VERGENNES CITY COUNCIL MEETING
OCTOBER 27, 2015
MINUTES

Mayor William Benton called the meeting to order at 6:00 p.m. at the Vergennes Fire Station meeting room located at 50 Green Street. A few moments of silence was offered in memory of our Assistant Wastewater Treatment Plant Operator Joseph Sullivan who passed away unexpectedly two weeks prior. Those in attendance were:

Mayor William Benton
Alderman Renny Perry
Alderman Lowell Bertrand
Alderman Jeffrey Fritz
Alderman Lynn Donnelly
Alderman Joe Klopfenstein
Alderman Michael Daniels
City Manager Mel Hawley
City Clerk Joan Devine
Sierra Bertrand
Shannon Haggett, Planning Commission Chair
Peter Garon, Development Review Board
Clara Comeau
Chris Rottler, Lake Champlain International
David Austin (6:25 pm)
James Amblo (6:40 pm)
Mike Winslow, Planning Commission (7 pm)
Jason Farrell, Planning Commission (7 pm)
Michael O'Daniel
Christopher Fuller

LAKE CHAMPLAIN INTERNATIONAL – BLUE PROGRAM: Christopher Rottler, Manager of the Blue Program, spoke of efforts that can be made by property owners that will help keep Lake Champlain clean and healthier while earning a 'Blue Certification" for their property. This is very similar to the "LEED Certification" that is earned by going green and reducing energy use and negative environmental impacts of buildings while improving occupant's health, he advised. The goal of the Blue Program is to capture polluted stormwater runoff before it gets to the lake. It is more difficult in urban areas to do this, he reported, due to water runoff from sidewalks, pavement, fertilization of lawns, etc. They are not a government agency nor are they enforcement officers so people are not intimidated to see them arrive. They would like to partner with Vergennes on a pilot program involving a $10,000 grant application to the State. An example for use of funds was given. A property owner could install rain gutters on his property that may cost $1,500; possibly $300 could come from grant funds and the City could offer an additional $100 if they wanted. Alderman Klopfenstein wondered if an inspection revealed there were four areas needing improvement to reduce pollution, would they be required to do all four. The answer was yes if they were working towards certification. Currently the program is designed for residences but they want to offer it to businesses also, he advised. Mr. Rottler reported Lake Champlain International administers this program. Mayor Benton stated he felt the concept was good and supported the efforts but also felt there were more questions. City Manager Hawley will check into this more. Mr. Rottler departed at 6:25 p.m.

CITIZENS COMMENTS: Clara Comeau said that property taxes keep going up and our elderly are asking about the cause. She knows some of it is due to school budget increases as well as the new police station, she advised, but has noticed that some organizations have now become budget line items like the library support, Addison County Transit Resources, etc. instead of being on the ballot. She suggested putting these back on the ballot at the Annual City meeting in March and bring it to the people to get them involved and feel like they have a say. She also felt the revenue from the Water Tower Fund should be going into the general fund to reduce property taxes. Mayor Benton advised Vergennes Area Rescue Squad and the Bixby Library have both become budget items as they are generally items that a municipality supports. Alderman Donnelly stated the City budget is a very small part of the issue and suggested that those concerned attend the school board meetings. Alderman Klopfenstein acknowledged that the people don't have a voice in the budget and thanked her for being their voice. Senior Alderman

Perry pointed out that budget work sessions are open to the public but we could certainly advertise it as such and move to different locations for easier access. Mayor Benton supported that idea.

MINUTES: The minutes of the October 13th meeting were approved as written by motion of Alderman Lowell Bertrand, seconded by Alderman Joe Klopfenstein, with all voting in favor.

WARRANT: The warrant presented for approval in the amount of $60,468.13 was circulated for review and signatures of approval.

CITY ORDINANCE – CHAPTER SIX: Proposed changes to Chapter Six of the City Ordinances prepared by Mayor Benton were presented to the City Council for review. Mayor Benton asked them to read the document and make comments. Alderman Daniels suggested the 911 address be added for each park in addition to its name.

CITY MANAGER'S REPORT: City Manager Hawley reported this has been a good month for police revenue. September fines came in at over $17,000 due mostly to overweight vehicles on Monkton Road and Panton Road. The budgeted salaries at straight time are being exceeded right now with the training of three new part-time employees and a fulltime employee currently at the police academy, he advised. Once the part-time officers have achieved their training hours they will be switched to working under the various grants. As delinquent tax collector, he reported delinquent taxes for prior years are now below $20,000. He then went on to advise that the Water Tower Fund report given out at a prior meeting had an error; the fund has about $9,200 more than previously reported. The error related to Deer Trail Partners' loan payments. Addison County Regional Planning Commission sent a letter advising they are available to assist communities in dealing with siting solar generating facilities in their town plans. Act 56, which passed the legislature, establishes minimum setback distances for these facilities and requires installers to comply with a town's screening requirements. Noting the passing of Joe Sullivan, Manager Hawley advised there is an advertisement in the Addison Independent for his position with a deadline of November 9th for applications. Wages offered for a Grade II wastewater facility operator are $15.00 to $18.00 an hour depending on experience.

TODDLER PLAYGROUND LAWSUIT: A copy of VLCT's Policy regarding Filing of Amicus Briefs on behalf of municipalities was made available to the Board. Their policy states they will only consider submitting an amicus brief when a case has been decided by a trial level court and involves an important issue of municipal law, policy, or the potential to impact a significant portion of the VLCT membership.

Mayor Benton recessed the meeting at 6:57 p.m.

## PUBLIC HEARING
## VERGENNES ZONING AND SUBDIVISION REGULATIONS

Mayor Benton opened the duly warned public hearing at 7 p.m. The notice of said public hearing was read by the Mayor. The purpose of the hearing was for the City Council to receive testimony regarding amendments to the zoning and subdivision regulations as proposed by the Vergennes Planning Commission. The reason for the amendments is to bring them into conformance with the municipal development plan. Planning Commission Chair Shannon Haggett advised the municipal development plan for the City was updated a year ago and these proposed amendments will cause the regulations to be consistent with the plan. David Austin objected to the amendment for the Central Business District under Section 1609.F.2 that will allow residential uses at the street, ground or basement level. He advised this is universally agreed to be a bad idea and the national model for a Central Business District would never condone this use. The critical mass of a commercial district has to be commercial use to survive economically. The planning commission does not support this change, he advised, so how did we get to

this point. Mayor Benton said that question would be answered after all testimony has been heard. Mike O'Daniel, owner of property on Hopkins Road located in the Agricultural and Rural Residential District, advised the proposed changes will affect his 70 acres. He suggested the City move away from the agricultural base as he has not milked cows since 1982. The word 'adjunct' also needs to be removed, he advised. Mr. O'Daniel advised he is waiting for these amendments to be approved so he can subdivide a 5-acre parcel from his property where his daughter and son-in-law Chris Fuller can build a home. Clara Comeau stated that when she owned her commercial block on Green Street in the Central Business District she asked to have residential units on the ground floor; she was told she could not. If commercial space on the ground floor is allowed to be converted to residential use, she advised, you need to think about where the children will hang out. James Amblo, owner of a commercial block in the Central Business District, stated he was in favor of allowing residential uses on the ground floor in this district and would like the percentage raised from 20 percent to 28 percent. He advised further that he has commercial space on the ground floor in the alley that he has been unable to utilize commercially because in part due to its location. He wants to be able to convert that space to a residential unit where he can collect rental income to make his building economically stable.

City Manager Hawley, who is also the Zoning Administrator, explained how we got to where we are regarding residential use on the ground floor in the Central Business District. The planning commission updated the municipal development plan over a year ago and sent it on to the City Council, he advised. When the City Council held their public hearing on the proposed updated plan, they took testimony from James Amblo and Dan Pflaster who were both looking for residential use on the ground floor for their buildings. James Amblo's property was in the Central Business District and Dan Pflaster's property was in the Northern Gateway District. The original language in the municipal development plan as proposed by the planning commission prohibited ground floor residential for the Central Business District. The final language that was eventually adopted in 2014, as changed by the City Council, allowed residential use on the ground floor under certain conditions. The language for the Northern Gateway District as proposed by the planning commission called for ground floor residential to be prohibited. This was not changed by the City Council in the plan adopted in 2014. As for the Agricultural and Rural Residential District, Manager Hawley reported that the planning commission uncovered that the condition that new one-family dwellings be an "adjunct" to an agricultural use was not reflected in the 2009 nor the 2014 municipal development plan and therefore this condition is proposed to be removed from the regulations. Senior Alderman Perry felt the City Council would need to amend the plan that was adopted in 2014. He felt there was not much we can do at this point. David Austin warned that denial based on the language in the fifth bullet will surely trigger a suit against the City so before adopting that language, he suggested that it be run by someone who will defend it. He also advised he did not want to see anymore changes to make it more attractive to non-profits. Mayor Benton closed the public hearing at 7:20 p.m.

The Mayor reconvened the regular meeting immediately. Manager Hawley agreed that the fifth bullet under Section 1609.F.2 could be troublesome if an application was denied. It certainly would be a decision that could be difficult to defend, he advised. If a proposal is approved it will impact abutting properties so there could potentially be an appeal there also. Alderman Donnelly felt Section 1609.F.2 should not be in the regulations. Alderman Daniels stated he understands Mr. Amblo's need to rent the space to maintain ownership of the property. Alderman Klopfenstein did not feel he had enough information to make a decision. Senior Alderman Perry stated he was torn after hearing David's statement that the national model for a Central Business District would not allow residential uses but also recognizes some of the economic issues. Alderman Bertrand stated he would like more time to sort these issues out as did Alderman Fritz. Alderman Donnelly reminded everyone where the city was 20 years ago with the Basin Block and where we are today. It is all housing on the other side of the street, she advised, so we need to maintain the commercial spaces we have. Mayor Benton felt more time was needed and the proposed amendments will be on the agenda of the next meeting.

Jason Farrell advised the planning commission voted unanimously to send this document to the City Council and it is now in your hands. The commission reconciled the plan with the zoning regulations even though that section was not supported by them but to make them comply with one another. They did not hear any testimony of support for this section at their public hearing but is hearing it here tonight, he advised. Peter Garon felt, as a member of the development review board, they deal with bullet five issues all the time with every decision they make. That bullet does not concern him, he stated.

Manager Hawley advised if the City Council wants to make any changes to the proposed amendments that can be done, however, another public hearing would have to be scheduled and since no action it being taken at this meeting, the earliest it can be held would be December 15th. We are only having one meeting in December, he advised. Jason Farrell explained how the City Council can adopt the changes as proposed or change any of the amendments presented, but another public will be required. Manager Hawley advised the City Council should know by the next meeting if they want to have bullet five removed or if they want to remain with the same language. He further suggested that alternative language by any City Council member be prepared in advance of the meeting.

ADJOURNMENT: At 7:55 p.m. Alderman Lowell Bertrand moved to adjourn the meeting, seconded by Alderman Mike Daniels, with all voting in favor. The next regular City Council meeting will be held November 10th at 6:00 p.m.

Respectfully submitted,

Joan Devine

Vergennes City Clerk