether or not the application complied with the regional plan or not. He said they convinced them to change their minds. On their letter of support they said it complies with the regional plan.

Their last meeting consisted of a presentation and the approval of the prior meeting's minutes.

The annual planning grants are basically on hold because of problems with legislative funding. The biggest decision right now is that there is a bunch of stimulus money that is available for energy efficiency and conservation block grants. The way the legislation was written on this is that the money is supposed to be administered through counties. Since Vermont doesn't have county government at that level it appeared the state wasn't going to get any of that money. Recently there was an appeal to the Department of Energy about this and they decided that if the counties designated the Central Vermont Regional Planning Commission as the administrator for the block grants that we were eligible. That was appealed by the Regional Planning Commission and the administrative ruling was that we are eligible for that money. Because the Legislature ruled that this was a problem there was some of the state money that was allocated from the state that was granted to the regional planning commissions as well. That amount of money was approximately \$80,000. There is a considerable amount of money coming under this program to the region and they are deciding how it should be distributed and

for what purpose. The staff recommendation was to use the money to study the feasibility of generating power through water distribution lines. He could use some guidance from the Council as to what we should be spending this money on.

Mayor Hooper suggested clean energy assessment districts. Montpelier and East Montpelier are looking at this and there may be a handful of other communities within the RPC area that are interested in clean energy assessment districts. There is work involved in putting this together. One of the things people are thinking about with clean energy assessment districts is we could set up a loan program that would accomplish the same thing. She would consider putting some money toward either a loan program or setting up a clean energy assessment district that could encompass multiple municipalities to help property owners with the installation of alternative energy systems.

Mr. Borgendale said the types of projects that are eligible and the regulations are really confusing. It's not clear exactly how the planning works or whether or not implementation is covered.

Council Member Weiss asked if there was a connection with a presentation made at a previous meeting from the Montpelier Energy Group and could any of the money discussed here be used with that connection.

Mayor Hooper suggested they should also look at the outline of an energy plan in terms of what the city's interests were. She noted one of them is the clean energy assessment district. They also talked some about alternative transportation.

Council Member Hooper said he was curious what the boundaries of the Regional Planning Commission are. What towns are members?

Mr. Borgendale said it is all of Washington County and a small portion of Orange County, which are Williamstown, Orange and Washington.

Council Member Sherman said they often talk about a shuttle system and remote parking. It might be nice to have a study of those possibilities.

Mr. Borgendale said transportation planning is covered by these grants. Certainly, transportation planning that leads to energy savings is included.

Mayor Hooper said she wonders if in Montpelier they need planning or if they need implementation.

Council Member Sherman said there is also the issue of the intersection of Barre Street and Main Street which is a crux of several problems as we look for what to do with a bike path and how to handle the traffic and safety situation. Some investigation of options and how to deal with the railroad and the bike crossing needs to be addressed.

Mayor Hooper said that is important in terms of development of a number of properties in the city.

Mr. Borgendale said he believes very strongly that we need a lot more regional cooperation and moving towards more regional services in this part of Vermont. He thinks it is a problem throughout Vermont. In enVision Montpelier they are making a strong statement that Montpelier wants to work toward a great deal of this sort of cooperation. His sense is that the Regional Planning Commission really isn't doing very much in that area. It seems that since Montpelier is making that kind of commitment in its enVision process that we should be asking much more of the RPC in coordinating, planning and advocating for this.

Council Member Golonka said they are holding their first regionalization planning panel tomorrow night which was convened by the Chamber of Commerce. Their initial agenda is quite ambitious.

Mayor Hooper asked what Mr. Borgendale would suggest the Council do.

Mr. Borgendale said he senses there are some governance issues on the Commission as well. It is one town/one vote which means the Commission tends to be dominated to a large extent by smaller communities. Orange has as much of a vote as Montpelier and Barre City, but the dues are based by population.

City Manager Fraser said the city actually went to court over that once. They were demanding either flat dues or weighted votes. The city lost.

Mr. Borgendale said it might be a good idea to look at the governance structure of the RPC to look for more proportional representation. He has some experience doing some work with another regional organization in Chittenden County when they did exactly that, which is to make the votes on the commission proportional.

City Manager Fraser said that is how the Solid Waste District works.

Mr. Borgendale said it should be covered by the same legal principles as resulted in the requirement that the Legislature be made proportional to population as opposed to each town. He is interested in pursuing this but would like some guidance from the Council.

City Manager Fraser said the court case happened about 14 or 15 years ago. Basically, the argument was one person/one vote. The decision swung on the fact that it isn't a required membership. The city then pushed for that reason. How does the Regional Commission measure the services in the community? Do they have any way of getting any kind of feedback? Is there feedback from member communities about the level of service they receive and feedback about the quality of service they receive? He sits on the State Downtown Board and sees applications come in from around the state, and in almost every other region there is a huge amount of assistance coming from regional planning. There is a sense they are really used to working as partners and there is a lot of communication between them; there is a common relationship there. Whenever somebody from our region is in there for an application there is no one from the RPC there. He wonders what the RPC does to measure that and review it.

Mr. Borgendale said not a whole lot because the issue has never come up at the meetings of the Commission as a whole. His understanding was that the Executive Committee was doing some of this. He is now on the Executive Committee and they haven't met. They have not addressed that issue yet.

Council Member Weiss suggested that they invite Susan Sinclair to attend a meeting.

City Manager Fraser said with the Carr Lot stuff they have been extremely helpful with the grants from the EPA.

Mr. Borgendale said they did a lot of work in terms of figuring out what needed to be done with ordinances for the floodplain regulations.

City Manager Fraser said he thinks they need to receive some customer feedback and public relations.

Mayor Hooper said part of the message is the city feels somewhat out of sync with what is going on there and the Council would appreciate knowing more and understanding better how they can be serving our community.

Planning Director Hallsmith said the legal basis around the loss of the lawsuit may have changed with Act 200. All of the requirements around regional and local planning may well have changed our relationship to them enough so that the constitutional requirement of one person/one vote might apply more.

Mr. Borgendale said what is concerning him more is the public policy issue.

Mayor Hooper asked Council Members if they wanted to invite Susan Sinclair to attend a meeting or have David carry these messages back to the RPC.

Council Member Sherman replied both.

Mayor Hooper said regionalization is heavily talked about in the enVision plan which honors the citizens of this area and it would feel great if the regional community were equally supportive of that notion. One thing she has been thinking about is the regionalization of services. They have talked about emergency services. She is also interested in water supply. She would think that the Regional Planning Commission would be taking an interest in weighing in on policy issues around regionalizing water supplies rather than encouraging individual municipalities to be developing their own individual water supplies and competing with each other and as a result double spending state money. We just heard from the Vermont College of Fine Arts requesting they get a sign up on the Interstate and one of the stops to accomplishing that is with the Regional Planning Commission. The City Council would request that the Regional Planning Commission support the application.

09-241. Discussion regarding preparation for the upcoming FY 2011 Budget.

Recommendation: Review Budget Schedule and discuss process.

City Manager Fraser said this is the very beginning of the long budget process. We drafted a questionnaire to see if

the Council wanted to make changes. The general issues tonight are if the questions are okay or do we want to change them all and finally what to do with the outside agencies.

Finance Director Gallup said if they were in the budget last year and they don't increase but if you want an increase they have to petition and it all goes out.

Finance Director Gallup said they have Friends of the Winooski who are interested in petitioning this year. They are a §501(c)(3) organization. Vermont Cross Trails is something they will hear about in the capital plan, but they have been talking about \$25,000 and we told them they need to do a ballot item. The Council will have to decide if they want them to petition or not. They came on the capital plan instead of the outside agency list.

City Manager Fraser said there was discussion last year about the Library. We put our own Senior Center's budget request out on the ballot. We put our own Recreation Department out on the ballot in its entirety. Those are budgets which city officials have some control and review over and still monitor. We have a member on their Board but this Council has no control over how the Library budget is maintained. We argue back and forth about it. He feels they have taken on ownership of a budget that really isn't our's. The Cemetery Commission is on the ballot. Why wouldn't the Library be on its own for whatever number they want to request. The city should stop having this power struggle with the Library with what is in or out of our budget and say it is between them and the voters. His recommendation is to tell the Library to put their request on the ballot and the Council can decide whether to put it directly on the ballot or have them petition.

Council Member Golonka said they just had their first Library Board meeting last week. There was some discussion with regards to this funding formula we could come up with. Before we make a decision on it, do we want to hear them out?

City Manager Fraser said that would probably be wise.

Mayor Hooper said we should invite them and hear what they want to say.

City Manager Fraser said the Council's issue with the funding formula is that it has been inequitable to the City of Montpelier.

Council Member Golonka said his fear is it will go in for much higher than what we are asking here.

Mayor Hooper said they did make a commitment to the Council that they wouldn't raise it more than the CPI. There is a desire the Council speak with the Library and tell them we are going to put them on the ballot. Nothing is going in the budget. Do we want them to come in to see the City Council as a whole or do we want to have a smaller group have a conversation with them. They had asked they have this conversation with us, and her sense it

is with a smaller group.

Council Members Sherman and Weiss said it was fine with them not to have them all.

Mayor Hooper said they have a plan for the outside agencies and for the Library.

Council Member Sherman said this is somewhat confusing. The first sentence is about new requests from outside agencies that didn't receive voter approval before. Part B is continuing requests from outside service agencies that received voter approval. It's not new agencies but new requests.

Council Member Weiss said the citizens vote on the municipal budget. Then, they have all of these additional requests. Suppose the requests are approved and the budget is defeated. What happens?

City Manager Fraser said we revote the budget but the requests have passed unless they get reconsidered. For example, a couple of years ago the City of Barre's municipal budget was defeated but the voters actually passed \$200,000 for paving roads. That money was appropriated but the overall city operating budget had to be re-voted.

Mayor Hooper said one of the other questions they need to consider is the questionnaire. She feels very strongly they should fill out the questionnaire. She finds it useful to have the written documentation. Everybody filled it out last year. If they want to suggest changes to it that would be appropriate.

Finance Director Gallup said she left less space for comments.

City Manager Fraser said the schedule is basically laid out the same basic way they have done for the last few years. The way the calendar falls we would be scheduled for a council meeting on November 11, which is Veteran's Day. The following meeting is Thanksgiving so they could move the November 25th meeting back to November 18, 2009. They are still talking about having the Saturday budget review. The date scheduled for the Saturday budget meeting is December 5, 2009 from 9:00 A.M. to 3:00 P.M. Mayor Hooper had a conflict and this date was changed to December 12, 2009.

City Manager Fraser said he would note for the record that Council Member Weiss noted that we had Friday, March 26th as notifying the outside agencies. He observed that because there is a 30-day filing of a petition that we should wait until March 30th before filing so they will change that date.

Mayor Hooper said some of the questions she had in her mind that it would be useful to have answers to in order to begin the budget discussion. The Revenue Committee made some recommendations with regards to revenue functions. We should decide which of those we can follow up.

Finance Director Gallup said she would progress with what she knows and they might change her numbers. There was a fee question. It talked about the business tax. One of the other things discussed was the notion of outsourcing and Bill needs to talk to the Council about what that means because of the revenue implications on that.

Council Member Weiss said there was also the potential of a management study to see if we could take a look at the internal workings of city government and if there could be any potential savings there, and we would need some money to pay for that.

Mayor Hooper said they as a Council need to have an additional discussion about what their intention is with that suggestion. Whether or not they want to hire somebody or other successful processes the city has done. These sound like agenda items sooner rather than later. One of the things she is concerned about is what percent our capital budget is of the overall city budget. It is clearly diminishing.

Finance Director Gallup inquired whether she was talking about all funds or just the general fund.

Mayor Hooper said she is asking because she is concerned we are not keeping the capital budget where it needs to

be.

Council Member Hooper asked what was the status of the employee led insurance investigation.

Finance Director Gallup said they saw the memo that went out. They are bringing in a consultant to help us design something. The League of Cities and Towns has recently said they are going to start talking about the increases. The happy news is they are smaller than what we had first anticipated. The medical trend in Vermont is 13%. It appears it will be quite a bit lower. That's just a new twist. We are going to hire a consultant because we have gotten to the point we have so much information from the three major vendors, talked to two brokers, and one of the brokers has offered to be a consultant. Cigna is only available through the League so a broker can't get a Cigna price for us. We need a consultant because our different unions have specific questions. It is very complicated when you do an HRA (health reimbursement account). There are so many ways to structure it.

City Manager Fraser said they have enrollment for health plans on January 1 so this needs to be in place.

Finance Director Gallup said they have come a long way towards being able to understand what is out there. There needs to be a lot of education and we need somebody who can present the plan.

Mayor Hooper said it is great news that rates are likely to come in lower than they had anticipated but that doesn't take the pressure off. An additional item on her list is the 100th Anniversary of City Hall. She would like to fix up the front entrance and the lobby area. She would like to have a sign on City Hall up at the top that says City Hall and not some PVC pipe that says it is Lost Nation Theater. It's all part of the capital plan. Alan Weiss for his entire tenure with the Council has been asking that we consider joining the Central Vermont Chamber of Commerce. She would also like to suggest considering joining the Vermont Businesses for Social Responsibility. They are two similar organizations in terms of what they offer their membership. She would suggest we hear a presentation from both groups and we should know what the dues are.

Another thing we keep talking about wanting to do something about is issues associated with parking, and we don't have a plan for that. If we are going to do something in this budget year we need to have a plan. If we don't do something sooner it will be 2012 before we can talk about this. Perhaps they could have an agenda item to discuss parking issues.

09-242 Reports by City Council.

Council Member Golonka reported there was a regionalization committee meeting tomorrow at the Chamber of Commerce Office. He and Jim Sheridan are attending.

Council Member Sherman reported that at 3:00 P.M. today the Greyhound bus pulled up in front of City Hall. Ten people disembarked. Four people sitting on benches embarked. The bus was here and gone in about 5 minutes. One of the people who disembarked was immediately picked up by a waiting car at the side of City Hall. Within 10 minutes the bus from Boston pulled up and several people got off and others got on, and it happened very smoothly.

Council Member Sheridan said he is going to put together a DVD of the pictures.

09-243. Mayor's Report:

The Montpelier Alive Design Committee organized a walk about of people with different interests in how the streets and sidewalks in downtown Montpelier are working. One of the nice things that already had happened was that Suzanne Eikenberry has been in touch with the merchants about the sandwich boards and making sure folks can walk around. One of the things they observed is that there is an abundance of newspaper and advertising flyer boxes, half of which appear to be abandoned. Two are in really rough shape and should go to the dump and there were others that just were not in use and seemed to be associated with businesses that don't exist any longer. She

would like the Council to figure out a process for managing where they are. Right now newspaper vendors just put them down.

Council Member Weiss said if they are going to look into newspapers could they also spend a little time reviewing the ordinance regarding the food vendors.

Mayor Hooper said that was a large part of the reason they engaged in the walk about and she believes there will be some recommendations from the Design Committee as to how that ought to be managed. They just assumed they needed to write an ordinance for the newspaper vendors. She would suggest they need not to allow at all advertising circulars. She has no idea why they allow public property to be used by real estate vendors.

Mayor Hooper said she has a deep concern about the loss of state employees on our community and the effect of people losing their jobs. She is reminded that in past years when they thought they were going to lose a major employer with 200 or 300 employees the city did everything they could to try to figure out how to retain that employer in the city. Yet they are seeing attrition on the same order just in Montpelier let alone in Central Vermont, and it is clearly affecting our retail businesses. She thinks there are good arguments about secondary effects on the rest of the community. She as Mayor is going to write to the Governor and express concern about the affect of the layoffs on our community. She asked if members of the Council would be willing to join her in expressing concern about that. She doesn't know if they want to do that formally as a Council or if they just want

to add their names to a letter she will write. She has heard from legislators that it would be helpful to express that point of view. She believes the City of Barre will be talking about this at their next meeting.

Mayor Hooper reported there is an enVision meeting coming up on September 30th that Council Members need to attend. The document says that in January 2009 we had 9% unemployment in the Barre-Montpelier area and the only labor market that a higher unemployment rate than the Barre-Montpelier area was Newport. This shocked her. Traditionally, we are one of the high employment areas. Subsequently, the unemployment rate has fallen. This really hurts.

09-244. Report by the City Clerk-Treasurer:

City Clerk-Treasurer Hoyt had nothing to report this evening.

09-245. Status Reports by the City Manager.

City Manager Fraser thanked the Council for the opportunity to attend the ICMA Conference last week. One topic was on shared services. Many of the conversations, particularly with the follow-up with the Vermont session, were very similar to conversations they are having around the table tonight with the Council about how people are dealing with these. One personal highlight for him was getting to talk directly with people from the National Citizens Survey, who were there as exhibitors. It is worth saying they commented that our return rate was much higher than what they expected or typically see. Our citizens are interested and concerned and he was proud of everybody to hear that. We should receive a nice representative sample. The data collection actually ends today. Interestingly enough, the way the system works is you mail out these postcards and then the survey comes. One of the reasons for the postcard is to notify people they are getting a survey but the other is to proof the addresses. The postcards that get returned they find out whose addresses are wrong. They sent 1,200 postcards and surveys and only 69 were returned for incorrect addresses. It was a very accurate data base. They should be receiving the results by the end of October. It was helpful for him to hear the presentation they gave and the other communities which have done that. They talked about how they used the information and how they released the information to the public so people could digest it.

The web site is going live next Wednesday, September 30th. There was a staff meeting this morning and he thinks most people realize that next week is actually going to happen. It will give us a lot more capability for a lot of things. There will be much greater flexibility to bring documents up and getting information out to people for interaction.

This relates to the survey. The National Citizens Survey has collected all of their own and keeps the national data base the best they can. They did a correlation study of the services that were the most direct drivers to peoples' overall satisfaction. Where people that ranked their community as a high or good they looked at those specific services. Across the nation there were five clear drivers – schools, police, economic development and jobs, planning and public information. People feel like the government is telling them what is going on and it is transparent so they can get information and participate. They feel like they like their community. They will tell Montpelier what our drivers are and they may or may not match the national drivers. Statistically across the country those were the five key drivers for services. Investing in our web site and all of the other public outreach things we do will help.

Speaking about public information he met with vendors last week and they met with people this week who do agenda and minutes management technology. You set up the agenda on the web and people can click on it and get all of the backup documents. As minutes are created they go on the web site and become searchable by topic or links. You click on the agenda item you can get the documents and minutes or topic. They take the video feed from the cable and it goes with the agenda item. If you only wanted to hear about the bus station debate you click on the agenda item and can watch the discussion on that issue only. He has talked to a couple of places in New Hampshire and Maine with smaller towns and communities of our size and their citizens love it. He had shown it to Council Member Weiss and he loves it. With technology improvements we might be able reduce the need for extensive minutes they have now because people can see it themselves. It is up within a couple of hours after the meeting. The citizens will get a sense of the tone of voice and the nuances of the meeting. It is a very cool tool and not particularly expensive.

City Manager Fraser said on Monday the city's growth center application is going to be before the expanded Downtown Board. The process getting there was pretty contentious and passed as submitted and recommended by the advisory group on a 5 to 4 vote. The minority has made clear they intend to make their case to the full board. The meeting is Monday at noon at National Life if any Council Members wants to attend. The support would be great. He sits on the Board so he will not be able to vote or participate on this issue. They hope to have a special phone meeting with the Vermont League of Cities and Towns board to appoint an alternate so the League's vote won't be lost on this issue.

Council Member Hooper said a concern of the minority was that some of the zoning districts included was not conducive.

City Manager Fraser said it was too big. It has been the same minority in active groups that weighed in on Williston's, Bennington's and Colchester's application on very similar issues. They feel that the statute isn't being applied in the spirit but they do understand that it is being met in letter. They are fighting the application and he is sure they are going to go to seek legislative remedies. One of the things they were doing was to keep asking for more information and they weren't satisfied the application was complete. It was approved as submitted but narrowly.

Mayor Hooper said the specific concern is with the areas on River Street become after you leave the Pioneer Street Bridge intersection and as you go towards Berlin. That section needs smart growth principles of being more pedestrian oriented and it is seen as being more car based. Their view is that we should have drawn the line in that area. She doesn't know if they are continuing the argument about the Toy Town area near the Dairy Creme on the other side of town. One of the questions that may come up if there in fact continues to be division and if it looks as if the application were going to be voted down, which means we wouldn't have the growth center designation or the TIF to begin some of the work we want to do. She would recommend looking at a more collapsed area if it is clear we aren't going to receive approval rather than just saying no we'll just go home.

Planning Director Hallsmith said she would like to zero in on one of the issues they are objecting to, which is the 33% lot coverage maximum that is in that district. That came out of old zoning views that you needed to keep commercial areas away from residential uses. They tried to keep them with large lots around them. What she pointed out to the Board on numerous occasions is that area is built out. There isn't a lot of room for new development in a lot of the area we are talking about. It is redevelopment they are looking at and a few large parcels like Sabin's Pasture, which was really the driver for a lot of this so they could use the TIF and the growth center designation to help with the Sabin's Pasture project. There are a couple of other big parcels that they are hoping will be able to look

at development. Arguably, the areas they are concerned about aren't areas that are going to see a lot of development. The redevelopment they are able to do with the designation is the only hope for improving them and making them more like smart growth areas. That is the city's argument back.

Mayor Hooper said their expectation is that they will approve the application as submitted, and that is what they are being asked to do. We aren't offering some alternative. But if they refuse to approve it as it is and if they offer a fall back she would presume if it is for a somewhat smaller area, which does contain the areas we have said, we would agree to that.

City Manager Fraser said typically what happens is the board has been loathed to impose alternate districts on a community. They will say it doesn't look like there was support for this in the past but there might be support to do something else. Is that acceptable to you? Sometimes someone is there who doesn't agree with this and other times people have come to say they are basically authorized to make a deal.

Council Member Weiss said if City Manager Fraser will have to abstain then who will be the delegated spokes person at that meeting?

Mayor Hooper said she is planning on attending the meeting and Gwen will be there.

Council Member Weiss asked if the Council had to vote tonight to authorize the Mayor to be the spokesperson.

City Manager Fraser replied no. As long as we have a general understanding of what is happening we should be fine. The League is seeking to get an alternate so the League of Cities and Towns will have a vote on this application.

Mayor Hooper said she wanted to be clear they are standing behind the actions of the City Council, the Planning Commission and the community in saying that this is what they want this application to be.

City Manager Fraser said historically the only time they voted to change a boundary against the will of the town they actually made it bigger than what the town had requested.

Planning Director Hallsmith said she just wanted to remind the Council about the enVision meeting on September 30th at 6:30 P.M. It is really important and she hopes they will all attend. It is the priority setting meeting for the enVision process. It is at Noble Hall on the Vermont College Campus.

09-246. Agenda Reports by the City Manager:

No further items as of press time.

Adjournment:

After motion duly made and seconded by Council Members Hooper and Sheridan, the council meeting adjourned at

Transcribed by Joan Clack

Attest: _____
Charlotte L. Hoyt, City Clerk