



Agenda for Regular City Council Meeting

City Council Chambers, City Hall
Wednesday, April 12, 2017

5:30 P.M.

5:30 P.M. ...

- 1) Call to Order by the Mayor
- 2) 17-113. Review and Approve Agenda
- 3) 17-114. General Business and Appearances
- 4) 17-115. Consideration of the Consent Agenda:
 - a) Approve Minutes from the March 22nd Regular City Council Meeting.
 - b) Approve Street Closure Permit Application for the "Vermont People's Climate March" on Saturday, April 29th, from 1:00 to 4:00 P.M.
 - c) Approve Street Closure Permit Application for the "MONTBEERLIER" (Thee Penny Taproom's Anniversary Gala) on Saturday, May 6th, from 3:00 to 9:00 P.M.
 - d) Approve Street Closure Permit Application for the "All Species Day Parade" on Sunday, May 7th, from 1:30 to 1:45 P.M.
 - e) Approve Street Closure Permit Application for the "Capital City Stampede" 10K Road Race on Saturday, June 10th, from 9:00 to 11:00 A.M.
 - f) Award of Contract for FY17 Highway Pavement Markings
 - g) Approve and Sign the Annual Financial Plan for Town Highways and a Certificate of Compliance for Town Road and Bridge Standards.
 - h) Approve *July 3rd, 2017 Street Closures and Parking Restrictions Request* from Montpelier Alive.

i) Consideration of becoming 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.)

j) Payroll and Bills

- 5) 17-116. Appointment of City Representative to the Central Vermont Regional Planning Commission
- 6) 17-117. Review of Open Meetings/Public Records Laws with VLCT Staff
- 7) 17-118. Public Hearing to Apply for CDBG Planning Grant Funds on Behalf of Downstreet Housing and Community Development

6:30 – 8:30 P.M. ...

- 8) 17-119. Zoning Review: Sections 1 and 2

8:30 P.M. ...

- 9) 17-120. Presentation/Update from Complete Streets Group
- 10) 17-121. Net Zero/Bridges Concept
- 11) 17-122. Other Business
- 12) 17-123. Council Reports
- 13) 17-124. Mayor's Report
- 14) 17-125. City Clerk's Report
- 15) 17-126. City Manager's Report
- 16) 17-127. Executive Session to Discuss Collective Bargaining

a) It is anticipated that this entire discussion will be held in Executive Session in accordance with Title I, V.S.A. §313(a)(1) "When ... premature general public knowledge would clearly place the state, municipality, other public body, or a person involved at a substantial disadvantage, it may go into executive session to discuss one of the following: ... B. Labor relations agreements with employees."

17) *Adjournment*



CITY COUNCIL Agenda Item #17-115(f)

Date: April 12, 2017

Consent ☒ Discussion ☐ Time Sensitive ☒
(outlined below)

SUBJECT: Recommendation of contract award for FY17 Highway Pavement Markings.

SUBMITTING DEPARTMENT: Public Works

RECOMMENDED ACTION: Approve award of the pavement marking contract for long lines, crosswalks, stop bars, and stenciled markings to Markings, Inc. in the base bid amount of \$18,899.50 and grant authorization for the City Manager to serve as the duly authorized agent.

RELATED COUNCIL GOAL/PRIOR ACTION:

E - Maintain a healthy community for people

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

EXPENDITURE REQUIRED: \$18,899.50

SOURCE OF FUNDS: General Fund & Parking Fund

LEGAL REQUIREMENTS: All streets, highways, bikeways, or private roads open to public travel shall conform to the National Manual on Uniform Traffic Control Devices which indicates "Physical maintenance of traffic control devices should be performed to retain the legibility and visibility of the device, and to retain the proper functioning of the device".

BACKGROUND INFORMATION: The Public Works Department solicited bids for applying the following pavement markings:

- | | |
|------------------------------|-----------------------------|
| - Bike Lane Stencils (42) | - Centerlines (13,350') |
| - Bike Sharrow Stencils (72) | - Lane Lines (5,200') |
| - Crosswalks (90) | - Edge Lines (74,700') |
| - Stop Bars (50) | - Bike Lane Lines (49,000') |

One bid was received from Markings, Inc. and publicly opened on Friday, March 31, 2017. The total base bid was \$18,899.50 which is less than 1% higher than the engineer's estimate of \$18,783.50 (bid tabulation attached).

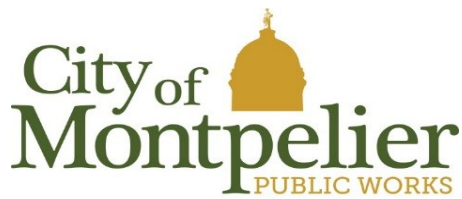
DPW staff has worked with Markings, Inc. in the past with acceptable results and concluded that their bid is in compliance with the contract instructions and requirements.

SUPPORTING DOCUMENTS: Bid Tabulation

INTERESTED PARTIES: DPW, Transportation Committee

CITY MANAGER'S APPROVAL:

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BID TABULATION

Project Name: FY2017 Highway Pavement Markings

Release Date: 3/20/2017

Quote Due Date/Time: 3/31/2017 @ 10:00 a.m.

Firm	Item	Unit	Quantity	Unit Price	Total Price	Bid Amount
Markings, Inc.	1. Bike Lane Stencils	EA	42	\$39.50	\$1,659.00	\$18,899.50
	2. Sharrow Stencils	EA	72	\$48.50	\$3,492.00	
	4. Piano Key Crosswalks	LF	2,600	\$0.65	\$1,690.00	
	5. Stop Bars	LF	1,550	\$0.65	\$1,007.50	
	6. 4" Double Yellow Center Line	LF	13,350	\$0.12	\$1,602.00	
	7. 4" White Lane Line	LF	5,200	\$0.06	\$312.00	
	8. 4" White Edge Line	LF	74,700	\$0.06	\$4,482.00	
	9. 6" White Edge Line	LF	49,000	\$0.10	\$4,655.00	
Engineer's Estimate	1. Bike Lane Stencils	EA	42	\$40.00	\$1,680.00	\$18,783.50
	2. Sharrow Stencils	EA	72	\$50.00	\$3,600.00	
	4. Piano Key Crosswalks	LF	2,600	\$0.65	\$1,690.00	
	5. Stop Bars	LF	1,550	\$0.65	\$1,007.50	
	6. 4" Double Yellow Center Line	LF	13,350	\$0.12	\$1,602.00	
	7. 4" White Lane Line	LF	5,200	\$0.06	\$312.00	
	8. 4" White Edge Line	LF	74,700	\$0.06	\$4,482.00	
	9. 6" White Edge Line	LF	49,000	\$0.09	\$4,410.00	



CITY COUNCIL Agenda Item #17-118.

Date: April 12, 2017

Consent ☐ Discussion ☒ (Public Hearing)

SUBJECT: Public Hearing to Apply for CDBG Planning Grant Funds on Behalf of Downstreet Housing and Community Development

SUBMITTING DEPARTMENT: Planning Department

RECOMMENDED ACTION: Approve and sign Resolution authorizing City Staff to prepare and re-submit an application to VCDP.

RELATED COUNCIL GOAL/PRIOR ACTION: Goal D: Create and Maintain a Healthy Environment for Housing and Economic Growth

Strategy: Facilitate Housing Projects

EXPENDITURE REQUIRED: Staff Time and cost of legal review will be donated in kind

SOURCE OF FUNDS: ACCD / Community Development Block Grant

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Christ Church in Montpelier approached Downstreet early in 2016 to discuss the feasibility of redevelopment of their existing building that houses offices and two function rooms. The site includes a two-story addition to Christ Church; however, according to a preliminary structural review, the construction of an additional level to the building is not economically or functionally feasible. Therefore, Downstreet is exploring options to remove the existing building and replace with a new housing development.

During the planning period of this project, Downstreet plans to complete the Environmental Review for the anticipated implementation phase and engage in an architect to get preliminary drawings for initial design and site assessment. We also plan on using planning funding for legal fees regarding these assessments.

INTERESTED PARTIES: City Council, Downstreet Housing and Community Development

CITY MANAGER'S APPROVAL:

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Grant Application

RESOLUTION FOR VCDP GRANT APPLICATION AUTHORITY

Single Applicant

WHEREAS, the City of Montpelier (hereinafter "Applicant") is applying for a Grant under the Vermont Community Development Program; and

WHEREAS, it is necessary that an application be made and agreements be entered into with the State of Vermont.

Now, THEREFORE, BE IT RESOLVED as follows:

1. that Applicant possesses the legal authority as defined in the State Act [10 VSA §683(8)] to apply for the grant and to administer the program; and
2. that Applicant apply for a grant under the terms and conditions of said program and agree hereby to enter into Certifications and Assurances there of; and
3. the Applicant has a duly adopted and current Municipal Plan September 23 2015 (Date Adopted) and that the project is consistent with said plan; and
4. the Applicant has received documentation from the Regional Planning Commission that the project is consistent with the "Regional Plan; and
5. that Kevin S. Casey is hereby authorized to be Contact Person and as such to provide, on behalf of Applicant, all documents and information necessary for the completion of said application and to provide such coordination as may be necessary for said application; and
6. that (Name) William J. Fraser Title City Manager who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or is the Town Manager, the City Manager, or the Town Administrator, is hereby designated to serve as the Authorizing Official (AO) for the Grants Management On-line System, Intelligants; and
7. that it is understood that, if the application is funded, the receipt of VCDP funds, as federal funds passed through the State of Vermont, may require that an audit of the Applicant be conducted under the provisions of the Single Audit Act, as amended, and that VCDP funds may be used to fund only a limited portion of the audit cost.

Passed this 12th day of April, 2017.

LEGISLATIVE BODY

Mayor John Hollar

Council Member Rosie Krueger

Council Member Dona Bate

Council Member Anne Watson

Council Member Ashley Hill

Council Member Justin Turcotte

Council Member Jean Olson

The above resolution is a true and correct copy of the resolution as adopted at a meeting of the Legislative Body held on the 12th day of April, 2016 and duly filed in my office.

IN WITNESS WHEREOF, I hereunto set my hand this ____ day of _____, ____.

Clerk

Signature

Minutes of the Montpelier City Council Meeting
March 22, 2017, 6:30 PM
City Council Chambers, City Hall

In attendance: Mayor John Hollar (Chair), Councilors Jean Olson, Justin Turcotte, Tom Golonka, Anne Watson, Dona Bate, Ashley Hill (arriving at 6:40) and Rosie Krueger. City Manager Bill Fraser was in attendance. City Clerk John Odum acted as Secretary of the meeting.

The Mayor called the meeting to order at 6:30 and made a brief statement on the zoning agenda item.

17-098. The proposed agenda was approved (with the addition of a goals discussion) by unanimous consent.

17-099 Jed Guertin addressed the Council on the ongoing concerns over Berlin Pond.

17-100. Councilor Bate moved approval of the consent agenda, Councilor Olson seconded. After a brief discussion, Councilor Bate moved to amend the underlying motion to table item c (Street Closure Request from Matt Hennen and Emma Schoenberg) for further discussion, Councilor Turcotte seconded. The motion was then withdrawn.

Hearing no objection, the Chair amended the underlying motion to table item c for discussion by unanimous consent. The underlying motion to approve the consent agenda passed unanimously as amended.

The Council took consent agenda item c from the table for discussion (aforementioned street closure request). Emma Shoenberg participated in the discussion. Councilor Watson moved the Council approve the street closure application as presented and was seconded by Councilor Hill. The motion carried unanimously at 6:54.

17-101. The Council received comments from Planning Commission applicants Barbara Conrey (incumbent) and Stephanie Smith. Councilor Watson moved the Council enter executive session to discuss the appointment, Councilor Bate seconded. The motion carried unanimously at 6:58.

At 7:01, Councilor Watson moved the Council return to open session, Councilor Bate seconded. The motion carried unanimously.

Councilor Hill moved the Council re-appoint Barbara Conrey to the Planning Commission. Councilor Krueger seconded. The motion carried unanimously at 7:02.

17-102. Vermont Mountaineers representatives Brian Gallagher (Director), Richard Agnee & Tim Bevin (Board) were joined by Recreation Director Arne McMullen to discuss the Mountaineers' proposal to sell alcohol at games. After discussion, Councilor Watson moved the Council approve the request to move forward with the project with the stated conditions that sales be restricted to a fenced in area, a 7th inning limit to sales, clear signage restrictions, available taxis, and with the understanding that the Council may revisit the decision in a year. Councilor Turcotte seconded, and the motion carried

unanimously at 7:14.

- 17-103. Paul Gamble and Amanda Golden came forward for a discussion of the National Endowment for the Arts “Our Town” funded ArtSynergy Public Art Master Plan. No formal action was taken.
- 17-104. Planning Director Mike Miller led off a discussion of Zoning proposal and the expected review process over the coming months. Leslie Welts (Chair of the Planning Commission) spoke. Comments were offered from Ben Huffman, Page Guertin, Carol Doerflein, Barbara Conrey, Phil Parrish and Sam Dworkin. No formal action was taken.

The Chair called a recess at 8:34. The meeting was reconvened at 8:45.

- 17-105. Mr. Miller returned to the front table for a detailed discussion of Building Code options for unsightly buildings. No formal action was taken.
- 17-107. City Manager Fraser provided the Council with a One Taylor Street update. There was a discussion; Kevin Casey (Planning Department) participated. No formal action taken.

There was a brief discussion of the Council’s goal-setting process (at Councilor Turcotte’s request).

- 17-109. Councilor Hill noted local press coverage on Immigrations & Customs Enforcement (ICE) and Montpelier’s sanctuary city status, referencing constituent feedback (a brief discussion followed). Councilor Hill also congratulated Sam Dworkin after his election to the Public Safety Authority board, following the previous day’s recount.

Councilor Watson reported that the next council meeting will include a resolution to support the work of Team Bridges and Net Zero Vermont.

Councilor Bate expressed support for following up with Net Zero Vermont’s sustainable designs, and in context with a parking strategy. She also indicated that she would like to see the investment policy conversation continue, sparking a brief discussion. Finally, she had questions about the dog ordinance.

Councilor Turcotte commended staff on the document layout. Also, he applauded police response to the unexpected protest this week, as well as taking a moment to acknowledge Susan Houle and Keith Porter. He went on to note an upcoming Lost Nation performance and praised the work of local sugarmakers.

- 17-111. The City Clerk apologized for not sharing his prior knowledge about the protest referred to by Councilor Turcotte. He also reported on the previously referenced PSA recount.
- 17-112. The City Manager offered a brief report on the dog committee before reporting in glowing terms on the Vermont League of Cities and Town’s (VLCT) recent workshop. Finally, he encouraged responses to his queries regarding potential retreat dates.

Hearing no objection, the Mayor declared the meeting adjourned by unanimous consent at 10:05 PM.



CITY COUNCIL Agenda Item #17-120

Date: April 12, 2017

Consent ☐ **Discussion** ☒ **Time Sensitive** ☐

SUBJECT: New Transportation Event & Education Committee

SUBMITTING DEPARTMENT: Councilor Bate

RECOMMENDED ACTION: Approve the attached mission and membership for the Complete Streets Committee; leave the membership number open for future appointments.

RELATED COUNCIL GOAL/PRIOR ACTION: Goal F: Maintain a Vibrant Downtown

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: Alternate Transportation Funds (ATF) managed through DPW

LEGAL REQUIREMENTS: Public notice of the establishment of this committee and process for joining

BACKGROUND INFORMATION: On September 21, 2016, Council dissolved the previous Bike, Pedestrian and MTAC Committees and formed the Transportation Infrastructure Committee and the Transportation Events & Education Committee. The Council approved a mission and membership for the MTIC at that time. Council asked that those interested in events and education should meet and come back to Council after they've chosen a name, developed its mission, and has membership recommendations.

SUPPORTING DOCUMENTS: Attached Complete Streets Committee sheet which has meeting times, membership, definition and mission.

INTERESTED PARTIES: DPW, Planning Staff and MTIC

CITY MANAGER'S APPROVAL:

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Meeting Time:

The Complete Streets Group meets the third Wednesday of the every month from 5:30 - 6:30 PM in the City Manager's Conference Room in City Hall. All Meetings are open to the public and we welcome any feedback about pedestrian, bicycle and alternative transportation concerns.

Members:

Gary Holloway (Chair)

John Snell

Harris Webster

Rebecca Harris (AmeriCorps VISTA)

What is a Complete Street?

A Complete Street is a street that is designed and operated to enable safe use of the street for all users. Complete Streets aspire to create livable communities for various types of users, including children, people with disabilities, and older adults. Complete Streets improve equity, safety, and public health, while reducing transportation costs and traffic woes. There is no singular design prescription for Complete Streets; each one is unique and responds to its community context. A complete street may include: sidewalks, bike lanes (or wide paved shoulders), special bus lanes, comfortable and accessible public transportation stops, frequent and safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes, roundabouts, and more.

About the Committee

Mission: The Complete Streets Group was formed in 2016 to advocate for and promote the safe use of streets for, pedestrians, bicyclists, and public transit riders of all ages and abilities. We advocate for Complete Streets because when residents feel comfortable engaging in the street, whether by walking, biking or taking public transportation, public health and quality of life are improved. The Complete Streets group will catalyze diverse uses of the street through **events**, such as We Walk Week, **outreach**, **education** and **partnerships** with other organizations such as Montpelier Alive, Parks and Recreation, Planning and Community Development. Public Works, the Police Department, Green Mountain Transportation, Transportation Infrastructure Committee and local schools



CITY COUNCIL Agenda Item #: 17-117

Date: April 12, 2017

Consent ☐ Discussion ☒

SUBJECT: Review of Open Meetings/Public Records Laws with VLCT Staff

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Receive Presentation; Opportunity for Discussion

RELATED COUNCIL GOAL/PRIOR ACTION: B: Maintain Excellent Services

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: City Council Members have recently indicated a desire to review and discuss these laws. VLCT Staff Attorney Sarah Jarvis will be presenting and answering any questions Councilors and staff may have.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: Council, City Staff

CITY MANAGER'S APPROVAL:

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CITY COUNCIL Agenda Item #: 17-116

Date: April 12, 2017

Consent ☐ Discussion ☒

SUBJECT: Appointment of City Rep to the Central Vermont Regional Planning Commission

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Appointment of Montpelier Planning Commissioner Kirby Keeton; Planning Director Mike Miller will continue as Alternate.

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: According to CVRPC's Bylaws, town representatives and alternates are to be appointed annually, or reappointed if that's the municipality's preference. Notice of appointment(s) to CVRPC are due in May of each year.

BACKGROUND INFORMATION: Tina Ruth has served several years as the City's rep; she recently submitted a letter of resignation. As noted in her attached letter, Planning Commission Members have felt that the City's rep should be a member of the MPC. Tina asked her fellow PC Members if anyone would be interested in serving, and Kirby Keeton has said he would be.

SUPPORTING DOCUMENTS: Tina Ruth's letter of resignation; copy of Kirby Keeton's e-mail offering to fill the vacancy

INTERESTED PARTIES: CVRPC, Montpelier Planning Commission, City Planning & Community Development Staff

CITY MANAGER'S APPROVAL:

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

Dear Mayor Hollar and Members of City Council, and Sandy Pitonyak,

I hereby submit my resignation from the position of Montpelier's representative to the Central Vermont Regional Planning Commission, effective immediately.

I appreciate very much having had the opportunity to represent this City, that I love living in, on our regional planning commission. In Vermont, regional planning commissions perform functions that are often performed by counties in states with strong county government. In addition to regional planning, and helping member municipalities with many planning activities, VT's RPC's engage in a wide range of other activities. For instance, they played pivotal roles in helping manage the recoveries from natural disasters, like tropical storm Irene and the spring flood that preceded it. It's been a very interesting experience to be a small part of this very complex process.

When my predecessor as Montpelier's representative to CVRPC, David Borgendale, moved away, he asked if anyone on the Montpelier Planning Commission would be willing to take his place. At that time, the MPC was unanimous in believing that our rep to CVRPC should be a member of the MPC. When no one else volunteered, I said I would be willing to be considered, and was appointed by City Council.

When I recently decided I really had to get off CVRPC very soon, I asked the current MPC members if they too felt that way, and they did. I asked if anyone was interested in serving, and after thinking about it over several weeks, Kirby Keeton said he would be interested in being considered.

Kirby is a lawyer for a State agency and the newest member of the MPC, and he has been a great addition. He's thoughtful and curious, and he's not shy about asking questions and making cogent suggestions.

CVRPC is expecting my resignation. The next CVRPC meeting is scheduled for Tuesday, April 11, and Kirby is available to attend that night, if desired.

I do not presume to know exactly how the Council goes about making such appointments. Nonetheless, I respectfully suggest that City Council consider appointing Kirby to represent the City on CVRPC.

Thank you very much for the opportunity to contribute to the City in this way.

With gratitude, Tina Ruth

397 Elm Street
Montpelier, VT 05602
h - [802-223-4363](tel:802-223-4363)
c - [802-477-3235](tel:802-477-3235)

Sandy Pitonyak

From: Kirby Keeton <kirbykeeton@gmail.com>
Sent: Tuesday, April 04, 2017 4:05 PM
To: Sandy Pitonyak
Subject: Re: Rep to CVRPC

Sandy,

I would like to be Montpelier's representative to the Central Vermont Regional Planning Commission. As a relatively new member of the Montpelier Planning Commission, I think it could be a great learning experience for me individually. Further, I think it is important to keep our planning commission directly connected with the CVRPC. I'll be sure to keep the other planning commissioners apprised of what is happening regionally.

Kirby Keeton
802-505-5274

On Tue, Apr 4, 2017 at 3:44 PM, Sandy Pitonyak <SPitonyak@montpelier-vt.org> wrote:

Tina Ruth said you are willing to take over for her, Kirby. Can you please send me a brief note/e-mail saying something to that effect so that I can put it on next week's Council agenda? Thanks so much ...

Sandy Pitonyak

Administrative Assistant to the City Manager

City Hall - 39 Main Street

Montpelier, VT 05602

Telephone: [\(802\) 223-9502](tel:(802)223-9502)

FAX: [\(802\) 223-9519](tel:(802)223-9519)

spitonyak@montpelier-vt.org

**A RESOLUTION APPOINTING A
REPRESENTATIVE to the GOVERNING BOARD of the
EAST CENTRAL VERMONT TELECOMMUNICATIONS DISTRICT**

Whereas the City of Montpelier is currently a member of the East Central Vermont Telecommunications District

NOW, THEREFORE, BE IT RESOLVED THAT:

The following representative(s) of the City of Montpelier are hereby appointed to the Governing Board of the East Central Vermont Telecommunications District for terms of one year each or until the Town shall notify the Governing Board in writing of the revocation of such appointments, the substitution of replacement appointees, the resignation of a delegate or withdrawal of the town from the district:

John Bloch – 802 249-0509 – john@bugleg.com – 7 Liberty Street #1, Montpelier, VT

Rob Chapman – 802 224-9901 – rob@orcamedia.net – 89 Main St, City Center, Montpelier

Adopted at a regular meeting of the City Council of the City of Montpelier, duly held on

the ____ day of _____, _____.

ATTEST:

Town Clerk

Note:

Appointment of a delegate is required.

Appointment of an alternate delegate is desirable, not required.

Appointment of a second alternate delegate is optional, not required.



CITY COUNCIL Agenda Item #17-115(h)

Date: April 12, 2017

Consent ☒ Discussion ☐

SUBJECT: Request from Montpelier Alive for the Closure of Certain Streets for the July 3rd Independence Day Celebration

SUBMITTING DEPARTMENT: Montpelier Alive

RECOMMENDED ACTION: Approve

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Even though the July 3rd Street Closures are grandfathered into the Annual Event Schedule since the new *Street Closure Permit Application* process has taken effect, staff chose to include this item on the consent agenda so that it is noted on the City's website and approval will be made public record.

BACKGROUND INFORMATION: Closure requests are very similar; updates are attached. Two other important notes are as follows:

- 1) Organizers are going back to a 3:00 P.M. start time (earlier last year due to the date being a Sunday)
- 2) All of the event coordination will be handled by Ashlea Smith who coordinated the Olympics on the State House Lawn last year and knows the event very well.

SUPPORTING DOCUMENTS: Attached detailed listing of the street closures and detours that are being requested

INTERESTED PARTIES: Residences and businesses in the affected areas

CITY MANAGER'S APPROVAL:

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July 3rd, 2017 Street Closures and Parking Restrictions

State Street: Street closed between Governor Davis and Bailey Avenue from noon-11:00 PM for vendors and parade. Parking along this stretch closed from noon- 11: 00 pm. Parking along State Street from Main Street to Governor Davis Avenue closed from 5:00 PM- end of the parade to accommodate parade viewing.

State Street also closed from Taylor Street to Main Street, and Governor Davis Avenue before the parade passes until 11 PM.

Main Street: Street closed from roundabout to State Street from 5:30 PM until approximately 7:45 PM for the Montpelier Mile Road Race followed by the parade. Parking closed from 5pm-end of parade.

Taylor Street: After the parade until 11:00 PM, traffic will only be allowed on Taylor Street from the parking lot entrances to the bridge.

Govenor Aiken Avenue: Street closed from noon-11:00 PM. Parking closed from 10:30 AM on.

Streets in the Meadow area will be used as staging areas for the parade from 4:30 PM to 6:00 PM, with parking restrictions starting in the morning.

School Street from Main to St. Paul Street: (All three streets/areas will be closed during the parade.)

60 State Street Parking Lot: Lot will be closed from 2:00 PM to 1:00 AM for Julio's street dance (including set-up and take-down time).

National Life Drive: Street closed at 9 PM (1/2 hour before the fireworks) at the entrance from Memorial Drive and at the entrance into National Life parking lot at the top of the hill. The main parking lot will be open for viewing the fireworks.

Parade Detours

No vehicles will be allowed on the parade route (Spring Street, Main Street from Spring to State Streets, and State Street from Main Street to Bailey Avenue) during the parade, approximately from 5:45 PM – 7:15 PM.

Upper Main Street: Vehicles will be routed onto College Street from Upper Main Street. From there, vehicles can get across town by taking Sibley Ave to Barre Street.

Memorial Drive/ Lower Main Street: Vehicles turning onto Main Street from Memorial Drive will be directed onto Barre Street, up Sibley Avenue to College Street in order to cross town.

Post-Fireworks Detours

Memorial Drive: All traffic exiting from Bailey Avenue or Taylor Street onto Memorial Drive will have to turn right towards the interstate. No vehicles will be allowed to turn onto Bailey Avenue or Taylor Street from Memorial Drive.



CITY COUNCIL Agenda Item #: 17-121

Date: April 12, 2017

Consent ☐ Discussion ☒

SUBJECT: Net Zero Montpelier Competition Resolution

SUBMITTING DEPARTMENT: Anne Watson, City Councilor

RECOMMENDED ACTION: Approve the Resolution and direct City staff to take any further action.

RELATED COUNCIL GOAL/PRIOR ACTION: Maintain a Clean and Healthy Natural Environment and Create and Maintain a Healthy Environment for Housing and Economic Growth

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: The Planning Commission organizes the Master Plan, which is then approved by the Council.

BACKGROUND INFORMATION: The winning design is the result of a selection process that started in October with votes by more than 650 Montpelier residents, workers, and visitors at a pop-up Main Street gallery and online, along with a review by a technical committee to select five finalists. In January, live presentations by the five finalists were followed by a second round of voting with nearly seven hundred ballots and extended comments submitted.

SUPPORTING DOCUMENTS: Councilor Watson will electronically send links which staff will attempt to forward/download.

INTERESTED PARTIES: Council, Planning Commission, Residents, Net Zero Vermont

CITY MANAGER'S APPROVAL: 



RESOLUTION

**Recognizing
the
Net Zero Vermont Sustainable Montpelier 2030
Design Competition**

WHEREAS, the City has been the focus and beneficiary of the Net Zero Vermont Sustainable Montpelier 2030 Design Competition; and,

WHEREAS, that competition was done in coordination with the previously promulgated Net Zero Montpelier Goal; and,

WHEREAS, many hundreds of Montpelier citizens participated in the comment and voting effort of the competition collectively supporting new downtown and riverfront land use priorities and significant changes in our transportation infrastructure; and,

WHEREAS, the winning entry from Team Bridges provides a strong visual and systematic approach to broad development opportunities that need extensive support from the City; and,

WHEREAS, Net Zero Vermont has provided unique leadership in the creation and support of this initiative which is intended to provide benefit to all Montpelier.

NOW, THEREFORE, LET IT BE RESOLVED that the City Council congratulates Net Zero Vermont and Team Bridges on the competition and the final chosen design, and accepts this proposal as a gift to the City which can help guide future city policy and actions; and,

BE IT FURTHER RESOLVED that the City Council requests a public presentation of the winning proposal, in order to ensure that any further considerations from the Council or the public can be aired, and directs the City Manager to work with Net Zero Vermont and Team Bridges to integrate this proposal into the City's Master Plan and to keep the Council apprised of the progress of such integration.

Adopted and signed this 12th day of April, 2017

John Hollar, Mayor

City Council Members:

Dona Bate

Rosie Krueger

Anne Watson

Jean Olson

Justin Turcotte

Ashley Hill

CITY SEAL:

ATTEST:

John Odum, City Clerk



CITY COUNCIL Agenda Item #17-115(d)

Date: April 12, 2017

Consent ☒ Discussion ☐

SUBJECT: Street Closure Request for All Species Day Parade

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Approve a request from Janice Walrafen, on behalf of Kids' Fest, for the closure of Spring Street from the Hubbard Park Gate; Spring Street to the Roundabout; Main Street to State Street; and State Street to the State House Lawn on Sunday, May 7th, from approximately 1:30 to 1:45 P.M.

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: This request has been approved in past years. 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.

SUPPORTING DOCUMENTS: Street Closure Application Form

INTERESTED PARTIES: Residents/Businesses along Spring Street, Main Street and State Street (Main to State House); Police; Fire; and Public Works' Staff; Parade Participants

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "Walrafen".

Street Closure Permit Application

1. Event Sponsor

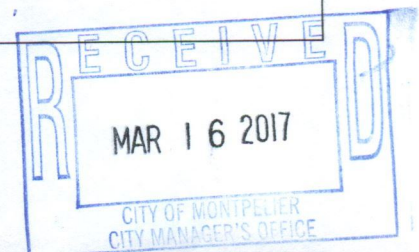
Name: Kidsfest	Email: Kidsfestvt@gmail.com
Address: 170 cherry Tree Hill Rd E. Montp. 05651	
Cell Phone: 802 595-4296	Other Phone: 802-223-1242

2. Event Details

Name of Event: All Species Day Parade	
General description of the event (1 to 3 sentences): A community parade where people of all ages & families join in celebration of the interconnectedness of life, parading in costume representing all species.	
Date of Event: Sunday May 7, 2017	Start and End Time of Event: Noon - 4:30 pm
Street(s) to be Closed - Please provide a sketch of the event layout. Parade Route is from Hubbard Park Gate - down New Way to Spring St, to Main St (stopping 10-15 min on Spring St Bridge) to State St, State House lawn	
Time Street will close (recommend up to an hour before event): No need	Time Street will reopen (recommend 30 minutes after the event ends): No need
Number of Staff/Volunteers on site for Event: 10	
Number of people expected at event: 300 - 600	Number of vendors and/or entertainers who will participate: no vendors Community performs.

3. Community Support

Is this a reoccurring event in Montpelier? yes	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)? 27 year community celebration.	



Street Closure Permit Application

4. Public Safety and Public Health

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

parade permit
statehouse lawn use permit
Hubbard park, old shelter & soccer field reservations & use

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

we will rent a port-o-let to be placed at statehouse & coordinate w/ BSM.

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?

- no vending - no food wrappers
organizers & volunteers clean up leftovers at statehouse & properly dispose of. nevermuch.

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

None

Please note any other unique aspects of this event:

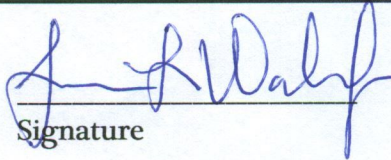
One of Montpelier's long standing annual community celebrations, by & for the community

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

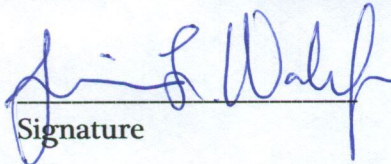
As this event will take place on public property, I, as the Event Sponsor, attest that this event and all related programming and facilities meet the Americans with Disabilities Act accessibility requirements. These requirements are available at the City's website.

Street Closure Permit Application

 Janice L. Walrafen 3/14/17
Signature Printed Name Date

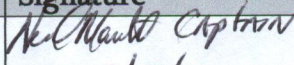
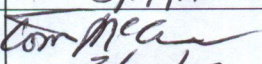
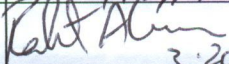
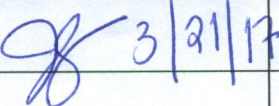
6. Signature

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.

 Janice L. Walrafen 3/14/17
Signature Printed Name Date

For Official Use Only

The following parties have reviewed and approved:

Approved	Department	Signature	Conditions/Comments
☒	Police Department	 3/17/17	Police will be required for traffic at major intersections 5-6 additional officers needed
☒	Public Works	 3/17/17	Beware construction related marked hazards - if project has begun.
☒	Fire Department	 3.20.17	
☒	Montpelier Alive	 3/21/17	
☐	Other as needed:		

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

APPROVE

DENIED

Street Closure Permit Application

Notice Documentation

Name of Event: All species Day parade's spring Pageant	
Date of Event: May 7, 2017	Start and End Time of Event: 12 - 4:30
Street(s) to be Closed: Spring st (Between elm's traffic circle-main st)	
Time Street will close (recommend up to an hour before event): 1:30	Time Street will reopen (recommend 30 minutes after the event ends): 1:45
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. Sunday Traffic is very light. we ask police to place no parking signs & cones on Spring st Bridge so we may stop for 15 minutes to dance & sing on the bridge. No open Businesses on Sunday.	

Submitted to police w/ parade permit

All Species Day Parade

Sunday May 7, 2017

1:15-2:30 pm

Parade Entries - We will have a vehicle pulling a trailer with drummers leading the parade, followed by a group of Samba dancers. Following the drummers and dancers are 300-500 hundreds of people, of all ages, dressed in costumes, carrying puppets and banners, stilt walking, roller skating, biking, pushing strollers, and walking. We don't have plans for any other vehicles.

List of Parade Marshals Duties - Janice Walrafen and Matt Nowakowski are parade marshals. We will have additional parade marshals who will keep the parade participants together and safe. The parade marshals coordinate with the police. There are parade marshals at the front of the parade keeping participants from walking too quickly and overcoming the dancers and drum wagon.. If people wish to move faster, they move to the sidewalks. We have a marshal at the end of the parade to keep the end of the parade from lagging behind. If people wish to go slowly they too are asked to walk on the sidewalk. Janice's cell is 802-595-4296. Matt Nowakowski is contact for police during the parade: 802-745-8176.

River Street Bridge - Each year as we cross the North Branch River, we stop for 10- 15 minutes on River Street Bridge to acknowledge the river with a short song and dance. This year I have submitted a Street Closure Permit application to authorize this pause in the parade.

Requests - For the Spring Street bridge we request cones and no parking signs be placed on the parking spaces Saturday evening, May 6, so we can gather on the Bridge Sunday without cars on the Bridge.

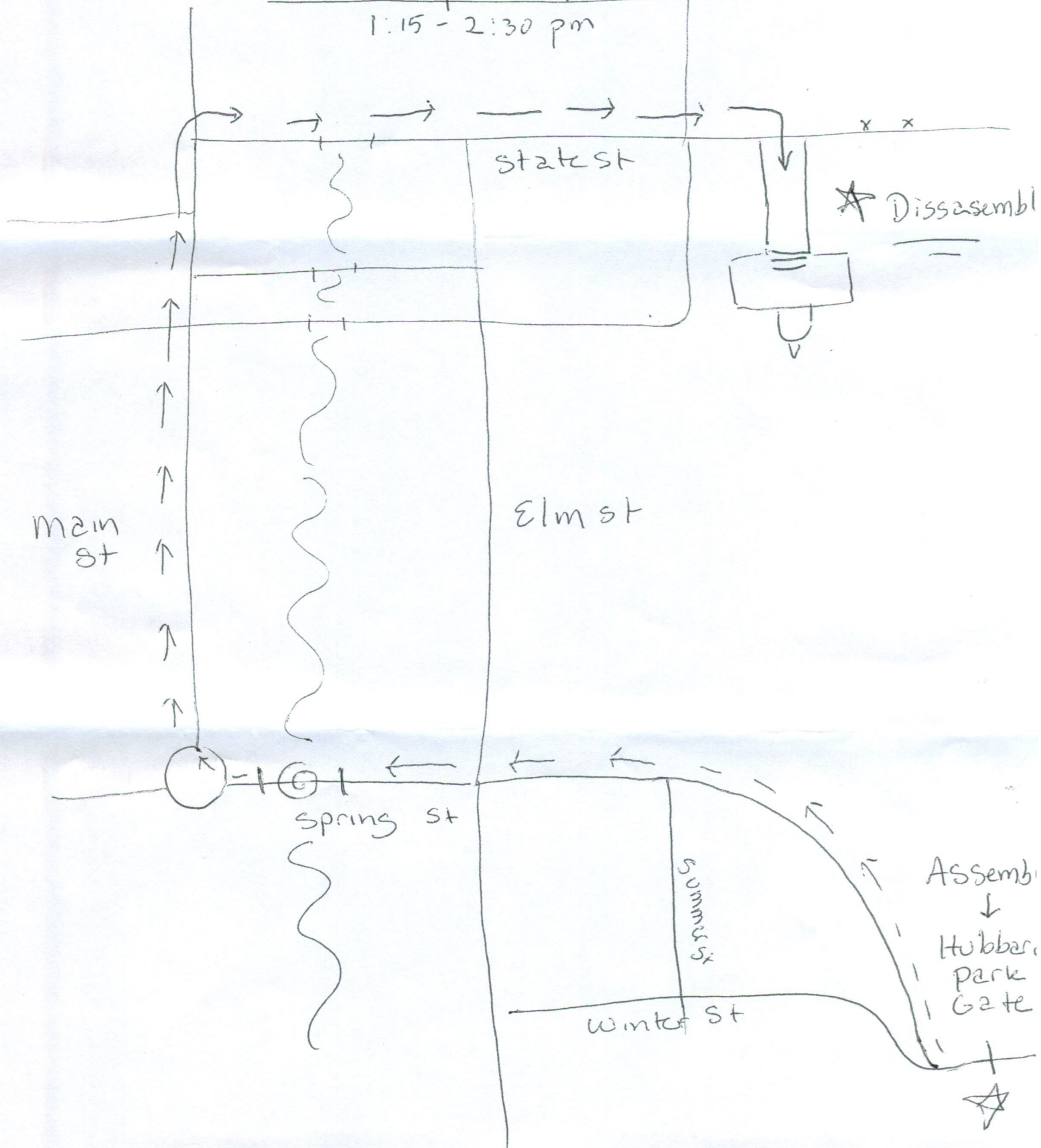
We request for the Statehouse two meters past the walkway to the Statehouse (towards Gov. Aikens Dr) be bagged no parking, to be reserved for the drum vehicle to pull up for safe disassembly.

Thank you.

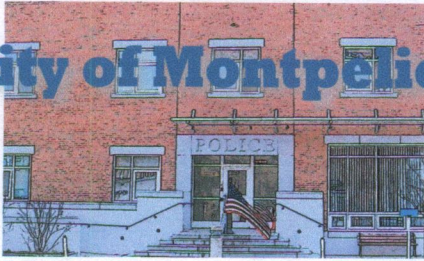
All species Day parade Route

Sunday May 7, 2017

1:15 - 2:30 pm



City of Montpelier Police Department



Anthony J. Facos
Chief of Police

PARADE PERMIT APPLICATION

Application: All Species Day Address: 170 cherry Tree Hill Rd ^{office} Tel # 223-1242
Parade Chairman: Janice Walrafen Address: East Montpelier VT ^{cell} Tel# 595-4296
Sponsoring Organization: Kids Fest 05651
Parade Theme/Title: All species Day Parade & Spring Pageant
Parade Date: May 7, 2017 Time: From: 1:15 a.m. or (p.m.) To: 2:30 a.m. or (p.m.)
Assembly Time: 1:00 a.m. or (p.m.) 12:00 pm ^{in park} Place: Hubbard park - Gate's pond
Disassembly (Completed) Time: 2:30 a.m. or (p.m.) Place: State House Lawn
4 pm at Statehouse
☒ Proposed Parade Route/Map Attached: Describe also: oneway down from park to Spring st
→ State Main st → State st.

Will the entire street be used: ☒ YES ☐ NO. If "NO", how much will be used: entire Road

Number of Parade Entries: 300-500 ☒ Parade entries list attached ☒ List of Sponsor's Parade Marshalls & their duties attached.

Does your Organization have Liability Insurance: ☐ YES ☒ NO Carrier & Tel# City of Montpelier
will sponsor by covering

Fee Paid: \$5.00 ☐ YES ☐ NO ☒ EXEMPT - city sponsored parade

I, the undersigned certify that the information provided above is valid and I will abide by any additional provisions noted by Officials or Officers of the City of Montpelier.

Signature: [Signature] Date: March 14, 2017

Approved by: _____ Date: _____

OFFICE USE ONLY

Agencies Involved: ☐ City Council ☐ Police ☐ Fire ☐ City Manager ☐ Public Works

SPECIAL PROVISIONS: _____

Parade Request Denied: Reason _____

1 Pitkin Court, Montpelier, VT 05602 ♦ 802-223-3445 ♦ FAX 802-223-9518

All Species Day Parade

Sunday May 7, 2017

1:15-2:30 pm

Parade Entries - We will have a vehicle pulling a trailer with drummers leading the parade, followed by a group of Samba dancers. Following the drummers and dancers are 300-500 hundreds of people, of all ages, dressed in costumes, carrying puppets and banners, stilt walking, roller skating, biking, pushing strollers, and walking. We don't have plans for any other vehicles.

List of Parade Marshals Duties - Janice Walrafen and Matt Nowakowski are parade marshals. We will have additional parade marshals who will keep the parade participants together and safe. The parade marshals coordinate with the police. There are parade marshals at the front of the parade keeping participants from walking too quickly and overcoming the dancers and drum wagon. If people wish to move faster, they move to the sidewalks. We have a marshal at the end of the parade to keep the end of the parade from lagging behind. If people wish to go slowly they too are asked to walk on the sidewalk. Janice's cell is 802-595-4296. Matt Nowakowski is contact for police during the parade: 802-745-8176.

River Street Bridge - Each year as we cross the North Branch River, we stop for 10- 15 minutes on River Street Bridge to acknowledge the river with a short song and dance. This year I have submitted a Street Closure Permit application to authorize this pause in the parade.

Requests - For the Spring Street bridge we request cones and no parking signs be placed on the parking spaces Saturday evening, May 6, so we can gather on the Bridge Sunday without cars on the Bridge.

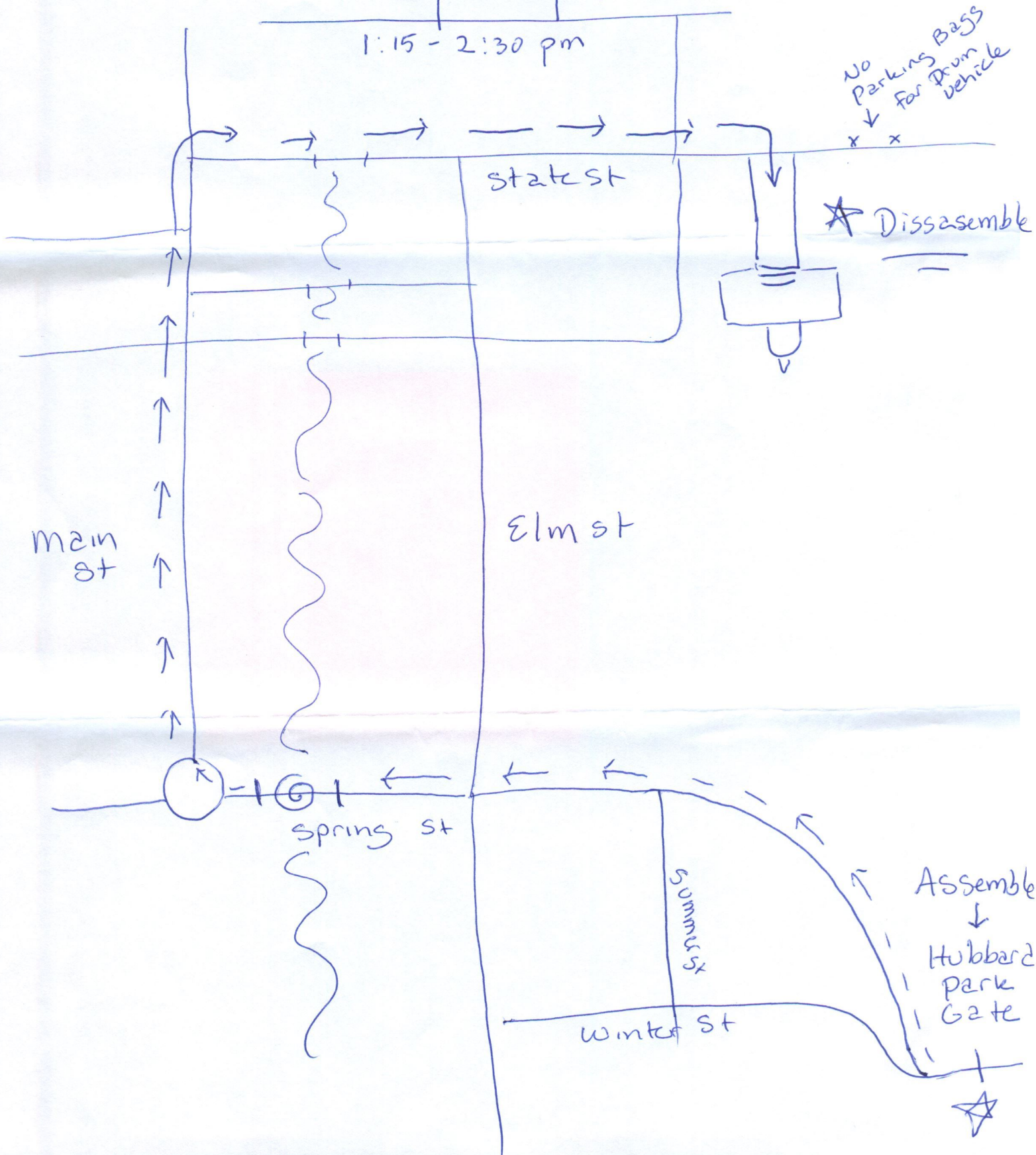
We request for the Statehouse two meters past the walkway to the Statehouse (towards Gov. Aikens Dr) be bagged no parking, to be reserved for the drum vehicle to pull up for safe disassembly.

Thank you.

All species Day parade Route

Sunday May 7, 2017

1:15 - 2:30 pm





CITY COUNCIL Agenda Item #17-115(e)

Date: April 12, 2017

Consent _x_ Discussion ___

SUBJECT: Street Closure Request for the Capital City Stampede 10K Road Race

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Approve a request from Shannon Salembier, on behalf of the Central Vermont Runners, for the closure of Langdon, Elm, Court, Baldwin, and Bailey for their race on Saturday, June 10th. The start and end time of the event, as shown on the application, is 6:00 A.M. to 11:00 A.M., but the actual race doesn't begin until 9:00 A.M. and they've asked that the streets be reopened at 11:00 A.M., approximately 30 minutes after the race finishes.

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.

SUPPORTING DOCUMENTS: Street Closure Application Form

INTERESTED PARTIES: Langdon, Elm, Court, Baldwin, and Bailey area businesses and residents; Police, Fire and Public Works; Race Coordinators

CITY MANAGER'S APPROVAL: 

Street Closure Permit Application

1. Event Sponsor

Name: Central VT Runners (Shannon Salembier)	Email: shannonsalembier@gmail.com
Address: 23 Pleasant St Montpelier	
Cell Phone: 802-238-0333	Other Phone:

2. Event Details

Name of Event: Capital City Stampede 10K Road Race	
General description of the event (1 to 3 sentences): 40th anniversary of a 10K road race through Montpelier, out on junction Rd, and back	
Date of Event: 6/10/17	Start and End Time of Event: 6 am - 11 am (Race starts at 9 am)
Street(s) to be Closed - Please provide a sketch of the event layout. See attached	
Time Street will close (recommend up to an hour before event): 7 am	Time Street will reopen (recommend 30 minutes after the event ends): 11 am
Number of Staff/Volunteers on site for Event: Approx. 20	
Number of people expected at event: Approx. 100	Number of vendors and/or entertainers who will participate: None

3. Community Support

Is this a reoccurring event in Montpelier? Yes	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)? Promotes healthy activity	

Street Closure Permit Application

4. Public Safety and Public Health

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

Shannon Salembier met w/ Tom McArdle on 12/20/16 to discuss impact of road closures on race. There will be no impact on the race.

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

CVR to provide food and water. Porta potties rented and placed behind Onion River Sports.

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?

Trash cans provided - volunteers to do sweep at end of event

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

Washington County Sheriff to help w/ traffic at intersection of State St. and Bailey.

Please note any other unique aspects of this event:

Would like MPD assistance briefly stopping traffic at beginning of race on Elm and Ct. Street

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

Shannon Salembier
Signature

Shannon Salembier
Printed Name

2/26/17
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.

Shannon Salembier
Signature

Shannon Salembier
Printed Name

2/26/17
Date

For Official Use Only

The following parties have reviewed and approved:

Approved	Department	Signature	Conditions/Comments
☒	Police Department	<u>[Signature]</u> 3/6/17	POLICE TO ASSIST AT KEY INTERSECTIONS AT RACE STREET 2/1m & Longdon & Court & E Main
☒	Public Works	<u>[Signature]</u>	Event staff @ Bailey/State Intersection - Construction Alert
☒	Fire Department	<u>[Signature]</u> 3.24.17	
☒	Montpelier Alive	<u>[Signature]</u> 3/27/17	
☐	Other as needed:		

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

APPROVE

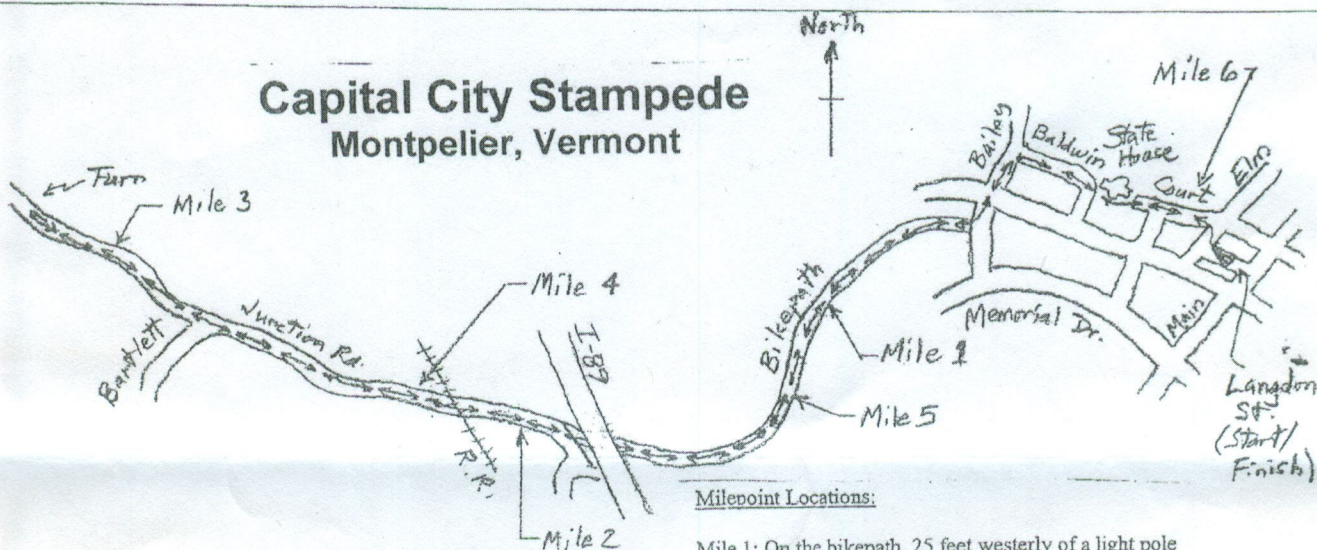
DENIED

Street Closure Permit Application

Notice Documentation

Name of Event: Capital City Stampede 10K Road Race	
Date of Event: 6/10/17	Start and End Time of Event: Race starts at 9 AM
Street(s) to be Closed: Langden St.	
Time Street will close (recommend up to an hour before event): 7 AM	Time Street will reopen (recommend 30 minutes after the event ends): 11 AM
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. Front Porch Forum	

Capital City Stampede Montpelier, Vermont



Milepoint Locations:

Mile 1: On the bikepath, 25 feet westerly of a light pole which is on the north side of the bikepath, next to the east end of a chain link fence, and northerly of the Montpelier High School track.

Mile 2: On the paved portion of Junction Road, 16 feet westerly of power pole #59647, which is on the south side of the road and easterly of the RR crossing.

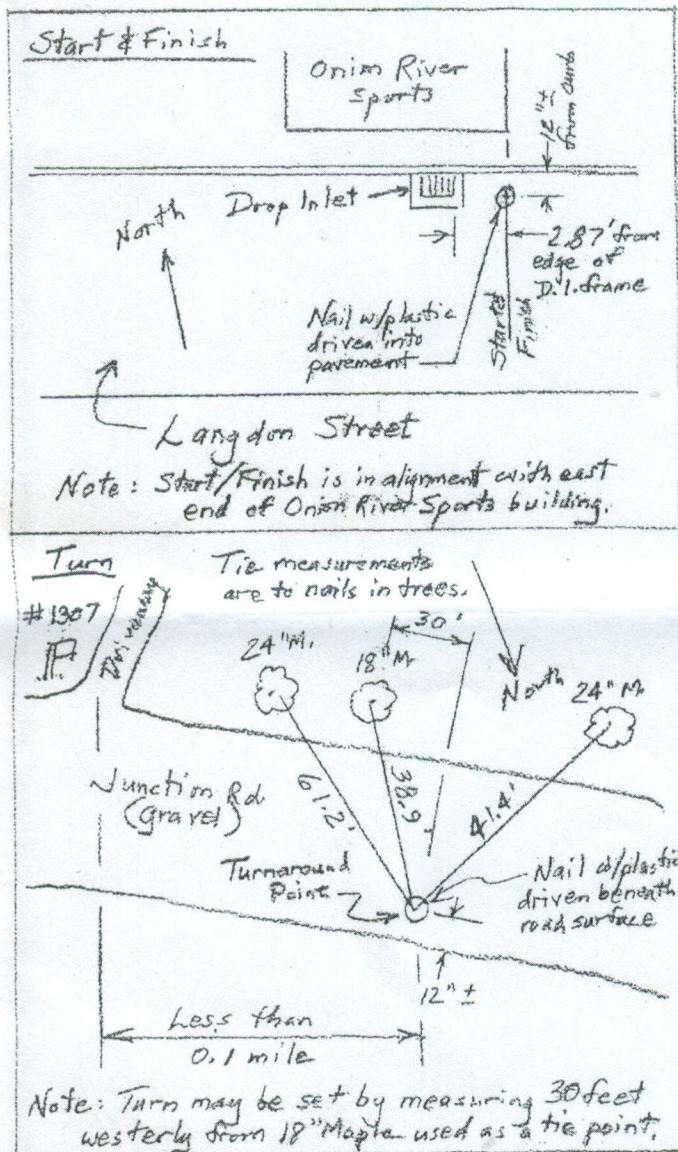
Mile 3: On the gravel portion of Junction Road, 118 feet westerly of power pole #59846, which is on the south side of the road.

Mile 4: On the paved portion of Junction Road, 62 feet westerly of power pole #59678, which is on the north side of the road and westerly of the RR crossing.

Mile 5: On the bikepath, 55 feet easterly of power pole #02295 which is on the north side of the bikepath, easterly of the Liquor Control warehouse.

Mile 6: On Court St., 32 feet easterly of power pole #17303, which is on the north side of the street at the corner of Witt Place.

Special Note for Turnaround Point: It is recommended that the turnaround be located by measuring 30 feet along Junction Road westerly from the center of the 18" maple used as a tie for that point (see turnaround diagram).



Certified Course

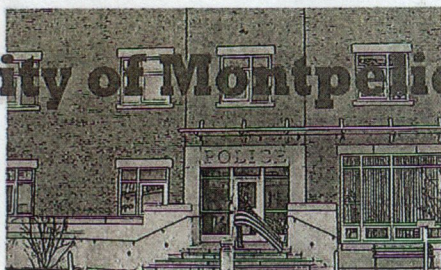


VT09011RF

Certificate Effective:
9/20/2009 - 12/31/2019

Measured: July 24, 2009
by: Bob Murphy
802.476.4328
rmm@sover.net

City of Montpelier Police Department



Anthony J. Facos
Chief of Police

PARADE PERMIT APPLICATION

Application: Shannon Salembier Address: 23 Pleasant St. Montpelier Tel # 802-238-0333

Parade Chairman: " Address: " Tel# "

Sponsoring Organization: Central Vermont Runners

Parade Theme/Title: Capital City Stampede 10K Road Race

Parade Date: 6/10/17, 20 17 Time: From: 6 (a.m.) or p.m. To: 11 (a.m.) or p.m.

Assembly Time: 9 (a.m.) or p.m. Place: Langdon Street

Disassembly (Completed) Time: 11 (a.m.) or p.m. Place: "

☒ Proposed Parade Route/Map Attached: Describe also: Langdon, Elm, Court, Baldwin, Bailey, Bikepath, Junction Road - Return

Will the entire street be used: ☐ YES ☒ NO. If "NO", how much will be used: Beginning of course briefly closed

Number of Parade Entries: N/A ☐ Parade entries list attached ☐ List of Sponsor's Parade Marshalls & their duties attached.

Does your Organization have Liability Insurance: ☒ YES ☐ NO Carrier & Tel# Star Insurance 260-467-5689

Fee Paid: \$5.00 ☐ YES ☐ NO ☐ EXEMPT

I, the undersigned certify that the information provided above is valid and I will abide by any additional provisions noted by Officials or Officers of the City of Montpelier.

Signature: Shannon Sal

Date: 2/23/17

Approved by: _____

Date: _____

OFFICE USE ONLY

Agencies Involved: ☐ City Council ☐ Police ☐ Fire ☐ City Manager ☐ Public Works

SPECIAL PROVISIONS: _____

Parade Request Denied: Reason _____

1 Pitkin Court, Montpelier, VT 05602 ♦ 802-223-3445 ♦ FAX 802-223-9518



CITY COUNCIL Agenda Item #17-115(c)

Date: April 12, 2017

Consent _x_ Discussion ___

SUBJECT: Request for the Closure of Langdon Street (MONTPELIER)

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Approve a request from Scott Kerner from Three Penny Taproom, for the closure of Langdon Street beginning at 3:00 P.M (following the Onion River Bike Swap) and ending at 9:00 P.M. on Saturday, May 6, 2017 for this event a/k/a Three Penny Taproom's Anniversary Gala.

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: This request has been approved in past years. 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.

SUPPORTING DOCUMENTS: Street Closure Application Form

INTERESTED PARTIES: Langdon Street businesses; Fire; Police and Public Works

CITY MANAGER'S APPROVAL:

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

Street Closure Permit Application

1. Event Sponsor

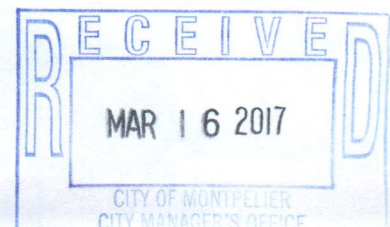
Name: THREE PENNY TAPROOM	Email: SCOTT@THREEPENNYTAPROOM.COM
Address: 108 MAIN ST.	
Cell Phone: (802) 272-8827	Other Phone: RESTAURANT (802) 223-8277

2. Event Details

Name of Event: MONTBEERLIER (THREE PENNY TAPROOM ANNIVERSARY GALA)	
General description of the event (1 to 3 sentences): OUR ANNUAL CELEBRATION TO COMMEMORATE OUR ANNIVERSARY. WE CLOSE LANGDON ST. AFTER THE ONION RIVER BIKE SWAP, AND CLOSE DOWN AT 9 PM. LIVE MUSIC & BEER GARDEN	
Date of Event: 5-6-17	Start and End Time of Event: 3 PM - 9 PM
Street(s) to be Closed - Please provide a sketch of the event layout. LANGDON ST.	
Time Street will close (recommend up to an hour before event): STREET ALREADY CLOSED FOR ORS	Time Street will reopen (recommend 30 minutes after the event ends): EVENT OVER AT 9. OPEN STREET BY 11
Number of Staff/Volunteers on site for Event: 20	
Number of people expected at event: 500	Number of vendors and/or entertainers who will participate: 2 BANDS / 1 DJ

3. Community Support

Is this a reoccurring event in Montpelier? YES	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)? IT IS A FREE OUTDOOR CONCERT FOR ADULTS.	



Street Closure Permit Application

4. Public Safety and Public Health

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

WE HAVE BEEN IN TOUCH WITH THE CITY/PUBLIC WORKS. WE ALWAYS WORK CLOSELY WITH THE POLICE/FIRE DEPTS. TO ENSURE SAFETY.

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

HANDICAP PORTA-LETS. FOOD/BEER/WATER AVAILABLE

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

WE HAVE A HOST OF VOLUNTEERS THAT HELP CLEAN UP AFTER THE EVENT ENDS.

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

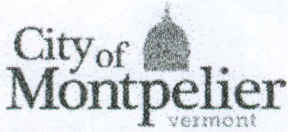
WE PROVIDE OUR OWN DLC TRAINED SECURITY STAFF.

Please note any other unique aspects of this event:

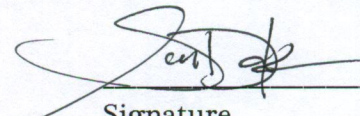
Will noise levels or hours exceed the city's noise ordinance? If so, will this event require a request for variance from the noise ordinance?

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

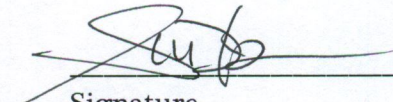

Signature

SCOTT KERNER
Printed Name

1/26/17
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.

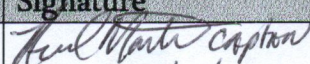
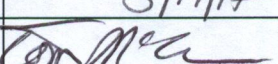
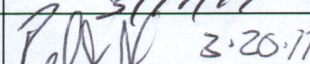
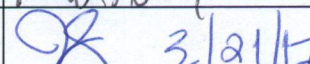

Signature

SCOTT KERNER
Printed Name

1/26/17
Date

For Official Use Only

The following parties have reviewed and approved:

Approved	Department	Signature	Conditions/Comments
☒	Police Department	 3/17/17	NONE ANTICIPATED CLOSURE Will be closed for OLS ALSO Beet Area to be Controlled & Monitored
☒	Public Works	 3/17/17	If Main St. project has begun, (7pm-7am) on street parking will not be permitted.
☒	Fire Department	 3-20-17	
☒	Montpelier Alive	 3/21/17	
☐	Other as needed:		

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

APPROVE

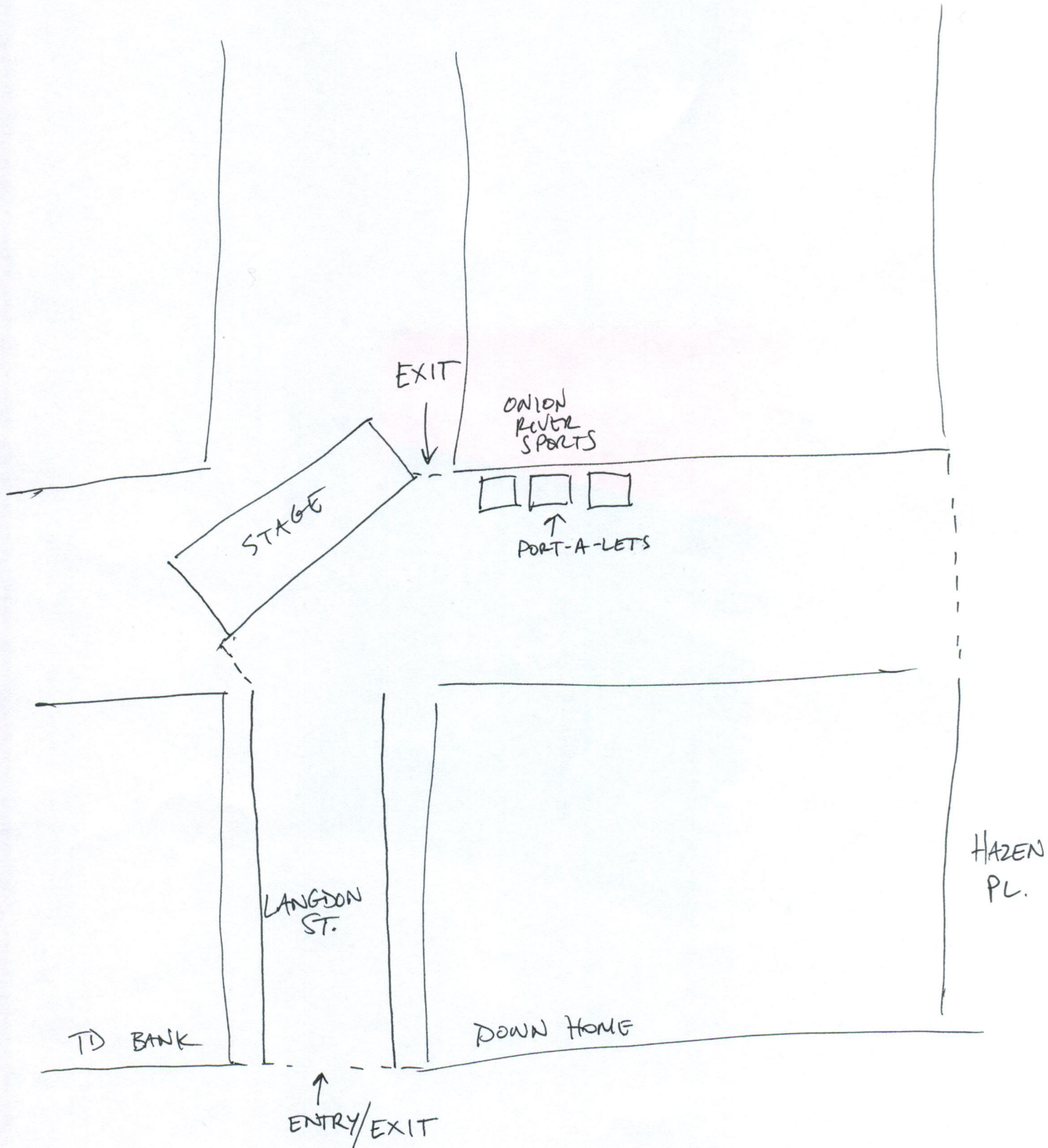
DENIED

Street Closure Permit Application

Notice Documentation

Name of Event: <u>MONTBEERLIER</u>	
Date of Event: <u>5/6/17</u>	Start and End Time of Event: <u>3 PM — 9 PM</u>
Street(s) to be Closed: <u>LANGDON</u>	
Time Street will close (recommend up to an hour before event): <u>6 AM</u>	Time Street will reopen (recommend 30 minutes after the event ends): <u>11 PM</u>
Date of City Council Meeting to consider permit request: <u>2/8/17</u>	
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. <u>WE WORK CLOSELY W/ OUR NEIGHBORS TO ENSURE WE DON'T DISTURB OTHERS FOR THE DAY.</u>	

MONTBEERLIER 5-6-17
SCOTT@THREEPENNYTAPROOM.COM
3 PM — 9 PM





CITY COUNCIL Agenda Item #17-115(b)

Date: April 12, 2017

Consent ☒ Discussion ☐

SUBJECT: Street Closure Request for Vermont People's Climate March

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Approve a request from Robb Kidd, on behalf of the Vermont People's Climate March, for the closure of State Street (from Taylor Street to Bailey Avenue) from 1:00 to 4:30 P.M. on Saturday, April 29, 2017 for this rally.

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.

SUPPORTING DOCUMENTS: Street Closure Application Form

INTERESTED PARTIES: State Street/Taylor Street/Bailey Avenue area businesses and residents; Police, Fire and Public Works; Rally Coordinators

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: Robb Kidd	Email: robb.kidd@sierraclub.org
Address: Vermont Chapter of the Sierra Club, Po Box 492, Montpelier, VT 50601	
Cell Phone: 802-505-1540	Other Phone:

2. Event Details

Name of Event: Vermont People's Climate March	
General description of the event (1 to 3 sentences): The Vermont People's Climate March will coincide with the People's Climate March in Washington, D.C. on April 29th, 2017. The first People's Climate March happened in NYC in 2014 and attracted over 400,000 people. The VT rally will begin at 1pm and , ending by 4pm.	
Date of Event: Saturday, 4/29/17	Start and End Time of Event: 1pm - 4pm
Street(s) to be Closed - Please provide a sketch of the event layout. The section of State Street from the Bailey Ave to Taylor Street.	
Time Street will close (recommend up to an hour before event): 11am	Time Street will reopen (recommend 30 minutes after the event ends): 4:30
Number of Staff/Volunteers on site for Event: 30-40	
Number of people expected at event: 1,000 - 20,000	Number of vendors and/or entertainers who will participate: No vendors selling however 20 booths of info and 10 speakers.

3. Community Support

Is this a reoccurring event in Montpelier? No.	If no, do you have experience elsewhere with such events? Please explain. Coalition partner Rights & Democracy organized the Women's March on Montpelier on 1/21/17.
How does this event benefit the public (as outlined in the Street Closure Policy)? It provides an opportunity for Vermonters to express their support for climate action	

Street Closure Permit Application

and come together in solidarity during these times of political uncertainty and environmental crisis.

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.

The event organizers have been in contact with the Montpelier Police Department, the Vermont State Police, and the City of Montpelier. We want to work and have clear communication with these entities to ensure the rally is safe and successful.

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

We will have porta-potties on site for the rally portion of the event on the Statehouse lawn.

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 trash and recycling receptacles available both at the Montpelier High School and the Statehouse lawn. We will promote a "pack it in, pack it out" policy, and have volunteers assigned to clean up any litter produced by the event.

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

We will work with all local, county and state police officials to ensure an orderly event. We will have a team dedicated for security and marshaling.

Please note any other unique aspects of this event:

This is a family-friendly, free and accessible event.

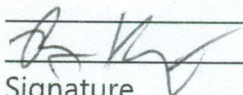
Will noise levels or hours exceed the city's noise ordinance? If so, will this event require a request for variance from the noise ordinance? No

5. Accessibility

As this event will take place on public property, I, as the Event Sponsor, attest that this event and all related programming and facilities meet the Americans with

Street Closure Permit Application

Disabilities, Act accessibility requirements. These requirements are available at the City's website.


Signature

Robb Kidd

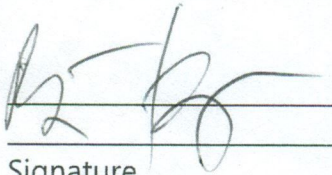
Printed Name

Date

2/27/17

6. Signature

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


Signature

Robb Kidd

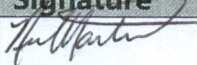
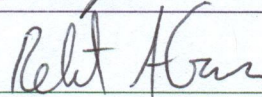
Printed Name

Date

2/27/17

For Official Use Only

The following parties have reviewed and approved:

Approved	Department	Signature	Conditions/Comments
☒	Police Department		Will Need to discuss in detail - Pedestrian, Parking & Size of event
☒	Public Works		See "MPD Prep & Planning for Large Scale Events"
☒	Fire Department		would also like to meet about this
☒	Montpelier Alive		muddy onion!
☐	Other as needed:		

Street Closure Permit Application

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

APPROVE

DENIED

Notice Documentation

Name of Event: Vermont Peoples Clinic	
Date of Event: 4/29/	Start and End Time of Event:
Street(s) to be Closed: State Street - Taylor to Bailey Ave	
Time Street will close (recommend up to an hour before event): 11 am	Time Street will reopen (recommend 30 minutes after the event ends): 4:30 pm
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. We have obtained permission from the State to hold the Rally, and will reach out to all businesses on State Street to prepare for this event.	

City of Montpelier On-Site Workshop

Public Meetings and Public Information

April 12, 2017

Sarah Jarvis, Staff Attorney

Municipal Assistance Center, VLCT



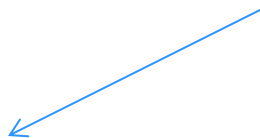
Member Municipal Governments



Board of Directors (municipal officials)



VLCT



**Risk Management
Services**



**Municipal Assistance
Center**



Advocacy



VLCT Municipal Assistance Center

- **Inquiry Service (legal assistance)**
- **Workshops and Trainings**
- **Printed resources and publications**
- **Professional and Consulting Services**
- **On-Line Resource Library**
- **Water Resources Assistance**
- **Human Resources Assistance**



Vermont's “Sunshine Laws”

- **Public Records Act**

1 V.S.A. §§ 315-320

- **Open Meeting Law**

1 V.S.A. § § 310-314

<http://legislature.vermont.gov/statutes/>



Liberal Interpretation

VT Supreme Court:

The Open Meeting Law will be liberally construed in favor of openness and accessibility to meetings for the public.

VT Legislature:

The provisions of the PRA “shall be liberally construed to implement this policy, and the burden of proof shall be on the public agency to sustain its action.”



Public Records Act (PRA)

“...certain public records shall be made available to any person as hereinafter provided...” 1 V.S.A. § 315

“Any person may inspect or copy any public record of a public agency, as follows...” 1 V.S.A. § 316

“Upon request, the custodian of a public record shall promptly produce the record for inspection...”

1 V.S.A. § 318(a)



What are “Public Records”?

“Public record” = any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business.

1 V.S.A. § 317(b)



What are “Public Records”?

The Law applies to records that already exist.

“An agency may, but is not required ... to create a public record”
1 V.S.A. § 316(i)



What are “Public Records”?

“The following public records are exempt from public inspection and copying...”

1 V.S.A. § 317(c)



Records EXEMPT from Inspection

- **Attorney-client communications.**
1 V.S.A. § 317(c)(1)
- **Tax returns and related documents.**
1 V.S.A. § 317(c)(6)
- **Certain personal information about personnel.**
1 V.S.A. § 317(c)(7)
- **Records regarding negotiation of contracts and CBAs.**
1 V.S.A. § 317(c)(15)



Records EXEMPT from Inspection

- **Interdepartmental and intradepartmental communications to the extent that they cover other than primarily factual materials and are preliminary to any determination of policy or action or precede the presentation of the budget at a public meeting.**

1 V.S.A. § 317(c)(17)





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Open Meeting Law

“All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title [on executive sessions].”

1 V.S.A. § 312(a)



What is a “Meeting”?

“Meeting” means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action.

1 V.S.A. § 310(2)



Quorum of the Council

Montpelier City Charter

§ 5-302. City Council composition and term of office

- The City Council shall consist of the Mayor and two Council members from each voting district.

§ 5-310. Council quorum

- A quorum of the City Council, consisting of a majority or four Council members, shall be necessary to conduct business



Quorum of the Council

“When joint authority is given to three or more, the concurrence of a majority of such number shall be sufficient and shall be required in its exercise.”

1 V.S.A. § 172



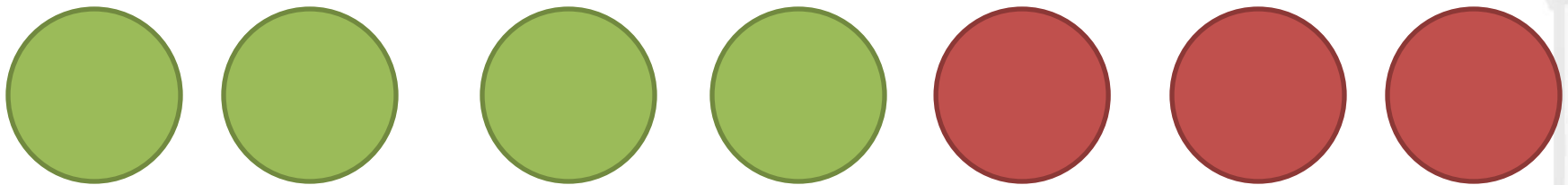
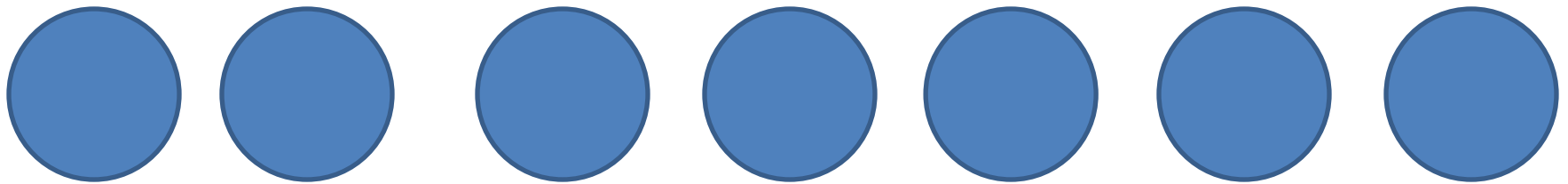
Quorum of the Council

“Quorum” is both:

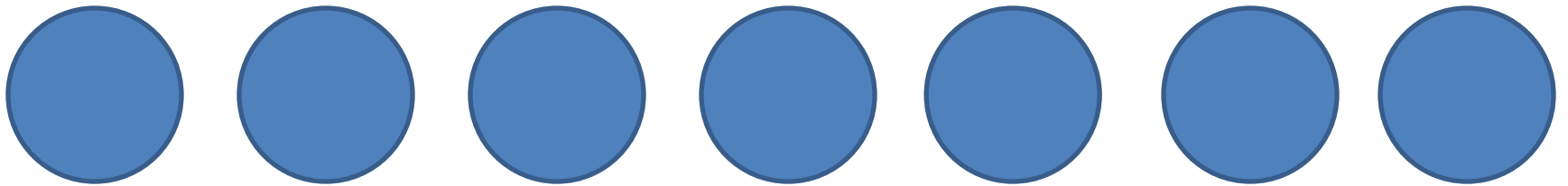
- (1) the legal minimum number of members required to take action; and
- (2) the threshold at which the Open Meeting Law applies.



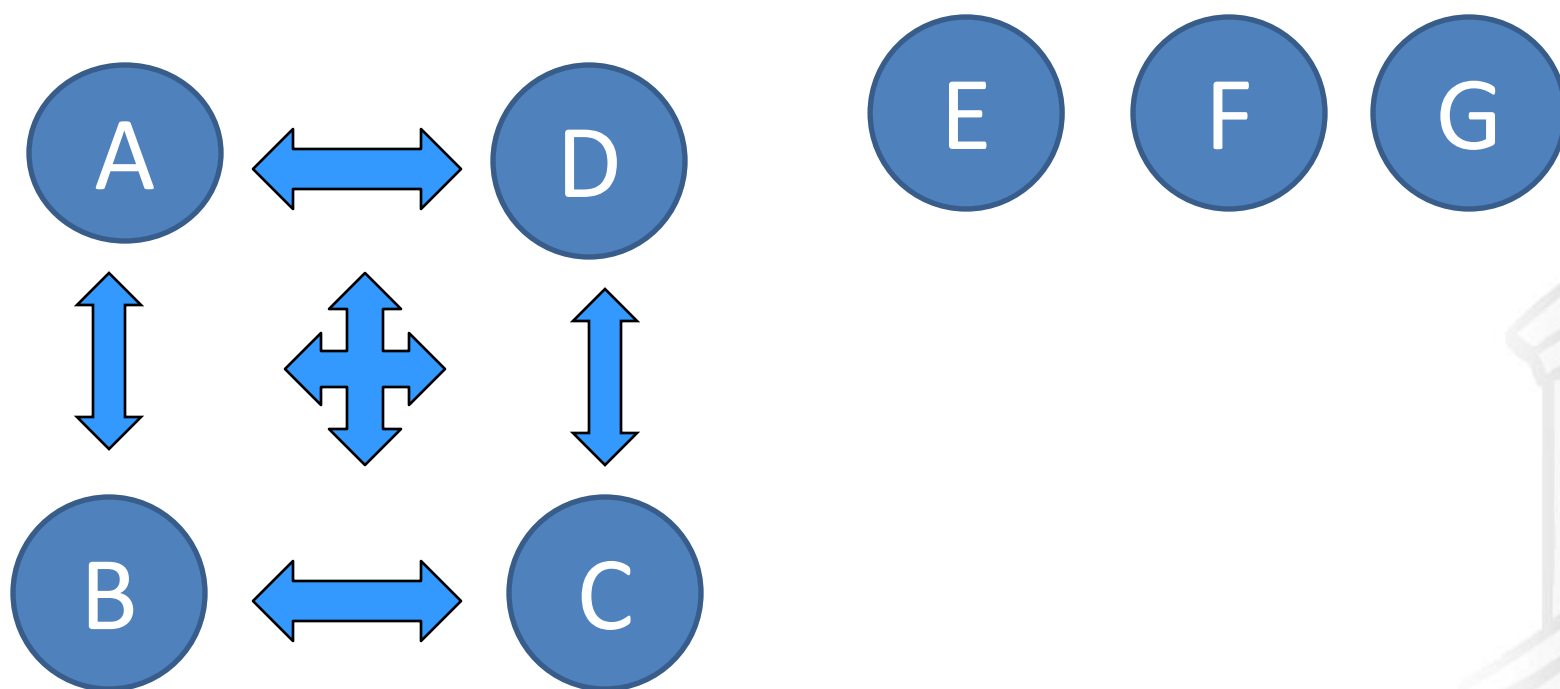
Quorum of the Council = 4



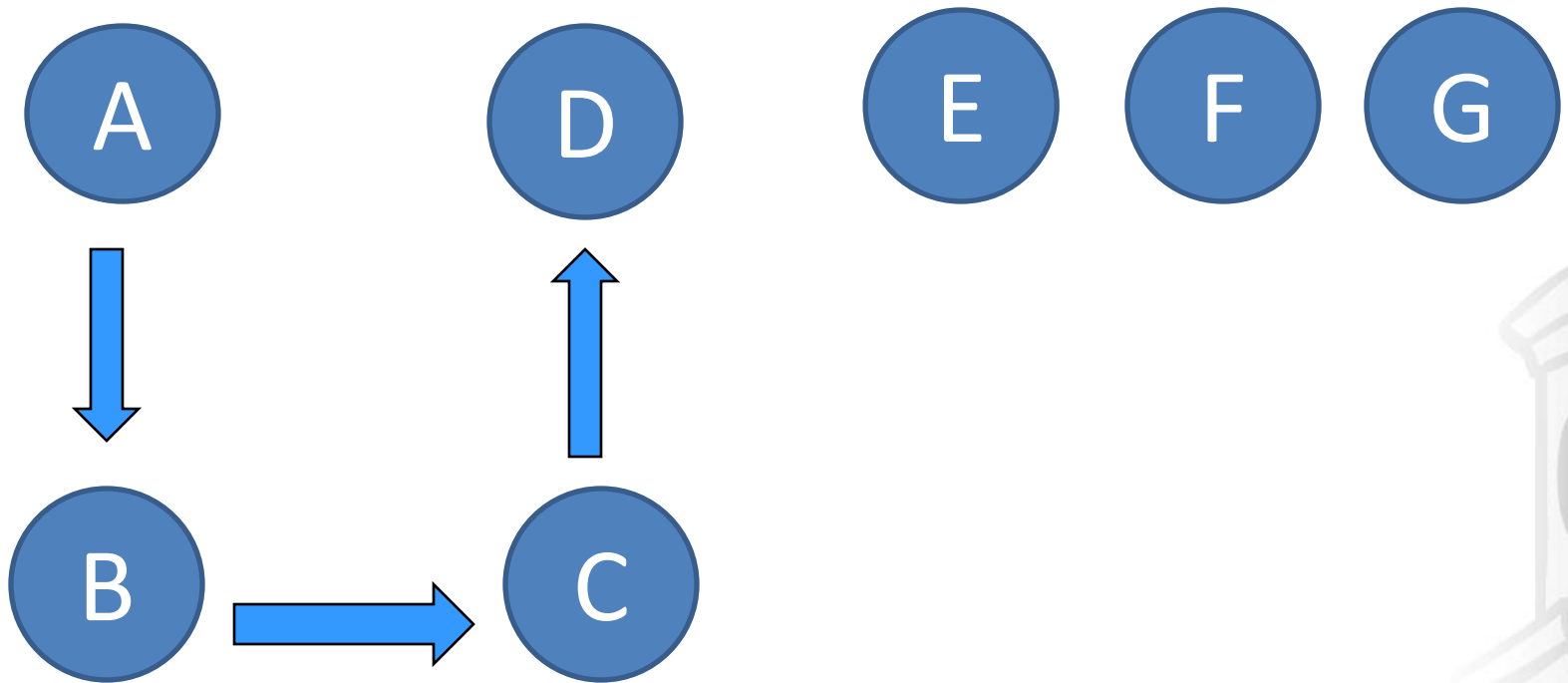
Quorum of the Council = 4



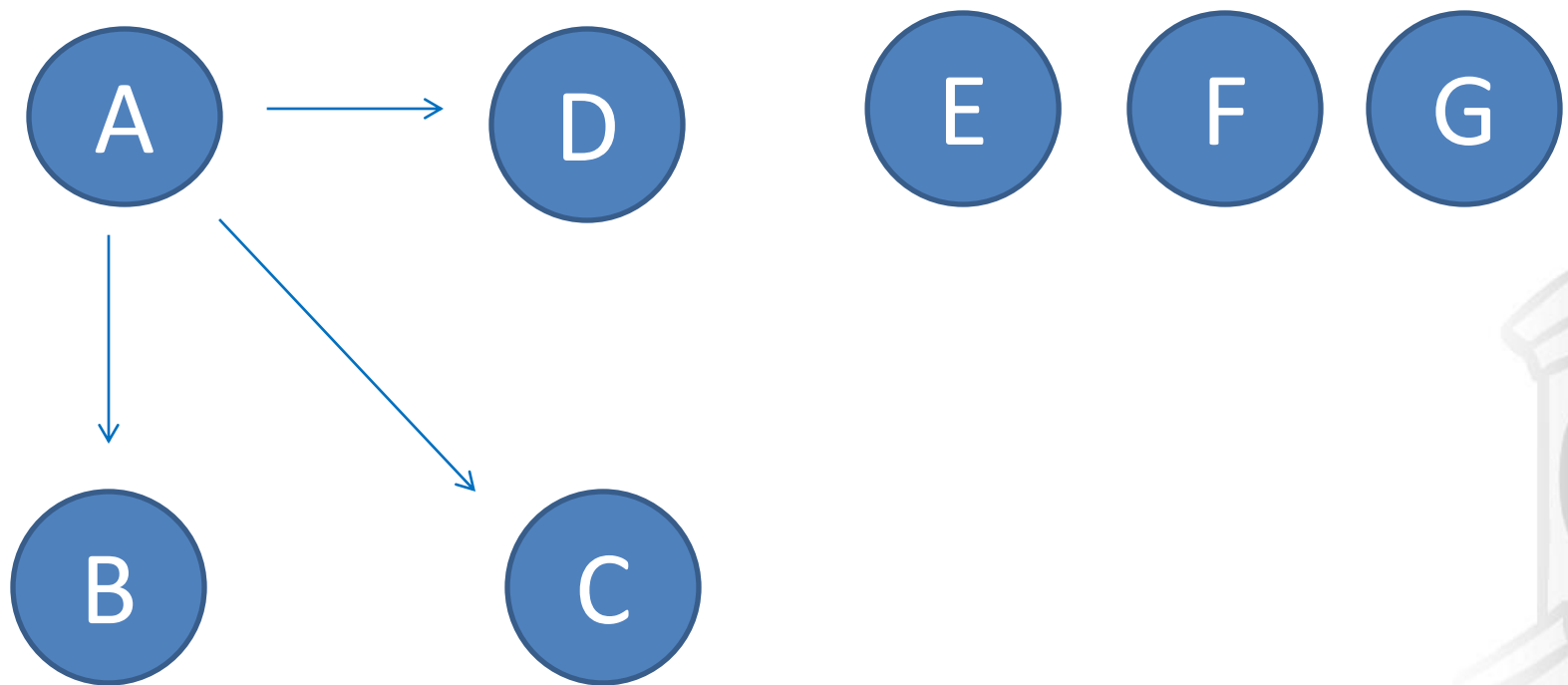
Quorum of the Council = 4



Quorum of the Council = 4



Quorum of the Council = 4



Quorum of the Council?

IT DEPENDS



Exemptions

The Open Meeting Law does not apply to:

- Site inspections for the purposes of assessing damage or making tax assessments or abatements
- Clerical work or work assignments of staff
- Routine day-to-day administrative matters that do not require action by the public body provided no money is appropriated, expended or encumbered.
- Deliberative sessions
- Executive sessions



Deliberative Session

A deliberative session occurs only in conjunction with a “quasi-judicial proceeding.” 1 V.S.A. § 321(e)



Deliberative Session

Very limited situations include:

- Land use hearings before a DRB
- Tax assessment appeal hearings before a BCA
- Tax abatement hearings before a BOA
- Vicious dog hearings before the Council
- Council hearings regarding the Laying out, Altering, Reclassifying or Discontinuing of a Public Road
- Board of Health hearings



Decisions in deliberative session

A decision may be made in deliberative session so long as the decision is issued in writing and the writing is a public record.

1 V.S.A. § 312(f)



Deliberative session

Deliberations (which may be public or private):

Do not need to be warned/noticed

Do not need an agenda

Do not have to be open to the public

Do not require the taking of minutes

Do not require votes to be publicly declared

- Minutes/written decision speaks for the public body.



Executive Session

Executive session is only permissible for discussion of one of the few subjects listed in 1 V.S.A. § 313(a).



Reasons for Executive Session

1. Negotiating or securing real estate purchase or lease options. 1 V.S.A. § 313(a)(2)
2. The appointment or employment or evaluation of a public officer or employee (but the public body must make a final decision to hire or appoint in an open meeting and it must explain the reasons for its final decision). 1 V.S.A. § 313(a)(3)
3. A disciplinary or dismissal action against a public officer or employee (but such officer or employee has the right to a public hearing if formal charges are brought). 1 V.S.A. § 313(a)(4)



Reasons for Executive Session

4. A clear and imminent peril to the public safety. 1 V.S.A. § 313(a)(5)
5. Discussion or consideration of records or documents that are exempt from the public records laws (but that does not give authority to discuss the general subject to which the document pertains). 1 V.S.A. § 313(a)(6)
6. Municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety. 1 V.S.A. § 313(a)(10)



Reasons for Executive Session

7.

- A. contracts
- B. labor relations agreements with employees
- C. arbitration or mediation
- D. grievances, other than tax grievances
- E. pending or probable civil litigation or a prosecution, to which the public body is or may be a party
- F. confidential attorney-client communications made for the purpose of providing professional legal services to the body.



Reasons for Executive Session

7. **When premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage, the public body may discuss:**
- A. contracts
 - B. labor relations agreements with employees
 - C. arbitration or mediation
 - D. grievances, other than tax grievances
 - E. pending or probable civil litigation or a prosecution, to which the public body is or may be a party
 - F. confidential attorney-client communications made for the purpose of providing professional legal services to the body.

1 V.S.A. § 313(a)(1)



Motion to Enter Executive Session

First motion: “I move that we find that premature general public knowledge of the pending contract with ABC Company will clearly place the City at a substantial disadvantage by disclosing our negotiation strategy.”

Second Motion: “I move that we enter into executive session to discuss the City’s contract with ABC Company under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes.”



Motion to Enter Executive Session

The motion to go into executive session must:

- Be made in an open meeting
- Must indicate the nature of the business to be discussed
- Sometimes requires 2 separate motions
- Must get vote of majority of members present
- Must be recorded in the minutes for the meeting



Executive Session

Attendance:

Limited to members of the Council, and, in their discretion, its staff, clerical assistants, legal counsel, and persons who are subjects of the discussion or whose information is needed

1 V.S.A. §313(b)



Decisions in executive session

ONLY allowed for actions relating to the securing of real estate options.

OTHERWISE not allowed. Discussion only.



Executive Sessions

Executive sessions (always private):

May only occur in the context of an open meeting
after a vote

Do not need to be warned/noticed separately

May be listed on an agenda

Are not open to the public

Do not require the taking of minutes

Do require a decision be made in public





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Open Meeting Law Requirements

Provide advance public notice of meetings. 1 V.S.A. §312(c)

Produce and post an agenda. 1 V.S.A. § 312(d)

Make meetings open to the public. 1 V.S.A. § 312(a)(1)

Allow for public comment at meetings. 1 V.S.A. § 312(h)

Take minutes at all meetings. 1 V.S.A. § 312(b)



“Open to the Public”

“All meetings of a public body are **declared to be open to the public at all times**, except as provided in section 313 of this title [on executive sessions].”

1 V.S.A. § 312(a)(1)



“Open to the Public”

The protections of the Open Meeting Law include not only a "**right-to-know**" about the meeting but also a "**right to be present, to be heard, and to participate.**"

~ *State v. Vt. Emergency Bd.*, 136 Vt. 506 (1978)



Public Comment

“At an open meeting the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson.”

1 V.S.A. § 312(h)



How the OML and PRA Impact the Use of Electronic Communications and Social Media



Electronic communications

**Phone, email, text, FaceTime,
Google Docs, BaseCamp, etc.**

Social Media

**Facebook, Front Porch Forum, Twitter,
YouTube, etc.**



Phone, Email, Texting Allowed

Electronic communications between a quorum of members IS specifically allowed in limited instances:

“ ‘Meeting’ shall not mean written correspondence or an electronic communication, including email, telephone, or teleconferencing ... for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting...”

1 V.S.A. § 310(2)



Phone, Email, Texting Allowed

Phone, Email, and Texting between a quorum of members IS ONLY allowed outside of a duly-warned meeting for:

1. Scheduling a meeting;
2. Organizing an agenda; or
3. Distributing materials for discussion at a meeting.



Phone, Email, Texting Allowed

BUT that correspondence / those communications are subject to the Public Records Law:

“... provided that such written correspondence or such an electronic communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act...”

1 V.S.A. § 310(2)



Phone, Email, Texting Allowed

Phone, email and texting is also allowed between a quorum of the members as part of the deliberative process in a quasi-judicial proceeding.

1 V.S.A. § § 312(e), (f)



Deliberative Session

Very limited situations include:

- Land use hearings before a DRB
- Tax assessment appeal hearings before a BCA
- Tax abatement hearings before a BOA
- Vicious dog hearings before the Council
- Council hearings regarding the Laying out, Altering, Reclassifying or Discontinuing of a Public Road
- Board of Health hearings



GoogleDocs, BaseCamp Allowed

Collective editing and organizing platforms such as GoogleDocs and BaseCamp are also allowed between a quorum of the members as part of the deliberative process in a quasi-judicial proceeding.

1 V.S.A. § § 312(e), (f)



GoogleDocs, BaseCamp **Not** Allowed

Outside of deliberative session (quasi-judicial process) collective editing and organizing platforms are not allowed.

Because:

- “meeting” = discussion and/or decision making
- advance notice of “meetings” is required
- “meetings” must be open to the public





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Electronic Participation at Meetings

A Council member may phone, FaceTime or Skype into a meeting and such member may vote.



Electronic Participation at Meetings

“As long as the requirements of this subchapter are met, one or more of the members of a public body may attend a regular, special or emergency meeting by electronic or other means without being physically present at a designated location... [and] may fully participate in discussing the business of the body and voting to take action...”

1 V.S.A. § 312(a)(2)



Electronic Participation at Meetings

A member participating electronically may fully participate and may vote so long as:

1. Absent member identifies himself or herself when the meeting is convened;
2. Absent member can hear and be heard throughout the meeting; and
3. Votes that are not unanimous are taken by roll call.

1 V.S.A. § 312(a)(2)



Electronic Participation at Meetings

If quorum or more participate electronically:

1. The agenda for that meeting must designate at least one physical location where a member of the public can attend and participate in the meeting; and
2. At least one member of the public body, or at least one staff or designee of the public body, must be physically present at each designated meeting location.

1 V.S.A. § 312(a)(2)(D)



Electronic Participation at Meetings

Scenario 1:

Council members A, B, and C are physically present in the meeting room and member D phones in to the meeting, but does not contribute to the discussion and recuses herself from the voting.

Can the Council have a meeting?

Can they take a vote or make a decision?



Electronic Participation at Meetings

A member participating electronically may fully participate and may vote so long as:

1. Absent member identifies himself or herself when the meeting is convened;
2. Absent member can hear and be heard throughout the meeting; and
3. Votes that are not unanimous are taken by roll call.

1 V.S.A. § 312(a)(2)



But Remember...

“Quorum” is both:

- (1) the legal minimum number of members required to take action; and
- (2) the threshold at which the Open Meeting Law applies.



Electronic Participation at Meetings

A member with an electronic presence during a discussion will likely also be counted toward the quorum (the threshold at which the Open Meeting Law applies) EVEN IF he or she does not speak or otherwise actively participate.



Text and Email

Scenario 2:

Members A, B, and C are physically present in the meeting room.

Member D sends an email or a text to member A expressing his position about the issue on the meeting agenda.

Is that “electronic participation”?



Text and Email

Scenario 3:

Members A, B, C, and D are physically present in the meeting room

Member E sends an email or a text to member A expressing his position about the issue on the meeting agenda.

Does the text/email violate the OML?

Should member A's participation be allowed?

Can he cast a vote?



Phone, Skype, Face Time

Scenario 4:

Members A, B, and C having a discussion in Capitol Grounds about the condition of the sidewalks when one of them calls a member D to fill him in on the discussion. Member D merely listens.

OML violation?





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Social Media Platforms

Facebook and Front Porch Forum:

- MAY be used to provide notice of meetings, hearings, and as a general means of communication about municipal subjects.

HOWEVER:

- Notice via these platforms DOES NOT take the place of notice that is required by the Open Meeting Law



Social Media Platforms

Facebook and Front Porch Forum:

- The OML does not impact the use of social media by an individual member of a public body, even when posting or commenting about City business.

BUT...



Social Media Platforms

Think before you post!

- You have been elected to represent your City and to put your public duty ahead of your personal views and interests
- Even on your “personal” FB page, you will be seen as a representative of your City





Jim Kenyon: Come and Listen to a Story 'Bout a Misdirected Email

Sunday, January 22, 2017

HARTFORD VT JIM KENYON HARTFORD SELECTBOARD OBAMA MIKE MORRIS

2 Print

When I was a kid, The Beverly Hillbillies was a popular TV sitcom that got laughs by portraying uneducated people living in a place they didn't belong. But it's hard to find anything funny about an email I received Friday that used a doctored image from the show to take a not-so-subtle racist swipe at President Obama on his way out of the White House.

A photo titled 'Movin' Day' showed a rusted-out truck loaded down with bedding, a wash basin and other belongings. A wooden barrel was strapped to the front bumper.

Four people are pictured in the jalopy, though, in fact, only three of them actually moved out of the White House on Friday — Barack and Michelle Obama, and Marian Robinson, Michelle Obama's mother. The fourth occupant, former U.S. Attorney General Eric Holder, never lived in the White House and left the administration in 2015. The one thing the four people have in common is that they're all black, and they all look ridiculous. Also in the car is the Obamas' dog, who also happens to be black.

Social Media Platforms

Scenario 5:

Member A posts a comment on FPF about the condition of the City's sidewalks.

In the next edition of FPF, member B chimes in to say that he advocates for spending more money on those sidewalks.

In a subsequent edition of FPF, members C and D disagree.

Is there a problem here?



Social Media Platforms

Front Porch Forum, Facebook, etc.:

- True “public” access and participation (as envisioned by the Legislature) is not possible.
 - some of these are closed groups (e.g. FPF which is open only to residents of Montpelier who sign up); and
 - not ALL members of the public participate in social media



Social Media Platforms

Scenario 6:

A, B, C, and D are “friends” on FB

A posts a picture on FB of a sidewalk in town with the heading “This is embarrassing!”

B posts the comment “IKR?!”

C and D merely read A’s post and B’s comment.

Is there a problem here?



Social Media Platforms

Facebook and Front Porch Forum:

Unknown. So be careful!

The participation of a quorum of members on a social media site MAY constitute a “meeting” under the OML, even if some of those members are passive participants.



Questions

?

**Contact VLCT's
Municipal Assistance Center:
(800) 649-7915
info@vlct.org**





CITY COUNCIL Agenda Item #17-115(g)

Date: April 12, 2017

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

SUBJECT: VTrans Annual Financial Report & Certification of Compliance

SUBMITTING DEPARTMENT: DPW & Finance

RECOMMENDED ACTION: Consideration by the City Council to approve and sign the Annual Financial Plan for Town Highways and a Certificate of Compliance for Town Road & Bridge Standards. These documents are requested by the VT Agency of Transportation District 6 Operations Division, and are necessary in order for the City to receive State Aid. A majority of the City Council must sign the TA-60 document and Certificate of Compliance to signify approval of the Plan and compliance with required minimum (Due Date: April 14, 2017).

RELATED COUNCIL GOAL/PRIOR ACTION: G – Steady state for infrastructure and maintenance

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: 19 V.S.A §306(j)

BACKGROUND INFORMATION: Required reporting information for state aid to municipalities including prerequisite for town highway and other grants

SUPPORTING DOCUMENTS:

- TA-60: Annual Financial Plan – Town Highways (FY18)
- Spreadsheet for Figuring Annual Financial Plan
- Certificate of Compliance (Codes & Standards)

INTERESTED PARTIES: Montpelier Tax Payers and Stakeholders

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a white rectangular background.

ANNUAL FINANCIAL PLAN - TOWN HIGHWAYS
19 V.S.A. § 306(j)

TA-60

City of Montpelier Fiscal Year 2018 Begin 7/1/2017 End 6/30/18

INCOME

DESCRIPTION	ESTIMATED
State Funds - 19 V.S.A. Section 306(a):	
Class 1 10.531	\$ 118,046.00
Class 2 8.311	\$ 34,117.00
Class 3 32.87	\$ 50,009.00
Town Tax Funds – 19 V.S.A. Section 307	\$
Special Funds (e.g., bonds or earmarks):	
a.	\$
b.	\$
c.	\$
TOTAL	\$202,172.00

EXPENSES

DESCRIPTION	ESTIMATED
Winter Maintenance	\$ 948,289.00
Non-Winter Maintenance	\$ 689,547.00
Major Construction Projects	
a. Street Rehab & Paving	\$560,894.00
b. Sidewalks	\$ 120,000.00
c. Bridges	\$ 73,000.00
TOTAL	\$2,391,730.00

Comments:

This form shall be signed by the appropriate town officials and forwarded to the District Transportation Administrator.

TA-60 Rev 09-13

ANNUAL FINANCIAL PLAN - TOWN HIGHWAYS

TA-60

19 V.S.A. § 306(j)

(page 2)

We, the Legislative Body of the Municipality of **Montpelier** _____ certify
that funds raised by municipal taxes are equivalent to or greater than a sum of at least **\$300.00**
per mile for each mile of Class 1, 2, and 3 Town Highway in the municipality. (19 V.S.A. 307)

_____ Date: _____

(Duly Authorized Representatives)

The submitted Town Plan meets the requirements of Title 19, Section 306(j).

_____ Date: _____

District Transportation Administrator

**Certification of Compliance
for
Town Road and Bridge Standards
and
Network Inventory**

We, the Legislative Body of the Municipality of Montpelier certify that we have reviewed, understand and comply with the Town Road and Bridge Standards / Public Works Specifications and Standards passed and adopted by the Selectboard / City Council / Village Board of Trustees on 7/1/2017, 2014.

We further certify that our adopted standards ☒do ☐do not meet or exceed the minimum requirements included in the January 23, 2013 VTrans template.

We further certify that we ☒do ☐do not have an up-to-date highway network inventory which identifies location, size, deficiencies/condition of roads, bridges, causeways, culverts and highway-related retaining walls on class 1, 2, and 3 town highways, and estimated cost of repair.

(culverts note: update to be completed in 2017)

(Duly Authorized Administrator)

Date: _____

For a summary of your community's road and bridge information please visit: tinyurl.com/rdsinfo

Annual Financial Plan for Town Highways Calculation Sheet

SNOW REMOVAL SUPPLIES & EQUIPMENT			
Expenses	City Line Item Budget #		Comments
Snow Removal Equipment		\$ 101,000.00	1/3 cost of dump trucks (2) & loader purchases .
Salt	10.5100.21.01.5	\$ 155,000.00	
Sand	10.5100.21.02.5	\$ 4,800.00	
Winter weather info		\$ 900.00	Subscription service. Is bundled into a larger line item. Ask Ginny for annual cost or use information that informed line item totals in developing the annual budget.
Bit. Concrete. Winter	10.5100.21.04.5	\$ 5,000.00	
Other/Misc. Items			Additional items may occur each year. Add them in this section.
CaCl			
	1. SUB-TOTAL	\$ 266,700.00	
LABOR			
Street	10.5100.10.00.5	\$ 539,863.00	
Street OT	10.5100.11.00.5	\$ 60,254.00	
Fleet	10.5300.10.00.5	\$ 150,699.00	
F leet OT	10.5300.11.00.5	\$ 9,211.00	
	TOTAL	\$ 760,027.00	
Winter Labor = 60% of Labor Total	2. X 60%	\$ 456,016.20	
EQUIPMENT			
Total Fleet Ops	10.5300	\$ 536,213.00	
DPW Fleet Ops Salary & Wages	10.5300.10.00.5	\$ 150,699.00	
DPW Fleet Ops OT	10.5300.11.00.5	\$ 9,211.00	
	SUB-TOTAL	\$ 376,303.00	Sub-total formula =Total Fleet Ops less -S&W -Ops OT
New Equipment		\$ 101,000.00	
DPW Bldg. Ops.	10.5310	\$ 59,774.00	
	EQUIPMENT TOTAL	\$ 537,077.00	adds equipment subtotal + new equipment + Bldg. Ops
streets portion = 70% of total	X 70%	\$ 375,953.90	
Winter Operations - streets	3. streets portion X60%	\$ 225,572.34	
Non-winter Operations - streets	streets portion X40%	\$ 150,381.56	
TOTAL WINTER MAINTENANCE	1. + 2. + 3. =	\$ 948,288.54	Insert this total in the Annual Financial Plan - Town Highways EXPENSES form, line item "Winter Maintenance"
TOTAL NON-WINTER MAINTENANCE			
Street Budget	10.5100	\$ 1,427,134.00	
(-) Total Winter Maintenance		\$ 948,288.54	
Non-Winter Operations Equipment cost		\$ 478,845.46	
crackseal	10.5100.56.02.5	\$ -	
summer paving (not incl CIP)	10.5100.21.03.5 + 10.5100.56.05.5	\$ 55,320.00	
concrete	10.5100.21.05.5	\$ 5,000.00	
		\$ 689,547.02	

4/7/2017

A summary of Part 1 and 2

Montpelier Unified Development Regulations

Tonight's agenda

- Where we are in the schedule
- Summary of part 1
 - Questions and comments from Council
- Summary of part 2
 - Questions and comments from Council
- Open floor to questions and comments

Schedule

- ~~✓ Kickoff meeting (completed)~~
 - ✓ Introduction to Parts 1 and 2 (tonight)
 - ☐ Continuation of Parts 1 and 2 (April 26)
 - ☐ Introduction to Part 3 (May 10 tentative)
 - ☐ Continuation of Part 3 (May 24 tentative)
 - ☐ Parts 4 and 5 (June 14 tentative)
 - ☐ Public hearings (2 minimum) and adoption
- Subject to change by City Council

Part 1

- General provisions
- Lays out foundation and legal basis
- Lesson #1
 - In any regulation “applicability” is key. That term refers to what action needs to get a permit or meet a requirement.
 - Two ways to do this –
 - cast a broad net and provide exemptions (everything needs a permit but not this or that which are exempt); or
 - Carefully list what applies and risk missing something
 - Our zoning (like all in Vermont) uses the former.

Chapter 100

- Contains legal requirements:
 - Authority
 - Purpose
 - Applicability ←←←
 - Conflict with other bylaws
 - How to amend rules
- Section 1004 ... all land development requires a zoning permit...
- Definition of land development provided in “I”

Chapter 110

- So in Chapter 100 we cast a broad net – everything needs permits
 - Bird houses, tag sales, swing sets, gardens
- Chapter 110 now says what activities are exempt from that.
- Divided into 2 sections
 - 1101.A discusses 10 exemptions for development everywhere in the city
 - 1101.B discusses 8 exemptions for development everywhere except design review district
- Policy and common sense (de minimis development)
- State law protections (#7 hunting and fishing)

Examples

- 1101.A (apply everywhere including design review)
 - (2) interior renovations including finishing unfinished space provided no change of use.
 - (6) garage sales
 - (9) construction within the public road right of way
 - (10) outdoor lighting and landscaping on single family homes
- 1101.B (exemptions that do NOT apply in design review)
 - (2) Accessory structures to a residential use provided it is less than 100 square feet and 10 feet in height (12 foot if pitched).
 - (3) solar energy device installed on a roof
 - (5) patio, terrace, or deck for a residential use not more than 300 sq ft.

Chapter 110 continued

- Also includes 1102
 - protections for agriculture and forestry
- ... and 1103
 - Utilities, energy and telecommunications
- All protected by state and sometimes Federal laws.

Chapter 120

- Vested rights ... also known as
 - grandfathered structures/uses/lots
 - non-conforming structures/uses/lots
- Chapter looks at what special rights they have and what happens in certain situations
 - What if my grandfathered building burns down?
 - What happens if I stop a non-conforming use for a year? Can I restart the use again?
 - I want to make an addition to my non-conforming structure but the addition will be conforming? Is that OK?

Chapter 130

- Some odd Miscellaneous provisions.

Questions?

Part 2

- Zoning Map
- Zoning Districts including
 - Uses
 - Setbacks
 - Lot sizes, frontage, coverage
 - Densities of development
 - Building requirements like minimum stories and max height
- Design Review Overlay

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)
- Under current zoning figures convert to 1 unit per acre; 4 per acre; and 29 per acre
- Under new draft- 1 unit per two acres; 2.5 units per acre; 5 per acre; 7 per acre; 14.5 per acre; and 29 per acre

Zoning Map

- Non-residential districts
- Industrial, General Business, and Office Park are now Eastern and Western Gateway.
- Central Business 1 and 2 and civic are now Urban Center 1 and 2.
- Expands Riverfront and adds new Mixed Use Residential in areas like East State Street, Elm Street, Northfield Street
- Neighborhood added to all areas to better define character of the area.

Densities (“90% conformance rule”)

- See neighborhood tables.
- If we love our neighborhoods why would we prohibit them from being built?
- 1/3 (33%) of all existing parcels today would never have been allowed to be created.
- Others have conforming lots but have non-conforming densities and uses
- Still others may not meet zoning for setbacks or other requirements

Densities continued

- After public reaction to 2015 proposal...
- ...Planning Commission decided to match densities to what is on ground.
- This will allow some infill that would not be inconsistent with character of neighborhood.
- In some cases densities “increased” in neighborhoods but only because the zoning was so inconsistent with what is on ground.
- In a number of places densities were decreased because densities were unusually high.

Chapter 200

- Legal establishment of zoning districts
- How to interpret zoning district boundary lines

Chapter 210

- Descriptions of each district including requirements
- Each includes:
 - Purpose
 - Neighborhood character
 - Use standards (on table 2-14)
 - Dimensional requirements
- Some districts also include:
 - Architectural requirements (only applies to major site plans)
 - Riverfront standards (in district exempt from riparian requirements)

Chapter 220

- Design Control District (Historic Design Review)
- Keeps same rules as current zoning
- Keeps same boundary as current zoning (except for Cliff Street)
- Will be studied this summer by Historic Preservation Commission with a recommendation this fall
- Expecting this to be more a conversation for April 26th if needed

Questions

- Are zoning boundaries OK? (Are similar properties grouped together?)
- Are neighborhood boundaries ok?
- Are neighborhoods in the right zoning district?
- Should a new district be created (residential 12,000?)?
- Change names of neighborhoods?
- Split neighborhoods and make them their own zoning district?
- Any questions on neighborhood tables or excel tables?



CITY COUNCIL Agenda Item #: 17-119

Date: April 12, 2017

Consent ☐ Discussion ☒

SUBJECT: Discussion of Part 1 and begin Part 2 of the Unified Development Regulations (also known as the Zoning Bylaws). These parts include the introduction (Part 1) and Zoning Districts and Map (Part 2). The purpose of this meeting is to educate the public and Council on the first two sections of the Zoning and to take questions and comments.

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

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

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

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

BACKGROUND INFORMATION: This will be the first of 5 scheduled meetings to discuss zoning by the Council and for them to take public comments.

SUPPORTING DOCUMENTS: Neighborhood Lot Size and Density Changes Tables; Neighborhood Summary Document; and Parts 1 and 2 Memos

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

CITY MANAGER'S APPROVAL:

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

MEMORANDUM

To: City Council

From: Mike Miller, Director of Planning & Community Development

Re: Zoning – Part 1

Date: April 4, 2017

The planning commission and staff are excited to be moving the draft Unified Development Regulations (i.e. the zoning bylaws) forward to the City Council for consideration. Five years of starts and restarts, a great amount of public input and comment, and much compromise has resulted in a document that is a great improvement over our current zoning bylaws and better addresses the implementation of our current City Master Plan.

Because we clearly could not do a line by line review of the draft Zoning Regulations, I will outline each **Part, Chapter** and, where appropriate, **Section** and try to highlight places of interest from a policy perspective that you may want to look further at. Where applicable I will note major changes over the current zoning bylaws.

PART 1.

The regulations are divided into 5 “Parts” including General, Zoning Districts, Development Standards, Administrative Procedures, and Definitions. Part 1 is short and lays out the foundation for the regulations. It answers questions like- under what authority is the City adopting these regulations; what types of activities will be regulated; what types of activities are exempt; and what about development that are already here.

Chapter 100. Chapter 100 are the legal requirements for adopting zoning. These are standard provisions like authority, purpose, applicability (what needs a zoning permit), conflict with other bylaws, and amendments. I would point you to the “i” under section 1004 as this definition is the foundation of the zoning regulations. All “land development” needs a permit and this is the definition of land development.

Chapter 110. Chapter 110 discusses the exemptions to zoning. “Land development” is a very broad term as defined in Chapter 100. The exemptions starts to back out some smaller development projects as exempt and discusses some protections provided by state and federal law. For example, would a garage sale need a zoning permit? Under

1101.A(7) we see that garage sales are exempt provided the use is not more than 3 consecutive days and not for more than 12 days in a year. There are a number of these exemptions and they are generally very similar to the exemptions we have today in our current zoning.

The exemptions are split between those in .A that are exempt everywhere in the City and those in .B which are exempt everywhere except in the design control district. So in .B(4) a deck less than 300 square feet that is proposed outside the design control district does not need a permit provided it meets setbacks and lot coverage. If you are in the design control district you still need to get a permit for the project.

1101.A and 1101.B are good places to review for policy implications. Are we being too generous with our exemptions? Are we exempting activities that you think should need a permit? Or are we over regulating and more projects should be exempt.

1102 and 1103 are uses that have protections under state law. Cities and towns are limited in their ability to regulate farms, forestry, telecommunication towers, and most electricity generation facilities.

Chapter 120. This chapter discusses “vested rights” which most people refer to as grandfathered buildings and uses or non-conformities. This section answers the questions of what happens to uses and structures that pre-date these regulations and how they will be regulated going forward. The last section describes what rights someone has if their non-conforming building is destroyed or damaged. These are fairly standard provisions but can be changed if the City wants to regulate them differently.

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

Chapter 130. These miscellaneous provisions were added to provide clarity in the event that information point or illustrations are inconsistent with the text in the bylaws. This provides the needed clarity that the text will always rule where a conflict arises.

Thank you.

MM

[illegible]

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
53	6-4 Northfield Street North	14	CB-2	10,000	1,500	14	2	14%	0	0%	8,276	3,920		8276	3,920	Mixed Use Residential	3,000	1,500
54																		
55	6-5 Redstone	37	CB-2	10,000	1,500	9	0	0%	2	22%	16,117	1307		5227	2614	Mixed Use Residential	3,000	1,500
56			HDR	8,700	1,500	10	2	20%	0	0%	5227	5227						
57			MDR	10,000	8,000	5	0	0%	1	20%	23,087	11,761						
58			Civic	8700	NA	11	6	55%	na	na	2614	na						
59																		
60	6-6 School Street	14	CB-2	10,000	1,500	9	3	33%	0	0%	9583	1742		9148	1568	Mixed Use Residential	3,000	1,500
61			HDR	8,700	1,500	5	1	20%	0	0%	9148	2439						
62																		
63	6-7 The Meadow - Elm Street	54	CB-2	10,000	1,500	6	3	50%	0	0%	5227	4385		3485	1742	Mixed Use Residential	3,000	1,500
64			HDR	8,700	1,500	39	9	23%	3	8%	6970	1481						
65			MDR	10,000	8,000	9	7	78%	6	67%	2178	2178						
66																		
67	7-1 College Hill Southwest	26	CB-2	10,000	1,500	25	21	84%	4	16%	2613	1089		2613	1089	Residential 1500	3,000	1,500
68			HDR	8,700	1,500	1	1	100%	0	0%	na	na						
69																		
70	7-2 Franklin Street South West	44	HDR	8,700	1,500	44	20	45%	3	7%	4356	1874		4356	1874	Residential 1500	3,000	1,500
71																		
72	7-3 Liberty Street West	61	HDR	8,700	1,500	61	41	67%	6	10%	3049	1437		3049	1437	Residential 1500	3,000	1,500
73																		
74	8-1 College Hill - South	126	HDR	8,700	1,500	121	78	64%	1	1%	3485	3049		3485	3049	Residential 3000	3,000	3,000
75			MDR	10,000	8,000	5	2	40%	0	0%	9148	9148						
76																		
77	8-2 Franklin Street Northeast	50	HDR	8,700	1,500	14	2	14%	0	0%	8712	8712		6534	6098	Residential 3000	3,000	3,000
78			MDR	10,000	8,000	36	7	19%	5	14%	6098	4356						
79																		
80	8-3 Liberty Street East	31	HDR	8,700	1,500	31	7	23%	0	0%	5227	3485		5227	3485	Residential 3000	3,000	3,000
81																		
82	8-4 Main Street East	32	HDR	8,700	1,500	15	8	53%	1	7%	5227	2178		4356	2178	Residential 3000	3,000	3,000
83			MDR	10,000	8,000	17	6	35%	5	29%	6970	3485						
84																		
85	8-5 River Street	31	GB	15,000 C / 10,000 R	3,000	4	0	0%	0	0%	19,166	19,166		5227	4792	Residential 3000	3,000	3,000
86			MDR	10,000	8,000	27	16	59%	16	59%	5227	4792						
87																		
88	8-6 Route 2 - Prospect Streets	71	MDR	10,000	8,000	71	37	52%	30	42%	3485	3485		3485	3485	Residential 3000	3,000	3,000
89																		
90	8-7 The Meadow West	108	HDR	8,700	1,500	36	22	61%	1	3%	3049	1960		3920	2614	Residential 3000	3,000	3,000
91			MDR	10,000	8,000	71	37	52%	19	27%	4792	4356						
92			LDR	43,560	43,560	1	1	100%	1	100%	na	na						
93																		
94	9-1 Berlin Street	201	GB	15,000 C / 10,000 R	3,000	20	9	45%	0	0%	5227	5227		7841	7405	Residential 6000	6000	6000
95			MDR	10,000	8,000	181	62	34%	18	10%	8276	8276						
96																		
97	9-2 College Hill - North	177	HDR	8,700	1,500	6	0	0%	0	0%	16,117	12,197		6,534	6,098	Residential 6000	6000	6000
98			MDR	10,000	8,000	171	57	33%	34	20%	6,534	6,098						
99																		
100	9-3 College Hill Southwest	34	HDR	8,700	1,500	1	0	0%	0	0%	na	na		6,480	4,356	Residential 6000	6000	6000
101			MDR	10,000	8,000	33	18	55%	8	24%	6,480	4,356						
102			LDR*															
103																		
104	9-4 Redstone North	31	MDR	10,000	8,000	30	2	7%	3	10%	10,018	7,405		10,018	7,405	Residential 6000	6000	6000
105			LDR	43,560	43,560	1	0	0%	0	0%	na	na						
106																		

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
107	9-5 Sabins Pasture	1	HDR*								na	na		na	na	Residential 6000	6000	6000
108			MDR*								na	na						
109			LDR*								na	na						
110																		
111	10-1 Cliffside	34	CB-2	10,000	1,500	3	3	100%	0	0%	5663	5663		5227	3485	Residential 9,000	9000	9000
112			HDR	8,700	1,500	15	10	67%	0	0%	3920	3485						
113			LDR	43,560	43,560	16	12	75%	12	75%	10,018	10,018						
114																		
115	10-2 Crestview	1	MDR*								na	na		na	na	Residential 9,000	9000	9000
116			LDR*								na	na						
117																		
118	10-3 Elm Street	83	MDR	10,000	8,000	82	11	13%	7	9%	8276	7405		8276	7405	Residential 9,000	9000	9000
119			LDR	43,560	43,560	1	0	0%	0	0%	na	na						
120																		
121	10-4 Gallison Hill	25	MDR	10,000	8,000	25	0	0%	0	0%	18,295	18,295		18,295	18,295	Residential 9,000	9000	9000
122			IND*															
123																		
124	10-5 Murray Hill	33	MDR	10,000	8,000	1	0	0%	0	0%	na	na		19,166	19,166	Residential 9,000	9000	9000
125			LDR	43,560	43,560	32	13	41%	13	41%	19,166	19,166						
126																		
127	10-6 North Street	15	MDR	10,000	8,000	15	2	13%	0	0%	10,019	10,019		10,019	10,019	Residential 9,000	9000	9000
128																		
129	10-7 Northfield Street	121	MDR	10,000	8,000	121	15	12%	1	1%	9583	9583		9583	9583	Residential 9,000	9000	9000
130																		
131	10-8 Park West	262	MDR	10,000	8,000	233	9	4%	5	2%	11,326	11,326		11,761	11,761	Residential 9,000	9000	9000
132			LDR	43,560	43,560	29	10	34%	10	34%	20,474	20,474						
133																		
134	10-9 Stonewall Meadows	144	MDR	10,000	8,000	144	1	1%	0	0%	14,810	14,810		14,810	14,810	Residential 9,000	9000	9000
135																		
136	10-10 Towne Street	32	MDR	10,000	8,000	30	2	7%	0	0%	12,197	12,197		12,197	12,197	Residential 9,000	9000	9000
137																		
138	10-11 Toy Town	32	MDR	10,000	8,000	32	13	41%	2	6%	8276	8276		8276	8276	Residential 9,000	9000	9000
139																		
140	11-1 Towne Hill	157	MDR	10,000	8,000	15	0	0%	0	0%	17,424	17,424		15,250	15,250	Residential 17,000	17,000	17,000
141			LDR	43,560	43,560	142	91	64%	91	64%	15,250	15,250						
142																		
143	12-1 Eastern Rural	39	MDR	43,560	43,560	11	2	18%	1	9%	45,302	45,302		21,344	21,344	Rural	87,120	87,120
144			LDR	87,120	87,120	28	11	39%	11	39%	20,908	20,908						
145																		
146	12-2 Highland	13	MDR	43,560	43,560	5	0	0%	0	0%	426,888	426,888		239,580	239,580	Rural	87,120	87,120
147			LDR	87,120	87,120	8	0	0%	0	0%	239,580	239,580						
148																		
149	12-3 Hill Street	15	MDR	43,560	43,560	9	2	22%	2	22%	25,265	25,265		25,265	25,265	Rural	87,120	87,120
150			LDR	87,120	87,120	6	0	0%	0	0%	na	na						
151																		
152	12-4 Pembroke Heights	7	LDR	87,120	87,120	7	0	0%	0	0%	1,226,214	na		1,226,214	na	Rural	87,120	87,120
153																		
154	12-5 Southwestern Rural	1	MDR	43,560	43,560	1	0	0%	0	0%	na	na		na	na	Rural	87,120	87,120
155																		
156	12-6 Western Rural	1	LDR	87,120	87,120	1	0	0%	0	0%	na	na		na	na	Rural	87,120	87,120
157																		
158	12-7 Wrightsville	59	LDR	87,120	87,120	59	24	41%	24	41%	24,829	24,829		24,829	24,829	Rural	87,120	87,120
159																		

Why Change the Zoning Regulations?

Neighborhood Protection: These Regulations **specifically protect** neighborhoods by insuring that any new development is consistent with the existing fabric of each neighborhood.

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** to match what exists in the real world, making **90% of the lots compliant with neighbors**.

Neighborhood charts below identify

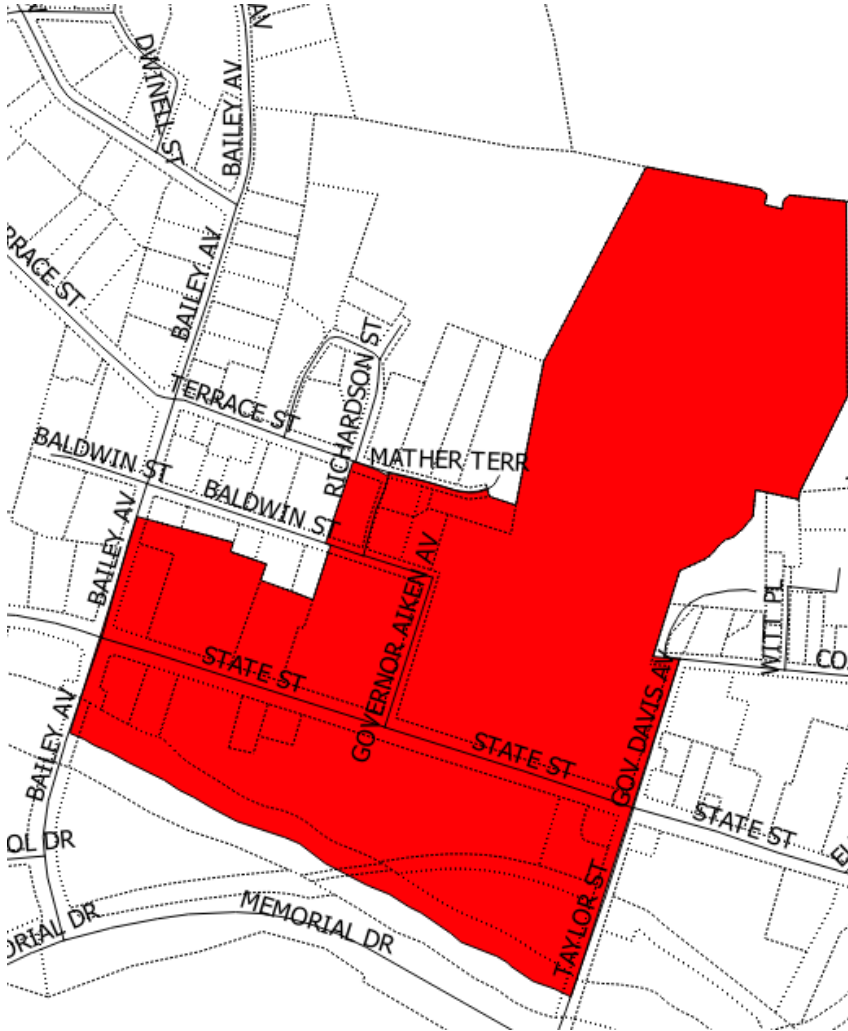
1. The number of lots in each district that are currently non-conforming under existing zoning regulations due to their size or density.
- 2 The percentage of lots that are non-conforming due to their lot size or density.
3. The lot size and density that would be required for 90% of lots to be compliant. These are defined under the terms **90% lot size conformance** and **90% density conformance** respectively.

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.

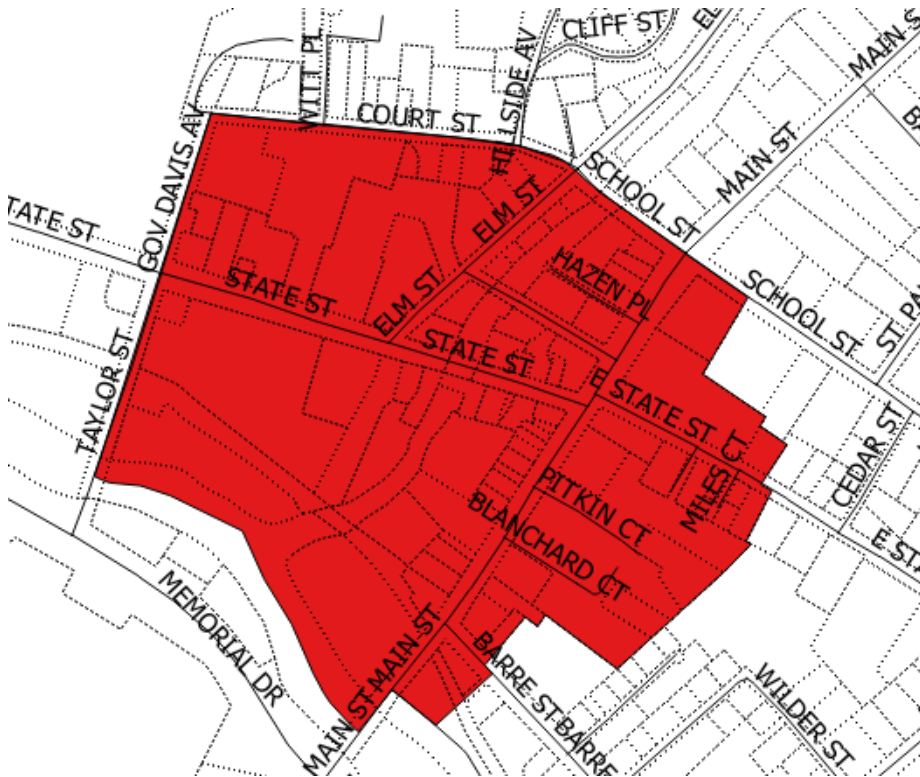


1-1 Capitol Complex



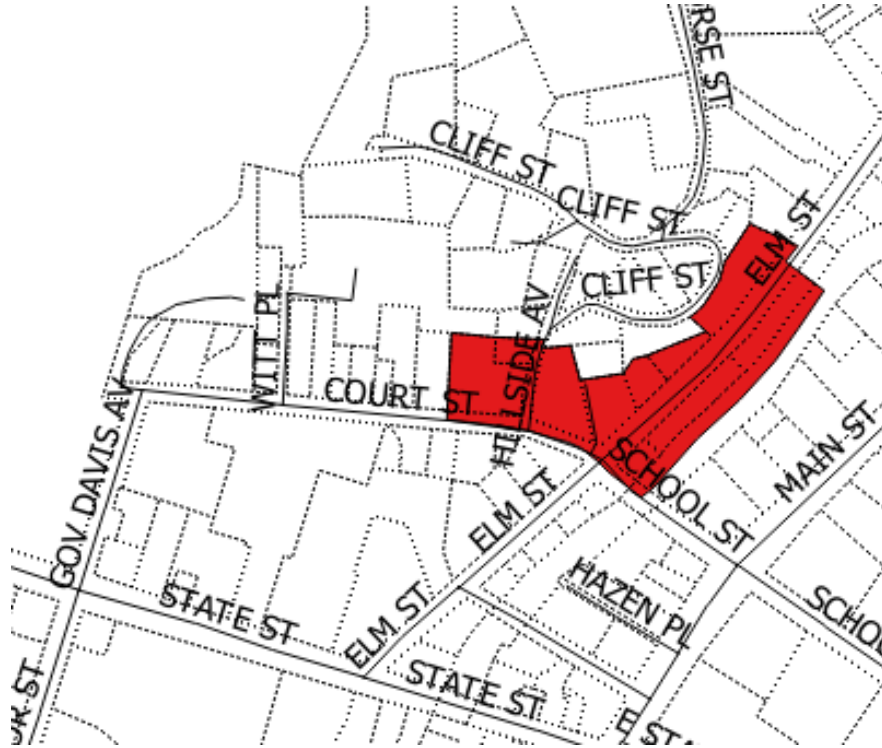
Current		Proposed
Civic	Zoning District	Urban Center 1 (UC-1)
18	Total Parcels	18
8,700	Lot Size (sq. feet)	3,000
N/A	Density	
2	# of Non-Conforming (NC) Lots	
11%	% NC Lots	
N/A	# NC Density	
N/A	% NC Density	
8,700	90% Lot Size Conformance (sq. feet)	8,700
N/A	90% Density Conformance (1 unit/ sq. footage)	N/A

1-2 Downtown Business



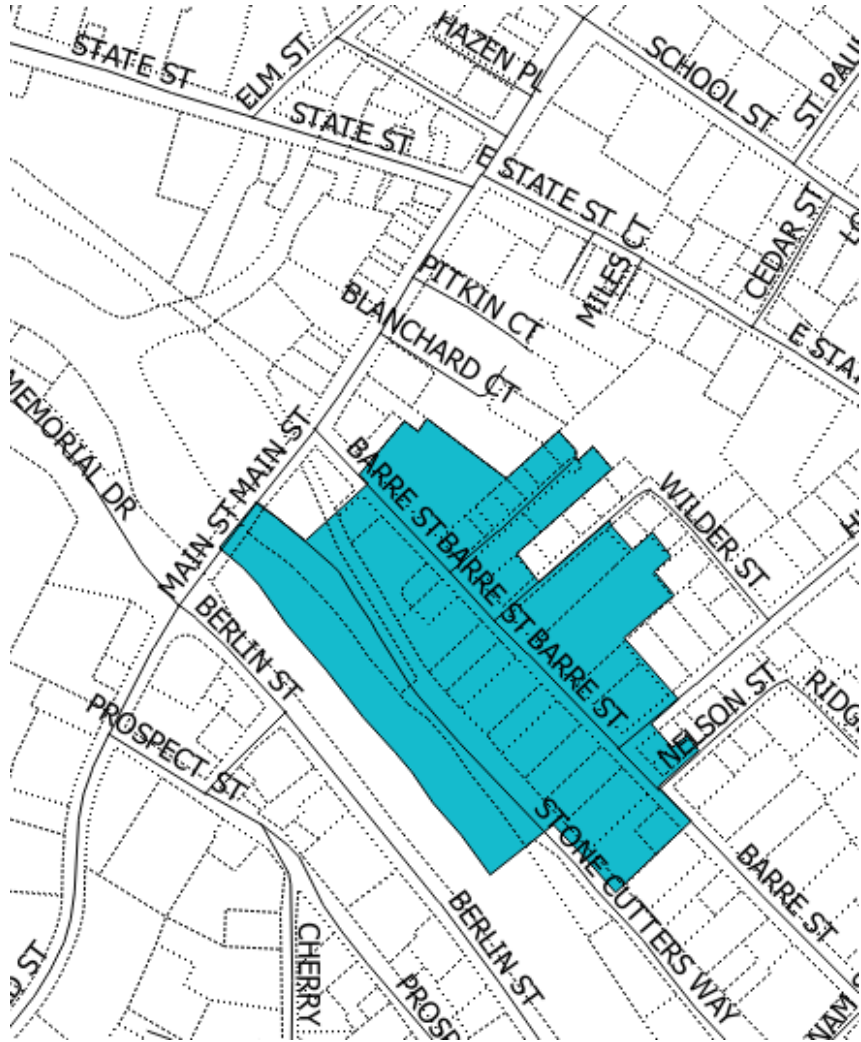
Current		Proposed	
Central Business-1 (CB-1)	Central Business-2 (CB-2)	Zoning District	Urban Center 1 (UC -1)
5,000 Commercial (C) / 10,000 Residential (R)	10,000	Lot Size (sq. feet)	3,000
0	1,500	Density	
79	7	Total Parcels	
28	7	# of Non-Conforming (NC) Lots	
35%	100%	% NC Lots	
N/A	7	# NC Density	
N/A	100%	% NC Density	
2,178	1,742	90% Lot Size Conformance (sq. feet)	2,614
N/A	N/A	90% Density Conformance (1 unit/ sq. footage)	N/A

1-3 Elm Street Urban



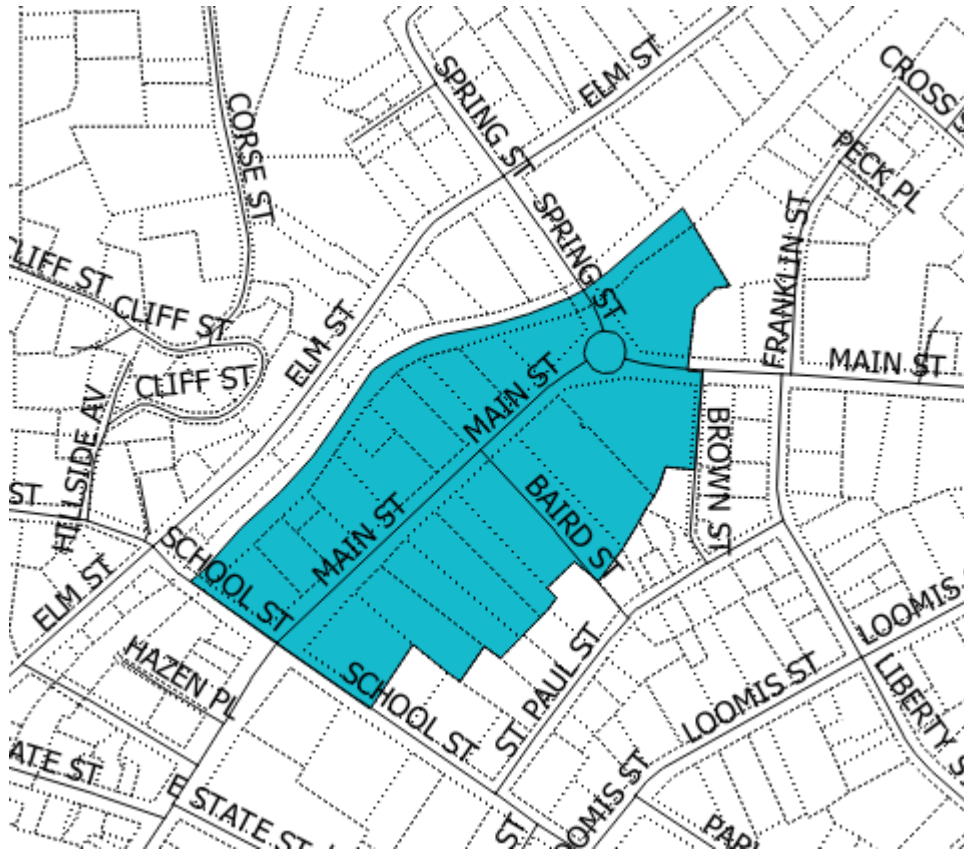
Current		Proposed
Central Business 2 (CB-2)	Zoning District	Urban Center 1 (UC-1)
10,000	Lot Size (sq. feet)	3,000
N/A	Density	N/A
9	Total Parcels	9
7	# of Non-Conforming (NC) Lots	
78%	% NC Lots	
2	# NC Density	
22%	% NC Density	
3,049	90% Lot Size Conformance (sq. Feet)	3,049
570	90% Density Conformance (1 unit/ sq. footage)	570

2-1 Barre Street West



Current				Proposed	
CB-1	CB-2	Riverfront	High Density Residential (HDR)	Zoning District	Urban Center 2 (UC-2)
5,000 C / 10,000 R	10,000	5,000	8,700	Lot Size (sq. feet)	3,000
0	1,500	0	1,500	Density	N/A
8	17	1	7	Total Parcels	33
2	8	0	6	# of Non-Conforming Lots	
25%	47%	0%	86%	% NC Lots	
N/A	3	N/A	4	# NC Density	
N/A	18%	N/A	57%	% NC Density	
4,356	4,356		2,178	90% Lot Size Conformance (sq. feet)	2,614
N/A	1,089		726	90% Density Conformance (1 unit/ sq. footage)	1,089

2-2 Main Street



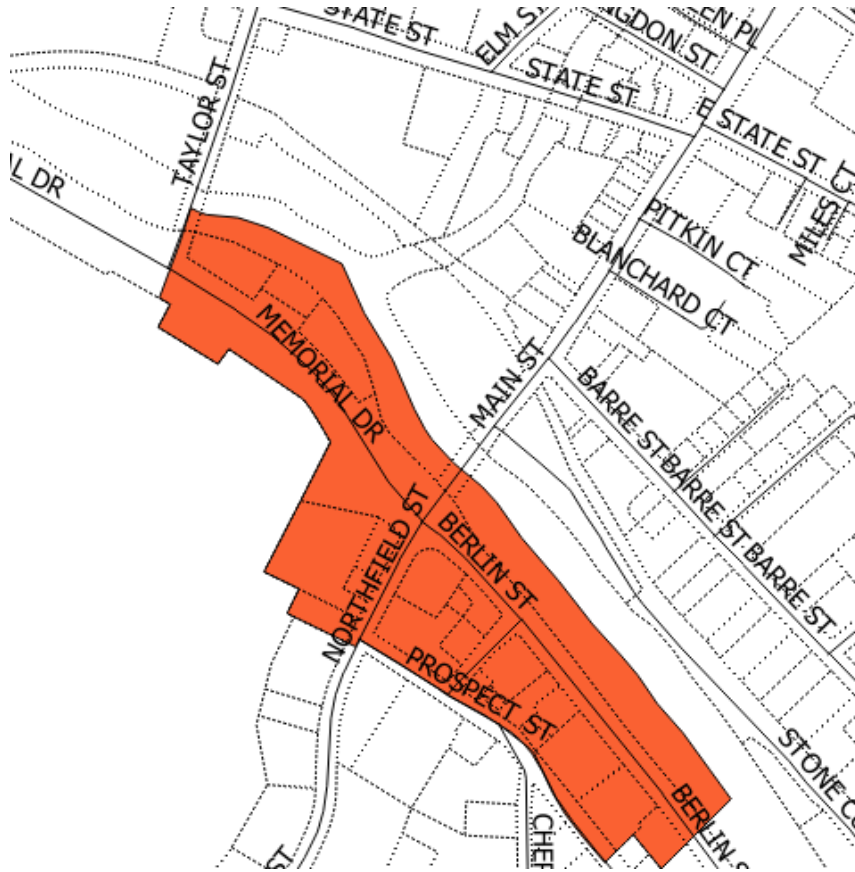
Current		Proposed	
Central Business 2 (CB-2)	High Density Residential (HDR)	Zoning District	Urban Center 2 (UC-2)
10,000	8,700	Lot Size (sq. feet)	3,000
1,500	1,500	Density	
20	2	Total Parcels	22
3	0	# of Non-Conforming (NC) Lots	
15%	0%	% NC Lots	
1	0	# NC Density	
5%	0%	% NC Density	
8,712	N/A	90% Lot Size Conformance (sq. feet)	8,712
3,267	N/A	90% Density Conformance (1 unit/sq. footage)	3,267

3-1 Barre Street East



Current		Proposed	
CB-2	High Density Residential (HDR)	Zoning District	Riverfront
10,000	8,700	Lot Size (sq. feet)	3,000
1,500	1,500	Density	1,500
26	23	Total Parcels	49
16	13	# of Non-Conforming (NC) Lots	
62%	57%	% NC Lots	
6	1	# NC Density	
23%	4%	% NC Density	
3,920	5,227	90% Lot Size Conformance (sq. feet)	3,920
1,198	1,742	90% Density Conformance (1 unit per sq. footage)	1,234

3-2 Cross Roads



Current			Proposed	
Central Business 2 (CB-2)	General Business (GB)	Office Park (OP)	Zoning District	Riverfront
10,000	15,000 C/ 10,000 R	8,700	Lot Size (sq. feet)	3,000
1,500	3,000	1,500	Density	1,500
6	13		Total Parcels	19
4	8		# of Non-Conforming Lots	
67%	62%		% NC lots	
0	4		# NC Density	
0%	31%		% NC Density	
6,534	4,256		190% Lot Size Conformance (sq. feet)	4,356
8,276	1,437		90% Density Conformance (1 unit per sq. footage)	1,437

3-3 Route 2

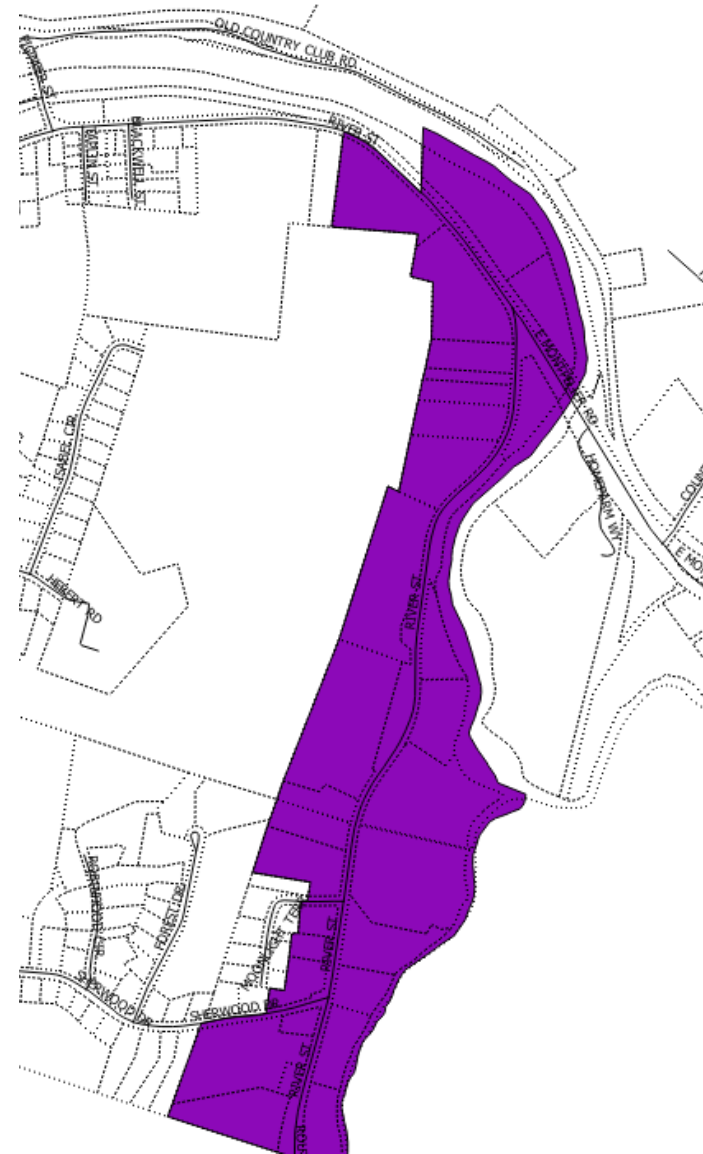
Current				Proposed	
General Business (GB)	Mid-Density Residential (MDR)	Riverfront	High Density Residential (HDR)	Zoning District	Riverfront
15,000 C / 10,000 R	10,000	5,000	8,700	Lot Size (sq. feet)	3,000
3000	8,000	0	1,500	Density	N/A
51		8	6	Total Parcels	65
15		0	2	# of Non-Conforming Lots	
29%		0%	33%	% NC Lots	
1		N/A	0	# NC Density	
2%		N/A	0%	% NC Density	
7,841		12,632	5,227	90% Lot Size Conformance (sq. feet)	7,405
3,049			4,356	90% Density Conformance (1 unit per sq. footage)	3,049

3-3 Route 2



4-1 Eastern Corridor

Current		Proposed	
General Business (GB)	Mid-Density Residential (MDR)	Zoning District	Eastern Gateway
15,000 C / 10,000 R	10,000	Lot Size (sq. feet)	20,000
3,000	8,000	Density	5,000
23		Total Parcels	23
1		# of Non-Conforming (NC) Lots	
4%		% NC Lots	
N/A		# NC Density	
N/A		% NC Density	
26,572		90% Lot Size Conformance (sq. feet)	26,572
N/A		90% Density Conformance (1 unit per sq. feet)	N/A

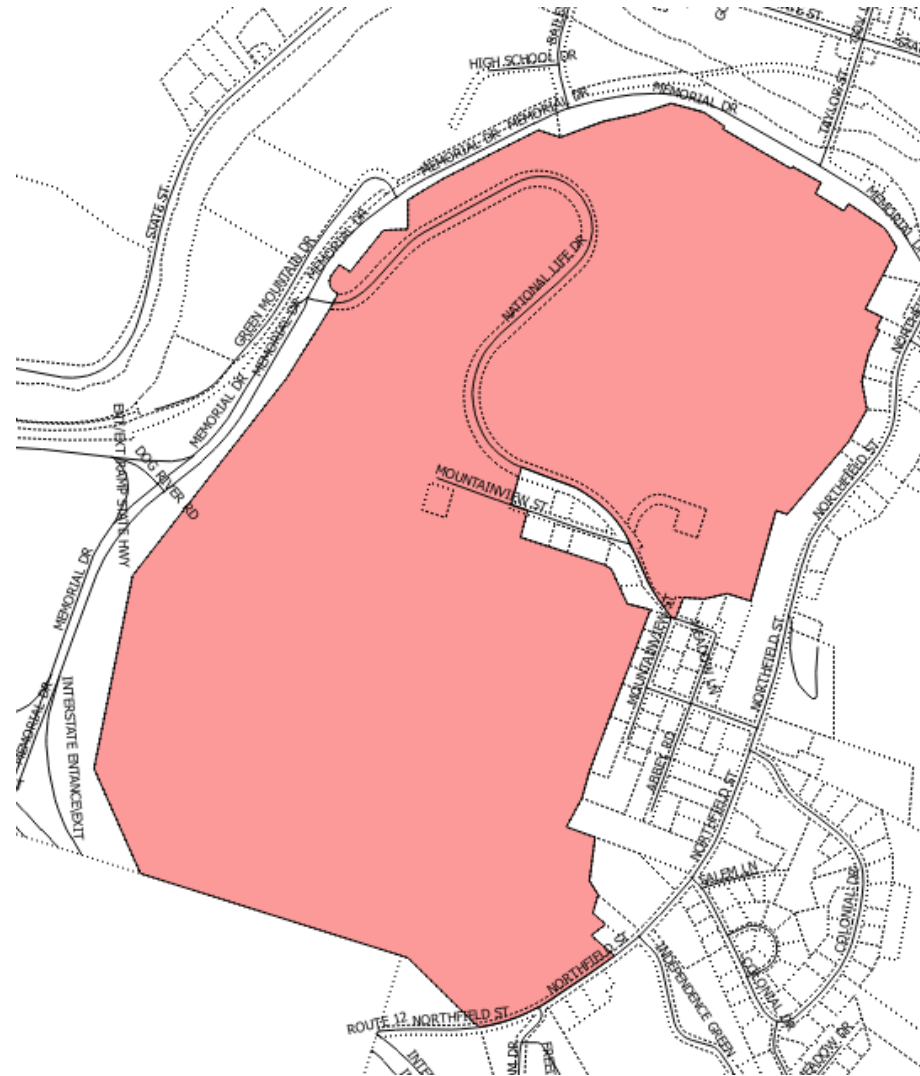


Current				Proposed
IND	Low Density Residential (LDR)	Mid-Density Residential (MDR)	Zoning District	Eastern Gateway
43,560	1 acre min	10,000	Lot Size (sq. feet) Density	20,000
N/A		8,000		5,000
22			Total Parcels	22
5			# of Non-Conforming (NC) Lots	
23%			% NC Lots	
N/A			# NC Density	
N/A			%NC Density	
27,878			90% Lot Size Conformance (sq. ft.)	27,878
N/A			90% Density Conformance (1 unit per sq. footage)	N/A



5-1 Office Park

Current		Proposed	
Office Park	Mid Density Residential (MDR)	Zoning District	Western Gateway
10 acres	10,000	Lot Size (sq. feet)	20,000
N/A	8,000	Density	4,000
1		Total Parcels	1
0		# Non-Conforming (NC) Lots	
0%		% NC Lots	
0		# NC Density	
N/A		% NC Density	
N/A		90% Lot Size Conformance (sq. feet)	27,878
N/A		90% Density Conformance (1 unit per sq. footage)	N/A

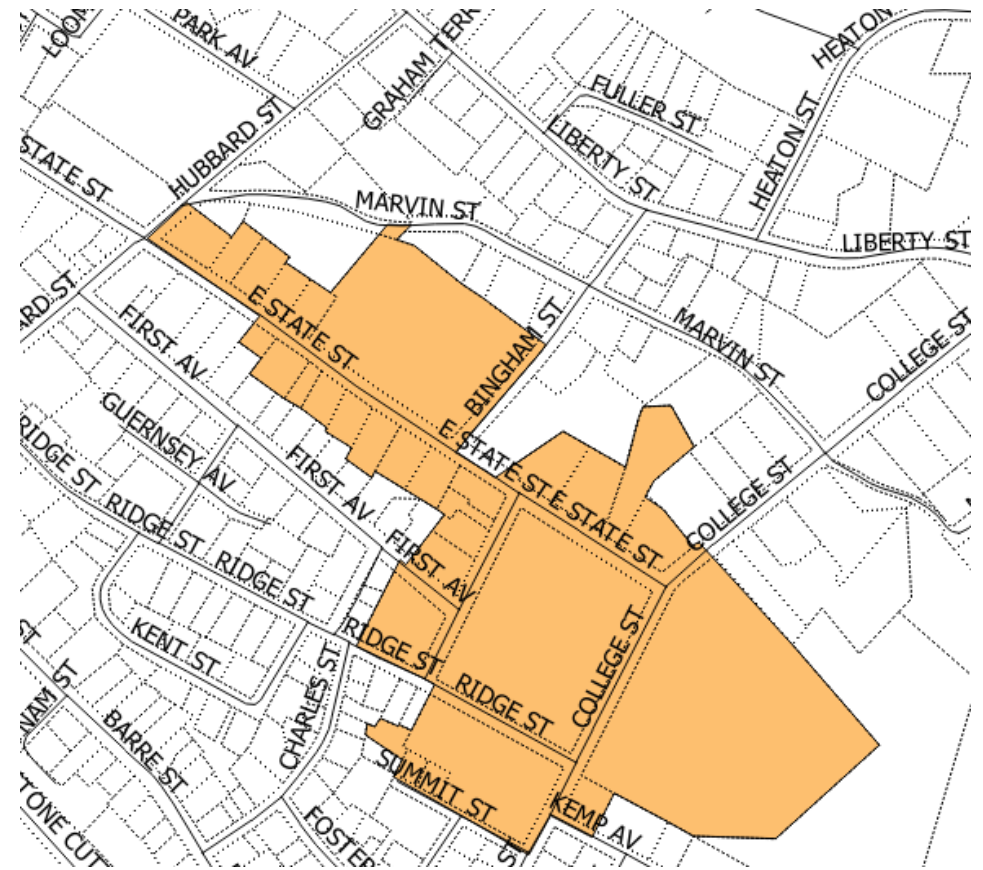


5-2 Western Corridor

Current		Proposed	
CB-2	General Business (GB)	Zoning District	Western Gateway
10,000	15,000 Commercial / 10,000 Residential	Lot Size (sq. feet)	20,000
1,500	3,000	Density	4,000
2	10	Total Parcels	12
0	0	# of Non-Conforming (NC) Lots	
0%	0%	% NC Lots	
0	0	# NC Density	
N/A	0%	% NC Density	
N/A	21,780	90% Lot Size Conformance (sq. feet)	N/A
N/A	N/A	90% Density Conformance	N/A

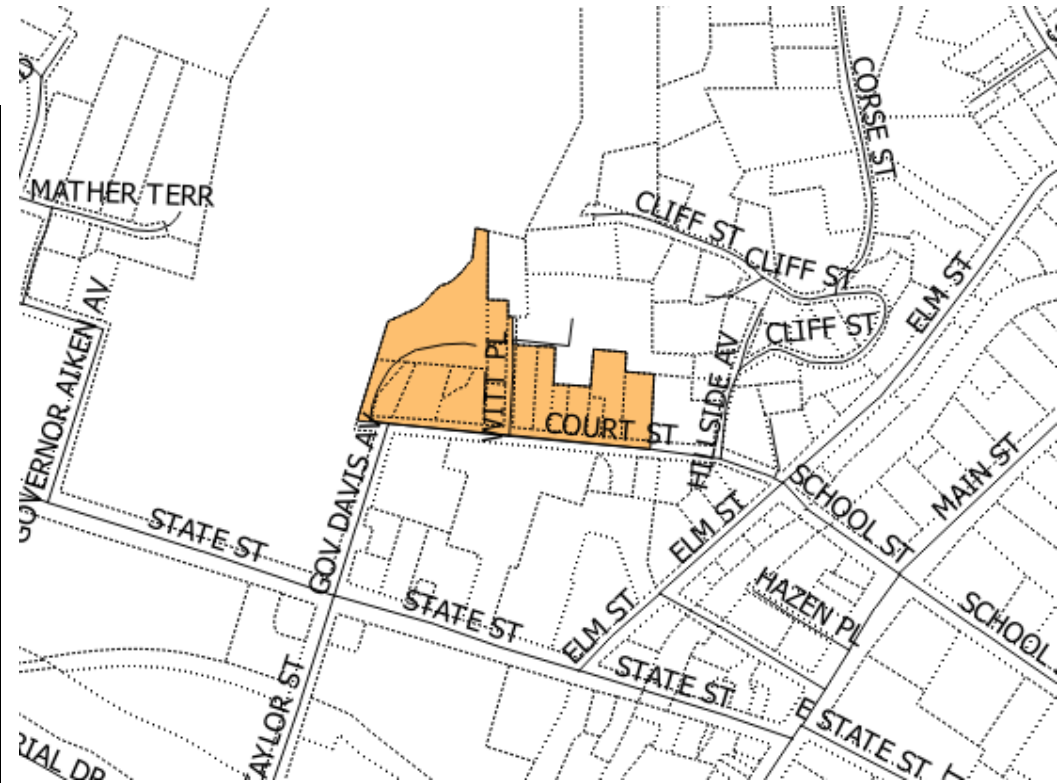
6-1 College Hill East State Street

Current		Proposed	
High Density Residential (HDR)	Mid Density Residential (MDR)	Zoning District	Mixed Use Residential
8,700	10,000	Lot Size (sq. feet)	3,000
1,500	8,000	Density	1,500
26	1	Total Parcels	27
3	0	# of Non-Conforming (NC) Lots	
12%	0%	% NC Lots	
0	0	# NC Density	
0%	0%	% NC Density	
6,534	N/A	90% Lot Size Conformance (sq. feet)	6,534
2,614	N/A	90% Density Conformance (1 unit per sq. footage)	2,614



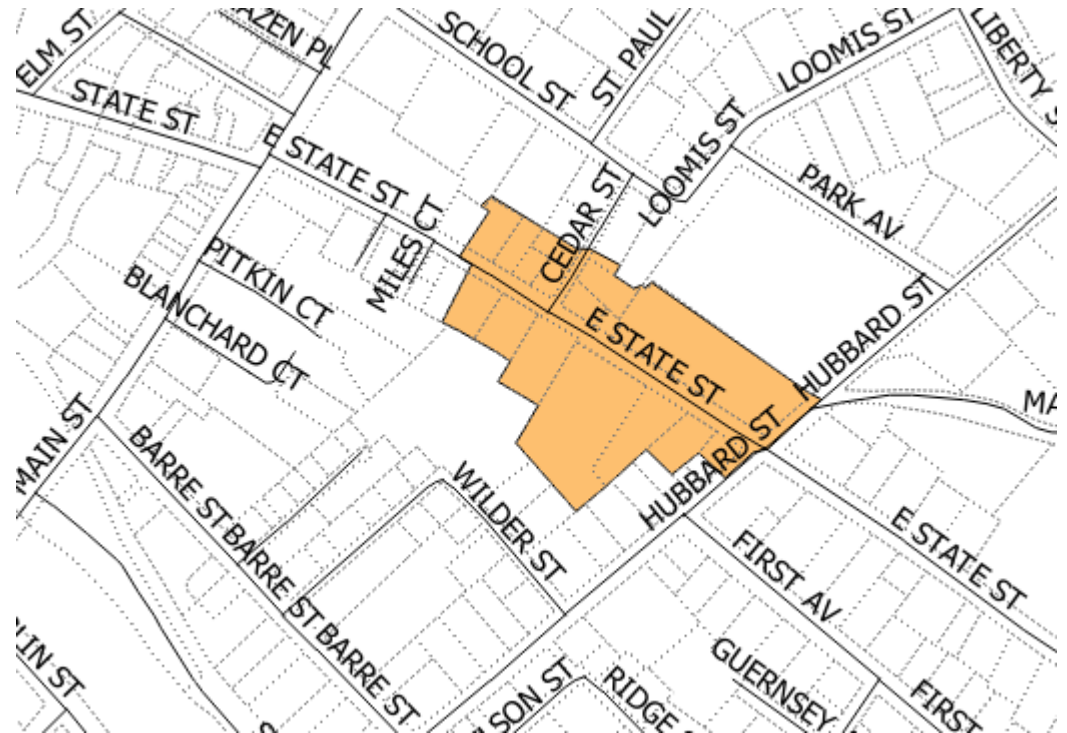
6-2 Court Street

Current				Proposed
High Density Residential (HDR)	Low Density Residential (LDR)	CB-2	Zoning District	Mixed Use Residential
8,700	1 acre min	10,000	Lot Size (sq. feet)	3,000
1,500		1,500	Density	1,500
4		12	Total Parcels	16
2		10	# of Non-Conforming (NC) Lots	
50%		83%	% NC Lots	
0		1	# NC Density	
0%		8%	% NC Density	
3,920		3,920	90% Lot Size Conformance (sq. feet)	3,485
1,742		1,655	90% Density Conformance (1 unit per sq. footage)	1,655



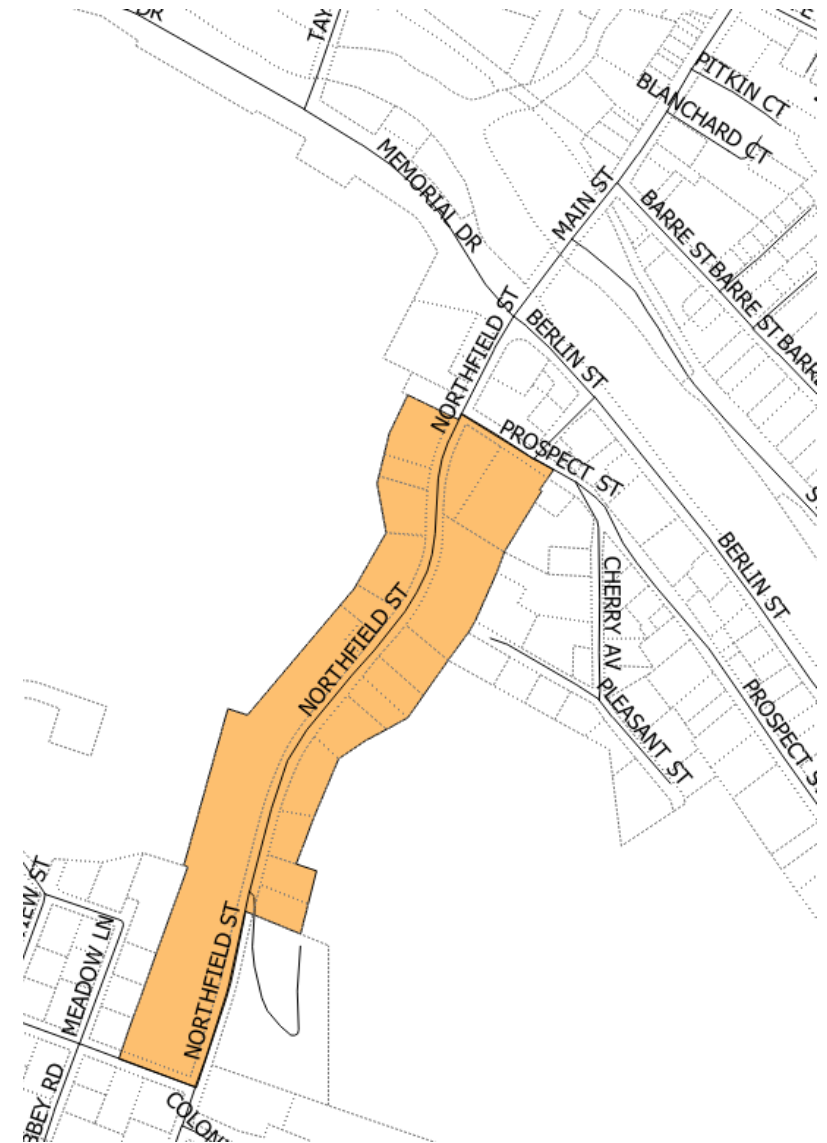
6-3 Lower East State Street

Current			Proposed
High Density Residential (HDR)	CB-2	Zoning District	Mixed Use Residential
8,700	10,000	Lot Size (sq. feet)	3,000
1,500	1,500	Density	1,500
11	5	Total Parcels	16
6	4	# of Non-Conforming (NC) Lots	
55%	80%	% NC Lots	
2	2	# NC Density	
18%	40%	% NC Density	
3,920	3,485	90% Lot Size Conformance (sq. feet)	2,613
1,089	1,176	90% Density Conformance (1 unit per sq. footage)	1,089



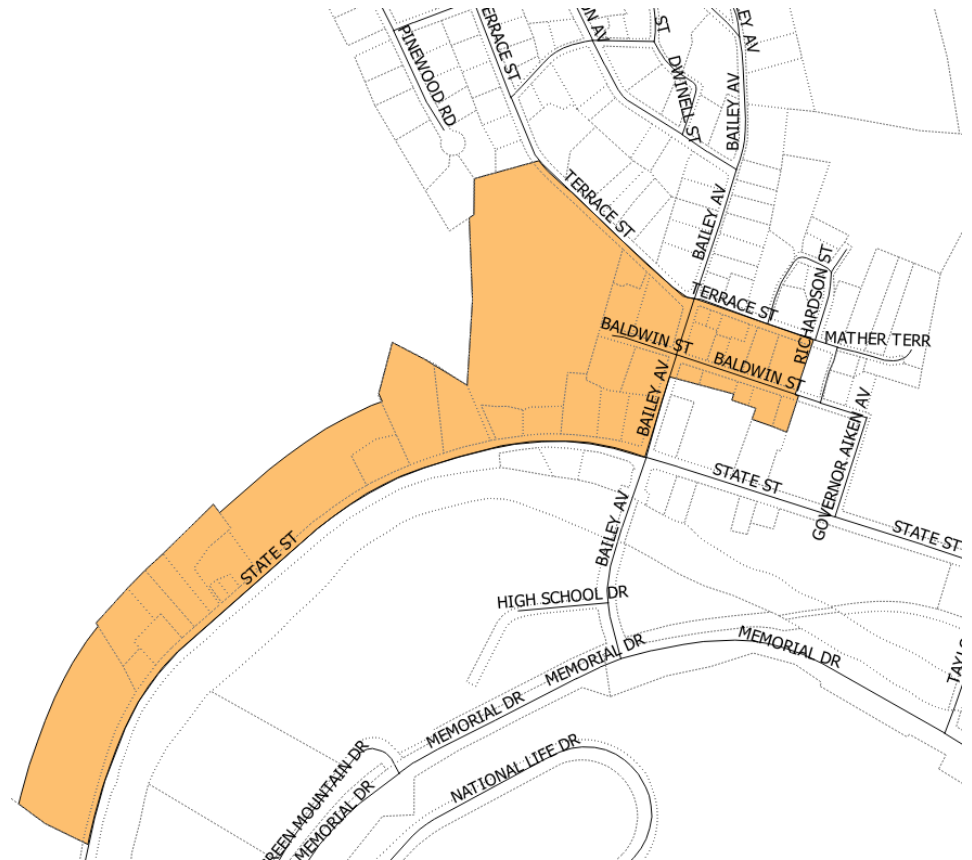
6-4 Northfield Street North

Current		Proposed
CB-2	Zoning District	Mixed Use Residential
10,000	Lot Size (sq. feet)	3,000
1,500	Density	1,500
14	Total Parcels	14
2	# of Non-Conforming (NC) Lots	
14%	% NC Lots	
0	# NC Density	
0%	% NC Density	
8,276	90% Lot Size Conformance (sq. feet)	8,276
3,920	90% Density Conformance (1 unit per sq. footage)	3,920



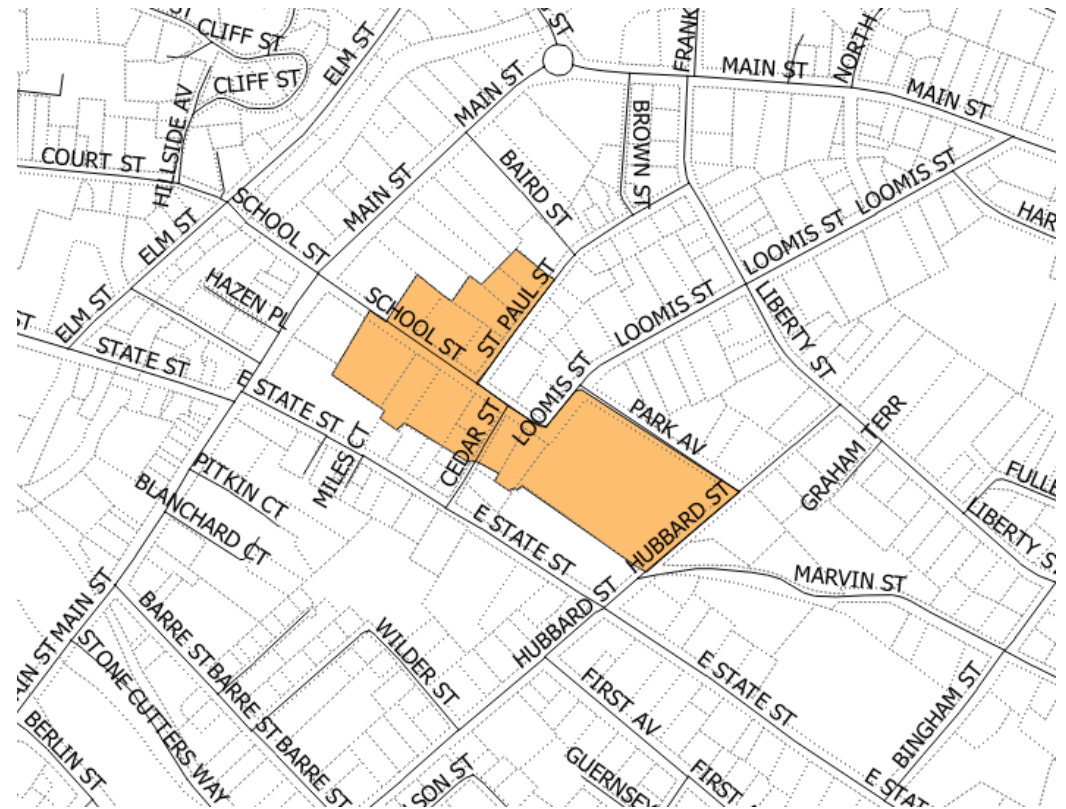
6-5 Redstone

Current					Proposed
High Density Residential (HDR)	Civic	Mid Density Residential (MDR)	CB-2	Zoning District	Mixed Use Residential
8,700	8,700	10,000	10,000	Lot Size (sq. feet)	3,000
1,500	N/A	8,000	1,500	Density	1,500
10	11	5	9	Total Parcels	37
2	6	0	0	# of Non-Conforming (NC) Lots	
20%	55%	0%	0%	% NC Lots	
0	N/A	1	2	# NC Density	
0%	N/A	20%	22%	% NC Density	
5,227	2,614	23,087	16,117	90% Lot Size Conformance (sq. feet)	5,227
5,227	N/A	11,761	1,307	90% Density Conformance (1 unit per sq. footage)	2,614



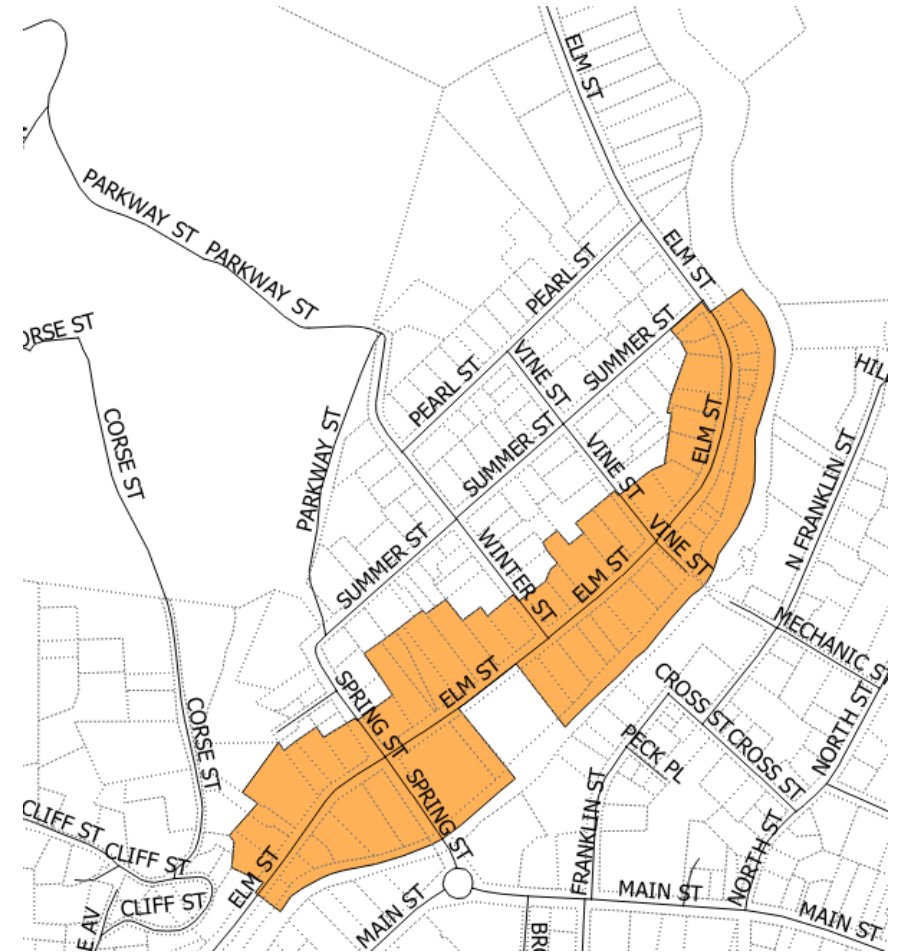
6-6 School Street

Current			Proposed
High Density Residential (HDR)	CB-2	Zoning District	Mixed Use Residential
8,700	10,000	Lot Size (sq. feet)	3,000
1,500	1,500	Density	1,500
5	9	Total Parcels	14
1	3	# of Non-Conforming (NC) Lots	
20%	33%	% NC Lots	
0	0	# NC Density	
0%	0%	% NC Density	
9,148	9,583	90% Lot Size Conformance (sq. feet)	9,148
2,439	1,742	90% Density Conformance (1 unit per sq. footage)	1,568



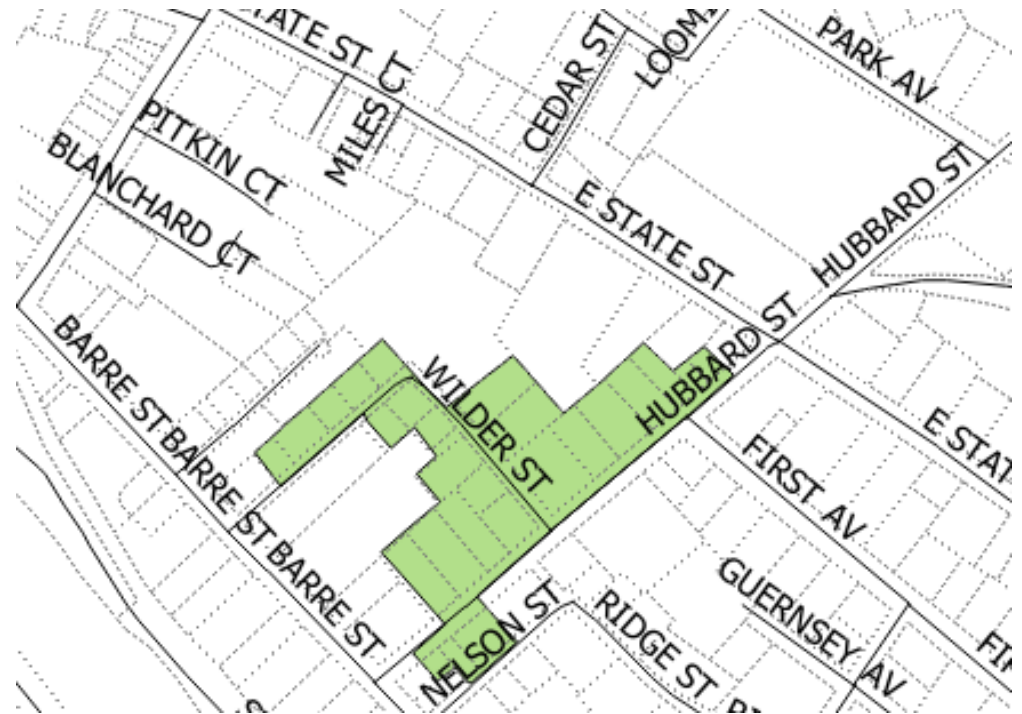
6-7 The Meadow- Elm Street

Current			Proposed	
High Density Residential (HDR)	Mid Density Residential (MDR)	CB-2	Zoning District	Mixed Use Residential
8,700	10,000	10,000	Lot Size (sq. feet)	3,000
1,500	8,000	1,500	Density	1,500
39	9	6	Total Parcels	54
9	7	3	# of Non-Conforming (NC) Lots	
23%	78%	50%	% NC Lots	
3	6	0	# NC Density	
8%	67%	0%	% NC Density	
6,970	2,178	5,227	90% Lot Size Conformance (sq. feet)	3,485
1,481	2,178	4,835	90% Density Conformance (1 unit per sq. footage)	1,742



7-1 College Hill Southwest

Current		Proposed	
High Density Residential (HDR)	CB-2	Zoning District	Residential 1500
8,700	10,000	Lot Size (sq. feet)	3,000
1,500	1,500	Density	1,500
1	25	Total Parcels	26
1	21	# of Non-Conforming (NC) Lots	
100%	84%	% NC Lots	
0	4	# NC Density	
0%	16%	% NC Density	
N/A	2,613	90% Lot Size Conformance (sq. feet)	2,613
N/A	1,089	90% Density Conformance (1 unit per sq. footage)	1,089



7-2 Franklin Street Southwest

Current		Proposed
High Density Residential (HDR)	Zoning District	Residential 1500
8,700	Lot Size (sq. feet)	3,000
1,500	Density	1,500
44	Total Parcels	44
20	# of Non-Conforming (NC) Lots	
45%	% NC Lots	
3	# NC Density	
7%	% NC Density	
4,356	90% Lot Size Conformance (sq. feet)	4,356
1,874	90% Density Conformance (1 unit per sq. footage)	1,874



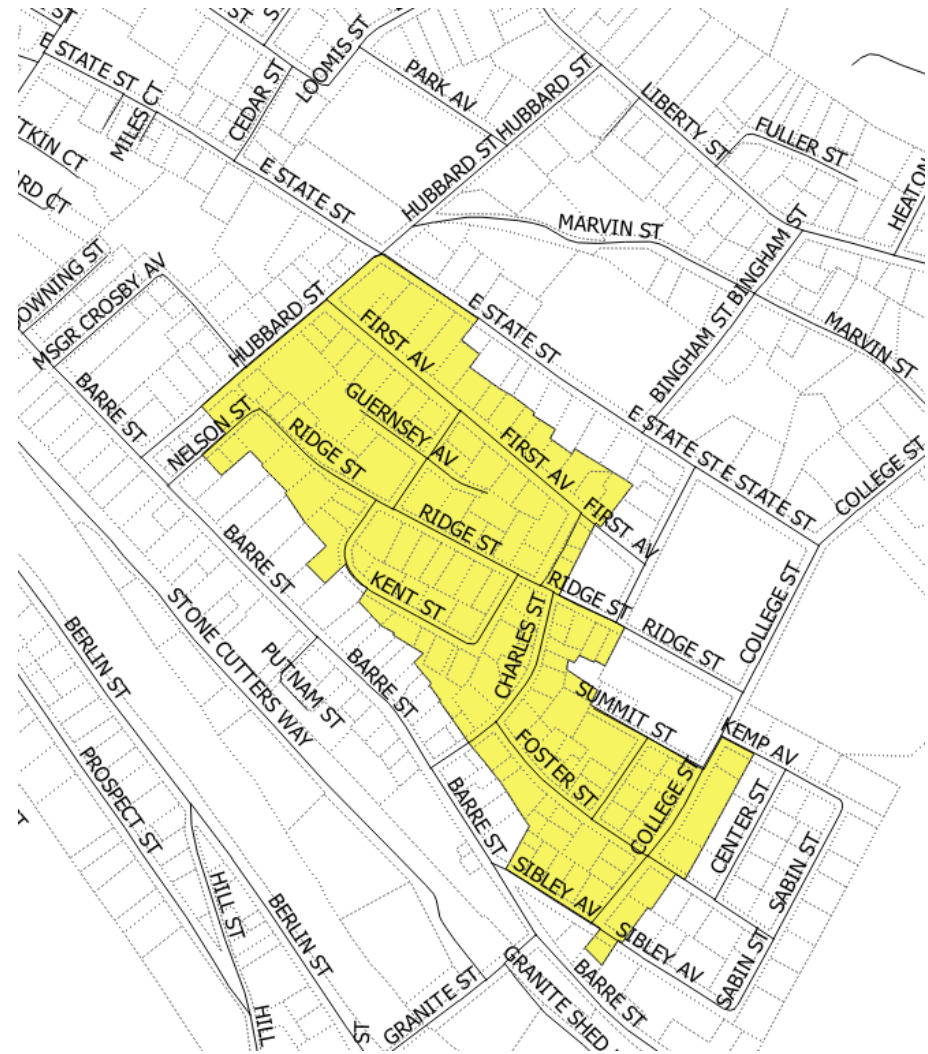
7-3 Liberty Street West

Current		Proposed
High Density Residential (HDR)	Zoning District	Residential 1500
8,700	Lot Size (sq. feet)	3,000
1,500	Density	1,500
61	Total Parcels	61
41	# of Non-Conforming (NC) Lots	
67%	% NC Lots	
6	# NC Density	
10%	% NC Density	
3,049	90% Lot Size Conformance (sq. feet)	3,049
1,437	90% Density Conformance (1 unit per sq. footage)	1,437



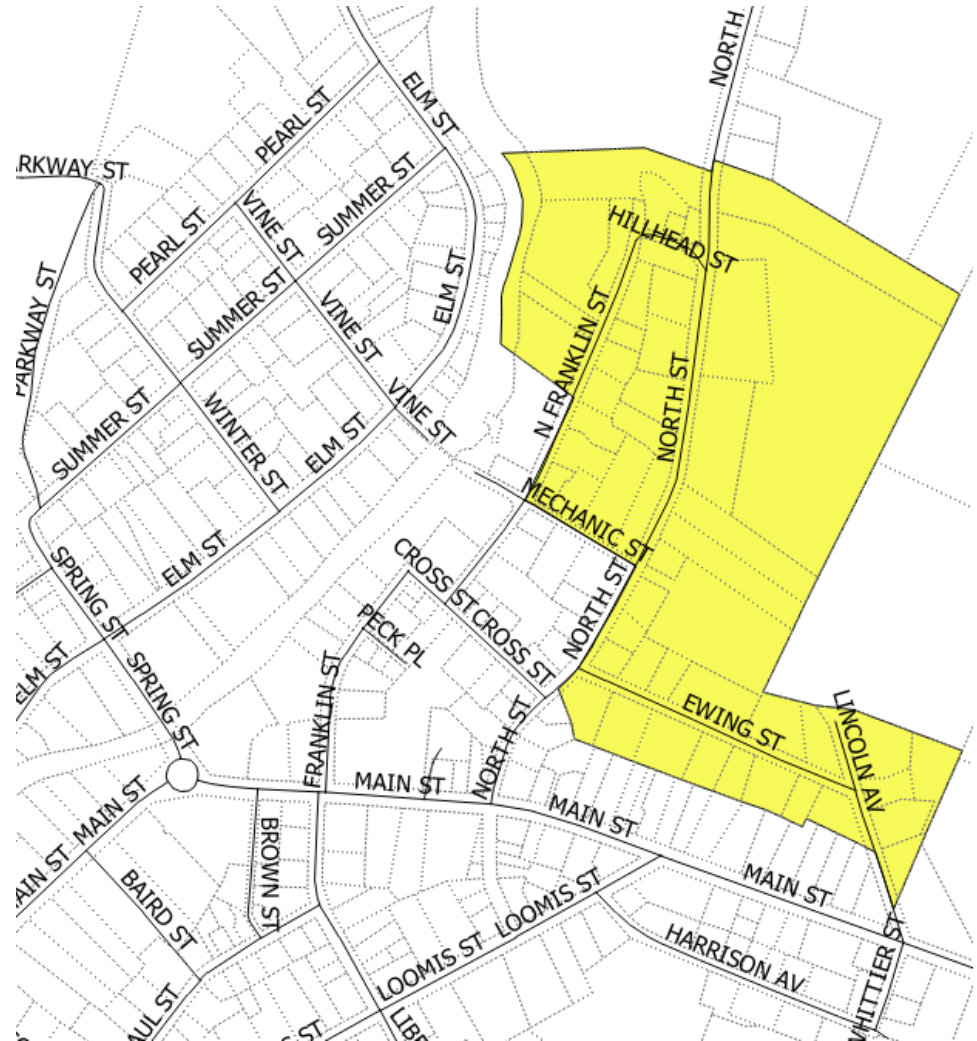
8-1 College Hill South

Current		Proposed	
High Density Residential (HDR)	Mid Density Residential (MDR)	Zoning District	Residential 3000
8,700	10,000	Lot Size (sq. feet)	3,000
1,500	8,000	Density	3,000
121	5	Total Parcels	126
78	2	# of Non-Conforming (NC) Lots	
64%	40%	% NC Lots	
1	0	# NC Density	
1%	0%	% NC Density	
3,485	9,148	90% Lot Size Conformance (sq. feet)	3,485
3,049	9.148	90% Density Conformance (1 unit per sq. footage)	3,049



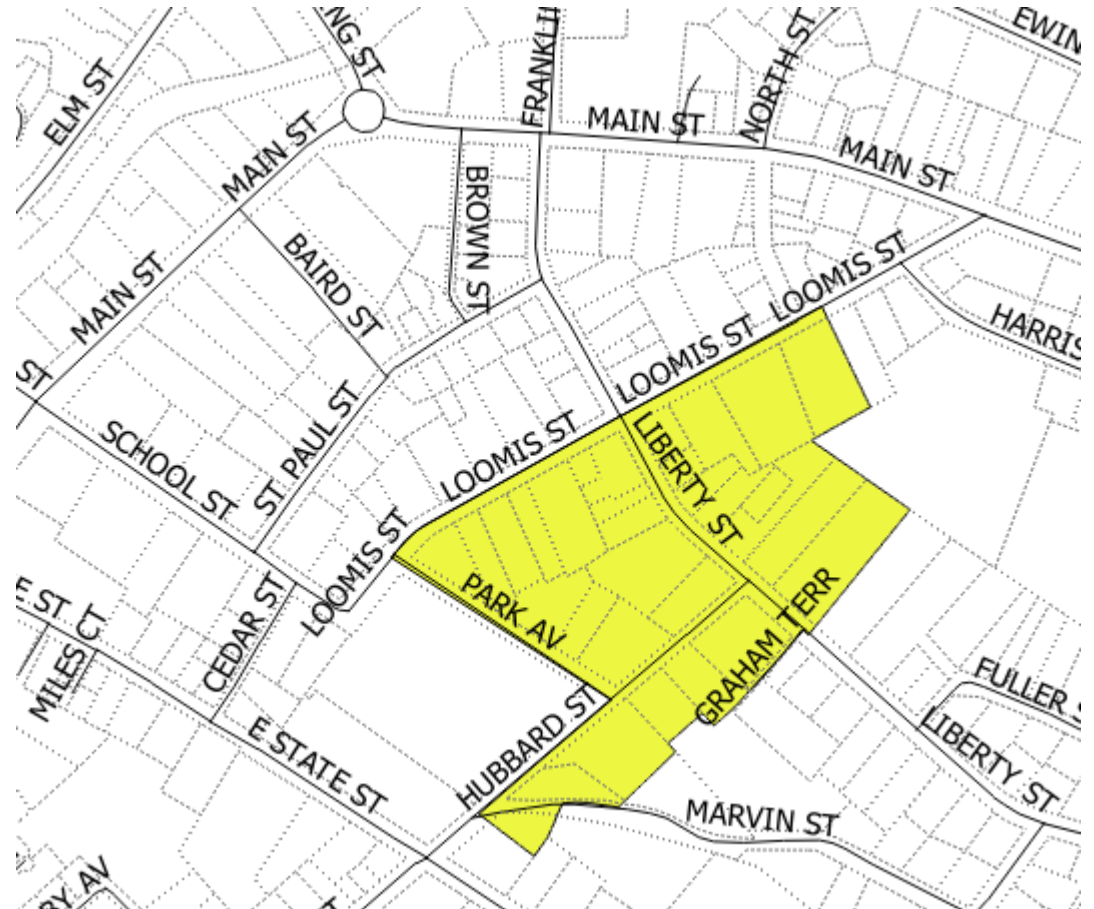
8-2 Franklin Street Northeast

Current		Proposed	
High Density Residential (HDR)	Mid Density Residential (MDR)	Zoning District	Residential 3000
8,700	10,000	Lot Size (sq. feet)	3,000
1,500	8,000	Density	3,000
14	36	Total Parcels	50
2	7	# of Non-Conforming (NC) Lots	
14%	19%	% NC Lots	
0	5	# NC Density	
0%	14%	% NC Density	
8,712	6,098	90% Lot Size Conformance (sq. feet)	6,354
8,712	4,356	90% Density Conformance (1 unit per sq. footage)	6,098



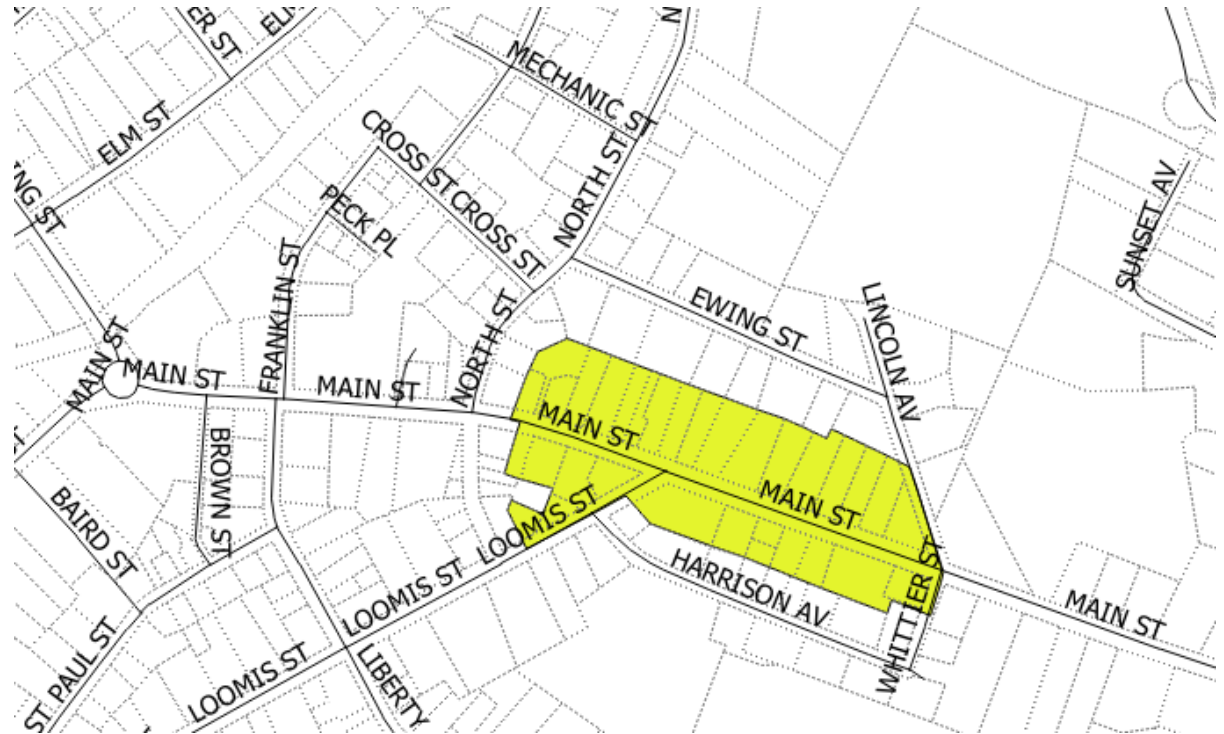
8-3 Liberty Street East

Current		Proposed
High Density Residential (HDR)	Zoning District	Residential 3000
8,700	Lot Size (sq. feet)	3,000
1,500	Density	3,000
31	Total Parcels	31
7	# of Non-Conforming (NC) Lots	
23%	% NC Lots	
0	# NC Density	
0%	% NC Density	
5,227	90% Lot Size Conformance (sq. feet)	5,227
3,485	90% Density Conformance (1 unit per sq. footage)	3,485



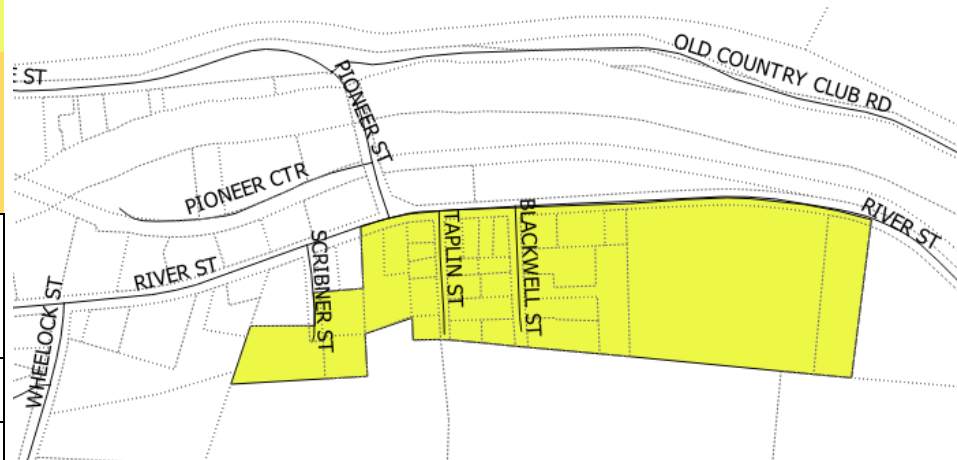
8-4 Main Street East

Current		Proposed	
High Density Residential (HDR)	Mid Density Residential (MDR)	Zoning District	Residential 3000
8,700	10,000	Lot Size (sq. feet)	3,000
1,500	8,000	Density	3,000
15	17	Total Parcels	32
8	6	# of Non-Conforming (NC) Lots	
53%	35%	% NC Lots	
1	5	# NC Density	
7%	29%	% NC Density	
5,227	6,970	90% Lot Size Conformance (sq. feet)	4,356
2,178	3,485	90% Density Conformance (1 unit per sq. footage)	2,178



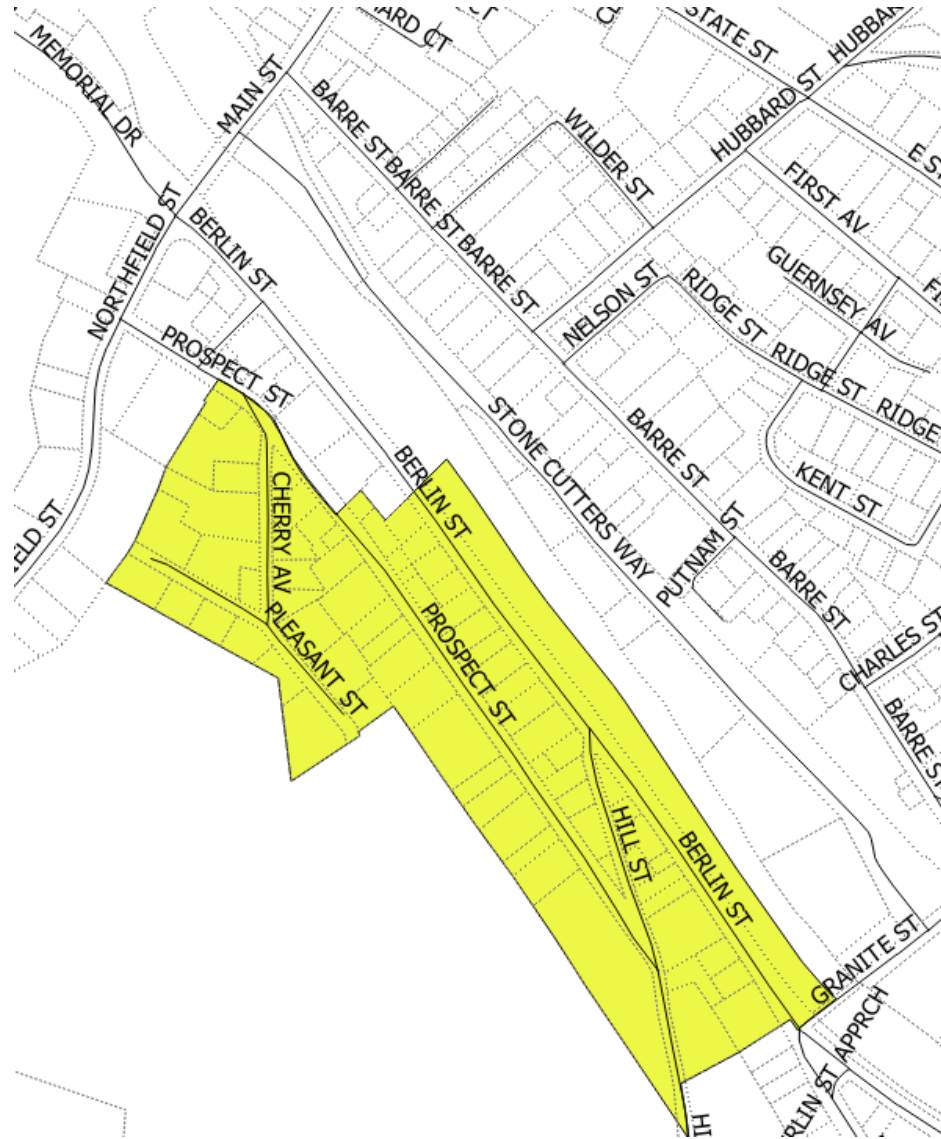
8-5 River Street

Current		Proposed	
General Business (GB)	Mid Density Residential (MDR)	Zoning District	Residential 3000
15,000 Commercial/ 10,000 Residential	10,000	Lot Size (sq. feet)	3,000
3,000	8,000	Density	3,000
4	27	Total Parcels	32
0	16	# of Non-Conforming (NC) Lots	
0%	59%	% NC Lots	
0	16	# NC Density	
0%	59%	% NC Density	
19,166	5,227	90% Lot Size Conformance (sq. feet)	5,227
19,166	4,792	90% Density Conformance (1 unit per sq. footage)	4,792



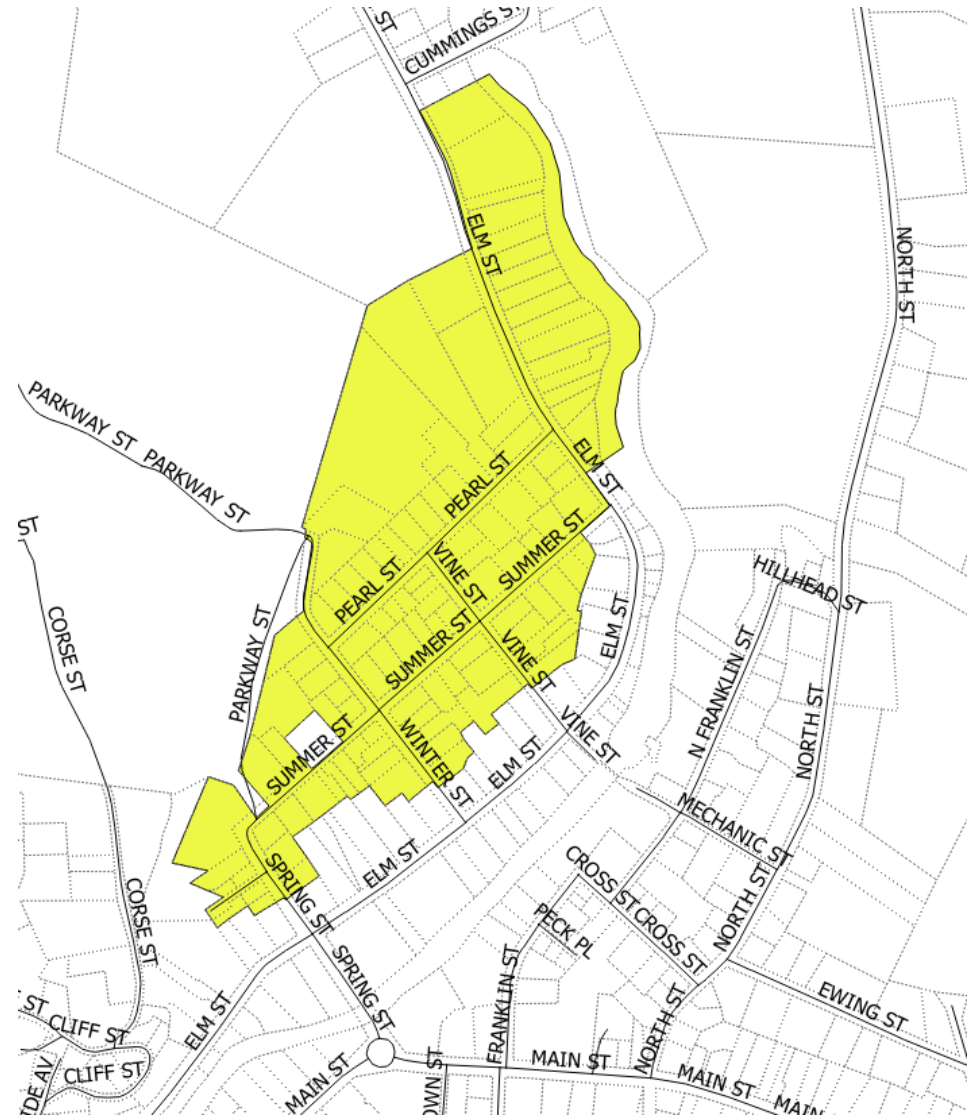
8-6 Route 2 – Prospect Street

Current		Proposed
Mid Density Residential (MDR)	Zoning District	Residential 3000
10,000	Lot Size (sq. feet)	3,000
8,000	Density	3,000
71	Total Parcels	71
37	# of Non-Conforming (NC) Lots	
52%	% NC Lots	
30	# NC Density	
42%	% NC Density	
3,485	90% Lot Size Conformance (sq. feet)	3,485
3,485	90% Density Conformance (1 unit per sq. footage)	3,485



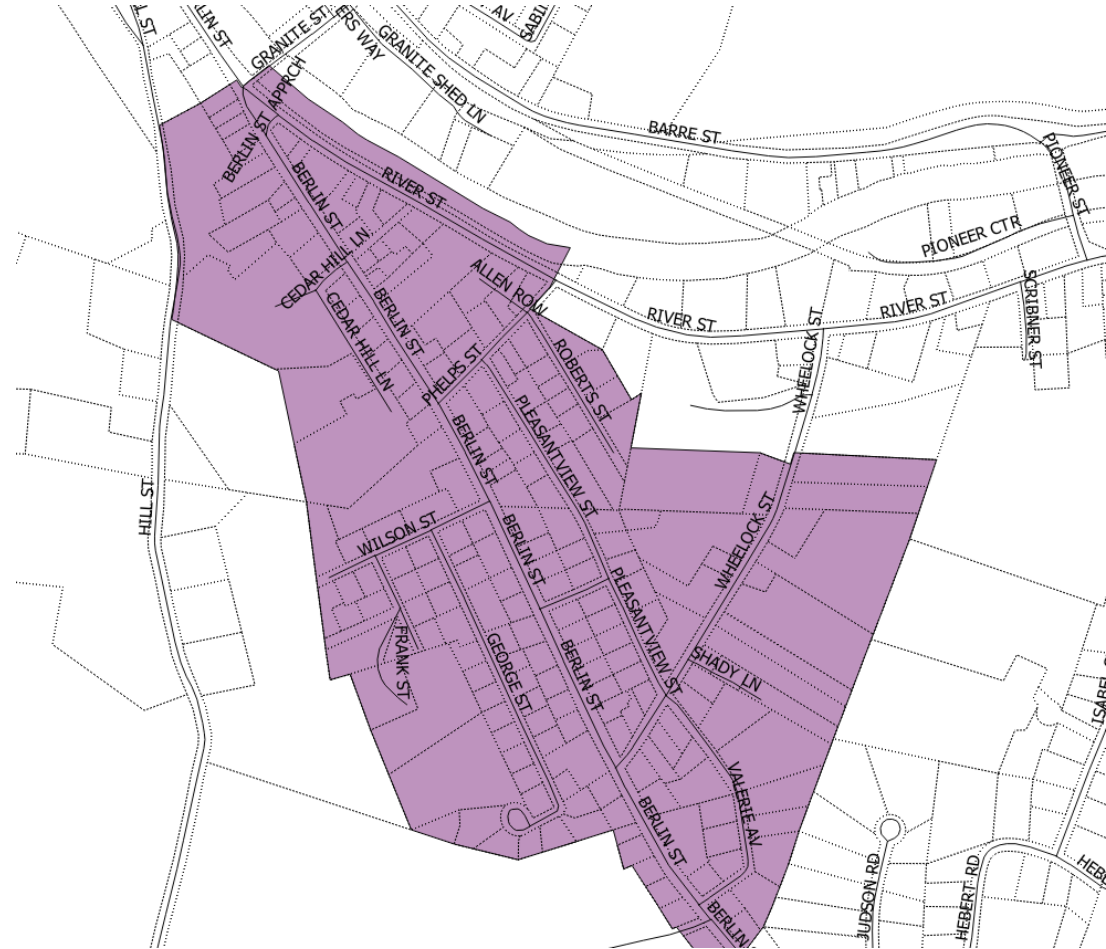
8-7 The Meadow West

Current			Proposed	
High Density Residential (HDR)	Mid Density Residential (MDR)	Low Density Residential (LDR)	Zoning District	Residential 3000
8,700	10,000	43,560	Lot Size (sq. feet)	3,000
1,500	8,000	43,560	Density	3,000
36	71	1	Total Parcels	108
22	37	1	# of Non-Conforming (NC) Lots	
61%	52%	100%	% NC Lots	
1	19	1	# NC Density	
3%	27%	100%	% NC Density	
3,049	4,792	N/A	90% Lot Size Conformance (sq. feet)	3,920
1,960	4,356	N/A	90% Density Conformance (1 unit per sq. footage)	2,614

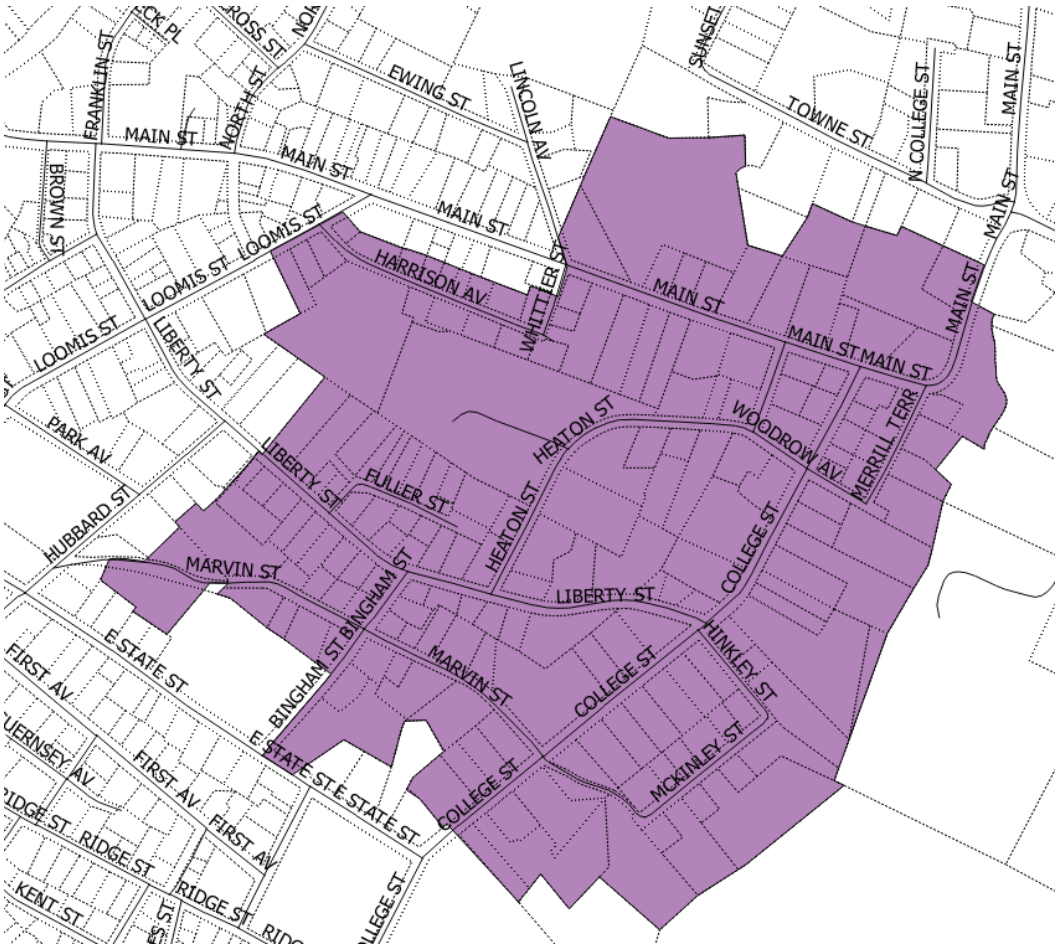


9-1 Berlin Street

Current		Proposed	
General Business (GB)	Mid Density Residential (MDR)	Zoning District	Residential 6000
15,000 Commercial/ 10,000 Residential	10,000	Lot Size (sq. feet)	6,000
3,000	8,000	Density	6,000
20	181	Total Parcels	201
9	62	# of Non-Conforming (NC) Lots	
45%	34%	% NC Lots	
0	18	# NC Density	
0%	10%	% NC Density	
5,227	8,726	90% Lot Size Conformance (sq. feet)	7,841
5,227	8,726	90% Density Conformance (1 unit per sq. footage)	7,405

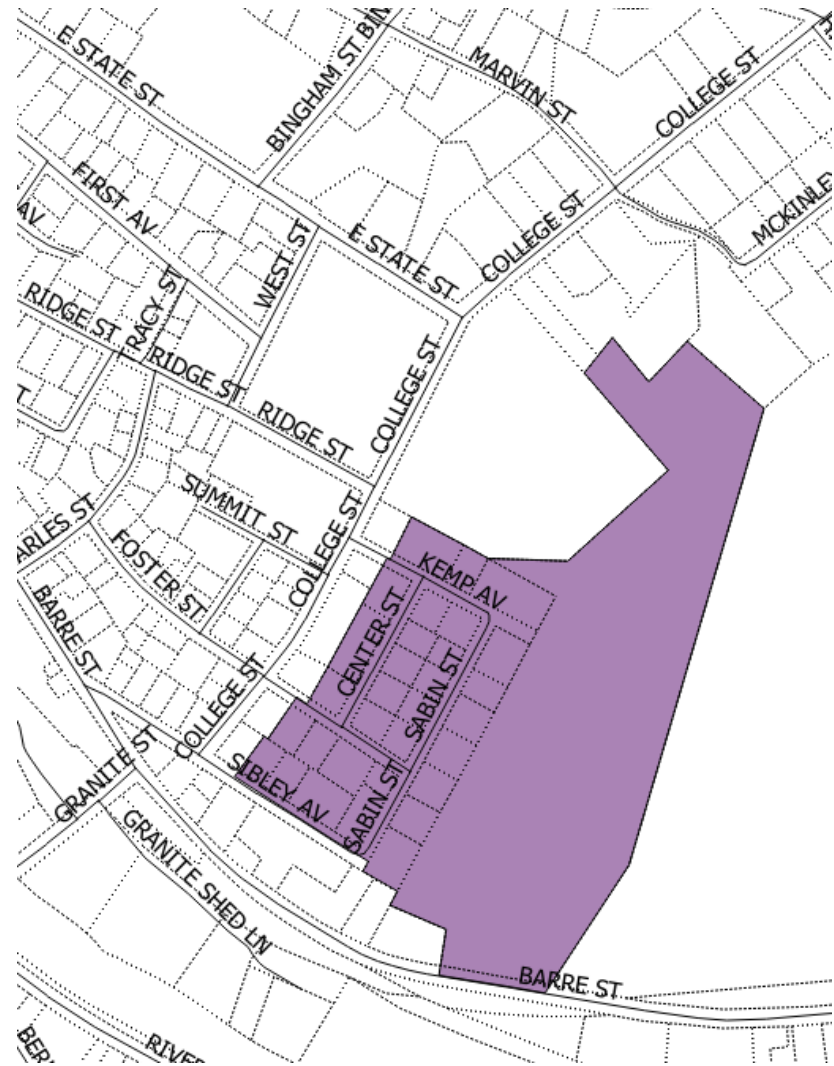


Current			Proposed
High Density Residential (HDR)	Mid Density Residential (MDR)	Zoning District	Residential 6000
8,700	10,000	Lot Size (sq. feet) Density	6,000
1,500	8,000		6,000
6	181	Total Parcels	177
0	62	# of Non-Conforming (NC) Lots	
0%	34%	% NC Lots	
0	18	# NC Density	
0%	10%	% NC Density	
16,117	6,534	90% Lot Size Conformance (sq. feet)	6,534
12,197	6,098	90% Density Conformance (1 unit per sq. footage)	6,098



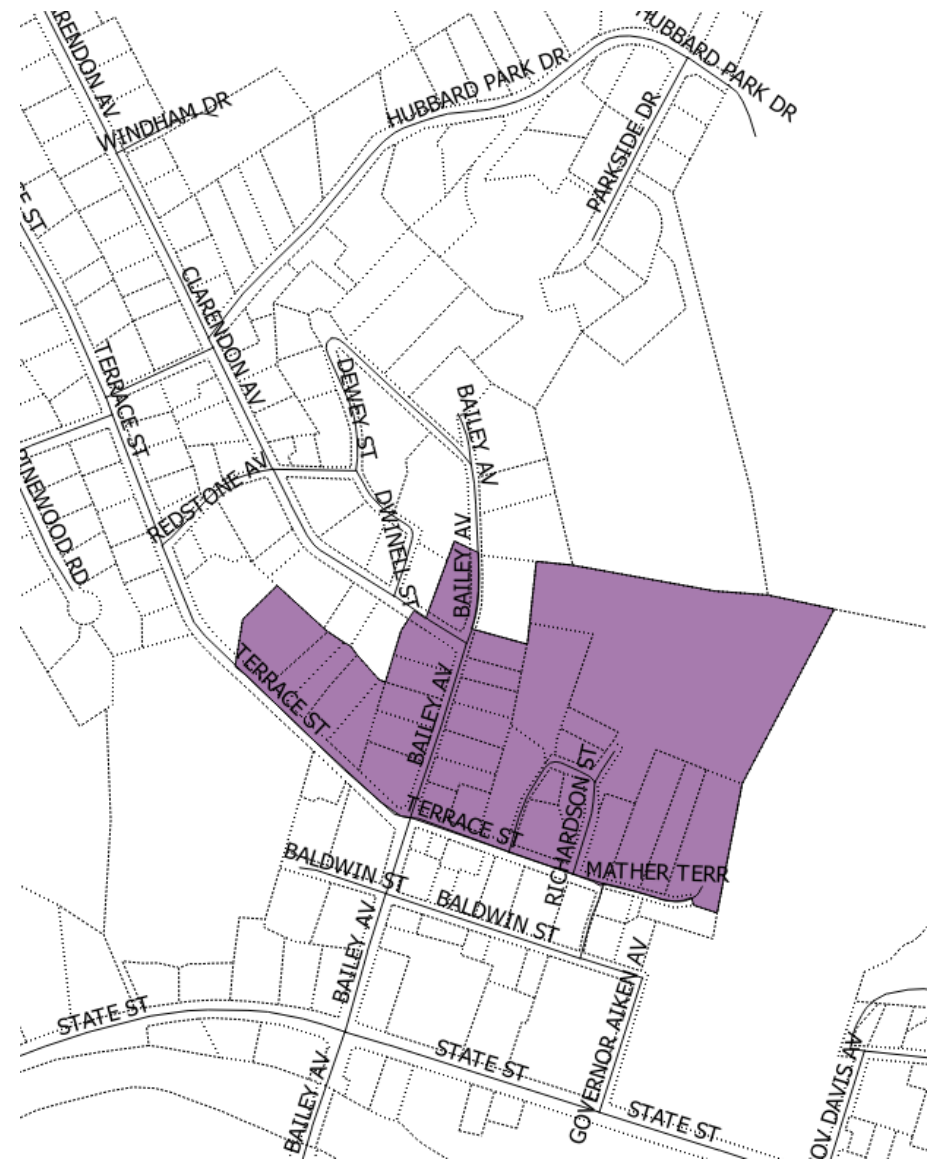
9-3 College Hill Southeast

Current			Proposed	
High Density Residential (HDR)	Mid Density Residential (MDR)	Low Density Residential (LDR)	Zoning District	Residential 6000
8,700	10,000		Lot Size (sq. feet)	6,000
1,500	8,000		Density	6,000
1	33		Total Parcels	34
0	18		# of Non-Conforming (NC) Lots	
0%	55%		% NC Lots	
0	8		# NC Density	
0%	24%		% NC Density	
N/A	6,480		90% Lot Size Conformance (sq. feet)	6,480
N/A	4,356		90% Density Conformance (1 unit per sq. footage)	4,356



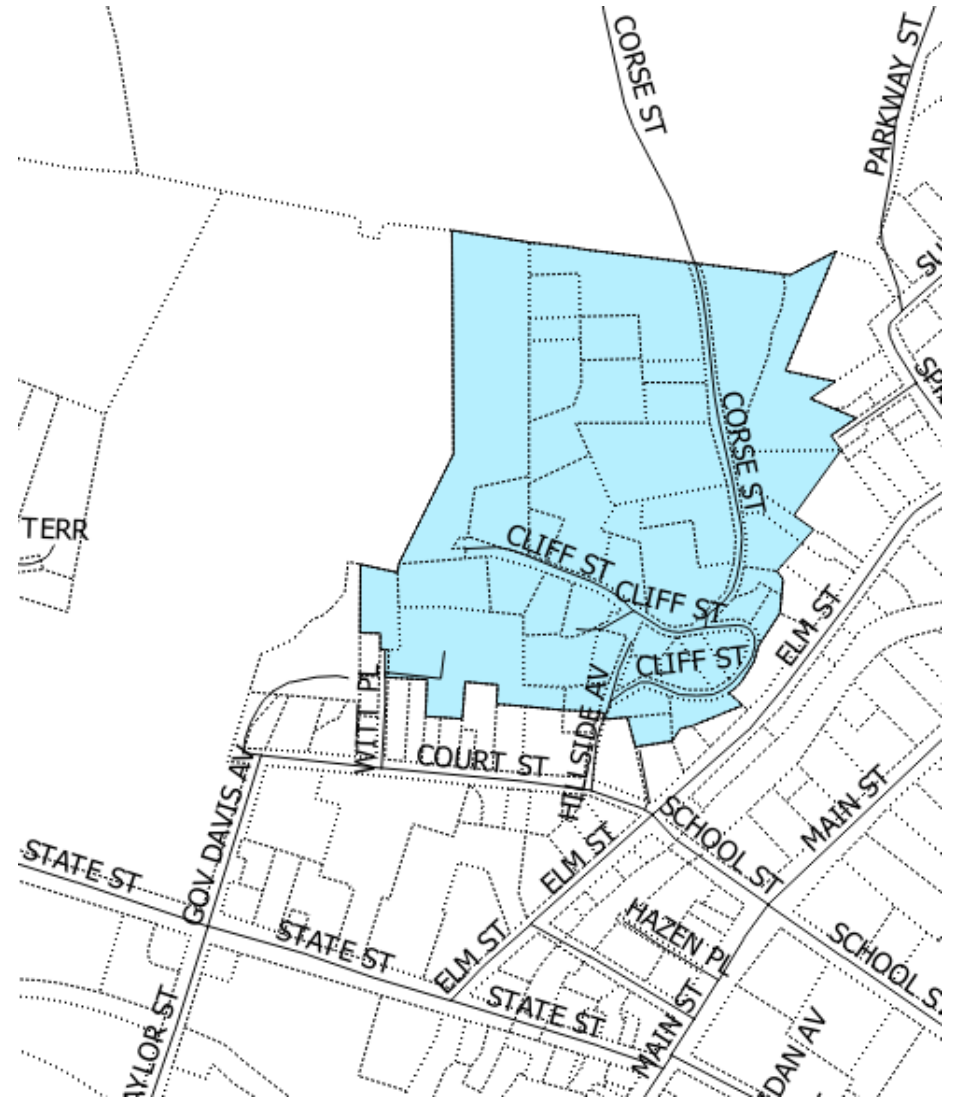
9-4 Redstone North

Current		Proposed	
Mid Density Residential (MDR)	Low Density Residential (LDR)	Zoning District	Residential 6000
10,000	43,560	Lot Size (sq. feet)	6,000
8,000	43,560	Density	6,000
30	1	Total Parcels	31
2	0	# of Non-Conforming (NC) Lots	
7%	0%	% NC Lots	
3	0	# NC Density	
10%	0%	% NC Density	
10,018	N/A	90% Lot Size Conformance (sq. feet)	10,018
7,405	N/A	90% Density Conformance (1 unit per sq. footage)	7,405



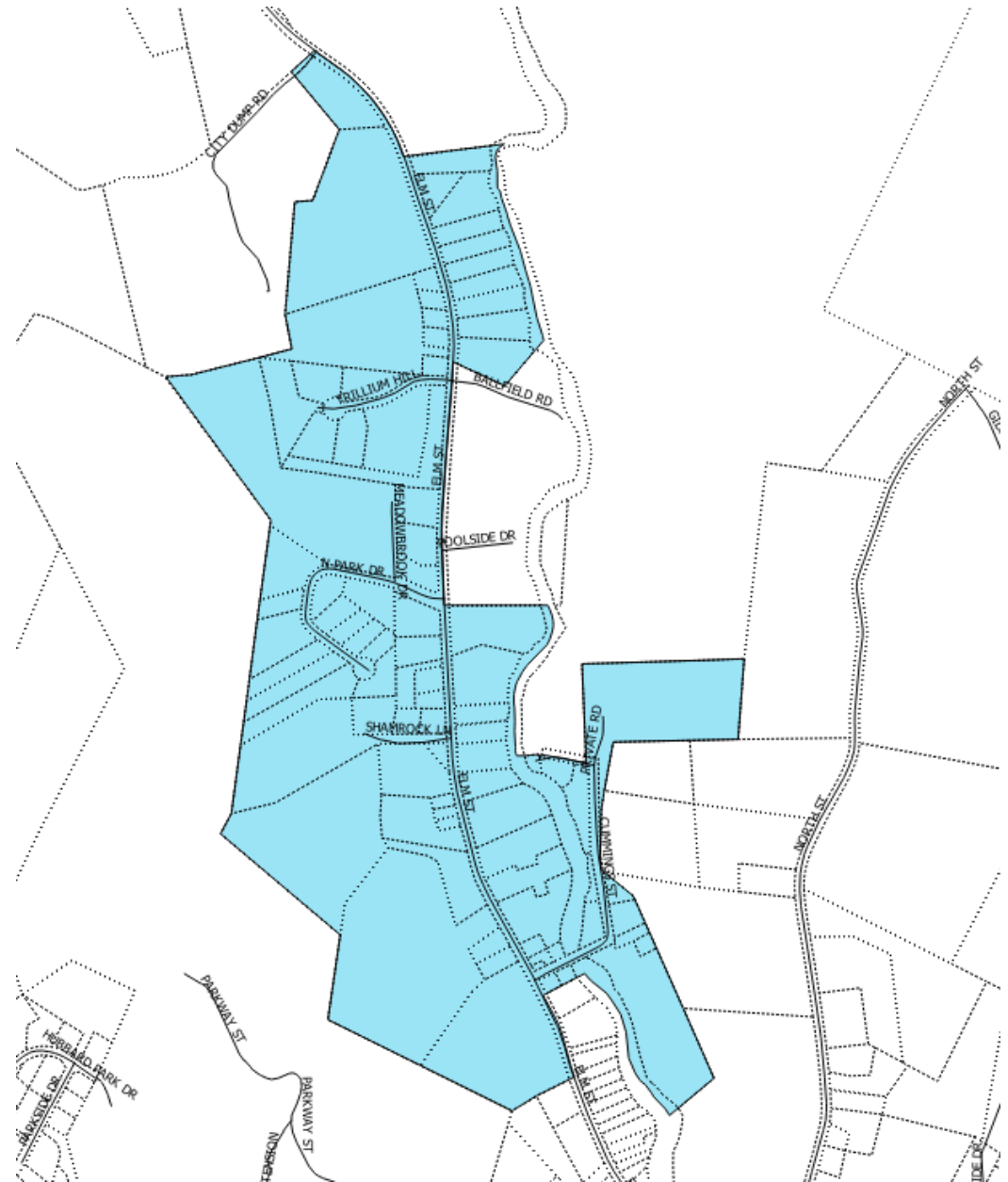
10-1 Cliffside

Current			Proposed	
High Density Residential (HDR)	Low Density Residential (LDR)	CB-2	Zoning District	Residential 9000
8,700	43,560	10,000	Lot Size (sq. feet)	9,000
1,500	43,560	1,500	Density	9,000
15	16	3	Total Parcels	34
10	12	3	# of Non-Conforming (NC) Lots	
67%	75%	100%	% NC Lots	
0	12	0	# NC Density	
0%	75%	0%	% NC Density	
3,920	10,018	5,663	90% Lot Size Conformance (sq. feet)	5,227
3,485	10,018	5,663	90% Density Conformance (1 unit per sq. footage)	3,485



10-3 Elm Street

Current		Proposed	
Mid Density Residential (HDR)	Low Density Residential (LDR)	Zoning District	Residential 9000
10,000	43,560	Lot Size (sq. feet)	9,000
8,000	43,560	Density	9,000
82	1	Total Parcels	83
11	0	# of Non-Conforming (NC) Lots	
13%	0%	% NC Lots	
7	0	# NC Density	
9%	0%	% NC Density	
8,276	N/A	90% Lot Size Conformance (sq. feet)	8,276
7,405	N/A	90% Density Conformance (1 unit per sq. footage)	7,405



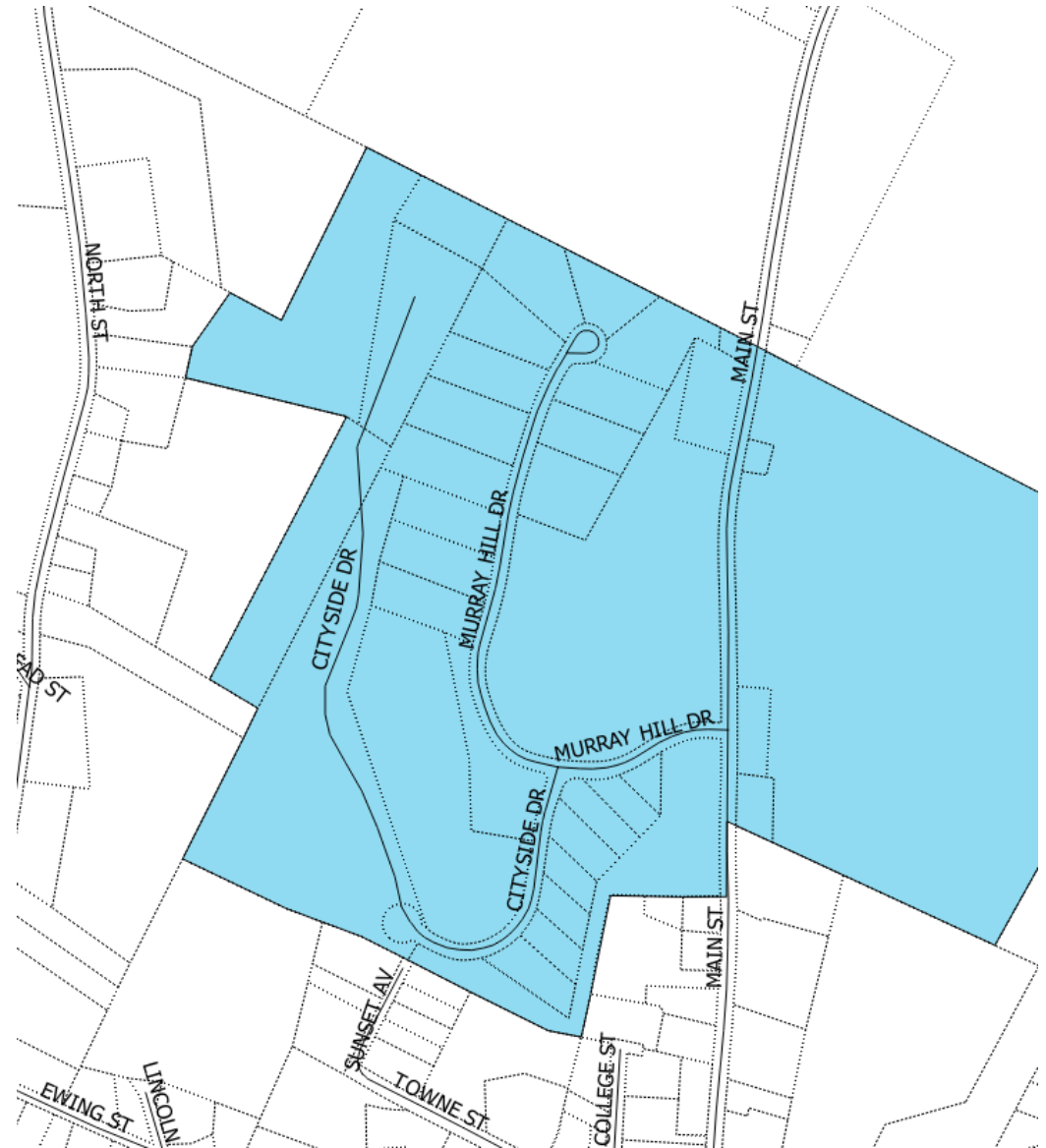
10-4 Gallison Hill

Current			Proposed
Mid Density Residential (HDR)	IND	Zoning District	Residential 9000
10,000		Lot Size (sq. feet)	9,000
8,000		Density	9,000
25		Total Parcels	25
0		# of Non-Conforming (NC) Lots	
0%		% NC Lots	
7		# NC Density	
0%		% NC Density	
18,295		90% Lot Size Conformance (sq. feet)	18,295
18,295		90% Density Conformance (1 unit per sq. footage)	18,295



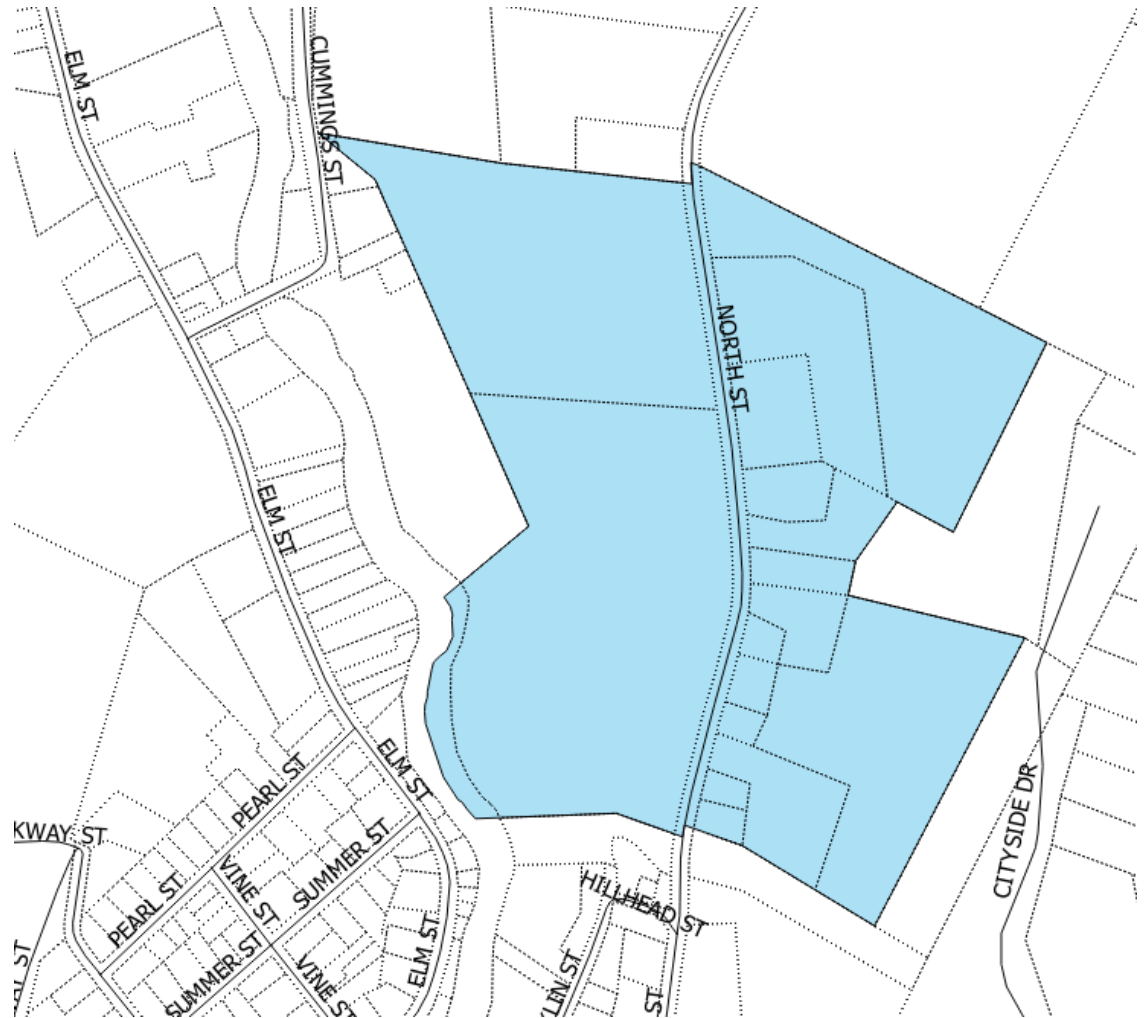
10-5 Murray Hill

Current		Proposed	
Mid Density Residential (HDR)	Low Density Residential (LDR)	Zoning District	Residential 9000
10,000	43,560	Lot Size (sq. feet)	9,000
8,000	43,560	Density	9,000
1	32	Total Parcels	33
0	13	# of Non-Conforming (NC) Lots	
0%	41%	% NC Lots	
0	13	# NC Density	
0%	41%	% NC Density	
N/A	19,166	90% Lot Size Conformance (sq. feet)	19,166
N/A	19,166	90% Density Conformance (1 unit per sq. footage)	19,166



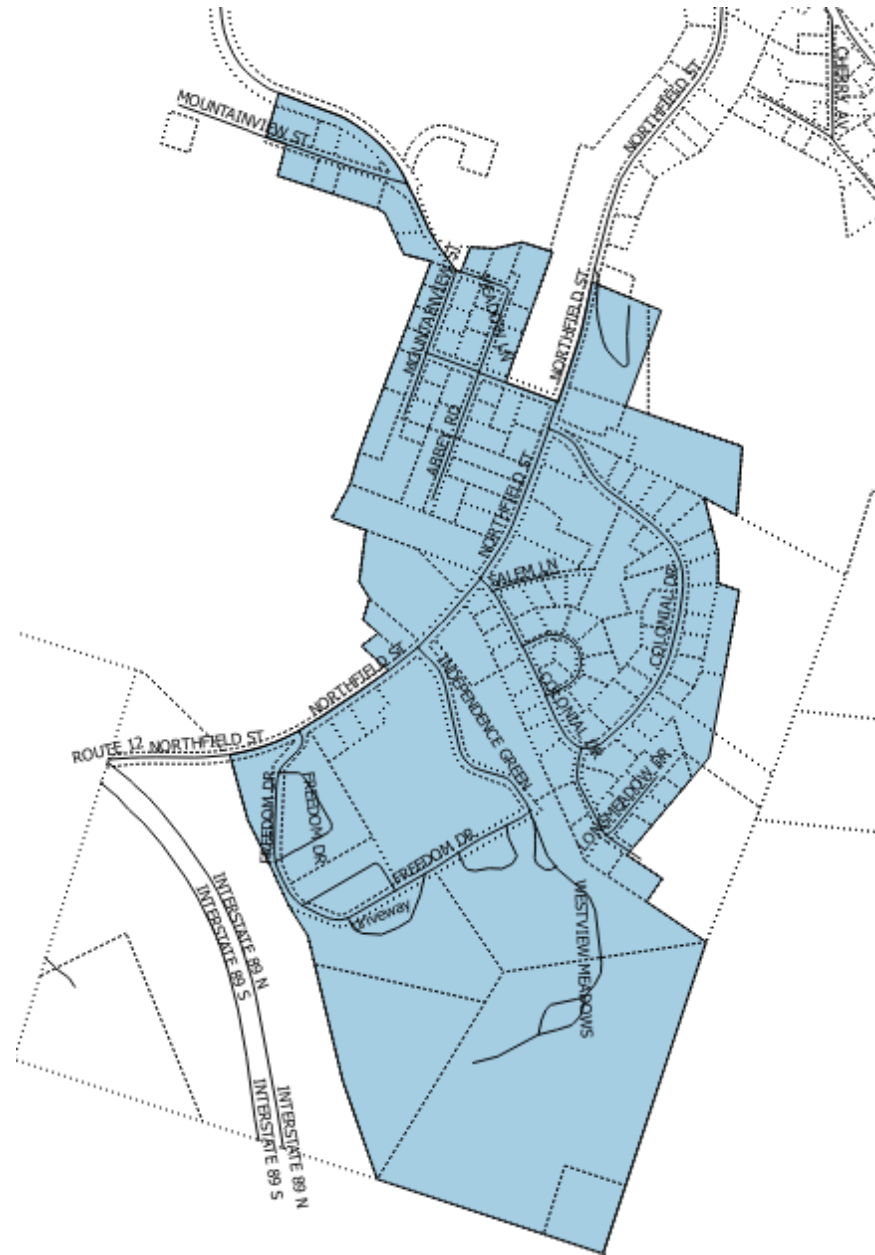
10-6 North Street

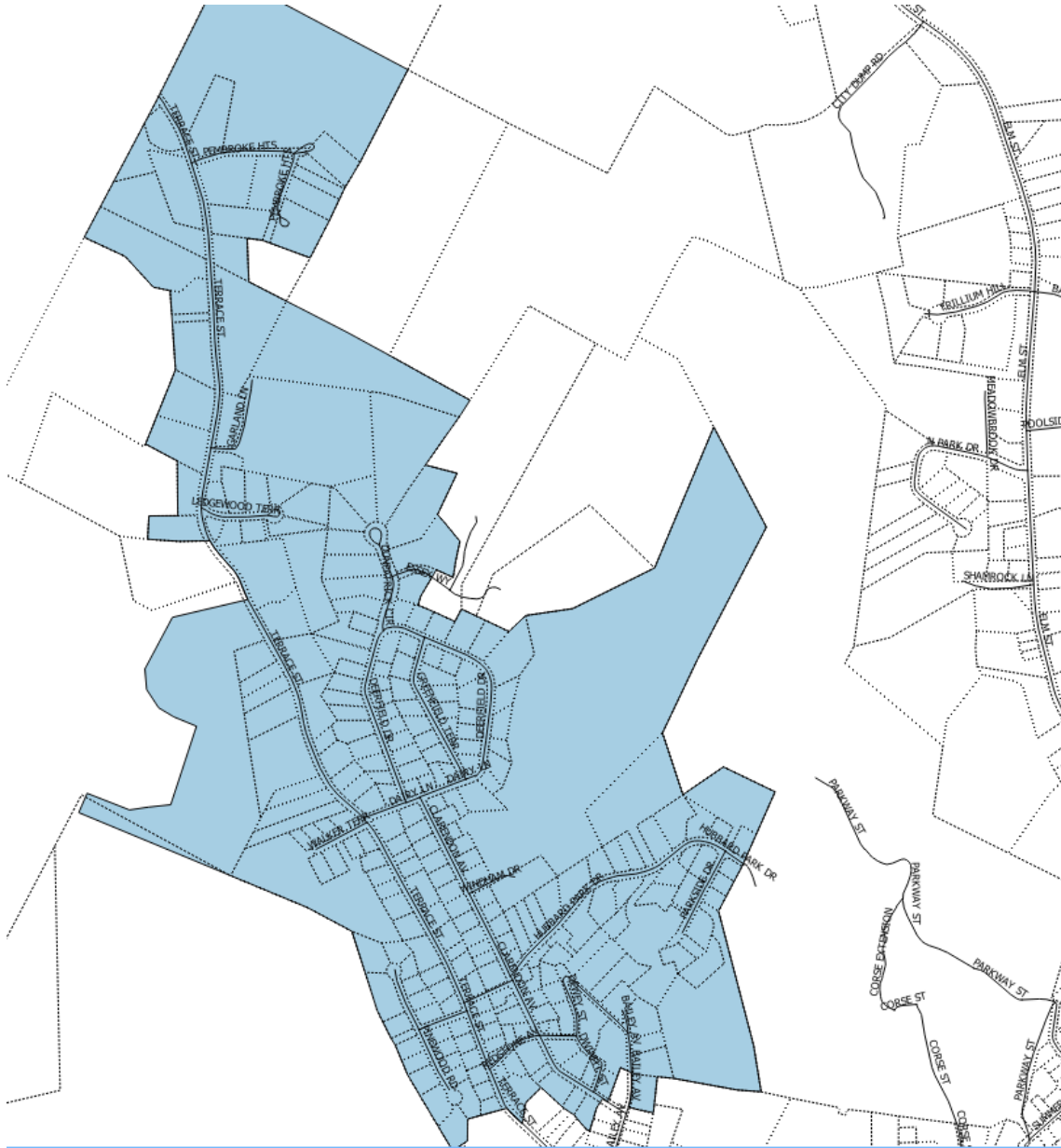
Current		Proposed
Mid Density Residential (HDR)	Zoning District	Residential 9000
10,000	Lot Size (sq. feet)	9,000
8,000	Density	9,000
15	Total Parcels	15
2	# of Non-Conforming (NC) Lots	
13%	% NC Lots	
0	# NC Density	
0%	% NC Density	
10,019	90% Lot Size Conformance (sq. feet)	10,019
10,019	90% Density Conformance (1 unit per sq. footage)	10,019



10-7 Northfield Street

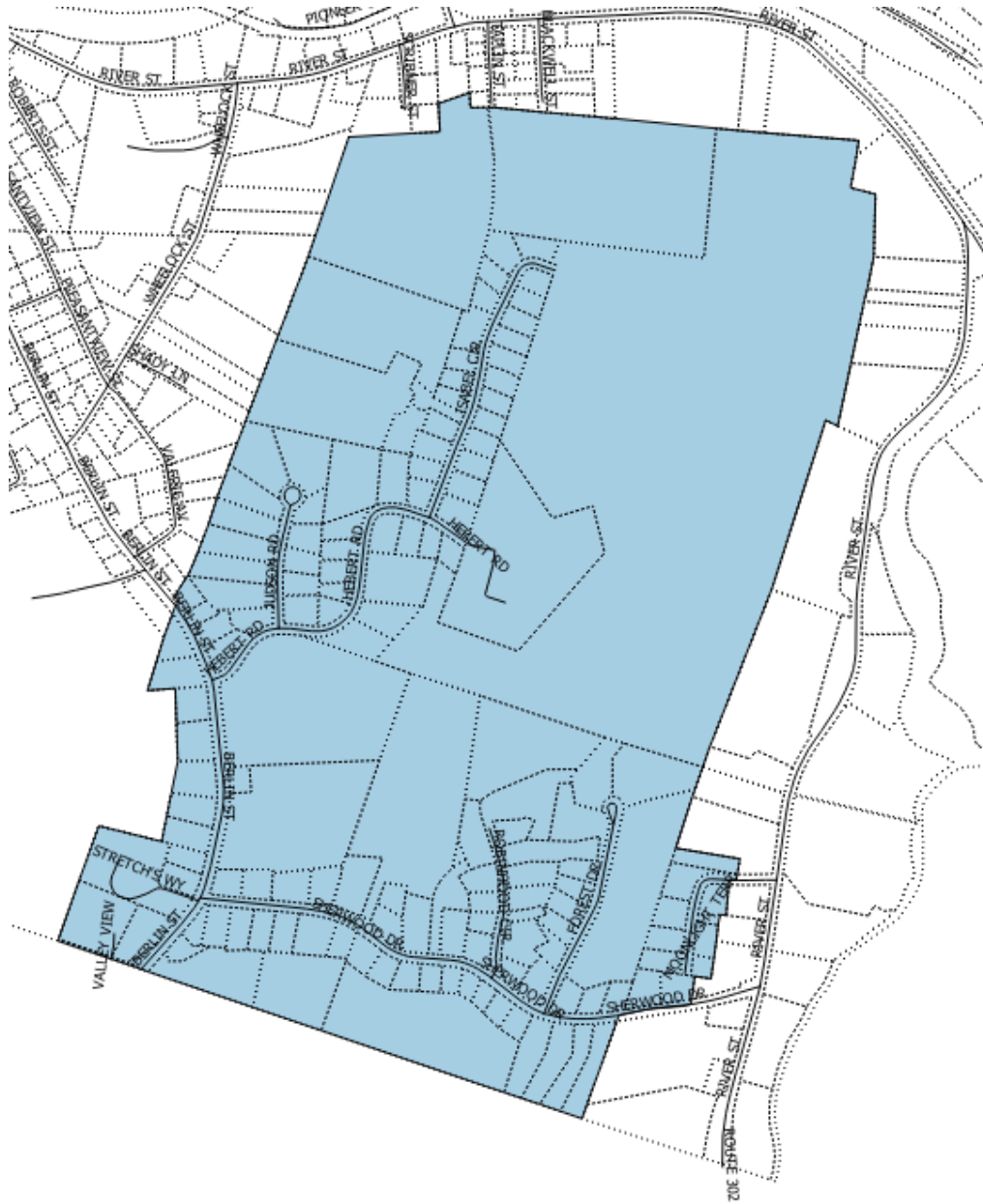
Current		Proposed
Mid Density Residential (HDR)	Zoning District	Residential 9000
10,000	Lot Size (sq. feet)	9,000
8,000	Density	9,000
121	Total Parcels	121
15	# of Non-Conforming (NC) Lots	
12%	% NC Lots	
1	# NC Density	
1%	% NC Density	
9,583	90% Lot Size Conformance (sq. feet)	9,583
9,583	90% Density Conformance (1 unit per sq. footage)	9,583





10-8 Park West

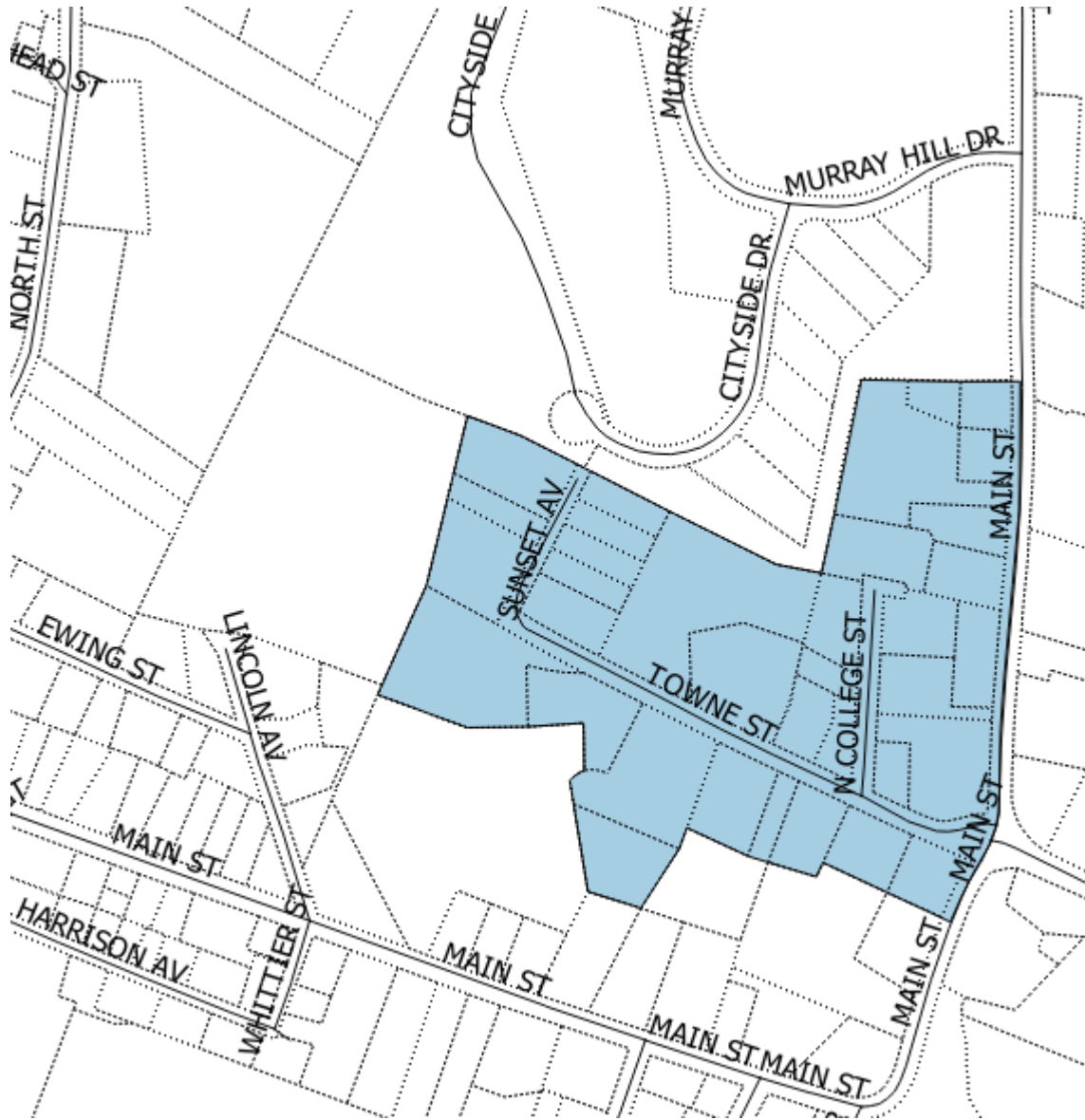
Current		Proposed	
Mid Density Residential (HDR)	Low Density Residential (LDR)	Zoning District	Residential 9000
10,000	43,560	Lot Size (sq. feet)	9,000
8,000	43,560	Density	9,000
233	29	Total Parcels	262
9	10	# of Non-Conforming (NC) Lots	
4%	34%	% NC Lots	
5	10	# NC Density	
2%	34%	% NC Density	
11,326	20,474	90% Lot Size Conformance (sq. feet)	11,761
11,326	20,474	90% Density Conformance (1 unit per sq. footage)	11,761



10-9 Stonewall Meadows

Current		Proposed
Mid Density Residential (HDR)	Zoning District	Residential 9000
10,000	Lot Size (sq. feet)	9,000
8,000	Density	9,000
144	Total Parcels	144
1	# of Non-Conforming (NC) Lots	
1%	% NC Lots	
0	# NC Density	
0%	% NC Density	
12,197	90% Lot Size Conformance (sq. feet)	12,197
12,197	90% Density Conformance (1 unit per sq. footage)	12,197

10-10 Towne Street



Current		Proposed
Mid Density Residential (HDR)	Zoning District	Residential 9000
10,000	Lot Size (sq. feet)	9,000
8,000	Density	9,000
32	Total Parcels	32
2	# of Non-Conforming (NC) Lots	
7%	% NC Lots	
0	# NC Density	
0%	% NC Density	
12,197	90% Lot Size Conformance (sq. feet)	12,197
12,197	90% Density Conformance (1 unit per sq. footage)	12,197

10-11 Toy Town



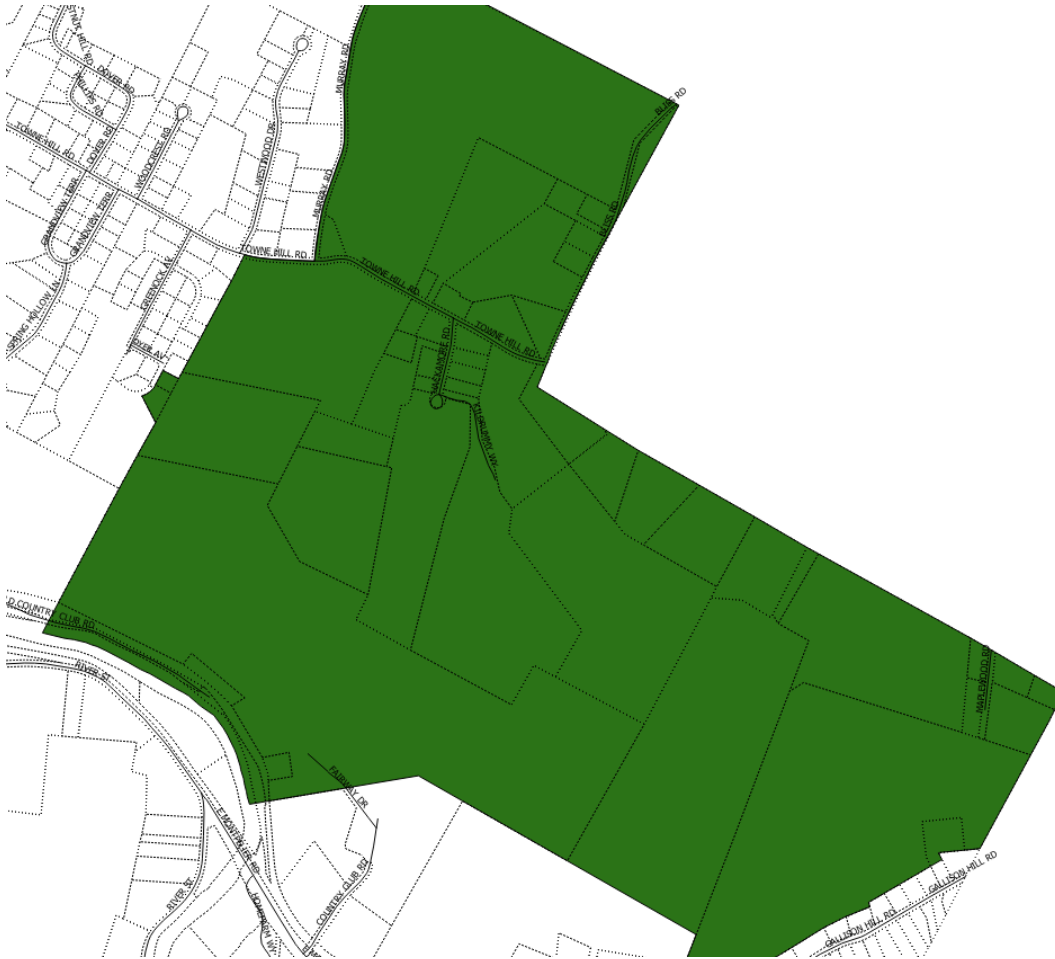
Current		Proposed
Mid Density Residential (HDR)	Zoning District	Residential 9000
10,000	Lot Size (sq. feet)	9,000
8,000	Density	9,000
32	Total Parcels	32
13	# of Non-Conforming (NC) Lots	
41%	% NC Lots	
2	# NC Density	
6%	% NC Density	
8,276	90% Lot Size Conformance (sq. feet)	8,276
8,276	90% Density Conformance (1 unit per sq. footage)	8,276



11-1 Towne Hill

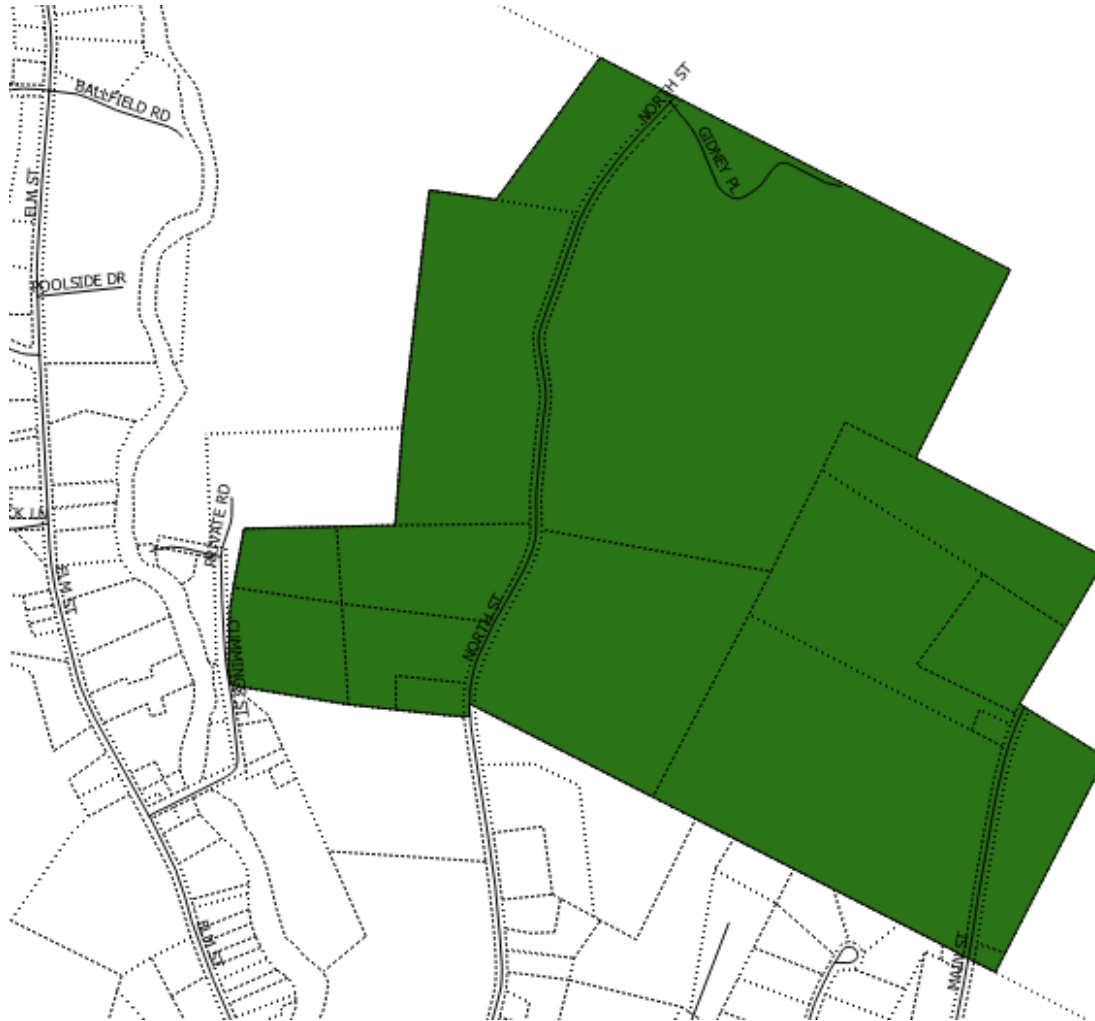
Current		Proposed	
Mid Density Residential (HDR)	Low Density Residential (LDR)	Zoning District	Residential 1700
10,000	43,560	Lot Size (sq. feet)	17,000
8,000	43,560	Density	17,000
15	142	Total Parcels	157
0	91	# of Non-Conforming (NC) Lots	
0%	64%	% NC Lots	
0	91	# NC Density	
0%	64%	% NC Density	
17,424	15,250	90% Lot Size Conformance (sq. feet)	15,250
17,424	15,250	90% Density Conformance (1 unit per sq. footage)	15,250

12-1 Eastern Rural



Current		Proposed	
Mid Density Residential (HDR)	Low Density Residential (LDR)	Zoning District	Rural
43,560	87,120	Lot Size (sq. feet)	87,120
43,560	87,120	Density	87,120
11	28	Total Parcels	39
2	11	# of Non-Conforming (NC) Lots	
18%	39%	% NC Lots	
1	11	# NC Density	
9%	39%	% NC Density	
45,302	20,908	90% Lot Size Conformance (sq. feet)	21,344
45,302	20,908	90% Density Conformance (1 unit per sq. footage)	21,344

12-2 Highland



Current		Proposed	
Mid Density Residential (HDR)	Low Density Residential (LDR)	Zoning District	Rural
43,560	87,120	Lot Size (sq. feet)	87,120
43,560	87,120	Density	87,120
5	8	Total Parcels	13
0	0	# of Non-Conforming (NC) Lots	
0%	0%	% NC Lots	
0	0	# NC Density	
0%	0%	% NC Density	
426,888	239,580	90% Lot Size Conformance (sq. feet)	239,580
426,888	249,580	90% Density Conformance (1 unit per sq. footage)	239,580

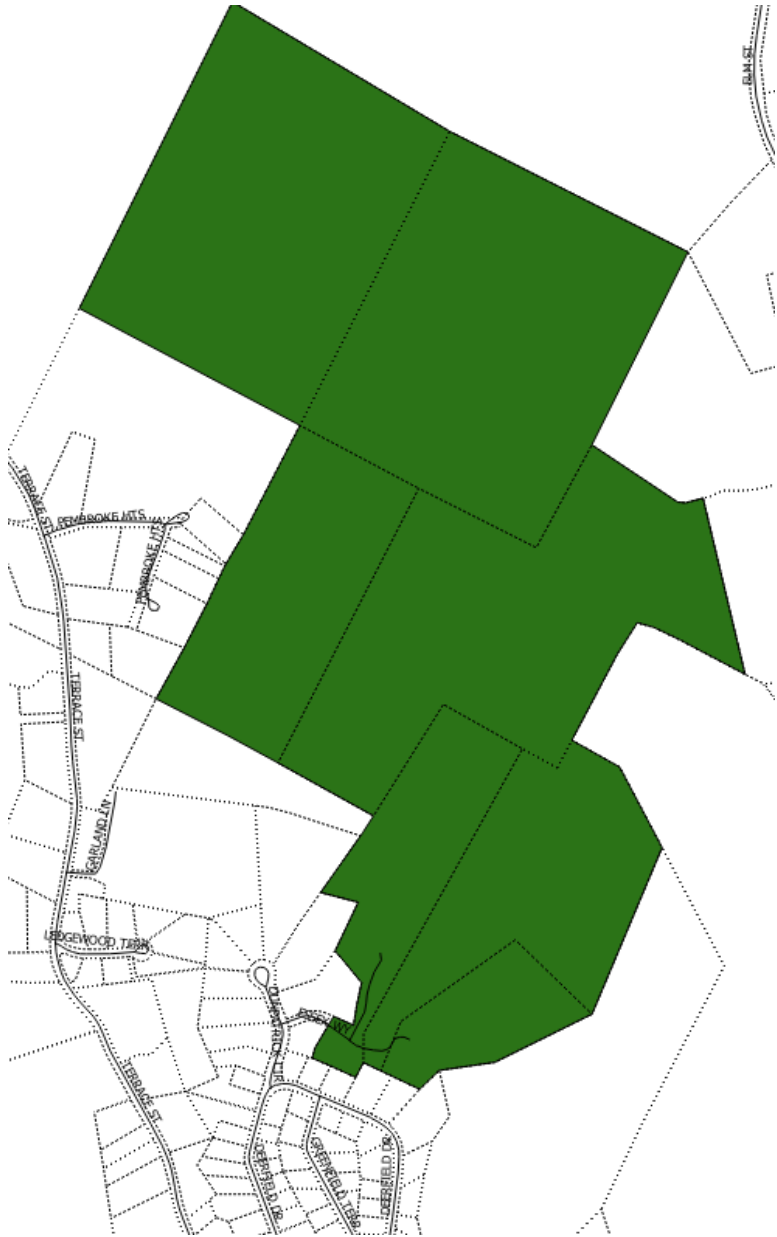


12-3 Hill Street

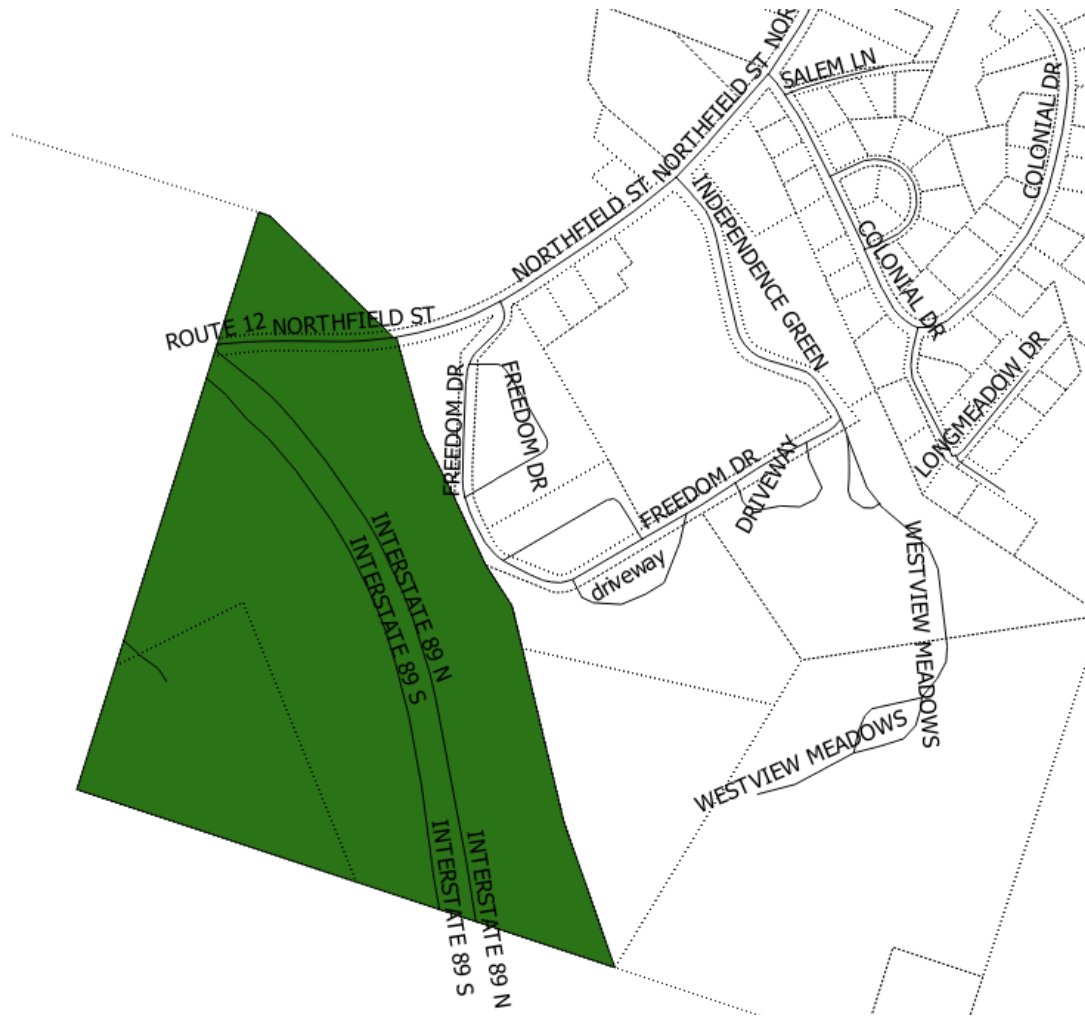
Current			Proposed
Mid Density Residential (HDR)	Low Density Residential (LDR)	Zoning District	Rural
43,560	87,120	Lot Size (sq. feet)	87,120
43,560	87,120	Density	87,120
9	6	Total Parcels	15
2	0	# of Non-Conforming (NC) Lots	
22%	0%	% NC Lots	
2	0	# NC Density	
22%	0%	% NC Density	
25,265	N/A	90% Lot Size Conformance (sq. feet)	25,265
25,265	N/A	90% Density Conformance (1 unit per sq. footage)	25,265

12-4 Pembroke Heights

Current		Proposed
Low Density Residential (LDR)	Zoning District	Rural
87,120	Lot Size (sq. feet)	87,120
87,120	Density	87,120
7	Total Parcels	7
0	# of Non-Conforming (NC) Lots	
0%	% NC Lots	
0	# NC Density	
0%	% NC Density	
1,226,214	90% Lot Size Conformance (sq. feet)	1,226,214
N/A	90% Density Conformance (1 unit per sq. footage)	N/A



12-5 Southwestern Rural

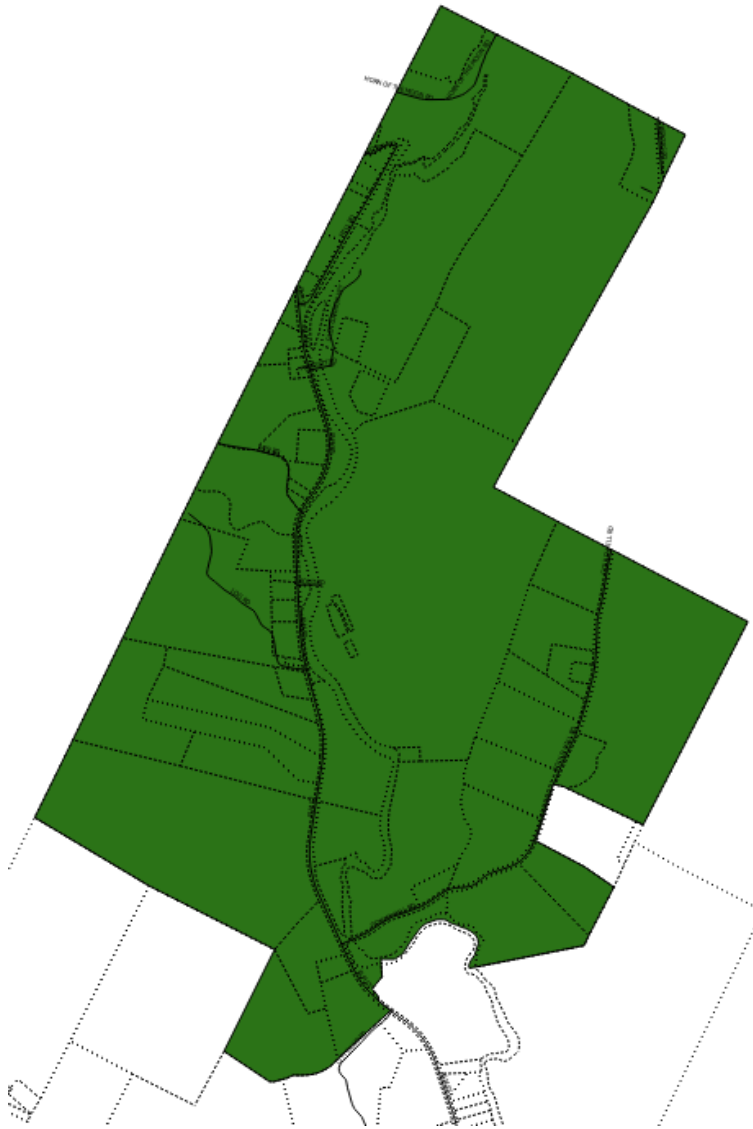


Current		Proposed
Mid Density Residential (HDR)	Zoning District	Rural
43,560	Lot Size (sq. feet)	87,120
43,560	Density	87,120
1	Total Parcels	1
0	# of Non-Conforming (NC) Lots	
0%	% NC Lots	
0	# NC Density	
0%	% NC Density	
N/A	90% Lot Size Conformance (sq. feet)	N/A
N/A	90% Density Conformance (1 unit per sq. footage)	N/A



12-6 Western Rural

Current		Proposed
Low Density Residential (LDR)	Zoning District	Rural
87,120	Lot Size (sq. feet)	87,120
87,120	Density	87,120
1	Total Parcels	7
0	# of Non-Conforming (NC) Lots	
0%	% NC Lots	
0	# NC Density	
0%	% NC Density	
N/A	90% Lot Size Conformance (sq. feet)	N/A
N/A	90% Density Conformance (1 unit per sq. footage)	N/A



12-7 Wrightsville

Current		Proposed
Low Density Residential (LDR)	Zoning District	Rural
87,120	Lot Size (sq. feet)	87,120
87,120	Density	87,120
59	Total Parcels	59
24	# of Non-Conforming (NC) Lots	
41%	% NC Lots	
0	# NC Density	
0%	% NC Density	
24,829	90% Lot Size Conformance (sq. feet)	24,829
24,829	90% Density Conformance (1 unit per sq. footage)	24,829

MEMORANDUM

To: City Council

From: Mike Miller, Director of Planning & Community Development

Re: Zoning – Part 2

Date: April 7, 2017

For the same reason as our discussion of Part 1, we clearly could not do a line by line review of the entire draft Zoning Regulations. I will, therefore outline each **Part, Chapter** and, where appropriate, **Section** and try to highlight places of interest from a policy perspective that you may want to look further at. Where applicable I will note major changes over the current zoning bylaws.

PART 2.

This Part includes the zoning map and discusses the zoning districts including uses, setbacks, lot sizes and densities of development. This Part also includes the design control district which, as we will note later is intended to be the same boundaries and rules as the current zoning bylaws (more later on this). To review Part 2 you must also review the Zoning district map so this conversation will begin with that discussion.

Zoning District Map. The new zoning map is one of the key improvements to the new draft zoning. The current zoning used today has many district boundaries that do not follow property lines and as such it is more difficult to administer. The current zoning also did not follow water and wastewater service lines so some districts were split into requirements depending on whether they connected to water and sewer or not. Finally, the current zoning has fewer residential districts so densities jump dramatically from “one unit per 2 acres” to “one unit per 10,000 square feet” to “one per 1,500 square feet”. Those last two convert to 4 units per acre and 29 units per acre.

With few exceptions, the new proposed zoning map follows property lines and creates a rural district where no sewer and water service is available. The medium density residential areas now have densities at one unit per 17,000 square feet, one per 9,000 square feet, and one per 6,000 square feet, while higher density residential areas have densities of one per 3,000 square feet, and one per 1,500. This allowed the commission a variety of options to assign densities more consistent with what appears on the ground.

Regarding non-residential uses the commission grouped the current Industrial, General Business, and Office Park districts into Eastern and Western Gateway. This allows better options for property owners in these areas to develop uses consistent with the market. There are also Urban Core districts 1 and 2 which combine today's CB-1, CB-2, and Civic. Finally the Commission expanded the Riverfront district and created a new Mixed Use Residential district to allow an area for small commercial development near downtown. Many of these areas already have some commercial development such as Barre Street, East State Street, VCFA, Elm Street, and Northfield Street.

The map also shows neighborhoods which are used to better define character of the area and the boundary of the design control district (and Cliffside exclusion).

At risk of giving you too much information, you also received in your Council packet a *Zoning by Neighborhoods* document and a set of neighborhood excel tables. One goal of zoning generally is to have similar properties in similar situations treated in a similar manner. In the end though, we always need to put down a line on the map but sometimes a property could easily fall into a different neighborhood or district. Look through the *Zoning by Neighborhoods* and look at the map and ask yourselves:

- Are the zoning boundaries ok? How about neighborhood boundaries?
- Is an area mapped with the correct boundaries but not put in the right zoning district? You might get some information from the tables to get you thinking. On the tables you see 90% figures for lot size and densities and recommended zoning districts. For example, I might suggest looking at 8-2 Franklin Street Northeast. After completing the tables for you, I noticed that the 90% figures had lot sizes and densities consistent with Residential 6,000 but ended up in Residential 3,000 due to its proximity to downtown. Maybe it could be changed. Maybe there are others you have questions about.
- Should a new district be created? The Planning Commission tended to break things into threes. Maybe a Residential 12,000 or 15,000 would be appropriate.
- Maybe even changes of neighborhood names could be important. Should College Hill South West be renamed Hubbard Street Neighborhood?

Chapter 200. This short chapter is the legal establishment of the zoning districts including the design overlay district, the establishment of the official zoning map, and rules for how to interpret the zoning map.

Chapter 210. This Chapter is most of this Part and includes descriptions and requirements of each zoning district. Each district description includes:

- Purpose of the district. This is non-regulatory but helps to define what makes this district cohesive. What do all the properties in this district have in common?
- Neighborhood character. Most zoning districts can be broken into various

neighborhoods. Some are adjacent to each other (a single district broken into neighborhoods like UC-1) and some are not (the same zoning district is found in multiple places around the city like Rural, each as its own neighborhood).

- Use standards. These are all found on Table 2-14 starting on page 2-29. The uses are either allowed with an administrative permit (P) or need conditional use approval (C) or are not allowed. Are there uses that should be allowed or not allowed in some districts?
- Dimensional requirements. Each district has a table describing the basic requirements such as minimum lot size, frontage, lot coverage, setbacks and density. Density is in units per square foot of lot for residential uses and floor area ratio for non-residential uses. There are also building requirements such as height, max footprint, and others. How these are measured and enforced are discussed in Part 3 (section 3002).

Chapter 220. The City only has one overlay zoning district and that is the design control district. There are a few questions that the Planning Commission needed answering in the development of these rules including what do we want to regulate (design, historic preservation, or both), what area should be regulated (entire city or just a part of it), and what changes should be made to the process. After much discussion the Commission decided to have historic standards, apply them only to properties in the National Register Historic District, and to make the process more streamlined. Hearings during 2016 showed that the public did not support that approach. Even when rules were revised to allow exceptions to some historic standards (for example, allowing property owners to replace windows with modern windows as long as they look historically accurate) the proposal received little support. Rather than try to revise the rules now the Planning Commission voted to put the current rules and current boundary back in the draft zoning. The Historic Preservation Commission has applied for a grant to draft new preservation rules for the Planning Commission to consider. They will be working on that project this summer with a new proposal to be presented possibly as soon as this winter.

So what you have before you in Section 2201 are the same rules as are in the zoning today and using the same map as today except for the Cliff street exception area voted in by Council.

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

Thank you.

MM

