

CITY COUNCIL MEETING STATED MEETING & PUBLIC HEARING SEPTEMBER. 8, 2010

On Wednesday evening, September 8, 2010, the City Council Members met in the Council Chamber

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

10-217. Call to Order by Mayor:

Mayor Hooper called the meeting to order at 7:05 P.M.

10-218. General Business and Appearances:

Guy Delyea representing the Montpelier Music Fest said he has been trying to get off this the ground since April. He realizes this can't go before the Council officially until September 22nd. Unfortunately, the only date the Civic Center could give him was September 25th. He presented packets to the Council for their review.

Mayor Hooper asked if he was going to be applying for a noise variance.

Mr. Delyea replied yes and he apologized because the advertising has gone forward. He went on to say that time was of the essence and it was a gift for them to get the Civic Center.

Mayor Hooper reminded him that until the Council approves his permits he doesn't have any permit for the event.

Council Member Weiss asked if the Council could add it to the agenda tonight.

City Manager Fraser said they could add it to the agenda except our ordinance for the noise variance requires a 10-day notice to residents so they can come to the Council and offer their opinion. He added that Mr. Delyea has spent a considerable amount of time meeting with the Police Chief and others regarding the event.

Stephen McArthur said he really enjoyed his time serving on the Council and living in Montpelier. He is now the Community Outreach Coordinator for Circle, which is formerly Battered Women Services and Shelter which has served Washington County since the mid 1980's. They have a hotline, a shelter, do court advocacy; and are in the schools. They receive 250 to 350 calls a month.

About 10 to 15 percent of their calls come from the city of Montpelier. Their shelter has seen a 50 percent increase in the number of women and children who use the shelter. They changed their name in recognition of the change in the last 40 years of the understanding of what domestic violence is. They know according to T. J. Anderson of the Police Academy that 40 percent of all of the calls that police officers receive are related to domestic violence issues. Their organization has been partnering for the last 9 months with the City of Barre Police Department on a program called The Legality Assessment Program. This is a program that was developed in Maryland. It was based on research which showed that 4 percent of all of the women in the United States who were murdered in the context of a domestic violence incident had contact with an agency like theirs. In Maryland, all of the police departments and all of the domestic violence agencies work together now. They have that same relationship with the City of Barre. They know that the City of Montpelier and other police departments in Washington County are interested in the program and they are hoping to expand it come January. He left Council Members with information about what they do and thanked the city for their support in the past.

Mayor Hooper said she has a proclamation she was going to give out with regards to the walkability of the city and trip hazards to Harris Webster. We have been very fortunate to have members of this community who are concerned about the walkability of the community and they have been working with us to alert folks to the issues out there to heighten the awareness of this particular issue.

Mayor Hooper read the resolution regarding walkability in the city of Montpelier a copy will be attached to the minutes.

Council Member Weiss said within the past week he had spoken with two women who have fallen on the sidewalk and one broke her shoulder and one broke her hip. The one who broke her hip reported it and the next day the Department of Public Works repaired the crack in that portion of the sidewalk.

10-219. Consideration of the Consent Agenda.

- Consideration of the Minutes from the August 25th Regular Meeting.
- Consideration of approval of payroll and bills.

Payroll Warrant dated September 2, 2010, in the amount of \$111,978.69 and \$26,878.79.

- Consideration of the following permits with the City Council acting as the Liquor Control Commission.

Outside Consumption Permit request from Langdon Street Café, 4 Langdon Street, for Friday, September 17, 2010 from 5:00 P.M. to Midnight and Saturday, September 18, 2010 from 5:00 to Midnight. This is for the Fools Fest Street Party event that was approved at the August 11, 2010 meeting. The location of the beer garden will be in the Sheriff's parking lot across the Café which will be double fenced in a snow fence barrier.

Request from the Black Door to cater the Arthur Gibb Awards Reception for Smart Growth Vermont at the Wood Art Galley at the Vermont College of Fine Arts on Wednesday, September 15, 2010 from 5:30 to 8:00 P.M.

Request from the Black Door to cater and event for the Society of Industrial Archeology Reception at the Vermont Historical Society on Thursday, September 16, 2010 from 5:00 to 8:00 P.M.

- Consideration of approving and executing two Municipality Certificates as to Municipal Bond for Series 2010-4 Refunding Bonds for the purpose of providing debt service reductions for four of the City's Series 2001-1 Bonds:

Bond	Principal Balance	Interest Savings due to lower rate
2000 Library & Police Station	\$1,125,000	\$111,474
2001 Bike Path/Lighting	\$ 240,000	\$ 23,781
2001 Local Share of CSO	\$ 820,000	\$ 81,252

Recommendation: Council approves and signs both Municipality Certificates as to Municipal bond documents, prepared by City Attorney Paul Giuliani, before September 15, 2010 to refinance these loans and save \$216,507.

- Consideration of approving the purchase of two Defibrillators.

The City applied for and received Assistance to Firefighters Grant for necessary equipment in two areas. The first was replacing our current Defibrillators and the second was funding a Gear Cleaning Station.

Staff is ready to ask for approval to purchase the two Defibrillators at this time.

Staff sent out a proposal and received three bids:

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| 1. Physio Control | \$48,044.17 |
| 2. Bound Tree | \$50,015.50 |
| 3. Zoll | \$51,290.95 |

Staff's evaluation of the bids determined that the low bid exceeds our minimum requirements and found no reason to recommend one of the higher bids.

Staff is requesting approval from the City Council to purchase from Physio Control two LP15 Monitor/Defibrillators as bid for \$48,044.17. Under the grant rules the Federal share will be 95% and the City share will be 5%, \$2,402.00.

Recommendation: Approve purchase from Physio Control with the City's share of the cost being \$2,402.00.

- Authorization of City Manager to sign Assignment of Assets document prepared by the City Attorney. This assigns all physical assets of Montpelier Net to Summit Technologies, Inc. In return Summit will remove and dispose of all installed hardware and relieve the City of any further liability or obligation. This item was tabled on July 28, 2010 to allow for review by the Montpelier Net Committee. The Committee has reviewed this item and recommends it be adopted as proposed.

Motion was made by Council Member Sheridan, seconded by Council Member Sherman to approve the consent agenda with the added items???

Upon motion duly made by Council Members Sheridan and Sherman the Consent Agenda was approved on a vote of 6 to 0.

10-220. 2nd Public Hearing and Adoption of City Master Plan.

The public will be asked to make comments on the Master Plan submitted to the City Council by the Planning Commission. The Planning Office has provided Councilors with copies of the changes made at the August 25, 2010 meeting.

Recommendation: Conduct 2nd public hearing and ADOPT the Plan with changes made.

Mayor Hooper said at the last public hearing she failed to acknowledge and thank the many people who participated in this process. Before she opens the public hearing she would like to take the opportunity to thank the folks who have been involved with this process that we embarked on more than three years ago. It began with a proposal from the Planning Director and from the Planning Commission that we consider an entirely different approach to our master planning process, an approach that would ask us to look much further into the future and ask all of the members of our community to participate in both the planning process and implementing the product that came out of that process. This is really a significant departure from master planning in the state of Vermont. The City Council agreed to this proposal and adopted this approach, and in the intervening years we have approved steps as we have moved along with the process. We have agreed to the enVision process and agreed to the goals that were prepared by the groups of folks working on this with the Planning Commission.

She suspects that every member of the City Council, every member of the community and the Planning Commission saw value in this approach for different reasons. She wanted to reflect that part of her motivation three plus years ago was that we thought we were looking at a whole different world. Oil prices were going out of control. There was serious concern that members of our community would not have access to heat in the wintertime and would be making choices between food and medicine. When the oil prices went out of control she was worried about how city government was going to respond to those sorts of demands and expectation for service from our community. She thought we needed to think differently about how we work in our community. That was one of the exciting things for her in the master planning process that it was asking us to think and prepare differently for the future. She would suggest that it has been a leap of faith they have been engaged in and there have been literally hundreds of members of our community that participated with us in this process. It is a work in progress and we are going to see how it is going to unfold. She would suggest that a plan is merely a template of the actions that will follow. It is giving us some guidance but it is the steps we take having adopted the Master Plan that are going to be particularly important so we need members of the community to continue participating in this process.

She would also suggest that appropriately the City Council is asking questions about the consequence of adopting something that is profoundly different than what we have done in the past, and that is part of the process they will have this evening. That is what public engagement is about.

We thank members of the community who participated in this because a number of the leaders of the teams that were organized to look at the five need areas we

agreed to focus on. The members of the Planning Commission have worked very hard on this, and so has the City Council. Many have taken on a lot of extra meetings, and that is what it is all about which is working together for the benefit of the community. Thank you.

Mayor Hooper opened the public hearing at 7:27 P.M. for members of the community to address the City Council on the proposed plan. This is our second hearing. They have made a few modifications and suggested changes. It is the public's opportunity to address the Council on elements of the plan. When the public is finished the Council will have a conversation as to how they want to proceed.

Kris Hammer, Chair of the Conservation Commission, said he was co-chair at various times of the Natural Environment Committee and has been involved in the process for the whole three years. He couldn't make the last meeting. The whole enVision process allowed a lot of people to provide input and they came to some good language. He is a little disappointed. The part he was the most involved with, which is the natural environment part of the plan, a lot of the language which had been envisioned and in the draft with a lot of positive statements that the city is going to pursue, revise, create, implement, and upgrade it is saying the city is committed to do all of this stuff. When you can't do a lot of natural environment stuff in the revision it becomes consider instead of implement or encourage. When it says develop it now says consider. It seems the Council has tried to back away from some real commitment. When the Conservation Commission looks at the Master Plan it is not something that sits on the shelf. They look at it for guidance as to what they need to do as a commission. The last Master Plan they had to work from was from 1999 and when they look at that document they have pretty much done everything the Master Plan asked them to do as a commission. They used that document many times when they go to grant applications to say the city is behind us and it is in the Master Plan. For them to go forward they are looking for a real strong endorsement for some of the things that came through enVision that are in the draft. If it says the Council says to consider the issue it doesn't sound like a very strong endorsement. If they are going to pursue some of these initiatives they don't know if they really have the city behind them or not, and that is his concern. He looked throughout the whole document and there is a lot of great language and strong statements saying the city is going to commit to all of these different things. He would like to see some of that language back in the natural environment section because it really says the city is behind us. It may mean because we have a Master Plan it is going to be prescriptive in terms of zoning. There was plenty of stuff in the old Master Plan that never made it into zoning much to their frustration so when zoning revisions are made there will be an opportunity for public input. He doesn't think the Master Plan tells you what

the zoning regulations are going to be. To weaken the document for them as a commission makes it harder for them to do their job. It also makes them feel like they are pushing for a certain agenda that the city really isn't behind them. The Conservation Commission is appointed by the City Council, hopes to represent you and wants a Master Plan that speaks for what the city thinks and has a strong endorsement for what is included. To the extent they can try to be as forthcoming and positive about what you want in the document and to back away and say you aren't sure about the goal does an injustice to the three years of progress they have had with all kind of public input. The document came out with very strong language and he would hate to see the City Council back away from that and say this is too strong for them.

Mayor Hooper said he is basically saying to please don't make all of the changes that the Council has suggested making in the natural resources area.

Mr. Hammer said throughout a lot of the rest of the document a lot of that strong language is in there, and somehow in the natural environment section there are a lot of "considers," and he doesn't see that language very often in the rest of the document. In terms of being consistent it seems like the city is saying these things we really care about we are going to strive for this, and the other things they aren't so sure so let's put some weaker language in. He is concerned they are backing away from the strong statements they have made throughout the whole process.

Council Member Hooper asked if there were any he felt strongly that would be useful during the next five years to have strong language.

Mr. Hammer said the Conservation Commission is trying to do a lot of work with the schools. They have done some great stuff at the Middle School and starting to do some work at the High School. If we go to the High School and say the city wants to do this. Right now they are putting together grant applications to the Lake Champlain Basin Program to Clean and Clear to look at possibly disconnecting the rooftop drains from the High School so they don't either go to the wastewater treatment plant or right in the river. If we have a strong statement from the city that green roofs if it is an alternative to keep our storm water on our roofs instead of going right into the river or going to the wastewater treatment plant where there are overflows. The city really wants to embrace this idea and explore it where it is feasible. That was part of the genesis of the rooftop gardens. If it is considered green roofs it just seems like it's not something that the city endorses and it is a weaker language. The city is considering this, but if the city really wants to pursue this as a strategy to minimize storm water runoff it makes a stronger case for us when we say the city

is behind us and it is something we want to pursue. When they are out trying to do something in the community and trying to advise the Council on what should happen it's great to be able to look at a document that reflects a lot of public comment and say this is telling us this is something that is important for the city.

Council Sherman asked Mr. Hammer if he is suggesting to go back to establish rooftop gardens for storm water control on available and appropriate municipal roofs.

Mr. Hammer said obviously you can't put a rooftop garden on a building that can't handle it structurally. There are a lot of limitations with this technology, but it is something that is being done in a lot of cities and there are new aggregates that are light weight. It is kind of embracing this new technology that is out there and where possible let's see if we can do it. He would like to have the original language reflected. The original language was a stronger statement.

Jim Libby from the Montpelier Housing Task Force said he wanted to thank the Council for incorporating the changes he had submitted to them for the last meeting. He is only going to talk about Section 4 of the Master Plan. The Housing Task Force had good communication with the Infrastructure Subcommittee and had a lot of opportunity for input and had good access to what has been going on. Following on Kris' comments, with respect to development in the city you look at the Master Plan language a little differently. Just about everything he talks to the Council about affordable housing either comes back to this Council or goes through some regulatory process. He thinks that allows him to look at the Master Plan as something that is a balancing document. He is not opposed to the softening the Council did with the language. The strength of language in the Master Plan really doesn't have any impact of whether their programs are going to happen. For instance, an inspection program or apartment registration program would have to be done by ordinance. It is important to have the Master Plan consider that. On the other hand, he thinks it is very important for the message that the city promotes residential development to be strong enough so that support this Council has shown for affordable housing and residential development is clear in the Master Plan and that was a change that Gwen made in that section.

Looking at a residential development, particularly affordable housing, the Master Plan is important, but it is not as important as leadership, zoning and funding. We have talked for a lot of years about Sabin's Pasture. There is no development in Sabin's Pasture. We had a healthy community conversation about that, and maybe there will be some day. River Station Apartments and Condominiums was a project that was well received by the city. It's a good project. That was a situation where the Council changed the zoning to allow for more density and

that was a very appropriate action and then the Council supported the developers going after funding sources. When we talk about growth and development we have to have the basis of the Master Plan, but it is also really important for the leadership that the Council provides to continue. He looks forward to the conversation about zoning. It is really important when you get into the zoning map by adding the asterisk that indicates the zoning ordinance should reflect dense development in the downtown. He thinks that is a positive result of the Sabin's Pasture conversation.

He wants to ask one question. On Goal B under energy on page 125 he would like to make a small suggestion which is to include after the "and" add 1,000 Montpelier homes. You can spend a lot of money and do a lot of energy conservation work to your house and have no impact on its property status. Both of those are goals. He thinks they should track them separately. Over a couple of years he has probably borrowed about \$30,000 to do a number of things including an energy audit, doing lots of work to the shell, replacing the windows and heating system and installing a circulating hot water system and new efficient boiler and radiators in and replaced the whole inefficient hot air system. He is burning a lot less oil but he did not meet the second category which is not carbon neutral. He is still burning fossil fuels so his suggestion would be to track those separately. He would add another 1,000 Montpelier homes after the end.

He read in the paper that Tim Heney was concerned with some of the very specific language which was changed a bit, and he supports those changes. From a regulatory perspective under Act 250 criterion 10 all development has to be consistent with a duly adopted municipal master plan. He thinks it is important to strike an appropriate balance, and he thinks they have.

Heather Pipino said she agrees that the use of the word "consider" or support is a little vague and she would like to see it strengthened. If you are going to consider something you should establish some sort of timeline in order to do that along with some objectives about what you want to consider such as policies, guidelines or incentives. She is interested in the green roof and anti-idling ordinance. She is also interested in the apartment inspection they used the word consider. As a renter in Montpelier the part of the plan she saw as weak was that the quality of housing stock wasn't mentioned. Not only is it hard to find housing in Montpelier but there is some pretty crappy housing in Montpelier. Strengthening that to provide some guidelines for what the quality of housing should be in Montpelier would be great. Another problem she found trying to find renting in Montpelier is a lot of the housing which is pretty good they are turning into condos. In the building and infrastructure plan they don't really address that. It provides a barrier for people to move into housing when

they can't afford to purchase a house. With regard to the economics and livelihood section and human needs she was glad to see there were some goals for livable wages but the goals that addressed low income populations were all basically strategies for technical assistance, but the goals on the employer side in terms of policy don't offer any technical assistance specifics. They mentioned employer ownership in the plan but the section could include something specific about the benefits of the employee ownership in terms of job retention and the quality of jobs. In the economics and livelihood section there is no mention of the word union or labor group or low income worker participation. There are no goals for engaging the workforce in the decisions made about them whereas in terms of development or neighborhood policies there is in several places encouragement for neighborhood participation.

Joseph Keifer, one of the coordinators of the Central Vermont Food Systems Council that grew out of the enVision Montpelier process, said he wanted to thank the City of Montpelier for what he feels is a very visionary forward looking document. It is really quite challenging to look 100 years out. Each year he attends a food security conference and last year it was in Des Moines, Iowa and he worked with about 100 other groups on food system policy. Montpelier is lucky because we are right in the early part of this conversation. He is very excited there is a whole section on local food and describing a lot of the work of the Food Systems Council. Putting in local food is quite a shift in how people view planning. Serving on the Governor's Task Force on Hunger from 2007 to recent they put in their recommendations that every town develop their own food plan which is going to make towns think about how they set aside land, how they think about food security, thinking about our schools as possible processing centers for food and the greater conversation around food. It was only in the last couple of weeks we had an egg scare. In this day and age we are all food insecure. Unless your root cellar is packed, your freezer is full, or you can guarantee your electricity we are all 3 to 5 days away from the need of food, and food stores in our community only stock 3 to 5 days. This brings up a conversation that doesn't normally happen in our community. The work of the Food Systems Council over the past few years is to create some baseline data. Tom Sabo is going to speak about the education committee. Right now they are in the process of working out a farmer survey in Washington County and assess the needs of farmers for processing, storage and distribution. Around the country communities are realizing food is a really powerful economic driver. They work a lot with Hardwick, the Intervale and the town that food saved might be the city that food saved here. Montpelier was in the early 1900's called the Garden of Cities so we have this history in the early 1900's. On page 154 they put together a food system web to try to show visually what it is going to take and what are the economic opportunities from growing, processing, distribution and selling products. There is a huge economic driver here for all of

us. They are also in the process of a home owner/consumer survey they have been working with UVM on trying to identify how much we are growing food locally and how much food we are importing. Trying to get the numbers is challenging. We are still at 93 to 95 percent of our food that we are importing so we have a long way to go to get to a place that will provide the kind of security we are all looking for. He thinks with the Master Plan they have a foundation now to start looking at how we plan our landscapes. They have been talking about food sheds, a food terminal and a year round warehousing of local foods and redistributing it out to restaurants, hospitals and schools.

Mayor Hooper asked if they needed a stronger statement about food for kids in schools and making sure that all kids in school have access to good food.

Mr. Keifer said it would never hurt. He spent all morning in a statewide farm to school meeting and they received their Vermont fee for funding a day food educational project. This is the first time the Center for Disease Control has given money to any project and they gave \$400,000 to our statewide Farm to School project because we are showing that our students have a greater consumption of fruits and vegetables than any other state and they are actually doing an evaluation to prove that. He thinks healthy food to prevent disease should be a clear strong component of this document.

Tom Sabo, a science teacher at Montpelier High School, said he came to speak in general terms in support of the Master Plan but now will be speaking about food. He has built his teaching career here in Montpelier over the last 13 years teaching about sustainability and one of the most basic tenets is consideration of future generations, and this plan has that. It is truly what separates from other Master Plans. As they have engaged in the process he and his students have been involved and it has been great to show them in action what sustainability can look like. The other aspect is looking at the variety of needs. Economics is important and we all know that. It doesn't really take much to convince people of that. Social and environment is important and true sustainability lies in the middle, and this plan once again in very general terms considers those. It has been exciting teaching his students through this process and sharing that with them. He encourages the Council to continue to strengthen the plan and move it forward. From the Food Systems Council perspective he has been on a steering committee and has been co-chair and the Food Council came about as Joseph mentioned through the enVision planning process which he applauds. In just a year and a half's time the food education committee has put on two community screenings of food documentaries, done a survey of Washington County schools with the goal of getting a school garden in every Washington County school. It held the first Annual Grow Local Fest last year. They had local music, local food, workshops related to gardening and food. They raised money to help put

gardens in schools. After the first event they were able to distribute \$2,500 to eight area schools. Saturday they will be holding their second annual festival as a local celebration. It's an education event but it is also meant to inspire. They are teaching adults and children to help plan for the future. He applauds the process which has brought this about and encourages the plan to keep the good work going. With regard to the questions that came up about food education and access to food in school for low income kids, as Kris Hammer mentioned earlier we can use a Master Plan as leverage in pursuing policy changes and pursuing funds to assist budgets. The school lunch program has lots of different regulations on the national level as well as the state level. He thinks the plan really needs to reflect the values in the community.

Mayor Hooper said she would note that it was just about a year ago that Tom Sabo was one of 50 educators in the country who was recognized for his outstanding work. He was the only one in Vermont and Montpelier is very fortunate having him help with this.

Rachael Rice, a resident of Montpelier, said she wanted to thank City Council for taking the time to involve the community and spend three years on the Master Plan. It's not a perfect plan but it is strategic and visionary. She wants to live in a town with leaders that have vision and think beyond five years from now. Her work is also with children as a teacher and with different populations including young and older people as well as with people with disabilities. Montpelier is a special place to live and it is sustainable and meaningful to her that the City Council has been offered the opportunity and offered the community the opportunity for years to give input. She urges them to move forward on it and she wants to live in a city where this kind of vision is sustained.

Bill Jolley said he would like to refer the Council to two maps. One is figure 30 which shows the Smart Growth District and the other is figure 11 which shows conservation lands. He has 10 acres of land within Montpelier city limits and this affects his land. Is there a cross purpose in these two land use descriptions? One of them designates conservation lands and also designates a 5-year growth priority. There are probably other lands in the city of Montpelier such as Sabin's Pasture that might be double coded in a sense. He really doesn't understand the 5-year growth priority specifics but he understands the description in figure 11 says resource protection and conservation. If there are future zoning changes to some of what is now Medium Density Residential what would be those proposed zoning changes given there are two land uses for the same land?

Mayor Hooper said they don't know what the zoning will be until they propose it. Her assumption is they will look at both the conservation values and the interest in promoting housing and weigh them together and then hear from

property owners about which way they should go to draw the lines. She believes they couldn't adequately show all of the underlay districts on these maps so that is the reason there is the conservation land map, figure 11 he is referring to.

Mr. Jolley asked how would they weigh the two priorities of land use, one is conservation and protection and the other is high growth, in coming up with zoning recommendations. How would you weigh the two land use priorities in a zoning discussion?

City Manager Fraser said the Smart Growth District says the bulk of the growth will be concentrated in this general area. It doesn't mean that within there could be conservation lands, wetlands or certain pieces that are parks that should be conserved.

Mr. Jolley said some areas are large enough to accommodate the exception they are speaking of. His is a continuous piece of 10 acres.

City Manager Fraser said there might be density bonuses in the zoning regulations that would say you could conserve 9 acres there could be extra development on the 1 acre as opposed to chopping it up into 5 big lots.

Fran Crushneck said she is one of the three newest members of the Board of the Montpelier Senior Activity Center. She pointed out on page 16 of the revision there are two errors that needed to be corrected regarding the Senior Center.

Judy Walke, Co-Chair of the Human Systems Committee, said she wants to applaud the process. In her other life she is an organizational consultant and helps people with strategic planning processes. She was surprised at how many people in Montpelier got involved. With their committee alone there were over 100 people who came to various meetings to talk about everything from education to health to neighborhoods. She believes that process makes the plan more trustworthy. As more and more people have gotten involved with how it is expressed in words through enVision Montpelier process to the Planning Commission to the Council, every iteration seems to make it clearer and more focused and more owned by more of us in the city. Thank you for your consideration.

Neil Meier spoke on behalf of the 22 employees at Union Institute in Montpelier who drive over 35 miles a day one way to get to work. He is also representing the folks that he went through the enVision process with. As he read the document and listened to the people tonight who went through the process he was reminded of a story of a country boy who comes across a bear in

the woods and he realizes he has to wrestle the bear. How is he going to get his arms around this thing? Well, that is what they all are doing. They have gotten your arms around a tremendous number of issues and heard people tonight call it a foundation. It's not just a foundation but a framework for the future of this great city. He supports what they have done and appreciates being part of the process. If they can shorten that drive 35 miles one way for their employees they will have done a great thing.

Ken Jones said he was Chair of the Planning Commission when the Master Plan process started. He is not an expert on the Master Plan. He is not an expert on the revisions, but he is here because of some of the reactions he heard about from the last hearing. Largely following up on Kris Hammer's comments, the Master Plan, especially with its focus on sustainability, represents a lot of ideas that are alternative to business as usual. The example that comes most to mind of how this can work is what happened in January of this year. The City of Montpelier received an \$8 million grant to work on the district energy plant. Business as usual would never have gotten that plant anywhere. It is not economical without the \$8 million, and even with the \$8 million it is going to be tight. That was an incredibly competitive process to get that \$8 million, and he believes one of the important reasons why Montpelier was successful in getting that \$8 million was because of some of the information that came from the city about our goals in terms of an alternative energy future. They are very ambitious goals. If we had mild goals, a 20 percent reduction in the use of fossil fuels by the year 2030, that would not set Montpelier apart. That would be business as usual. He can understand the negative reaction in a Master Plan to a whole set of ideas that are alternative. When they are taken as potential mandates to the private sector, an alternative system that is not business as usual to become a mandate to those folks who have private capital, to those folks who own private land, that is inappropriate, but that isn't how he reads the Master Plan? The Master Plan is the identification of ideas that the city can pursue. When they can find those allies and resources that allow them to do something that is not business as usual there is the opportunity to do it. Montpelier has a challenge, and it is a challenge he felt when he was on the Planning Commission, of how you translate the language of the Master Plan into zoning and into the decisions of the Design Review and Development Review Boards. He hopes they can continue to work on that so the language in the Master Plan is not taken as a mandate for every piece of private development because that wasn't the intent. He doesn't think the people who participated in the master planning process were saying that every new development has to do this and they will have to find their own money to do it and reject their own needs in order to do this. That's not going to work. He is sorry that people who read the Master Plan take those ideas as being requirements. He hopes the Council, the Planning Commissions and other bodies can identify the means of translating the content of the Master

Plan so that the regulatory processes are not draconian and not mired with a great deal of difficulty. He really wants to discourage them from taking a look at all of the ideas in the Master Plan and watering them down because they will not get the next \$8 million if they see that Montpelier is going to do business as usual.

Mayor Hooper said he referred to reducing fuel consumption by 20 percent. The Council adopted language a year ago about a goal for energy consumption that was higher than that. On page 126 there is energy goal 3 by 2040 total amount of renewable energy consumption is reduced by 20 percent based on 2004 use. He would propose it be 80 percent reduction in fossil fuels by 2030.

Mr. Jones said if you had a 20 percent reduction in nonrenewable fuel use and an 80 percent reduction in greenhouse gas use the only way you could do that is nuclear, and he isn't sure that is what they meant.

Maxine Leary said she is embarrassed to say she has not read the Master Plan. She has been hearing people talking about the food systems and she has been constructing a data base for the Montpelier Food Pantry and couldn't pass up the opportunity to tell them a couple of statistics. People who have used the Food Pantry from the 10 towns, including Montpelier, in 2009 or 2010 she has entered and tracked 1,075 names of children to 90-year olds and there are over 475 separate households who use the Food Pantry at Trinity Church. Every one of those people who comes gets the equivalent of a week's worth of food so that is 21 meals. Every month it is approximately 6,800 meals that are provided by the Food Pantry. Eight-five to 90 percent of the people are Montpelier residents. All of it is volunteer work and the whole place runs on donations and contributions, and it is a credit to Montpelier.

Mayor Hooper said they should add to that the 5 community meal sites that our churches serve every week where there are at least 50 people per day.

Ms. Leary said the Lutheran Church the second Saturday of every month provides a magnificent meal at Trinity. There is an enormous respect shown to all the people who come to any one of those functions.

Norman James, a resident at 9 Derby Drive in Montpelier, said this has been an incredible opportunity. The whole thing started more than three years ago and he saw an opportunity to help in his little small way to leave a legacy for his grandchildren and great grandchildren, and that to him means action. Creating the plan is an action, but considering is not an action. One of the most important uses of the word "establish" is on page 13 in the revisions. The language as proposed to the Council was consider a more focused regional

planning and economic development entity which enables Montpelier and surrounding communities to retain and promote, etc. That calls for action. We need to establish that. One of the big questions on the subcommittee he was involved in, which was the Economic Development Committee, was the realization that Montpelier cannot sustain itself by itself; it's part of a whole and part of that whole is the immediate surrounding communities that are our neighbors. This opportunity gives us an opportunity to play a key role in the establishment of what 50 years from now – not five years from now – is probably going to be a community of 30,000 to 35,000 people. And he isn't talking about the city of Montpelier but the region because that is where they are going to go. We were a very small community once upon a time. We were so nice even state government decided they wanted to come here. There was a very thriving industry just south of us but they didn't get the railroad because of politics. Montpelier is the seat of state government and it is taking up valuable resources.

Being a part of this group and this three-year project has been very energetic. He has been able to see well into the future and he sees a lot of fuzziness because there is no direct action. On page 6 when it talks about the south and north entrances into the city Route 12 is not considered to be an entrance to the city. We have a recreation complex to him that is second to none in this area. That recreation complex has four ball fields, a tennis court, and a swimming pool and is well maintained. It has been described by other sports officials in New England states as being a jewel, and it sits at the entrance to this city and somewhere along the line we need to take advantage of that. On page 16 there are a couple of areas where it refers to the Mountaineers as being a semi-pro team. It says in addition to a vibrant community Montpelier is also home to the Vermont Mountaineers, a franchise of the New England Collegiate Baseball League. The Mountaineers and NECBL attract collegiate baseball players from across the nation making the team and the league one of the most competitive show cases for pre professional baseball talent in the country. The 42 game season is played in June and July with all 21 home games played at the historic Montpelier recreation field. In eight years the Mountaineers have been to the playoffs six times, winning the division championship four times and the NECBL championship twice. Saying that and having it part of a Master Plan goes back to what other folks are talking about that this is a viable action community and one in which it is worth investing.

Carl Etnier said he has been privileged to be one of the hundreds of people who have been part of the many conversations that went into creating this Master Plan. He wants to build on the remarks of Ken Jones about the importance of Montpelier's history of thinking in a large context and thinking forward and that leading to our ability to attract excitement from the outside which leads to

money from the outside. He is speaking now from his perspective of working with Transition Town Montpelier. Transition Town Montpelier is an organization looking to making the transition from oil dependence to community resilience and it is part of the worldwide movement helping neighbors connect with neighbors and build institutions together, put chicken coops in their back yards, build gardens together and work with local governments to increase local transportation options, etc. It is a very young movement. It is only 4 years since the first Transition Town was established in England but it has spread to a thousand or more places around the world. Vermont as a whole is seen, as a place where transition can really happen where decades of preparation have led to our ability to transition well. There are people on the National Transition Board who are saying let's figure out how we can make Vermont not only as excellent as it is but take it the next step. What can they do to invest in Vermont to make it the model transition for the whole North American continent? So much of what is going on here is that attractive that people are coming here and saying how can they get more money in here to help us keep doing what we are doing. In Transition Town Montpelier they had the Village Building Convergence about a month ago. When the folks in England in the original Transition Town heard about this they were amazed. He has met three people at the Village Building Convergence who recently moved to town who said they were coming here because of this vision. Two of them said this is the Transition Town in the U.S. as far as they were concerned. One of them had read the AARP article about this being such a great place to live and decided to move here. It's that vision that Montpelier has and has had that attracts people and money because of it. By adopting a Master Plan that has such a long range vision, you will keep that momentum going and keep Montpelier special.

George Malek, Executive Vice President of the Central Vermont Chamber of Commerce, said he appreciates the opportunity to be here to comment on the Master Plan. In review of Chamber policy and history and this plan they are solidly involved with this plan. An awful lot of the translation of this plan into policy and into regulation and bylaws is the critical change, and nobody knows where that is going to go. If they feel strongly about where it is going to go they would urge them to pass that along with approving the Plan. There are a litany of objectives where the good has been destroyed in pursuit of perfection. This is the beautiful vision that was alluded to. That is a wonderful thing to keep in mind while you are working diligently on more pressing needs of food, shelter, mobility and a balanced city budget tomorrow. Those are the things they feel are the critical components. They have great empathy for those who worry about the mischief that can be played with a broad foundation or mischief that is laid in this plan, but it is laid in large part with the visions and hope. If people can make the right balance between this is what we need to do tomorrow and here is what they hope to get the opportunity to do, the plan can play out very well. If

perfection is sought where the vision comes tomorrow's mandate and tomorrow's imposition on development it can translate into a disaster. They share the concern for what can be done. They also share the optimism for the vision that can be kept out there. At a community enVision meeting very early on as a presenter he personally discussed the challenge of trying to plan 100 years out. There is some legitimate question over how valid it is to do that. As the Mayor spoke in opening the meeting this hasn't been a secret. It was addressed early on and seems to have been endorsed repeatedly throughout. As plans get thicker with more words and more detail and sophistication they become more challenging and provide more opportunity for opposition to almost anything and they are certainly concerned with that in general. They lean toward the believe that the city's sustainability is a warm notion that has to be out there when the opportunity arises. On the practical goal side some state programs and initiatives require an approved plan. Other state and federal programs give substantial not only to adopted but approved plans. The city needs to have one. The people have worked very hard to get this one to the Council. There are a lot of very good things about it. They would urge the Council to approve the plan. They appreciate what they have done to identify some of the more onerous pieces and to correct those. Certainly, on the housing side they have felt that housing opportunities in the city of Montpelier are an absolute must, and they really applaud what the city has done in the recent past to aggressively move in that direction. They would suggest they adopt the plan but to make sure they are clear on where they want to go from here.

Bethany Pombar, a member of the Planning Commission, said she has a couple of concerns. One is on page 10 of the adjusted amendment of updating the water system to accommodate sprinklers and the Council added as financially feasible. There are housing units in Montpelier that if sprinklers were to be installed there isn't adequate water pressure to have them work, particularly on College Street. It seems like there is a lot of development opportunity up there and she would hope sprinklers would work for residences up there. It should be a priority for the city that our water system can accommodate all sprinkler systems in houses as a safety measure. She is leery of the financially feasible backburner language. She requests they remove that. The other concern she has is on page 2 of the recommendations where they inserted a "consider" instead of adopts on the standards for wetlands. That should be a priority for protection as well within the city limits. We have a lot of development close to wetlands and we should be thinking about adopting some standards to protect them and not just consider them.

Virginia Cattone said she is Co-Chair of the Social Systems Subcommittee. She wanted to tell them about her history with Montpelier personally because being part of the enVision Montpelier process just solidified her love of this

community. She first saw Montpelier about 40 years ago when her brother and his wife brought her up to Montpelier to go skiing and visit. She grew up in the east but went out to UC Berkley and lived there during the 60's and early 70's so you can imagine what a little community looked like after going through Berkley. She thought she couldn't imagine living in such a depressing moribund place. She married and moved here at the end of 1972 and lived on Foster Street for two years and then bought a house in the country. Her husband was on the faculty at Norwich and she worked for the Legislative Fiscal Office and spent her whole working life there until she retired a couple of years ago working for the House Appropriations Committee. She loved where we lived but it almost broke her heart to have to leave Montpelier at the end of the day because Berlin has no center as far as she was concerned. She loves the downtown of Montpelier and going in stores and having the guys in Somers fix lamps for her for nothing and people calling you by your first name. She had lived in a lot of cities and towns in the country and this is by far the best for her. She is speaking as a person who was very heavily involved in enVision Montpelier starting in May of 2007. They sold their house and moved to Montpelier in 2006 and she saw this as an opportunity to get involved in her community. She personally spent many hundreds of hours as Chair and a member of the Steering Committee which awarded grants and attended all of the enVision general meetings and she was one of the people who was instrumental in starting the Onion River Exchange which the Council awarded some grants. Onion River Exchange has had some growing pains but it is a viable organization and enables a lot of us to get services. She spoke about the exchange of services and the many people she had met through that program. She went on to speak about her daughter growing up in Central Vermont and that she was now looking to settle down and raise a family in Montpelier. EnVision Montpelier came up with ideas for a plan, goals and objectives. You can make plans but you can't plan the results, but you can have goals, hopes and expectations for the future. She is speaking as a senior who feels comfortable in a caring community, and with this plan she thinks the underpinnings of that and she hopes as a grandmother in the very near future she will have grandchildren growing up here also. She spoke about the work of people from a wide spectrum in this community of all socioeconomic groups and ages and the amount of work that went into the plan. She strongly urges the Council's support in this plan.

Anthony Iarrapino said he is very happy to live and work in Montpelier. They just bought a house this last year and are very happy to be a part of this community. Contrary to what Councilor Sheridan said at the last meeting he is a member of the Conservation Commission and he is also excited for more people to come and live in this community and keep it vibrant and viable. He thinks they can achieve that goal of encouraging more people to come here without jeopardizing the existing property values that we have in this town and the

existing environmental quality that makes this place such an attractive place to live. It is very valuable that the Council publishes its minutes and he wants to reiterate the perspective that Planning Director Hallsmith articulated in support at the last meeting of some of the areas of the Master Plan that deals with wetlands protection and storm water management. Not just as environmental quality issues to protect the species and the intrinsic natural value of those things but because there are real consequences to a community when you ignore the ways in which nature has learned to deal with drainage. When you develop wetlands uphill of somebody that means there is more water in a downhill person's basement. When you develop as they have in Barre without regard to storm water management and natural drainage patterns they had terrible flooding in that community a couple of years ago that costs millions of dollars both from private property owners and the public taxpayers in restoration, all because they didn't keep sight of responsible land use management and respecting the fact that over many, many years wetlands have developed as flood storage. When we develop over those we need to be smart about how we maintain the flood storage and pollution filtering functions that the landscape would naturally play. There are a lot of opportunities within the current Master Plan to make sure we move in that direction. It would be a mistake for the city to water down the aspects of the plan. Most of the watering down occurs on page 2, strategy 1.f for the city to consider standards for wetlands instead of adopting standards for wetlands. He also noticed in the minutes from the last meeting there was a lot of discussion about what the state regulates and why are we going beyond that or duplicating that. There is an important concept in environmental regulation at the state level they often refer to as sub jurisdictional. They had to draw an arbitrary line when they decided where the state regulation would end and where the local regulation would pick up. It's not that they drew the line there because natural resources like wetlands below those jurisdictional lines are development, storm water management plans for developments below one acre weren't important. They drew the line there because there aren't enough people at the state to regulate all of those properties and leaving it to municipalities to pick up where the state leaves off. The municipalities that don't pick up where the state leaves off pay the price one way or the other, and it's not just in the loss of creatures, habitat and wildlife. It's in real dollars and in infrastructure that is damaged and in regulatory requirements that are imposed on the city. If you look at the things that are being watered down in storm water management strategy 3.b to provide incentives and/or establish regulatory tools for existing development to incorporate low impact development. That is a storm water management technique. Green roofs is another storm water management technique. Peak flow regulations of storm water runoff is another important regulatory control. Right now as you drive down the length of the Winooski River that runs through the city you see a bunch of pipes sticking out from our parking lots, this city has almost no storm water treatment. As a result of that we

are contributing significantly to the pollution of Lake Champlain and that is catching up with Rutland and St. Albans. Those communities have been told by the state that they will now be regulated under the Federal Clean Water Act and all of the development in those cities have to conform to much more costly but necessary pollution control requirements. We have a chance to get out in front of that. We have a chance to be proactive. That is what the Conservation Commission and the people who showed up to years of the enVision meetings on the Natural Environment Subcommittee were trying to help the city do. It would be a very big mistake for the City Council to back away from that year's worth of public input just because a few landowners came to the last meeting and were worried about barriers to development and to maximizing profit from their private property at the expense of publicly owned infrastructure, pollution control requirements that all of us will have to bear collectively as a community. He encourages them to restore the language, most of which is on page 2, back to what it originally was and remember there is a cost savings from being proactive about protecting wetlands and addressing storm water pollution. He hopes they adopt the Master Plan as a whole because it would send a very bad message to all of the people who came out for years of process and to the people who volunteer on the city's commissions. The Conservation Commission discussed this at numerous meetings. No one came to voice their concerns. Now is the time to be proactive and to control our own destiny and to keep this place the community where people want to come and live in a vibrant and viable community.

Ken Jones said Goal B #3, page 126, just the top line. The suggested change is by 2030 be consistent the total nonrenewable energy consumption per capita is reduced to 20 percent of 2004 use.

Paula Francis said she just wanted to add to everybody's accolades to the process. She served on the Human Services Subcommittee and it was an example of a wonderful community process and people pulling together for a common goal. She would be another voice for keeping the original bold language, and that is because she does believe we will see a different tomorrow. The reason she thinks they need to have the original language is because we need leaders who can fall back on some very concrete language. There is a lot of passion here to unleash and let's give them something to work with. Her daughters grew up here and they would say to her at least once a month that they were so proud to live in Montpelier. It's such a wonderful place to grow up. Their goal is to come back here and raise a family and she would love to see a vibrant and grand community for their grandkids.

Jay White, said he was a member of the Design Review Committee, but he was speaking for himself tonight. He thinks the plan is very good and very

comprehensive. There are a few things related to development he is concerned about that could be strengthened in the plan. He would agree going back to the stronger language because it is important to get things really happening. That said, there are some things he is afraid would happen that are not intended. What he is concerned about is the part where it says to comply and conform with the existing National Flood Insurance Program. What they really want to do is make sure that our waters are protected, but it is a mistake in Downtown Montpelier to limit development to be something beyond 50 feet or to have language that discourages buildings next to the rivers. Most of Montpelier is next to the rivers. Sarducci's is an example that would be a huge loss. If it burned down this plan would probably not allow it to be rebuilt. Most of Stone Cutters Way could not be developed in this plan. The Co-Op couldn't be developed in this plan. He thinks there is intent that there are goals to have infill structures where the store burned down next to Aubuchon's Hardware. A plan was to go in there and it could not go in because it had to be both handicapped accessible and the first floor above the floodplain had to be four feet higher than grade. As a result nothing has happened. He thinks the same is true with some of the upper floors of the building. He has been talking with Aubuchon a number of times he has worked with them to develop the space into Somers. They would like to use the second and third floor of their building but it isn't economically feasible. There is language in here about encouraging development. It needs to go further in that regard to give a tax benefit where it becomes financially feasible for a developer to really develop the existing space which strengthens the community, concentrates development in the Growth Center and doesn't encourage sprawl. The conservation comments were excellent, but they are really reserved more for natural wetlands. He is concerned that some of the language in here has a chance to hamper economic development downtown. He always gets concerned when the local community adopts anything at a higher level because we lose control. That is why the State of Vermont decided not to piggyback to the federal tax structure and he thinks they don't want to piggyback to federal regulations about flood control issues that really may be overreaching in Montpelier and may have the undesired effect of stopping all development in the core of downtown Montpelier. He would strike that language. He would probably replace it with some language to the effect that development had to protect the waters.

Council Member Hooper said he thought being in compliance with NFIP meant that people just paid less for their flood insurance and this was a way the city could help the residents.

Mr. White said he thinks the result of it is when a developer tries to get money for his building the banks say no they are in the floodplain, and in this case they

would say they were against the Master Plan in Montpelier because they don't allow you to build in the floodplain. That would be his concern.

Clancy DeSmet from the Planning Office said they don't really have a choice on the floodplain. There is a floodplain in the downtown and we do participate in the National Flood Insurance Program. We are also a community rated system so we do above and beyond what this language says already. If we don't do it and there is a disaster like what we had on Towne Hill we would not get any of the federal funding. If there was a disaster in the city of Montpelier we could not get any federal funds. Speaking to historic buildings they are already exempt from the National Flood Insurance Program because they aren't going to raise City Hall to make it comply because it is already exempt. Currently we aren't even in compliance with the national floodplain regulations. They are in the process of working with the Planning Commission to make the regulations compliant. The recommendations to make the standards higher would actually get us a higher discount than we already have. Right now we have a 5 percent discount on every flood policy in the city. If we do more we are going to get more like a 10 percent discount. The more we do to protect our downtown and infrastructure as far as low impact development, green roofs, storm water management we are going to get more points in the CRS program which means more savings for everybody in the community. We really don't have a choice on NFIP unless we remove ourselves from the program. We are one of three communities in the state. Brattleboro, Bennington and Montpelier were the only three cities that do more than normal cities do.

City Manager Fraser said he answered the question about historic buildings. What if somebody wanted to rebuild in the floodplain in the downtown?

Mr. DeSmet said as long as the Co-Op wasn't in the floodplain it would just have to be built higher, and actually right now the Co-Op is one foot above. It hasn't precluded development in Montpelier. As far as the open space recommendations, that also gets us a bigger discount. The ball fields down at the recreation field are probably not going to be developed in the sense there won't be any buildings put there. You get more points for not developing along the river. We are already built up along the river all the way up the North Branch. In his opinion it won't stop further development. They are just going to have to comply to the standards.

Chris Silka, a Montpelier resident and Conservation Commissioner, said he doesn't have anything new to add. He would like to add his voice to what Anthony and Kris said about maintaining the original language in the draft proposal submitted to the Council. It is bold and is what is needed and he supports it.

Tim Heney said it has been interesting to listen to the dialogue. He still has a lot of concern about this document as a Master Plan. He knows they are trying to do something progressive and innovative. He likes a lot of what is in here and it isn't that he is against it. It is almost more like a strategic plan rather than a Master Plan. It really is a strategic plan for this community. The term Master Plan in the script of our zoning and the processes we go through there is a very specific terms that is regulated by state law. It is in here on page 16 in terms of what the requirements are, and those are the overlying guidelines that the Master Plan provides to developing zoning, policy and interpretations of zoning policy when there are questions. His concern is that this really isn't a Master Plan in terms of the zoning document. This piece has a lot of conflicts in it from a zoning point of view right now. There are a lot of ambiguities. It's nice to say leaders in the future will interpret it and it will all be fine, but history doesn't work that way. When there have been questions and conflicts in zoning they have looked to the Master Plan and our leaders have used the Master Plan for guidance, and that is why it is a really important document. This is going to be used carefully. He was at a meeting when Harold Garabedian stood up to start a presentation on the new district heating plant and cited that in the 2000 Master Plan that was a priority. When things like that are quoted and said with that power that gives you the sense of the importance of this document. It is really critical to our future. He is looking for simplicity. He would like to see the Council not endorse this tonight as a Master Plan but maybe a strategic plan. For the zoning piece he would like to see something cleaner and simpler that deals with the zoning related issues. Wetlands are fine but the social commentary and the social plans aren't part of our zoning codes. The zoning needs to be clean, crisp and understandable. An educated family like the Jolley's came in tonight. They own a nice piece of land in town and look at the zoning maps can't even interpret what they can do with their property from our zoning code. That is a pretty sad statement. You should be able to read our zoning code and understand what you are allowed to do. You shouldn't have to go to Clancy every time you want to figure out what you can do, and he thinks they are going in that direction. He really hopes the Council doesn't endorse this as the Master Plan. He appreciates all of the work they did the other night.

Jesse Moorman, Chair of the Planning Commission, said he is pleased with the turnout this evening. It is a pleasure to hear from our neighbors about these important decisions. We have been working on this document for quite awhile. He has been on the Planning Commission for two years. He is present tonight to strongly recommend on behalf of the Planning Commission that the Council adopt the Master Plan as it is written. He concurs with members of our Conservation Commission about not watering down provisions about the wetlands especially for the reasons that this sponge can't take any more water. He thinks Anthony articulated that the best. In response to Mr. Heney he hasn't

heard any specific problems with the zoning provisions in the plan. The Master Plan they presented has all of the components that are required by law, and then some. What he views as the business from the Master Plan as Chair of the Planning Commission is looking to it to get down to the nitty gritty of reconsidering our zoning. One of his personal goals in the process is to make it simpler to the extent we can. The business ahead of us when we have a plan in place is going to be the most difficult in terms of working through these zoning issues that get really fine tuned like Mr. Jolley was talking about. He encourages him and others to attend the Planning Commission meetings when they are taking these issues up. Their input is valuable and needed. He would like to note for the City Council the consequences. Our plan as it presently is right now is expired. This comes from Title 24 Chapter 117 § 4387(c). "Upon the expiration of a plan all bylaws, capital budgets and programs then in effect shall remain in effect but shall not be amended until a new plan is in effect." He knows they can't do the business of the zoning bylaws until we have a plan in place. He encourages the Council to adopt the Master Plan.

Council Member Weiss asked if it was true that if the city does not have a Master Plan we do not have Act 250 status.

Mr. Moorman said Act 250 party status is outlined in Title 10 § 685(c)(1): "Party status in proceedings before the district commissions, which take Act 250 proceedings, the following persons shall be entitled to party status: the applicant, the landowner, the municipality in which the project site is located." You have standing in an Act 250 proceeding irrespective whether or not you have a plan in place in Montpelier and also in any municipality abutting Montpelier if the land itself on which the project is proposed is subject to Act 250. That means Montpelier as directly abutting – not any old project in Berlin – that is also an instance where a municipality has party status. The plan does not in his reading of this statute prevent the city from having party status in an Act 250 proceeding. What the plan really does is the criterion 10 issue in Act 250 would be off the table. There are other potential issues for which the city could have party status in that proceeding.

Jack McCullough said he has lived in Montpelier since 1983 and is Co-Chair with Jim Libby of the Housing Task Force. He is Chair of the Montpelier Housing Authority Board. He wants to speak in favor of the work the Council has in front of them. He really thinks Montpelier is the best place in Vermont to live. One of the things he thinks that is good about the Master Plan as it is written is that it focuses on Montpelier's strengths and recognizes that Montpelier has the capacity to grow significantly in population. We have surplus capacity in all areas of infrastructure – water system, sewer system, school system. We could grow by an additional 1,000 or 2,000 people in a reasonable

amount of time. Our population could grow significantly and it would not do violence to the fundamental nature of our community and what we have all come to appreciate and love about our community. The plan recognizes that Montpelier is ideally suited to be a growth center for this region, and it should be. Growth and housing growth should be able to provide opportunities for people who want to live in Montpelier but now can't live in Montpelier because of costs and unavailability of housing. We all interact with people every day as we are going through town who like to be renters here but can't afford to and who would like to be homeowners but can't afford to buy a home or find a home that suits their needs. He thinks having the focus on having the community grow and build on its strengths is a very important thing to do, and he applauds the Planning Commission and City Council for doing this here.

Mr. McCullough went on to say looking at the revisions from the first public hearing on page 10, strategy 6.a, the Council changed it from implement an apartment inspection program to consider an apartment inspection program. It should say we are going to implement a program. He has been working in housing advocacy for 35 plus years and he personally along with other housing advocates have accomplished quite a bit in those years. The one thing they have not accomplished is developing an effective mechanism to make sure that people who are renting apartments, whether they are in Montpelier or across the state, have an effective means of protecting their right to have decent, safe and sanitary housing. The only way we will get there is by having an inspection program that provides for regular inspections and inspections upon complaint and enforcement of orders that arise out of those inspections. He would urge them to go back to implement.

On page 11, strategy 6.e, it is the same thing. He likes the way they have added demolition by neglect, but instead of saying you should consider the housing replacement ordinance it should say that the time has gone by to consider. That should be adopted and not just considered.

Mayor Hooper said Alan Weiss provided Council Members with a memo with some questions he had. She e-mailed City Councilors proposed changes to the gateway language. She is proposing the language she substituted for the proposed change on page 6 of the amendments. She wanted to give Alan an opportunity to ask his questions.

Council Member Weiss said he would like to come in last.

Mayor Hooper said the question to the Council is if they have additional areas they would like to look at and how do they wish to respond to what they have been hearing tonight.

Council Member Golonka said at the last meeting we talked about the year 2020 but didn't review any of this specifically. He would like to review it item by item like they did at the last meeting.

Mayor Hooper said it is her understanding they are leaving in items that were beyond 2015. She is referring to the targets and strategies. They specifically walked everything that said up until 2015. If they took them out that would be a substantive change to the plan and it would go back to the Planning Commission. She believes that means they will go back to the plan and work through the goals and targets.

Council Member Sherman asked if they could reconsider the targets and proposed changes from the Conservation Commission on the natural environment section.

Mayor Hooper said they will begin with the natural resource section first. Page 57, which was 2015, target 1 was modified. Someone is proposing they go back to the original language.

Council Member Sherman said they are proposing to have an expanded vegetation buffer and the original was a minimum of 50 feet.

Mayor Hooper said she has a broad concern with issues associated with wetlands and storm water management specifically around the resource management with regards to Act 250 jurisdiction and the ability to pull in the resources or oversight process from the Agency of Natural Resources. In thinking about the ordinance she had failed to remember that by becoming a designated growth center we have raised the threshold of Act 250 which means that unless we have local ordinances which deal with wetlands and storm water management. We are a growth center. Unless we have strong wetland statements we don't have the assurance of the state being able to help us regulate that because Act 250 won't be there unless there are 50 or more units of housing being developed. She is now relying on the Conservation Commission that thought about this in ways she hasn't. She is relying on their advice that it is a good standard to apply.

Council Member Hooper said right now our zoning says development shall not encroach upon banks of adjacent rivers and streams. Sufficient setbacks for buildings on streams shall be provided to prevent erosion and to encourage treatment on site of storm water runoff. In the zoning currently it is more vague than the suggested language.

Mayor Hooper said as a result if she were the Planning Commission and look at the existing zoning ordinance she would think that as a community are adopting the Master Plan if we adopt the language and tend to be a little tougher.

Council Member Sherman said for the most part they said they would soften up the strategies and leave the targets as they were. This target they changed. The Council wants to stay with the revision and not go back to the original language of the plan.

Mayor Hooper said they heard a good deal of strong commentary from a number of people on the Natural Resource recommendations which in the proposed revisions we received from the Planning Office are on pages 1, 2, 3, 4 & 5. Which of those is there interest in changing from the revisions?

Council Member Hooper said 1.c was changed from insuring that mowing practices protect to encourage. Do we have mowing practice ordinances at this time?

Council Member Jarvis said she couldn't find any.

Council Member Hooper asked if they could just make it establish.

Council Member Hooper asked if they could just make it establish. They could ask the Park Commission to do native plants.

Mayor Hooper said they could encourage mowing practices.

Council Member Sherman said they could establish mowing practices to encourage landowners near waterways to do the right thing.

Council Member Jarvis said they could encourage mowing practices that insure protection of the natural environment.

Mayor Hooper said she would like to revisit Strategy 1f, Target 3c on page 2. She would propose they go back to the city adopt standards for all wetlands to protect them from filling, encroaching, polluting, and draining. One member of the Conservation Commission will be included on the Technical Review Committee (TRC) meetings when developments involving wetlands are reviewed. She recommends that because of the concern around Act 250 oversight.

Mayor Hooper went on to say they heard very strongly from a number of people about the natural resource piece. In Strategy 1f it was suggested they go back to

the original language. Montpelier maximizes water conservation and source protection efforts.

The Council vote on this was 2-3 with 1 abstaining. The Council left Strategy 1f as changed.

In Strategy 3b Council Member Weiss suggested they leave it as changed and the Council agreed.

Strategy 3c they changed the wording to establish green roofs for storm water control on available and appropriate municipal roofs.

City Manager Fraser said they heard at the last meeting that green roofs are a better term than roof top gardens.

Strategy 3e was left as changed on page 2.

On page 3 Strategies 3e and 3g were left as changed.

Strategy 4c the only change was “to consider” was changed “to develop”. On Strategy 4d it was left as changed. Target 7 was left as changed.

City Manager Fraser said the only thing left to talk about is the gateway language. There is a suggestion about the Vermont Mountaineer language. Then, the 2015 items are done.

Mayor Hooper said regarding the gateway language the changed language did not capture what she was trying to suggest. She submitted a draft of changes to the Council to consider. Part of the target and strategy also attempted to get at issues which were raised about the commercial development on River Street.

Council Member Jarvis said there was concern about Route 12 being a gateway. Northfield Street and Elm Street both should be considered as gateways to the city.

Mayor Hooper asked if there were other changes in the changed document.

Council Member Jarvis said she had a question about figure 30 of the future land use map on page 114. She would like to take out the term “residential.”

Council Member Hooper said he liked residential because they are talking about housing as the primary emphasis.

Mayor Hooper said her principal objection to the Growth Center is that it puts commercial development into residential areas. She likes residential in because when you look at the Growth Center it incorporates and includes exclusively residential neighborhoods.

Council Member Jarvis said there are other changes in the language about the Senior Center.

Page 63 and 64 there were no changes. Page 69, Target 3 the proposal was that by 2040 indoor air contaminants are significantly reduced. Page 72 was okay.

In the Infrastructure section the first goal they haven't looked at is on page 124 they switched to 2015. On page 126 there was some discussion about this during the public portion of the meeting.

On page 127 Council Member Weiss said he didn't see how this city could control vehicles and equipment. Council Member Jarvis said it is a goal.

On page 137 at the last meeting they changed that to 2015 and took out 40 percent.

On page 170 they changed the date to 2015.

On page 173 is where they should add something about efforts to provide school children lower cost and affordable nutritious meals. That would be adding a strategy g.

Governance is the next section. Social and Human Development begins on page 207. On page 219 it says by 2020 the capacity to locally provide services or shelter to those who are homeless or in a time of transition. This is a huge one and one they should be working on. It's really important.

Jack McCullough, Co-Chair of the Housing Task Force, said he just noticed as they were going through a number of the later items that there was suggestions as to provide a homeless shelter where the responsible party listed was the Housing Task Force. Realistically, the nature of the Housing Task Force is not the kind of entity that can really provide the kinds of things that the draft is calling for them to do. Earlier pages, Goal 4 on page 219 creates and maintains a temporary child care facility, create and maintain a drop-in homeless shelter, if they are things that are valuable for the city to be striving to do, which he certainly agrees with, if we really want that stuff to open it should be assigned to more than one person who actually has the capacity to make efforts to accomplish it.

Council Member Sheridan said he agrees. The Housing Task Force is just an advisory body with no money and no power.

City Manager Fraser said they could add in there stakeholders, Planning Department or City Council any time it shows up in addition to the Housing Task Force.

Mr. McCullough said they aren't an operational body but advisory. It is on pages 219 and 223.

Mayor Hooper closed the public hearing at 10:45 P.M.

Motion was made by Council Member Hooper, seconded by Council Member Jarvis to adopt the Master Plan with the amendments.

Council Member Weiss said he distributed a series of questions, some of which are no longer relevant. According to the motion to adopt the entire plan only from 2015 to 2040 and basically there is authority which will allow anything from 2015 on to be started. He doesn't think that is a good procedure. The question he raises is how consistent is this plan with Council goals? He finds there are areas in which Council goals are not considered within the plan as adopted. There is not good reference to a Senior Citizens facility. There is no reference to the Transit Center. There is no reference to the future of city buildings. There is no reference to outside consultation with the governance to review the operations. He had attached to his list of questions an attachment which listed all of the responsible parties. It appears that some of these parties do not meet their tasks. Also, there is no reference in here to who is in charge. You are asking the task holders to be involved in 71 different functions, and that was just for the year 2015. Who is going to coordinate this? Are we going to have the Planning Department come back in a year or two at budget time and say we have adopted a great plan and need two more people to work in the department to help implement it? Finally, have these outside agencies all agreed to their tasks? He doesn't believe they have. In developing a plan if you look at the responsible parties many of them he doubts even know they are included. He thinks they are buying a pig in a poke if they are going to get the entire plan adopted.

Mayor Hooper asked Council Member Weiss if he would care to make amendments to the plan to address his concerns.

Council Member Weiss said no because he didn't think the amendments would carry so he will vote no.

Council Member Sheridan said he is considering voting no, too. There was such a discussion on the early part about how it conflicted with the Council's goal of getting houses built here. That was a priority of the Council and now we have already tightened that back up again. When you look at this plan no business or developer is going to want to come in here and do anything. Water flows easier anywhere else. Maybe if we don't want any more development here, that may be okay.

Council Member Sherman said it isn't zoning. It is a long range plan. It is visionary; it's something new and different. It's the focus for the long term. It will be attractive to some people and unattractive to others. It is a very significant step in looking to the future of the city of Montpelier.

Council Member Jarvis said what she is going to say is not meant as legal advice. Many of her concerns that were raised at the last meeting when they were talking about the implications of the Master Plan in terms of the Act 250 process she has allayed her own fears by doing some research. The lack of specificity in a lot of the Council's goals in terms of how things are measured the lack of those in the Master Plan makes her worry less about the Master Plan being used as a reference to prevent development in Montpelier. She would capture what Jim said by saying there are a lot fewer zoning and other impediments to development in Barre but people want to be in Montpelier because we have created and protected what we have here. She would urge the Council to support the plan as we have amended it today and also note that if we fail to do so not only are we jeopardizing some important grant applications we have out but we are really jeopardizing the trust and the confidence that the citizens have in the Council based on what they have done for us in helping to create this document.

Council Member Golonka said he thinks the document is too long and cumbersome; it's a pig in a poke. He will support it though because he thinks the Planning Commission and others have put a lot of work in it and in general we have refined a lot of specificity that they had last week. He will support it. He doesn't want to turn away any grant monies they are looking at for the Senior Center. Zoning regulation changes will be scrutinized very carefully by this Council and he has confidence they will review all of those with a fine tooth comb. He does appreciate the work that has been put into this document and he is not going to throw that out so he will support it.

Council Member Hooper said two weeks ago when he was watching the rest of the Council he thought he agreed with Alan when he said we needed a 20-page Master Plan that was just like all of the others. With this we have the same goals

we had five years ago. This is a beautiful document and from that perspective he is glad to endorse it and the energy that went into it.

Mayor Hooper said she took the opportunity to express her point of view at the beginning of the meeting. She was interested to hear a program on the radio that was talking about a new zoning ordinance that is being considered in Newport that is built on the sort of principles that we are considering here. It is sort of smart growth neighborhood design principles and the zoning document is 27 pages long. She is excited about the possibility of creating a simple quick process they are trying to accomplish. The last thing she would like to note is there are extraordinarily strong statements in this document about welcoming other sorts of development and really considering how to do it differently. She thinks it supports the goals they have been talking about for so long. Thank you for taking the time to work your way through this.

Mayor Hooper called for a vote on the motion to accept the Master Plan as amended. The vote was 4 to 2 with Council Members Weiss and Sheridan voting against the motion.

10-218. Preliminary Adoption of Proposed Charter Change Language

The City Council has indicated that it will proposed three amendments to the city charter – a change from elected to appointed City Treasurer (including changes regarding the Development Review Board and the Board of Auditors), changes to allow the city to operate a district heat system and restatement of a merger with Berlin Fire District #1.

Draft language for these changes has been provided to the City Council. The Council must file proposed language with the City Clerk prior to the first public hearing on the charter changes.

Recommendation: Adopt charter language as proposed, file with City Clerk, and set first public hearing for September 22, 2010.

Mayor Hooper said they would start with Dick Saudek and Harold Garabedian.

Harold Garabedian said there was a memo to the Council dated September 2, 2010, (a copy will be included in the minutes). This is nothing more than distributing energy to the idea of providing water and sewer so the idea was to just integrate the concept of distributing energy as they provide water and sewer. The language has been reviewed by the Energy Advisory Committee and they have had discussions on it. They said it is useful, beneficial and necessary.

Dick Saudek said the intent for tonight is to show the Council how they intend to change the charter. The final wording can come after a hearing.

Mr. Garabedian said they are actually doing three things. One is the energy plant itself and providing the ability to own, operate or build. This is all enabling. It's the heat plant, and then there is the distribution of the heat and the creation of electricity. Those are the physical facilities. The other thing it does is the Clean Energy Assessment District which is enabled as well.

Mr. Saudek said in the current charter they define improvement and it includes water works, sewage treatment disposal, etc. They have added the acquisition and construction of facilities for the production and delivery of heat or electricity and of devising facilities and other measures to meter electricity, conserve energy or to promote efficient energy use. That is just added with all of the other infrastructure. They have carried that through so they would have the same powers with regard to this kind of a plant as you have had with other kinds of plants. For instance, it special indebtedness which picks up the same definition but it would include allowing revenue bonds for this purpose for the heating plant.

The following section allows charges for the heat that would be generated and it also allows you to meter electricity so you won't wind up selling it retail because you don't want to be a utility. You might net meter it which is the reference to 30 V.S.A. § 219 (a), or you might sell it at wholesale to Green Mountain Power which would resell it. It would not be the major thing that the plant produced; it would mainly produce heat.

The next section again uses basically the same definition to allow, if necessary, for eminent domain. It is exactly the same powers with regard to the sewer plant and water plant. You are going to be putting pipes into the ground to distribute the heat.

The last section would create the Energy District and allow a program to finance and encourage the use of clean energy which is a new add-on which is enabling.

All of these are simply enabling charter provisions. They don't do anything more than give you the ability to do these things.

Mayor Hooper said the question before the Council is whether or not they want to accept these changes and formerly file these changes with the Clerk.

City Manager Fraser said the process they need to follow is to file the proposed charter language with the Clerk tonight. They can hold a public hearing at the next meeting. After that public hearing they can amend the language. It needs to be filed with the Clerk first and then warned for the public hearing.

Motion was made by Council Member Weiss, seconded by Council Member Sheridan to accept the recommended charter changes.

Mayor Hooper said the motion is to file the proposed charter language for the district heating plant.

Mr. Garabedian said he feels an obligation to mention a little bit of the controversy around the Clean Energy Assessment District.

Council Member Weiss said he isn't sure that is germane to the motion.

Mayor Hooper said the concern is that one of the things they are proposing to do is language regarding the creation of a Clean Energy Assessment District. There are items that deserve to be discussed around this and we will get to that.

Mayor Hooper called for a vote on the motion to accept the recommended charter changes and file the proposed language with the clerk. The vote was 6-0, motion carried unanimously.

Mr. Garabedian said in terms of the project itself they are continuing to meet with state government and the state partners. They have selected a contractor to help them sort out a number of the issues that will be really important as we move forward understanding the relationship between the city and the state on a project and be able to understand the corroboration to the financial work that has been done for the city. They feel they need their independent analysis so there will be two analyses to feel good about that work. They have decided not to put forward a bonding. The only thing on the energy plant will be the charter change and the bonding will be put before the voters in March. The reason for this is they are running to meet the end of the year deadline to get hold of some economic recovery act bonds that are at a very good rate, but in conversation with the bond bank they have learned there is no way between November and the end of the year to put that together so it wasn't going to happen. They saw this as an opportunity to give the design bidders an opportunity for a little more time and still get the information to us before November. The bond bank has an expectation that Congress will extend the availability of these Economic Recovery Act bonds so that rate may be available to us next year as well.

Mayor Hooper said at the next meeting when they have the hearing on the proposed language she would suggest they do an overview of what it is.

Mr. Garabedian said there actually was an “Ah-Ha!” the other night in their committee discussions in that the word District was used in two different ways. They may talk about the Clean Energy Program to distinguish it from the District Energy System which is the distribution of energy.

Council Member Jarvis said she would like more information about the timeline in terms of the state’s involvement. Someone in her firm has been a part of this for the state. Her understanding is that once a team or contractor is chosen they will be helping the state assess whether to be involved with the city in this process. She wants to be clear about what they know so far regarding the state’s involvement. Regardless of who is chosen to help the state either decide or how to be involved or even whether to be involved, that decision is going to be made soon and the Administration is going to change and the Legislature is going to change. She would like to have an update of where we are in terms of our risks and how we are putting ourselves out, especially financially. She is not alone in her concerns. There are other people on the Council who have a lot of concerns but aren’t expressing them publicly. The Council needs to be reassured.

Mr. Garabedian said the way the state has characterized the contract work is not to make any recommendations but to do a set of assessments and provide them with a set of facts. The contractors are not going to be making recommendations.

Council Member Jarvis said the assessments will go to the Legislature to make their decision about how and whether to be involved with the city in this project and her assumption is that the decision point has got to be a year away.

Mr. Garabedian said the expectation is that the analyses will be completed by a date and time in a way that will allow BGS to put forward some information to the administration. It is the current administration that will make the budget that goes to the Legislature. They are on a track for them to be able to be in a position to make a recommendation and that budget would be available to the Legislature in January.

Mayor Hooper said she would ask the Councilors to identify questions and concerns they may have so that at the next meeting on the 22nd when there is a hearing on the charter change that before that they have an overview in response to some of these perspective issues out there. She would like this to be a warned meeting so members of the public will know to pay attention to this. If

Councilors have other issues they would like addressed at that meeting she would urge them to ask now.

Council Member Sheridan thanked Sarah for bringing up the concern. They have basically only heard pros and he wants to hear pros and cons. They have heard that it is a wonderful project and we should do it, but he wants to hear the other side and no one has brought that forward yet.

Council Member Jarvis said she is especially concerned about the finances. We are already spending money and if the project doesn't go forward how much do we have to reimburse. She has heard that maybe they can't actually do a revenue bond.

Council Member Golonka said he shares a few of Sarah's concerns. With regard to the financing, he is very concerned about the prospect of bonding, even a revenue bond. They do have significant implications. If Montpelier gets caught hanging out there alone without the support of the state we need to know that and we need to know that sooner rather than later so we don't get down this path. He really needs to know about the bonding issue and who we are working with and how the shares of liability with the state are going to play out. He isn't willing to throw out a \$30 million gamble on the future of the City of Montpelier just because of this project that we are getting \$8 million for. He has serious reservations about a revenue bond.

Mr. Saudek said he has been involved in a lot of energy projects over the years. We are still in a very early stage, partly because the state has really been slow to move on this and have given a lot of excuses. He knows from experience that it is often hard to get definitive answers out of the state on budget items. He thinks they will find that it is going to be hard to get really good realistic risk assessments between now and mid September. His sense is that before they will have to face a bond issue they should have a lot more solid information on this, but his guess is it won't be a great deal more in the next week or two. He sees this still in the early stages.

City Manager Fraser said that is one reason why no bond vote is being proposed in the fall. One of the things Mr. Garabedian and Mr. Saudek are tasked with doing is to get some proposed prices.

Council Member Jarvis said it is because of the lack of information from the state that she wants to know how the city is exposing itself. Personally, she has been quiet as this has gone along because she doesn't know a whole lot about it. It's something that she knows a large segment of the community is saying this

would be really great for the community and great for the environment but she hasn't asked enough questions along the way.

Council Member Weiss said because the planning division of the City of Montpelier unilaterally decided to give the bidders 30 more days we won't have any information on what those bids are until our meeting on the 27th of October. If the Legislature does what it normally does we aren't going to know whether the City of Montpelier has a firm commitment from the state probably until some time in June 2011.

Mr. Garabedian said it is between March and June which is the unsettled period.

City Manager Fraser said a bond could be contingent upon legislative approval.

Motion was made by Council Member Hooper, seconded by Council Member Sherman to file the proposed charter change regarding District Energy with the City Clerk. The vote was 6-0, motion carried unanimously.

Mayor Hooper said there are other items they need to put on the ballot. One is contained in Bill's memo of September 2nd to the Council which deals with Council appointments.

City Manager Fraser said at the last meeting the Council indicated they wanted to eliminate the elected auditors. Basically, the memo adds to Council appointments the City Treasurer. It changes the Board of Adjustment to the Development Review Board which reflects current practice. Under election of officers it removes the City Treasurer and three auditors. Again, this will be filed with the City Clerk and the Council will hold a public hearing on September 22nd.

Mayor Hooper said the public hearing is notwithstanding the Council's ability to appoint an audit committee. The Council has the authority to do that. Her recommendation out of respect for the citizen's committee that did the review of the city's audit and their recommendation that the Council appoint an audit committee is to put it in the charter to say we really mean we are going to do that. She understands they have the authority to do that and we haven't appointed those people yet. This would be a way of forcing the Council to do that.

City Manager Fraser said if you look at specific offices that have specific authorities a board of auditors under statute is a specifically statutorily defined position. The city has opted to hire a professional auditor to do that work. To say we are going to put in an audit committee it is an undefined term. Either you are talking about a board of auditors as defined in the statute or you can say you

are going to appoint a committee. That is something he wouldn't advise them to do.

Motion was made by Council Member Hooper, seconded by Council Member Sherman to file the proposed charter change language that deals with Council appointments with the City Clerk. The vote was 6-0, motion carried unanimously.

Mayor Hooper said the third item is the ballot item for the Berlin Fire District.

Motion was made by Council Member Sheridan, seconded by Council Member Hooper to accept the proposed language regarding the Berlin Fire District.

City Manager Fraser said the Berlin Fire District is a fire district so they can call their own special meeting so they are doing that. Unlike last time they are going to call the meeting at the town offices on Election Day. One of the objections the town had last time was it was held in the district and wasn't warned. The Town of Berlin cannot prevent the fire district from holding an election. They are a separate district and can hold their own elections.

Council Member Weiss said in Article I, Shall the merger of Berlin Fire District No. 1 and the City of Montpelier approved March 5, 2002 be confirmed? Should that be approved?

City Manager Fraser replied confirmed is the correct term.

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

10-219. Set the date and time of Special City Meeting.

In conjunction with the charter change proposals, a special city meeting (election) will be held on November 2nd.

After the September 22nd public hearing, the Council will adopt the official warning for the special meeting.

Recommendation: Call a special meeting for Tuesday, November 2nd with polls open from 7:00 A.M. to 7:00 P.M.

Motion was made by Council Members Hooper, seconded by Council Member Jarvis to set the public hearing date on the proposed charter changes for September 22nd. The vote was 6-0, motion carried unanimously.

Motion was made by Council Member Sheridan, seconded by Council Member Hooper to set the date of November 2, 2010 for the Special City Meeting with the polls open from 7:00 A.M. to 7:00 P.M. The vote was 6-0, motion carried unanimously.

10-220. Council Reports.

Council Member Sheridan said he had something to say about the Board of Civil Authority. This is a belief of his which is very similar to the Carr Lot and the eminent domain issue. As far as he is concerned it is not up for discussion. If you want to waste people's time and try to change his mind he doesn't believe in that process of three amateurs going out and looking at a house or building to try to say this is what it should be after it has been professionally assessed. He never has and never will take part to view the properties.

Mayor Hooper said it would be state law they are following.

Council Member Weiss said the Montpelier Energy Advisory Committee was told when it was formed it would meet once a month and they have now met five consecutive Tuesdays with another coming up. There is an organization called BEREC and they have a paid responsibility for the development of a public information piece that deals with the upcoming charter change. The voters wisely voted not to accept a draft which wasn't even available to read so the BEREC folks are sending out a printed version and everyone has to respond by Monday. Tuesday night that group will make a determination as to whether or not the public information piece is available. He thinks the Council has to make a determination that they should see that before it gets inserted in The Bridge. Wanda Menolli from the state was excellent. She talked about the contract which has a short term lifetime to do an assessment in terms of the state's participation in the biomass project. She took great lengths to carefully articulate what her group was doing in terms of working with the Governor's Office on budget matters and legislators who are coming back in terms of what is going to be asked of them.

Council Member Sherman said she did not attend the Green Mountain Transit Board meeting on Thursday because of the Board of Civil Authority. That group continues to talk about the Montpelier Circulator proposal which would incorporate the winter time shuttle and would continue year round. It would be

free. There are costs associated with it. There is funding available. Green Mountain Transit is talking to the Co-Op and other groups so she feels the Council needs to know more about this. She has some information from Chris Cole and should hear from him about this.

City Manager Fraser said they received an e-mail from Chris Cole about the circulator saying we might need to talk about this quickly and asked if they could come to the Council as soon as September 22nd.

Council Member Sherman said they need support from Montpelier if they are to become a regional entity. There are two issues they want to talk about.

Council Member Jarvis noted that the transition is happening at Montpelier Alive. Suzanne's last day is on Friday and Chuck has already started. She would like to thank Suzanne for her wonderful efforts and she looks forward to working with Chuck.

Council Member Golonka said with the regional shared services committee tomorrow where he and Alan are members Jim has agreed to be a full-time member and he is going to switch to being an alternate, particularly with the Board of Civil Authority meetings coming up.

10-221. Mayor's Report.

Mayor Hooper thanked the Council Members for working their way through the Master Plan because at points it was very frustrating.

She was noticing that the poles on Barre Street they are down to one last layer of wires needing to be moved. She would like to formally gripe about that again. The sign in front of City Hall which indicates where our accessible entrance is has become covered up by a tree planted out front. She said she really appreciates everyone stepping up on the Board of Civil Authority. It is a huge burden and a lot of work we are asking of ourselves.

10-222. Report by City Clerk-Treasurer.

None.

10-223. Status Reports by City Manager.

City Manager Fraser noted that Donna Collette is retiring. This is her last week with the City.

They are late doing the Arts Grant and are having a meeting tomorrow.

In terms of district energy he did speak with the Commissioner of State Buildings and his message was they like the project and are interested but it has to make sense for the state. They need to evaluate it. He needs to know what he is talking about before he goes to a new Governor. If it doesn't make any sense financially they aren't going to do it.

He spoke with FEMA today they have accepted the analysis that our consultant provided about the floodplain and water levels and have accepted our model. Basically, they are granting the appeal. That's great news! Now they have to generate new maps based on that so without the maps they can't tell us whether or not our building will be in or out of the floodplain so they can't give us an official notice. We know the DuBois & King model has the Transit Center out of the floodway. He asked if he could go to the FTA and they said yes and would send us a letter that says they have accepted our appeal. He has already contacted FTA and asked what we need to do so our FONSI will work.

He sent Council Members an e-mail last week about the Department of Energy inquiry on our building and that has been resolved. It appears that was called in to DOE and that was why they made the inquiry.

Adjournment:

After motion was duly made and seconded by Council Members Hooper and Jarvis the City Council Meeting adjourned at 11:55 P.M.

Transcribed by: Joan Clack

Attest: _____
Charlotte L. Hoyt, City Clerk