



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday, April
14, 2010
07:00 P.M.

- 1) Call to Order by the Mayor
- 2) 10-086. General Business and Appearances
- 3) 10-087. Consideration of the Consent Agenda:
 - A) Consideration of the minutes from the City Council's March 10th & March 24th, 2010 Regular Meetings.
 - B) Summary Budget Report by Department for General Fund and Detailed Budget Status Reports for General Fund, Water Fund, Sewer Fund, Cemetery Fund, Parks Fund, Parking Fund and Senior Center Fund for a eight-month period beginning July 1, 2009, and ending February 28, 2010.
 - C) Consideration of awarding the FY10-FY12 Audit Services contract to Love, Cody & Co., CPA's proposal and authorizing the city Manager to sign a contract for these services.
 - D) Consideration of a "Petition & Order For Pole & Wire Locations" submitted by Fair Point Communications seeking permission to replace and relocate a utility pole within the Kent Street highway right-of-way at #25 Kent Street. The purpose of the replacement is to meet service requirements and maintenance needs originating from a customer (owner of 25 Kent Street) via Green Mountain Power. The subject pole to be replaced is currently positioned within the public sidewalk and is in poor condition. The new pole location will be 23' southerly of the existing pole and placed in the lawn about 1' from the back edge of the sidewalk. The Department of Public Works reviewed the petition and supports

approval in the interest of removing the pole from the public sidewalk. The adjacent property owner was contacted by Public Works and obtained confirmation of approval of the proposed new pole location.

- E) Consideration to accept the proposal submitted by LiveView GPS Inc. of Valencia, California, thirty (30) GPS vehicle trackers and including the monthly subscription fee for the Public Works Department, and to authorize the City Manager to make this purchase in the amount of \$11,968.50.
- F) Consideration of authorizing and approving the submittal of two grant applications for financial assistance from the Vermont Agency of Transportation through the "Town Highway Class 2 Roadway and the "Town Highway Structures' grant programs.
- G) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:
 - a. Ratification of the issuance of a Catering Permit to Yebba, Inc., d/b/a The Abbey Pub & Restaurant, for a Cocktail Reception held on Thursday, March 8th, 2010, from 3:00 to 7:00 P.M. at the State House.
 - b. Application for a Catering Permit from Royal Dragon, Inc., d/b/a The Royal Orchid Thai Restaurant, in order for them to serve alcohol on their front deck at 38 Elm Street (12' x 14' with seating capacity of 8-10 only).
 - c. Application for an Outside Consumption and Catering Permits from Scott Connor and Wes Hamilton of the Three Penny Tap Room for an event they hope to hold under a tent in the lot between the back of their business and Andrew Brewer's building (on Langdon Street) on Saturday, May 1st, from approximately 1:00 to 8:30 P.M. There will be music which will end at 8:30 P.M.; the main entrance for the fenced-in area will be from Langdon Street, leaving the alleyway open for emergency vehicles, etc. The organizers have notified neighboring tenants and business owners, as a courtesy, and they will be in attendance this evening to answer any further questions that City Council Members have. Also, attached to this agenda are comments from the Police Chief, Fire Chief and Public Works Director.

- d. Annual renewal of Liquor Licenses. (City Clerk will distribute list of applications at the meeting.)
- e. Annual renewal of Tobacco Licenses. (City Clerk will distribute list of applications at the meeting.)

H) Approval of Payroll and Bills

4) 10-088. Consideration of appointments to Montpelier's Tree Board.

- A) All terms on this board are 3-year terms; John Snell's and Carole Naquin's both expire this month.
- B) Staff advertised and as of the deadline, noon on April 8th, had only received e-mails from John and Carole who would both like to be reappointed.
- C) Recommendation: Appoint John Snell and Carole Naquin to another 3-year term.

5) 10-089. Discussion of possible ANR enforcement action regarding Wastewater Treatment Plant.

- A) In fall of 2008, ultraviolet lights at the WWTP briefly flickered off resulting in some discharge of treated but not finally disinfected wastewater.
- B) Due to an internal error, this discharge was not immediately reported to the state. A similar error had been made in June of the same year.
- C) The city has corrected both the operations discharge problem and the internal communications system. No further problems have occurred.
- D) The State of Vermont Agency of Natural Resources has initiated an enforcement action and proposed fines. The City Manager and Attorney have been in negotiation with ANR since spring of 2009 about this matter. The issue has not been resolved.

E) Attorney Steve Stitzel will be present to brief the council on the issue and outline the choices for the council.

F) Recommendation. Review issues with Attorney Stitzel, provide direction.

6) 10-090. First public hearing to consider proposed amendments to the City's Vendor Ordinance.

A) City Council first began discussing these proposed amendments at their March 10th meeting; they'd received a memo from Montpelier Alive Executive Director Suzanne Eikenberry, outlining some changes they'd like to see incorporated before the 2010 summer vending season.

B) This subject was revisited at the Council's March 24th meeting. At that time, Council instructed staff to invite a group of interested vendors and business owners to meet and discuss their concerns and suggestions; the City Manager held this meeting on April 7th and will outline what resulted from that discussion.

C) Recommendation: Conduct the first public hearing; possible further direction to staff; set the date of the second public hearing for April 28th, with or without further amendments.

7) 10-091. Update from 58 Barre St. working group and consideration of proposed development option.

A) The City Council directed a working group which included the Montpelier Housing Authority, Central Vermont Community Land Trust and the City Planning & Development Department to prepare a plan for the renovation and use of 58 Barre St.

B) The group has developed a plan which is outlined in a proposed development option.

C) The group will review their work to date and summarize the proposal.

D) Recommendation. Approve the proposed option agreement between the City of Montpelier and the Capital City Housing Foundation, Inc.

9) 10-093. District Heat/Energy Update.

- A) Planning Director Gwendolyn Hallsmith will provide an update on the District Heat/Energy project.
- B) Council Members have been provided with a feasibility study and work summary.
- C) Recommendation. Discussion and direction to staff as necessary.

8) 10-092. Carr Lot Update.

- A) Planning Director Gwendolyn Hallsmith will provide an update on the Carr Lot project.
- B) Recommendation. Discussion and direction to staff as necessary.

10) 10-094. Consideration of an application for a Municipal Planning Grant.

- A) The Planning Commission unanimously approved the following motion: "to apply for a planning grant to do a study of our boundaries, the growth center boundaries, the potential TIF District boundaries and our current zoning boundaries with an eye toward correcting any mistakes in the growth center boundaries, identifying potential areas for a TIF District and answering the question of whether we want to continue with Euclidian [boundary based] zoning or move into a new form."
- B) Recommendation. Approve the application as requested by the Planning Commission.

11) 10-095. Consideration of the City's continued participation in the "Regional Shared Services" process.

- A) Several City Council Members and Assistant City Manager Bev Hill attended a "Public Safety Committee" Meeting held at the Central Vermont Chamber of Commerce Office Building on March 18th.
- B) A report from that meeting was previously shared with the City Council.

C) Each community was asked to review the report and indicate whether they wished to continue working on the process.

D) Recommendation. Discussion and direction to staff.

12) 10-097 Consideration of recent court decision in Cheney vs. Montpelier concerning damages resulting from broken water line.

A) A city water line broke resulting in damages to a private property.

B) The matter was forwarded to the VLCT Property & Casualty Insurance Fund (PACIF) who denied the claim based on long standing practice and precedent.

C) The individual brought the matter to court, where the decision was that the city and/or PACIF was liable for the damages which opens a new area of financial exposure for municipalities.

D) The PACIF Board has authorized an appeal of this matter.

E) Recommendation. Support PACIF's recommendation to appeal on behalf of the city.

12) 10-097 Consideration of recent court decision in Cheney vs. Montpelier concerning damages resulting from broken water line.

13) 10-096. Reports by City Council

14) 10-097. Mayor's Report

15) 10-098. Report by City Clerk-Treasurer

16) 10-099. Status Reports by the City Manager

17) 10-100. Agenda Reports by the City Manager

Adjournment

