



Agenda

City Council Meeting

City Council Chambers, City Hall
Wednesday, September 25, 2019
6:30 P.M.

1. Call To Order By The Mayor
2. Adjournment
3. 19-273. Review and approve agenda
4. 19-274. General business and appearances
5. 19-275. Consideration of the Consent Agenda
 - a. Approve 9/11 meeting minutes
 - b. Approve water/sewer rates
 - c. Approve Barre Street night paving
 - d. Approve Taylor Street reconstruction contract
 - e. Approve CVFiber regular/alternate member reversal
 - f. Adjustment of First Time Homebuyer award
 - g. City Hall Arts Center fee waiver requests
 - h. Payroll and bills
 - i. **ADDENDUM** - USDA Rural Development Funding for Organics to Energy project
6. 19-276. **6:40 PM** Zoning, 2nd Public Hearing

7. 19-277. Appointment to the Community Fund Board
8. 19-278. Appointment to the Central Vermont Regional Planning Commission
9. 19-279. Confluence Park/Waterfront
10. 19-280. Chapter 7 Ordinance Amendments, 4th Public Hearing
11. 19-281. Chapter 8 Ordinance Amendments, 2nd Public Hearing
12. 19-282. Strategic Plan update
13. 19-283. Other business
14. 19-284. Council reports
15. 19-285. Mayor's report
16. 19-286. City Clerk's report
17. 19-287. City Manager's report

Minutes of the Montpelier City Council Meeting
September 11, 2019 6:30pm
City Council Chambers

In attendance: Mayor Anne Watson (Chair), City Manager William Fraser. Councilors Dona Bate, Conor Casey, Glen Hutcheson, Jack McCullough, Ashley Hill (via phone) and Councilor Lauren Hierl. Deputy City Clerk Crystal Chase acted as secretary.

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

- 12-254. Mayor Watson suggested to rearrange the agenda items to include the items on the addendum. Councilor McCullough, with a second from Councilor Casey moved to pass the agenda with the suggested order changes. Motion passed unanimously.
- 19-255. Morgan Brown addressed the Council to read a resolution from Disability Rights Vermont that creates the Mark Johnson Memorial Fund, as well as a letter of his own. Stephen Whitaker addressed the Council on the following issues: transparency and open records concerns regarding the recent shooting, frustration regarding notice for meeting of homeless task force, credit card users at parking spaces on Labor Day should be refunded, on holidays parking meters should be bagged with sponsorship by the merchants, concerns about progress on bike path lot, positive response to the new Public Works director, a desire for a public display of public works projects as well as the creation of a public wifi, concerns over possible favoritism in the building public nuisance ordinance, adequacy of sidewalk cleaning, a desire for more direct action on the CVPSA, the serving of Cool Runnings food at Rabble Rouser.
- 19-256. Councilor's McCullough and Casey moved to approve consent agenda with the addition of item g (being addendum item 1; purchase of truck parts.)
- 19-257. At 6:45 Mayor Watson opened the public hearing on proposed zoning changes. Planning Director Mike Miller addressed the Council. After discussion, Councilor McCullough, with a second from Councilor Hierl, moved to pass first hearing and set the second public hearing for the next Council meeting. Motion passed with no objection.
- 19-258. The sole applicant to serve on the Historic Preservation Commission, Sarah "Sally" Smith, introduced herself to the Council. Councilor Hutcheson moved her appointment which was seconded by member Hierl and the motion passed unanimously.
- Addendum #2 Councilor McCullough voiced his interest in the position of Council representative to the Main Street Middle School committee and Councilor Bate moved to appoint him, seconded by Councilor Hutcheson. Motion carried unanimously.
- 19-259. Councilor Casey led the discussion of a Responsible Employer Ordinance and introduced Danielle Bombardier, Larry Moquino, Dennis LA bounty, David Van Duesen who addressed the Council. Donna Barlow-Casey approached the Council to answer questions. Peter Callman then addressed the Council. Further discussion followed.

Councilor Casey moved to set the 1st public hearing for the next meeting which was seconded by Councilor Hill. As per discussion, the motion was amended to the meeting on October 9th by acclamation. The motion carried unanimously.

19-260. At 7:48pm, Michael Sherman spoke on a proposed Livable Wage Ordinance. No formal action taken.

19-261. After a brief discussion of the proposed amendments to ordinance Chapter 9, at 8:15 Mayor Watson opened the public hearing. After more discussion the public hearing was closed at 8:23 and Councilor McCullough moved to set 2nd public hearing for the October 9th meeting. Motion was seconded by Councilor Hutcheson and passed unanimously.

Addendum item 4-19-269. There was discussion around trying to recoup money from events in town that require our services such as; fire, police, EMT, and DPW. No formal action was taken.

Addendum-3. In regards to the Appointment of City Council voting representative for the Vermont League of Cities and Town Fair, Councilor Bate announced that she was already planning on attending, Council member Hierl nominated her to be appointed, Councilor Casey 2nd with no objections.

12-263. Councilor Bate spoke of Parkapalooza and noted that the last event was coming up on September 21st. Councilor Casey welcomed Rabble Rouser to town.

Councilor Hutcheson gave a quick update of the Homelessness task force, invited everyone to attend his next visit with Another Way on September 23rd at 3pm, and expressed his excitement to be teaching an upcoming drawing class at the Wood gallery.

Councilor McCullough raved of the art walk and all the good work that is available to view around town. He also had attended the Rabble Rouser opening and was very impressed. Councilor Hierl passed along that the social economic committee would be bringing forward a proposal soon.

12-264. Mayor Watson talked about the upcoming Drive Electric event and the upcoming transportation meetings. She also announced that the confluence park design reveal would be on September 24th at 7:30pm

12-265. The Deputy City Clerk reminded attendees that Water and Sewer bills are due on the 15th.

12-266. The City Manager stated that the city is close to decisions regarding the open DPW Director and Assistant City Manager positions.

Adjournment was called at 9:17 with no objections.

Minutes of the Montpelier City Council Meeting
September 18, 2019 6:00pm
City Council Chambers

In attendance: Mayor Anne Watson (Chair), Councilors Dona Bate, Conor Casey, Lauren Hierl, Jack McCullough, Councilors Ashley Hill and Glen Hutcheson were not present. City Manager William Fraser acted as secretary.

The meeting was called to order at 6:01 PM.

The proposed agenda was approved by unanimous consent. The Mayor spoke briefly on the transportation forum.

Under General Business, Steve Whitaker offered comments on the web site, the permit being acted upon, noise abatement in the council chamber, CVPSA and CVFiber.

Councilor McCullough moved to approve the consent agenda with the liquor license for Rabble Rouser. Councilor Bate seconded. Vote was 4-0 in favor.

Meeting adjourned at 6:06 PM by unanimous consent.



CITY COUNCIL Agenda Item #19-175(b)

Date: September 25, 2019

Consent X Discussion

SUBJECT: Adopt Water and Sewer Rates

SUBMITTING DEPARTMENT: Finance Department

RECOMMENDED ACTION: Adopt the Water and Sewer Rate Resolution as planned in the Water/Sewer Master Plan. The annual fixed charges for water and sewer users will be \$224.00. Water usage rates will be \$8.60 per one thousand gallons for the first 50,000 gallons per quarter, \$9.25 per thousand gallons for usage between 50,000 and 250,000 gallons used per quarter and \$14.30 per thousand gallons for usage over 250,000 gallons per quarter. The sewer usage rate will be \$9.80 per one thousand gallons used.

RELATED COUNCIL GOAL/PRIOR ACTION: Environmental Stewardship; Sustainable infrastructure; Responsive and Responsible Government

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: City Council adopts rates as deemed necessary in the best interest of the city.

BACKGROUND INFORMATION: The proposed rate increases of 3.2% are consistent with the existing Water/Sewer Master Plan.

SUPPORTING DOCUMENTS: Rate history spreadsheet with proposed rates and Water Sewer Rate Resolution

INTERESTED PARTIES: City Council, Residents, Voters, City Staff

CITY MANAGER'S APPROVAL:

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CITY OF MONTPELIER
WATER SEWER RATES
HISTORY

Fiscal Year	WATER STEP 1 Metered Rate per 1,000 Gallons (First 50,000 per quarter)	STEP 1 % Increase (Decrease)	WATER STEP 2 Metered Rate per 1,000 Gallons (Between 50,000 and 250,00 gallons per quarter)	STEP 2 % Increase (Decrease)	WATER STEP 3 Metered Rate per 1,000 Gallons (Exceeding 250,000 per quarter)	STEP 3 % Increase (Decrease)	WATER FIXED COST ANNUAL	WATER FIXED COST % Increase (Decrease)	Annual Flat Rate SEWER (only 38 accounts)	SEWER (Metered Water) Rate per 1,000 Gallons	% Increase (Decrease)	SEWER FIXED COST ANNUAL	% Increase (Decrease)	Total Annual WATER & SEWER Fixed Costs	% Increase (Decrease)
2020	\$8.60	3.6%	\$9.25	3.4%	\$14.30	2.1%	\$224.00	3.7%	\$800.00	\$9.80	3.2%	\$224.00	3.7%	\$448.00	3.7%
2019	\$8.30	3.7%	\$8.95	3.5%	\$14.00	3.6%	\$216.00	5.9%	\$780.00	\$9.50	3.3%	\$216.00	5.9%	\$432.00	6%
2018	\$8.00	1.5%	\$8.65	3.0%	\$13.52	1.5%	\$204.00	8.5%	\$752.00	\$9.20	1.5%	\$204.00	8.5%	\$408.00	9%
2017	\$7.88	2.0%	\$8.40	2.0%	\$13.32	0.0%	\$188.00	10.0%	\$725.00	\$9.06	2.0%	\$188.00	10.0%	\$376.00	10%
2016	\$7.73	0.0%	\$8.21	0.0%	\$13.32	0.0%	\$170.00	8.0%	\$725.00	\$8.89	2.0%	\$170.00	4.0%	\$340.00	6%
2015	\$7.73	0.0%	\$8.21	0.0%	\$13.32	0.0%	\$158.00	5.0%	\$725.00	\$8.72	0.0%	\$164.00	31.0%	\$322.00	17%
2014	\$7.73	0.0%	\$8.21	0.0%	\$13.32	0.0%	\$150.00	4.0%	\$690.00	\$8.72	0.0%	\$125.00	1.0%	\$275.00	3%
2013	\$7.73	3.0%	\$8.21	3.0%	\$13.32	3.0%	\$144.00	3.0%	\$690.00	\$8.72	3.0%	\$124.00	3.0%	\$268.00	3%
2012	\$7.51	0.0%	\$7.97	0.0%	\$12.93	0.0%	\$140.00	40.0%	\$630.00	\$8.47	0.0%	\$120.00	0.0%	\$260.00	18%
2011	\$7.51	0.0%	\$7.97	0.0%	\$12.93	0.0%	\$100.00	0.0%	\$630.00	\$8.47	0.0%	\$120.00	0.0%	\$220.00	0%
2010	\$7.51	3.0%	\$7.97	3.0%	\$12.93	3.0%	\$100.00	22.0%	\$630.00	\$8.47	3.0%	\$120.00	15.4%	\$220.00	18%

RESOLUTION

Water and Sewer Rates established by the City Council of the City of Montpelier.

WATER USE RATES RESIDENTIAL:

Unless metered, each residential unit, including apartments, duplex, multi-family and similar type housing units which contain bathroom and/or kitchen facilities, shall be charged at the rate of \$1,200.00 per unit, per year. No reduction in annual rates will occur due to the seasonal occupancy and/or extended discontinuance of service.

SEASONAL:

An annual seasonal flat rate of \$224.00 will apply to the following properties: Recreation Department-Hubbard Park Shelter; Cemetery-Lincoln Avenue property.

FIRE PROTECTION SPRINKLER SYSTEMS:

Fire protection sprinkler systems for commercial, industrial, and governmental units shall be charged at the rate of \$0 per year.

FIRE PROTECTION STANDBY CHARGE:

For fire protection for buildings that are located within the City water supply area, but are not connected to such water supply, or are connected to a private water supply in addition to the City water supply, a standby or capacity charge is set at \$0.

HYDRANT USE:

For the use of the hydrant at the DPW garage on Dog River Road, a hydrant use application and applicable fee shall be submitted prior to drawing water. The fee schedule shall be per truck and as follows:

\$100 up to 2,500 gallons, \$125 up to 5,000 gallons and \$150 up to 7,500 gallons.

METERED:

All Metered units shall be charged at the rate of \$8.60 per 1,000 gallons for the first 50,000 gallons, at the rate of \$9.25 per 1,000 gallons for usage between 50,000 and 250,000 gallons and at the rate of \$14.30 per 1,000 gallons for usage over 250,000 gallons during a three-month billing period except for multi-unit elderly housing as defined in the Vermont State Statutes, Title 24, Section 4002 (11).

In addition, a readiness-to-serve charge of \$56.00 per meter per billing period shall be imposed on each residential, commercial, industrial, and governmental metered premise to partially offset the fixed costs of the water system.

ON/OFF FEES:

During regular working hours, a charge of \$40.00 shall be made for turning off water service, and a charge of \$40.00 shall be made for turning on water service at the City curb stop. During non-working hours, these fees will be \$120.00 respectively.

ON DEMAND WATER METER READING FEE:

During regular working hours, a charge of \$75.00 shall be made for individual meter readings requested outside the normal billing period.

SEWER USE RATES

RESIDENTIAL:

Unless metered, each residential unit, including apartments, duplex, multi-family and similar type housing units which contain bathroom and/or kitchen facilities, shall be charged at the rate of \$200.00 per quarter. No reduction in annual rates will occur due to seasonal occupancy and/or extended discontinuance of service.

METERED:

Metered residential, commercial, industrial, and governmental units shall be charged at the rate of \$9.80 per 1,000 gallons of water usage.

In addition, an administrative charge of \$56.00 per meter per billing period shall be imposed on each residential, commercial, industrial, and governmental metered premise to fully offset fixed administrative costs of the sewage facilities.

Further, a credit may be granted toward the sewer bill of any business that diverts substantial amounts of metered water from the sanitary sewer system continually, such as a cooling tower or other similar structure. The Director of Public Works may grant a credit to any commercial or industrial user who installs a separate meter to measure the volume of water that is not discharged into the City's wastewater disposal system. The credit shall be equal to the sewer use charges for such volume of water.

NEW WATER CONNECTIONS

It is hereby resolved by the City Council of the City of Montpelier, acting as the Board of Water Commissioners, that all new service connections to the Montpelier water system will be made as outlined in Section 3-305 of the Montpelier City Ordinances.

SEWER CONNECTIONS

It is hereby resolved by the City Council of the City of Montpelier, acting as the Board of Sewer Commissioners, that an application/inspection fee of \$500 shall be charged for sanitary sewer connections and \$100 for storm water sewer connections. A new sewer service charge shall not pertain to properties already serviced by the system unless an indirect connection is proposed. An indirect connection is defined as any change in the structure currently or proposed to be served through an existing connection which will result in additional dwelling units, and for each unit to be served by a common new or existing service, or in the case of non-residential and tax exempt space, where such

change will result in additional building square footage. All connections for sanitary lines shall be performed by the applicant under City inspection and all costs thereof shall be borne by the applicant. The applicant is responsible for obtaining all construction and access permits as necessary to make the connection.

WATER AND SEWER RATES - DELINQUENCIES

A penalty of eight percent (8%) shall attach to any rate charge for water and sewer service or connection if not paid when due. In addition, interest at the rate of one percent (1.0%) per month, or any part thereof, shall be charged for the first three months - and at a rate of one and one-half percent (1.5%) thereafter - on any unpaid balance from the due date of any water or sewer charge, or connection charge, until date of payment. Collection of all delinquent rate charges and service connections, together with penalty and interest and costs, shall be as provided by law.

WATER AND SEWER RATES - REFUNDS

It is the ultimate responsibility of the water and sewer user to verify the accuracy of their account and billing information. Water and sewer rates charged and collected in error shall be refundable up to one (1) year from the date billed.

WATER & SEWER UTILITY BILL ADJUSTMENT

In the event that a customer (per account) receives a utility bill that is based on consumption greater than 2.5 times the average of the last four (4) consecutive readings, within the same billing cycle (example fall cycles or spring cycles to account for seasonal variation), due to a water leak or other problems associated with the customer's plumbing, then said customer (per account) will be eligible for a one-time adjustment to their utility bill based on the following:

- Customer has made appropriate repairs to plumbing. Evidence of repair shall be in the form of receipt from a plumber or subsequent water readings indicating that the problem has been corrected;
- In applying for adjustment, the customer shall swear that he or she had no knowledge of the plumbing problem prior to incurring the charges;
- As an adjustment, the customer shall pay a sum equal to 2.5 times the average of the last four (4) consumption readings within the same billing cycle;

EFFECTIVE DATES

Water and Sewer Rates for Metered use and all other rates are made effective July 1, 2019 and shall remain in effect until amended.

Adopted this 25th day of September, 2019

SIGNED:

Anne Watson, Mayor

Council Members:

CITY SEAL:

John Odum, City Clerk



CITY COUNCIL Agenda Item #19-275(c)

Date: September 25, 2019

Consent X Discussion

SUBJECT: Approval of night paving on Barre Street (Granite Street to Pioneer Street)

SUBMITTING DEPARTMENT: Department of Public Works

RECOMMENDED ACTION: Approve J. Hutchins, Inc. night paving on Barre Street (Granite Street to Pioneer Street) the week of October 14th from 9:00 PM until 7:00 AM.

STRATEGIC OUTCOME/PRIOR ACTION: Sustainable Infrastructure

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: No additional cost for night work.

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION J. Hutchins was awarded the Barre Street paving project and have submitted a request for night work to reduce the impact on businesses that use the street during the daytime hours. It is anticipated work to be conducted over night during the construction season between the hours of 9:00pm – 7:00am. The work is tentatively scheduled for the week of October 14th.

SUPPORTING DOCUMENTS: Night work request

INTERESTED PARTIES: Department of Public Works

CITY MANAGER'S APPROVAL:

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J. Hutchins, Inc.

September 17th, 2019

City of Montpelier

RE: Barre Street Paving – Night Work Request

J Hutchins Inc. is requesting permission to pave Barre Street (Granite Street to Pioneer Street) at night, tentatively the week of October 7th. Paving at night would alleviate expected traffic congestion as well as expedite the paving piece of the project.

Respectfully,

Brandyn Gadapee

Brandyn Gadapee
Project Manager

Phone:
(802) 434-3500

88 Rogers Lane
Richmond, VT 05477

Fax:
(802) 434-3002



CITY COUNCIL Agenda Item #19-275(d)

Date: September 25, 2019

Consent X Discussion ____

SUBJECT: Recommendation of contract award for Taylor Street Reconstruction.

SUBMITTING DEPARTMENT: Public Works

RECOMMENDED ACTION: Approve award of the Taylor Street Reconstruction contract to Dirt Tech Company, LLC in the base bid amount of \$592,567.50 and grant authorization for the City Manager to serve as the duly authorized agent.

STRATEGIC OUTCOME/PRIOR ACTION: Sustainable Infrastructure

EXPENDITURE REQUIRED: \$592,567.50

SOURCE OF FUNDS: Downtown Transportation Fund Grant, Ecosystem Restoration Program Grant, CIP

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: DPW staff solicited bids for the reconstruction of Taylor Street. Four bids were received and opened. The low bid was submitted by Dirt Tech Construction in the amount of \$592,567.50 which was found to be responsive and in compliance with the bid requirements. The total base bid amount is within the engineer's estimated range of \$500,000 to \$700,000.

This project has multiple funding sources which include both state grants and local funding sources. A project completion date of July 2, 2019 was referenced in the bid documents and a detailed schedule for the work will be developed once there is a signed contract.

The Project will consist of new sidewalks and curb, street lighting, green stormwater infrastructure, and street resurfacing on Taylor Street from the Taylor Street Bridge to State Street.

SUPPORTING DOCUMENTS: Bid Tabulation

INTERESTED PARTIES: Public Works

CITY MANAGER'S APPROVAL:

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



BID TABULATION

Project Name: Taylor Street Reconstruction
Release Date: August 2019
Quote Due Date: 9/12/2019 @ 10:00am

VTrans				Dubois Construction		J . Hutchins, Inc.		J. A McDonald, Inc		Dirt Tech Company, LLC	
ITEM #	ITEM	UNIT	QUANTITY	PRICE	Total PRICE	PRICE	Total PRICE	PRICE	Total PRICE	PRICE	Total PRICE
203.15.mod	Common Excavation (modified)	CY	1750	\$ 14.00	\$ 24,500.00	\$ 22.00	\$ 38,500.00	\$ 26.75	\$ 46,812.50	\$ 18.50	\$ 32,375.00
204.3	Granular Backfill for Structures	CY	250	\$ 50.00	\$ 12,500.00	\$ 49.00	\$ 12,250.00	\$ 67.00	\$ 16,750.00	\$ 42.00	\$ 10,500.00
301.26	Subbase of Crushed Gravel, Fine Graded	CY	670	\$ 45.00	\$ 30,150.00	\$ 45.00	\$ 30,150.00	\$ 48.75	\$ 32,662.50	\$ 38.00	\$ 25,460.00
301.35	Subbase of Dense Graded Cruched Stone	CY	420	\$ 45.00	\$ 18,900.00	\$ 45.00	\$ 18,900.00	\$ 52.00	\$ 21,840.00	\$ 40.00	\$ 16,800.00
404.25	Bituminous Concrete Pavement	Ton	240	\$ 130.00	\$ 31,200.00	\$ 242.00	\$ 58,080.00	\$ 190.00	\$ 45,600.00	\$ 95.00	\$ 22,800.00
404.65	Emulsified Asphalt	CWT	10	\$ 100.00	\$ 1,000.00	\$ 190.00	\$ 1,900.00	\$ 49.50	\$ 495.00	\$ 25.00	\$ 250.00
406.5	Asphalt Price Adjustment (N.A.B.I)	LU	1	\$ 1.00	\$ 1.00		\$ -	\$ -	\$ -		\$ -
601.83.mod	12" HP Sani-tite (modified for specific pipe)	LF	270	\$ 60.00	\$ 16,200.00	\$ 62.00	\$ 16,740.00	\$ 48.00	\$ 12,960.00	\$ 58.00	\$ 15,660.00
604.2	Precast Reinforced Concrete Catch Basin w/ Cast Iron Grate	EA	2	\$ 7,500.00	\$ 15,000.00	\$ 4,300.00	\$ 8,600.00	\$ 3,400.00	\$ 6,800.00	\$ 3,875.00	\$ 7,750.00
604.21	Precast Reinforced concrete Manhole w/ Cast Iron Cover	EA	2	\$ 8,000.00	\$ 16,000.00	\$ 5,500.00	\$ 11,000.00	\$ 3,450.00	\$ 6,900.00	\$ 4,200.00	\$ 8,400.00
604.4	Changing Elevation of Drop Inlets, catch basins or Manhole	EA	2	\$ 600.00	\$ 1,200.00	\$ 400.00	\$ 800.00	\$ 1,800.00	\$ 3,600.00	\$ 1,100.00	\$ 2,200.00
605.1	6" Underdrain Pipe	LF	50	\$ 22.00	\$ 1,100.00	\$ 35.00	\$ 1,750.00	\$ 42.50	\$ 2,125.00	\$ 20.00	\$ 1,000.00
605.2	6" Underdrain Carrier Pipe	LF	55	\$ 20.00	\$ 1,100.00	\$ 27.00	\$ 1,485.00	\$ 30.50	\$ 1,677.50	\$ 15.00	\$ 825.00
616.21	Vertical Granite Curb	LF	1,125	\$ 40.00	\$ 45,000.00	\$ 41.00	\$ 46,125.00	\$ 50.00	\$ 56,250.00	\$ 24.00	\$ 27,000.00
616.41	Removal of Existing Curb	LF	580	\$ 10.00	\$ 5,800.00	\$ 4.50	\$ 2,610.00	\$ 4.75	\$ 2,755.00	\$ 10.00	\$ 5,800.00
618.1	Portland Cement Concrete Sidewalk,5 inch	SY	250	\$ 75.00	\$ 18,750.00	\$ 90.00	\$ 22,500.00	\$ 77.50	\$ 19,375.00	\$ 85.00	\$ 21,250.00
618.11	Portland Cement Concrete Sidewalk,8 inch	SY	110	\$ 85.00	\$ 9,350.00	\$ 100.00	\$ 11,000.00	\$ 80.00	\$ 8,800.00	\$ 92.00	\$ 10,120.00
618.3	Detectable Warning Surface	SF	48	\$ 50.00	\$ 2,400.00	\$ 33.00	\$ 1,584.00	\$ 37.00	\$ 1,776.00	\$ 50.00	\$ 2,400.00
629.2	Adjust Elevation of Valve Box	EA	13	\$ 200.00	\$ 2,600.00	\$ 305.00	\$ 3,965.00	\$ 450.00	\$ 5,850.00	\$ 750.00	\$ 9,750.00
635.11.mod	Mobilization/Demobilization (modified to include miscellaneous)	LS	1	\$ 46,444.00	\$ 46,444.00	\$ 87,408.75	\$ 87,408.75	\$ 99,425.00	\$ 99,425.00	\$ 30,000.00	\$ 30,000.00
641.11	Traffic Control, All-Inclusive	LS	1	\$ 25,000.00	\$ 25,000.00	\$ 43,000.00	\$ 43,000.00	\$ 91,000.00	\$ 91,000.00	\$ 45,000.00	\$ 45,000.00
646.4	Durable 4" White Line	LF	170	\$ 2.00	\$ 340.00	\$ 2.15	\$ 365.50	\$ 2.20	\$ 374.00	\$ 4.00	\$ 680.00
646.41	Durable 4" Yellow Line	LF	860	\$ 2.00	\$ 1,720.00	\$ 2.15	\$ 1,849.00	\$ 2.20	\$ 1,892.00	\$ 4.00	\$ 3,440.00
646.48	Durable 24 inch Stop Bar	LF	24	\$ 10.00	\$ 240.00	\$ 16.00	\$ 384.00	\$ 16.50	\$ 396.00	\$ 24.00	\$ 576.00
646.49	Durable Letter or Symbol	EA	12	\$ 130.00	\$ 1,560.00	\$ 216.00	\$ 2,592.00	\$ 220.00	\$ 2,640.00	\$ 160.00	\$ 1,920.00
646.502	Durable Cross Walk marking	LF	100	\$ 21.00	\$ 2,100.00	\$ 32.50	\$ 3,250.00	\$ 33.00	\$ 3,300.00	\$ 60.00	\$ 6,000.00
646.51	Durable Railroad Crossing Symbol	EA	2	\$ 600.00	\$ 1,200.00	\$ 1,000.00	\$ 2,000.00	\$ 1,100.00	\$ 2,200.00	\$ 160.00	\$ 320.00
649.31	Geotextile Under Stone Fill	SY	775	\$ 5.00	\$ 3,875.00	\$ 1.65	\$ 1,278.75	\$ 5.00	\$ 3,875.00	\$ 3.50	\$ 2,712.50
653.4	Inlet Protection Device, Type 1	EA	18	\$ 250.00	\$ 4,500.00	\$ 222.00	\$ 3,996.00	\$ 550.00	\$ 9,900.00	\$ 350.00	\$ 6,300.00
656.2	Evergreen Shrub	EA	7	\$ 200.00	\$ 1,400.00	\$ 135.00	\$ 945.00	\$ 44.00	\$ 308.00	\$ 250.00	\$ 1,750.00
656.3	Deciduous Trees	EA	4	\$ 500.00	\$ 2,000.00	\$ 800.00	\$ 3,200.00	\$ 374.00	\$ 1,496.00	\$ 450.00	\$ 1,800.00
656.35	Deciduous Shrubs	EA	81	\$ 50.00	\$ 4,050.00	\$ 81.00	\$ 6,561.00	\$ 49.50	\$ 4,009.50	\$ 25.00	\$ 2,025.00
656.41	Perennials	EA	197	\$ 20.00	\$ 3,940.00	\$ 24.00	\$ 4,728.00	\$ 26.50	\$ 5,220.50	\$ 12.00	\$ 2,364.00
675.2	Traffic Signs, Type A	SF	8	\$ 21.00	\$ 168.00	\$ 25.00	\$ 200.00	\$ 25.00	\$ 200.00	\$ 20.00	\$ 160.00
675.341	Square Tube Sign Post and Anchor	LF	80	\$ 85.00	\$ 6,800.00	\$ 14.00	\$ 1,120.00	\$ 14.75	\$ 1,180.00	\$ 30.00	\$ 2,400.00

675.5	Remove Signs	EA	16	\$ 22.00	\$ 352.00	\$ 19.50	\$ 312.00	\$ 22.00	\$ 352.00	\$ 10.00	\$ 160.00
675.6	Erecting Salvaged Signs	EA	16	\$ 30.00	\$ 480.00	\$ 30.00	\$ 480.00	\$ 38.50	\$ 616.00	\$ 45.00	\$ 720.00
678.23	Wired Conduit (1" PVC)	LF	400	\$ 42.00	\$ 16,800.00	\$ 36.00	\$ 14,400.00	\$ 72.00	\$ 28,800.00	\$ 15.00	\$ 6,000.00
900.10	Special Provision, Drainage Aggregate	CY	60	\$ 60.00	\$ 3,600.00	\$ 102.00	\$ 6,120.00	\$ 88.00	\$ 5,280.00	\$ 45.00	\$ 2,700.00
900.20	Special Provision, Bioretention soils	CY	40	\$ 100.00	\$ 4,000.00	\$ 130.00	\$ 5,200.00	\$ 150.00	\$ 6,000.00	\$ 85.00	\$ 3,400.00
900.30	Special Provision, Ornamental Street Light	EA	7	\$ 3,800.00	\$ 26,600.00	\$ 8,400.00	\$ 58,800.00	\$ 9,400.00	\$ 65,800.00	\$ 11,000.00	\$ 77,000.00
900.40	Special Provision, Porous Pavement	SF	900	\$ 20.00	\$ 18,000.00	\$ 18.00	\$ 16,200.00	\$ 17.75	\$ 15,975.00	\$ 25.00	\$ 22,500.00
900.50	Special Provision, Cedar Mulch	TON	2	\$ 500.00	\$ 1,000.00	\$ 388.00	\$ 776.00	\$ 178.00	\$ 356.00	\$ 450.00	\$ 900.00
900.60	Special Provision, CU Structural Soils	CY	100	\$ 150.00	\$ 15,000.00	\$ 100.00	\$ 10,000.00	\$ 225.00	\$ 22,500.00	\$ 150.00	\$ 15,000.00
900.70	Special Provision, underground stormwater infiltration system (Install ONLY)	EA	4	\$ 17,000.00	\$ 68,000.00	\$ 1,940.00	\$ 7,760.00	\$ 5,400.00	\$ 21,600.00	\$ 12,000.00	\$ 48,000.00
900.80	Maintenance of Railroad Traffic (N.A.B.I)	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
900.90	Sewer Service	EA	1	\$ 2,500.00	\$ 2,500.00	\$ 4,800.00	\$ 4,800.00	\$ 3,400.00	\$ 3,400.00	\$ 2,500.00	\$ 2,500.00
901.00	Water Service	EA	1	\$ 6,000.00	\$ 6,000.00	\$ 5,550.00	\$ 5,550.00	\$ 2,725.00	\$ 2,725.00	\$ 2,500.00	\$ 2,500.00
901.10	Storm Main Rehabilitation	LF	425	\$ 250.00	\$ 106,250.00	\$ 118.00	\$ 50,150.00	\$ 223.00	\$ 94,775.00	\$ 58.00	\$ 24,650.00
901.20	Storm Lateral Connections	EA	14	\$ 1,000.00	\$ 14,000.00	\$ 2,125.00	\$ 29,750.00	\$ 6,100.00	\$ 85,400.00	\$ 1,800.00	\$ 25,200.00
901.30	Geogrid	SY	785	\$ 10.00	\$ 7,850.00	\$ 2.80	\$ 2,198.00	\$ 24.00	\$ 18,840.00	\$ 30.00	\$ 23,550.00

Total Base Bid Figure =	\$ 658,520.00	\$ 673,313.00	\$ 902,863.50	\$ 592,567.50
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CITY COUNCIL Agenda Item #19-275(e)

Date: September 25, 2019

Consent ____ Discussion X

SUBJECT: CVFiber representative role change

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Appoint Ken Jones as regular member and Dan Jones as alternate member to the CVFiber board

STRATEGIC OUTCOME/INITIATIVE: Responsive and Responsible Government; Community Prosperity

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Ken Jones and Dan Jones serve as Montpelier representatives on the CVFiber board. Currently, Dan is the regular rep. and Ken is the alternate. Ken and Dan have decided that it would be in the City's best interest if Ken is the regular member at this point in time because of the work that Ken is currently involved with.

SUPPORTING DOCUMENTS: E-mails from Dan and Ken

INTERESTED PARTIES: City Council; CVFiber

CITY MANAGER'S APPROVAL:

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

Jamie Carroll

From: Anne Watson-Gmail
Sent: Monday, September 9, 2019 2:48 PM
To: Jamie Carroll
Cc: William Fraser
Subject: Fwd: shift the CVFiber board arrangement

I don't think this needs to be on the agenda for Wednesday necessarily, but maybe we can put it on the consent agenda for the 25th?

Thanks,
Anne

----- Forwarded message -----

From: Anne Watson <anneofvermont@gmail.com>
Date: Mon, Sep 9, 2019 at 9:46 AM
Subject: Re: shift the CVFiber board arrangement
To: Jones, Kenneth <Kenneth.Jones@vermont.gov>
Cc: Dan Jones <dan@siteprod.com>, Anne Watson <awatson@montpelier-vt.org>

Wonderful, thank you.

On Mon, Sep 9, 2019 at 8:32 AM Jones, Kenneth <Kenneth.Jones@vermont.gov> wrote:

Anne,

I am aware of Dan's suggestion and am willing to take the responsibility.

Ken

From: Dan Jones <dan@siteprod.com>
Sent: Sunday, September 08, 2019 9:01 PM
To: Anne Watson <anneofvermont@gmail.com>; Jones, Kenneth <Kenneth.Jones@vermont.gov>
Subject: shift the CVFiber board arrangement

Dear Mayor Anne

Ken Jones and I have discussed the position of official board member from Montpelier for the CVFiber Communications Union. Ken's work is much more relevant to the current work of the union and he would be a better formal representative of Montpelier's interests at this moment.

Can this be a formal request to the council to shift the designation so that Ken becomes the designated board member from Montpelier and I become the designated alternate?

Thanks for your and the Council's honor in my assignment to date. It would now be in the city's best interest for Ken to be the formal representative.

Sincerely,

Dan Jones

116 Northfield St
Montpelier VT 05602
(o) 802) 272-1195
(c) 617-817-3638

--

Anne Watson
Montpelier, VT 05602
802.595.1734



SUBJECT: Housing Trust Fund Awards and Award Amendments

SUBMITTING DEPARTMENT: Department of Planning and Community Development on Behalf of Housing Trust Fund Committee

RECOMMENDED ACTION: Review and Approve Recommendation of Housing Trust Fund Committee to increase the standard First Time Homebuyer Award with the provision that the award may be increased to \$15,000 based on need and to approve the allocation of \$85,000 from the Housing Trust Fund to the Taylor Street Housing Project.

STRATEGIC OUTCOME/INITIATIVE: More Housing

EXPENDITURE REQUIRED: \$85,000

SOURCE OF FUNDS: Housing Trust Fund

BACKGROUND INFORMATION:

Taylor Street Housing Project

In 2015, when the private sector developer was unable to continue with the housing portion of the One Taylor Street Transit Center and Housing redevelopment. Downstreet and Housing Vermont were able to step in and resurrect the project with the understanding that they would need the City's assistance in securing CDBG funding as well as accessing the Housing Trust Fund to fill in the gaps of any financing. Early on it was determined that the Housing Trust Fund would need to contribute approximately \$85,000 in order to secure these additional funding sources. The Taylor Street Apartments will be a mixed income community with nineteen units available to households with incomes less than 80% area median income (AMI) and eleven units available to households with incomes of up to 120% AMI.

First Time Homebuyer Program:

In 2018 the City of Montpelier committed \$60,000 in funding from the City of Montpelier's Housing Trust Fund. The proposal from 2018 reduced the maximum award from \$10,000 per award to \$7,500 in an effort to maximize the benefit to more possible buyers. However, in the last year housing prices have risen dramatically and the average sales price YTD in Montpelier has risen 24.2% since 2018, with the average sale price of \$266,167 in 2019 compares to \$214,343 in 2018.

The Housing Trust Fund Committee recommends that the standard award be raised to \$10,000, with a maximum award of \$15,000 based on need and recommendation of City Staff and Downstreet Administration

SUPPORTING DOCUMENTS: Staff Memos, Decision Matrix, Meeting Minutes, Requests

INTERESTED PARTIES: Housing Task Force, Downstreet Housing and Community Development, Housing Vermont

CITY MANAGER'S APPROVAL:

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

**Housing Trust Fund Committee Meeting Minutes
September 18, 2019
Montpelier City Hall 5:00 p.m.**

Members in Attendance:

Jack McCullough

Rick DeAngelis

Richard Amore

Kevin Casey, *Staff*

Alison Friedkin, *Downstreet Housing and Community Development Project Manager*

Pattie Dupuis, *Downstreet Housing and Community Development Associate Director of Homeownership Center*

Absent Members:

Mary Hooper

Bryan Evans

Meeting Called to order at 5:00 p.m.

Kevin presented the two proposals from Downstreet Housing and Community Development . The first proposal presented was a request from Pattie Dupuis of the Homeownership Center requesting that the maximum First Time Homebuyer Award be increased from \$7,500 to \$10,000.

Pattie explained that the market conditions have created a scenario whereby first time homebuyers need additional down payment assistance to keep up with rising home prices. Since June 2018 when the program approved awards of \$7,500 Montpelier has seen average home prices rise from \$214,343 in 2018 to nearly \$266,167 in 2019. Increasing the maximum award will help with affordability for those 1st time homebuyers who are on the affordability bubble.

Kevin noted that the request from Downstreet does not include any new allocation of funds. The 1st time homebuyer funds are revolving and with recent repayments there is enough for 8 new awards.

Discussion focused on the need to provide to provide staff and administration with the flexibility to increase the awards as needed up to a maximum of \$15,000 (which is the historical per unit maximum for Housing Trust Fund awards for Down Payment Assistance).

Rick DeAngelis made a motion “*Adopt staff recommendation to approve an increase in the maximum first time homebuyer down payment award with the provision that the maximum award may be increased to \$15,000 based on need and the approval of Downstreet and the Community Development Specialist*”

Jack McCullough Seconded

Motion Passed 3-0

Kevin Presented the Second proposal for funding of the Taylor Street Housing project. This project when completed on October 9, 2019 will bring 30 new units of housing to downtown Montpelier above the transit center. Of the new units being created, 19 of the 30 will be affordable to residents below 80% A.M.I. and the remaining 11 will be affordable to residents with income above 120% A.M.I. . City Council committed the \$85,000 in principal during the fall 2018 budget discussions with the increase of the housing trust fund allocation from \$60,000 in FY19 to \$115,000 in FY20.

Alison updated the committee on the progress of the project and that by the end of the year all 19 of the tax credit units (under 80% AMI) will be filled and the remaining 11 will be filled according to a schedule determined by the property management department.

Rick DeAngelis made a motion to approve the staff recommendation
Richard Amore Seconded

Motion Passed 3-0

Meeting Adjourned at 5:40 p.m.

Wednesday, September 18, 2019

To: Housing Trust Fund Committee

From: Kevin Casey, Community Development Specialist

Proposal: First Time Homebuyer Max Award Adjustment

Applicant: Downstreet Housing and Community Development

Amount requested: No new allocation of Funds

Summary:

In 2018 the City of Montpelier committed \$60,000 in funding from the City of Montpelier's Housing Trust Fund. The proposal from 2018 reduced the maximum award from \$10,000 per award to \$75000 in an effort to maximize the benefit to more possible buyers. However, in the last year housing prices have risen dramatically and the average sales price YTD in Montpelier has risen 24.2% since 2018, with the average sale price of \$266,167 in 2019 compares to \$214,343 in 2018.

DOWNSTREET will provide down payment assistance to home buyers up to \$10,000 to help qualified households purchase a single family house or condo. In exchange for the award, the purchaser agrees to enter into an agreement regarding the use and agrees to occupy the property. To date 14 deferred loans have been made under this program. The participating families have a total of 12 children. Based on the feedback from City Council, all *FTHEBP Loans will be repaid at sale or transfer of the property.*

Staff Recommendation:

In 2013, City Council approved the use of Trust Fund dollars to help first time homebuyers purchase existing homes in Montpelier. \$185,000 has been invested to date. Because Montpelier is an aging community that has seen a decrease in population the major goal of the program is to enable young families to purchase homes in the city. To date 11 deferred loans have been made under this program. The participating families have a total of 12 children. Currently the City has \$87,102.69 earmarked for the first time homebuyers as a result of existing funding as well as recent repayments that are being recycled back into the program. This program has been embraced by the real estate community and the only hindrance at this time is finding the home that is affordable to the buyer.

The First Time Homebuyer Program was specifically identified in the Economic Development Strategic Plan as a critical component of successful Transformational project (*pg12 Table 5*) by assisting and attracting young professional with families.

Housing Projects: This would provide a variety of housing types to ensure adequate housing for workers in Montpelier businesses. The projects could include: • Executive housing in downtown and other locations • Housing for young professionals with families (e.g., 1st-time homebuyers) • Senior housing for retirees and to free up existing housing stock • Affordable housing for young singles and others.	Finance/Insurance; Services (inc. Green Businesses)
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Further, one of the major financial benefits of this program is that each new child in the Montpelier schools increases the amount of aid for education that the city gets from the state.

The proposal is consistent with the Goals, Objectives, and Priorities as outlined in the decision matrix. (*see attached)

It is the recommendation of Staff to approve Downstreet's request for funding



22 Keith Avenue, Suite 100
Barre, Vermont 05641
Downstreet.org (802) 476-4493

August 13, 2019

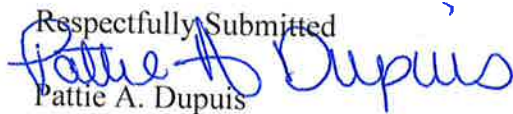
Kevin Casey
City of Montpelier
Planning & Community Development

Dear Kevin:

I would like to propose to the Housing Trust Fund for the 2019 RFP the following:

- MHT Down Payment Assistance which is currently set at \$7500.00 per household, be increased to \$10,000.00 per household, the increase is needed due to the fact First time homebuyers need additional financial assistance because the cost of buying a home in Montpelier has increased dramatically in the past year the most recent Housing data (June 2019) for the City of Montpelier show that the 2019 average closed sales price for a home in Montpelier has increased 24.2 % since 2018. The average sales price in Montpelier per the Market Data Report from the Vermont Association of Realtors is \$266,167 compared to 2018 average sales price of \$214,343.
- We will not be requesting any additional funds at this time MHT currently has \$87,102.69 earmarked for 1st-time homebuyers (this includes unused awards as well as recent repayments).

Respectfully Submitted

A handwritten signature in blue ink that reads "Pattie A. Dupuis".

Pattie A. Dupuis

Director of Homeownership Services

pdupuis@downstreet.org



Housing Trust Fund :First Time Home Buyers and Equity Building Program September 2019

		Criteria	Downstreet Proposal	Notes
Goals	Section 101 (a) 1.	Increase the number of dwellings in Montpelier affordable to eligible households by funding projects and programs;	8	\$87,102.69 is available and/or earmarked for this program which will mean 8+ potential awards
	Section 101 (a) 2	Attract and retain young families;	Yes	
	Section 101 (a) 3	Support economic development by helping to provide a variety of housing types and tenure to ensure adequate housing for workers in Montpelier businesses.	yes	Up to \$40k in Homeland Program Funds for buyers under 100% of AMI and/or First Time Homebuyer Tax Credit
	Section 101 (a) 4	Address disparities in housing opportunity by promoting inclusive and welcoming neighborhoods	Yes	Increase in subsidy from \$7500 to \$10,000 will increase the opportunities and neighborhoods where homes can be purchased
Objectives	Section 101 (b)1	Provide information and guidance to prospective applicants about how they may apply for assistance in a manner in which affirmatively markets equal housing opportunities.	Yes	Participants will be required to attend CVCLT Homebuyer Education Course
	Section 101 (b) 2	Make grants or loans to eligible applicants to assist prospective buyers, owners and tenants occupy dwelling units, which shall be affordable for a period of at least 15 years;	Yes	
	Section 101 (b) 3	Leverage, deposit and use private, charitable, and public funds to increase affordable housing	Yes	Homebuyer must contribute their own funds in addition to Housing Trust Fund Dollars or VHFA first time homebuyers funds
	Section 101 (b) 4	Facilitate the creation of 10-20 new affordable apartments annually;		
	Section 101 (b) 5	Help 10 eligible households annually buy an affordable home in Montpelier	Yes	6
Definitions	Section 102	Eligible Applicant :A public housing authority, non-profit housing development organization with tax exempt status under the Internal Revenue Code, a private developer, an owner of multifamily residential property or a homeowner proposing to add an accessory apartment. The applicant shall have experience preserving, constructing or rehabilitating dwelling units that are affordable for ownership, working with homebuyers on education and mortgage pre-qualification and using housing subsidy covenants to preserve the home's affordability for at least 15 years	Yes	501 (c) 3
	Section 102	Eligible Household : A household having a gross annual income (on the date of the award from the Housing Trust Fund) that does not exceed the county median income, as set forth in regulations or instructions issued by the United States Department of Housing and Urban Development or any agency or instrumentality of the State of Vermont.	Yes/No	Waiver for this program was received by City Council in 2013
	Section 102	Affordable Housing (Owner Occupied) : 100% of Washington County Median Income Total Annual cost of Housing (including principal, interest, taxes, insurance does not exceed 30% of Income)	Up to 120% AMI	Waiver for this program was received by City Council in 2013
	Section 102	Housing subsidy covenant : An agreement between the property owner and applicant that complies with 27 VSA 610 and is recorded in the City of Montpelier Land Records	Yes	Secured by Lien on Property
	Section 102	Protected classes : Protected classes are defined by the federal Fair Housing Act as those classes of individuals protected from discrimination in housing-related transactions, including advertising, based on race, color, religion, national origin, sex, disability, and familial status. Additional protections under Vermont law are based on age, marital status, sexual orientation, gender identity, and receipt of public assistance.		
	Section 105 (a)	As long as there are sufficient monies in the Fund, competitive grant rounds shall be held at least once a year with application deadlines set by the City staff provided that a Request for Proposals ("RFP") is published on or before October 31 st of each year	No	Review as per the original program request

Section 105 Procedures, awards and use of the Housing Trust Fund's assets	<i>Section 104 (b)</i>	All awards from the Fund shall further the public purposes set forth herein	Yes	Address financial barriers to homeownership in the City of Montpelier Provide potential homebuyers incentives to purchase and stay in the City of Montpelier To increase the number of families in the City of Montpelier to assist in school enrollment To Strengthen the Community with ownership Assist with the affordability of properties To promote long term ownership in the City of Montpelier
	<i>Section 104 (c)</i>	All awards shall be secured by a mortgage or other legal interest held by the City which benefits the Fund and shall be restricted by a housing subsidy covenant of at least fifteen (15) years duration;	Yes/No	Converts to Grant in Year 15
	<i>section 104 (d)</i>	Awards shall be made to applicants but applicants may assign the obligation to repay the award, if any, to the owner of a dwelling unit assisted by the Fund	Yes	Homeowner will bear obligation to repay according to terms of the loan
	<i>Section 105 e</i>	Loans made to facilitate the purchase of a home shall be repaid to the Fund upon sale of that home;		
	<i>Section 104 (g)</i>	Given the goals and objectives of the Fund, the City Council is authorized to make awards up to fifteen thousand dollars (\$15,000) per residential unit. Upon recommendation of the Advisory Committee the City Council may adjust the maximum amount of the award.	Yes: \$10,000 unit	Yes, Within the guidelines
Section 106 Priorities <i>in order of preference</i>	<i>Section 104 (g) 1</i>	1. New Unit: Newly constructed or converted/rehabilitated housing will result in a net gain in the number of affordable homes in the city;	No	
	<i>Section 104 (g) 2</i>	2. Housing will be affordable to persons with incomes at below 80% of county median as determined by HUD.	Yes/No	Eligibility for buyers up to 120% of Median Income but does not preclude eligible buyers under 80% of AMI
	<i>Section 104 (g) 3</i>	3. Fund monies for multi-family dwellings will make the home affordable to eligible households in perpetuity;	Yes	Up to \$40k in Homeland Program Funds for buyers under 100% of AMI and/or First Time Homebuyer Tax Credit; as well as VHFA first time home buyers and down payment assistance funds Homebuyer must contribute at least \$5000 toward purchase price
	<i>Section 104 (g) 4</i>	4. If an award is made for homeownership, affordability shall be for a period of at least 15 years;	Yes	Yes, if the property is sold by homeowner in the first 15 years
	<i>Section 104 (g) 5</i>	5. In the case of awards for homeownership, the housing contains two or more bedrooms and can be occupied by a family;	Yes	When these funds are leveraged with Homeland Grants, these properties will be perpetually affordable
	<i>Section 104 (g) 6</i>	6. The housing consists of accessory apartments for year-round residents.	NA	Not Specifically Addressed in proposal however home must be purchased in Montpelier regardless of current residency
	<i>Section 104 (g) 7</i>	7. The housing increases opportunities for those in federally and state defined protected classes	NA	Preference is given to applicants with school age children

Thursday, September 19, 2019

To: Housing Trust Fund Committee

From: Kevin Casey, Community Development Specialist

Re: Housing Trust Fund Request for Taylor Street Housing Project

Applicant: Downstreet Housing and Community Development

Amount requested: \$85,000

Summary:

The Taylor Street Housing project is in the final stages of completion and the City of Montpelier has partnered with Downstreet Housing and Community Development and Housing Vermont to create 30 affordable housing units in the core of our downtown. The Taylor Street Apartments will be a mixed income community with nineteen units available to households with incomes less than 80% area median income (AMI) and eleven units available to households with incomes of up to 120% AMI.

Downstreet is requesting \$85,000 from the Montpelier Housing Trust Fund for this project. This proposed contribution in leveraging an additional \$7.5 million dollars in state and federal funds. The project is set to open on October 9, 2019 and these funds are integral to see the project close on time and on schedule.

Staff Recommendation:

In 2015, when the private sector developer was unable to continue with the housing portion of the One Taylor Street Transit Center and Housing redevelopment. Downstreet and Housing Vermont were able to step in and resurrect the project with the understanding that they would need the City's assistance in securing CDBG funding as well as accessing the Housing Trust Fund to fill in the gaps of any financing. Early on it was determined that the Housing Trust Fund would need to contribute approximately \$85,000 in order to secure these additional funding sources. Under normal circumstances these funds would have been committed further in advance of the project completion. However, with the recent amendments to the Housing Trust Fund Guidelines we were required to form a new committee to meet the new guidelines. This was completed in August 2019 and the proposals were received on August 17, 2019. The proposal is consistent with the Goals, Objectives, and Priorities as outlined in the decision matrix. (*see attached)

It is the recommendation of Staff to approve Downstreet's request for funding

Downstreet Housing and Community Development – Taylor Street Apartments Proposal

Montpelier Housing Trust Fund – 2019

Project Description

The Taylor Street redevelopment project is a partnership between the City of Montpelier, Downstreet Housing and Community Development and Housing Vermont. This new construction project will create the City's transit center, bike path, and 30 units of perpetually affordable rental housing. The first floor transit center and site will provide a critical pedestrian, bike and commuter bus connection to the downtown core and Capital complex. The upper three floors consist of six studios, eighteen 1-bedroom units, and six 2-bedroom units. Taylor Street Apartments will create a mixed income community with nineteen units available to households with incomes less than 80% area median income (AMI) and eleven units available to households with incomes of up to 120% AMI.

Project Budget

Funding Sources	Amount
Federal Tax Credits	\$4,000,000
Energy Incentives	\$75,000
Bank Financing	\$500,000
Vermont Housing & Conservation Board	\$497,000
Vermont Community Development Program	\$450,000
Housing Revenue Bond	\$1,952,000
Montpelier Housing Trust Fund	\$85,000
Photovoltaic Funding	\$60,000
Total	\$7,619,000

Downstreet requests \$85,000 from the Montpelier Housing Trust Fund for this project. As illustrated in the budget above, Taylor Street Apartments accesses federal, state and local funds to construct the 30 units of affordable housing. Local funds help the project attract greater support from other funders.

Goals & Objectives

The Taylor Street project meets many of the goals and objectives of the Montpelier Housing Trust Fund. The project increases the number of affordable rental apartments in Montpelier and will attract and retain a wide variety of residents including families and seniors. This property is attractive to families due to its central and convenient location with access to the bike path for recreation. For seniors, Taylor St. Apartments will offer accessible living and access to services. The project will support the economic development of the City by expanding housing opportunities for people to live, work, shop and play in Montpelier in environmentally responsible manner.

Conclusion

Downstreet is grateful to the City of Montpelier for its support for the creation of affordable housing in the Capital City. Downstreet received Montpelier Housing Trust Funds on prior projects, allowing us to own and manage nearly two hundred affordable apartments in Montpelier.

Housing Trust Fund :Taylor Street Housing				
		Criteria	Downstreet Proposal	Notes
Goals	Section 101 (a) 1.	# of affordable housing units added :Total Annual cost of Housing (including principal, interest, taxes, insurance does not exceed 30% of Income)	19 of 30 will be affordable to residents below 80% AMI and 11 to residents below 120% AMI	
	Section 101 (a) 2	Repayment of award: Repayment is Preferable	Downstreet would request a 30 year deferred mortgage note payable in full in 2049	
	Section 101 (a) 3	Leverage other money: Section 104 (g) The award leverages at least 1:1 in cash or in kind per residential unit.	\$85,000 will leverage over \$7.534 million in State, federal and private funds	Vermont Housing and Conservation Board \$497,000 Bank Financing \$500,000 Energy Incentives \$75000 Community Development Block Grant (VCDP) \$450,000 Montpelier Housing Trust Fund \$85,000 Photovoltaic Funding \$60,000 Housing Revenue Bond \$1,952,000 Federal Tax Credits \$4,000,000
	Section 101 (a) 4	*Provide Information and Guidance to Prospective applicants about how they may apply for assistance	NA	
Objectives	Section 101 (b)1	Make grants or loans to eligible applicants to assist prospective buyers, owners and tenants occupy dwelling units, which shall be affordable for a period of at least 15 years;	Yes	
	Section 101 (b) 2	Leverage, deposit and use private and public funds to increase affordable housing opportunities in Montpelier;	\$85,000 will leverage over \$7.534 million in State, federal and private funds	Multiple Sources of Public and private funding *see above
	Section 101 (b) 3	Help 5 to 10 eligible households annually secure an affordable home in Montpelier	This will create 30 affordable units (state std up to 120% AMI)	15/18 units will be affordable
	Section 101 (b) 4	Eligible Applicant: A public housing authority, non-profit housing development organization with tax exempt status under the Internal Revenue Code, a private developer, an owner of multifamily residential property or a homeowner proposing to add an accessory apartment. The applicant shall have experience preserving, constructing or rehabilitating dwelling units that are affordable for ownership, working with homebuyers on education and mortgage pre-qualification and using housing subsidy covenants to preserve the home's affordability for at least 15 years.	Yes	501 (c) 3
	Section 101 (b) 5	Eligible Household: A household having a gross annual income (on the date of the award from the Housing Trust Fund) that does not exceed the county median income, as set forth in regulations or instructions issued by the United States Department of Housing and Urban Development or any agency or instrumentality of the State of Vermont.	Yes	
Definitions	Section 102	Affordable Housing (Owner Occupied): 100% of Washington County Median Income Total Annual cost of Housing (including principal, interest, taxes, insurance does not exceed 30% of Income)	Yes	
	Section 102	Affordable Housing (Renter Occupied)	Yes	
	Section 102	Housing subsidy covenant: An agreement between the property owner and applicant that complies with 27 VSA 610 and is recorded in the City of Montpelier Land Records	Yes	Secured by Lien on Property
	Section 102	# of affordable rental units added	19 units for 80% AMI or less /11 units up to 120%AMI	
	Section 102	As long as there are sufficient monies in the Fund, competitive grant rounds shall be held at least once a year with application deadlines set by the City staff provided that a Request for Proposals ("RFP") is published on or before October 31 st of each year	Yes	
	Section 102	All awards from the Fund shall further the public purposes set forth herein	Yes	30 Year Deferred Note as per standard practice
Section 105 Procedures, awards and use of the Housing Trust Fund's assets	Section 105 (a)	All awards shall be secured by a mortgage or other legal interest held by the City which benefits the Fund and shall be restricted by a housing subsidy covenant of at least fifteen (15) years duration;	Yes	
	Section 105 (b)	Awards shall be made to applicants but applicants may assign the obligation to repay the award, if any, to the owner of a dwelling unit assisted by the Fund	NA	
	Section 104 (b)	Allocation Per Unit: Up to \$15000	\$2,833.33/unit	Yes, Within the guidelines
	Section 104 (c)	1. New Unit: Newly constructed or converted/rehabilitated housing will result in a net gain in the number of affordable homes in the city;	Yes	
	Section 104 (d)	2. Housing will be affordable to persons with incomes at below 80% of county median as determined by HUD.	Yes	
	Section 105 e	3. The award leverages at least 1:1 in cash or in kind per residential unit.	Yes	
	Section 104 (g)	4. The award from the fund will be repaid and the home will continue to be affordable;	NA	NA
Section 106 Priorities in order of preference	Section 104 (g) 1	5. If the award is not to be repaid, Fund monies will make the home affordable to eligible households for a period longer than 15 years;	Yes	Perpetually Affordable Rentals
	Section 104 (g) 2	6. The housing will be purchased or rented by a household that is living or working in Montpelier at the time the application is filed, provided that this residency preference shall not apply to resale of units assisted by the Fund	NA	Yes
	Section 104 (g) 3	7. The housing units contain two (2) or more bedrooms and can be occupied by households with children;	No	Not Applicable
	Section 104 (g) 4	8. The housing consists of new accessory apartments;	No	Not Applicable
	Section 104 (g) 5	9. The award will enable refinancing or restructuring mortgage financing for an existing homeowner who agrees to affordability restrictions with a duration of at least fifteen (15) years and whose home meets (i) all applicable habitability requirements (or will meet them after rehabilitation); and (ii) one of the other priorities listed in this section.	No	Not Applicable
	Section 104 (g) 6			
	Section 104 (g) 7			

Guidelines for Montpelier Housing Trust Fund
Updated and Approved by City Council on November 28, 2018
Amendment with Fair Housing Language Added on August 14, 2019

Sec. 100 Background and Purpose

The Montpelier Housing Trust Fund (the Trust Fund or Fund) was established in accordance with Article 15 approved by the voters of Montpelier, Vermont on March 1, 2005. It dedicated “one cent for housing” and a special revenue account was created by the City Council.

The purpose of the Fund is to preserve, construct and/or rehabilitate affordable housing units in Montpelier for ownership or rental, and occupancy by eligible households.

Section 101 Goals and Objectives

(a) Goals

1. Increase the number of dwellings in Montpelier affordable to eligible households by funding projects and programs;
2. Attract and retain young families;
3. Support economic development by helping to provide a variety of housing types and tenure to ensure adequate housing for workers in Montpelier businesses.
4. Address disparities in housing opportunity by promoting inclusive and welcoming neighborhoods

(b) Objectives

1. Provide information and guidance to prospective applicants about how they may apply for assistance in a manner in which affirmatively markets equal housing opportunities.
- 1.
2. Make grants or loans to eligible applicants to assist prospective buyers, owners and tenants occupy dwelling units, which shall be affordable for a period of at least 15 years;
3. Leverage, deposit and use private, charitable, and public funds to increase affordable housing opportunities in Montpelier;
4. Facilitate the creation of 10-20 new affordable apartments annually;
5. Help 10 eligible households annually buy an affordable home in Montpelier.

Sec. 102 Definitions

The following definitions shall apply in the administration and interpretation of these Guidelines

Affordable housing (owner-occupied): Housing (a) owned by its occupants whose gross annual household income at the date of purchase does not exceed 120% of county median income, as defined by the United States Department of Housing and Urban Development; (b) where the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income; or the percentage used for residential mortgage underwriting by the Vermont Housing

Finance Agency; and (c) remains affordable for a minimum period of fifteen (15) years.

Affordable housing (rental): Housing (a) rented by its occupants whose gross annual household income at the date of purchase does not exceed the county median income, as defined by the United States Department of Housing and Urban Development; (b) with a goal that the total annual cost of the housing, including rent plus utilities not be more than 30 percent of the household's gross annual income but with a maximum cost of 50% of gross annual income; and (c) remains affordable for a minimum period of fifteen (15) years.

Eligible Applicant: A public housing authority, non-profit housing development organization with tax exempt status under the Internal Revenue Code, a private developer, an owner of multifamily residential property or a homeowner proposing to add an accessory apartment. The applicant shall have experience preserving, constructing or rehabilitating dwelling units that are affordable for rental or ownership, working with homebuyers on education and mortgage pre-qualification and using housing subsidy covenants to preserve the home's affordability for at least 15 years.

Eligible household: A household having a gross annual income (on the date of the award from the Housing Trust Fund) that does not exceed the county median income adjusted for household size, as set forth in regulations or instructions issued by the United States Department of Housing and Urban Development or any agency or instrumentality of the State of Vermont.

Housing subsidy covenant: An agreement between the property owner and applicant that complies with 27 VSA 610 and is recorded in the City of Montpelier Land Records

Protected classes: Protected classes are defined by the federal Fair Housing Act as those classes of individuals protected from discrimination in housing-related transactions, including advertising, based on race, color, religion, national origin, sex, disability, and familial status. Additional protections under Vermont law are based on age, marital status, sexual orientation, gender identity, and receipt of public assistance.

Sec.103 Housing Trust Fund Revenue

All Housing Trust Fund revenue shall be deposited into the special revenue account mentioned in Section 100 above, including loan repayments, bequests, donations, grants, gifts from public and private sources and any other revenues dedicated to the Housing Trust Fund by the City Council or voters.

Sec.104 Management of the Housing Trust Fund

(a) Establishment of Advisory Committee

There is hereby established an Advisory Committee (Committee) of up to five (5) persons appointed by the City Council. The Advisory Committee shall consist (1) member of the City Council and up to four (4) persons who live or work in Montpelier who do not have a conflict of interest as staff or member of an applicant's governing body. Two (2) members of the Committee shall be members of the Montpelier Housing Task Force and two (2) shall be members of the public at large. The City Council shall make every reasonable effort to appoint persons who have expertise and experience in the preservation, construction, rehabilitation and

financing of dwelling units that are affordable for ownership or rental by eligible households.

(b) Roles and Responsibilities

The Advisory Committee shall work with City staff to prioritize applications to the Fund, make funding recommendations to the City Council and monitor the operation and activity of the Fund.

The City Council shall make awards from the Housing Trust Fund.

In addition to its other responsibilities, the Montpelier Housing Task Force (the Task Force) shall develop and amend policies and guidelines for the Trust Fund and make recommendations to the City Council regarding their adoption.

The City Manager or his/her designee shall serve as the manager of the Housing Trust Fund and shall assign a staff person to complete the tasks listed below:

- i) Develop and maintain application materials and financial and other records;
- ii) Assist prospective applicants in completing application materials;
- iii) Collect Housing Trust Fund monies;
- iv) Monitor the use of monies distributed to recipients to assure compliance with the purposes of the Fund and the conditions under which funds are granted or loaned;
- v) Report at least annually to the City Council on operation and activity of the Fund;
- vi) Work with the advisory committee on recommendations to the City Council on awards from the Fund; and
- vii) Provide information to the public on the operation and activity of the Fund.

(c) Terms

Advisory Committee members shall serve three-year terms and may serve multiple terms as long as they are re-appointed by the City Council.

Sec.105 Procedures, awards and use of the Housing Trust Fund's assets

- a) As long as there are sufficient monies in the Fund, at least once a year City staff shall publish a Notice of Fund Availability;
- b) All awards from the Fund shall further the public purposes set forth herein;
- c) All awards shall be secured by a mortgage or other legal interest held by the City which benefits the Fund and shall be restricted by a housing subsidy covenant of at least fifteen (15) years duration;
- d) Awards shall be made to applicants but applicants may assign the obligation to repay the award, if any, to the owner of a dwelling unit assisted by the Fund;
- e) Loans made to facilitate the purchase of a home shall be repaid to the Fund upon sale of that home;
- f) Financial information supplied by a potential occupant of a dwelling unit assisted by the Funds shall be confidential and shall not be subject to public disclosure (except to the extent that information can be aggregated without disclosing personally identifiable information);
- g) Given the goals and objectives of the Fund, the City Council is authorized to make awards up to fifteen thousand dollars (\$15,000) per residential unit. Upon

recommendation of the Advisory Committee the City Council may adjust the maximum amount of the award.

Sec. 106 Priorities for Funding

Priority in all awards intended for use in acquiring, constructing, rehabilitating or financing affordable housing shall be given, in the following order of preference, to projects where there is a strong likelihood that:

1. Newly constructed or converted/rehabilitated housing that will result in a net gain in the number of affordable homes in the city;
2. Housing will be affordable to persons with incomes below 80% of county median as determined by HUD;
3. Fund monies for multi-family dwellings will make the home affordable to eligible households in perpetuity;
4. If an award is made for homeownership, affordability shall be for a period of at least 15 years;
5. In the case of awards for homeownership, the housing contains two or more bedrooms and can be occupied by households with children;
6. The housing consists of accessory apartments for year-round residents.
7. The housing increases opportunities for those in federally and state defined protected classes

Sec. 107 Waiver by City Council

In order to take advantage of special opportunities or unpredictable circumstances, the City Council may waive some or all of these Guidelines provided that the waiver furthers the purposes of these Guidelines.



SUBJECT: Request for Waiver of the City Hall Arts Center rental fees by the Montpelier Chamber Orchestra

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Waive City Hall Arts Center rental fees for the Montpelier Chamber Orchestra in November 2019 and March 2020.

STRATEGIC OUTCOME/PRIOR ACTION: Inclusive, Equitable and Engaged Community

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Montpelier Code of Ordinances Sec. 2-804. RENTAL FEES. The City Council, by resolution or policy, may adopt fees for the use of the City Hall Arts Center. Fees may be assessed for uses including, but not be limited to, rehearsal, workshops/classes, performances and meetings. Fees may include use of technical equipment or personnel. The Council may waive or reduce fees at its discretion subject to any criteria for such waiver or reduction as may be included in the fee resolution.

BACKGROUND INFORMATION: The Montpelier Chamber Orchestra (MCO) has requested the City Hall Arts Center rental fee be waived for two performances, one in November of 2019 and one in March of 2020. City Council has previously waived fees for the Montpelier Chamber Orchestra's use of the City Hall Arts Center.

SUPPORTING DOCUMENTS: Waiver requests, performance budgets, rental policy and fees

INTERESTED PARTIES: Montpelier Chamber Orchestra, Lost Nation Theater

CITY MANAGER'S APPROVAL:

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

Montpelier Chamber Orchestra
PO Box 572
Montpelier VT 05601

September 19, 2019

To Members of the City Council:

The Montpelier Chamber Orchestra (MCO) is excited to welcome Berlin, Vermont-raised violinist, Jesse Irons, from the Grammy-nominated Boston string chamber orchestra, "A Far Cry." We've got a wonderful week of music making and outreach for so many. Jesse will make a visit to the VPR studio - so please stay tuned! You will hear Jesse in the VPR studio and see him lead the orchestra in the beloved Mozart Violin Concerto No. 4. His work and performance with the orchestra members is a perfect way for the MCO to give back to it's own wonderful musicians. He will work with the orchestra twice in preparation for our concerts on November 16 and 17. Jesse will also visit the Montpelier and U-32 Schools. Also on the program is Haydn's playful Symphony No. 93 and *Entr' Acte* by Pulitzer Prize winner composer Caroline Shaw.

Please see the attached budget for the Fall 2019 concert, as well as this budget narrative: We would like to ask the City Council to consider allowing us to use the Theatre for no charge. Lost Nation Theater has approved the dates. We are a volunteer-run orchestra, and in lieu of paying musicians, we spend our income attracting top-notch soloists, providing outreach, and retaining a Music Director who keeps our programs engaging and inspiring for the community. Our total expenses (most of which derive from artistic fees for soloist and Music Director) are \$7550, while our income for this concert series is estimated at \$3600. We like to keep our performances accessible by keeping our ticket costs for this performance low (\$15) and providing free admission to children 12 and under, with a senior ticket of \$5. We feel that the Theater at City Hall provides a most accessible, inclusive, and welcoming space downtown.

Thank you for your consideration,
Laura Fried, MCO Board President

Jess Irons & MCO Fall Concert BUDGET			
Expenses	Specifics	Status (Pending/Prop osed/Secured)	Volunteer Contributions
EXPENSES - Personnel			
administrative	Project & Stage Manager	secured	volunteers (3) at 20 hours (unpaid) plus paid
artistic	Jesse Irons, Anne Decker	pending	
technical/production	Lighting and sound, set up/strike down	secured	volunteers (5) plus fees for professional
EXPENSES - Non-Personnel			
space rental	Rehearsal	secured	
	Performances	pending	
technical/production	UHaul	secured	
marketing/advertising	Graphic Design, Printing, Posting	secured	
travel/lodging			
accessibility			
materials/supplies	Music Rental Fee	secured	
other			
Expense Total			
Income			
Income-Earned			
admissions	(\$15pp; Elders/Students \$5, Kids 12 and under free based on 2 performances (ave 130 adult attendees)	pending	
other earned			
INCOME - Contributions			
corporate/business		proposed	
foundation			
Individual		secured	
INCOME - Government			
local			
regional/state			
Total Income			

\$
700
4500
100
100
1300
200
500
0
0
150
7550
2600
500
500
3,600

Montpelier Chamber Orchestra
PO Box 572
Montpelier VT 05601

September 19, 2019

To Members of the City Council:

The Montpelier Chamber Orchestra (MCO) is excited to present a new piece for chamber orchestra, *Further Afield*, by Barre, Vermont composer, David Gunn. The MCO was awarded the Vermont Community Foundation's Vermont Arts Endowment Fund in the amount of \$1500 to commission this work. The orchestra will also play a variety of pieces to supplement this commission this spring in Montpelier. The orchestra struggles to maintain a performance home at the Vermont College of Fine Arts Chapel due to the organization's busy schedule with on campus retreats. We are seeking to use the Theater at City Hall this spring. Please see the attached budget for the Spring 2020 concert, as well as the following budget narrative.

We would like to ask the City Council to consider allowing us to use the space for no charge. We are a volunteer-run orchestra, and in lieu of paying musicians, we spend our income attracting top-notch soloists, providing outreach, and retaining a Music Director who keeps our programming engaging and inspiring for the community. Our total expenses for the Spring 2020 concert are \$8482, while our income for this concert(s) is estimated at \$6425-\$7400 depending on the number of concerts we perform. We like to keep our performances accessible by keeping our ticket costs low (\$10) and providing free admission to children 12 and under, with a senior ticket of \$5. We feel that the Theater at City Hall provides a most accessible, inclusive, and welcoming space downtown.

Thank you for your consideration,
Laura Fried, MCO Board President

2020 Spring MCO Concert "Further Afield" BUDGET				
Expenses	Specifics	Status (Pending/Prop osed/Secured)	Volunteer Contributions	\$
EXPENSES - Personnel				
administrative	Project & Stage Manager		volunteers (3) at 20 hours (unpaid) plus paid	700
artistic	Anne Decker			3000
technical/production	Lighting and sound, set up/strike down		volunteers (5) plus fees for professional	100
accessibility	see other			0
commission	David Gunn new work for orchestra			1500
EXPENSES - Non- Personnel				
space rental	Rehearsal			100
	Performances			1300
technical/production	UHaul			200
marketing/advertising	Graphic Design, Printing, Posting			626
materials/supplies	Music Rental Fee	pending		956
other				
Expense Total				8482
Income				
Income-Earned				
admissions	(\$10pp; Elders/Students \$5, Kids 12 and under free based on 2 performances (ave 130 adult attendees)	One performance \$975, Two performances \$1950	975	1950
INCOME - Contributions				
corporate/business		proposed		1200
foundation		pending		3000
Individual				
INCOME - Government				
local		proposed		1250
regional/state				
Total Income				7,400

MONTPELIER CITY HALL ARTS CENTER RENTAL POLICY

Pursuant to Section 2-801A / 2-803, Election, *Official Municipal Meetings* of the Code of Ordinances, the City of Montpelier hereby designates Lost Nation Theater, Inc., as its AGENT.

USAGE POLICY

The City Hall Arts Center (CHAC) may be utilized for any lawful use that will not be injurious to the property or to individuals. The determination of lawful use shall be made by AGENT in consultation with the City Manager.

RENTAL FEES

Fees have been set to be affordable for community organizations and to encourage the greatest use of the Arts Center. Fees will be set according to the Purpose of the Event, whether it benefits the general public and/or benefits the City of Montpelier. In addition to rental fees, users will be responsible for the following fees: mandatory facility preservation fee, planning meeting, and cleaning and technical fees.(See Rate Sheet)

RATES FOR EVENTS

Base Rates

One Day:	\$250 for up to 100 people attending \$25 for each additional 25 people attending \$75 for each additional 100 persons attending
Weekly:	\$1,250

Reduced Rates for Charitable Uses & General Public Benefit

One Day:	\$150 for up to 100 people attending \$15 for each additional 25 people attending \$50 for each additional 100 people attending
Weekly:	\$750

:

RATES FOR MEETINGS AND WORKSHOPS

Base Rates

Hourly:	\$35 per hour (2 hour minimum)
Half Day:	\$100
Full Day:	\$200

Reduced Rates for Charitable Uses & General Public Benefit

Hourly:	\$20
Half Day:	\$60
Full Day:	\$120

WAIVERS & ADDITIONAL RATE REDUCTIONS SET BY CITY COUNCIL

Events having a special and significant benefit to the City of Montpelier can petition the City Council to have the rental fee further reduced or waived entirely. With the exception of municipal functions, no fees will be waived without the approval of the City Council.

RENTAL DEPOSITS

Rental deposits are required for all rentals in order to secure the date. The deposit will be \$50 or 25% of the estimated rental fee, whichever is greater.

SECURITY DEPOSITS

In addition to rental deposit there is a security deposit required of all renters. The amount of the deposit will be determined by AGENT according to: 1) the type of event; 2) number of people estimated to attend; 3) whether food or alcohol will be served. Full return of the security deposit will be contingent on the hall being left in as good or better condition than before RENTER's use.

RENTER RESPONSIBILITIES

Contact Person: RENTER is responsible for having one prime Contact Person to sign and follow through with all points of this contract and all aspects of this event. Contact Person must be on site throughout the duration of the event.

Condition and Use of Arts Center: RENTER is responsible for putting up and taking down chairs, tables, and any other set-up. RENTER is also responsible for removing trash and sweeping and mopping space after event. Renter must leave the premises in the same or better condition. Any damage to the Arts Center and its furnishings or disregard for rules of safety may be cause for retaining the security deposit as well as for additional fees being charged. All property of the RENTER will be removed within 24 hours of the close of the event unless otherwise arranged with AGENT.

PLANNING/LOGISTICAL COORDINATION MEETING

All RENTERS are required to schedule a Planning/Logistical Coordination Meeting with AGENT prior to their event. In the case of on-going users, this meeting will take place prior to the start of their rental period. This planning session includes instruction about the Arts Center's technical capacity, location and use of equipment, and requirements of your event. Contact Person must attend.

STAFFING

RENTERS are required to have knowledgeable technical staff in attendance at events. Technical assistance is available from AGENT at the rates on attached Rate Sheet.

Technical support personnel provided by renter must:

- Be approved by AGENT
- Attend Planning/Logistical Coordination Meeting
- Be supervised by AGENT Staff during load in and strike

For all rentals, the City Hall Arts Center must be staffed as follows:

- A. For uses such as performances that require lighting instruments and/or a sound system, a professional technician must be hired for the duration of the event.
- B. For uses such as trade shows that require no special technical support, a technician must be hired for A MINIMUM of set-up and strike times.
- C. For long term uses such as the production and run of a play, a technician must be hired to orient and advise at both the beginning and the end of the contract period.
- D. No technical staff is needed for workshops, classes and rehearsals that do not have any technical requirements.

EQUIPMENT

Technical equipment rental and use will be based on the needs of the RENTER. An estimate of rental costs will be provided to the RENTER following the Planning/Logistical Coordination Meeting.

The following equipment is provided with the rental of the space, subject to availability:

- About 135 stackable upholstered chairs (about 80 without arms, about 55 with arms)
- About 135 wooden folding chairs (in groups of one to three)
- Six 6' folding tables
- Baby grand piano

POLICE AND FIRE

No more than 650 people may be in the open space at any time. When more than 300 people are expected to attend or if alcohol will be served, the Police and Fire Chiefs must be informed. Requirements for personnel are at the discretion of the respective Chiefs. Generally, requirements are as follows: The RENTER shall make necessary arrangements with each department and pay salaries of those personnel at prevailing rates, which will be billed separately by the City of Montpelier.

LIABILITY

Proof of insurance naming the City of Montpelier as co-insured will be required for all performance events. Meetings, rehearsals, workshops, and classes may not require insurance. Insurance coverage will be determined on a case-by-case basis by AGENT and the City Manager.

SMOKING

Smoking is prohibited in City Hall. Smoking is allowed outside 50 ft from City Hall.

ALCOHOL

Alcoholic beverages may only be served, made available, or brought into City Hall Arts Center by a licensed server; and only with advanced approval by the Montpelier City Council. The server's License must be provided when requesting City Council approval.

DEPOSITS AND PAYMENT SCHEDULE

Reservation dates are not guaranteed without a deposit and signed contract. Rental deposits are due at the time the Arts Center is booked. Security deposits are due 10 days before event. Remaining fees are due within 10 days after the last use of the Arts Center, or by the 15th of the month for on-going users.

Payment for rentals and related expenses is by check, payable to Lost Nation Theater.

Please direct all correspondence and inquiries to:



LOST NATION THEATER, Inc.
39 Main Street, City Hall
Montpelier, VT 05602
(802) 229-0492
email: info@lostintheater.org
www.lostintheater.org



CITY COUNCIL Agenda Item #19-275(i)

Date: September 25, 2019

Consent X Discussion

SUBJECT: Authorization to enter into a funding agreement with USDA Rural Development for the Montpelier Water Resource Recovery Facility (WRRF) Organic to Energy Project.

SUBMITTING DEPARTMENT: Department of Public Works

RECOMMENDED ACTION: Designate the City Manager as the Duly Authorized agent to execute documents on behalf of the City of Montpelier related to USDA RD funding for the WRRF improvement project.

STRATEGIC OUTCOME/PRIOR ACTION: Sustainable Infrastructure

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: The project is currently being funded through a bond anticipation note. Execution of these documents will allow for federal funding through USDA RD.

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The Montpelier WRRF OE project is currently under construction with funding through a bond anticipation note. However, DPW staff structured the contract with Energy Systems Group to allow for funding through USDA RD including provisions for Buy America compliance. DPW and Finance have been working with USDA RD in an effort to obtain funding which provides for lower interest rates and potentially partial grant funding. In order to meet the timeline for the federal funding, obligation paperwork will need to be signed by the City this week.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: Department of Public Works / Sewer Rate Payers

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. J. [unclear]", written over a horizontal line.



SUBJECT: Public hearing for adoption of the zoning fixes (second 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 8/14. First public hearing held on 9/11

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:

A handwritten signature in black ink, appearing to read "W. J. [unclear]", written over a horizontal line.



CITY COUNCIL Agenda Item #19-277

Date: September 25, 2019

Consent ____ Discussion X

SUBJECT: Appointment to the Community Fund Board

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Make appointments to the Community Fund Board

STRATEGIC OUTCOME/INITIATIVE: Responsive and Responsible Government; Community Prosperity

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: Staff advertised for 1 seat. **Michael Sherman is seeking reappointment.**

COMMUNITY FUND BOARD:		
Michael Sherman	3-year	2016
Amy Cunningham	3-year	2017
Ron Wild	3-year	2014
Christine Zachai, Chair	3-year	2015
Judith Stermer	3-year	2015

SUPPORTING DOCUMENTS: E-mail from Michael, his original letter of interest to be appointed to the Community Fund Board in 2016, his Social & Economic Justice Advisory Committee application for reference.

INTERESTED PARTIES: City Council; Community Fund Board; Applicants

CITY MANAGER'S APPROVAL:

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

Jamie Carroll

From: Anne Watson-Gmail
Sent: Wednesday, September 18, 2019 10:58 AM
To: Michael Sherman
Cc: William Fraser; Jamie Carroll
Subject: Re: Montpelier Community Fund Board appointment

Thanks Michael!

On Wed, Sep 18, 2019 at 8:32 AM Michael Sherman <mnsherms@sover.net> wrote:
Hi Anne,

Attached is my letter requesting reappointment to the Montpelier Community Fund Board. I plan to attend the meeting when this will be decided.

Best wishes,

Michael

--

Michael Sherman, Editor
Vermont History
20 College Street
Montpelier, VT 05602

Michael Sherman
20 College Street
Montpelier, Vermont 05602

July 28, 2016

William Fraser, City Manager
Montpelier City Hall
Montpelier, VT 05602

Dear Bill,

I am writing to submit my name and credentials for consideration for appointment to the Montpelier Community Fund Board. Although I recently declined the opportunity to serve another term on the Montpelier Development Review Board, I hope that I can continue to serve the community in which I have lived for the past thirty years in another capacity. I am interested in using my long and varied experience with developing, writing, administering, and evaluating grant applications to benefit voters and tax payers and the organizations that contribute valuable programs and services to our community.

As you and the City Council members will see in my resume, I have a lot of experience in this area.

For seven years (1978-1985), I was the associate director of the Wisconsin Humanities Committee (now known as the Wisconsin Humanities Council), one of the state humanities councils funded primarily through the National Endowment for the Humanities to make grants for public programs and projects in their respective states. In that capacity, I assisted potential applicants in the development of their proposals for review by the council; assisted the council in its review of proposals; evaluated programs and projects funded by the council; and participated in writing reports and grant proposals to the NEH to renew its funding to the Wisconsin council.

As director of the Vermont Historical Society (1985-1995), I developed and wrote many successful grant proposals and administered the programs or projects that were funded as a result of those proposals. I worked with a small group of executive officers of other Vermont cultural organizations to develop the Cultural Facilities Grants program funded by the State of Vermont to help large and small organizations throughout the state upgrade their buildings and make them more accessible and effective venues for programs and activities that serve their communities and the state as a whole. For several years, I also managed the Cultural Facilities Grants program at the Vermont Historical Society, convening and participating in the review panels, monitoring projects, and assembling evaluation reports that we presented to the governor and legislature. During my years at the Vermont Historical Society I also served on grant review panels for the Massachusetts Cultural Council and the National Endowment for the Humanities.

Three times in recent years I have served as grants coordinator and project manager for the Vermont Historical Records Advisory Board (VHRAB), an arm of the Vermont State Archives and Records Administration. In that capacity I wrote the grant to the National Historical Publications and Records Commission of the National Archives that funded VHRAB's grant programs, developed the guidelines, application packages, and review and evaluation procedures for small grants to repositories of archival materials throughout the state. And as the member of the faculty, administration, or board of directors of several colleges and nonprofit organizations, I have participated in the development of and written successful applications for grants that have helped those institutions sustain their operations and take on new programs or projects that expanded their services and served new audiences.

I would welcome the opportunity to bring this experience to the deliberations of the Montpelier Community Fund Board, which has the important task of allocating taxpayers' money to sustain a wide range of nonprofit social service and arts organizations in their work to assist, enrich, and improve the lives of individuals in our city.

Yours truly,

Michael Sherman

From: noreply@civicplus.com
Sent: Friday, August 3, 2018 8:05 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. You may attach additional material if you wish. 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.

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? Montpelier

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) Social and Economic Justice Advisory Committee

Name Michael Sherman

Email Address

Address	
City	Montpelier
State	VT
Zip Code	05602
Phone Number	
Occupation	retired; editor Vermont History
Are you currently serving or have you served on any City board or committee? If so, please list and give approximate dates.	Montpelier Fund Board, 2016 to present. Montpelier Development Review Board, 2013 to 2016. Montpelier Conservation Commission, 1998-2002. Montpelier Tree Board, 1998-2002.

Please answer each question in as much detail as possible.

Education/Credentials:	B.A., General Studies in the Humanities. University of Chicago, Chicago, Illinois, 1966. M.A., History. University of Chicago, Chicago, Illinois, 1967. Ph.D., History. University of Chicago, Chicago, Illinois, 1974.
Professional activities that relate to this board/committee:	Relevant professional work: --Vermont Historical Society, Barre, Vermont. Director, 1985-1995; Editor: Vermont History, 1995 to the present. Teaching: -- University of Chicago, Chicago, Illinois. Lecturer in the Social Sciences, 1972-1974. Relevant courses: American Democracy: History and Institutions. --Lawrence University, Appleton, Wisconsin. Assistant Professor of Humanities and History, Director of Humanities Program, 1974-1978. Relevant course: "Justice" -- Vermont College, Norwich University, Associate Professor (1998-2001); Union Institute & University (2001-2006). Professor of Liberal Studies (Union Institute & University): History and American Studies--Adult Degree Program (B.A.), 1996 to 2006. Relevant courses: Seminars: American Experiences; The American Presidency; The Constitution; The Good Citizen (history, political science). Independent Studies supervised: history (primarily U.S. and Europe, all periods, state and local history, oral history, family history and genealogy); American studies, Native American studies (primarily New England); politics and political science. Research, and publications: --With Gene Sessions and P. Jeffrey Potash, Freedom and Unity: A History of Vermont. Barre, Vt.: Vermont Historical Society, 2004. --Editor, Vermont State Government since 1965. Burlington, Vt.: Snelling Center for Government and Center for Research on Vermont, University of Vermont, 1999. --"Learn your/our history". Commentary, The Times Argus, September 05, 2017. --

Introduction for public reading of Frederick Douglass, "The Meaning of the Fourth of July for the Negro." Montpelier, Vt., July 3, 2014. --"Work of national importance': Conscientious Objectors in Civilian Public Service in Vermont during World War II." Vermont History 81:1 (Winter/Spring 2013): 75-117. --"Vermont in Mississippi," Vermont History News, 37:1 (January/February 1986), 8-12. --"Public Ethnicity and Public Policy," Wisconsin Academy Review, 28:2 (March 1982), 39-41. --"Ethnicity, Equality, and Excellence: The Humanities in the Age of Diversity," Wisconsin Academy Review, 26:4 (September 1980), 7-11.

Community activities that relate to this board/committee:

--Central Vermont Community Action Council/Capstone Community Action, board member, 2002 to 2016. Board president, 2010 to 2013. --Kellogg-Hubbard Library, Montpelier. Board of Trustees, 2005 to 2006.

Why are you interested in serving on this board/committee?

I have been thinking, reading, teaching, and writing about topics related to this committee's focus for much of my adult and professional life. I have a long and deep interest in understanding what justice means for individuals and societies, how institutions reflect and implement social values, and how history can serve as a tool for understanding both the roots and directions of public policy problems and debates. On a few occasions, I have had the opportunity to take actions that bring issues of social and economic justice into public events. In 1986, the first year that the Martin Luther King Jr. Day was celebrated as a national holiday, I initiated the first public program at the Vermont Historical Society to examine aspects and events related to civil rights in Vermont--a tradition that continues to this day. I also instituted programs at the VHS to mark Women's History month, and to give wide public attention to new research on the history of the Abenaki people in Vermont. I also have some personal interest and involvement with issues of social and economic justice. For several years my wife and I cooperated with Vermont Refugee Assistance in providing short-term housing for refugees en route to Canada; and in a few cases, we provided longer-term housing and support for African and African Americans in transition.

What talents or experience would you bring to the board/committee?

I have good research, writing, and editing skills that I believe can be useful tools for this committee in gathering, assessing, and organizing information and reporting its results to the citizens of Montpelier and the City Council. My academic and professional training, administrative experience, and experiences as a citizen have taught me how to use many kinds of sources to gather and assess information and examine many sides of controversial topics and issues. I have experience in participating in and moderating discussion and planning groups in a neutral and fair manner, acknowledging and honoring both personal experiences and data, and working

patiently towards results. My long service on the Central Vermont Community Action (now Capstone Community Action) board gave me valuable information and first hand contact with people who live in poverty and people who devote their professional lives to providing assistance to those in poverty. Here, too, I have had the opportunity to study the intersection and interaction of personal and institutional responses to economic and social crises.

Any other comments or information you wish to provide to the Mayor and City Councilors?

Field not completed.

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.

Michael Sherman

8/3/2018

Submitted on:

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.

Email not displaying correctly? [View it in your browser.](#)



CITY COUNCIL Agenda Item #19-278

Date: September 25, 2019

Consent ____ Discussion X

SUBJECT: Appointment to the Central Vermont Regional Planning Commission

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Appoint Planning Commissioner Marcella Dent to the Central Vermont Regional Planning Commission

STRATEGIC OUTCOME/INITIATIVE: Responsive and Responsible Government; Thoughtfully Planned Built Environmental

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Kirby Keeton has stepped down from his role as Montpelier Planning Commission representative on the Central Vermont Regional Planning Commission. The Planning Commission voted to nominate Marcella Dent to be the new representative.

SUPPORTING DOCUMENTS: Letter from current representative, Planning Commissioner Kirby Keeton.

INTERESTED PARTIES: City Council; Planning Commission; Central Vermont Regional Planning Commission

CITY MANAGER'S APPROVAL:

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

KIRBY KEETON

127 Elm Street, Montpelier, VT 05602 • (802) 505-5274 • kirbykeeton@gmail.com

September 10, 2019

Montpelier City Council
Office of the City Manager
City Hall - 39 Main Street
Montpelier, VT 05602

RE: Montpelier Representative to the Central Vermont Regional Planning Commission

Dear Mayor Watson, City Manager Fraser, and City Councillors:

I am writing to inform you that I will be stepping down as Montpelier's representative to the Central Vermont Regional Planning Commission (CVRPC). This is so that I can better focus on my new duties as Chair of the Montpelier Planning Commission.

Also, I am pleased to inform you that at the Monday, September 9 meeting of the Montpelier Planning Commission, we voted 6-0 to nominate Marcella Dent as Montpelier's representative to the CVRPC. Marcella is new to the Commission but has already impressed us with her diligence and competency in planning. We anticipate that if you choose to appoint her, she will represent the City well and serve as an important liaison between our commission and the CVRPC.

Please let me know if you need anything further from me.

Sincerely,

Kirby Keeton



CITY COUNCIL Agenda Item #19-279

Date: September 25, 2019

Consent__ Discussion X

SUBJECT: Confluence Park/Waterfront

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Receive presentation from the Vermont River Conservancy.

STRATEGIC OUTCOME/PRIOR ACTION: Environmental Stewardship; Thoughtfully Planned Built Environment; Community Prosperity

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The Council previously authorized the Vermont River Conservancy to use grant funding to study riverfront access issues, and specifically a proposal to improve the newly approved Confluence Park area. Richarda Erickson of the VRC will be presenting again.

SUPPORTING DOCUMENTS: None at this time

INTERESTED PARTIES: City Council, residents, staff

CITY MANAGER'S APPROVAL:

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CONFLUENCE RIVER PARK

Montpelier, Vermont

Conceptual Design & Outreach

Vermont River Conservancy

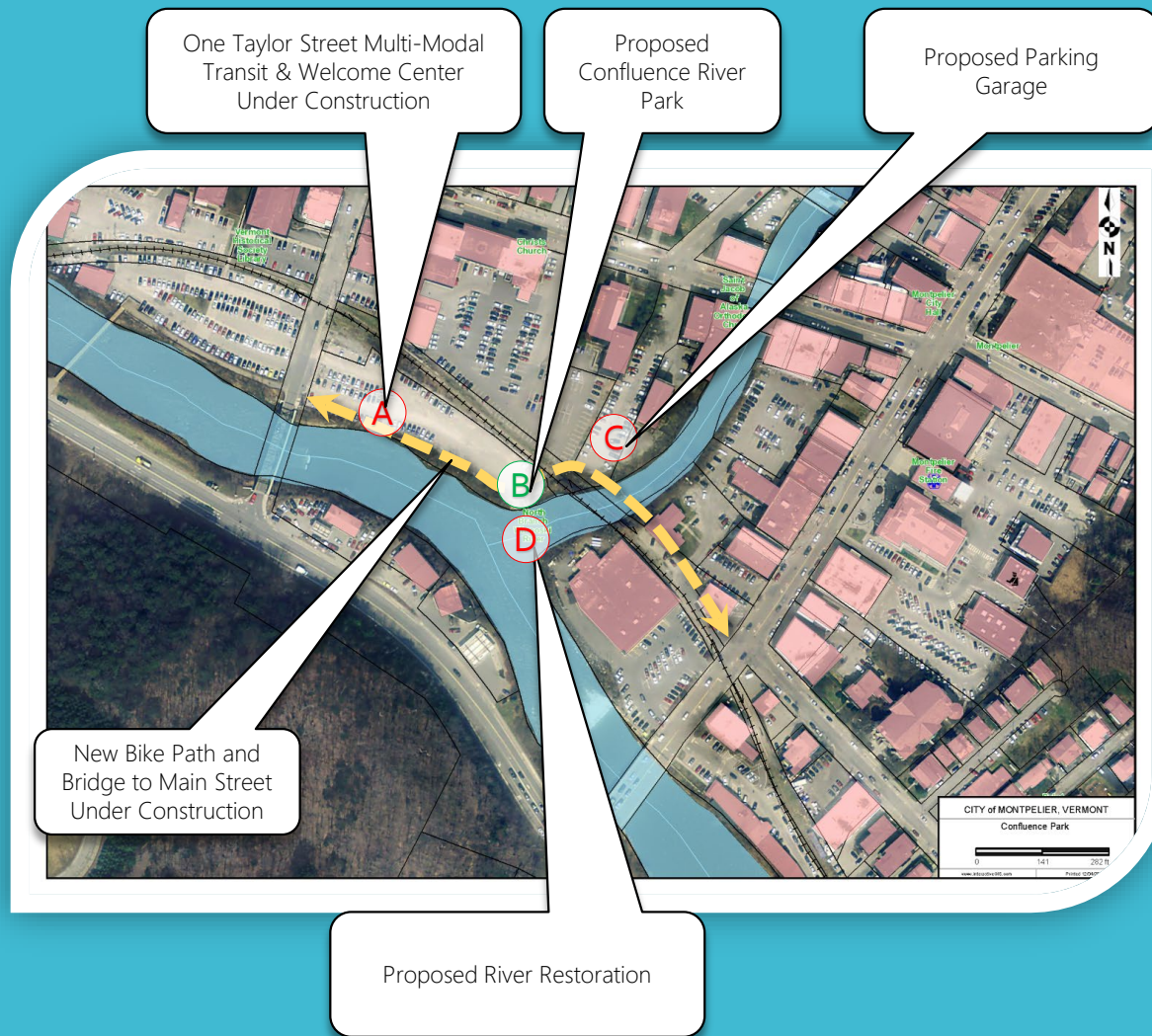




Presentation to City Council

September 24, 2019

PROJECT CONTEXT – *Knitting projects together*



CONSIDERATIONS:

B CONFLUENCE RIVER PARK

Proposed riverfront park, which will be developed with the following considerations:

- River access
- Accessibility
- Recreation opportunities
- Flood resilience
- Context & history
- Public space
- Integration of bike path

CONFLUENCE RIVER PARK

Montpelier, Vermont

CONCEPT DESIGN CONSIDERATIONS:

- ✧ River access
- ✧ Accessibility
- ✧ Recreational opportunities
- ✧ Flood storage & resiliency
- ✧ Context & history
- ✧ Public space
- ✧ Integration of shared-use path





PROJECT SITE





(VRC, 5/2/2019)



(MMI, 10/31/2018)



(MMI, 4/15/2019)



(MMI, 7/5/2019)



(MMI, 7/5/2019)



(MMI, 7/22/2019)

Project Process

I

- Considered prior community input
- Refined goals & design program

II

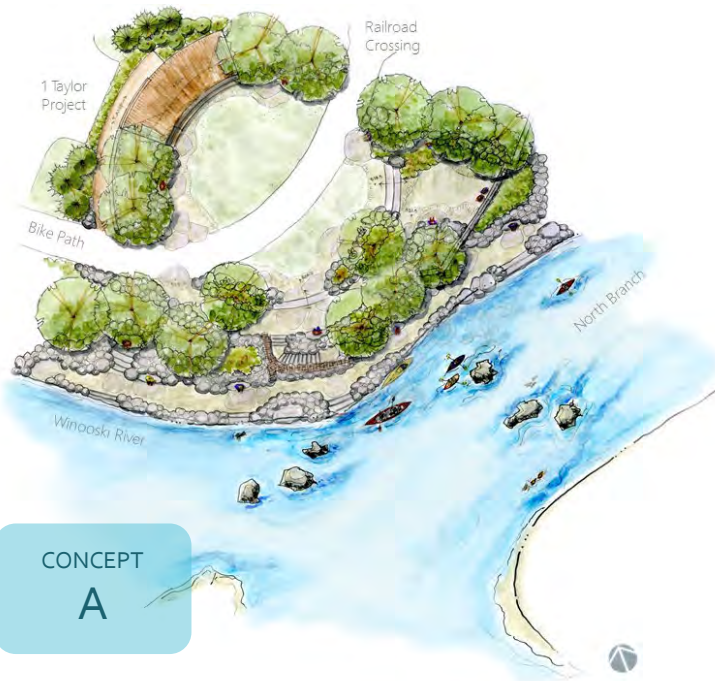
- Developed concept alternatives
- Outreach & Input

III

- Refined concept
- Outreach & Input

IV

- Finalize concept design
- Plan next steps



Conceptual Design Alternatives



Project objectives and design have been guided by the community

- Conservation Commission – November 8, 2018 and March 14, 2019
- Parks Commission – November 13, 2018
- Public Meeting at the Senior Center – December 4, 2018
- City Council – January 9, 2019
- Montpelier Planning and Zoning – February 6, 2019
- Montpelier Parks – March 7, 2019
- Montpelier Public Works – March 14, 2019 and April 25, 2019
- VTrans Rail – March 19, 2019
- Public Canvassing at City Hall – May 4, 2019
- Montpelier Police and Fire – May 7, 2019
- Vermont DEC Rivers – May 8, 2019
- Montpelier City Manager – May 22, 2019
- Public Meeting at Senior Center – July 22, 2019

Community Outreach

Project Outreach



CONCEPT D DESCRIPTION:

-
- 1 Taylor Project
- Railroad Crossing
- Bike Path
- Winooski River
- North
- Elevation markers: +522.3, +520.5, +519.7, +518.1, +517.4, +516.5, +515.0, +514.4, +513.0

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Community Outreach

Meetings & Events

PLAN YOUR PARK

CONFLUENCE RIVER PARK WEST



CONCEPT A- Performance Park



CONCEPT B- Heritage Park



CONCEPT C- Riverine Pockets Park



CONCEPT D- Riverine Overlooks Park

WANT TO LEARN MORE?

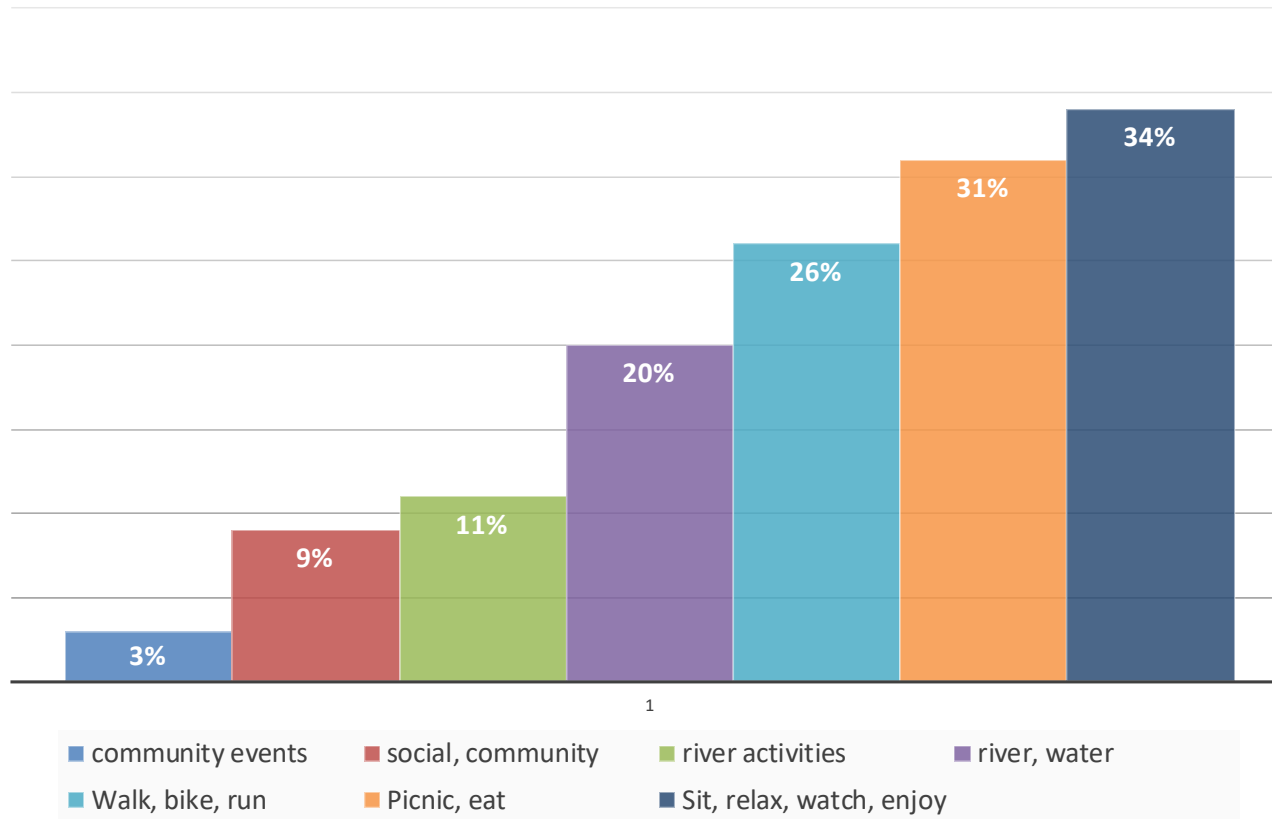
Visit: www.vermontriverconservancy.org/confluence-park

WANT TO GIVE YOUR INPUT?

Take the survey at: www.surveymonkey.com/r/3K3HK3G



What are the top activities you are most likely to do at the park?



Community Survey

Summary of Responses

Survey Participation:
112 responses

9% margin of error
95% confidence level

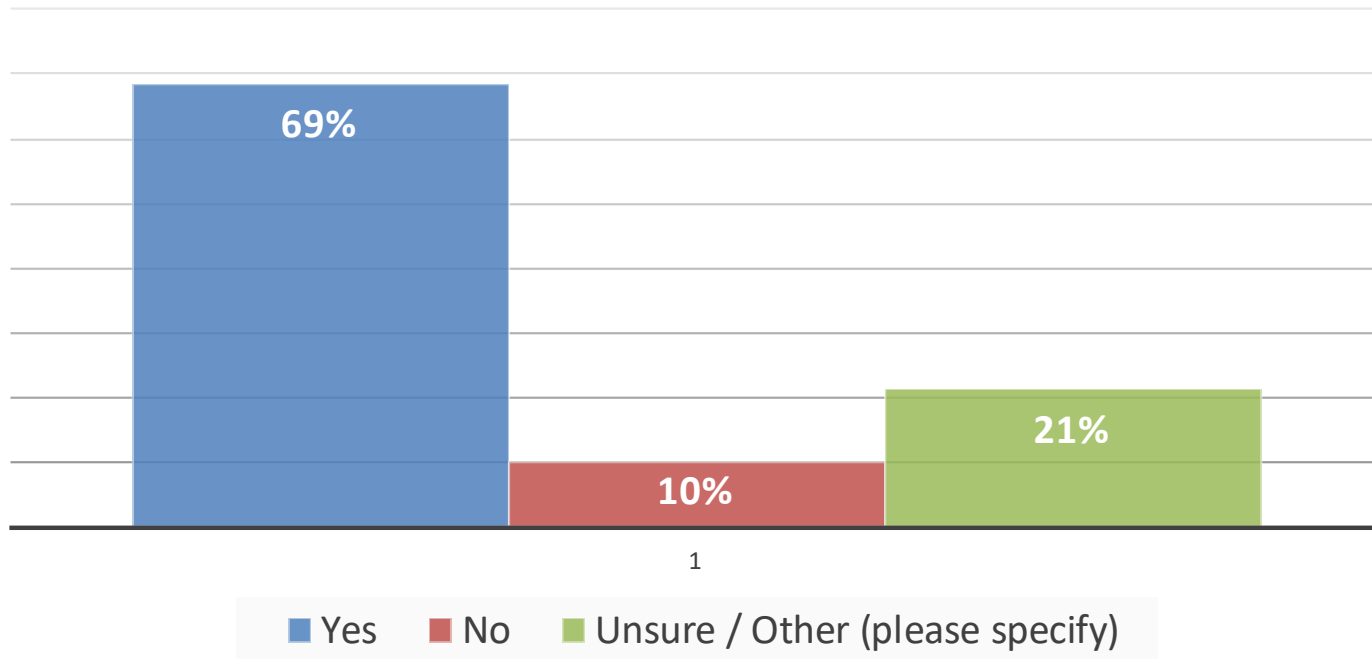
water Socialize Eat kayak eat lunch hang Biking view Picnic
 enjoy sit lunch Walk Access river river read Relax enjoy river



Community Survey

Summary of Responses

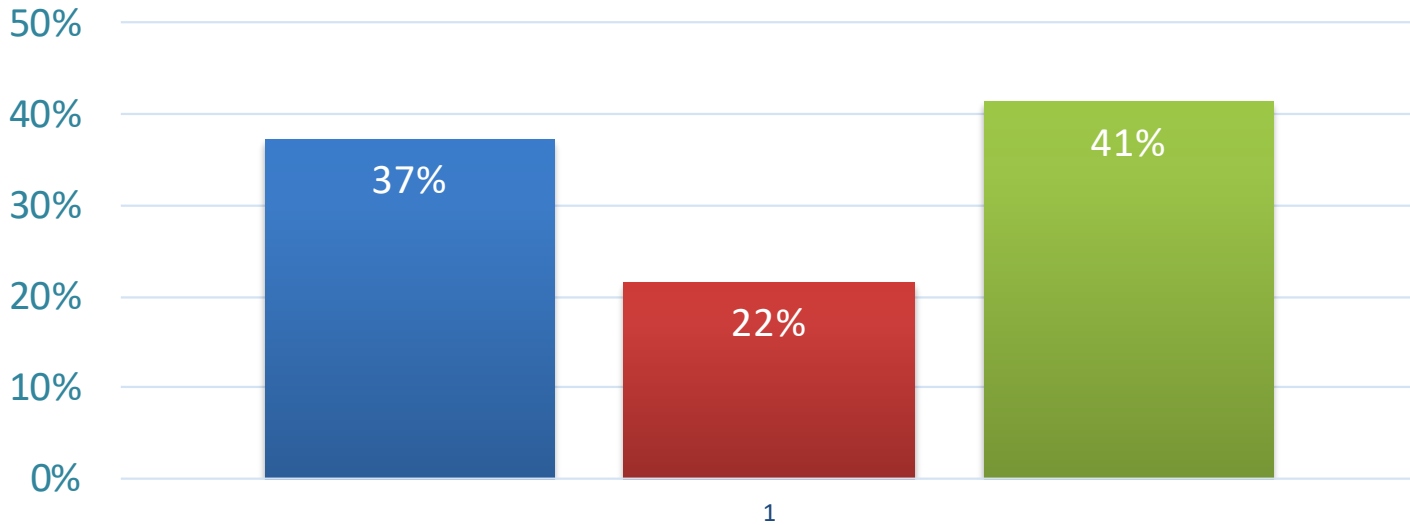
Will you recreate (swim, kayak, etc.) in the Rivers once the park is complete?



Community Survey

Summary of Responses

Most Important Use of Park Space?



- A flat, open space at the water's edge for river access and events
- A flat, open space near the bike path for events
- Small nooks at multiple levels with different river views

Community Survey

Summary of Responses

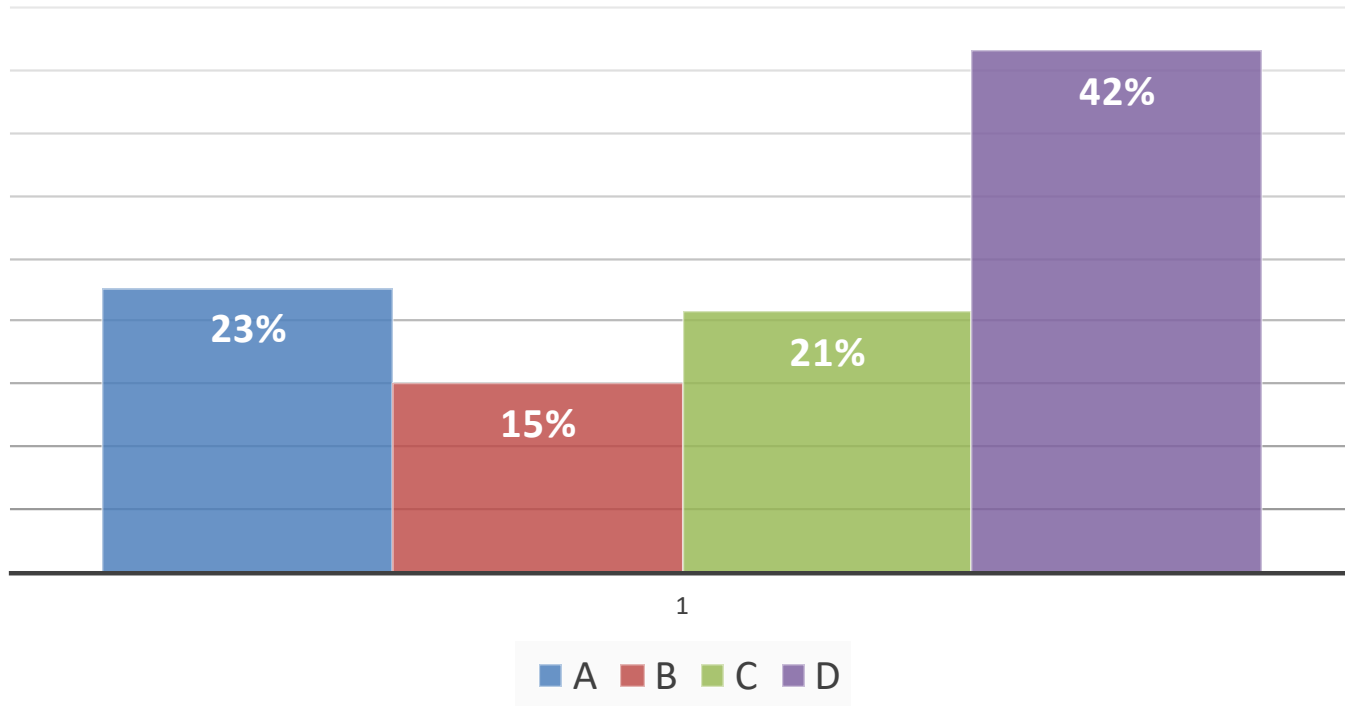
Q3 What elements of the concepts are most important to you and why?

beautiful greenery different less ADA accessibility idea much walk concert bigger way
seating areas open concept ADA gathering area path riverfront water plaza bike path
ADA ramp seating ADA access water fishing places sit use ADA access also etc
lot steps good viewing area areas D park going space
looking river concert pavillion design grass access river path bike
sitting performances Access easy access view side will think river access
access water boats activities accessible place one love performance space safety
open space possible ramp sense boat access need green small Easy bike many seems

Community Survey

Summary of Responses

Which design concept do you like the best?



Public Input

Community survey results to date

REFINED DESIGN PROGRAM

General Size/Space

- Space closer to river
- Nooks throughout

Access

- River access, but balanced with other uses
- Bike path integration
- Boat launch area
- Accessible for a variety of abilities

Recreation

- River recreation: kayaking, fishing, swimming, whitewater
- Active recreation: walking, biking, playing
- Passive recreation: sitting, picnicking, eating, reading, relaxing, watching

Environment

- Vegetation
- Water quality
- Flood resilience

Public Input

Summary of input to date

Gage Readings	ID	Date	Time	Sampler	Gage1 Height (feet)	Gage2 Height (feet)	EL (ft NAVD88)
	1	4/15/2019	4:00 PM	Roy	N/A	N/A	513
	2	5/20/2019	11:14 AM	Richarda	N/A	N/A	511
	3	6/19/2019	5:22 PM	Roy	0.70	N/A	506.37
	4	6/19/2019	5:32 PM	Roy	0.75	N/A	506.42
	5	6/20/2019	4:08 PM	Roy	Submerged	N/A	512
	6	6/25/2019	8:28 AM	Roy	1.15	N/A	506.82
	7	6/26/2019	8:22 AM	Roy	2.79	N/A	508.46
	8	6/27/2019	8:30 AM	Roy	2.00	N/A	507.67
	9	7/5/2019	4:15 PM	Roy	0.50	N/A	506.17

Water Levels

Preliminary Data Collection

FINAL CONCEPT DESCRIPTION:

- ✧ Open greenspace with seating, performance space, oriented for maximum views
- ✧ Overlooks & niche spaces
- ✧ Accessible path to river
- ✧ Kayak launch area with off loading area
- ✧ Larger spaces at river's edge
- ✧ Native plantings

CONFLUENCE RIVER PARK



Final Concept





*Confluence Park - South Platte River
Denver, CO*



*Truckee River Park
Reno, NV*



*Confluence Park
Denver, CO*

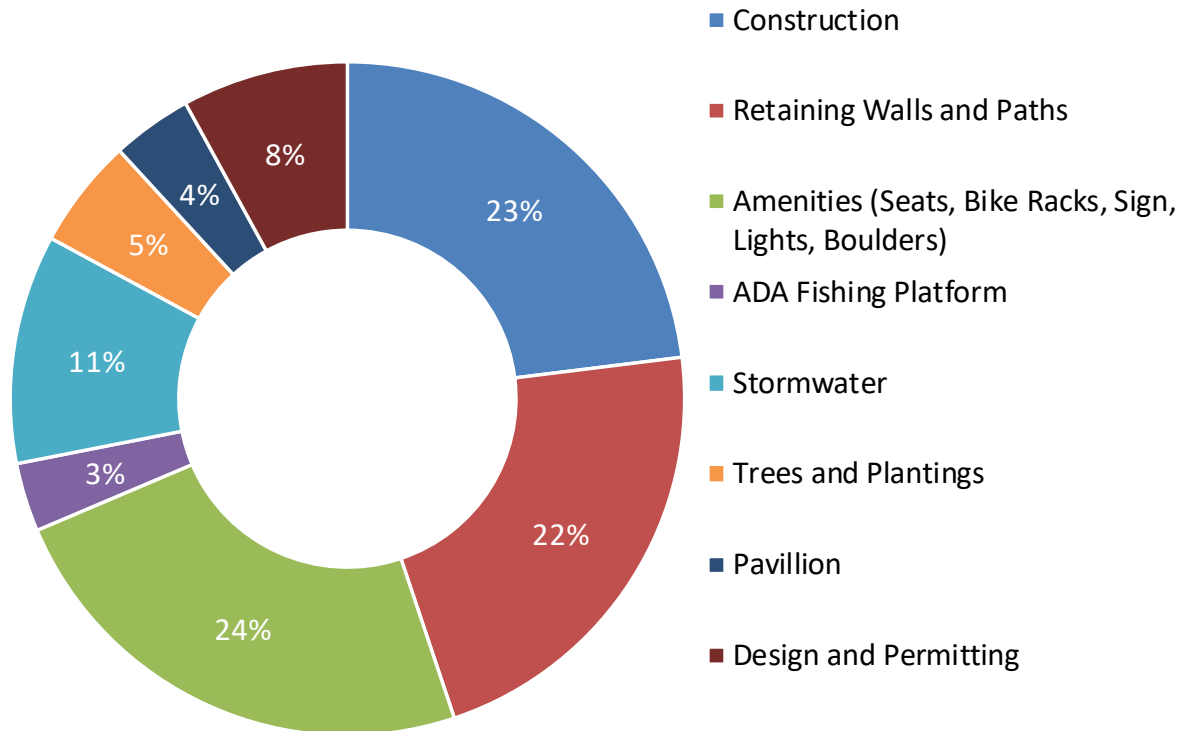


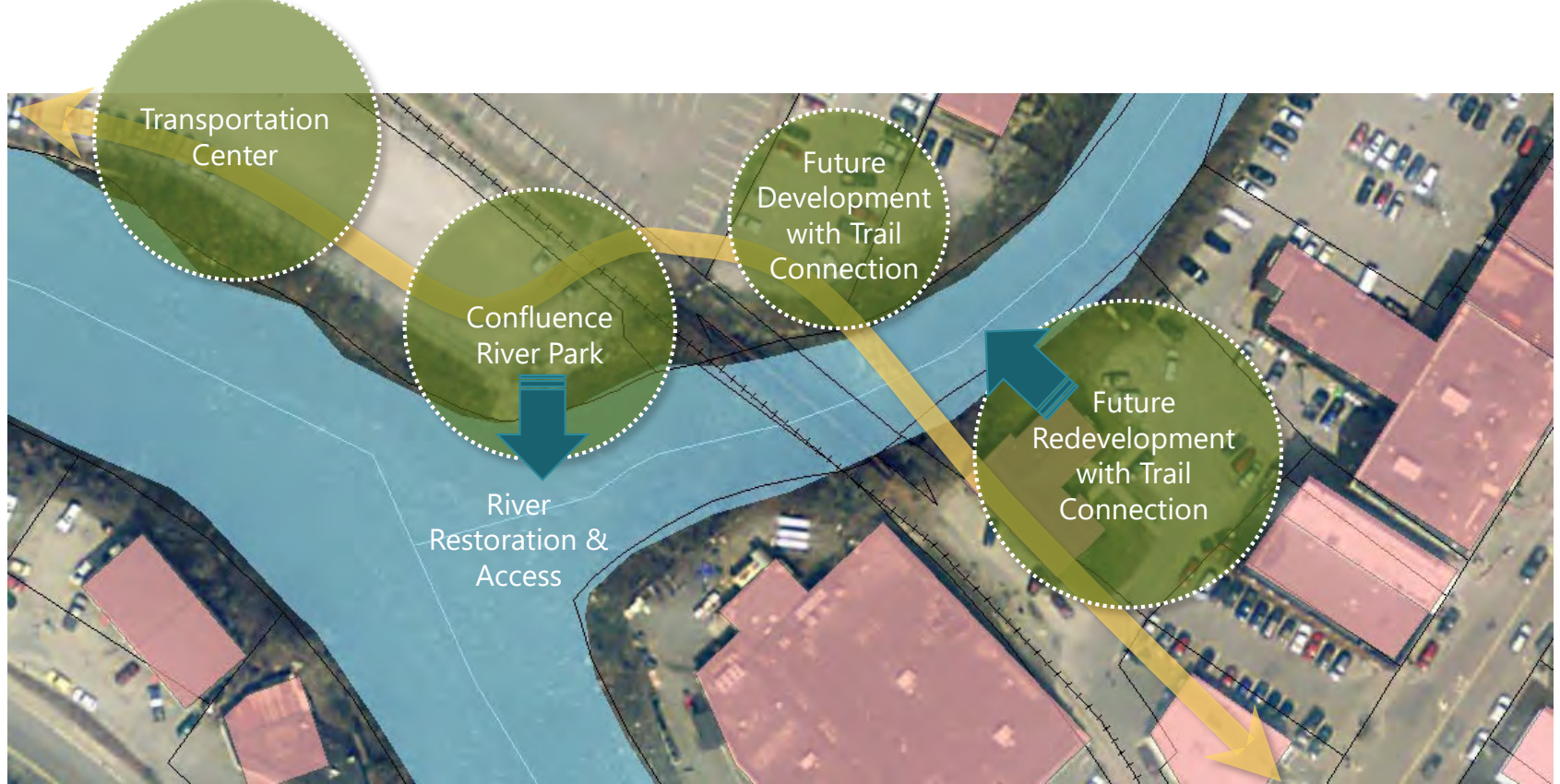
*Truckee River Park
Reno, NV*

Brooklyn Bridge Park, New York



Cost Breakdown
Montpelier Confluence River Park
Opinion of Cost Based on Conceptual Design
\$650,000 to \$1,000,000

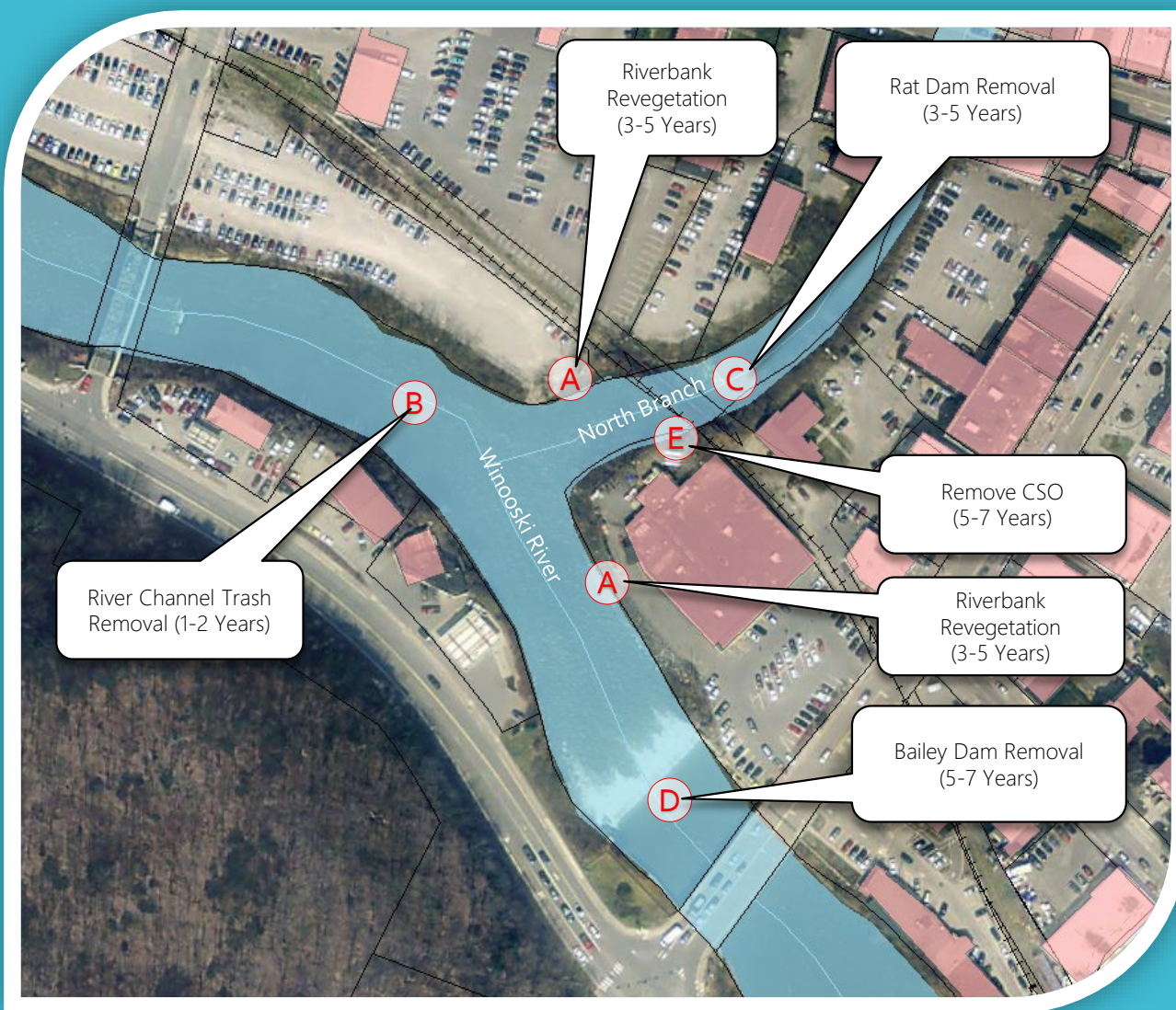




Opportunity & Vision

Capitalize on the full potential to "Face the River" by improving river health and creating connected and unified public spaces and access points

RIVER RESTORATION STRATEGY



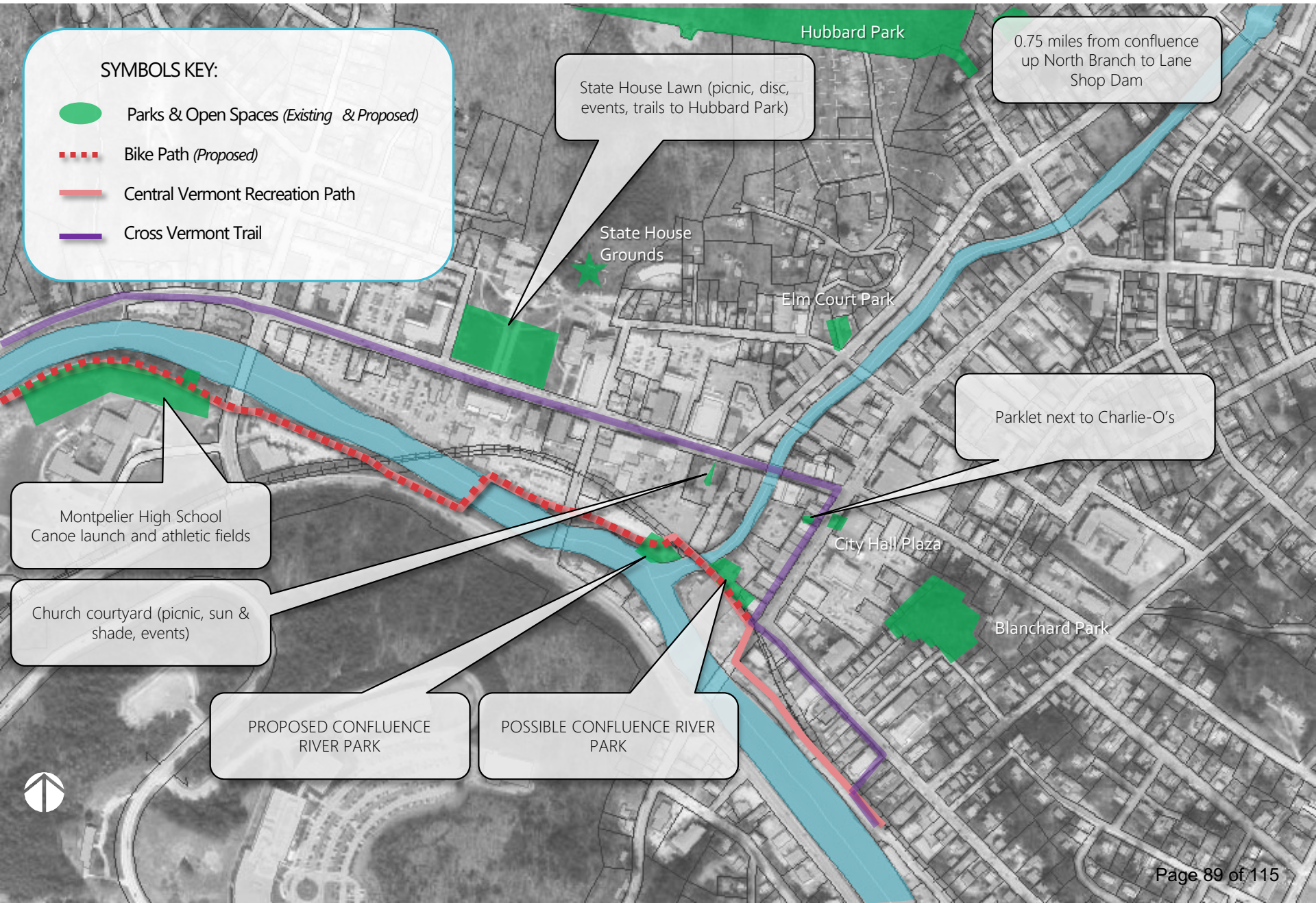
PLAN ACTIONS:

- A RIVER BANK**
 - Clean & revegetate
 - Joint plantings (Shaw's & new bridge abutments)
- B RIVER CHANNEL CLEAN UP**
 - Remove trash
- C RIVER CHANNEL RESTORATION (North Branch)**
 - Remove Rat Dam
- D RIVER CHANNEL RESTORATION (Winooski River)**
 - Remove Bailey Dam
- E RIVER CHANNEL WATER QUALITY**
 - Remove Combined Sewer Overflow (CSO)

DOWNTOWN PUBLIC OPEN SPACE & RECREATION NETWORK

SYMBOLS KEY:

-  Parks & Open Spaces (*Existing & Proposed*)
-  Bike Path (*Proposed*)
-  Central Vermont Recreation Path
-  Cross Vermont Trail



A scenic view of a river flowing through a town, with a bridge and buildings visible in the background, all under a blue tint.

THANK YOU



CITY COUNCIL Agenda Item #19-280

Date: September 25, 2019

Consent__ Discussion X

SUBJECT: Ordinance Amendments, Chapter 7, 4th public reading

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Conduct 4th Public Reading of the proposed amendments to Chapter 7, Health & Sanitation, 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.

This chapter may be revisited upon changes in State law regarding composting and amendments to Chapter 3 regarding toxic chemicals.

SUPPORTING DOCUMENTS: Chapter 7 of the Code of Ordinances with proposed amendments

INTERESTED PARTIES: City Council, residents, staff

CITY MANAGER'S APPROVAL:

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

CHAPTER 7
HEALTH AND SANITATION
ARTICLE I. GENERAL PROVISIONS

~~Sec. 7-1. SPRING CLEANING.~~

~~——The owner or occupant of a dwelling house, store, or other building shall annually, not later than the first day of June, clean the cellar thereof and the land occupied in connection therewith, of all waste material and all deleterious animal and vegetable matter.~~

Sec. 7-~~21~~. DECAYING MATTER.

No person shall suffer or permit decaying animal or vegetable matter to be kept in any dwelling-house, store, or other building, or the cellar thereof, or on land occupied in connection therewith; provided, however, that this section shall not apply to the ~~keeping of manure by a livery-stable keeper as required by his license or by others in a reasonable amount more than fifty feet from a street or occupied dwelling house or store, nor to the reasonable fertilization of land, nor to the keeping, for a reasonable time before interment, of the remains of a person deceased of a non-contagious or non-infectious disease.~~maintenance of a government-sanctioned food waste composting bin or vessel; pit or trench composting; or vermicomposting composting for personal use.

Sec. 7-~~32~~. SURFACE DEPOSITS OF OFFENSIVE OR UNHEALTHFUL MATERIALS.

No person shall deposit, or suffer or permit to remain, upon the surface of land owned or occupied by ~~him~~them, or deposit upon land owned or occupied by any other person within the City of Montpelier or upon lands of the City of Montpelier, any ~~swell~~will, house offal, kitchen refuse, sink-water, sewage, domestic septage or septage, slops, or decaying animal matter, or any other solid or liquid matter that does or may generate disease or emit unhealthy gases or offensive odors; provided, however, that this section shall not apply to the reasonable fertilization of land.

~~CROSS REFERENCE: Allowed stable manure accumulation; see Sec. 7-6 this Code.~~

~~Sec. 7-4. OFFENSIVE DRAIN OR CESSPOOL.~~

~~——No person shall permit or suffer a privy, cesspool, or drain upon premises owned or occupied by him to become unwholesome, unfit for use, or dangerous to the public health.~~

Sec. 7-~~53~~. DEPOSIT OF VOLATILE FLUIDS IN DRAINS OR SEWERS.

No person shall deposit in any sewer or drain any waste gasoline or other volatile fluid ~~in such quantity as to emit offensive odors~~or oils.

~~Sec. 7-6. STABLE MANURE ACCUMULATION.~~

~~——No owner or occupant of a stable within the limits of the inner or outer fire districts shall suffer or permit more than one-half cord of manure to accumulate or remain uncovered outside of a building.~~

~~Sec. 7-7. OFFENSIVE SMELLING LAND OR DWELLINGS.~~

~~—— No owner or occupant of any land or building shall suffer or permit the same to be in such condition, for any reason, as to emit offensive odors, or to be injurious to the public health, or to render soil, air, water, food, or drink unwholesome.~~

Sec. 7-~~84~~. WATER CONTAMINATION.

No person shall deposit or place in any spring or reservoir of water any matter, material or thing making such water unfit or unhealthful for use.

~~Sec. 7-9. SALE OF FOOD IN OPEN CONTAINERS.~~

~~—— No person shall expose for sale in any street, public place, park, common or open place of public resort, at an open booth, stall or stand, any food or drink, in form or condition for human consumption, except in dust-proof cases or containers.~~

Sec. 7-~~105~~. VIOLATIONS.

It shall be the duty of the ~~health~~ Health officer ~~Officer~~ to report to ~~the city attorney for prosecution~~ the City Manager and Health Board any violation of the provisions of this chapter.

~~Sec. 7-11. ABATEMENT OF NUISANCE.~~

~~—— Any person causing, suffering or permitting any nuisance specified in this chapter shall, within twenty-four hours after receiving written notice therefor from the health officer or the city attorney, abate the same.~~

~~CHARTER REFERENCES:—— Power to compel removal or cleansing of unwholesome or offensive conditions, T. 3, Sec. 17 (XI); Power to compel cleaning or repair of premises which seriously impair the general appearance of the city, T. 3, Sec. 17 (XII), 1955 Charter.~~

~~Sec's. 7-12 to 7-199. Reserved.~~

~~Enacted October 25, 1972.~~

CHAPTER 7
HEALTH AND SANITATION
ARTICLE II. HEALTH OFFICER AND BOARD OF HEALTH

Sec. 7-200. HEALTH OFFICER AND BOARD OF HEALTH.

The duties of the ~~health-Health officer-Officer~~ and the ~~board-Board~~ of ~~health-Health~~ shall be those prescribed by the laws of the State of Vermont. It shall be a further duty of the ~~health-Health officer-Officer~~ to forthwith inquire into the subject matter of any written or verbal complaint by ~~a-
reliable-citizen~~any person and make an appropriate and proper investigation.

Sec. 7-201. PROCEEDINGS.

Upon a finding by the Health Officer that a potential health hazard or a public health risk exists, the Health Officer and the City Council, convened as a board of public health, shall proceed as directed by the general law.

~~CROSS REFERENCE: Jurisdiction over Garbage Collection, see Sec. 7-404 this Code.~~

~~CHARTER REFERENCE: Health Officer and Board of Health, T. 4, Sec. 24, 1955 Charter.~~

~~STATE LAW REFERENCE: Local Health Officials, V.S.A., T. 18, Sec. 601 et seq.~~

~~Sec's. 7-201 to 7-299. Reserved.~~

~~Enacted October 25, 1972.~~

CHAPTER 7
HEALTH AND SANITATION
ARTICLE IV. GARBAGE AND TRASH

Sec. 7-400. DEFINITIONS.

- (a) The word "vehicle" shall mean any device in, upon or by which property is or may be transported upon a highway.
- (b) The word "street" shall mean any public street, avenue, road, boulevard, highway or other public place located in the city of Montpelier and used for vehicles.
- (c) The word "person" ~~mean and include any individual, firm, co-partnership or corporation~~ has the meaning ascribed to it in Sec. 1-3.
- (d) The word "garbage" ~~shall mean any refuse consisting of animal and vegetable matters only~~ means any materials meant for landfilling, incineration, gasification, or other disposal method of treating solid waste, so that there is no further immediate use.
- (e) The word "~~trash~~recyclables" means solid waste, which may be reclaimed and/or processed so that they may be used in the production of materials or product ~~shall mean all waste material, refuse or rubbish that is not garbage.~~
- (e)(f) "Solid waste" means garbage, refuse, recyclables, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility and other material, including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities. Solid waste does not include animal manure and absorbent bedding used for soil enrichment; high carbon bulking agents used in composting; or solid or dissolved materials in industrial discharges that are point sources subject to permits under the Water Pollution Control Act.

Sec. 7-401. VEHICLES CARRYING GARBAGE, RECYCLING OR ~~TRASH~~SOLID WASTE.

Any person who operates or causes to be operated a vehicle upon any street in the City of Montpelier while undertaking to transport garbage, recycling and ~~and trash solid waste to the site of the Sanitary Landfill in East Montpelier,~~ shall properly cover and secure his said material as to prevent such material from falling from or being blown from said vehicle.

Sec. 7-402. LICENSE REQUIRED.

~~Each person, partnership or corporation collecting rubbish and trash for hire within the City of Montpelier shall pay an annual license fee of fifty (\$50.00) payable to the City Clerk on or before April 1 of each year; such license to be subject to the applicable provisions of this Code concerning licenses in Chapter 9 of this Code.~~ All persons collecting, receiving, accepting for disposal, transporting, or disposing of solid waste in the City of Montpelier shall obtain a license from the Central Vermont Solid Waste Management District.

~~CROSS-REFERENCE: Truckmen (Cartmen) Licenses, see Sec. 9-2200 of this Code.~~

~~Sec. 7-403. — CONDITIONS OF LICENSE.~~

~~———— That as a condition for this license, the applicant shall execute in the presence of the City Clerk his consent and he will deliver to the Sanitary Landfill under contract to the City of Montpelier only garbage and trash which is collected within the limits of the city of Montpelier or any other town or city contracting with said Sanitary Landfill operators unless he shall make some specific and private arrangements with said operators.~~

~~Sec. 7-404. — HEALTH OFFICER'S JURISDICTION.~~

~~———— The gathering and transportation of garbage shall be under the supervision and direction of the health officer, and no person shall use any vehicle, receptacle or utensil therein until it has been inspected and approved by the health officer, nor after it has been disapproved by him.~~

~~Sec. 7-405. — CLEANLINESS OF COLLECTION VEHICLES AND RECEPTACLES.~~

~~———— No person shall use a foul, filthy, or obnoxious vehicle, receptacle or utensil in the gathering or transportation of garbage.~~

~~CHARTER REFERENCE: — Power to control the removal of rubbish and waste, T. 3, Sec. 17 (XII),
———— 1955 Charter.~~

~~STATE LAW REFERENCE: — Town regulation of garbage disposal, V.S.A., T. 24, Sec. 2202.~~

~~Sec's. — 7-406 to 7-499. — Reserved.~~

~~Enacted October 25, 1972.~~

~~Amendment enacted May 26, 1982 [Sec. 7-402, fee increased]. Date of Publication: 6/9/82. Effective Date: 6/16/82.~~

~~Amendment enacted 4/9/85 [Sec. 7-402, rate increased]. Date of Publication: 4/15/85. — Effective Date: —
———— 4/22/85. — Amendment enacted March 28, 1990 [Sec. 7-402, rate increased]. — Date of —
———— Publication: 4/09/90. Effective Date: — 7/01/90.~~

CHAPTER 7
HEALTH AND SANITATION
ARTICLE V. DUMPS

~~———— A state law which is effective 7/1/69, V.S.A., T. 24, Sec. 2201a, requires cities and towns to maintain a sanitary landfill. — Montpelier has complied with this law by entering into a contract with a private sanitary landfill operator; therefore, there are not any sections to be included in this Article. — All prior ordinances relating to dumps have been repealed by omission since they are no longer applicable; however, should the City ever decide to maintain a sanitary landfill, ordinances in relation thereto can be placed in this Article.~~

~~Enacted October 25, 1972.~~

CHAPTER 7
HEALTH AND SANITATION
ARTICLE VI. PROTECTION OF BERLIN POND

Sec. 7-600.

~~Entry upon, or activity within, Zones 1 and 2 of t~~The Berlin Pond Source Protection Area, ~~as is~~ designated and delineated on the Source Plan, (WSID #5272) prepared by Dufresne & Associates, dated February 23, 2001, as modified on February 14, 2017, approved by the Vermont Department of Environmental Conservation, ~~are prohibited unless directly related to, or required for, water supply testing, protection, enforcement or improvement purposes.~~

Sec. 7-601.

~~Existing structures and improvements located within 200 feet of the shoreline of Berlin Pond or the margin of any of its tributaries may continue in their present form, use, location and condition; provided, however, that an existing structure, improvement or land condition shall be removed immediately if it's found likely to cause or contribute to any contamination or pollution of Berlin Pond or any of its tributaries.~~Pedestrian and vehicular access to and from Berlin Pond over lands of the City of Montpelier is prohibited.

Sec. 7-602.

~~All activities, structures, improvements and land uses within Zone 3 of the Berlin Pond Source Protection Area, as designated and delineated on the above referenced Plan, involving the use, transportation, storage, generation, manufacture or disposal of hazardous materials, or any other substance, activity or product likely to affect water quality, human health or public drinking water treatment, are prohibited, except for the customary use, transportation and storage by a household. This section shall not proscribe or prevent the construction, installation and maintenance of improvements intended to abate, contain or mitigate the effects of hazardous materials, nor shall it be deemed to affect the transportation of any such substance or product in conformance with applicable state and federal standards.~~The entry upon and use of Berlin Pond is subject to regulation under Vermont Environmental Protection Rule, Chapter 32, as now constituted and as may be amended.

Sec. 7-603.

~~Existing structures and improvements and land uses within Zone 3 of the Berlin Pond Source Protection Area may continue in their present use, location and condition, and may be altered for the purpose of mitigating, correcting or removing potential sources of contamination or pollution. An existing structure or other improvement located within the Berlin Pond Source Protection Area shall be removed immediately if it is determined to be, or is likely to be, causing any condition adversely affecting water quality.~~

Sec. 7-604.

~~The provisions of this Ordinance shall not be deemed to be a limitation of the City's jurisdiction and regulatory authority over Berlin Pond, its tributaries and the City's public~~

~~water supply system, but shall serve to supplement all municipal, state and federal orders, rules, regulations and statutes presently in effect, or as may hereafter be enacted or adopted.~~

Sec. 7-~~605~~603.

By its adoption of this Ordinance, the City of Montpelier does not waive or relinquish any right, benefit, authority or prerogative it now possesses with respect to Berlin Pond and its tributaries.

~~Sec. 7-606.~~

~~This Ordinance is designated a civil ordinance under 24 V.S.A., §1971(b).~~

~~Sec. 7-607.~~

~~—A true copy of this Ordinance shall be delivered to the Select Boards and the Planning Commissions of the Towns of Berlin, Williamstown and Northfield, and shall be engrossed as required by law.~~

~~Sec. 7-608.~~

~~—Any person violating this Ordinance shall be subject to the monetary penalty established in Sec. 1-9 of this Code in addition to any other civil remedy available to the City to prevent, abate or enjoin such violation.~~

~~Sec. 7-609.~~

~~—This Ordinance shall take effect six days from the date of publication.~~

~~A health order relating to the protection of Berlin Pond shall be made a part of the record.~~

~~Sec's. 7-610 to 7-699. Reserved.~~

~~Enacted July 28, 2010 [Entire new Article VI, Protection of Berlin Pond, added]. Date of Publication: 10/07/10. Effective Date: 10/13/10.~~

CHAPTER 7
HEALTH AND SANITATION
ARTICLE VII. NUISANCES

Sec. 7-700. PURPOSE.

Any property within the City which is in a state of disrepair and deterioration, including vacant buildings, unsafe structures and potentially dangerous land conditions, are deemed to be public nuisances because their existence contributes to the decrease in value of surrounding properties, precipitates disinvestment by neighboring owners, provides a location for criminal activity, undermines the aesthetic character of the City and its neighborhoods and environs, and has other undesirable effects. Allowing public nuisances to remain indefinitely, even in the absence of code violations, structural boarding and other security measures, is detrimental to the public health, safety and welfare, unreasonably interferes with the reasonable and lawful use and enjoyment of other neighboring or adjacent property, may pose a danger to first responders in an emergency, and detracts from the appearance and good order of the neighborhood. The purpose of this ordinance is to abate public nuisances and to mitigate their impacts.

Sec. 7-701. DEFINITIONS.

- (1) As used in this Article, the term “nuisance” and “public nuisance” shall mean:
- (a) the physical condition or occupancy of any premises or property regarded as a public nuisance at common law; or
 - (b) any physical condition or occupancy of any premises or property considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences and structures, or
 - (c) any premises that has unsanitary sewage or plumbing facilities; or
 - (d) any premises designated as unsafe for human habitation; or
 - (e) any premises or property that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecure so as to endanger life, limb or property; or
 - (f) any premises from which plumbing, heating or other facilities have been permanently removed or disconnected, destroyed or rendered ineffective, or the adequate precautions against trespassers have not been provided; or
 - (g) any premise that is unsanitary, or that is littered with rubbish or garbage; or
 - (h) any structure that is in a state of dilapidation, deterioration or decay, faulty construction, overcrowded, open, vacant or abandoned, or damaged by fire or other

casualty to the extent so as to not to be habitable, or in danger of collapse or failure; or dangerous to anyone on or near the premises, or detracts from the value, use and enjoyment of neighboring or adjacent property.

- (2) As used in this Ordinance, the term “Inspection Officials” shall mean the City Building Inspector, City Health Officer or City Fire Department Chief, or such other person so designated and appointed by the City Manager.
- (3) As used in this Ordinance, the term “Owner” shall mean the person holding record title to premises or property, as well as any person occupying, using, controlling or operating such premises or property as tenant, lessee or any other capacity recognized at law.

Sec. 7-702. PROHIBITION.

- (1) No person shall create, operate or maintain a public nuisance within the City.
- (2) No person shall fail to comply with the terms of an order of abatement issued under this ordinance.

Sec. 7-703. INSPECTION.

- (1) Upon receipt of information that a violation of this ordinance has occurred, an Inspection Official shall undertake a physical inspection of the premises or property. The Inspection Official may enter any building, structure or premises within the City for the purpose of making inspections or investigations at all reasonable hours; provided that, except in case of emergency, the right and authority conferred by this section shall not apply to the entry of any premises or property unless advance written notice is served on the owner thereof. Such written notice shall contain a statement of the date and time that an inspection will be made and shall also contain a statement of the purpose of such inspection.
- (2) The Inspection Official shall prepare a written report of ~~his or her~~their inspection of the premises or property and any corrective or abatement recommendations, and shall deliver a copy thereof to the owner of the premises and to the City Manager for transmittal to the City Council.

Sec. 7-704. HEARING ENFORCEMENT.

- (1) Upon at least ten days advance written notice to the owner of the premises, the City Council shall convene a public hearing to consider and act upon the inspection report of the Inspection Official. At such hearing, the City Council shall allow testimony and evidence from the owner and/or tenant of the premises or property, City officials and employees, and the public relating to the condition of the premises.
- (2) Following such hearing, the City Council shall deliberate and may determine that the premises constitute a public nuisance based upon specific findings. In the event the City Council

determines that the premises constitute a public nuisance, it shall direct that the owner thereof produce and deliver to the City Manager a plan and schedule of remediation and abatement, such submission to be made within a reasonable time frame established by the City Council, but in no event less than ten days of receipt of the City Council's findings.

- (3) In the event the owner's remediation and abatement plan is accepted and approved by the City Council, the owner shall implement said plan immediately, and shall complete the same within the time limits imposed by the City Council.
- (4) In the event the owner fails to submit a plan of remediation and abatement in accordance with Subsection (2), or if the owner fails to comply with Subsection (3), or if the owner fails to draft a plan accepted by the Council or fails to comply with Subsection (3), the City shall proceed to enforce this ordinance as provided herein, and shall seek such injunctive relief, enforcement remedies, and penalties as permitted by law, including, without limitation, abatement of common law nuisances, abatement of public health hazards, demolition of structures determined to be in violation of this ordinance, enforcement and foreclosure of liens for unpaid fees imposed under Section 7-706, and recovery in a civil action for remediation, mitigation and abatement costs incurred by the City.
- (5) In addition to being subject to penalties imposed for violating this ordinance, an owner whose property is found to be in violation or noncompliance of Section 7-704(4) shall be liable for all costs incurred by the City under Section 7-704(4), and for fees imposed under Section 7-706, payment of which shall be secured by a lien in the nature of a contractor's lien for labor and material in favor of the City upon such property.

Sec. 7-705. APPEALS.

A person, including the owner, aggrieved by any action taken hereunder by the City Council or a City official or employee may appeal any decision made by the City Council under Section 7-704. Such appeal shall be taken in the manner provided by law for appeals from governmental agencies and bodies.

Sec. 7-706. FEES.

Commencing thirty days from the date of delivery of the Inspection Official's report pursuant to Sec. 7-703(2) hereof, the Inspection Official shall conduct periodic inspections of the premises until the remediation plan has been completed in the judgment of the City Council, and shall furnish a report of such inspection to the owner and the City Manager. An inspection fee of \$50 for residential properties and \$100 for commercial properties for each such inspection is hereby established, such fee payable upon receipt by the owner of an invoice from the City Treasurer.

Sec. 7-707. SCOPE OF ORDINANCE.

The ordinance shall apply to all property within all areas of the City of Montpelier.

Sec. 7-708. DESIGNATION; PENALTIES.

The ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59, for a violation of which there is hereby imposed a penalty of \$100.00 per day for each day the owner fails to comply with Section 7-704(2)(3) or (4), in addition to any other penalties provided by law.

Sec. 7-709. SEVERABILITY.

If any portion of this ordinance is found to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance is amended, this ordinance shall be deemed to refer to such amended statute.

Sec. 7-710. AUTHORITY.

This ordinance is enacted under authority granted to the City under 24 V.S.A., §2291(14) and Sec. 701 of the Montpelier City Charter.

~~Sec's. 7-711 to 7-799. Reserved.~~

~~CHARTER REFERENCE: Subchapter 7, City Ordinances, §701. COUNCIL AUTHORITY.~~

~~Enacted May 24, 2017; Effective June 9, 2017.~~



CITY COUNCIL Agenda Item #19-281

Date: September 25, 2019

Consent__ Discussion X

SUBJECT: Ordinance Amendments, Chapter 8, 2nd public reading

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Conduct 2nd Public Reading of the proposed amendments to Chapter 8. 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: Articles I and II of Chapter 8 of the Code of Ordinances with proposed amendments (red lined and clean version).

INTERESTED PARTIES: City Council, residents, staff

CITY MANAGER'S APPROVAL:

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

CHAPTER 8
ANIMALS AND FOWL
ARTICLE I. IN GENERAL

Sec. 8-1. RUNNING AT LARGE.

No person ~~owning or who has custody and control shall permit~~ of any domestic ~~animal fowl, goat, sheep, swine, horse or cattle belonging to him or in his charge shall permit such animal~~ to go at large, loose or unrestricted in any public street within the limits of the City or on any land therein thrown open as a way for public travel and used by the public for travel although such way be not legally a public street, or go at large elsewhere in the City. See Article II of this Chapter for restrictions on dogs running at large.

~~CHARTER REFERENCE: — T. 3, Sec. 17 (22) 1955 Charter.~~

~~STATE LAW REFERENCE: — V.S.A., T. 20, Sec. 3341 et seq.~~

Sec. 8-2. SADDLED HORSES AND DRAFT ANIMALS.

No saddled horse or draft animal shall be permitted by the owner or person in charge thereof to go into any public street unaccompanied by a driver or leader ~~or unless secured by hitch or weight.~~

~~CHARTER REFERENCE: — T. 3, Sec. 17(22), 1955 Charter.~~

Sec. 8-3. KEEPING SWINE.

No person shall keep swine within the City limits ~~in such place or in such manner as to be offensive to residents in the vicinity thereof or in violation of an order of the health officer unless the swine is kept on a parcel greater than ten (10) acres of land.~~

~~CHARTER REFERENCE: — T. 3, Sec. 17(6); T. 3, Sec. 17(11), 1955 Charter.~~

Sec. 8-4. HORSE STABLE; MANURE.

No owner or occupant of a stable within the City limits shall keep such stable in such place or in such manner as to be offensive to residents in the vicinity thereof and at no such time shall permit more than one-half cord of manure to accumulate or remain uncovered outside said stable.

~~CHARTER REFERENCE: — T. 3, Sec. 17(6); T. 3, Sec. 17(11), 1955 Charter.~~

Sec. 8-5. POULTRY -- UNLAWFUL TO KEEP EXCEPT IN ENCLOSURE.

It shall be unlawful for any person to keep poultry in the City limits, unless the poultry is confined in a properly fenced enclosure in such a manner that the poultry cannot escape therefrom.

~~**Sec. 8-6. SAME -- DRESSING FOR COMMERCIAL USE, PROHIBITED.**~~

~~— It shall be unlawful for any person to slaughter or dress for commercial use any fowl within the city limits. —~~

~~**Sec. 8-7. SAME -- CONSTITUTES NUISANCE.**~~

~~Any violation of Sections 8-3, 8-4, 8-5 and 8-6 shall constitute a public nuisance and be subject to abatement.~~

~~CROSS REFERENCE: Determination of public nuisance, Sec. 1-9(b) this Code.~~

~~Sec. 8-8. FIGHTING COCKS, DOGS OR OTHER ANIMALS.~~

~~If any person engage in the fighting of cocks, dogs or other animals, for money, prize or anything of value, or upon the result of which any money or other thing of value is bet or wagered, or to which admission fee is charged, directly or indirectly, or for any championship, he shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.~~

~~CHARTER REFERENCE: T. 3, Sec. 17(2), Gaming and Gambling, 1955 Charter.~~

~~STATE LAW REFERENCE: V.S.A., T. 20, Sec. 2132.~~

~~Sec. 8-9. CRUELTY TO ANIMALS.~~

~~Any person who overrides, overdrives, overloads, tortures, ill-treats, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another, or deprives any animal of necessary sustenance, food, or drink, or causes any of the above things, or being the owner of such animal permits such acts to be done by another, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or who shall carry or cause to be carried in or upon any vehicle or vessel or otherwise any animal in a cruel, brutal, or inhuman manner, so as to produce torture or unnecessary suffering, shall be imprisoned not more than one year or fined not more than \$200.00, or both; but nothing in this section shall be construed to prohibit the dehorning of cattle.~~

~~CHARTER REFERENCE: T. 3, Sec. 17(27), 1955 Charter.~~

~~STATE LAW REFERENCE: V.S.A., Title 20, Sec. 403.~~

~~Sec. 8-106. BURYING DEAD ANIMALS.~~

No person shall bury or cause to be buried the body of any horse, ~~ass, mule, ox, cow, bull, hog~~ or other large animal, within the limits of the city, unless in such manner that every part and portion of such body shall be at least three (3) feet below the natural surface of the ground where the same is buried.

~~CHARTER REFERENCE: T. 3, Sec. 17(6), 1955 Charter.~~

~~STATE LAW REFERENCE: V.S.S., T. 18, Sec. 1503.~~

~~Sec's. 8-11 to 8-199. Reserved~~

~~Enacted October 25, 1972.~~



CITY COUNCIL Agenda Item #19-282

Date: September 25, 2019

Consent ☐ Discussion ☒

SUBJECT: Strategic Outcomes update

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Review update of 2019 plan

RELATED COUNCIL GOAL/PRIOR ACTION: Responsive and Responsible Government

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: Our new Strategic Outcomes work plan has been entered into Envisio for staff use.

SUPPORTING DOCUMENTS: Strategic Outcomes Council Report

INTERESTED PARTIES: Council, Staff, Residents

CITY MANAGER'S APPROVAL:

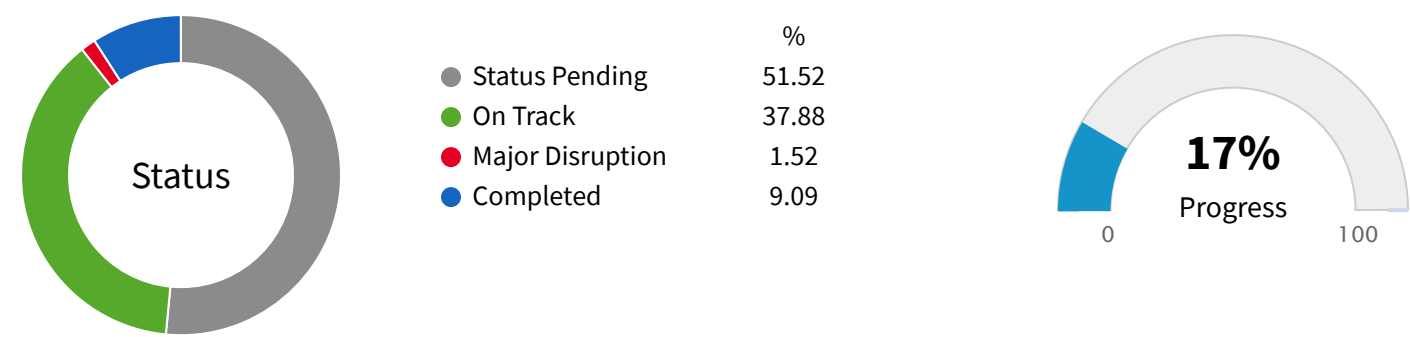
A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.



Council Report

7	18
Strategic Outcome	Initiative

Overall Summary



Strategic Outcome 1

Progress 27%

Community Prosperity

Montpelier's robust local economy, strong job market that pays living wages, and rich quality of life draws and sustains a diverse community of all ages. We recognize that to be prosperous, our community must care for the physical and mental well-being of all residents.

	%	#
Status Pending	33.33	1
On Track	66.67	2

Initiative 1.1

Progress 27%

Articulate an economic development philosophy that is aligned Person(s) Responsible: City Manager, with the values of the Governing Body.

	%	#
Status Pending	33.33	1
On Track	66.67	2

Problem being solved/Opportunity being seized: Encouraging economic growth without abandoning our values

Strategic Outcome 2

Progress 9%

Environmental Stewardship

Montpelier ensures a healthy environment that supports long term public health and economic vitality using technology, resources, knowledge and skills to conserve, protect and nurture our community including air, water, soil and varied natural habitats.

	%	#
Status Pending	52.63	10
On Track	42.11	8
Completed	5.26	1

Initiative 2.1

Progress 5%

Develop resilient designs and standards for addressing stormwater issues.

	%	#
Status Pending	66.67	4
On Track	33.33	2

Problem being solved/Opportunity being seized: Resiliency, clean water

Initiative 2.1 > KPI

Phosphorus Reduction

Owner: Tom McArdle

Erosion Reduction

Owner: Tom McArdle

Debris Management

Owner: Tom McArdle

Compliance

Owner: Tom McArdle

Initiative 2.2 Progress 4%

Develop a comprehensive plan and strategy for achieving Net Zero goals.

Problem being solved/Opportunity being seized: Reduce carbon footprint

Initiative 2.2 > KPI

Achieving Net Zero

Owner: Tom McArdle

		%	#
Status Pending		75.0	3
On Track		25.0	1

Initiative 2.3 Progress 0%

Support Face the River efforts

Problem being solved/Opportunity being seized: Reversing historic neglect of riverfront properties.

Updated on Aug 29, 2019 11:42:30

The Vermont River Conservancy will be presenting at the 9/11 City Council meeting to discuss riverfront options.

		%	#
Status Pending		66.67	2
On Track		33.33	1

Initiative 2.3 > KPI

More river access points

Owner: Geoff Beyer

Initiative 2.4 Progress 26%

Prioritize non-fossil fuel based vehicles in equipment plan

Initiative 2.4 > KPI

Number of non-fossil Fuel Based Vehicles

Owner: Tom McArdle

		%	#
On Track		75.0	3
Completed		25.0	1

Initiative 2.5 Progress 8%

Improve/expand public transportation options

Problem being solved/Opportunity being seized: : Reduce vehicular traffic in downtown

		%	#
Status Pending		50.0	1
On Track		50.0	1

Strategic Outcome 3

Progress 38%

Inclusive, Equitable, and Welcoming Community

Montpelier is a community where all people experience positive connection and personal agency. We are intentional in our effort to create community by establishing policies, projects and events that ensure inclusive representation, accessibility for all, equity, and the expectation that people are treated with dignity and respect.

	%	#
On Track	66.67	4
Completed	33.33	2

Initiative 3.1

Progress 10%

Consider a Living Wage/Socially Responsible Contracting requirement in Montpelier.

	%	#
On Track	100.0	3

Strategic Outcome 4

Progress 18%

Sustainable Infrastructure

The City consistently commits sufficient funds to provide and maintain a reliable, functional infrastructure that meets the diverse needs and demands of the public and optimizes the design life of city assets. This commitment includes employing and supporting dedicated and knowledgeable staff and supplying them with the tools and resources they need to adapt to a changing climate.

	%	#
Status Pending	28.57	2
On Track	57.14	4
Major Disruption	14.29	1

Initiative 4.1

Progress 25%

Back to Basics

Problem being solved/Opportunity being seized: Substandard street PCI, undersized and outdated water mains, outdated and failing storm and sewer systems, CSO compliance

	%	#
Status Pending	66.67	2
On Track	33.33	1

Initiative 4.1 > KPI

Make steady progress with no further deferment

Owner: Tom McArdle

70 PCI

Owner: Tom McArdle

Initiative 4.2

Progress 13%

Complete Major Projects

	%	#
On Track	75.0	3
Major Disruption	25.0	1

Strategic Outcome 5

Progress 0%

Thoughtfully Planned Built Environment

Montpelier is the state capital and is an important commercial and residential hub in Central Vermont. Thoughtful planning incorporates human centered design that blends modern and historic elements and ensures the vitality of our downtown, residential neighborhoods, and parks. All modes of transportation are balanced to keep our community safely and efficiently in motion. Public spaces and private developments animate infrastructure and incorporate environmentally responsible features that contribute to our unique sense of place.

Initiative 5.1

Progress 0%

Increase parkland and recreational play areas throughout the City.

Problem being solved/Opportunity being seized: Unequal access to parks throughout city.

Initiative 5.1 > KPI

Parks within 10 minute walk from each neighborhood

Owner: Geoff Beyer

Initiative 5.2

Progress 0%

Complete City Plan

Problem being solved/Opportunity being seized: Comprehensively plan for projects and policies for the city's future

Strategic Outcome 6

Progress 8%

More Housing

Montpelier has sufficient housing opportunities for people at all income levels who wish to live in our community. Housing is safe, healthy, accessible, energy efficient and fits a variety of lifestyles and housing choices. Critical community resources such as parks, schools and services are accessible to our vibrant neighborhoods.

Initiative 6.1

Progress 0%

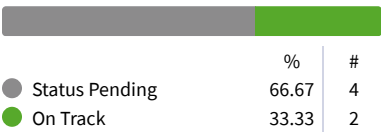
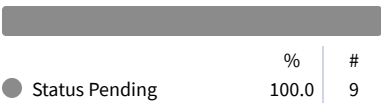
Develop a strategy to address housing shortage and ensure housing for all incomes and stages of life.

Problem being solved/Opportunity being seized: Housing shortage/insecurity

Initiative 6.1 > KPI

More Housing for All

Owner: Michael Miller



Initiative 6.2

Progress 25%

Approve a Sabin's Pasture housing and development plan

	%	#
● On Track	100.0	2

Initiative 7.1

Progress 5%

Proactively address drug issues.

Problem being solved/Opportunity being seized: Drug addiction, crime, domestic violence, negative community impact

	%	#
● On Track	100.0	1

Updated on Jul 23, 2019 17:47:41

On going efforts--both from an interdiction side as well as working with our prevention partners, specifically Central Vermont New Directions Coalition. MPD continues to be a law enforcement member on the Washington County Substance Abuse Regional Partnership (WCSARP) led by Dr. Mark Depman CVMC ED.

MPD also recently conducted several drug ops taking down a crack cocaine distributor out of Boston and a local dealer in Montpelier. Two other individuals were recently arrested by MPD for possession of crack cocaine, one of whom is a known heroin addict (who was saved many months ago by a NARCAN reversal administered by MPD and MFD. Further of evidence of the prevalence of crack cocaine in the area.

Initiative 7.1 > KPI

Stats

Owner: Anthony Facos

Overdoses

Owner: Anthony Facos

Community engagement

Owner: Anthony Facos

Initiative 7.2

Progress 0%

Emergency Management

	%	#
● Status Pending	100.0	3

Strategic Outcome 8

Progress 40%

Responsive and Responsible Government

Montpelier operates with transparency, integrity and fiscal responsibility and is responsive to the needs of the public. The City is a model employer and our employees are trusted stewards of public resources. The City seeks and encourages public engagement and collaborative expression to accomplish the vision of the governing body.

	%	#
● Status Pending	41.67	5
● On Track	33.33	4
● Completed	25.0	3

Initiative 8.1

Progress 40%

Update Personnel Plan

Problem being solved/Opportunity being seized: Outdated plan

	%	#
Status Pending	50.0	3
On Track	33.33	2
Completed	16.67	1

Initiative 8.1 > KPI

Agreed upon plan

Owner: William Fraser

Initiative 8.3

Progress 100%

Update City ordinances to ensure enforceability and develop strategies to ensure compliance.

Problem being solved/Opportunity being seized: Outdated ordinance, lack of resources to enforce, inequity of regulation

	%	#
Completed	100.0	1

Initiative 8.4

Progress 42%

Continue public engagement efforts

Maintain transparency, inform public, provide good communication

	%	#
Status Pending	33.33	1
On Track	33.33	1
Completed	33.33	1