Agenda

City Council Meeting

City Council Chambers, City Hall
Wednesday, September 11, 2019
6:30 P.M.

1. Call To Order By The Mayor
2. 19-254. Review and approve agenda
3. 19-255. General business and appearances
4. 19-256. Consideration of the Consent Agenda
    a. Approve 8/14 meeting minutes
    b. Approve 8/28 meeting minutes
    c. Approve multiple requests for 3rd Class Liquor Licenses
    d. Resolution: Municipal Planning Grant to develop a City Energy Plan
    e. Resolution: Montpelier Drive Electric Day
    f. Payroll and bills
5. 19-257. **6:40 PM** Zoning, 1st Public Hearing
6. 19-258. Appointment to the Historic Preservation Commission
7. 19-259. Responsible Employer Ordinance
8. 19-260. Livable Wage Ordinance
9. 19-261. Ordinance amendments, 1st reading: Chapter 9. Licenses
10. 19-262. Other business
11. 19-263. Council reports
12. 19-264. Mayor's report

13. 19-265. City Clerk's report
14. 19-266. City Manager's report
15. Adjournment

ADDENDUM TO THE AGENDA

1. 19-256(g). Approve purchase of truck parts
2. 19-267. Appoint City Council representative to the Main Street Middle School committee
3. 19-268. Appointment of City Council voting representative for the Vermont League of Cities and Town Town Fair
4. 19-269. Event Fees

Minutes of the Montpelier City Council Meeting
August 14, 2019 6:30pm
City Council Chambers

In attendance: Mayor Anne Watson (Chair), Councilors Dona Bate, Conor Casey, Glen Hutcheson, Jack McCullough and Ashley Hill. Councilor Lauren Hierl was not present. City Clerk John Odum acted as secretary.

The Mayor called the meeting to order at 6:30.

19-220. Comments regarding the recent death of Mark Johnson were offered by: Lawrence Siler, Zach Hughes, Peter Harris, Stephen Whitaker, and Elizabeth Parker.

Stephen Whitaker voiced concerns about a recent "incident" with police regarding a number of homeless individuals.

Ericka Reil offered her services on the homeless issue.

19-219. Without objection the proposed agenda was approved by acclamation

19-221. Councilor McCullough moved approval of the consent agenda sans item f. Councilor Hutcheson seconded and the motion carried unanimously.

The Council took up consent agenda item f (City Hall plaza evening vendor request). Michael Cantalupo came forward for discussion. Councilor Hill moved the Council approve the permit request for the vendor from 10pm to no later than 2:00pm. Councilor Hutcheson seconded.

Councilor McCullough moved to amend the motion to make the permit subject to review during the permit period so that the Council can review, terminate or modify it if problems develop. The motion died for lack of a second. After more discussion, the underlying motion passed unanimously.

19-222. The Council discussed appointments to the Housing Trust Fund committee. After brief discussion, Councilor McCullough moved to appoint the applicants (Richard Amore and Rick DeAngelis as members of the public at large, Mary Hooper and Brian Evans as Housing Task Force representatives). Councilor Casey seconded and the motion carried unanimously.

19-223-224. The Council discussed the appointment to the Planning Commission. Marcella Dent spoke in regards to her candidacy. The appointment to the Development Review Board was also discussed (applicant Michael Lazorchak was not present).

Councilor McCullough moved the Council appoint both of the applicants to the positions they applied for. Councilor Hutcheson seconded and the motion carried unanimously.

19-225. The Council received an Energy Advisory Committee update (including Energy Efficiency Ordinance) from Kate Stephenson. Comments were taken from Vicki Lane, Ben Huffman, Stephen Whitaker, and Jeff Rubin. No formal action taken.

19-226. The Council discussed a proposed Vermont College of Fine Arts parcel zoning project. Councilor Hutcheson recused himself from discussion due to a potential conflict of interest. Kate Stephenson and Casey Ellison presented the proposal. Comments were offered by Page Guertin, Joe Castellano, Jeff Rubin, Stephen Whitaker, Vicki Lane, and Lawrence Siler. After discussion Councilor Bate moved to include this request to draw the zoning line for the density in the drafts that we will be receiving from the planning commission for consideration in the future. Councilor Casey seconded and the motion passed 4-1 (Councilors Hill and McCullough voting nay, Mayor Watson voting aye).

The Mayor called a recess at 8:05 recess. The meeting reconvened at 8:12

19-227. Planning Director Mike Miller offered a brief zoning update. After discussion, Councilor Bate moved to accept the changes to the draft so staff can warn public hearings for September 11 and September 25. Councilor McCullough seconded and the motion passed unanimously.

19-228. The City Manager introduced a discussion of the proposed Homelessness Task Force. Comments were offered from Stephen Whitaker, Ericka Rell (VCIL), Zack Hughes, Casey Walsh, and Vicki Lane. After discussion, Councilor McCullough moved the city create a task force of up to eight people, and that the City Manager be directed to send out requests for applications from all the groups listed in his memo and to all the people who have either been listed in Steve Whitaker's memo or have otherwise already approached the city with their interest, or have expressed so in this meeting, including people who are here present, and that we get applications so the appointments will be made at the next meeting. Councilor Hutcheson seconded and the motion carried unanimously. Brief further discussion followed.

19-229. The Council opened a discussion of possibly synergy between Central Vermont Fiber and the Central Vermont Public Safety Authority. Stephen Whitaker opened discussion. CVPSA Chair Kim Cheney participated. After discussion, Councilor Casey moved that the City Council supports a cooperative effort between CV Fiber and CVPSA to look at a regional wide communications network that uses the fiber structure in its most efficient needs, urges the two groups to work together to accomplish that goal. Councilor Hutcheson seconded. After brief further discussion the motion carried unanimously.

19-230. At 9:20, the Mayor opened the second public hearing on amendments to the Code of Ordinances, chapter 7, Health & Sanitation. No public comments were offered. After discussion, the public hearing was closed a 9:28. Councilor Hill moved to set another public hearing for the next meeting. Councilor McCullough seconded and the motion carried unanimously.

19-231. Police captain Neil Martel gave an update on the recent protests in the city. Discussion followed. No formal action taken.

19-232. The City Manager gave the Council an update on the strategic plan. Discussion included comments from Stephen Whitaker. No formal action was taken.

19-234. Councilor Bate noted that two committees (MTIC and Complete Streets) are taking the relevant ordinance very seriously. She also reported that data on bikes and pedestrians is being collected.

Councilor Casey thanked the city staff for its handling of the recent conflict between the Farmers Market and the Biker's organization.

Councilor Hutcheson reminded listeners of his weekly constituent meeting and noted the walkability of the city and that he was looking forward to the pedestrian/bike path.

Councilor McCullough noted out the scheduled work on the Rain garden at the State Employees' Credit Union, making an appeal for volunteers.

19-235. The Mayor highlighted recent public hearings recently about traffic changes on Barre and Main Streets, as well as on the proposed energy disclosure, noting an upcoming meeting on the latter. She also noted the date of the coming transportation focused meeting.

19-236. The City Clerk reported on his activities at Defcon.

19-237. The City Manager thanked the Police Department for their efforts regarding the recent street protests. He also offered his condolences to the family of Mark Johnson, noting that further information would be released as soon as possible. Finally, he introduced Donna Barlow Casey who was starting as acting Public Works chief and Assistant City Manager.

19-238. Councilor McCullough moved that, pursuant to Title I, VSA §313, the Council enter executive session to discuss the appointment or employment or evaluation of a public employee. Councilor Hutcheson seconded and the motion carried unanimously.

Without objection, the Mayor ruled the Council returned to open session and subsequently adjourned by unanimous consent.

NOTES (raw) of the Montpelier City Council Meeting
August 28, 2019 6:30pm
City Council Chambers

In attendance: Mayor Anne Watson (Chair), Councilors Dona Bate, Conor Casey, Glen Hutcheson, Jack McCullough and Lauren Hierl. Councilor Ashley Hill was not present. City Clerk John Odum acted as secretary.

Call To Order By The Mayor

19-239 Review and approve agenda. Unan consent

19-240 General business and appearances.
Whitaker: spending priorities incorrect. Sewer gas. Drainage. Trip hazards on streets. Sinkhole (St Paul street?) street sweeping inadequate. Sidewalk cleaning inadequate. Combined sewer overflow. CVPSA/CV Fiber action not fast enough. Police chief unresponsive to public records requests. Christmas wreath. Sd Ireland spilled material in the river. Missing opportunity to redirect trucks into parking spaces. Not enough electric charging spaces. Charging people on bennington battle day and july 4th for meters – refund them (credit cards). Put Saturday state and main light into flashing mode. Postpone downtown master plan until garage settled. Need a heat pump to catch server room heat and heat downstairs bathrooms with it. Rail study. Visible log of all public record requests. Visible log of correspondence.
Sue Allen: applauded staff and council. Thanks for letting me work here.
Seth Collins (Berlin): address shooting deaths

19-241 . Consideration of the Consent Agenda. Minutes pulled.
b. Park Avenue accessible parking space
c. Raw water vacuum station upgrade
d. City Hall roof contract
e. Street closure request: Sweet Melissa's Street Festival
f. Street closure request: Meadow Neighborhood Block Party
g. Parking lot closure request: Feast of Fools
h. Street closure request: Women's Suffrage 100th Anniversary Event
i. Payroll and bills
Public Hearing for VCDP Scattered Site Grant

19-242. VCDP Scattered Site Grant PH
Public Hearing for VCDP Implementation Grant Application for Another Way and Washington County Mental Health. Kevin Casey and ?? introduced. 6:44 - Opened? Discussion. Comments: Peter Kelman, Ericka Reil, Whitaker. Closed 6:55. Jack move authorize the dept to submit the application for VCDB scattered site grant. Dona second. Brief discussion. Unan (5-0)

19-243. WCMH and Another Way PH. Opened 6:56. Kevin and Amy Wright. Discussion. Comments: Amy Peltier? Pelletier? Rick DeAngelis. Zack Hughes. Stephen Whitaker. Close hearing at 7:04 Dona pass the resolution for the vcdb grant application authority. Jack 2nd. Unan.

19-244. Homelessness Task Force. Discussion. Comments: Stephen Whitaker. Bob Buchanan. dona: adopt proposal as initial charge to be revisited in 3 months when we get their report. Glen 2nd. More discussion. Unan.

Candidates for appointment coming forward: Zack Hughes, Ericka Reil, Dawn Little, Rhonna Gable, Bob Buchanan, Jonathan Goddard, (Yvonne Byrd on behalf of Travis Hill).

More comments from: Whitaker, Kelman

More discussion.

Jack move pursuant to 1vsa sec 313(a) I move that we enter into exec session to discuss the appointment of a public officer or officers. Conor 2nd. Unan at 7:35.

Jack moved out. Dona 2nd. Unan at 8:01.

Glen move,
Will Eberle
Travis Hill
Zach Hughes
Ericka Reil
Ken Russell
Stephen Whitaker
Dawn Little
dona 2nd. Unan.

Dona move glen as council rep. conor 2nd. Brief discussion. Unan.

19-245. Barre-Main Discussion. Corey and Sophie ??. Comments: Joe Castellano. Whitaker. Seth Collins. Tom McArdle participated.

Glen move we approve final draft report with the suggested alternative to look at roundabout at school and main street intersections. Jack second.

Move to amend to remove the main street bicycle amenities part out. Conor. Lauren 2nd. 2-3 (conor lauren aye). Motion fails.

Underlying motion. Unan.

Recess at 9:31. Back at 9:37.

Ordinance Amendments, 1st reading: Chapter 8. Animals & Fowl
19-247. Chapter 8 ordinances. Opened at 9:38. Kevin Fink(e?) and Rosie Krueger commented. Pub hearing closed at 9:53 jack move set 2nd public hearing at a date to be recommended by staff. Glen 2nd. Unan.

Ordinance Amendments, 3rd reading: Chapter 7. Health & Sanitation
19-246. Chapter 7 Ordinances. Open public hearing at 9:54. Closed at 10:01.

Jack move to have another reading at next meeting. Glen 2nd., unan.

19-248. VLCT Town Fair. Discussion. No formal action.

19-250. Council reports. Conor: thanks sue allen. Glen: thanks sue. Enjoying summer. Recommend folks get in the Winooski River. Help with cleanup Bagitos. Dona: questions about transportation mtg to mayor. Lauren: yay sue. Contamination from leachate into Winooski concerns. Jack: yay Sue

19-251. Mayor's report. Yay Sue. Yay Tom. Welcome Donna Barlow Casey. River cleanup sept 7. Special event for… thrift store…? Sept 7. Sat sept 14 Montpelier's "drive electric" celebration. Public hearing on energy efficiency ordinance report.

19-252. City Clerk's report. Sue. And Advisory Board for the Cyber Policy Initiative (CPI) at the University of Chicago Harris School of Public Policy

19-253. City Manager's report. Sue. Candidate interviews.

Adjournment. At 10:19

CITY COUNCIL Agenda Item #19-256(c)
Date: September 11, 2019
Consent _X_ Discussion __

SUBJECT: Consideration of becoming the Liquor Control Commission for the purpose of acting on the following 3rd class liquor license requests: Woodbelly Pizza, Positive Pie, The Inn at Montpelier, Montpelier Elks Lodge

SUBMITTING DEPARTMENT: City Clerk

RECOMMENDED ACTION: Approve 3rd class liquor license applications

STRATEGIC OUTCOME/INITIATIVE: Responsive & Responsible Government; Community Prosperity; Inclusive, Equitable and Engaged Community

PRIOR ACTION: None

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Liquor Control Commissioner signatures.

BACKGROUND INFORMATION: The Department of Liquor Control is changing its procedures on 3rd class licenses, requiring them to be approved at the local level as 1st and 2nd class are.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: Woodbelly Pizza; Positive Pie; The Inn at Montpelier; Montpelier Elks Lodge

CITY MANAGER'S APPROVAL:

CITY COUNCIL Agenda Item #19-256(d)
Date: September 11, 2019
Consent X Discussion ___

SUBJECT: Resolution to authorize the submission of a Municipal Planning Grant Application to develop a City Energy Plan.

SUBMITTING DEPARTMENT: Planning & Community Development

RECOMMENDED ACTION: The Director recommends approval of the resolution to apply for MPG grant funding.

STRATEGIC OUTCOME/INITIATIVE: Thoughtfully Planned Built Environment.

PRIOR ACTION: Development of the plan was pulled from last year's budget because it was felt an MPG would be an appropriate place to get funding to complete the project.

EXPENDITURE REQUIRED: Project cost is approximately $22,000; Grant will pay $20,000 and City match is $2,000. Amount may shift slightly based upon development of the work plan and budget.

SOURCE OF FUNDS: FY20 budget – Planning and professional services line has $5,000 reserved for grant matches including MPGs.

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Working closely with MEAC and the Planning Commission, the goal of the project is to develop a comprehensive energy plan for inclusion with the City Plan as it is adopted or to adopt as an amendment to the City Plan at a later date. This plan will address all statutory requirements and will address optional requirements such as Public Utility Commission intervention. The grant will provide funds to fully explore all aspects of our strategic plan for city operations to be Net Zero by 2030 and city as a whole by 2050. A consultant will have responsibility to coordinate outreach and develop the planning document for adoption.

SUPPORTING DOCUMENTS: The Resolution is attached.

INTERESTED PARTIES: Planning Commission, MEAC.

CITY MANAGER'S APPROVAL: Wfra

FY20 Municipal Resolution for Municipal Planning Grant

WHEREAS, the Municipality of City of Montpelier is applying for funding as provided for in the FY20 Budget Act and may receive an award of funds under said provisions; and

WHEREAS, the Department of Housing and Community Development may offer a Grant Agreement to this Municipality for said funding; and

WHEREAS, the municipality is maintaining its efforts to provide local funds for municipal and regional planning purposes or that the municipality has voted at an annual or special meeting to provide local funds for municipal and regional planning purposes,

Now, THEREFORE, BE IT RESOLVED

1. That the Legislative Body of this Municipality enters into and agrees to the requirements and obligations of this grant program including a commitment to match funds.

2. That the Municipal Planning Commission recommends applying for said Grant;

Kirby Keeton ______________________
(Name of Planning Commission Chair) *(Signature)*

3a. That (Name) William Fraser Title City Manager

who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or is a Select Board Member, the Town Manager, the City Manager, or the Town Administrator, is hereby designated to serve as the Municipal/Authorizing Official (M/AO) for the Grant Electronic Application and Reporting System (GEARS), and to execute the Grant Agreement and other such Documents as may be necessary to secure these funds.

3b. (Alternate Authorizing Official for redundancy)

That (Name)______________________Title__________________________

who is either the Chief Executive Officer (CEO), as defined by 10 VSA §683(8), or a Select Board Member, is the Town Manager, the City Manager, or the Town Administrator, is hereby designated to serve as the Municipal/ Authorizing Official (M/AO) for the Grant Electronic Application and Reporting System (GEARS), and to execute the Grant Agreement and other such Documents as may be necessary to secure these funds.

3c. That (Name) Mike Miller Title Director of Planning

is hereby designated as the Grant Administrator, the person with the overall Administrative responsibility for the Municipal Planning Grant program activities related to the application, and any subsequent Grant Agreement provisions.

Passed this 11 day of September, 2019.

☐ **(For rural towns or consortia only)** The regional planning commission will serve as agent for the municipality or consortium. *(Check the box if the municipality authorizes its regional planning commission to prepare the application, support grant administration and be exempt from competitive selection if serving as project consultant.)*

LEGISLATIVE BODY

(name)	*(signature)*
Mayor Anne Watson	
Dona Bate	
Conor Casey	
Glen Coburn Hutcheson	
Ashley Hill	
Jack McCullough	
Lauren Hierl	

INSTRUCTIONS FOR RESOLUTION FORM

A. The Legislative Body of the Municipality must adopt this resolution or one that will have the same effect. This Form may be filled in or the adopted Resolution may be issued on municipal letterhead, filling in the name of the municipality, the Legislative Body (e.g. Selectboard), and the name and title of the Municipal/Authorizing Official(s) (M/AOs); and the Grant Administrator.

B. Following formal adoption, a majority of the legislative body must sign the Resolution. The Chair of the Planning Commission must also sign upon endorsement by vote of the Planning Commission.

C. This form must be either uploaded to the online application or grant, or mailed to:

Municipal Planning Grant Program
Department of Housing and Community Development
One National Life Drive, Sixth Floor
Montpelier, VT 05620-0501

D. If mailed, an electronic copy of the submitted Resolution document will be uploaded by DHCD staff and available online.

E. Please note that the designated Municipal/Authorizing Official(s) and Grant Administrator must also register for an account in the online grants management system, if they have not done so already, before the application can be considered complete.

CONSORTIUM APPLICATIONS: For a consortium, each municipality must complete a separate Resolution form. All municipalities in a consortium must designate the same Municipal/Authorizing Official(s) and grant Administrator.

CITY COUNCIL Agenda Item #19-256(e)
Date: September 14, 2019
Consent _X_ Discussion __

SUBJECT: Montpelier Drive Electric Day Proclamation

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Sign proclamation designating September 14th Montpelier Drive Electric Day.

STRATEGIC OUTCOME/PRIOR ACTION: Environmental Stewardship

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: National Drive Electric Week takes place from September 14th through the 22nd. September 14th marks the day of the Montpelier Drive Electric Day events coordinated by the Vermont chapter of the Sierra Club, Sustainable Montpelier and Drive Electric Vermont in conjunction with Zoom Bikes, the Montpelier Energy Advisory Committee, Montpelier Transportation Infrastructure Committee and the Nature Conservancy of Vermont

SUPPORTING DOCUMENTS: Proclamation to be provided prior to meeting.

INTERESTED PARTIES: Residents and visitors

CITY MANAGER'S APPROVAL:

CITY COUNCIL Agenda Item #19-257
Date: September 11, 2019
Consent ___ Discussion _X_

SUBJECT: Public hearing for adoption of the zoning fixes (first of two hearings)

SUBMITTING DEPARTMENT: Planning & Community Development

RECOMMENDED ACTION: Take public comment and ask questions of the Director regarding the draft changes. Council may vote to make changes to the draft if they feel it is warranted.

STRATEGIC OUTCOME/INITIATIVE: Thoughtfully Planned Built Environment.

PRIOR ACTION: Council reviewed the draft fixes last on August 14.

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Permanent zoning changes are adopted under 24 V.S.A. 4442.

BACKGROUND INFORMATION: On January 3, 2019 the Council adopted new zoning regulations. Since that time the staff has been using these new rules and finding many areas where the rules need adjusting to improve administration and enforcement. These changes were compiled into a fix list that the Planning Commission reviewed and held hearings on. The Council first reviewed a list of critical changes that were passed as interim zoning amendments in March 2019. Now the complete list is ready for full adoption – including the permanent adoption of the interim rules. This is the first of two hearings, the second scheduled for September 28, 2019.

SUPPORTING DOCUMENTS: Final strike through and clean versions (as well as the other changes to the zoning map and Natural Resources map) are on the city website at https://www.montpelier-vt.org/1090/Zoning-Fixes-2019

INTERESTED PARTIES: Montpelier Planning Commission.

CITY MANAGER'S APPROVAL:

City of Montpelier vermont

CITY COUNCIL Agenda Item #19-258
Date: September 11, 2019
Consent ____ Discussion _X_

SUBJECT: Appointment to the Historic Preservation Commission

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Appoint Sarah Giddings Smith to the Historic Preservation Commission.

STRATEGIC OUTCOME/INITIATIVE: Thoughtfully Planned Built Environment; Sustainable Infrastructure

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: No legal requirements; Council makes appointments to fill vacancies on City Boards and Commissions

BACKGROUND INFORMATION: The Montpelier Historic Preservation Commission's main role is planning and advocacy for the protection and appreciation of Montpelier's historic and architecturally significant resources.

Jenna Lapachinski stepped down from her seat on the HPC. Staff advertised for this vacancy and received one application, from Sarah Giddings Smith.

SUPPORTING DOCUMENTS: Application

INTERESTED PARTIES: City Council; Historic Preservation Commission; Applicant

CITY MANAGER'S APPROVAL:

Jamie Granfield

From:	noreply@civicplus.com
Sent:	Wednesday, August 28, 2019 9:51 AM
To:	Jamie Granfield
Subject:	Online Form Submittal: City of Montpelier Boards & Commissions Application

City of Montpelier Boards & Commissions Application

APPLICATION FORM MONTPELIER CITY BOARDS AND COMMITTEES
Please use this form to express your interest in serving on a particular board/committee or commission. For information on our boards and committees, please visit https://www.montpelier-vt.org/committeevacancies. The Montpelier City Council makes appointments to board/committees at their regular meetings as vacancies occur. Completed applications are public documents and are subject to the Vermont Public Records Act.

The Montpelier City Council is committed to seeking diversity on all boards, committees and commissions, including but not limited to geographic, racial, gender, cultural, age, socio economic diversity. Montpelier residency for applicants is preferred but not required.

Name	Sarah (Sally) Giddings Smith
Email Address	[redacted]
Address	[redacted]
City	Montpelier
State	Vermont
Zip Code	05602
Phone Number	[redacted]
Occupation	retired
Are you 18 years of age or older?	Yes
Are you a registered voter in the City of Montpelier?	Yes
Are you a resident of the City of Montpelier?	Yes
How long have you been a resident of the City of Montpelier?	one year

Are you related to any elected City Councilor (including by marriage)?	No
Do you have any pending litigation against the City?	No
Name of City Board or Committee: (If applying for more than one board/committee, please list order of preference)	Historic Preservation, Planning Commission
Are you currently serving or have you served on any City board or committee? If so, please list and give approximate dates.	Planning Commission of Pacific Grove, California: 2007-9 Justice of the Peace, Washington County, VT: 1972-1990 Moderator, Middlesex: 1980-1988 (?) Middlesex School Board: Vice Chair:1980-1986. U-32 Board: 1986-1990

Please answer each question in as much detail as possible.

Education/Credentials:	Wellesley College BA in History and Art UVM Master's in Education attended VTC in Architecture and Building Trades " George Washington University in Master's Program in Historic Preservation
Professional activities that relate to this board/committee:	served in the Planning and Development Offices of California State University Monterey Bay from 1995- 2006. have designed and renovated numerous houses in the Central Vermont area, between 1975-1990, for Wells Construction. was associated with Roberts and Vardell, Arlington, VA, doing the same work: renovating and designing housing.
Community activities that relate to this board/committee:	just moved back to Vermont from Maine and California...
Why are you interested in serving on this board/committee?	Historic Preservation in this Capital City is very important! as is Planning
What talents or experience would you bring to the board/committee?	I have years of experience in these concerns, and I can visualize, read drawings and maps, as well as create them.

Any other comments or information you wish to provide to the Mayor and City Councilors?	I just wish to be helpful
Are you involved in any personal, professional or business pursuit that would affect your ability to make fair and impartial recommendations as a member of a City advisory board or committee?	No
ACKNOWLEDGMENT	I have read and accept the terms of board/committee appointment.
By e-signing this application, I certify that there are no misrepresentations, omissions or falsifications on this application.	sarah G. Smith
Submitted on:	8/28/2019

Thank you for your interest in serving the City of Montpelier as a volunteer board or committee member. Your willingness to serve is greatly appreciated.

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CITY COUNCIL Agenda Item #19-259
Date: September 11, 2019
Consent ___ Discussion X

SUBJECT: Responsible Employer Ordinance

SUBMITTING DEPARTMENT: City Manager's Office for Council Member Casey

RECOMMENDED ACTION: Review and discuss Council Member Casey's proposed Responsible Employer Ordinance and staff comments. If Council would like to go forward, schedule 1st public reading.

STRATEGIC OUTCOME: Community Prosperity, Equitable Community, Responsible Government

EXPENDITURE REQUIRED: None at this time

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Council Member Casey proposes an ordinance to require City contracting, using taxpayer money, to follow 'good employer' requirements. These might include following state law on wages, requiring 'responsible wages' derived from collective bargaining, workers compensation coverage, the proper classifications of individuals as employees and not independent contractors, and other employment protections.

SUPPORTING DOCUMENTS: Proposed ordinance and memo with staff comments

INTERESTED PARTIES: Finance, DPW, City Manager's Office

CITY MANAGER'S APPROVAL:

CITY OF MONTPELIER

Responsible Employer Ordinance

Chapter 2, Section 6:

The Montpelier Code of Ordinances is hereby amended by adding after Chapter 2, Article V, a new Article VI. RESPONSIBLE EMPLOYER ORDINANCE

Sec. 6-1. The City Council hereby finds and determines that taxpayer money is most efficiently and productively spent by awarding construction contracts to firms that include and enforce provisions requiring compliance with state laws governing the payment of wages, the provision of workers compensation coverage, and the proper classification of individuals as employees and not as independent contractors, as well as state law concerning health insurance coverage.

Sec. 6-1.(a). The City Council hereby further finds and determines that it is appropriate for it to exercise entrepreneurial discretion by requiring firms that are awarded such contracts to comply with this ordinance because a failure to comply is injurious to the life, health and happiness of individuals employed by such firms and is deleterious to the quality of life in the City where most of such individuals reside.

Sec. 6-2. Whenever the City of MONTPELIER is procuring construction services which cost in excess of $200,000, the following shall be incorporated into the procurement documents and made part of the specifications and contract. Any person, company or corporation shall acknowledge, in writing, receipt of said requirements with their bid or proposal.

Sec. 6-3. All bidders or proposers and all subcontractors shall as a condition for bidding or subcontracting verify under oath and in writing at the time of bidding or submittal in response to an RFP or in any event prior to entering into a subcontract at any tier, that they comply with the following conditions for bidding or subcontracting and, for the duration of the project, shall comply with the following obligations:

Sec. 6-4. The bidder or proposer and subcontractors under the bidder or proposer must comply with the obligations established by the City for payment of a "Responsible Wage", which shall effectively incorporate the rates set under the Vermont Prevailing Wage Law applicable to the regional rates for the Montpelier area derived from collectively bargained agreements, to pay the appropriate lawful Responsible Wage rates to their employees;

Sec. 6-5. The bidder or proposer and all trade contractors and subcontractors under the bidder or proposer must maintain appropriate industrial accident insurance coverage for all the employees on the project in accordance with Vermont Workers' Compensation Law;

Sec. 6-6. The bidder or proposer and subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding.

Sec. 6-7. The bidder or proposer and subcontractors under the bidder or proposer must be in compliance with the ACA;

Sec. 6-8. The bidder or proposer and all subcontractors under the bidder or proposer must make
arrangements to ensure that each employee of every contractor entering or leaving the project individually completes the appropriate entries in a daily sign-in/out log. The sign-in/out log shall include: the location of the project; current date; printed employee name; signed employee name; and the time of each entry or exiting. The log shall contain a prominent notice that employees are entitled under state law to receive the prevailing wage rate for their work on the project. Such sign-in/out logs shall be provided to the City on a daily basis.
The bidder or proposer and subcontractors under the bidder or proposer, prior to bidding or, if not subject to bidding requirements, prior to performing any work on the project, shall sign under oath and provide to the City a certification that they are not debarred or otherwise prevented from bidding for or performing work on a public project in the State of Vermont or in the City.

Sec. 6-9. A proposal or bid submitted by any general bidder or by subcontractor under the general bidder or proposer that does not comply with any of the foregoing conditions for bidding shall be rejected, and no subcontract for work shall be awarded to a subcontractor that does not comply with the forgoing condition.

Sec. 6-10. All bidders or proposers and subcontractors under the bidder or proposer who are awarded or who otherwise obtain contracts on the projects shall comply with each of the obligations set forth in this Chapter for the entire duration of their work on the project, and an officer of each bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

Sec. 6-11. Any proposer, bidder, or subcontractor under the bidder or proposer who fails to comply with any one of obligations set forth in this Chapter for any period of time shall be, at the sole discretion of the City, subject to one or more of the following sanctions; (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the City in the amount of 5% of the dollar value of the contract.

Sec. 6-12. In addition to the sanctions outlined above, a proposer, general bidder or contractor shall be equally liable for the violations of its subcontractor. Any contractor or subcontractor that has been determined by the City or by any court or agency to have violated any of the obligations set forth in this Chapter shall be barred from performing any work on any future projects for six months for a first violation, three years for a second violation and permanently for a third violation.

To: Bill Fraser
From: Sue Allen

The City staff looked at proposed language for a Responsible Employer Ordinance and had questions about wording, enforcement, impact on Montpelier projects and taxpayers, and the federal/state/local legal interaction.

The comments (suggestions at the bottom) broke down as follows --

Specific language:

- Section 6-1: These are already laws at the state level. All contractors are legally required to comply with these provisions.
- Section 6-1a: Again, an enforcement issue for the Department of Labor
- Section 6-4: Definition of prevailing wage and what collective bargaining agreements would we use and how equitable is it to apply? DPW entry level wages for instance require a CDL license whereas a private laborer position does not. Similar issues in Fire and Police. In an effort to elevate certain groups, we may inadvertently dilute the value of our existing employees.
- Section 6-5: An enforcement issue.
- Section 6-6: “Subcontractors” are well defined in state and federal law.
- Section 6-7: ACA requirements for providing health insurance are pretty clear. The exploitation in this system is based on hours worked during the year so seasonal employees can be left without coverage, but forcing an employer to cover them and then making them go back to the exchange when they are laid off causes far more headaches for the employee and lapses in coverage, denials based on timing, etc.
- Section 6-8: We can’t get folks to complete a time sheet. Imagine a construction site daily sign in and sign out sheet and how to deal with missing data? I can’t think of a recent bid that did not include language regarding debarment, and the state publishes the list for verification. Seems unnecessary.
- Section 6-11: Liquidated damages – legal review
- Section 6-12: We had one bidder on Northfield Street for a $4 million contract. If we start suspending contractors, we don’t have a lot of options.

Questions/Comments:

- Has this language been vetted by an attorney with public contracting experience and is it enforceable?
- Will this drive the cost of Montpelier projects higher, with taxpayers picking up the tab?
- And will this additional expense to our taxpayers largely impact workers from other areas and even out of state?
- Where are the “Proper classification of employees” listed or what does this mean exactly?
- What is a “responsible wage”; where does a contractor (and the city) find regional prevailing wage rates for Montpelier? Same as Davis Bacon?
- How common is it that employees fill out daily work logs (sec 6-8)? Do we really need them to be submitted to us daily – high maintenance task.
- Is it legal to impose liability conditions on contractors for their subcontractors (sec 6-12)?
- What other towns are doing this and what has been their experience?

- Can this be reviewed by the AGC to see how they view it? They may be able to tell us whether we can expect higher construction costs or whether some contractors won't bid our jobs.
- If a project is subject to Davis Bacon, does this ordinance still apply?
- If contract documents must be in accordance with VTrans requirements, such as the Federal Aid bike path project, is there an exception if Vtrans contract administration doesn't permit some or all of these requirements? They are very specific about contracting requirements per FHWA. Same may apply to projects passing through the state revolving loan fund.
- I presume this is strictly for construction services and does not apply to general purchasing.
- Can we retain the services of a labor compliance officer for some of our larger projects?
- We are using Capital Construction Act wages. Are we following overtime rates, apprentice rates (apprentice requirements also?), and fringe benefits?
- Who is authorized to determine rates for positions not listed in prevailing wage rates?
- State updates wage rates annually in June. How do we handle projects that span multiple wage changes?
- How long is a contractor required to hold onto payroll records?
- Who from the City is authorized to request payroll records for enforcement purposes?
- 6-8 states employees are entitled under state law. Wouldn't this be local law now?
- If we are posting a notice what is the procedure for employees to file a claim?

Suggestions:

- Could daily sign in be replaced with payroll report (w/o rates) @ time of pay requisition?
- Could evidence of compliance weekly be replaced with written compliance to be presented w/pay requisition
- Recommend Davis Bacon eligible projects be excluded

CITY COUNCIL Agenda Item #19-260
Date: September 11, 2019
Consent ___ Discussion X

SUBJECT: Livable Wage Ordinance

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Review and discuss report on a livable wage ordinance by Michael Sherman of the Montpelier Social & Economic Justice Advisory Committee. Advise staff if Council would like to move forward.

STRATEGIC OUTCOME: Community Prosperity; Inclusive, Equitable and Engaged Community; Responsible Government

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: One of the Strategic Outcome Initiatives in the 2018-2019 City Council strategic plan was to develop a plan for implementing a living wage requirement in Montpelier. A written report was one of the action steps required. City Council asked the Social and Economic Justice Advisory Committee to take this on.

SUPPORTING DOCUMENTS: Michael Sherman's report; City of Norwalk, CT Living Wage Ordinance; City of Burlington Livable Wage Ordinance

INTERESTED PARTIES: All

CITY MANAGER'S APPROVAL:

June 3, 2019

TO: Mayor Anne Watson; Montpelier City Council members; William Fraser, City Manager

FROM: Michael Sherman for Montpelier Social and Economic Justice Advisory Committee

SUBJECT: Summary Report on Livable Wage Ordinances

On behalf of the Montpelier Social and Economic Justice Advisory Committee (SEJAC), I am forwarding a report on research that I did on the topic of Living Wage Ordinances. This work was done in response to a request from the City Council, transmitted to SEJAC by Jamie Granfield, to provide some information that might be useful to the Council as it begins discussion of drafting and possibly adopting a Living Wage Ordinance for the City of Montpelier. The members of the Advisory Committee have reviewed this report and voted at their meeting on May 21, 2019, to send it forward to the Council.

As you will see, the report is a summary of information I assembled from several published sources and two lengthy interviews with officials of the Burlington City government who have some responsibility for administering that city's ordinance. The published sources I assembled and used are, for the most part, referenced in footnotes. I should note the obvious fact that the literature on Living Wage Ordinance is far larger than the sample included in my report. I relied on materials that were easy to access, given the limitations of time and distance from a research library that might have provided a wider range of publications. However, each of the articles I consulted and quoted contained substantial bibliographies, and I believe that the sources I relied on fairly represent the wider scope of research and writing that is available. In fact, many of the articles I rely on quote other research and researchers' findings and analysis.

I especially call your attention to the information I gathered from my telephone interviews with Justin St. James, Burlington City Attorney's Office, and Ben Pacy, Human Resources Office, Burlington City Government (See **Part II—Interviews**). These informants have first-hand experience with administrating and monitoring Burlington's Living Wage Ordinance, and their perspectives on the benefits and costs, and their recommendations for crucial elements to include in an ordinance, are very important elements in this report. Attached to this report is the text of the Burlington ordinance, which shows both the original version (2001) and the revisions made to that version (2013) based on experience with administering it.

This report stops short of making a recommendation about whether to adopt a Living Wage Ordinance for Montpelier. The Advisory Committee agreed that our role in responding to the City Council's request on this issue would be to provide information and identify critical questions and issues that the Council might wish to examine and discuss should it decide to move forward with considering adopting an ordinance for Montpelier. In working toward any kind of living wage or responsible employer ordinance—or indeed any issue with social and economic equity implications in Montpelier—the Advisory Committee is committed to the principle that it is important for the City Council to engage in a thorough process that includes clearly stating intended outcomes, intentionally engaging stakeholders from affected groups, identifying the impact of current and potential policies on vulnerable populations, and actively planning strategies to minimize negative consequences. We hope that this report will provide a good starting point for such a process.

Cc: Julia Chafets, chair; members of the Montpelier Social and Economic Justice Advisory Committee

Summary Report on Research: Livable Wage Ordinances

Prepared for the Montpelier City Council

A few months ago the Montpelier Social and Economic Justice Advisory Committee received a request from the City Council, communicated to us via Jamie Granfield, to gather information that may be useful to the Council and staff as it prepares to draft and discuss an ordinance requiring contractors and others doing business with or receiving funds from the City of Montpelier to pay their employees a livable wage. While the committee as a whole has not discussed this at length, I offered and was encouraged to proceed to gather some research results and conducted a few interviews on this topic. What follows a summary of principle conclusions, suggestions, observations about benefits to the city, and areas of caution or special attention gleaned from the sources and resources I have consulted to date. These include several articles available on the internet and two interviews with officials from the Burlington City Government who have some responsibility for administering that city's living-wage ordinance.

Part I—Research

Definition. At the most basic level of definition, Living Wage (also called Livable Wage) laws are "local ordinances requiring private businesses that benefit from public money to pay above-market wages and benefits to their workers."[1] This is different from minimum wage laws, which are by and large state and federal laws that apply to all workers and that set a floor for wages and benefits that is lower than a "living wage," provide for fewer if any exceptions, and are less sensitive to local market wages and cost-of-living factors.

Goals. The goal of living wage laws is "to create city contracting and business subsidy programs that prioritize high-wage job creation and do not perpetuate poverty." Advocates for these laws justify them on the principles that "public tax dollars should not be used to subsidize employers who pay poverty-level wages. . . and that those who work full time should not be mired in poverty."[2] Implicit in this argument is simultaneous pursuit of an economic and a social policy (and, as some authors characterize it, a moral) goal. As economist Robert Pollin and his colleagues state it, "The living wage movement is . . . not just about raising the minimum wage;

it is about addressing the broad issues of income distribution and economic justice in the United States."[3]

How many communities have living wage ordinances? I have been unable to obtain a reliable answer to how many municipalities currently have living wage ordinances. In 2006, according to one source, "about 140 cities and counties around the country had implemented them." More recently, an article published in 2016 reported that 94 cities approved living wage ordnances from 1994 to 2016, and a study published in 2017 reports that "over 125 cities and counties passed variations of living wage ordinances between 1994 and 2010."[4] Most of these are in California, only 5 are in New England; but the geographical spread is wide and impressive. On the other hand, recent sources show that in several states, these laws have been repealed or ruled not in conformity with state constitutions.[5] Although this is a small number in the context of the entire nation, and even smaller in the context of our region, the information that researchers have gathered, and information I obtained from three telephone interviews with administrators, is sufficient and useful for identifying common elements, variations, issues, and problems to pay attention to in writing a living wage ordinance, and to assess the results and effectiveness of these ordinances.

Common elements. There does not appear to be a template for writing a living wage ordinance. Many but not all ordinances include city employees; most but not all cover employees of businesses that have public contracts. Most but not all set requirements for determining a living wage for employers who provide health insurance for their employees and a higher wage level for employers who do not offer health insurance.[6] Holzer concludes that,

> In general, these laws apply to the employees of private firms in one or both of the following categories: (1) those that have service contracts with the city or county <u>with dollar values above some defined minimum level</u>; and (2) those that receive other kinds of financial assistance from the municipal government, in the form of grants, loans, tax abatements, bond financing, and other forms of local economic development policies. . . . These firms are required to pay their workers wages well above those specified by federal or state minimum laws. The wage levels are usually set with the goal of lifting the incomes of <u>year-round full-time workers</u> above the official federal poverty line for a family of four. . . . Though only a few such laws require that health or other benefits be

> provided to all workers in these firms, many stipulate a somewhat lower mandated wage level when such benefits are provided and a higher one when they are not.[7]

It is important to note the limited scope of the ordinance, emphasized by the underlined phrases in the quotation above, as well as the two-tier level of living wage definition, depending on the health insurance and other benefits offered to employees. The threshold of a minimum level of municipal funds in a contract with a firm and the coverage in many cases of only year-round full-time workers, or in some cases limited to specific occupational categories, have the consequence of restricting the overall effect of these ordinances to a small number of employers doing business with the city and a small number of employees. Other limitations in living wage ordinances have to do with where workers covered by the ordinance live—i.e., the ordinance applies only to workers living in the municipality, thereby either forcing the firms doing business with the municipality to hire local residents, or requiring the firm to create a geographically-based multi-tiered wage scale for workers. Holzer therefore concludes that,

> *local living wage ordinances generally seem to directly affect very few workers.* Most studies imply that, even among workers in the bottom decile of wage levels, only 2 to 3 percent are covered by these laws.[8]

This conclusion is confirmed by other studies.[9] See also, Living Wage Ordinances adopted by Burlington, Vermont, and Norwalk, Connecticut (Appendices 1 and 2).

Anticipated outcomes, costs, and advantages. With such a small number of workers affected by living wage ordinances, it is logical to ask about the costs and benefits as well as the advantages and disadvantages of the ordinance to workers and to municipalities. Who benefits from the ordinance and in what ways? Who, if anyone, is put at a disadvantage and in what ways?

Critics have argued that the ordinance is a disincentive for businesses to hire full time workers or to expand their workforce and that the businesses receive no benefit from the imposed increase in wages. Supporters of the livable wage reply by claiming that firms benefit from the positive effect of higher wages on workforce morale, higher retention rates (less turnover, which results in less time and expense in recruiting and training new employees), lower rates of absenteeism, job performance (improved skills and higher morale among workers), and resulted in little if any job loss.[10] Job loss, moreover, appears to be a far more complex issue than the inclusion of the limited number of workers who might be affected by a living wage ordinance—including factors such as employment supply and demand, automation, seasonal and part-time versus full-time employment, the number of contracts available to firms, and the number of firms qualified to bid.

Another criticism of the ordinance is that it will make it more difficult for the city to find contractors who will submit bids for tax-supported projects; and that the increase will only drive up the cost of contracted projects and services. Holzer, however, cites evidence from Los Angeles, CA, in 1998 that the 1-2% increase in operating expenses for contractors resulted in a less than 1% increase in costs to the city; and Benjamin Sosnaud cites studies that demonstrate that "available evidence suggests that the cost of hiring contractors does not significantly increase."[11] In my interviews with two Burlington City employees who have responsibilities for monitoring and enforcing the city's livable wage ordinance, they reported no significant impacts on the firms holding contracts and no negative effect on the number of firms bidding for contracts (see below, Part II). My conversation with a compliance officer for Norwalk, Connecticut, had a similar result, although the person I contacted there noted that Norwalk, being very close to the Metropolitan New York City area, ends up awarding almost all its contracts to New York City firms, which pay union wages that are even higher than Norwalk's calculated livable wage.

It is important to recognize that there are costs to the city in implementing a livable wage ordinance. One or more individuals, either within city government or working on contract, will have to be paid to do the work of calculating the livable wage initially and at an agreed upon interval. But the most significant ongoing costs are in the area of monitoring and enforcement of the ordinance. Some one or some division in city government will have to take on the responsibility of educating businesses and workers on the requirements of the ordinance, constructing and implementing a procedure for reviewing documentation that firms bidding for and winning contracts from the city are in compliance with the ordinance, and having the authority to recommend or impose penalties where appropriate. In Burlington, a member of the City Attorney's office currently has primary responsibility for this, but some portion of oversight is also placed with a staff member of the Human Resources division. The City of Burlington also does random audits of contractors to check for compliance. Someone will have to take on the task of evaluating and reporting to the city council the results and, if possible, effects of the ordinance on reducing poverty among workers.

The most frequent argument put forward for initiating a living wage ordinance is that it will help lift workers out of poverty. By contrast, perhaps the most trenchant argument against a livable wage ordinance is that it affects a small number of workers and, most important, does not go far enough in assisting the lowest income workers to rise out of poverty and in fact might harm them by lifting them just barely above the thresholds for receiving state and federal assistance without providing enough of a boost in income to provide some financial security.

In a study prepared for the Vermont Legislature in 1999, Thomas Kavet, Deborah Brighton, Douglas Hoffer, and Elaine McCrate concluded that although a minimum wage increase to $6.50 or $7.00/hour (then being considered in the legislature) would have limited impact on businesses but might be "an important component in advancing some of the lowest income workers towards a livable income," two important drawbacks to the proposal should be taken into account:

> 1) Earned income growth among the lowest income workers can result in precipitous state and federal public benefit reductions, substantially offsetting and in some cases completely negating gains in net family income. This may leave some low income families with little or no economic gain and can also result in economic costs to the state from the loss of inflexible federal transfer payments.
>
> 2) Federal (especially) and State income taxes consume a significant proportion of marginal income well below livable income levels. These high marginal tax rates in tandem with public benefit reductions sap work incentive and delay achievement of a livable income.[12]

Whether and how these drawbacks remain under current tax laws and federal and state assistance programs for people living in poverty needs to be studied carefully.

While there is general agreement among those who have studied this issue that small numbers of workers are affected, there is also some agreement that the ordinances have a "ripple effect" in raising wages for workers in other firms that do not do business with the city or whose contracts fall below the qualifying amount stated in the ordinance. Others argue that every little bit helps, and that even the small numbers of workers benefiting from the ordinance represents progress in reducing poverty levels in the population. One study in 2003 concluded that living wage ordinances result in "modest reductions in the likelihood that urban families live in poverty."[13] Local livable wage ordinances also provide momentum and popular support for legislation to increase the state minimum wage that will benefit all workers. Supporters of livable wage ordinances also make two moral arguments: 1) tax dollars should not subsidize poverty level jobs; and 2) an insistence that those who work full-time should not be mired in poverty. Finally, an argument can be made that if the city is committed in principle and in practice to paying its employees a livable wage, it should—to be consistent— insist on the same criterion for work performed by non-employees working on tax-supported projects or services.

Towards a conclusion. It appears to be difficult to evaluate the effectiveness of a living-wage ordinance as a tool for reducing the number of individuals in and working to get out of poverty. Although I have not read anywhere near exhaustively in the large body of literature on this topic, the studies I have consulted seem to point in the same direction, best stated, perhaps, by Holzer:

> The possibility that living wage ordinances on their own might help build a "middle class" is very remote . . . [and it is] not at all clear how we might expand the scope of "living wage" laws so that they might affect more workers. But, even if we knew how to do so, their potential negative as well as positive effects might grow in overall magnitude. As such, the usefulness of this particular tool as a means of combating growing labor market inequality will necessarily be limited.
>
> This does not mean, in my view, that "living wage" laws shouldn't be passed.

> Generating some very modest net benefits for workers with below-average wages, especially in poor households, is arguably better than generating none at all. In a world where few other tools might realistically be available to directly raise the wages of low earners, perhaps we should think of “living wage” ordinances as one of the few policy tools available in a very imperfect and constrained situation for the advocates of low- wage workers. . . .
>
> Furthermore, if placed within the context of broader campaigns to improve the wages and benefits of less-skilled workers in the private sector, the “living wage” battles might play some useful symbolic role and raise awareness of pay disparity issues.[14]

Significant issues in drafting a living wage ordinance. In one form or another, all the literature I have consulted or that has been referenced in work I read, and the individuals I have spoken with, emphasize the need to pay attention to the following list of issues while constructing a livable wage ordinance:

Who is included--employers

- Threshold for coverage: Contracted firms receiving a defined minimum level of public funds
- Other firms receiving a defined level of public funding through other means (e.g., grants, loans, tax abatements, bond financing, and other forms of local economic development policies)
- Breadth of coverage—subcontractors? Threshold for subcontracors?
- Possible exemptions to the law (e.g., Montpelier community grants)

Who is covered--employees

- Full time vs part time employees
- Permanent vs seasonal employees
- Employees who are residents of the city vs all employees
- Non-retaliation clause

How will the livable wage be calculated?

- Methodology—determining the benchmark criteria or factors (e.g., family size, local housing costs, food, taxes, utilities--including heating fuel); indexed to rise with some standard index
- Inclusion of health benefits and/or paid leave
- Who does the calculation? Consultant? City staff/department?
- How frequently adjusted?
- "What is the right wage?" 1. "The wage should be high enough to improve worker incomes but not so high that it leads to job loss"; 2. "The wage should be set primarily based on the cost of living—workers' basic needs—rather than employer needs or job losses."

How will the livable wage ordinance be implemented?

- All at once vs phased in (over what period of time?)
- Notice to contractors, outreach, education.
- Bidding forms and instructions

How will the ordinance be administered?

- monitoring
- disclosure
- enforcement
- sanctions

Part II. Interviews

I had long telephone conversations on March 19, 2019, with Justin St. James, Burlington City Attorney's Office, and Ben Pacy, Human Resources, Burlington City Government. These were very helpful in getting some information about how Burlington is administrating its livable wage ordinance, what issues they faced, how they modified the original ordinance (2001) in 2013, in response to the experience of the first few years of implementation, and what effects or outcomes they see. What follows is a brief summary of what the two men told me over the phone. I recommend that, if the city council goes forward with drafting a livable wage ordinance, they invite Justin St. James to expand on his observations and recommendations.

In advance of the phone conversations I sent the following list of questions

- compliance (how do you know businesses, institutions, and organizations comply with the ordinance);
- monitoring and enforcement (which department/s of city government is/are responsible for this, how do they do it, what if any penalties are imposed for lack of compliance);
- impact on businesses, institutions, and organizations doing business with Burlington;
- impact on Burlington city government in receiving bids and executing contracts with businesses, institutions, and organizations;
- economic consequences for employees of businesses, institutions, and organizations doing business with Burlington;
- has the ordinance had any noticeable and documented effect on poverty rates in the city;
- has the ordinance had any noticeable and documented effect on employment/unemployment rates in the city;
- overall satisfaction with the scope, execution, and results of the ordinance from the point of view of city government;
- overall satisfaction with the scope, execution, and results of the ordinance from the point of view of businesses, institutions, and organizations doing business with city government.

Our conversation covered most, if not all these, but not in the order I sent them.

Mr. St. James noted that most of the questions I had about specific provisions of the ordinance, breadth of coverage, determination and review or revision of living wage rates, exemptions, and enforcement will be found in the ordinance itself: "An Ordinance in Relation to Offenses and Miscellaneous Provisions—Article VI – Livable Wages (Ordinance 10 of 2013; adopted

10/21/2013, effective 11/27/2013). The ordinance includes a plan for how the living wage is determined. The amount is reviewed and revised every year.

Compliance/Monitoring/Enforcement: Mr. St. James emphasized the need for a robust and thoughtful compliance and enforcement plan. This begins with having a plan for contacting and educating contractors with the city and eligible workers at companies that do work valued at $15,000 or more of city funds about the purpose and specific requirements of the ordinance. The city has an arrangement with the Workers' Center in Burlington to do some of this education and to act as a disinterested third party to receive and check out complaints of non-compliance and retaliation. Mr. St. James added that a non-retaliation clause is an essential element of the ordinance. Each company that receives a contract with the city must submit a signed certification form that obligates them to conform with the living wage provisions and must agree to an open-book audit by the city for compliance with the ordinance. Every April the City Attorney's office prepares a compliance check report to the City Council. The City Attorney's office is moving from this format to proactive audit of randomly-selected contractors.

The Attorney's office has developed a two-stage penalty plan:

> For a first-time violation of the ordinance, the Attorney imposes restitution to the worker of wages and/or benefits covered by the ordinance and a warning to the contractor concerning enforcement of the ordinance.
>
> For a second-time violation, the city issues tickets of $500 to the violator plus restitution. The city attorney may also put a non-compliant company on probation or bar the violator from working for the city for a specific number of years.

Results: Mr. St. James commented in response to my question on this point that the ordinance has not adversely affected the bidding process or results of contract work. Most large companies—especially construction companies—are easy to deal with and that, in general, people who have to deal with the ordinance are proud of it. Smaller companies, mostly involved with providing services, are more problematic. Grantees of the city present more complicated and onerous problems and the city now reviews wages for those employed half-time or more on city-funded projects valued at $15,000 or more. Grantees are usually providing services.

Mr. St. James said that, although the city government does not yet have exact numbers of workers whose wages have gone up as a result of the ordinance, the ordinance has positively affected wages for “a lot of” full-time and part-time and seasonal employees of contractors and sub-contractors. Where the average wage for workers before the 2013 revised ordinance went into effect was $11/hour; it went up to $16.20/hour for workers not receiving health care benefits, and $14.52 for workers receiving health benefits. Full time workers now get 12 paid days off/year; prorated for part-time workers. He noted, however, that most of the workers affected by the ordinance are not residents of Burlington, but are residents of the region—Chittenden and Franklin Counties—and that most of the contract work is for construction.

Finally, Mr. St. James noted that although much of the monitoring, and enforcement responsibilities are located in the City Attorney’s office, there is not a lot of attorney work required, and that most of the work of reviewing contracts and payroll records, correspondence, drafting recommendations can be handled in house by a paralegal staff member. His office and the City government as a whole are satisfied that the ordinance is working well and having a positive effect on the community as a whole. The City Attorney’s office continues its work of preparing a summary report for the council, but there have been no further revisions of the ordinance since 2013.

My conversation with Ben Pacy in Human Resources covered much of the same ground, with mostly the same answers. He elaborated a bit on the process of informing and educating contractors by sending out copies of and information about the ordinance every year along with the certification forms.

He added some information about coverage by the ordinance of temporary workers by noting that temporary or seasonal employees are eligible for inclusion under the ordinance after 5 consecutive seasons of employment. Also, out-of-state contractors may ask for modifications of the ordinance to conform to their local conditions. Mr. St. James also had noted that where companies have bargaining units or are subject to collective negotiations, those took priority.

Mr, Pacy warned, "be prepared for some conflict," and also emphasized the importance of having a good plan for education and enforcement of the ordinance, but was by and large upbeat about the ordinance and its effects on wages for workers.

Michael Sherman

Montpelier Social and Economic Justice Advisory Committee

NOTES

[1] Harry J. Holzer, "Living Wage Laws: How Much Do (Can) They Matter?" (Washington, D.C.: The Urban Institute, Georgetown University, 2008), 2.
[2] C. W. Von Bergen, William T. Mawer, Barlow Soper, "Living Wage Ordinance in the Public sector: The Good, the Bad, and the Politics," *Southern Law Journal* 13 (Fall 2004): 109, 110.
[3] Robert Pollin, et al., *A Measure of Fairness: The Economics of Living Wages and Minimum Wages in the United States* (Ithaca, NY: Cornell University Press, 2008), 20-21, quoted in Benjamin Sosnaud, "Living Wage Ordinances and Wages, Poverty, and Unemployment in US Cities," *Social Service Review* (March, 2016), 13.
[4] Holzer, "Living Wage Laws," 3 and Table 1, 28-38; Sosnaud, "Living Wage Ordinances in US Cities," 13; Stephanie Luce, "Living Wages: A US Perspective," *Employee Relations* 39, issue 6 (2017), 865. An interesting comment in Sosnaud's report is that "42 of these [communities with living wage ordinances] have populations that are too small to reliably estimate average wages and rates of poverty from survey data," (p. 13), which at least indicates that population size is not necessarily a factor in initiating an ordinance.
[5] Sosnaud, Ibid., reports that 9 cities repealed the ordinances. Holzer, "Living Wage Laws," Table 1, identifies 10 municipalities that repealed the ordinance.
[6] Holzer, Ibid.
[7] Ibid., 4 (emphasis added).
[8] Ibid., 5 (emphasis in text).
[9] See for example, Sosnaud, "Living Wage Ordinances in US Cities," 6; Von Bergen, et al., "Living Wage Ordinances in the Public Sector," 109.
[10] Holzer, "Living Wage Laws," 9; Sosnaud, "Living Wage Ordinances in US cities," 7; Luce, "Living Wages: A US Perspective," 867.
[11] Holzer, ibid., citing Robert Pollin and Stephanie Luce, *The Living Wage: Building a Fair Economy* (New York: The New Press, 1998); Sosnaud, "Living Wage Ordinances in US Cities," 10.
[12] Thomas Kavet, Deborah Brighton, Douglas Hoffer, and Elaine McCrate, "Act 21 Research and Analysis in Support of the Livable income Study Committee," (Montpelier: Vermont State Legislature, November 1999), 4.
[13] David Neumark and Scott Adams, "Do Living Wage Ordinances Reduce Urban Poverty?" *The Journal of Human Resources* 38 (2003): 490-521, cited in Von Bergen, et al., "Living Wage Ordinances in the Public Sector," 115
[14] Holzer, "Living Wage Laws," 20-21.

Appendices

Appendix 1. City of Burlington, "An Ordinance in Relation to Offences and Miscellaneous Provisions—Article VI – Livable Wage"

Appendix 2. City of Norwalk, Connecticut. "Norwalk Living Wage Ordinance"

§ 62-1. Title.

This chapter shall be known as the "Norwalk Living Wage Ordinance."

§ 62-2. Purpose.

The purpose and intent of this chapter is to ensure that employees of the City of Norwalk, or employees of any entity that receives a substantial tax benefit from the City of Norwalk, or employees of any entity that receives substantial compensation by reason of a contract with the City of Norwalk to provide items or services, are paid a wage sufficient for a family of four to live at or above the federal poverty level. This would permit a family to meet basic needs in housing, child care, food, clothing, household items, transportation, health care, and taxes, and thereby reduce that family's dependence on other taxpayer-funded social programs.

§ 62-3. Definitions.

For purposes of this Living Wage Chapter, the following terms have the meanings indicated:

CITY OF NORWALK or CITY — The government of the City of Norwalk, or any department, board, agency, or commission of the City of Norwalk, but does not include the Norwalk Board of Education, its departments, or any entity under the jurisdiction of the Board of Education.

COVERED EMPLOYER — The City of Norwalk, or any individual or entity that is the contracting party pursuant to a service contract entered into after the effective date of this Living Wage Chapter, or any individual or entity that is the named recipient of a tax benefit approved after the effective date of this Living Wage Chapter, except that the following shall not be considered covered employers for purposes of this Living Wage Chapter:

A. Charitable foundations, charitable trusts or nonprofit agencies or nonprofit corporations, provided that the foundation, trust or nonprofit agency or corporation is exempt from federal income taxation and may accept charitable contributions under Section 501 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended; or

B. Any entity that employs fewer than 25 employees.

ELIGIBLE EMPLOYEE — A person who is employed by a covered employer, during a period when a service contract or a tax benefit is in effect, who is a permanent employee, working on a full-time basis, with a normal workweek of 30 or more hours. The following shall not be considered eligible employees for purposes of this Living Wage Chapter:

A. An employee of the City of Norwalk who is a temporary or seasonal employee. For purposes of this Living Wage Chapter, any employee whose accumulated compensated hours in a calendar year is less than 0.75 FTE shall be considered a temporary or seasonal employee; or

B. An employee less than 18 years of age; or

C. An employee who is hired as part of a school-to-work program; or

D. A student who serves in a work-study program or as an intern in a position that advances the student's career potential; or

E. A trainee participating for not more than six months in a training program; or

F. An employee enrolled in a governmentally funded vocational rehabilitation program; or

G. A volunteer working without pay; or

H. An employee exempted under Section 14(c) of the Fair Labor Standards Act due to his or her disabilities; or

I. Any person whose wage rate is subject to a federal or State of Connecticut statute or regulation mandating a prevailing wage rate.

HEALTH BENEFITS — Comprehensive family medical coverage which does not require the employee to contribute more than 33% of his or her annual wages towards the payment of the health insurance premiums and deductibles.

LIVING WAGE — A minimum hourly wage rate, before taxes and all other employer deductions, which, when paid for 40 hours of work per week, 52 weeks per year, is equal to 115% of the poverty threshold for a family of four, as published annually in the Federal Register by the U.S. Department of Health and Human Services under the authority of Section 673(2) of the Omnibus Reconciliation Act of 1981.

SERVICE CONTRACT — Any contract awarded by the City of Norwalk to any individual or entity for services, which involves an expenditure of $25,000 or more in any one fiscal year. The following shall not be considered service contracts for purposes of this Living Wage Chapter:

A. Any contract for the purchase or lease of goods, products, equipment, commodities or supplies; or

B. Any contract where services are provided incidental to the purchase, lease or delivery of goods, products, equipment, commodities or supplies; or

C. Any interlocal cooperation agreements between the City of Norwalk and other governmental entities, or any contract where the City of Norwalk has joined with other municipalities in a regional or collaborative effort to contract with private concerns to provide municipal services.

TAX BENEFIT — Any agreement approved by the City of Norwalk for a tax credit, tax exemption, tax assessment arrangement or tax abatement for property taxes otherwise payable to the City of Norwalk, with a total value of at least $25,000.

§ 62-4. Health benefits.

A. During the term of any service contract, or while any tax benefit is in effect, covered employers shall pay their eligible employees no less than a living wage, if health benefits are offered to the eligible employee.

B. Covered employers must submit satisfactory proof to the Town Finance Department that health benefits have been offered to eligible employees.

C. If a covered employer elects not to offer health benefits to eligible employees or, if satisfactory proof of such benefits is not submitted, the covered employer shall pay eligible employees a living wage plus additional wages in lieu of health benefits of $3 per hour.

§ 62-5. Annual adjustments.

A. The living wage shall be adjusted annually as necessary to reflect annual changes in the federal poverty threshold.

B. The amount of the wage payment in lieu of health benefits payable under § 62-4C shall be adjusted annually in proportion to the change in average health benefits costs, if any, as measured by the Consumer Price Index for All Urban Consumers for the Northeast Urban-Size Class B/C for Medical Care over the preceding year, or other appropriate measure of health care cost inflation.

C. No less than 30 days prior to the commencement of the fiscal year, the City Finance Department shall calculate the necessary adjustments to the living wage and the amount of the wage payment in lieu of health benefits and shall provide a written explanation and notice to each covered employer of the newly adjusted amounts.

D. After such adjustment, the living wage and any wage payment in lieu of health benefits shall become effective and shall be paid to any eligible employee within 60 days after receipt of notice by the covered employer.

§ 62-6. Obligations of covered employers.

A. Covered employers shall, within six months of the commencement of any service contract or the initial receipt of any tax benefit, and thereafter on an annual basis, provide the City Finance Department with a report as to employment practices which are subject to this Living Wage Chapter. The report shall adhere to a format specified by the City Finance Department and shall include:

(1) A statement, as to each eligible employee, containing the following:

(a) The employee's job title;

(b) The lowest hourly wage earned by the employee for the reporting period immediately preceding the filing of the report;

(c) An indication as to whether the eligible employee was offered access to a plan for health benefits sponsored by the covered employer;

(d) If the eligible employee was offered access to a plan for health benefits sponsored by the covered employer:

[1] The amount of the hourly equivalent value of the covered employer's contribution to that health insurance plan on behalf of the eligible employee (annual contribution divided by 2,080); or

[2] If the Eligible Employee elected not to participate in the health insurance plan, but could have done so,

then what the hourly equivalent value of the covered employer's contribution to that health insurance plan (annual contribution divided by 2,080) would have been; and

(e) A signed attestation by an officer of the covered employer that the information provided in the report is truthful and accurate, and that the officer is aware of the provisions of this Living Wage Chapter.

B. The City shall include in all service contracts and tax benefit agreements subject to this Living Wage Chapter language satisfactory to the City Finance Department which incorporates all appropriate provisions, obligations and responsibilities, including reporting obligations, of covered employer under this Living Wage Chapter.

C. Every covered employer shall post and keep in a conspicuous place on its premises where notices to employees are customarily posted, a copy of this Living Wage Chapter or other materials promulgated by the City Finance Department designed to inform employees of their rights under the Norwalk Living Wage Chapter.

§ 62-8. Enforcement.

A. Enforcement of the provisions of this Living Wage Chapter may be based on complaints of noncompliance by eligible employees or on monitoring for compliance by the City Finance Department.

B. Complaint process.

(1) Any eligible employee who believes his or her employer is not complying with this living Wage Chapter may file a complaint in writing with the Ordinance Committee of the Common Council or its designee within 90 days after the alleged violation.

(2) Upon receipt of a written complaint under this Living Wage Chapter, the Ordinance Committee of the Common Council or its designee shall order an investigation of the complaint, utilizing such resources of the City of Norwalk as may be required to conduct the investigation. During the investigation, the Ordinance Committee of the Common Council or its designee may request from the covered employer such evidence as may be required to determine whether the covered employer has been compliant. The

Ordinance Committee of the Common Council or its designee shall complete the investigation and make a finding of compliance or noncompliance within 45 days after receipt of the complaint.

(3) The Ordinance Committee of the Common Council or its designee shall give notice of his or her findings to the covered employer. The covered employer may dispute a finding of noncompliance by requesting a hearing from the Ordinance Committee of the Common Council or its designee within 30 days of the finding. A hearing shall be conducted by the Ordinance Committee of the Common Council or its designee within 30 days after receipt of the request. The Ordinance Committee of the Common Council or its designee shall affirm or reverse the finding based on evidence presented at the hearing by the City Finance Department and the Covered Employer.

(4) If at any time during the complaint proceedings, the covered employer voluntarily makes restitution of wages or benefits not paid to the eligible employee, or otherwise remedies the violation alleged, then the Ordinance Committee of the Common Council or its designee shall thereafter dismiss the complaint against the covered employer.

C. Remedies.

(1) If, after notice of finding and hearing, a covered employer is found to be noncompliant, the covered employer shall correct violations and make restitution of wages retroactively to the beginning of the period of noncompliance within 15 days, unless otherwise extended by way of agreement between the covered employer and City Finance Department.

(2) If violations are not corrected within 15 days or within the time frame otherwise agreed upon between the City Finance Department and the covered employee, the Ordinance Committee of the Common Council or its designee may do one or more of the following:

(a) Freeze or suspend the covered employer's service contract, until the City Finance Department determines that the violations have been corrected;

(b) Revoke the covered employer's tax benefit;

(c) Designate the covered employer as ineligible for future tax benefits or service contracts for three years or until all restitution has been paid, whichever is longer.

(d) Impose a penalty for the violation, said penalty to be not less than $1 and not more than $100. Each day that any such violation shall continue shall constitute a separate offense and shall be punishable as such.

(3) Liability for payment of a living wage shall rest solely with the covered employer. The City of Norwalk shall not be held liable in a civil action or administrative proceeding for lost wages or other economic losses resulting from the failure to pay a living wage, except when it acts in the capacity of a covered employer.

§ 62-9. Waivers and exemptions.

A. A covered employer may request that the Ordinance Committee of the Common Council or its designee grant a waiver, in whole or in part, of any of the requirements of this Living Wage Chapter. A request for waiver shall be made in writing to the Ordinance Committee of the Common Council or its designee.

B. The Ordinance Committee of the Common Council or its designee may apply for a special waiver where payment of the living wage by a covered employer will substantially curtail the services provided by the City, have an adverse financial impact on the City; or is not in the best interests of the City. A request for a special waiver shall be forwarded by the Ordinance Committee of the Common Council to the Common Council or its designee for action in the form of a resolution.

C. Where the Corporation Counsel renders an opinion that the application of this Living Wage Chapter to a particular service contract or tax benefit would violate a specific state or federal statutory, regulatory, or constitutional provision or provisions, that particular service contract or tax benefit may be exempted from the application of this Living Wage Chapter, provided that the Ordinance Committee of the Common Council or its designee approves the exemption on that basis. A request for an exemption shall be forwarded by the Ordinance Committee of the Common Council or its designee to the full Common Council for action in the form of a resolution.

§ 62-10. Annual reporting to the Common Council.

No less than 90 days after the commencement of each fiscal year, the City Finance Department shall forwarded a living wage report to the Common Council, indicating for each service contract or tax benefit in effect during the previous fiscal year:

A. A general description of the service contract or tax benefit and the nature of the covered employer; and

B. The number of eligible employees working for each covered employer, broken down by job title, and the wage rate paid for each position for each such that it can be determined that all eligible employees earn at least the living wage; and

C. The cost to the City in terms of increased payroll expenditures for persons employed by the City who receive a living wage but, in the absence of this Living Wage Chapter, would not be eligible to receive a living wage; and

D. To the extent feasible, an estimate of the total annual cost to the City attributable to the effect of this Living Wage Chapter, taking into account such factors as increased expenditures for service contracts subject to this Living Wage Chapter as compared to similar or equivalent contracts not subject to this Living Wage Chapter, or changes observed in the quantity or quality of bidders for City service contracts, or any other reasonably measurable and quantifiable monetary impact observed in connection with the implementation of this Living Wage Chapter; and

E. To the extent feasible, an estimate of the total City employee hours dedicated to implementation, oversight and enforcement of the provisions of this Living Wage Chapter.

§ 62-11. First-source hiring of City residents.

Covered employers shall make best efforts to attempt to fill all new positions which result from a service contract or tax benefit with residents of the City of Norwalk.

§ 62-12. When effective.

This chapter shall take effect upon publication in accordance with the City Charter.

CITY OF BURLINGTON

10.

revised version

ORDINANCE ______
Sponsor: Councilors Mason, Bushor, Paul: Ordinance Com.
Public Hearing Dates ______
First reading: 09/23/13
Referred to: Ordinance Committee
Rules suspended and placed in all stages of passage: ______
Second reading: 10/21/13
Action: adopted
Date: 10/21/13
Signed by Mayor: 10/30/13
Published 11/06/13
Effective: ~~11/27/13~~

In the Year Two Thousand Thirteen

An Ordinance in Relation to

OFFENSES AND MISCELLANEOUS PROVISIONS--
ARTICLE VI - Livable Wages

It is hereby Ordained by the City Council of the City of Burlington, as follows:

That Chapter 21, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sections21-80 through 21-87 thereof and adding new Sections 21-88 and 21-89 thereto to read as follows:

Sec. 21-80. - Findings and purpose.

In enacting this article, the city council states the following findings and purposes:

(a) Income from full-time work should be sufficient to meet an individual's basic needs;

(b) The City of Burlington is committed to ensuring that its ~~year-round~~ employees ~~(full and part time)~~ have an opportunity for a decent quality of life and are compensated~~, and~~ such that they are not dependent on public assistance, to meet their basic needs;

(c) The ~~city~~ City of Burlington is committed, through its contracts with vendors and provision of financial assistance, to encourage the private sector to pay its employees a livable wage and contribute to employee health care benefits;

(d) The creation of jobs that pay livable wages promotes the prosperity and general welfare of the ~~city~~ City of Burlington and its residents, increases consumer spending with local businesses, improves the economic welfare and security of affected employees and reduces expenditures for public assistance;

(e) It is the intention of the city council in passing this article to provide a minimum level of compensation for ~~city~~ employees of the City of Burlington -and employees of entities that enter into service contracts or receive financial assistance from the City of Burlington.

Sec. 21-81. - Definitions.

As used in this article, the following terms shall be defined as follows:

a) Contractor or vendor is a person or entity that has a service contract with the City of ~~Burlington primarily for the furnishing of services (as opposed to the purchasing of goods) where~~Burlington where the total amount of the service contract or service contracts exceeds fifteen thousand dollars ($15,000.00) for any twelve-month period, including any subcontractors of such contractor or vendor. ~~A person or entity that has a contract with the City of Burlington for the use of property under the jurisdiction of the board of airport commissioners, or any person or entity that has a sublease or other agreement to perform services on such property, shall also be considered a contractor under this article.~~

(b) Grantee is a person or entity that is the recipient of financial assistance from the City of Burlington in the form of grants ~~administered by the city~~, including any contractors or sub~~contractor~~grantees of the grantee, that exceeds fifteen thousand dollars ($15,000.00) for any twelve-month period.

(c) Covered employer means the City of Burlington ~~(except that the Burlington School Department shall not be considered a covered employer)~~, a contractor or vendor or a grantee as defined above. The primary contractor, vendor, or grantee shall be responsible for the compliance of each of its subcontractors (or of each subgrantee) that is a covered employer.

(d) Covered employee means an "employee" as defined below, who is employed by a "covered employer," subject to the following:

(1) An employee who is employed by a contractor or vendor is a "covered employee" during the period of time he or she expends on furnishing services under a service contract with the City of Burlington~~funded by the city~~, notwithstanding that the employee may be a temporary or seasonal employee;

(2) An employee who is employed by a grantee who expends at least half of his or her time on activities funded by the ~~city~~ City of Burlington is a "covered employee."

(e) Designated accountability monitor shall mean a nonprofit corporation which has established and maintains valid nonprofit status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and that is independent of the parties it is monitoring.

(~~e~~f) Employee means a person who is employed on a full-time or part-time regular basis ~~(i.e., nonseasonal)~~. In addition, commencing with the next fiscal year, a seasonal or temporary employee of the City of Burlington who works ten (10) or more hours per week and has been employed by the City of Burlington for a period of four years shall be considered a covered employee commencing in the fifth year of employment. "Employee" shall not refer to volunteers working without pay or for a nominal stipend, persons working in an approved apprenticeship program, persons who are hired for a prescribed period of six months or less to fulfill the requirements to obtain a professional license as an attorney, persons who are hired through youth employment programs or student workers or interns participating in established educational internship programs.

(~~f~~g) Employer--assisted health care means health care benefits provided by employers for employees (or employees and their dependents) at the employer's cost or at an employer contribution towards the purchase of such health care benefits, provided that the employer cost or contribution consists of at least one dollar and twenty cents ($1.20) per hour. (Said amount shall be adjusted every two (2) years for inflation, by the chief administrative officer of the city.)

(~~g~~h) Livable wage has the meaning set forth in section 21-82.

(i) Retaliation shall mean the denial of any right guaranteed under this article, and any threat, discipline, discharge, demotion, suspension, reduction of hours, or any other adverse action against an employee for exercising any right guaranteed under this article. Retaliation shall also include coercion, intimidation, threat, harassment, or interference in any manner with any investigation, proceeding, or hearing under this article.

(j) Service contract means a contract primarily for the furnishing of services to the City of Burlington (as opposed to the purchasing or leasing of goods or property) A contract involving the furnishing of financial products, insurance products, ~~and~~ or software, even if that contract also includes some support or other services related to the provision of the products, shall not be considered a service contract.

Sec. 21-82. - Livable wages required.

(a) Every covered employer shall pay each and every covered employee at least a livable wage ("Livable Wage") ~~as established under this article.~~ no less than:

(1) For a covered employer that provides employer assisted health care, the livable wage shall be at least ~~nine dollars and ninety cents~~thirteen dollars and ninety four cents ($13.94~~9.90~~) per hour on the effective date of the amendments ~~is~~ to this article [~~Dec. 19, 2001~~].

(2) For a covered employer that does not provide employer assisted health care, the livable wage shall be at least ~~eleven dollars and sixty-eight cents~~fifteen dollars and eighty three cents ($15.83~~11.68~~) per hour on the effective date of the amendments to this article [~~Dec. 19, 2001~~].

(3) ~~Tipped covered employees and other cc~~Covered employees whose wage compensation consists of more or other than hourly wages, including, but not limited to, tips, commissions, flat fees or bonuses, shall be paid so that the total of all wage ~~an hourly wage which, when combined with the other~~ compensation, will at least equal the ~~l~~Livable ~~w~~Wage as established under this article.

(b) The amount of the ~~l~~Livable ~~w~~Wage established in this section shall be adjusted by the chief administrative officer of the city, as of July 1st~~first~~ of each year based upon a report of the Joint Fiscal Office of the State of Vermont that describes the basic needs budget for a single person but utilizes a model of two (2) adults residing in a two-bedroom living unit in an urban area with the moderate cost food plan. Should there be no such report from the joint fiscal office, the chief administrative officer shall obtain and utilize a basic needs budget that applies a similar methodology. The livable wage rates derived from utilizing a model of two (2) adults residing in a two-bedroom living unit in an urban area with a moderate cost food plan shall not become effective until rates meet or exceed the 2010 posted livable wage rates. Prior to the first day of May preceding any such adjustment and prior to the first day of May of each calendar year thereafter, the chief administrative officer will provide public notice of this adjustment by ~~publishing a notice in a newspaper of general circulation, by~~ posting a written notice in a prominent place in City Hall, by sending written notice to the city council and, in the case of covered employers that have requested individual notice and provided contact information ~~an address of record~~ to the chief administrative officer, by notice ~~written letter~~ to each such covered employer. However, once a Livable Wage is applied to an individual employee, no reduction in that employee's pay rate is permissible due to this annual adjustment.

(c) Covered employers shall provide at least twelve (12) compensated days off per year for full-time covered employees, and a proportionate amount for part-time covered employees, for sick leave, vacation, ~~or~~ personal, or combined time off leave.

Sec. 21-83. - Applicability.

(a) This article shall apply to any service contract or grant, as provided by this article that is awarded or entered into after the effective date of the article ~~[Dec. 19, 2001]~~. After the effective date of the article, entering into any agreement or an extension, renewal or amendment of any contract or grant as defined herein shall be subject to compliance with this article.

(b) The requirements of this article shall apply during the term of any service contract subject to the article. Covered employers who receive grants shall comply with this article during the period of time the ~~city's~~ funds awarded by the City of Burlington are being expended by the covered employer.

Sec. 21-84. - Enforcement.

(a) ~~The City of Burlington shall require, as a condition of any~~Each service contract or grant covered by this article ~~section,~~ shall contain provisions requiring that the ~~affected~~ covered employer or grantee submit a written certification, under oath, during each year during the term of the service contract or grant, that the covered employer or grantee (including all of its subcontractors and subgrantees, if any) is in compliance with this article. The failure of a contract to contain such provisions does not excuse a covered employer from its obligations under this ordinance. ~~confirming payment of a livable wage as a condition of entering into said contract or grant.~~ The ~~affected~~ covered employer shall agree to post a notice regarding the applicability of this section in any workplace or other location where employees or other persons contracted for employment are working. The ~~affected~~ covered employer shall agree to provide payroll records or other documentation for itself and any subcontractors or subgrantees, as deemed necessary by the chief administrative officer of the City of Burlington within ten (10) business days from receipt of the City of Burlington~~city~~'s request.

(b) The chief administrative officer of the City of Burlington may require that a covered employer submit proof of compliance with this article at any time, including but not limited to

(1) verification of an individual employee's compensation.

(2) production of payroll, health insurance enrollment records, or other relevant documentation, or

(3) evidence of proper posting of notice.

If a covered employer is not able to provide that information within ten (10) business days of the request, the chief administrative officer may turn the matter over to the city attorney's office for further enforcement proceedings.

(c) The City of Burlington shall appoint a designated accountability monitor that shall have the authority:

(i) To inform and educate employees of all applicable provisions of this article and other applicable laws, codes, and regulations;

(ii) To create a telephonic and electronic accountability system under this article that shall be available at all times to receive complaints under this article;

(iii) To establish and implement a system for processing employees' complaints under this article, including a system for investigating complaints and determining their ~~legitimacy~~initial credibility; and

(iv) To refer credi~~t~~ble complaints to the City Attorney's office for potential enforcement action under this article.

The designated accountability monitor shall forward to the City of Burlington all credible complaints of violations within ten (10) days of their receipt.

(ed) Any covered employee who believes his or her covered employer is not complying with this article may file a complaint in writing with the City Attorney's office within one (1) year after the alleged violation. The City Attorney's office shall conduct an investigation of the complaint, during which it may require from the covered employer evidence such as may be required to determine whether the covered employer has been compliant, and shall make a finding of compliance or noncompliance within a reasonable time after receiving the complaint. Prior to ordering any penalty provided in subsections (e), (f), or (g) below, the City Attorney's office shall give notice to the covered employer. The covered employer may request a hearing within thirty (30) days of receipt of such notice. The hearing shall be conducted by a hearing officer appointed by the City Attorney's office, who shall affirm or reverse the finding or the penalty based upon evidence presented by the City Attorney's office and the covered employer.

(e~~c~~~~b~~) The City of Burlington shall have the right to modify, terminate and/or seek specific performance of any contract or grant with ~~an affecteda~~a covered employer from any court of competent jurisdiction, if the ~~affected~~ covered employer has not complied with this article.

(f~~d~~~~e~~) Any covered employer who violates this article may be barred from receiving a contract or grant from the city for a period up to two (2) years from the date of the finding of violation.

(~~e~~~~d~~g) A violation of this article shall be a civil offense subject to a civil penalty of from two hundred dollars ($200.00) to five hundred dollars ($500.00). All law enforcement officers and any other duly authorized municipal officials are authorized to issue a municipal complaint for a violation of this article. Each day any covered employee is not compensated as required by this article shall constitute a separate violation.

(h) If a complaint is received that implicates any City of Burlington employee in a possible violation of this ordinance, that complaint will be handled through the City's personnel procedures, not through the process outlined in this ordinance.

(~~f~~i-) Any covered employee aggrieved by a violation of this article may bring a civil action in a court of competent jurisdiction against the covered employer within two (2) years after discovery of the alleged violation. The court may award any covered employee who files suit pursuant to this section, as to the relevant period of time, the following:

(i) The difference between the livable wage required under this article and the amount actually paid to the covered employee;

(ii) Equitable payment for any compensated days off that were unlawfully denied or were not properly compensated;

(iii) ~~l~~Liquidated damages in an amount equal to the amount of back wages and/or compensated days off unlawfully withheld or ~~of~~ $50 for each employee or person whose rights under this article were violated for each day that the violation occurred or continued, whichever is greater;

(iv) ~~r~~Reinstatement in employment and/or injunctive relief; and

(v) ~~r~~Reasonable attorneys' fees and costs.

(~~g~~j) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this article. No person shall engage in retaliation against an employee or threaten to do so because such employee has exercised rights or is planning to exercise rights protected under this article or has cooperated in any investigation conducted pursuant to this article.

Sec. 21-85. - Other provisions.

(a) No ~~affected~~ covered employer shall reduce the compensation, wages, fringe benefits or leave available to any covered employee in order to pay the livable wage required by this article. Any action in violation of this paragraph shall be deemed a violation of this article subject to the remedies of section 21-84.

(b) No covered employer with a current contract, as of the effective date of this provision, with the City of Burlington for the use of property located at the Burlington International Airport may reduce, during the term of that contract, the wages of a covered employee below the Livable Wage as a result of amendments to this ordinance.

(~~b~~c) Where pursuant to a contract for services with the city, the contractor or subcontractor incurs a contractual obligation to pay its employees certain wage rates, in no case except as stated in subsection 21-85(~~c~~d), shall the wage rates paid pursuant to that contract be less than the minimum livable wage paid pursuant to this article.

(~~c~~d) Notwithstanding subsection 21-85(~~b~~c), where employees are represented by a bargaining unit or labor union pursuant to rights conferred by state or federal law and a collective bargaining labor agreement is in effect governing the terms and conditions of employment of those employees, this chapter shall not apply to those employees, and the collective bargaining labor agreement shall control.

(~~d~~e) Covered employers shall inform employees making less than twelve dollars ($12.00) per hour of their possible right to the Earned Income Tax Credit under federal and state law.

(~~e~~f) The chief administrative officer of the city shall have the authority to promulgate rules as necessary to administer the provisions of this article, which shall become effective upon approval by the city council.

Sec. 21-86. - Exemptions.

An ~~partial or complete~~ exemption from ~~the~~ any requirement of this article may be requested for a period not to exceed two (2) years:

(a) By a covered employer where payment of the livable wage ~~authorized based upon a determination that compliance with the livable wage requirement~~ would cause substantial economic hardship; and

(b) By the City of Burlington ~~,~~ where application of this article to a particular contract or grant is found to violate specific state or federal statutory, regulatory or constitutional ~~provision or~~ provisions or where granting the exemption would be in the best interests of the City.

A covered employer or grantee granted an exemption under this Section 21-86 may reapply for an exemption upon the expiration of the exemption.

Requests for exemption may be granted by majority vote of the City Council. All requests for exemption shall be submitted to the chief administrative officer. The finance committee ~~board~~ of the ~~city~~ City of Burlington shall first consider such request and make a recommendation to the City Council. The decision of the City Council shall be final. ~~shall consider the request for exemption with prior notice provided to the city council. A unanimous decision by the finance board shall be final. A split decision by the finance board is reviewable by the city council not later than the next meeting of the city council which occurs after the date of the finance board decision.~~

Sec. 21-87. - Severability.

If any part or parts or application of any part of this article is held invalid, such holding shall not affect the validity of the remaining parts of this article.

Section 21-88. Annual Reporting.

On or before April 15th of each year, the City Attorney's office shall submit a report to the City Council that provides the following information:

(a) ~~all~~ list of all covered employers broken down by department;

(b) a list of all covered employers whose service contract did not contain the language required by this article; and

(c) all complaints filed and investigated by the City Attorney's office and the results of such investigation.

Sec. 21-89. Effective Date.

The amendments to this ordinance shall take effect on January 1, 2014, and shall not be retroactively applied.

* Material stricken out deleted.
** Material underlined added.

lb/EBlackwood/c: Ordinances 2013/Offenses & Misc..Provisions, Article VI – Livable Wages, Sections 21-80 - 21-89
9/18/13; 10/16/13; 10/21/13

ORIGINAL

AN ORDINANCE

IN RELATION TO

OFFENSES AND MISCELLANEOUS PROVISIONS -- ARTICLE VI _ Livable Wages

Introduced by

Councilor s Mason, Bushor, Paul: Ordinance Committee

Read in City Council first time

September 23, 20 13.

Attest,

______, Clerk.

Rules suspended, and ordinance placed in all stages of passage.

______, 20____.

Attest,

______, Clerk.

Read in City Council second time

October 21, 20 13.

Attest,

______, Clerk.

Passed in City Council at meeting held

October 21, 20 13.

Attest,

______, Clerk.

Approved October 30, 20 13

______, Mayor.

I, ACAO Schrader, City Clerk of the City of Burlington and Clerk of the City Council of said City, do hereby certify that the within written Ordinance has been duly published according to Law and the Charter of the City, and in compliance with said Charter this certificate is hereto attached.

And the within Ordinance was ordered published for Wednesday day, namely the 6th day of November, 20 13.

Adopted 10/21/13 — Published 11/06/13 — Effective 11/27/13

ACAO ______ City Clerk

* * * * * * * *

Distribution

I hereby certify that this Ordinance has been sent to the following department(s) on

ALL DEPTS

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator

* * * * * * * *

City of Montpelier vermont

CITY COUNCIL Agenda Item #19-261
Date: September 14, 2019
Consent_ Discussion X

SUBJECT: Ordinance Amendments, Chapter 9: Licenses, 1st public reading

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Conduct 1st Public Reading of the proposed amendments to Chapter 9: Licenses, of the Code of Ordinances. Provide an opportunity for comments from neighbors and interested citizens. Approve proposed amendments.

STRATEGIC OUTCOME/PRIOR ACTION: Responsive and Responsible Government; Inclusive, Equitable and Engaged Community; Public Health & Safety

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: A complete review of the City's Code of Ordinances was noted as a priority initiative of the City Council at their last Strategic Planning retreat. The purpose of this review is to amend or repeal outdated ordinances and those with lack of resources to enforce; add gender inclusive language (staff researched and reached out to Outright Vermont for assistance); where possible, add restorative processes option in the event of violation; undergo a legal review; and a general clean-up.

SUPPORTING DOCUMENTS: Chapter 9: Licenses of the Code of Ordinances with proposed amendments.

INTERESTED PARTIES: City Council, residents, staff

CITY MANAGER'S APPROVAL:

CHAPTER 9
LICENSES
ARTICLE I. GENERAL PROVISIONS.

Sec. 9-1. DEFINITIONS.

a. The word "license" or "licensed" as used in this chapter shall mean a license granted by the City Council.

b. The word "applicant" shall mean any person, partnership, business or corporation who causes an application to be presented under Sec. 9-9, or who seeks renewal under Sec. 9-10A.

Sec. 9-2. DURATION OF LICENSES, LICENSE PERIOD.

All licenses, unless otherwise provided, shall continue in force until the first day of April next, following the date of issuance unless sooner revoked, as hereinafter provided in this title.

Sec. 9-3. REVOCATION.

A license may be revoked at any time by the City Council, whereupon, unless such revocation is for cause, there shall be refunded to the licensee such portion of the fee received therefor as is proportionate to the unexpired term thereof.

Sec. 9-4. CAUSES FOR REVOCATION.

A license may be suspended or revoked by the City Council after notice and hearing for any of the following causes:

Fraud, misrepresentation or false statement contained in any application for permit or license.

b. Fraud, misrepresentation or false statement in the conduct of any business or activity authorized by such license or permit.

c. Conviction of the licensee for any felony or misdemeanor involving moral turpitude.

d. Any violation of this chapter.

e. Any violation of this ~~revised~~ code.

f. Any violation of the laws of the United States, the State of Vermont or any ordinance heretofore or hereafter adopted by the City of Montpelier in full force and effect.

g. Conducting the licensed business, trade, calling, profession or occupation, through the licensee ~~him~~themsel~~f~~ves or any of ~~his~~their agents, servants or employees, in any unlawful, disorderly or improper manner, or in such manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

~~h. The conduct of any licensed business or activity by any person who is of unfit character.~~

~~i~~h. Violating or abusing the purpose for which a license has been issued to the detriment of the public, or the use of a license for a purpose foreign to that for which it was issued.

Sec. 9-5. NOTICE OF HEARING.

A license issued by the City of Montpelier shall not be revoked, cancelled or suspended until a hearing thereon shall have been held by the City Council. Written notice of the time and place of the hearing shall be served upon the licensee at least fourteen days prior to the date set for the hearing. The notice shall also contain a brief statement of the grounds to be relied upon for revoking, cancelling or suspending the license.

Sec. 9-6. SERVICE OF NOTICE.

Notice of hearing as set forth in subsection 9-5 may be given either by personal delivery to the person to be notified, or may be deposited within the United States Postal ~~Office~~ Service in a sealed envelope, postage prepaid, addressed to the person to be notified at the business address appearing on the license.

Sec. 9-7. HEARING PROCEDURE.

At the hearing before the City Council, the person aggrieved by the proposed suspension or revocation of the license issued by the City of Montpelier shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the City Council, the complaint may be dismissed, or if the ~~governing body~~City Council concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held by the licensee.

Sec. 9-8. REINSTATEMENT OF REVOKED LICENSES.

If any license shall have been revoked as provided in this section, neither the holder thereof nor any person acting in ~~his~~their behalf, directly or indirectly, shall be entitled to another license to carry on the same business within the City unless the application for such license shall be approved by the City Council.

Sec. 9-9. APPLICATION FOR LICENSE.

Before a license shall be granted, a written application shall be presented to the City Council signed by the applicant. On such application, the applicant shall state their~~his~~ place of residence, the particular kind of license desired and that ~~he~~ they will observe the conditions of such license and all applicable laws and such license shall not be sold, assigned or transferred without consent of the City Council. In consideration of such application, the City Council may require the applicant to provide such evidence in support thereof as the Council deems necessary.

Sec. 9-10. ISSUANCE OF LICENSE.

If the City Council shall be of the opinion that the applicant has complied with all conditions respecting such application, it shall issue such license subject to the provisions of Sec. 9-16 of this chapter, upon condition that the license shall comply will all provisions of the ordinances of the City and of the laws of this State, or any amendments thereto, respecting such licensed privilege or occupation. The fee therefore shall be turned over to the City Treasurer for the use of the City. If the license is refused, the City Clerk shall so inform the applicant and return to ~~him~~ them the fee advanced.

Sec. 9-10A. RENEWAL OF LICENSE.

~~With the exception of licenses issued under Article XIV, Peddlers, Solicitors, Itinerant Vendors and Transient Merchants, which shall be annually authorized for renewal by the City Council, a~~A license, once issued by the City Council in accordance with Sections 9-9 and 9-10 of this Article, may be renewed, subject to the provisions of Sec. 9-16 of this chapter, by the City Clerk upon application by the licensee, and payment of the license fee, provided that the license issuance has not been contested, and that all requirements of state and local law have been met.

Sec. 9-10B. CONTEST OF LICENSE.

The renewal of any license under this chapter may be contested by any person for just cause through a complaint in writing signed by the complainant and addressed to the City Clerk, stating with particularity the nature of the complaint and the reasons for contesting the renewal of the license. The City Clerk, upon receipt of said complaint, shall forward a certified copy to the City Council, which shall, at the next regular meeting following receipt of said complaint, consider its merits and, if found justified, shall order a hearing before the Council in accordance with the procedures outlined in Sections 9-5, 9-6 and 9-7.

Sec. 9-11. DISPLAY OF LICENSE.

The City Clerk, at the expense of the City, shall, upon the issuing of any license, furnish the licensee a suitable card, plate or badge bearing the number of ~~his~~their license, and the same shall be conspicuously placed or worn by the licensee, in the exercise of said license, to the approval of the Chief of Police.

Sec. 9-12. FEE FOR LICENSE YEAR.

A license fee schedule shall be approved annually by the City Council.

~~Sec. 9-13. DELINQUENT LICENSE FEES: PENALTY.~~

~~Each person delinquent in the payment of any license fee required by ordinance to be paid may procure a license on or before April 15, following the normal date of expiration of the last day of March, by paying a fee of 25% in excess of that otherwise required to the City Clerk. Each person delinquent in the payment of any license fee beyond the extended grace period of April 15 may only procure a license after he/she has paid a fee of 50% in excess of that otherwise required to the City Clerk.~~

Sec. 9-~~14~~13. LICENSEE'S DUTIES AND OBLIGATIONS.

All licenses shall be subject to the conditions that the license shall be liable to any person who shall receive actionable injury through the exercise thereof, and shall also be liable to indemnify and save harmless the City in all things relating to the exercise of such license; and such conditions shall be obligatory upon licensees without other notice than that to be implied from this section. All licenses shall be further subject to the condition that the licensee shall keep ~~his~~their place of business safe at all times for the use of the public invited thereon, and such condition shall be obligatory upon licensees without other notice than implied from this section.

Sec. 9-~~15~~14. VIOLATIONS.

It shall be unlawful for any person to violate the provisions of this chapter, and upon conviction thereof shall be subject to general penalty provision in Section 1-9 of this Code.

Sec. 9-~~16~~15. PROPERTY TAXES DELINQUENT.

No license shall be issued under Sec. 9-10 or renewed under Sec. 9-10A of this chapter:

(a) to any applicant who is delinquent in the payment of any property taxes, water, sewer or sewer benefit assessments, or related fees, costs or penalties applicable by law and due the City of Montpelier as of the date of application;

(b) to any applicant whose principal, general partner, president, treasurer or Board of Directors includes a principal, general partner, president, treasurer or director of any business or corporation delinquent in the payment of any property taxes, water, sewer or sewer benefit assessments, or related fees, costs or penalties applicable by law and due the City of Montpelier as of the date of the application.

Notwithstanding the provisions of (a) or (b) of this Section, a license may be issued pursuant to Sec. 9-10 or renewed pursuant to Sec. 9-10A upon confirmation by the appropriate administrative office that all such property tax delinquencies, costs, fees and penalties have been paid, except where acceptable arrangements have been made, and are being maintained, with the City's Tax Collector.

~~Sec's. 9-17 to 9-999 reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted 1/23/74 [Sec. 9-10A added]. Effective six days after publication. Date of Publication: 2/01/74. Effective Date: 2/07/74.~~
~~Amendment enacted 7/28/76 [Sec. 9-5 rewritten]. Date of Publication: 8/02/76. Effective Date: 8/09/76.~~
~~Amendment enacted 10/11/78 [Sec. 9-10A rewritten; Sec. 9-10B added]. Effective six days after publication. Date of Publication: 10/18/78. Effective Date: 10/24/78.~~
~~Amendment enacted 5/10/89 [Sec. 9-13 rewritten]. Date of Publication: 5/17/89. Effective Date: 5/23/89.~~
~~Amendment enacted 2/27/91 [Sec's. 9-1, 9-10 and 9-10A rewritten; Sec. 9-16 added]. Date of Publication: 3/11/91. Effective Date: 3/18/91.~~
~~Amendment enacted 7/25/18 [Sec. 9-12, rewritten]. Date of Publication: 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE II. AUCTIONEERS, TRANSIENT AUCTIONEERS

Sec. 9-200. LICENSE REQUIRED.

No person shall carry on the business of an auctioneer or transient auctioneer within the City limits unless licensed; such person shall first procure the required state license which must be shown in order to apply for a City license.

Upon submission of an application therefor, payment of the license fee established under Section 9-202, and proof of a current and valid State auctioneer's license, the City Clerk shall issue to the applicant an auctioneer's or transient auctioneer's license, as appropriate.

Sec. 9-201. TRANSIENT AUCTIONEER DEFINED.

"Transient auctioneer" is defined as any person not a bona fide resident of this city who sells or offers for sale therein by auction any personal property; but this chapter shall not apply to sales made by sheriffs, deputy sheriffs, constables, as assignees for the benefit of creditors, or for any persons required by operation of law to sell personal property, and shall not apply to any sales of antiques or to any sales of used goods which are not, at the time of sale or immediately prior thereto, part of the stock in trade of a retailer, wholesaler or distributor.

~~Sec. 9-202. Repealed July 25, 2018~~

Sec. 9-~~203~~202. USE OF PUBLIC STREET.

No person, except an officer in the execution of lawful process or the performance of an official duty, shall sell, or offer for sale, any goods or chattels at auction in or upon a street or public place.

~~CHARTER REFERENCE. Transient Auctioneers, T. 3 Sec. 17(IV) 1955 Charter.~~

~~STATE LAW REFERENCE: Auctioneers, state and local license required, V.S.A., T. 32, Sec. 9202; Transient Auctioneers, state license required before local license, V.S.A., T. 32, Sec. 7601.~~

~~Sec's. 9-204 to 9-299. Reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted 7/28/76 [Sec. 9-202 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/29/76.~~
~~Amendment enacted 5/26/82 [Sed. 9-202 rewritten]. Date of Publication: 6/9/82. Effective Date: 6/16/82.~~
~~Amendment enacted 4/27/83 [Sec. 9-202 rewritten]. Date of Publication: 5/4/83. Effective Date: 5/11/83.~~
~~Amendment enacted 3/14/84 [Sec. 9-200 rewritten]. Date of Publication: 3/24/84. Effective Date:3/31/84.~~
~~Amendment enacted 7/25/18 [Sec. 9-202 repealed.]. Date of Publication: 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE IV. BLACKSMITH SHOP

Sec. 9-400. LICENSE REQUIRED.

No person shall build, occupy or use a blacksmith shop unless licensed. This section shall also apply to those who ply the blacksmith trade from a vehicle within ~~city~~ City limits.

~~Sec's. 9-402 to 9-499. Reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted 7/28/76 [Sec. 9-401 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~
~~Amendment enacted 7/25/18 [Sec. 9-401 repealed]. Date of Publication: 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE V. BOWLING ALLEYS, SHOOTING GALLERIES
AND INDOOR SKATING RINKS

Sec. 9-500. LICENSE REQUIRED.

No person shall keep a bowling-alley, shooting-gallery, or indoor skating-rink unless licensed.

~~**Sec. 9-501.** Repealed 7/25/18~~

Sec. 9-~~502~~501. PERMISSIBLE BUSINESS HOURS.

No person keeping a bowling-alley, shooting-gallery, or indoor skating-rink shall suffer or permit the same to be kept open or used between the hours of twelve o'clock at night and six o'clock in the morning.

Sec. 9-~~503~~502. GAMBLING.

The suffering or permitting of gambling in or upon premises licensed as a bowling-alley, shooting-gallery, or indoor skating-rink shall effect a revocation of such license.

~~CHARTER REFERENCE: T 3, Sec. 17 (XXIV) 1955 Charter.~~
~~STATE LAW REFERENCE: Council may license, V.S.A., T. 31, Sec. 503.~~

~~Sec's. 9-504 to 9-599. Reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted 7/28/76 [Sec. 9-501, 9-502 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~
~~Amendment enacted 5/26/82 [Sec. 9-501, fees increased]. Date of Publication: 6/9/82. Effective Date: 6/16/82.~~
~~Amendment enacted 7/25/18 [Sec. 9-501, repealed]. Date of Publication: 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE VI. CIRCUSES, CARNIVALS AND SHOWS

Sec. 9-600. LICENSE REQUIRED.

No person or corporation shall conduct or exhibit a circus, carnival, wild west show, menagerie or combination thereof or show of any kind within city limits until ~~he~~ they shall have first obtained a state license therefor; such state license shall be a prerequisite for a city license and shall be shown to the ~~city~~ City employee taking the license fee and notice thereof shall be duly recorded on such application provided, however, that the Council of the City of Montpelier is nevertheless authorized to waive or to reduce the City's license fee in its discretion in the event that a circus, carnival or show is sponsored by and benefits in some measure a non-profit civic, social or charitable organization.

~~Sec. 9-601. Repealed~~

~~CHARTER REFERENCE: T. 3, Sec. 17 (III) 1955 Charter.~~
~~STATE LAW REFERENCE: V.S.A., T. 31, Sec. 401 et seq.; and state license required, V.S.A., T. 32, Sec. 9505.~~

~~Sec's. 9-602 to 9-699. Reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted 7/27/77 [Sec. 9-600 rewritten]. Date of Publication: 7/29/77. Effective Date: 8/4/77~~
~~Amendment enacted 5/26/82 [Sec. 9-601 rewritten]. Date of Publication: 6/9/82. Effective Date: 6/16/82.~~
~~Amendment enacted 7/25/18 [Sec. 9-601 repealed]. Date of Publication: 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE VII. DANCE HALL, NIGHT CLUB OR DANCE CLUB

Sec. 9-700. LICENSED REQUIRED.

No person or corporation shall conduct or operate a public dance hall, night club, or dance club unless they shall first have obtained a license therefor.

~~Sec. 9-701. Repealed~~

Sec. 9-~~702~~701. EXEMPTIONS.

The requirement for a dance hall license shall not be applied to school, recreation, house of worship~~church~~, fraternal or service organization dances which are not held on a daily business schedule.

Sec. 9-~~703~~702. DISRUPTION.

Notwithstanding such license, any ~~police~~ Police ~~officer~~ Officer may suppress and prevent the continuance of a dance conducted thereunder~~,~~ if it shall disturb the public peace ~~or offend against good morals.~~.

~~STATE LAW REFERENCE: Council can license, V.S.A., T. 31, Sec. 503.~~

~~Sec's. 9-704 to 9-799. Reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted 7/28/76 [Sec. 9-701 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~
~~Amendment enacted 5/26/82 [Sec. 9-701 fee increased]. Date of Publication: 6/9/82. Effective Date: 6/16/82~~
~~Amendment enacted 7/10/13 [Title of Article changed; Sec. 9-700, LICENSE REQUIRED, rewritten]. Date of Publication: 7/23/13. Effective Date: 7/29/13.~~
~~Amendment enacted 7/25/18 [Sec. 9-601 repealed]. Date of Publication: 7/27/18. Effective Date: 8/10/18~~

ARTICLE VIII. DRIVE-IN THEATRE

Sec. 9-800. LICENSE REQUIRED.

No person or corporation shall operate a drive-in movie theatre within the ~~city~~ City until they ~~shall~~ have first obtained a license therefor.

~~Sec. 9-801. Repealed~~

~~CHARTER REFERENCE: Authority to license, T. 3, Sec. 17 (LX), 1955 Charter.~~

~~Sec's. 9-802 to 9-899. Reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted 7/25/18 [Sec. 9-801 repealed]. Date of Publication: 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE IX. DRY CLEANERS

Sec. 9-900. LICENSE REQUIRED.

No person shall carry on the business of dry cleaning by the use of gasoline, naphtha, benzine, or other fluid emitting combustible or explosive gases or fumes, unless licensed.

~~Sec's. 9-903 to 9-999. Reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted 7/28/76 [Sec. 9-901 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~
~~Amendment enacted 5/26/82 [Sec. 9-901 fee increased]. Date of Publication: 6/9/82. Effective Date: 6/16/82.~~
~~Amendment enacted 11/9/88 [Sec. 9-901 fee increased]. Date of Publication: 11/21/88. Effective Date: 1/1/89.~~
~~Amendment enacted 7/25/18 [Sec. 9-901, 9-902 repealed]. Date of Publication: 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE X. GASOLINE STATIONS.

Sec. 9-1000. LICENSE REQUIRED.

Every person, firm or corporation maintaining in any public street, lane or alley in the ~~city~~ City a pump or pumps for the sale of gasoline, diesel fuel or other such products for sale to the public shall annually obtain a license therefore.

~~Sec. 9-1001. Repealed~~

~~STATE LAW REFERENCE: Distributors licensed by state, V.S.A., T. 32, Sec. 8901.~~

~~Sec's. 9-1002 to 9-1099. Reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted 7/28/76 [Sec. 9-1001 rewritten]. Date of Publication:8/2/76. Effective Date: 8/9/76.~~
~~Amendment enacted 7/25/18 [Sec. 9-1001 repealed] Date of Publication: 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE XI. INNS, HOTELS, MOTELS, TOURIST HOUSE, TOURIST CABINS AND BED AND BREAKFAST ESTABLISHMENTS

Sec. 9-1100. LICENSE REQUIRED.

No person shall keep an inn, hotel, motel, tourist house, tourist cabins, or camps, bed and breakfast establishment or similar facility providing transient accommodation within the ~~city~~ City which contain or have available any rooms intended for rental to the public without first having obtained a license therefor.

~~Sec. 9-1101. Repealed~~

~~CHARTER REFERENCE: Authority to license inn, T. 3, Sec. 17 (XXIV); motels, T. 3, Sec. 17 (LX) 1955 Charter.~~

~~STATE LAW REFERENCE: Council may license, V.S.A., T. 3, Sec. 3061. License from state board of health required, V.S.A., T. 18, Sec. 4351.~~

~~Sec's. 9-1102 to 9-1199. Reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted 7/28/76 [Sec. 9-1101 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~
~~Amendment enacted 5/26/82 [Sec. 9-1101 fees increased]. Date of Publication 6/9/82. Effective Date: 6/16/82.~~
~~Amendment enacted 11/12/86 [Sec. 9-1100 rewritten to include "Bed and Breakfast"]. Date of Publication: 11/20/86. Effective Date: 11/26/86.~~
~~Amendment enacted 11/9/88 [Sec. 9-1101 fees increased]. Date of Publication: 11/21/88. Effective Date: 1/1/89.~~
~~Amendment enacted 7/25/18 [Sec. 9-1101 repealed] Date of Publication: 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE XIII. JUNKYARDS

Sec. 9-1300. LICENSE REQUIRED.

A person shall not operate, establish or maintain a junkyard until they~~he~~: -(1) ~~has~~ have obtained a license to operate a junkyard business from the State of Vermont, and (2) ~~has~~ have obtained a certificate of approved location from the City Council and the Montpelier Zoning Board of Adjustment and/or Planning ~~Board~~Commission.

Sec. 9-1301. APPLICATION FOR CERTIFICATE OR APPROVED LOCATION.

Application for the certificate of approved location shall be made in writing first to the Planning ~~Board~~ Commission and to the Zoning Board of Adjustment. If both boards approve the location, then a certificate to that effect must accompany the written application and be presented to the City Council for final approval before submission to the State of Vermont.

Sec. 9-1302. LICENSE FEES

The annual license fee shall be Three Hundred Dollars ($300.00) to be paid at the time of application for the certificate of approved location. The applicant will also be charged with costs of advertising such application and such other reasonable costs incident to the hearing as are clearly attributable thereto.

~~STATE LAW REFERENCES: Requirements for operation, V.S.A., T. 24, Sec. 2069; application for state license, V.S.A., T. 24, Sec. 2070; license fees, V.S.A., T. 24, Sec. 2076.~~

~~Sec's. 9-1303 to 9-1399. Reserved.~~

~~Enacted October 25, 1972~~
~~Amendment enacted 7/28/76 [Sec. 9-1300, 9-1301, 9-1302 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~
~~Amendment enacted 5/26/82 [Sec. 9-1302, fee increased]. Date of Publication: 6/9/82. Effective Date: 6/16/82.~~
~~Amendment enacted 4/9/85 [Sec. 9-1302, rate increased].Date of Publication:4/15/85. Effective Date: 4/22/85.~~

CHAPTER 9

LICENSES

ARTICLE XIV. VENDORS.

Sec. 9-1400. DEFINITIONS.

(a) "Vendor" shall mean any person, including an employer or agent of another, who sells or offers to sell food, beverages, personal services, goods or merchandise on any street or sidewalk from a stand, motor vehicle or from ~~his or her~~ their person, or one who travels by foot, wagon, motor vehicle, pushcart or any other method of transportation from house to house or street to street selling or offering to sell food, beverages, personal services, goods or merchandise.

(b) "Stand" shall mean any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered as a motor vehicle, used for the display, storage, promotion or transportation of articles or personal services, offered for sale by a vendor.

(c) "Public Street or Sidewalk" shall include all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys, public parking spaces and any other public way.

(d) "Designated Location" shall mean those locations within the designated downtown of the ~~city~~ City of Montpelier that have been approved as vending locations.

Sec. 9-1401. LICENSE REQUIRED.

It shall be unlawful for any vendor to sell, display or offer for sale any food, beverages, goods or merchandise within the ~~city~~ City of Montpelier without first obtaining a vendor's license.

Sec. 9-1402. APPLICATIONS.

The application for a vendor's license shall be submitted to the City Clerk for approval by the City Council on forms provided therefore and contain all information relevant and necessary to determine whether a vendor's license may be issued, including but not limited to:

(a) Proof of the identity and business address of the applicant.

(b) A brief description of the type of food, beverages, personal services, goods or merchandise to be sold.

(c) If employed by another, the name and business address of the person, firm, association, organization, company or corporation.

(d) If a motor vehicle is to be used in the conduct of a vending business, a description of the vehicle together with the motor vehicle registration number and the license number; provided, however, that no vendor shall conduct business from any public parking space.

(e) The proposed location(s) of the vending business and the proposed days and hours of operation at each location. If the location(s) is/are located outside of the designated downtown, then the applicant shall obtain written permission from the property owner, the Police Chief and/or designee. In cases where the vendor is seeking to do business in a City of Montpelier park, then the signature of the Parks Director must also be obtained.

(f) Proof of a valid and current state license for the type of business activity for which a license under this ordinance is sought.

(g) Acknowledgment that issuance and maintenance of a vendor's license by the vendor shall be subject to review by the Chief of Police and Health Officer.

Sec. 9-1403. DESIGNATED LOCATIONS.

In the designated downtown district, vendors may only vend in preapproved locations established by the City Manager. The City ~~Manager~~ Clerk shall maintain a list of designated locations for vendors wishing to locate in the designated downtown. If a vendor wishes to locate in a space not on the list of designated locations, then the vendor may apply to the City Manager to add or move a space. Any spaces that the City Manager approves shall conform to the guidelines in Sec. 9-1406(a). If the area involves private property, written approval from the property owner shall be required. In the event that the application is for a space on property belonging to the City of Montpelier, the City Manager shall decide whether or not to grant permission to use the space.

Sec. 9-1404. FEES.

An applicant for a license under Sec. 9-1402 shall pay an annual license fee as established by the City Council.

Sec. 9-1405. INSURANCE.

No vendor's license shall be issued to an applicant unless the applicant furnishes proof to the City Clerk of a public liability bond or insurance policy in an amount not less than $100,000 for property damage and injuries, including injury resulting in death, caused by the operation of the vending business and maintaining the City as an additional insured.

Sec. 9-1406. LICENSES.

The license issued to a vendor shall be displayed by the vendor while ~~he or she is~~ they are engaged in the business of vending.

Sec. 9-1407. RESTRICTIONS APPLICABLE TO ALL VENDORS.

(a) Stands. Vendor's stands and associated activity shall not:

(1) Impede pedestrian or vehicular travel, or access to the entrance of any adjacent building or driveway;

(2) Occupy more than half of the available sidewalk width or four feet of such sidewalk, whichever is less;

(3) Locate within five feet of an accessible parking space, access ramp, crosswalk, fire hydrant, fire escape, bus stop, loading zone, driveway, or entrance of any building; or

(4) Locate within fifty feet of any business establishment offering for sale goods or merchandise in the same class as that being offered for sale by the licensed vendor (food, arts, crafts, clothing, etc.). Fifty feet shall be measured as the shortest distance between the cart and any street-facing property owned or rented by the similar business.

(5) Provide tables and seating for customer use.

(6) Impede access to, or egress from, cars parked in legal parking spaces.

(b) Stands located outside of the designated downtown shall not:

(1) Exceed eight feet in length, three feet in width, or eight feet in height; and

(2) Locate on any property, public or private, without the landowner's written approval.

(c) Stands located inside the designated downtown shall:

(1) Locate in a location that is on the City of Montpelier's list of designated locations, or seek an amendment to the list of designated locations from the City Manager.

(2) Not use more space in total than allowed for the permitted space. Space usage includes the cart, plus any umbrellas, coolers, signboards, and other items connected to the business.

(d) Hours of Operation. Vendors shall be allowed to engage in the business of vending only between 7:00 A.M. and 10:00 P.M., except that those vendors who conduct their business by going door-to-door shall be allowed to operate only between 9:00 A.M. and 5:00 P.M. All vending stands must be removed from public property during non-vending hours.

(e) Removal of Trash. All trash or debris generated by any vending stand shall be collected by the vendor and removed. This trash may not be deposited in public trash containers. Vendors must provide a trash receptacle for use by their customers.

Sec. 9-1408. SUSPENSION OR REVOCATION OF LICENSE.

a) Any license issued under this ordinance may be suspended or revoked by the City Council after due notice to the licensee, and hearing, for any of the following reasons:

(1) Fraud or misrepresentation in the application for the license.

(2) Fraud or misrepresentation in the course of conducting the business of vending.

(3) Conducting the business of vending contrary to the conditions of the license.

(4) Conducting the business of vending in such a manner as to create a public nuisance or breach of the peace, or constitute a danger to the public health, safety or welfare.

(b) Upon suspension or revocation, the City shall deliver written notice to the licensee(s) stating the action taken and the reasons supporting such action. The written notice shall be delivered to the licensee's place of business or mailed to the licensee's last known address.

Sec. 9-1409. RENEWALS.

Application for renewal of licenses issued under sections 9-1405 or 9-1412 shall be made to, and received by, the City Clerk within fifteen (15) days prior to the expiration of such license. The City Clerk shall review each application for renewal to determine that:

(a) The applicant is in full compliance with the provisions of this ordinance.

(b) The applicant has a currently effective insurance policy naming the City as an additional insured in the minimum amount provided for in Section 9-1404. If the City Clerk finds that the application meets the above requirements, the City Clerk shall issue a new permit.

Sec. 9-1410. RELIGIOUS, CHARITABLE, EDUCATIONAL AND SERVICE OGANIZATIONS.

Authorized representatives of religious, charitable, educational or service organizations desiring to solicit money, to sell products of the land, or to distribute literature shall be exempt from the payment of any fee hereunder, but shall be required to submit in writing to the City Clerk the name and purpose of the cause for which such activity is sought, the name and address of the immediate director of such activity, and the period during which such activity is to be carried on in the city of Montpelier. If the City Clerk, after investigation, shall find that the organization is a bona fide charitable, religious, educational or service organization, the Clerk shall issue, free of charge, a license to carry on such activity. Such license shall cover all persons engaged in the activity for which the license was issued. Organizations designated as religious or exempt under Sections 501(c), 501(d), 501(e), 521, 527 or 528 of the Internal Revenue Code of 1986, or subsequent enactments, shall be exempted from the payment of the fee imposed under Section 9-1403, provided that no license issued hereunder shall be of a duration in excess of fifteen (15) consecutive days. Organizations not found to be exempt as defined above shall be responsible for the full fee.

Sec. 9-1411. SPECIAL EVENT LICENSE.

(a) The City Council may issue special vendor's licenses to be used in conjunction with a special event. Such licenses shall be valid for no more than three (3) consecutive days designated for the event by the City Council.

(b) The fee for a special vendor's license shall be established by City Council resolution for each day for which it is valid, provided that any organizations in Section 9-1411 shall be exempt from the payment of any fee imposed hereunder.

(c) The City Council shall require the sponsor of any special event to administer all applications for multiple special vendor's licenses under this section.

~~Sec. 9-1412. Repealed~~

Sec. 9-~~1413~~1412. LOUD NOISES AND SIGNS.

No vendor or transient vendor, nor any person on their behalf, shall shout, make any cry out, blow a horn, ring a bell, or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of this ~~city~~ City or upon any private premises in the C~~c~~ity where a sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks, or other public places, or parade with a sign or placard, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. If any displays are put up, they shall be removed. All signs, including sign boards, must comply with City regulations.

Sec. 9-~~1414~~1413. VENDING MACHINES.

No vending machine or other dispensing device shall be placed or maintained, either permanently or temporarily, upon any City property, including any street, highway or sidewalk, without the prior approval of the City Council. In considering and acting upon a request for the placement of and maintenance of such vending machine or dispensing device, the City Council may impose reasonable fees, conditions and standards.

Sec. 9-~~1415~~1414. ENFORCEMENT.

Enforcement of vending permit violations under Article XIV shall be investigated by the Montpelier Police Department and will be handled administratively. Any other violations of Montpelier City Ordinances or Vermont State Law will be investigated and prosecuted by appropriate authority.

The permit holder agrees to abide by all conditions and ordinances set forth in the issuance of the vendor permit. Any violation of those conditions will result in a warning and corrective action plan for the first violation. The warning and corrective action plan will be issued by a sworn officer of the Montpelier Police Department.

Any second violation of vending permit conditions during the operational date of the permit will result in an immediate suspension/revocation of the vending permit.

Any appeal of a vending permit suspension or revocation shall be submitted to the City Council pursuant to Sec. 9-1407.

Sec. 9-~~1416~~1415. WEEKEND-ONLY LICENSE.

In lieu of the license required under Section 9-1400, the City Clerk may issue a license only applicable to Saturdays and Sundays to a person selling or offering for sale or soliciting orders for the sale of services, goods or merchandise from premises occupied temporarily as a tenant, lessee, guest or invitee. Such license shall be valid only on the weekends, and the person applying for such a license shall comply with and be subject to all the provisions of Sections 9-1402, 9-1404, 9-1405, 9-1407, 9-1408 and 19-1410. An applicant for a license under this section shall pay a license fee of one hundred dollars ($100.00).

~~Enacted September 13, 1972.~~
~~Amendment enacted July 28, 1976 [Sec. 9-1405 rewritten]. Date of Publication: 8/02/76. Effective Date: 8/09/76.~~
~~Amendment enacted October 11, 1978 [Sec's. 9-1405 and 9-1407 rewritten]. Date of Publication: 10/18/78. Effective Date: 10/24/78.~~
~~Amendment enacted May 27, 1981 [Sec. 9-1409 added]. Date of Publication: 6/03/81. Effective Date: 6/09/81.~~
~~Amendment enacted May 26, 1982 [Sec. 9-1405, fee increased]. Date of Publication: 6/09/82. Effective Date: 6/16/82.~~
~~Amendment enacted January 12, 1983 [Sec's. 9-1410 and 9-1411 added]. Date of Publication: 1/18/83. Effective Date: 1/25/83.~~
~~Amendment enacted March 14, 1984 [Sec. 9-1412 added]. Date of Publication: 3/24/84. Effective Date: 3/31/84.~~
~~Amendment enacted April 9, 1985 [Sec. 9-1405, rate increased]. Date of Publication: 4/15/85. Effective Date: 4/22/85.~~
~~Amendment enacted October 23, 1985 [Sec. 9-1413 added]. Date of Publication: 10/31/85. Effective Date: 11/06/85.~~
~~Amendment enacted October 11, 1989 [Article XIV repealed and replaced]. Date of Publication: 10/17/89. Effective Date: 10/23/89.~~
~~Amendment enacted May 12, 2004 [Sec. 9-1412, fee increased]. Date of Publication: 5/27/04. Effective Date: 6/02/04.~~
~~Amendment enacted April 28, 2010 [Entire Article XIV substantially revised]. Date of Publication: 5/06/10. Effective Date: 5/12/10.~~
~~Amendments enacted July 10, 2013 [Sec. 9-1412, SPECIAL TRANSIENT VENDOR LICENSE, rewritten; new Sec. 9-1416, WEEKEND-ONLY VENDOR LICENSE]. Date of Publication: 7/23/13. Effective Date: 7/29/13.~~
~~Amendments enacted July 25, 2018. [Sec. 9-1403 rewritten, 9-1412 repealed] Date of Publication 7/25/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE XVI. RENDERING PLANT

Sec. 9-1600. NO LICENSE SHALL BE GRANTED.

No person shall build, use or occupy a place for bone-boiling or rendering within the ~~city~~ City limits. No license shall be granted for same.

~~Sec's. 9-1601 to 9-1699. Reserved.~~

~~Enacted October 25, 1972.~~

CHAPTER 9
LICENSES
ARTICLE XVII. RESTAURANTS, LUNCHROOMS, SNACK SHOPS AND OTHER FOOD ~~VICTUALING~~ ESTABLISHMENTS

Sec. 9-1700. LICENSE REQUIRED.

No person shall keep a restaurant, lunchroom, snack shop or ~~victualing~~ establishment where food is dispensed until ~~he~~ they ~~shall~~ first have obtained a license therefor.

~~Sec. 9-1701. Repealed~~

~~CHARTER REFERENCE: T. 3, Sec. 17 (XXIV) 1955 Charter.~~

~~STATE LAW REFERENCE: State license required, V.S.A., T. 18, Sec. 4351; local licensing allowed, V.S.A., T. 9, Sec. 3061.~~

~~Sec's. 9-1702 to 9-1799. Reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted 7/28/76 [Sec. 9-1701 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~
~~Amendment enacted 5/26/82 [Sec. 9-1701 fee increased]. Date of Publication: 6/9/82. Effective Date 6/16/82.~~
~~Amendment enacted 11/9/88 [Sec. 9-1701 fee increased]. Date of Publication: 11/21/88. Effective Date: 1/1/89.~~
~~Amendment enacted 7/25/18 [Sec. 9-1701 repealed] Date of Publication 7/27/18. Effective Date:8/10/18~~

CHAPTER 9
LICENSES
ARTICLE XVIII. SHOE SHINING: BOOT BLACKS

Sec. 9-1800. LICENSE REQUIRED.

No person shall carry on the business of shoe shining in or upon any street, or public place, unless licensed.

Sec. 9-1801. LICENSE FEE.

The fee for such license shall be five dollars ($5.00).

~~Sec's. 9-1802 to 9-1899. Reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted 7/28/76 [Sec. 9-1801 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~

CHAPTER 9
LICENSES
ARTICLE XIX. TAXICABS

Sec. 9-1900. LICENSE REQUIRED, TAXICAB.

No person, firm or corporation shall operate a taxicab within the ~~city~~ City limits until a license has been obtained and unless there has been compliance with all other regulations in this article.

~~CROSS REFERENCE: License fee, see Sec. 9-1907 this Article.~~

~~Sec. 9-1901. LICENSE REQUIRED, OPERATOR. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1902. DRIVER CONDUCT. Rescinded – Effective July 29, 2016~~

Sec. 9-1903. DEFINITIONS.

(a) "Taxicab" is a motor vehicle used for transporting passengers for hire within the City of Montpelier but shall not include those vehicles operating on regularly scheduled routes and times in intertown and interstate transportation which are subject to state or federal regulation.

(b) "Operator" is the individual driver of a taxicab.

~~Sec. 9-1904. INSURANCE REQUIRED. Rescinded – Effective July 29, 2016~~

Sec. 9-~~1905~~1904. APPLICATION FOR LICENSES.

The taxicab license may be granted by the City Clerk upon application for same. The application must be accompanied by the required fee and proof of insurance. Application forms are supplied by the City Clerk's Office.

~~Sec. 9-1906. DISCRETIONARY GRANT OF LICENSES. Rescinded – Effective July 29, 2016~~

Sec. 9-~~1907~~1905. LICENSE FEES.

The annual license fee for each taxi company shall be thirty-five dollars ($35.00).

~~Sec. 9-1908. TEMPORARY LICENSES. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1909. SALE OR TRANSFERENCE OF LICENSE. Rescinded – Effective July 29, 2016~~

Sec. 9-~~1910~~1906. DISPLAY OF LICENSES.

Every taxicab operator shall at all times post a copy of ~~his or her~~ their Driver's License. The chief of police, if not satisfied with the likeness of any picture, may order any taxicab operator to attach to ~~his~~ license a picture which identifies said taxicab operator to the satisfaction of the chief of police.

~~Sec. 9-1911. VEHICLES MARKED. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1912. RATES OF FARE. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1913. NOTICE OF RATES OF FARE. Rescinded – Effective July 29, 2016~~

~~Sec. 9-1914. OVERCHARGES. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1915. DISPUTES. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1916. SEATING CAPACITY. Rescinded – Effective July 29, 2016~~

Sec. 9-~~1917~~1907. NON-DISCRIMINATION.

No taxicab operator shall refuse service based on customers' race, creed (religion), color, national origin, marital status, sex, sexual orientation, disability, or gender identity.

~~Sec. 9-1918. REFUSAL TO PAY FARE. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1919. STOPS. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1920. OBEDIENCE TO POLICE OFFICERS. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1921. CONVEYANCE OF DISEASED PERSONS. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1922. PROPERTY LEFT IN A TAXICAB. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1923. INSPECTION OF VEHICLES. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1924. TAXISTANDS. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1925. STANDING. Rescinded – Effective July 29, 2016~~
~~Sec. 9-1926. TAXISTAND FEE. Rescinded – Effective July 29, 2016~~

~~STATE LAW REFERENCE: Council shall have power to regulate taxis, V.S.A., T. 24, Sec. 2031.~~

~~Sec's. 9-1927 to 9-1999. Reserved.~~

~~Enacted October 25, 1972.~~
~~Amendment enacted July 28, 1976 [Sec. 9-1906, 9-1919 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~
~~Amendment enacted May 26, 1982 [Sec's. 9-1907 and 9-1926 fees increased]. Date of Publication: 6/9/82. Effective Date: 6/16/82.~~
~~Amendment enacted November 9, 1988 [Sec. 9-1926, fee increased]. Date of Publication: 11/21/88. Effective Date: 1/1/89.~~
~~Amendment enacted March 28, 1990 [Sec. 9-1907, fees increased]. Date of Publication: 4/09/90. Effective Date: 7/01/90.~~
~~Amendment enacted July 13, 2016 [Entire Chapter 9, Article XIX, Taxicabs, rewritten]. Effective Date: July 29, 2016.~~

CITY COUNCIL Agenda Item #19-256(g)
Date: September 11, 2019
Consent _X_ Discussion ___

SUBJECT: Approval of body, hydraulics and sanders for Truck #1 and Truck #2

SUBMITTING DEPARTMENT: Department of Public Works

RECOMMENDED ACTION: Award contract for body, hydraulics and sanders to Viking Cives USA in the amount of $31,750.00 for Truck #1.

STRATEGIC OUTCOME/PRIOR ACTION: Sustainable Infrastructure

EXPENDITURE REQUIRED: $31,750.00

SOURCE OF FUNDS: FY20 Equipment Plan (CIP)

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Bid specs were sent to six dealers for the body, hydraulics and sanders for the completion of truck #1. With four venders responding, we opened all bids on July 16th 2019 at 10:00am.

The low bid for Truck #1 was submitted by HP Fairfield was retracted. The next low bid was submitted by Donovan Equipment Co. DPW received confirmation that Donovan is not willing to stand by their bid they submitted for the body and hydraulics up-fit for truck #1. Donavan stated that the body that matched the specs would be $2200 more than their bid price and that the bid they submitted was for a body with cross members. The specs are clear that the body was not to have cross members and it was not caught during reviewing bids. Being that Donavan is unable to meet our Bid Specs we must disregard their bid and award to the next low bidder. The additional cost of $2200 dollars will be more than the next low bid. Viking Cives is the next lowest bidder, they are willing to honor their bid price in the amount of $24,650.00 with the additional V Box Sander at $7100.00 and expect the completed truck to be delivered before the end of the year. While Viking's bid will be an additional $1825, it is still below the money outlined in the FY20 capital plan.

SUPPORTING DOCUMENTS: Bid Tab

INTERESTED PARTIES: Department of Public Works

CITY MANAGER'S APPROVAL:

CITY OF MONTPELIER, Vermont
Department of Public Works 10:14AM BZ

Purchase: 7400 Body & Hydraulics
FY 2020
109400.83

Bid Opening: July 16, 2019

Item	Description		DONOVAN	VIKING CIVES	HP FAIRFIELD		
			Total Price	**Total Price**	**Total Price**	**Total Price**	**Total Price**
		LATEST MODEL Dump Body Plow with Hitch Wing with Hitch Single Auger Sander					
	TOTAL BID PRICE		70461.–	57200.–	61429.–		
4	**Option:**	Provide spreader control	1685.–	500.–			
	Estimated date of delivery:	DAYS	210		210-240		

CITY OF MONTPELIER, Vermont
Department of Public Works

Closed 10:06 Am

Purchase: F550 Body & Hydraulics
FY 2020
109400.83

Bid Opening: July 16, 2019

Item	Description		Iroquois	Donovan	Viking Cives	HP Fairfield	
			Total Price	**Total Price**	**Total Price**	**Total Price**	**Total Price**
		LATEST Model Dump body plow with Hitch ASSM.					
	TOTAL BID PRICE		25,676.–	24,400.–	24650.–	22,225.–	
4	**Option:**	V-BOX SANDER	6240.–	5525.–	7100.–	8173.–	
	Estimated date of delivery:	Days	90	90		60-90	

CITY COUNCIL Agenda Item #19-267
Date: September 11, 2019
Consent ___ Discussion X

SUBJECT: Main Street Middle School Property Committee

SUBMITTING DEPARTMENT: Mayor Watson

RECOMMENDED ACTION: Appoint a City Council representative to a Montpelier-Roxbury Public School District committee regarding the future of Main Street Middle School

STRATEGIC OUTCOME: Responsive & Responsible Government

EXPENDITURE REQUIRED: None at this time

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The Montpelier Roxbury Board of School Directors created a committee to explore property options for our Middle School. The Board would like involvement from one City Council member on this committee.

SUPPORTING DOCUMENTS: N/A

INTERESTED PARTIES: School district; Council

CITY MANAGER'S APPROVAL:

CITY COUNCIL Agenda Item #19-268
Date: September 11, 2019
Consent __ Discussion _X_

SUBJECT: Appointment of Voting Representative for VLCT Town Fair

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Appoint a Council or Staff member as the official city voting representative for the Vermont League of Cities & Towns Annual Town Fair on October 2nd-3rd in Killington.

STRATEGIC OUTCOME/INITIATIVE: Responsive and Responsible Government

EXPENDITURE REQUIRED: $100.00 registration fee

SOURCE OF FUNDS: General Fund budget

LEGAL REQUIREMENTS: VLCT Bylaws allow one voting representative per municipality. That representative must be designated in advance by the community's governing body.

BACKGROUND INFORMATION: VLCT is the policy advocacy arm of local governments throughout the state. Each year, the League adopts a Municipal Policy which guides its advocacy efforts throughout the legislative session.

SUPPORTING DOCUMENTS: Delegate Designation Form; Town Fair Attendee Program.

INTERESTED PARTIES: City Council Members; Legislative Delegation

CITY MANAGER'S APPROVAL: Wfraser

VLCT ANNUAL BUSINESS MEETING
1:00-4:00 p.m.

Wednesday, October 2, 2019
Killington Grand Hotel
Killington, Vermont

DELEGATE DESIGNATION FORM

We, the Selectboard/City Council of ______________________________,

designate the following individual as the voting delegate for our city/town at the 2019 Annual Business Meeting:

______________________________	______________________________
Name (please print)	Position

We understand that the above individual will represent the city/town as a voting member of the VLCT membership.

Signed,

______________________________	______________________________
Chairperson	Date

Please return completed form by Friday, September 20, 2019, to VLCT, 89 Main Street, Suite 4, Montpelier, VT 05602. You may also bring it with you to Town Fair.

Please note. This is ***not*** a Town Fair registration form. Visit www.vlct.org/training-events to register online.

If you plan to attend ***only*** the VLCT Annual Meeting (and Wednesday networking reception in the Foyer), please check the box below. There is no charge to attend either of these activities.

❒ **I will only attend the Annual Meeting.**

TOWN
FAIR
2019

Vermont League
of Cities & Towns

Hot Topics

- Cyber Security
- Community Engagement
- Safeguarding Employees

Your Community. Your League. Your Conference.

TOWN FAIR 2019

Your Community.
Your League.
Your Conference.

Why You Should Attend Town Fair

Town Fair, VLCT's annual trade show and conference, is your chance to learn from and connect with your municipal colleagues who experience many of the same challenges and rewards that you do. Because many local officials serve multiple roles that have a variety of responsibilities, we structured Town Fair 2019's twenty-five different training sessions to specifically address topics that our members have said are important to them.

In addition to those training sessions, Town Fair also features an exhibit hall filled with businesses and organizations that work closely with municipal governments. Be sure to connect with them and learn how their products and services can support the work that you do.

Last, but certainly not least, Town Fair is a great time to network with your counterparts from other towns – people who face similar day-to-day challenges – and share your ideas, talk about common issues, and celebrate each other's successes.

We hope to see you in Killington Wednesday, October 2nd, and Thursday, October 3rd,

Highlights

- Two-day event!
- HR training and annual meetings for VLCT, VERB, and PACIF on Wednesday
- Hundreds of municipal officials to connect with and learn from
- Numerous exhibitors who represent a variety of industries and services
- Training sessions tailored to your specific needs
- FREE Wednesday evening reception
- Keynote address on cyber security
- Education Credits and CLE Credits (Please email info@vlct.org to verify which credits will be available.)

TOWN FAIR 2019

October 2-3
Killington, Vermont

Killington Grand Resort & Conference Center

Killington, Vermont

	Early Bird Rate Ends September 13	Regular Rate
Wednesday*	$45	$50
Thursday	$65	$70
Save! Both Days	$100	$110

*Are you attending only the annual meetings? They're free!

Register online at vlct.org

What your registration gets you

- Access to training sessions and more than 30 different speakers
- Lively conversation with peers who share your unique local government experience
- Talk to knowledgeable VLCT staff about an issue you're experiencing – we're here to help!
- Food! Walk across the picturesque lake on your way to enjoy a delicious buffet lunch
- Learn about new and emerging issues affecting local government

Questions?

If you have any questions, please email info@vlct.org or call our offices at 800-649-7915.

You can always find the most up-to-date information about the Town Fair schedule, speakers, training, and exhibitors on our website, **vlct.org**.

Lodging

Overnight accommodations are available at the Killington Grand Hotel, 228 East Mountain Road, Killington, VT 05751. Call 877-458-4637 and reference VLCT Town Fair to reserve a room.

LOVE MY Community

Love My Community Campaign

TOP 4 WAYS TO SHARE THE LOCAL LOVE

Join the national campaign to help your community feel more engaged and connected.

SOLICIT & SHARE LOVE STORIES

Why do you love where you live? There are many reasons, right? Spread the word in a variety of ways.

CELEBRATE PEOPLE & PLACES

Your town and its people are what make your community special. Take the time to honor them.

SHOWCASE THE ARTS

A vibrant artists' presence energizes a community. Provide a platform for creative displays.

MAKE IT OFFICIAL

Enlist local officials and businesses to amplify your impact with declarations, sponsorships, and policies.

For lots of ideas and inspiration, visit: **VLCT.org/LoveMyCommunity**

Wednesday

7:45 **Registration**
Northstar Foyer

8:00 **Breakfast**
Northstar Foyer

8:10 **Municipal HR Networking Group Meeting**
Northstar

8:55 **Attracting and Keeping Municipal Talent in a Tight Market**
Northstar

In the face of low unemployment and a skills shortage, finding and retaining qualified employees has become a nationwide challenge. Vermont and New Hampshire face unemployment rates even lower than those of neighboring states. What can a Vermont municipality do? This session will offer ways to attract qualified candidates and retain your valuable new hires and employees. It will also cover the legal and practical aspects of helping employees return to work safely and productively after a workers' comp injury or other medical leave. Attendees will come away with new insights and sample forms.

9:00 **Attracting Talented Employees**

Speaker: Michael Kilfoyle, Principal/Senior Vice President, Hickok & Boardman HR Intelligence

10:00 **The Costs of Employee Turnover and How to Improve Retention Through Onboarding**

Speaker: Jill Muhr, Senior Human Resources Consultant, VLCT

10:30 **Break**

10:40 **Helping Employees Return to Work Safely and Legally**

Speaker: Kaveh Shahi, Principal, Cleary, Shahi & Aicher, PC

Panelists: Peggy Gates, Manager, Workers' Compensation Claims, VLCT; Jill Muhr, Senior Human Resources Consultant, VLCT; Fred Satink, Deputy Director, Underwriting and Loss Control, VLCT

11:30-1:00 **Lunch**
Preston's Restaurant

1:00-4:30 **VLCT, PACIF, VERB Annual Meetings and Municipal Policy Discussion**
Northstar

4:30 **Evening Reception and Awards Presentation**
Northstar Foyer, Lower Lobby, Courtyard

VLCT 2019 Annual Meeting

At the annual meeting, VLCT members have the opportunity to vote for candidates for the VLCT Board for the next year, hear a report from the executive director about the League's activities during the past year, and strategize to implement ongoing municipal policy. VLCT's membership adopted a two-year Municipal Policy in 2018 to address the entire 2019-2020 legislative biennium. Advocacy staff is using time between the two sessions to continue the work begun in 2019 and to develop a strategy to secure wins for Municipal Policy priorities in 2020. There will be significant discussion about refining strategies and determining the best ways to implement them, especially regarding the key priority of municipal self governance.

VLCT needs its members' experience and enthusiasm to convince legislators to grant the authority to govern your communities – producing the results in public safety, economic and environmental sustainability, recreation, finance, health, and innovation that your constituents expect. Please attend and voice your thoughts about the Municipal Policy in 2020, as well as the other agenda items to come before the membership.

We urge one voting delegate per member city or town to participate. All members are welcome to attend and speak. Non-members may observe and speak when recognized by the group in accordance with VLCT bylaws. The voting delegate form is available to download on the VLCT website, vlct.org.

PACIF and VERB Annual Meetings

It is important that you attend this meeting if your municipality is a member of the Property and Casualty Intermunicipal Fund (PACIF) or the VLCT Employment Resource and Benefits Trust (VERB). As a member and owner, you should take this opportunity to learn about the financial health of each trust, elect officers, and make bylaw changes. VLCT staff will also report on the many programs and services the trusts provide on your behalf. We look forward to seeing you at the meetings!

VLCT Municipal Service and Lifetime Achievement Awards

Do you know a local official who has served local government exceptionally well? Please consider nominating them for VLCT's Municipal Service or Lifetime Achievement Award. Recognition of our award winners takes place at Town Fair.

Municipal Service Award

This award is given to an elected or appointed municipal official who has shown an active commitment to strong local government beyond the borders of their community – such as service to the Vermont League of Cities and Towns – and has also demonstrated a commitment to his or her municipality by serving on a board or commission.

Lifetime Achievement Award

VLCT presents the Lifetime Achievement Award from time to time to a municipal official or employee who has dedicated their career to serving local government both within his or her community and through service at a statewide level on a board or commission or the Vermont League of Cities and Towns.

Legislative Service Award

This award recognizes a member of the Vermont General Assembly who, through their service, has best shown an awareness of the issues facing local government and its capacity for self-governance, and who has sought to provide local authority on a statewide basis through legislative action.

Nominate

Don't miss the chance to recognize a colleague for their many contributions to your community.

Submit a nomination form by Friday, August 30, 2019.

Nomination forms can be ftound at **vlct.org/awards**.

Thursday

8:00-11:00 **Registration**
Northstar Foyer

8:00-11:00 **Breakfast and Coffee in the Exhibit Hall**
Oscar Wilde Ballroom

8:00-3:30 **Visit the Exhibitor Booths**
Oscar Wilde Ballroom

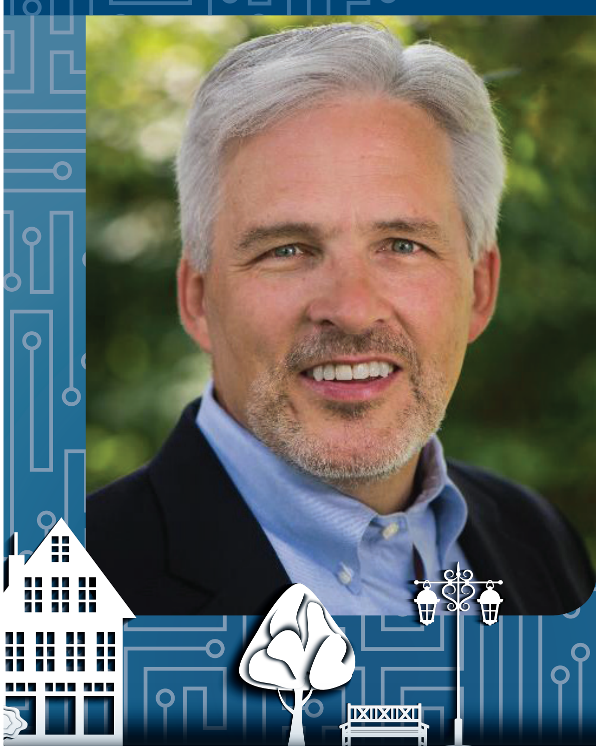
CONCURRENT SESSIONS 8:30-9:30

8:30 **Create Places People Love with Placemaking**
Northstar I

Do you have a vision for your community or an idea about how you want your community to look, feel, and be experienced, but you aren't sure how to get there? Making big changes doesn't always require thousands of dollars and years of work. Learn about AARP's Creative Placemaking, a hands-on approach to improving public spaces and making communities more livable for people of all ages and abilities. This session will describe the important role that arts and economic development play, and provide tips and tools to implement a demonstration project in your community as well as "recipes" for practical applications in small town settings.

Speaker: Kelly Stoddard-Poor, Director of Outreach, AARP VT

Morgan Wright



Government Business is Big Business to Hackers, Scammers, and Thieves

Morgan Wright is an internationally recognized expert on cyber security strategy, cyber terrorism, identity theft, and privacy. His landmark testimony before Congress on Healthcare.gov changed how the government collected personally identifiable information. He has made hundreds of appearances on national news, radio, print and web, and has spoken to audiences around the world. Previously, Morgan was a Senior Advisor in the U.S. State Department Antiterrorism Assistance Program. In addition to serving for 18 years in state and local law enforcement, Morgan has developed solutions in defense, justice, and intelligence for the largest technology companies in the world.

KEYNOTE

8:30 **Enforcing Local Ordinances**

Northstar II

Many cities and towns have adopted ordinances to regulate dogs, solid waste, parking, traffic, and other quality of life issues. Enforcing these regulations is critical. This session will review requirements of the civil violation system, including how "enforcement officials" issue municipal tickets and file them with the Judicial Bureau. Best practices, tips for complying with state law governing the process for enforcing civil ordinances, and what to expect when prosecuting a violation will also be covered in this overview.

Speaker: Trevor Whipple, Law Enforcement Consultant, VLCT

8:30 **Statewide Contract Partnerships**

Gateway I

Join us for a discussion of the new available contracts (such as Cloud Solutions) and how municipalities can benefit from statewide contracts issued by the Office of Purchasing and Contracting.

Speaker: Deborah Damore, Director, Office of Purchasing and Contracting, State of Vermont

8:30 **Substance Abuse in Vermont – Addressing Local Concerns**

Gateway II

This session offers a broad overview of substance abuse in Vermont; best practices for prevention, treatment, recovery and enforcement; and how to break the cycle of addiction and support long-term recovery.

Speakers: Chris Bell, Director, Division of Emergency Preparedness, Response, and Injury Prevention, Vermont Department of Health; Representative, Alcohol and Drug Abuse Programs, State of Vermont; Cynthia Seivwright, Director, SSA, Vermont Department of Health

8:30 **What is a Stormwater Utility and Why Do You Want One?**

Escapade I

Managing a town's stormwater is a growing challenge for local governments. A stormwater utility, operating much like an electric or water utility, may collect fees related to the control and treatment of stormwater. In this session, we will discuss how establishing a stormwater utility can be beneficial. We will also explore opportunities for regional inter-municipal stormwater programs.

Speaker: Karen Adams, Technical Services Manager, Colchester Public Works Department

8:30 **Demystifying Compliance with Federal Motor Carrier Safety Regulations**

Escapade II

Municipalities that have employees operating commercial motor vehicles – such as heavy dump trucks, large box trucks, or buses – are required to comply with complex Federal Motor Carrier Safety Administration regulations. In this session, we will highlight key issues and provide helpful guidance on how to meet these requirements. Topics will include drug and alcohol testing, hiring, and ongoing record keeping. Attendees will receive useful resources to help with their compliance efforts.

Speaker: Jim Carrien, Loss Control Supervisor, VLCT

9:45-10:30 **Keynote Address: Morgan Wright**
Government Business is Big Business to Hackers, Scammers, and Thieves

Northstar

Government is now less secure than the healthcare industry, and it's getting worse. In 2016, only 13% of public sector entities were victims of ransomware. By 2018, that number had risen to 38%. Fortunately, there are things that governments can do to combat this threat. Learn six actions you can take to immediately improve your defenses, as well as how to create and remember a unique password for every login. Discover what a world-famous hacker has to say about phishing and spearphishing. If you want to stop hackers, scammers, and thieves, then this presentation is for you.

11:00-12:00 **Vermont Association of Chiefs of Police Annual Meeting**

Escapade I

CONCURRENT SESSIONS 11:00-12:00

11:00

Building a Successful Public Information Campaign

Northstar I

Budgets? Bond votes? Ballot items? Events? Learn which building blocks of a campaign will best inform your community through multiple channels. Attendees to this session will walk away with useful templates, tips that work, and resources to help you get the word out quickly and efficiently.

Speaker: Coralee Holm, Director of Community Engagement and Innovation, South Burlington City

11:00

Let the Sunshine In: Transparency and Openness in Local Government

Northstar II

In Vermont, matters of local government frequently invoke the Open Meeting Law, the Public Records Act, and conflicts of interest requirements, sometimes simultaneously. In this session, VLCT attorneys will summarize each of these "sunshine laws" (laws that require openness in and access to government) and the legal obligations they create for selectboards.

Panelists: Garrett Baxter, Senior Staff Attorney, VLCT; Carl Andeer, Staff Attorney II, VLCT; Susan Senning, Staff Attorney I, VLCT

11:00

Grand List Software: What's Next?

Gateway I

Last spring the Department of Property Valuation and Review (PVR) held 14 listening sessions around the state and worked with VLCT on a technology needs assessment to ensure its new grand list software would accurately reflect town needs and processes now and in the future. This large scale system is used by towns and PVR to maintain the statewide education grand list and to implement the statewide education property tax system. This session's speaker will provide an update on the software, focusing on GIS integration, property tax billing, web-based logons, and more.

Speaker: Jill Remick, Director, Property Valuation and Review, Vermont Department of Taxes

11:00

Community Transformation Through Public/Private Partnerships

Gateway II

Over the last five years, the City of St. Albans has experienced a dramatic economic transformation. The foundation of this transformation has been the city's willingness to assume risk and form partnerships that attract the type of development its citizens desire. This session will provide a behind-the-scenes look at the city's development projects with particular focus on the strategies, tactics, and tools others can use to create successful economic development projects.

Speaker: Dominic Cloud, City Manager, St. Albans City

11:00

Vermont Hub Communities

Escapade II

Hub communities host and finance a range of services not only for their own residents and businesses, but also those for whom your town is a recreation destination, who seek employment, or depend on essential social, governmental, non-profit, public safety and regional services located there. In past discussions, VLCT members identified "VTrans Paving Projects in Designated Downtowns" as a particularly challenging problem that is unique to hub communities. In this session, we will discuss how to approach VTrans in a unified manner to establish an MOU or other means to reduce the disruptions caused by such projects. If time permits, we also will address the challenges facing hub communities and how to avoid the stresses of hosting regional services".

Speaker: Peter Elwell, Town Manager, Brattleboro Town

12:15

Lunch

Snowshed Baselodge (across the bridge)

1:20

Dessert

Exhibit Hall, Oscar Wilde Ballroom

CONCURRENT SESSIONS 1:45-2:45

1:45

Connecting the Dots — Engaging with your Community

Northstar I

Do you struggle with finding ways to communicate with members of your community and elicit feedback? Do you cast the net wide on a topic but hear from the same group of vocal residents? Are your public meetings only sparsely attended? This interactive workshop will explore strategies to create ways to maintain relevant dialogue with your townspeople. Discover new tools that can help you with the process. Learn about the City of South Burlington's pilot program using the Consensus community engagement mobile app.

Speaker: Coralee Holm, Director of Community Engagement and Innovation, South Burlington City

1:45

Safeguarding First Responders' Mental Health (Part 1)

Northstar II

Today, police officers receive an enormous amount of basic training and organizational education to help them deal with the often challenging situations they encounter on a daily basis. It is equally important for first responders to receive similar guidance. Employee assistance programs, peer-to-peer systems, annual mental wellness "physicals", a chaplaincy connection, and limiting exposure to psychological trauma are a few ways they can maintain healthy minds. Michael Kehoe will draw upon his experience as chief of police during the Sandy Hook school shooting to discuss how traumatic events affect the mental health and wellness of first responders. He will bring his firsthand knowledge to talk about stress in the workplace, PTSD, resilience, and suicide prevention.

Speaker: Michael Kehoe, Chief of Police (ret.), Newtown, Connecticut

1:45

Practical Cyber Security Advice for Vermont's Cities and Towns

Gateway I

How can you protect your city or town from ransomware? How can you prevent hackers from gaining unauthorized access to your email accounts? Is it possible to securely send tax information or other regulated, private, or sensitive information to another person? In this interactive session, attendees will learn about the current cyber threats that Vermont cities and towns are facing and come away with practical (and sometimes free) solutions that you can immediately put to use.

Speaker: Jonathan Rajewski, Director, Senator Patrick Leahy Center for Digital Investigation at Champlain College

1:45

Improve Accounting and Reporting Using Internal Controls

Escapade I

Having a well-planned system of internal controls is a best practice for reducing the chance of fraud and embezzlement. It can also reduce the possibility of errors, which will in turn result in more accurate financial reporting. In this session, we will review the basic concepts behind a system of internal controls as well as the internal controls checklist and guidance developed by VLCT.

Speaker: Bill Hall, Senior Financial Consultant, VLCT Municipal Assistance Center

1:45

Municipal Records Retention and Best Practices

Escapade II

The Vermont Public Records Act requires municipal officials and employees who are custodians of public records to retain and manage those records. It can be difficult to identify which records need to be kept and to understand whether and when those records may be discarded or destroyed. This session will provide a broad overview of how to conduct an inventory of public records, how to read a records schedule, and where to find the state's list of record-keeping requirements. The presentation will also include an update on the latest retention schedules.

Speaker: Megan Wheaton-Book, Records & Information Management Specialist III, Vermont State Archives & Records Administration

3:00

Raffles and Prizes

Exhibit Hall, Oscar Wilde Ballroom

CONCURRENT SESSIONS 3:15-4:15

3:15

Marijuana Legalization: Next Steps

Northstar I

In 2018, Vermont legalized the recreational use of marijuana. In the 2019 legislative session, a bill that would implement a comprehensive regulatory and revenue system for a taxed and regulated marijuana marketplace gained momentum toward passage in 2020. What will a fully taxed and regulated market mean for municipalities? How much authority will your town have over marijuana establishments? How should you prepare? How can you best advocate what your towns and cities will need to your legislators over the coming months? This session will answer these questions and more.

Speaker: Gwynn Zakov, Municipal Policy Advocate, VLCT

3:15

Safeguarding First Responders' Mental Health (Part 2)

Northstar II

A continuation of the discussion from the 1:45 session.

Speaker: Michael Kehoe, Chief of Police (ret.), Newtown, Connecticut

3:15

Time for Your Fiscal Exam

Gateway I

There is both an art and a science to measuring a municipality's fiscal health. This session will highlight the available tools that you can use to determine the fiscal condition of your town or city and explore the research that tests the tools' effectiveness to determine how best to use them.

Speaker: B. Michael Gilbar, Chief Financial Officer, VLCT

3:15

Clean Water and Drinking Water State Revolving Loan Fund Update

Gateway II

The Clean Water and Drinking Water State Revolving Fund programs have undergone several significant changes recently, such as the expansion of eligible clean water projects, the funding of private entities for clean water projects, sponsorship of natural resources projects by municipalities, and additional subsidy incentives for drinking water projects. Learn how these changes can help applicants receive funding for enhanced projects while potentially reducing the amount of money needed from the municipality.

Speakers: Terisa Thomas, Program Director, Vermont Department of Environmental Conservation; Ashley Lucht, Project Leader, Vermont Department of Environmental Conservation

3:15

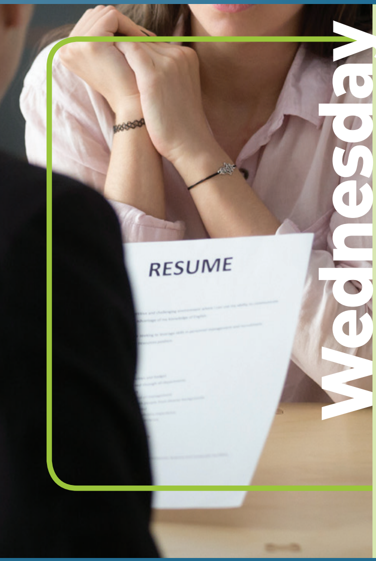
Working Together for Our Communities: Town Officials and Libraries as Partners in Innovative Initiatives

Escapade

Throughout Vermont, libraries often play an important role in collaborative community projects, from highlighting a town's history to supporting technology needs of local schools. Our speaker will show attendees the benefits of actively partnering with their local municipal or nonprofit incorporated library on a wide range of projects, from the conventional to the unexpected.

Speaker: Lara Keenan, State Library Consultant, Governance and Management, Vermont Department of Libraries

Discover Where Your Risks Lurk



Wednesday

Attracting and Keeping Municipal Talent in a Tight Market

Finding and retaining qualified employees has become a nationwide challenge. What can a Vermont municipality do? This session will offer ways to attract qualified candidates and retain your valuable new hires and employees. It will also cover the legal and practical aspects of helping employees return to work safely and productively after a workers' comp injury or other medical leave.

Attracting Talented Employees

Speaker: Michael Kilfoyle, Principal/Senior Vice President, Hickok & Boardman HR Intelligence

The Costs of Employee Turnover and How to Improve Retention Through Onboarding

Speaker: Jill Muhr, Senior Human Resources Consultant, VLCT

Helping Employees Return to Work Safely and Legally

Speaker: Kaveh Shahi, Principal, Cleary, Shahi & Aicher, PC

Thursday

Keynote Address

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Speaker: Morgan Wright

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Speaker: Michael Kehoe, Chief of Police (ret.), Newtown, Connecticut

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- Access new products and services
- Share your expertise

Discover

- Get new solutions to old problems
- Employ tools that you can use right away
- Learn about emerging issues in local government

Learn

- Gain new skills to connect with your community
- Learn about updates to the law
- Meet more than 25 thought leaders and speakers

TOWN FAIR 2019

October 2-3
Killington, Vermont

CITY COUNCIL Agenda Item #19-269
Date: September 11, 2019
Consent ___ Discussion X

SUBJECT: Event fees

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Discuss establishing a fee policy for non-City sponsored events in Montpelier **(See background information below)**.

STRATEGIC OUTCOME: Community Prosperity; Responsive & Responsible Government

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Events taking place in the City of Montpelier often present the need for staff overtime. Following the Bernie Sanders campaign event, City Council discussed up the idea of requesting donations or charging fees for additional staff services covering events.

Options include providing estimated staff overtime costs to for-profit or political groups applying for street closure permits, with the first $500 to be covered by the City. After that, fees would incur. City Council could have the option to waive fees if it is in the public's interest.

For reference, below were the costs associated with the Bernie Sanders Campaign Rally:

City Manager's Office; one staffer	$280.00
Montpelier Fire Department; Chief, 1 staff	$589.96
Montpelier Police Department; 5 overtime	$1,043
Parking	$274.00
Total	**$2, 186.96**

SUPPORTING DOCUMENTS: N/A

INTERESTED PARTIES: Police; Fire; Public Works; Finance

CITY MANAGER'S APPROVAL: