



**CITY OF MONTPELIER
MONTPELIER, VERMONT**

Agenda for City Council Meeting

City Council Chambers, City Hall

Wednesday, May 22, 2013

7:00 P.M.

- 1) Call to Order by the Mayor
- 2) 13-134. General Business and Appearances
- 3) 13-135. Consideration of the Consent Agenda:
 - a) Approve Minutes from the May 8th, 2013 City Council Meeting. 
 - b) Accept the quote submitted by Cowan Electrical Contracting, Inc., of Berlin, Vermont, for all necessary electrical work at the Generator Building at the Public Works Facility, and authorize the City Manager to make this purchase in the amount of \$42,800. 
 - c) Accept the bid submitted by Evergreen Enterprises, Inc., of Barre, Vermont, for Roadside Mowing services for FY 2014, in the amount of \$4,900.00 flat rate/\$75.00 per hour, and to authorize the City Manager to sign all contracts and other documents. 
 - o) Payroll and Bills
- 4) 13-136. Discussion of City Council Goals and Priorities. 
 - a) The Council has been working on goals since March and held a work session on May 8th.
 - b) The City Manager has prepared a draft of the goals based on the workshop discussion.
 - c) Recommendation: Review draft goals; identify key items; make changes as desired; approve goals.
- 5) 13-137. Carr Lot: Receive update on upper floor development of the multi-modal transit center and provide direction on the City's next step proposals. 

- a) City Manager Bill Fraser provided an outline of ideas, decision points, and next steps related to upper floor development at the multi-modal transit center to be located on the Carr lot.
 - b) Recommendation: Review and discuss the outline of what the City is seeking; approve the proposed steps, with or without amendments.
- 6) 13-138. Presentation, by owners of The Quirky Pet, of a scanner acquired through a fund drive (attached to this year's dog license renewals) that will be used to identify stray dogs.
- a) In collaboration with the City Clerk, and the generous help of the Green Mountain Animal Hospital, the scanner was acquired with a remaining surplus of \$221.00 in the donation fund.
 - b) By being able to identify ownership, costly kenneling charges can be avoided.
 - c) Recommendation: Watch demonstration; opportunity for questions; possibly provide suggestions for the extra funds.
- 7) 13-139. Downtown Improvement District – 2nd Reading 
- a) On March 5, 2013, voters approved “**ARTICLE 12.** Shall the City raise \$75,00 by levying a special assessment 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)”
 - b) Attached is a copy of the proposed Ordinance amendment that would incorporate the Downtown Improvement District.
 - c) Recommendation: Conduct the Second Public Hearing, approve with or without further changes.
- 8) 13-140. Appointment of a representative and alternate to the Central Vermont Regional Planning Commission. 

- a) According to CVRPC's Bylaws, town representatives and alternates serving on the Commission are to be appointed annually, or re-appointed if that's the municipality's preference. CVRPC staff realizes that it is ideally better to have an alternate, as well as a Commissioner, but they recognize that it is not always possible to find two willing volunteers.
- b) Staff contacted the City's current representative and alternate, Tina Ruth and Kimberly Cheney. Tina would like to continue serving as the City's rep; Kim feels that it's time to let someone else serve as alternate.
- c) Recommendation: Reappoint Tina Ruth as the City's representative to the CVRPC; direct staff as to how the alternate seat should be filled.

- 9) 13-141. Reports by City Council
- 10) 13-142. Mayor's Report
- 11) 13-143. Report by the City Clerk
- 12) 13-144. Status Reports by the City Manager
- 13) 13-145. Agenda Reports by the City Manager

- a) None as of "press time".

- 14) *Adjournment*

Minutes of the Montpelier City Council Meeting
May 8, 2013
Montpelier City Hall Council Chambers

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

13-125. The goal setting session was called to order by Mayor Hollar at 5:30PM.

After a five minute break following the goals session, the mayor called the regular meeting to order at 7:38PM.

13-126. Councilor Weiss asked that item b of the consent agenda be removed for consideration. Councilor Hooper moved the remaining portion of the consent agenda for approval, seconded by Councilor Edgerly Walsh. The motion passed unanimously at 7:40.

13-128. The first public hearing for the proposed ordinance relating to the Downtown Improvement District and related assessment passed by voters on the 2013 Annual City Meeting ballot began at 7:41.

Sarah Jarvis and Phayvanh Luekhamhan (Montpelier Alive board member and executive director, respectively) were introduced by City Manager Fraser who provided background. Jarvis referred to the draft ordinance language, noting that it was an attempt to provide an appropriate role for the council, without putting it in a position requiring an excessive amount of direct management. She made note of the funding envisioned under the plan (the commensurate increase in PILOT payment from the assessment, and the expectation of receiving that increase and the time lag before it becomes available), in response to recent coverage in the Times Argus. Jarvis indicated that Montpelier Alive feels obliged to keep with the projected assessment level, noting that the city had agreed to help fill in any shortfall in the meantime.

The City Manager clarified that the city had allowed that any additional PILOT funds that may be available beyond what was anticipated this year (and up to the level of the anticipated shortfall) could be provided to Montpelier Alive. Councilor Golonka expressed concern that the ordinance language might preclude such an action. Fraser acknowledged the problem and suggested a language change to address the concern.

Councilor Weiss identified four areas of inquiry: 1) he expressed doubt that citizens were clear on the implications of the ballot article authorizing the district. 2) Citing the Montpelier Community Fund, he questioned why an ordinance was necessary for a DID administered by Montpelier Alive. 3) He felt that Montpelier Alive's bylaws may need modification to proceed with the DID. 4) He suggested that the ordinance be edited to remove specific direction to the governing board, so the board could be adaptable without having to change the ordinance.

Mayor Hollar agreed with the fourth point. Councilor Golonka was concerned that the board would be unwieldy. Luekhamhan indicated that the committee size was consistent with other Montpelier Alive boards.

The mayor closed the public hearing at 8:03.

Councilor Golonka moved that the Council approve the proposed ordinance language with the following changes: remove the phrase “to raise \$75,000” from Sec 16-11. Also, modify Sec 16-14(a) as follows:

The City Council shall constitute and appoint a Downtown Improvement District Committee consisting of five to ten (5-10) members at the Council’s discretion, to include one or more representatives from the following categories: natural persons owning or representing owners of real estate within the District; natural persons owning or representing co-owners of retail businesses within the District; natural persons owning or representing owners of hospitality businesses with the District; natural persons owning or representing the owner of a service business within the District; persons owning or representing an arts community enterprise within the District, employees of the State of Vermont, City Council appointees.

Councilor Edgerly Walsh seconded. The motion was approved by a 5-1 vote at 8:03, with Councilor Weiss voting nay.

- 13-129. Planning Commissioner Tina Ruth (joined by Planning & Development Director Gwen Hallsmith) addressed the Council on the proposed merger of the Central Vermont Economic Development Corporation with the Central Vermont Regional Planning Commission, reviewing the history of the initiative and its progression for the newer councilors.

Ruth indicated that the most recent report will recommend a merger (although there will not be pressure to move forward overly quickly), and that she was approaching the Council for direction. She shared her disagreement with the (anticipated) recommendation as, in her view, the two organizations have functional statutory and organizational distinctions that make merger problematic. She felt the arguments to merge were not persuasive.

Councilor Golonka asked about the time frame when a merger vote could happen, and it remained unclear at this time.

Ed Larson, Planning Commissioner Doug McCain, Peter Hood (current chair), and Josh Fitzhugh approached the Council, speaking favorably of the pending merger recommendation. Larson added some information to the account of the history, noting that it was mandate to consider merging (while noting that the mandate was no longer active). He cast the merger as an honestly-assessed strategy to more thoroughly serve the public. He also suggested that Ruth’s questions – while valid – had been adequately addressed.

McCain characterized their message as urging the council to withhold judgment at this point in the process.

Councilor Edgerly Walsh asked for details on the advantages of merging as opposed to simply working closely together. Hood replied that the merger would create a stronger organization. Larson cast a merger as a bold move towards a better organizational model, while acknowledging that there would be costs of merging.

Jed Guertin addressed the council and citing his economic development background, indicated he was troubled by so closely marrying economic development and planning, noting that the different types of organizations historically have very different approaches. He felt that, over time, you could end up with economic development priorities trumping planning priorities. Larson acknowledged the concerns, but felt they were adequately accounted for in the proposed solution.

- 13-126(b). Councilor Weiss asked for clarification about the bike path segment as it related to the Carr lot, and further asked about the contract work schedule. He also requested that a project schedule be provided for each component of the project. Councilor Edgerly Walsh indicated that the bike path committee had reviewed the schedule, and that it was available for review. Councilor Weiss asked for maintenance projections from the contractor at 5 years and 10 years out to be made available. City Manager Fraser indicated that they could be provided

Councilor Hooper moved consent agenda item b for approval. Councilor Guerlain seconded. The motion passed unanimously at 8:55.

Councilor Weiss welcomed back Beverlee Hill to City Hall. Councilor Edgerly Walsh reported that the housing committee suggested that the council send a member to the planning commission to participate in some capacity.

- 13-131. The City Clerk made note of the tar sands advisory town meeting article which had passed recently, inviting councilors to approach him in the intervening period between meetings to review the language and take action as they saw fit.

Councilor Guerlain moved for adjournment, seconded by Councilor Edgerly Walsh. The motion passed unanimously at 9:01PM.

CITY COUNCIL GOALS 2013-2014

Reviewed May 9, 2013

DRAFT

Goal: *Balance and control municipal budgeting, taxes and services relative to current population and grand list tax base.*

Steps:

- Continue long term budget projections including development scenarios.
- Set a budget target, focus budget discussions on policy and services, not line items.
- Complete plan to implement debt and fund balance policy after we receive the annual audit.
- Further explore inter-municipal and intra-municipal agreements as well as the possibility of merged services to find efficiencies.

Goal: *Maintain all city streets, bridges, sidewalks and other infrastructure (tennis courts, parks, rec paths, etc.) in (at minimum) fair or good condition as per appropriate rating indices.*

Steps:

- Maintain commitment to the “steady state” funding plan adopted in 2013 to improve streets and sidewalks.
- Explore ways to remove all dual utility poles in Montpelier.

Goal: *Support the work of the Parking Committee in an effort to alleviate parking pressures in Montpelier.*

Steps:

- Review and balance alternatives between adding parking and reducing parking demand.
- Explore the long-term viability of the Circulator bus.

Goal: *Provide and receive comprehensive, accessible and useful information to and from constituent groups about the City government and the community.*

Steps:

- Re-vamp city website to make it more user-friendly; provide clear and easy-to-find information for residents AND for potential residents and potential businesses.
- Expand use of social media to communicate city's message while continuing traditional communications methods.
- Provide adequate staff and volunteer support to maintain communications efforts once they have started.
- Target appropriate information messages to specific audiences.
- Gather contact information from residents.
- Gather information from the community about City services.

Goal: ***Create a hospitable environment for residential growth.***

Steps:

- Monitor zoning process to assure that regulations will help promote new housing.
- Follow-through with recommendations of Barriers to Housing Committee.
- Consider public investment in infrastructure to generate housing.

Goal: ***Maintain an environment that is hospitable for businesses thrive throughout Montpelier.***

- Adopt an economic development strategy.
- Change narrative and present Montpelier as business friendly through brochures, communications and marketing.
- Maintain an active role in upper floor development.
- Establish Economic Development and Business Recruitment/Retention as municipal priorities.
- Explore the Montpelier Business Loan Fund and other tools the City has to promote economic development.
- Review Water rates.

Goal: ***Become a nationally known bike and pedestrian friendly city.***

Steps:

- Support the work of the Bike Committee.

Goal: ***Make significant progress on three major outstanding capital projects: District Heat, Transit Center and Montpelier Bike Path.***

Steps:

- Acquire the Carr Lot and ensure that it is out to bid by the end of the calendar year.
- Maintain the Bike Path schedule.
- Complete the District Heat project.

Goal: *Proactively explore energy initiatives.*

Steps:

- Explore reenergizing the North Branch dam.
- Pursue photovoltaic initiative.

Goal: *Support and promote a vibrant downtown.*

Steps:

- Work to ensure that the Farmers' Market stays downtown.
- Support groups that come to the City Council with downtown initiatives.
- Explore the periodic closure of State Street.
- Successfully implement the Downtown Improvement District.

TO: Select Boards and Councils
FROM: Laurie Emery
DATE: April 3, 2013

RE: Annual Appointments to CVRPC

According to CVRPC's Bylaws, town representatives and alternates serving on the Commission are to be appointed annually, or re-appointed if that's the municipality's preference. In order to simplify the notification process, following is a form that you can use to let me know who was appointed as your municipality's representative and alternate to the Commission. It is ideally better to have an alternate, as well as a Commissioner, but we recognize that it is not always possible to find two willing volunteers. However, it is important that the municipality be represented on the Commission since we are continuously working on regional issues.

Town/City of _____, on _____,
Date

appointed _____
Name Mailing Address

Daytime Phone E-Mail Address

as the representative to the Central Vermont Regional Planning Commission. In addition,

Name Mailing Address

Daytime Phone E-Mail Address has

been appointed as the alternate representative.

Signed by: _____

Title

Notification of appointments to CVRPC are due in May of each year. I hope that the use of this form makes this process easier. I will mail it out to you annually around the time of Town Meeting when I request an updated list of local officials. Thank you for your assistance in keeping our records up to date and in being involved in the work of the Commission.

From: Sandy Pitonyak [<mailto:SPitonyak@montpelier-vt.org>]

Sent: Tuesday, May 14, 2013 11:01 AM

To: Tina Ruth; Kimberly Cheney

Subject: Reps to the CVRPC

I just received the paperwork from the Regional Planning Office, reminding us that we need to provide them with the names of those who wish to be the City's rep and alternate to their board.

Are you both still interested in serving?

Sandy Pitonyak

Administrative Assistant to the City Manager

City Hall - 39 Main Street

Montpelier, VT 05602

Telephone: (802) 223-9502

FAX: (802) 223-9519

spitonyak@montpelier-vt.org

Sandy Pitonyak

From: Tina Ruth [tinapruth@gmail.com]

Sent: Tuesday, May 14, 2013 5:14 PM

To: Sandy Pitonyak

Subject: Re: Reps to the CVRPC

I am. Thanks, Sandy. Tina

Sandy Pitonyak

From: Kimberly Cheney [KCheney@csgvt-law.com]

Sent: Wednesday, May 15, 2013 1:54 PM

To: Sandy Pitonyak; Tina Ruth

Subject: RE: Reps to the CVRPC

Sandy, give someone else a chance.

Mr. Kimberly B. Cheney, Esquire

Cheney Saudek & Grayck PC

159 State Street

Montpelier, VT 05602

Tel: (802) 223-4000

Fax: (802) 229-0370

City Of Montpelier
Department of Public Works
Memorandum

To: William J. Fraser, City Manager

From: Todd C. Law, PE, Director

Date: May 15, 2013

Subject: Bids Received for Electrical Work at DPW Generator Building

In June of 2009, the Public Works Department requested proposals from two vendors for the electrical portion of the work on the new Generator Building. After review of these proposals, we recommend that the quote submitted by Cowan Electrical Contracting, Inc., of Berlin, VT, be accepted, in the amount of \$42,800. The attached memo, dated May 9, 2013, confirms that the original quote is still valid. This amount is within the funding of the building bond.

We request that this item be placed on the Consent Agenda for the next City Council meeting. Suggested wording for the Agenda follows:

*To accept the quote submitted by Cowan Electrical Contracting, Inc., of Berlin, Vermont, for all necessary electrical work at the Generator Building at the Public Works Facility, and to authorize the City Manager to make this purchase in the amount of **\$42,800.***

If you would like further information, please feel free to contact my office.

Attachment
C: Eric Ladd, Equipment Supervisor

Cowan Electrical Contracting Inc.
603 Crosstown Rd
Berlin, VT 05602
5/9/13

RE: Generator at public works

Dear Eric,

This quote is to confirm the pricing of the generator project at the public works building. The scope of work will include the following.

- New feed wires from the existing transformer to the new 800A transfer switch
- A new main distribution panel 120/240v single phase with an 800A main
- Pipe and wire to the two existing services one in public works building (600A) and one in the truck barn (400A)
- Pipe and wire from transfer to generator. Generator provided by and placed by other
- General lighting in generator building
- Pipe and wire for louvers (louvers installed by others and controls to be provided by others)

This quote does not include the rewinding of the generator. Generator placement or excavation.

The cost of this scope of work will be \$42,800.00 (Forty two thousand eight hundred dollars)

Thank you for the opportunity to bid this work with you.

Dan Cowan



City of Montpelier, Vermont
"The Smallest Capital City in the United States"

Mayor John Hollar

City Council:

Tom Golonka, President
Thierry Guerlain, Vice President
Andy Hooper, Parliamentarian
Alan H. Weiss
Anne Watson
Jessica Edgerly Walsh

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

MEMORANDUM

To: Mayor Hollar & City Council Members

From: William Fraser, City Manager

Re: Upper Floor Development at the Multi-modal Transit Center

Date: May 17, 2013

The following is an outline of ideas, decision points, and next steps related to upper floor development at the multi-modal transit center to be located on the Carr Lot.

Opportunity: The City of Montpelier has secured \$2.49 million in a Federal Transit Administration (FTA) funding grant to build a multi-modal transit center at the property currently known as the Carr Lot. This grant is funded with \$1.96 million in FTA funds, along with \$490,000 in City matching funds.

This money is paired with \$5.3 million in Federal Transportation funding for site improvements and redevelopment of the downtown areas. We are seeking to leverage these funds to facilitate upper floor development at this site thereby adding to the Grand List, increasing downtown vibrancy and building a signature structure at this important gateway to our City.

Federal Grant Requirements: To utilize the FTA funds for upper floor development, the City must enter into a Joint Development Agreement (JDA) with FTA. The original FTA grant agreement, which was awarded in 2005, specifically references upper floor development for office space, or other uses. It further indicates that a private developer could be sought to invest in the development of the upper floors which would be self-sustaining through rents (or other financial mechanism.)

We have had several discussions with FTA officials since 2005, and as recently as several months ago regarding upper floor development. However, because it had not been confirmed if the City would acquire ownership of the Carr Lot, we elected to defer initiation of the JDA details until this confirmation had been obtained. Now that the City is on the verge of acquiring the property, one of our next steps is to advance this effort, and work through the details prior to the actual solicitation of a developer.

The grant agreement states that development of the transit center will generate revenue, and support the operations and maintenance of the facility, in accordance with the requirements of the JDA. The original intentions is the City will own and maintain the site and facility, and the upper floors would be developed and owned by a separate entity, with the precise financial and legal structure of the relationship to be determined.

Zoning Requirements: The Carr Lot is located in Central Business District I (CBI) which provides a tremendous amount of flexibility for the developer. Current Zoning requires the building to be a minimum of 2 stories with development potential of a maximum of 6 stories. The attached table of uses provides an overview of what is permissible in CBI. Although residential is allowed under zoning it is likely impractical due to cost, time and, most importantly, environmental constraints. The current parking requirements for office uses in CBI are much more flexible than other zoning districts. Current zoning requires 1 parking space for every 400 ft² (as opposed to 1 every 250 ft²). However, parking replacement fees, offsite parking arrangements, and other creative solutions can help offset some of the on-site demand. We must not forget that the goal of the project is to provide a multi-modal transportation hub for buses, bikes, and pedestrians as the primary beneficiaries. Creative solutions to the parking and zoning requirements may be one of the factors to consider when selecting a development partner.

Recommended Outline of What the City is Seeking: The City of Montpelier is seeking a developer or development partner(s) who can meet the following conditions:

- Ready to proceed with design and construction according to the City's timeline (Summer/Fall 2013 for design and Summer/ fall 2014 for construction.)
- Ownership of some or all upper floors of a building at 1 Taylor Street in a condo relationship with the City of Montpelier (and perhaps other partners) in which the first floor is a Multi-modal Transit Center/Welcome Center and the surrounding site includes an extended bike path, landscaping and a new bike/pedestrian bridge connected this site to Main Street.
- Build two to five floors of a 5,000 to 6,000 ft² footprint (for a total building height of three to six stories with 10,000 to 30,000 square feet of upper floor space.)
- Prepared to offer creative development rights compensation and/or project cost sharing scenarios.
- Will construct a building that meets high environmental standards.
- Will construct office space that meets the needs of employers in the capital city that will result in an addition to the Grand List. Or construct housing with the understanding that they are responsible for any additional environmental clean-up expenses and requirements.
- Will construct a building that is compatible with a multi-modal transit center, can serve as a gateway to the City of Montpelier, and an anchor to the downtown area.
- Will work in partnership with the City of Montpelier on building design and construction.
- By responding to this request for Letters of Interest, the respondents acknowledge that these documents will become public.

City's Contribution: As part of this project the City is acquiring the site, handling all permitting and building the first floor of the multi-modal transit center as per requirements of the FTA funding and handling overall site design. The City is willing to entertain cost sharing proposals to bring water and sewer, power, and communications lines to the site as well as complete site design work, erect the foundation, and complete the roofing. All direct costs which exceed FTA requirements for the Transit/Welcome Center must be borne by the development partner.

Furthermore, the City is advancing the development of the bike path, which will extend the existing path from Taylor Street to Main Street, which includes waterfront improvements along the Carr Lot frontage of the Winooski River. In advancing this development, the City will be making significant pedestrian and landscape improvements to the area, as well as providing a safe and direct pedestrian route between Taylor

Street and Main Street. We believe this portion of the project brings significant benefit and value to the building, as developers recognize the benefit of this access and tenants will utilize this resource.

Process to Secure a Development Partner for Upper Floor Development:

- *Round #1:* City to issue a request for Letters of Interest to include qualifications and development ideas.
- After the release of the request for Letters of Interest but before the submission date, the City will conduct a public forum and outreach effort. Residents will be asked about their ideas for the project, potential criteria for a successful project, and what they would like to see on site. Developers will be invited but not required to participate. This will involve both a public meeting and written submissions. The City and Council may use the information gained to inform selection of Round #1 respondents.
- City to select a short list of those respondents to continue to Round #2. Respondents must submit during Round #1 to be considered in Round #2.
- Respondents may consider partnering with one another for response in Round #2.
- *Round #2:* The City will issue a competitive RFP to those who were selected from Round #1 for development rights, conceptual designs, and pro-forma. These responses will include the type of building being proposed, the site plan, the payment for development rights, renderings, and a pro-forma (how the developer(s) arrangement will work between partners and the City.)
- City officials will interview those who respond to Round #2.
- The public will be provided an opportunity to review and comment on these proposals.
- One developer or set of development partners will be identified.
- *Round #3:* The City and development partner(s) will issue a competitive RFP for design and construction of the building consistent with the successful proposal.

**CITY OF MONTPELIER
DEPARTMENT OF PUBLIC WORKS**

M E M O R A N D U M

TO: William J. Fraser, City Manager
FROM: Todd C. Law, PE, Director
DATE: May 16, 2013
SUBJECT: Tabulation of Bids Received – Roadside Mowing FY 2014

On May 16, 2013, at 10:00 am, we opened the single bid received for roadside mowing services for the summer months, for both a flat rate for the initial mowing, and an hourly rate for mowing as requested after September 1, 2013. A tabulation is attached. The low bid of \$4,900.00, flat rate, and \$75.00 hourly was submitted by Evergreen Enterprises located in Barre, VT. Evergreen has provided mowing services for us during the last three seasons. Based on estimated quantities, this bid is determined to be within the budgeted amount of \$6,000 for this line item.

It is our recommendation that you seek authorization from the City Council on the next available Consent Agenda to award the contract for Roadside Mowing for FY 2014 to Evergreen Enterprises, Inc. of Barre, VT, suggested wording as follows:

To accept the bid submitted by Evergreen Enterprises, Inc., of Barre, Vermont, for Roadside Mowing services for FY 2014, in the amount of \$4,900.00 flat rate/\$75.00 per hour, and to authorize the City Manager to sign all contracts and other documents.

If you have any questions or would like to discuss further, please contact me.

c: Brian Tuttle, Streets Supervisor

PW-12

Public Works

JOHN CATTIER
EVERGREEN

FORM 1104 - GOVERNOR COMPANY, NEW YORK CITY
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PREPARED BY:

AWARDED BY:

AN ORDINANCE PROVIDING
FOR A SPECIAL BENEFIT
ASSESSMENT DISTRICT AND
THE ADMINISTRATION THEREOF

It is hereby ordained by the City Council of the City of Montpelier that the Code of Ordinances be amended by the inclusion of the following ordinance as Chapter 16, Article II Special Benefit Assessment District:

Sec. 16-9. DISTRICT CREATION

As provided in Chapter 87 of Title 24, Vermont Statutes Annotated, and authorized by the City of Montpelier at the March 5, 2013 annual meeting thereof, there is hereby created a special benefit assessment district to be known as the “Downtown Improvement District”, which shall consist of that part of the City designated a “downtown district” under Section 2973 of Title 24, Vermont Statutes Annotated.

Sec. 16-10. PROPERTY AFFECTED.

All non-residential property located within the Downtown Improvement District shall be subject to a benefit assessment as provided in this ordinance.

Sec. 16-11. ASSESSMENT IMPOSED.

For the fiscal year commencing July 1, 2013, there is hereby imposed a special benefit assessment upon all non-residential real estate located within the Downtown Improvement District, to be apportioned among such non-residential real estate in direct proportion to the listed value thereof. The amount of the special benefit assessment for each fiscal year shall be as determined by the City at the annual meeting thereof next preceding the commencement of each fiscal year. In the case of mixed-use property, there shall be excluded from the computation and allocation of such benefit assessment the proportion thereof that the heated floor space of such property used for residential purposes bears to the entire heated floor space of such property.

Sec. 16-12. LEVY AND COLLECTION.

The City Treasurer shall prepare benefit assessment bills in accordance with Section 16-13, and shall cause the same to be mailed to the record owners of all property subject to the benefit assessment imposed in the Article. Such benefit assessments shall be due and payable in the same manner and with the same frequency as are property taxes.

Sec. 16-13. COLLECTION

Any benefit assessment remaining unpaid following its due date shall bear interest and penalties, and be subject to such collection and enforcement remedies as in the case of delinquent property taxes. Benefit assessments levied under this Article shall constitute a subsisting lien upon the property subject to such assessment.

Sec. 16-14. DOWNTOWN IMPROVEMENT DISTRICT COMMITTEE.

(a) The City Council shall constitute and appoint a Downtown Improvement District Committee consisting of five (5) to ten (10) members who shall represent a cross section of interests within the downtown area. Examples of those interests include but are not limited to: persons owning or representing owners of real estate within the District; persons owning or representing co-owners of retail businesses within the District; persons owning or representing owners of hospitality businesses with the District; persons owning or representing the owner of a service business within the District; persons owning or representing an arts community enterprise within the District, persons representing or employed by the State of Vermont, and persons representing the City Council. Terms of appointment shall be for two years except during the initial appointment when the Council will evenly divide terms for one and two years. In the event that the district is not continued, all terms will expire at the conclusion of the then current fiscal year.

(b) The Committee shall prepare an annual work plan and budget, and shall present the same to the City Council on or about July 1 of each year, for the Council's consideration and approval.

Sec. 16-15. USE OF PROCEEDS.

All sums collected under this Article shall be deposited and maintained as a restricted fund balance consistent with funds that are mandated for a specific purpose by Montpelier voters and shall be expended only for improvements within the Downtown Improvement District and for the promotion and marketing thereof. Expenditures, grants and transfers from such account shall be approved by the City Council.