



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday, July 12,
2017
6:00 P.M.

- 1) Call to Order by the Mayor
- 2) 17-214. Review and Approve Agenda
- 3) 17-215. General Business and Appearances
- 4) 17-216. Consideration of the Consent Agenda:
 - a) Consideration of the Minutes:
 - i. June 28, 2017 Regular Council Meeting
 - ii. July 6, 2017 Special Council Meeting
 - b) Adoption of new City flag
 - c) Approval of Street Closure “ United Motorcyclists Toy Run 8/12/17
 - d) Approval of Street Closure “ ACS CAN Street Dinner, 8/22/17
 - e) Consideration of FY18 District Heat Montpelier Rates
 - f) Appointment of Mary Hooper to the Montpelier Housing Trust Fund Committee

- 5) 17-217. City Council Retreat Discussion and Actions
- 6) 17-218. Council Goals
- 7) 17-219. Discussion of Collective Bargaining Status with DPW Union
 - i. It is anticipated that this entire discussion will be held in Executive Session in accordance with Title I, V.S.A. Â§313(a)(1) “When premature general public knowledge would clearly place the state, municipality, other public body, or a person involved at a substantial disadvantage, it may go into executive session to discuss one of the following: ... B. Labor relations agreements with employees.”
- 8) 17-220. Berlin Pond Discussion
 - i. It is anticipated that this entire discussion will be held in Executive Session in accordance with Title I, V.S.A. Â§313(a)(1) “When (and only when) the public body has made a specific finding that premature general public knowledge would clearly place the state, municipality, other public body, or a person involved at a substantial disadvantage “
- 9) 17-221. Caledonia Spirits Land Discussion
 - i. It is anticipated that this entire discussion will be held in Executive Session in accordance with Title I, V.S.A. Â§313(a)(2) “Negotiating or securing real estate purchase or lease options.”
- 10) 17-221(a). 7:00 “ 9:00 P.M “
- 13) 17-224. Ordinance Amendment, 1st Reading: Revisions/Additions to DPW Fees
- 14) 17-225. Central Vermont Public Safety Authority Committee Appointment
- 15) 17-226. Other Business
- 11) 17-222. Master Plan Timeline

- 12) 17-223. Zoning Review
- 16) 17-227. Council Reports
- 17) 17-228. Mayor's Report
- 18) 17-229. City Clerk's Report
- 19) 17-230. City Manager's Report
- 20) Adjournment

David W. Rugh – drugh@firmspf.com - (802)660-2555

CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

July 11, 2017

VIA ELECTRONIC MAIL

William J. Fraser, City Manager
City of Montpelier
39 Main Street
Montpelier, VT 05602-2950
wfraser@montpelier-vt.org

Re: *Zoning and Subdivision Regulation Amendments
and 2015 Master Plan Readoption*

Dear Bill:

You have requested our opinion regarding the validity of both the City of Montpelier's (the "City's") proposed zoning and subdivision regulation amendments (the "Zoning Amendments") and its 2015 Master Plan (the "Master Plan") in light of the arguments raised in two letters, both dated June 28, 2017, submitted to Mayor Hollar by Paul Gillies, Esq. and Marc Nemeth, Esq. on behalf of Mr. Alan Goldman. A portion of Attorney Gillies' letter contends that the City's Planning Commission failed to follow a substantive requirement pursuant to 24 V.S.A. § 4387(b) in its review of the Master Plan in 2015. Although the Master Plan is presumptively valid and can only be set aside by a court order, if a court were to find that the Planning Commission did not follow the requirements of § 4387(b), then the Master Plan would be invalid. The invalidity of the Master Plan would in turn render Zoning Amendments adopted thereunder void pursuant to 24 V.S.A. § 4387(c).

In 2015 the City readopted the Master Plan, which was based on the former, 2010 Master Plan. We understand and assume for the purposes of this opinion that in readopting the Master Plan, the Planning Commission only updated the date references in the prior 2010 Master Plan and did not review and update the information upon which the 2010 Master Plan was based. Before readopting a municipal plan, 24 V.S.A. § 4387(b) requires the Planning Commission to review and update the information on which the plan is based and to consider that information in evaluating the continuing applicability of the plan. If the Planning Commission neither reviewed, updated nor considered such information, then the readoption of the City's Master Plan in 2015 may be invalid.

We are of the opinion that the requirements of 24 V.S.A. § 4387(b) are substantive in nature, as opposed to procedural, and thus would not satisfy a number of exceptions in 24 V.S.A. Chapter 117 for the failure of municipalities to strictly follow procedural requirements in adopting plans and bylaws. For example, 24 V.S.A. § 4483(a) only requires “substantial compliance” with the procedural requirements in adopting, amending or readopting plans and bylaws and directs courts not to invalidate plans and bylaws due to a failure to adhere to the strict requirements of 24 V.S.A. Chapter 117 “concerning minor and nonessential particulars.” The Vermont Supreme Court has held that “Procedural defects are defects and irregularities in the mode of enactment of the ordinance that do not pertain to the nature of the ordinance itself.” *In re Paynter 2-Lot Subdivision*, 2010 VT 28, ¶ 7 (citation omitted). Procedural defects include infirmities such as failure to post notice of public hearings and defects in the written report prepared by the Planning Commission. *Id.* (citations omitted). A requirement that the Planning Commission review and update data upon which a plan is based during the readoption process is a substantive requirement pertaining to the contents of the plan itself, not akin to a defect in notice. Further, 24 V.S.A. § 4483(b) contains a statute of limitations that prohibits challenges to municipal plans adopted more than two years after the date of the challenge. But this statute of limitations only applies to challenges based on “purported procedural defects.” It does not apply to prevent challenges to municipal plans and bylaws based on substantive defects like the failure of the Planning Commission to follow the requirements of 24 V.S.A. § 4387(b).

Therefore, if a challenge to the 2015 Master Plan under § 4387(b) were successful, the Zoning Amendments adopted by City Council under the 2015 Master Plan would be invalid. Pursuant to 24 V.S.A. § 4387(c), upon the expiration of a plan, the City’s then-current zoning bylaws and capital budget and programs would remain in effect, but they could not be amended until the City Council approves a new City plan. In this instance, the previous, expired 2010 Master Plan would be viewed as the current plan for the City.

Mr. Goldman’s other arguments are unlikely to lead to invalidation of the Master Plan and Zoning Amendments. In his letter Attorney Gilles argues that the Master Plan lacks a future land use map, and apparently one such map, known as Figure 30, was omitted in readopting the Master Plan. 24 V.S.A. § 4382(a) requires municipal plans to include a map and a “statement of present and prospective land uses.” Even without Figure 30, which was apparently labeled a “Future Land Use” map, Figure 29 on page 119 of the 2015 Master Plan appears to act as its own “future land use map.” Figure 29 sets out areas of present and prospective land uses, including areas proposed for forests, recreation, agriculture, residential, commercial, industry, public and open space uses. *Id.* § 4382(a)(2)(A). The 2015 Master Plan also discusses present and prospective locations, amounts, intensity and character of such land uses and the timing and sequence of land development

William J. Fraser, City Manager
July 11, 2017
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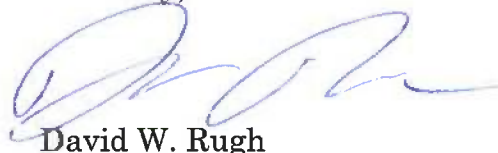
in relation to providing community facilities and services. *Id.* § 4382(a)(2)(B). Further, Master Plan Figure 29A identifies areas for designation under 24 V.S.A. Chapter 76A (designated downtowns and growth centers). *Id.* § 4382(a)(2)(C). Thus, it's unlikely that a court would invalidate the Master Plan solely due to the omission of Figure 30.

In Attorney Nemeth's letter, Mr. Goldman also contends that the Zoning Amendments' Natural Resource Inventory Map and some of the features and buffer zones identified thereon do not comply with the Master Plan. It is unlikely that any such noncompliance or inconsistency would invalidate the Zoning Amendments, however. Assuming the Master Plan is valid, the Zoning Amendments adopted thereunder must be "in conformance with the plan." 24 V.S.A. § 4401. That said, the Zoning Amendments may be inconsistent with the municipal plan in some respects since "total consistency" between a municipal plan and the zoning bylaws adopted thereunder "is not a legal requirement." *Smith v. Winhall Planning Comm'n*, 140 Vt. 178, 183 (1981). Although zoning bylaws must reflect the plan, they "need not be controlled by it," and only those plan provisions incorporated into zoning bylaws are legally enforceable. *Kalakowski v. John A. Russell Corp.*, 137 Vt. 219, 225-26 (1979). Thus, it's unlikely a court will invalidate the Zoning Amendments and the Natural Resource Inventory Map contained therein solely because they are not entirely consistent with the natural resource map in the Master Plan.

Lastly, the City Council still may proceed to hold one or more public hearings on the Zoning Amendments on July 12th and in the coming months even assuming *arguendo* that the Master Plan is invalid for failure of the Planning Commission to follow 24 V.S.A. § 4387(b). There's no requirement that the Council's public hearings on the Zoning Amendments wait until after a City plan is in place. Instead, once a new City plan has been adopted, the only requirement is that the Zoning Amendments be adopted within one year of the Planning Commission's final hearing on the Zoning Amendments. 24 V.S.A. § 4442(g). Thus, the Council has until April 10, 2018 to adopt the Zoning Amendments, assuming a new City plan already has been adopted.

Please let us know if you have further questions.

Sincerely,



David W. Rugh

DWR/gc

Minutes of the Montpelier City Council Meeting
June 28, 2017, 6:00 PM
City Council Chambers, City Hall

In attendance: Mayor John Hollar (Chair), Councilors Justin Turcotte, Anne Watson, Ashley Hill (arrived at 6:07), Rosie Krueger, Dona Bate and Jean Olson. Asst City Manager Sue Allen was in attendance. City Clerk John Odum acted as Secretary of the meeting.

The Mayor called the meeting to order at 6:00 PM.

- 17-196. The proposed agenda was approved without objection by unanimous consent.
- 17-197. Finance Director Todd Provencher initiated a brief conversation of procedure and scheduling for utility rate setting. No formal action taken.
- 16-198. Councilor Bate moved approval of the consent agenda, Councilor Watson seconded. Motion carried unanimously (5-0, Councilor Hill not present).
- 17-199. Kevin Casey of the Planning and Development Department came forward for the public hearing to close out the Community Development Block Grant for Disaster Recovery for the One Taylor St. River Wall Reconstruction Project. Public hearing was opened by the Chair at 6:06. There was brief discussion. No public comments offered. The Chair closed the public hearing at 6:07. No formal action was taken.
- 17-200. Mr. Casey was joined by Jack McCullough of the Housing Task Force. A discussion of the Housing Trust Fund Committee's financial request followed, which developed into a discussion of the correctness of the fund's mission and repayment policies. Councilor Bate moved the Council approve awarding Downstreet Housing and Community Development's request for \$51,250 from the Montpelier Housing Trust Fund to provide funding for the First Time Homebuyer Down payment and Equity Building Assistance Program. Councilor Hill seconded. Motion carried 5-1 (Councilor Krueger voting nay).
- 17-201. The City Council discussed Committee Assignments. No formal action was taken, but the prior Committee membership was informally carried over with the following changes: Councilor Krueger replacing former Councilors Golonka, Edgerly Walsh, and current Councilor Olson on the Building Code Appeals Committee, the One Taylor Street Design Committee, and the Housing Trust Fund Committee respectively. Also, Councilor Watson replaced former Councilor Golonka on the Investment Committee.

For the Council appointment to the Public Safety Authority, Councilor Bate moved the appointment of Tom Golonka, and was seconded by Councilor Olson. Motion failed on a 3-3 vote (Bate, Olson, and Krueger voting aye, Watson, Turcotte, Hollar voting nay, and Hill abstaining as recusal).

Councilor Watson moved that Councilor Hill be appointed to the PSA, and was seconded by Councilor Turcotte. Motion failed on a 3-3 vote (Bate, Olson, Krueger voting nay, Watson, Turcotte, and Hollar voting aye, Hill abstaining as recusal).

Finance Director Todd Provencher briefly participated in the discussion in regards to the Water Rate Study Committee.

- 17-202. There was discussion of the formation of a Council sub-group to work on parking issues. Councilors Watson and Bate expressed interest. No formal action taken.
- 17-203. Planning and Development Director Mike Miller came forward to lead a review of parts 4 and 5 of the proposed Zoning Ordinance. Public comments were offered by Gerry Tarrant, Carl Martineau, and Alan Goldman, all in opposition. Participating in the discussion informationally were Barbara Conrey and Joe Castellano.
- 17-205. Councilor Krueger reported on the meal program based at the middle school. Councilor Watson reported on the flag contest and on fundraising for the proposed pocket park as well as assistance from Yestermorrow, before encouraging people to attend the film “Tomorrow” at the Savoy Theater. Councilor Bate encouraged participation in July 3rd events and emphasized the pocket park GoFundMe page. Councilor Olson encouraged input from Councilors on the city website.
- 17-206. The Mayor reminded councilors to walk in the parade. There was a brief discussion.

Without objection, the Chair declared the meeting adjourned by unanimous consent.

Minutes of the Montpelier City Council Meeting
July 6, 2017, 4:00 PM
City Manager's Conference Room, City Hall

In attendance (via telephone): Councilors Anne Watson (Chair), Ashley Hill, Justin Turcotte, Dona Bate, Jean Olson, and Rosie Krueger (arriving late). City Manager Bill Fraser (Secretary), Assistant City Manager Sue Allen and Finance Director Todd Provencher were present in person.

Councilor Watson called the meeting to order at 4:06 PM.

The agenda was approved by unanimous consent.

There were no general business or appearances.

Councilor Bate moved to approve the proposed tax rate, water/sewer benefit charge and sewer separation charge as presented by staff. Councilor Turcotte seconded. Motion carried unanimously (4-0).

Councilor Krueger joined the meeting via telephone.

A brief discussion of District Heat rates ensued. Without objection, the Chair moved and approved that the rates be placed on the July 12 consent agenda, by unanimous consent.

The City Manager informed the council that the Organics to Energy (FOG) project would be on the July 26 agenda.

Without objection, the Chair declared the meeting adjourned by unanimous consent at 4:11 PM



CITY COUNCIL Agenda Item #17-216(b)

Date: 7/12/17

Consent X Discussion

SUBJECT: Adoption of the new City Flag

SUBMITTING DEPARTMENT: City Clerk

RECOMMENDED ACTION: approve.

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Formal approval of the winning design of the new Montpelier City Flag contest, as announced during the July 3rd festivities

SUPPORTING DOCUMENTS: Image of winning design submitted by Chet Larrow

INTERESTED PARTIES:

CITY MANAGER'S APPROVAL:

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





CITY COUNCIL Agenda Item #17-216(c)

Date: July 12, 2017

Consent X **Discussion** _____

SUBJECT: Consideration of a Street Closure Permit Application for State Street from Bailey Avenue to Taylor Street

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Approve a Street Closure Permit Application from Michael Burt for the closure of State Street (between Bailey Avenue and Taylor Street) on Saturday, August 12, 2017, from 12:00 P.M. to 3:00 P.M. for the United Motorcyclists Toy Run.

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Requests for street closures require Council approval.

BACKGROUND INFORMATION: The City's new Street Closure Permit Application has a section which shows that Police, Public Works, Fire and Montpelier Alive have reviewed and signed off on these applications. Another step in the new Street Closure Policy is that if the request is for State, Main, Langdon or Elm Streets or adjacent parking lots, the City will provide public notification of both the proposed closure and the date the Council will consider this request. If this request is approved, the organizers will then provide written notice of their event to all nearby property owners.

SUPPORTING DOCUMENTS: Street Closure Application Form

INTERESTED PARTIES: All property owners in the State Street, Bailey Avenue and Taylor Street areas; Fire; Police and Public Works

CITY MANAGER'S APPROVAL:

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

Street Closure Permit Application

1. Event Sponsor

Name: <i>Michael Burt</i>	Email: <i>mburt@myfairpoint.net</i>
Address:	
Cell Phone: <i>802-424-6310</i>	Other Phone: <i>802-748-0675</i>

2. Event Details

Name of Event: <i>United Motorcyclists Toy Run</i>	
General description of the event (1 to 3 sentences): <i>Motorcycles gather at Blue Cross/Blue Shield and ride to state house where toys are placed on steps and speakers address crowd and then toys are gathered for survivors and event is over</i>	
Date of Event: <i>8/12/2017</i>	Start and End Time of Event: <i>12:00 PM - 3:00 PM</i>
Street(s) to be Closed - Please provide a sketch of the event layout. <i>State Street</i> <i>Barley Ave to Thayer St upon Motorcycles Arrival (Nov/802)</i>	
Time Street will close (recommend up to an hour before event): <i>12:00 PM</i>	Time Street will reopen (recommend 30 minutes after the event ends): <i>3:00 PM</i>
Number of Staff/Volunteers on site for Event: <i>10-12</i>	
Number of people expected at event: <i>750/1000</i>	Number of vendors and/or entertainers who will participate: <i>NONE however there is a hot dog vendor not associated with UMW</i>

3. Community Support

Is this a reoccurring event in Montpelier? <i>Yes / Yearly</i>	If no, do you have experience elsewhere with such events? Please explain.
How does this event benefit the public (as outlined in the Street Closure Policy)? <i>Toys & money are gathered for the survivors hospitals</i>	

4. Public Safety and Public Health

Please describe any discussions or arrangements that the Event Sponsor has made with public safety or public works professionals in Montpelier.

we have the support of local police depts.

What arrangements have been made for food, water, and toilet facilities (if applicable)?

*Shrimers hand out water and state house
Toilets are Available.*

What arrangements have been made to assure that litter will be cleaned up and disposed of and that trash and recycling containers will be provided?

We will clean up area before leaving

If additional law enforcement officials will be hired for your event, please list:

none

Please note any other unique aspects of this event:

Will noise levels or hours exceed the city's noise ordinance? If so, will this event require a request for variance from the noise ordinance? *NO*.

5. Accessibility

As this event will take place on public property, I, as the Event Sponsor, attest that this event and all related programming and facilities meet the Americans with Disabilities Act accessibility requirements. These requirements are available at the City's website.

Street Closure Permit Application

Michael S. Burt
Signature

Michael S. Burt
Printed Name

7/26/2017
Date

6. Signature

I, the undersigned, certify that the information provided above is valid and I will abide by any additional provisions note by Officials below. I acknowledge that I have read and understand the Montpelier Street Closure policy and that I am responsible for compliance with all requirements contained in that policy. I also agree to be onsite for the duration of the above mentioned street closure.

Michael S. Burt
Signature

Michael S. Burt
Printed Name

7/26/2017
Date

For Official Use Only

The following parties have reviewed and approved:

Approved	Department	Signature	Conditions/Comments
☐	Police Department	<i>NEIL MARTEL Captain</i>	Police to provide Traffic Control at closed intersections, will close STATE from Bailey to Taylor upon MTR ARRIVAL due to Pedestrian Activity
☒	Public Works	<i>[Signature]</i>	
☒	Fire Department	<i>[Signature]</i>	
☒	Montpelier Alive	<i>[Signature]</i>	Good luck!
☐	Other as needed:		

This permit request was reviewed at the (month, day, year) _____ City Council meeting. This permit request was:

APPROVE

DENIED

Notice Documentation

Name of Event: <i>UMV TOY RUN</i>	
Date of Event: <i>8/12/2017</i>	Start and End Time of Event: <i>12:00 PM - 3:00 PM</i>
Street(s) to be Closed: <i>STATE STREET</i>	
Time Street will close (recommend up to an hour before event): <i>12:00 PM</i>	Time Street will reopen (recommend 30 minutes after the event ends): <i>3:00 PM</i>
Date of City Council Meeting to consider permit request:	
Describe Efforts made to notify residents and businesses along the street to be closed. Notification must include both the date/time of the proposed event and the date/time of the City Council meeting where the street closure will be considered. <i>Flyers are placed in local business throughout the State.</i>	



CITY COUNCIL Agenda Item #17-216(d)

Date: July 12, 2017

Consent X **Discussion** _____

SUBJECT: Consideration of a Street Closure Permit Application for Landgon Street

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Approve a Street Closure Permit Application from Jill Sudhoff-Guerin of the American Cancer Society for the closure of Langdon Street on Tuesday, August 22, 2017, from 5:00 P.M. to 8:30 P.M. for the American Cancer Society CAN Street Dinner.

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Requests for street closures require Council approval.

BACKGROUND INFORMATION: The City's new Street Closure Permit Application has a section which shows that Police, Public Works, Fire and Montpelier Alive have reviewed and signed off on these applications. Another step in the new Street Closure Policy is that if the request is for State, Main, Langdon or Elm Streets or adjacent parking lots, the City will provide public notification of both the proposed closure and the date the Council will consider this request. If this request is approved, the organizers will then provide written notice of their event to all nearby property owners.

SUPPORTING DOCUMENTS: Street Closure Application Form

INTERESTED PARTIES: All property owners in the Langdon Street area; Fire; Police and Public Works

CITY MANAGER'S APPROVAL:

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

Street Closure Permit Application

1. Event Sponsor

Name: Jill Sudhoff-Guerin	Email: jill.sudhoffguerin@cancer.org
Address: 55 Day Lane, Williston VT	
Cell Phone: 802.917.5817	Other Phone:

2. Event Details

Name of Event: ACS CAN Street Dinner	
General description of the event (1 to 3 sentences): A community dinner in which there would be one long table set out on State St. (or Langdon if State is too difficult) and Montpelier restaurants and eateries would donate the food. Plates would be shared family style. People could purchase tickets or sponsor a table.	
Date of Event: Tuesday, August 22, 2017	Start and End Time of Event: 6-8pm
Street(s) to be Closed - Please provide a sketch of the event layout. State St. closed from Bailey intersection, to	
Time Street will close (recommend up to an hour before event): 5pm	Time Street will reopen (recommend 30 minutes after the event ends): 8:30pm
Number of Staff/Volunteers on site for Event: 20	
Number of people expected at event: 60	Number of vendors and/or entertainers who will participate: Not sure, the event would be open to all Montpelier businesses and restaurants

3. Community Support

Is this a reoccurring event in Montpelier? No	If no, do you have experience elsewhere with such events? Please explain. I have put on yearly events with 60-90 attendees
How does this event benefit the public (as outlined in the Street Closure Policy)? Community involvement and bonding. Building relationships and promoting businesses all for a good cause. Here is a picture from CA of a community dining experience with vendors on the side: http://www.worldrecordacademy.com/food/img/112328-1_longest_picnic_table_Safeway.jpg	

Street Closure Permit Application

4. Public Safety and Public Health

Please describe any discussions or arrangements that the Event Sponsor has made with public safety or public works professionals in Montpelier.

Met with Mayor John Hollar on Friday, June 23rd. He was enthusiastic about the idea, told me to fill out the permit application and gave advice.

What arrangements have been made for food, water, and toilet facilities (if applicable)?

Nothing has been contracted yet, as I would like to have a permit in place first.

What arrangements have been made to assure that litter will be cleaned up and disposed of and that trash and recycling containers will be provided?

We have volunteers to ensure no litter will be left on the premises and there will be trash and recycling containers.

If additional law enforcement officials will be hired for your event, please list:

We will need traffic safety personnel but this could be done by volunteers as well.

Please note any other unique aspects of this event:

We could provide a forum of discussion along with the dinner. Potentially, a discussion of health care and prevention as it is a fundraiser for the Cancer Action Network

Will noise levels or hours exceed the city's noise ordinance? If so, will this event require a request for variance from the noise ordinance? Dinner music would be nice

5. Accessibility

As this event will take place on public property, I, as the Event Sponsor, attest that this event and all related programming and facilities meet the Americans with Disabilities Act accessibility requirements. These requirements are available at the City's website.


Signature

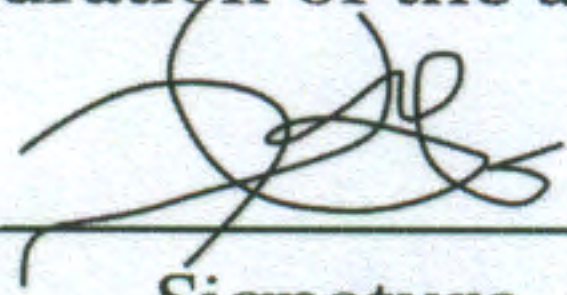
Jill Sudhoff-Guerin
Printed Name

6/28/2017
Date

Street Closure Permit Application

6. Signature

I, the undersigned, certify that the information provided above is valid and I will abide by any additional provisions note by Officials below. I acknowledge that I have read and understand the Montpelier Street Closure policy and that I am responsible for compliance with all requirements contained in that policy. I also agree to be onsite for the duration of the above mentioned street closure.



Signature

Jill Sudhoff-Guerin

Printed Name

6/28/2017

Date

Notice Documentation

Name of Event:	
Date of Event:	Start and End Time of Event:
Street(s) to be Closed:	
Time Street will close (recommend up to an hour before event):	Time Street will reopen (recommend 30 minutes after the event ends):
Date of City Council Meeting to consider permit request:	
Describe Efforts made to notify residents and businesses along the street to be closed. Notification must include both the date/time of the proposed event and the date/time of the City Council meeting where the street closure will be considered.	

Street Closure Permit Application

FOR OFFICIAL USE ONLY

The following parties have reviewed and approved:

POLICE	
Reviewed by: <i>(CAPTAIN)</i> NEIL MARTEL Print Name <i>[Signature]</i> Signature 7/28/17 Date	☐ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: <i>Recommend Langdon Street as first location option second option would be STATE ST from MAIN ST. Intersection to Elm St Intersection. Would like DPW to weigh in on construction concerns for this time period as well. STATE ST (from Bailey Ave to Taylor) is not favorable location to close for such an event and an time & date requested.</i> ☐ Reviewed – do not recommend approval
PUBLIC WORKS	
Reviewed by: THOMAS MCARDLE Print Name <i>[Signature]</i> Signature 6/30/17 Date	☐ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: <i>Depending on status of construction, may need to be after time of street re-opening. However, projects downtown should be complete by early August.</i> ☐ Reviewed – do not recommend approval
FIRE DEPARTMENT	
Reviewed by: Robert Gowans Print Name <i>[Signature]</i> Signature 6-30-17 Date	☐ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: <i>Maintain Emergency vehicle Access</i> ☐ Reviewed – do not recommend approval

Street Closure Permit Application

MONTPELIER ALIVE	
Reviewed by: <i>Ashley Witzburg</i> Print Name Signature Date	☒ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: <i>Approval A Langdon Only!</i> ☐ Reviewed – do not recommend approval
OTHER	
Reviewed by: Print Name Signature Date	☐ Reviewed – recommend approval with no conditions ☐ Reviewed – recommend approval with conditions: ☐ Reviewed – do not recommend approval

This permit request was reviewed at the (month, day, year) _____ City Council meeting. This permit request was:

APPROVE _____ DENIED _____



CITY COUNCIL Agenda Item #17-216(e)

Date: July 12, 2017

Consent X **Discussion**

SUBJECT: District Heat Montpelier FY18 Rate Setting

SUBMITTING DEPARTMENT: Finance and City Manager's Office

RECOMMENDED ACTION: Set District Heat Rates for FY18 and hold contracted capacity as originally negotiated.

RELATED COUNCIL GOAL/PRIOR ACTION:

G: Achieve a steady state for infrastructure maintenance and improvements, facilities, and equipment.

EXPENDITURE REQUIRED: Establish rates as recommended to meet budget commitments.

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Agreements with DHM customers and the Thermal Purchase and Sale Agreement with the State of Vermont.

BACKGROUND INFORMATION: See attached memo

SUPPORTING DOCUMENTS: See attached memo

INTERESTED PARTIES: District Heat Montpelier customers

CITY MANAGER'S APPROVAL:

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



America's Small Town Capital

MEMORANDUM

To: Mayor Hollar & City Council Members
From: Todd Provencher, Finance Director
Re: Recommended District Heat Montpelier Rates for FY18
Date: July 12, 2017

I recommend the City Council establish the District Heat Montpelier (DHM) capacity rate at \$5.06/MBTUH (increase of \$.06) and maintain the energy rate at \$10.44/MMBTU for FY18. These rates will generate enough revenue to cover the operational costs of District Heat Montpelier for FY18 (exclusive of depreciation). Additionally, I recommend that the contracted capacity amounts remain the same for all customers until a complete analysis of capacity used for the past three heating systems can be completed.

The DHM rate is made up of the capacity charge and the energy charge. The capacity charge includes the city operating, maintenance, and repair costs related to DHM including the City's debt service attributable to the distribution system. The energy charge includes costs related to the State of Vermont's consumption of fuels, electricity, and other products required to produce the energy distributed through the system as well as the costs associated with running the State's Heat Plant. The capacity and energy charges are contractually established in the customer agreements – a model of which can be seen here: <http://www.montpelier-vt.org/DocumentCenter/View/832>.

With the completion of the FY17 heating season, we now have three complete heating seasons of actual data available. I recommend holding the capacity amounts as originally negotiated for FY18 until the historical data can be analyzed to determine if any changes in contracted capacity among users is warranted.

Jamie Granfield

From: Mary Hooper <maryshooper@gmail.com>
Sent: Tuesday, July 11, 2017 1:49 PM
To: Kevin Casey
Cc: Jamie Granfield
Subject: Re: Housing Trust Fund Committee

Dear Mayor and City Council,

I am writing to volunteer to serve on the Housing Trust Fund Committee.

I understand the value of housing development to the City, as well as the need for fiscal responsibility and the careful use of public funding to leverage the most for the City.

I have served on a variety of City committees over time, beginning with, what I believe was, the first ADA committee of the City. Other work for the City included the Zoning Board of Adjustment (predecessor to a portion of what the Development Review Board does now), and the committee which formed the downtown community association, as well as its first executive director.

During my terms as mayor the Housing Trust Fund was formed, as well as the Housing Task Force on which I now serve. I am proud that during my tenure as mayor the City partnered with housing developers to create more than 75 units of new housing. These experiences provide me with insight into the value of a variety of types of housing in our community as well as the complexity of development in Montpelier.

I am reasonably good in analyzing financial statements and understanding the viability of proposals having managed several organization and a State department and through serving on the House Appropriations Committee.

I look forward to answering any questions you may have.

Sincerely,

Mary S. Hooper
882 North Street

802 793-9512

On Tue, Jul 11, 2017 at 1:06 PM, Kevin Casey <KCasey@montpelier-vt.org> wrote:

Thanks Mary!

From: Mary Hooper [mailto:maryshooper@gmail.com]
Sent: Tuesday, July 11, 2017 12:51 PM
To: Jamie Granfield
Cc: Kevin Casey
Subject: Re: Housing Trust Fund Committee



CITY COUNCIL Agenda Item #17-216(f)

Date: July 12, 2017

Consent X Discussion

SUBJECT: Appointment to the Montpelier Housing Trust Fund Committee

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Appoint Mary Hooper to fill a position on the Montpelier Housing Trust Fund Committee

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: The Montpelier Housing Trust Fund Committee consists of up to 5 Montpelier residents appointed by the City Council. One seat is vacant. An advertisement for the vacancy was published in the Times Argus and on the City website.

SUPPORTING DOCUMENTS: Letter of interest from Mary Hooper

INTERESTED PARTIES: Applicant; Montpelier Housing Trust Fund Committee; Council

CITY MANAGER'S APPROVAL:

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



CITY COUNCIL Agenda Item #17-217

Date: July 12, 2017

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

SUBJECT: Retreat Report and follow up actions

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Receive report from Delia Clark. Formally adopt the Group Norms, Policy Development Process and Communication guidelines as city policy.

RELATED COUNCIL GOAL/PRIOR ACTION: B. Maintain Excellent Services (and Good Governance in current draft goals)

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: The City Council conducted a total of 10 hours of working retreats with facilitator Delia Clark on May 19, May 22 and June 12. The Staff Leadership Team conducted a 3 hour retreat with Ms. Clark on June 19th. The purposes of these sessions were to clarify roles, processes and norms within the council and the organization.

The result of the sessions are several good ideas about best practices. Included among them are three specific sets of statements – group norms, policy development process and communication guidelines – which should be considered for formal adoption as city operating policy.

SUPPORTING DOCUMENTS: Retreat report from Delia Clark, Retreat notes from Delia Clark

INTERESTED PARTIES: Council, Staff

CITY MANAGER'S APPROVAL:

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

Summary Report and Policy Recommendations 2017 City Council Facilitated Retreat

This report summarizes policy recommendations developed by the City Council, the Mayor and the City Manager during retreats held in May and June 2017.

Note: Input was provided by staff leadership at a follow up retreat and has been incorporated *in italics*.

Group Norms

- Be fully present
- Save communications outside this room for breaks
- Speak our truth, in a respectful manner, using our finest and kindest words
- When we express dissent, we communicate why
- Listen for understanding, and if we wonder, ask
- Respect others and allow them to talk without interruption
- Focus on the issues, don't personalize discussions
- Come prepared
- When a Council member feels someone isn't following the group norms, use this language: "we have all agreed to group norms"
- Support innovative thinking
- Assume best intentions
- We will monitor our group airtime and try to stick to substantive issues
- Don't pigeon-hole one another and don't assume that previous perspectives represent current opinions
- It's okay to express uncertainty
- Advocate for and defend the legitimacy of city government
- Acknowledge that government processes can be messy and be flexible and open to the imperfection of our processes
- Avoid making personal attacks on other council members and city staff at meetings and with media. Focus on ideas, not people

Proposed Policy Development Process

1. Policy issues are identified by staff, City Manager, public, Mayor, etc.
2. Issues are filtered within framework of goal-setting process and City Manager, *working with the leadership team*, decides which are important enough to bring to Council (however, City Manager lists all in weekly notes).
3. Council, *honoring staff expertise*, decides which warrant research, with a willingness to say "no."
4. *With non-budgeted requests from the public, we will have a consistent communication approach about how the budgeting process/cycle works.*

5. City Manager supervises research/analysis, brings results to the Council
6. Council makes policy recommendation.
7. City Manager implements policy recommendations.
8. There is continual two-way information flow about implementation, evaluation and assessment and review.
9. Goal setting and review (and the process begins all over again).

General Roles, Responsibilities and Duties

City Councilors and the City Manager discussed and described the general roles, responsibilities and duties of each party (Mayor, City Council, committees, and City Manager) referring to existing statutes and guidelines. See attached retreat notes pages 2-4 for details.

Proposed Communication Guidelines

Communications approaches should seek to build positive relations between City Councilors and City Staff.

Communications Between City Council and Staff

- Councilors let the City Manager know whenever they speak with any staff.
- Councilors may ask for info from staff and convey public opinions to staff, but not in a way that conveys pressure or implies a directive: councilors will not use their position of authority to influence outcomes.
- Councilors may contact city staff for needed services (as any citizen would).
- Councilors may find it helpful to contact City Manager for advice, before contacting staff.
- If city staff reach-out to councilors with a problem, the best approach is to convene a small meeting with the City Manager (three way conversation).
- Manager will include all the rest of the Council in communications raised by any councilor about substantive policy issues.
- Check who is being cc'ed before sending sensitive emails
- Good practice: "please don't reply all" but do encourage responses to City Manager in emails.
- Emails regarding city business are publicly accessible: don't put anything in writing that you don't want to see in the newspaper the next day.
- When staff sends a memo, the City Manager's cover memo should indicate clearly whether he endorses it or not, and also whether there is other staff dissent.
- Council members and City Manager should always feel comfortable contacting one another, at any time: however, Councilors and city staff will not expect one another to respond to emails after hours or on weekend, unless there is an emergency.
- Reply to one another's emails when there are requests for actions, even if the response is that no action can be taken in the short run. *Mark "urgent" if it is. Mark*

“no need to respond” if it is informational. Mark as “no need to read/respond except during working hours” if appropriate.

- o Direct emails from a Councilor to the City Manager should get a response, even if cc’ed on a forward to staff.
- o Requests for time above City Manager’s capacity can be discussed with the Mayor.

Improving Relationships between City Council and City Staff

- Include staff at council meetings as decisions are being made: invite their expertise, not just at budget time.
- Schedule field visits by councilors to observe work of staff – either individually or as a group, ask department for the best timing, or ask Bill.
- *Staff will make an effort not to “surprise” the City Council, while helping to build the capacity of the Council to deal with emergency needs and other unanticipated developments.*
- City Manager will play a leadership role in facilitating two-way communication between staff and Council by acting as a liaison.
- *Consider which issues are better served by a workshop setting – without elevated seating, as that can make collaboration with staff harder.*
- Invite memos from staff about their perspectives and concerns – ensure that staff feels comfortable and welcome to provide information and expertise – formally let them know that this is welcomed and helpful, especially in written form ahead of meetings.
- If a councilor wants to attend a meeting of the Mayor and the City Manager, call and check regarding the time.

Council Internal Communication

- Individual councilors may call and meet with up to two other councilors about a given issue or to educate themselves about an issue.
- We encourage out-of-meeting communications with one another as long as we don’t break open meeting laws.
- Councilors will lead with an intention of personal support, even when we disagree about issues.

Front Porch Forum, Social Media

- When Councilors encounter a harsh issue on FPF, we will respond with a personal email, rather than publicly online
- If Councilors spot a major factual error on FPF, they will point out the problem to the appropriated staff or City Manager rather than responding
- Councilors may use FPF (or FB or Twitter, etc) to ask for public opinions about specific issues
- City Manager and Mayor are the default point of contact when speaking for city government as a whole, versus individual City Councilors speaking for themselves

Designing and Conducting Effective Meetings

City Manager's Role

- Track upcoming issues/agenda items
- Debrief each meeting with staff: look ahead at upcoming two to three meetings and how to prepare
- Track other incoming consent items
- Discuss upcoming two meetings with John at weekly meetings
- Draft agenda and order of items and discuss with Mayor
- Send out to Council Friday night
- Write cover memo to highlight key issues
- Challenge: short turn around on late-breaking issues. In these cases, Bill tries to frame these on cover sheet
- Council needs preps
- Protect City Council's time by not allowing people to present unless they are prepared and ready with an ask and they have made the request in time. They need to be prepared with full information and there should have been time staff to do their research about the item
- Let folks know ahead of time if it is highly unlikely that Council will be able to act so they can choose not to present, if appropriate
- Provide pre-meeting material, including:
 - o Weekly memo giving heads-up about coming issues
 - o City Manager's report
 - o Thoughtful memos clarifying difficult issues

Mayor's Role

- Run effective meetings that don't waste peoples' time, and respect the public
- Act as time manager, while being respectful

Councilors' Role

- Ask clarifying/factual questions of staff ahead of the meeting

Meeting Guidelines

- Require folks to fill out a cover form when requesting time on the agenda with complete info by Wed or Thursday.
 - o Cover form should identify an ask
 - o For complicated issues, supplement cover form with memo from Bill.
- *Don't make last minute changes to the agenda if staff are coming but have not arrived.*
- *Staff can direct public to read-ahead materials, including making hard copies of packet available in city clerk's office.*
- Consider having a set time per speaker, eg: "no more than 10 minutes"
- Save easier things for the end, but do consent agenda early

- Front-load more challenging items and most time-sensitive issues.
- Councilors can move to place individual items in the consent agenda.
- Questions about items on the consent agenda should be asked by individual councilors ahead of the meeting.
- Until zoning is over: defer all possible issues.
- *Staff should bring memos about current commitments to goal sessions.*
- *Staff should add key words to the top of cover sheets as a quick guide to Councilors being asked to digest a lot of information.*
- *Staff should be time sensitive: assume that councilors have read material, and not go over it all in detail.*

Consistent Decision-Making

- Don't revisit decisions previously make: Long serving members can thoughtfully inform newer members of the history of particular issues
- If a meeting is missed, watch it on TV

Evaluation

We discussed changes to evaluation process of City Manager by City Council and self-evaluation of City Council. A task force (Ann, Justin, Bill) is collating and refining evaluation processes including evaluation of City Manager by City Council and a self-evaluation process for the City Council, with a deadline of September for a recommended policy. See notes on page 8-10 of the attached notes.

**Montpelier City Council Retreat
Notes
May 19, May 22, and June 12, 2017**

**Montpelier Leadership Team Retreat
Notes (below)
June 20, 2017**

GROUP NORMS (Revised 5/22 and 6/12 and approved for ongoing use)

- Be fully present
- Save communications outside this room for breaks
- Speak your truth, in a respectful manner, using your finest and kindest words
- When we express dissent, communicate why
- Listen for understanding, and if you wonder, ask
- Respect others and allow them to talk without interruption
- Focus on the issues, don't personalize discussions
- Come prepared
- When a Council feels someone isn't following the group norms, use this language:
"we have all agreed to group norms"
- Support innovative thinking
- Assume best intentions
- We monitor our group airtime and try to stick to substantive issues
- Don't pigeon-hole one another and don't assume that previous perspectives represent current opinions
- It's okay to express uncertainty
- Advocate for and defend the legitimacy of city government
- Acknowledge that government processes can be messy and be flexible and open to the imperfection of our processes
- Avoid making personal attacks on other council members and city staff at meetings and with media. Focus on ideas, not people

May 19 Notes

WHAT ABOUT THIS WORK REQUIRES COURAGE?

- Disagreeing with a majority of the council
- Taking unpopular stands
- Judging whether opposition in emails, etc. is truly majority opinion
- Neighbor – being judged everywhere I go
- People hearing only part of what you say
- Focus on teamwork

- Balancing teamwork with goal orientation
- Being able to change your opinion
- Shitty things the public says about us
- Being honest in a big chair on TV

POLICY PROCESS

1. Policy issues are identified by staff, city manager, public, mayor, etc.
2. Issues are filtered within framework of goal-setting process and City Mgr. decides which are important enough to bring to Council (however, manager lists all in weekly notes)
3. Council decides which warrant research, with a willingness to say “no.”
4. City Mgr supervises research/analysis, brings results to the Council
5. Council makes policy recommendation
6. City Mgr implements policy recommendations
7. Continual two-way information flow about implementation, evaluation and assessment and review
8. Goal setting and review (and the process begins all over again)

	City Manager	City Council	Mayor	Public
Issue Identification	ID through weekly update	Raise issues brought by public	Raises issues he hears	Brings to Council
Research and Analysis	X			
Policy Recommendations	X	X	X	X
Policy Decisions		X		
Implementation Decisions	X			

ROLES AND RESPONSIBILITIES

Mayor (elected):

Vision and leadership

- Political leader of the city
- Champion for the city

City Staff

- Be Liaison with city manager and day-to-day administration of Council policies
- Conduit for councilor ideas to city manager

City Affairs/Public

- Stay informed about significant events in the city and bring to the Council
- Ensure that the city's laws and ordinances are enforced
- Act as a public spokesperson

City Council

- Veto authority
- Chairs Council meetings
- Bring issues relevant to affairs of the Council
- Participates in agenda development for Council meetings

City Manager (not elected):

Vision, and Leadership

- Implements Vision

City Staff

- Hire, set wages
- Supervise and support department heads in line with Council policies
- Two way communication conduit to Council and Staff

City Council

- Carry out Council policies
- Provide requested and relevant data and information
- Make policy recommendation to Council
- Set agenda
- Checks for clarity when needed

Budget

- Prepare budget
- Act as purchasing agent

Public (Default)

- Point of contact for public communications for Council decisions and general information.

Policy

- Per process described above

Committees

Role

- Develop recommendations to bring to Council on their assigned topic
- Clarity in their charge is key

Council Membership on Committees

- Provide reality check
- Liaison with Council
- Contribution member
- Voting member, reflecting

Oversight

- When staff is assigned, they will provide oversight
- If no staff, then Council member does it
- If neither, then Committee does it themselves
- They need clarity about how to adhere to open meetings law – outline in the letter

Action Steps

- Compile list of all committees and their charges

City Council

Vision and Leadership

- Taking the long view out into the future and across all aspects of the city

City Staff

- Enter into an agreement with, evaluate, terminate, city manager and treasurer
- Adopt personnel policies for all employees
- City Affairs and Property
- Carry out all duties and obligations imposed on city by law
- General oversight of affairs and property on the city, unless committed to a particular officer, for example:
- Acquiring, selling, leasing property
- Promoting and safeguarding public health
- Licensing activities – street closures

Budget

- Authorizing expenditure of funds
- Establish fees for city services and licenses

Public

- Act as an interface with the public – reflect their vision
- Provide a mechanism for public voices to be heard
- Provide for public participation on boards and committees

Policy

- Identify policy needs
- Set and approve policy, regulation, taxation, allocating resources

BIKE RACK

- At what point do specific councilor requests rise to level of needing full City Council approval?
- Who is point of contact with public, and when?
- Weekly mayor/city mgr meetings -- how to pull in others and keep others informed?
- City Manager – weekly memos – extent of information appropriate, eg: details of development agreements?
- Is it okay for individual councilors to meet with John outside of meetings? (Open Meetings Law)
- At what point do we cross over into micro-management?
- Look at agendas through lens of roles and goals, timing of adding items, sending materials
- Who are councilors representing when speaking publicly?

May 22 Notes

COMMUNICATIONS

Communication Between City Council and Staff : Guidelines

- Councilors let City Manager know whenever they speak with any staff
- Councilors don't give any directives to staff, individually
- Councilors can ask for info from staff and convey public opinions to staff, but not in a way that conveys pressure or implies a directive
- Councilors should never feel that they cannot contact city staff for needed services (as any citizen would).
- Councilors will not use their position of authority to influence outcomes
- Councilors may find that contacting City Manager for advice, before contacting staff, is helpful.
- If city staff reach-out to councilors with a problem, the best approach is to convene a small meeting with the city manager (three way conversation)
- City manager will include all the rest of the Council in communications raised by any councilor about substantive policy issues.
- Check who is being cc'ed before sending sensitive emails
- Good practice: "please don't reply all" but do encourage responses to City Manager in emails
- Keep in mind that every email you send re: city business is publicly accessible
- Don't put anything in writing (email, text, whatever) that you don't want to see in the newspaper

- When staff sends a memo, Bill's cover memo should indicate clearly whether he endorses it or not, and also whether there is other staff dissent.
- Council members and City Manager should always feel comfortable contacting one another, at any time
- We will not expect one another to respond to emails after hours or on weekend, unless emergency, including city staff.
- We should all reply to one another's emails (if they have requests), even if we are saying we can't do it for a few weeks, or whatever
 - Direct emails from a Councilor to the City Manager should get a response, even if cc'ed on a forward to staff
 - Requests for time above City Manager's capacity can be discussed with the Mayor.

Communication Between City Counsel and Staff: Building Positive Relationships

- Include staff at council meetings as decisions are being made: invite their expertise, not just at budget time
- Field visits by councilors to observe work of staff – either individually or as a group, ask department for the best timing, or ask Bill
- City Manager can play a leadership role in facilitating two-way communication between staff and Council by acting as a liaison.
- Invite memos from staff about their perspectives and concerns – ensure that staff feels comfortable and welcome to provide information and expertise – formally let them know that this is welcomed and helpful, especially in written form ahead of meetings.
- If a councilor wants to attend a meeting of the mayor and the city manager, they call and check regarding the time.

Council Internal Communication

- Individual councilors may call and meet with up to two other councilors about a given issue or to educate themselves about an issue
- We encourage out-of-meeting communications with one another as long as we don't break open meeting laws
- Councilors will lead with an intention of personal support, even when we disagree about issues, in every forum

Front Porch Forums

- When Councilors encounter a harsh issue on FPF, we will respond with a personal email, rather than publicly online
- If Councilors spot a major factual error on FPF, they will point out the problem to the appropriated staff or City Manager rather than responding

- Councilors may use FPF (or FB or Twitter, etc) to ask for public opinions about specific issues
- City manager and mayor are the default point of contact when speaking for city government as a whole, versus individual city councilors speaking for themselves

DESIGNING AND IMPLEMENTING EFFECTIVE MEETINGS

City Manager's Role

- Track upcoming issues/agenda items
- Debrief each meeting with staff: look ahead at upcoming 2-3 meetings and how to prepare
- Track other incoming consent items
- Discuss upcoming two meetings with John at weekly meetings
- Draft agenda and order of items and discuss with mayor
- Send out to Council Friday night
- Write cover memo to highlight key issues
- Challenge: short turn around on late-breaking issues. In these cases, Bill tries to frame these on cover sheet
- Council needs preps
- Protect city counsel's time by not allowing people to present unless they are prepared and ready with an ask or if they make the request too late. They need to be prepared with full information and there has been time staff to do their research about the item
- Let folks know ahead of time if it is highly unlikely that Council will be able to act
- Provide pre-meeting material, including:
 - o Weekly memo giving heads-up about coming issues
 - o City manager's report
 - o Thoughtful memos clarifying difficult issues

Mayor's Role

- Run effective meetings that don't waste peoples' time, and respect the public
- Time manager, while being respectful

Councilors' Role

- Ask clarifying/factual questions of staff ahead of the meeting, whenever possible

Meeting Guidelines

- Require folks to fill out a cover form when requesting time on the agenda with complete info by Wed or Thursday.
 - o Cover form should ID an ask
 - o For complicated issues, supplement cover form with memo from Bill
- Consider having a set time per speaker, eg." no more than 10 minutes

- Save easier things for the end, but do consent agenda early
- Front load more challenging items and most time-sensitive issues
- Councilors can move to place individual items in the consent agenda
- Questions about items on the consent agenda should be asked by individual councilors ahead of the meeting.
- Until zoning is over: defer all possible issues

Staff

- Staff should assume that councilors have read material, and not go over it all

Consistent Decision-Making

- Read the records so we don't revisit decisions previously made
- If you miss a meeting, watch it
- Longer time members can thoughtfully inform newer members of the history of particular issues

BIKE RACK

Note: those not marked as resolved can be fodder for future discussions

5.19.17

- ~~At what point do specific councilor requests rise to level of needing full City Council approval?~~
- ~~Who is point of contact with public, and when?~~
- ~~Weekly mayor/city mgr meetings -- how to pull in others and keep others informed?~~
- ~~City Manager -- weekly memos -- extent of information appropriate, eg: details of development agreements?~~
- ~~Is it okay for individual councilors to meet with John outside of meetings? (Open Meetings Law)~~
- ~~At what point do we cross over into micro-management?~~
- ~~Look at agendas through lens of roles and goals, timing of adding items, sending materials~~
- ~~Who are councilors representing when speaking publicly?~~

5.22.17

- Relationship to other elected officials
- Self-evaluation – have we done site visits?
- Expectations of Council role in budgeting – give \$ or not?
- If we disagree about a process, can we bow out of that process?

June 12 Notes

EVALUATION

Learning from our Experience in Other Settings – What Evaluation Practices Have Worked Well?

- Clear job description expectations, goals, form basis of the evaluation
- Start with positives
- Conversation – work through, ask questions of the group, in process
- Knowing that evaluator has the back of evaluated and wants them to succeed and is supporting them
- Everyone there is being evaluated by someone – a dialogue
- Criticism and praise are rooted in examples
- No surprises – conversations have been ongoing (regular formal and informal check-ins)
- Discussing what success will look like
- Evaluator is listening
- How much did I do?
- How well did I do?
- Did I make a difference?
- Plans for changes are mutually agreed upon
- Evaluatee identifies, creates and agrees to improvement strategies
- Continuity, progress over time is noted
- Evaluation takes into account all that has happened
- Consequences are clear
- Agreed upon time frame for meeting goals
- Evaluator asks how they can be supportive
- Link evaluation to a subset of city goals (not whole set, which are subject to outside forces)
- A consistent evaluation tool over time as the foundation, evolving as world changes
- Evaluation covers a clearly defined period of time
- Person doing the evaluation has a complete understanding of position being evaluated
- Dedicating sufficient time to process
- Building a self-evaluation into the process
- Evaluatee respects person doing the evaluation

Evaluation: Current/Past Practices, Versus Ideal/Future Practices

Current	Ideal
Each councilor answers set of questions, ranking points-general qualities annually	• keep process • maybe have a subgroup refine questions
Take averages of all councilors	• data is great • maybe keep raw data so outliers are

	noted • add range to the discussion • keep reports over time
Include city manager self-evaluation	• keep as is
Open-ended questions	• keep process • subgroup could refine questions
Councilors evaluate based on city goals, numbers and comments	• make a more specific subset of these goals for this years, specific tasks for each goal = work plan
Councilor meeting, review results without city manager	• not ahead of time • if needed could happen after meeting with city manager
One of the councilors compiles the results	• trusted staff does it • attributed
Then full council meets with city manager so he hears all the conversation	• check in with objectives from previous years • robust conversation • if possible, have as a dedicated, stand-alone meeting
Written response from the city councilor	• include with historic data so we can see trends over time • have a mid-year check-in meeting, written notes. • Bill has a sit-down with each councilor
Bill gets input from department heads as part of their review	• Bill will collate input about his performance from department heads and share with the council.

City Council Self-Evaluation

Goals

- To get better – personally and as a group
- To ID areas where we need support to our jobs
- To stay in touch with our job descriptions

Methods

- Focus on:
 - Group Norms
 - Improvements to the city:
 - What did we do?
 - How much?
 - Make a difference?
- Annual written self-eval.

- o Same time as city manager
 - o Numeric and open-ended
 - o Someone compiles for council review
- Simultaneously collect feedback from city manager
 - o City manager collects input from dept heads in a focused, structured way
 - o Runs questions by council prior to implementing
- Next Steps (Bill, Ann, Justin)
 - o Evaluation task force collates this into a recommended process by September
 - o Implement next cycle – Assess process

Montpelier City Councilor Interviews – Conducted May 2017

Summary of Themes and Recurring Ideas

Submitted by Confluence: Delia Clark and Tim Traver

1) What is working particularly well on the Council today?

- The new members, and a fresh start
- An eagerness to set aside differences, heal wounds, move on, and accomplish a lot for the city
- Generally positive attitudes and a shared dedication to the city

2) What needs to change or improve?

- Lack of clarity regarding roles, rules and responsibilities, and expectations of city council, mayor and city manager
- Communications as a broad and general concern that touches on many City Council functions
- Trust building between parties, ongoing tensions, dealing with divisiveness
- How do we know we're doing well? Evaluation, reviews, accountability

3) What should be the top objectives of these City Council Retreats? What would a hit out of the park look like?

- Clearly defining roles and coming to a consensus on them
- Council and Manager moving in the same direction: agreements regarding goal setting, evaluation and review, moving forward as a united front
- Communication: how to become and stay well-informed about Council business, meeting protocols including executive sessions, understandings re: meetings with city staff, information exchange and orientation improvements

4) Is there an essential question or two that comes to mind that should receive priority attention?

- What are the respective roles, responsibilities and relationships among key players?
- How should the Council conduct its communication around city issues?
- How do we become and stay best informed?
- How can we build trusting relationships within the Council and operate as a united front?

5) Describe the environment that works best for you when it comes to working effectively with others.

- Collaborative, open communications, formal and offline
- Free flowing information, everyone in the loop, clear expectations
- Honesty, transparency, and compromise

6) Do you have any thoughts on how to build a spirit of teamwork within the City Council?

- Clear processes leading to decisions, good information informing decisions, everyone is heard
- Knowledge of roles and relationships
- Mutual respect and supporting each other
- Focus on the issues and problem solving
- Common goals: lining up behind City Council decisions

7) Ideas for enhancing communication within City Council and between City Council and general public?

- First person narrative reports from manager very helpful – need deeper level of written briefing
- Website improvements needed
- Clear and shared understanding of open meetings law; when/if conversations outside of meetings are necessary
- Clarity around how proposals are made (written), agreements reached, and agreements followed up on

Montpelier Leadership Team Facilitated Staff Retreat June 20, 2017 Notes

Things We Want City Council to Understand About the Work of City Staff

- This work requires patience.
- GTTT: Good things take time.
- The value of our work.
- The size and complexity of our workload: how every request impacts us.
- What we do.
- How many balls we have in the air.
- Community service is a core service.
- The value of human infrastructure.
- The challenges of balancing services with funding.
- Helpful if CC is open in stating their budget priorities.

Feedback on Policy Process Proposed by City Council

- Good in theory
- Possible tweaks:
 - Bill will work with leadership team (LT) to vet proposed policy proposals.
 - This policy process should only apply to items requiring council action.
 - During vetting process, LT might send issues to citizen committees.

- o Council should have a default position of supporting this process and its outcomes, including honoring staff expertise, and recognizing realities of what it will take.
- o When staff recommends not moving forward, include key bullet points of why.
- o With non-budgeted requests from public, we have a consistent communication approach about how budgeting process/cycle works

Working Well in Relationship of City Council to City Staff

- The Council is overall very open-minded, progressive, forward thinking and well aligned with staff.
- When City Council members show up for city government-sponsored events, it's a good thing but it would be better if this happened more frequently (see below).
- City Council appreciates advance research and information.
- City Council has pride in city and how it functions.
- City Council gets a lot done.
- City Council is making an effort to educate itself and keep up with readings.
- Individually, CC members are supportive.
- City Council workshops with staff allow more productive conversation.
- Goals are much better defined.
- Inclusion of leadership team in establishing goals.
- Budgeting process worked well with their involvement in the details, especially in the CIP process – City Council defining the role they want to have in budgeting – linking to goals.
- Leadership team wants to please the Council – good intentions.

Possible Changes or Improvements in Relationship of City Council to City Staff

- Desires go beyond budget realities.
- City Council members don't come to as many events as they could – missed opportunities for constituent interactions, especially those related to goals like affordability.
- Come to more fun events than events highlighting problems.
- We should not try to surprise the city council when possible, but we also need to build their capacity to deal with surprises, including relying on the their new policy process.
- City Council needs to better appreciate human resources, and the key role staff play in making city excellent – that programs are dependent on staff.
- We should recognize all their accomplishments and contributions.
- In meeting settings, City Council are less supportive of staff.
- Elevated City Council seating makes collaboration with staff harder (Council would be aware of the intimidating factor or raised seating).
- Council needs to understand that there are certain independent authorities within city government, eg: Clerk's Office, of which the city manager is not in charge.

Communications Between City Council and City Staff

- Clarify which City Council/Staff communications require notifying Bill and which do not.
- Email Timing –
 - Mark “urgent” if it is
 - Mark “no need to read/respond except working hours”
- As often as possible put things in writing ahead of time, if engaging staff with questions.

Effective Meetings

- Don’t make last minute changes to the agenda, if staff are coming and are not there yet.
- Staff can direct public to read-ahead material, powerpoints, in addition to assuming City Council has read it, or ID it as “this will be a half hour presentation for the benefit of the public.” Hard copies of packet could be available in the city clerk’s office.
- Room set up – increase frequency of times that City Council sits on the same level as the public/staff? Consider which issues are served by a workshop setting.
- Bring department memos about current commitments to goals sessions.
- In cover sheets, add section for key words that will guide support being sought, at the top.
- Have water available at meetings for councilors, staff and public – pitchers on tables.
- Staff would welcome feedback on depth/detail of presentations – communicate this to City Council including the mayor.

Actions Steps Coming from This Meeting

- Write up summary of City Council retreat outcomes, with Leadership Team tweaks and the City Council vote.
- Create clarity about which City Council/Staff communications should be brought to the City Manager’s attention.
- Convey that staff appreciate the email policy.

Bike Rack

- Balancing councilor desires for new initiatives with existing commitments



CITY COUNCIL Agenda Item #17-218

Date: July 12, 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.



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: 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? (conveyer 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	NECJ 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					
		Fund/Implement CIP Maintenance	Northfield Street					
			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					
		Consider new projects/initiatives	Implement equipment plan					
			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				

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	Deliverables
A	Affordability	Adopt budget within resources available	Set funding levels and priorities	Early discussion about budget	Budget projections presentation	Finance	Workshop	Oct. 2017	Budget work
			Review Personnel Costs	Negotiate fair but contained collective bargaining agreements Update staff/salary study	Continue negotiations Report on current staffing, ideas to bring number below 100	City Manager Finance City Manager Finance		Oct. 2017 Sept. 2017 Part of budget discussion	Report to Council Report to Council
			Continue to seek efficiencies and savings	Secure grants; energy efficiency; facilities director; and more.	Progress Reports to Council	All Depts.		On-going	Updates to Council
				Implement Community Services Plan	Starts in July; keep Council informed	Community Services		N/A	Updates to Council
		Keep tax rates and user fees sustainable	Establish long term sustainability target	Develop a 3-5 year budget plan	Agenda item for Council	City Manager Finance Council	time	Oct. 2017	Council discussion
		Seek new revenue sources	Decide whether to pursue local sales tax	Compile data on sales tax and a recommended plan for decision making	Compile data, present a process	City Manager		Oct. 2017	Report 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	Deliverables
B	Good Governance	Strengthen 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 Review and update performance measurement program Provide regular/timely information to Council Council provide regular/timely feedback to staff	Done Adopt processes and values from retreat; policies applied equitably Update training Revise Measures Weekly reports, quarterly measures	Leadership Team	Consultant	On-going	Monitor Implemented policies
		Maintain excellent public communications	Improve outreach	Improve staff skills; improve website, Facebook and other social media; develop specific communications strategy for major projects, and plan for city depts. to communicate with public/Council. Obtain updated survey data	Work with all departments and Council (Web site) Conduct updated National Citizen Survey	Asst. City Manager Asst. City Manager	\$10,000	On-going Contingent on FY19 budget	Re-do media options/Web/ social media Monitor Survey Report

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	Deliverables
		Meet organizational needs	Build HR capacity	Improve human resources practices (annual evaluations, streamlined hiring processes, increased training)	ongoing	City Manager Finance			Report to Council
			Update Personnel Plan	Present updated Personnel Plan	Work with Pers. Plan committee	City Manager	TBD	June 2018	
			Maintain accountability	Regular goals and progress updates	Update on each agenda	City Manager			Update
				Formal process for both manager and council evaluation	Committee to draft proposed plan..	City Manager and 2 Council Members		September 2017	Evaluation process and documents
			Emphasize Employee Wellness	Continue wellness program	On-Going	Finance		On-going	Update Council
			Implement asset management program	Provide status update to Council	Implementation of plan	DPW		Sept. 2017	Presentation to council
C	Public Safety	Address Drug Issues proactively	Continue Project Safe Catch	Re-emphasize and publicize program	Provide info on stats ie overdoses; expand programs for families of addicts. Increase needle drop-boxes.	MPD Community Services	Forum: MPD, State's Attorney, Council, City, medical others	On-going	Conduct forum Complete Training
			Continue to support Vermont Drug Task Force and Federal/Local enforcement efforts	Drug interdiction, prevention efforts ongoing				On-going	
			Integrate support programs throughout city government	Convene forum to discuss problems/alternatives		City Manager		November 2017	
				Provide staff training in recognition and referral.		City Manager		June 2018	

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	Deliverables
		Maintain Emergency Preparedness	Prepare for Events, Marches, Street Closures and Protests	Provide summary of costs and resources needed. Discuss whether costs can be assessed to participants.	Consider fee for Corp. Cup; list these costs as budget line item; include in event cost list.	Finance MPD MFD DPW			Ongoing
			Maintain resiliency from Natural disasters	Complete Flood Mitigation Plan	Receive and review plan from consultant	DPW			
		Improve Public Safety Capacity	Make decision on participation in Regional Public Safety Authority	Ongoing negotiations with additional communities for dispatch	Decision on Ceding authority			November 2017	
			Update Continuity of Operations Plan (COOP) and conduct training on Plan.	Continue joint training with neighboring communities	Conduct Preparedness drill	Fire/EMS		June 2018	
			Continue Paramedic program	Hire qualified paramedic staff as opportunities occur	Explore funding opportunities for training	Fire	Trans Funds		
			Emergency Training	All key staff with appropriate ICS training, Council training, Conduct preparedness drill	Ongoing			June 2018	Training
			Keep Council and Community informed	Provide regular crime and public safety statistics, call data and graphic analysis	Ongoing	Police Fire		December 2017	Briefings for Council
		Use Restorative Justice practices	Continue ordinance review and changes	Incorporate restorative justice language into ordinances and policies as opportunities arise.	Review all ordinance proposals	CJC Manager Council		On-going	Complete review, make language changes



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	Deliverables
		Maintain Safe facilities	Improve crosswalk safety	Provide information on options and implement selected plan, enforce crosswalk parking	Recommendation to council	DPW Council's MTIC MPD			
			Identify cooling and warming centers for extreme temperature conditions	Identify public locations where people can seek relief	Develop plan and publicize	Senior Center		Nov 2017	Present plan to Council, Publicize
			Emphasize worker safety	Continue training program Purchase necessary safety equipment	Review safety practices, ensure proper training; provide safe facilities	Safety Committee All Depts.			
			Consider full E-911 compliance	Council briefing on resources needed	Develop a plan	Planning, Small Council group (Watson and Hill)		Sept. 2017	Brief Council on suggested action

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	Conduct hearings, make final changes and adopt	Council Hearings	Planning Council		Aug. 2017	
			Implement EDSP	Work cooperatively with MDC Approve MOU with MDC Provide funding as per EDSP		City Manager Council		On-going	
			Begin Master Plan revision	Decision on deadline Planning Commission to begin work Consider Net Zero finalist concepts	Need decision on deadline	Planning Council		July 2017	
			Develop internal toolkit and policies to increase capacity to support development	Create policy on infrastructure needs for development for council consideration Formalize internal revolving loan fund Recommendation on TIF implementation	Create policy	City Manager Planning MDC		December 2017 July 2017 proceed December 2017 approve	
		Facilitate Economic Development opportunities	Support Existing businesses	NECI River St and Berlin St. area Community promotion Use DID	On-going	MDC Mont. Alive	Montpelier Alive		
			Provide support to potential commercial projects	Mowatt Capitol Plaza Caledonia Spirits	On-Going	MDC			
Reference Letter	Policy Goal	Key Strategies	FY18 Focus	FY18 Actions	Future Actions	Lead Agency	Future Resources Needed	Anticipated Council Review/Update	Deliverables

DRAFT 2017-2018 City Council Goals



E	Housing	Facilitate Housing projects	One Taylor Street	Finalize right of way Begin design Work with DEW/Housing Vermont for private project	ongoing	City Manager, DPW, Planning, and Partners, including DEW			Progress on proje Update Council Construction 201
			Continue support of (Dickey) French Block project and other housing projects currently under discussion/planning.	Provide project assistance as needed	ongoing	All depts			Progress on proje Update Council
			Support work with landowner on Sabins Pasture development plan	Proper planning with adjacent projects	Meet with landowner	City Manager MDC			Progress on proje Update Council
		Promote varieties of housing opportunities	Complete housing strategic plan	Included in the Master Plan	Write Plan	Planning Housing Task Force			Complete plan
			Improve quality of rental housing	Discuss fee and inspection program		Planning Housing Task Force			February 2018
			Address barriers to housing	Review sprinkler ordinance		Fire; Planning			November 2017
				Review rehab programs for existing housing (this is a resource issue/CDBG?)		Planning Housing Task Force			February 2018
				Enact regulations and policies which support housing development	Zoning	Council			October 2017



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	Deliverables
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	On-Going	City Manager Planning		On-Going	Update Council
			Taylor St reconstruction and water quality improvements	Complete Project	On-Going	DPW		On-Going	Update Council
			Downtown Paving Project	Complete Project	On-Going	DPW		On-Going	Update Council
		Improve Parking	Complete Parking Plan	Plan to be integrated into Master Plan Look at city staff parking benefit Understand parking needs as related to development Feasibility analysis on rail initiative	Create a small Council working group to look at this in more detail	City Manager Planning		September 2017	Appoint Committee
		Provide Financial and Logistic Support for downtown	Continue DID	Review and approve DID budget		Council Mont. Alive			Budget
			Fund Montpelier Alive	Review in budget		Council, Mont. Alive			Budget
			Assist with events and projects	Street closures and other assistance needed for events such as MayFest, July 3 rd , New Year's Eve, the Do Good Fest, etc.		All departments Council		On-Going	Break out city costs for assistance in budget

DRAFT 2017-2018 City Council Goals

				Consider impacts of more street closings					
				Support Langdon St. Alive					
		Enhance Sense of Place	Complete Art Master Plan	Complete and approve design Identify funding sources		Planning			Report to Council
			Wayfinding Sign Plan	Complete and approve design Identify funding sources		Mont. Alive; DPW			Report to Council
			Institutionalize Parklet program	Adopt parklet ordinance	Council Action	City Manager			Ordinance approved
			Reach out to new residents	Complete welcome packet for realtors	Post on Web site	City Manager			Packet posted
		Develop a Healthy and Welcoming Community	Continue with pedestrian and bicycling initiatives	Implement Montpelier in Motion Plan, Complete Streets Plan Consider multi-use trail options		Parks MTIC/REC		On-going	Plans implemented
			Accessible programs	Ensure Community Services programs are available to all ages, incomes and abilities Complete ADA Transition Plan		Community Services	Review costs		
				Consider gender neutral bathrooms in city buildings	Draft policy	Facilities Council			Policy approval
			Promote open space	Adopt Open Space Master Plan		Conservation Commission			Plan action
				Adopt Official Map		Planning/Planning Commission		2018	Map action
				Incremental improvement of Blanchard Park		Parks MPD		On-going	Report to Council
				Create management plan for Stonewall Meadows Park		Parks			Report to Council
			Address dog concerns in a balanced manner	Consider revised ordinance		City Manager Parks		September 2017	Ordinance Action

DRAFT 2017-2018 City Council Goals



				Consider creation of dog parks		Rec Parks		On-going	Report to Council
			Maintain safe and vibrant neighborhoods	Enforce public nuisance and junk ordinances Consider capacity for code enforcement	Follow protocol Add inspector?	Planning Council Planning	Fees/additio nal inspections	On-Going	Report to Council Agenda item for 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	Deliverables
G	Infrastructure	Complete Current Major Projects	One Taylor St	On-Going	Construction 2018				Update Council
			Taylor St Reconstruction -	On-Going	Construction 2017-2018				Update Council
			Shared Use Path (Winooski East extension)	On-Going	Construction 2018				Update Council
			Downtown repaving	On-Going	Construction 2017				Update Council
			Northfield Street	On-going	Construction 2017-2018				Update Council
		Fund/Implement CIP Maintenance	Complete projects Full funding in budget	Review plan for sufficiency of funding for future needs	Bring streets to 70 PCI Update Council	CIP		2019	Agenda item for Council
			Implement adopted water/sewer plan	Review plan for sufficiency of funding for future needs		DPW CIP			Budget
			Implement equipment plan	Review plan for sufficiency of funding for future needs		DPW CIP			Budget
		Consider new projects/initiatives	Establish process for project approval	Draft a project development plan		City Manager			December 2017
			Determine future of Rec Center/ Community Center possibilities	Feasibility Study; Identify partners		Community Services Planning		July 2017	Issue RFP for study
		Address Facility needs in a coordinated manner	Consider facility maintenance and operational needs	Maintain buildings	Update on facilities manager position				Report to Council
		Ensure that District Heat Montpelier is financially sound	Pursue new customers	Unitarian Church Capitol Plaza TD Bank	Grant funding MEAC	MEAC Council/Watson			

DRAFT

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	Deliverables
H	Environment	Move toward Net Zero	Continue progress with Municipal efforts	Track and report energy use Use revolving loan fund Be aggressive with improvements	MEAC report to Council	Finance MEAC			Council update
		Provide Effective Storm Water management	Implement Master Plan	Create a working group to implement Master Plan and consider policy for private property Complete low cost/high impact recommendations Consider long term funding (utility?)	Review permit requirements in 2018 Zoning updates to include stormwater regs	Council DPW Conserv. Commission CJC (support) CIP	Grants?	March 2018	Master Plan
		Assure Clean rivers and waterways	Implement CSO rules	Identify needs, projects. Develop cost estimates.	Prepare for long-range control plan	DPW		March 2018	Report to Council
				Communicate successes to public	Press/Web/social media	Asst. City Manager		On-going	Publicity for projects
				Complete roof drain study			Grant		Study completion
		Be as Energy Efficient as possible	Implement efficiency practices	Consider fuel switching Track vehicle miles and usage Review of possible acquisition of hybrid and electric vehicles for city. Perform life cycle analysis on vehicles	 Consider charger installation increase (part of parking plan?)	Finance Police			Update Council

DRAFT 2017-2018 City Council Goals



				Continue review of all city facilities with MEAC					
				Use LED lighting in buildings Review city vehicle idling					
		Provide Clean Drinking water	Limit risk related to water source	Charter Change – continue with negotiation process	Discuss options going forward	DPW City Manager		On-Going	Report to Cou
			Prioritize safety of drinking water		Develop plant improvements		Funding		
		Implement Greening America's Capitals	Evaluate concepts and selection for advancement	Taylor St reconstruction	Select next project; identify funding				



CITY COUNCIL Agenda Item #17-219

Date: July 12, 2017

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

SUBJECT: Update on Collective Bargaining Process with DPW Union

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Receive update, provide direction to Manager.
Recommend that discussion occur in executive session in accordance with Title I, V.S.A. §313(a)(1) "When ... premature general public knowledge would clearly place the state, municipality, other public body, or a person involved at a substantial disadvantage, it may go into executive session to discuss one of the following: ... B. Labor relations agreements with employees."

RELATED COUNCIL GOAL/PRIOR ACTION: A. Keep Montpelier Affordable for Residents, B. Maintain Excellent services.

EXPENDITURE REQUIRED: Information to be provided.

SOURCE OF FUNDS: General, water, sewer, stormwater, district heat funds.

LEGAL REQUIREMENTS: City has a requirement to bargain in good faith to reach a contract agreement with collective bargaining units.

BACKGROUND INFORMATION:

SUPPORTING DOCUMENTS: Confidential Summary from City Manager

INTERESTED PARTIES: Council, DPW Union

CITY MANAGER'S APPROVAL:

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



CITY COUNCIL Agenda Item #17-220

Date: July 7, 2017

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

SUBJECT: Update on Berlin Pond Discussions Requested by Legislature

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Provide guidance to the City Manager for participation in discussions with DEC, F & W, Towns of Berlin, Northfield and Williamstown

RELATED COUNCIL GOAL/PRIOR ACTION: H: Maintain a Clean and Healthy Natural Environment

EXPENDITURE REQUIRED: None immediately; could incur costs if further legal action is directed

SOURCE OF FUNDS: Water Fund Budget

LEGAL REQUIREMENTS: None for this meeting

BACKGROUND INFORMATION: The City of Montpelier submitted Charter change legislation which would allow the City to regulate use of Berlin Pond. The House Local Government Committee deferred action on the bill and asked that the City meet with other interested stakeholders to determine whether agreement could be reached about use of the pond. The initial meeting was held on April 25th. The next scheduled meeting is May 23rd.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: Berlin Select Board, Vermont Fish & Wildlife Division, Vermont Water Supply Division

CITY MANAGER'S APPROVAL:

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

April 28, 2016

Mr. Michael Miller, Director of Planning & Community Development
City of Montpelier
39 Main Street
Montpelier VT 05602

RE: Montpelier Comprehensive Plan Summary & Update
Agreement for Services

Dear Mike,

The Orion Planning + Design Team is very pleased to have been selected as the City's planning consultant to prepare a Comprehensive Plan Summary & Update. This letter and the attached Appendix A, Scope of Services, will serve as our Agreement for the project.

Agreement Terms

- 1. Parties:** This is a contract for personal services between the City of Montpelier, Vermont (City) and Orion Planning and Design (Contractor) with its principal place of business in Boulder, Colorado. Contractor's form of business organization is a for-profit Limited Liability Corporation.
- 2. Subject Matter:** The subject matter of this contract is personal services generally on the subject of providing planning consulting services for the update of the City of Montpelier Comprehensive Plan summary and update. Detailed services that Contractor will provide are described in Attachment A.
- 3. Maximum Amount:** In consideration of the services to be performed by Contractor, City agrees to pay Contractor, in accordance with the payment provisions specified in attachment B, a sum not to exceed \$20,000 (twenty thousand dollars).
- 4. Contract Term:** The period of Contractor's performance shall begin on May 1, 2016, and end on May 31, 2017 unless such period of performance is extended or modified upon mutual written agreement of the Contractor and City.
- 5. Amendment:** No changes, modification or amendments in the terms and conditions of this contract shall be effective unless reduced to writing, numbered and signed and dated by the duly authorized representative of Contractor and City.

6. Cancellation: This contract may be canceled by either party by giving written notice at least 15 days in advance.

7. Attachments: This contract consists of 11 pages including the following Attachments that are incorporated herein:

Attachment A: Specifications of work to be performed (Work Plan)

Attachment B: Payment Provisions (Budget)

Attachment C: State requirements for GIS products.

NOTE: GIS products identified in this Scope of Work are to be produced by other parties

Attachment D: Standard State Requirement of Bidders.

8. Subcontracts: All subcontracts pursuant to this contract shall require the subcontractor to comply with the requirements of Title 21 of Vermont Statutes Annotated, Chapter 5, Subchapter 6, relating to fair employment practices; conform to the record keeping requirements of the Grant and ensure that all relevant products be compatible with the Vermont Geographic Information System (VGIS) and meet all applicable VGIS standards, which are available from the Vermont Center for Geographic Information.

9. Interpretation: This contract shall be interpreted according to the laws of the State of Vermont.

10. Counterparts: This contract shall be executed in two counterparts, with each party hereto retaining a fully executed original

WE THE UNDERSIGNED PARTIES AGREE TO BE BOUND BY THIS CONTRACT.

CITY OF MONTPELIER

ORION PLANNING & DESIGN



Signature

William Fraser, City Manager

JULI BETH HINDS, AICP Partner

Date

ATTACHMENT A: SPECIFICATIONS OF WORK TO BE PERFORMED

TASK 1: Project Kick-Off Meeting and Detailed Scheduling

- WebEx/Zoom call to review scope & formatting options, set agenda for 5/23 Planning Commission meeting, discuss approaches for committees, establish responsibilities for demographic updates and other 'basics' that require update
- Team additions to Agenda and any preparation materials for 5/23 meeting
- Bob Barber to attend Planning Commission meeting 5/23; objectives to provide project overview, discuss public engagement and outreach, what "success" looks like, graphic options, need for 'homework' by committees/Commission
- Annotated plan outline, schedule & tasks after 5/23 meeting

Task 1 Deliverables

- Kick-off call agenda
- Formatting options
- May 23rd PC meeting agenda and prep materials
- Annotated outline, schedule & tasks after May 23 meeting

TASK 2: "Boil Down" of Plan Vision, Major Goals and Ideas

- Team will review and 'boil down' existing plan to themes, goals, policies & action items
- Team will present 2-3 final options for graphic and visual formatting
- Memo to staff on themes, proposed re-organization, and VT Planning Manual elements
- *Notes on public engagement and outreach options including photo submittals, surveys, facilitated discussions through committees or PC
- Work session with staff
- Team will submit selected option for graphic/visual format and Plan outline

Task 2 Deliverables

- Graphic/formatting options
- Memo with proposed outline of reorganized plan and notes on public engagement and outreach
- Final option for graphic/visual format
- Working outline for Plan

TASK 3: Create Plan Implementation Matrix

- Review of City's plans, existing goals, key capital budget items and initiatives
- Team will create first draft of implementation matrix linking goals to policies, implementation projects and action steps
- Submit initial draft implementation matrix and associated committee "homework" for staff review
- Attend staff meeting to finalize matrix format, committee "homework," agenda for facilitated session
- Facilitate session with Committee/Commission leadership on "homework" items, conflict resolution, filling in the matrix

Task 3 Deliverables:

- Matrix options
- Draft matrix and committee homework
- Agenda for staff meeting
- Final matrix option
- Agenda and homework for facilitated session

TASK 4: Plan Summary: Consolidation and Reorganization

- Prepare draft outline of Plan summary document and supporting information/appendices
- Review with staff and ACCD at onsite meeting
- Prepare final draft outline including statement of statutory consistency

Task 4 Deliverables:

- Draft outline
- Agenda for ACCD/staff meeting
- Final outline
- Statement of statutory consistency

TASK 5: Graphics & Illustrations

- Prepare initial concepts for graphics, mapping and illustrations
- Meeting with staff (including GIS) to select and position graphics
- If possible to coordinate with staff meeting, Planning Commission progress session; at minimum, Powerpoint presentation for PC on current status of Plan draft, upcoming work

Task 5 Deliverables:

- Graphics “punch list” of GIS items, questions or other information needed
- Planning Commission Powerpoint presentation

TASK 6: Draft Plan, Implementation Matrix & Consolidated/Numbered Plan Policies and Goals

- Team will prepare a draft Plan with implementation matrix and consolidated/re-numbered Plan goals, policies and action steps
- Team will prepare graphics following on work from Task 5
- Staff meeting to review and refine draft
- Planning Commission presentation
- WebEx/Zoom meeting to work on redline of staff and PC comments

Task 6 Deliverables:

- Draft Plan & Implementation Matrix
- Consolidated/re-numbered Plan policies and goals
- Agenda for staff meeting
- Agenda for Team items for Planning Commission meeting
- Planning Commission presentation

TASK 7: Complete Deliverables

- Prepare final reorganized Plan from redline work session with staff

Task 7 Deliverables:

- Final Plan (searchable/hyperlinked pdf and MS word text)

ATTACHMENT B PAYMENT PROVISIONS

Orion Planning & Design shall bill the City on a Task Completed basis. The cost of each task is based on the Partner rate of \$140 per hour.

The budget for direct expenses is \$2,000. Expenses shall be itemized and charged at cost, with mileage for Juli Beth Hinds charged at the federal rate from Waterbury, VT.

Invoices will be submitted digitally to Michael Miller (mmiller@montpelier-vt.org) and Audra Brown (abrown@montpelier-vt.org). Payment shall be due within 30 days of the City's acceptance of the invoice for each task. Any issues with invoices shall be identified by the City to Orion Planning & Design's project manager in writing (Juli Beth Hinds, jbh@orionplanningdesign.com) within five (5) business days of receipt of an invoice. If Orion Planning & Design is not notified of issues within five (5) business days the invoice shall be deemed complete and accepted, and payment shall be due within thirty (30) days of the invoice date.

✓ Task 1 Project Kick-Off Meeting and Detailed Scheduling	\$560
✓ Task 2 "Boil Down" of Plan Vision, Major Goals and Ideas	\$2,240
✓ Task 3 Create Plan Implementation Matrix	\$2,520
✓ Task 4 Plan Summary: Consolidation & Reorganization	\$3,640
✓ Task 5 Graphics & Illustrations	\$2,800
✓ Task 6 Draft Plan, Implementation Matrix & Consolidated/Numbered Plan Policies and Goals	\$4,480
✓ Task 7 Complete Deliverables	\$2,240

Total labor budget	\$18,480
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Direct expense budget	\$1,520
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Total not-to-exceed cost	\$20,000
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**Request for Planning Services
for
City of Montpelier Comprehensive Plan Update
February 29, 2016**

The City of Montpelier will hire a consultant to assist in the review and update of current City of Montpelier Comprehensive Plan. The current plan had considerable public input and visioning when it was developed in 2010 and the community would like to build on this work with a focus on prioritizing goals and the developing of a manageable implementation strategy. Planning Commissioners have also expressed an interest in making the plan more concise and user friendly by using concepts outlined in the recently released [Planning Manual by the Department of Housing and Community Development](#). This revision will therefore reformat the plan, update information, and remedy the earlier weaknesses regarding implementation.

Project Description:

The current City of Montpelier comprehensive plan is a bold visionary document with a 100 year horizon but the plan has been faulted for not providing a realistic five and ten year work plan. This project intends to use funding from a Municipal Planning Grant to reopen the plan in order to update information and begin a process of revising the plan to make it more strategic. The incredible amount of public vision from 2009 will not be thrown out but will be used as a foundation to get a more strategic plan which outlines a path to accomplish those goals.

Some current issues include: Economic Development has been almost non-existent in the past 5 years, a period in which nine private sector jobs were created. In response the City has contracted to develop an economic development strategic plan which will be integrated into the comprehensive plan. A bike and pedestrian master plan was adopted in 2015 and a stormwater master plan is now in development. A number of critical projects have been completed or are in development including the construction of a district heat plant (completed) and construction of a transit center and extension of the Montpelier Shared Use Path. Most importantly the City is in the process of adopting new zoning bylaws which will greatly improve the administration of regulations.

The City of Montpelier has many commissions, committees, and sub-committees that work on a range of issues important to residents. Some of these include the housing committee, historic preservation committee (CLG), Montpelier Alive, Montpelier Business Association, conservation commission, Montpelier Energy Advisory Committee, and a bicycle committee, pedestrian committee and parking committee which work collectively under the transportation committee. The comprehensive plan should bring together their plans and goals and understand where committees are working together and where they may be working at cross purposes.

This project is being funded through a Vermont Municipal Planning Grant. The grant project budget is a maximum of \$20,000. All consultants must agree to comply with fair employment practices, American with Disabilities Act, and conform to record keeping practices required by the State. Any GIS mapping must be in compliance with VCGI Standards.

Final products for this project will be final draft master plan including any required maps.

Services Required:

A key component of the consultant's role will be public outreach and citizen participation. A key requirement of the contracted consultant will be to provide specific outreach tools for the chapter at hand. Some chapters may require meetings with key individuals (such as the City Engineer for transportation and sewer and water), other chapters need input from groups (Montpelier Alive and Montpelier Business Association for Economic Development) and others may require public input through hearings and surveys (evaluating community needs and preferences). As the 2010 plan had a lot of visioning, the expectation here is that the input will center on how to achieve the goals, what should our priorities be, and how to resolve conflicts that arise between goals.

The city would like this plan to be concise and readable. The City intends to follow the Department of Housing and Community Development's newly released Planning Manual which has a goal of making plans shorter and more strategic. The consultant therefore will also need experience in layout and design to assemble the plan.

The Planning Commission understands that this project is probably more than a \$20,000 contract can complete. The Planning Director is expecting to commit time to this project (e.g. meeting with commissions and boards) as well as some of the individual commission members (GIS services). The City will look to the consultant to help identify how best City and Commission assistance can be applied to maximize the quality of the project and final product.

Submittal Requirements:

Please provide the following in your proposal. Email submittals are preferred.

1. A short letter of interest.
2. Statement on consultant qualifications. If more than one firm is involved, describe working relationship.
3. Detailed scope of services incorporating the consultant's work plan.
4. Schedule for completing each task in the scope of services.
5. Estimated budget for each task.
6. Fee structure and estimate of total cost for performing the scope of services.
7. Summaries of relevant projects (links to similar products), including the names and telephone numbers of references.

Selection Criteria:

This project will be a collaboration between the Montpelier Planning Commission, Planning Director and consultant. The City is looking for a candidate with the interest and drive to produce a comprehensive plan that is truly innovative and effective at articulating the City's goals and visions as well as establishing mechanisms to implement the plan. Qualifications required for selection include:

- Experience in developing City master plans and facilitating public input.
- Talents in graphic design and layout of plans to best communicate ideas and concepts.
- Background in GIS to develop effective maps.
- Knowledge of Vermont State laws and the requirements for municipal plans outlined in Chapter 117 of Title 24.
- Familiarity with the new State Planning Manual and the process and objectives set out within it.
- Ability to begin work immediately.

Schedule:

- Proposals are due **4 PM, April 1, 2016**
- A subcommittee of the Montpelier City Planning Commission will review and rank proposals at and make recommendations for interviews if appropriate.
- At the discretion of the Planning Commission, interviews may be asked for top candidates. Interviews will be scheduled for the week of April 11th.
- Recommendations will be sent to the City Council for final approval at the earliest opportunity.
- The Consultant may begin as soon as the contract is signed.
- Project must be complete by April 30, 2017.

Contact Information:

Questions should be directed to Mike Miller. Please submit proposals (email preferred) to:

Mike Miller, Dir. of Planning & Community Development
City of Montpelier
39 Main Street
Montpelier, VT 05602

802-262-6269

mmiller@montpelier-vt.org



March 31, 2016

Mr. Mike Miller, Director of Planning & Community Development
City of Montpelier
39 Main Street
Montpelier, VT 05602

RE: Comprehensive Plan Strategic Update and Implementation Strategy

Dear Mike,

On behalf of Orion Planning & Design (OP&D), I am delighted to submit this proposal for consultant services to support you and the Planning Commission in the strategic update and re-formatting of the 2010 Plan, and the development of a concise implementation strategy. OP&D, which 'merged' with Birchline Planning LLC earlier this year, has proven experience in developing concise, graphically excellent plan documents with highly effective implementation elements. As you know well, these qualities are vital for a purposeful and effective plan document.

The approach that the City has put forward is one that OP&D wholeheartedly supports. We have found time and time again that creating a brief, visually appealing and compelling plan summary, and translating the results of multiple studies, plans and processes into concise and clearly-worded implementation strategies or matrices, can help catalyze action and investment across multiple areas of municipal planning and development. As an example of a recent, successful project where OP&D took this approach, we are enclosing a PDF of the draft Land Use Strategy for Sheridan, Wyoming. We hope you and the Planning Commission will find this to be a good starting point for shaping Montpelier's updated plan.

Our proposal briefly outlines the OP&D team's proposed approach, which we look forward to discussing with you and the Planning Commission. We pride ourselves on flexibility and offer this proposal as a starting point, plus some food for thought from our initial review, for a more detailed discussion of the scope, schedule and public process. I will serve as project manager, and bring nearly twenty years of experience working with Vermont communities on Chapter 117, planning and implementation issues everywhere from St. Albans City and Town, to Dover and Wilmington and the Mad River Valley. I am very excited to introduce you and the Town to my colleague for nearly 20 years, [Bob Barber, FAICP](#) and our partner [Oliver Seabolt, ASLA](#). Bob specializes in plan implementation programming, public engagement (including use of social media) and plan communication strategies, and is a sought-after speaker nation-wide on small community topics. Oliver is a landscape architect and graphic designer who offers us vital, in-house graphic design and illustration resources related to the needs of this project. Please also know that OP&D is a "What you see is what you get" firm; our partners do all of the work on the projects, providing an unsurpassed level of expertise directly to our communities.

It would be a privilege to assist you and the Commission in bringing you're the City's plan to life both through the concise and engaging presentation of its goals, and by facilitating and helping to 'gel' an effective implementation strategy. Please let me know if you have questions or if additional information would be helpful. We very much look forward to hearing from you

Sincerely,

A handwritten signature in green ink that reads "Juli Beth Hinds".

Juli Beth Hinds, AICP
Partner, Orion Planning & Design

2. Orion Planning & Design Qualifications

Helping communities use the practical, day-to-day tools of planning, facilitation, design and land use regulation to create, over time, a great community is the core mission of **Orion Planning & Design**, a partnership of six leading planners from across the country who help communities achieve tangible success in planning and placemaking. We work as partners and support for staff and planning commissions, and as thoughtful listeners and facilitators for the public and stakeholder process. OP&D is structured to function very efficiently on small community projects, while allowing our clients to draw on nationally-recognized expertise in plan development, urban design, public engagement, zoning, and planning analysis.

The members of our team have critical skills and experience in local government planning, regulation, and process management. We have worked with and for state, regional and local governments of all sizes and have experience writing, administering, and interpreting codes. Our knowledge of and respect for local governments and the dedicated individuals who represent them set us apart from other planning consulting teams. The breadth and depth of our experience and knowledge, as well as our combination of skills and talents, enable us to work successfully with you to deliver a quality product on time and in a manner that exceeds your expectations. Our resumes are attached with this Proposal.

Juli Beth (JB) Hinds, AICP, Partner; Project Manager. JB is deeply knowledgeable about and experienced in the Vermont municipal planning and zoning process, having served as a planning director and consultant for municipalities and private-sector clients in Vermont since 1997. Her Vermont practice includes current work on land use, financing plans, and stormwater regulations for the Town of Waitsfield, Town of Rutland, and City and Town of St. Albans, an airport-area land use evaluation for the Chittenden County Regional Planning Commission, and a five-town project (including Duxbury) developing a stormwater management program and planning framework for the Friends of the Mad River. She served on the 2001-2 Chapter 117 re-write committee and was co-legislative lead for passage of substantive revisions in 2003. Her continuing private-sector development practice experience, which includes Act 250 and local proceedings, gives her a particularly strong understanding of regulatory and market issues, and how strategic plans can work with and foster economic vitality.

Bob Barber, FAICP, Partner; Workshops & Zoning Strategies. Bob is a founding Orion partner, having retired after 25 years of public service, most recently as Director of Planning for Hernando, Mississippi from 1996 to 2012. In this role he focused planning and development policy on preservation, design, placemaking and smart growth principles. Hernando was selected as one of the 100 best small towns in America by Forbes Magazine in 2012. Bob is a frequent regional and national speaker on small town planning and design issues. His writings are published in numerous publications and professional journals including *Planning* magazine, Clark and Boardman's Legal Review, and the Journal of the American Planning Association. Bob is currently project manager for the Sevierville, TN Land Development Code project and Brandon, MS Comprehensive Plan and Code, and will work on the public communications plan, Village Center development issues, and options for reworking Duxbury's standards to achieve Town Plan goals.

Oliver Seabolt, ASLA, Partner; Technical and Landscape Standards. Oliver is a landscape architect and planner who specializes in helping small communities integrate effective aesthetic standards into their zoning and public projects. He has more than 17 years of experience in landscape architecture, urban design and real estate, and brings an important perspective on site-scale planning, design and environmental standards. Oliver has a BLA from the University of Georgia and a Master in Landscape Architecture from Harvard. He has a special focus on corridor and greenway planning and currently serves on the Board of Directors of the Coastal Georgia Greenway and the St. Simons Island Land Trust.

3.0 Scope of Services

3.1 Approach to Montpelier's Needs

Like many Vermont communities and small communities nation-wide, the City of Montpelier has made tremendous investments in public engagement and visioning around its comprehensive plan, yielding a plan that is just that – comprehensive – but almost too comprehensive to be useful in either guiding the day-to-day actions of its Planning Commission, staff, City Council, and committees, or in communicating the core purposes of the Plan to residents, businesses and stakeholders. Beyond the City's primary Comprehensive Plan, Montpelier's staff and volunteer leaders also have been working on many special area and strategic plans, including the Economic Development Strategic Plan, Capital District Master Plan, Montpelier in Motion Bicycle and Pedestrian Master Plan, Greening Americas Capitals report, and Stormwater Master Plan.

Despite (or perhaps in part because of) the combined length and breadth of these studies, clear guidance for how to define actions and move ahead with implementation is lacking. The City has no less than 28 standing committees or commissions, increasing the potential that one committee's or commission's actions could overlap or actively conflict with another's. Our team has approached these challenges in many different communities, including several where there have been many processes and plans completed, but little forward movement.

Rather than re-visiting its extensive process from the Master Plan effort, Montpelier needs a clear statement summarizing the outcomes of that process – as well as complimentary goals from other planning work – and more user- and public-friendly organization of the adopted goals from the Master Plan. Most of the goals and associated strategies in the Plan need refinement, re-organization or clarification be actionable; there are, for examples, six pages of strategies for water resources that are neither prioritized nor related to a specific problem, bylaw provision, or action step. Many could be related to or consolidated with other natural resources strategies; some will be accomplished through public works efforts and may not need to be highlighted in the City's Plan. Finally, while our team's review as part of the proposal effort did not identify active conflicts between or among strategies, it is entirely possible that conflicts could arise if, for example, there is competition for grant funds or discussion of a zoning change to support economic development.

With consolidated information and key themes articulated in a foundation document, an Implementation Matrix supporting five- and ten-year work plans can be prepared for the many committees and commissions to use as a crucial starting point. Because some of the committees and commissions are likely to need ongoing process beyond the scope and timeframe of this Plan update to make final decisions on action items, we recommend structuring the Matrix as a flexible "worksheet" for moving ahead and tracking progress. Allowing the Implementation Matrix to serve this function can, hopefully, allow the City to focus on how to move ahead, and where future conflicts can be resolved, rather than simply re-visiting the Plan principles and goals. Our

approach, therefore, is to ensure that the policies and goals reflect as closely as possible the language of the 2015 Master Plan, and that the Plan summary also reflects directly the adopted, expressed vision of the City.

In re-organizing the policies and goals, and preparing an Implementation Matrix, we have structured our work tasks to help the City and its citizen leaders work through these questions:

- (1) What are the *central themes and key pieces of objective information* that have emerged from the public process/visioning and research in the Comprehensive Plan, Economic Development Strategic Plan, Bicycle and Pedestrian Master Plan, Greening Americas Capitals report, and committee work processes? This will be tackled in the “boiling down” process in Task 2, and will be the backbone of how the plan summary is organized and presented.
- (2) What are the *primary types of actions* that the City, business community, landowners will need to take to advance Montpelier’s goals? For example, are there needed capital investments, grant-funded projects, financial measures, or property owner agreements? This will happen in Task 3, where a matrix is developed.
- (3) *What are the ‘unknowns’ and stumbling blocks*, both in terms of objective information or planning, and in terms of committee knowledge or public support, that are critical to each type of action? These will be addressed in Task 3 through staff and committee consultation, and potentially through survey input as well.
- (4) What are the *important takeaways for different audiences*, including residents, businesses, State agencies, and citizen leaders? This will help inform the plan summary development in Tasks 4 and 5.
- (5) Based on the plan documents, public and committee input, and some ‘ground-truthing,’ what are the crucial *short and mid-term implementation steps for the Implementation Matrix*? This is the central work of Task 6.
- (6) Finally, how can the City’s *Comprehensive Plan goals and strategies be re-organized* and renumbered to comply with Chapter 117, reflect the principles in the Planning Manual, and yield an actionable document? This happens in Task 7.

3.1.2 Incorporating Principles from the Vermont Planning Manual

Recognizing the “heft” of a typical Chapter 117 compliant plan, the Vermont Agency of Commerce and Community Development has provided strong guidance in the Planning Manual to make plans “nimble and more useful” for Vermont communities. To the extent possible, we will make use of the principles and organization recommendations in the Manual. From our initial review we would recommend including text boxes or another format to show how Montpelier’s process has embodied the Manual’s “Four good reasons to plan,” and how the “Municipal plans in Vermont are necessary to...” points on page 9 relate directly to recent actions and policies in the City. The Smart Growth Principles on page 11 offer another way to help relate actions to important principles and outcomes, and we anticipate that these will be incorporated into the Matrix in Task 3.

3.2 Work Tasks

3.2.1 Kick-Off Meeting; Committee Contact Scope/Schedule; Public Engagement Methods Meetings: Staff meeting (half-day); Planning Commission project introduction (regular meeting)

Deliverables: Detailed project schedule and refined scope; allocation of responsibility among staff, consultant and committee leadership for work tasks; memo outlining process for working with committees

Task 1 will be a kick-off meeting at which time we will work with staff to establish a detailed schedule for the project, and in particular, to allocate consultant and staff time and resources. With the many committees and commissions in Montpelier, decisions will need to be made about how to work effectively with either individual committees, groups of committees, a task force comprised of leadership from several groups, or other combinations of staff and time. One option is to have the consultant team, staff and Planning Commission work through the ‘boil down’ process in Task 3.2.2 and initial matrix development. Once that is completed, the consultant team would prepare ‘homework’ charging each committee with turning the topics, goals or potential projects related to their area of interest into action steps, and then conduct a facilitated session with committee leaders on how to use the matrix to complete their ‘homework.’ This approach, or some variation, can help engage and build a sense of ownership among individual committees for the ultimate implementation steps.

We also will discuss options for public engagement. It is anticipated given the project scope and budget that strategic and less time-intensive – but no less useful – approaches to public input will be appropriate. Since much of the work and decision-making will fall to committees, we might recommend options such as short on-line surveys be conducted once themes for the Plan summary have emerged, to test out what concepts, information and themes resonate particularly well or need more explanation and information. Another option may be focused meetings in neighborhoods or with groups of stakeholders who are particularly affected by a potential decision. In this way engagement and feedback opportunities could be targeted more effectively around implementation issues. Finally, designing the Implementation Matrix approach as a basis for iterative planning will allow public input and testing of final actions as the City moves forward.

Responsibilities for graphics, demographic updates, and mapping also will need to be worked through. This project proposal does not include consultant time for demographic updates or other ‘basic elements’ in the plan that may need updating; however, since both the final Master Plan (9/23/15) and the Economic Development Strategic Plan are so recently completed, our team does not believe that this will be a limitation or problem for the scope.

3.2.2 Team “Boil Down” of Plan Vision, Major Goals, and Ideas

Meetings: Staff meeting (2-3 hours); anticipate staff will review graphic option with Planning Commission

Deliverable: Memo on themes, re-organization for plan summary, and Planning Manual elements; graphic/visual formatting options; final graphic/visual format;

As the next sub-task, the OP&D team will take an in-depth look at the plan vision and goals identifying opportunities to create brevity of expression. Taking a cue from a venerable Vermont practice, this task is the “boiling down” phase in the Sugar Shack when the maple syrup starts to

become more concentrated. We will be looking both for themes, which will be critical in organizing the Plan Summary, and for opportunities to translate general goals into specific potential actions. We also will be identifying pieces of the Plan that reflect the best practices in the Vermont Planning Manual.

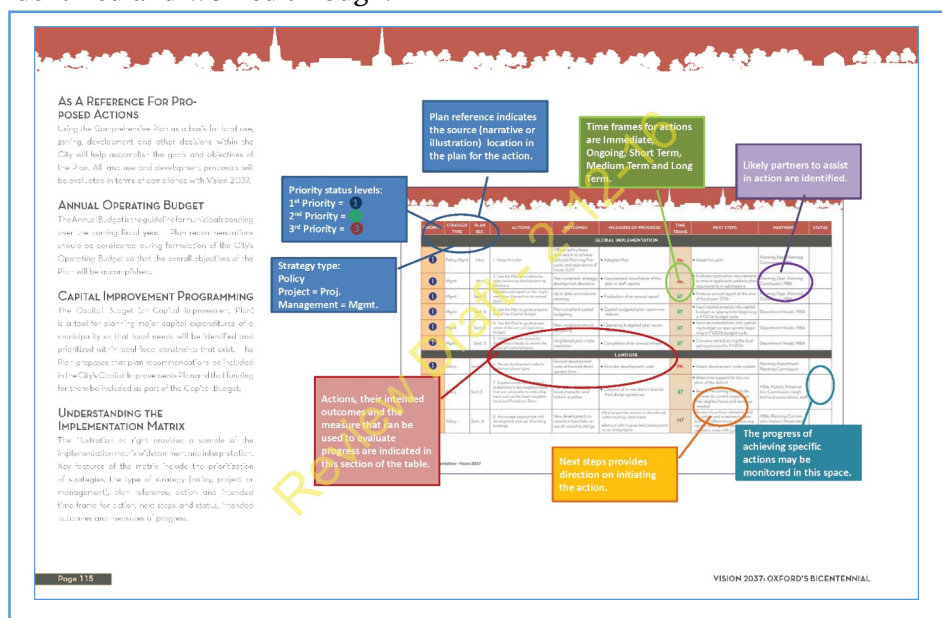
In addition, visual formatting and graphic options will be created and, with staff, selected for use in the revised plan document. This task will also include identifying the appropriate ordering of plan material, with key goals and concepts placed in the front and technical material repositioned in an appendix. **This task will involve time with City staff, which is accounted for in the budget. The task includes the technical conversion of the existing document and its illustrations into InDesign compatible formatting. OP&D utilizes InDesign for its support of graphic quality, and ease of exporting to web and pdf formats.

3.2.3 Create a Plan Implementation Matrix

Meetings: Staff meeting (2-3 hours); anticipate staff will review matrix options with Planning Commission; *Committee/Commission leader facilitated session on 'homework' and conflict resolution (@3 hours)

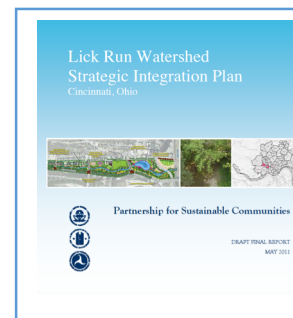
Deliverables: Matrix options; final matrix format; initial draft matrix; 'homework' for committees/commissions

In Task 3, OP&D will take a first cut at extracting implementation measures from the existing plans and policies, as well as the City's capital budget and program and from staff input, and will organize these into an implementation matrix. The matrix will highlight action items, identify responsible parties, establish timeframes, and set out measures of progress and benchmarks for achievement. We also believe it will be useful to include references (possibly using the icons from the Planning Manual) to the Vermont Smart Growth Principles. This would also be the step for organizing the boiled-down material into 'homework' for the City's various committees and commissions, and for a facilitated session with committee and commission leadership to initiate their work on articulating implementation steps for the matrix, and understanding where and how conflicts such as prioritization for grants, or disagreements on policy and interpretation, might be identified and worked through.



One option for Montpelier's matrix is the format in the recently adopted Oxford, MS plan shown at left. This includes a user's guide to the matrix, which we strongly recommend as a plan graphic, and the matrix itself. The matrix also can be printed as a worksheet for periodic check-ins.

Another complimentary option for organizing the Implementation Matrix is the “Strategic Integration Table” from the Lick Run Watershed (Cincinnati, OH) Strategic Integration Plan for the \$2 billion combined sewer overflow mitigation project¹. In this case, actions were organized across multiple City of Cincinnati departments, state and federal agencies, school districts, and non-profits into a group of “framework actions” or themes, with overall needs/objectives and lead responsibility defined for each theme. Specific actions were then allocated to the various (and in many cases very independent) government departments or initiatives. The Lick Run plan and matrix also identified “information pathways” for each piece in the public engagement and visioning theme, such as using local school announcements to provide information on local design charrettes in disadvantaged neighborhoods that previously had been poorly attended.



Appendix A Strategic Integration Table
Lick Run Watershed Strategic Integration Plan Framework Actions and Independent Actions

Framework Actions to Implementing Integrated, Sustainable Infrastructure	Independent City, Regional and Organization Actions									
	LAND USE & WATER	PARKS & TRAILS	TRANSPORTATION & TRANSIT	HOUSING & ECONOMIC DEVELOPMENT	SUSTAINABILITY	Other City/Regional/State/Federal/Non-Profit	Other City/Regional/State/Federal/Non-Profit	Other City/Regional/State/Federal/Non-Profit	Other City/Regional/State/Federal/Non-Profit	Other City/Regional/State/Federal/Non-Profit
#1: COMMUNITY ENGAGEMENT & VISION DEFINITION NEED: Ongoing and consistent messaging to local stakeholders, including micro/site issues. RESPONSIBILITY: Local area project and outreach coordinator Rebuild/restructure CDF Advisory Committee with locally focused task force and stakeholders Understand local information pathways & create dissemination plan Prepare updates: FAQs, upcoming outreach needs and other connections/resources needed Continue with one time events and ongoing feedback/communication implementation & ongoing feedback										
#2: LAND ACQUISITION, BROWNFIELDS & LAND USE PLAN NEED: Central inventory & adaptive plan for lands to be acquired/involved in Sustainable Infrastructure Programs RESPONSIBILITY: MSD, Planning & Building; US EPA Port Authority Complete information on land acquisition, park & brownfield status and create joint map Identify additional involved lands in Green Infrastructure Program, brownfields, recreation, parks Conduct market and opportunity analysis incorporate into plans & charrettes Develop land use plan and site management standards for acquired land & transitional sites Begin developing zoning and policies for disposition of extra lands (e.g., housing, transportation, etc.)										
#3: CINCINNATI PARKS COORDINATION (ongoing) NEED: Joint MSD/Parks Plan for Green Alternative Projects/Components + Mill Creek Greenway Project RESPONSIBILITY: Cincinnati Parks & MSD, Mill Creek Greenway Identify potential local and site specific park impacts of Green Infrastructure Program construction Through charrettes, identify concepts for recreation/park uses of GIP lands Work with Mill Creek Greenway on extension opportunities, requirements & planning Continue to assess neighborhood park needs and impacts as GIP components are designed Identify additional funding sources for park/recreation components										
#4: LAND DEVELOPMENT CODE (LDC) UPDATE NEED: Regulatory Strategies and Plans Supporting Green Infrastructure Program RESPONSIBILITY: Planning, coordinated with MSD e clear statement of current and future source reduction needs as baseline for planning, eventual code update Design and conduct charrettes to ensure GIP principles, source reduction needs are fully incorporated Incorporate land acquisition-use plan, planning through Parks MOU into land use plans and zoning for area *Ensure source reduction standards for housing, transportation, capital facilities are incorporated into LDC *Participate in updates of related technical standards and codes, particularly streets and public works standards *Participate in Complete Streets Implementation										
#5: MAINTENANCE AGREEMENTS NEED: Working agreement with affected City departments for maintenance of Sustainable Infrastructure Project components RESPONSIBILITY: MSD, Parks, and multiple departments Create composite plan and identification of Green Alternative BMPs and facilities Use MSD-Cincinnati Parks MOU as starting point for maintenance agreement negotiations Composite list of maintenance needs by affected facility (i.e. streets, sidewalks, parks, convergence, housing) Identify differences from current maintenance regimes and costs Develop inter-department agreements on maintenance of different facilities as needed										

3.2.4 Plan Summary: Consolidation and Reorganization

Meetings: Staff (and ACCD), roughly 2 hours; anticipate staff will review outline with Planning Commission

Deliverables: Draft and final detailed outline of reorganized plan; draft statement of summary’s relationship to statutory requirements

Task 4 will consist of outlining the Plan summary document, and consolidation and presentation of supporting data and information in a main document and/or plan appendices. Depending on the City’s preferences and committee/commission progress on specific topics, the “filled in” Implementation Matrix may be incorporated in the Plan summary itself, or a summary version of the Matrix may be included to help the public understand how implementation planning will

¹ <https://www3.epa.gov/region5/sustainable/pdf/lickrunfinalplan/lickrun-siplan-201107-report.pdf>

occur (similar to the Oxford example above), with the detailed versions for five- and ten-year actions kept as a more readily updated appendix or attachment. The latter approach would allow more flexibility and would allow the Plan summary to function as a stand-alone document highlighting themes and goals.

At this stage we will work with staff (and if desired, ACCD) to identify which portions of the reorganized plan address each of the statutory requirements, and to craft a written statement of the summary plan's relationship to the legally adopted Comprehensive Plan. This is also an opportunity for staff, the Planning Commission and various committees to determine how and where other supporting plans should be referenced or highlighted in the summary plan. The outline also will make preliminary recommendations for specific graphics to be enhanced/repositioned in Task 5 to jump-start this important conversation.

3.2.5 Enhance and Reposition Graphics and Illustrations

Meetings: Meeting with staff (including GIS); may be coordinated with Planning Commission progress presentation

As noted in the approach, graphics should be selected and used in a way that clearly informs or illustrates either an area where there is an information need, such as illustrating densities or the extent of State land ownership in downtown Montpelier, or where a key theme can be illustrated, such as showing trends in economic activity in the City versus Vermont since 2000. In Task 5, the existing plan graphics and illustrations will be evaluated for potential enhancements for effectiveness and repositioning in the plan document. This task is especially important in identifying what points, principles or themes need to be emphasized. For example, the actual amount, use and layout of parking in Downtown Montpelier could be represented graphically in support of strategies for parking and transportation. As another example, representing the economic activity in Montpelier in recent years in terms of housing units, jobs or square feet of vacant commercial space, and putting this in the context of change elsewhere in Central Vermont (or another city, such as St. Albans) may be important to 'myth busting' around economic development needs and strategies.

Graphics recomposition has the potential to be very time consuming – and “graphic overload” (such as a series of basic GIS maps) does not serve the purpose of a concise and actionable plan. Consequently, key graphic representations must be prioritized and a limited number selected for attention and quality. We will conduct this task in close consultation with staff to ensure that the project remains within budget.

3.2.6 Prepare draft Plan, Implementation Matrix and list of consolidated/numbered Plan policies and goal

Meetings: Staff (2-3 hours); Planning Commission presentation of draft; phone meeting to review redline/revision

Deliverables: Draft Plan with Implementation Matrix and consolidated policies and goals; revisions based on one consolidated redline/revision from the City

Task 6 is an important step in both completing the Implementation Matrix, and preparing the updated and consolidated Plan summary. At this stage, we will prepare a draft Plan, a list of consolidated and re-numbered Plan policies and goals, and a draft Implementation Matrix populated with information from the review of Plans and policies – as well as from the 'homework' or other feedback from the City's committees and commissions.

Because of both the budget constraints and the need to help Montpelier move forward, we will hold the review portion of this task to one consolidated revision/redline, stressing that (1) the Plan summary and re-numbered policies and goals reflect the adopted Plan, and (2) that commissions and committees should see the Implementation Matrix in particular as a working document to be updated frequently.

3.2.7 Complete Deliverables

Deliverables: Searchable, hyperlinked PDF file

In Task 8, we will prepare the final reorganized plan in a searchable hyperlinked PDF file suitable for print and web distribution.

3.3 Additional Services

Our staff can be available for additional meetings through the Chapter 117 public hearing process for an additional fee per meeting, and at our hourly rate for other requested support. However, we genuinely believe that if we have done our work, it is the Planning Commission and not consultants who have the greatest credibility in the public hearing process.

4.0 Project Schedule

Our team is available to begin working on this project beginning on May 1, 2016. As noted above we believe that scheduling must be fine-tuned in the kickoff meeting, particularly around the structure of committee/commission work and the availability of key stakeholders. Our general approach is set forth below and if the City is able to engage efficient work by its committees and commissions, we believe (and would recommend) that the City can have a completed Plan summary ready for publication in January 2017.

Task	2016 May	June	July	August	September	October	November	December	2017 January	February	March	April
1. Kick-Off	*											
2. Evaluation/"Boiling Down"		*										
3. Implementation Matrix			*									
4. Consolidation/Reorganization				*	*	*						
5. Graphic Enhancements and Illustrations							*					
6. Draft Plan								*				
7. Deliverables									*			

5/6 Labor Hours by Task and Fee Structure

Anticipated labor hours by task and billing rates for project staff are show in the table below. As noted in the approach to the project and the work tasks, the project budget will require staff to do much of the legwork with the Planning Commission, and does not provide for multiple or

extensive meetings with the consultant team. Hopefully, this structure will encourage efficiency so that the City can move into focusing on the Implementation Matrix and its content.

Please note that **travel reimbursement for Juli Beth Hinds is charged at the applicable federal mileage rate from Waterbury**. Travel costs for other partners are charged at cost, or as ultimately as established in a contract between the Town and OP&D. Our budget anticipates one on-site trip for Oliver Seabolt to work on graphic communication and format.

Task Hours	Juli Beth Hinds, AICP	Robert Barber, FAICP	Oliver Seabolt, ASLA	Total
1. Kick-Off	4	0	0	4
2. Evaluation/"Boiling Down"	8	8	0	16
3. Implementation Matrix	8	2	8	18
4. Consolidation/Reorganization	10	4	12	26
5. Graphic Enhancements and Illustrations	2	2	16	20
6. Draft Plan	8	4	20	32
7. Final Review and Completion	8	0	8	16
Total	48	20	64	132

Total Labor @ \$140/hour = \$18,480

Direct Expenses = \$1,520

Total Project Budget = \$20,000

7.0 Summaries of Recent Relevant Projects

Orion Planning & Design has a long track record of excellence in innovative small community planning. We encourage the City of Montpelier to contact any of our references who will attest that we hold ourselves to high standards in managing and executing our projects and commit to a job well done. We are proud to attach with our proposal the draft **Sheridan (Wyoming) Land Use Plan**, which is a particularly good comparable for Montpelier. This graphics-rich plan summarizes the key findings of longer appendices. Each chapter heading tells the reader what topics are covered in the chapter. Graphics such as the “word cloud” generated from public input (an option for Montpelier) and Guiding Principles graphic help organize and highlight key aspects of the Plan. Please contact Robert Briggs, AICP, Director, Planning & Economic Development; rbriggs@sheridanwy.net, 307-675-4226. We are also proud to provide a link for staff and the Planning Commission to **Plan Brandon! Comprehensive City Plan to 2035** for Brandon, Mississippi, which was adopted in November 2015. Please contact Jordan Hillman, AICP, Director of Community Development; JHillman@ci.brandon.ms.us, 601-824-4580.

The table below summarizes our team’s recent work on targeted updates to zoning and subdivision bylaws or unified development regulations in Vermont communities, as well as private development experience that provides insights and knowledge for implementation. We are

thoroughly versed in and familiar with MPG requirements (i.e. GIS formats, MPG language required on documents, reporting, timeframes).

Vermont Projects & Year; MPG funded	Project Focus
Valley Towns: Duxbury, Moretown, Waitsfield, Fayston, Warren (current)	Review bylaws for provisions related to water quality; draft new erosion control standards and administrative process; draft recommended revisions to subdivision regs for Moretown, Fayston <i>Contact: Corrie Miller, friends@madriver.com 496-9127</i>
Town & City of St Albans (current) <i>Vermont MPG</i>	Draft amendments to bylaws to incorporate new MS4 stormwater requirements; draft new stream buffer standards <i>Contact: Chip Sawyer, c.sawyer@stalbansvt.com 524-1500 x 259</i>
Town of Rutland (current) <i>Vermont MPG</i>	Draft stream buffer provisions, permit procedures for new MS4 requirements; develop community engagement and landowner outreach strategies <i>Contact: Andres Torizzo, andres@watershedca.com ; 497-2367</i>
Mad River Valley Economic Study (2013-14)	Develop economic 'baseline' for impact of tourism (including mountain biking), agriculture, home-based, and <i>Contact: Joshua Schwartz, mrvpd@madriver.com 496-7173</i>
Duxbury (2008-9) and 2016 <i>Vermont MPG</i>	2008-9 Develop new PUD standards, conservation options; 2016, comprehensive zoning update <i>Contact: Catherine Gjessing, Catherine.gjessing@vermont.gov</i>

STATE OF VERMONT GRANT AGREEMENT

Part 1 - Grant Award Detail

SECTION I - GENERAL GRANT INFORMATION

¹ Grant #: MP-2016-Montpelier-00029² Original ☒ Amendment # _____³ Grant Title: Comprehensive plan update⁴ Amount Previously Awarded:

\$ 0.00

⁵ Amount Awarded This Action:

\$16,000

⁶ Total Award Amount:

\$16,000

⁷ Award Start Date: 12/1/2015⁸ Award End Date: 5/31/2017⁹ Subrecipient Award: YES ☐ NO ☒¹⁰ Vendor #: 40571¹¹ Grantee Name: City of Montpelier¹² Grantee Address: 39 Main Street, City Hall¹³ City: Montpelier¹⁴ State: VT¹⁵ Zip Code: 05602¹⁶ State Granting Agency: Agency of Commerce and Community Development¹⁷ Business Unit: 07110¹⁸ Performance Measures:YES ☒ NO ☐¹⁹ Match/In-Kind: \$4,000

Description: 1/3 of Total Project Cost over \$8,000

²⁰ If this action is an amendment, the following is amended:Amount: ☐Funding Allocation: ☐Performance Period: ☐Scope of Work: ☐Other: ☐

SECTION II - SUBRECIPIENT AWARD INFORMATION

²¹ Grantee DUNS #: 024104655²² Indirect Rate:

n/a %

²³ FFATA: YES ☐ NO ☒²⁴ Grantee Fiscal Year End Month (MM format): Jun 30

(Approved rate or de minimis 10%)

²⁵ R&D: n/a²⁶ DUNS Registered Name (if different than VISION Vendor Name in Box 11):

SECTION III - FUNDING ALLOCATION

STATE FUNDS

Fund Type	²⁷ Awarded Previously	²⁸ Award This Action	²⁹ Cumulative Award	³⁰ Special & Other Fund Descriptions
General Fund	\$0.00	\$0.00	\$0.00	
Special Fund	\$0.00	\$16,000	\$16,000	Municipal Planning Grant Funds
Global Commitment (non-subrecipient funds)	\$0.00	\$0.00	\$0.00	
Other State Funds	\$0.00	\$0.00	\$0.00	

FEDERAL FUNDS

(includes subrecipient Global Commitment funds)

Required Federal Award Information

³¹ CFDA #	³² Program Title	³³ Awarded Previously	³⁴ Award This Action	³⁵ Cumulative Award	³⁶ FAIN	³⁷ Federal Award Date	³⁸ Total Federal Award
		\$0.00	\$0.00	\$0.00			\$0.00
³⁹ Federal Awarding Agency:			⁴⁰ Federal Award Project Descr:				
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MUNICIPAL PLANNING GRANT AGREEMENT

1. **Parties:** This is a Grant Agreement between State of Vermont **Agency of Commerce and Community Development** (hereinafter called "State" or "Agency") and the City of Montpelier with principal place of business at 39 Main Street, City Hall, Montpelier, Vermont (hereinafter called "Grantee"). Grantee is not required by law to have a Business Account Number from the Vermont Department of Taxes.
2. **Subject Matter and Source of Funds:** This agreements is authorized by 24 V.S.A. § 4306
3. **Award Details:** Amounts, dates, and other award details are as shown in the attached **Grant Agreement Part 1 - Grant Award Detail**. A detailed scope of work covered by this award is described in **Attachment A**.
4. **Amendment:** No changes, modifications, or amendments in the terms and conditions of this Grant Agreement shall be effective unless reduced to writing, numbered, and signed by the duly authorized representative of the State and Grantee.
5. **Cancellation:** This Grant Agreement may be suspended or cancelled by either party by giving written notice at least 30 days in advance.
6. **Attachments:** This grant consists of 13 pages including the following attachments that are incorporated herein:
 - Attachment A - Scope of Work to be Performed and Budget Summary
 - Attachment B - Payment Provisions
 - Attachment C - Customary State Grant Provisions
 - Attachment D - Procurement Procedures and Other Grant Requirements
7. **Order of Precedence:** Any ambiguity, conflict or inconsistency in the Grant Documents shall be resolved according to the following order of precedense:
 - Agreement
 - Agreement C
 - Agreement D
 - Agreement A
 - Agreement B

WE THE UNDERSIGNED PARTIES AGREE TO BE BOUND BY THIS GRANT AGREEMENT.

By the State of Vermont:

Date: Jan. 12, 2016
Signature: [Signature]

Name: Noelle MacKay, Commissioner
Department of Housing and Community Development

By the Grantee:

Date: 1-11-16
Signature: [Signature]

Name: William Fraser City Manager
City of Montpelier

Attachment A
Work Plan and Budget
MP-2016-Montpelier-00029
City of Montpelier

Personnel

Task	Responsibility	Task Description	Hours	Hourly Rate	Cost	Material Costs	Total Cost
1. RFP and Contract	Director and PC	The Planning Director will develop a request for proposal for approval by the Planning Commission. Following a competitive process, the Planning Commission will award the contract to the most qualified candidate.	1	\$0	\$0	\$0	\$0
10. Final plan	Consultant	A final Plan will be presented to the planning commission.	10	\$75	\$750	\$100	\$850
2. Organizational meeting	Commission and consultant	The Planning Commission and consultant will meet to define timelines and process for public out reach and updating of chapters.	5	\$75	\$375	\$0	\$375
3. Stakeholder input	Consultant	The consultant will lead outreach efforts to stakeholder groups involved with the implementation of each of the plan's chapters. The Commission will have representatives present to observe and comment.	65	\$75	\$4,875	\$150	\$5,025
4. Background research	Consultant	The consultant will update statistical information and develop maps and figure to support the plan	20	\$75	\$1,500	\$0	\$1,500
5. Draft chapters	Consultant	Using stakeholder input on the goals implementation and background research updates, the consultant will develop draft chapters for review.	40	\$75	\$3,000	\$0	\$3,000
6. PC meetings	Consultant and PC	The consultant will present draft chapters and review with the planning commission and the public. Initial reviews of chapters may be completed in sub-committees of the planning commission as many chapters need to be completed in a short period.	45	\$75	\$3,375	\$100	\$3,475

7. Compile plan chapters	Consultant	Based upon PC input, the draft chapters will be revised and compiled.	30	\$75	\$2,250	\$0	\$2,250
8. Public outreach	Consultant and PC	The Consultant will facilitate public input through a series of smaller input sessions. The city has success in using a combination of open houses and formal facilitated meetings when the zoning was done in 2015. We think a similar approach can work.	30	\$75	\$2,250	\$100	\$2,350
9. Integrate input and revise	Consultant and PC	The consultant will present the findings from the input sessions to the PC and make final edits	15	\$75	\$1,125	\$50	\$1,175

Totals					\$19,500	\$500	\$20,000
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Total Project Cost: \$20,000

State Funds - Grant Amount Requested: \$16,000

Match Funds: \$4,000

Attachment B
PAYMENT PROVISIONS

I. PAYMENT PROVISIONS AND REPORTING REQUIREMENTS

Upon execution of this Agreement and the Department's receipt of a submitted Requisition, the Department shall authorize 40% of the Grant Award to be released to the Grantee. A progress report included with a second Requisition is due by August 31, 2016. Upon review and approval of the progress report, the Department shall release an additional 30% of the Grant Award. The final 30% of the Grant Agreement is a reimbursement for final expenses incurred by May 31, 2017, and is subject to the Grantee's expenditure of any required Match Funds set forth in Attachment A. The Grant Award and Match Funds, identified in Attachment A may be proportionately reduced if the Total Project Costs are not fully expended.

All costs for which reimbursement is requested must comply with Attachment A and be incurred during the Period of Performance.

The Grantee shall submit, no later than June 30, 2017, a final report. The report shall be written on a form provided by the Department, shall include copies of any final products outlined in Attachment A, and shall include documentation of all grant expenditures. Such documentation shall include, but not limited to:

- a. A summary ledger to accurately maintain financial records throughout the grant period;
- b. receipts and invoices for all grant expenditures and a log of hours worked by municipal employees if the budget shows their time is paid for by the grant; and
- c. copies of cancelled checks OR, a computerized accounting report certified by the municipal treasurer as true and accurate, documenting each payment for the grant (showing payee, date of payment and the check or transfer number and total expenditures).

Upon agreement between the Department and the Grantee that the final report and activities have been completed satisfactorily, the Department shall authorize the release of the final 30% of the Grant Award.

All payments by the State under this Agreement will be made in reliance upon the accuracy of all prior representations by the Grantee, including but not limited to progress reports and other proofs of work.

[END OF ATTACHMENT B]

**ATTACHMENT C: STANDARD STATE PROVISIONS
FOR CONTRACTS AND GRANTS**

1. Entire Agreement: This Agreement, whether in the form of a Contract, State Funded Grant, or Federally Funded Grant, represents the entire agreement between the parties on the subject matter. All prior agreements, representations, statements, negotiations, and understandings shall have no effect.

2. Applicable Law: This Agreement will be governed by the laws of the State of Vermont.

3. Definitions: For purposes of this Attachment, "Party" shall mean the Contractor, Grantee or Subrecipient, with whom the State of Vermont is executing this Agreement and consistent with the form of the Agreement.

4. Appropriations: If this Agreement extends into more than one fiscal year of the State (July 1 to June 30), and if appropriations are insufficient to support this Agreement, the State may cancel at the end of the fiscal year, or otherwise upon the expiration of existing appropriation authority. In the case that this Agreement is a Grant that is funded in whole or in part by federal funds, and in the event federal funds become unavailable or reduced, the State may suspend or cancel this Grant immediately, and the State shall have no obligation to pay Subrecipient from State revenues.

5. No Employee Benefits For Party: The Party understands that the State will not provide any individual retirement benefits, group life insurance, group health and dental insurance, vacation or sick leave, workers compensation or other benefits or services available to State employees, nor will the state withhold any state or federal taxes except as required under applicable tax laws, which shall be determined in advance of execution of the Agreement. The Party understands that all tax returns required by the Internal Revenue Code and the State of Vermont, including but not limited to income, withholding, sales and use, and rooms and meals, must be filed by the Party, and information as to Agreement income will be provided by the State of Vermont to the Internal Revenue Service and the Vermont Department of Taxes.

6. Independence, Liability: The Party will act in an independent capacity and not as officers or employees of the State.

The Party shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Party or of any agent of the Party. The State shall notify the Party in the event of any such claim or suit, and the Party shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement the Party may request recoupment of specific defense costs and may file suit in Washington Superior Court requesting recoupment. The Party shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Party.

The Party shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Party.

7. Insurance: Before commencing work on this Agreement the Party must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Party to maintain current certificates of insurance on file with the state through the term of the Agreement. No warranty is made that the coverages and limits listed herein are adequate to cover

and protect the interests of the Party for the Party's operations. These are solely minimums that have been established to protect the interests of the State.

Workers Compensation: With respect to all operations performed, the Party shall carry workers' compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the contract, the Party shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations

Products and Completed Operations

Personal Injury Liability

Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$1,000,000 Per Occurrence

\$1,000,000 General Aggregate

\$1,000,000 Products/Completed Operations Aggregate

\$ 50,000 Fire/ Legal/Liability

Party shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Agreement.

Automotive Liability: The Party shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Agreement. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Party shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Agreement.

8. Reliance by the State on Representations: All payments by the State under this Agreement will be made in reliance upon the accuracy of all prior representations by the Party, including but not limited to bills, invoices, progress reports and other proofs of work.

9. Requirement to Have a Single Audit: In the case that this Agreement is a Grant that is funded in whole or in part by federal funds, the Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or not a Single Audit is required for the prior fiscal year. If a Single Audit is required, the Subrecipient will submit a copy of the audit report to the granting Party within 9 months. If a single audit is not required, only the Subrecipient Annual Report is required.

For fiscal years ending before December 25, 2015, a Single Audit is required if the subrecipient expends \$500,000 or more in federal assistance during its fiscal year and must be conducted in accordance with OMB Circular A-133. For fiscal years ending on or after December 25, 2015, a Single Audit is required if the subrecipient expends \$750,000 or more in federal assistance during its fiscal year and must be conducted in accordance with 2 CFR Chapter I, Chapter II, Part 200, Subpart F. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a Single Audit is required.

10. Records Available for Audit: The Party shall maintain all records pertaining to performance under this agreement. "Records" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired by the Party in the performance of this agreement. Records produced or acquired in a machine readable electronic format shall be maintained in that format. The records described shall be made available at reasonable times during the period of the Agreement and for three years thereafter or for any period required by law for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the three year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

11. Fair Employment Practices and Americans with Disabilities Act: Party agrees to comply with the requirement of Title 21 V.S.A. Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable. Party shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, as amended, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Party under this Agreement. Party further agrees to include this provision in all subcontracts.

12. Set Off: The State may set off any sums which the Party owes the State against any sums due the Party under this Agreement; provided, however, that any set off of amounts due the State of Vermont as taxes shall be in accordance with the procedures more specifically provided hereinafter.

13. Taxes Due to the State:

- a. Party understands and acknowledges responsibility, if applicable, for compliance with State tax laws, including income tax withholding for employees performing services within the State, payment of use tax on property used within the State, corporate and/or personal income tax on income earned within the State.
- b. Party certifies under the pains and penalties of perjury that, as of the date the Agreement is signed, the Party is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.
- c. Party understands that final payment under this Agreement may be withheld if the Commissioner of Taxes determines that the Party is not in good standing with respect to or in full compliance with a plan to pay any and all taxes due to the State of Vermont.
- d. Party also understands the State may set off taxes (and related penalties, interest and fees) due to the State of Vermont, but only if the Party has failed to make an appeal within the time allowed by law, or an appeal has been taken and finally determined and the Party has no further legal recourse to contest the amounts due.

14. Child Support: (Applicable if the Party is a natural person, not a corporation or partnership.)

Party states that, as of the date the Agreement is signed, he/she:

- a. is not under any obligation to pay child support; or
- b. is under such an obligation and is in good standing with respect to that obligation; or
- c. has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan.

Party makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Party is a resident of Vermont, Party makes this statement with regard to support owed to any and all children residing in any other state or territory of the United States.

15. Sub-Agreements: Party shall not assign, subcontract or subgrant the performance of this Agreement or any portion thereof to any other Party without the prior written approval of the State. Party also agrees to include in all subcontract or subgrant agreements a tax certification in accordance with paragraph 13 above.

16. No Gifts or Gratuities: Party shall not give title or possession of any thing of substantial value (including property, currency, travel and/or education programs) to any officer or employee of the State during the term of this Agreement.

17. Copies: All written reports prepared under this Agreement will be printed using both sides of the paper.

18. Certification Regarding Debarment: Party certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, neither Party nor Party's principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in federal programs, or programs supported in whole or in part by federal funds.

Party further certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, Party is not presently debarred, suspended, nor named on the State's debarment list at: <http://bgs.vermont.gov/purchasing/debarment>

19. Certification Regarding Use of State Funds: In the case that Party is an employer and this Agreement is a State Funded Grant in excess of \$1,001, Party certifies that none of these State funds will be used to interfere with or restrain the exercise of Party's employee's rights with respect to unionization.

20. Internal Controls: In the case that this Agreement is an award that is funded in whole or in part by Federal funds, in accordance with 2 CFR Part II, §200.303, the Party must establish and maintain effective internal control over the Federal award to provide reasonable assurance that the Party is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

21. Mandatory Disclosures: In the case that this Agreement is an award funded in whole or in part by Federal funds, in accordance with 2CFR Part II, §200.113, Party must disclose, in a timely manner, in writing to the State, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to make required disclosures may result in the imposition of sanctions which may include disallowance of costs incurred, withholding of payments, termination of the Agreement, suspension/debarment, etc.

22. Conflict of Interest: Party must disclose in writing any potential conflict of interest in accordance with Uniform Guidance §200.112, Bulletin 5 Section IX and Bulletin 3.5 Section IV.B.

[END OF STANDARD PROVISIONS]

**ATTACHMENT D
PROCUREMENT PROCEDURES
AND
OTHER GRANT REQUIREMENTS**

1. Procurement Procedures

Background Information

Municipal planning grants are state funds granted to municipalities. Procedures for spending this Grant Award should be consistent with the principles of fair access for vendors of goods and services that govern the expenditure of state funds directly by state government. All subcontracts made pursuant to a municipal planning grant must: require all subcontractors to comply with the requirements of Title 21 of the Vermont Statutes Annotated, Chapter 5, Subchapter 6, relating to fair employment practices and the requirements of the Americans with Disabilities Act of 1990; conform to the record keeping requirements of this Agreement, and; ensure that all relevant products be compatible with the Vermont Geographic Information System (VGIS) and meet all VGIS standards, which are available from the Vermont Center for Geographic Information.

Procurement refers to the purchase of personal services (performed by people) or tangible goods. The grantee may use established procurement procedures which reflect applicable State and local laws and regulations, provided these procedures are at least equivalent to the standards set forth below.

I. Determining the Type of Procurement:

Distinguishing personal services contracts from the purchase of goods when elements of each are involved: determine which of the personal service and the product is primary and which is ancillary.

Examples:

- a. Purchase of equipment with service contract: purchase of equipment is primary, service is ancillary to keeping it in functioning order.
- b. Hiring someone to make a study and write a report: the expertise of the person making the study and writing it up is probably primary, so the report is ancillary and a contract for personal services is needed.

II. Personal Services Contracts:

A. For personal services up to and including the amount of \$1,000, a written contract is not required although it is recommended. A written contract in this context should address the issues required in a contract for goods or services costing more than \$1,000. See section B immediately below.

B. For personal services over the amount of \$1,000:

1. A written contract signed by an authorized representative of (1) the Contractor and (2) the Grantee's legislative body is required that sets forth clearly: the parties, the subject matter, the scope of work, the maximum that will be paid, the products to be delivered and the duration of the contract. The contract should also contain provisions for amendment, cancellation, attachments, controlling law and number of originals of the contract. See model personal services contract at <http://accd.vermont.gov/sites/accd/files/Documents/strongcommunities/cd/mpg/SampleContract.doc>

2. The contract shall include the basis for the total cost or contract price: an itemization of all costs for materials, personal services, which include the hiring of staff, the names of any persons whose participation the Grantee considers to be crucial to the award of the contract and provisions for what to do if such persons need to be replaced, consultants, and any other purchased items which together add up to the total cost.
3. Payment provisions shall include the schedule of payment. It is useful to schedule the withholding of a percentage, such as 10%, until the Grantee is sure the work has been satisfactorily completed, for instance, until after the report has been completed and Grantee has reviewed it, or until Grantee has found the product to work as it was intended.
4. It is preferable to incorporate by reference any request for proposal (RFP) and proposal, or request for qualifications (RFQ) and qualifications, and include a copy of both to the contract as an attachment, to avoid confusion arising out of different language on the same subject appearing in the RFP/RFQ and the contract. An RFP/RFQ included as an attachment is not required. However, it provides a written record of the goods and/or services sought, and puts all potential vendors on an even playing field.

III. Methods of Procurement:

1. Up to and including \$1,000 - the Grantee is required to obtain price or rate quotations from a reasonable number of sources, but no less than two, and maintain a record of the same in its files.
2. More than \$1,000 - The Grantee is required to maintain records in its files to document how the procurement decision was made. The following methods apply in order of preference of use:
 - a. Competitive Selection: Proposals and or qualifications should be requested from a number of sources and the RFP or RFQ should be broadly publicized. Depending on the subject matter of the contract, notice should be published in local newspapers, newspapers of general circulation, relevant websites, and/or trade or professional publications, as the circumstances warrant.
 1. Proposals/qualifications shall be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement.
 2. RFP/RFQ shall identify the scope of services, the procedural and substantive requirements of the bidding process, the key elements of the contract to be signed by the vendor winning the bid, and all significant evaluation criteria, including their relative importance in the selection process.
 3. If the Grantee utilized the services of a consultant to prepare its grant application the Town must make the application available to prospective bidders as part of the RFP/RFQ process to ensure a fair and open competition among vendors.
 4. The Grantee shall prepare and document the method it uses to objectively evaluate the proposals and to make its final selection. Such documentation shall be maintained in Grantee's official records.
 5. The award shall be given to the bidder whose proposal is most responsive to the RFP/RFQ evaluation criteria taking into consideration price and other relevant factors.

b. Noncompetitive Selection: This method of procurement may be used when competitive selection is not possible for any of the following reasons:

1. The item or service is available only from a single source.
2. Public emergency or urgent need for the service or item will not permit the delay of competitive selection.
3. After solicitation of a number of sources, competition is determined inadequate.

When any non-competitive selection method is used, the Grantee must maintain in its files a thorough explanation for the reason for determining that such a selection method is appropriate under the circumstances.

c. Other Methods of Selection: Additional innovative procurement methods may be used by Grantee with the prior written approval of the Department.

3. Negotiations with Potential Contractors: The contractor may be selected based on the response to the RFP/RFQ, and final terms of the contract negotiated after the contractor has been selected.

IV. An exception to compliance with the procurement methods may be permitted in the following case:

1. Use of the regional planning commission (RPC) if the Grantee requires the services of its regional planning commission in carrying out the provisions of this Agreement, procurement procedures need not be followed for the work being done by the RPC, subject to the following:

- a. The RPC must document and justify its charges and they must be in accord with local standards for similar work; and
- b. Any contracts awarded by the RPC to other contractors or suppliers in connection with performance of this Agreement must be made in accordance with these procurement standards and must incorporate the provisions contained in Section VI.

2. Use of same architect, engineer, or other professional at different stages of the same project. If the Grantee is satisfied with the qualifications and performance of the architect, engineer or other professional who was awarded and performed some work in connection with the grant, it may offer that firm or individual additional work under the grant agreement without going through the competitive selection process.

V. Waiver:

Upon prior request by the Grantee, the Department may waive any provision of the procurement procedures not required by law whenever it is determined that undue hardship will result from applying the requirement and that the best interests of the State are served by such waiver.

VI. Standard State Requirement of Bidders:

Grantees must ensure the following requirements are met by those awarded a contract and are explicitly included in any such contract:

1. The Contractor will maintain all books, documents, payrolls, papers, accounting records and other evidence pertaining to costs incurred under this Agreement and make them available at reasonable times to the Grantee and the State during the period of this contract and for three years thereafter for inspection by any authorized representatives of the State. The official records, however, will be maintained by the Grantee. If any litigation claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved, including any period for filing an appeal. The Grantee and the State, by any authorized representative, shall have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this contract.
2. The Contractor certifies under the pains and penalties of perjury that he or she is in good standing with respect to, or in full compliance with a plan to pay, any and all taxes due the State of Vermont as of the date the Contractor signs this contract.
3. The Contractor shall not assign or subcontract the performance of this agreement or any portion thereof to any other contractor without the prior written approval of the State. The Contractor also agrees to include in all subcontract agreements a tax certification in form substantially identical to paragraph 2 above.
4. The Contractor agrees to comply with the requirements of Title 21, V.S.A. Chapter 5, Subchapter 6, relating to fair employment practices, to the extent applicable. Contractor shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the contractor. Contractor further agrees to include this provision in all subcontracts.
5. The Contractor states that as of the date the contract is signed, he/she:
 - a. is not under any obligation to pay child support; or
 - b. is under such an obligation and is in good standing with respect to that obligation; or
 - c. as agreed to a payment plan with the Vermont Office of Child Support and is in full compliance with that plan. Contractor makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Contractor is a resident of Vermont, Contractor makes this statement with regard to support owed to any and all children residing in any other state, territory, or possession of the United States.

VII. Conflict of Interest:

Conflict of interest is narrowly defined as "a significant pecuniary interest of an elected officer of the municipality, or of an appointed official whose work is related to the subject of this grant, or a member of such a person's immediate family or household, or of a business associate of such a person, in the selection of a vendor of goods and/or services under this grant."

The municipality must avoid actual conflicts of interest in this grant program. In addition, it should be sensitive to the appearance, as well as the reality of, conflict of interest with respect to its procurement of both goods and services using these grant funds, and consult the Department when questions arise.

2. Press and Public Communication

If the Grantee, Subgrantee, or contractor issues any press release, public communication or product pertaining to the Project assisted by this Agreement, it shall include a statement that the project is funded by a Municipal Planning Grant awarded by the Department of Housing and Community Development.

3. GIS Work

For any projects including a GIS component:

1. The Grantee shall ensure any contracts, subgrant agreements or subcontracts that are issued through this grant to develop GIS data shall include the GIS Data Information Form as a final product to the work performed. Grantee shall also submit, with the final report, copies of material documents, and copies of digital data produced with the Grant Award or any portion thereof. Digital data includes spatial and tabular data attributes, documentation files, and plot files, and must meet applicable standards as to physical media, data format, and documentation of all products using the VGIS metadata standard. (It is not necessary to submit subsets of data layers that are already listed in the VGIS Data Catalog).
2. All data and materials created or collected under this Agreement - including all digital data - are public records. The parties may utilize the information for their own purposes, but shall not copyright these materials.
3. Digital Spatial Data will be submitted on a single CD or DVD in Vermont State Plane Meters Coordinates, NAD 83 with its accompanied GIS Data Information Form. Any of the following file formats is acceptable:
 - a. .shp (Shapefile - which also consist of files with other extensions such as .dbf and .shx)
 - b. .dwg (CAD file)
 - c. .dxf (CAD file)

[Technical assistance and information on these guidelines and procedures are available from the Vermont Center for Geographic Information, Inc. (<http://www.vcgi.org/standards> or 802-882-3006); Relevant documents include: Municipal Property Mapping Guideline; Contracting with GIS Consultants; Vermont GPS Guidelines.]

4. Termination

In the event of termination prior to disbursement of the entire grant amount, the parties shall agree upon the termination conditions and, in the case of partial terminations, the work that will be deleted from the Work Plan. The Grantee shall not incur new obligations for the terminated portion after the date of termination, and shall cancel as many outstanding obligations as possible. The Grantee shall be allowed credit for non-cancelable obligations, properly incurred prior to termination, to the extent funds are available and at the discretion of the Department.

If, through any cause, the Grantee shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Agreement, the Department shall thereupon have the right to terminate this Agreement by giving written notice to the Grantee of such termination and specifying the date thereof.

[END OF ATTACHMENT D]



CITY COUNCIL Agenda Item #17-222

Date: July 12, 2017

Consent ___ Discussion _X_

SUBJECT: Removal or extension of the deadline that Council has set for updating the Master Plan.

SUBMITTING DEPARTMENT: Planning & Community Development

RECOMMENDED ACTION: The Director recommends a motion to remove the Council's December 1, 2017 deadline to update the Master Plan.

RELATED COUNCIL GOAL/PRIOR ACTION: The City Plan supports all of the Council Goals.

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Title 24 Chapter 117 lays out the requirements for the development and adoption of municipal plans.

BACKGROUND INFORMATION: At the time the 2015 Master Plan was adopted the Council placed a deadline of December 1, 2017 to complete the new plan update. Delays have prevented staff from being able to meet that date so we are requesting an extension of the December deadline. At the Council meeting on June 14th the discussion centered on how much work has been completed by the consultant and how long would the update take. We have the implementation tables, draft plan template and facilitation matrix from the consultant to guide the next steps. My goal would be to update the plan over the next year for adoption in the second half of 2018. There were discussions of June 30, 2018 as a deadline extension but I am not sure we would have the plan adopted by then. I would be comfortable that a draft would be completed and ready by then though. As we have learned from zoning, the adoption process can surprisingly take longer than one expects.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: Planning Commission.

CITY MANAGER'S APPROVAL:

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

Mayor John Hollar

City Council Members:

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

William Fraser,
City Manager

Sue Allen,
Assistant City Manager

MEMORANDUM

To: Mayor Hollar & City Council Members
From: William Fraser, City Manager
(with significant assistance from Planning Director Michael Miller and Assistant City Manager Sue Allen)
Re: Recommendation for Zoning and Master Plan
Date: July 11, 2017

As follow up to the presentation to City Council of concerns about the draft zoning bylaws and current Master Plan from Attorney Paul Gillies on behalf of Alan Goldman, we would like to present Council with a path that both addresses the concerns of Mr. Goldman as well as the goal of advancing this process to completion. After consultation with our City attorney, David Rugh, to discuss the concerns, we believe a path exists that balances all sides.

We first would like to thank Mr. Goldman and acknowledge the time and consideration he has taken in reviewing the draft bylaws and master plans. He has, throughout the zoning process, provided input which has changed the draft for the better – and not just for his own personal benefit but for the benefit of everyone in the City. It shows a deep commitment to this community and the future of this City to invest so much in the zoning update process and we wanted to make sure that was recognized.

Mr. Gillies outlines three defects that he believed leaves the City open to attack:

1. The readoption [of the master plan] failed to comply with 24 VSA section 4387(b)
2. Zoning bylaws follow the adoption of the master plan
3. Master plan requires a future land use map

Here, as previously in the Planning Commission process, staff and City attorneys agree with some of the assertions and comments presented by Mr. Gillies that we could be vulnerable. Mr. Rugh (and his written opinion) has provided a few conclusions that help

outline a path forward for the community that removes these avenues for future contesting of the bylaws or plan.

First, Mr. Rugh is confident that any issues with the plan does not mean the City Council needs to stop the review process of the draft zoning. The city can continue to move forward taking public comment and voting changes. When we have finished approving changes we can send them to our consultant to make the changes to the draft and prepare a final document that is suitable for public hearing. At that point, Mr. Rugh recommends not warning any hearing on the adoption of the draft zoning until a statistically revised plan is completed.

Second, Mr. Rugh suggests that the Planning Department and Planning Commission immediately set out to update the statistics and any other technical corrections to the 2015 Master Plan and to consider the information and ensure the plan is still applicable for re-adoption. The Planning Commission would then move the plan adoption. Once the plan is forwarded to Council, the Council can warn and hear the adoption of the plan and zoning bylaws simultaneously.

Planning staff believes that a statistical and technical update will not take long to process but it is a labor intensive process. A page by page review with updates to statistics like populations, housing, and jobs takes time. This re-adoption would also provide an opportunity to update the plan with the previous future land use map (aka missing Map 30) or with another land use map if it is appropriate. We also could add the draft zoning map to ensure that any concerns about consistency between the plan and zoning are clearly addressed.

Putting forth a tentative schedule, we feel that the Council could complete their review of, and vote out changes to, the draft zoning bylaws as well as the River Hazard Area regulations by the end of August. The City can then send the draft off to the consultant to incorporate those changes and get it back to us for proofreading by the end of September.

Meanwhile the staff and PC will work to update the plan by hopefully the Planning Commission's August 14th meeting, but at the latest the August 28th meeting, so they can approve a draft for warning to adopt. Following a 30 day warning period the Commission can hold their hearing on either September 28th (if approved on August 14th) or October 9th (if approved August 28th). If approved and submitted to council at the close of that meeting, the Council could have a draft ready for hearings in early to mid-November. At that time both the plan and zoning can be warned for adoption with all statutory concerns addressed.

Other options do exist, however, and can be considered. These include:

- ✓ Continue the current path. Follow the Planning Commission's recommendation that the Council fully review and give final approval of the current zoning

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proposals. Begin work on a new Master Plan and set the expected completion date. This approach would essentially accept the risk of a potential legal challenge to the Master Plan.

- ✓ Council completes zoning review work but delays final adoption until a new full Master Plan is complete and assures that the new zoning remains consistent. A key issue with this approach is that Attorney Rugh advises that the Council must adopt the zoning ordinance within one year of the Planning Commission's final hearing date. Therefore both the full Master Plan and Zoning adoption need to be completed by April 10, 2018. A full Master Plan is expected to take a year or more to complete. The December 1, 2017 deadline that was adopted was done with the expectation that zoning would be completed during 2016 and the Planning Commission would have a full year to work on the Master Plan.
- ✓ Council suspends all zoning work immediately. Continues zoning work after a new Master Plan is re-adopted. This assures that zoning is considered and approved after a newly approved Master Plan is in place. We need to be mindful of the hard April 10, 2018 end date. A variation of this approach is to suspend zoning work and begin work on a full new Master Plan. This will almost certainly go beyond April 10, 2018 so the zoning ordinance would need to be sent back to the Planning Commission for review and adoption, then followed by Council review and adoption.

We recommend the initial path for the following reasons:

1. It recognizes the considerable time and effort made by the Planning Commission, the City Council, residents and staff in preparing and reviewing the current zoning proposal and allows this work to proceed while still fresh in people's minds.
2. It addresses concerns raised about the Master Plan in a timely manner which allows both a Plan and Zoning to be adopted in fall of 2017.
3. By properly re-adopting the Master Plan, we have created an eight year window to consider the manner in which we might complete a full re-write of the Plan. This allows us to free up staff resources for many of the other priorities facing the city such as TIF, parking, housing, energy planning and other items on the goals list.

Before closing, we would like to acknowledge that two key staff decisions played a role in creating this situation. The first was recommending the 2015 re-adoption without completing all of the statutory reviews. This was based on prior practice in Montpelier (2000, 2005) and in many other communities in Vermont. While this may be commonplace, we could have taken the extra step and assure that re-adoption met all the standards.

The second was confusion concerning the 2017 Master Plan effort and the consultant contract. We have forwarded you all of the related documents. We, clearly, made a mistake of assumptions which contributed to slowing the current Master Plan process. We are not confident that the December 1 deadline could have been met in any case but the misunderstanding with the consultant certainly did not help the cause.

I apologize for any of our actions which helped create a situation which requires difficult and imperfect solutions.

Please feel free to ask and questions or raise any concerns at the meeting Wednesday night.

Cc: Sue Allen, Assistant City Manager
Mike Miller, Director of Planning & Community Development

Number	Staff/ Public Comment Received	Staff Recommendation/Comment	City Council Decision
1	All. Need global search and replace to switch "Historic Design Review District" for "Design Control District".	Noted by some readers that some HDRC references have not been replaced with DCD. <u>Staff Supports making changes.</u>	Council agrees to have global search and replace to switch "Historic Design Review District" for "Design Control District"
2			
3	Part 1		
4	1002. Public comment that the purpose statement in 1002 should be more detailed.	The purpose can be as long or short as you like. Nothing in the purpose is technically regulatory. The current zoning is one sentence and says the purpose of the zoning is to implement the goals and policies of 24 vsa chapter 117. We added some additional thoughts that it is also intended to implement the master plan and identifies some goals. <u>Staff recommends keeping the purpose as it is.</u>	Council agrees- No change
5	1009. Public comment that the Disclaimer of Liability is not necessary and not found in other bylaws.	While the fact that it is not necessary may or may not be true (I'll let lawyers argue that point), what I can say is that we have found disclaimers in other zoning regulations in the state that were not written by Ms. Saxton including the City of Burlington (section 1.1.11), the state's model floodhazard regulations (section III C), and - yes – even in our current zoning but only with respect to flood hazards (section 309.K). Using Flood Hazards as an example, the reason for the disclaimer is that we are requiring people to build above the base flood elevation but that does not mean we are saying you will not be damaged in a flood. We are minimizing risk not guaranteeing that someone will not flood. If you build to 100 year elevations and we get a 500 year event, then you will flood and when that happens you can't sue us for damages. That's what the liability disclaimer says. If that statement is not needed because of other statutory reasons then it is a common error in zoning throughout the state (including as noted above in the state's model flood hazard regulations). Some communities have extended that to the entire zoning bylaws by inserting it into the general provisions. I haven't spent more time looking for additional examples but the first two places that I looked I found disclaimers. <u>Staff recommends keeping the disclaimer as it is.</u>	Council votes to strike 1009 Disclaimer of liability in its entirety.
6	1101.A(2) Typo "unfished space" to "unfinished space"	Agreed. <u>Staff Supports the change.</u>	Council agrees -under 1101.A(2) replace "unfished space" to "unfinished space"
7	1101.A Montpelier Alive has provided some input that they would like a clearer comment that Parklets will be exempt from zoning because they will be regulated separately.	<u>Staff agrees and will work to develop language.</u>	Staff will develop and report back to Council
8	1101.A(8)(a) a public comment that the 20 cubic yard figure is too low.	This provision discusses how much material can be added or removed without needing a permit. If you need to add more then you would need a permit and we get involved with ensuring proper erosion control and other quesitons. A big single axle dump truck is generally about ten cubic yards so this would allow two big dump loads of fill without a zoning permit. We need some cutoff and the consultant and staff felt this was a common sense amount. <u>Staff recommends not making changes.</u>	Council votes to change 1101.A(8)(a) from 20 cubic yards to "30 cubic yards per year".

9	1102.B(2) requiring permits for farm structures. Comment that state law exempts farm structures and that only a notification is required. Is the requirement to submit an application ok?	It is surprising how many farm projects do not qualify for farm exemptions. The best thing from a records standpoint is to receive an application describing the project and the ZA making a determination. I personally built a two story gambrel barn for my horses, sheep and goats and needed local permits because I did not qualify as a farm in the eyes of Ag. of Ag. We also need to determine if the setback requirements are met. <u>Staff recommends keeping the language as it is.</u>	Council agrees- No change
10	1203.D and .E and .F It was noted that each of these use the word MAY which is poor practice in writing regulations.	I think .D is unnecessary but harmless- Normal repair and maintenance are exempt under 1101.B(1). On .E "may" should be changed to "must"- If the applicant meets the requirements the ZA doesn't have the option to approve. On .F the "may" is ok because it is clarifying that a waiver can be applied for to be closer than the non-conforming line if waiver requirements are met. One thing I would add is "section 3002.J" to the end... (see sections 3002.J and 4602). <u>Staff recommends making changes to .E and .F as described above.</u>	Council agrees- make changes to 1203.E to change "may" to "shall" and in 1203.F to add "section 3002.J" to the end "(see sections 3002.J and 4602)"
11	1206.A Public comment that 6 months is too short	While 6 months sounds short, the requirement here is only to stabilize and secure. I think those can occur in 6 months. The provisions in .B allow for extensions in extenuating circumstances. <u>Staff recommends not making changes.</u>	Council agrees- No change
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14	Part 2		
15	Part 2. Public comment that under each figure in Part 2 or as a part of each figure that there should be a clearer note that all of these dimensional requirements are discussed further in section 3003 for accessory structures and 3002 for dimensional requirements.	Agreed. If it is confusing and not clear to many people (and it sounds like it is) then we should adjust the format to make it clear that these dimensional requirements apply to principal structures and that additional information is provided in 3002 and 3003 (for accessory). <u>Staff will bring suggested changes at a future meeting.</u>	Staff will develop and report back to Council
16	Part 2. Comment that city should focus development in the downtown.	The City cannot restrict development to occur only in the downtown. This draft has made a number of changes to increase the opportunities for development in the downtown but we cannot restrict development to only the downtown. <u>Staff does not recommend making any changes based on this suggestion.</u>	Council agrees- No change
17	Part 2. Consistency on some standards. Some height in feet and others in stories; some FAR has numbers and some say "Max".	Agreed. The PC discussed and approved changes to always be in feet for height but must not have caught all. Also, all FAR should say Max. <u>Staff recommends making those changes.</u>	Council agrees: Regarding height- stories needs to change from "2 stories" to "24 feet min" in Figures 2-01, 2-02, and 2-03; "Max" needs to be added to FAR requirements on Figure 2-06, 2-07 and 2-08.
18	Part 2. Councilor comment. In any district with a two story minimum. Will this impact smaller infill accessory buildings such as a carriage houses?	The intent to maximize dense mixed use development to facilitate vibrancy. Single use and single story buildings spread out uses and make communities less walkable which is why the two story minimum is imposed. Per 3002.H(2), only principal buildings must meet the minimum height requirements. The Council can consider removing the minimum height from some districts (riverfront or mixed use) but staff would recommend keeping the requirement in the Urban Center districts. Optionally you can keep it in all districts that it currently is in and allow waivers to make a one story building in certain instances. You have some options but <u>staff recommends keeping the language as presented.</u>	Council agrees- No change
19	2101.B(1) confusion over neighborhood name of "capitol complex"	Agreed that this name has created confusion. It was intended, nor was it being used to represent the legally defined "Capitol Complex" in a regulatory sense but as it does lead to confusion I recommend changing the name of the neighborhood to "Civic" which is what the area is called in the current zoning district. <u>Staff recommends changing neighborhood name to "civic".</u>	Council agrees to change name of "capitol complex" neighborhood in section 2101.B(1) and on the zoning map to "civic"
20	2101.E Confusing to know when architectural standards apply	Received this comment in many venues so we do need to clarify. Suggestions have ranged from providing an "informational note" to adding some other language. My suggestion to start would be to add "for major site plan applications" in place of "when required". In that way there is at least a clear indication up front in the district requirements that these apply only in a limited number of applications. If approved by council this would be replicated in sections 2102 to 2109. <u>Staff recommends making change as described above.</u>	Council agrees to add "for major site plan applications (see section 3201)" in place of "when required" for all architectural standards in sections 2101 to 2109.

21	2101.E General comment that there was a concern that these architectural standards would not get us to where we want to go as a city (from a design perspective). The standards require change in roof form and wall plane etc.	This was part of a longer set of comments and staff disagrees with the concerns about changes in wall plane - we want to have a visually dynamic streetscape. It improves character and most of our historic buildings have these characteristics. Staff does agree with the concern that these rules will not get us where we want to go. Staff comments during the PC process were that form based codes or design guides (like our historic design control district) are a better approach. The PC heard a lot of comment about protecting character and because we don't have the time to do a big design review overhaul they felt this was a good step in the right direction. <u>At this time I will continue to recommend we keep the architectural standards in the various districts which they have been proposed.</u>	Council agrees- No change
22	2101.E Standards are confusing for general public to understand. Suggestion that diagrams be added to show what the requirements are.	Agreed. The city had not allocated money to diagrams because they can be more expensive feature and if rules are not adopted or changed then more money is needed to amend the drawings. If the council chooses to keep the architectural requirements then we will commission drawings to be added before adoption, if possible, or be incorporated into the next revision of the zoning. <u>Staff recommends adding diagrams as soon as practical following approval.</u>	Council agrees- No change
23	Figure 2-01 Typo- Note reference in Water is incorrect	Agreed. Note should read "2" not "1". <u>Staff recommends making change.</u>	Council agrees that note reference in Figure 2-01 for water is incorrect and should read "2" not "1"
24	Figure 2-01 and 2-02 couple comments that the water setback in UC-1 and UC-2 should not allow construction over the waterways as allowed in the notes.	This special exception (the note) was added because a developer commented during the planning commission process that he felt these should be allowed because they already exist on Elm Street and that these could be unique features for future downtown projects. Staff had some concern over the approval process because the land over water is not owned by abutters they are public waters owned by the state. The developer felt they had ways to meet that requirement so the PC allowed them. Staff would continue to have that concern about our ability to approve such an item. <u>Staff would recommend eliminating the second sentence in note 2.</u>	Council agrees- eliminate second sentence in note 2 in figures 2-01 and 2-02.
25	2102 Comment that the density on Main street is not appropriate.	Staff looked at dimensional requirements in this area and found these requirements were very consistent with what we find on the ground. If there is a specific dimension that does not look correct then we can take another look but we did check on this specifically during the Planning Commission hearing process. <u>Staff does not recommend making any changes to dimensional requirements.</u>	Council agrees to tentative change for front setback on Figure 2-02 from 5 feet minimum to 10 feet minimum with a new note added that "where existing buildings on abutting properties are closer to the street than 10 feet, new buildings can match building lines of adjacent buildings." Council will revisit to vote any changes.
26	Figure 2-02. This is the dimensional table for Urban Center 2. 5th and 6th stories are not appropriate in this area.	Staff agrees. This was voted to be removed by the planning commission but was not edited out. <u>Staff recommends removal of allowance for 5th and 6th stories.</u>	Council agrees. Strike "5th and 6th story setback: 16 foot minimum."

27	2103 In the riverfront district there were two comments regarding the Crossroads neighborhood. Should the city consider changes to the purpose because it is described as "auto service" functions and questions were raised about the two story minimum requirement here (figure 2-03).	This neighborhood has been a unique case. It really is different from all other areas in town and is a tight area of auto service uses. We did not intend this to be to the exclusion of other uses but considering the need for auto service stations for the thousands of people who drive through town every day, we should not allow uses that would not be compatible with the existing uses in this area. Concerning the dimensional requirements like the two story minimum, I have considered before and will throw it out here whether this neighborhood should be its own zoning district with its own standards. The problem is the design and architectural standards, dimensional requirements, and uses are all set by Barre Street, River Street, and Berlin Street (the other parts of Riverfront district). Staff suggests making Crossroads neighborhood its own zoning district so staff can develop a quick set of rules. That would fix the purpose, character, and dimension inconsistencies. <u>Staff recommends making Crossroads into its own zoning district and adjusting the purpose and neighborhood character to be consistent with this area.</u>	Council voted to change 2103.B(2) in the second and third sentences- In the second sentence change "should continue to be a" to "has historically served as a"; In the third sentence strike "however" and replace "maintain the neighborhood's service function while also improving" with the word "improve".
28	2105.A The purpose of the Western Gateway should discuss more uses than office, government, and civic.	Agreed. Even in the neighborhood description it talks about compatible light industrial and mixed use development. Staff recommends adding language to the end of 2105.A(1) "...as well as the development of a mix of new uses to support a vibrant campus and village setting at National Life and an attractive gateway with uses that support the downtown." I put that together as a place to start and Council can add or change what is suggested. <u>Staff supports amending the purpose.</u>	Council agrees to add language to the end of 2105.A(1) "...as well as the development of a mix of new uses to support a vibrant campus and village setting at National Life and an attractive gateway with uses that support the downtown."
29	2106 to 2111 Concerns about 90% rule - i.e. that the maximum densities of residential districts is too high.	I believe we have provided sufficient information for why we chose to adjust density and lot size figures. Its both a matter of fairness and improves processing of applications if rules, in the very least, match the development on the ground. To deny an application for a new 0.9 acre building lot because it will be out of character (too small) when the abutters are all 0.3 acre lots just flies in the face of fairness. <u>Staff recommends keeping the district densities as they are unless a neighborhood or district has been misclassified.</u>	

30	2106.B(2) Comment that the court street neighborhood description states that proposed development should protect the residential scale and character of the neighborhood. The large parking lot adjacent to court street is a prime area for commercial development. There are very few residences on the block. Language could be a significant barrier to such development.	The large parking lot off court street is part of the downtown business neighborhood so any redevelopment of that area will need to meet the requirements of the UC-1 district (not these in Mixed Use Residential). The Court street neighborhood is a mix of both commercial and residential (6 offices and 7 residential) so it is a good candidate for this MUR district. The office buildings are mostly converted former residential units so the character of the street is one that tends to be of residential character. The description does not limit the uses allowed in the street (that is defined on table 2-14). This could be used to affect the chracter of buildings being developed though. <u>Staff recommends keeping these rules as they have been presented.</u>	
31	2107.B(1) change name of neighborhood from "college hill southwest" to "Hubbard Street"	I had notes that we would change the name but not too what. I've suggested Hubbard Street. <u>Staff recommends making the change.</u>	
32	2109. Public comment that Planning Commission did not reflect the input of the Parks Commission or Master Plan in zoning proposal regarding Sabins Pasture. The property owner responded with his proposal. These suggestions include dividing the pasture into mutiple distircts including ones to decrease the top to rural and others to increase the bottom to riverfront. Others have suggested keeping the same zoning boundaries as today (breaking into three districts).	Staff has provided input already about rationale behind Sabins zoning. The city cannot create a park through zoning. It would be unconstitutional to do so. If the City would like to make a park, the planning commission is prepared to create an official map to give us the power to do that. If it is not going to be a park then the planning commission created rules that would allow development at a density that creates great neighborhoods and still leaves room for clustering that would protect some open space (although it would not be publicly accessible open space). Res-6 is the same as College Hill. <u>Staff recommends keeping Res-6.</u>	
33	2109.B(5) Sabins pasture neighborhood description should be a more aspirational statement regarding open space. Mention PUD and clustering.	That is something that could be easily accommodated although if the pasture is divided into multiple districts then each area would be its own neighborhood. There could be a Lower Sabins Pasture and an Upper Sabins Pasture neighborhood (one being in the riverfront district and the other being in the res 17,000 for example). The description here may be appropriate for the lower pasture area. Staff will develop neighborhood descriptions based on final decisions and if the council decides to keep Sabins in one district then I will amend the description to meet those requests if that is the Councils wish. <u>Staff recommends waiting to change until final decisions are made.</u>	
34	Figure 2-10 comment that footprint requirement in Residential 9000 is too big at 4,000 square feet.	These footprint limits were really meant to put an upper limit on how big a building could be. For smaller parcels, clearly these buildings could never be built at this size but places like Crestview have been identified as somewhere where largehomes could be built to meet the needs of executive housing. They may build a 3,000 square foot home or larger. This would simply cap those at a certain size (4,000 squre feet in this case). Council can change it but I would keep it as presented. <u>Staff recommends keeping the requirements as presented.</u>	

35	2111. Public comment that density of Towne Hill (Res 17) is too high.	Staff has explained the reasoning before. Staff actually recommended res 15 as that would be a more appropriate density based on the neighborhood but Planning Commission settled on Res 17. <u>Staff recommends keeping Res 17 (PC recommendation) or increasing density to Res 15 (staff recommendation).</u>	
36	2111.D Councilor comment page 2-25 typo. 2111.D -refers to Residential 9000 when it should read "17,000"	Staff agrees. <u>Staff recommends fixing typo.</u>	Typo- automatic approval
37	2112. Rural minimum lot size is two acres and minimum lot size is 1 unit per 2 acres. Councilor comment that this appears low and will not protect rural character. Public comment is that rural density too low and should be higher.	This was debated by the planning commission adn we can see both sides. The current zoning is one acre (and one unit per acre) so moving to two acres was felt to be a step in the right direction. Two acres is the minimum to fit septic and well with protection distances between them. Staff thinks two acres is a good balance. It should not be less but could be a small bit more. I would not go much larger than 3 acres though as subdivisions start to become very consumptive. <u>Staff recommends keeping rural density as presented at two acres.</u>	
38	Zoning Map- Zoning District change recommended. Recommendation to change CCV, Turtle Island (2 parcels), and the City rec fields to change from Residential 9000 to Mixed Use Residential.	Staff recommends approving this change. It was proposed and removed during the planning commission process but these 4 non-conforming uses are distictly different than their surrounding uses and it limits logical reuse of these properties. <u>Staff recommends changing the zoning for the parcels identified to be mixed use residential.</u>	
39	Zoning Map- Cliff Street neighborhood design review.	Does the Council desire any changes to this boundary?	
40	Figure 2-14 recommendation to add greenhouses as conditional uses to all districts in which it is not permitted.	These greenhouses are the commercial kind (not backyard greenhouses) but these could be in any district depending on the nature of the business. It makes sense that they would be Conditional Uses and let the DRB decide if the specific applciation will have an implact on traffic or neighbors. <u>Staff recommends adding greenhouses as a CU in all districts where it is currently not allowed.</u>	
41	Figure 2-14 Add bus stop as a conditional use in the Rural district.	Agreed. <u>Staff Supports the change.</u>	
42	Figure 2-14 Concern from terrace street resident (Res 9) that new zoning would allow 6 new markets to be built on Terrace and Bailey	The count is technically correct based on the written specific use in 3117 and the number of neighborhoods in that area. The reality is that these are the maximum possible number and each new market is a conditional use and can be denied. Because these are targetted to markets (selling staple foods) and not retail we don't expect to have more than two exist. We would be happy to get one but we cannot allow any if we don't at least make them a CU in the table. <u>Staff recommends keeping the rules as presented.</u>	
43	Figure 2-14 Page 2-29 typo "Zoning district" misspelled	Agreed. <u>Staff Supports the change.</u>	Typo- automatic approval

44	Figure 2-14. Public comment that the uses allowed in RES 17 district on Figure 2-14 may not be appropriate for the district.	The permitted uses in this district include single and two family uses, religious facility, nature or recreational park, grade school, cemetery, family child care home (registered), bus stop, certain utilities, and ag and forestry. Nearly all of these are uses that receive some statutory protections or would not significantly impact the character of the neighborhood. Religious, grade schools, utilities, ag and forestry all have statutory protections. Registered child care homes are limited in size and are encouraged in the City Mater Plan as important for a number of goals. The conditional uses are allowed only after public hearing and must meet requirements that they will not affect the character of the neighborhood. As noted by public comment, the Planning Commission did allow the possibility of a major group home, senior housing, B&B, inn, academic institution, library, museum, and licensed child care facility, as well as a stable, greenhouse, or rural enterprise. Council certainly can disallow these if they choose. Major group homes are ones that are larger than the regular group homes which are exempt by statute. These group homes are for mentally and/or physically handicapped not drug rehab or half way houses for inmate reintegration. Academic institutions have some statutory protections as well making it impossible to deny them anyways. Adding or removing allowed uses is a policy decision. We created Res 17 to match the uses in Res 9. It may be appropriate to have things be different. Under current zoning (LDR) child care homes (P), group homes (C), B&B (C), academic (P), museum (C), cemetery (P), religious (P), and many more uses are allowed.	
45	Continued from previous	[Continued comments from previous] Overall, fewer uses are recommended to be allowed in this draft than current zoning but Council is free to add or remove as they feel necessary. <u>Staff is ok with uses as they are but is also ok if you want to make some changes.</u>	
46	Figure 2-14 page 2-32 surface parking. Request to add surface parking a conditional use in Res 1.5.	Staff agrees but also suggests adding in Mixed Use Residential as conditional use as well. <u>Staff recommends changing surface parking to conditional use in MUR and Res 1.5.</u>	
47	2201.H(1)(c) Typo - appears to be missing the end of the sentence.	Absolutely correct... should go on to say "...be required for clarification, along with the manufacturer's catalog data and illustrations, if applicable. "	
48	2201.C Page 3-34. ZA Comment- This section states that "not structure may be erected, reconstructed, substantially altered, restored moved, or demolished..." without review by the DRC. Section 4301(A) states land developemtn within the Design Control Overlay District must be refered to the DRC. Also current regulations require fences and above ground storage tanks to go to DRC.	Good catch. This is because we cut and pasted current zoning requirements. I recommend adding "including fences and above ground storage tanks" after the word "structures" in section 2201.C (even though I would have considered them to be structures. In 4301.A I would revise to read "...all applications requiring review under section 2201.C and within the Design Control District District to the Design Review Committee...". <u>Staff recommends making the changes as described above.</u>	

49	2201.G Demolition- The ZA noted that this provision should moved to Section 3004 where .B would be removed and these provisions added in a new section after .D	Agreed. As written today, any historic structure in the city, regardless of whether it is in design review or not, cannot be demolished without meeting these requirements. Having those rules in design review would mean they no longer apply outside of the area. <u>Staff recommends moving 2201.G to 3004 and placed after .D</u>	
50	2201.G Demolition- Comment that the standards seem overly proscriptive and (3) appears to allow the DRB to establish the requirements ... "shall consider at least the following.."	These are the rules that are in effect today. We recognized that many requirements need to be adjusted but the decision of the Planning Commisison was to let the Historic Preservation Commission develop an alternative set of regulations and proposed them rather than take time to amend the current regulations. <u>Staff recommends keeping the rules as they are until the HPC can propose new rules to replace them.</u>	
51	2201.H.2.f page 2-39 ZA comment. This provision states that "internally lit pastice signs are not permitted in design review" while 3012.C.9 is more restrictive. These should be consistent.	I think the stricter would apply in this case based on how they are worded but to be consistent I recommend changing 2201.H.2.f to read "internally illuminated signs are not permitted..." <u>Staff recommend making the change as stated above.</u>	
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55	Part 3		
56	Fix page numbering	numbers did not reset at the start of the section	Typo- automatic approval
57	3001.B Zoning Administrator pointed out that the use table on Figure 2-14 describes residential uses as "structures" so she was unclear if 5 single family dwellings on a single parcel are approved as single family dwellings or a mutlifamily.	I think a new section in between .B and .C would work that states that residential uses are classified by the number of units per parcel for the purpose of Figure 2-14. Therefore if someone had 20 acres in rural (two acres per unit) would be entitled to 10 units but could not put more than 4 without subdividing or creating a PUD because multifmaily is not allowed in rural. <u>Staff recommends making clarification described above and will prepare specific language if approved.</u>	
58	3002.C(2)(b) refers to wetlands mapped on the Vermont Significant Wetlands Inventory and should refer to wetlands on "identified on the Montpelier Natural Resources Inventory Map".	Agreed. When we administer these regulations we have specific data layers on our GIS that we will be looking at and these will be the Natural Resource Inventory map. <u>Staff recommends correcting that reference error.</u>	
59	3002.D(2) add a new (a) stating maximum residential density may be limited by the amount of steep slopes on the parcel. See section 3007 for additional details and for districts in which those requirements may apply."	Agreed. That would be a good clarifying addition. <u>Staff recommends making that change.</u>	
60	3002.F (1) zoning administrator noted that approval of a ROW generally requires DRB approval; (2)(a) wording is confusing (heard from multiple sources); (3)(b) comment that 15 feet is too narrow.	Agreed on all three counts. (1) recommend adding ", approved by the Development Review Board, that is..." after the word right-of-way; (2) reword to say"... shall be maintained on at least one street in each district where the lot has frontage."; (3) In subsection 3b the minimum is 15 feet rather than the 20 feet in part a. Staff did not recommend allowing any new lots that do not have frontage and therefore wanted to strike 3b altogether but some members of the PC were insistent on allowing new lots without frontage. If kept I recommend being consistent and changing to 20 feet. <u>Staff recommends changes as described above.</u>	
61	Figure 3-01 has an illustration for LOT FRONTAGE which references section 3203. That reference is incorrect	Reference should be 3002.F(3)	Typo- automatic approval
62	3002.H - Public comment that height regulations will promote the development of flat roof buildings in the city.	The Planning Commission reviewed a few alternatives on how to measure height. In the end, the Staff noted that there have been no comments or complaints about how the current zoning regulates height (until the hearing process) and there have been no problems of people developing flat roofs so perhaps keep the rules the same. The Planning Commission voted to use the same rules as are in effect today. <u>Staff recommendation is to leave the definition of height as it is. If council wants a change then please provide direction as to how.</u>	
63	3002.H(3) why is a and b listed separately.	They each are qualified statements so it is probably clearer being written separately than to try to combine them. <u>Staff recommends keeping it as written.</u>	

64	Figure 3-06 waivers. Recommendation that side and rear waivers not be allowed; and height waiver not be allowed. New zoning rules have reduced the minimum standards such that these should no longer be needed.	I tend to agree somewhat but wonder what happens in specific cases where it is needed. I think a better approach may be to tighten the rules in figure 4-02 to make those waivers more difficult to issue rather than not allow them at all. <u>Staff recommends keeping these as they are and revisit this issue in section 4 when figure 4-02 is reviewed.</u>	
65	Figure 3-06 waivers. Note that height waiver is still in stories when that was eliminated in rest of bylaws.	If this remains it must be converted to feet. <u>Staff recommends a not to exceed of 5 feet rather than a full story.</u>	
66	Figure 3-06 Footprint waiver. It has been noted that in some cases a larger footprint for a building may not be a bad thing and that in certain conditions larger buildings can be better. One option proposed for exceeding footprint requirements would be to allow waivers up to certain percentage of the base (say 300% bigger) if they meet Conditional Use requirements. We would need to add those here if we wanted that option.	I think this is a viable option. Footprint requirements were added because of the Sibley project (large lot allowed property owner to build large building in neighborhood of smaller homes). It's a policy question. I think we want to limit the footprints and allow waivers if it is exceeded. How much latitude the Council gives the DRB should be added to the waiver provision. Both a project on Elm Street and Sabins pasture could want to cluster development into single large structures away from neighbors. Council could give unlimited latitude and let the DRB make the decision based on the specific conditions of the application. <u>Staff recommends, at a minimum, increasing the maximum waiver to 300% provided the applicant can demonstrate compliance with conditional use requirements.</u>	
67	Figure 3-07 (regarding accessory structures) max of two garages carports and barns- should this apply to rural; Same limit on sheds or similar small accessory; also only discusses allowing them in rear and side yards.	I think the first one is written correctly with the qualifier that "unless meeting all the dimensional standards for principal buildings in the district." The intention of these rules is to allow accessory buildings closer to the property lines than principal buildings. You can always have more accessory buildings but only two (or three) can be in the setback area of the principal building. I think this is clear in the statement 3003.C(1). That phrase should be added to the "sheds" line as well. It may not be clear because it does not expressly state it but accessory structures would be allowed in the "front yard" but not "in the front setback area". Accessory structures still need to meet the setbacks for principal buildings. <u>Staff recommends adding the "unless meeting..." language from above to the sheds section and keeping the rest the same.</u>	
68	3004.B Demolition note that earlier comment proposed adding demolition from 2201.G and deleting .B	agreed.	Note of earlier change of moved infor being inserted here

69	3005.B Applicability of riparian areas. Why no preservation of riparian in UC1, UC2, and riverfront. Shouldn't we preserve existing vegetation.	The Planning Commission felt that requiring vegetative buffers on the channelized portions of the Winooski and North Branch would make a lot of non-conforming development and require additional reviews to projects that probably should be allowed. Think of the NECI building as an example. If they looked at redeveloping their site, what would we require? If they tore down the building by the river should they be prohibited from building with 10 feet of the river and have a 10 foot vegetated buffer? The PC said no- The urban core can be developed. <u>Staff supports the Planning Commission in exempting these districts. Currently no riparian requirements exist in the city zoning and now it will be introduced first to the less developed parts of the City.</u>	
70	3005 typo Natural Resources <i>Inventory</i> Map	agreed.	Typo- automatic approval
71	3005.D reference is to 3005.E and 3005.F but should be 3005.E(3) and 3005.F(3).	Technically the general references are ok and are actually preferable in this case. Development can be uses or structures so 3005.F(1) would allow a change of use (development) of an existing building in the riparian area. If we only referred to .F(3) we would miss this in (1). <u>Staff recommends keeping as written.</u>	
63	3006.D Add "to the greatest extent feasible" before "land development must be designed to:" and change (2) to read "... within wetland buffers and vernal pool buffers including..."	This conservation commission comment was to clarify a grammatical concern - is it "wetlands" and "vernal pool buffers" or is it "wetland and vernal pool" buffers. This clarifies. <u>Staff supports adding language in both places.</u>	
64	3007.C steep slopes - recommendation to add to the list of 'normal property maintenance or management activities' the removal of invasive species.	Agreed. <u>Staff recommends adding "removal of invasive species and" after "such as"</u>	
65	3007.E change "conditional use" in title and "conditional use approval from" in the text to "Hearing requirement" and "a required hearing by" respectively. Also Figure 3-08 will need to reflect the change from CU to just referring to a hearing.	Agreed that the conditional use requirements (traffic?, impact on community facilities? Character of the neighborhood?) don't really apply in the review of these plans. What is desired is a hearing so the public and neighbors are noticed of significant clearing of steep slopes. <u>Staff recommends making the changes outlined above.</u>	
66	3007.F typo should read figure 3-09	agreed	Typo- automatic approval
67	Figures 3-08, 3-09, and 3-10 should be more consistent with each other. 08 and 09 are listed shallow to steep but 10 is steep to shallow; the professional plan requirement is a percentage for steep slopes plan and square feet for erosion control plan; EC requirements change at a different rate than SS requirements	Agreed. I think a number of these could be made more consistent so it is easier to read and to know when extra engineering is needed. Adjust 3-10 to read steep to shallow; 3-09 should be twice the square footages in 3-08; requirements in 3-10 should match 3-09 (keeping the >10% requirement at 10,000). <u>Staff recommends making the changes described above.</u>	
68	3007.H(15) suggestion to strike	Agreed. This requirement to add to bad design. <u>Staff recommends striking (15).</u>	
69	3008 Erosion control- question about applicability. Who does this apply to and who needs a professional plan.	Everyone must meet the requirements but only those that are more than 3-10 need a plan. Those projects that receive a state permit are exempt locally. <u>Staff recommends keeping requirements as they are.</u>	

70	3008.C are "professional plans" necessary for larger projects?	These are developments with larger clearing of land on steeper slopes that require plans. Commission believes this was a good requirement. Staff will check with DPW to determine what they would like to see.	
71	3008.D(1) incomplete sentence. Needs word "development" after proposed.	Agreed.	Typo- automatic approval
72	3009 Stormwater- DPW and ZA recommend adding in the language from section 723 in the current zoning to section 3009 until new language can be developed.	Agreed. <u>Staff recommends adding the language from the current zoning.</u>	
73	3009 when will new language be ready. After Master Plan is complete?	It's timing is separate from the master plan update. The new language needs a few pieces- final state rules (so we can match our requirements to theirs), a new impervious cover data layer from UVM (we have agreed to pay for a new high accuracy data layer), and then some time to make rules to implement. We think this could be this winter depending on how we prioritize work plans (official map, design review, stormwater, master plan deadline in 6 months or one year, etc).	Informational question
74	3010 has a number of references to DRB. Which projects need DRB approval?	Good catch. This is because we had originally had these requirements imbedded within site plan (and prior to administrative site plans) so many requirements mention the DRB. The DRB references in 3010.B(2), (3), and (9) are ok- approvals are administrative unless you want a special consideration. (4) can be fixed striking (a) which requires higher requirements and replace "on low volume streets" with "based upon the site and street conditions". That way this becomes a waiver as well (meet the rules in 3-11 unless you go to DRB). (5) add "at the time of subdivision..." to the start of the second sentence. Subdivisions always go through the DRB and are the most likely time to require connection between lots. (7) combine the two sentences by striking "the development review board may require the applicant to provide" and add the word including. (8) change "the development review board may require the applicant" to "the applicant may need". <u>Staff supports making the above changes.</u>	
75	3010.B last sentence before the numbered list is confusing.	Agreed. It should read that the public works specifications will take precedence over the standards of this section and that the standards of this section take precedence over the B-71 standards. <u>Staff supports making that change to the language.</u>	
76	3011.F question whether loading should be limited to times when on busy (rush hours)	I think the loading area is off street it should not matter when the trucks arrive. If they are on street we have other mechanisms to force them to adjust their schedule. I would not suggest getting into scheduling deliveries. <u>Staff recommends leaving language as presented.</u>	
77	3011.I(1)(a) what about other durable paving materials (permeable).	Good catch. <u>Staff recommends rewording the end of (a) to read "asphalt, concrete, or other durable materials."</u>	

78	3012.C(12) confusing. According to figure 3-16 the biggest sign is 40 square feet but now its 150 square feet (?)	The provision is not necessary because of the regulations later in the section. The 150 square feet comes from the billboard law. <u>Staff recommends strikeing 3012.C(12).</u>	
79	3012.C(9) Internally illuminated are prohibited here and them allowed later. Makes for confusion.	Agreed. It should read "Unless otherwise allowed herein..." The intention was to make sure those were not allowed at all but them some allowance were made later on. <u>Staff recommedns making the addition discussed above.</u>	
80	3012.C(11) recommend striking as difficult to enforce.	Agreed. <u>Staff recommends striking.</u>	
81	3012.D(11) suggestion to strike or amend the exemption of signs on the inside of the glass to target specific neon open signs, etc.	This was a large and well documented comment. As this would be a significant change in policy I would like to recommend that more outreach is taken on this issue. What does the business community think? Montpelier Alive? Does a percentage of the public have similar concerns? In general I would not recommend regulating these but perhaps Mont Alive could develop good downtown practices for businesses to adhere to rather than a new zoning regulation.	
82	3012.D exempt signs. Are political signs exempt and if so should they be added to the list?	While I heard a number of comments about poilitical signs I'm pretty sure we cannot regulate them. I will follow up with our attorneys. If so we should add political signs to the list on 3012.D.	
83	3012.G question of enforcement of these rules. What is the procedure for enforment?	All signs need permits so these rules will be enforced through the administrative process. Signs constructed would be a violation and be subject to enforcement as any violation would be. Enforcement is discussed in Chapter 470.	Informational question
84	3012.G(5)g confusing requirement.	Agreed. Not entirely sure what the requirement is here for this one. Recommend striking. <u>Staff recommedns striking 3012.G(5)g.</u>	
85	3012.G(10) and figure 3-15 talk about both portable and temporary signs. Unclear what the difference would be. Sandwich boards are exempt which would presumably be a portable sign so that should be struck from figure 3-15. Other temporary signs would presumably need a permit.	Agreed to strike potable signs from Figure 3-15. Yes temporary signs need permits. <u>Staff supports striking the portable signs from figure 3-15.</u>	
86	3012.I(1)(b) reference error	Correct. Was referencing a provision that was later deleted. Strike "...of Paragraph Error Reference source not found."	Typo- automatic approval
87	3012.M what about adding Capital Stationers sign on the side of the building to the list of landmark signs.	I personally do not like these exemptions but they have been maintained by the Planning Commission. The listed signs would be simply pre-existing non-conforming signs which would be allowed to exist indefinitely until abandoned. By giving them a special status and are not non-conforming so they can be changed and will never go away. Barre City had one of these on Summer Street for Bond Auto which they replaced with a new giant Bond Auto sign while I was there (over my objection) and will now presumably be a giant O'Riley Auto Parts signs. Hardly seems fair and equitable for competing auto parts stores. <u>Staff does not recommend adding any additional signs to the landmark list.</u>	

88	3102.B(1) does this include parking spaces or public rights of way?	This should be clearer about whether this is discussing public or private. Construction dumpsters of public property must get approval from the public works director. This should apply only to private property. <u>Staff recommends adding the language "on private property" after "A construction dumpster" and to add 3102.C Construction dumpsters on public property including streets and public parking areas must receive approval from the Director of Public Works.</u>	
89	3104.A(3) suggestion to increase limit on accessory apartments to 1,200 square feet and 45%	In 3002.C(4)(b) we already extended the right to property owners to make duplexes anywhere there are Single family dwellings provided they were on a conforming lot and have sewer and water. The recommendation to go to 45% is almost a duplex anyways (remember 50% is half the home) and 1,200 square feet would be larger than many older homes. I think the rules as constructed are good. Only non-conforming structures will be limited to 900 square feet and 30%. <u>Staff does not recommend making changes.</u>	
90	3104.A(4) in A and A(4) it talks about owner occupied. How would this ever be enforced?	I would support eliminating the owner occupied requirement for that reason. Staff recommends striking owner occupied from the .A requirement and strike (4) as it would then be unnecessary.	
91	3107.D Question of why we would call something group home major.	There are a number of requirements in order to be considered a group home (which is a protected class of housing under Vermont law). The question comes up of what happens if someone wants to do something that is a group home but doesn't meet the requirements. For example I worked in Richford where a proposal came in for a home for people with Alzheimer's. It was an old house with 8 beds and licences from the state. It met state law for a group home except that it was within 1,000 of another home for something else. So now what do you do? But for the other home they would not even need to get a zoning permit at all but now they have no way to apply for a permit. We put this provision in to cover those types of applications- maybe it has 10 beds, maybe it is near another group home, etc. In those cases- group homes major are classified as conditional uses on figure 2-14 use table so neighbors would be notified and a hearing held. <u>Staff recommendation is not to change the proposal.</u>	
92	3108.A(1) noted that a lot with three or more does not have any days as a qualifier. Three tents for one day makes you a campground?	Good point. It doesn't come up a lot. As written yes one day would make you a campground but this is looking to catch the problem cases (e.g. people having multiple RVs with guests). Council is welcome to make changes but I think it is a use that will not receive much use. <u>Staff recommends not changing the proposal.</u>	

93	3110 B&Bs - Do these regulations address Air B&Bs?	Yes and no. There are not specific regulation of air B&Bs but they would technically still need to meet the requirements of B&B if it is in an occupied home. We should look at developing rules for short term rentals if Council thinks it makes sense. For the most part they are not really B&Bs. Most of the time someone is renting out their entire house or apartment unit for a day or a week. Those will be difficult to catch and regulate but we can discuss. <u>At this time, staff does not recommend making a change to the zoning.</u>	
94	3122. Has this been reviewed by experts?	No we have not sent it to someone for review but the consultant reviewed the 248 standards. Wireless telecommunication facilities continue to be partly (mostly) exempt from local zoning. The legislature just extended the section 248 exemption until 2020 although the municipality CAN, if they choose give a local alternative pathway. The assumption of this language was that we would need something on the books if the state pre-emption was lifted. In theory developers can choose which path to go if we allow them a path. I think these rules are way too much but considering developers will simply choose section 248, I'm not worried. As staff we chose our battles for what to go after to redraft and we felt this one could stay and get a review on the next zoning update. Its exempt for the next three years (effectively). We can address it between now and then. <u>Staff recommends keeping language as presented.</u>	
95	3201 major site plan approval - it appears major site plans would require professionally prepared landscape plans and lighting plans. Mention was made at meeting to flag for change	Yes. Major site plans would be required to meet those standards. It's a policy question for the City if they want to require professional plans or not. Staff does not have an opinion except that it is easier to approve professional plans because it clearly shows locations and items. If someone can present a plan that shows they meet the standards then it probably doesn't matter if it was professionally prepared.	
96	3203.F(3) should include a reference to figure 3-20.	Agreed. <u>Staff recommends adding "figure 3-20 and" after "accordance with".</u>	
97	3206.E Energy code comment whether this is needed considering it looks redundant to 3207.C(6)	Agreed. It looks redundant to 3207 and should be removed. <u>Staff recommends removing 3206.E</u>	
98	3206.G unclear why this is here.	Agreed. <u>If council wishes to keep this staff recommends moving to 3202 and add as .C</u>	
99	3207.C introductory statement needs grammar edits.	Agreed. Staff recommends rewording to say "Applications required to meet this section shall meet the following:"	
100	3207.C(4)(a) building materials "high quality building materials" is squishy	Good point. We don't need to justify our regulations in them so we do not need the end of the sentence. It is that part of the sentence that adds problems. <u>Staff recommends strike everything from "... that conveys a sense of durability..." to the end.</u>	
101	3207.C(7) residential bulk storage Why require this?	Agreed. <u>Staff recommends striking.</u>	

102	3303.B concerns using levels of service and what these mean	Staff received a comment from Tom MacArdle that he wanted to provide some edits to this section. He is not a fan of LOS and thinks we can come up with something better. Staff will develop an alternative with Tom and bring to Council.	
103	3304.A Character of the neighborhood. This requires projects to meet the potential impacts on both neighborhoods if a project is adjacent to two neighborhoods. The pit off Court street is an area of concern.	Agreed this provision could result in impacts to a project on the boarder of two areas. Council has two choises, to elimiate the consideration of the abutting neighborhood or to insert langage to soften the impact (abutting neighborhoods will be given consideration but not to the extent that it prohibits otherwise allowed development in the base neighborhood."	
104	3304.C Staff comment that "development should be compaitble" should be replaced with, with not have an undue advers affect upon"	That phrase is a legal term of art that is used in land use law and has a tried and tested prociess for making decisions. <u>Staff recommends making that change in language.</u>	
105	Chapter 340 general comment on density bonuses being too generous in PUDs. Perhaps reduce to just 25% to 50%.	That will be a policy question. I think they would need to be examined on a case by case. I think the reality is that they will not be used or if they did could be denied by the board if not of good deisgn or if it impacts abutters.	
106	3401.B Can we create visual descriptions of the amount of infill development that could occur under infill development?	Infill PUD is only allowed on lots less than 2 acres in the higher density neighborhoods. So a 25% or 50% increase in a small number is usually not too much on a small lot. The reality is that most development does not maximize development because they still need to meet other requirements (parking, setbacks on the perimeter) and also any requirements for maximum development. It is why I have said I will be surprised if in 10 years any applications for any PUDs happen except for campus PUD on VCFA. "Worst case scenario" ... A 2 acre lot in res 1500 can have 29 units an acre or 58units total at maximum build out! Now they get an addition 50% bonus for building with the infill requirements (87 units). Assuming they meet all other requirements for parking etc. this would be about 45 units an acre and before everyone thinks this is insane, we are not yet as dense as the Lane Shops. Keeping that in mind- THESE WOULD BE CONDITIONAL USES IN THAT DISTRICT. Anything more than 4 requires conditional use and if the development would result in a project that impacts the character of the area then it could be denied. Nothing in these PUD sections are adminisitrative approvals. It would be impossible to map out all the possibilities but, it gives the DRB the ability to approve a higher density project if they use good design. MOst applciations if they come will be someone trying to add one unit to a small lot and looking for an avenue to get that approved. While some other PUDs may need a more careful review of the density bonus- this one is fine. <u>Staff does not recommend changing the proposal.</u>	
107	3401.B Recommendation to remove Res 6 and Res 9 from applicability.	In light of some of the comments above about limitations of use above, anything more than 4 units is a CU in res 6 and not allowed at all in res-9. <u>Staff would recommend keeping these provisions as a possibility in these districts.</u>	

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108	3401.C(5) Suggest clarifying this to be a pre-PV HERS score	Beyond my skill to make a recommended change. Staff will reach out to the energy committee and efficiency vt for a suggestion.	
109	3401.D(3) recommendation to strike this provision as this is a list of what applicant may do (and this statement is negative).	Agreed. <u>Staff recommends striking (3).</u>	
110	3401.F(2) should we be clearer about how we measure 1/4 mile walk (publicly accessible paths and sidewalks?)	I think we can develop a sub (a) that addresses how we will make that calculation. Staff will develop this and get back to council.	
111	3402.B Add cottage cluster to rural as well.	Agreed. <u>Staff recommends adding rural to the list of allowed districts for cottage cluster.</u>	
112	3403.B(9) Community buildings in other section have more descriptions. We should be consistent.	Agreed. We should match to 3402.J but not include (1). Also change "cottages" to "manufactured homes". <u>Staff recommends making those changes.</u>	
113	3404.B(2) typo change units to lots.	This was a staff comment. As written any large apartment building will be forced to go through these requirements even if they are not subdividing.	Typo- automatic approval
114	3404.B(2) how is 10 years tracked.	This is a tough one. In some ways it will be difficult to track but in the same way if it is not there then an applicant can simply subdivide 39 lots this year and 39 more lots next year. It becomes too easy to avoid the rules. This at least makes it more difficult (and opponents will always remember these rules and tell us if we forget.). <u>Staff recommends keeping it despite its limitations.</u>	
115	3404.C(5) Suggest clarifying this to be a pre-PV HERS score	Beyond my skill to make a recommended change. Staff will reach out to the energy committee and efficiency vt for a suggestion.	
116	3404.J New neighborhood open space. Section refers to requirement to create open space but previous comments were that the city cannot create a park through zoning. How do these relate.	The difference is that parks have public access. We can require Murray Hill to have a swimming pool for its guests and residents but we cannot require them to let everyone in town swim in their pool. Similarly we can require a subdivision to set aside open space for the enjoyment of people living in the PUD but we cannot require it to be open to the public.	Informational question
117	3404.J(1) increase 5% to much higher number; clustering should be required	The purpose for the minimum is to address projects on properties that lack any natural resource features and are not on the official map. In the least, all projects should conserve at least 5% for open space. That number could grow to as high as 40% on parcels that have a lot of lands needing protection. The Planning Commission drafted these rules to protect those properties that had lands in need of protection and left other properties alone. The new neighborhood has a requirement in .B requiring the pUD which in effect requires clustering. <u>Staff does not recommend making additional changes in these areas.</u>	
118	3404.J(2) comment that it could be clearer that the developer can conserve more than 40% if they choose but DRB can only require up to 40%.	Agreed but I think that could go without saying. To add that language can complicate how the rest is written and may confuse things. <u>Staff does not recommend making changes to this provision.</u>	

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119	3404.J(4) Concern that developer could cover entire open space with solar panels	This is entirely a policy question. These areas have been set aside primarily for environmental reasons though which may make that more difficult. I think it depends on what the open space was for. If it is on the official map and the city does not want to assume the acquisition then I don't see why use for solar would not be inappropriate. If it is set aside for wetlands then it would be a problem to have solar. It's worth the discussion.	
120	3405 title conservation subdivision- what is it	These are classic PUDs that some people do to conserve open space. Rather than subdivide 20 acres into ten 2 acre lots they cluster the development into 10 one acre lots and leave 10 acres as protected open space.	Informational question
121	3405.I "with with" repeat	agreed. Typo	Typo- automatic approval
122	3406.A term major light industrial is not defined.	Agreed. "Major light industrial" should be replaced with "manufacturing". <u>Staff recommends making change.</u>	
123	3406.k The allowable size and height of main entrance signs seem extremely large. Maybe make smaller and allow DRB to make larger	Agreed. Ground mounted signs are currently proposed with a maximum of 32 square feet (12 feet high) so that would be a better default. <u>Staff recommendeds chaging those numbers for entrance sign to 32 square feet and 12 feet high with a new statement at the end that the Development Review Board may approve waivers to the standards not to exceed 100% in size and 50% in height provided the additional size will not negatively affect the character of the neighborhood. "</u>	
124	3503.C add new (3) Buildings and building envelopes on recorded plat shall be representative only and placed only to demonstrate a suitable area for development. Approval of a plat with a house site or building envelope shall not be infered as a permit to build such structure nor shall it be a limitation to future development outside of the envelope or house site unless included as a condition of approval."	This is designed to make sure plats approved in the past with these characteristics do not reaquire someone to go back and amend their plat before building their house 10 feet to the left or right of the identified hous on the plat. <u>Staff approves this recommendation.</u>	
125	3504.A concern that any project - no matter how small - will need a traffic study.	No. Only subdivisions resulting in 75 trips per day will need th professional study. 75 trip would be a big project considering the Sibley project (16 new residential units) was NOT going to trigger a traffic study. <u>Staff does not recommend changing this provision.</u>	
126	3504.B concerns using levels of service and what these mean	Staff received a comment from Tom MacArdle that he wanted to provide some edits to this section. He is not a fan of LOS and thinks we can come up with something better. Staff will develop an alternative with Tom and bring to Council.	
127	3505.B(8) add new "All new lots shall contain sufficient buildable area to meet minimum density requirements of section 3002.C."	Agreed. <u>Staff recommends making that addition.</u>	
128	3506.A(1)g suggest adding a comma after "wide"	Sounds good.	Typo- automatic approval
129	3506.A(5) need to add "may" after DRB	Agreed	Typo- automatic approval
130	3506.I(1)b should we be clearer about how we measure 1/4 mile walk (publicly accessible paths and sidewalks?)	I think we can develop a sub (c) that addresses how we will make that calculation. Staff will develop this and get back to council.	

131	3506.B(2) discusses pedestrian and multiuse but not explicitly "bike paths". We should have on road bike lanes when streets are part of a subdivision.	Agreed. Neither of these (1) or (2) explicitly discusses bikes. It could be tricky to rewrite because not all roads need bike lanes. Low volume streets can safely be sharrowed and the narrower street also reduces impervious cover. I think we should add a (3) though that expressly mentions bikes. Staff will develop some language for council to consider.	
132	3507.A similar to comment under 3304 where projects on the border of two neighborhoods must be consistent with both neighborhoods.	Whatever the decision is for 3304 should be replicated here for consistency sake. <u>Staff recommends being consistent with 3304.</u>	
133	3508.B(4) extraneous "	agreed.	Typo- automatic approval
134			
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136	PART 4		
137	4201.D Should the Zoning Adminsitrator provide other codes as well.?	The ones listed in .D are the ones the Adminsitrativ Officer is required to provide by law. We are always able to provide others at a cost. <u>Staff does not recommend changing the provisions as written.</u>	
138	4201.H Should we provide a definition of "promptly"?	This was discussed by the planning commission and other communities set days. The issue comes when unusual situations arise and we trip a required date that is set by the bylaws but not set under state law and an application becomes deemed approved. As this is not a problem in Montpelier we suggested leaving this as a general statement knowing we typically issue permits on the day a completed applciation is received for permitted uses. <u>Staff does not recommend making any changes.</u>	
139	4207.D requires applicants to go to Superior Court to get deemed approval from an adminsitrativ officers failure to act. Why not simply say it is deemed approved?	First the deemed approval is set in statute and simply says applications were deemed approved. No one knew how "deemed approved" would actually happen. We need a paper trail and someone to determine that the deemed approval was warrented. Maybe someone dropped off their zoning application at the Fire Department and now simply declares that I submitted to the city an application and did not get a reply in 30 days so its approved. Maybe the administrative officer told them they needed more information and they failed to provide it. Maybe the adminsitrativ officer sent it to the state for comment (which automatically stays the 30 day clock) but a member of the public may simply decide on their own that the permit is deemed approved. The Courts stepped in to provide the remedy which is an appeal to Superior Court and a judge will determine if it is warrented. While this may seem onerous to the applicant there is more to it than simply the issuance of a permit. The second key point to keep in mind is the neighbors. Image if Doug Zorzi put in an application to develop 500 units in Sabins Pasture and in the confusion of doing things it took 35 days to issue the permit. Without a court hearing the permit would be issued and the abutters all have no opportunity to comment on the application their rights would have been lost due to the failure of the adminsitrativ functions of the city. It would not be fair to those neighbors to lose their rights for our error. The Court makes sure those rights are observed. <u>Staff does not recommend making any changes to the draft.</u>	
140	4207.G(3) typo should be "explains" not "explain"	Agreed	Typo- automatic approval

141	4302.B Conservation commision has a 21 day requirement to act but Design Review (also an advisory board) does not have such a requirment. Should there be a requirement for DRC?	There CAN be a requirement set but there has not been an issue with this committee in the past (and there isn't a requirement under current zoning). The Conservation is new and the PC was concerned that the board meets once a month and a mistimed application could cause a 5 week day to a project. While the PC wanted to extend the priveledge of commenting on applications to the CC they wanted to make sure they would hold special meetings as need to ensure no additional delays are added to applciations. <u>Staff does not recommend making any changes.</u>	
142	4501.A(2) states "at least one more" when state law requires "at least two more"	Agreed. <u>Staff recommends changing "one" to two".</u>	
143	4505.H wording not clear	Agreed. The best way to make this clear is to break into a list of (1) send a copy to applicant and others...; (2) file a copy with AO...and (3) record in land records. <u>Staff recommends breaking into a list.</u>	
144	4505.L odd statement in this location. Should be removed	Agreed. Statement out of place here and should be removed. Permits run with the land. A decision is necessary to issue a permit. <u>Staff recommends deleting 4505.L.</u>	
145	Figure 4-02 had three sets of comments. First the requirements in the table are blank (no check boxes indicating which are required. Second, should character of the area or district be "character of the area or neighborhood"; and third, these do not appear to match state law and they should match state law.	On the first, agreed. In fact this has been an item on the PC fix list a few times and each time it gets worse (going from what was unclear markings to no markings at all). Table must once and for all be updated with "X" in the appropriate boxes. Second I think "district" should be replaced with "neighborhood" but, except for waivers, these rules are set by state law and should match (see third point). Third, I agree that this must match state law and while it simply rewords state law to be clearer, I think I would prefer the exact wording from statute. While tables and graphics can be used to simplify and clarify laws and regulations, sometimes they are unnecessary and make things more confusing. <u>Staff recommendation would be to remove the table; insert per state law the requirements into 4603.D (1) and (2) the requirements for general varaiances and renewable variances, and insert waiver requirements into 4602.C.</u>	
146	4701.B delete " at end of line	agreed	Typo- automatic approval
147	4701.F typo/reword	agreed. Would be clearer to say "The City shall observe any limitations on enforcement proceedings set forth in the Act (24 VSA 4454)." <u>Staff recommends making the change as stated above.</u>	

148	4701.G confusion.	Lots of confusion on this one including for me. Technically this can be deleted as it is a part of the limitations that are talked about in .F above it. If anyone cares... what the state law said was that if a permit is issued but not recorded in the land records that the city cannot enforce a zoning violation on that property. So we issue a permit to build a garage 10 feet from the property line and you build it 5 feet from the line- we would be unable to enforce a violation if the permit is not issued. It is a terrible law that is rife with unintended consequences but the law is what it is. <u>Staff recommendation is to strike .G as it is already included above in .F.</u>	
149	4701 or 4702 add restorative justice option	After some consideration I think this one will need to wait for a time when we can do more homework on it. While we refer people to community justice for neighbor disputes, that is different than enforcement of violations. Under state law the Administrator is required to 'literally enforce the bylaws'. The restorative process would not be legal or appropriate in determining whether violations exist. We spend no time today enforcing in court and collecting fines so I'm not sure how restorative justice would apply. I would suggest that before we institute ticketing (these bylaws will enable that but not institute it) we should look at restorative. Both of those decisions can wait until later. <u>Staff suggests not changing anything at this time.</u>	
150	4702.C and 4307.B Taken together it looks like if someone is notified of a violation and doesn't fix it for 4 days then day 1 is first offence, day 2 is second offence, etc. and then we transfer to Env Court after 4 days. Correct?	Its not quite that cut and dry. 4704 talks about the required notice of violation. That notice requires a statement giving property owners seven days to cure the violation before we can enforce. That notice of violation, though, can be appealed within 15 days of being sent (and usually is) so we generally do not enforce for the first 15 days (to see if they appeal the NoV). If they do not contest it or lose on appeal then we can begin enforcing. We have two avenues at that point- go directly to superior court or (if we institute it) issue tickets. The "day offense" is regarding tickets. Yes, after a number of tickets those would also be transferred to superior court as well.	Informational question
151	4704.A section says "the Administrative Officer may issue a notice of violation..." statement should be revised to read that " the Administrative Officer shall issue a notice of violation..." Enforcement is not discretionary.	Agreed. <u>Staff recommends that "may" should be replaced with "shall"</u>	
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155	PART 5		
156	5001.D Ordinance uses "will" and "must" to refer to mandatory actions. The appropriate convention is "shall".	Staff agrees. Technically, though, it is not improper to use "will" and "must" but the convention is to use shall. The consultant preferred "will" and the commission was ok with that approach. A global search and replace would require a careful proofread but could be done. If Council wants it changed we can do it.	
157	His/Her should be replaced with "his or her"	I found 6 locations where that occurred - 1206.B, 4201.H, 4203.B, 4503.B, 4601.A (in the information bullet) and 4604.A (information bullet). <u>Staff agrees they should be replaced.</u>	
158	And/or is not a word; it should be replaced with one or the other depending on context.	I was surprised how often this appeared (84 times) in the bylaws but many were ok. The and/or can be eliminated in some cases by rewording sentences to say "shall include at least one of the following." In many cases where and/or is used, what is being expressed is that you must do one but that would not prohibit you from doing more. So, for example there is a requirment to "either mitigate and/or minimize noise". I think you can simply say "or" but developers may question whether they must do one or the other (not both) to meet the requirement. I don't think it is wrong to say and/or but we could adjust them to say or. I did not review all 84 to see if some were incorrectly applied. <u>Staff recommends changing and/or to "or" and proofreading each to ensure it is appropriate.</u>	
159	5101 generally. Should we be including definitions of things defined in state law? Should we simply delete them or reference the state statute?	In many cases we do not need to use state law and we can use alternative definitions. I think if we are using a state law we can simply reference state law. For example 5101.H(3) restates state law 10 VSA 6602(4). The advantage of restating is the AO and public do not need to research state law to find the definition. The disadvantage is that the state sometimes changes statelaw and if you rewriting it in the bylaws then you could have a conflict. Its a policy decision. In the past I usually placed the reference (where it came from) and then copied it into the ordinance so that it would be easy to find when we needed it. Truely a policy decision. We can do it either way.	
160	5101.B(6) bedrooms- requiring bedrooms to have a closet. Can we remove closet requirement?	Bedrooms appear in only 3 places - accessory dwelling units must be a "studio or one-bedroom apartment"; B&Bs cannot have "more than 5 guest bedrooms"; and extended stay hotel rooms must have "separate bedroom/sleeping space". I don't think the closet is critical in any of these. I question, based on where and how the term is used whether the definition is needed at all. I think a one-bedroom apartment speaks for iteself (you don't need to define bedroom to understand what that means; 5 guest bedrooms could easily be 5 guest rooms and mean the same thing, and bedroom/sleeping space is understood without definition. <u>Staff recommends striking definition of bedroom.</u>	

161	5101.D(16) definition of 3&4 dwellings includes mention of separate entrances while multifamily does not. Add for consistency?	I actually would remove the requirement from the previous. Leaving it unsaid means the developer can meet with separate doors or single vestibule or by some other means or combination. <u>Staff recommends striking "and with each unit having a separate entrance from the outside or through a common vestibule" from 5101.D(15)</u>	
162	5101.D(14) to (16) each of these does not contemplate multiple buildings on one parcel. Should that be addressed here or somewhere else?	The concern here is that someone with 20 acres in rural are entitled to 10 residential units. As written if they put 10 single family homes (without subdividing) one foot away from each other they would all be permitted uses and could proceed development pretty easily and without . If those same 10 units shared a wall they would be a multifamily structure and not be allowed because multi family structures are not allowed in rural. Is that OK? The ZA and Director have different views on what should be ok but we know we need to be clear which it should be. Director feels the definition should be changed to read "parcel" rather than "structure" so that a single parcel with 5 single family homes would be considered a multifamily use on the use table -depending on the district that could mean it will not be allowed or be pushed into conditional use. The ZA believes this is an unusual way of doing this and that continuing to build single family homes should be permitted.	
163	5101.L(7) Locally produced. Vermont Farm to Plate uses a different definition which is Vermont plus 30 miles. Should we change to match others.	The original draft was really small (maybe Washington County) and then it was expanded to Vermont plus 30 miles but then backed down to Vermont. <u>Staff would support adding the "plus 30 miles" back in.</u>	
164	5101.S(16) do we need to clarify that basements and attics are not counted in stories?	I actually think the correct thing to do is to strike the second sentence. If we want to discuss "how to measure height" then we should add that language to section 3002.H (where that topic is discussed). That line is inappropriate as a part of a definition of story. <u>Staff recommends striking the second sentence.</u>	
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CITY COUNCIL Agenda Item #17-223

Date: July 12, 2017

Consent ☐ Discussion ☒

SUBJECT: Continuation of the review of the matrices of the Unified Development Regulations (also known as the zoning bylaws).

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 seventh meeting to discuss zoning by the Council and for them to take public comments. The Planning Director has completed his presentation of the draft and has provided a matrix of comments that have been received. The council will review comments and make decisions.

SUPPORTING DOCUMENTS: The Director will also hand out an updated matrix with the suggested changes and comments that have been received thus far which also includes decisions the council has made to this point.

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

CITY MANAGER'S APPROVAL:

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CITY COUNCIL Agenda Item #17-224

Date: July 6, 2017

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

SUBJECT: Ordinance Amendment: Revisions / Additions to Fees – as per FY18 Budget

SUBMITTING DEPARTMENT: Department of Public Works & Finance Department

RECOMMENDED ACTION: Approve 1st reading of amendments to the Code of Ordinances, Article V, §3-502.1 EXCAVATIONS and 3-502.2 OBSTRUCTIONS to amend the amount of the fees assessed by the Public Works Department as administered through the issuance of the Construction & Access Permit. Revise Excavation fee from \$50 sy to \$60 sy and revise obstruction permit from \$15 day to \$20 day. Set date for 2nd public hearing.

RELATED COUNCIL GOAL/PRIOR ACTION: Goal A: Keep Montpelier Affordable (Seek new revenue sources – implement user fees in budget).

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: City Charter: §301 Powers & Duties of City Council, part 8 "Establish fees and benefit charges for City services, permit, licenses, hearings, and uses of City property....."

BACKGROUND INFORMATION: The revenue from the increase of fees is included in the FY18 general fund budget. No record can be found of the last time the fees were adjusted but believed to be approximately 25 years ago. A 25% increase in fee revenue was projected which can be achieved both through an increase in construction related activity and/or a modest increase in fees.

Construction & Access permits are typically issued for:

- utility service repairs or new connections (obstruction & excavation)
- new or revised curb cut / driveways (obstruction & excavation)
- driveway maintenance work (obstruction only)
- Sidewalk or street use for staging area or equipment storage (obstruction only)

SUPPORTING DOCUMENTS: n/a

INTERESTED PARTIES: Property owners, contractors & developers

CITY MANAGER'S APPROVAL:

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CITY COUNCIL Agenda Item #17-225

Date: July 12, 2017

Consent ☐ Discussion ☒

SUBJECT: Central Vermont Public Safety Authority Committee Assignment

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Review, discuss and assign Council representative to the Central Vermont Public Safety Authority

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: No legal requirements

BACKGROUND INFORMATION: At the June 28, 2017 Council meeting, appointment of a Council representative to the CVSPA was tabled until July 12, 2017.

SUPPORTING DOCUMENTS: N/A

CITY MANAGER'S APPROVAL:

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