

**Regular Meeting of the Barre City Council  
Held October 23, 2012**

The Regular Meeting of the Barre City Council was called to order at 7:00 PM by Mayor Thomas Lauzon. In attendance were: From Ward I, Councilor Charles Dindo; from Ward II, Councilors Michael Boutin and Michael Smith; and from Ward III, Councilors Anita Chadderton and Lucas Herring. Also in attendance were City Manager Steven Mackenzie and Clerk Carolyn Dawes.

**Approval of Consent Agenda:** Council approved the following consent agenda items as presented on motion of Councilor Herring, seconded by Councilor Smith. **Motion carried.**

- Minutes of the following meeting:
  - Regular Meeting of October 16, 2012
  - Special Meeting of October 18, 2012
- City Warrants as presented, including a Community Development Warrant payable out of the Municipal Planning Grant fund.
- 2012 Licenses & Permits issued through the clerk's office:
  - Annual food establish license for Cornerstone Pub & Kitchen, 47 N. Main St.
  - Annual vending license for Times Argus for vending newspapers on North Main Street.

**The City Clerk and Treasurer Report** – Clerk Dawes made the following announcements:

- Early absentee ballot requests are being accepted for the November 6<sup>th</sup> general election. Better than 600 ballots have been mailed or picked up to date.
- The last day to register to vote for participation in the November 6<sup>th</sup> election is Wednesday, October 31<sup>st</sup> by 5:00 PM.
- 2<sup>nd</sup> quarter property taxes are due by November 15<sup>th</sup>.
- There will be a lawn debris drop off at the Civic Center on Saturday, November 3<sup>rd</sup> from 9:00 AM – 1:00 PM.

**Approval of Building Permits** – Council approved the following building permits on motion of Councilor Chadderton, seconded by Councilor Smith. **Motion carried.**

<u>Applicant</u>	<u>Location</u>
William Koch & Mark George	6 North Street
Raymond Fish	45 Bassett Street

**Liquor Control Board** –

Clerk Dawes called the Councils' attention to a notice of written warning from the DLC to Green Mountain Tavern, a copy of which was included in their packets.

**Visitors and Communications** –

Mayor Lauzon thanked Mike Casella of Casella Waste Management for providing the dumpsters free of charge for the lawn debris drop off scheduled for November 3<sup>rd</sup>. Manager Mackenzie said this would be a one-time arrangement, as overtime in the Street Department was cut so as to pass this year's budget, and there are no funds available for such services.

The Mayor called attention to a letter addressed to the Council from Susan Poczobut of Granite Hills Credit Union, and asked that the letter be entered into the City records.

**City Manager's Report** –

Manager Mackenzie said North Main Street will re-open to traffic tomorrow morning at 8:00 AM. The temporary Summer Street truck route starts tomorrow, and all side streets will revert to their pre-

construction traffic patterns. The Manager said Luck Bros. is turning the project over to the City 38 days ahead of schedule. Barre City property owner John Clark asked if busses will need to use the truck route. Mayor Lauzon said the Transportation Advisory Committee (TAC) will be asked to look into the issue. Manager Mackenzie said the TAC is scheduled to meet tomorrow evening at 7:00 PM to hold a public hearing on the Summer Street truck route. The Manager also announced that there will be an interruption in water service in the Summer Street area during the day on Sunday as a 6" water line is repaired. The Manager said notices have been published looking for people interested in serving on a budget review committee, and those who are interested should contact his office by the end of the week.

**New Business –**

**A) Public Hearing for Revised TIF District Plan – Warned for 7:15 PM.**

Mayor Lauzon opened the hearing at 7:20 PM. The Mayor said he owns three properties in the proposed TIF district, and it was pointed out by the Vermont Economic Progress Council (VEPC) that there could be a perceived conflict of interest, therefore, he will step down for all future TIF meetings, hearings and decisions. The Mayor reviewed a chart of the 16 top Vermont municipalities by population, and their grand list values per capita, and said Barre City has not grown the grand list.

The Mayor stepped down and Acting Mayor Smith assumed the role as chair. During the public hearing, Council took up action on the following item:

**B) Council Ratification of 8/27/12 TIF District Plan.**

City Planner Michael Miller and TIF consultant Stephanie Hainley gave a history of the City's TIF application to date, and reviewed the VEPC process and the comments related to the possible perceived conflict interest with regards to Mayor Lauzon's participation on any TIF hearings, discussions or decisions. Mr. Miller recommended Council approve the following motion:

"The Barre City Council moved to validate, ratify, and confirm to the fullest extent permitted by law the vote of August 27, 2012 approving the TIF District Plan and to place in the record that during this ratification the Mayor did not sit with the Council, participate within its deliberations, or participate with the Council in any Manner."

Councilor Boutin made the above motion, seconded by Councilor Chadderton. **Motion carried with Mayor Lauzon not participating.**

Council returned to the public hearing on the revised TIF District plan. Ms. Hainley summarized the revisions, and said they City expects to receive VEPC approval in December. There was discussion on the nature of the proposed infrastructure projects, the surety of the development projects, "but for" criteria for development projects, setting aside funds for maintenance expenses of infrastructure projects, and private vs. public development of a parking garage. Mr. Lauzon, speaking as a resident of Barre City, gave information about the costs associated with building and operating a parking garage, and the need to maximize surface parking in Barre City before building a structure.

Barre City property owner Robert Chartier asked about the other sources of revenue listed in the TIF application. Mr. Miller said some of the funds reflected are from brownfields mitigation grants. Mr. Chartier asked questions about the Burlington and Milton TIFs, and the reports that those communities owe the state additional education taxes. Ms. Hainley said with regards to those communities, it was discovered during the audit process that there had been a difference in interpretation of the statutes, and it is expected that the legislature will make changes to ensure such errors don't occur in the future. Mr. Miller said contrary to misperception, TIF funds do not go to private developers, but are used to support projects that are publicly owned. Mr. Miller said this is just a plan, and any projects will require voter approval for incurring debt.

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City property owner Herb Heath asked if there is a time limit when the City can back out of the TIF district. Ms. Hainley said if the City never moves forward with a project, it will incur no debt. She said the voters need to approve the debt ceiling and each individual project. The district is good for 5 years, and any projects need to be started during that timeframe. Mr. Lauzon said there are no tax breaks for developers in the TIF district.

There was discussion about developing the bike path with TIF funds. Mr. Miller said the portion of the path that is associated with the Merchant Row development would qualify. Other sections of the path would only qualify if they met the “but for” criteria. There was discussion about the effect on the TIF district and the infrastructure projects if a private development project were to fail. Ms. Hainley said the City needs to be sure of the security of a project before incurring debt. Mr. Miller said there is a pent up demand for parking, and that several development projects already begun have identified parking needs.

City Assessor Joe LeVesque said a TIF district is one of the best tools available to move the City forward and grow the grand list. Central Vermont Chamber of Commerce executive vice president George Malek said he supports the TIF District, and it’s a great opportunity for the City.

Acting Mayor Smith closed the public hearing at 8:35 PM.

**C) Council Resolution #2012-15 to Adopt Revised TIF District Plan.**

Mr. Miller reviewed the resolution. Council adopted resolution #2012-15 on motion of Councilor Boutin, seconded by Councilor Herring. **Motion carried with Mayor Lauzon not participating.**

**D) TIF District Public Information Meeting #1.**

Ms. Hainley asked if there are any additional questions or comments from the public. Hearing none, she said there will be additional public information meetings between now and the March Annual (Town) Meeting. Mr. Miller said the next one is scheduled for November 27<sup>th</sup>.

Mayor Lauzon resumed chairing the meeting.

**Old Business –**

**B) New 1<sup>st</sup> Reading of Ordinance #2013-03 Ordinance Revisions Chapter 18 Trash.**

Mayor Lauzon said businesses generating non-food-related trash are not the issue, and that food establishments and grocery stores need weekly trash pick-up. Councilor Boutin reviewed the revisions. Brooklyn Street resident Joseph Crosier said there is a problem associated with some properties in his neighborhood where there are absentee landlords and trash is being allowed to accumulate. Manager Mackenzie said he will look into the issue.

There was discussion about compliance, enforcement, setback requirements and opportunities for waivers. Mr. Malek asked what issues exist that cannot be addressed by the current ordinance. Mayor Lauzon said the ordinance revisions will head off some of the citations by forcing weekly pickups. Councilor Smith asked how the current ordinance is not addressing the problems. He asked if there are issues with enforcement. Councilor Boutin said he spoke with enforcement officer Capt. Matt Cetin, who said he liked the set-back language and enforcement for overflowing dumpsters. Mayor Lauzon said he also spoke with Capt. Cetin, who said he agrees there are no issues with non-food-handling establishments.

Councilor Boutin made the motion to move the ordinance revisions to a second reading and public hearing. The motion was seconded by Councilor Chadderton.

Discussion continued on frequency of pick-ups, enforcement process, and opportunities to make future

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adjustments to the ordinance.

Councilor Boutin made the motion to call the question, seconded by Councilor Smith. **Motion carried.**

Council voted on the motion to move to a second reading and public hearing. **Motion carried with Councilor Smith voting against.**

**E) Approval of City Place Parking Lease.**

Mayor Lauzon asked the Council to review the draft document, and said it will be on next week's agenda for approval. Mr. Miller said the lease was developed in conjunction with DEW and City attorney Oliver Twombly, and there will be a similar one developed for the Blanchard Block.

**F) Errors & Omissions #2.**

Mayor Lauzon said he wanted to explain his remarks at last week's Board of Civil Authority meeting, as reported in the Times Argus. The Mayor said he appreciated City Assessor LeVesque's zealotness, but he went over the edge. The Mayor said he agreed that the appeal in question should have gone through Mr. LeVesque.

Mr. LeVesque presented the E&O #2 list.

Councilor Smith made the motion to approve numbers 1, 7 & 8, and deny numbers 2, 3, 4, 5, & 6. The motion was seconded by Councilor Herring.

There was general discussion about numbers 2, 7 & 8.

Mr. LeVesque requested that Council reconsider number 3. There was a discussion about number 3, and whether it is more appropriate that it go through abatement, E&O or grievance. Mr. LeVesque said the Board of Abatement had recommended it be handled through E&O.

Councilor Smith amended his motion to include approval of number 3, along with numbers 1, 7 & 8, and denial of numbers 2, 4, 5 & 6. Amendment of original motion was approval by the seconder.

Councilors Smith and Herring said in the name of full disclosure, they are members of the Vermont Granite Museum board, and noted that item number 2 relates to the museum.

Council voted on the motion as amended. **Motion carried.**

**G) Update on Semprebon Fund.**

Mayor Lauzon reviewed his status list and said he is looking for the Council to set aside \$1.1 million from the Semprebon Fund for the bike path. Manager Mackenzie reviewed a list of pending projects seeking Semprebon Fund appropriations. The Mayor said the Council will focus on the bike path after the finalization of North Main Street reconstruction and City Place.

Council approved the following Semprebon Fund appropriations on motion of Councilor Smith, seconded by Councilor Herring. **Motion carried.**

- \$4,500 for repairs to the Youth Triumphant drains
- \$15,000 for additional support of the TIF District application process

Vermont Historical Society executive director Mark Hudson reviewed the VHS funding request first made back in August, saying they are seeking funding in the amount of \$12,400 to support the purchase and installation of projection equipment and new tables and chairs for the community room at the History

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Center.

Councilor Smith made the motion to appropriate \$12,400 out of the Semprebon Fund for the Vermont Historical Society. The motion was seconded by Councilor Boutin.

There was discussion about a permanent display at the History Center recognizing Charlie Semprebon's gift to the community. Mayor Lauzon asked if the \$12,400 appropriation would be credited towards any naming gift. Mr. Hudson said yes. Mayor Lauzon asked Councilor Dindo to contact the Semprebon Family and shepherd through the discussions between VHS and the Semprebon family.

Council voted on the VHS appropriation motion. **Motion carried.**

Councilor Dindo made the motion to appropriate \$1.1 million from the Semprebon Fund for the bike path. The motion was seconded by Councilor Herring. **Motion carried.**

There was discussion about the repairs to the Youth Triumphant drains. Mayor Lauzon requested that Joe Calcagni attend next week's meeting to discuss the issue.

Mayor Lauzon said he would like to add the Bike Path committee to the agenda at the November 5<sup>th</sup> meeting for an update to Council and what support is needed from the City.

Mayor Lauzon said Council may need to hold two special meetings over the next week as the City Place project is being finalized.

The Mayor asked Councilor Smith to coordinate with the Civic Center Committee and the Recreation Committee regarding their Semprebon Fund proposals, and invite them to come to a future Council meeting for a discussion.

Councilor Smith said Council should set time limits on the expenditure of appropriations or the funds revert to the Semprebon Fund. He also requested that there be a discussion about maintenance of the projects upon completion. Mayor Lauzon said Council will discuss the other outstanding items on the pending Semprebon Fund list at its November 13<sup>th</sup> meeting.

There was discussion about the Semprebon Fund Committee, and its charge to follow up on the projects and work on recognition for Charlie Semprebon's gift. Mayor Lauzon said the chair of the committee has left, so the committee will need to meet to select a new chair. The Mayor asked Councilor Smith to shepherd that action.

#### **A) Orange Spillway Bid Award.**

Manager Mackenzie said he met personally with representatives from low bidder JP Sicard, and both he and City Engineer Reg Abare recommend awarding the contract to them. Council awarded the contract to JP Sicard and authorized the Manager to sign on behalf of the City, on motion of Councilor Herring, seconded by Councilor Dindo. **Motion carried.**

#### **Round Table –**

Councilor Chadderton asked for reports from the Council's Police and Fire Committees. Mayor Lauzon said the reports will be on the agenda for the November 5<sup>th</sup> meeting, and that new members need to be seated on the committees, or they need to be combined into one Public Safety Committee.

Councilor Dindo reminded all that Councilor Poirier had requested that Chief Bombardier attend a future Council meeting to talk about drug enforcement.

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Councilor Boutin said he got one phone call from someone responding to his request for people to contact him if they are interested in serving on his drug committee.

Councilor Herring said the City website is very out of date and is one of the items that will be addressed at next week's IT Committee meeting. He said it's time for Manager Mackenzie's evaluation. Mayor Lauzon said the evaluation will be pushed off until after Thanksgiving due to work associated with City Place. Councilor Herring said he did a ride-along with the Police Department, and encouraged other Councilors to do one. He reminded everyone of this weekend's haunted house at the Granite Museum.

Councilor Smith said he has also gone on ride-alongs with the public safety departments, and encouraged others to do so. He said he will be out of town next week, but would be available to participate in the meeting via phone. Mayor Lauzon said he could participate in the discussions, but not in any votes, nor could his presence be counted towards a quorum.

Mayor Lauzon thanked Governor Shumlin for being in the City this afternoon to tour the completed North Main Street Reconstruction Project. The Mayor said the official street re-opening will happen at 8:00 AM tomorrow morning.

Council went into executive session to discuss real estate purchase options at 10:33 PM on motion of Councilor Smith, seconded by Councilor Herring. **Motion carried.**

City Planner Michael Miller and Manager Mackenzie were invited into the executive session.

Council came out of executive session at 11:20 PM on motion of Councilor Smith, seconded by Councilor Herring. **Motion carried.**

Council adjourned at 11:20 PM on motion of Councilor Smith, seconded by Councilor Herring. **Motion carried.**

An audio transcript of the meeting is available through the Clerk's Office.

Respectfully submitted,

Carolyn S. Dawes, City Clerk