

**CITY COUNCIL MEETING STATED MEETING & PUBLIC HEARING MAY 11 2011**

On Wednesday evening, May 11, 2011, the City Council Members met in the Council Chamber.

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

Call to Order by the Mayor:

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

11-121. General Business and Appearances:

None.

Mayor Hooper said there was a request to add an item to the end of the meeting. This would be an executive session for discussion of pending civil rights complaint. It was the consensus of the council was to add the item to the agenda.

11-122. Consideration of the Consent Agenda:

- a) Consideration of the Minutes from the April 27, 2011 Regular Meeting.
- b) Consideration of a request from Connor Brothers Stonecutters, LLC, for Council approval to work within the existing Stone Cutters Way right-of-way at the frontage of the subject property in order to construct, at their expense, ten (10) parallel parking spaces with granite curbing and a concrete sidewalk from their boundary with Turntable Park to their existing curb cut. They are also requesting that Council approve the issuance of a Parking Permit for these ten spaces, automatically renewable on a year-to-year basis --- and the parking fee is \$500/space/year, and their project will be \$50,000; they are requesting approval of their work as an advance payment of 10 years of Parking Permit fees for these spaces, commencing on the occupancy dates for the subject building.
- c) Consideration of awarding a construction contract for a project entitled "Montpelier STP SPIN (11)" and also known as the Safe Routes to School Infrastructure Program – Main Street Middle School

(MSMS) project. The Safe Routes to School Infrastructure Program is a federally funded initiative developed to encourage and promote projects that provide for, or enhance, safe walking and bicycling riding to and from primary and secondary schools in lieu of motorized school transportation. The MSMS project consists of crosswalk improvements and new signs including radar detected traffic speed displays and replacement flashing beacons. The grant awarded to Montpelier in the amount of \$101,700 is a reimbursement program intended to cover 100% of the construction costs with the City assuming the design and administration expenses. The Vermont Agency of Transportation administers the Federal funding for the program. The Public Works Department advertised for construction bids with five bids received and opened on April 22<sup>nd</sup>. The designed “municipal project manager” prepared a tabulation of bids received and conducted a bid analysis, copies of which are included in the Council’s packets. The Vermont Agency of Transportation has indicated its intent to authorize award of the contracts to the low bidder per staff’s recommendation.

Recommendation: Approval and award of a construction contract to the lowest and eligible bidder, Dubois Construction, Inc. in the amount of \$88,098.99. Designation of the City Manager to execute the contract agreement and associated documents as the City’s duly authorized agent.

d) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:

1. Ratification of a poll taken of City Councilors for a Catering Permit Application from The Skinny Pancake for an event they’re calling “Green Drinks”; they will be serving beer and wine in the hallway/lobby area of City Center, 89 Main Street, from 6:00 to 8:00 P.M. on Tuesday, May 20<sup>th</sup>. Staff received 4 votes of approval.

e) Payroll and Bills.

General Fund Warrant dated May 4, 2011, in the amount of \$223,674.84.  
General Fund Warrant dated May 5, 2011, in the amount of \$242,063.55.  
Payroll Warrant dated May 12, 2011, in the amount of \$116,724.97 and \$25,737.90.

Motion was made by Council Member Hooper seconded by Council Member Sherman to approve the consent agenda. The vote was 6-0, motion carried unanimously.

11-123. Appointments to a newly-formed Taser Committee.

a) As directed by Council, staff advertised. An excerpt from the ad read: “The City Council would like the committee to specifically consider and make recommendations about the following: assessment of need, appropriate policy and standards, training requirements and public accountability for use or display. Additionally, the Council would like the committee to recommend a public engagement process for both the committee and for the City Council after receiving the committee’s report. The Council is interested in all perspectives but would like to hear, particularly, from the mental health community, law enforcement, schools, the medical community and the legal community.”

b) As of the deadline, Thursday, May 5<sup>th</sup>, e-mails/letters of interest had been submitted by:

Polly Ellerbee	Marilyn Mode	Nick Marro
56 Independence Green	4 Summer Street	305 State St.

c) Recommendation: Appointments to this committee. Possible Executive Session in accordance with Title I, §313, Executive Sessions, (3) *The appointment or employment or evaluation of a public officer or employee.*

Additional correspondence was received from Vicky Lane, Zachary Hughes and Jeff Dworkin expressing their interest in the appointment to the Taser Committee.

Motion was made by Council Member Weiss, seconded by Council Member Timpone to appoint Polly Ellerbee, Marilyn Mode, Nick Marro, Vicky Lane, Zachary Hughes and Jeff Dworkin to the Taser Committee and that city council members would receive notice of the meeting. The vote was 6-0, motion carried unanimously.

It was the consensus of the council that other interested persons would be allowed to participate in the process.

11-123. Appointments to form an E.C. Fiber Committee.

- a) When reviewing the list of City committees which have Council representation, it was suggested that staff advertise for an E.C. Fiber Committee.
- b) An excerpt from this ad read: "EC Fiber is a joint venture of 23 Vermont towns, seeking to build and operate a municipally-owned universal, open access, fiberoptic telecommunications network. Each town appoints a delegate and alternate to the Governing Board; the Board adopts by-laws and operating policies and procedures, and elects an Executive Committee to handle matters that may arise between monthly meetings of the full Governing Board."
- c) As of the deadline, Thursday, May 5<sup>th</sup>, letters/e-mails of interest had been submitted by:

Peter Timpone  
23 Hill Street

- d) Recommendation: Appointments to this committee. Possible Executive Session in accordance with Title 1, §313, Executive Sessions, (3) *The appointment or employment or evaluation of a public officer or employee.*

Motion was made by Council Member Hooper, seconded by Council Member Sherman to appoint Peter Timpone as the city's representative on the E.C. Fiber Committee. The vote was 5-0, with Council Member Timpone recusing herself to avoid the appearance of a conflict of interest.

The city would provide a letter to the E.C. Fiber Committee to notify them that Mr. Timpone was the city's delegate.

11-125. Appointment to the Building Code Appeals Committee.

- a) Former City Councilor, Jim Sheridan, was one of the three City Council Members who served on this committee.
- b) Again, when reviewing the City's list of committees, Council chose to advertise to fill Mr. Sheridan's seat with a citizen at large.

- c) Staff advertised and as of the deadline, Thursday, May 5<sup>th</sup>, letters/e-mails of interest had been submitted by the following:

Brian Abbott  
17 Hebert Road

Jeff Stetter, AIA  
2 Marvin Street

- d) Recommendation: Appointment to this committee. Possible Executive Session in accordance with Title 1, § 313, Executive Sessions, (3) *The appointment or employment or evaluation of a public officer or employee.*

Motion was made by Council Member Jarvis, seconded by Council Member Weiss to appoint Jeff Stetter to the Building Code of Appeals Committee. The vote was 6-0, motion carried unanimously.

11-126. Consideration of a draft route and schedule for the “Montpelier Circulator.”

- a) David Armstrong, CCTA/GMTA Transit Planner, submitted the draft route and schedule. As indicated in his memo to the City Council, this is the result of “a great deal of insightful input from the Montpelier City Council, Circulator Steering Committee, members of the public and GMTA staff.”
- b) GMTA reps will review these drafts with City Council Members; they will then field questions or comments from the Council and members of the audience.
- c) Recommendation: GMTA reps are seeking final approval from the City Council of the Circulator route and schedule, with or without further amendments.

Three members of the GMTA staff were present. David Armstrong provided a map showing the route and a schedule which he reviewed with the Council.

Concerns were expressed for a stop not being planned for the 3 Prospect Street housing complex. GMTA staff reviewed challenges that affected the route choices and the safety concerns that they needed to take into consideration. They would be re-evaluating the route in six months. Also discussed was signage and making the public aware of the bus

service. This was a fare free bus and stops along the route could be requested if done in advance.

Motion was made by Council Member Sherman, seconded by Council Member Timpone that the Council approve the GMTA draft schedule and route for the Montpelier Circulator. The vote was 6-0, motion carried unanimously.

11-127. Consideration of the Farmers Market's future plans.

- a) The Capital City Farmers Market is considering a move out of the immediate downtown to the Vermont College lawn; Council has asked for this issue to be discussed at this meeting.
- b) "*Montpelier Alive's*" Executive Director Phayvanh Luckhamhan has been working with the Farmer's Market reps and City staff and will be in attendance to discuss this issue with Council.
- c) Recommendation: Opportunity for the parties to present their proposals; discussion; and possible direction to staff.

City Manager reviewed the history of the Farmer's Market. The city has encouraged the Farmer's Market to stay in the downtown as it added to the vibrancy of the downtown. The available sites in the downtown area were discussed.

Mayor Hooper stated there were two areas that the city has direct control over they could make available to the Farmer's Market. They are Blanchard Court and State Street. A third location is the Carr Lot and there is a question about whether it is large enough to accommodate the Farmer's Market.

Members of the Farmer's Market Board appeared before the Council to let the Council know what the vision of the Market is and why the Market has been looking for a new secure location. The process has been going on for 10 years. They are looking for room for growth and expansion of new vendors. The Capital Center Farmer's Market is a 35-year old agricultural organization that represents over 100 businesses and farms in and around Montpelier. They are responsible for over \$600,000 in sales and are looking to become an even more vibrant member of the community. They are looking for security to help them provide events that will help educate the community on sustainable agriculture. The

current lot doesn't give them that opportunity. They want to create a destination or agricultural hub where people can learn about growing food and prepare locally grown food. They want a place that is easily accessible for vendors and shoppers.

The Farmer's Market is not leaving Montpelier and Vermont College is part of the community. They have picked the date of June 1<sup>st</sup> to make a decision and move forward.

A merchant on State Street said she used to be part of the Farmer's Market. She has talked to a number of merchants on that one block and they would love to have the Farmer's Market downtown. Saturday is very busy for her and her neighbors and having them there would be a real asset. The vibrancy they bring to the downtown is fabulous.

Council Member Timpone wondered how the College would be more handicapped accessible. Bill Kaplan, Senior Vice President at the Vermont College of Fine Arts, said what is being contemplated is not just the College Green as it is today. The College and Market talked a lot about what it would take to make space for this. It would be designed to be ADA compliant. All activities that go on the Green today would continue to happen.

Mayor Hooper asked the Council if they would like to offer State Street as an area for consideration provided that the public safety needs could be met. The consensus of the council was in the affirmative.

Lyn Syz, a member of the Board of Montpelier Alive, said the Board has not taken an official stand on the Farmer's Market. She knows the sentiment of the Board is very much to have the Farmer's Market stay downtown. The vibrancy of our downtown on Saturday morning is phenomenal. As an organization that is promoting the downtown and the vibrancy of the downtown they are trying to work more with the College even though they are not in our designated downtown which by statute is what we are to work with and promote. They want very much for the Farmer's Market to stay downtown and work with them and the College.

Carolyn Grodinsky, Farmer's Market Manager, said there are about 60 vending spots they have now at the Market and it doesn't include the nonprofit wall or music or vendor demos.

Mayor Hooper said the question has been, what has the city been able to offer to the Farmer's Market? It sounds like there is some interest in exploring what the possibilities are.

Council Member Sherman moved that the Council designate the City Manager to explore possibilities for using State Street to accommodate the Farmer's Market on Saturday morning and check out the safety and other relevant issues and report back to the Council and Farmer's Market. Council Member Timpone seconded the motion.

Mayor Hooper said as part of the process they should be working with Montpelier Alive to reach out to the businesses. Vermont College of the Fine Arts has been a great host to the Winter Market.

James Dillon Rivas, a resident on St. Paul Street, asked if the Market had considered School Street. School Street on a Saturday morning is like a wide avenue with nobody parked there and you could seal it off at both ends with three parking lots. His concern with the Vermont College campus was the accessibility for handicap people.

Andrew Brewer from Onion River Sports said there has been plenty of communication and there still persists this animosity. They don't want the Farmers Market to leave downtown Montpelier. If the Farmers Market moves he hopes it is because of the practicality of being up on the hill. The word he hears around town is that people are very concerned and do not want it up on the hill. Is State Street really an option?

Alan LePage said the membership of the Farmers Market voted to move to Vermont College. They have a commitment to Vermont College that will become final June 1<sup>st</sup>. He is a farmer and 60 years old and he has been part of this process of moving for 10 years. He sees an enthusiasm now. He works because he loves this community. Montpelier matters to him but the farmers need a future here. That is why he pushed for moving to the Vermont College Green. It's an incredibly beautiful location and people come to the Farmers Market to be here. Other markets like Norwich and Brattleboro have moved entirely out of town and have thrived. They need a secure site.

Mayor Hooper told the Farmers Market participants they find them a very important and valuable partner in the downtown.

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



- 11-128. Set the date, time and location for a Special City Meeting for the purpose of voting on the District Heating issue.
- a) Recommendation: Set the Special City Meeting to be held on Tuesday, June 14, 2011, from 7:00 A.M. to 7:00 P.M. in the City Council Chambers/Memorial Room.

Planning Director Gwen Hallsmith, Harold Garabedian and Tim Maker appeared before the council to provide a short update.

Harold Garabedian said they met with the School Board and they are supportive and voted to say they are on board with the city. They went to the Clean Energy Development Fund and were successful in receiving additional funding. The environmental assessment has been completed in draft form. DOE has posted it for public comment. The Vermont Legislature did put the state's contribution into the capital bill. They have been working with technical consultants.

Tim Maker has been working on the route and with building owners downtown. His work is focused on two things – engineering and contacts with potential customers for the system. They have identified the larger buildings along the pipe route as the ones that are of the highest interest. They have talked to 19 building owners.

Council Member Hooper asked why the decision was to go down Langdon Street instead of State Street.

Mr. Maker explained they have to cross the river and moving across the North Branch is a difficult one. They have looked at three places down by the railroad bridge which has caused a lot of problems because of other things that will be happening there and the Rialto Bridge is tough area. The Veolia Study ruled that out.

Council Member Hooper said they have talked about the capacity of the boilers. The other issue is the capacity of the water lines.

Mr. Maker described what the proposed routes are for the heating system.

Paul Carnahan said he is curious about the governance and management of the system. The state owns the production and the city owns the distribution. He is hoping it might be a little more complicated than that

because it looks like we might be in a precarious negotiating position. He would like to have explained how the pricing is going to work, who is setting the rate and who can negotiate. It sounds complicated tapping private property owners on to the system.

City Manager Fraser said the basic concept is by purchasing the capacity with the grant up front we won't be buying that capacity. We will be paying the cost of wood and negotiating operating and maintenance of the state's cost of running the plant. That will be a set fee for a long period of time. The state doesn't need any more capacity because they have covered what their needs are going to be.

Council Member Jarvis said she is very excited and optimistic about this and also very skeptical. Her yes vote is assuming all is going to go well. She wants their constituents to know they are being careful about this.

Motion was made by Council Member Jarvis, seconded by Council Member Sherman to set the date and time for the Special City Meeting for Tuesday, June 14, 2011, from 7:00 A.M. to 7:00 P.M.

Council Member Golonka said he is still going to vote no because he is uncomfortable with it.

Mayor Hooper called for a vote on the motion. The vote was 4-2, with Council Members Weiss and Golonka voting against the motion.

11-129. Set the Warning for the District Heat vote on June 14<sup>th</sup>.

a) Staff prepared the following wording:

**SPECIAL CITY MEETING WARNING:**

The legal voters of the City of Montpelier, in the City Meeting in Montpelier, in the County of Washington and the State of Vermont, are hereby warned to meet in the City Council Chambers/Memorial Room in City Hall, in said Montpelier, on Tuesday, June 14, 2011, at seven o'clock in the forenoon, and there and then to cast their ballot for matters that by law must be determined by ballot, and other matters as directed by the Council. The polls will be opened at 7:00 A.M. and shall be closed and the voting machine sealed at 7:00 P.M.

**Article 1.** Shall the voters authorize the City Council to borrow a sum not to exceed \$2,750,000 for a District Heating system? If approved bonds for up to \$2,000,000 will be issued for a term of 20 years. With a 20 year bond, approximately \$53,373 would be required for the first year interest payment and approximately \$169,191 for the second year principal and interest payment with future payments declining each year as the principal is repaid. Additionally, \$750,000 will be borrowed from the Clean Energy Development Fund at 1% interest with payments deferred until the District Heat system becomes cash positive. These local funds will be combined with \$7 million in capital funds from the State of Vermont to serve to match \$8 million in grant funds from the federal Department of Energy. (Requested by the City Council.)

b) Recommendation: Set the Warning.

Council Members discussed the wording of the article. It was felt that changes needed to be made to make it understandable. City Manager Fraser would review the wording changes with the City Attorney prior to a council vote.

Motion was made by Council Member Jarvis, seconded by Council Member Weiss to table this agenda item until Friday, May 13, 2011 at 12:30 P.M. when the council would meet at a Special City Council Meeting. The vote was 6-0, motion carried unanimously.

11-130. Reports by City Council.

Council Member Sherman reported she attended the Regional Planning Commission meeting and they spent a long time talking about co-location and consolidation of the Regional Planning Commission and the Central Vermont Economic Development Commission, and they are going to continue the discussion and study. Next week is "Way To Go Week" for those interested in creative transportation. On June 1<sup>st</sup> there is a meeting at National Life to focus on the state's comprehensive energy plan update. It is co-hosted by the Central Vermont Regional Planning Commission, Vermont Natural Resources Council and the Department of Public Service.

Council Member Weiss reported that tomorrow he and Council Member Golonka will be meeting with the four communities regarding public safety. They would be meeting with the Montpelier and Barre City Police Chiefs to discuss the feasibility of regionalizing the dispatch.

Council Member Jarvis said it was an incredible day in Montpelier on Saturday with all of the events that were civic minded and it combined for great synergy and vibrancy.

Council Member Timpone reported she went to her first ADA meeting

11-131. Mayor's Report

Mayor Hooper had been invited to participate in a project in Barre dealing with correction's related issues. It was wonderful to see the amazing work that our staff did with the state to help the Legislature understand the value of investing \$7 million in a system for the state and our community. That was not an easy decision for the state.

11-132. Report by the City Clerk-Treasurer

Charlotte Hoyt, City Clerk-Treasurer, reminded everyone that property taxes are due on Monday, May 16<sup>th</sup> and there is a Special City Meeting on May 17<sup>th</sup> to consider tax exemption for the Central Vermont Memorial Civic Center.

11-133. Status Reports by the City Manager

City Manager Fraser reminded folks of the Special City Meeting on Tuesday as well.

Agenda Reports by the City Manager

- 11-134. (a) Discussion of Pending Civil Rights Complaint. Manager will present Council with an update on resolution discussions. Request for an Executive Session according to Title 1, VSA 313 (a) (1) *"to consider civil actions where premature general public knowledge would clearly place the municipality at a substantial disadvantage."* No voting action is requested or anticipated.

Motion was made by Council Member Jarvis, seconded by Council Member Sherman to go into executive session in accordance with Title 1, VSA 313 (a)(1) to consider civil action where premature general public knowledge would clearly place the municipality at a substantial disadvantage. The vote was 6-0, motion carried unanimously.

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

After motion duly made by seconded by Council Members Jarvis and Sherman, the council came out of executive session in accordance with Title I, VSA 313 (a)(1) whereby they had considered a civil action where premature general public knowledge would clearly place the municipality at a substantial disadvantage. The vote was 6-0, motion carried unanimously.

Adjournment:

After motion was duly made by Council Members Jarvis and Sherman the council meeting adjourned.

Transcribed by: Joan Clack

Attest: \_\_\_\_\_  
Charlotte L. Hoyt, City Clerk