

VERGENNES CITY COUNCIL
Final Meeting Minutes
Tuesday, APRIL 11, 2023

COUNCIL MEMBERS/STAFF: Mayor Christopher Bearor, Deputy Mayor Dickie Austin, Alderman Cheryl Brinkman, Alderwoman Jill Murray-Killon, Alderwoman Zoe Kaslow, Alderwoman Sue Rakowski, Alderman Ian Huizenga, City Manager Ron Redmond, City Clerk Penny Austin, Treasurer Angela Bolduc, Recreation Coordinator Martha DeGraaf

- 1. Microphone Check:**
- 2. Call to Order:** 5:35 PM
- 3. Pledge of Allegiance**
- 4. Amendments to Agenda:** City Manager Redmond asked to have 7o. postponed until the next meeting. Deputy Mayor Austin amended to add the approval of the three public places to post the agenda and meeting notices for the City Council meetings (which Mayor Bearor placed in 7o.) and add the approval of an Entertainment license for Three Squares Café to the list in 7b.
- 5. Visitors:** Rick Chaput, WWTP Chief Operator, Chief of Police Jason Ouellette, Mark Koenig, Ed Adrian, Steve Rapoport, Jamie Dragon, Michael Daniels (Zoom)
- 6. a. Approval of Minutes (3/14/23 & 3/28/23):** Motion by Alderman Austin with second by Alderwoman Murray-Killon to accept both minutes as written. Vote: 7-0 Approved.
b. Approval of Warrants (4/11/23): Motion by Alderman Austin with second by Alderwoman Kaslow. Vote: 6-0 with Mayor Bearor abstaining (One of the warrants was for the business where he works).
- 7. Business**
 - a. Request to appoint Adelaide Brooks, Tara Brooks, and Jamie Dragon to the Vergennes Parks & Recreation Committee for a one-year term, ending March 2024.** * Motion to appoint made by Alderwoman Rakowski and seconded by Alderman Austin. Vote: 7-0 Approved.
 - b. Request for approval of one-year licenses (from May 1, 2023, to April 30, 2024) for the following businesses: ***
 - i. Vermont Wine Shoppe, LLC for second class liquor license and tobacco license.**
 - ii. Strong House Inn, Inc. for first class restaurant/bar liquor license and third-class restaurant/bar liquor license.**
 - iii. Midtown Pizzeria, LLC for first class restaurant/bar liquor license and outside consumption permit.**
 - iv. Community Market, LLC for second class liquor license and tobacco license.**
 - v. Three Squares Café, Inc. for first class restaurant/bar liquor license and outside consumption permit.**
 - vi. Fraternal Order of the Eagles, Addison County Area, for first class club liquor license, third class club liquor license and outside consumption permit.**
 - vii. Three Squares Café for an Entertainment license.**

Motion to approve the above licenses and permits made by Alderwoman Rakowski with second by Alderman Huizenga. Vote: 7-0 Approved.

- c. Request to approve policy for licensed eating and drinking establishments to use city parking spaces fronting their businesses, for seasonal expansion of dining capacity and outdoor**

consumption, for a fee of \$1 per square foot, as approved by the Chief of Police and City Manager. * City Manager Redmond explained the thought process on this policy. It is considered an administrative fee for the use of the City right of way. Motion by Alderwoman Murray-Killon to establish a policy to rent parking spaces for outdoor seating for food and drink establishments, seconded by Alderwoman Rakowski. There was discussion as to if it is really a rental or an administrative fee. It was the consensus that it was really an administrative fee. Deputy Mayor Austin moved to amend the motion to read that the City Council adopt the policy as drafted by the City Manager with the added contingency that the policy be reviewed at the reorganization meeting next March seconded by Alderwoman Kaslow. Vote on Amendment 6-0 Approved with Alderman Huizenga abstaining. Vote on original motion was 6-0 Approved with Alderman Huizenga abstaining.

- d. Request for approval of agreement between the City of Vergennes & 35C LLC, d.b.a. Bar Antidote/Hired Hand, for the use of three vehicle parking spaces for seasonal expansion of dining capacity and outdoor consumption, from May 1, 2023, to November 30, 2023, for a fee of \$480, calculated at 480 square feet X \$1 per square foot.** * It was noticed that the policy dates were May 1 to October 31 so Mayor Bearor changed the request to say May 1, 2023, to October 31, 2023. Alderwoman Brinkman moved to approve the agreement with Alderwoman Kaslow seconding. Deputy Mayor Austin asked if since we just established the policy, have the requirements for insurance and Police review of the site been done. Deputy Mayor Austin moved to amend the motion to state approval of agreement between the City of Vergennes & 35 LLC, d.b.a. Bar Antidote/Hired Hand, for the use of three vehicle parking spaces for seasonal expansion of dining capacity and outdoor consumption, from May 1, 2023, to November 30, 2023, for a fee of \$480, calculated at 480 square feet X \$1 per square foot pending meeting all of the requirements of the already established policy, seconded by Alderwoman Kaslow. Michael Daniels stated that he thought that the space left was too narrow and was not safe for travel through the street. He did not agree that the agreement should be accepted before he could speak to the Chief of Police. Vote on amendment was 6-0 approval with Alderman Huizenga abstaining. Vote on original motion was 6-0 approval with Alderman Huizenga abstaining.
- e. Request for approval of an outside consumption permit for 35C LLC, also known as Bar Antidote/Hired Hand, from May 1, 2023, to April 30, 2024.** * Deputy Mayor Austin moved to approve the outside consumption permit for 35C LLC, also known as Bar Antidote/Hired Hand, from May 1, 2023, to April 30, 2024 expanding on their already approved outside seating consumption of their porch to include the new addition of the three parking spaces in front pending approval of their application in process with the new policy established ten minutes ago with Alderwoman Rakowski seconding. Vote 6-0 Approved with Alderman Huizenga abstaining.
- f. Request to approve 25-year lease agreement between the City of Vergennes and the Friends of the Vergennes Opera House, Inc. (FVOH)** * The most substantive change is the addition of language of how the Opera House would be charging the City for when we used the space for ticketed events. The added language is [“For events and activities requested by the City Government and their Departments, where attendees are charged a fee or must purchase a ticket for participation, the TENANT \(FVOH\) agrees to charge the OWNER \(CITY\) a rate equal to or less than the lowest rate charged to other nonprofits for comparable activities/events and less than the rate charged to for-profit entities for comparable activities/events.](#) Deputy Mayor

Austin moved to approve to adopt the language in the lease as was proposed for the Friends of Vergennes Opera House, seconded by Alderwoman Kaslow. Vote 7-0 Approved.

- g. Request to authorize the city to apply for a Clean Water State Revolving Fund (CWSRF) Step II Planning Loan for Final Design Engineering Services for the Vergennes Wastewater Treatment Facility and authorize the City Manager as the designated City Representative for the CWSRF Planning Loan Application and execute associated engineering services agreement.** * Jennie Auster explained where we are in this process and what money is needed when and, also when our grants/bonds kick in for items g through i. Motion by Alderwoman Brinkman to authorize the city to apply for a Clean Water State Revolving Fund (CWSRF) Step II Planning Loan for Final Design Engineering Services for the Vergennes Wastewater Treatment Facility and authorize the City Manager as the designated City Representative for the CWSRF Planning Loan Application and execute associated engineering services agreement, with a second by Deputy Mayor Austin. Vote: 7-0 Approved.
- h. Request to authorize the City to apply for a CWSRF Step II Planning Loan for the Vergennes North Main and Maple Sewer Final Design Engineering Services pending VTDEC approval and authorize the City Manager as the designated City Representative for the CWSRF Planning Loan Application and execute associated engineering services agreement.** * Motion made by Deputy Mayor Austin to authorize the City to apply for a CWSRF Step II Planning Loan for the Vergennes North Main and Maple Sewer Final Design Engineering Services pending VTDEC approval and authorize the City Manager as the designated City Representative for the CWSRF Planning Loan Application and execute associated engineering services agreement, with second by Alderwoman Kaslow. Vote: 7-0 Approved.
- i. Request to authorize the City to apply for an amendment to the CWSRF Step I Planning loan for the Macdonough Drive Pump Station and Force Main Improvements Environmental Information Document and Funding Assistance pending VTDEC approval and execute associated amendment to the existing engineering services agreement.** * Motion made by Alderwoman Kaslow to authorize the City to apply for an amendment to the CWSRF Step I Planning loan for the Macdonough Drive Pump Station and Force Main Improvements Environmental Information Document and Funding Assistance pending VTDEC approval and execute associated amendment to the existing engineering services agreement, with a second by Deputy Mayor Austin. Vote: 7-0 Approved.
- j. Request to approve proposed Sam Fishman Memorial Pool rates for 2023 season.** * **Martha DeGraaf, Recreation Coordinator.** Martha presented 2022 and proposed 2023 rates and noted that the non-resident senior person season pass in 2022 was \$80, not \$65 as listed in the packet. She explained the reasons for the increase in non-resident rates. They researched what other municipalities have done and our pool needs some expensive repairs, and the Vergennes taxpayers would have to take on the burden of these expenses. Alderwoman Rakowski moved to approve the proposed Sam Fishman Memorial Pool rates for the 2023 season with Alderman Huizenga seconding. Vote: 7-0 Approved. Steve Rapoport asked if the repairs were needed, and will the pool still open in the middle of May. Martha explained that staff was doing everything in their control to get the pool opened. Vote: 7-0 Approved.
- k. Request to allocate up to \$34,050.25 of allocated but unused ARPA funds repairs and improvements to the Sam Fishman Memorial Pool in advance of the 2023 season.** * Deputy Mayor Austin Motion to approve the allocation up to \$34, 050.25 of allocated but unused ARPA funds to fund repairs and improvements to the Sam Fisherman Memorial Pool in advance of the 2023 season with Alderwoman Murray-Killon seconding. Vote: 7-0 Approved.

- i. Request to authorize the City Manager to sign an agreement with RHR Smith & Company for creation of a fixed assets database and support and production of depreciation schedules for FY22, for an amount not to exceed \$15,000, and to fund that expense 50% from Administration Budget and 50% from the Infrastructure Investment Fund.** City Manager Redmond asked to change the expense to be taken 50% from FY23 Administration Budget and 50% from the Water Tower Fund. Motion by Alderwoman Brinkman to authorize the City Manager to sign an agreement with RHR Smith & Company for creation of a fixed assets database and support and production of depreciation schedules for FY22, for an amount not to exceed \$15,000, and to fund that expense 50% from FY23 Administration Budget and 50% from the Water Tower Fund, with second by Alderwoman Rakowski. Vote: 7-0 Approved.
 - m. Update of City of Vergennes Police Department Internal Affairs Policy.** ** Deputy Mayor Austin moved to have the Vergennes City Council serve as the interim mechanism for civilian review until such time that the City works on establishing another group of civilians could take this charge over, with Alderman Huizenga seconding. Vote: 7-0 Approved. With the motion the council addresses the statutory requirement in 20 V.S.A. §2402 to have a mechanism in place for civilian review, pending the creation of the to-be-formed Community Engagement Committee
 - n. Request to review and approve the proposed charge for the Community Engagement Committee and seek interested applicants.** * It was decided that the city manager would seek interested people to submit letters of interest to the City Manager for review by the City Council. The City Manager will put out this request on Front Page Forum, Facebook, and the City Website.
 - o. Request the approval of the three public places to post the agenda and meeting notices for the City Council meetings per the open meeting law requirements.** Alderwoman Brinkman moved to designate the three public places to post the agenda and meeting notices per the open meeting law requirements 1) outside City Offices, 2) the Vergennes Post Office, and 3) Maplefield's bulletin board, with a second by Alderwoman Kaslow. Vote: 7-0 Approved.
 - p. Continued discussion re: possible fall, 2023 special election to seek voter approval for FVOH Lease; city reserve funds requiring voter approval (to be identified by RHR Smith); a bond to fund city's required match for its Salt Shed and for the Main Street Sidewalk Project between Macdonough Dr and Otter Creek bridge.** *** It was discussed that when we go to the voter's for the required match for the Salt Shed, we will need to also add the required match still needed for the Main Street Sidewalk Project as the price for this has increased. It was decided to have the Project Manager on Sidewalk Project come to talk to the Council as there was some concern that when the bridge is redone that some of the sidewalk would be ruined by the staging for all the equipment to do the bridge although that is not slated for 5-10 years from now.
- 8. City Manager Report-** Preliminary findings from Dubois & King re: the assessment of 50 Green Street Fire station is that although the building needs substantial improvements and upgrades, Dubois & King will recommend improving the building versus the need to build a new fire station. The City and Vergennes Partnership applied for a public art grant to rehabilitate the Tri Valley Transit bus stop and preliminarily received a \$15,000 grant from the Vermont Arts Council. More to report. Monaghan Safar will be assisting the city in rewriting the city Sewer Ordinance. City Manager reported that those interested in applying for the position of Fire Chief are to send a letter of interest to him by close of business day, Monday, April 24, and that he will present the outcome at the April 25 meeting.

9. **Council Member Reports-** Alderwoman Brinkman who is the chair of the Energy Committee talked about the Energy Fair slated for July 15th in the Park, and that they have applied for the \$4000 Capacity Grant that will help us with the Energy Fair. She is also on the Addison County Solid Waste Board, and she told us about a new Municipally Operated Drop-Off Facility planned to be built in New Haven that will eventually be a residential transfer station. This will be for all of Addison County. It will be on Campground Road. They will also take yard waste as well.
10. **Mayor's Report-** The Mayor reported that he will not be available on the 25th for the next meeting. It was also reported that Alderwomen Kaslow and Murray-Killon will not be available. The Mayor is also requesting Committee's write reports and post online. He would also like to keep the meetings to an hour and a half, if possible. Also, he asked that we support all of the kids doing sports this spring.
11. **Adjournment:** Deputy Mayor Austin motioned to adjourn. Alderwoman Murray-Killon second.
Approved. Vote 7-0.

DRAFT