



Agenda for Regular City Council Meeting

City Council Chambers, City Hall
Wednesday, March 22, 2017
6:30 P.M.

- 1) Call to Order by the Mayor
- 2) 17-098. Review and Approve Agenda
- 3) 17-099 General Business and Appearances
- 4) 17-100. Consideration of the Consent Agenda:
 - a) Minutes from the City Council's March 8, 2017 Meeting.
 - b) Become the Liquor Control Commission for the purpose of acting on the following:
 - 1) Annual renewal of Liquor Licenses (City Clerk will distribute list of applications at the meeting.)
 - c) Street Closure Request from Matt Henchen and Emma Schoenberg, for the *Vermont Youth Lobby – Rally for the Planet*, scheduled to be held on Wednesday, April 12, 2017 from 10:15 to 10:45 AM
 - d) Payroll and Bills
- 5) 17-101. Planning Commission Appointment
- 6) 17-102. Vermont Mountaineers' Proposal
- 7) 17-103. NEA Our Town: ArtSynergy Public Art Master Plan Kick-off Discussion

- 8) 17-104. Zoning Workshop
- 9) 17-105. Discussion of Building Code Options for Unsightly Buildings
- 10) 17-106. Parking Strategy
- 11) 17-107. One Taylor Update
- 12) 17-108. Other Business
- 13) 17-109. Council Reports
- 14) 17-110. Mayor's Report
- 15) 17-111. City Clerk's Report
- 16) 17-112. City Manager's Report
- 17) *Adjournment*



CITY COUNCIL Agenda Item #17-105

Date: March 22, 2017

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

SUBJECT: Blighted Building Code Issues

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Review material. Take no further action. Continue enforcement activity.

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

EXPENDITURE REQUIRED: None for this action. Enforcement time.

SOURCE OF FUNDS: Enforcement paid through General Fund Budget.

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

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

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

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

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

SUPPORTING DOCUMENTS: Memo from the City Manager; Letter from Attorney Robert Fletcher; E-Mail from Attorney Paul Giuliani; Copy of Essex Junction ordinance. Copy of St. Albans ordinance.

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

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read 'W. J. ...', is written over a faint, circular official stamp.



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: Blighted Building Code Issues
Date: March 17, 2017

Recent concerns about the Econo Lodge have prompted a review of city and state regulations dealing with vacant and unsightly (or blighted) properties.

In general, the State of Vermont Department of Public Safety regulates commercial buildings for structural issues. The City of Montpelier is a contracted agent of the State when issuing permits and performing inspections on commercial buildings within the City. Enforcement actions must still be cleared with the State.

No one in Vermont - including the State's own Department of Public Safety - is authorized to have a building torn down simply because it is unsightly or blighted. Enforcement agencies do have the authority to abate public safety hazards or public health hazards.

Taking down private property is not easy nor is it meant to be. As you know, even acquiring private property for public uses isn't easy unless there is a cooperative land owner. The only recent private building torn down due to City initiative was an apartment house on Elm that was hit by a serious rock slide. The determined the damaged building to be a safety hazard. We ordered the owner to remedy the hazard or tear down the building and he refused. We eventually obtained a court order allowing the city to remove the building and assess the costs to the owner.

The question at hand is whether to continue state and city enforcement within current regulations. Enforcement action at the Econo Lodge so far has resulted in the building being completely cleaned out, trash being picked up, electricity disconnected and the building being secured. The state has recently issued an administrative penalty because a deadline for additional work was missed. If the building does not constitute a safety or health hazard there are no additional enforcement options. I've also included a 2016 opinion from Attorney Robert Fletcher which says that neither eminent domain nor removal of the building are viable options.

I've attached copies of ordinances from Essex Junction and Saint Albans which address issues of blighted buildings. These regulations include requirements such as a functional re-use plan and/or a monthly "monitoring" fee to cover our costs of assuring it remains safe and secure. Such regulations would apply to all properties which fall into the same category - uninhabited and unsightly but no threat to public health or safety. City Attorney Paul Giuliani suggests public nuisance abatement ordinance.

Our options include:

1 - Continue with present regulatory framework. Maintain enforcement and monitoring. I know this situation is frustrating to many people but we simply do not have the authority to order the building razed or to do so ourselves. Given that reality, I recommend that we continue with our current regulations.

2 – Consider new local regulations which will add more teeth but also require additional time to manage and will open. I was initially leaning toward a new regulation but am not convinced that it would get us any further than where we stand now. We also need to evaluate what unforeseen consequences a new ordinance might present. If you would like to pursue a new ordinance we can and will certainly do so, please advise which elements you would like to have included and we will have a draft for the April 12th meeting.

3 – Work with the property owner on redevelopment or sale of the property. We will do this under any circumstances and have expressed this to the owners.

June 2, 2016

William Fraser, City Manager
City of Montpelier
39 Main Street
Montpelier, VT 05602

Re: EconoLodge Property, Northfield Street

Dear Bill:

You have asked what actions the City may take to eradicate conditions on privately owned property which are perceived to be or may actually be unhealthy, unsanitary, unsavory or objectionable. As we discussed by phone, there is authority to acquire and “redevelop” so-called blighted or slum areas within the City, 24 V.S.A. §3203(b) and (c), by exercising inherent police powers for the protection of public health, safety, morals or welfare and the statutory urban renewal powers conferred by Chapter 85 of Title 24. Pursuant to this authority a municipality may “take” private property meeting the definition of a “slum” or “blighted area” through eminent domain (condemnation), and repurpose it. *See*, 24 V.S.A. §§3209(3), 3210(a). The process, however, is quite time consuming and detailed, expensive, and not well-suited, in our opinion, to dealing with a single “nuisance” structure. The alternative to “urban renewal” is active enforcement of the City’s own building code and fire code, and reliance (if necessary) on public health statutes and nuisance actions.

URBAN RENEWAL PROVISIONS

Two specific types of undesirable types of properties can be redeveloped under the statute – “blighted areas” and “slums.” 24 V.S.A. § 3203(a) and (b). A “blighted area” is a characterized by the concentration of “a substantial number of slum, deteriorated, or deteriorating structures, ... insanitary or unsafe conditions, deterioration of site or other improvements, ... or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors,” which “substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability” and “is a menace to the public health, safety, morals, or welfare in its present condition and use.” 24 V.S.A. §3201(3).

Alternately, a “slum area” is defined as “an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.” 24 V.S.A. §3201(16).

To engage in urban renewal, a municipality must take the following steps, in sequence.

1. **A resolution recognizing the existence of urban renewal areas must be approved by a majority of voters at a regular or special meeting.** 24 V.S.A. §3206.
2. **The target area must be designated as appropriate for an “urban renewal project.”** 24 V.S.A. §3207(a).¹
3. **An “urban renewal plan” for the “urban renewal project” area must be developed.** 24 V.S.A. §3207(b).²
4. **The “urban renewal plan” must be submitted to the Planning Commission for review and comment.** 24 V.S.A. §3207(b).
5. **A public hearing must be noticed and held on the “urban renewal project.”** 24 V.S.A. §3207(c).
6. **The City Council must approve the “urban renewal project.”** 24 V.S.A. §3207(d).
7. **The “urban renewal plan” must be approved by a majority of voters at a regular or special meeting.** 24 V.S.A. §3207(f).

¹ “Urban renewal project” is defined to include municipal activities in an “urban renewal area” for the “elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment ..., or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.” 24 V.S.A. §3201(19).

² An “urban renewal plan” means a plan for an urban renewal project that: (A) conforms with the general plan for the municipality; (B) sufficiently indicates the location of intended renewal activities, proposed zoning changes, uses, densities, building requirements, and public improvements to be permitted or required; and (C) includes such additional items as may from time to time be required by federal law. 24 V.S.A. §3201(18).

8. **If the urban renewal plan is approved, condemnation may begin.** 24 V.S.A. §3210(a).
9. **The Superior Court must be petitioned to make a determination of necessity.** 24 V.S.A. §3211(a).
10. **The necessity hearing is publicly noticed, filed with the City Clerk, and interested persons are served with civil process.** 24 V.S.A. §3211(c).
11. **A hearing on the petition is held if objections are made to necessity.** 24 V.S.A. §3211(d).
12. **The necessity decision is appealable, and action is stayed by an appeal:** An appeal from the Superior Court's decision stays all proceedings. 24 V.S.A. §3211(e).
13. **The final necessity order is recorded with City Clerk – City has 2 years to implement.** 24 V.S.A. §3211(e).
14. **Begin the process of acquiring the property.** 24 V.S.A. §§3211(e), 3212(a).
15. **Condemned property may be retained for public use or sold, leased or otherwise transferred for purposes specified in the urban renewal plan.** 24 V.S.A. §3213(a).
16. **Disposition of condemned property – to private persons.** Condemned property may be sold, leased or otherwise transferred to private persons **only** under a competitive bidding process, with public notice by publication. 24 V.S.A. §3213(b)

Any exercise of the power of eminent domain is subject to the Takings Clause of the Fifth Amendment and Vermont's parallel constitutional provision, Vermont Const. Ch. I, Art. 2. These provisions mandate that private property not "be taken for public use without just compensation." *Eastern Enterprises v. Apfel*, 524 U.S. 498, 545, 118 S.Ct. 2131 (1998) (KENNEDY, J., concurring in judgment and dissenting in part).

The "public use" requirement forbids a government from taking land from one private landowner "for the purpose of conferring a private benefit on a particular private property." *Kelo v. City of New London*, 545 U.S. 469, 477, 125

S.Ct. 2655 (2005)³. Nonetheless, private property may be transferred “from one private party to another if the future ‘use by the public’ is the purpose of the taking; the condemnation of land for a railroad with common-carrier duties is a familiar example.” *Id.*

In *Kelo*, the Court recognized that it “long ago rejected any literal requirement that condemned property be put into use for the general public.” *Id.* at 479 (quotation omitted). Following *Kelo*, Vermont’s statute was revised to prohibit the taking of private property through the use of eminent domain if the taking is primarily for purposes of economic development **unless** the property is taken pursuant to the process described above (i.e., urban renewal). See 12 V.S.A. §1040.

ALTERNATE APPROACHES

The City has already begun the more expeditious and less complicated alternate approach to an isolated problem building -- enforcement of the City’s building and fire safety codes. By Charter, and by general law, the City has authority to enact and enforce building codes, Montpelier Charter §701; 24 V.S.A. §§3101-3120 (building regulation and inspection, including the regulation of unsafe buildings), and 24 V.S.A. §2291(13) and (14) (the authority to compel the cleaning or repair of premises “dangerous to the health or safety of the public”, and authority to define a “public nuisance” and establish procedures for its abatement or removal as required for public health, safety or welfare), which it has done. Montpelier Code of Ordinances, Chap. 4. These codes are implemented through the City Building Inspector’s office, and enforced by the City Council and the civil court. Chap. 4, §§201-6, 201-7.

Under the general law, Chapter 83 of Title 24, specifically section 3113, the Building Inspector may inspect and, if appropriate, declare a structure or anything appurtenant thereto to be “unsafe” and order its removal or direct that it be made safe and secure. 24 V.S.A. §3113. The City can act (through an order of the City Council) to immediately secure the property if there is perceived to be a sufficient public safety threat. 24 V.S.A. §3114.

If such a threat does not exist, but the owner is unresponsive to a directive that remedial action be taken, a “board” consisting of the City Engineer, the Chief

³ The *Kelo* Court upheld the exercise of eminent domain in furtherance of a development plan intended to create jobs, generate tax revenue, revitalize a downtown district, and to create leisure and recreational opportunities on the City’s waterfront. The transferors consisted of 115 privately homeowners and a former naval facility of 32 acres; the end uses consisted of mixed public and private enterprises and residential uses including: a waterfront conference center and hotel with restaurants and shopping, recreational and commercial marinas, a public/pedestrian river walk, public walkways, an 80 unit residential subdivision, and 90,000 sq. ft. of office space. *Id.* at 473-474.

William Fraser, City Manager

June 2, 2016

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Engineer of the Fire Department, and one disinterested person" may make a "careful survey" of the property, and issue a report thereof. 24 V.S.A. §3115. If, despite that report, the owner continues not to affect repairs, the City may "cause it to be taken down or otherwise made safe." The expenses incurred by the Town constitute a lien on the property, and are to be enforced in the time and manner for enforcement of a tax lien. The owner is liable for a "forfeiture" of between \$10 and \$50 per day to be recovered in a civil action. 24 V.S.A. §3116.

Under the circumstances, condemnation seems unwieldy, complicated and overly costly. Instead, the more efficacious choice seems to be pursuit of local code enforcement. As for the choice between removal and securing the property, based on our conversation of the other day, I cannot see a basis for removal. Even if an abandoned property poses a threat to public safety, if that threat can be ameliorated by boarding up the openings, disconnecting the utilities and removing accumulated personal property, there will be no justification for destruction/removal of the property. See particularly Code Section §4-205 pertaining to abandoned or vacant buildings (requiring utilities be disconnected, personal property be removed, and the building secured and maintained in a waterproof condition, free of vermin).

I trust that the foregoing is responsive to your inquiry and provides the guidance the City needs. Naturally, if there are questions about these approaches, or you have additional aspects to discuss with us, please be in touch.

Sincerely,



Robert E. Fletcher

REF/gc

MOR16-002 MEMO ON BLIGHTSLUM CONDEMN OPN

From: Paul Giuliani [mailto:pgiuliani@primmer.com]
Sent: Wednesday, March 15, 2017 3:53 PM
To: William Fraser
Subject: RE: Potential Building Ordinance

Bill –

This is an interesting approach. I suspect it's the model that's being followed in Barre City. An observation, not necessarily a criticism, is that the Essex Junction ordinance really gets into the weeds in property classification and definitions. For example, the findings in Section 1502(a)-(d) really belong in a preamble, not in a substantive section of the ordinance. Further, the distinction among Blighted Premises, Dangerous Property, Fire Hazard, Vacant Buildings and Abandoned is helpful, but I wonder there is too much detail.

There certainly no legal objection to the Council adopting an ordinance patterned closely on the Essex Junction model. However, for the Council's consideration, I would like to offer an alternative approach.

Under the general statutes, the City Council has the authority to abate public nuisances by complaint in the Superior Court. 24 VSA 2121. The City also is granted the "power to compel cleaning or repair of any premises which in the judgment of the [City Council] is dangerous to the health and safety of the public." 24 VSA 2291(13). It also can direct the maintenance of uninhabitable buildings under 24 VSA 2291(24). The broadest legislative grant of authority, however, is 24 VSA 2291(14) which empowers the Council to "define what constitutes a public nuisance, and to provide procedures and take action for its abatement or removal as the public health, safety or welfare requires."

It seems to me that adoption of a generic public nuisance abatement ordinance is worth looking at. Some of the language and concepts in the Essex Junction ordinance have a place in a public nuisance ordinance. For instance, transplanting the monitoring fee provisions seems like a good idea. To meet minimum due process standards, there have to be clear notice, hearing and appeal procedures. That's an area in which I feel the Essex Junction ordinance needs some help.

The ordinance I envision, though not necessarily advocating, would rest on the Council's authority to define, declare and abate public nuisances without getting too much into definitional detail. Alternative and collective abatement measures would be identified. The property owner would have the benefit of good notice, hearing and appeal rights.

Anyhow, that's my initial take. Glad to discuss or visit with the Council at your convenience.

Regards,

P

J. Paul Giuliani | Attorney
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From: William Fraser [mailto:WFraser@montpelier-vt.org]
Sent: Tuesday, March 14, 2017 1:04 PM
To: Paul Giuliani
Subject: Potential Building Ordinance

Hi Paul

Attached is a copy of Essex Junction's ordinance for vacant, dangerous and blighted buildings. We're thinking of using this as a model for something similar here to deal with the Econo Lodge and other like properties. Can you look at this and let me know if you have any concerns and also any suggestions for changes which bring it in line with other city ordinances? I note that they have an administrative penalty which I don't think we have authority to impose at this time. I do like the monthly "monitoring fee" which creates a de facto penalty for keeping an uninhabited building in disrepair.

Thanks

Bill

William J. Fraser, ICMA-CM
City Manager
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**VILLAGE OF ESSEX JUNCTION
MUNICIPAL CODE CHAPTER**

15.

**ORDINANCE REGULATING VACANT BUILDINGS,
BLIGHTED PREMISES AND DANGEROUS PROPERTY**

PURPOSE: In accordance with 24 V.S.A. 2291, to define what constitutes vacant buildings, blighted premises and dangerous property, and to provide procedures and take action for their abatement or removal as the public health, safety or welfare may require.

SECTION 1501. DEFINITIONS:

(a) Blighted Premises: Any building, structure or parcel of land, except exempt property as defined below, in which at least one of the following conditions exists:

1. It is dilapidated or becoming dilapidated as documented by the Village Manager and/or assigns;
2. It is attracting illegal activity as documented by the Police Department;
3. It is a fire hazard as determined by the Fire Marshal or as documented by the Fire Department;
4. It is determined by the Village Manager and/or assigns or by Health Department reports that the condition of the building, structure or parcel of land poses a serious or immediate danger to the safety, health or general welfare of the community.
5. It is not being maintained. The following factors may be considered in determining whether a structure or building is not being adequately maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floors; seriously damaged or missing siding or walls; a structurally faulty foundation; garbage, trash or abandoned/unregistered cars on the premises (unless the premises is a junkyard legally licensed); overgrown grass or weeds of at least one foot in length; graffiti; and fire damage; or
6. It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the neighborhood as documented by neighborhood complaints, or cancellation of insurance on the subject property or on adjacent properties.

(b) Building Safety Officer: Village Manager and/or assign

(c) Dangerous Property:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause is likely to partially or completely collapse.

2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(d) Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

(e) Fire Hazard. Exists whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

(f) Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(g) Vacant building: Any structure or building that is unoccupied by a person or occupied by unauthorized persons for ninety (90) days, excepting permitted warehouse structures, garages, vacation or resort facilities or those buildings or structures only used on a seasonal basis.

(h) Vacant Nuisance Property: Any property that has been vacant for ninety (90) days and has also been determined to be a Dangerous Property.

SECTION 1502. VACANT BUILDINGS:

(a) When the owner of a vacant building fails to actively maintain and manage a building the building can become a major cause of blight in both residential and nonresidential neighborhoods. Vacant buildings that are boarded, substandard or on unkempt properties, and long-term vacancies discourage economic development and retard appreciation of property values.

(b) It is a responsibility of property ownership to prevent owned property from becoming a burden to the neighborhood and community and a threat to the public health, safety or welfare.

(c) One vacant property that is not actively and well maintained and managed can be the core and cause of spreading blight.

(d) Owners of multiple buildings, either concurrently or serially, that are vacant and blight to the community are a significant problem in the Village. Owners of buildings who fail to correct deficiencies and blighted conditions in their buildings contribute to the decline of neighborhoods to a greater extent than those who own only one building. It is in the interest of the welfare of neighborhoods that owners of properties who fail to maintain properties and correct vacant and blighted buildings are subject to imposition of higher administrative penalties in order to encourage these owners to correct violations of this article in a prompt manner.

(e) No owner shall allow a building designed for human use or occupancy to be a vacant building for more than ninety days, unless one of the following applies:

1. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.
2. The building meets all Village codes, does not contribute to blight, is ready for occupancy, and is:
 - a) Actively being offered for sale, lease, or rent, or
 - b) Is actively being maintained and monitored by the owner, as defined in below:
 1. Maintenance of the building in continuing compliance with all applicable codes and regulations.
 2. Prevention of criminal activity on the premises.
 3. The posting of a notice in a conspicuous place on the front of the building stating the name, address, and telephone number of both the owner and, if applicable, the owner's agent in control of the building. This notice shall have lettering not less than two (2) inches high and shall be generally readable from at least thirty feet away.

SECTION 1503. VACANT BUILDING MAINTENANCE STANDARDS:

(a) Active maintenance and monitoring shall include all of the following:

1. *Accessory and appurtenant structures:* Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards.
2. *Building openings:* Doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid transparent materials which are weather protected, and tightly fitted and secured to the opening.

3. *Building structure:* The building shall be maintained in good repair, structurally sound and free from debris, rubbish and garbage. The building shall be sanitary. The building shall not pose a threat to the public health and safety.
4. *Chimneys and towers:* Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
5. *Decorative features:* The cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
6. *Drainage:* The building storm drainage system shall be functional and installed to Village Standards, and allow discharge to Village Standards.
7. *Exterior walls:* The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
8. *Foundation walls:* The foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal proof.
9. *Overhanging extensions:* All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal and wood surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
10. *Premises:* The premises upon which the structure or building is located shall be clean, safe, and sanitary, free from waste, rubbish, debris or excessive vegetation, and shall not pose a threat to the public health or safety.
11. *Roofs:* The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building, or admit moisture or rain to a contiguous building.
12. *Structural members:* The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
13. *Walkways:* Walkways shall be safe for pedestrian travel.

SECTION 1504. REQUIRED BOARDING OF VACANT BUILDINGS.

- (a) For the purposes of this article, “boarded” shall mean the covering of all entry points, including all doors and windows, with plywood or other materials for the purpose of preventing entry into the buildings by persons or animals.
- (b) Vacant buildings shall be boarded when the building can no longer be secured against intrusion by the closing and locking of doors and windows.
- (c) Vacant buildings that are immediately dangerous and are open and accessible to the general public may be summarily boarded by the Village, pursuant to this Ordinance.
- (d) Any building that is boarded, whether by voluntary action of the owner or as a result of

enforcement activity by the Village, shall be boarded in compliance with Village standards promulgated by the Village Manager, and approved by resolution of the Board of Trustees.

SECTION 1505. DANGEROUS BUILDINGS.

(a) If, upon inspection of a building, the Village or Village Agent determines that a building, structure or anything attached or connected therewith, or any hazardous condition appears to endanger the public safety, the Village Manager shall commence an abatement action by issuing a Building Safety Order. The Building Safety Order shall:

1. Identify the hazardous conditions that cause the premises, building, structure or anything attached or connected thereto to be dangerous.
2. Identify the actions that must be taken by the owner to secure the Dangerous Building or Premises and abate the hazardous conditions identified in the order, including, where appropriate, removal of a Dangerous Building.
3. Set a date by which the actions to secure a Dangerous Building or Premises and abate the hazardous conditions must be completed by the owner, which shall be not less than fifteen (15) days from the date of service of the order.
4. Inform the owner of his/her right to appeal the Building Safety Order and the right to be represented by legal counsel at the appeal hearing.

(b) The Safety Order shall be served upon the owner of the Dangerous Building or Premises by first class certified mail, return receipt requested. A copy of the Order shall be provided to the Board of Trustees of Essex Junction.

(c) If it appears to the Village Manager or Village Agent that such structure or premises would be especially dangerous, the Village may affix a notice of dangerousness in a conspicuous place upon the structure's exterior walls, or may affix a posted notice in the ground which shall not be removed or defaced without the Villages authority.

(d) If the owner continues such refusal or neglects to remove or make the building or premises safe, and the Order has become final by the failure to appeal, the Village shall be fully authorized to abate the nuisance, except where removal or demolition of a building is required. The Building Safety Officer may, as necessary, install boards or otherwise secure a dangerous building or order that a building be vacated by any occupants and removed.

(e) For removal or demolition, the Village Manager, or other appropriate Village officer, may seek approval from the appropriate Court for a remedy in equity to remove or demolish a dangerous building, or to order such steps as may be necessary to abate any hazardous condition. The Village Manager Officer may also seek the imposition of fines in accord with this Ordinance.

(f) The Building Safety Officer may contract with such service providers or use such other Village employees as may be necessary to ensure public safety in the circumstances. The full cost of any work necessitated by a Safety Order shall constitute a lien chargeable against the property owner and may be recovered in the same manner as taxes for real estate pursuant to 32 V.S.A. Ch. 133.

1. For removal or demolition, the Village Manager, or other appropriate Village officer, may seek approval from the appropriate Court for a remedy in equity to remove or demolish a dangerous building, or to order such steps as may be necessary to abate any hazardous condition. The Village Manager may also seek the imposition of fines in accord with of this Ordinance.

SECTION 1506. ADMINISTRATIVE PENALTY

Any owner of a building that is in violation of this Ordinance shall be subject to an administrative penalty, in an amount not to exceed one thousand dollars (\$1,000.00) per building for the first violation.

A second administrative penalty shall be imposed upon an owner pursuant to this article if the owner's building remains in violation of this Ordinance thirty (30) days following the imposition of the first administrative penalty. Additional penalties may be imposed in each thirty (30) day period following the imposition of an administrative penalty under this article. Additional penalties may be imposed so long as the violations continue. A second and any subsequent penalty shall be in an amount not to exceed five thousand dollars (\$5,000.00).

If a previous administrative penalty has been imposed pursuant to this article upon an owner within two years of the date of the imposition of the present administrative penalty, and that previous administrative penalty related to a vacant building other than the building presently the subject of an administrative penalty, any penalty imposed shall in no case be less than two thousand dollars (\$2,000.00) nor more than ten thousand dollars (\$10,000.00).

SECTION 1507. APPEAL

A person aggrieved by a revocation, suspension or penalty pursuant to this Ordinance may appeal as outlined in the Trustees' Policy regarding the Ordinance Appeals Board.

SECTION 1508. MONITORING FEE FOR VACANT NUISANCE PROPERTIES

Any vacant building that also constitutes a public nuisance shall be subject to monthly monitoring fees and enforcement response fees, to recover the Village's regulatory costs to monitor and respond to the vacant building. The separate monthly monitoring fee and enforcement response fee shall be set by resolution of the Village Trustees. The monitoring fee shall be imposed upon the initial determination that the vacant building constitutes a public nuisance. The fee shall thereafter be imposed in each thirty (30) day period following the imposition of the initial monitoring fee. On buildings requiring more than one (1) involuntary Village enforcement response within any thirty (30) day period, an additional and separate enforcement response fee shall be imposed, for each response, upon the owner. Monitoring fees of \$250 per month shall be imposed as long as the vacant building remains a public nuisance. Any monitoring fee imposed pursuant to this section may be appealed by the same process that is available for appeal of Safety Orders and Administrative Penalties.

SECTION 1509. NONCOMPLIANT BUILDINGS OR PROPERTY.

Any building or property in violation of this Ordinance shall not be accepted for review by the Planning Commission or Zoning Board of Adjustment until the violation is rectified.

SECTION 1510. SEVERABILITY.

If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

New Chapter 15 adopted 1/10/12

**PUBLIC HEALTH & SAFETY ORDINANCE
CITY OF ST. ALBANS, VERMONT**

SECTION 1. AUTHORITY.

This Ordinance is adopted by the City Council of the City of St. Albans under authority granted in 24A V.S.A. Ch. 11, §§ 16 and 18-22, 24 V.S.A. §§ 2291(13), (14), and (15), 24 V.S.A. § 2121, and 24 V.S.A. Chapter 59.

SECTION 2. STATEMENT OF FINDINGS AND PURPOSE.

Being that there exist in the City of St. Albans structures, buildings and parcels of land that have become dangerous or unsafe and numerous other structures that are vacant, abandoned, and in disrepair, the St. Albans City Council finds and declares that:

- (1) Structures that become dangerous and unsafe must promptly be made safe and secure to protect the public safety.
- (2) Structures that are vacant and not properly secured are dangerous and unsafe in that they are extremely vulnerable to being set on fire by unauthorized persons.
- (3) Many structures that are vacant, whether secured or not, are a blight on their neighborhoods, cause deterioration and instability in their neighborhoods, and have an adverse impact upon adjacent and nearby properties.
- (4) Structures that were previously used as residential units and have since become vacant have a significant and detrimental impact on the local housing market.
- (5) Structures that are vacant and not properly secured attract vagrants and criminals and are prime locations to conduct illegal activities, including arson and drug use.
- (6) Structures that are vacant and unsecured pose serious threats to the public health and safety and therefore are declared to be public nuisances.
- (7) Immediate abatement and rehabilitation of these structures is necessary to abate such public nuisances, prevent unsightly blight and the deterioration of neighborhoods with the consequent adverse impact on the value of adjacent and nearby properties, secure the public safety and to ensure and enhance the vitality and livability of our neighborhoods.
- (8) Communication between owners of dangerous and vacant buildings and the City is essential for effective allocation of public resources and the maintenance of public health, welfare, and safety in regard to such structures.

The purpose of this article is to establish the reasonably necessary measures to abate the public nuisances, blight, negative housing market impact, and other harmful effects connected with dangerous and vacant or abandoned buildings, structures and lands, consistent with the authority vested in the City to protect the health, safety and welfare of the public through the regulation of the construction, maintenance, repair, and alteration of buildings, structures and properties within the City.

SECTION 3. DEFINITIONS.

For purposes of this Ordinance, the following words and/or phrases shall apply:

- A. Dangerous Building or Dangerous Structure. Any building or structure or part thereof that, for the lack of proper maintenance, repair, or sanitation is hazardous to the health or safety of the public or likely to endanger other buildings or property.
- B. Vacant Building. Any building or structure that is unoccupied by a person or occupied by unauthorized persons for more than one hundred and twenty (120) days, excepting any permitted warehouse, garage, vacation property, or building or structure used only on a seasonal basis.
- C. Building Safety Officer. The officer appointed by the City of St. Albans City Council to enforce this Ordinance. The Building Safety officer may hold any other office in the City of St. Albans. Nothing in this Ordinance shall prevent the Building Safety Officer from performing his or her duties under other regulations or ordinances that he or she may be designated to administer and enforce. The Building Safety Officer shall have the authority to inspect buildings, structures or any portion of a property, interior or exterior, within the territorial limits of the City of St. Albans. In the event that the Building Safety Officer is unavailable, or has a conflict of interest, the City Manager or his/her designee shall perform the functions of the Building Safety Officer.
- D. Trash. Shall include rubbish, garbage, waste and refuse, including, but not limited to household wastes, recyclables, food scraps, household appliances, automotive parts, automobiles, furniture and yard clippings, but shall not include junk at a duly licensed junkyard.
- E. Hazardous Conditions. Shall include, but not be limited to, situations where a property owner, tenant, any mortgagee in possession, or a designee of any of the foregoing allows:
 - 1. Trash to unreasonably accumulate or be discarded on a property in such a way that it causes an obvious hazard to public safety;
 - 2. The creation of an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin or disease-carrying pests;

3. Trees and other plant life to dangerously obscure drivers' views or attract vermin;
4. The placement of appliances, autos, trucks or other motor vehicles, and other objects that might constitute an attractive nuisance to children, pose a health or safety risk or attract vermin; or
5. Allows an abandoned or unoccupied property to be left in an unsecured state.

SECTION 4. AUTHORITY OF CITY HEALTH OFFICER.

Nothing in this Ordinance shall affect the authority of the City of St. Albans Health Officer or the City Council to take any action permitted under 18 V.S.A. §§ 126, 127 *et seq.* The Health Officer and the City Council retain the authority, in their discretion, to take action under Vermont state law or under this Ordinance.

SECTION 5. BUILDING AND PROPERTY OWNER OBLIGATIONS.

Building and property owners shall ensure that the following measures have been undertaken, whether the building or property is occupied or not, to secure the building or structure by satisfying the following building maintenance standards:

- A. Building Openings. Doors, windows, areaways and other openings shall be weather-tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings shall be covered by glass or other rigid materials which are weather protected, and tightly fitted and secured to the opening.
- B. Roofs. The roof and flashings shall be sound and tight, not admit moisture or have defects which might admit moisture, rain or roof drainage, and allow for drainage to prevent dampness or deterioration in the interior walls or interior of the building.
- C. Drainage. The building storm drainage system shall be functional and allow discharge in an appropriate, legal manner.
- D. Building Structure. The building shall be maintained in good repair and be structurally sound. Structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
- E. Foundation Walls. Foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to public health and safety, shall be capable of supporting the load which normal use may cause to

be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal and rodent-proof.

- F. Exterior Walls. Exterior walls shall be free of holes, breaks, and loose or rotting materials.
- G. Exterior Features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be safe, anchored, and in good repair.
- H. Overhanging Extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe, sound and of legal dimensions.
- I. Exposed Metal and Wood. All exposed metal and wood surfaces shall be protected from the elements against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- J. Chimneys and Towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair. Walkways. Walkways shall be safe for pedestrian travel.
- K. Accessory and Appurtenant Structures. Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these building maintenance standards.
- L. Premises. All properties located in the City of St. Albans shall be kept clean, safe, and sanitary, free from waste, trash, rubbish, debris or excessive vegetation, and shall not cause any hazardous condition or threat to the public health or safety. Lawns shall not be allowed to exceed ten inches in height.

SECTION 6. BUILDING INSPECTION

Upon receiving information that any building, structure or property, or anything attached or connected therewith is in violation of the specifications of this Ordinance or is otherwise in such unsafe condition that the public safety is endangered, the Building Safety Officer shall cause the building, structure or property to be inspected. Such inspection shall occur according to the following process:

- A. Written notice of intent to conduct an inspection pursuant to this Ordinance shall be given to the owner of the building, structure or property at least twenty-four (24) hours prior to the inspection.

- B. If the Building Safety Officer has reason to believe that an emergency situation exists which poses an immediate danger to the health or safety of the public, no notification shall be necessary prior to inspection.
- C. If the owner of a building, structure or property fails or refuses to consent to the inspection and, in the Building Safety Officer's opinion, an emergency situation does not exist that poses an immediate danger to the health or safety of the public, the Building Safety Officer shall be authorized to obtain a search warrant from the Vermont Superior Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, and that the building and its contents will not present a hazard to the public.
- D. The Building Safety Officer may also view the premises from any public space, or, with the permission of the property owner, from any nearby or adjacent property.
- E. The Building Safety Officer may retain such law enforcement officers, fire officials, engineers, attorneys and other qualified experts as necessary to assist with a building safety inspection and the preparation of a Building Safety Order.

SECTION 7. SAFETY ORDER.

- A. If, upon inspection, the Building Safety Officer determines that a building, premises, structure or anything attached or connected therewith, or any hazardous condition appears to endanger the public safety, the Building Safety Officer shall commence an abatement action by issuing a Safety Order. The Safety Order shall:
 - 1. Identify the hazardous conditions that cause the premises, building, structure or anything attached or connected thereto to be dangerous.
 - 2. Identify the actions that must be taken by the owner to secure the Dangerous Building or Premises and abate the hazardous conditions identified in the order, including, where appropriate, removal of a Dangerous Building.
 - 3. Set a date by which the actions to secure a Dangerous Building or Premises and abate the hazardous conditions must be completed by the owner, which shall be not less than three (3) business days from the date of service of the order.

4. Inform the owner of his/her right to appeal the Building Safety Order and the right to be represented by legal counsel at the appeal hearing.
- B. The Safety Order shall be served upon the owner of the Dangerous Building or Premises in person with written receipt or by certified mail, return receipt requested, and by first class mail. A copy of the Order shall be provided to the City Council of the City of St. Albans.
- C. If it appears to the Building Safety Officer that such structure or premises would be especially dangerous, the officer may affix a notice of dangerousness in a conspicuous place upon the structure's exterior walls, or may affix a posted notice in the ground which shall not be removed or defaced without the officer's authority.
- D. If the owner continues such refusal or neglects to remove or make the building or premises safe, and the Order has become final by the failure to appeal, the Building Safety Officer shall be fully authorized to abate the nuisance, except where removal or demolition of a building is required. The Building Safety Officer may, as necessary, install boards or otherwise secure a dangerous building or order that a building be vacated by any occupants and removed.
- E. For removal or demolition, the Building Safety Officer, or other appropriate City officer, may seek approval from the appropriate Court for a remedy in equity to remove or demolish a dangerous building, or to order such steps as may be necessary to abate any hazardous condition. The Building Safety Officer may also seek the imposition of fines in accord with Section 9(A) of this Ordinance.
- F. The Building Safety Officer may contract with such service providers or use such other City employees as may be necessary to ensure public safety in the circumstances. The full cost of any work necessitated by a Safety Order shall constitute a lien chargeable against the property owner and may be recovered in the same manner as taxes for real estate pursuant to 32 V.S.A. Ch. 133.

SECTION 8. APPEAL OF SAFETY ORDER

- A. A person aggrieved by a Safety Order may appeal such Order to the City Council of the City of St. Albans by filing a notice of appeal within the time frame set forth for compliance in the safety order, pursuant to Section 7(A)(3) of this Ordinance. The notice of appeal shall be in writing and shall set forth a brief statement of the basis of the appeal. The notice of appeal to the City Council shall be filed with the Office of the City Manager, St. Albans City Hall, 100 North Main Street, St. Albans Vermont 05478
- B. Within thirty (30) days of service of the notice of appeal, the City Council shall hold a hearing on the appeal. The City Council shall issue a written

decision within fifteen (15) days of the close of the hearing. The decision may reverse or sustain the Safety Order and may contain such additional requirements as the City Council deems necessary and appropriate to implement the purpose of this Ordinance.

SECTION 9. PENALTY AND ENFORCEMENT

- A. If the owner fails to comply with a Safety Order, the owner shall be considered to be in violation of the Order and this Ordinance. The City shall be authorized to take such steps as may be allowed under Section 7(D) of this Ordinance. In addition, any violation shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Franklin County Superior Court, at the election of the Building Safety Officer.
- B. A civil penalty of not more than \$100.00 per violation may be imposed for violation of this Ordinance. Each day that the violation continues shall constitute a separate violation of this Ordinance.
- C. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 *et seq.* For purposes of enforcement in the Judicial Bureau, the Building Safety Officer shall be the designated enforcement officer. The Building Safety Officer shall issue tickets and may be the appearing officer at any hearing.
- D. Violations enforced in the Superior Court shall be in accordance with 24 V.S.A. §1974a and the Vermont Rules of Civil Procedure. The City of St. Albans may pursue any and all remedies available at law or in equity.

SECTION 10. VACANT BUILDING PERMIT AND STANDARDS

- A. Application by the owner of a vacant building or structure for a vacant building permit shall be made on a form provided by the Building Safety Officer. Applicants shall disclose all measures to be taken to ensure that the building will be kept weather-tight and secure from trespassers, safe for entry by police officers and firefighters in times of exigent circumstances or emergency, and together with its premises be free from nuisance and in good order in conformance with the vacant building maintenance standards.
- B. The application shall include a "statement of intent." The statement of intent shall include but not necessarily be limited to information as to the expected period of vacancy (including the date of vacancy), the plan for regular maintenance during the vacancy to comply with the maintenance safety requirements of this subsection, and a plan and timeline for the lawful occupancy, rehabilitation or removal or demolition of the structure.

- C. Upon and at the time of application, the owner of a vacant building or structure shall arrange for an inspection of the premises by the Building Safety Officer and the appropriate police and fire officials. The purpose of such inspection is to determine and ensure the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents do not present a hazard to the public during the time that the building remains vacant, and that the building or structure is in compliance with the standards of this Ordinance.
- D. If the Building Safety Officer has reason to believe that an emergency situation exists tending to create an immediate danger to the health, safety or welfare of the general public, no notification or warrant shall be necessary and the Building Safety Officer shall enter and inspect the premises pursuant to Section 7 of this Ordinance.
- E. The Building Safety Officer shall provide the St. Albans Police Department with copies of vacant building permits at the time of issuance.
- F. If the owner of the vacant building or structure fails or refuses to consent to an inspection, the Building Safety Officer may seek a search warrant from the Vermont Superior Court for the purpose of determining and ensuring the structural integrity of the building, the repairs necessary to ensure its structural integrity, that it will be safe for entry by police officers and firefighters in times of exigent circumstances or emergency, that the building and its contents do not present a hazard to the public during the time that the building remains vacant, and that the building and structure is in compliance with the standards of this Ordinance.
- G. The Building Safety Officer, upon inspection, shall issue any order for work needed to:
 - 1. Adequately protect the building from intrusion by trespassers and from deterioration by the weather in accordance with the standards set forth in this Ordinance.
 - 2. Ensure that allowing the building to remain will not be detrimental to the public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood, and will not pose an extraordinary hazard to police officers or firefighters entering the premises in times of emergency.
 - 3. When issuing such orders, the Building Safety Officer shall specify the time for completion of the work. The Order shall act as an interim vacant building permit, the duration of which shall be for the time set forth in the Building Safety Officer's order. No interim permit shall be effective for a

period of more than ninety (90) days. All work done pursuant to this article shall be done in compliance with the applicable building, fire prevention, and zoning statutes and ordinances.

4. The Building Safety Officer shall issue a vacant building permit upon his or her satisfaction that the building has been inspected and is in compliance with the standards set forth in this Ordinance, and is adequately protected from intrusion by trespassers and from deterioration by the weather. This permit shall be effective for a period of three hundred sixty-five (365) days.
5. A vacant building or structure shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the building maintenance standards in Section 5(A) of this Ordinance.

SECTION 11. FEES.

- A. A fee of one hundred dollars (\$100.00) shall be charged for a vacant building permit or interim permit. This one-hundred dollar fee shall also be charged upon the renewal of such permits. The fee is to be paid at the time of application or renewal. No permit shall be issued prior to payment of the permit or renewal fee.
- B. Upon a showing that the building or structure is being actively marketed for sale or lease and maintained pursuant to its vacant building permit or renewal thereof, the Building Safety Officer shall waive the fee. The waiver of the permit fee for the active marketing and maintenance of the building or structure shall be for a period of twelve (12) months from the time the fee first becomes due. This waiver may be extended for an additional year for such buildings if the owner (a) continues to show that the building or structure is being actively marketed for sale and maintained and (b) discloses the details of how the building was actively marketed for sale during the waiver year (i.e., offers, appraisals, or consultants engaged). Upon the expiration of the initial twelve-month period or its extension, the fee shall be charged.
- C. When a building is in need of substantial rehabilitation, as determined by the Building Safety Officer, to comply with the obligations and standards set forth in this Ordinance, no initial vacant building permit fee is required if the owner has: (i) developed and submitted a statement of intent, scope of work which meets the applicable building and zoning standards and the obligations and standards set forth in this article, and a reasonable schedule for the completion of the work, approved by the Building Safety Officer, and (ii) secured all necessary building and zoning permits. To qualify for a continued exemption upon renewal, the owner must certify that the improvements set forth in the scope of work are being made according to the schedule of work or prove to

the Building Safety Officer that the schedule will be completed within a reasonable amount of time.

- D. If an owner has secured all the duly required permits to demolish the building or structure, no fee shall be required.

SECTION 12. REPEAL OF PRIOR CONFLICTING ORDINANCES.

The enactment of this Ordinance shall repeal all previous ordinances of the City of St. Albans that regulate the topics addressed herein with the exception of the City's Land Development Regulations.

SECTION 13. SEVERABILITY.

If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

SECTION 14. EFFECTIVE DATE.

This Ordinance shall become effective upon its adoption or amendment by the City Council of the City of St. Albans in accordance with 24A V.S.A. Ch. 11, § 17. Last amended by vote of the City Council on November 10, 2014.

Minutes of the Montpelier City Council Meeting
March 8, 2017, 6:30 PM
City Council Chambers, City Hall

In attendance: Councilors Jean Olson, Justin Turcotte, Tom Golonka, Anne Watson, Dona Bate, Ashley Hill and Rosie Krueger. Mayor John Hollar was absent. City Clerk John Odum acted as Secretary of the meeting, and Chair for the first two items, before being replaced as Chair by Councilor Watson acting as Council President.

The meeting was called to order by the Clerk, acting as Chair.

- 17-084. The Clerk swore in those councilors elected at the prior day's Annual City Meeting (Councilors Watson, Hill and Krueger). Upon their swearing in, a quorum was then present to conduct business.
- 17-085. Hearing no objection, the Chair declared the proposed agenda (with the amendment that item 17-088 be the next item of business) approved by unanimous consent.
- 17-088. The Chair opened the floor for nominations for the position of President. Councilor Bate nominated Councilor Watson. After nominations were then closed, Councilor Bate moved that Anne Watson be approved as President of the Council, and was seconded by Councilor Turcotte. The motion carried unanimously. Councilor Watson then assumed the role of Chair of the meeting.
- The Chair opened the floor for nominations for the position of Vice President. Councilor Turcotte nominated Councilor Olson. After nominations were then closed, Councilor Watson moved that Jean Olson be approved as Vice President of the Council, and was seconded by Councilor Hill. The motion carried 5-0.
- The Chair opened the floor for nominations for the position of Parliamentarian. Councilor Bate nominated Councilor Watson. After nominations were then closed, Councilor Hill moved that Dona Bate be approved as Parliamentarian of the Council, and was seconded by Councilor Krueger. The motion carried 5-0.
- 17-087. Councilor Turcotte had questions about consent agenda item f (Acknowledge Receipt of Financial Summary by Fund for Period Ending January 31, 2017). The Clerk, as well as Finance Director Todd Provencher, participated in the discussion. Councilor Bate moved approval of the consent agenda, and was seconded by Councilor Hill. The motion carried 5-0.
- 17-089. City Manager Fraser introduced the discussion of the City Council's Ethics Policy. Councilor Hill moved re-approval of the ethics policy and was seconded by Councilor Krueger. There was brief further discussion. The motion carried 5-0.
- 17-090. The City Manager introduced the discussion of the Council's Rules of Procedure. Councilor Bate moved re-approval of the Council Rules of Procedure, Councilor Turcotte seconded. There was brief further discussion. The motion carried 5-0.

17-091. The City Manager led off the discussion of crafting a formal goal-setting process. Councilor Bate moved the Council direct the City Manager to move forward with the retreat as basically outlined, and that the Council desires to move forward on the goals, duties, and responsibilities discussion as soon as possible, so the Council can proceed into the goal setting process from there. The motion died for lack of a second. Further discussion followed.

Councilor Turcotte moved to accept the City Manager's process for goal setting parts one and two. Councilor Hill seconded. The motion carried 5-0.

17-092. The Council engaged in a discussion of an orientation/retreat. No formal action taken.

17-094. Councilor Bate indicated she was pleased with the prospect of a Council retreat. She also thanked the voters and candidates, congratulated the winners, and expressed that she had fun working on Town Meeting Day.

Councilor Olson welcomed the new councilors and thanked all the candidates.

Councilor Turcotte thanked voters for supporting the city funding items. He also noted the Williston rest area media screen could be of potential use. Finally he asked for an update on the Econo Lodge situation (City Manager Fraser provided a response).

Councilor Hill indicated she felt honored by the opportunity to serve and to work with the other councilors. She added that she was pleased by the voter turnout.

Councilor Watson thanked voters for support, and expressed gratitude that the budgets passed. She also thanked those candidates who did not win for their participation in the process. Finally, she indicated she had felt encouraged by recent conversations with non-residents about their opinions of Montpelier

Councilor Krueger indicated she was excited to be on the Council, added that she had "big shoes to fill" and noted that she would be listening carefully in coming weeks.

17-096. The City Clerk reported that the previous day's election was the first without any additional paid poll workers (beyond volunteers and city staff). He went on to thank all the volunteers, including members of the Board of Civil Authority, who participated.

17-097. The City Manager reported that a dog leash committee report was pending, and that it would be ideal to have the participation of a Councilor. He also indicated that the Montpelier Development Corporation close to hiring an executive director.

Mr. Fraser went on to welcome the new councilors, thank all those who ran, and report that the ballot results marked the highest margin of victory for a city budget ever. Finally, he noted International Women's Day, calling attention to the fact that the just-elected Council had the highest number of women in city history.

Hearing no objection, the Chair ruled the meeting adjourned by unanimous consent.

March 22, 2017

Montpelier City Council
39 Main Street
Montpelier, VT 05602

Re: Clarifying Misinformation about the Zoning Proposal

Dear Mayor Hollar and City Councilors:

As a member of the Planning Commission, I am concerned that a good deal of misinformation is circulating regarding the zoning amendments that the Planning Commission has submitted for your approval. In an effort to correct some of the inaccuracies (published in the March 16 edition of The Bridge) I wrote a response letter, which I have attached here. I am also attaching a Build-out analysis based on the proposed zoning, and a Matrix comparing existing and proposed zoning bylaws that I personally prepared for clarification.

Please note that due to time constraints, I could not wait until the Planning Commission's next meeting to consult with the Commission prior to submitting these materials. As a result, I am offering these as an architect, resident, and member of the Commission, but not on behalf of the Planning Commission. Any errors are my own.

I hope these documents will be useful to you in your review of the Planning Commission's proposal.

Sincerely,

Barbara Conrey
Architect
36 Liberty St.
Montpelier, VT 05602

Responses: Letters to The Bridge (March 16) Regarding the Proposed Zoning:

I urge the citizens of Montpelier to recognize that zoning should be considered holistically, not by separating out just one aspect to inaccurately assess the proposed changes. Some letters to the Editor and Opinion pieces published in the current edition of The Bridge contain incomplete or inaccurate information. In the interest of journalistic accuracy, I offer the following clarifying information regarding the topics highlighted by authors:

Doerflein's comment regarding proposed density along Towne Hill Road: "Towne Hill, where I live, would see a 61 percent increase in density..."

My Response: Actually, Towne Hill Road would be part of two different zoning districts: Residential 17000 and Rural. The current more thickly settled areas west of Murray Road would be zoned Res 17000 so that **90% of the existing lots** will comply with zoning. Yes, some lots are larger, but most residents' lots are not. Beyond Murray Road, Towne Hill Road would be part of the Rural district, requiring a 2 acre lot size, actually decreasing the current 1 acre density.

M. Read's comment regarding density on Greenock Avenue: "...19 homes could be built where there are now seven."

My Response: The lots on Greenock are larger than neighboring streets Westwood, Woodcrest, Dover, or Grandview Terrace; however, they are still part of the same neighborhood. Should a separate zoning district be created for just for Greenock?

The Permitted uses for the proposed Res 17000 district include: 1 & 2 family homes, religious facilities (in all zones), parks, cemeteries, grade schools, daycare homes, and agriculture. Any other types of uses are all Conditional Uses that may not be allowed. In today's Low Density Residential zone there are 14 Permitted uses, including those listed above, plus Group Homes, Residential Care Homes, Academic Institutions, and Agricultural Sales. Which group of Uses is more consistent with the character of the existing residential neighborhood?

Castellano "Opinion" Commentary (broken down by topic):

Comment regarding possible development: "The city's zoning consultant said early last year that there are approximately 4,239 existing dwelling units in Montpelier. Under the existing zoning regulations, a total of an additional 14,315 units could be built. Under the proposed zoning, this figure balloons up to 16,158 units."

My Response: Actually, the proposed zoning has been through multiple changes since early last year; it is no longer the same document. It's not clear how the "...figure balloons up to 16,158 units" was determined. That figure is not accurate, given the following proposed regulations:

- Densities: The proposed densities reflect what **currently exists for 90%** of all properties. **They reflect existing neighborhood character.**
- Further Restrictions: Given our pattern of development, other requirements are more likely to prohibit development: street frontage (many sites are narrow), setbacks, and building heights (proposed buildings must be **shorter** in **every** residential district).
- Two new restrictions have been added: building footprint (so new buildings aren't too big for the neighborhood), and removing steep slopes over 30% (3' in 10') from lot size. **All of these limitations are intended to keep new development consistent with our existing neighborhoods.**

Comments regarding land conservation: "The recommendations from both the Parks Commission and Conservation Commission were essentially ignored. There are not parks on the eastern side of town. In the 2010 Master Plan, Sabin's Pasture was designated as Conservation Land or Parkland. In the new zoning proposal, it has been zoned Residential."

My Response:

- Sabin's Pasture: is proposed to be zoned Residential (as it is currently). Under law, existing zoned land cannot be restricted from any development; that is called 'taking'. However, the development area is limited through the restrictions above, and every effort was made to encourage designated natural areas in new developments.
- Parks & Recreation: Requests were included from both the Parks and Conservation Commissions, as far as the law allowed. In fact, a new Natural Resources Inventory Map designates sensitive areas that cannot be developed.

In the future, I would personally welcome (and Mike Miller could verify) any informal inquiries from concerned members of the public as to how the proposed zoning might affect their own property. This could help to avoid the distribution of inaccurate information, and allow everyone to see how this proposed zoning does, in fact, promote the adopted goals of the 2010 Master Plan.

Thank you.

Barbara Conrey
Architect, Planning Commission member
36 Liberty Street
Montpelier, VT 05602

BUILD-OUT EXAMPLE: Montpelier Proposed Zoning

(3/22/17)

Ramifications of the proposed zoning can be difficult to understand in the abstract. Therefore, below is an Example Build-out, based on a real property in Montpelier:

Address: Liberty St.
New District: Res-6000 (Sec. 2109)
Existing: Size = 0.75 acres (See attached sketch) ~ 33,000 SF
Street Frontage: Approximately 100' long
Grade = 30% slope on approximately 1/3 of back lot
Dwell Units: Existing: 2 units

Factors Affecting Development of Any Parcel:

1. Density Allowance: 1 du/6,000 SF would be: 5.5 units/ 33,000 SF
2. Restrictions on Density: Steep slopes of approximately 30% (i.e. 3' in 10'):
Area excluded from site: 15,000 SF excluded
Developable Area ~ 18,000 SF
Therefore: Allowable units = 18,000sf/ 6000 sf = **3 du**
3. Infill PUD Increase: 4.5 du = **4.0 du allowed**
4. Subdivide the parcel? No. Limited by Street Frontage:
2 parcels x 60' = 120' would be required, only 100' available.
5. Setbacks required: 10' each side + 20' between buildings = 40'
+ existing building width = 32'
Single Infill bldg allowed: = 28'
Infill building front setback: must match neighbors.
6. Design & Compatibility: Infill building must match "mass & scale" typical of neighborhood.
Maximum Build-Out: 1 additional building @ 2 dwelling units (see attached sketch).

However: This Site is Not Typical:

For infill development, the following characteristics must be met:

- Wider lot (~100') and larger (0.75 acres) than most on the street (or in Montpelier).
- Most homes are centered on their lots or closer to their neighbors than the 10' existing setback here, so that required setbacks couldn't be met.
- The large side yard here (potentially allowing infill) is not typical to the neighborhood.

Demolish & Rebuild?

Finally, some residents have questioned whether a developer could demolish the house & build a new building with higher density. Would that be economical? Montpelier properties are valuable based on the land + building.

- Example (above) with 18,000 SF of developable land & existing home:
Parcel purchase: \$430,000
Demolish/disposal: \$60,000 (estimate)
\$490,000/18,000 SF ~ **\$27/SF for just the land (~\$1.09 million per acre!)**
- New construction: 4 units @ approximately \$200k/unit = \$800,000, bringing the total cost up to \$1.3 million. To sell the individual units would be \$320k each, pricing it out of the real estate market.

Barbara Conrey
Architect, Planning Commission member
36 Liberty Street, Montpelier, VT 05602

MONTPELIER UNIFIED DEVELOPMENT REGULATIONS: Existing & Proposed (3/22/17)

Clarification of existing and proposed changes to the zoning ordinance:

EXIST DISTRICT: EXISTING ZONING:**PROPOSED DISTRICT/ ZONING:**

LDR: Low Density Res.	Lot Size: 1 Acre Front: 200'-250' Height: 3 stories/ 45' Front Setback: min. 20' *(match exist bldgs)	RURAL: Lot Size: 2 acres Min/Fam: 2 acres Footprint: 4,000 SF max Frontage: 120' min Height: 35' max
		Res 17000: Lot Size: 17,000 SF Min/Fam: 17,000 SF Footprint: 4,000 SF max Frontage: 75' min Height: 35' max Front Setback: 20' min
		Res 9000: See Below
MDR: Medium Density Res.	Lot Size: 10,000 SF Min/Fam: 10,000 SF Front: 75' Height: 3 stories/ 45' Front Setback: min. 10' *(match exist bldgs)	Res 9000: Lot Size: 9,000 SF Min/Fam: 9,000 SF Footprint: 4,000 SF max Frontage: 75' min Height: 35' max Front Setback: 20' min
		Res 6000: Lot Size: 6,000 SF Min/Fam: 6,000 SF Footprint: 4,000 SF max Frontage: 60' min Height: 35' max Front Setback: 15' min.
HDR: High Density Res.	Lot Size: 8,700 SF Min/Fam: 1,500 SF Front: 40' Height: 3 stories/ 45' Front Setback: min. 10'	Mix Use Res: Lot Size: 3,000 SF Min/Fam: 1,500 SF Footprint: 6,000 SF max Frontage: 45' min. Height: 24' min/ 40' max Front Setback: 5' min/ 30' max or match exist
		Res 1500: Lot Size: 3,000 SF Min/Fam: 1,500 SF Footprint: 5,000 SF max Frontage: 45' min Height: 35' max Front Setback: 5' min/ 30' max or match exist
		Res 3000: Lot Size: 3,000 SF Min/Fam: 3,000 SF Footprint: 5,000 SF max Frontage: 45' min Height: 35' max Front Setback: 5' min/ 30' max or match exist
CB-I: Central Business I	Lot Size: 5,000–10,000 SF Front: 75' Height: 6 stories Front Setback: 0'	Urban Ctr I: Lot Size: 3,000 SF Front: 30' min. Height: 2 stories min/ 60' max** Setback: 20' max.

CB-II: Central Business II	Lot Size: 10,000 SF Front: 75' Height: 3 stories/ 45' Front Setback: min. 10'*	Urban Ctr II: Lot Size: 6,000 SF Front: 60' min. Height: 2 stories min/ 45' max** Setback: 5' min & 20' max.
OP: Office Park	Lot Size: 10 Acres Front: 200' Height: 5 stories Front Setback: Varies	West Gate: Lot Size: 20,000 SF Front: 120' min. Height: 24' min/ 45' max Setback: 20' min.
GB: General Business	Lot Size: 10-15,000 SF Front: 100' Height: 3 stories/ 45' Front Setback: 20'	Riverfront + West Gate + East Gate: Lot Size: 6,000 SF Front: 60' min. Height: 2 stories min/45' max** Setback: 5' min & 20' max.
IND: Industrial	Lot Size: 1 Acre Front: 100' Height: 3 stories/ 45' Front Setback: 50'	East Gate: See above
CIV: Capitol Complex	Lot Size: 8,700 SF Front: 75' Height: 6 stories/ 60' Front Setback: min. 20'	See Urban Center I
RIV: Riverfront	Lot Size: 5,000 SF Front: N/A Height: 3 stories Front Setback: 5' to curb	Riverfront: Lot Size: 3,000 SF Front: 45' min. Height: 2 stories min/ 45' max Setback: 5' min & 20' max

Traditional Development in Montpelier:

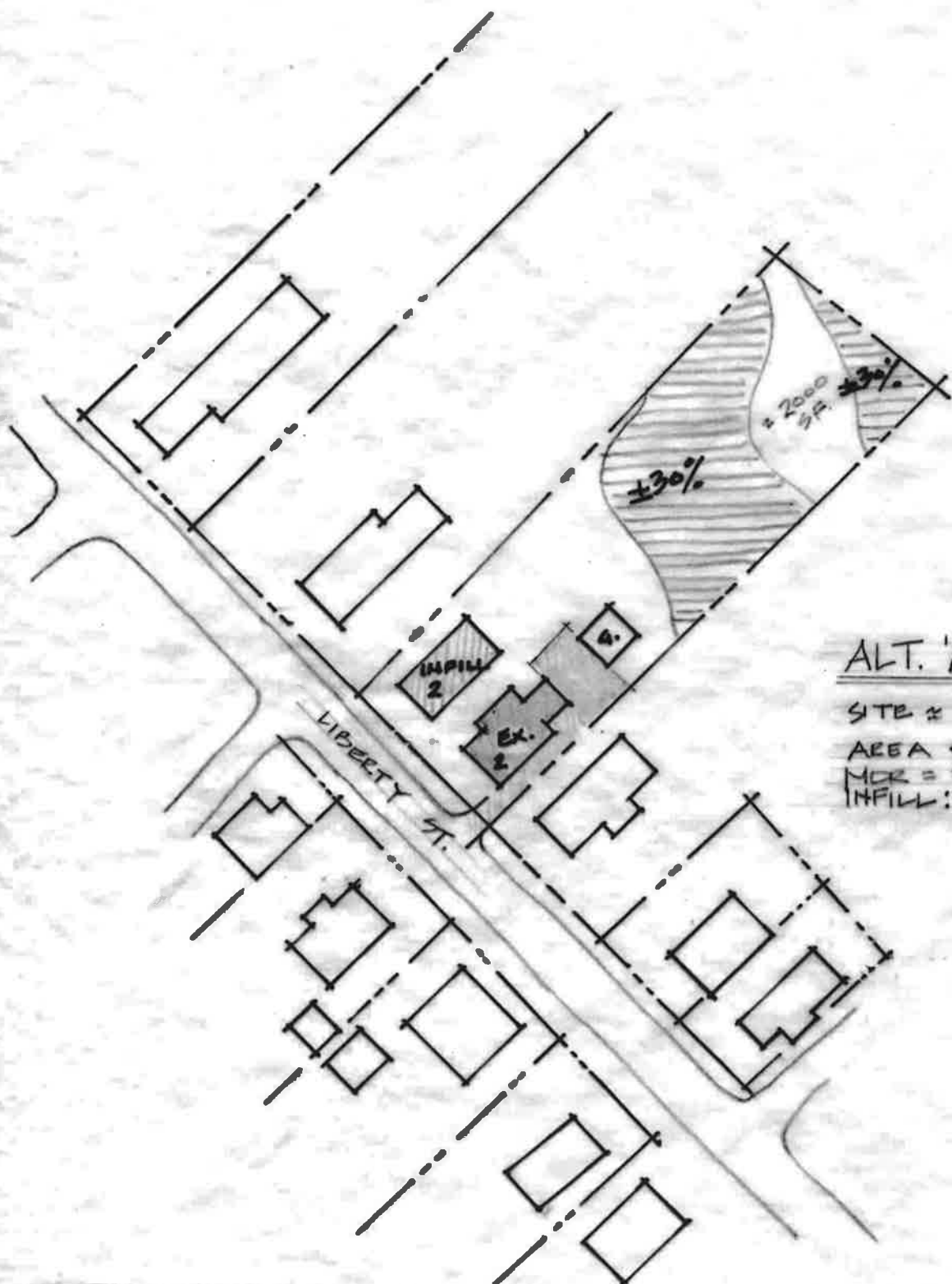
Montpelier developed, like many communities in Vermont, along the river and spread up the hillsides.

- **Intact City:** Luckily, unlike many other cities, most post-1950 'modernization' didn't happen here; therefore, most of our historic downtown and neighborhoods have remained intact.
- **Neighborhood Protection:** These Regulations **specifically protect** neighborhoods by insuring that any new development is consistent with the existing fabric of each neighborhood.
- **Steep Slopes:** between 15% & 30%, development area is controlled. Slopes above 30%: area is deleted from lot calculations.
- **Existing:** Current zoning does not match what exists now; many of the lots in the city are presently **non-conforming** with their district, limiting what owners may do with their buildings.
- **Densities** in the new Regulations are **adjusted** match what exists in the real world, making **90% of the lots compliant with neighbors**.

Why make properties conforming?

- **Existing neighborhood patterns:** our regulations should support them.
- **Changing living situations:** many residents would like to be able to modify their homes, allowing them to stay in Montpelier as they age.
- **'Invisible infill':** these regulations allow homeowners to create a duplex apartment or condominium in their home, only if it complies with the requirements of its district. This provision allows residents to create smaller living units (and help to pay their taxes) with minimal (or no) change to the exterior of the building or the streetscape, keeping the neighborhood character intact.

Barbara Conrey
Architect, Planning Commission member
36 Liberty St., Montpelier, VT 05602



ALT. 'A': INFILL

SITE $\approx 33,000$ SF
AREA $< 30\% \approx 18,000$ SF
MCR = 3 DU
INFILL: 3 DU + 50% = 4 DU

To: Montpelier City Council
From: Botanica Florals
Re: Street Closure Proposal for April 12, 2017

We wish to express our opposition to the request to close State Street from 9:30am to 11:15am on April 12, 2017. This closure would negatively impact our business by restricting parking and access to our store during normal business hours. particularly as this is the week prior to Easter, which is generally very busy for us. We apologize for not appearing in person at the council meeting, but we only found out about this request this afternoon, and have prior commitments. We did not receive an e-mail as stated in the Street Closure Request Form.

Thank you,

Sonja Grahm and Sarah McAllister
Botanica Florals
10 State Street
Montpelier, VT 05602
(802)229-9885
flowers@botanicafloralsvt.com
<http://www.botanicafloralsvt.com/>

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CITY COUNCIL Agenda Item #17-102

Date: March 22, 2017

Consent ___ **Discussion** **x**

SUBJECT: Proposal to Install a Beer Garden for Use During Vermont Mountaineers Games at Montpelier Recreation Field

SUBMITTING DEPARTMENT: City Manager's Office for Green Mountain Community Baseball, Inc., d/b/a The Vermont Mountaineers, and its President and General Manager, Brian Gallagher

RECOMMENDED ACTION: Receive presentation; opportunity for discussion; approve their request to move forward with the project

RELATED COUNCIL GOAL/PRIOR ACTION:

C) Maintain a Safe Community (Maintain Safe Facilities)

EXPENDITURE REQUIRED: None from City

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The Board of Directors of Green Mountain Community Baseball, Inc., d/b/a The Vermont Mountaineers, has been considering creating a beer garden facility for patrons to use during Mountaineers games at Montpelier's Recreation Field. A delegation from their Board met with City representatives and had a constructive discussion about this proposal. If supported by City Council, in order to implement this proposal, the parties would have to amend the **2017-2036 Use Agreement for Recreation Field**. All details are outlined in a memo from Green Mountain Community Baseball, Inc. to the City Council.

SUPPORTING DOCUMENTS: Above-mentioned Memo with Attached Maps

INTERESTED PARTIES: Council, Board of Directors for Green Mountain Community Baseball, Inc.; City Staff; and Mountaineer Fans

CITY MANAGER'S APPROVAL:

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

To: Montpelier City Council

From: Green Mountain Community Baseball, Inc. d/b/a The Vermont Mountaineers

Date: March 15, 2017

Re: Proposal to install a beer garden for use during Vermont Mountaineers games at Montpelier Recreation Field

The Board of Directors of Green Mountain Community Baseball, Inc. d/b/a/ The Vermont Mountaineers (the Mountaineers) has been considering creating a beer garden facility for patrons to use during Mountaineers games at Montpelier's Recreation Field. A delegation from our Board met with City representatives including Jessie Baker, Arne McMullen and Bob Gowans, on March 7, 2017 and had a constructive discussion about this proposal. The purpose of this memo is to outline the proposal for the Council before we request your approval to move forward with the project.

Proposal: If permitted, the Mountaineers would fence off a plot adjacent to the field of play near the left field foul pole. The plot is seventy feet by thirty feet and will be surrounded by a four foot high fence. There will be a gate at either end, with the gate facing the driveway functioning as the main entrance. Inside the area, we will place a minimum of twelve picnic style tables and a portable serving area that will be removed after each game. The space will be ADA compliant.

We intend to partner with the Three Penny Taproom for this project. Three Penny will provide a bartender each night and will furnish the beverages, featuring Vermont's world-class craft beer industry. We will not use taps and lines, and will only sell products in cans, facilitating cleanup and enhancing safety. Three Penny's involvement will obviate the need for us to obtain a liquor license or any other approval from the Department of Liquor Control. Importantly, Three Penny has an outstanding reputation and an excellent track record of providing bar services for events and complying with all applicable laws in the process. The Mountaineers will provide trained volunteers for checking identification of entrants.

Rationale: We see this project as a win-win-win for the Mountaineers, the City, and our fans. We have received feedback for years in our annual fan survey that indicates a strong community desire that we make beer available to fans for their responsible enjoyment during our games. In particular, we believe that offering craft beer and partnering with the Three Penny will appeal to a wide range of attendees, including many young professionals who routinely visit Montpelier's bars but attend Mountaineers games relatively rarely. We have also watched as local groups have turned to the Lake Monsters in Burlington and other venues for events because we are unable to make beer available at

Mountaineers games. As a result, we believe the addition of the beer garden will increase interest in our games, and commerce in Montpelier more generally.

Our belief finds support in the experience of our peer teams. Throughout the New England Collegiate Baseball League, many teams have had beer gardens or similar facilities running for years. They report that the facilities enhance fan experience, and to our knowledge they have not had problems or issues arise as a result of making beer available at their games.

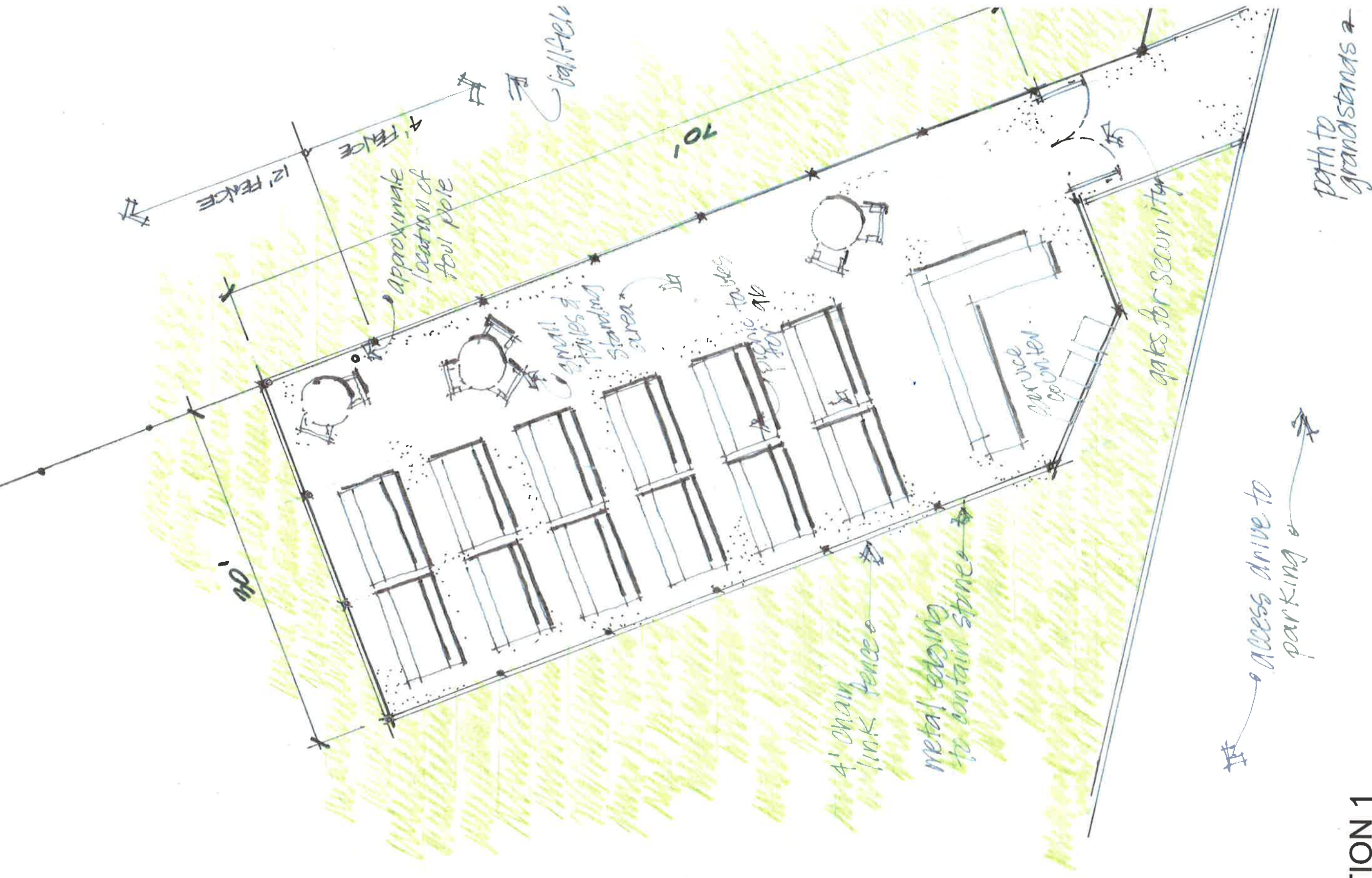
The new Local Development Corp. as well as Montpelier Alive can use our program to better understand the level of interest and the implementation of an outdoor Vermont beer venue. They can use results of our program for when considering a Brewers Festival in Montpelier in the future. In addition, 11% of our attendees travel from out of state. This will give Vermont brewers an place to engage new customers.

Finally, we are a community-based 501(c)(3) non-profit organization. Over the 15 years of our existence, we have funded and implemented over \$600,000 of improvements to Recreation Field. We believe that the beer garden will improve our financial situation, which in turn will enable us to continue and build on our track record of stewardship of this important community resource.

Use agreement between the City and the Mountaineers: In order to implement this proposal, the parties would have to amend the 2017-2036 Use Agreement for Recreation Field. Paragraph 9 currently states: “no alcoholic beverages shall be sold, possessed or consumed at the facilities subject to this agreement.” We propose amending that provision as follows: “Beer and alcoholic cider may be sold, possessed, and consumed only within the beer garden reflected in the drawing attached to this Use Agreement as Attachment __, and only in a manner that complies with all relevant laws and regulations. Other than as stated above, no alcoholic beverages may be sold, possessed or consumed at the facilities subject to this agreement.”

We look forward to discussing the proposal with the Council. We respectfully request that you place this item on your March 22, 2017 agenda. If you have any questions or require any information in order to do so, please do not hesitate to contact our President and General Manager, Brian Gallagher, at (802) 272-8728 or gmvtm@comcast.net.

Thank you for your time and attention.



OPTION 1

MOUNTAIN MEERS PROPOSED BEER GARDEN



Use Agreement

This Memorandum of Use Agreement identifies the points and agreement entered and understood to by the City of Montpelier (hereinafter the "City"), the Montpelier City Council (hereinafter the "Council") Green Mountain Community Baseball, Inc., a corporation organized under Title 11B of the Vermont Statutes Annotated as a public benefit non-profit corporation (hereinafter the "Team"), and the Montpelier Recreation Department (hereinafter the "Recreation Department").

1. The Council has the authority to authorize the use of a certain ball field, known customarily as the "Montpelier Recreation Field" (hereinafter the "Facilities") in the City's recreational complex on Elm Street as managed by the Recreation Department.
2. The Team acquired a certificate of operation within the New England Collegiate Baseball League (the "League") and began play in the League during the 2003 season. This use agreement will cover the 2017-2036 League seasons inclusive.
3. The Council and the Team believe the presence of a team from the community of Montpelier, Vermont, in the League represents an appropriate use of the Facilities and provides the citizens of the City and the surrounding communities a "home" team involved in the game of baseball, the national pastime.
4. The Team may use the Facilities for regular scheduled games during the NECBL Season. Should the team make the NECBL playoffs, the Team may schedule additional as required by the League playoff schedule. In the event that a previously scheduled game must be rescheduled due to weather or other circumstances beyond the Team's control, the Team shall inform the Recreation Department as quickly as possible. The Recreation Department shall approve the rescheduled date unless it creates a conflict with a previously scheduled use of the Facilities, in which case the Recreation Department will work with the Team to find an alternate date and time for the rescheduled game. The Team may practice on the Facilities in a reasonable manner and for a reasonable amount of time throughout the League season, including during League playoffs. The Team shall inform the Recreation Department of its anticipated practice scheduled on or before May 25th each year. The Recreation Department shall approve the Team's practice schedule unless the Facilities have been reserved for another activity on a particular date, in which case the Recreation Department shall inform the Team of the conflict and allow the Team to choose an alternate day and/or time to practice. The Team may schedule exhibition games, baseball camps, an all-star game, fundraising and non-baseball events, subject to the availability of the field and as approved by the Recreation Department.
5. Since 2003, the Team has contributed over \$550,000 in improvements to the Facilities (see attachment). Over the life of this lease, the Team will continue to help or fund field and facility improvements. Recognizing these facts, the Team shall pay to the City an annual use fee of \$3,000.00 for 2017- 2021. This fee covers the organization's share of total electrical usage (currently estimated to be approximately 80%), and water and sewer (currently estimated to be approximately 70%), during the baseball season. In addition, the Team will

pay \$3000 annually to the City to cover the cost of field supplies. After 2021, The Team will pay 80% of the total electric costs and 70% of the water/sewer costs. The Recreation Department and the Team will continue to work cooperatively to maintain the facility.

6. The Team and the Recreation Department shall coordinate the scheduling of the games so as not to interfere with other uses of the Facilities by citizens of Montpelier consistent with the policy of the NECBL. As soon as practical each year, the Team shall inform the Recreation Department of the game schedule established by the league.
7. On approved game dates the Team shall have exclusive use of the Facilities from three hours before game time until one hour after the conclusion of the game.
8. The Team shall bear all costs associated with the maintenance of the fence surrounding the field as well as the fence along the road. The fence and dugouts may contain signs from sponsors of the team. No signs advertising controlled substances or containing political content shall be permitted. The Team may permanently have a plaque wall on the grandstand to acknowledge financial contributions by corporations and individuals. A permanent sign may be placed at the Grandstand, Concession stand, Parking lot, Elm Street level ramp, Bathrooms, Dugouts, Press box, Sponsorship box, Ticket booth, Skybox and Picnic area, all signs to be approved by the Council Commissioners or designee. The Team may permanently retire numbers for former Players from the Montpelier and Barre teams under the grandstand.
9. The Team shall have exclusive right to license and run concessions from two hours before game time until one hour after each game. No alcoholic beverages shall be sold, possessed or consumed at the Facilities subject to this agreement.
10. The bathroom and concessions area at the Facilities may be used by the Team from two hours before game time until one hour after each game for the benefit of patrons and the sale of traditional concessions.
11. The Team shall provide Certificates of insurance naming the Council and the City, as loss payee in amounts deemed necessary by the Council and the City. Coverage shall include public liability, comprehensive general liability and property damage.
12. The Team shall control the Ballfield Road parking lot, and shall make reasonable efforts to prevent the use of the Poolside Drive lot for game parking. The Team shall not charge anyone not attending ball games for parking. The Team shall coordinate with the Recreation Department regarding any use of the Poolside Drive for game parking.
13. The Team shall maintain itself as a public benefit nonprofit corporation under the laws of Vermont and apply for and maintain tax exempt status as a not-for-profit corporation under Section 501c(3) of the Internal Revenue Code.
14. The Team shall abide by all applicable laws, including all applicable City regulations and ordinances, and by all applicable policies and priorities of the Council.

15. The Team shall annually provide two game tickets for every Montpelier taxpayer and will coordinate with the City for distribution of the tickets.
16. All improvements and betterments to the Facilities shall be made by and under the direction of the Council or designee. The costs of any improvements or betterments may be borne by the City, or by the Team, or may be shared between the City and the Team, as may be agreed by and between them on a case-by-case basis. Any improvements to the Facilities shall become the property of the City unless otherwise agreed in writing. The Team shall cooperate with the Council in obtaining any necessary permits or other regulatory approvals to the extent required by law.
17. The Team shall indemnify, defend, and hold harmless the City of Montpelier and its agencies, officers and employees from all loss, damage, claims or injuries caused by/or arising out of the use, control and improvement of the Facilities by the Team.
18. This Use Agreement shall begin January 1, 2017 and continue through December 31, 2036, unless terminated earlier by either Party in accordance with the terms set forth herein.
 - a. **TERMINATION WITHOUT CAUSE:** Either Party may terminate this Use Agreement, without cause, by providing the other Party with written notice of its intent to terminate in accordance with the procedure set forth herein. Written notice of a Party's intent to terminate shall be provided to the other Party during the last quarter (October, November or December) of any calendar year, in which case this Use Agreement will terminate on August 31st (the "Termination Date") of the year following the year in which notice is given. Nothing herein shall prohibit the Parties from mutually agreeing to a termination date that is earlier than August 31st.
 - b. **TERMINATION FOR CAUSE:** Either Party may terminate this Use Agreement for cause. Cause for termination shall include, but not necessarily be limited to, a violation of the terms of this Use Agreement that is not cured or remedied within thirty (30) days, following written notice of the issue or problem. Cause may also include a failure of one Party or the other to comply with relevant statutes or ordinances, especially those affecting the health, safety or welfare of members of the public, or the failure of the Team to comply with applicable Rules & Regulations of the NECBL. In the event either Party determines that there is cause for termination of the Use Agreement it shall contact the other Party and provide written reasons for its position and the corrective action desired or demanded, and shall specify a time period, normally at least thirty (30) days, in which the problem or issue must be addressed and resolved. If an issue involves a violation of an ordinance, statute or regulation, or has the potential to affect the health or safety of attendees, employees or players, the time period in which the problem must be addressed and resolved may be shorter than thirty (30) days, as appropriate to the situation. If the responsible Party shall fail to resolve or cure the problem or issue within the stated time period the non-breaching Party shall have the right to terminate its further obligations under the Use Agreement.

The Parties agree that a termination for cause is a drastic measure that will only be implemented if the underlying issues cannot be resolved. The Parties may agree to submit a dispute to mediation before a neutral mediator. In the event a termination for cause is implemented the Parties agree that they will work cooperatively to finish any season currently in progress, unless the underlying problem involves a violation of a statute, regulation or ordinance that affects the health, safety or welfare of the public.

19. This Use Agreement constitutes the entire agreement between the parties. This Agreement may not be modified, in whole or in part, except by a written instrument signed by an authorized agent of each party.
20. This Use Agreement shall be governed by the laws of the State of Vermont.
21. Parties agree that in the best interest of all, the financial part of this lease agreement will be reviewed with the City and/or its designee, the Recreation Department and/or its designee and the Team and/or its designee every 5 years.

City Manager

Date

Green Mountain Community Baseball, Inc.

Date

Montpelier Recreation Department

Date

March 21, 2017

Montpelier City Council
39 Main Street
Montpelier, VT 05602

RE: Proposed Zoning and Cliffside Neighborhood

Dear Mayor Hollar and City Councilors:

The Planning Commission is pleased to submit a package proposing zoning amendments for your review. As you know, we have been diligently working on these comprehensive revisions for several years and we are proud to offer the package for your consideration. The proposal follows a holistic approach to implementing the key goals of the 2015 Master Plan: encouraging affordable housing opportunities and development that matches the existing development patterns; fostering walkability; and protecting priority natural resources.

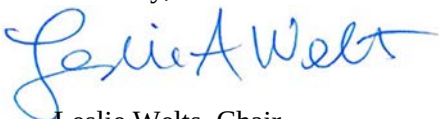
One of the issues the Planning Commission grappled with when finalizing this proposal was how to implement the Council's directive to remove certain Cliffside residents' parcels from the historic design review district boundary given that the petition granted only sought removal of some properties within a larger neighborhood. The Planning Commission was advised by staff that implementing this change could result in improper spot zoning and our Planning Director Mike Miller advised against approving a boundary change that appears to result in spot zoning. One option he provided to avoid spot zoning is to remove the entire Cliffside neighborhood from the historic design review district. However, the Planning Commission majority was concerned that taking this approach might conflict with the Council's intent.

Since the Planning Commission was unsure whether the Council intended for the entire neighborhood to be removed from the historic design review district, the Planning Commission voted to take the following actions: (1) adopt the specific boundary changes directed by the Council as provided in the petition; (2) add back the four parcels that are a part of Designated Downtown as recommended by staff; (3) advise the Council of the Planning Commission's concerns regarding the possibility that removing only certain parcels from the historic design review district amounts to spot zoning; (4) defer to the Council as to how to proceed regarding any additional boundary adjustments to the neighborhood.

I want to emphasize that the Planning Commission's decision to take these actions was not born of animus for the Council's directive. Quite the opposite: The Planning Commission did not want to implement a change that does not properly reflect the Council's intent and inadvertently removes additional properties from the historic design review district.

We appreciate that the Council must consider a wide breadth of topics and concerns as it evaluates the zoning proposal package. Please do not hesitate to contact me if you have any questions or there is anything else the Planning Commission can do to assist this effort.

Sincerely,

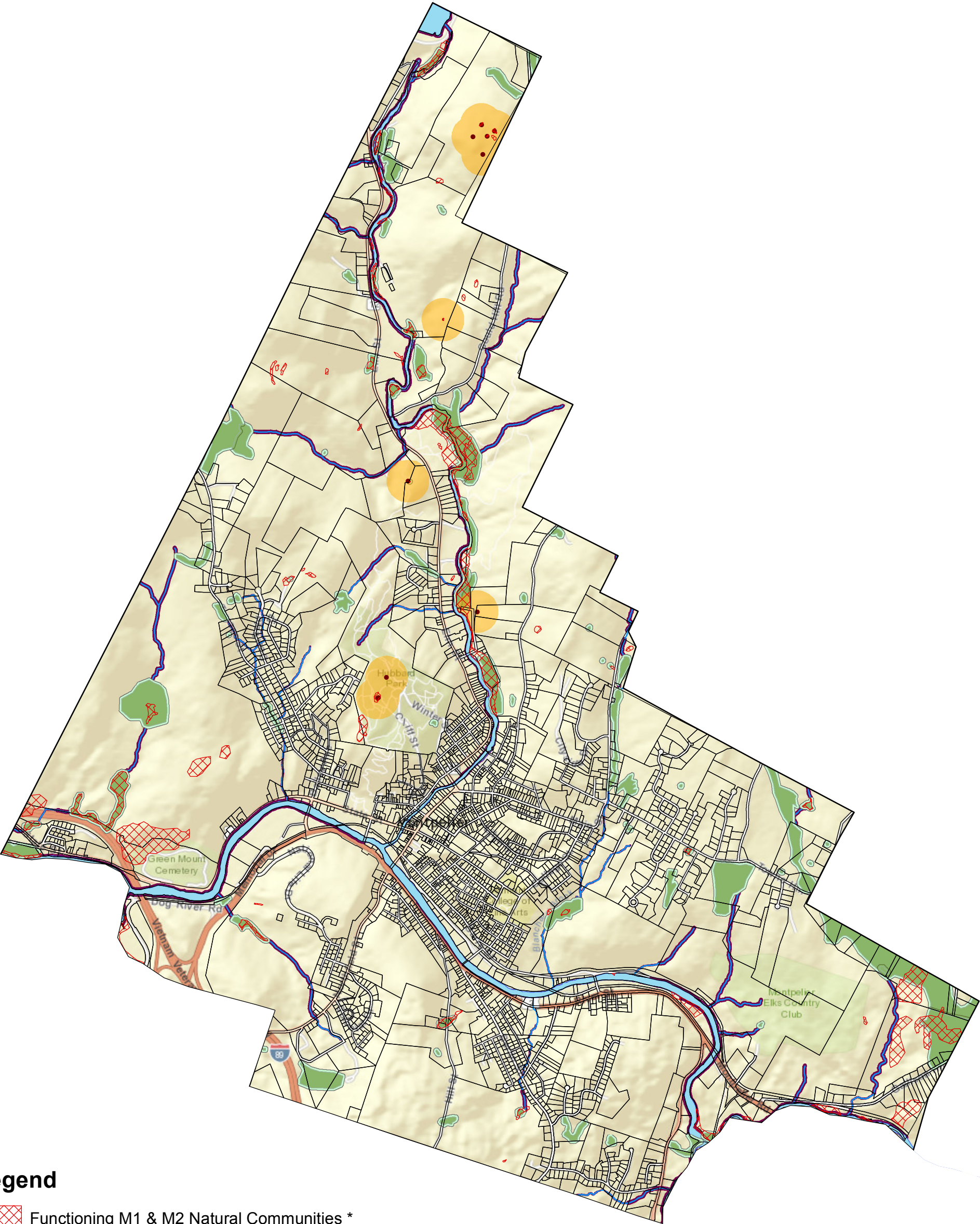


Leslie Welts, Chair
Montpelier Planning Commission

Montpelier, Vermont

Natural Resources Inventory Map

Draft 3/10/17



Legend

-  Functioning M1 & M2 Natural Communities *
-  Montpelier Parcels 2014
-  Vernal Pools
-  Vernal Pools: 500ft Buffer
-  Wetland
-  Wetland: 50ft Buffer
-  Rivers, Lakes, and Ponds
-  Streams
-  Surface Water Buffer (Based on Zoning Districts)



Sources:
Natural Communities: Montpelier Conservation Commission June 2008
Vernal Pools: Montpelier Conservation Commission June 2016
Wetlands: VTANR 2010/ Montpelier Conservation Commission 2008

* A Non-Functioning Mesic Red Oak- Northern Hardwood Forest in the Cliffside Neighborhood has been Removed (Not Shown on Map)

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



CITY COUNCIL Agenda Item #17-103

Date: March 22, 2017

Consent: ____ Discussion: x

SUBJECT: NEA Our Town: ArtSynergy Public Art Master Plan Kick-Off Discussion

SUBMITTING DEPARTMENT: Department of Planning and Community Development

RECOMMENDED ACTION: Meet with Amanda Golden of Designing Local who will explain the project and answer questions

RELATED COUNCIL GOAL/PRIOR ACTION: Maintain a Vibrant Downtown

SOURCE OF FUNDS: NEA Our Town / One Taylor Street

BACKGROUND INFORMATION:

The ArtSynergy Master Plan will articulate goals, identify resources and propose prioritized strategies, timelines and cost estimates for the funding, placement, creation and maintenance of public art in Montpelier, with a focus on the Downtown. The ArtSynergy Master Plan will develop a public art strategy that connects future design and cultural initiatives for greater community and economic development. The community-wide planning process will include small focus groups, individual interviews, and large community exercises. The centerpiece of the planning process will be a series of five creative visioning workshops led by teaching artists from different disciplines.

The Montpelier ArtSynergy Project will culminate with the installation of the first major city-funded public art work. This commissioned piece will celebrate the community's work at developing the Public Art Master Plan and the adoption of the plan as a central component of city planning.

SUPPORTING DOCUMENTS: Montpelier ArtSynergy Project Website:
<http://montpelieralive.org/225/ArtSynergy-Project>

INTERESTED PARTIES: City Council, City Staff, Montpelier Alive, General Public

CITY MANAGER'S APPROVAL:

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



CITY COUNCIL Agenda Item #17-107

Date: March 22, 2017

Consent ☐ Discussion ☒ **Time Sensitive ☐**
(outlined below)

SUBJECT: One Taylor Street Redevelopment Project Status Report

SUBMITTING DEPARTMENT: City Manager for Council Member Olson

RECOMMENDED ACTION: Receive Report

RELATED COUNCIL GOAL/PRIOR ACTION: G: Achieve a Steady State for Infrastructure, Maintenance and Improvements, Facilities and Equipment

EXPENDITURE REQUIRED: None for the report

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: The One Taylor Street Project consists of a Transit Center, alternate transportation path and bridge, river access and private development.

SUPPORTING DOCUMENTS: Update for FTA; Project Budget; May, 2016 Memo from Assistant City Manager

INTERESTED PARTIES: City Council, One Taylor Committee

CITY MANAGER'S APPROVAL:

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



1 Taylor Street Redevelopment Project FTA Monthly Report

Reporting Period: February 15, 2017 to March 15, 2017

Submitted: March 14, 2017

ROW Status

Relative to the overall project, from Taylor St to Main St, there are a total of eight (8) properties that have required full acquisition / purchase or permeant easements. Of these 8, written agreements for six (6) have been acquired and filed. The remaining two include the Mowatt Trust property (parcel 12 on Main St) and a railroad property boundary adjustment.

The City has been negotiating with the Mowatt Trust representatives and a tentative agreement has been reached. The specifics of the agreement require prior approval from the Vermont Agency of Transportation (VTrans) and the Federal Highway Administration (FHWA). The City met with FHWA / VTrans officials on Feb 10, 2017 and established the basis for concluding the agreement.

- VTrans is in the process of evaluating the City/Mowatt proposal and conducting property appraisals of the "new" parcel which will be created as part of a land swap & purchase. On February 23rd, VTrans indicated the appraisal should be completed mid to late March. The City plans to meet with the Mowatt Trust officials as soon as the appraisal has been completed by VTrans and the City is approved to negotiate the acquisition price.
- As reported in the February status report, The City met with VTrans Railroad property management officials on January 25, 2017 and final execution of the documents will occur once the City obtains ownership of the Mowatt Trust property.

Design Status

On Tuesday March 7, 2017, the Project Team led by Jeff Tucker of Dubois & King met in Montpelier City Hall. Matt Kimball representing GMT requested a draft of the operations agreement in advance of the next meeting. The project team also discussed conducting on site turning radius tests with GMT buses in order to address any unseen or unexpected design challenges. The City, GMT and the project team have scheduled regular bi-weekly meeting in order to insure that all parties are involved in the design process. Accordingly, The City met separately with GMT and GBA Architects to discuss minor interior layout alterations which will better serve the needs of the GMT users and drivers. GBA is preparing these minor changes for review by GMT in the coming weeks. During this meeting, the Architect reaffirmed their intention to complete the project design as shown in the schedule below.

The design of the bike path portion of the project has been advanced to 60-percent complete. The right of way plans for the overall project have been updated to reflect the acquisition / easements of the 6 parcels.

Construction Status

Construction of the wall and associated work was completed on March 10, 2017. This is a significant construction milestone because completion of the wall construction work prior to advancing construction of the transit center building itself was essential due to the very tight work area. That is, concurrent construction of the wall and transit center building could not occur due to the limited space at the site. As-built drawings of construction will be prepared later this month and concluded in April.

Funding for construction is through the Vermont Community Development Program and specifically through a Community Development Block Grant-Disaster Recovery (CDBG-DR2) grant. The \$850,000 grant allowed the City to successfully rebuild the most critical areas to of the retaining wall, remove 4,000 tons of contaminated soils. The contaminated soils were hauled to New England Waste Services Landfill in Coventry Vermont, a disposal facility consistent with requirements of the CAP. The image on the right shows the contractor reinstalling the geotextile fabric and gravel in compliance with the CAP.



Budget/Grants

We are updating the project finances, which will be led by the finance director. The planning director and support staff will maintain continued responsibility for grant management and reporting.

Other Issues

BRELLA –

The City must resubmit its Brownfield Reuse and Environmental Liability Limitation program application (BRELLA) . The BRELLA application has a 6 month window which was set to expire at the end of February) Prior to leaving the City on February 23, 2017 , Assistant City Manager Jessie Baker had contacted Weston Sampson to prepare an updated BRELLA application in anticipation of a new scheduled closing date with Mowatt Trust.



Stormwater Permit-

The Stormwater Permit application is underway and by Dubois and King and anticipate it will be completed by May 8, 2017.

Construction Cost Estimate:

Jeff Tucker and Corey Line met with DEW construction on February 28, 2017 and further discussed the details of the estimate and compared DEW's values with an independent estimate prepared by the City. The two estimates did match well with no significant differences. The City concluded the DEW estimate will serve as a reasonable estimate for the conceptual level. The estimate will be updated immediately upon completion of the 100% complete DD documents, which is scheduled for late April 2017.

City of Montpelier, VT			
Multi-Modal Transit Center & Shared Use Path Project			
Project Schedule			
		preparation date: 14-Feb-2017	
		prepared by: J. Tucker, P.E.	
	No. of Days	Begin	End
Transit Center Design			
FTA / City meeting	0	17-Jan-2017	17-Jan-2017
Meeting w/ CCTA / GMTA	0	3-Feb-2017	3-Feb-2017
Updated construction cost estimate	6	8-Feb-2017	14-Feb-2017
100% DD plans & outline specifications	60	3-Feb-2017	4-Apr-2017
100% DD estimate	21	4-Apr-2017	25-Apr-2017
100% DD review & comment period	21	4-Apr-2017	25-Apr-2017
Operations Agreement w/ CCTA/GMTA	45	25-Apr-2017	9-Jun-2017
75% Construction Document (CD) plans, specifications & estim	105	25-Apr-2017	8-Aug-2017
75% CD review & comment period (FTA, GMTA)	7	8-Aug-2017	15-Aug-2017
Transit Center Issued For Construction (100% CD) plans & spe	36	15-Aug-2017	20-Sep-2017
Housing Design			
Update City / Developer Agreement	30	14-Feb-2017	16-Mar-2017
Housing Schematic design plans	30	16-Mar-2017	15-Apr-2017
Housing schematic design review meeting	1	15-Apr-2017	16-Apr-2017
Housing 100% Design Development & specification outline	45	16-Apr-2017	31-May-2017
100% DD estimate	21	31-May-2017	21-Jun-2017
Housing 100% DD review & comment period	7	21-Jun-2017	28-Jun-2017
Updated City / Developer Agreement	14	21-Jun-2017	5-Jul-2017
Housing Issued for Construction (100% CD) plans & specificatio	36	15-Aug-2017	20-Sep-2017
Right of Way (bike path) (17 weeks)			
Mowatt / TKS / VABVI appraisal	14	16-Feb-2017	2-Mar-2017
Preliminary agreement w/ Mowatt	7	2-Mar-2017	9-Mar-2017
Finalize agreement w/ Mowatt	30	2-Mar-2017	1-Apr-2017
Finalize Railroad boundary line adjustment	45	1-Apr-2017	16-May-2017
Submit ROW Clearance to VTrans	5	16-May-2017	21-May-2017
VTrans issues ROW Clearance	28	21-May-2017	18-Jun-2017
Permits (30 weeks)			
Operational stormwater permit (VANR)	60	9-Mar-2017	8-May-2017
Construction stormwater permit (VANR)	30	30-Aug-2017	29-Sep-2017
CE Reevaluation	21	9-Mar-2017	30-Mar-2017
GMP Utility relocation easements & utility agreement	60	4-Apr-2017	3-Jun-2017
Submit Utility & Environmental Clearance to VTrans	7	3-Jun-2017	10-Jun-2017
VTrans issues Utilities & Environmental Clearance	21	10-Jun-2017	1-Jul-2017
Act 250 (3 months)			
Prepare & submit Act 250 application	21	21-Jun-2017	12-Jul-2017
Attend hearing	40	12-Jul-2017	21-Aug-2017
Appeal process	30	21-Aug-2017	20-Sep-2017
City Permits (4 months)			
Prepare & submit DRB permit application	7	21-Jun-2017	28-Jun-2017
City Council / project status meeting	1	28-Jun-2017	29-Jun-2017
DCR meeting	14	28-Jun-2017	12-Jul-2017
DRB hearing (1)	14	12-Jul-2017	26-Jul-2017
DRB hearing (2)	14	26-Jul-2017	9-Aug-2017
DRB decision	30	9-Aug-2017	8-Sep-2017
Appeal process	30	8-Sep-2017	8-Oct-2017
Bike Path Design (16 weeks)			
Obtain VTrans's authorization to proceed w/ final design			1-Jul-2017
Prepare draft final (90%) plans, specifications & estimate	60	1-Jul-2017	30-Aug-2017
90% review & comment period	14	30-Aug-2017	13-Sep-2017
Prepare draft PS&E (100% complete plans, specifications & es	14	13-Sep-2017	27-Sep-2017
draft PS&E review & comment period	7	27-Sep-2017	4-Oct-2017
Prepare IFC Construction Documents (PS&E)	14	4-Oct-2017	18-Oct-2017
Final Federal Authorizations (7 weeks)			
FTA approval of Transit Center CD's	7	20-Sep-2017	27-Sep-2017
FHWA / VTrans Authorization for construction	14	18-Oct-2017	1-Nov-2017
FTA / FHWA Grant transfer	30	1-Nov-2017	1-Dec-2017
Bid Phase / Guaranteed Maximum Price (7 weeks)			
Advertise for construction	5	18-Oct-2017	23-Oct-2017
Bid duration period	30	23-Oct-2017	22-Nov-2017
Bid Opening	7	22-Nov-2017	29-Nov-2017
Bid Evaluation	7	29-Nov-2017	6-Dec-2017
Issue Guaranteed Maximum Price	2	6-Dec-2017	8-Dec-2017
GMP Evaluation	7	8-Dec-2017	15-Dec-2017
Construction (1 year)			
Execute construction contract	7	15-Dec-2017	22-Dec-2017
Construction Period	365	22-Dec-2017	22-Dec-2018

City of Montpelier
Taylor Street Project - BIKE & PEDESTRIAN PATH
Budgets vs Spent to Date
21-Feb-17

	SOURCES OF FUNDING					CITY Note Payable Not in Budget
	As of Feb 2017 Budget	to Feb 21,2017 Actual	CITY			
			FHWA	FHWA Match	Ineligible	
Property Acquisition						
Mowatt (estimates)	\$550,000	\$33,442.57	\$33,430.59	\$0.00	\$11.98	
TKS (actual paid)	\$169,701	\$169,701.48	\$135,761.18	\$33,940.30	\$0.00	
VABVI (actual paid)	\$448,262	\$448,261.62	\$342,689.30	\$85,672.32	\$19,900.00	
Carr Lot (FHWA eligible amount)	\$1,000,000	\$998,461.05	\$998,171.03	\$0.00	\$290.02	
Carr Lot (City Amt only-Note Payable)	\$0	\$0.00	\$0.00	\$0.00	\$0.00	\$400,000.00
Heney Easement - (actual paid)	\$58,000	\$58,000.00	\$32,400.00	\$1,600.00	\$24,000.00	
Bashara Capitol Plaza-Easement -(actual pd)	\$74,750	\$74,750.00	\$50,000.00	\$0.00	\$24,750.00	
Overlake Park Easement -(actual paid)	\$26,000	\$26,000.00	\$1,400.00	\$0.00	\$24,600.00	
Consultant (legal, support, spent to date)	\$243,313	\$243,313.44	\$197,373.40	\$19,807.99	\$26,132.05	
Consultant (legal, support, est. to complete)	\$50,000	\$0.00				
Total Property Acquisition Costs	\$2,620,026	\$2,051,930.16	\$1,791,225.50	\$141,020.61	\$119,684.05	\$400,000.00
Architectural & Engineering	\$276,423.00 JT	\$227,250.58	\$188,782.92	\$32,673.02	\$5,794.64	
Project Management / Permitting	\$182,969.00 JT	\$37,149.68	\$32,914.29	\$2,926.37	\$1,309.02	
Legal / Agreements (see above under property a)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
Historical EA	\$135,000.00 =Act	\$134,144.77	\$129,720.75	\$0.00	\$4,424.02	
A & E Subtotal	\$594,392.00	\$398,545.03	\$351,417.96	\$35,599.39	\$11,527.68	
Construction - DEW Construction	2/9/2017 Schematic					
Sitework 2.xxx	\$485,158					
Steel Railings 5.520	\$22,887					
Construction: 13.xxx						
Bike Path	\$503,000					
Demo Building	\$65,000					
Pedestrian Bridge	\$500,000					
Landscaping	\$200,000					
Site Lighting	\$191,000					
Riverfront-Overlook Structures	\$50,000					
Soil Management	\$100,000					
Public Access Ramp	\$50,000					
Buried Tank Removal	\$50,000					
Subtotal	\$2,217,045	\$0	\$0	\$0	\$0	
Preconstruction-Site & Bike Path	\$6,000					
GC & GR - 10 months -used 3.9712%	\$88,043					
GC & GR - Add 2 months -used .7942%	\$17,608					
Estimate Contingincy - 7%	\$155,193					
Construction Contingency - 3%	\$66,511					
DEW Bond - Bike Path (21.5655% of total)	\$940					
	\$2,551,341	\$0	\$0	\$0	\$0	
DEW CM Fee -2%	\$51,027					
Grand Total - Dew Construction	\$2,602,368	\$0	\$0	\$0	\$0	
GRAND TOTAL BIKE/PED PATH BUDGET	\$5,816,786	\$2,450,475.19	\$2,142,643.46	\$176,620.00	\$131,211.73	\$400,000.00

City of Montpelier
Taylor Street Project
MULTIMODAL TRANSIT CENTER & BIKE/PEDESTRIAN PATH
Budgets vs Spent to Date
21-Feb-17

<u>EXPENSES:</u>	<u>Updated Budget</u>	
Bike/Pedestrian Path	\$5,816,786	
Multi Modal Transit Ctr	\$3,504,884	
		\$9,321,670 Excludes \$400,000 Note Payable-Allen Carr

	<u>Total Grant Budget</u>	<u>Total Grant & City \$</u>	
REVENUES			
FTA Grant	\$2,459,207	\$1,967,357	
FHWA Grant	\$6,319,250	\$5,344,250	
ERP Grant		\$250,000	
Sales Tax		\$138,000	
VT Muni Bond-Series 2012-1 (#83)		\$800,000	
VT Muni Bond-Applied for (\$710k)		\$350,000	
CIP-Contingency \$		\$250,000	
Taylor St Rental Income (\$162k)		\$80,000	
			\$9,179,607
Total Shortfall			<u><u>(\$142,063)</u></u>

	Match \$	
FTA Grant	\$491,850	
FHWA Grant	\$975,000	
	<u>\$1,466,850</u>	Needed
Available	<u>\$1,618,000</u>	Sales Tax/Bond/CIP\$/Rental \$

City of Montpelier
Taylor Street Project - MULTI MODAL TRANSIT CENTER
 Budgets vs Spent to Date
 21-Feb-17

			SOURCES OF FUNDING		
			CITY		
	Budget	To Feb 21,2017 Total to Date Actual	FTA Actual	FTA Match Actual	Ineligible Actual
<u>Property Acquisition</u>					
Total Property Acquisition Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<u>Architectural & Engineering</u>	\$162,598.00 JT	\$128,862.61	\$103,089.96	\$25,772.65	\$0.00
<u>Project Management / Permitting</u>	\$132,818.00 JT	\$33,926.46	\$27,141.67	\$6,784.79	\$0.00
<u>Legal / Agreements</u>	\$75,000.00	\$57,704.38	\$46,163.11	\$11,541.27	\$0.00
<u>Historical EA</u>	\$85,000.00	\$84,446.76	\$67,279.07	\$17,167.69	\$0.00
Total A & E Costs	\$455,416.00	\$304,940.21	\$243,673.81	\$61,266.40	\$0.00
<u>Construction - DEW Construction:</u>	2/9/2017 Schematic				
Sitework	2.xxx \$1,002,829				
Construction:					
Concrete	3.xxx \$194,837				
Masonry	4.xxx \$8,976				
Metals	5.xxx \$401,136				
Wood & Plastics	6.xxx \$54,494				
Thermal & Moisture-Protection	7.xxx \$217,250				
Doors & Windows	8.xxx \$248,755				
Finishes	9.xxx \$115,108				
Mechanical (Sprinklers,Plumbing,HVAC)	15.xxx \$152,132				
Electrical (bldg & site lighting)	16.xxx \$65,100				
Subtotal	\$2,460,617	\$0	\$0	\$0	\$0
Specialty Fixtures	10.xxx \$11,933				
Equipment-Kitchen	11.xxx \$1,415				
Allowances:	22.xxx				
Reception Desk	\$20,000				
CCTV & Surveillance	\$20,000				
Slab Depressure System	\$15,000				
Overhead Electrical	\$50,000				
PV Roof Panels-Lumos Solar	\$20,400				
Subtotal	\$2,599,365	\$0	\$0	\$0	\$0
Preconstruction-Transit Center	\$5,400				
GC & GR - 10 months -used 3.9712%	\$103,226				
GC & GR - Add 2 months -used .7942%	\$20,644				
Estimate Contingency - 7%	\$181,956				
Construction Contingency - 3%	\$77,981				
DEW Bond - Transit Center (25.2843% of total)	\$1,102				
Subtotal	\$2,989,674	\$0	\$0	\$0	\$0
DEW CM Fee -2%	\$59,793				
Grand Total - Dew Construction	\$3,049,468	\$0	\$0	\$0	\$0
GRAND TOTAL TRANSIT CENTER BUDGET	\$3,504,884	\$304,940.21	\$243,673.81	\$61,266.40	\$0.00



1 Taylor Street Redevelopment Project History, Timeline, Budget Update 5/5/16

Project History

The 1 Taylor Street Redevelopment project (formerly the Carr Lot project) dates back to the late 1990s when the Conservation Commission took up the idea and the City-State Commission included this concept in the 2000 approved Capital District Master Plan.

Between 2002 (the initial bond vote) and 2010 the City completed a required Environmental Assessment (EA) for the Transit Center at the Carr Lot site after reviewing other potential locations. Other EAs were explored but not completed as part of a parking replacement study process. During this period there were many circumstances that changed the project:

- The project originally included a parking garage. Difficulty in finding an appropriate site led to a Council vote to discontinue efforts on a garage.
- The level of contamination on the Carr Lot became a greater issue than originally anticipated. It resulted in the lot being closed to the public and prompted EPA involvement. The EPA required a proposal for a testing plan (which took a year to approve), the testing work and results analysis (another year) and approval of a site mitigation plan based on those results (another half a year). We now know the extent of contamination, what is needed to move ahead with a project and the estimated costs of mitigation.
- FEMA revised the flood maps for the first time in 30+ years. In the draft mapping, the Carr Lot was placed in the floodway which precludes construction of any new buildings although parking, bike path, open space etc. could still occur there. The City performed some river hydraulic analysis and has appealed the floodway determination. The city's appeal was approved after another year.

Between 2010 and 2012, preliminary plans for the bike path were completed, an appraisal for the Carr Lot was completed, and preliminary right of way plans were completed. The TKS Properties and Association of the Blind parcels were purchased in 2013. The Carr lot purchase closed on January 2, 2014.

In 2013 and 2014, the decision was made to bring in a private partner to maximize development at the Transit Center site. Following Federal procedures an RFQ and then

an RFP were issued to identify this development partner. The Council voted in 2014 to partner with Redstone on this project. With Redstone onboard, a public process was completed to contemplate conceptual design and site use. The Council voted in the fall of 2014 to move forward with housing on the upper floors of the Transit Center. In 2015 we completed the schematic design of the project and worked to secure right of way acquisition.

Project Funding and Budget

In March 2002 the citizens of Montpelier voted in favor of an \$800,000 bond to support this project.

In the early 2000s earmarks were obtained for federal funding from the Federal Transit Agency (FTA) and the Federal Highway Agency (FHWA). FTA provided \$1,967,357 as part of an 80%-20% grant. FHWA provided \$1,490,250 as part of a 100% grant and \$3,680,000 as part of an 80%-20% grant.

In 2010 the cost estimate for the project was \$4.4M. In 2012 the cost estimate for the project was \$6.3M. In July 2015 the cost estimate (based on schematic designs) for the City's portion of the project was \$6.5M (the current construction cost estimate) and it was determined that we had a \$1.4M budget gap. By the beginning of 2016 we closed this funding gap enough to move forward through the receipt of \$850,000 in Community Development Block grant funds, \$250,000 in Ecosystem Restoration Funds, and \$128,000 in sales tax reallocation funds.

In March 2016 the citizens of Montpelier voted in favor of a \$710,000 bond, \$350,000 of which will be used for the remaining Federal match needed for 1 Taylor Street. Another \$250,000 had been set aside in capital reserve in prior years for this project.

Timeline

This is a complex project with multiple funding sources, requiring the acquisition of eight downtown parcels, and a great deal of City, State, and community involvement. The timeline for this project has shifted many times since 2000.

Currently, the timeline is on hold until right of way is obtained. We anticipate there is approximately 12 months' worth of design, permitting, and bidding work required between when we obtain right of way clearance and when we can be under construction. Therefore, if we clear right of way by September 2016, we can start construction in September 2017.

What are taxpayers currently paying?

Currently the taxpayers are paying \$43,200.36 a year to Mr. Allan Carr for the purchase of the property (above the appraised value.) While used as a State parking lot, the City is collecting \$78,500 in lease revenue from the State of Vermont. All of this revenue is being assigned to the project account. Additionally, the taxpayers are paying for staff time to work on the project. We estimate that this includes 10% of City Manager Bill Fraser's time, 20% of Assistant City Manager Jessie Baker's time, 10% of DPW Project Manager Corey Line's time, and 5% of the Finance Accounting Manager's time.

Once Operational

It is anticipated that once operational, the site, green space, and parking will be owned by the City of Montpelier and Redstone will own the upper floors of the Transit Center. Redstone will cover costs related to their property. The City will have a lease agreement with Green Mountain Transit to operate the Transit Center. It is anticipated that this will not include a lease payment but rather GMT will cover all costs of operating. We anticipate that the added cost to the municipal budget for maintenance of the new bike path, green space, and additional parking will be approximately \$10,000/year and there will be a bond payment of \$65,000 for 20 years. Estimated tax revenue from the new apartments is approximately \$50,000 per year.



CITY COUNCIL Agenda Item #17-101

Date: March 22, 2017

Consent ☐ Discussion ☒

SUBJECT: Appointment to Montpelier's Planning Commission

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Appoint one person to fill the expired 2-year term; possible Executive Session in accordance with Title 1, VSA §313 (a)(3) "The appointment or employment of a public officer or employee."

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: City Council appoints and guides City boards and commissions

BACKGROUND INFORMATION: Barbara Conrey has served one 2-year term on the Planning Commission and wishes to be reappointed; Stephanie Smith would like to be appointed.

SUPPORTING DOCUMENTS: Copy of the ad and responses from applicants

INTERESTED PARTIES: Planning Commission; Design Review Committee; Development Review Board; City Staff

CITY MANAGER'S APPROVAL: 



America's Small Town Capital

Mayor John Hollar

City Council:

Tom Golonka, President
Thierry Guerlain, Vice President
Dona Bate, Parliamentarian
Anne Watson
Jessica Edgerly Walsh
Justin Turcotte

William J. Fraser
City Manager
wfraser@montpelier-vt.org

Jessie C. Baker
Assistant City Manager
jbaker@montpelier-vt.org

February 21, 2017

The Times-Argus
Att: Classifieds

Please insert the following with City of Montpelier notices in The Weekender, March 4-5; and on Thursday, March 9th. Thank you!

CITY OF MONTPELIER
Planning Commission Vacancy

The Montpelier City Council is seeking individuals interested in filling an expiring 2-year term on the Montpelier Planning Commission; this term will expire in March, 2019. Letters of interest and/or resumes should be submitted to the Office of the City Manager, City Hall - 39 Main Street, Montpelier (or sent by e-mail to spitonyak@montpelier-vt.org) on or by Wednesday, March 15th. The City Council will make this appointment at their March 22, 2017 meeting. Applicants are encouraged to attend; all municipal meetings are accessible to people with disabilities and are held in accordance with the public meeting and public records laws. Further information may also be obtained by contacting the Planning and Development Office at 223-9506.

William J. Fraser
City Manager

From: "Conrey, Barbara D." <BConrey@vtc.vsc.edu>
Date: February 23, 2017 at 6:25:46 PM GMT+2
To: Michael Miller <MMiller@montpelier-vt.org>
Subject: Re: Attached Ad for Planning Commission Vacancy

Hello Sandy:

Yes I want to be reappointed but am out of the country right now. Can I get that to you after March 6? If not I could draft something from here.

Thanks.

Barbara Conrey

Sent from my iPhone

March 15, 2017

Montpelier City Council
Montpelier, Vermont
Re: Planning Commission Vacancy

Montpelier City Council Members,

I am writing to express my interest in becoming a member of the Montpelier Planning Commission. My husband and I moved to Montpelier in 2013 after living in Chicago. Moving from a dense, urban environment to a city of fewer than 8,000 residents would have been a significant change anywhere other than Montpelier. This is a truly unique place, with a great downtown and so much to offer its residents and visitors. I look forward to spending many more years here and would be grateful for the opportunity to use my planning knowledge to keep this city vibrant and sustainable as we plan for our future.

In my current role as the Hazard Mitigation Planner with the State of Vermont, I work with municipalities and Regional Planning Commissions to develop Local Hazard Mitigation Plans and I assist in the administration of several FEMA mitigation grant programs. I am currently coordinating a statewide planning effort to increase resiliency in Vermont as we adapt to a changing climate. Participating on the Planning Commission would give me the opportunity to use my planning knowledge at a much more local level.

I moved to Montpelier to take an AmeriCorps VISTA position at the Central Vermont Regional Planning Commission, where I gained an understanding of planning practices in Vermont at the regional and local levels. I presented to town Planning Commissions to solicit input for the regional plan update, provided technical assistance to towns through data gathering and review of draft plan sections, and reviewed town plans for conformance with state statute. Additionally, I gathered data, performed analysis, and wrote sections of the Central Vermont Regional Plan dealing with the economy and natural resources.

My strong organizational and analytical thinking skills as well as my knowledge of planning in Vermont would make me a good fit for this role. I appreciate your consideration and hope that you will allow me to serve the City of Montpelier.

Best,

Stephanie A. Smith, MUPP

Stephanie A. Smith

6 Charles Street Montpelier, VT 05602 | stephsmith11@gmail.com | 920-606-9979

EDUCATION

University of Illinois at Chicago | Masters in Urban Planning and Policy, 2013

Community Development Concentration, GPA: 3.84

University of Wisconsin at Milwaukee | Bachelors in Architecture, Minor in Psychology, 2011

Honors Degree, Graduated Cum Laude, GPA: 3.60

John Cabot University Rome, Italy | Study Abroad in Historic Preservation, Summer 2009

WORK EXPERIENCE

Hazard Mitigation Planner | Vermont Division of Emergency Management and Homeland Security | June 2016-Present

- Provide statewide support to municipalities and Regional Planning Commissions in developing Local Hazard Mitigation Plans and receiving FEMA approval.
- Coordinate the 2018 State Hazard Mitigation Plan update process.
- Assist the State Hazard Mitigation Officer in the administration of the Pre-Disaster Mitigation and Hazard Mitigation Grant Programs.

Farm to Plate Network Assistant | Vermont Sustainable Jobs Fund, Montpelier, VT | September 2014-June 2016

- Provided logistical and administrative support to Farm to Plate Network groups and Network leadership.
- Managed the logistics and planning of the annual Network Gathering and other special events.
- Maintained the Farm to Plate website, including managing content and assisting users.
- Assisted the Farm to Plate Network in implementing a project management approach.

Community Engagement Coordinator A*VISTA | Central Vermont Regional Planning Commission, Montpelier, VT | September 2013-September 2014

- Developed community outreach tools and projects for the 2016 Regional Plan update.
- Reviewed town plans for regional approval and conformance with state statute.
- Gathered data and performed analysis for the Central Vermont regional data profile.
- Assisted municipalities with data gathering for town plan updates and reviewed plan sections.
- Developed marketing materials for the Regional Plan, including website, newsletter and branding.

Planning Intern | Wicker Park Bucktown Chamber of Commerce, Chicago, IL | May 2012-May 2013

- Supported programming for the Special Service Area taxing district.
- Managed a weekly farmers market and provided support for neighborhood promotional events.
- Created and edited content on the Chamber website and membership database.

Planning Intern | Greater North Michigan Avenue Association, Chicago, IL | August 2011-December 2011

- Researched, designed and edited the "By the Numbers" report for the GNMAA area.
- Performed administrative duties including survey creation and member mailings.

SOFTWARE KNOWLEDGE

Program Skills

Microsoft Office Suite, Adobe Illustrator, Adobe InDesign, Adobe Photoshop, ArcGIS, Google SketchUp

Additional Skills

Wordpress, Constant Contact, MailChimp, Survey Monkey, Eventbrite, Social Media, Web Content and Design

ORGANIZATIONS

Northfield Street Community Garden Member, 2014-Present and Plot Manager, 2015-Present

Purple Asparagus Corks and Crayons Event Planning Committee Member, 2012-2013

American Planning Association Member, 2011-2013

Urban Planning and Policy Student Association Member, 2011-2013

American Institute of Architecture Students Member, 2007-2011



CITY COUNCIL Agenda Item #17-106

Date: March 22, 2017

Consent ____ Discussion __x__

SUBJECT: Presentation and Discussion of Potential Parking Strategy for City of Montpelier

SUBMITTING DEPARTMENT: Planning & Community Development

RECOMMENDED ACTION: Provide guidance and input on the ideas presented in the draft strategy.

RELATED COUNCIL GOAL/PRIOR ACTION: Alleviate parking pressures in Montpelier to maintain a vibrant downtown

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: Since 2012, Montpelier City Council has had the express goal to “alleviate parking pressures in Montpelier to maintain a vibrant downtown.” The Department of Planning & Community Development has been working on a strategy for the past two years to identify some possible solutions including improving on-street parking using smart meters, exploring garage options, and using the rail line to run rail buses to shuttle people from remote lots into the downtown.

SUPPORTING DOCUMENTS: Attached Draft Parking Strategy

INTERESTED PARTIES: Planning Commission; Complete Streets Committee

CITY MANAGER'S APPROVAL:

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

MEMORANDUM

To: Montpelier City Council
From: Department of Planning & Community Development
Re: Parking Strategy Update
Date: Friday, March 17, 2017

Since 2012 Montpelier City Council has had the express goal to “Alleviate parking pressures in Montpelier to maintain a vibrant downtown”. In support of this goal staff has worked with the Parking Advisory Committee, Police Department, Department of Public Works and residents to address a myriad of issues including a more flexible winter parking ban, accommodating tour buses during peak tourist season, supporting free parking during the holidays, and most recently the conversion from coin operated meters to credit/debit card enabled smart meters.

Each of these steps have helped to address a problem however, they are solutions to individual problems and are not coordinated actions in support of a larger strategy. Through this memo and presentation, the Planning & Community Development staff hope to begin a more comprehensive conversation on parking in Montpelier; one that we hope will result in a long term solution to issues. This memo will propose a long term vision and outline a series of goals and the strategies that will be needed to accomplish these goals. It will outline the five main parking areas including On-Street Parking, Off-Street Parking, and Neighborhoods and Remote Parking options, as well as the role of private parking.

Finally, the staff will provide its recommendation on how to proceed in order to accomplish the express goal of alleviating parking pressures to maintain a vibrant downtown. This recommendation is a place for people to begin the conversation. If the city decides to change its vision or goals then we may need to adjust strategies. If some strategies are not desirable then that may affect our goals. We hope this memo framing the discussion will be helpful for you.

Background

In 2015, the Department of Planning and Community Development undertook an 8 month daily parking count to give a snapshot of the seasonal fluctuations, trends, and conditions relative to Winter/Legislative Session vs. the Summer/Tourist Season. The study area was limited, and not meant to be a comprehensive examination of all downtown parking, just municipal parking (on street and off street) in the core downtown.

The counts were simple counts of vehicles broken down by areas (e.g. Blanchard lot, Pitkin lot, Main Street (Barre to E. State), Jacobs lot, etc.).

There were 3 findings in the initial survey that have defined the direction of this strategy.

First, there is an inadequate supply of parking in high demand locations during certain times. This was evidenced by on street and off street occupancy rates exceeding 85% at key times of the year and being fully occupied at certain times.

Second, the peak demand times were seasonal and directly related to the legislative sessions. Occupancy rates were at or exceeding 85%¹ during the session while the warmer weather months (July-September) the demand decreased and occupancy rates fell below the 85% occupancy benchmark.

Third, demand for parking is highest midday from 10 am -2:30 p.m. Initial analysis of the data shows that demand for parking is highest between 10:00 am – 2:30 p.m. During the Feb-April period this is when finding a long term parking space is most difficult. However, the data indicated that drivers looking to find a spot prior to 9:00 a.m. or after 4:00 p.m. will find that parking is available. This could also indicate there is room for more efficient management of existing parking.

Other studies related to parking have also been ongoing or completed including the Economic Development Strategic Plan (EDSP), Strong Communities Better Connections Grant (SCBC), and the Master Plan update. Addressing the parking issues is a strategic imperative as defined by the 2016 Economic Development Strategic Plan prepared by Fairweather Consulting and adopted by Council in June 2016. Tactic 2 recommends “Making Strategic Investments in sites, infrastructure...” specifically to “ensure adequate employee parking at each site through a comprehensive parking strategy” and “ensure pedestrian and bike connections to development sites”.

The EDSP proposes that Montpelier seeks to maintain itself as a premium location superior to low cost alternatives for its targeted sectors as identified in the EDSP and fundamental to that is providing the convenience for employees, businesses, and visitors. Tactic 2 of the EDSP identified; “Providing adequate infrastructure for development, including parking, broadband, access for foot, bike and auto transportation, etc.”²

The SCBC grant is being used to develop what is called street typologies. Roads in the city will be described by how they are (or should be) used regarding all types of uses including pedestrian, bikes, vehicle travel lanes and on street parking. Creating bicycle networks will require removing on street parking in some places but, as will be described later, the surrounding neighborhoods have also served as parking lots for many years due to the shortage of parking downtown. When the SCBC plan is complete in the summer of 2017, the city will have a strategy for complete streets but that strategy does not discuss off street parking which will be needed to offset any on-street parking losses. The overall strategy for parking starts here.

Finally we have the current master plan update scheduled for completion in December 2017. That plan is trying to develop a more strategic approach to accomplishing all of the city’s goals. As can be seen above,

¹ Target Occupancy Rate (The High Cost of Free Parking Shoup pg. 305)

² The Innovative Capital: Economic Development Strategy Plan for the City of Montpelier pg.20 Peter Fairweather

parking affects many things from transportation to alternative transportation to economic development. The Master Plan looks to describe our aspirations, set goals, and assign tasks for implementing those goals. The results of this parking strategy will be incorporated into that plan so we can start moving forward on whatever strategy we settle on.

Scope of the Strategy

As mentioned in the introduction, the scope of this memo is not to provide answers but rather to frame the discussion and provide some recommendations to start the conversation. Committing to any one of the strategies outlined herein will mean a long term commitment to that choice with the full knowledge that some strategies are more effective at accomplishing the Council's outlined goals than others.

We will try to walk through this in the same manner as the Master Plan is being developed – discussing our aspirations, goals and then strategies. Staff cannot offer strategies in the absence of aspirations and goals; we can't tell you how to achieve goals that haven't been clearly articulated. We therefore have taken some liberties to try to describe what we think we have heard from city officials and the public on this issue. These will eventually need to be fully vetted by all the interested parties and the public before any strategy is finalized.

Aspirations:

Aspirations are the long term goal of what we are trying to accomplish. They are usually affirmative statements: *Montpelier will have a healthy housing market; Each of Montpelier's utilities – water, wastewater, stormwater and district heat – will achieve a steady state plan for maintenance of the plants and systems.* The statement helps establish the vision we are striving for. The goals, discussed later, are the steps along the way of achieving the vision.

So, what is our aspiration for parking? It's a hard one to describe. Modern American lifestyles almost require people to have cars. Once committed to personal transportation with everyone in their own cars, parking becomes necessary everywhere. You need parking because you have cars to get you from one place to another and when you get to your destination you need to store it while you go to work or run your errand and you need a place to store it when you return home. Land, though, is expensive and using it to store vehicles is inefficient, unsightly and most parking lots spend very little time being fully used. To begin to move away from that paradigm we need to acknowledge that parking may be less convenient or cost more. How much we want to shift and how quickly is a matter of policy.

Our first fact that needs to be addressed is that we are not going to simply ban cars and immediately move to a new system. That cannot happen and the economic consequences would be tremendous. What we can do is create situations where people can use other transportation options (walking, biking, and public transit), can use car shares or taxi services so they only need one car instead of two, and other options that reduce the amount of parking that the city would need to provide. The Council has had a goal to become a nationally recognized bike and pedestrian friendly city so meeting that objective would accomplish our parking goal as well. We also can repurpose downtown parking lots for infill housing to increase housing for people who want to live without a car or who cannot afford a car. Again the City Council has a goal to increasing housing- particularly in the downtown. This is addressing the demand side of the parking equation – reducing

the need for parking – rather than increasing the number of available spaces. Historically these demand solutions have had only modest impacts on parking but they could have greater impact moving forward with other land use changes.

The second approach is on the supply side. As a result of spaces being limited, especially in the downtown, the city needs to look how we manage the spaces that we have to benefit specific users. For example, in order to create short term parking spaces for shopping downtown we may need to provide longer term parking in the periphery and use the cost of parking to direct people there. Having an adequate supply of all parking types is essential to our economic wellbeing and where these spaces are located is critical to a wide range of other goals including where bike lanes exist on roads.

Let's try this aspiration for a start:

The City of Montpelier recognizes that vehicle parking is an important and necessary part of our lives but that it has economic, social and environmental costs that need to be considered and minimized. The City recognizes that parking vehicles is possibly something that may change significantly in the next 20 years with car share and possibly self-driving cars that eventually could park themselves in lots outside of town. Our parking strategy will, therefore, be flexible and responsive to changing technologies and environmental considerations.

In the future Montpelier will reduce parking demands by maximizing the opportunity to use alternative forms of transportation including walking, biking, carpooling, car sharing, taxis, and public transportation including perhaps rail buses.

Montpelier will also have more options for parking vehicles depending on the needs of the user and the willingness to pay for convenience. Parking long term will be affordable and will be accommodated in remote lots with shuttles into downtown by rail or by bus. Some long term affordable parking may be accommodated in neighborhoods where they will not interfere with bike lanes. Short-term higher-cost parking would be handled with on street spaces where appropriate while other moderate cost spaces may be available in downtown lots or possibly in garages. The City will have adequate parking for each user type (short, moderate, and long term) as it is critical for the city's long term economic wellbeing.

Finally, private parking's impact on the character of neighborhoods will be minimized by using design (located beside or behind buildings, screened from view, or put under buildings) or concentrated into parking structures designed to blend into the surrounding architecture.

Goals and Objectives:

There are six separate goals for parking with the first overall goal addressing the related plans and strategies discussed in the aspiration. Parking is a piece of the transportation system therefore our parking strategy must help implement those plans and not run counter to them. The five remaining goals are broken down based on the type of parking: On-street metered parking; downtown municipal parking; on-street neighborhood parking; remote parking; and private parking. Each of these parking types needs to work with the other types in an overall strategy. For example, if on-street parking is to be managed to result in 85% occupancy then the other cars that had previously been on the street must be pushed somewhere else. If we decide to push them to municipal lots that are already at capacity then we either need to push them somewhere else or we need to increase capacity (i.e. build a garage). Below is one parking strategy that could function if all components are built. It is not the only solution and we will not alternatives as they come up.

Goal 1: Adjust parking management to be consistent with Montpelier's complete streets plan and overall transportation plan.

Most notably this will involve removing on-street parking from some streets but this also includes supporting public transit, rail and implementation of alternative transportation as a means of reducing demand (see **Improve Pedestrian, Transit, and Bicycle Facilities** tool in Appendix A). The implementation of those other plans will also make meeting parking needs easier or harder depending on the plan.

Goal 2: Adjust on-street parking management to target an 85% occupancy rate

The 85% figure is an industry standard (see Donald Shoup's, *The high cost of free parking*). It is estimated that as much as 30% of all vehicles in urban areas are drivers looking for an open parking space (i.e. cruising). By appropriately pricing on-street parking, you can create openings in the on-street environment and thereby reduce congestion (see *demand management & dynamic pricing*). Using that tool the city can vary price by time of year or even time of day in more elaborate systems to create parking opportunities. Parking counts undertaken by the Department of Planning and Community Development indicated that parking occupancy exceeds 85% during the January-June legislative session. Managing parking to the target 85% occupancy rate would, if effective, reduce the perception that finding parking is a problem. Going forward, upgrading our current smart meters (M-3 type) to new M-5 type meters would give use valuable data to make pricing decisions. M-5 meters have electric eyes that monitor when spaces are occupied which gives us the information to: determine if we are pricing too high or too low; inform whether the city should increase hours or days of enforcement or are we enforcing times that we should not be; identify how long are people staying (should we have 4 hour meters in places instead of two). Information is valuable in parking management and we are just starting to get some information. New meters would be a game changer in terms of learning how people park in Montpelier.

Because some areas have more demand than others, Montpelier could also consider pricing based on where in downtown the space is located. This can be accomplished by simply painting meter bonnets different colors (see *color coded meters*). Barre City has such a system where prices are highest on black meters (2 hour), reduced for less convenient yellow meters (4 hour max), and still more

reduced for green meters (8 hours). In their system someone with a parking pass can park at a green meter without paying.

A final option to review regarding on-street parking would be increase parking in specific areas where the right of way is wide enough to accommodate angle parking (see *on-street angle parking*) and where it would not conflict with bicycles.

Goal 3: Adjust downtown municipal parking management to provide adequate “moderate price/more convenient” parking usable for the mid and long term.

The municipal lots are the first overflow points for visitors looking for moderate term parking or short term parking where the on-street parking has filled. These lots would ideally not be filled more than 85% to 90%. Visitors and shoppers looking to stay in the downtown for a few hours should always be able to find a place to stay. These spaces will be some of the most difficult to manage because we will need to move longer term (employee) parking to remote lots (see goal 5) to free up spaces for use by others. These spaces are also the most in demand for developers looking to reserve spaces for their new development project or tenant.

The EDSP identified the critical factors for Montpelier to continue to position itself as the premium location and as Peter Fairweather identified in his 2016 report “the top six factors associated with job growth include having sites available for development, site amenities (i.e. walkable and vibrant downtown), economic development marketing, timely approvals, and available parking for employees and visitors. In premium locations the best parking will cost more especially in places like Montpelier where there is only a limited amount of high quality parking.

One option used by many municipalities is to build one or more parking garages. With an average cost of \$25,000 to \$30,000 per space it could cost \$3M for a small garage (100 spaces) and \$10M or more for a modest garage (400 spaces). They make sense where communities have no other options and where the cost of parking is high enough that the city can charge a high enough fee to cover most of the bond and maintenance. They generally lose money for communities but are done because it allows for an increase in density and the growth in grand list offsets and deficit in parking revenue. Many communities today are cautiously looking at self-drive technologies (and self-parking cars) to see if it will make garages obsolete in 10 to 20 years. We are not here proposing a parking garage solution for Montpelier although the City should not turn down conversations where a public – private partnership could make sense (e.g. a new large employer pays for a portion of a parking garage but allows public use in off peak hours).

Amending parking policies and permit fees will be critical to accomplishing this goal. The first critical policy is to have a policy statement that shared parking is the most efficient and therefore there will be no “dedicated parking spaces”. Reserving spaces is the most inefficient means of allocating parking because when that person is not in the space cannot be used by someone else. Also, dedicated parking does not allow “park once/ shop many”. We want people to park and visit many destinations – not to park in the spaces reserved for bank customers and then move the car in order to visit the restaurant around the corner. Occasionally cities can sell a portion of spaces for dedicated parking as a means of raising revenues. A handful of spaces in each lot would be auctioned off to the

highest bidder for a one year right to have an assigned space. We don't recommend using dedicated spaces at all in downtown parking lots.

A second parking policy would be that the city will sell parking passes to those who want to have the right to park in downtown lots. The city should sell more passes than spaces (usually at 160% more passes than spaces) and will be first come first serve. That will help to maximize usage in downtown but the City must be careful not to be back in apposition where we have greater than 85% occupancy. Prices will be set at a point where demand for permits is in balance with the number of passes for sale. Parking passes can either be used in any lot or in a portion of a lot signed for permit use.

Goal 4: Continue to use certain neighborhood streets for long term parking.

Montpelier has a long history of using neighborhood streets for de facto parking lots. The new complete streets plan will likely, when adopted, remove on street parking from a number of arterial and collector streets in an effort to create more bike lanes. That plan will also identify streets where parking will be appropriate. The nature of certain residential streets is that bikes can safely share the lane with cars. For example, the Meadow is a popular place to park cars and walk into town. Those streets do not carry through traffic and speeds are slow making it safe for bike riders to use the travel lane for travel rather than creating a separate bike lane.

These neighborhood parking areas will continue to be most important north of downtown where "rail bus" parking lots will not be available (see goal 5 below). These parking options are not convenient for short trips as one either need to take a short walk into downtown or wait for the circulator. The advantage is that it is free so although parking in the downtown will cost money, walking in would be free.

Goal 5: Create new remote parking lots along rail line in conjunction with upgrades to the rail to support rail-buses.

This is most radical solution to Montpelier's long term parking. If the City first removes on-street parking from a number of arterials (per the complete street plan) and then we use cost to push on street parking and municipal lots down to 85% occupancy then the city has created a deficit in the number of spaces needed to meet demand. This puts the city at a crossroads for either investing heavily in a parking garage or investing in an alternative strategy like remote lots and shuttles to cover that difference. The idea of remote lots is not new. It has been discussed in the past and is currently used in few places such as Department of Labor parking lot and the recreation fields.

The reason the rail line option is treated more favorably than the parking garage idea is three fold. First is cost. The \$10M needed for a parking garage has been estimated to be enough money to fix the rail line from Barre City to Montpelier. Those costs could be split among the three communities instead of one. Also, grants could be sought to pay some of the cost of those improvements whereas there are no grants available for garages.

Second, the rail line, especially if it extends to Barre City, will also act to reduce parking demand. When someone lives in Barre but works in Montpelier, they can commute by walking or biking to a

rail station for commuting. A parking garage may consolidate and share parking but in the end it does not reduce the number of cars driving to town.

Third the rail line opens up land along the rail corridor for redevelopment as Transit Oriented Development (TODs). In areas like the Barre to Montpelier corridor we don't have a landscape that makes for easy expansion of the urban core. All the communities have floodplains and steep slopes which makes a typical gridded street pattern difficult. The rail option will help with economic and housing development that would not be possible with the garage solution.

Goal 6: Private parking lots should be designed to minimize environmental and aesthetic impacts and to be the minimum needed to serve their purpose.

The goal should set the stage for how we regulate private parking in the city through zoning. Current proposed zoning requires parking to be behind the front face of the building, limits are established for lighting and screening, reduces minimum parking requirements so fewer spaces may be needed, allows for shared parking between different properties, and allows for different ways of counting spaces that should reduce the number of parking spaces needed to allow a project to move forward. In the future, stormwater requirements will be added to help maintain water quality in our rivers and streams.

Overall Strategy Recommendation

As laid out above our strategy is to manage on street parking to 85% and municipal lots to 85% as well by using the cost of parking as a driver of behavior change. These areas will be targeted to short and moderate term parking demands as well as long term parking where someone is willing to pay for the convenience of downtown parking. We will remove on-street parking in places to meet our complete streets objectives and continue to use some neighborhood streets for long term parking. To meet our overall deficit of parking we will use a combination of remote lots, particularly along the rail line, to allow buses and rail bus shuttles to move people who want long term affordable parking into the downtown. Private parking will not be required for downtown projects and minimum parking requirements will only be set when needed to limit off site impacts. Using this paradigm, solving our parking problem will also advance our economic and housing goals as well as helping to reduce the need for parking and reduce our carbon footprint.

These pieces only work if the entire plan is implemented. As mentioned above, there are other ways to achieve these goals including building a parking garage and there is, of course, always the option of doing nothing (keep doing what we are doing). There still may be garage opportunities that we may explore from time to time. If Tax Increment Financing (TIF) became available a large employer, housing development or hotel/convention center wanted some structured parking downtown, the city should evaluate the proposal. To build a garage with TIF revenue the garage would need to be publicly owned and open to all. A garage that supported more density in the downtown and allowed additional parking lots to be converted to useful land development would be a positive thing for Montpelier.

The Null option assumes that the City of Montpelier will not make any changes and continue on its current course which takes a passive approach to parking management. Parking enforcement is a tool to ensure parking spaces have turnover and the revenue generated by meters is a political decision, insofar as prices are set by City Council, rather than a reflection of market conditions whereby areas of increased demand command higher prices. Implicit in doing nothing is a thought that parking is not a problem or at least not a significant one.

Appendix A.

Demand Management Tools

Strategy: Improve Pedestrian, Transit, and Bicycle Facilities

Description: The City has been actively working for over 20 years on improving bicycle and pedestrian connections including the Winooski East-West Bike path extension, One Taylor Street Transit Center. In addition, The SCBC Complete Streets project will help to outline the long term road typologies that will allow DPW to plan and implement complete streets improving bike and pedestrian access throughout the City.

Cost: NA

Barriers to Implementation:

- ☐ The largest barriers to improving transit facilities is cost as well as balancing the needs of all modes of transportation including bicycle, pedestrian, and vehicle demands.
- ☐ Inadequate Housing Supply limits the effectiveness of improved bike and pad facilities if the daily population still has to commute from outside town.
- ☐ Neighborhoods will have to dovetail with SCBC Complete Streets Plan

Goal that this strategy seeks to accomplish: Reduce Demand by increasing options.

On Street Tools

Strategy: Demand Management and Dynamic Pricing

Description: Using Data to develop dynamic pricing strategies that respond to seasonal or daily demand. As demand rises in a given area, the price goes up accordingly thereby encouraging parkers in the high demand area to seek options further away at a lower cost

Cost: N/A

Goal that this strategy seeks to accomplish: Reducing Demand through pricing strategy

Barriers to Implementation:

- ☐ Police Department and Parking Enforcement currently have Limited Capacity within Enforcement Staff to Implement the personnel to collect, analyze, and implement

Strategy: Color Coding of Meters

Description: The Color Coding of Meters is a cost-effective way to manage parking behaviors by notifying the drivers of the relative cost of parking in particular “zone”. The City would paint the meter heads with a color code to indicate from afar the cost of parking in a particular are. For example, a driver that sees a black meter head would be able to see that this is a high demand area where parking is short term and high cost location. This visual que would allow the driver to make an informed decision on the parking choices. Those

drivers that seek convenience would be more likely willing to pay for the premium location whereas, a driver who is looking for a longer term cheaper option would make a choice to continue on searching for a cheaper alternative further from their destination and walk or take a shuttle to their final destination

Cost: Inexpensive

Goal that this strategy seeks to accomplish:

Alleviate parking pressures in downtown and satisfy Goals #2 and Goals #3

Barriers to Implementation:

This strategy may or may not have a demonstrably significant impact on downtown parking pressures. It will, however, push more drivers into cheaper off-street parking options when they are available or it may push more drivers further into the adjacent neighborhoods. Consequently, this will have an impact on the City's Complete Streets Planning and limit the ability to have dedicated bike lanes in the residential neighborhoods. Increased demand in the neighborhoods will mean that sharrows will be the preferred option, in order to ensure the safety of the bicycling community.

Strategy: Introduce Angle Parking where appropriate

Description: Where there is adequate street width, change on street parking orientation from parallel to angled spaces (nose in or reverse in) this will significantly increase the total supply of available parking by maximizing the curb area.

Cost: The cost to restripe on street parking to accommodate angled parking would not represent a significant barrier to implementation. Further, the increase in parking revenues would be net positive.

Barriers to Implementation: There has been opposition to angled parking solutions in Montpelier. Most notably in the Spring of 2015 when a proposal from the Parking Advisory Committee to introduce reverse angle parking in front of the State House was met with significant opposition from the Bicycle Advisory Committee due to safety concerns.

Goal that this strategy seeks to accomplish: Alleviate Parking Pressures by increasing available supply.

Off Street Tools

Strategy: Shared Parking Policy

Description: Shared parking is public parking spaces built with the in-lieu revenue allow shared use among different sites whose peak parking demands occur at different times (a bank and a bar for example) and fewer spaces are needed to meet the combined peak parking demand. This strategy more efficiently uses existing parking facilities in an effort to match up non-competitive parking uses to utilize parking at its most efficient.

Cost: In order to facilitate an effective shared parking system the City would have to secure access and control of existing parking sites to effectively manage. For example, a shared parking policy would allow the City to provide overnight parking in lots currently not available to residents downtown. However, effectively

³ Shoup pg. 231 Public Parking in Lieu of Private Parking

managing the users will take administrative time and attention otherwise users on both ends will be frustrated and shared use will not be embraced.

Goal that this strategy seeks to accomplish: Increasing supply through effective management

Barriers to Implementation:

- ☐ Sharing parking can increase administrative and enforcement costs. It reduces user convenience and prestige (no reserved spaces)
 - ☐ The State controls the largest inventory of parking spaces and would need to be primary partner with non-competitive users that would utilize the parking facilities during their non-peak hours (mainly nights and weekends)
-

Strategy: Build a Public Parking Structure

Description: Construction of a Public Parking Structure to vertically integrate parking, increase supply, and facilitate economic and housing development in Downtown Montpelier. Since the 1980s' the City of Montpelier has explored a number of locations and has pursued opportunities to construct a parking structure in Downtown Montpelier. This strategy would fast track this effort and seeks opportunities to construct a public parking structure in Downtown Montpelier. The parking structure could be used to increase capacity or merely to vertically integrate parking in order to redevelop surface lots for economic development.

Cost: \$5-12 million Dollars (approximately \$25,000 per space)

Barriers to Implementation:

- ☐ The City would need to have all financing tools at their disposal. Most notably, receiving approval from the Legislature for a TIF District.
- ☐ Private Sector Partners: the City will need to identify the partners and projects that will help to finance the project and will be the beneficiaries of the improved infrastructure (TIF)
- ☐ Public Support: there is widespread disagreement on the need for a parking structure. Public perceptions will need to be changed in order to explain the costs and benefits to the general public.

Goal that this strategy seeks to accomplish:

Address Parking as issue as defined in EDSP. Montpelier's EDSP identified the need to make infrastructure investments in support of its goal to maintain its position as a premium location in Central Vermont. External pressure from Barre and Waterbury make this need critical if Montpelier is to maintain this position. As a higher cost location, there is a presumption that if a business chooses to locate in Montpelier it must have adequate parking for the convenience of its employees.

Strategy: Build new surface lots or increase capacity of existing surface lots

Description: Focus on removing underperforming properties and converting these properties to surface lots.

Cost: TBD

Barriers to Implementation: There are very few opportunities to create new surface lots without endangering the historic structures that are a hallmark of our Downtown.

Goal that this strategy seeks to accomplish:

Address Parking as issue as defined in EDSP

Staff Recommendation: Not Recommended due to high cost including financial, environmental, and damage to the historical integrity of Downtown.

Neighborhoods & Remote Lot Tools

Strategy: Relocation of Parking and Creating Satellite Parking Description: Parking in the downtown area and all new parking for new development will be located on the periphery of town. These remote lots will be accessed via Rail Cars, Street Cars, which will bring commuters and visitors from the periphery

(primary at the River Street/302 intersection to Montpelier Junction



Cost: \$6-10million

Revenue: Positive due to increased development opportunities along the transit corridor and population growth.

Barriers to

Implementation:

- ☐ Political will at Local, State, and Federal levels needs to be forthcoming
- ☐ Conceptual Planning has been done by the project Team. Next phase to determine the feasibility would need to be funded locally or regionally.

Goal that this strategy seeks to accomplish: Increase Supply

Description: This concept as outlined in the NetZero Vermont 2030 Design Competitions Winning proposal is to relocate approximately 751 out of the downtown area to the satellite parking lots

- a. : (i) 531 parking spaces owned by the State in the area south of State Street and west of Taylor Street and
- b. (ii) 220 public parking spaces owned by the City of Montpelier in the area west of the North Branch, south of State Street and east of Taylor Street. Satellite parking - Several satellite parking lots will be created with the two most important being located at the eastern and western terminus of the streetcar line. The 17-acre parcel adjacent to the Amtrak station can accommodate 1500-2000 spaces and the 7-acre Grossmans site an additional 600+. Additional satellite parking will be available at Montpelier High School (137) and an expanded Dog River Road park and ride lot (219). In total, nearly 3,000 parking spaces will be in satellite lots served by the streetcar line
- c. Establishing streetcar service along the existing Washington County Railroad that runs 13.1 miles from Montpelier Junction to Barre is essential if Montpelier and the Capital Corridor are to achieve Net Zero status..... The State has estimated that it would cost more than \$4 million to upgrade the bridges and an additional \$6.5 million to upgrade the track on this line to meet current day freight needs.

(Team Bridges pg.4)

Policy Modifications in Support of Effective Parking Management

Strategy: Permit Policy

Description: Currently, the City issues the same number of permit spaces as there are spaces. However, on any given day parking permit utilization rates are lower than the number of permits issued. Issuing more permits will maximize the number of permits that are used on a daily basis, maximizing the efficiency of permit areas as well as increasing revenue.

Cost: Increased Staff time

Barriers to Implementation: Limited Staff and Capacity to develop and implement

Revenue: Positive

Strategy: Develop policies to limit Reserved Spaces and increase Shared Parking

Description: Develop policy to restrict or prohibit “reserved” spaces. Instead Permits will allow consumer to park anywhere within a parking zone within the allotted length of time. However, if the City Council does decide to offer some limited reserved spaces. It is the staff recommendation that these spaces are auctioned (at a premium) in addition to the requirement that the Reserved Space Holder must also purchase a parking permit.

Cost: NA

Revenue: Positive

Barrier to Implement: Historically “grandfathered permit holders and reserved space holders” will be resistant



CITY COUNCIL Agenda Item #17-100(c)

Date: March 22, 2017

Consent x Discussion

SUBJECT: Street Closure Permit Application for the *Vermont Youth Lobby – Rally for the Planet* scheduled to be held on Wednesday, April 12, 2017, from 10:15 to 10:45 A.M. (from Vermont College of Fine Arts to the State House Lawn)

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Approve; see Background Information below.

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. An e-mail notice was sent out to all businesses using Montpelier's database. This event was approved last year; however, this year's application was only submitted 30 days in advance of the event (Policy states 45), and staff has concerns about the length of the march and the time of the day (mid-day and mid-week); as such, it will require additional police resources (overtime) to provide adequate traffic control and some traffic disruption to the downtown street corridor.

SUPPORTING DOCUMENTS: Street Closure Application Form

INTERESTED PARTIES: East State Street, Main Street and State Street Businesses and Residents; City Staff and Organizers

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: Matt Hennen Emma Schoenberg	Email: mhenchen@wwsu.org eschoenberg@vpirg.org
Address: 141 Wade Road Moretown VT, 05660	
Cell Phone: (802) 324-4521	Other Phone:

2. Event Details

Name of Event: Vermont Youth Lobby - Rally for the Planet	
General description of the event (1 to 3 sentences): Students and teachers from several Vermont middle, secondary, and postsecondary schools will meet at the Vermont College of Fine Arts and then march to the Statehouse lawn to show their desire for greater political action on climate change.	
Date of Event: Wednesday, April 12th 2017	Start and End Time of Event: 10:15am - 10:45am
Street(s) to be Closed - Please provide a sketch of the event layout. See Attached Google Map	
Time Street will close (recommend up to an hour before event): 9:30am	Time Street will reopen (recommend 30 minutes after the event ends): 11:15am
Number of Staff/Volunteers on site for Event: 30-50	
Number of people expected at event: 500 - 2000	Number of vendors and/or entertainers who will participate: 2

3. Community Support

Is this a reoccurring event in Montpelier? Yes, this is the second year and we plan additional events such as this	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)? This special event is designed to bring young Vermonters together with their elected officials to discuss political issues that matter most to them. This benefits all young Vermonters as well as the general public because it contributes to a more engaged and informed citizenry.	

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 requested and approved for a permit to use the Statehouse lawn and have made arrangements for portable toilets, as well as trash, recycling, and compost facilities.

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

As we did last year, Hartigans will be providing us with portable toilets. The only food being served will be ice cream provided by Ben and Jerry's. We have secured approval to two parking spaces on State St. to serve this purpose.

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 have ample trash, recycling, and composting bins available and are encouraging all participants to bring a zero-waste lunch. Our staff will also ensure the lawn and parade route is spotless after the event - as it was last year.

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

We do not anticipate this need.

Please note any other unique aspects of this event:

Nothing out of the ordinary. There will be some students chanting slogans, but no amplification other than a few bullhorns used by the parade marshalls.

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

Matthew N. Henchen

Signature

Matthew N Henchen

Printed Name

02/23/17

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.

Matthew N. Henchen

Signature

Matthew N Henchen

Printed Name

02/23/17

Date

For Official Use Only

The following parties have reviewed and approved:

Approved	Department	Signature	Conditions/Comments
☒	Police Department	<u>[Signature]</u> 3/10/17	CONCERNS ABOUT LARGE NUMBER OF DRIVER SECTIONS THAT MUST BE CONTROLLED
☒	Public Works	<u>[Signature]</u> 3/13/17	
☒	Fire Department	<u>[Signature]</u> 3-13-17	
☒	Montpelier Alive	<u>[Signature]</u> 3/13/17	
☐	Other as needed:		

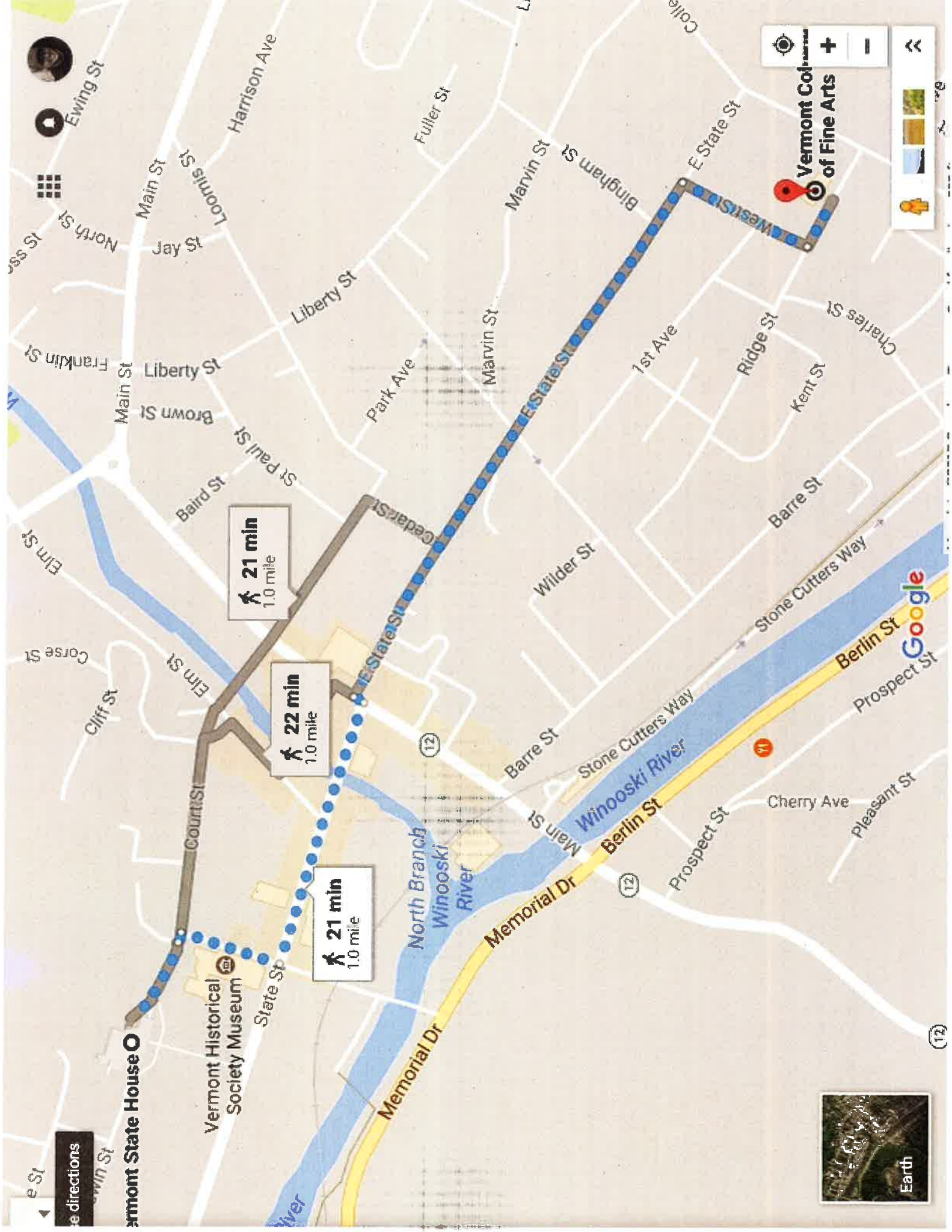
This permit request was reviewed at the (month, day, year) _____ City Council meeting. This permit request was:

APPROVE

DENIED

Notice Documentation

Name of Event:	
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.	



Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, a street view icon, and a 'Vermont College of Fine Arts' location pin.

21 min
1.0 mile

22 min
1.0 mile

21 min
1.0 mile



A summary of the proposal

Montpelier Unified Development Regulations

Tonight's agenda

- General overview
- Provide a quick summary of the process (how we got here)
- Discuss in particular the seven major areas of change
- What's on hold for later
- Next steps
- Open up to you (the council) for questions and comments and most importantly- guidance for moving forward

Overview

- 5 Parts- Intro, districts, regulations, process, definitions
- Complete rewrite so no strikeout version
- Matrices still available for review of drafts
- Goals from Master Plan –
 - Increase housing
 - Allow more mixed use
 - Match design review and historic district boundaries
 - Use neighborhoods as the building blocks for zoning districts
 - Add shoreline protection, stormwater, and wetland rules

The long winding road...

- Process began in 2011 with a goal to do a complete rewrite of zoning to implement the Master Plan (2010)...
- ... stalled in 2013 ...
- ... Brandy Saxton hired in 2014 as a consultant to help work on zoning (I was hired later that same year)...
- ... Draft 1 completed in May 2015 with six weeks of hearings and work sessions...
- ... Draft 2 completed in May 2016 with PC hearings on Parts 1 and 2 which were sent to council...
- ... Draft 3 was completed in December 2016 with another hearing in January 2017 on the entire draft

Major changes #1 – zoning map

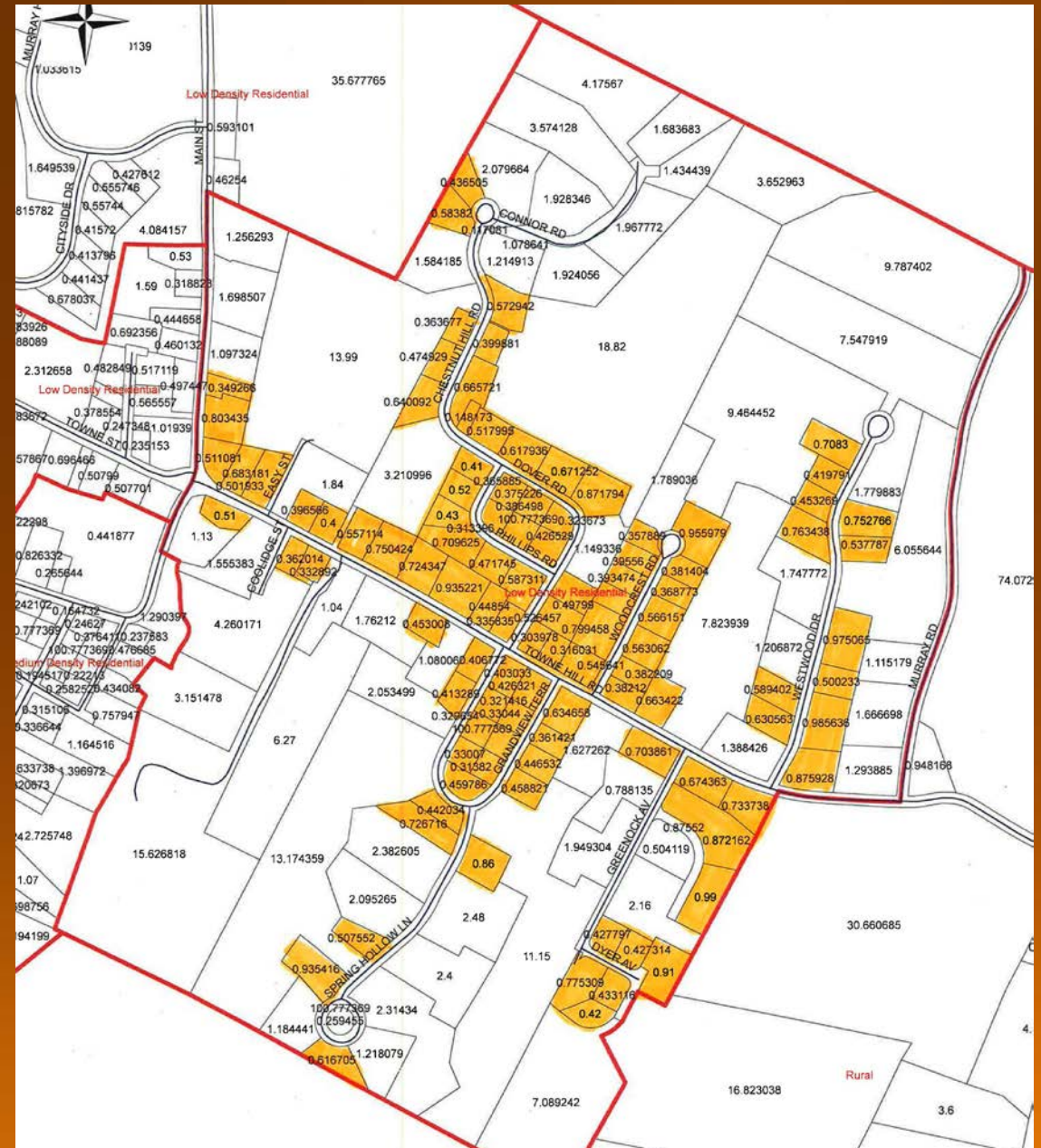
- Fixes technical issues – for example zoning will now follow property lines
- Establishes rural zone that has no access to W&WW
- More residential districts (increase number of districts from 3 to 6)...
- ... which forced new names (MDR now residential 9000)
- Adds neighborhoods for better “character of the area” discussions
- Adds new Mixed Use Residential in areas like East State Street, Elm Street
- Combines some and splits other districts to try to match uses on the ground.

#2- District dimensions

- After draft 1 in 2015 the goal was to match densities, setbacks, footprint, etc. such that 90% of the properties are conforming.
 - For example, College Hill South Neighborhood (First, Ridge, Foster, Kent)
 - Total number of parcels -126
 - Today zoned HDR (8700 sq ft min lot; 1 unit/1,500)
 - Today 80 non-conforming lots (63%) and 1 non-conforming density
 - Figures needed to make 90% conforming: 3,485 sq ft min lot and 1 unit/3,049
 - College Hill Southwest (Sabin, Kemp, Center Streets)
 - Total parcels 33
 - Today zoned MDR (10,000 sq ft min lot; 1 unit/8,000)
 - Today 18 non-conforming lots (54%) and 8 non-conforming density (24%)
 - Figures to make 90% conforming: 6,480 sq ft min lot and 1 unit / 4,356

#2 Continued

- Example- Towne Hill
- Currently zoned 1 acre minimum (1 unit per 43,560 ft²)
- 157 total parcels
- 100+ less than 1 acre (63% non-conforming)
- 50+ of those are less than 1/2 acre
- The 16th smallest parcel (90% compliance) is 15,250 ft²
- Recommended Res 15 ; approved Res 17



#2 District dimensions

- Other important dimensional changes
 - Addition of max building footprints
 - Addition of Floor Area Ratio (FAR)
 - Fixed setbacks to stop the need for variances

#3 Added major and minor site plan

- This allowed for minor site plans to have less review and be administrative
- Major site plan has additional new requirements including energy standards and additional design (architectural) requirements.

#4 New environmental rules

- New conservation commission advisory reviews for certain projects
- New rules for riparian, wetlands and vernal pools, clearing land on steep slopes, protection of natural communities, and erosion controls
- Rules also integrated into subdivision and planned unit development process

#5 Remove FHA and Impact fees

- FHA has been removed from zoning and added as its own rules being adopted in tandem (River Hazard Area Regulations)
 - Rules and maps remain the same except:
 - Freeboard increased from 1 foot to 2 feet
 - Cumulative calculations for substantial improvement
 - River corridor regulations added for lands upstream of the Cummings Street Bridge on the North Branch.
 - Written in Federal Plain Language format
- Impact fees are being eliminated all together

#6 Parking

- New parking rules eliminate parking as a requirement in the urban core districts (1 and 2)
- Parking reduced elsewhere (e.g. 1.5 per dwelling unit now - 1.0 proposed)
- New guidelines for allowed shared parking and reductions for things like public transit.
- How parking spaces are counted is changed (e.g. unobstructed parking rule removed)

#7 Expanded PUD

- Planned Unit Development (clustered housing) was given more detailed descriptions for options.
- Idea is if you are going to exceed densities (and/or get bonuses) then you need to be of higher quality / better design.
- Laid out 6 types of PUDs that would be allowed

Hold for future

- Historic design review rules and boundary.
 - Will be further studied in 2017
- Stormwater
- Official Map for parks and trail networks

Next Steps

- My role
- Your document to make whatever changes you see fit (within legal bounds)
- How to present and review the details?
- How to take public comment?
- Other materials you would like?
- Warning “Public Hearing” when ready to adopt and what that means.

Draft Zoning Districts 2017

NEIGHBORHOODS	ID
Capitol Complex	1-1
Downtown Business	1-2
Elm Street- Urban	1-3
Barre Street- West	2-1
Main Street	2-2
Barre Street- East	3-1
Cross Roads	3-2
Route 2	3-3
Eastern Corridor	4-1
Farm and Factory	4-2
Office Park	5-1
Western Corridor	5-2
College Hill - East State St	6-1
Court Street	6-2
Lower East State Street	6-3
Northfield Street- North	6-4
Redstone	6-5
School Street	6-6
The Meadow - Elm St	6-7
College Hill - Southwest	7-1
Franklin Street - Southwest	7-2
Liberty Street - West	7-3
College Hill - South	8-1
Franklin Street - Northeast	8-2
Liberty Street - East	8-3
Main St- East	8-4
River Street	8-5
Route 2 - Prospect St	8-6
The Meadow - West	8-7
Berlin Street	9-1
College Hill - North	9-2
College Hill - Southeast	9-3
Redstone- North	9-4
Sabin's Pasture	9-5
Cliffside	10-1
Crestview	10-2
Elm Street	10-3
Gallison Hill	10-4
Murray Hill	10-5
North Street	10-6
Northfield Street	10-7
Park West	10-8
Stonewall Meadows	10-9
Towne Street	10-10
Toy Town	10-11
Towne Hill	11-1
Eastern Rural	12-1
Highland	12-2
Hill Street	12-3
Pembroke Heights	12-4
Southwestern Rural	12-5
Western Rural	12-6
Wrightsville	12-7

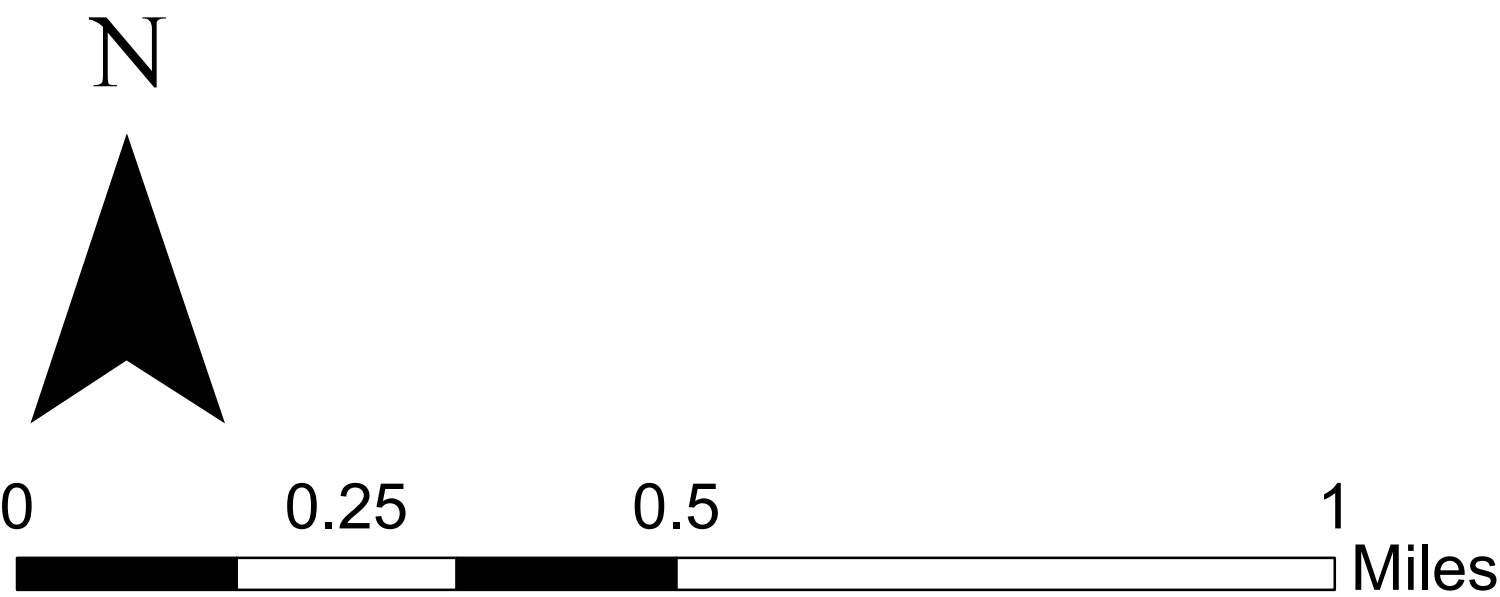
Legend

Design Review Exclusion

- Area Voted For Exclusion from Design Review
- Montpelier Parcels 2014
- Rivers, Lakes, and Ponds
- Streams

Zoning Districts

- Urban Center 1
- Urban Center 2
- Riverfront
- Eastern Gateway
- Western Gateway
- Mixed Use Residential
- Residential 1500
- Residential 3000
- Residential 6000
- Residential 9000
- Residential 17000
- Rural
- Municipal





CITY COUNCIL Agenda Item #17-104

Date: March 22, 2017

Consent ☐ Discussion ☒

SUBJECT: Introduction to the draft Unified Development Regulations (also known as the Zoning Bylaws) and the draft River Hazard Area Regulations. The intent of this first meeting is to orient the Councilors to the drafts so they can be prepared to take public comment at future meetings.

SUBMITTING DEPARTMENT: Planning & Community Development

RECOMMENDED ACTION: This will be the first of many opportunities to discuss this topic over the coming weeks and probably months. Council should be prepared to provide direction to staff on how they would like to receive public input. For example:

- Would Councilors like to schedule special meetings to take input or have input sessions on Council Meeting nights starting at 5:30;
- Do Councilors want to review the regulations in parts or take comments on the whole document?
- Are there other presentation materials they would like prepared?

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: The Planning Commission has completed and approved a set of draft Unified Development Regulations and draft River Hazard Regulations for consideration by the City Council. This is the result of five years of effort including public hearings in May 2015, April 2016, and January 2017. The Planning Director will present a summary of the changes and answer questions.

SUPPORTING DOCUMENTS: All of the documents have been placed in binders for your convenience.

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

CITY MANAGER'S APPROVAL: 

Council,

I was asked by the Planning Commission at their February meeting to draft a report in response to the council decision to remove some of the Cliff Street residents from design review. At the meeting on Monday the Planning Commission did NOT accept this memo and the commissioners will be developing an alternative for your official report. I have been asked by Mayor Hollar to provide the rejected draft to the council.

To answer John's question on what the council voted out: Officially what the council voted on was a very specific set of property owners who signed the petition and provided you a map showing which properties those were. What you approved at your meeting is in the hand drawn figure one. I would point out that there were others in the Cliffside neighborhood who testified at earlier public hearings who had also asked to be removed from the design review who were not on the short list that was approved.

I felt the appropriate technical correction (which the PC is permitted to make) was to apply the exemption to the entire neighborhood to avoid spot zoning arguments later. The Planning Commission disagreed. While they believe your decision does create potential spot zoning legal concerns they have decided to leave those issues in place for you to fix as you see fit. Therefore they voted to honor only your literal request and remove only the 20 or so residents. They will be providing an official report on that in the next week which details more clearly why they have made the decision they did. Figure 2 was my suggested boundary that was rejected.

The Planning Commission has voted the zoning bylaws out to you for consideration so this will be something we can discuss at your meeting on the 22nd. The Planning Commission will not be in a position to make further changes on this matter at this time.

Please let me know if there is anything that needs further clarification.

Mike

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

Office: (802) 262-6269
Fax (802) 223-9524

MEMORANDUM

To: City Council
From: Montpelier Planning Commission
Re: Change to Cliffside Design Review boundary
Date: March 13, 2017

Please find attached a revised zoning map which changes the designation of certain properties within the Design Review district as you requested during your February 8, 2017 meeting. As required under statute, the Planning Commission has made the changes and it is our right to provide you a report with our comments.

In this report we will review two major points. First that we disagree with the timing of your decision- this boundary change should have waited for the Historic Preservation Commission to complete its planning work. Second, we needed to adjust your proposed boundary to avoid being overtly arbitrary or threatening our designated downtown status.

Our concern about the timing of the decision is based on the fact that the Planning Commission had taken a great deal of testimony and input on the boundary of the proposed design review district. The current boundary in zoning today is arbitrary and follows no logical rationale. Our goal in the new zoning was to establish a logical boundary; perhaps follow zoning districts, designated downtown, or the boundary of the National Register of Historic Places. As you know, we chose the National Register as it had been identified in the 2010 Master Plan as the recommended basis for a new Historic Design Review district. Ultimately the public did not react favorably to that idea. Residents in the newly identified areas for design review strongly objected to the new requirements. At the request of the Montpelier Historic Preservation Commission, the Planning Commission chose to return to the original boundary in zoning today. The HPC then applied for and received funding to study the historic design review issue this spring and summer including a public process with a final report that will propose what boundaries and rules the HPC thinks should be adopted by the city. We believe the decision on the Cliffside Neighborhood should have waited until that study was completed. The Planning Commission recognizes the need to fix the arbitrary boundary of design review district but we feel the fairest approach is to examine the community's goals and adopt boundaries and rules that help achieve those goals.

The second issue was the boundary line voted by the City Council at the February 8th meeting. As seen in figure 1, the new exclusion area would cut a hole in the existing design review. Land to all sides of the Cliff Street exclusion will continue to be in design review. While the current boundary in zoning today is arbitrary, this is excessively arbitrary. Properties farther up Corse Street towards Hubbard Park would remain in design review while Corse and Cliff Streets would not. In order to treat similar properties in a similar manner, the Planning Commission has therefore altered your request to include all properties in the Cliffside neighborhood with an exception discussed below (see figure 2. The light blue neighborhood labeled as 10-1 is Cliffside). All properties on Corse and Cliff as well as Witt Place (also single family homes) and some Hillside properties were also removed. This has resulted in a much less arbitrary line compared to either the original zoning or the council approved exemption.

The Planning Commission was also forced to add back in 4 parcels that are a part of the Montpelier Designated Downtown. Properties in the Designated Downtown receive certain benefits from the state but to be eligible they must be part of design review. If there is an interest in removing these properties from design review, they must first be removed from the designated downtown. That process would be separate from the zoning process.

We would therefore request that you reconsider your decision to remove Cliff Street from design review at this time. If you choose to continue to keep them out of design review we request that you use the boundaries we have suggested as they represent a more equitable treatment of properties in this area.

Thank you.

Montpelier Planning Commission

