

## **Council Minutes**

**March 20, 2023**

A duly warned meeting of the Newport City Council was held on March 20, 2023, in the council room in the Newport Municipal Building. Present were Mayor Beth Barnes, Council President John Wilson, Council Members Kevin Charboneau, Chris Vachon, and Clark Curtis, City Manager Laura Dolgin, City Clerk/Treasurer James D. Johnson, Police Chief Travis Bingham, Fire Chief John Harlamert, Public Works Director Tom Bernier, Zoning Administrator Francis Cheney, Recreation Director Mike Brown by phone, Programs Administrator Rebecca Therrien, Asst. Clerk/Treasurer Stacey Therrien, Asst. Clerk/Treasurer Robyn Churchill, Planning Commission Chairman John Monette, members of the Press and Public.

Mayor Barnes called the meeting to order at 6:33 Pm.

### **Approval of Minutes**

Mr. Wilson moved to approve the minutes of March 6, 2023. Seconded by Mr. Charboneau, motion carried. Mr. Curtis abstained.

Mr. Vachon moved to approve the minutes of March 7, 2023. Seconded by Mr. Wilson, motion carried. Mr. Curtis abstained.

Mr. Wilson moved to approve the minutes of March 13, 2023. Seconded by Mr. Charboneau, motion carried. Mr. Curtis abstained.

### **Comments by the Public**

None

### **Election of Council President**

Mr. Charboneau moved to elect Mr. Wilson, Council President. Seconded by Mr. Vachon, motion carried unanimously.

### **Annual Update of Rules of Procedure**

Mr. Wilson moved to approve the Rules of Procedure. Seconded by Mr. Charboneau, motion carried unanimously.

### **Appointment to DPW Negotiations Team**

Mr. Vachon moved to appoint Mr. Curtis to the DPW Negotiations team. Seconded by Mr. Charboneau, motion carried.

### **Authorization to Sign Warrants, 24 VSA sec 1623(a)(1)**

Mr. Vachon moved to authorize Mayor Beth Barnes and Council President John Wilson to sign warrants on behalf of the council. Seconded by Mr. Charboneau, motion carried unanimously.

### **City Government Appointments**

Mr. Wilson moved to appoint the firm of Stitzel, Page and Fletcher, City Attorney. Seconded by Mr. Vachon, motion carried unanimously.

Mr. Wilson moved to appoint Paul Monette to the Cemetery Commission. Seconded by Mr. Curtis, motion carried unanimously.

Mr. Charboneau moved to appoint Jaime Comtois and Kelli Rhodes to the Recreation committee for two Years. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Vachon moved to appoint Kevin Mead and Carole O'Connell to the Planning Commission and Historic Preservation for 3 years. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Vachon moved to appoint Steven Edgerley, James Johnson, Tom Latta and John Monette to the Harbor Commission for two years. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Wilson moved to appoint Denis Chenette as an alternate to the DRB for two years. Seconded by Mr. Vachon. Discussion: Mr. Curtis noted that he didn't believe that the process for appointment to the DRB had been followed as far as a letter of interest and the interview. He would like to have the process followed. Mr. Vachon withdrew the second to the motion, Mr. Wilson withdrew the motion. Mr. Curtis moved to appoint Agathe Coburn as a full member to the DRB for two years and Dan Pickering as an alternate. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Vachon moved to appoint John Harlamert, Health Officer. Seconded by Mr. Curtis, motion carried unanimously.

Mr. Wilson moved to appoint Robert Gosselin, Tree Warden. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Charboneau moved to appoint Beth Barnes, Representative to NVDA. Seconded by Mr. Wilson, motion carried unanimously.

City Manager Laura Dolgin is already appointed as board member.

Mr. Vachon moved to appoint Francis Cheney III, Building Safety Officer. Seconded by Mr. Curtis, motion carried unanimously.

Mr. Curtis moved to appoint John Harlamert, E911 Coordinator. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Charboneau moved to appoint John Harlamert, Emergency Management Director. Seconded by Mr. Vachon, motion carried unanimously.

#### **Request to Schedule a Public Hearing for a Zoning Bylaw Amendment**

Mr. John Monette requested the date of April 17, 2023, for a Zoning bylaw Amendment Public Hearing. Mr. Vachon moved that a public Hearing be held on April 17, 2023, for an interim Zoning bylaw Amendment. Seconded by Mr. Wilson, motion carried unanimously.

#### **New Business**

Mr. Vachon moved to approve a July 4, 2023, Vendors Permit for Rick Lansing and Brian Flynn. Seconded by Mr. Charboneau, motion carried unanimously.

Mr. Curtis asked the time frame to advertise for the DRB position. Ms. Dolgin advised a 3-week time frame.

Mayor Barnes read a statement acknowledging AmeriCorps Week.

#### **Old Business**

Mr. Charboneau moved to approve Liquor and Tobacco Licenses for Jimmy Kwik Store, Walgreens, and the VFW. Seconded by Mr. Wilson, motion carried unanimously.

Mr. Charboneau requested that Phil Whites request for a parade be on the next meeting agenda.

#### **Next Meeting Date**

April 3, 2023, at 6:30 PM.

#### **Adjournment**

Mr. Charboneau moved to adjourn at 7:12 PM. Seconded by Mr. Vachon, motion carried unanimously.

Attested James Johnson This 3<sup>rd</sup> Day of April 2023.

Belk Borne Mayor

# NEWPORT CITY RULES OF PROCEDURE FOR CITY COUNCIL MEETINGS

## A. PURPOSE.

The City Council of Newport City is required by law to conduct its meetings in accordance with the Vermont Open Meeting Law, 1 V.S.A. §§ 310-314. Meetings of the City Council of Newport City must be open to the public at all times, except as provided in 1 V.S.A. § 313.

## B. APPLICATION.

This policy setting forth rules of procedure shall apply to the City Council of Newport City, which is referred to below as "the body." These rules shall apply to all regular, special, and emergency meetings of the body.

## C. ORGANIZATION.

1. The body shall annually elect a president. The mayor of the body or, in the mayor's absence, the president shall preside over all meetings. If both the mayor and the president are absent, a member selected by the body shall act as chair for that meeting.
2. The mayor shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.
3. A majority of the members of the body shall constitute a quorum. If a quorum of the members of the body is not present at a meeting, no meeting shall take place.
4. No single member of the body shall have authority to represent or act on behalf of the body unless, by majority vote, the body has delegated such authority for a specific matter at a duly-noticed meeting and such delegation is recorded in the meeting minutes.
5. Motions made by members of the body do require a second. A motion will only pass if it receives the votes of a majority of the total membership of the body.
6. There is no limit to the number of times a member of the body may speak to a question. A member may speak or make a motion only after being recognized by the mayor. Motions to close or limit debate will be entertained.
7. Any member of the body may request a roll call vote. Pursuant to 1 V.S.A. § 312(a)(2), when one or more members attend a meeting electronically, a roll call vote is required for votes that are not unanimous.
8. Meetings may be recessed to a time and place certain.
9. All electronic devices used by council members, the public and others present must be silenced (turned off or put on 'vibrate' during council meetings. Texting, unless authorized by the city council for official city business, will be prohibited by members of the city council, the city manager, and clerk/treasurer during the meeting.
10. These rules may be amended by majority vote of the body, and must be re-adopted annually.

#### D. AGENDAS.

1. Each regular and special meeting of the body shall have an agenda. Those who wish to be added to the meeting agenda shall contact the City Manager to request inclusion on the agenda at least 3 days prior. The mayor shall determine the final content of the agenda.
2. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted in or near the municipal office and at the following designated public places in the municipality: Newport City Municipal Building, Goodrich Memorial Library and the U.S. Post Office. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted on <http://newportvermont.org/website/>. The agenda must also be made available to any person who requests such agenda prior to the meeting.
3. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to or deletion from the noticed agenda must be made as the first act of business at the meeting. No additions to or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda, for example, changing the order of business, postponing or tabling actions, may be made by majority vote of the body.

#### E. MEETINGS.

1. Regular meetings shall take place on the first and third Monday of the month at 6:30 p.m. in the Council Room of the Municipal Building, unless otherwise warned.
2. Special meetings shall be publicly announced at least 24 hours in advance by giving notice to all members of the body unless previously waived; posting in the municipal clerk's office and at the following designated places in the municipality Newport City Municipal Building, Goodrich Memorial Library, the U.S. Post Office, posted on <http://newportvermont.org/website/> and to any person who has requested notice of such meetings.
3. Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.
4. A member of the body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened, and is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting that is not unanimous must be done by roll call. If a quorum or more of the body attend a meeting (regular, special, or emergency) without being physically present at a designated meeting location, the agenda for the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the body, or at least one staff or designee of the body, shall be physically present at each designated meeting location.

**F. PUBLIC PARTICIPATION.**

1. All meetings of the body are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the body during public comment, so long as order is maintained according to these rules.
2. At the beginning of each agenda, but before any action is taken by the public body, there may be as much as 15 minutes afforded for open public comment. By majority vote, the body may increase the time for open public comment.
3. Comment by the public or members of the body must be addressed to the chair or to the body as a whole, and not to any individual member of the body or public.
4. Members of the public must be acknowledged by the mayor before speaking.
5. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.
6. Order and decorum shall be observed by all persons present at the meeting. Neither members of the body, nor the members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. Members of the body and members of the public are prohibited from making personal, impertinent, threatening, or profane remarks.
7. Members of the body and members of the public shall obey the orders of the mayor or other presiding member. The mayor should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:
  - a. Call the meeting to order and remind the members of the applicable rules of procedure.
  - b. Declare a recess or table the issue.
  - c. Adjourn the meeting until a time and date certain.
  - d. Order law enforcement to remove disorderly person(s) from the meeting.

**Dated this 20th day of March, 2023:**

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Beth Barnes, Mayor

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Council President

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# Memo

March 20, 2023

To: Newport City Council

From: Frank Cheney Zoning Administrator

RE: Notice of Public Meeting

Dear City Council Members,

The Newport Planning Commission is requesting that the Newport City Council approve the scheduling of a publicly warned hearing on April 17, 2023, at 6:00 p.m. to consider a proposed Interim amendment to the Newport City Zoning Bylaws.

The purpose of the Interim Bylaw is to clarify and expand the range of uses allowed on the ground floor of some downtown buildings where that use is currently limited to 'retail' while Newport undertakes and completes a comprehensive review and amendment of its Zoning & Subdivision Bylaws. The proposed Interim Bylaw will affect properties currently located within the Form 1 or Form 2 form-based code districts. The full text of the current bylaw and proposed Interim Bylaw is provided below:

## Currently Adopted Bylaw

### §210 Retail General Intentions

Retail is required on the ground level at primary streets and to a lesser degree, on secondary street see specific BES §211. The inclusion of retail enlivens the street and creates a purpose for pedestrians to make use of the streets. Unless otherwise noted, retail is an inclusive phrase that encompasses consumer comparison - goods, general merchandise, apparel, furnishings and other types of similar merchandise, convenience goods, food/deli, gifts, drugstore items, cards/stationary, business services, restaurants, grocery stores, lodging, hotel, theater, and other uses that provide visual interest and create an active street life.

### **Retail types:**

Retail 1: Uses that provide for direct exchange of goods/commodities with the consumer and or venues that provide entertainment or leisure activities. Generally, Retail 1 promotes high walk-in customer counts, or are shopping destinations. Retail 1 includes stores, restaurants, barber shops, beauty salons, theater/ entertainment venues and hotel lobbies.

Retail 2: Uses that provide business/professional services. Generally, Retail 2 provides essential services that are not typically high-volume foot traffic. All direct to consumer goods and services (retail) are divided into these two categories/types. Unless otherwise noted, in BES all ground floor retail refers to definition #1: Retail 1. When Retail 1 is required on ground level. Retail 2 is allowed on all levels above ground floor.



## **Proposed Interim Bylaw**

### **§210 Active Ground Floor Use**

Active ground floor uses are required in the story at sidewalk level on primary streets and, to a lesser degree on secondary streets as specified in BES §211. Active ground floor uses include any retail, dining (including drinking establishments), lodging, service (including government, professional, financial, healthcare, personal and social service uses), recreation, arts or entertainment uses that regularly generate pedestrian traffic from customers or clients and contribute to an active street life.

Where a use will be in a building with storefront windows, those window openings must be retained in a manner that enlivens the street with merchandise displays or views into an active interior space (this will not be interpreted to prevent use of interior window blinds or curtains as needed to filter light or provide privacy). Fully or partially filling in ground floor window openings will only be permitted if necessary to meet fire safety code or access requirements.

Where an active ground floor use is maintained along the street frontage for a depth into the building of at least 30 feet, interior ground floor space may be converted to a non-active, non-residential use.

All references to retail, Retail 1, and Retail 2 in any of the charts and diagrams in §211 will be interpreted to refer to active ground floor use in accordance with this section.

I have attached a copy of a draft Public Meeting Notice for your convenience. Please feel free to contact me anytime if you require additional information relevant to the proposed bylaw amendment. Thank you for your consideration.

Frank Cheney Zoning Administrator

CC: Laura Dolgin City Manager

City Manager..... (802) 334-5136  
City Clerk/Treasurer..... 334-2112  
Public Works/Parks..... 334-2124  
Zoning Adm./Assessor.... 334-6992  
Recreation..... 334-6345  
Fax..... 334-5632



City of Newport  
222 Main Street  
Newport, Vermont 05855  
[www.newportvermont.org](http://www.newportvermont.org)

## City Of Newport

### Notice Of Public Hearing- Zoning Bylaw Amendment

Notice is hereby given to the residents of Newport, Vermont that the Newport City Council will hold a public hearing in the Newport City Council Room on Monday, April 17, 2023, at 6:00 p.m. The hearing will be held for public review and comment on a proposed Interim amendment of the Newport City Zoning Bylaws, pursuant to Title 24 VSA, Chapter 117.

The purpose of the Interim Bylaw is to clarify and expand the range of uses allowed on the ground floor of some downtown buildings where that use is currently limited to 'retail' while Newport undertakes and completes a comprehensive review and amendment of its Zoning & Subdivision Bylaws. The proposed Interim Bylaw will affect properties currently within the Form 1 or Form 2 form-based code districts. The full text of the proposed Interim Bylaw is provided below:

#### Proposed Interim Bylaw

Strike §210 Retail General Intentions in its entirety and replace with:

#### §210 Active Ground Floor Use

Active ground floor uses are required in the story at sidewalk level on primary streets and, to a lesser degree on secondary streets as specified in BES §211. Active ground floor uses include any retail, dining (including drinking establishments), lodging, service (including government, professional, financial, healthcare, personal and social service uses), recreation, arts or entertainment uses that regularly generate pedestrian traffic from customers or clients and contribute to an active street life.

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City Manager (802) 334-5136  
City Clerk/Treasurer 334-2112  
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City of Newport  
222 Main Street  
Newport, Vermont 05855

Beth Barnes, Mayor

### AmeriCorps Week

As the newly elected Mayor of Newport it's a great honor to say Happy AmeriCorps Week, 2023 to all those members, past and present who have served our beautiful community on the shores of Lake Memphremagog.

I have personally known many AmeriCorps members over the past ten years and am always impressed by their hard work, their energy and their commitment to their own personal growth and to our community. They serve with dedication and I personally feel that their time in the Northeast Kingdom will provide many lasting memories, for them and us. I have even known a few who chose to stay and we're glad they did!

We look forward to welcoming many, many more AmeriCorps members and hope that they will feel at home, and know that they are valued.

Thank you all for your service.

Beth Barnes,  
Mayor  
Newport, VT  
[beth.barnes@newportvermont.org](mailto:beth.barnes@newportvermont.org)

City Manager..... (802) 334-5136  
334-3891  
City Clerk / Treasurer..... 334-2112  
334-3892  
Public Works..... 334-2124  
Zoning Adm. / Assessor..... 334-6992  
Recreation / Parks..... 334-6345  
Fax..... 334-5632



City of Newport  
222 Main Street  
Newport, Vermont 05855

Ms. Laura Dolgin  
City Manager  
222 Main Street  
Newport, VT 05855

7 March 2023

Good afternoon Laura,

This is to advise you that Mayor Paul Monette will be joining the East Main Street Cemetery Commission upon his retirement this evening. He will be replacing Mr. John Ward, Sr. who has stepped down after many years of service on the commission.

Jean Condon and I wish to thank Mr. Ward for his service and look forward to working with Mr. Monette who will continue to serve the citizens of the city of Newport.

Respectfully submitted,

Denis A. Chenette  
East Main Street Cemetery Commission