CITY OF MONTPELIER
MONTPELIER, VERMONT

Agenda for Special City Council Meeting
City Council Chambers, City Hall
January 15, 2014
6:30 P.M.

1) 14-012. Call to Order by the Mayor

2) 14-013. General Business and Appearances

3) 14-014. Consideration of the Consent Agenda:

a) Approve Minutes from the November 20, 2013; December 4, 2013; and January 8, 2014 City Council Meetings.

b) Acting as the Liquor Control Commission, City Council Members may now consider the following permit:

1) Ratify the issuance of a ***new*** Liquor License to Belladonna LLC (a Montpelier LLC that also runs the Montpelier Discount Beverage Store on Main Street) for the Berlin Street Mobil which they recently purchased.

c) Approval of Payroll and Bills

4) 14-015. Presentation from representatives of the Kellogg-Hubbard Library.

5) 14-016. Conduct the First Public Hearing (jointly with Barre) of the Final Charter for the Public Safety Authority.

6) 14-017. Conduct First Public Hearing on Proposed FY '15 Municipal Budget.

a) The City Manager presented a recommended budget on December 6, 2013.

b) The Council conducted "budget workshops" as part of their meetings held on December 11th, 2013, and January 8th, 2014.

c) The proposed budget requires a two cent increase in the municipal tax rate (two cents for Capital Projects and Equipment Purchases).

d) Recommendation: Present budget to public; conduct public hearing; provide direction to staff as necessary.

7) 14-018. Conduct the First Public Hearing on Proposed Amendments to the City's Charter.

8) 14-019. Conduct First Public Hearing on Warning for March 4, 2014 Annual City Meeting.

a) A draft warning of ballot items for the Annual City Meeting has been prepared and is attached.

b) Recommendation: Conduct Public Hearing; provide direction to staff as necessary.

9) 14-020. Set date, time and location for Annual City Meeting.

a) Recommendation: Set date for the Annual City Meeting on Tuesday, March 4th, 2014, from 7:00 A.M. to 7:00 P.M. in the City Hall Auditorium.

10) 14-021. Second Reading/Public Hearing regarding an ordinance that addresses dog waste, **Sec. 8-210. DEFECATION**:

(a) **<u>The person in control of a domestic pet which defecates in any public area or on private property of another person shall immediately remove the fecal material and dispose of it in a sanitary manner.</u>** [The person in control of any dog which defecates in a public park, walkway, sidewalk, street, public way, playground, cemetery, school grounds, state property or on private property shall remove such material immediately and dispose of it in a sanitary manner. This provision shall not apply to private property used without objection of the property owner or to off-trail, wooded areas of public parks.]

(b) It shall be unlawful for the owner of any [dog] **<u>domestic pet</u>** to violate subsection (a) herein.

(c) A violation of this Section shall be subject to the general penalty provisions, and those penalty provisions of Section 8-205 herein.

Additionally, and in lieu thereof, the City of Montpelier may elect to issue a City nuisance citation in connection with initial and subsequent offenses of this provision. In that event, a civil penalty of $30 may be imposed for the initial violation. The penalty for a second offense within a six-month period of the initial offense shall be $50. The penalty for a third and any subsequent offense within a six-month period of the initial offense shall be $60.

(d) Any person who fails or declines to respond to a City nuisance citation issued pursuant to subsection (c) herein shall be subject to the general penalty provisions and the provisions of Sec. 8-205 herein in respect of the original offense.

(e) *Recommendation: Conduct the second Public Hearing, provide direction to staff as necessary.*

11) 14-022. Continued discussion with Council regarding the "public banking initiative".

a) This item was included on the January 8th City Council Agenda. As noted in the minutes from that meeting, "The consensus of the council was that the large volume of information on the topic precluded immediate, informed action by the council."

b) Recommendation: Further discussion; possible direction to staff.

12) 14-023. First Public Hearing to consider proposed amendments to the City's Code of Ordinances: **Chapter 10, Motor Vehicles and Traffic, Article VII. Parking and Parking Meter Zones**, **Sec. 10-713. NIGHT PARKING DURING WINTER,** as it relates to additional parking during the overnight winter parking ban; and **Article 10-717, LIMITED PARKING,** which will address the restriction of non-electric vehicles parking in the space adjacent to the (ev) charging station behind City Hall.

1) As noted in the attached memorandum from Public Works Director and Traffic Committee Chair Todd Law, the Committee's recommendations are as follows:

2) Sec. 10-713. NIGHT PARKING DURING WINTER.

Parking of motor vehicles, teams, carts, or any other conveyance on the streets of the city of Montpelier between the hours of 1:00 A.M. and 7:00 A.M. is hereby prohibited between November 15 and April 1 of each and every year**, except as depicted on the winter parking map, which allows overnight parking in City parking lots and on Stone Cutters Way in the areas shown and on the nights shown on the map found on the City's website. Vehicles parked in violation to the areas depicted on the map will be subject to ticketing, and may be subject to removal per Section 10-715.** The City Manager may, by executive order, prohibit night parking at any other times of the year if emergency road conditions exist as a result of ice or snow conditions. Attention to this Section will be brought to residences each year by issuing news releases to the local news media by the City Manager's Office, said news releases to commence the last week in October of each year.

3) Sec. 10-717. LIMITED PARKING. (add new sub-section)

(kk) <u>Blanchard Court</u>. "Electric Vehicle Parking Only, 2-Hour Maximum" for the southern-most parking space on the eastern side of City Hall adjacent to the electric vehicle charging station.

4) Recommendation: Conduct the First Public Hearing, with or without further amendments; set the date of January 22nd for the Second Public Hearing.

13) 14-024. First Public Hearing to consider proposed amendments to the City's Code of Ordinances: **Chapter 10, Motor Vehicles and Traffic, Article VII. Parking and Parking Meter Zones**, **Sec. 10-716. PARKING PROHIBITED,** as it relates to vehicles parking on National Life Drive north of the main entrance to the National Life Complex.

1) As noted in the attached memorandum from Public Works Director and Traffic Committee Chair Todd Law, the Committee is recommending the following amendment:

2) Sec. 10-716. PARKING PROHIBITED.

(c) National Life Drive. ~~Deleted -- enacted April 24, 1991.~~ **Parking is prohibited on the easterly side of National Life Drive beginning at the northerly edge of the main entrance to the National Life complex, thence extending northerly for a distance of one hundred ninety-five (195) feet.**

3) Recommendation: Conduct the First Public Hearing, with or without further amendments; set the date of January 22nd for the Second Public Hearing.

14) 14-025. Council Reports

15) 14-026. Mayor's Report

16) 14-027. Report by the City Clerk

17) 14-028. Report by the City Manager

18) *Adjournment*

CENTRAL VERMONT PUBLIC SAFETY AUTHORITY
A Union Municipal Authority

The municipalities of Barre and Montpelier agree that regionalization of police, dispatch, fire and ambulance services is a better mechanism for ensuring public protection of persons and property than providing the same individually or through nonprofit agencies. For this reason, the municipalities, following votes in each town and city, commit themselves to the creation of this Central Vermont Public Safety Authority.

1. Purpose and Composition. The purpose of the Authority is to provide the two towns in the Authority with an affordable, integrated, efficient system of public safety services (fire, police, ambulance, dispatch) that protects public welfare and provides rapid responses with highly qualified personnel when emergency situations arise.

2. Term. The Authority shall continue perpetually.

3. Powers. The Authority shall have all of the power and authority listed in section 4866 of Title 24 (union municipal authorities) as the same presently exist, together with any additional powers which may be added thereto by amendment in the future, all of which powers are incorporated herein by reference. The Authority shall also have the power:

(1) To operate, cause to be operated, or contract, or both, for the operation of any and all facilities for police, dispatch, fire and ambulance services, as voted by the board.

(2) To purchase, sell, own, lease, convey, mortgage, improve, and use real and personal property.

(3) To sue.

(4) To enter into contracts for any term or duration.

(5) To adopt a capital budget and program.

(6) To issue regulations implementing the purposes of the Authority, subject to the requirements of chapter 59 of Title 24, relating to the functions of the Authority.

(7) To provide public safety services for the members and others.

(8) To exercise the authority of eminent domain, using the procedures and definition of "necessity" as found in Chapter 5 of Title 19, to the extent they are applicable.

(9) To borrow money and issue evidence of indebtedness as provided by chapter 53 of Title 24 (Indebtedness) or other provisions of law authorizing general obligations or revenue debt, including chapter 12 of Title 10 (Vermont Industrial Development Authority) and chapter 119 of Title 24 (Municipal Bond Bank).

(10) To establish a budget and assess members in accordance with this charter and provisions of state law.

(11) To appropriate and expend monies.

(12) To establish sinking funds for the retirement of bonded or other indebtedness.

(13) To charge members for the cost of providing public safety services.

(14) To exercise any other powers which are necessary or desirable for dealing with public safety measures, as any member may exercise by general state law or charter.

(15) To establish capital reserve funds.

(16) To accept and administer gifts, grants, and bequests in trust.

(17) To exercise all powers incident to public corporations.

(18) To make payments in lieu of taxes to members hosting Authority facilities.

(19) To appoint a Public Safety Director.

(20) To enter into contracts with banks, insurance companies or other financial institutions so as to obtain a letter of credit, bond insurance, or other forms of financial guarantees or credit enhancement in connection with Authority bonds, notes, or other evidence of indebtedness.

(21) To provide host communities of Authority facilities with incentive payments, services, and benefits.

(22) To contract with private businesses, non-profit corporations, and other governments for the provision of services associated with the Authority's functions.

(22) To do all things set forth in or necessary to this chapter.

4. Sovereign immunity. The Authority shall have the benefit of sovereign immunity to the same extent that the State of Vermont does. The Authority shall provide liability and other insurance for itself and the members of the Board of Directors (the "board"). The Authority shall hold harmless and indemnify all members of the board from all claims of every kind and nature arising out of or connected with duties as Directors, excepting only willful negligence and criminal conduct.

5. Definitions. As used in this chapter:

(1) "Board" means the board of Directors of the Central Vermont Public Safety Authority.

(2) "Authority" means the Central Vermont Public Safety Authority.

(3) "Members" means those municipalities that comprise the Authority, acting through their respective legislative bodies that are committed to full participation in the shared net expenses of all services provided by the Authority. Other municipalities may, at the Authority's discretion, contract with the Authority for provision of one or more services from time to time.

(4) "Person" means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the state of Vermont or any agency, department, or subdivision of the state, federal agency, or any other legal or commercial entity.

6. Authority. All power and authority of the Authority shall be exercised by the board.

7. Composition. Each member of the Authority shall have two Directors on the board, and two other Directors shall be elected at large by the electorate of the two municipalities. Each Director must be a resident of his or her municipality, registered to vote in municipal elections at the time of a Director's appointment or election.

8. Selection of Directors

(a) Initial board. The initial Directors representing each member shall be appointed by the legislative body of each member. Two Directors shall initially be appointed by the Board of Directors, to serve until the next annual City Meetings of the members, after which they shall be elected at large by the voters of the members.

(b) Directors. The two at-large Directors shall serve terms of three years, but the initial elected at-large Directors shall have terms of one and three years, to be chosen by lot by the secretary, to ensure staggered terms for the at-large Directors. The Directors elected by the voters of the respective members shall serve terms of two years, but the initial elected Directors shall have terms of one or two years, to be chosen by lot by the secretary, to ensure staggered terms of the elected Directors. No Director shall serve more than three full consecutive terms.

(c) Subsequent boards. Unless the voters of a member decide at a regular or special meeting warned for that purpose to have their Director appointed by the legislative body of the member, their Director shall be elected at their annual meeting for the term specified in this section. Any voter in any of the members may be nominated to be elected an at-large Director by filing a petition signed by 25 voters of the municipalities and filing it with the secretary of the Authority before 5:00 p.m. on the sixth Monday prior to the day of election, which shall be the filing deadline. Votes for at-large and elected Directors shall be tallied by the clerks of the respective members and certified to the secretary of the Authority within a week of the day of election. The Directors receiving a plurality of the votes shall be deemed elected, after the vote is confirmed by the Board of Directors.

(d) Appointments. If a member chooses to have its legislative body appoint its Director to the Authority, the legislative body shall make its appointment by the end of March in the year in which the term of the preceding Director for that member expires. The clerk of each member shall certify its appointment to the secretary of the Authority.

(e) Oath of Office. All Directors shall take an oath of office similar to that taken by members of legislative bodies of municipalities, as in section 831 of Title 24. The oath shall be administered by the clerk of the Director's municipality.

(f) The Authority shall pay Directors such reimbursement of expenses or stipend as the board shall determine.

9. Organizational meeting. Within 60 days of the effective date of this chapter, the chair of the Central Vermont Chamber of Commerce shall designate a time and place for the organizational meeting of the initial board. Annually thereafter, on the first Wednesday in April, the board shall hold its organizational meeting at a time and place designated by the board chair. At the organization meeting, the board shall elect from among its membership a chair and a vice-chair, each of whom shall hold office for one year and until a successor is duly elected and qualified. For this election each Director present shall cast one vote, except that no Director shall be elected chair for more than three consecutive terms unless Directors representing at least two-thirds of all votes entitled to be cast on behalf of all members and comprising at least two-thirds of all possible Directors (including vacancies) shall so vote. The chair and vice-chair who are elected at the organizational meeting of the initial board shall hold office until the second board elects their successors.

10. Regular meetings. A schedule of regular meetings of the board shall be established at its annual organizational meeting. The schedule shall be sent to the clerk of each member for posting.

11. Special meetings. Special meetings of the board may be called at any time by the chair and shall be called by the secretary upon written request of a majority of the members of the board. Each Director shall be given at least 24-hours' notice of any special meeting by telephone, or by written notice delivered personally, email, fax, or regular mail. Directors waive the notice requirements if they attend the special meeting, unless attendance is for the sole purpose of protesting the holding of the meeting. No action may be taken at a special meeting which is not warned specifically in the notice.

12. Quorum and Rules. To transact business, at least four Directors must be present and four Directors must vote in favor of a motion for it to be effective. No proxies shall be allowed. A smaller number may adjourn to a later date, provided notice is given to all members as if such adjourned meeting were a special meeting. All meetings of the board and its committees shall be governed by the small boards sections of the most recent edition of Robert's Rules.

13. Vacancy. (a) A Director may resign at any time by notice to the chair of the Authority. In cases of municipal Directors, notice shall also be given to the legislative body of the municipality represented.

(b) The board may declare, by written certification to the legislative body of a member, a vacancy for the position of the Director from that member after the Director has failed to attend three unexcused, consecutive meetings of the board within one year beginning in March and ending in February of the subsequent year.

(c) Upon resignation, death, certification of vacancy by the board, or removal from the municipality by a Director, the legislative body of that member shall appoint a Director for the remainder of the term of such Director within 45 days. The appointment shall be certified by the clerk of the member to the secretary of the Authority.

(d) Each vacancy or withdrawal of a member shall reduce the number of Directors needed to constitute a quorum or binding vote of the Authority.

14. Officers. The officers of the Authority shall be the chair and the vice chair of the board of Directors, the secretary of the Authority, and the treasurer of the Authority. There may also be an assistant secretary, and an assistant treasurer.

15. Bond. Within 30 days of their election or appointment, all officers shall post bond in such amounts as shall be determined by the board. The cost of such bond shall be borne by the Authority.

16. Public Safety Director. The board shall appoint a public safety director, based on experience and demonstrated competence, and shall set the salary and benefits for this office. The director shall oversee the operations and hire and supervise the personnel of the Authority.

17. Chair. The chair shall preside at all meetings of the board and shall make and sign all contracts on behalf of the Authority upon approval by the board. The chair shall perform all the duties incident to the position and office.

18. Vice chair. The vice chair shall preside during the absence of the chair or in the event the chair elects not to preside. In either case, the vice chair shall have the same duties and authority as the chair.

19. Acting chair. When both the chair and vice chair are either absent or elect not to preside, the board shall designate a member of the board to serve as acting chair. In any such case, the acting chair shall have the same duties and authority of the chair and shall serve until either the chair or vice chair resume his or her duties.

20. Secretary. The secretary of the Authority shall be appointed by the board. The secretary, with the approval of the board, may appoint an assistant secretary, who shall not be a Director of the board. The secretary shall have charge and custody of the public records of the Authority and the seal of the Authority. The secretary shall record all votes and proceedings of the Authority, including meetings of the Authority and meetings of the board and shall cause to be posted and published all warnings of meetings of the Authority. The secretary shall prepare all warnings of meetings of the Authority as required. Following approval by the board, the secretary shall cause the annual report to be distributed to the legislative bodies of the members. The secretary shall prepare and distribute any other reports required by laws of the state of Vermont and resolutions or regulations of the board. The secretary shall perform all the duties and functions incident to the office of secretary or secretary of a body politic and corporate.

21. Treasurer. The treasurer of the Authority shall be appointed by the board. The treasurer, with the approval of the board, may appoint an assistant treasurer, who shall not be a Director of the board. Neither the treasurer nor the assistant treasurer may be a Director. The treasurer shall have the custody of the funds of the Authority and shall be the disbursing officer of the Authority. When authorized by the board of Directors, the treasurer shall sign, make, or endorse in the name of the Authority all checks and orders for the payment of monies and pay out and disburse the same.

22. Grand juror. The board may appoint a grand juror who shall inquire into any person's offenses under the Authority's regulations or applicable law and present them to the proper authority. If the attorney general or the state's attorney is unwilling to prosecute such offenses, the grand juror may do so. For these purposes, the grand juror shall have the same authority within the Authority as a state's attorney. The grand juror shall not be a Director.

23. Open meetings and public records. The conduct of all meetings and the maintenance of all records of the Authority and the board shall be governed by the laws of this state relating to open meetings and accessibility of public records.

24. Audit. The board shall cause an audit of its financial records to be performed annually by an independent professional accounting firm or a certified public accountant.

25. Committees. The board shall have the authority to establish any and all committees as it may deem necessary.

26. Recall of officers. An officer may be removed by a vote of ~~two-thirds~~ a majority of the board whenever, in its judgment, the best interest of the Authority will be served.

27. Fiscal year. The fiscal year of the Authority shall commence on July 1 and end on June 30 of each year.

28. Budget appropriation and assessment. (a) Proposed budget. Annually on or before October 1, the board shall approve and cause to be distributed to the legislative body of each member for review and comment an annual report of its activities, including a financial statement, the budget history of the preceding two years, a proposed budget of the Authority for the next fiscal year, and a budget projection for the two successive years. The board may appoint a budget committee to develop the proposed budget. The board shall hold a public hearing on or before November 1 of each year to receive comments from the legislative bodies of the members and hear all other interested persons regarding the proposed budget. Additional public hearings may be held if the board deems it appropriate to do so. Notice of such hearing(s) shall be as provided below, except that for additional public hearings, the time requirements of that section shall be reduced by 15 days, and notice(s) need only be published once. The board shall give consideration to all comments received and make such changes to the proposed budget as it deems advisable.

(b) Budget adoption, appropriations, and assessment. Annually on or before December 1, the board shall approve the budget, and the voters of each member shall vote on appropriating the sums necessary to operate and carry out the Authority's functions for the next ensuing fiscal year. Once a budget is approved, the board shall assess each member for its proportionate share of the sums so appropriated, less revenues anticipated from the members, and adopt a schedule designating when such assessments are due and payable by the members. The member shall include the Authority’s budget in its municipal budget as a line item and shall appropriate such sums as the member is apportioned, once voted, as described in Sections 29-31.

29. Cost-sharing formula. Following its initial meeting, the PSA shall adopt methods of reporting law-enforcement and firefighting requests for service for each municipality. The purpose of such reporting is the creation of a three-year rolling average of law-enforcement and firefighting calls for each municipality, to reflect the demand on human and mechanical resources by town that are integral components of the cost-sharing formula. Calls for emergency medical services are not a component of the formula.

30. Percentage for the first three years. Prior to the first fully-operational year, the percentage of the total net operating costs of the authority billed to each member in accordance with the following historic burden of cost:

Total Net Costs	**2010-2012**	Barre City	Barre Town	Berlin	Montpelier
9,431,849	**NET COST:**	3,805,042	1,359,747	980,092	3,286,968

In accordance with this net cost history, Barre City shall pay 53.7 percent and Montpelier 46.3 percent of the PSA annual budget. These same percentages shall be used for the first three years of full operations.

For scenarios involving the Towns of Barre or Berlin, cost-sharing would be based on the percentage of net costs for the member towns as shown in APPENDIX A.

31. Years four through seven. In the fourth through seventh years of operation, cost-sharing of the net operating costs of the PSA shall change to a blended formula that takes into account each member’s resident population as well as requests for law-enforcement services and firefighting services. In each successive year, cost-sharing shall be dictated less by the historic percentages and more by population, law-enforcement and firefighting requests. By the seventh year, these historical percentages will have no role in the cost-sharing calculation.

(a) Year Four shall be weighted as follows: historic percentages (above), 75 percent of the total budget; population, nine (9) percent; law-enforcement, eight (8) percent; and firefighting, eight (8) percent.

(b) Year Five shall be weighted as follows: historic percentages, 40 percent; population, 20 percent; law-enforcement, 20 percent; and firefighting, 20 percent.

(c) Year Six shall be weighted as follows: historic percentages, 25 percent; population, 25 percent; law-enforcement, 25 percent; and firefighting, 25 percent.

(d) In year seven and succeeding years, weighting for the billing of Public Safety Authority services to each member shall be based on population, 34 percent; law-enforcement, 33 percent; and firefighting, 33 percent. Historic percentages shall not be part of the formula from year seven forward.

(e) Each reference to population, law-enforcement services and firefighting services in this chapter shall mean the most recent three-year average for this measure for each municipality that is available at the time of calculation.

32. Invoice. After adoption of the budget for the ensuing fiscal year, the Authority shall deliver an invoice to each member for its share of the net cost of operating the Public Safety Authority, accompanied by its budget estimates for the next two years.

33. Collection. Annually on or before January 1, the treasurer shall issue and present a warrant to the legislative body of each member requiring that the amount of such assessment be paid beginning in accordance with the schedule of payments adopted by the board. The legislative body of each member shall draw an order on the municipal treasurer for the amount of such assessment, and the municipal treasurer shall pay to the Authority treasurer the amount of such order. If any member shall fail to pay when due any assessment against it by the Authority, it shall incur an additional charge that the board determines will be reasonable. However, the charge shall not exceed eight percent plus interest. Interest shall be charged at a rate the board determines to be reasonable.

34. Limitations of appropriations. Appropriations made by the board for the various estimates of the budget as defined above shall be expended only for such estimates; however, by majority vote of the board, the budget may be amended from time to time to transfer funds between or among such estimates. Any balance left or unencumbered in any such budget estimate shall lapse at the end of the fiscal year. The amount of any deficit at the end of the fiscal year shall be included in the next proposed operating budget and paid out of the appropriations for that budget year.

35. Indebtedness. (a) Short-term borrowing. The board may borrow money through the issuance of notes of the Authority for the purpose of paying current expenses of the Authority. Such notes must mature within one year. The board may also borrow money in anticipation of assessment to each member in an amount not to exceed 90 percent of the amount assessed for each year, and may issue notes of the Authority which must mature within one year. The board may also borrow money in anticipation of grants-in-aid from any source and any revenues other than assessments through the issuance of notes of the Authority. Such notes must mature within one year but may be renewed as provided by general law. The board may also borrow money in anticipation of bond proceeds which have been authorized as provided in this charter. Said notes shall be issued as provided in 24 V.S.A. Chapter 53.

(b) Long-term indebtedness

(1)(A) Submission to voters. On a petition signed by at least ten percent of the voters of the Authority, the proposition of incurring a bonded debt or other indebtedness to pay for public improvements or of authorizing a long-term contract shall be submitted by the board to the voters thereof at a special meeting to be held for that purpose. In the alternative, when the board shall determine by resolution passed by the majority of members present and voting at a duly warned and called meeting, that the public interest or necessity demands improvements or a long-term contract, and that the cost of the same will be too great to be paid out of the ordinary annual income and revenue, it shall order the proposition of incurring indebtedness or of authorizing a long-term contract to be submitted to the voters of the Authority at a meeting to be held for that purpose. A "long-term contract" means a contract in which the Authority incurs obligations for which the costs are too great to be paid out of the ordinary annual income and revenues of the Authority in the judgment of the board. The term "long-term contracts" shall not include any contract that is subject to annual renewal or extension at the election of the Authority, or any contract pursuant to which payment by the Authority shall be subject to annual appropriations in accordance with the annual budget, or any contract for services or the purchase or lease of equipment, materials, or supplies needed in the ordinary course of business of the Authority. The term "public improvements" shall include improvements which may be used for the benefit of the public, whether or not publicly owned or operated. Bonded debt or other indebtedness may be authorized for any purpose permitted by chapter 53 or chapter 119 of Title 24, and chapter 12 of Title 10, or any other applicable statutes for any purpose for which the Authority is organized. The board may not submit to the voters more than twice in the same calendar year the proposition of incurring bonded or other indebtedness to pay for the same or similar public improvement or of entering the same or similar long-term contract.

(B) Any bonds, notes or other evidence of indebtedness of the Authority may be sold at par, premium, or discount, at public or private sale or to the Vermont Municipal Bond Bank, as the Authority acting through the board of Directors shall determine.

(2) Warnings of meeting. The warning of a special meeting of the Authority to incur bonded debt or other indebtedness or to authorize a long-term contract shall state the object and purpose for which the indebtedness or long-term contract is proposed to be incurred or authorized, the estimated cost of the improvements or service, the amount of bonds or other evidence of indebtedness proposed to be authorized, a summary of the terms of any contract proposed to be authorized, and means of raising or apportioning costs entailed thereby for debt service or payments under a long-term contract. The warning shall state the places where and the date and time when the meeting shall be held and the hours of opening and closing the polls. The board, in cooperation with the Board of Civil Authority of each member, shall determine the number and location of polling places. There shall be at least one polling place in each member.

(3) Notice of meeting. The secretary of the Authority shall cause notice of such special meeting to be published in one or more newspapers of known circulation in the Authority once a

week for three consecutive weeks on the same day of the week, the last publication to be not less than five nor more than ten days before such meeting. Notice of such meeting shall also be posted in at least three public places within each member at least 30 and not more than 40 days before the meeting and be filed with the clerk of each member and the secretary of the Authority prior to posting.

(4)(A) Authorization. The voters of the members shall vote for or against the issuance of bonds or other indebtedness or to authorize a long-term contract based upon the majority of votes cast by the voters. When the majority of votes so cast favor the issuance of bonds or other indebtedness or to authorize a long-term contract, the Authority shall be so authorized as provided in chapter 53 of Title 24 (Indebtedness) or other applicable statutes, or to enter into the long-term contract. The ballots cast in each member shall be counted by the election officials of each member, preserved and secured with the checklist, and thereafter the results shall be certified to the Authority secretary within 48 hours.

(B) The Authority may issue such bonds, notes, or other evidence of indebtedness from time to time in one or more series or separate series, as determined by the board of Directors, provided that the aggregate principal amount does not exceed the principal amount for which voter approval was obtained. Such bonds, notes, or other evidence of indebtedness may bear such date or dates, mature at such time or times not exceeding 40 years from their respective dates, bear interest at such rate or rates (including variable rates) payable semiannually, monthly, or at such other time as determined by the board of Directors, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, be declared or become due before the maturity date thereof, as such resolutions authorizing their issuance may provide.

(5) Assessment. The cost of debt service or of payments under a long-term contract shall be included in the annual budget of the Authority, and shall be allocated among the members as provided above for the calculation of the annual budget assessment. The applicable provision of chapter 53 of Title 24 (Indebtedness) or other enabling law under which debt is incurred or long-term contracts authorized shall apply to the issuance of bonds or other evidence of indebtedness by the Authority and for that purpose the Authority shall be deemed a "municipal corporation," the board shall be deemed a "legislative branch," and the Authority treasurer shall be deemed a "municipal treasurer" within the purview of that chapter. Bonds or other evidence of indebtedness and long-term contracts shall be signed by the treasurer and chair of the board of the Authority.

(6) Bonds eligible for investment. Bonds and notes issued by the Authority shall be legal investments for all persons without limit as to the amount held, regardless of whether they are acting for their own account or in a fiduciary capacity; such bonds and notes shall likewise be legal investments for all public officials authorized to invest public funds.

(7) Tax exemption. All bonds, notes, or other evidence of indebtedness issued by the Authority are issued by a body corporate and public of the state and for an essential public and

governmental purpose and those bonds, notes, and other evidence of indebtedness and the interest thereon and the income therefrom, and all fees, charges, funds, revenues, income, and other monies pledged or available to pay or secure the payment of those bonds, notes, and other evidence of indebtedness or interest thereon, are exempt from taxation except for transfer, inheritance and estate taxes.

(8) Purchases and disposition of own obligations. The Authority may purchase bonds, notes, and other evidence of indebtedness of the Authority out of any of its funds or money available therefor. The Authority may hold, cancel, or resell the bonds, notes, and other evidence of indebtedness subject to and in accordance with agreements with holders of its bonds, notes, and other evidence of indebtedness.

(9) Presumption of validity. After issuance, all bonds, notes, and other evidence of indebtedness of the Authority shall be conclusively presumed to be fully authorized and issued by all the laws of this state, and any person or governmental unit shall be stopped from questioning their authorization, sale, issuance, execution, or delivery by the Authority.

(10) Specific provisions. In connection with the issuance of any bonds, notes, or other evidence of indebtedness, in addition to the powers it may now have or hereafter have, the Authority may make such covenants and agreements and exercise such powers as contained in chapter 53 of Title 24.

36. Sinking Fund. The board may establish and provide for a sinking fund for the retirement of bond issue or other debt, or to provide security for the payment thereof. When so established, it shall be kept intact and separate from other monies at the disposal of the Authority, and shall be accounted for as a pledged asset for the purpose of retiring or securing such obligations. The cost of payments to any sinking fund shall be included in the annual budget of the Authority.

37. Capital reserve fund. The board may establish and provide for a capital reserve fund to pay for public improvements, replacement of worn out buildings and equipment, and major repairs of Authority facilities. Any such capital reserve fund shall be kept in a separate account and invested as are other public funds and shall be expended for such purposes for which established. The cost of payments to any capital reserve fund shall be included in the annual budget of the Authority.

38. Special Authority meetings. The board may on its own motion call special meetings of the Authority and shall call a special meeting of the Authority when action by the voters of the Authority is required. The board shall call a special meeting of the Authority if petitioned to do so by not less than five percent of the voters of the Authority. The board may rescind the call of the special meeting called on its own motion. The board shall endeavor to schedule the time of special meetings to coincide with the time of annual municipal meetings, primary elections, general elections or similar meetings when the electorate within the members will be voting on other matters.

39. Places of meetings. At any special meeting of the Authority, voters of each member shall cast their ballots at such polling places within the municipality of their residence as shall be determined by the board in consultation with the Board of Civil Authority of each municipality.

40. Public hearings. Not less than 30 nor more than 40 days prior to any special meeting of the Authority, the board shall hold at least one public hearing at which the issues to be voted upon at the special meeting shall be presented for public comment. Notice of such public hearings shall include a warning published in one or more newspapers of general circulation in the Authority at least once a week, on the same day of the week for three consecutive weeks, the last publication to be not less than five nor more than ten days before the public hearing.

41. Warnings required. The board of the Authority shall warn a special meeting of the Authority by filing a notice with the clerk of each member and by posting or causing to be posted a notice in at least three public places in each municipality in the Authority not less than 30 nor more than 40 days before the meeting. The warning shall be published in one or more newspapers of general circulation in the Authority once a week on the same day of the week for three consecutive weeks before the meeting, the last publication to be not less than five nor more than ten days before the meeting.

42. Signing of warning. The original warning of any special meeting of the Authority shall be signed by the secretary and chair of the board.

43. Warning contents. The posted notification shall include the date, time, place, and nature of the meeting. It shall, by separate articles, specifically indicate the questions to be voted upon.

44. Australian ballot. The Australian ballot system shall be used at all annual and special meetings of the Authority.

45. Qualifications and registration of voters. All legal voters of the members shall be legal voters of the Authority. The municipality shall post and revise checklists in the same manner as for municipal meetings prior to any Authority meeting.

46. Conduct of meetings. At all special meetings of the Authority, the provisions of Title 17 shall apply except where clearly inapplicable. The Authority secretary shall perform the functions assigned to the secretary of state under that title. The Washington unit of the Vermont Superior Court shall have jurisdiction over petitions for recounts. Election expenses shall be borne by the Authority.

47. Reconsideration or rescission of vote. (a) A question voted on at any special meeting of the Authority shall not be submitted for reconsideration or rescission, except at a subsequent special meeting duly warned for that purpose and called by the board on its own motion or pursuant to a petition requesting such reconsideration or rescission signed and submitted in accordance with subsection (b) of this section.

(b) Where a petition signed by not less than five percent of the qualified voters of the Authority requesting reconsideration or rescission of a question considered or voted on at a previous special meeting is submitted to the board of the Authority within 30 days following the date of that meeting, the board shall provide for a vote by the Authority in accordance with the petition within 60 days of the submission at a special meeting duly warned for that purpose.

(c) A vote taken by a special meeting shall remain in effect unless rescinded at a special meeting called and warned in accordance with this section.

(d) A question voted on shall not be presented for reconsideration or rescission at more than one subsequent meeting without the approval of the board.

48. Validation of Authority meetings. When any of the requirements as to notice or warning of a special Authority meeting have been omitted or not complied with, if the meeting and the business transacted is otherwise legal, the omission or noncompliance may be corrected and legalized by vote at a special meeting of the Authority called and duly warned for that purpose. The question to be voted upon shall substantially be: "Shall of the action taken at the meeting of the Authority held on (state date), in spite of the fact that (state the error or omission), and any act or action of the Authority officers or agents pursuant thereto be readopted, ratified or confirmed?" Errors or omissions in the conduct of any prior special meeting which are not the result of an unlawful notice or warning or noncompliance within the scope of the warning may be cured by a resolution of the board of the Authority by a vote of at least two-thirds of all the votes entitled to be cast at a regular meeting or a special meeting called for that purpose, stating that a defect was the result of an oversight, inadvertence or mistake. When an error or omission has thus been corrected by resolution, all business within the terms of the action of the qualified voters shall be as valid as if the requirements had been in compliance initially on the condition that the original action by the board was otherwise in compliance with the legal exercise of its corporate powers.

49. Priority. When a special meeting of the Authority is called to act to incur bonded or other indebtedness or to enter into a long-term contract, and the meeting procedures in this chapter conflict with the procedures in subchapter 4, the procedures in subchapter 4 shall prevail.

50. Withdrawal of a municipality. (a) Subject to the provisions of subsection (b) of this section, a member may vote to withdraw from this chapter in the same manner as it votes to adopt the chapter if three years have elapsed since the Authority has become a body politic and corporate and if the Authority has not voted to bond for construction and improvements, all in accordance with subsection 4863(g) of Title 24. The provisions of 24 V.S.A. § 4863(i) and (j) shall apply so that any vote of withdrawal taken less than one year from the time the Authority has become a body politic and corporate or any vote of withdrawal taken after the Authority has voted to bond for construction and improvements shall be null and void. The membership of a withdrawing member shall terminate as of one year following a valid vote to withdraw or as soon after such one-year period as the financial obligations of the withdrawing member have been paid to the Authority. All of the foregoing notwithstanding, however, in the event that the general assembly of the state of Vermont shall specifically approve, then a member may vote to withdraw from the Authority at any time.

(b) The financial obligations of a withdrawing member shall include all ongoing costs and assessments of the Authority until the withdrawing member has entered into a written agreement satisfactory to counsel for the Authority obliging the withdrawing municipality as follows:

(1) To continue to pay its share of all debts incurred by the Authority for the remaining terms of all bonds and contracts in existence at the time when the vote to withdraw was taken.

(2) To pay its share, based upon its assessment for the year in which it withdraws, of the defense costs and judgment rendered in any legal action brought against the Authority arising or accruing in any year during which it was a member of the Authority.

(3) To pay its share, based upon its assessment for the year in which it withdraws, of all unbudgeted costs and expenses of the Authority arising out of the activities of the Authority during the withdrawing member's term of membership, regardless of when such costs and expenses may be discovered.

(4) To pay all of these additional costs either in a lump sum or in installments at such times and in such amounts as required by the board.

(c) After a member has voted to withdraw, the board shall give notice to the remaining members of the vote to withdraw and shall hold a meeting to determine if it is in the best interest of the Authority to continue to exist. All interested parties shall be given an opportunity to be heard. If the board determines that it would be in the best interests of the Authority to cease operations, the board may prepare and implement a plan for dissolution of the Authority.

51. Admission of additional municipalities. (a) The board, by the affirmative vote of Directors representing at least two-thirds of all votes entitled to be cast on behalf of all members and comprising at least two-thirds of all possible Directors (including vacancies), may authorize the inclusion of additional municipalities in the Authority upon such terms and conditions as it shall deem to be fair, reasonable and in the best interests of the Authority. The petitioning municipality shall comply thereafter with the approval procedures specified in chapter 121 of Title 24 (Inter-municipal Cooperation and Services). If a majority of the voters of the petitioning municipality present and voting at a meeting of such municipality duly warned for such purpose shall vote to approve the agreement and the terms and conditions for admission, the vote shall be certified by the clerk of that municipality to the secretary of the Authority, and the municipality shall be a member.

(b) The Authority welcomes the consideration of the Towns of Barre and Berlin, and extends to them a special invitation to join the Authority by vote of their residents, and the provisions of Section 51 shall not apply to them if they warn a vote for May or November of 2014 to become members of the Authority. Upon an affirmative vote of residents, the town shall be deemed a member of the Authority under the terms of this charter, on the same terms and conditions as the Cities of Barre and Montpelier, except that the cost-sharing allocation formula shall be modified based on the historical percentage of net public safety costs of the member towns. By voting to accept the charter, the voters of the members which are now included in this charter agree that the draft may be so amended to reflect the involvement of the Towns of Berlin and/or Barre, without a new vote by the cities of Montpelier and Barre.

52. Dissolution of the Authority. (a) Upon the affirmative vote of Directors representing at least two-thirds of all votes entitled to be cast on behalf of all members and comprising at least two-thirds of the Directors present, the board may prepare a plan of dissolution for submission to the voters of the Authority at a special meeting of the Authority duly warned for such purposes. If the voters of the Authority present and voting at such special meeting of the Authority vote to dissolve the Authority, the Authority shall cease to conduct its affairs except insofar as may be necessary to complete the plan of dissolution and conclude its affairs. The board of Directors shall cause a notice of the plan of dissolution to be mailed to each known creditor of the Authority and to the secretary of state.

(b) The plan of dissolution shall, at a minimum:

(1) Identify and value all assets of the Authority;

(2) Identify all liabilities of the Authority, including contract obligations;

(3) Determine how the assets of the Authority shall be liquidated and how the liabilities and obligations of the Authority shall be paid, to include assessments against municipalities of the Authority;

(4) Specify that any assets remaining after payment of all liabilities shall be apportioned and distributed among the municipalities according to the same basic formula used in apportioning the costs of the Authority to the municipalities.

(c) When the plan of dissolution has been fully implemented, the board shall certify that fact to the members whereupon this chapter and the Authority shall be terminated.

53. Amendment of the Authority agreement. Amendments to this charter may be proposed by a petition signed by five percent of the voters of the members, or by the board, by a resolution expressing the intention to amend the chapter. A copy of such resolution shall be mailed to the legislative bodies of the members and to each Director at least ten days prior to the meeting scheduled to act on the proposal of amendment. Unless a majority of the members request, in writing, on or before the date of the meeting scheduled to act on the amendment, that the board hold a special meeting of the Authority to vote on the amendment, the board may adopt the amendment. Within ten days of the adoption of the amendment by the board or by the voters of the Authority, the secretary of the Authority shall certify to the secretary of state each proposal of amendment. The secretary of state shall then proceed as with municipal charter amendments under section 2645 of Title 17. No amendment shall substantially impair the rights of the holders of any bonds or other notes or other evidence of indebtedness or substantially affect any obligations under long-term contracts of the Authority then outstanding or in effect, or the rights of the Authority to procure the means for payment, continuation, or termination thereof.

54. Seal. The Authority shall have a seal designed as the board requires.

55. Severability. Should any court of competent jurisdiction judge any term, phrase, clause, sentence, or provision of this chapter to be invalid, illegal, or unenforceable in any respect, such judgment shall not affect the validity, legality, or enforceability of the chapter as a whole or any other part of this chapter.

56. Ratification. This charter shall take effect upon the approval by the voters of each member, at its annual meeting; enactment of the charter by the legislature; and subsequent to the enactment, ratification of the charter by each of the legislative bodies of the members.

The legislative bodies of the members shall also have authority to ratify secessions of authority over different services, as the PSA evolves. The PSA shall make formal separate requests of the legislative bodies for dispatch, police, fire, and emergency services, as the PSA is ready to begin administering those services, and the legislative bodies of each member shall then vote on ceding such authority to the PSA.

					APPENDIX A
	Cost-Sharing Scenarios based on Membership				
Total Cost		Barre City	~~Barre Town~~	~~Berlin~~	Montpelier
7,092,010	**NET COST:**	3,805,042	-	-	3,286,968
	Current % Data	Barre City	Barre Town	Berlin	Montpelier
	Net Cost (2010-12)	**53.7%**	**0.0%**	**0.0%**	**46.3%**
Total Net Costs	**2010-2012**	Barre City	Barre Town	Berlin	Montpelier
9,431,849	**NET COST:**	3,805,042	1,359,747	980,092	3,286,968
	Current % Data	Barre City	Barre Town	Berlin	Montpelier
	Net Cost (2010-12)	**40.3%**	**14.4%**	**10.4%**	**34.8%**
Total Cost		Barre City	Barre Town	~~Berlin~~	Montpelier
8,451,757	**NET COST:**	3,805,042	1,359,747	-	3,286,968
	Current % Data	Barre City	Barre Town	Berlin	Montpelier
	Net Cost (2010-12)	**45.0%**	**16.1%**	**0.0%**	**38.9%**
Total Cost		Barre City	~~Barre Town~~	Berlin	Montpelier
8,072,102	**NET COST:**	3,805,042	-	980,092	3,286,968
	Current % Data	Barre City	Barre Town	Berlin	Montpelier
	Net Cost (2010-12)	**47.1%**	**0.0%**	**12.1%**	**40.7%**

Adoption history:

This charter was adopted on _________________ by vote of the members.

This charter was enacted by act of the Vermont General Assembly on _______________ by No. ____ (2014).

This charter was ratified by the legislative bodies of the members on _______________.

Minutes of the Montpelier Special City Council Meeting
December 4, 2013
Montpelier City Hall Council Chambers

In attendance: Mayor John Hollar (presiding), City Councilors Thierry Guerlain, Jessica Edgerly Walsh , Alan Weiss, Andy Hooper, Tom Golonka (Anne Watson was absent), and City Manager Bill Fraser. City Clerk John Odum acted as Secretary of the meeting.

Mayor Hollar called the meeting call to order at 6:30.

13-289. Councilor Weiss moved approval of the consent agenda and was seconded by Councilor Guerlain. Motion carried unanimously at 6:30.

13-290. Cindra Conison of The Quirky Pet addressed the council, expressing her frustration with the district heat project construction process (in particular the communication from City Hall), citing her business losses, and expressing particular disapproval of public comments made by the City Manager. She compared the process unfavorably with Barre's recent downtown construction.

Conison offered suggestions for future city procedures on this, and comparable projects, going forward - including recommendations for loans to impacted downtown businesses.

Rob Kasow of Bear Pond & Rivendell Books indicated he'd suffered similar losses, and reported that there were times when there was no apparent physical access to his business. He felt that downtown merchants were not given adequate attention, suggesting that comparing time spent on district heat with the Hebert Road antenna issue from the previous year illustrated the council's misplaced priorities.

Jason Merihew of Sweet Melissa's echoed Mr. Kasow's comments, relating the challenges of starting a new restaurant under the circumstances. He indicated that the construction crew had been accessing his business's water without permission.

Yvonne Wall (Riverside Salon) indicated she attended the Montpelier Alive meetings and received a lot of information, although she felt there were some informational gaps. She did feel that when she voiced concerns, they were addressed, and suggested that some of the more frustrated merchants might have been well-served by asking more questions. She indicated she had lost money from the construction, and suggested that informational signage would have helped tremendously. She also said more day-to-day information would've been helpful. She praised the recent "cash mob," and suggested more such things would have been beneficial.

Karen Williams Fox of Woodbury Mountain Toys echoed the sentiments of the other merchants, reporting her losses as well as sharing stories of construction workers complaining about the disorganization of the construction company, and of her delivery truck turned away by local police. She also cited a time when 7 Days did not deliver into downtown during a week when she advertised heavily. She also cited Barre's approach positively, and expressed incredulity at the parklets while the construction was going on.

The Mayor expressed his regrets that the city did not communicate and inform the merchants and the public adequately, and also expressed his regret that he didn't personally realize the extent of the impacts. To Mr. Kasow and Ms. Conison specifically, he indicated that the Downtown Business Association (Montpelier Alive) was a critical component to communicating with businesses, and if it is not working, the system should be looked at. Finally, he rejected the suggestion that he did not care about the downtown, noting that he himself works downtown.

City Manager Fraser went over some of the options discussed for lessening the impact of construction (such as working at night) and why the project proceeded as it did. He acknowledged frustrations and insufficiencies of the communication scheme. He also relayed his personal concerns over the impact of the project, citing his regular communications with the contractor, and calling it a "personal failure" that merchants felt he was not taking their concerns seriously.

The Kingsbury Construction operations manager addressed the council, explaining some of the unique challenges of the project and how they tried to deal with them as efficiently and quickly as possible.

Phayvanh Luekhamhan, director of Montpelier Alive, addressed the council. She indicated that comparisons with the Barre construction project were problematic, due to the comparative scales of the projects (Barre's was much larger and more expensive, taking place over a longer time). She did indicate that there were miscommunications or a dearth of communications, especially early on, between MA and the city.

Councilor Guerlain asked what the next large project would be. The City Manager indicated it would be the repaving of State Street. He said the Rialto Bridge would be repaired in about ten years, and the Carr Lot Construction would also be coming soon. Public Works Director Todd Law reminded the council that the repaving of Main Street was also forthcoming, and could take two months.

Councilor Guerlain asked about the potential of doing paving work at night.

Councilor Edgerly Walsh apologized - and expressed frustration - that she did not do more to communicate her concerns before and during construction, while noting that she herself had only received one phone call from a downtown merchant about problems during the process.

13-291. Susan Ritz and Lyn Munno (of the dog waste committee and the conservation commission, respectively) reviewed the proposed ordinance and the status of the eleven new dog waste stations. The wording change was met with approval, with the understanding that language in section (b) of the same ordinance would be tweaked to match the new section (a). The council agreed the change should be warned ("domestic pet" instead of "dog").

13-292. Councilor Edgerly Walsh introduced the discussion of possible use of Parking Revenue for bicycling improvements and provided background.

Councilor Weiss questioned Councilor Edgerly Walsh about details on the proposed allocation from parking meter revenue. Councilor Guerlain asked for clarification about the current bike path. He indicated he thought it was a good proposal, but thought that the finances previously discussed were to be put towards bike lanes on motor vehicle roads. Councilor Edgerly Walsh thought that the goals were not mutually exclusive. Mayor Hollar agreed with Councilor Guerlain.

Councilor Golonka expressed concern that the set-aside funds for the bike plan could be frittered away inefficiently with small projects that would not be impactful.

Councilor Weiss asked for clarification about what is meant by the "bike path," and whether it includes the proposed bike path extension to the civic center.

Assistant City Manager Jessie Baker explained the financial outlook for the proposed bike path build out from the co-op to the civic center, explaining that more funds than anticipated (into six figures) would be necessary to complete it.

Bill Merilees of the bike committee discussed the proposal, explaining that the "on street bike network" could be done piecemeal, while the roads are being repaved - or that it could be saved up (as Councilor Golonka suggested) and done as one major project. He also discussed other aspects (bike parking, mountain bike options, a fall bike festival, etc.).

The City Manager reviewed the implications on other budget items and priorities to approving this specific allocation.

Councilor Weiss recommended a time limit and a cap on any firm proposal.

Councilor Guerlain supported the proposal, particularly for the statement it makes.

Councilor Edgerly Walsh moved 5% of gross parking revenue be allocated to alternative transportation to sunset after 5 years with the bike committee tasked to come to the council with a plan annually for spending that money.

The mayor suggested the language be changed to specify "bikes." Councilor Hooper seconded the motion. Councilor Edgerly Walsh rejected the mayor's suggested change. There was discussion over the specific language of the motion.

Councilor Edgerly Walsh amended her motion: moved 5% of gross parking revenue is allocated to alternative transportation to sunset after 5 years with the bike committee tasked to come to the council with a 5-year plan for spending that money. The motion carried unanimously at 7:58.

13-293. The City Manager introduced the Discussion of possible ballot item for tax exemption of alternate energy producing devices as per 32 VSA 3845. Councilor Edgerly Walsh disclosed that she is employed by a solar power company.

The council discussed the impacts of the relevant statute on citizens, businesses, and the assessor's office.

Councilor Hooper moved to put it on the ballot. Councilor Edgerly Walsh seconded. The motion passed 4-1, with Councilor Guerlain opposed, at 8:08.

13-294. Councilor Weiss confirmed the Dec 11 agenda would include the charter and the public safety authority. He also reported that there would be a meeting on the Washington County budget, which - as proposed - would not be increasing.

13-295. The Mayor reported on attending the funeral of Manny Canas, former mayor. He also attended a public discussion at the Senior Center with Sue Aldrich of the School Board, and pitched the SC as a lunch destination. He also reported meetings with representatives of the Farmer's Market, as well as with Jeb Spaulding. Mayor Hollar noted that the Farmer's Market management is still looking at alternative locations, but they are committed to staying downtown and are no longer looking at the Vermont College location. He also met with the Carr Lot design review committee.

13-297. City Manager Fraser cited the tour of district heat. He noted that Senator Sanders would be visiting to review the system as well. Fraser reported on the status of activating the "mini-system." He noted the assistance of visitors from the St. Paul (MN) municipal government. The City Manager indicated that the budget proposal was forthcoming, and that the city met the council's goals. Finally, he indicated that they were in the process of setting up a grievance regarding the termination of the Planning Director. Councilor Guerlain asked for details on who the meeting would include.

Councilor Hooper moved to adjourn, and was seconded by Councilor Guerlain. Motion passed unanimously at 8:19.

Minutes of the Montpelier City Council Meeting
January 8, 2014
Montpelier City Hall Council Chambers

In attendance: Mayor John Hollar (presiding), City Councilors Thierry Guerlain, Jessica Edgerly Walsh , Alan Weiss, Andy Hooper, Tom Golonka, Anne Watson and City Manager Bill Fraser. City Clerk John Odum acted as Secretary of the meeting.

Mayor Hollar called the meeting call to order at 6:30.

14-002. Councilor Watson moved the consent agenda, Councilor Hooper seconded. Councilor Weiss asked that the minutes for November 20th and December 4th be pulled, stating his feeling that they had arrived too close to the meeting, and challenging the City Clerk's compliance with the law. The Clerk indicated that the office was, and has always been, in complete compliance with the open records law, as instructed by the Secretary of State's office. The remaining consent agenda passed unanimously at 6:35.

14-003. Julie Hendrickson and Eliza Dodd of the Montpelier Community Fund board presented the proposed spending for the Montpelier Community Fund. Following the presentation, Councilor Edgerly Walsh moved acceptance of the proposal. Councilor Watson seconded. The motion passed unanimously at 6:46.

14-004. The Council engaged in a brief, general discussion of the proposed FY '15 Budget. Councilor Weiss promoted additional expenditures on a citizen survey, offset by removing funding entirely from Montpelier Alive. Councilor Edgerly Walsh suggested a less expensive, online survey. A discussion followed.

Carolyn Silsby, manager of the Capitol City Band, addressed the council in regards to the Montpelier Community Fund's proposed decrease in their funding from the previous year. Ms. Hendrickson and Ms. Dodd returned to the front to respond. Erica Mitchell joined Ms. Silsby to present the Band's case. Eve Mendelsohn also joined the discussion on behalf of the Band.

Bev Hill spoke in support of a new request from the civic center that went before the fund committee, explaining how the different feeder communities are supporting it financially.

Councilor Weiss moved that the Montpelier Community Fund committee take the Capital City Band and the Civic Center requests under further advisement. Councilor Hooper seconded, while commenting that the motion may be inappropriate. A discussion of the structure, priorities and procedures of the committee followed. The motion was withdrawn.

Councilor Golonka moved the council approve the budget as presented by the city manager and set a public hearing for next week. Councilor Hooper seconded. The motion carried unanimously at 7:34.

14-005. The Council recognized Ben Eastwood regarding the "public banking initiative." The Mayor recused himself from the discussion due to potential conflicts of interest, and Councilor Golonka acted as President of the meeting for the duration of the discussion.

The consensus of the council was that the large volume of information on the topic precluded immediate, informed action by the council.

Erik Esselstyn of East Montpelier addressed the council, noting that the East Montpelier selectboard voted to place the proposed question language on their March ballot.

Jane Kast asked how voters would be educated about the ballot item.

Councilor Weiss challenged Mr. Eastwood's characterization of the proposal.

Page Guertin asked about informational resources on the topic.

A discussion among councilors about the appropriateness of placing an item on the ballot under the circumstances followed.

14-006. Mayor Hollar retook the gavel for the discussion with Fire Chief Robert Gowans and Police Chief Anthony Facos regarding a proposed fireworks ordinance. Chief Gowans explained the proposal governing "class C" fireworks, and was joined by Chief Facos in describing the concerns. Councilors had questions about current law and enforcement.

Chief Gowans indicated that recommendations were being developed by other, statewide entities. He recommended crafting an ordinance that would prohibit the use of class C fireworks entirely. A wide ranging discussion followed.

Lyn Munno addressed the council in support of a blanket ban on class C fireworks.

Ben Eastwood expressed concerns about the potential ban on model rocketry.

14-007. Sharon Easy, Elizabeth Grupp and Lyn Munno joined the council for the first reading/public hearing regarding an ordinance that addresses dog waste, which opened at 8:35. After a brief discussion, the public hearing was closed at 8:38. Councilor Weiss moved to adopt the consistent "domestic pet" language for the second hearing next week. Councilor Hooper seconded, and the motion carried unanimously at 8:38.

14-008. Councilor Golonka noted, and briefly discussed, the upcoming regionalization meeting.

Councilor Watson recalled her tour of the Green Mount Cemetery, and noted next month's planned presentation from the energy committee.

Councilor Edgerly Walsh asked that an update on plowing and salting be included on an upcoming agenda.

Councilor Hooper indicated he intended to run for re-election.

Councilor Guerlain also announced his intent to run for re-election.

Councilor Weiss indicated he would vote for the incumbent city councilors.

14-009. Mayor Hollar read a statement expressing his feelings on serving as mayor and on the city itself in announcing his own intent to stand for re-election.

14-010. The City Clerk reviewed the deadlines and requirements for the upcoming annual city meeting ballot.

14-011. City Manager Fraser reviewed the RFPs for the bike path and for 1 Taylor Street that were out. He noted the upcoming process for hiring a new Planning Director, as well as his own upcoming contract renewal.

Councilor Guerlain moved to adjourn at 8:51 PM. Councilor Hooper seconded. The motion carried unanimously.

Minutes of the Montpelier City Council Meeting
November 20, 2013
Montpelier City Hall Council Chambers

In attendance: Mayor John Hollar (presiding), City Councilors Thierry Guerlain, Jessica Edgerly Walsh , Alan Weiss, Andy Hooper, Tom Golonka and Anne Watson, and City Manager Bill Fraser. City Clerk John Odum acted as secretary of the meeting.

The mayor called the meeting to order at 6:30pm.

13-279. Councilor Weiss moved approval of the consent agenda. Councilor Edgerly Walsh seconded. The motion carried unanimously.

13-282. Nolan Langwell, Michael Clausen and Brian Cain of the Parking Committee presented the results of their recent online survey, and discussed its implications. In particular, they discussed their concerns around winter parking policy, and some of the work they had done to address it. The Mayor asked about the committee's discussions on the forthcoming impact of the Carr Lot development. Councilor Watson asked about what other specific points had drawn the committee's attention.

Councilor Weiss moved the council receive the report. Councilor Hooper seconded. The motion carried unanimously at 6:48.

13-281. Nancy Sherman and Page Guertin of the Charter Change Committee addressed the council on the charter change proposals, taking up where the previous meeting’s discussion left off. There was discussion of wording on the section referring to the city manager's employment. The committee agreed to reconsider the language. The council went on to ask questions relating to city indebtedness policy, takings (in particular as relating to non-profits), special assessments, oaths of office, with committee members taking note of the council sentiments informally.

13-280. Finance Director Sandra Gallup and Public Works Director Todd Law reviewed the proposed changes to the water/sewer billing paradigm, explaining the challenges that led to the proposal and its projected impacts on customers.

Councilors had questions on the rationale behind billing condominiums and apartments differently.

Councilor Edgerly Walsh was concerned about the impact on those outlying ratepayers whose costs will increase significantly under the proposal.

Councilor Weiss asked for clarification on the impact of the new proposal on water/sewer fund deficits.

The mayor called for a five minute recess at 8:16.

13-283. Todd Law and Street Supervisor Brian Tuttle addressed the council on the work of the Public Works department and their budgetary priorities. Mr. Law discussed the proposed changes in personnel resources envisioned in the department's budget priorities. He also reviewed the potential impact of sewer flow ratings and new regulations on the budget. Mr. Tuttle discussed winter maintenance staffing priorities.

Councilor Weiss asked about winter coordination with cemetery staff. He further asked Mr. Law for feedback on some of the proposals presented by the parking committee earlier in the meeting.

Councilor Hooper asked about winter plowing procedures during evening storms.

At the City Manager's prompting, Mr. Law noted that salt spreader calibration was now electronic and more finely controllable, enabling the treatments to be done more efficiently and conservatively. He also noted the current lower salt prices. The mayor asked about salt use on sidewalks, and Mr. Law indicated that sidewalk salting options were cruder, but that the city's new spreader was actually superior to most which may help. Address the concerns. Councilor Edgerly Walsh asked about salt alternatives.

Police Chief Tony Facos briefed the council on the proposed police department budgetary priorities. He started by reviewing systems changes in the department over the previous year. He then reviewed the year ending's crime rates.

Councilor Weiss suggested the chief address the council after the legislative session to discuss the impacts of legislation.

Fire Chief Robert Gowans reviewed the fire department activities over the year and discussed his budget priorities, focusing on health, public safety/emergency management systems, and fire operations.

Councilor Weiss asked about the impacts of changing emergency medicine protocols.

The mayor asked for a report on the impact of this fiscal year's staffing changes. Chief Gowans indicated it had been negligible.

Councilor Edgerly Walsh wondered if more weather-related events were anticipated this year, and asked Chief Gowans to comment on the potential impacts.

Chief Gowans indicated the department would focus on ambulance revenue, performance-based employee evaluations, meeting the new ems standards, and awareness training.

Councilor Guerlain suggested the fire and police chiefs be invited back to discuss the regionalization initiative.

13-284. Councilor Hooper asked about liquidated damages in the contract.

Assistant City Manager Jessie Baker briefed the council on district heat progress, making note of coming weather-driven pressures.

Councilor Guerlain asked for an update on district heat. Councilor Hooper added that a Barre Street update would also be good. Mr. Law indicated that there had been delays on the Barre Street work, and that the project was still 3-4 weeks out from completion. The delays related to problems around the relocation of a water line.

Councilor Guerlain asked about the previously referenced October 17th completion deadline. City Manager Fraser took responsibility for communications challenges that confused the perception of the October 17 system deadline versus the final street work deadlines that are, overall, close to the schedule that was laid out.

Councilor Guerlain expressed concerns about the impact on downtown businesses over the construction, particularly in light of confusion over the construction schedule.

Councilor Watson asked about the sculpture on Stonecutter's Way, wondering what the status of moving that sculpture was.

Councilor Edgerly Walsh expressed her excitement to see the applications from nonprofits for the fireboxes.

13-285. The Mayor noted the meeting of the Vermont Coalition of Mayors tomorrow and reported on the meeting of the Carr Lot Design Review Committee.

13-287. City Manager Fraser reported on the budget process.

Councilor Edgerly Walsh moved for adjournment. Councilor Watson seconded. Motion carried unanimously at 9:35.

City of Montpelier
Department of Public Works
Memorandum

To: **William Fraser, City Manager**

From: **Todd Law, Director of Public Works & Traffic Committee Chair** TL

Date: **January 3, 2014**

Subject: **National Life Drive, Parking Restrictions**

A request for review of the parking situation on National Life Drive was requested by Tim Shea, 2nd Vice President Facilities, Purchasing & Contracting at National Life Group. The concern was that vehicles parking on the eastern side of National Life Drive/ "Executive entrance" inhibit the sight distance to the north.

Members of the Traffic Committee met at the site to review the situation and we offer the following:

It was observed that when vehicles park on National Life Drive to the north of the main entrance to the National Life Complex as well as to the north of the executive entrance, there is insufficient sight distance, such that a vehicle exiting the location cannot view a vehicle coming in a southerly direction.

To rectify this situation the attending committee members determined that a restriction be imposed from the main entrance to the National Life complex to a point one hundred ninety-five feet (195') northerly. This restriction would provide the necessary stopping sight distance so that a vehicle can safely exit these locations.

Wording for the ordinance change would be as follows:

Sec. 10-716. PARKING PROHIBITED.

(c) National Life Drive. ~~Deleted -- enacted April 24, 1991.~~ **Parking is prohibited on the east side of National Life Drive from the main entrance to the National Life complex northerly to a point located one hundred ninety-five (195) feet northly.**

We are recommending that the above change be warned for First Reading for an ordinance change, if the Manager and City Council approves the recommendation of the Traffic Committee, and the second reading and acceptance of the changes at a subsequent meeting.

C: Traffic Committee

N
NO PARKING BETWEEN SIGNS
NATIONAL LIFE DR
MOUNTAINVIEW ST

City of Montpelier
Department of Public Works
Memorandum

To: **William Fraser, City Manager**

From: **Todd Law, Director of Public Works & Traffic Committee Chair** TL

Date: **January 9, 2014**

Subject: **Blanchard Court Electric Vehicle Parking and Winter Ban parking**

An agreement was made between the City of Montpelier and Green Mountain Power where an electric vehicle (ev) charging station was installed in the Blanchard Court parking spaces adjacent to City Hall. An electric vehicle parking sign was installed without ordinance support to alleviate the complaints received regarding non-electric vehicles parking in the spaces. From the information obtained from GMP the charging station receives a good amount of use especially following the parking restriction sign.

At the request of the City Manager, an ordinance is being proposed to restrict the use of non-electric vehicles parking in the space adjacent to the ev charging station and limit the parking to two hours to be consistent with the other parking spaces around City Hall.

We would also desire to change the section regarding night parking during winter to allow vehicles to park in the parking spaces/ lots as depicted on the attached map of Blanchard Court parking lot and Stone Cutters Way.

There has been a very large push for additional winter ban overnight parking to accommodate residents who have a need for parking during the parking ban restriction. It was noted that the ordinance does not make mention of the areas currently allowing overnight parking during the winter ban.

Wording for the ordinance change would be as follows:

Sec. 10-717. LIMITED PARKING. **(kk) <u>Blanchard Court</u>. "Electric Vehicle Parking Only, 2 hour maximum" for the southern-most parking space on the eastern side of City Hall adjacent to the electric vehicle charging station.**

Sec. 10-713. NIGHT PARKING DURING WINTER.
Parking of motor vehicles, teams, carts, or any other conveyance on the streets of the city of Montpelier between the hours of 1:00 A.M. and 7:00 A.M. is hereby prohibited between November 15 and April 1 of each and every year**, except as depicted on the winter parking map, which allows overnight parking in City Parking lots and on Stone Cutters Way in the areas shown and on the nights shown on the map found on the City website. Vehicles parked in violation to the areas depicted on the map will be subject to ticketing, and may be subject to removal per section 10-715.** The City Manager may, by executive order, prohibit night parking at any other times of the year if emergency road conditions exist as a result of ice or snow conditions. Attention to this Section will be brought to residences each year by issuing news releases to the local news media by the City Manager's Office, said news releases to commence the last week in October of each year.

We are recommending that the above change be warned for First Reading for an ordinance change, if the Manager and City Council approves the recommendation of the Traffic Committee, and the second reading and acceptance of the changes at a subsequent meeting.

C: Traffic Committee

CITY MEETING WARNING
FOR
MARCH 4, 2014

The legal voters of the City of Montpelier, in City Meeting in Montpelier, in the County of Washington and the State of Vermont, are hereby warned to meet in the City Hall Auditorium, in said Montpelier, on the first Tuesday in March, March 4, 2014, at seven o'clock in the forenoon, and there and then to cast their ballot for the election of officers, matters that by law must be determined by ballot, and other matters as directed by the Council. The polls will be opened at 7:00 A.M. and shall be closed and the voting machine sealed at 7:00 P.M.

ARTICLE 1. To elect one commissioner for the Green Mount Cemetery for a term of five years; one park commissioner for a term of five years; two school commissioners, each for a term of three years; one council member from each district, for a term of two years; one mayor, for a term of two years.

ARTICLE 2. Shall the voters appropriate the sum of $7,406,787 for the payment of debts and current expenses of the City for carrying out any of the purposes of the Charter, plus payment of all state and county taxes and obligations imposed upon the City by law to finance the fiscal year July 1, 2014 to June 30, 2015? (Requested by the City Council)

ARTICLE 3. *Shall the voters appropriate the sum of $ _________ necessary for the support of the public school system for the fiscal year July 1, 2014 to Jun 30, 2015? (Local budget of $________ plus grant budget of $________, for a total school budget of $_________) (Requested by the School Board)*

ARTICLE 4. Shall the voters appropriate the sum of $575,230 for the support of the Recreation Department for the fiscal year July 1, 2014 to June 30, 2015? (Requested by the School Board)

ARTICLE 5. Shall the voters appropriate the sum of $3,000 as compensation to the Mayor for services for the fiscal year July 1, 2014 to June 30, 2015? (Requested by the City Council)

ARTICLE 6. Shall the voters appropriate the sum of $7,200 ($1,200 each) as compensation to the Council Members for their services for the fiscal year July 1, 2014 to June 30, 2015? (Requested by the City Council)

ARTICLE 7. *Shall the voters appropriate the sum of $7,300 (Chair $1,300; others $1,000 each) as compensation to the School Commissioners for their services for the fiscal year July 1, 2014 to June 30, 2015? (Requested by the School Board)*

ARTICLE 8. *Shall the voters authorize the Board of School Commissioners to hold any audited fund balance as of June 30, 2014 in a reserve (restricted) fund to be expended under the control and direction of the Board of School Commissioners for the purpose of operating the school? (Requested by the School Board)*

ARTICLE 9. Shall the City of Montpelier adopt as its charter the "Comprehensive Revised Charter of the City of Montpelier", as approved by the City Council on January ___, 2014, an official copy of which is maintained in the ballot booth and is on file in the office of the City Clerk? *(Requested by the City Council)*

ARTICLE 10. Shall the voters authorize the City to exempt alternate energy sources from real and personal property taxation in accord with Title 32 V.S.A. § 3845 first effective for the April 1, 2014 tax year? (Requested by the City Council)

ARTICLE 11. Shall the voters authorize the City levy a special assessment of $0.0515 per $100 of appraisal value on properties within Montpelier's Designated Downtown not used entirely for residential purposes? The assessment shall be apportioned according to the listed value of such properties except that the assessment for any property also used for residential purposes shall be reduced by the proportion that heated residential floor space bears to heated floor space for such property. Funds raised by the assessment shall be administered by a Downtown Improvement District Committee, appointed by the City Council, and will be used to improve the downtown streetscape and to market the downtown. (Requested by the City Council and Montpelier Alive.)

Dated this __ day of January, 2014

Signed:

John Hollar, Mayor

Members of the City Council:

CITY SEAL:

ATTEST:

John Odum, City Clerk