



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday, May 24,
2017
06:00 P.M.

- 1) Call to Order by the Mayor
- 2) 17-166. Review and Approve Agenda
- 3) 17-167. General Business and Appearances
- 4) 17-168. Consideration of the Consent Agenda:
 - a) Consideration of the Minutes from the May 10, 2017 Regular City Council Meeting
 - b) Approve purchase of equipment for Department of Public Works truck
 - c) Approve Proposal for snow plowing service in FY18 and FY19
 - d) Liquor Licenses: 1st Class and Outside Consumption for deMena's™s at 44 Main Street (formerly La Puerta Negra), 1st & 2nd Class and Outside Consumption for Bear Naked Growler at 186 River Street
- 5) 17-169. Union Elementary School Playground
- 6) 17-170. Committee Assignments
- 7) 17-171. Appointment(s) to the Conservation Commission

- 8) 17-172. Public Nuisance Ordinance “ 2nd Reading continued
- 9) 17-172(a). 6:30 “ 8:30 P.M “
- 10) 17-173. Zoning Review “ Part 3
- 11) 17-174. Discuss Vermont College of Fine Arts BYOB request
- 20) 17-183. Approval of Caledonia Spirits development agreement
 - a) Some discussion may be held in Executive Session in accordance with Title I, V.S.A. “§313(a)(2) “Negotiating or securing real estate purchase or lease options.“
- 21) Adjournment
- 18) 17-181. Approval of Zorzi deed transfer
 - a) Some discussion may be held in Executive Session in accordance with Title I, V.S.A. “§313(a)(2) “Negotiating or securing real estate purchase or lease options.“
- 19) 17-182. Approval of Bike Path Easement
 - a) Some discussion may be held in Executive Session in accordance with Title I, V.S.A. “§313(a)(2) “Negotiating or securing real estate purchase or lease options.“
- 12) 17-175. Discuss Goals
- 13) 17-176. Other Business
- 14) 17-177. Council Reports
- 15) 17-178. Mayor’s Report
- 16) 17-179. City Clerk’s Report

17) 17-180. City Manager's Report



CITY COUNCIL Agenda Item #17-183

Date: May 24, 2017

Consent ___ **Discussion** X **Time Sensitive** yes ___
(outlined below)

SUBJECT: Consideration of Development Agreement with Caledonia Spirits

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Authorize the City Manager to sign the Development Agreement with Caledonia Spirits as presented.

RELATED COUNCIL GOAL/PRIOR ACTION: D: Create and maintain a healthy environment for housing and economic development.

EXPENDITURE REQUIRED: Up to \$466,700 as per the agreement.

SOURCE OF FUNDS: Initial source of funds is \$100,000 from CDBG, \$150,000 from General Fund, \$105,000 from the Sewer Fund, \$50,000 from CIP and \$21,700 from the Water Fund. Funds to be repaid through future tax and user fee revenues over a ten year period.

LEGAL REQUIREMENTS: Agreement has been reviewed by Attorney Paul Giuliani

BACKGROUND INFORMATION: Caledonia Spirits is a distilling company currently based in Hardwick. They are best known for their Barr Hill gin and vodka products but are also making whiskies. They seek to expand their production capacity as well as create a destination location for customer and tourist visits. They are proposed a 30,000 square foot facility with full distilling capabilities and customer showroom. The facility will be located on Barre Street on a parcel currently owned by the Aja/Zorzi family. It is anticipated to have 40 jobs at the outset with more as it expands production. At full value and current rates it will generate about \$72,000 per year in real and personal property tax revenue and \$17,000 to \$22,000 per year in water/sewer revenues.

SUPPORTING DOCUMENTS: Draft Development Agreement, Memo from City Manager

INTERESTED PARTIES: Caledonia Spirits. Property owner, Montpelier Development Corporation

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.

DEVELOPMENT AGREEMENT 5/19/17 City DRAFT Revision

THIS AGREEMENT entered into and executed on the dates set forth below, by and between the City of Montpelier (“City”) and Caledonia Spirits, Inc. (“Caledonia”):

FOR GOOD AND VALUABLE CONSIDERATION, payment, receipt and sufficiency of which is hereby mutually acknowledged, and in consideration of the several undertakings, inducements and representations set forth herein, City and Caledonia agree as follows:

- (1) At its own cost, on or before July 31, 2017, Caledonia shall enter into a land sale contract for a parcel of vacant land located southerly of Barre Street in the City of Montpelier (the “Property”), depicted on Exhibit A, together with all appurtenant rights, interests and easements.
- (2) At its own cost and for its own use, Caledonia shall construct on the Property manufacturing and commercial improvements consisting of an approximately 30,000 square foot building with appurtenant parking, storage and related facilities, such construction anticipated to commence July 15, 2017, subject to Caledonia’s receipt of all necessary permits, licenses and approvals, business conditions, financing, and project feasibility.
- (3) For all subsequent infrastructure improvements on the property, specifically the improvements listed in sections 4, 5, 7, and 8 of this Agreement, the City shall allocate funding as designated in this agreement. Any costs over the total amount for these specified improvements shall be shared equally between Caledonia and the City.
- (4) If needed the City shall, at its own cost, install a valve upon the 14-inch water main which bisects the Property, in anticipation of the replacement and realignment of

such line. The exploratory excavation to locate this line will be done in conjunction with the site contractor's initial work. Within sixty (60) days of the execution of this Agreement, Caledonia's engineer, in conjunction with City's engineer, will design and engineer a realigned replacement to the subject water line, the construction of such realigned replacement line to be undertaken by Caledonia's Construction Manager in conformance with the City's design and specifications. Caledonia's Construction Manager will bid this work separately and the City will review the final submittals with Caledonia. The City and Caledonia will jointly select the contractor. The cost of such water line design, engineering, construction inspection and replacement will be borne by the City either by reimbursement of such billed costs or direct payments to the respective contractors and engineers. Upon completion of the replacement line and its formal acceptance by the City, all easements and licenses held by the City with respect to the existing fourteen-inch line shall be deemed abandoned, and the City shall have a permanent easement, prepared by the City Attorney, to maintain, repair, and replace the newly-constructed and realigned water line in its then-current location and orientation. In the event Caledonia shall not be the record owner of the Property at the time such improvements are to be constructed, Caledonia shall secure such consents, approvals and easements from third parties as may be necessary to construct such improvements.

86% (eighty-six percent) of the cost of such waterline engineering, repair and replacement, currently estimated at a maximum of \$155,000 (one-hundred and fifty-five thousand USD) shall be deemed a necessary repair of the existing waterline and is not part of the City's development support for Caledonia. The balance of 14% (fourteen percent) of the total improvement, currently estimated at \$21,7000 (twenty-one

thousand, seven-hundred USD), shall be allocated and committed by the City as an improvement in support of Caledonia's development to be recovered by future water revenues from Caledonia.

- (5) Subject to VTrans and Rail approval of a public crossing, the City will accept as a donation the .95 acre land parcel directly to the northeast of the Property. Before this acceptance but coincident with or prior to Caledonia's acquisition of the Property, the City and the Zorzi family will jointly approach the Rail to inform them of the potential transfer to plans to make this a public crossing or a private commercial crossing under City ownership and covered through its insurance policy as deemed appropriate through negotiations with VTrans. If and when the adjacent property is received by the City, the City shall, at its own expense, design, construct and maintain, and assume the full cost of a public road and rail crossing extending from Barre Street to the Property. At the mutually agreed conclusion of the construction of the Caledonia distillery, the City shall complete any remaining final construction of the road as a two-lane, paved road, with all necessary signs and markings, which allows for two-way traffic to enter and exit the property, capable of supporting large vehicles such as tour busses, snow plows, and semi-tracker trailers. This final construction shall include all required safety devices for such a public rail crossing.. The City and Caledonia will work cooperatively to create a future connection from the bike path to the Caledonia property. The cost of realignment or relocation of any utility infrastructure, specifically any electric power poles, or fire hydrants shall be borne by the City. The City shall coordinate with Caledonia and its contracted engineers to ensure timely completion of this work. The City shall grant

Caledonia any necessary easements to construct any signage for the distillery subject to state regulations for signage.

A total of \$300,000 (three-hundred thousand USD) shall be allocated and committed by the City for the road and rail crossing construction as an improvement in support of Caledonia's development. Any amount of the committed total of \$300,000 not expended for the road and rail crossing construction shall be made available, if needed, for other improvements that are part of this Agreement. \$100,000 will come from Community Development economic development funds, \$50,000 will come from capital improvement funds for road constructions and the balance will come from the city's Fund Balance. Funding will be recovered through future tax revenues generated from Caledonia.

- (6) Caledonia will legally convey to the City a public turnaround of suitable dimensions and location agreement to enable snowplows and other municipal or general public vehicles to circulate on site and utilize the public turnaround. Caledonia will provide the City a permanent easement for a public river access. Further Caledonia will not gate the property in order to allow vehicles to circulate on the end of this public road and to allow use of the river access..
- (7) Caledonia at its own expense, shall design and construct such apparatus, mains and lines as may be necessary to connect improvements to be constructed on the Property to City's sewage collection and treatment system. For its part, City hereby grants Caledonia an easement over, along and under lands which it possesses an interest for the purpose of constructing such improvements. The City shall endeavor to secure such easements, confirmatory conveyances, releases and consents as may be needed to

confirm its ownership and control of the sewer line which currently or in the future extends easterly from Granite Street along Granite Shed Lane to the westerly boundary of the property. The sewer main shall be defined as a point where two or more services are connected to a common line.

A total of \$40,000 (forty-thousand USD) shall be allocated and committed by the City from the sewer fund for such municipal sewer design and construction as an improvement in support of Caledonia's development. Any amount of the committed total of \$40,000 not expended for the municipal sewer design and construction shall be made available, if needed, for other improvements that are part of this Agreement.

- (8) The cost of study, planning and construction, of any necessary on-site, or site-adjacent, wastewater pre-treatment facility or system to shall be borne by the City. The City and Caledonia will jointly select the contractor. . The City shall commit and provide \$5,000 (five-thousand USD) from the sewer fund to Caledonia for the purposes of researching the best design based on the site-conditions and outflow data from Caledonia's current operations.

Exclusive of the \$5,000 committed by the City for research, a total of \$100,000 (one-hundred thousand USD) from the sewer fund shall be allocated and committed by the City for the design and construction of such wastewater pre-treatment as an improvement in support of Caledonia's development. Any amount of the committed total of \$100,000 not expended for the design and construction of the wastewater pre-treatment shall be made available, if needed, for other improvements that are part of this Agreement. Funds will be recovered through future sewer payments by Caledonia.

- (9) For water services which the City furnishes to the Property, Caledonia shall be charged rates equal to those charged to comparable volume-discounted rate users. For sewer services which the City furnishes to the Property, Caledonia shall be charge rates equal to those charged to comparable volume-discounted rate users provided, however, that sewage disposal charges may be adjusted to accommodate Caledonia's BOD, pH, TSS, Phosphorus, Ammonia levels and manufacturing chemicals unless pretreatment is installed to adjust these levels at or near residential waste streams
- (10) Subject to public hearing and approval by an independent vote of the City Council following the proper process, municipal property taxes levied by the City, in conformance with City's June 25, 2003 Tax Stabilization Policy, the Property's valuation shall be fixed for ten years commencing on the first day of April in the year following the date the improvements to be constructed on the Property are first placed into service, such valuation to be fifty percent (50%) of the appraisal value of the Property and all improvements thereon at the commencement of such stabilization period.

Additionally, should the option be approved by a ballot initiative voted upon by the residents of the City, and upon subsequent approval by a vote of the City Council, for business personal property taxes levied by the City the valuation of all business personal property shall be fixed for ten years commencing on the first day of April in the year following the date that the entirety of the business personal property is first placed into service, such valuation to be fifty percent (50%) of the then appraised value of the business personal property. Approval of tax stabilization for business personal property is also subject to public hearing and approval by an independent vote of the City Council following the proper process.

- (11) Caledonia agrees to provide City bike path and recreation pedestrian easements, or licenses at no cost to the City, across the Property in one or more locations which do not in the judgment of Caledonia, interfere with, impede or burden Caledonia's use of the Property. Grants of recreational and pedestrian easements from Caledonia and other adjoining property owners to the City will provide an exception and reservation for the City to install, maintain, repair and replace its sewer service line.
- (12) Caledonia further agrees to procure or grant City such temporary and permanent easements on the westerly side of the Property as may be necessary to construct, maintain and repair drainage improvements; provided, however, that such improvements, or the construction and maintenance thereof, do not, in the judgment of Caledonia, interfere with, impede or burden Caledonia's use of the Property. Construction of the drainage improvements are to be undertaken by the City in conjunction with the construction of the Shared Use Path Extension project. The City agrees to include in bid documents requirements that the City's contractor coordinate with Caledonia's Construction Manager around site work sequencing. Upon completion of such drainage improvements and their formal acceptance by the City, the City shall have a permanent easement to maintain, repair and replace the same.
- (13) The parties acknowledge that the implementation of this Agreement on the part of the City, with particular reference to Section 10, is expressly conditioned upon approval and ratification of the Montpelier City Council in open session.
- (14) This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successor and assign.

Executed on behalf of the City of Montpelier this ____ day of _____, 2017

ATTEST:

City Manager

City Clerk

Executed on behalf of Caledonia Spirits, Inc., this ____ day of _____, 2016

Secretary

President



America's Small Town Capital

Mayor John Hollar

William Fraser,
City Manager

City Council Members:

Dona Bate
Ashley Hill
Rosie Krueger
Jean Olson
Justin Turcotte
Anne Watson

MEMORANDUM

To: Mayor Hollar & City Council Members
From: William Fraser, City Manager
Re: Caledonia Spirits Development Agreement
Date: May 21, 2017

I have attached the most current draft of a development agreement between the City and Caledonia Spirits for their proposed project on Barre Street. I am outlining the key terms of the agreement, the underlying thought process and benefits/risks of the agreement.

The Project

Caledonia Spirits is a distilling company currently based in Hardwick. They are best known for their Barr Hill gin and vodka products but are also making whiskies. They seek to expand their production capacity as well as create a destination location for customer and tourist visits. They are proposed a 30,000 square foot facility with full distilling capabilities and customer showroom. The facility will be located on Barre Street on a parcel currently owned by the Aja/Zorzi family. It is anticipated to have 40 jobs at the outset with more as it expands production. At full value and current rates it will generate about \$72,000 per year in real and personal property tax revenue and \$17,000 to \$22,000 per year in water/sewer revenues.

Why a Development Agreement

The City has viewed this project as high priority for three key reasons. The first is straightforward – new development and new revenue. The second is that the project is bringing vitality to an underutilized section of the city and may spur additional development in that area, including Sabin's Pasture. The third is perhaps the most important. The City has long fought a reputation that we are not development or business friendly. The project is viewed as an important piece to demonstrate that businesses can and will invest in Montpelier and that the city is willing to be active partners.

In this particular case, the parcel and project come with many challenges including soil issues, rail crossing complications, need to accommodate the city's bike path, stormwater issues for both this project and the bike path, sewer connections over two other properties, issues with discharge into the city's sewer system based on quality of effluent and a property owner who has insisted

that bike path easements, Sabin's accommodations and this project's considerations all be tied together.

Timing

Caledonia Spirits needs to make a commitment to purchase the property in the very near future. They do not wish to buy the land without immediately proceeding with the project. They are facing a key business decision whether to invest in some improvements in Hardwick and mothball this project for at least three or more years or to make the commitment to Montpelier. They can't obtain financing for this project without the development agreement in place. They won't buy the land without the development agreement in place.

Timing is complicated though, by some very real unknowns which present risk for both CS and the city. CS faces a soil contamination issues with a potential \$400,000 cost which is unresolved. Additionally, this agreement calls for city funding of a rail crossing and a sewer pre-treatment system. The final requirements for both of those have not been determined,

The completely risk averse approach is to delay any agreement or land purchase until these factors are fully resolved and costs known. That approach will likely end this project at this site for the near future.

Analysis of the Agreement

I will touch on the main elements of the agreement.

Sections 1-2 are straightforward and explanatory.

Section 3 – contemplates city financial contributions to various aspects of the project and stipulates that costs which exceed the listed amounts will be shared equally by the parties.

Section 4 – The City needs to upgrade the water line in this area for our own water system purposes. This improvement is included in our water/sewer master plan. In order to accommodate the CS project, the water line has to be slightly relocated. Caledonia Spirits will perform all of the work as part of their construction project but the city will fund all of the water line. The city's direct cost is estimated at \$155,000 for the planned improvement. An additional estimated \$21,700 is needed for the development and will be included in our recouped cost calculation.

Section 5 – There are multiple items included in this section:

- The City will accept from Aja/Zorzi (at no cost) a .95 acre parcel of land. This land is needed for an access road, storm drainage (both for CS and for future Sabin's) and possible parking. We have had discussions about subsequently transferring this land to CS but that is not part of this agreement. The property is quite wet and does not have real development value on its own.
- In accepting this land, the city will build a public road to the CS facility. The road is public because CS is providing a public river access area. The estimated cost of the road construction is \$50,000 which will be included in our calculations.
- The road includes the need for a rail crossing to access the CS property. Zorzi/Aja own a deeded crossing which they are transferring to the city as part of the .95 acre parcel. The unknown is what type of improvements to the crossing will be required by the State and

Railroad. The agreement contemplates a cost of \$250,000 for this crossing, also as part of our formula.

Section 6 - This establishes a public turnaround and river access on CS property which allows the road to be a public road.

Section 7 - CS will build their sewer connection to the city's system. The City is contributing \$40,000 toward this cost to be recouped through future revenues.

Section 8 – Because of the specialized nature of the distillery's wastewater discharge, they need to study and potentially construct a pre-treatment facility on site. This is because the city's wastewater plant can't handle the potential biological demands of their discharge. A city plant upgrade would cost in the millions of dollars. Therefore we are fronting \$5,000 toward the study of these needs and up to \$100,000 of a pre-treatment facility.

Section 9 – Establishes the water and sewer rates consistent with other city rates.

Section 10 – The prior city council indicated a willingness to consider the maximum tax stabilization award for this project. The agreement spells out those terms but does not commit the city to this award. It makes clear that such an award is made independently by the council. In all candor, though, this has been on the table with CS since the very beginning of discussions. Stabilization would reduce their tax bill to \$36,000 per year for 10 years before reverting to the full value.

Sections 11-12 – Requires CS to provide all necessary easements to the city.

Section 13 – Makes clear that this agreement requires a public vote of the Council.

Section 14 – Final summary

Financial Guidelines

In considering municipal investment for this project, the city created two key parameters. Investment needed to be in portions of the project which consisted of or directly related to public infrastructure and such investments would be recouped by project revenues within ten years.

Revenue to City 10 years	Property Tax - 10 years	\$360,000
	Water Rev - 10 years	\$56,000
	Sewer Rev - 10 years	\$120,000
	Total	\$536,000
Expenses	Road	\$50,000
	Rail crossing	\$250,000
	Water line relocation	\$21,700
	Sewer connection	\$40,000
	Sewer Pre-treatment	\$105,000
	Total	\$466,700

	10 year net revenue	\$69,300
Initial Funding Sources	CDBG	\$100,000
	Water	\$21,700
	CIP	\$50,000
	Sewer	\$145,000
	General Fund	\$150,000
	Total	\$466,700

Although this is not an official Tax Increment Financing District (TIF) we are planning to fund this agreement using that basic model. The city will direct the specific future revenues from this project to repay the various fund sources.

Pros and Cons

Pros – Brings a signature Vermont business to the community. Establishes an economic development success in a challenging situation. Brings long term tax and fee revenue to the city. May help spur other development in that area of the city. Enables the bike path to move forward and sets up access for a Sabin's Pasture project. Delivers on commitments to assist with this project.

Cons – Unknown costs and risks with rail crossing and pre-treatment. Water line improvement is needed but isn't the highest priority project. Uses our full CDBG economic development fund as well as \$150,000 from the general fund balance – both to be repaid but creates a short term hit which may limit a similar level of effort with other projects.

Summary

This has been a challenging and exciting project since it was first brought to us. We have learned a great deal during this process which we can use in the future. The City has been consistent in its support for a success. Like many projects, though, costs and risks have risen. After much negotiation (and likely some final tweaking) this is what it will take to deliver Caledonia Spirits in Montpelier. The policy question is whether the result is worth the risk.

I recommend that we proceed with this agreement. We have talked a lot about being more aggressive and innovative in the economic development area.



CITY COUNCIL Agenda Item #17-170

Date: 5/19/17

Consent ☐ **Discussion** ☒

SUBJECT: Committee Assignments

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Review, discuss and assign Council representatives

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: No legal requirements

BACKGROUND INFORMATION: The Council discusses ad each member volunteers to serve on various boards for the ensuing year

SUPPORTING DOCUMENTS: Copy of current list of Committees with Council/Staff representation.

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the "CITY MANAGER'S APPROVAL:" text.

COMMITTEES WITH COUNCIL/STAFF REPRESENTATIVES
(As of March, 2016)

Americans with Disabilities (ADA)	No Council Rep	_____, Assistant City Manager Tom McArdle, DPW Director
Bike Advisory Committee	Anne Watson	Mike Miller, Planning Director
Building Code Appeals Committee	Tom Golonka Justin Turcotte Jeff A. Stetter ➡	Bob Gowans, Fire Chief Bill Fraser, City Manager Chris Lumbra, Building Inspector (Gossens Bachman Architects)
Capitol Complex Committee	No Council Rep	Paul Carnahan
Capital Projects Committee	Justin Turcotte Dona Bate John Hollar	Tom McArdle, DPW Director _____, Finance Director Bill Fraser, City Manager Planning Commission Rep Montpelier Alive Executive Director
CVRPC	No Council Rep	Tina Ruth, PC Member Mike Miller, Planning Director
CVRPC/TAC	Dona Bate	Tom McArdle, DPW Director
Central Vermont Solid Waste	Dona Bate, Alternate	Ellen Cheney
Citizen Advisory Board for Community Justice Center	Anne Watson	Yvonne Byrd, CJC Director
Community Services Steering Committee	Justin Turcotte	Arne McMullen _____, Assistant City Manager
Economic Development Strategic Plan	Jean Olson	Kevin Casey, CD Specialist _____, Assistant City Manager
Energy Advisory Committee	Anne Watson	Mike Miller, Planning Director VISTA's
GMTA/CCTA Advisory Board	No Council Rep	Harold Garabedian
Harry Sheridan Scholarship	Anne Watson	
Housing Task Force	Jean Olson	Kevin Casey, CD Specialist
Housing Trust Fund Committee	Tom Golonka Jean Olson	Kevin Casey, CD Specialist
Investment Committee	Tom Golonka	Sandy Gallup, Finance Director
Kellogg-Hubbard Library Board Rep	_____	Rachel Muse & Judy Walke (11-30-2016)
Montpelier Alive Board	Jean Olson	
Montpelier Foundation	Jean Olson	This group has not been included on this list before ... consider adding Tom Golonka as a new member as well?

Montpelier Transportation Advisory Committee	Dona Bate	Corey Line, DPW Projects Manager
One Taylor Street Design Committee	Mayor John Hollar Jessica Egerly Walsh Dona Bate	Bill Fraser, City Manager _____, Assistant City Manager
Parking Advisory Committee	Anne Watson	Kevin Casey, Community Dev. Specialist
Pedestrian Advisory Committee	Dona Bate	Kevin Casey, Community Dev. Specialist
Public Safety Authority	Tom Colonka Dona Bate	2 Representatives from each Community 3 Members at Large Bill Fraser, City Manager
Water Rate Study Committee	Tom Colonka Justin Turcotte Jean Olson	Sandy Gallup, Finance Director Tom McArdle, DPW Director Bill Fraser, City Manager
T.W. Wood Art Gallery Board	Anne Watson John Hollar	<i>(By the TW Wood deed of gift of paintings, the Mayor is automatically a member of the board.)</i>



CITY COUNCIL Agenda Item #17-171

Date: May 24, 2017

Consent ____ **Discussion** **x** **Time Sensitive** _____
(outlined below)

SUBJECT: Appointments to the City's Conservation Commission.

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Appointments to fill a two-year seat and a one-year alternate seat on the Conservation Commission.

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: No legal requirements; Council makes appointments to fill vacancies on City Boards and Commissions

BACKGROUND INFORMATION: A one-year alternate seat has been vacant. Staff advertised and received no responses. James Brady's one-year term expires on June 15th. Staff advertised and received a response from James Brady, who is seeking reappointment.

SUPPORTING DOCUMENTS: Copy of ad; e-mail response from applicant.

INTERESTED PARTIES: Applicants; Conservation Commission

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the City Manager's Approval line.



America's Small Town Capital

Mayor John Hollar

William Fraser
City Manager

City Council Members:

Dona Bate
Ashley Hill
Rosie Krueger
Jean Olson
Justin Turcotte
Anne Watson

April 25, 2017

The Times-Argus

Please insert the following with City of Montpelier notices in The Weekender, April 29-30. Thank you!

CITY OF MONTPELIER
Conservation Commission Vacancies

The City of Montpelier is seeking citizens interested in filling a two-year seat and a one-year Alternate seat on the City's Conservation Commission. Letters of interest and/or resumes should be submitted to the Office of the City Manager, City Hall - 39 Main Street, Montpelier (or by e-mailing spitonyak@montpelier-vt.org) on or by Wednesday, May 17, 2017. The City Council will make this appointment at their May 24th meeting; applicants are encouraged to attend. All municipal meetings are accessible to people with disabilities and are held in accordance with the public meeting and public records laws. Questions: 223-9502

William J. Fraser
City Manager

Sandy Pitonyak

From: cedarsnj@gmail.com on behalf of James Brady <james.jj.brady@gmail.com>
Sent: Friday, April 28, 2017 10:02 AM
To: Sandy Pitonyak
Subject: Re: Vacancies on the Commission

Greetings,

I am writing to express enthusiastic interest in renewing my two year term on the Montpelier Conservation Commission. I was recently elected Chair of the MCC and have been working hard to implement our long term strategic plan and to contribute to the upcoming City Plan update. I am excited to keep serving Montpelier and hope I have the City Council's support on taking our work to the next level.

Please let me know if you have any questions.

Thank you,

James



CITY COUNCIL Agenda Item #17-175

Date: May 24, 2017

Consent ___ **Discussion** **X** **Time Sensitive** ___
(outlined below)

SUBJECT: City Council Goals and Priorities

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Review draft goal list, identify priorities and additional information needed.

RELATED COUNCIL GOAL/PRIOR ACTION: Annual Goal Setting

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: The Council annually sets policy goals for itself and action goals for the staff. The first Council work session was held on April 11th.

SUPPORTING DOCUMENTS: Memo from City Manager, Draft goal list

INTERESTED PARTIES: Council, Staff

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.

Mayor John Hollar

William Fraser,
City Manager

City Council Members:

Dona Bate
Ashley Hill
Rosie Krueger
Jean Olson
Justin Turcotte
Anne Watson

MEMORANDUM

To: Mayor Hollar & City Council Members
From: William Fraser, City Manager
Re: 2017-18 Goal Setting Process
Date: May 21, 2017

I've attached an initial outline of Goals, Policies, Strategies, etc. based on the work done by Council and Staff to date. For a variety of reasons, the process didn't occur exactly as I initially recommended. This memo gives you – as a reminder – the outline that you all generated on the flip charts in April. It also suggests the way to complete this process.

Part 1 – Held on April 11th. Included City Council and City Manager.

From April 11th - Policy Areas, Sub-Topics and initial direction

Affordability

- Budget – 3-5 year projection. Have early discussion about limits and priorities
- Taxes
- Revenue Sources – maybe consider Sales Tax, look at areas with excess capacity for new income opportunities
- Efficiencies & Savings
- Personnel Costs
- Variety of housing options

Economic Development

- Parking – consider value of free parking, look at unmetered parking, complete the comprehensive parking plan, add accessible parking if possible
- Business Development – support MDC, enact supportive policies, improve tax stabilization (add in personal property tax)
- Zoning – approve new zoning quickly
- Master Plan – include housing, economic development, consider team Bridges concepts. Coordinate with zoning, perhaps push deadline for approval back

Housing

- Promote successful housing development
- Promote varieties of housing
- Complete and approve a housing strategic plan
- Determine the appropriate level of affordable housing
- Review sprinkler ordinance
- Consider quality of rental housing
- 1 Taylor St.

Good governance

- Have clarity in policies, use due diligence in enacting policy/regulation, reduce need for exception
- City Services
- Use regional partners – CVPSA, others (don't reinvent the wheel or duplicate)
- Communication – modernize, use web site more & keep updated, advertise city services, reach out for things like CIP budgeting, show process (flow charts) about how to do things (permits, zoning, whatever), committee info kept up to date
- Accountability & Support – regular goals check in, understand more about DH performance reviews
- Review fund balance and investment policies

Infrastructure

- Steady State Plan – continue funding, determine whether funding is sufficient
- Complete current projects
- Montpelier in Motion/Street Typography
- Integrated transportation – Evaluate, explore proposals, make decisions about future path, consider sustainable design
- Determine future of Rec building, consider community center possibilities
- Maintain city buildings/facilities – cob web control, get regular updates on facilities
- Complete Asset inventory
- How are proposed new projects vetted, prioritized and placed in project queue? (conveyor belt)

Environment

- Energy Efficiency – consider Fuel switching when possible (vehicles, buildings), track vehicle miles and fuel usage, do life cycle analysis when buying vehicles
- Berlin Pond – priority is safe drinking water supply, re-evaluate strategy concerning pond
- Stormwater – implement master plan, complete low cost high impact recommendations, think about private property, create a working group
- CSO – keep making progress, communicate successes with public
- Net Zero a) Municipal – track and report energy usage, use revolving loan fund, stay aggressive with improvements. b) Community -

Quality of Life

- Vibrant Downtown – more State St closings, support Langdon St Alive
- Sense of Place – Art master plan
- Promote open space – open space master plan, official map, Blanchard Park
- Community Services - accessible for all ages/incomes/abilities

- Walkability/Biking
- Public Health – wellness program, leisure services, Parks (mountain biking, dogs)
- Parklets – adopt ordinance, institutionalize program
- Welcoming community
- Use restorative practices

Safety

- Marches and Protests – understand costs, can they be assessed?
- Drugs – continue with community partners
- Regular crime stats, call data, graphs
- Emergency Management preparedness
- Resilience from Natural Disasters
- Improve Crosswalk safety
- E-911 addressing compliance
- Make decision on CVRPSA & Dispatch
- Public Nuisance ordinance – Econo Lodge

Part 2 – Held on April 13, 2017. Included the City Manager and City Staff Leadership Team.

City staff reviewed the policy statements and added action steps will further the policy. Staff will also added their own priorities which may be mandated, are common service demands or otherwise needed but not identified by the City Council.

The attached draft consolidates council and staff comments.

Part 3 – (Revised)

Council will review draft. Direction will be provided about which items will remain. Additional clarity will be provided on requested follow up actions. Council might consider the following questions:

- 1) Which policies/goals/actions conflict?
- 2) Which policies/goals/actions take priority?
- 3) What is expectation for this year?
- 4) What defines success for this year, long term?
- 5) Which policies/goals/actions can be delayed/eliminated if other priorities emerge?

Part 4 – (New)

After council makes key decisions, staff will provide the remaining specifics in the document. A final document will be presented for official adoption at the next Council meeting.

DRAFT 2017-2018 City Council Goals

Reference Letter	Policy Goal	Key Strategies	FY18 Focus	FY18 Actions	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
A	Affordability	Adopt budget within resources available	Set funding levels and priorities	Early discussion about budget limits and priorities				
			Review Personnel Costs	Analysis of wages and benefits compared with other communities. Negotiate fair but contained collective bargaining agreements				
			Seek efficiencies and savings	Make decision about IT position vs. contract				
				Continue implementation of Community Services Plan				
				Utilize community partners such as Downstreet, CVRPC, CVRPSA, Community Connections, MDC, MA				
		Keep tax rates and user fees sustainable	Establish long term sustainability target	Develop a 3-5 year budget plan				
		Seek new revenue sources	Decide whether to pursue local sales tax	Compile data on sales tax and a recommended plan for decision making				
			Seek areas with excess capacity for revenue opportunities	Consider feasibility of Wastewater FOG project.				

DRAFT 2017-2018 City Council Goals

Reference Letter	Policy Goal	Key Strategies	FY18 Focus	FY18 Actions	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
B	Good Governance	Develop high performing organization	Promote Leadership Values and Philosophy	Hold council retreat Establish clarity and norms for conducting city business and providing policy direction Continue Staff leadership team model Continue performance measurement program Provide regular/timely information to Council Council provide regular/timely feedback to staff				
		Maintain excellent public communications	Develop resources for improved outreach	Improve staff skills Improve website Communications strategy for major projects				
		Meet organizational needs	Build HR capacity	Improved human resources practices (annual evaluations, streamlined hiring processes, increased training)				
			Update Personnel Plan	Present updated Personnel Plan				
			Maintain accountability	Regular goals and progress updates Provide information on DH performance review process				
			Provide Support to staff					
			Emphasize Employee Wellness	Continue wellness program				
			Fully implement asset management program	Provide status update to Council				

DRAFT 2017-2018 City Council Goals

Reference Letter	Policy Goal	Key Strategies	FY18 Focus	FY18 Actions	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
C	Public Safety	Address Drug Issues proactively	Continue Project Safe Catch Continue to support Vermont Drug Task Force and Federal/Local enforcement efforts Integrate support programs throughout city government	Re-emphasize and publicize program Drug interdiction, prevention efforts ongoing Provide staff training in recognition and referral.				
		Maintain Emergency Preparedness	Prepare for Marches and Protests	Provide summary of costs and resources needed. Discuss whether costs can be assessed to participants.				
			Maintain resiliency from Natural disasters					
		Improve Public Safety Capacity	Make decision on participation in Regional Public Safety Authority	Ongoing negotiations with additional communities for dispatch				
			Update Continuity of Operations Plan (COOP) and conduct training on Plan.	Continue joint training with Barre				
			Continue Paramedic program	Hire qualified staff as opportunities occur				
			Emergency Training	All key staff with appropriate ICS training Conduct preparedness drill				
			Keep Council and Community informed	Provide regular crime and public safety statistics, call data and graphic analysis				
		Use Restorative Justice practices	Continue ordinance review and changes	Incorporate draft restorative justice language into ordinances and policies as opportunities arise.				

DRAFT 2017-2018 City Council Goals

Reference Letter	Policy Goal	Key Strategies	FY18 Focus	FY18 Actions	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
		Maintain Safe facilities	Improve crosswalk safety	Provide information on options and implement selected plan.				
			Emphasize worker safety	Implement training program Purchase necessary safety equipment				
			Consider full E-911 compliance	Council briefing on resources needed				

DRAFT 2017-2018 City Council Goals

Reference Letter	Policy Goal	Key Strategies	FY18 Focus	FY18 Actions	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
D	Economic Development	Enact responsible growth policies	Adopt and implement zoning quickly	Conduct hearings, make final changes and adopt				
			Implement EDSP	Work cooperatively with MDC Approve MOU Provide funding as per EDSP				
			Begin Master Plan revision	Decision on deadline Planning Commission to begin work Provide general direction Consider Team Bridges concepts				
			Revise Tax Stabilization policy	Propose inclusion of Personal Property Revised draft (with MDC) for council consideration				
			Develop internal toolkit and policies to increase capacity to support development	Updated policy on infrastructure needs for development for council consideration Formalize internal revolving loan fund Recommendation on TIF implementation if allowed				
		Facilitate Economic Development opportunities	Support Existing businesses	NECI River St area Community promotion				
			Provide support to potential commercial projects	Mowatt Capitol Plaza VSECU Caledonia Spirits State owned "pit" property				

DRAFT 2017-2018 City Council Goals

Reference Letter	Policy Goal	Key Strategies	FY18 Focus	FY18 Actions	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
E	Housing	Facilitate Housing projects	One Taylor Street	Finalize right of way Begin design Work with DEW for private project				
			Continue support of Dickey (French) Block project	Provide project assistance as needed				
			Actively work with landowner to create a Sabins Pasture development plan	Infrastructure cost estimates Proper planning with adjacent projects				
		Promote varieties of housing opportunities	Complete housing strategic plan	Included in the Master Plan				
			Improve quality of rental housing	Discuss fee and inspection program				
			Address barriers to housing	Review economics of housing development				
				Review sprinkler ordinance				
				Review current inventory of affordable housing				
				Consider rehab programs for existing housing				
				Enact regulations and policies which support housing development				

DRAFT 2017-2018 City Council Goals

Reference Letter	Policy Goal	Key Strategies	FY18 Focus	FY18 Actions	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
F	Quality of Life	Improve downtown infrastructure	One Taylor St	Right of Way obtained Final design of path and building Architectural and construction documents executed Project out to bid				
			Taylor St reconstruction and water quality improvements	Complete Project				
			Downtown Paving Project	Complete Project				
		Improve Parking	Complete Parking Plan	Plan to be integrated into Master Plan Understand parking needs as related to development Feasibility analysis on rail initiative				
		Provide Financial and Logistic Support for downtown	Continue DID	Review and approve DID budget				
			Fund Montpelier Alive					
			Assist with events and projects	Street closures and other assistance needed for events such as MayFest, July 3 rd , New Year's Eve, etc. Consider more street closings Support Langdon St. Alive				
		Enhance Sense of Place	Complete Art Master Plan	Complete and approve design Identify funding sources				
			Wayfinding Sign Plan	Complete and approve design Identify funding sources				
			Institutionalize Parklet program	Adopt parklet ordinance				
			Reach out to new residents	Complete welcome packet for realtors				

DRAFT 2017-2018 City Council Goals

		Develop a Healthy and Welcoming Community	Continue with pedestrian and bicycling initiatives	Implement Montpelier in Motion Plan Consider mountain biking options				
			Accessible programs	Community Services programs for all ages, incomes and abilities				
			Promote open space	Open Space Master Plan				
				Official Map				
				Blanchard Park				
				Stonewall Meadows Park				
			Address dog concerns in a balanced manner	Consider revised regulations				
				Consider creation of dog parks				
			Maintain safe and vibrant neighborhoods	Adopt public nuisance ordinance Consider additional capacity for code enforcement				

DRAFT 2017-2018 City Council Goals

Reference Letter	Policy Goal	Key Strategies	FY18 Focus	FY18 Actions	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
G	Infrastructure	Complete Current Major Projects	One Taylor St					
			Taylor St Reconstruction -					
			Shared Use Path (Winooski East extension)					
			Downtown repaving					
			Northfield Street					
		Fund/Implement CIP Maintenance	Complete projects	Review plan for sufficiency of funding for future needs				
			Full funding in budget	Bring streets to 70 PCI				
			Complete Street Typography					
			Implement adopted water/sewer plan					
			Implement equipment plan					
		Consider new projects/initiatives	Establish process for project approval	Draft a project development plan				
			Evaluate proposals for integrated transportation concepts					
		Address Facility needs in a coordinated manner	Consider facility maintenance and operational needs	Maintain buildings Determine future of Rec Building Consider community center possibilities				
		Ensure that District Heat Montpelier is financially sound	Pursue new customers	French Block Unitarian Church				

DRAFT 2017-2018 City Council Goals

Reference Letter	Policy Goal	Key Strategies	FY18 Focus	FY18 Actions	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update
H	Environment	Move toward Net Zero	Continue progress with Municipal efforts	Track and report energy use Use revolving loan fund Be aggressive with improvements				
		Provide Effective Storm Water management	Implement Master Plan	Create a working group Develop policy for private property Complete low cost high impact recommendations Consider long term funding (utility?)				
		Assure Clean rivers and waterways	Implement CSO rules	Identify needs, projects. Develop cost estimates.				
				Communicate successes to public				
				Complete roof drain study				
		Be as Energy Efficient as possible	Implement efficiency practices	Consider fuel switching Track vehicle miles and usage Perform life cycle analysis on vehicles Continue review of all city facilities with MEAC Use LED lighting in buildings				
		Provide Clean Drinking water	Gain control of water source	Charter Change – continue with negotiation process				
			Prioritize safety of drinking water	Develop plant improvements				
		Implement Greening America's Capitals	Evaluate concepts and selection for advancement	Taylor St reconstruction				



CITY COUNCIL Agenda Item #17-168(b)

Date: May 24, 2017

Consent x Discussion **Time Sensitive**
(outlined below)

SUBJECT: Truck #7 Dump Body, Plow and Hitch

SUBMITTING DEPARTMENT: Department of Public Works, Equipment Division

RECOMMENDED ACTION: Approval of Purchase Order to H. P. Fairfield,
for body and plow for Truck #7.

RELATED COUNCIL GOAL/PRIOR ACTION: Steady State – Equipment (Goal G)

EXPENDITURE REQUIRED: \$29,365.00

SOURCE OF FUNDS: FY2018 Budget - \$35,334 in Capital Equipment Plan (after
purchase of Cab & Chassis).

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: On Tuesday, May 9, 2017 three bids were received
for the purchase of a dump body and plow for Truck #7. One bid was withdrawn. The
low bid was submitted by H. P. Fairfield of Morrisville. Delivery is expected in 60-90 days
from the order date.

SUPPORTING DOCUMENTS: Bid Tabulation

INTERESTED PARTIES: Department of Public Works

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the City Manager's Approval line.

CITY OF MONTPELIER, Vermont						
Department of Public Works						
#7 Dump Body, Plow & Hitch Assembly, all related hydraulics						
Purchase #309400.83.01 (FY2018)						
Date of Opening: May 9, 2017 @10.00 am.						
			H.P. Fairfield	Iroquois	Donovan	
			Morrisville	Hinesburg	Londonderry	
					NH	
			Total	Total	Total	
			Price	Price	Price	
Item	Description					
1	Dump Body, Fisher MC 9' Plow & Hitch Assemblies, all related hydraulics		\$22,475.00	\$ 22,631.00	WITHDRAWN	
	TOTAL BID PRICE					
	<i>Estimated time of delivery:</i>		<i>60 days</i>	<i>60-90 days</i>		
2	OPTION: New Vee-Box Sander		\$ 6,890.00	\$ 6,758.00		
			\$29,365.00	\$ 29,389.00		

Minutes of the Montpelier City Council Meeting
May 10, 2017, 5:30 PM
City Council Chambers, City Hall

In attendance: Mayor John Hollar (Chair), Councilors Justin Turcotte, Anne Watson, Dona Bate, Ashley Hill, Rosie Krueger and Jean Olson. City Manager Bill Fraser was in attendance. City Clerk John Odum acted as Secretary of the meeting.

- 17-146. With the addition of a liquor license renewal (GTAN – Asiana House) to the consent agenda, the proposed agenda was approved without objection, by unanimous consent.
- 17-147. Page Guertin offered comments regarding the recent passing of Jed Guertin, and on the matter of Berlin Pond.
- City Manager Fraser announced that Sue Allen had been hired as Assistant City Manager. The Mayor added comments.
- Richard Sheir addressed the Council on the fiscal impact of multiple large projects, as well as speaking on the parking study, remote parking, and the Net Zero project.
- 17-148. Councilor Turcotte moved approval of the consent agenda, Councilor Olson seconded. Brief discussion followed. The motion carried unanimously at 5:41.
- 17-149. The Council received a presentation by Montpelier High School 9th Grade students Avery Paul and Emmett Kolber regarding the Net Zero project.
- 17-150. Ellen Cheney addressed the Council on her candidacy for the position of City Representative to the Central Vermont Solid Waste Management District Board. Councilor Turcotte moved Ellen Cheney be appointed as City Representative to the Central Vermont Solid Waste Management District Board. Councilor Bate seconded. The motion carried unanimously at 5:52.
- 17-151. In regards to the DEW/One Taylor Street agenda item, Councilor Bate moved the Council find that premature public discussion of the pending real estate matter could put the city at a significant disadvantage, and was seconded by Councilor Krueger. Motion carried unanimously.
- Councilor Watson moved the Council enter executive session to discuss said real estate matter, and to include the City Manager and Matthew Wheaton from DEW. Councilor Hill seconded, and the motion carried unanimously at 5:54.
- Councilor Watson moved the Council return to open session, Councilor Bate seconded. Motion carried unanimously at 6:30.
- 17-152. Police Chief Tony Facos read a statement on Montpelier’s fair and impartial policing policy.

- 17-159. The Council discussed the awarding of the contract for the Northfield Street Utilities Project. Discussion was held with Tom McArdle, Zach Blodgett and Kurt Motyka of the Public Works Department. Councilor Bate moved the Council award the contract for the Northfield Street Utilities Project to Dubois Construction as recommended by the Director of Public Works and designation of the City Manager as the duly authorized agent to execute the contract documents and any contract change orders that may be required. Councilor Hill seconded, and the motion carried unanimously at 6:52.
- 17-153. Planning Director Mike Miller opened a discussion of sections 1 and 2 of the proposed zoning ordinance. John Adams and Barbara Conrey from the Planning Commission offered comments.
- Comments recommending changes to the proposal were offered by Leigh Seddon and Alan Goldman. No formal action taken.
- The Chair called a recess at 8:35. The meeting was reconvened at 8:43.
- 17-152. The Mayor opened the proposed Public Nuisance Ordinance 2nd Reading/public hearing at 8:44. Mike Miller and Fire Chief Bob Gowans came up front to participate in the discussion. Comments were offered by Kelly Weston, Dan Jones and Vicki Lane.
- Councilor Turcotte moved approval of the ordinance as presented. Councilor Watson seconded. After brief discussion, the Chair – without objection and with unanimous consent – declared the motion withdrawn. At 9:14, the public hearing was declared in recess by the Chair until the next council meeting.
- 17-154. The Council received a Net Zero/Team Bridges presentation from Jay Ancel and Vincent Appel. No formal action taken at this time.
- 17-156. There was a brief discussion regarding the possible appointment of a City Councilor as representative to the City's Investment Committee. No formal action taken.
- 17-157. Councilor Watson moved the Council set the Date, Time and Place for a Special City Meeting as June 20, 7AM-7PM at City Hall. Councilor Hill seconded, and the motion carried unanimously at 9:40.
- 17-158. There was discussion of the tax stabilization item (Article 3) on the proposed special city meeting warning.
- Councilor Bate moved the Council add an Article 4 "Should dogs be required to be leashed in Hubbard Park (non-binding)" to the proposed warning. Councilor Olson seconded. Discussion followed. The motion carried unanimously.
- Councilor Watson moved the Council approve the warning as amended. Councilor Bate seconded. The motion carried unanimously.
- 17-161. Councilor Krueger asked that the 5:30 Council meetings be started at 6:00 instead. Brief discussion followed. Councilor Hill echoed the sentiment.

Councilor Watson gave an update on the flag contest.

Councilor Bate thanked the Council for supporting the proclamation for Bev Hill, reported on the Rotary Award.

Councilor Olson noted the coming “Downsizing” meeting and encouraged councilors to attend.

Councilor Turcotte noted the beginning of paving work, asked about a specific check written by the city, and asked about graffiti cleanup.

17-162. The Mayor reported on the Housing bond proposal in the Legislature and the authorization for TIF districts.

17-163. The City Clerk noted the upcoming quarterly tax payment deadline.

17-165. In regards to the Berlin Pond discussion, Councilor Bate moved a finding that it is important to go into executive session because the city would otherwise be at a disadvantage in discussions. Councilor Watson seconded. Motion carried unanimously

Councilor Bate moved the Council go into executive session for the aforementioned discussion, Councilor Turcotte seconded. The motion carried unanimously.

Hearing no objection, the Mayor declared the Council returned to open session and subsequently adjourned by unanimous consent.



CITY COUNCIL Agenda Item #17-172

Date: May 22, 2017

Consent ___ Discussion x Time Sensitive

SUBJECT: Public Nuisance Ordinance – 2nd Public Hearing Continued

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Continue the 2nd Public Hearing, with or without further amendments

RELATED COUNCIL GOAL/PRIOR ACTION: C: Maintain a Safe Community,
E: Maintain a Healthy Community for People. Council has previously directed staff to take actions to improve the situation at the Econo Lodge.

EXPENDITURE REQUIRED: None for this action; enforcement time

SOURCE OF FUNDS: Enforcement paid through General Fund Budget

LEGAL REQUIREMENTS: City regulatory authority governed by Title 24 § 2291

(13) To compel the cleaning or repair of any premises which in the judgment of the legislative body is dangerous to the health or safety of the public.

(14) To define what constitutes a public nuisance, and to provide procedures and take action for its abatement or removal as the public health, safety, or welfare may require.

(24) Upon the determination by a municipal building inspector, health officer, or fire marshal that a building within the boundaries of the town, city, or incorporated village is uninhabitable, to recover all expenses incident to the maintenance of the uninhabitable building with the expenses to constitute a lien on the property in the same manner and to the same extent as taxes assessed on the grand list, and all procedures and remedies for the collection of taxes shall apply to the collection of those expenses; provided, however, that the town, city, or incorporated village has adopted rules to determine the habitability of a building, including provisions for notice in accordance with 32 V.S.A. § 5252(3) to the building's owner prior to incurring expenses and including provisions for an administrative appeals process.

BACKGROUND INFORMATION: The former restaurant building on the Econo Lodge property has been vacant and fallen into disrepair in recent years. Neighbors have complained about its appearance and impact on the area. City and State enforcement action has resulted in the building being deemed safe and not to be a health hazard. It remains as a blight on the neighborhood.

Council conducted the 1st Public Hearing at their April 26th meeting.

SUPPORTING DOCUMENTS: Draft of new Article VII, NUISANCES, under Chapter 7, HEALTH AND SANITATION, as drafted by Attorney Paul Giuliani; further proposed amendments from the 1st Public Hearing in italics

INTERESTED PARTIES: Econo Lodge owners, Northfield Street and Derby Drive neighborhood residents, other owners of vacant buildings

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read 'W. Hoffman', is written over a horizontal line. The signature is cursive and stylized.

HEALTH AND SANITATION**ARTICLE VII. NUISANCES****Sec. 7-700. PURPOSE.**

Any property within the City which is in a state of disrepair and deterioration, including vacant buildings, unsafe structures and potentially dangerous land conditions, are deemed to be public nuisances because their existence contributes to the decrease in value of surrounding properties, precipitates disinvestment by neighboring owners, provides a location for criminal activity, undermines the aesthetic character of the city and its neighborhoods and environs, and has other undesirable effects. Allowing public nuisances to remain indefinitely, even in the absence of code violations, structural boarding and other security measures, is detrimental to the public health, safety and welfare, unreasonably interferes with the reasonable and lawful use and enjoyment of other neighboring or adjacent property, may pose a danger to first responders in an emergency, and detracts from the appearance and good order of the neighborhood. The purpose of this ordinance is to abate public nuisances and to mitigate their impacts.

Sec. 7-701. DEFINITIONS.

- (1) As used in this Article, the term “nuisance” and “public nuisance” shall mean:
- (a) the physical condition or occupancy of any premises or property regarded as a public nuisance at common law; or
 - (b) any physical condition or occupancy of any premises or property considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences and structures; or
 - (c) any premises that has unsanitary sewage or plumbing facilities; or
 - (d) any premises designated as unsafe for human habitation; or
 - (e) any premises or property that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property; or
 - (f) any premises from which plumbing, heating or other facilities have been *permanently* removed or disconnected, destroyed or rendered ineffective, or the adequate precautions against trespassers have not been provided; or
 - (g) any premise that is unsanitary, or that is littered with rubbish or garbage; or
 - (h) any structure that is in a state of dilapidation, deterioration or decay, faulty construction, overcrowded, open, vacant or abandoned, or damaged by fire or other

casualty to the extent so as to not to be habitable, or in danger of collapse or failure; or dangerous to anyone on or near the premises, or detracts from the value, use and enjoyment of neighboring or adjacent property.

- (2) As used in this Ordinance, the term “Inspection Officials” shall mean the City Building Inspector, City Health Officer or City Fire Department Chief, or such other person so designated and appointed by the City Manager.
- (3) As used in this Ordinance, the term “owner” shall mean the person holding record title to premises or property, as well as any person occupying, using, controlling or operating such premises or property as tenant, lessee or any other capacity recognized at law.
- (4) As used in this Ordinance, the terms “property” and “premises shall be used interchangeably, and shall include buildings, structures, land, land conditions, land improvements, and personal property deposited or stored thereon.

Section 7-602. PROHIBITION.

- (1) No person shall create, operate or maintain a public nuisance within the city.
- (2) No person shall fail to comply with the terms of an order of abatement issued under this ordinance.

Section 7-703. INSPECTION.

- (1) Upon receipt of information that a violation of this ordinance has occurred, an Inspection Official shall undertake a physical inspection of the premises or property. The Inspection Official may enter any building, structure or premises within the city for the purpose of making inspections or investigations at all reasonable hours; provided that, except in case of emergency, the right and authority conferred by this section shall not apply to the entry of any premises or property unless advance written notice is served on the owner thereof. Such written notice shall contain a statement of the date and time that an inspection will be made and shall also contain a statement of the purpose of such inspection.
- (2) The Inspection Official shall prepare a written report of his or her inspection of the premises or property and any corrective or abatement recommendations, and shall deliver a copy thereof to the owner of the premises and to the City Manager for transmittal to the City Council.

Section 7-704. HEARING ENFORCEMENT.

- (1) Upon at least ten days advance written notice to the owner of the premises, the City Council shall convene a public hearing to consider and act upon the inspection report of the Inspection Official. At such hearing, the City Council shall allow testimony and evidence from the owner of the premises or property, city officials and employees, and the public relating to the condition of the premises.

- (2) Following such hearing, the City Council shall deliberate and may determine that the premises constitute a public nuisance based upon specific findings. In the event the City Council determines that the premises constitute a public nuisance, it shall direct that the owner thereof produce and deliver to the City Manager a plan and schedule of remediation and abatement, such submission to be made within *a reasonable timeframe established by the City Council, but in no event less than ten days* of receipt of the City Council's findings.
- (3) In the event the owner's remediation and abatement plan is accepted and approved by the City Council, the owner shall implement said plan immediately, and shall complete the same within the time limits imposed by the City Council.
- (4) In the event the owner fails to submit a plan of remediation and abatement in accordance with subsection (2), or if the owner fails to comply with subsection (3), the city shall proceed to enforce this ordinance as provided herein, and shall seek such injunctive relief, enforcement remedies, and penalties as permitted by law, *including, without limitation, abatement of common law nuisances, abatement of public health hazards, demolition of structures determined to be in violation of this ordinance, enforcement and foreclosure of liens for unpaid fees imposed under Section 7-706, and recovery in a civil action for remediation, mitigation and abatement costs incurred by the City.*
- (5) *In addition to being subject to penalties imposed for violating this ordinance, an owner whose property is found to be in violation or noncompliance of Section 704(4) shall be liable for all costs incurred by the City under Section 704(4), and for fees imposed under Section 706, payment of which shall be secured by a lien in the nature of a contractor's lien for labor and material in favor of the City upon such property.*

Section 7-705. APPEALS.

A person, including the owner, aggrieved by any action taken hereunder by the City Council or a City official or employee may appeal *any decision made by the City Council under Section 7-704. Such appeal shall be taken* in the manner provided by law for appeals from governmental agencies and bodies.

Section 7-706. FEES.

Commencing thirty days from the date of delivery of the Inspection Official's report pursuant to Section 7-703(2) hereof, the Inspection Official shall conduct periodic inspections of the premises, no less frequently than monthly, and shall furnish a report of such inspection to the owner and the City Manager. An inspection fee of \$_____ for each such inspection is hereby established, such fee payable upon receipt by the owner of an invoice from the City Treasurer.

Section 7-707. SCOPE OF ORDINANCE.

The ordinance shall apply to all property within all areas of the City of Montpelier.

Section 7-708. DESIGNATION; PENALTIES.

This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59, for a violation of which there is hereby imposed a penalty of \$100.00 per day for each day the owner fails to comply with Section 7-704(2)(3) or (4), in addition to any other penalties provided by law.

Section 7-709. SEVERABILITY.

If any portion of this ordinance is found to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance is amended, this ordinance shall be deemed to refer to such amended statute.

Section 7-710. AUTHORITY.

This ordinance is enacted under authority granted to the City under 24 V.S.A. § 2291(14) and Section 701 of the Montpelier City Charter.



CITY COUNCIL Agenda Item #17-168(c)

Date: May 24, 2017

Consent X **Discussion** ____ **Time Sensitive** _____
(outlined below)

SUBJECT: Parking Lot Snow Plowing FY2018 & FY2019

SUBMITTING DEPARTMENT: Department of Public Works, Streets Division
Police Department, Parking Division

RECOMMENDED ACTION: Approval of Proposal from Cheney Trucking, for snow plowing services in FY2018 and FY2019.

RELATED COUNCIL GOAL/PRIOR ACTION: Steady State – Goal G (Infrastructure Maintenance)

EXPENDITURE REQUIRED: \$16,000.00 per year (expenditures in FY16 =\$7,088; FY17=\$20,248. Average for 2 years=\$13,664/year).

SOURCE OF FUNDS: FY2018 & FY2019 Budget, Parking Lot Maintenance.

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: On Tuesday, May 17, 2017, a proposal was received from Cheney Trucking of East Montpelier to plow Lot #1 (behind Rite-Aid) for the next two winter seasons at the same price they charged last year. Cheney Trucking has been satisfactorily performing this service for the City since 2009, and has been the only bidder for several years. The DPW Director recommends entering into a two-year contract to lock in the fair price offered.

SUPPORTING DOCUMENTS: Proposal attached.

INTERESTED PARTIES: Department of Public Works, Montpelier Police Department

CITY MANAGER'S APPROVAL:

Jamie Granfield

From: Tom McArdle
Sent: Wednesday, May 17, 2017 5:12 PM
To: Ginny Mackey
Cc: Brian Tuttle; NEIL MARTEL
Subject: FW: snowplowing

David, I'm able to support making the recommendation for a 2 season contract. We'll get back to you with the answer because this contract will need City Council approval.

Ginny, please use a Council agenda template to obtain approval for this contract on the consent agenda. If we don't have time for the agenda deadline for this coming meeting, we can await the next. The total contract amount based on the average seasonal plowing events will guide the amount to be shown in the expenditure column – it should be the same as the FY18 budget.

Thanks!

Tom

Thomas J McArdle
Director of Public Works
39 Main Street – City Hall
Montpelier, Vermont 05602
802-223-9508
tmcardle@montpelier-vt.org

From: David Cheney [mailto:dcheney82@yahoo.com]
Sent: Wednesday, May 17, 2017 8:21 AM
To: Tom McArdle <TMcArdle@montpelier-vt.org>
Subject: snowplowing

Cheney Trucking would like to plow for the 2017-2018 and the 2018-2019 snow seasons.

We will plow for the same rates as before

Type 1 \$336.18

Type 2 \$ 520.14

This is for the Municipal Parking Lot Plowing Lot 1

Thank you

Cheney Trucking

PO BX 1334

Montpelier Vt 05601

PH 223-5744

David Cheney 5-17-17



CITY COUNCIL Agenda Item #17-169

Date: May 24, 2017

Consent ___ **Discussion** **X** **Time Sensitive** **X**
(outlined below)

SUBJECT: Union Elementary School Playground – project introduction

SUBMITTING DEPARTMENT: City Manager on behalf of Union Elementary School

RECOMMENDED ACTION: Receive report, provide direction to staff

RELATED COUNCIL GOAL/PRIOR ACTION: E: Maintain a healthy community for people, H: Maintain a clean and healthy natural environment

EXPENDITURE REQUIRED: None for report. UES may be requesting as much as \$150,000 in city funds for stormwater improvements on the playground.

SOURCE OF FUNDS: Not determined.

LEGAL REQUIREMENTS: City must make incremental improvements to Stormwater infrastructure.

BACKGROUND INFORMATION: UES and a parent group organization have been planning and fundraising for major improvements to the UES playground. They hope to begin work this summer. They recently approached the city for funding consideration. This is an opportunity for the group to introduce the project to the Council and discuss potential city participation.

SUPPORTING DOCUMENTS: Submitted by UES group.

INTERESTED PARTIES: School department, UES, DPW

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.

PHASE ONE DESIGN



SE GROUP
Landscape Architects and Planners
151 Church Street
Burlington, VT 05401
Tel: 802.862.3086
Fax: 802.865.2442
www.segroup.com

UPP
Urban Playground Project
PLAYGROUND IMPROVEMENTS
UNION ELEMENTARY SCHOOL
MONTPELIER, VT

80% PROGRESS SET
NOT FOR CONSTRUCTION

Graphic Scale: 0 10 20 40'

North

Scale: 1"=20'-0"

Date: April 6, 2017

Drawn By: TH

Checked By: TH

Issue	No.	Description	Date

Title
LAYOUT AND MATERIALS PLAN

Sheet Number:

LA-200

Project Number: 16090001
File: LA200.dwg

Design Concepts



Natural features including a hillside ampitheater



Green infrastructure /play spaces



Updated play equipment

Design Concepts



Budget Gap

Estimated Cost Phase I

By Design and Stormwater Team

Base Budget \$591,000

Add-Alternates \$158,000

TOTAL: **\$749,000**

Raised To Date

As of May 2017

State Grant (KWCF) \$150,000

MPS Board \$305,000

Private donations \$37,000

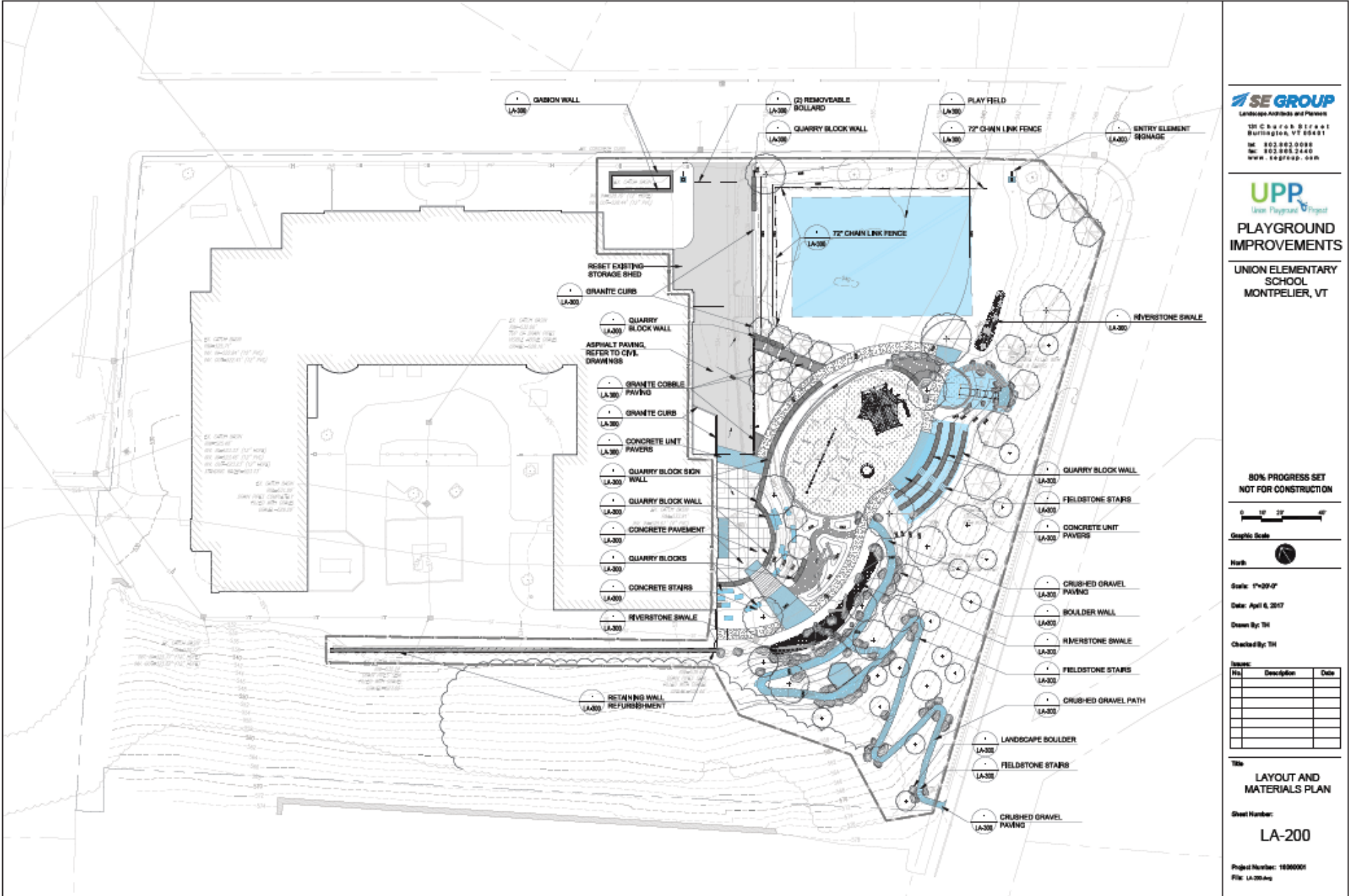
TOTAL: **\$492,000**

REMAINING: **\$440,000**

ESTIMATED FUNDS TO RAISE FOR PH 1 CONSTRUCTION THIS SUMMER:

\$150,000 - \$200,000

Design Showing PH 1 Add-Alternates



SOURCES OF PLAYGROUND PROJECT FUNDING		
Raised as of May, 2017		
SOURCE	AMOUNT	NOTES
State Funding		
Land and Water Conservation Fund Grant (federal funding distributed by the Vermont Agency of Natural Resources)	\$150,000	• Largest state grant awarded by LWCF in 2015 • 50-50 match required • Match already met by District appropriations and private donations. In-kind is allowable. • Grant end date is July 2017. Must submit request for extension. Program director assures it will be granted. • Will seek a second grant for PH 2 ("lower" Pre-K and K playground)
Subtotal State Funding	\$150,000	
Montpelier School District Funding		
Site design inc. storm water remediation design	\$45,000	• Near complete • Performed by team including SE Group and Engineering Ventures
Soil sampling	\$10,000	• Necessitated by state urban soils standard
Construction	\$250,000	
Subtotal School District Funding	\$305,000	
Private Donations		
Events	\$27,000	• Playground gala (2016) and school tag sale (2015)
Individual donations	\$5,000	
Business donations	\$5,000	• National Life and Cody Chevrolet
Subtotal School Private Donations	\$37,000	
TOTAL UPP FUNDING RAISED	\$492,000*	

*Of this total approximately \$50,000 has been spent, and \$437,000 remains for construction



CITY COUNCIL Agenda Item #17-174

Date: 5/19/17

Consent ☐ Discussion ☒

SUBJECT: Discussion of VCFA BYOB request

SUBMITTING DEPARTMENT: City Clerk

RECOMMENDED ACTION: Discuss, take action if desired.

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: VCFA has approached me about any City BYOB concerns. BYOB policies are regulated at the municipal level, not by the Department of Liquor Control. The City currently doesn't prohibit it, but the nature of the request does suggest the possibility of liability, so it behooves me to bring it to Council's attention. VCFA has asked about restrictions on BYOB outside consumption on the green, as well as alcohol purchased by any individual student for purposes of distribution in a dorm.

SUPPORTING DOCUMENTS: none

INTERESTED PARTIES: Vermont

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.



CITY COUNCIL Agenda Item #17-173

Date: May 24, 2017

Consent ☐ Discussion ☒

SUBJECT: Continuation of the discussion of the Unified Development Regulations (also known as the zoning bylaws). We will begin with presentations and public comment on the first half of Part 3.

SUBMITTING DEPARTMENT: Planning & Community Development

RECOMMENDED ACTION: The council should be prepared to ask questions of the Director and take comment from the public. The Council may, if they choose, vote to make any changes to the bylaws they deem appropriate within limits of state law.

RELATED COUNCIL GOAL/PRIOR ACTION: Support and promote a vibrant downtown; Alleviate parking pressures in Montpelier to maintain a vibrant downtown; Create a hospitable environment for housing development and grand list growth; Create a hospitable environment for housing development and grand list growth.

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Title 24 Chapter 117 lays out the requirements for the development and adoption of land use regulations.

BACKGROUND INFORMATION: This will be the fourth meeting to discuss zoning by the Council and for them to take public comments. The Planning Director will make a brief presentation to outline chapters 300, 310, and 320 to provide some context to the discussion.

SUPPORTING DOCUMENTS: The Director will include a memo which will provide a more in depth review of the sections being discussed. If time permits the Director will also hand out an updated matrix with the suggested changes and comments that have been received thus far.

INTERESTED PARTIES: Planning Commission, Housing Task Force, Conservation Commission, and MEAC.

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the City Manager's Approval line.

MEMORANDUM

To: City Council

From: Mike Miller, Director of Planning & Community Development

Re: Zoning – Part 3a

Date: May 17, 2017

Continuing on in our review of the zoning bylaws, we now move forward to Part 3. This part is the meat of the regulations and is generically titled “development standards”. It includes general standards, special use standards, and then the requirements for the various approval types – site plan, conditional use, planned unit developments, and subdivisions. Because this is a large amount to absorb I’ve broken this presentation into two pieces. This summary will include general standards, special use standards and site plan standards. The remainder will be discussed in another memo.

Same as before I will outline each **Part, Chapter** and, where appropriate, **Section** and try to highlight places of interest from a policy perspective that you may want to look further at. Where applicable I will note major changes over the current zoning bylaws.

PART 3.

Chapter 300. The General standards are best described as those rules that apply to any project including permitted uses. These rules also help with administration as they include common tasks like how to measure height and setbacks. If there is a regulation that you want to apply to all projects, this is where you would put it.

Section 3001 gives some general discussion on uses. So we allow mixed uses (.B) and any combination of permitted or conditional uses may be allowed on a parcel. This may sound straight forward but in many part of Vermont and around the country they limit properties to one primary use. That can be very constraining especially in urban areas. This section also discusses what happens for uses not on the use table (.C). We could have chosen to simply prohibit uses not on the list but we chose to provide flexibility for the Zoning Administrator to have some discretion. Good example... we had a proposal a few weeks ago about auto detailing business but we don’t have that on the use table. The provisions here would let the ZA evaluate whether this use is close enough to another use on the table to allow an application for the use or not.

Section 3002 are the rules discussing how the dimensional standards (in the tables for each zoning district in Part 2) are administered. Similar to use standards we allow multiple principal structures on one property (.B). We also have rules for residential densities (.B) and calculating densities (.C). Key in this section are the fact that, outside of the highest density areas, densities will be calculated based on buildable area rather than parcel size. Areas with slopes steeper than 30% and land beneath wetlands will not be counted towards residential densities. Every parcel always has at least one dwelling unit possible no matter how limited the site is (.C3). Finally the planning commission voted to allow duplexes anywhere single family dwellings are allowed provided the lot is on sewer and water and meets minimum lot size requirements. This is because state law already allows accessory apartments for any single family home and can occupy up to 30% of the building. In an effort to allow "invisible infill" the Commission felt that considering everyone is already allowed for a 70%/30% house to accessory apartment ratio that a 50/50 duplex would not be substantially different in character especially if the solution is an over/under duplex.

Lot size (.E), frontage (.F), and setbacks (.G) rules are straight forward and provide explanations for exceptions like parcels in more than one district, parcels on more than one street and how to measure setbacks on a lot without any frontage. Height rules (.I) have gotten some attention from the public but the rules are identical to the rules in effect today. The Commission looked at other alternatives but none worked well. Eventually the zoning administrator at the time provided input that the current rules worked and did not need to be amended.

Finally .J provides for some waivers. The one request that has been received is whether we should remove the cap on footprint waivers. Waivers will require a warned public hearing and would put the burden on the developer to prove the project will not impact the character of the neighborhood. Right now we have at least 3 projects where the footprint requirement is impacting potential projects. They are projects on large properties where they would like to cluster into one or more large apartment buildings but cannot because of the footprint rule. They aren't subdividing so they can't do a PUD and the buildings are far from property lines and can be screened so they should not impact neighbors. I will add this as a future discussion item on the matrix.

Section 3003 discusses accessory uses and structures which have their own setback requirements. This is a helpful improvement over current zoning where we get many complaints because sheds must meet the same setbacks as houses.

Section 3004 is demolition of buildings generally. This section just requires a site remediation plan to be provided and set rules for minimum levels for compliance. There

are separate rules to get permission to tear down a historic structures in the design control district. Outside design review you can tear down buildings but must return the site to grade if not being redeveloped.

The next set of rules are environmental rules which are mostly new to our zoning. For example, riparian regulations are new to zoning (3005). These apply standards within the water setback areas except in UC-1, UC-2 and Riverfront district. The rules prohibit development in the water setback area and requires the creation or maintenance of a vegetative buffer. These rules are intended to help with bank stability and stormwater runoff. As state rules increase oversight of city stormwater we are looking for implementing best practices to help maintain water quality from private developments as well.

Some other new rules to protect our environment are section 3006 for wetlands and vernal pools, section 3007 for limiting development on steep slopes and 3008 for erosion control. These all establish some limits on development or require engineering plans to ensure compliance. Section 3009 was intended to be new rules for stormwater but we needed more time to work to get rules that work at the local level. The Zoning Administrator and staff at DPW have asked that we insert the current rules regarding stormwater into this section so that will be added to the matrix for consideration.

The next two sections are transportation related and are specifications for access and circulation on site (3010) and 'parking and loading' (3011). These are fairly standard except that we have removed parking as a requirement in both UC-1 and UC-2 and reduced parking in other districts.

Finally 3012 has rules on signs. These could have been considered accessory structures (3003) or specific uses (Chapter 310) but they ended up here as their own section. I have received some comments on signs which will be added to the discussion matrix. One comment involves the question of whether we should regulate the signage on the inside of the window. Staff believes this will be very difficult to administer so we would need to have some conversations about that idea if you wish to pursue that idea.

Chapter 310. Occasionally certain uses on the use table need some additional clarification or regulation. In many cases these are uses where the state has provided some protection from regulations (e.g. accessory dwelling units) while others are complex land uses (e.g. fueling stations). In total there are 24 specific uses and these rules only apply when someone is applying for an application to develop the use.

I'm not going to review each one of these, I think most are self-explanatory. I will point out

that the following have some statutory protections: community facilities (3103), accessory dwelling units (3104), home occupations (3105), child day care homes (3106), group homes (3107), and wireless telecommunications (3122).

Chapter 320. This Chapter starts to get into the standards use in certain approvals. Not everyone will need to meet these requirements. In site plan for example, one and two family dwellings are exempt from site plan under state law.

New to these regulations is a two tier system for site plan review- major and minor site plans. Section 3201.A(1) discusses what needs major site plan and (2) says everything not major is a minor site plan. Projects needing major site plan have a few more requirements than minor site plan and still need all the same hearings that they need today. Minor site plans on the other hand will now be issued administratively and have fewer requirements.

The Planning Commission debated a great deal about what should be a major and what should be a minor. One of the big pieces was (1)(b) regarding major renovations. That term has a specific definition on page 5-12. The reason for the major renovation requirement is the topic of the architectural standards discussed previously. Those standards only apply in major site plan so we needed a trigger for when they would be applied in a development application. The decision was that in the case of an existing building, they would only apply in cases where "extensive alteration work on the exterior shell of the building" was taking place. Otherwise the DRB would not review for architecture, design and compatibility.

The standards that apply to both major and minor site plan are listed in 3202 to 3205 and the standards from 3206 to 3207 are only for major site plans. The minor site plan requirements are fairly standard for site plans. The rules may be different from other communities but access and circulation (3202), landscaping and screening (3203), outdoor lighting (3204), and outdoor seating and storage (3205) are common. I would point out that the outdoor lighting requirements are using a new approach to regulating lighting but we are not the first ones. Williston uses similar rules so we are curious to see how this approach works here in Montpelier. Staff has reviewed it and thinks it works but there will be a learning curve as we shift from foot candle measurements to lumens.

The two provisions that apply only to major site plans are solar access and shading (3206) and the design and compatibility (3207) that was discussed briefly. These two are completely new and not as typical in site plan provisions. The purpose statements for both explain their intents well. Because of how the rules are written on major and minor site plan, not a lot of projects will go through these two major site plan requirements but it will be worth tracking how easy they are to administer.

Please feel free to ask questions either at the meeting or any other time. We will also try to have Planning Commission representative at the meeting to answer why they made certain policy decisions.

Thank you.

MM



CITY COUNCIL Agenda Item #17-181, 17-182

Date: 5/22/2017

Consent ___ **Discussion** **X** **Time Sensitive** ___
(outlined below)

SUBJECT: Montpelier Bike Path Project: STP BIKE (33)S
Right-of-Way Negotiations – Memorandum of Understanding

SUBMITTING DEPARTMENT: DPW & Department of Planning Development

RECOMMENDED ACTION: Enter into Executive Session for the purposes of reviewing a proposed Memorandum of Understanding (MOU) to serve as a companion document to certain permanent & temporary easements to be acquired from the Zorzi & Aja families for the Montpelier Bike Path in the Barre Street area across a section of property know as Sabin's Pasture.

Adjourn from Executive Session and conclude consideration of the MOU by voting in open session to authorize, amend or disallow the City's commitments as set forth in said MOU.

RELATED COUNCIL GOAL/PRIOR ACTION:

Goal: D: Create & maintain a healthy environment for housing... (re: "Sabin's Pasture" access support), G – Achieve a steady state for infrastructure.....(re: Shared Use Path)

Prior action: City Council & voter approval of shared use path funding & grant agreement.

EXPENDITURE REQUIRED: Final amount of easement compensation not yet resolved – to be City / State participating in accordance with the terms of the grant agreement.

SOURCE OF FUNDS: CIP

LEGAL REQUIREMENTS: City Charter, Subchapter 13, section 1301: Taking property for public purposes. In this case, voluntary & negotiated acquisition.

BACKGROUND INFORMATION: The property owners desire assurances from the City that the construction of the shared use path along the entire frontage of their Barre Street property will not result in undue hardship to develop an access for a future and speculative ingress & egress including additional costs and undue local permitting constraints. The property owners will agree to convey the necessary permanent and temporary easements on the condition that the City Council formally enter into an agreement intended to protect their property access rights including the assignment of construction costs and environmental controls (water quality) to the City that are specific to the shared use path and a direct result of its construction. To achieve a clear

understanding of the implications of the path development, a theoretical access road was designed by the owner's engineering consultant with financial support provided through the shared use path project. Furthermore, the property grantors requested that a review of design sufficiency of the access road be provided relative to local land use permit requirements & regulations. In support of the Memorandum of Understanding, The Director of the Department of Planning Development and the Administrative Officer consider conceptual design and have provided their support in a memorandum that will serve as a companion document to the MOU.

NOTE: The MOU is in draft form and will be finalized upon review and concurrence by the property owners.

SUPPORTING DOCUMENTS (3):

Memorandum of Understanding (MOU)

Planning & Development memorandum

Entrance Road plan by DeWolfe Engineering

INTERESTED PARTIES: Residents & neighbors of the subject property, Montpelier Transportation Infrastructure & Pedestrian Committees

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read 'W. Hoffman', is written over a horizontal line.

MEMORANDUM OF UNDERSTANDING

This agreement is entered into by and between the City of Montpelier (the “City”) and Angeles A. Zorzi, Trustee of the Angeles A. Zorzi Trust, and Antonio Aja and Virginia D. Aja, Trustees of the Aja Family Living Trust (collectively, “Zorzi & Aja”) as a complement to a certain Easement Agreement by and between the City and Zorzi & Aja relating to the City’s purchase of an easement for the development of an alternative transportation path (herein “Bike Path”) on and along a portion of lands of Zorzi & Aja located on the northerly side of Barre Street in the City of Montpelier.

In consideration of the mutual representations, inducements and undertakings of the parties, sufficiency of which is hereby acknowledged, the parties agree as follows:

- (1) As an additional consideration of the grant of temporary and permanent easements for the construction of the Bike Path, the City herein agrees to permit the crossing of said Bike Path for the development by Zorzi & Aja of a public or private access road to serve as a means of vehicular and pedestrian ingress, egress and access to lands of Zorzi & Aja located northerly of said Bike Path as generally illustrated on a preliminary design plan prepared by DeWolfe Engineering entitled “Sabin’s Pasture Entrance” dated 6 April, 2017 attached hereto as Exhibit A and herein referred to as the “Entrance Plan”.
- (2) The City’s Department of Public Works has conducted a technical review of the Entrance Plan and concluded that the improvements depicted therein comply with all relevant and applicable City standards and guidelines for proper highway and street design, construction and maintenance. Accordingly, approval of an application for a

Construction and Access Permit for the improvements depicted on the Entrance Plan will not be unreasonably withheld by the City.

- (3) The City herein agrees that it will undertake, at its own expense and in coordination with construction of the improvements identified on the Entrance Plan, any and all modifications to the Bike Path deemed necessary to conform to applicable environmental and land use permit conditions and physical alterations beyond the bounds of the entrance road such as the installation of signs, pavement markings, storm water systems, etc.
- (4) The City further agrees, in full coordination with construction of Entrance Plan improvements by Zorzi and Aja, to provide sufficient funds, or undertake the work with its Public Works Department, for the purpose of constructing those elements of a storm water drainage system deemed necessary to develop and maintain the entrance road as identified on the Entrance Plan, which elements to include one or more storm water catchment designs shown below as Alternatives A and B. The actual storm water drainage systems to be constructed will be determined based on the final design of such systems as deemed necessary by engineered design, and in accordance with applicable state and local permits:
- Alternative A. Catch basin labeled “P” including frame & grate, with connecting culvert labeled 15” HDPE to catch basin labeled “E”.
 - Alternative B. Catch Basins “Q” and “R” including frames & grates with connecting culverts labeled 15” & 18” HDPE crossing Barre Street to and including the culvert outlet shown on the southerly side of Barre Street and all incidental restoration requirements **OR**, as an alternative, catch basin “Q”

including frame & grate, with culvert outlet labeled 18" HDPE with an outlet easterly of the entrance road at the Blanchard Brook.

- (5) Appurtenant to this agreement, the City submits and appends hereto as Exhibit B an opinion of design sufficiency from the Director of Planning and Community Development relative to the "Entrance Plan" which in summary indicates that the entrance road and all design elements are in compliance with relevant sections of the City's Zoning and Subdivision Regulations.
- (6) This Memorandum of Understanding shall be binding upon and inure to the benefit of the parties hereto, and their respective successors and assigns.

Done at Montpelier, Vermont, this ____ day of _____, 2017.

City of Montpelier

Angeles A. Zorzi Trust

By: _____
Its Duly Authorized City Manager

By: _____, Trustee
Angeles A. Zorzi

Aja Family Living Trust

By: _____, Trustee
Antonio Aja

And by: _____, Trustee
Virginia D. Aja

MEMORANDUM

To: Mr. Doug Zorzi

From: Mr. Mike Miller, Director of Planning & Community Development

Date: May 15, 2017

Re: Exhibit B – Preliminary Access and Road Designs for Sabin's Pasture

The Department of Planning and Community Development was recently asked to review the preliminary access and road designs for Sabin's Pasture and to determine whether or not the proposal is in conformance with the City's Zoning & Subdivision Regulations, as adopted August 30, 2006 and amended through January 26, 2011. To complete the review, the Department of Planning and Community Development was provided the following plan:

1. Site Plan prepared by DeWolfe Engineering Associates titled 'Sabin's Pasture Entrance' C1.02, Sheet 2 of 3, Project # 16243, dated 11/9/2016;

Article 7, Section 702 of the City's zoning regulations provides guidance for reviewing proposed streets. It is important to note that at this point, it is unknown what type of proposed development the proposed access and street will serve. The regulations have standards for both driveways and streets and differentiate the two based on the number of dwelling units served. Section 702(B) states *"access for more than three dwelling units, whether on the same or separate parcels, shall be reviewed as a public street, unless the Development Review Board determines the street is private as defined below..."* For the purposes of this memo, I will assume that the proposed access will serve more than three dwelling units and need to meet the standards for proposed public streets.

The proposed access and road design, as shown on the provided plan, shows an approximate 70' wide curb cut off Barre Street with a road running in the northerly direction for approximately 75' before turning in an easterly direction. As proposed, the road consist of two 10' wide paved travel lanes, two 2' wide paved shoulders, a 6" wide concrete curbing with a 6" reveal, and a 5' wide concrete sidewalk running alongside the southern side of the roadway. A new guardrail is also noted adjacent to the sidewalk.

It is important to consider that portions of this area are within the Special Flood Hazard Area (i.e. 100 year floodplain) including the proposed 69' box culvert with a 12' x 6.5' opening crossing Blanchard Brook. Development within this area will be subject to the City's local floodplain regulations which include coordination with the VT Agency of Natural Resources (ANR). Given my understanding of the project, I am confident that the crossing can meet the City's floodplain regulations.

Section 702(B) sets forth a number of requirements for new streets including minimum curve tangents, intersection alignments, street layout, intersection radii, right-of-width widths, street grades, dead end streets, street naming, orientation, street trees, pedestrian safety, access, etc. The proposed access and road designs were forwarded to the Department of Public Works for close engineering review in order to determine whether or not the proposal meets the standards for public

streets as outlined in the City's zoning ordinance. The provided proposal was reviewed for consistency with the standards set forth in §702(B)(1-17), §702(C), and §702(D). After careful review, the proposal appears to either be designed to satisfy the relevant standards [§702(B)(6-9), §702(B)(16)(a-c,e), §702(B)(17)(a)(1-2), §702(B)(17)(b)(1-2,5), §702(B)(17)(c)(2-4)], non-applicable [§702(B)(4-5,10), §702(B)(16)(d), §702(B)(17)(a)(3-4), §702(B)(17)(b)(4), §702(B)(17)(c)(1,3)], or will be addressed during the development review process [§702(B)(17)(b)(3), §702(C)(1-4), §702(D)(1-5)].

Outside of the engineering aspects of planning a new street, one should also consider the following provisions when planning the internal development plan:

Street Arrangement. Where not shown in the Montpelier Municipal Plan, streets in a development shall:

- a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
- b. Conform to a plan for the neighborhood approved or adopted by the Board to meet a particular situation where topographic or other conditions make continuance of or conformance with existing streets impracticable.*

Although no minor streets are shown on the provided plan or currently proposed, please consider the following provisions pertaining to the layout of minor streets [§702(B)(3)]:

Minor Street Layout. Minor streets shall be so laid out that their use by through traffic will be discouraged. However, connections to other minor streets within the development and in an adjacent development shall be encouraged.

Several other related provisions to consider when planning future internal access improvements:

- *The regulations require a 50' minimum right-of-way width for proposed public streets and conveyed to the City by warranty deed.*
- *Street grades shall not exceed 10% except on steep terrain where 13% may be permitted by the Development Review Board for short, non-continuous road segments. In limited cases where steeper grades are necessary to minimize site disturbance, the Development Review Board may permit grades up to 15%. In order to facilitate drainage, no street grade shall be less than 1 percent.*
- *Dead-end streets that are designated to be so permanently shall be provided with a cul-de-sac having an outside roadway diameter of at least 100 feet, and a street right-of-way diameter of at least 120 feet. No dead-end street shall be more than 1,800 feet in length. Whenever interconnecting streets can reasonably be provided, dead-end streets shall be discouraged.*
- *No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Development Review Board.*
- *The orientation of streets should; enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients.*
- *Street tree species shall be selected in accordance with the Montpelier Tree Ordinance.*
- *Pedestrian comfort and safety shall be a primary consideration of the streetscape network. Design conflicts, if any, between vehicular and pedestrian movement shall be decided in favor of the pedestrian.*
- *The Development Review Board may require specific traffic calming treatments.*
- *For minor and major planned development, access roads, including the conversion of existing private logging roads to private residential roads or driveways, and utility corridors, shall use or share existing accesses and rights-of-way where feasible; take into consideration existing contours and, to the extent*

practical, follow linear features (e.g., tree lines, stone walls); be located to minimize stream and wetland crossings; avoid to the extent practical, the fragmentation of wildlife corridors and habitat and other natural and scenic resources; and be of sufficient width and design to ensure adequate access and maneuverability for emergency response vehicles.

In terms of construction standards, proposed public streets are required to meet the following general construction requirements. It is anticipated that these standards can be readily achieved.

2. Sub-base. Minimum of 12 inches of bank run gravel or crushed stone approved by Department of Public Works, compacted in place, with no particle exceeding 6 inches in diameter, VT AOT Spec. Item 301.35. Where unacceptable original ground material is encountered, additional sub-base and/or an approved filter fabric shall be included.

3. Base. Minimum 6 inches crusher run gravel or its equivalent compacted in place with no particle exceeding one half inch in diameter, or a plant-mixed base course at a minimum of 3 inches, VT AOT Spec. Item 303.25.

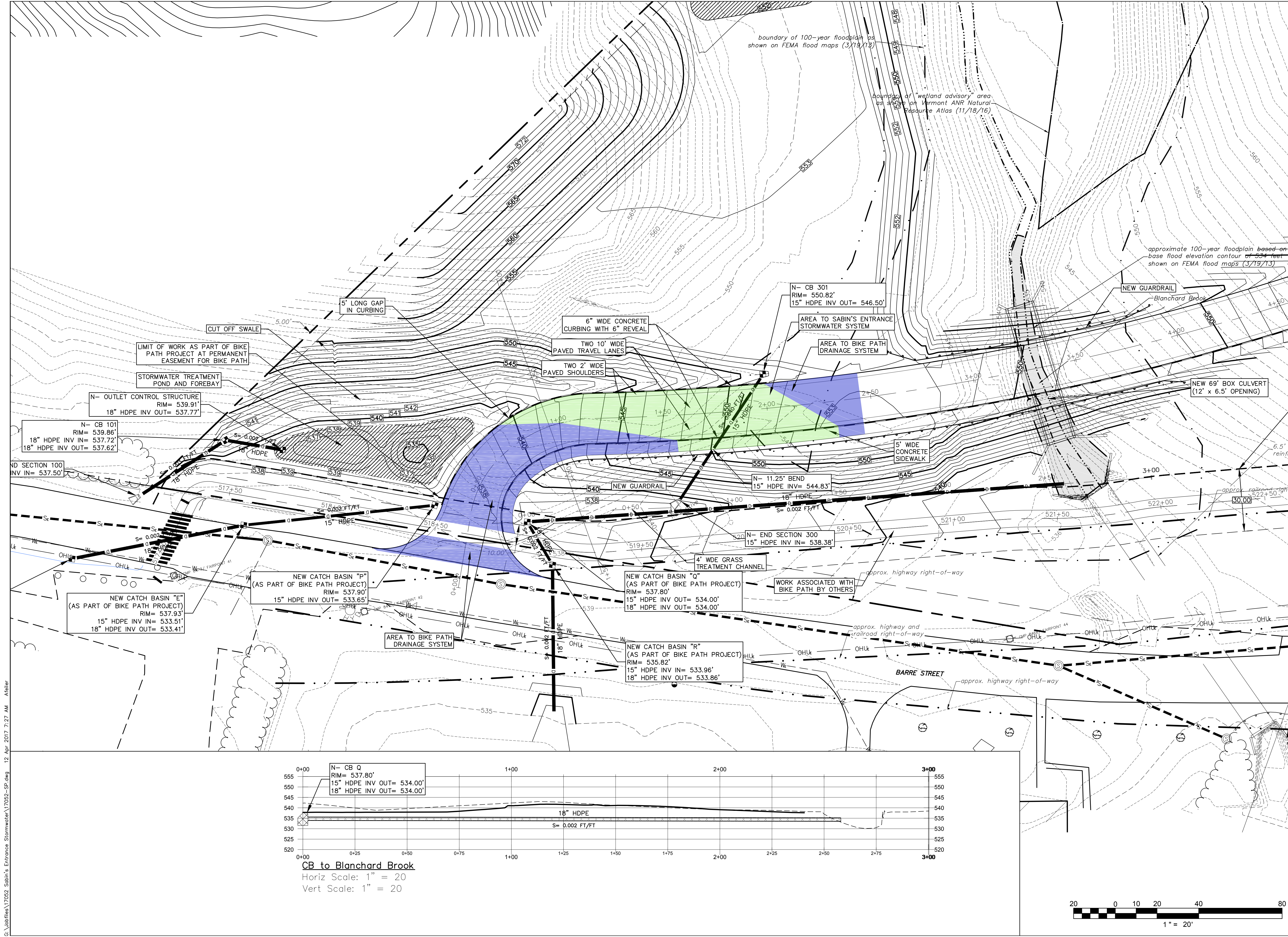
4. Surface. Roadway surfaces shall be constructed to meet one of the following two options:

a. OPTION 1: A minimum of 4 inches of bituminous concrete meeting VT AOT Spec. 406, and to be applied in two lifts: Two and one –fourth (2-1/4) inches of Type II (base course) and one and three-fourths (1 3/4) inches of Type III (wear course). The Director of Public Works will determine if both lifts will be applied within the same construction season.

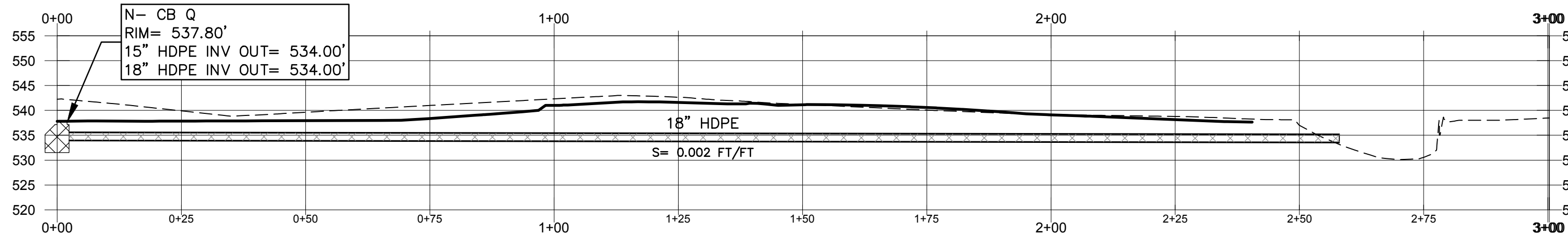
b. OPTION 2: Eight inches of Portland Cement Concrete (PCC). If PCC is used, the base may be eliminated.

5. Curbing. When required by the Development Review Board, curbing shall be utilized in place of shoulders. Curbing shall be placed at least 2 feet from the edge of the travel lane pavement. Curbs may be constructed of granite or Portland Cement Concrete.

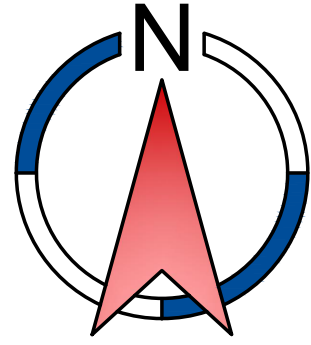
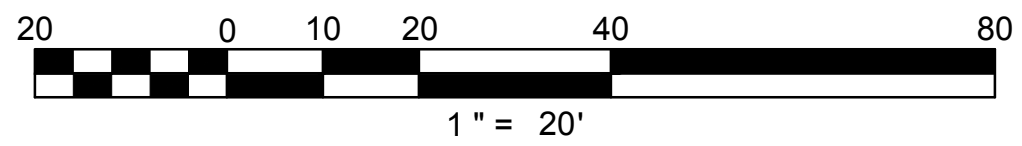
Lastly, please consider that the installation of any curb cut for access to a City street will require a permit from the Department of Public Works. Access improvements outside of the City's right-of-way will be referred to the Development Review Board for review and approval. Although I am unable to predict or guarantee the Board's decision on any given development proposal, it is customary for the Board to accept the recommendations of city staff and I am confident that the proposed access and road design, as shown on the above mentioned plan, complies with the relevant access and public street provisions as required under Section 702 of the City's existing Zoning and Subdivision Regulations.



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CB to Blanchard Brook
Horiz Scale: 1" = 20
Vert Scale: 1" = 20



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no.	date	revision
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project name: **SABIN'S PASTURE ENTRANCE**
project location: **BARRE STREET MONTPELIER, VERMONT**
client: **DOUG ZORZI**

project number: 16243
drawn by: AAF
checked by:
scale: 1"=20'
date: 9 NOV 2016
released for: OWNER REVIEW
sheet description:

SITE PLAN

C1.02

SHEET 2 OF 3