

**Minutes of the Montpelier City Council Meeting  
September 24, 2014  
City Council Chambers**

In attendance: Mayor John Hollar, Councilors Tom Golonka, Dona Bate, Jessica Edgerly Walsh and Anne Watson. City Manager William Fraser was in attendance. City Clerk John Odum served as Secretary of the meeting. Councilors Justin Turcotte and Thierry Guerlain were absent.

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The Mayor called the meeting to order at 6:30 PM.

- 14-223. Councilor Bate moved for approval of the agenda and was seconded by Councilor Edgerly Walsh. The motion carried unanimously (4-0) at 6:32.
- 14-224. Emma Doleny rose to encourage the creation of a shelter for Greyhound bus passengers. Bill Merrilees with the Bike Advisory Committee rose to announce a public work session on October 2<sup>nd</sup> at 6:30.
- Laura Mistretta presented a resolution seeking support for a statewide and national ban on non-therapeutic uses of antibiotics in livestock production. Elizabeth Parker, Liz Edsel and Steve Miracle rose in support of the proposed resolution. The Council took no action at this time.
- 14-225. Councilor Golonka moved approval of the consent agenda and was seconded by Councilor Edgerly Walsh. Items d) and e) were pulled at Councilor Watson's request. The motion carried unanimously at 6:53.
- 14-226. The second reading/public hearing to consider rescinding Chapter 18, Impact Fees, Article I. Establishment of Impact Fees of the City's Code of Ordinances began at 6:54. A Council discussion followed, and was joined by Planning Director Michael Miller.
- The Mayor closed the public meeting at 7:12, and Councilor Watson moved the Council rescind Code of Ordinances Chapter 18, Impact Fees, Article I., and direct the Planning Commission to review the corresponding sections in the zoning regulations. Councilor Edgerly Walsh seconded. Motion carried unanimously at 7:13.
- 14-227. The Mayor opened the second reading/public hearing of an amendment to the City's Code of Ordinances, Chapter 16, Taxation, Article I. General Taxation in the following manner:
- Sec. 16-8. PENALTY FOR DELINQUENCY. In accordance with the City Charter, Title XII, Section 4, a penalty of eight (8%) percent shall be added to the unpaid portion of each delinquent installment. Said penalty shall become part of the tax for all purposes and shall be payable to the city sheriff or collector of delinquent taxes. As authorized by Title XII(4) of the City Charter, there is imposed a penalty equal to five percent (5%) of any tax installment paid within five (5) days following a payment date established in Section 16-5, which penalty shall increase to eight percent (8%) on and after six (6) days following such installment payment date. Such penalty shall be deemed a part of a

delinquent tax payment installment, and may be recovered by any means permitted by law.

The Mayor closed the public hearing and Councilor Bate moved approval of the amendment and was seconded by Councilor Watson. It carried unanimously at 7:14.

- 14-228. Mr. Miller remained at the table for a discussion of the proposed city zoning update. Councilors asked questions and offered their input. Page and Jed Guertin also rose to ask questions and comment. No action was taken.
- 14-225. The Mayor took consent agenda items Items d) and e) off the table for discussion and consideration while Mr. Miller was at the front table. Councilor Watson moved approval of consent agenda items d) and e) and was seconded by Councilor Bate. The motion carried unanimously at 7:54.
- The Mayor called for a five minute recess.
- 14-230. Montpelier Alive Director Ashley Witzemberger came forward to discuss the request from Montpelier Alive that the City continue the Capital City Cash Flash in early December as a one-time Capital City Cash disbursement. Councilors expressed some concerns about the program. Page Guertin rose with questions. The Council took no action at this time.
- 14-229. Finance Director Sandra Gallup and Fire Chief Bob Gowans came forward to participate in the Council's consideration of authorizing the City Manager to sign a one-year Agency Agreement with Credit Associates in Financial Services, Ltd of Rutland, Vermont to collect all accounts legally collectable forwarded to CAFS, Ltd by the City of Montpelier's Fire and Ambulance Department. Councilor Edgerly Walsh moved that the City Manager be so authorized, and was seconded by Councilor Watson. The motion carried unanimously at 8:24.
- 14-231. The Council received an update on the bike path extension project from Assistant City Manager Jessie Baker, and Tom McArdle from the Public Works Department. The Mayor also had a question about paving on Gould Hill Road.
- 12-231(a). Councilor Edgerly Walsh moved that Councilors Anne Watson and Thierry Guerlain be appointed to the Vermont College of Fine Arts/City Work group. Councilor Watson seconded. The motion carried unanimously at 8:44.
- 14-233. Councilors Bate and Edgerly Walsh relayed some complaints about potholes and street lights.
- 14-234. The Mayor reported on attending the Kiwanis Club anniversary event, and the Prevent Child Abuse march.
- 14-235. The City Clerk noted that early voting for the November General Election was underway.
- 14-236. The City Manager had a report on District Heat, a report on upcoming filming of a promotional video, and noted his attendance at a recent City manager's conference, and his participation in an anti-drug abuse event.

Councilor Watson moved the Council find that premature general knowledge of the city attorney's communication on the Hallsmith v. City of Montpelier, Fraser & Baker would clearly place the City at a substantial disadvantage. Councilor Bate seconded, and the motion carried unanimously at 8:48.

Councilor Watson moved the Council enter into executive session in accordance with Title I, Section 313 (1) E and F for the purpose of receiving an update on the Hallsmith v. City of Montpelier, Fraser & Baker case (and to include the City Manager, Assistant City Manager, and City attorney). Councilor Bate seconded and the motion carried unanimously at 8:49.

Councilor Golonka moved the Council come out of executive session at 9:41, Councilor Edgerly Walsh seconded, and the motion carried unanimously.

Councilor Golonka moved the Council adjourn at 9:42, Councilor Edgerly Walsh seconded. The motion carried unanimously.