



Agenda

City Council Meeting

City Council Chambers, City Hall
Wednesday, October 9, 2019
6:30 P.M.

1. Call To Order By The Mayor
2. 19-288. Review and approve agenda
3. 19-289. General business and appearances
4. 19-290. Consideration of the consent agenda
 - a. Planning Commission reappointments
 - b. Payroll and bills
 - c. **ADDENDUM:** Municipal Policies and Codes
5. 19-291. Complete Streets Committee update
6. 19-292. Bethany Warming Shelter extension
7. 19-293. Preliminary budget discussion
8. 19-294. Responsible employer ordinance
9. 19-295. Chapter 8 ordinance amendments, 3rd Public Hearing
10. 19-296. Chapter 9 ordinance amendments, 2nd Public Hearing
11. 19-297. Tax stabilization policy
12. 19-298. Other business
13. 19-299. Council reports
14. 19-300. Mayor's report
15. 19-301. City Clerk's report
16. 19-302. City Manager's report

17. Adjournment



CITY COUNCIL Agenda Item #19-290(a)

Date: October 9, 2019

Consent X Discussion

SUBJECT: Appointments to the Planning Commission

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Reappoint Aaron Kisicki, Ariane Kissam and John Adams to two-year terms on the Planning Commission

STRATEGIC OUTCOME/INITIATIVE: Thoughtfully Planned Built Environment

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: *It is possible that part of this discussion will be conducted in Executive Session in accordance with Title I, VSA §313, Executive Sessions (a)(3) The appointment or employment or evaluation of a public officer or employee.*

BACKGROUND INFORMATION: Three seats on the Planning Commission expire in October. Staff advertised and only received applications from the Commissioners whose seats have expired: Ariane Kissam, John Adams and Aaron Kisicki.

PLANNING COMMISSION:		
		Expiration
Marcella Dent	2-year	10/01/2020
Kirby Keeton	2-year	10/01/2020
Barbara Conrey	2-year	10/01/2020
Stephanie Smith	2-year	10/01/2020
Aaron Kisicki	2-year	10/01/2019
John Adams	2-year	10/01/2019
Ariane Kissam	2-year	10/01/2019

SUPPORTING DOCUMENTS: Applications

INTERESTED PARTIES: City Council; Planning Commission; Planning Department; Applicants

CITY MANAGER'S APPROVAL:

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

From: noreply@civicplus.com
Sent: Monday, October 7, 2019 11:37 AM
To: Jamie Carroll
Subject: Online Form Submittal: City of Montpelier Boards & Commissions Application

City of Montpelier Boards & Commissions Application

APPLICATION FORM MONTPELIER CITY BOARDS AND COMMITTEES

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

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

Name	John Adams
Email Address	[REDACTED]
Address	[REDACTED]
City	Montpelier
State	Vermont
Zip Code	05602
Phone Number	[REDACTED]
Occupation	Director of VT Center for Geographic Information
Are you 18 years of age or older?	Yes
Are you a registered voter in the City of Montpelier?	Yes
Are you a resident of the City of Montpelier?	Yes
How long have you been a resident of the City of Montpelier?	8 years

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)	Planning Commission
Are you currently serving or have you served on any City board or committee? If so, please list and give approximate dates.	5 years on the PC
Please answer each question in as much detail as possible.	
Education/Credentials:	- Certified w/ American Institute of Certified Planners (AICP) - Master's of Planning from Queen's University
Professional activities that relate to this board/committee:	Current Director of Vermont Center for Geographic Information. Former Planning & Policy Manager at Department of Housing & Community Development.
Community activities that relate to this board/committee:	<i>Field not completed.</i>
Why are you interested in serving on this board/committee?	Work on development of a City Plan that helps us realize our shared community vision.
What talents or experience would you bring to the board/committee?	Planning + Mapping
Any other comments or information you wish to provide to the Mayor and City Councilors?	<i>Field not completed.</i>
Are you involved in any personal, professional or business pursuit that would affect your ability to make fair and impartial	No

recommendations as a
member of a City
advisory board or
committee?

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.

John Adams

10/7/2019

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.](#)

From: noreply@civicplus.com
Sent: Wednesday, October 2, 2019 12:49 PM
To: Jamie Carroll
Subject: Online Form Submittal: City of Montpelier Boards & Commissions Application

City of Montpelier Boards & Commissions Application

APPLICATION FORM MONTPELIER CITY BOARDS AND COMMITTEES

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

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Name	Aaron Kisicki
Email Address	[REDACTED]
Address	[REDACTED]
City	[REDACTED]
State	[REDACTED]
Zip Code	[REDACTED]
Phone Number	[REDACTED]
Occupation	[REDACTED]
Are you 18 years of age or older?	Yes
Are you a registered voter in the City of Montpelier?	Yes
Are you a resident of the City of Montpelier?	Yes
How long have you been a resident of the City of Montpelier?	4 years

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)	Planning Commission
Are you currently serving or have you served on any City board or committee? If so, please list and give approximate dates.	Planning Commission; October 2018 - Present.
<i>Please answer each question in as much detail as possible.</i>	
Education/Credentials:	Education: JD Credentials: Licensed Vermont Attorney
Professional activities that relate to this board/committee:	I have experience reviewing and/or drafting statutes, rules, regulations, and town plans.
Community activities that relate to this board/committee:	Serving on the Planning Commission for the past year; I currently serve as vice-chair of the commission.
Why are you interested in serving on this board/committee?	To continue the work that I have been involved with over the past year, and to help draft and implement the new city plan.
What talents or experience would you bring to the board/committee?	See above.
Any other comments or information you wish to provide to the Mayor and City Councilors?	I have enjoyed my experience on the commission, and would like to continue to serve on the commission as it focuses on rewriting the city plan.
Are you involved in any personal, professional or business pursuit that would affect your ability to make fair and impartial	No

recommendations as a
member of a City
advisory board or
committee?

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.

Aaron Kisicki

10/2/2019

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.](#)

From: noreply@civicplus.com
Sent: Tuesday, October 1, 2019 9:21 PM
To: Jamie Carroll
Subject: Online Form Submittal: City of Montpelier Boards & Commissions Application

City of Montpelier Boards & Commissions Application

APPLICATION FORM MONTPELIER CITY BOARDS AND COMMITTEES

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

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Name	Ariane Kissam
Email Address	[REDACTED]
Address	[REDACTED]
City	MONTPELIER
State	Vermont
Zip Code	05602
Phone Number	[REDACTED]
Occupation	Housing Professional
Are you 18 years of age or older?	Yes
Are you a registered voter in the City of Montpelier?	Yes
Are you a resident of the City of Montpelier?	Yes
How long have you been a resident of the City of Montpelier?	7 years

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)	Planning Commission
Are you currently serving or have you served on any City board or committee? If so, please list and give approximate dates.	I am currently serving on the Planning Commission.
Please answer each question in as much detail as possible.	
Education/Credentials:	I have a bachelor's degree in sociology and a master's degree in regional planning.
Professional activities that relate to this board/committee:	I have worked in the housing field in Vermont for 15 years. Currently I review affordable housing projects for funding and work with non-profit developers across the state and local communities to meet housing needs in their towns and cities. I also administer the statewide affordable homeownership program.
Community activities that relate to this board/committee:	I have been on the planning commission for a year and a half.
Why are you interested in serving on this board/committee?	It's been really interesting to talk and learn to community members about their vision of Montpelier and how the planning commission can help achieve those visions. I feel like I am learning a lot and hopefully contributing some housing knowledge to the planning discussion.
What talents or experience would you bring to the board/committee?	My housing experience and planning education background.
Any other comments or information you wish to provide to the Mayor and City Councilors?	<i>Field not completed.</i>

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.

Ariane Kissam

10/1/2019

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.](#)



Addendum to the City Council Meeting
Consent Agenda

Wednesday, October 9, 2019
6:30 PM

- 19-290(c). Sign Agency of Commerce and Community Development/
Vermont Community Development Program's Municipal Policies
and Codes resolution



SUBJECT: Municipal Policies and Codes

SUBMITTING DEPARTMENT: Department of Planning and Community Development

RECOMMENDED ACTION: Review, approve, and sign resolution

STRATEGIC OUTCOME/INITIATIVE: More Housing; Community Prosperity; Responsible Government

PRIOR ACTION: Previous Version of MP-1 was approved on July 25, 2018

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Sign resolution

BACKGROUND INFORMATION: In order to receive HUD funding through the Vermont Community Development Program, the City is required to adopt the attached Municipal Policies and Codes. The City adopted the MP-1 on July 25, 2018. In November 2018 a revised version including Whistleblower protections was added. The additional language is as follows:

A. The Municipality shall not discriminate or retaliate against a municipal employee or agent for engaging in the following:

1. Providing to a public body a good faith report or good faith testimony that alleges an entity of municipal or state government, a municipal employee or official, or a person providing services to the municipality under contract has engaged in a violation of law or in waste, fraud, or abuse of authority, or an act threatening health or safety.
2. Assisting or participating in a proceeding to enforce the provisions of this policy.

B. Neither the Municipality nor any municipal officer or employee shall attempt to restrict or interfere with, in any manner, a municipal employee's ability to engage in any of the protected activity described in subsection (a) of this policy. Employees are not required to report misconduct to the municipality or its agents prior to reporting to any governmental entity and/or the public.

C. Neither the Municipality nor any municipal officer or employee shall require employees or agents to forego monetary awards as a result of such reports.

SUPPORTING DOCUMENTS: MP-1

INTERESTED PARTIES: City Manager, City Council, Department of Planning and Community Development

CITY MANAGER'S APPROVAL:

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

MUNICIPAL POLICIES AND CODES (FORM MP-1)

Consistent with the provisions of the Vermont Community Development Program, and federal law, the (check one) [X] City of Montpelier has adopted the following policies and codes:

Equal Employment Opportunity Policy (required by 24 CFR 570.904 and modeled on the State of Vermont's State Government EEO Plan for FY 2017):

A. It is the policy and practice of this municipality to assure that no person will be discriminated against, or be denied the benefit of any activity, program, or employment process, in any area of employment, including but not limited to recruitment, advertising, hiring, promotion, transfer, demotion, lay off, termination, rehiring, rates of pay, benefits, development opportunities, and/or other compensation. This municipality is strongly committed to non-discrimination and equal opportunity in all employment actions for qualified persons without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identification, or disabling condition. It is the policy of this municipality to provide a workplace that is free of harassment for being a member of a protected class, and this municipality prohibits retaliatory action for any protected activity. With this in mind, the following policy is set in place.

1. This municipality shall consider all qualified applicants for available positions without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability, provided the individual is qualified to perform the work available. Attempts will be made to contact known sources of minority and women potential applicants to maximize the participation of such applicants.
2. All recruitment advertisements will include the municipality's commitment to Equal Employment Opportunity, and job specifications/descriptions should be reviewed periodically and properly identify job-related requirements.
3. EEO posters shall be placed and maintained in conspicuous locations.
4. Advancement to positions of greater responsibility is based on an individual's demonstrated performance.
5. Compensation, benefits, job assignments, layoffs, employee development opportunities, and discipline shall be administered consistent with federal and state laws, and without bias to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability.
6. Executive, management and supervisory level employees have the responsibility to further the implementation of this policy and ensure conformance by subordinates.
7. Any municipal employee who engages in discrimination of a member of a protected class or unlawful harassment may be subject to appropriate discipline.
8. Any supervisory or managerial employee who knows of unlawful discrimination or harassment in the workplace, and fails to take immediate and appropriate corrective action, may be subject to disciplinary action.

B. The municipality is committed to its Equal Employment Opportunity Policy, and as part of the Equal Employment Opportunity Plan will:

1. Recruit, hire, upgrade, train, and promote in all job classifications without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability;
2. Base employment decisions on the principles of Equal Employment Opportunity and with the intent to further the municipality's commitment to workplace diversity;
3. Ensure that all other personnel actions such as compensation, benefits, municipal-sponsored training, educational tuition assistance, social and recreational programs shall be administered without regard to race, color, religion, ancestry, national origin, age, gender, sexual orientation, sexual identity, or disability;
4. Provide reasonable accommodations for applicants and/or employees with disabilities, which will enable them to successfully perform the essential job functions;
5. Ensure that employees and applicants are not subjected to intimidation and/or harassment, threats, coercion, or discrimination because they have filed a complaint, assisted or participated in an investigation or any other activity, or opposed any act or practice made unlawful;
6. Investigate claims of discrimination and unlawful harassment in the workplace; and
7. Promote inclusion and diversity in all levels of the workforce.

Fair Housing Policy (required by 24 CFR 570.904 and modeled on 24 CFR Part 6):

The policy set forth herein applies to all housing programs, both present and future, funded through the Vermont Community Development Program.

A. This municipality will not, directly or through contractual, licensing, or other arrangements, take any of the following actions on the grounds of race, color, national origin, religion, or sex:

1. Deny any individual any facilities, services, financial aid, or other benefits provided under any VCDP-funded program or activity;
2. Provide any facilities, services, financial aid, or other benefits that are different, or are provided in a different form, from that provided to others under any VCDP-funded program or activity;
3. Subject an individual to segregated or separate treatment in any facility, or in any matter of process related to the receipt of any service or benefit under any VCDP-funded program or activity;
4. Restrict an individual's access to, or enjoyment of, any advantage or privilege enjoyed by others in connection with facilities, services, financial aid or other benefits under any VCDP-funded program or activity;
5. Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirements or conditions that the individual must meet in order to be provided any facilities, services, or other benefit provided under any VCDP-funded program or activity;
6. Deny an individual an opportunity to participate in any VCDP-funded program or activity as an employee;

7. Aid or otherwise perpetuate discrimination against an individual by providing VCDP-funded financial assistance to an agency, organization, or person that discriminates in providing any housing, aid, benefit, or service;
8. Otherwise limit an individual in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other individuals receiving the housing, aid, benefit, or service;
9. Use criteria or methods of administration that have the effect of subjecting persons to discrimination or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to persons of a particular race, color, national origin, religion, or sex; or
10. Deny a person the opportunity to participate as a member of planning or advisory boards.

B. In determining the site or location of housing, accommodations, or facilities, this municipality will not make selections that have the effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination on the ground of race, color, national origin, religion, or sex. This municipality will not make selections that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of this policy.

C. This municipality will not, directly or through contractual, licensing, or other arrangements, solely on the basis of handicap:

1. Deny a qualified individual with handicaps the opportunity to participate in, or benefit from, any VCDP-funded housing, aid, benefit, or service;
2. Afford a qualified individual with handicaps an opportunity to participate in, or benefit from, any VCDP-funded housing, aid, benefit, or service that is not equal to that afforded to others;
3. Provide a qualified individual with handicaps with any VCDP-funded housing, aid, benefit, or service that is not as effective in affording the individual an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
4. Provide different or separate VCDP-funded housing, aid, benefits, or services to individuals with handicaps or to any class of individuals with handicaps from that provided to others unless such action is necessary to provide qualified individuals with handicaps with housing, aid, benefits, or services that are as effective as those provided to others;
5. Aid or perpetuate discrimination against a qualified individual with handicaps by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any housing, aid, benefit, or service to beneficiaries in the recipient's federally assisted program or activity;
6. Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards;
7. Deny a dwelling to an otherwise qualified buyer or renter because of a handicap of that buyer or renter or a person residing in or intending and eligible to reside in that dwelling after it is

sold, rented or made available; or

8. Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other qualified individuals receiving the housing, aid, benefit, or service.

D. This municipality will not, directly or through contracting, licensing, or other arrangements, use age distinctions or take any other actions that have the effect, on the basis of age, of:

1. Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a VCDP-funded program or activity; or
2. Denying or limiting individuals in their opportunity to participate in any VCDP-funded program or activity.

Use of Excessive Force Policy (42 USC sec. 5304(I)):

This municipality (1) prohibits the use of excessive force by its law enforcement agencies against any individuals engaged in nonviolent civil rights demonstrations; and (2) prohibits its law enforcement agencies from physically barring entrance to or exit from a facility or location that is the subject of a nonviolent civil rights demonstration.

Policy on the Use of VCDP Funds for Federal Lobbying (Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352):

This municipality will not allow the use of VCDP funds to pay any person for the influencing or attempting to influence an officer of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or cooperative agreement.

Code of Ethics for Administration of Vermont Community Development Program (24 CFR 570.489(h)):

The following code of ethical conduct for public officials, employees and/or affected contractors covers all aspects of the VCDP, whether or not specifically cited.

1. Goods and services shall be procured in a manner which maximizes free and open competition.
2. Officers and employees shall not participate in any decision concerning matters in which they have a financial interest.
3. Conflicts, and the appearance of conflicts, of interest shall be avoided in order to assure public confidence in the operations of governments.

4. Every effort will be made to actively recruit woman-owned or minority-owned businesses and to provide opportunities for local residents and businesses, consistent with Section 3 of the Housing and Urban Development Act of 1968.
5. All procurement actions shall be conducted in public and all records related thereto will be open to public review.

The Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.) requires Grantees to certify and assure the Department that they will establish a formal written policy that informs employees that the manufacture, distribution, possession and use of illegal drugs in the workplace are prohibited, and an ongoing drug-free awareness program.

If this municipality does not already have a drug-free workplace policy that is at least as robust as the following, it hereby establishes that:

As an employer, the {Municipality} is responsible for maintaining safe, efficient working conditions for its employees by providing a drug-free workplace. Therefore, municipal employees shall not engage in the unlawful manufacture, distribution, possession or use of controlled substances (drugs) on the job or on any municipal work site.

1. The illegal use, possession, sale, distribution, or manufacture of controlled substances in or on property belonging to the municipality will not be tolerated and is considered to be grounds for review and termination of employment at the discretion of the employee's supervisor.
2. Any employee of the municipality who has a controlled substance dependency, or any other controlled substance-related problem, shall immediately seek professional assistance or counseling.
3. Any employee of the municipality who is convicted of violating any criminal drug statute must inform his or her supervisor within 5 days after the conviction. The criminal conviction of any employee of this municipality for the use, possession, sale or distribution of a controlled substance may be considered grounds for review and termination of employment at the discretion of the employee's supervisor.
4. If an employee who is convicted of violating any criminal drug statute works in a federally funded program, the municipality shall notify the agency that provides the federal funding within ten (10) days of the municipality's receiving the notice of the conviction. In the case of the Vermont Community Development Program, notify the Department of Housing and Community Development.
5. Any employee on municipal premises who appears to be under the influence of, or who possesses illegal or non-medically authorized drugs, or who has used such drugs on municipal premises, may be temporarily relieved from duty pending further investigation.
6. If the use of legal drugs endangers safety, management may (but is not required to) reassign work on a temporary or permanent basis.

7. All current and future employees shall be informed of this policy and shall acknowledge in writing their understanding and acceptance of this policy.

Subrecipient Oversight Monitoring Policy (required by Uniform Guidance, 2 CFR Part 200):

The policy set forth herein must be adopted by all municipalities using VCDP funds. Adoption of this policy certifies the Grantee shall be responsible for oversight monitoring of grant funds that are dispersed to a sub-recipient, to ensure the funds are properly managed.

To ensure such funds are managed according to the agreements and requirements of the granting agency, the Municipality will designate a municipal individual responsible for subrecipient monitoring. At a minimum, this will include:

1. Closely monitoring and reviewing the requisition of funds to the funding agency on a regular basis;
2. Reviewing the Subrecipient's financial management systems, internal control procedures, separation of duties, ensuring that different individuals review the invoices for payment and accuracy, from someone who writes the check, to someone who authorizes or signs the check, to someone who reconciles the Bank statements;
3. Reviewing the Subrecipient's procurement policies to ensure that they meet the requirements of 2 CFR Part 200, Uniform Federal Guidance;
4. Reviewing Labor Standards, if applicable, and the appropriate wage rates; securing payrolls and reviewing them for accuracy, and in the event there are any errors securing proof of restitution;
5. Ensuring that contractors are being paid appropriately, and lien waivers and other releases are secured from the contractors;
6. Closely monitoring the progress of the funded project through the review of required progress reports; and
7. Obtaining and reviewing the independent audit if required for the sub-recipient (expenditure of \$750,000 or greater in one fiscal year); or the municipality may determine that its own single audit may be expanded to include the scope of federal funds expended at the subrecipient level; or the subrecipient may be eligible to have a program specific audit.
8. Authorized representatives of the Secretary of the Agency, the Secretary of HUD, the Inspector General of the United States, or the U.S. General Accounting Office shall have access to all books, accounts, records, reports, files, papers, things, or property belong to, or in use by, any Subgrantee or Subrecipients pertaining to the receipts of VCDP funds as may be necessary to make audits, examinations, excerpts, and transcripts.

Whistleblower Protections:

A. The Municipality shall not discriminate or retaliate against a municipal employee or agent for engaging in the following:

1. Providing to a public body a good faith report or good faith testimony that alleges an entity of municipal or state government, a municipal employee or official, or a person providing services to the municipality under contract has engaged in a violation of law or in waste, fraud, or abuse of authority, or an act threatening health or safety.
2. Assisting or participating in a proceeding to enforce the provisions of this policy.

B. Neither the Municipality nor any municipal officer or employee shall attempt to restrict or interfere with, in any manner, a municipal employee's ability to engage in any of the protected activity described in subsection (a) of this policy. Employees are not required to report misconduct to the municipality or its agents prior to reporting to any governmental entity and/or the public.

C. Neither the Municipality nor any municipal officer or employee shall require employees or agents to forego monetary awards as a result of such reports.

Adoption

Adopted by the Legislative Body on the 9th day of October, 2019

LEGISLATIVE BODY

(Typed Name)/ (Signature)

Mayor Anne Watson

Councilor McCullough

Councilor Bate

Councilor Coburn Hutcheson

Councilor Casey

Councilor Hill

Councilor Hierl



CITY COUNCIL Agenda Item #19-291

Date: October 9, 2019

Consent ☐ Discussion ☒

SUBJECT: Complete Streets Committee update

SUBMITTING DEPARTMENT: Complete Streets via City Manager

RECOMMENDED ACTION: Receive update from the Complete Streets Committee. Opportunity will be provided for questions and discussion.

RELATED COUNCIL GOAL/PRIOR ACTION: Thoughtfully Planning Built Environment; Sustainable Infrastructure; Inclusive, Equitable and Engaged Community

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The City Council periodically receives updates and briefings from City Departments and Committees.

The Complete Streets Committee was formed to advocate for and promote the safe use of streets for pedestrians, bicyclists, and public transit riders of all ages and abilities. The Committee seeks to catalyze diverse uses of streets through events, outreach, education and partnerships with other organizations such as Montpelier Alive, Parks and Recreation, Planning and Community Development, Public Works, the Police Department, Green Mountain Transit, the Transportation Infrastructure Committee and local schools.

SUPPORTING DOCUMENTS: N/A

INTERESTED PARTIES: Complete Streets Committee, staff, residents

CITY MANAGER'S APPROVAL:

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



CITY COUNCIL Agenda Item #19-292

Date: October 9, 2019

Consent ___ Discussion X Time Sensitive X

SUBJECT: Funding Time Extension for Emergency Shelter

SUBMITTING DEPARTMENT: City Manager on behalf of Homelessness Task Force

RECOMMENDED ACTION: Consider Task Force request to appropriate up to \$10,000 to extend operations of the Emergency Shelter at Bethany Church by up to four weeks.

RELATED COUNCIL GOAL/PRIOR ACTION: Inclusive, Equitable and Engaged Community; Public Health and Safety

EXPENDITURE REQUIRED: Up to \$10,000 based on estimate from Good Samaritan Shelter

SOURCE OF FUNDS: General Fund. Propose reallocating budget funds as follows.

Child Care for Meetings	\$2,000
City Manager/Council	\$350
Clerk	\$120
Finance/Tech	\$580
Planning & Bldg Insp	\$300
City Hall Maint.	\$285
Police/Dispatch	\$2,045
Fire/EMS	\$1,550
DPW	\$1,580
Equipment	\$385
Cemetery	\$90
Parks/Trees	\$215
Recreation	\$400
Sr. Center	\$100
Total	\$10,000

LEGAL REQUIREMENTS: City Council may authorize reallocation of budget funds

BACKGROUND INFORMATION: At the September 25 meeting, the Homelessness Task Force requested that the City Council approve funding to extend the season for the Bethany Church Emergency Shelter. The Council scheduled the discussion for October 9th. They requested operating information from Good Samaritan and a financial recommendation from the City Manager.

SUPPORTING DOCUMENTS: N/A

INTERESTED PARTIES: Homelessness Task Force, Good Samaritan Haven, Bethany Church

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. J. [unclear]", is written over a faint, large, light-gray watermark of the word "APPROVAL".



CITY COUNCIL Agenda Item #19-293

Date: October 9, 2019

Consent ☐ Discussion ☒

SUBJECT: Preliminary Budget Discussion

SUBMITTING DEPARTMENT: Finance Department

RECOMMENDED ACTION: None, discussion only

STRATEGIC OUTCOME/PRIOR ACTION: All Strategic Outcomes

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: The Finance Department will provide council with a brief update on the FY21 budget status.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: City Council, Residents, City Staff

CITY MANAGER'S APPROVAL: 



America's Small Town Capital

October 9, 2019

TO: City Council Members
City Leadership Team

FROM: Todd Provencher, Finance Director

SUBJECT: **FY21 Budget Background**

<u>Year</u>	<u>Voter Approval</u>
★ FY 20	82%
★ FY 19	87%
★ FY 18	84%
★ FY 17	80%
★ FY 16	80%

Municipal Property taxes and Economic Indicators

FIVE YEAR HISTORY-% Changes	FY16	FY17	FY18	FY19	FY20	AVERAGE
Property Tax Increases- Municipal	2.80%	2.80%	2.70%	2.60%	3.17%	2.81%
Consumer Price Index(annual)	0.20%	1.1% Aug	2.2% Sept.	3.3% Sept	2% July	1.76%
City Employee Cost of Living Adj	1.2%	1.2%	1.5%-2%	2	1.5-2.25	~1.7%
Grand List (Property Values) -Municipal	0.40%	1.00%	0.59%	0.16%	0.26%	0.48%
Unemployment Rate Barre-Montpelier	3.20%	3.00%	2.70%	2.30%	1.80%	2.60%
Total Budgeted Expenditures-General Fnd	4.20%	3.74%	5.10%	2.63%	3.66%	3.87%
Property Tax Dollars Raised-Municipal	2.70%	2.80%	3.90%	3.00%	4.89%	3.46%

In FY20 every 1% increase in the municipal tax rate adds 1.13 cents to the current tax rate and raises an additional \$98,000

Infrastructure Support-Capital Improvement Program (CIP)

The Capital Projects, Equipment and Debt Service Program costs are forecasted to increase an additional \$75,000 in FY21 as per the “Steady-State” plan.

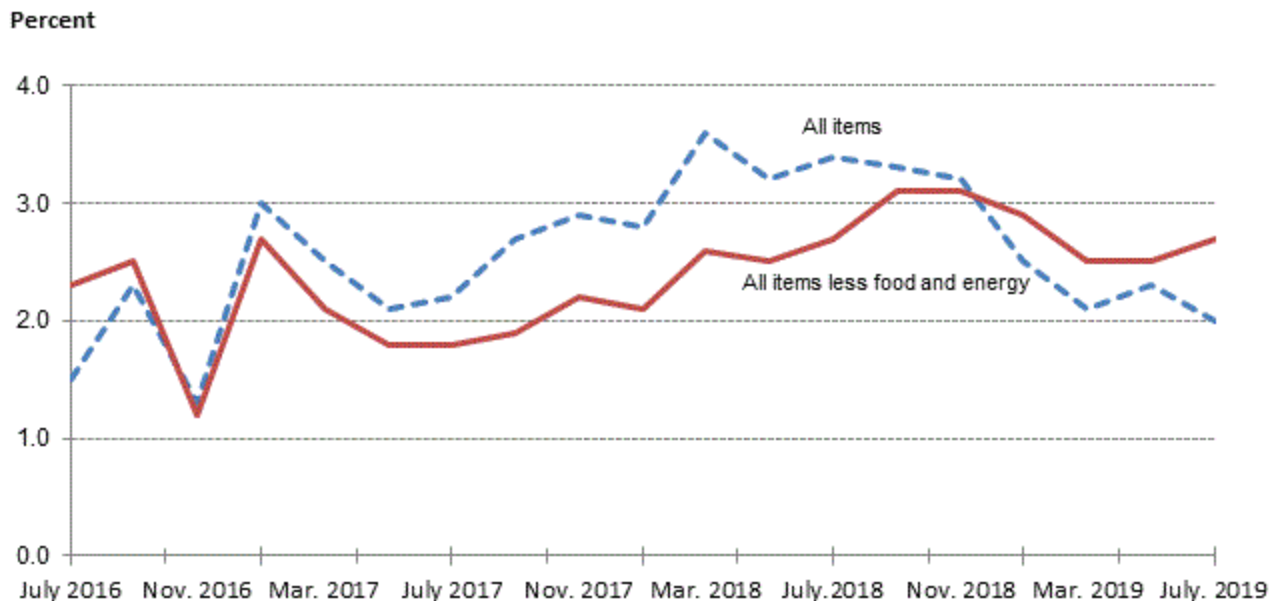
Revenue Projections

A number of development projects are nearing completion and will benefit the grand list for FY21. The construction of Caledonia Spirits, the Taylor Street Housing Project and the French Block housing project are notable changes although all development is helpful.

Expense trends/projections - Details

Consumer Price Index – The Consumer Price Index “All Items” for the 12 months ending July 2019 have increased 2.0% due to increases in the costs of housing and shelter. Food and energy costs have decreased.

**Chart 1. Over-the-year percent change in CPI-U, Boston-Cambridge-Newton,
July 2016 - July 2019**



Source: U.S. Bureau of Labor Statistics.

Personnel Cost Projections: Collective Bargaining Agreements are in place through the current fiscal year. In FY21, DPW and Police will start new contracts. Negotiations have not started yet. The Fire Union rates are in place for FY21 and Cost of Living Adjustments will increase 2% in FY21. Excluding step increases for individual employees, this translates to an increase of approximately \$24,000 in FY21.

Applying the same rate to all employee wages and overtime will approximate an increased cost of wages of \$140,000 however this an estimate and subject to numerous factors, including weather.

The increase in wages also increases wage-based employer costs such as Social Security, Medicare, VMERS retirement contributions and workers compensation insurance.

The preliminary 2020 BlueCross/BlueShield health insurance premiums renewal has been received and the proposed increase effective January 1, 2020 is a staggering 25.1%.

The increase given our current census and no plan changes will increase the city's contribution for health care insurance by approximately \$300,000.

The combined cost of wages and health insurance will approach \$440,000 in the FY21 budget process which will translate into a tax increase of approximately 5 cents or 4.48% with all other line items remaining flat. This will make the FY21 budget process a very difficult one.



CITY COUNCIL Agenda Item # 19-294

Date: October 9, 2019

Consent Discussion X

SUBJECT: Responsible Employer Ordinance, 1st public hearing

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

RECOMMENDED ACTION: Hold public hearing on proposed ordinance, schedule 2nd public hearing.

STRATEGIC OUTCOME: Community Prosperity, Equitable Community, Responsible Government

EXPENDITURE REQUIRED: None at this time

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Council Member Casey proposes an ordinance to require City contracting, using taxpayer money, to follow 'good employer' requirements. These might include following state law on wages, requiring 'responsible wages' derived from collective bargaining, workers compensation coverage, the proper classifications of individuals as employees and not independent contractors, and other employment protections. Council Member Casey took staff comments from the 9/11/19 meeting into consideration when redrafting.

SUPPORTING DOCUMENTS: Proposed ordinance and memo with staff comments

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

CITY MANAGER'S APPROVAL: 

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

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

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

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

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

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

Sec. 6-4 The bidder or proposer and subcontractors under the bidder or proposer must comply with the obligations established by the City for payment of a "Responsible Wage", which shall effectively incorporate the rates set under the Vermont Prevailing Wage Law applicable to the regional rates for the Montpelier area as calculated in accordance with Vermont's Prevailing Wage Law including the appropriate apprentice classification. Responsible wage rates shall only apply to construction trades workers working directly on the specified construction project.

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

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

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

Sec. 6-8. The bidder or proposer and all subcontractors under the bidder or proposer must make arrangements to ensure that each employee of every contractor entering or leaving the project individually completes the appropriate entries in a daily sign-in/out log. The sign-in/out log shall include: the location of the project; current date; printed employee name; signed employee name; and the time of each entry or exiting. The log shall contain a prominent notice that employees are entitled ~~under state law~~ by law to receive the prevailing wage rate for their work on the project. Such sign-in/out logs shall be provided to the City on a ~~daily~~ weekly basis.

The bidder or proposer and subcontractors under the bidder or proposer, prior to bidding or, if not subject to bidding requirements, prior to performing any work on the project, shall sign under oath and provide to the City a certification that they are not debarred or otherwise prevented from bidding for or performing work on a public project in the State of Vermont or in the City.

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

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

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

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



CITY COUNCIL Agenda Item #19-295

Date: October 9, 2019

Consent__ Discussion X

SUBJECT: Ordinance Amendments, Chapter 8, 3rd public reading

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Conduct 3rd 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: Councilmember Coburn Hutcheson would like to revisit Sec. 8-3. KEEPING LIVESTOCK.

SUPPORTING DOCUMENTS: Articles I 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 of any domestic animal, except cats, 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.

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.

Sec. 8-3. KEEPING LIVESTOCK.

No livestock or other domestic animal shall be kept in such a manner that (1) causes the discharge of manure or other agricultural waste into public waterways, roads, or onto neighboring properties; (2) creates a persistent, offensive odor resulting in the discomfort of neighboring residents; or (3) causes an infestation of rodents, flies, or other wild pests. ~~No person shall keep livestock such as swine, sheep, goats, llamas, horses or cattle within the City limits unless they are kept on a parcel greater than ten (10) acres of land. At no such time shall it be permitted that more than one half cord of manure accumulate or remain uncovered.~~

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. BURYING DEAD ANIMALS.

No person shall bury or cause to be buried the body of any horse 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.



CITY COUNCIL Agenda Item #19-296

Date: October 9, 2019

Consent__ Discussion X

SUBJECT: Ordinance Amendments, Chapter 9, 2nd public reading

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Conduct 2nd Public Reading of the proposed amendments to Chapter 9. Provide an opportunity for comments from neighbors and interested citizens. Approve proposed amendments.

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

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

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

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

INTERESTED PARTIES: City Council, residents, staff

CITY MANAGER'S APPROVAL:

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

CHAPTER 9
LICENSES
ARTICLE I. GENERAL PROVISIONS.

Sec. 9-1. DEFINITIONS.

- a. The word "license" or "licensed" as used in this chapter shall mean a license granted by the City Council.
- b. The word "applicant" shall mean any person, partnership, business or corporation who causes an application to be presented under Sec. 9-9, or who seeks renewal under Sec. 9-10A.

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

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

Sec. 9-3. REVOCATION.

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

Sec. 9-4. CAUSES FOR REVOCATION.

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

- a. Fraud, misrepresentation or false statement contained in any application for permit or license.
- b. Fraud, misrepresentation or false statement in the conduct of any business or activity authorized by such license or permit.
- c. Conviction of the licensee for any felony or misdemeanor involving moral turpitude.
- d. Any violation of this chapter.
- e. Any violation of this ~~revised~~ code.
- f. Any violation of the laws of the United States, the State of Vermont or any ordinance heretofore or hereafter adopted by the City of Montpelier in full force and effect.
- g. Conducting the licensed business, trade, calling, profession or occupation, through the licensee ~~him~~themselves or any of ~~his~~their agents, servants or employees, in any unlawful, disorderly or improper manner, or in such manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.
- ~~h. —The conduct of any licensed business or activity by any person who is of unfit character.~~

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

Sec. 9-5. NOTICE OF HEARING.

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

Sec. 9-6. SERVICE OF NOTICE.

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

Sec. 9-7. HEARING PROCEDURE.

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

Sec. 9-8. REINSTATEMENT OF REVOKED LICENSES.

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

Sec. 9-9. APPLICATION FOR LICENSE.

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

Sec. 9-10. ISSUANCE OF LICENSE.

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

Sec. 9-10A. RENEWAL OF LICENSE.

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

Sec. 9-10B. CONTEST OF LICENSE.

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

Sec. 9-11. DISPLAY OF LICENSE.

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

Sec. 9-12. FEE FOR LICENSE YEAR.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Enacted October 25, 1972.~~

~~Amendment enacted 1/23/74 [Sec. 9-10A added]. Effective six days after publication. Date of Publication: 2/01/74. Effective Date: 2/07/74.~~

~~Amendment enacted 7/28/76 [Sec. 9-5 rewritten]. Date of Publication: 8/02/76. Effective Date: 8/09/76.~~

~~Amendment enacted 10/11/78 [Sec. 9-10A rewritten; Sec. 9-10B added]. Effective six days after publication. Date of Publication: 10/18/78. Effective Date: 10/24/78.~~

~~Amendment enacted 5/10/89 [Sec. 9-13 rewritten]. Date of Publication: 5/17/89. Effective Date: 5/23/89.~~

~~Amendment enacted 2/27/91 [Sec's. 9-1, 9-10 and 9-10A rewritten; Sec. 9-16 added]. Date of Publication: 3/11/91. Effective Date: 3/18/91.~~

~~Amendment enacted 7/25/18 [Sec. 9-12, rewritten]. Date of Publication: 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE II. AUCTIONEERS, TRANSIENT AUCTIONEERS

~~Sec. 9-200. LICENSE REQUIRED.~~

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

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

~~Sec. 9-201. TRANSIENT AUCTIONEER DEFINED.~~

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

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

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

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

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

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

~~Sec's. 9-204 to 9-299.—Reserved.~~

~~Enacted October 25, 1972.~~

~~Amendment enacted 7/28/76 [Sec. 9-202 rewritten]. Date of Publication: 8/2/76. Effective Date:
8/29/76.~~

~~Amendment enacted 5/26/82 [Sec. 9-202 rewritten]. Date of Publication: 6/9/82. Effective Date:
6/16/82.~~

~~Amendment enacted 4/27/83 [Sec. 9-202 rewritten]. Date of Publication: 5/4/83. Effective Date:
5/11/83.~~

~~Amendment enacted 3/14/84 [Sec. 9-200 rewritten]. Date of Publication: 3/24/84. Effective
Date: 3/31/84.~~

~~Amendment enacted 7/25/18 [Sec. 9-202 repealed.]. Date of Publication: 7/27/18. Effective Date:
8/10/18~~

CHAPTER 9
LICENSES
ARTICLE IV. BLACKSMITH SHOP

Sec. 9-400. LICENSE REQUIRED.

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

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

~~Enacted October 25, 1972.~~

~~Amendment enacted 7/28/76 [Sec. 9-401 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~

~~Amendment enacted 7/25/18 [Sec. 9-401 repealed]. Date of Publication: 7/27/18. Effective Date: 8/10/18-~~

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

Sec. 9-500. LICENSE REQUIRED.

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

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

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

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

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

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

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

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

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

~~Enacted October 25, 1972.~~

~~Amendment enacted 7/28/76 [Sec. 9-501, 9-502 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~

~~Amendment enacted 5/26/82 [Sec. 9-501, fees increased]. Date of Publication: 6/9/82. Effective Date: 6/16/82.~~

~~Amendment enacted 7/25/18 [Sec. 9-501, repealed]. Date of Publication: 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE VI. CIRCUSES, CARNIVALS AND SHOWS

Sec. 9-600. LICENSE REQUIRED.

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

~~Sec. 9-601. Repealed~~

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

~~STATE LAW REFERENCE: — V.S.A., T. 31, Sec. 401 et seq.; and state license required, V.S.A.,
T. 32, Sec. 9505.~~

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

~~Enacted October 25, 1972.~~

~~Amendment enacted 7/27/77 [Sec. 9-600 rewritten]. Date of Publication: 7/29/77. Effective Date:
8/4/77~~

~~Amendment enacted 5/26/82 [Sec. 9-601 rewritten]. Date of Publication: 6/9/82. Effective Date:
6/16/82.~~

~~Amendment enacted 7/25/18 [Sec. 9-601 repealed]. Date of Publication: 7/27/18. Effective Date:
8/10/18—~~

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

Sec. 9-700. LICENSE REQUIRED.

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

~~Sec. 9-701. Repealed~~

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

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

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

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

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

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

~~Enacted October 25, 1972.~~

~~Amendment enacted 7/28/76 [Sec. 9-701 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~

~~Amendment enacted 5/26/82 [Sec. 9-701 fee increased]. Date of Publication: 6/9/82. Effective Date: 6/16/82~~

~~Amendment enacted 7/10/13 [Title of Article changed; Sec. 9-700, LICENSE REQUIRED, rewritten]. Date of Publication: 7/23/13. Effective Date: 7/29/13.~~

~~Amendment enacted 7/25/18 [Sec. 9-601 repealed]. Date of Publication: 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE VIII. DRIVE-IN THEATRE

~~Sec. 9-800. LICENSE REQUIRED.~~

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

~~Sec. 9-801. Repealed~~

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

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

~~Enacted October 25, 1972.~~

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

CHAPTER 9
LICENSES
ARTICLE IX. DRY CLEANERS

~~Sec. 9-900. LICENSE REQUIRED.~~

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

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

~~Enacted October 25, 1972.~~

~~Amendment enacted 7/28/76 [Sec. 9-901 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~

~~Amendment enacted 5/26/82 [Sec. 9-901 fee increased]. Date of Publication: 6/9/82. Effective Date: 6/16/82.~~

~~Amendment enacted 11/9/88 [Sec. 9-901 fee increased]. Date of Publication: 11/21/88. Effective Date: 1/1/89.~~

~~Amendment enacted 7/25/18 [Sec. 9-901, 9-902 repealed]. Date of Publication: 7/27/18. Effective Date: 8/10/18—~~

CHAPTER 9
LICENSES
ARTICLE X. GASOLINE STATIONS.

~~Sec. 9-1000. LICENSE REQUIRED.~~

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

~~Sec. 9-1001. Repealed~~

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

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

~~Enacted October 25, 1972.~~

~~Amendment enacted 7/28/76 [Sec. 9-1001 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~

~~Amendment enacted 7/25/18 [Sec. 9-1001 repealed] Date of Publication: 7/27/18. Effective Date: 8/10/18—~~

CHAPTER 9
LICENSES

MCCULLOUGH PROPOSAL OF AMENDMENT

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

Sec. 9-1100. LICENSE REQUIRED.

No person shall keep an inn, hotel, motel, tourist house, tourist cabins, or camps, bed and breakfast establishment or similar facility providing transient accommodation within the ~~city~~ City which contain or have available any rooms intended for rental to the public without first having obtained a license therefor. As used in this chapter, the term includes "short-term rental" as defined in 18 V.S.A. § 4301[JMcl].

~~Sec. 9-1101. Repealed~~

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

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

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

~~Enacted October 25, 1972.~~

~~Amendment enacted 7/28/76 [Sec. 9-1101 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~

~~Amendment enacted 5/26/82 [Sec. 9-1101 fees increased]. Date of Publication 6/9/82. Effective Date: 6/16/82.~~

~~Amendment enacted 11/12/86 [Sec. 9-1100 rewritten to include "Bed and Breakfast"]. Date of Publication: 11/20/86. Effective Date: 11/26/86.~~

~~Amendment enacted 11/9/88 [Sec. 9-1101 fees increased]. Date of Publication: 11/21/88. Effective Date: 1/1/89.~~

~~Amendment enacted 7/25/18 [Sec. 9-1101 repealed] Date of Publication: 7/27/18. Effective Date: 8/10/18-~~

CHAPTER 9
LICENSES
ARTICLE XIII. JUNKYARDS

Sec. 9-1300. LICENSE REQUIRED.

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

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

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

Sec. 9-1302. LICENSE FEES

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

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

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

~~Enacted October 25, 1972~~

~~Amendment enacted 7/28/76 [Sec. 9-1300, 9-1301, 9-1302 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~

~~Amendment enacted 5/26/82 [Sec. 9-1302, fee increased]. Date of Publication: 6/9/82. Effective Date: 6/16/82.~~

~~Amendment enacted 4/9/85 [Sec. 9-1302, rate increased]. Date of Publication: 4/15/85. Effective Date: 4/22/85.~~

CHAPTER 9
LICENSES
ARTICLE XIV. VENDORS.

Sec. 9-1400. DEFINITIONS.

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

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

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

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

Sec. 9-1401. LICENSE REQUIRED.

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

Sec. 9-1402. APPLICATIONS.

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

- (a) Proof of the identity and business address of the applicant.
- (b) A brief description of the type of food, beverages, personal services, goods or merchandise to be sold.
- (c) If employed by another, the name and business address of the person, firm, association, organization, company or corporation.
- (d) If a motor vehicle is to be used in the conduct of a vending business, a description of the vehicle together with the motor vehicle registration number and the license number; provided, however, that no vendor shall conduct business from any public parking space.

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

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

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

Sec. 9-1403. DESIGNATED LOCATIONS.

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

Sec. 9-1404. FEES.

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

Sec. 9-1405. INSURANCE.

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

Sec. 9-1406. LICENSES.

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

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

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

- (1) Impede pedestrian or vehicular travel, or access to the entrance of any adjacent building or driveway;
- (2) Occupy more than half of the available sidewalk width or four feet of such sidewalk, whichever is less;

- (3) Locate within five feet of an accessible parking space, access ramp, crosswalk, fire hydrant, fire escape, bus stop, loading zone, driveway, or entrance of any building; or
- (4) Locate within fifty feet of any business establishment offering for sale goods or merchandise in the same class as that being offered for sale by the licensed vendor (food, arts, crafts, clothing, etc.). Fifty feet shall be measured as the shortest distance between the cart and any street-facing property owned or rented by the similar business.
- (5) Provide tables and seating for customer use.
- (6) Impede access to, or egress from, cars parked in legal parking spaces.

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

- (1) Exceed eight feet in length, three feet in width, or eight feet in height; and
- (2) Locate on any property, public or private, without the landowner's written approval.

(c) Stands located inside the designated downtown shall:

- (1) Locate in a location that is on the City of Montpelier's list of designated locations, or seek an amendment to the list of designated locations from the City Manager.
- (2) Not use more space in total than allowed for the permitted space. Space usage includes the cart, plus any umbrellas, coolers, signboards, and other items connected to the business.

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

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

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

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

- (1) Fraud or misrepresentation in the application for the license.
- (2) Fraud or misrepresentation in the course of conducting the business of vending.
- (3) Conducting the business of vending contrary to the conditions of the license.
- (4) Conducting the business of vending in such a manner as to create a public nuisance or breach of the peace, or constitute a danger to the public health, safety or welfare.

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

~~Sec. 9-1409. RENEWALS.~~

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

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

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

Sec. 9-~~1410~~1409. RELIGIOUS, CHARITABLE, EDUCATIONAL AND SERVICE ORGANIZATIONS.

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

Sec. 9-~~1411~~1410. SPECIAL EVENT LICENSE.

(a) The City Council may issue special vendor's licenses to be used in conjunction

with a special event. Such licenses shall be valid for no more than three (3) consecutive days designated for the event by the City Council.

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

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

~~Sec. 9-1412. Repealed~~

Sec. 9-~~1413~~1411. LOUD NOISES AND SIGNS.

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

Sec. 9-~~1414~~1412. VENDING MACHINES.

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

Sec. 9-~~1415~~1413. ENFORCEMENT.

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

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

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

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

Sec. 9-~~1416~~1414. WEEKEND-ONLY LICENSE.

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

~~Enacted September 13, 1972.~~

~~Amendment enacted July 28, 1976 [Sec. 9-1405 rewritten]. Date of Publication: 8/02/76.~~

~~Effective Date: 8/09/76.~~

~~Amendment enacted October 11, 1978 [Sec's. 9-1405 and 9-1407 rewritten]. Date of Publication: 10/18/78. Effective Date: 10/24/78.~~

~~Amendment enacted May 27, 1981 [Sec. 9-1409 added]. Date of Publication: 6/03/81. Effective Date: 6/09/81.~~

~~Amendment enacted May 26, 1982 [Sec. 9-1405, fee increased]. Date of Publication: 6/09/82. Effective Date: 6/16/82.~~

~~Amendment enacted January 12, 1983 [Sec's. 9-1410 and 9-1411 added]. Date of Publication: 1/18/83. Effective Date: 1/25/83.~~

~~Amendment enacted March 14, 1984 [Sec. 9-1412 added]. Date of Publication: 3/24/84. Effective~~

~~Date: 3/31/84.~~

~~Amendment enacted April 9, 1985 [Sec. 9-1405, rate increased]. Date of Publication: 4/15/85. Effective Date: 4/22/85.~~

~~Amendment enacted October 23, 1985 [Sec. 9-1413 added]. Date of Publication: 10/31/85. Effective Date: 11/06/85.~~

~~Amendment enacted October 11, 1989 [Article XIV repealed and replaced]. Date of Publication: 10/17/89. Effective Date: 10/23/89.~~

~~Amendment enacted May 12, 2004 [Sec. 9-1412, fee increased]. Date of Publication: 5/27/04. Effective Date: 6/02/04.~~

~~Amendment enacted April 28, 2010 [Entire Article XIV substantially revised]. Date of Publication: —~~

~~—— 5/06/10. Effective Date: 5/12/10.~~

~~Amendments enacted July 10, 2013 [Sec. 9-1412, **SPECIAL TRANSIENT VENDOR LICENSE**, rewritten; — new Sec. 9-1416, **WEEKEND-ONLY VENDOR LICENSE**]. Date of Publication: 7/23/13. — Effective Date: 7/29/13.~~

~~Amendments enacted July 25, 2018. [Sec. 9-1403 rewritten, 9-1412 repealed] Date of Publication 7/25/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE XVI. RENDERING PLANT

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

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

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

~~Enacted October 25, 1972.~~

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

Sec. 9-1700. LICENSE REQUIRED.

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

~~Sec. 9-1701. Repealed~~

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

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

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

~~Enacted October 25, 1972.~~

~~Amendment enacted 7/28/76 [Sec. 9-1701 rewritten]. Date of Publication: 8/2/76. Effective Date: 8/9/76.~~

~~Amendment enacted 5/26/82 [Sec. 9-1701 fee increased]. Date of Publication: 6/9/82. Effective Date: 6/16/82.~~

~~Amendment enacted 11/9/88 [Sec. 9-1701 fee increased]. Date of Publication: 11/21/88. Effective Date: 1/1/89.~~

~~Amendment enacted 7/25/18 [Sec. 9-1701 repealed] Date of Publication 7/27/18. Effective Date: 8/10/18~~

CHAPTER 9
LICENSES
ARTICLE XVIII. SHOE SHINING: BOOT BLACKS

Sec. 9-1800. LICENSE REQUIRED.

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

Sec. 9-1801. LICENSE FEE.

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

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

~~Enacted October 25, 1972.~~

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

CHAPTER 9
LICENSES

MCCULLOUGH PROPOSAL OF AMENDMENT

ARTICLE XIX. TAXICABS

Sec. 9-1900. LICENSE REQUIRED, TAXICAB.

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

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

~~Sec. 9-1901. LICENSE REQUIRED, OPERATOR. Rescinded Effective July 29, 2016~~

~~Sec. 9-1902. DRIVER CONDUCT. Rescinded Effective July 29, 2016~~

Sec. 9-1903. DEFINITIONS.

(a) "Taxicab" is a motor vehicle used for transporting passengers for hire within the City of Montpelier, including vehicles for which payment and dispatch are accomplished by internet, telephone application, or other electronic communication and not by direct communication with and payment by the passenger, but shall not include those vehicles operating on regularly scheduled routes and times in intertown and interstate transportation which are subject to state or federal regulation.

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

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

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

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

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

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

The annual license fee for each taxi company shall be thirty-five dollars (\$35.~~00~~^[JM c1]).

~~Sec. 9-1908. TEMPORARY LICENSES. Rescinded Effective July 29, 2016~~

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

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

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

operator to attach to ~~his~~ license a picture which identifies said taxicab operator to the satisfaction of the chief of police.

~~Sec. 9 1911. VEHICLES MARKED. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1912. RATES OF FARE. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1913. NOTICE OF RATES OF FARE. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1914. OVERCHARGES. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1915. DISPUTES. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1916. SEATING CAPACITY. Rescinded—Effective July 29, 2016~~

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

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

~~Sec. 9 1918. REFUSAL TO PAY FARE. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1919. STOPS. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1920. OBEDIENCE TO POLICE OFFICERS. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1921. CONVEYANCE OF DISEASED PERSONS. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1922. PROPERTY LEFT IN A TAXICAB. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1923. INSPECTION OF VEHICLES. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1924. TAXISTANDS. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1925. STANDING. Rescinded—Effective July 29, 2016~~

~~Sec. 9 1926. TAXISTAND FEE. Rescinded—Effective July 29, 2016~~

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

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

~~Enacted October 25, 1972.~~

~~Amendment enacted July 28, 1976 [Sec. 9 1906, 9 1919 rewritten]. Date of Publication: 8/2/76.
—Effective Date: 8/9/76.~~

~~Amendment enacted May 26, 1982 [Sec's. 9 1907 and 9 1926 fees increased]. Date of
Publication: 6/9/82. Effective Date: 6/16/82.~~

~~Amendment enacted November 9, 1988 [Sec. 9 1926, fee increased]. Date of Publication:—
11/21/88. Effective Date: 1/1/89.~~

~~Amendment enacted March 28, 1990 [Sec. 9 1907, fees increased]. Date of Publication:—
4/09/90. Effective Date: 7/01/90.~~

~~Amendment enacted July 13, 2016 [Entire Chapter 9, Article XIX, Taxicabs, rewritten]. Effective
—Date: July 29, 2016.~~

CHAPTER 9
LICENSES
ARTICLE XX. THEATERS, STAGE SHOWS

Sec. 9-2000. LICENSE REQUIRED.

No person shall conduct a theater, moving picture show or stage show within the ~~city~~ City limits until ~~he has~~ they have first obtained a license therefore; this requirement shall not be construed so as to affect school, religious or fraternally sponsored events.

~~Sec. 9-2001. — Repealed~~

~~CROSS REFERENCE: Drive-in Theaters, Sec. 9-800 this Code.~~

~~STATE LAW REFERENCE: —Theaters, V.S.A., T. 31, Sec. 441 et seq.~~

~~Sec's. 9-2002 to 9-2099. — Reserved~~

~~Enacted October 25, 1972.~~

~~Amendment enacted 7/25/18 [Sec. 9-2001 repealed] Date of Publication 7/27/18. Effective Date: 8/10/18~~

ARTICLE XXI. TRAILER PARKS

~~Sec. 9-2100. LICENSE REQUIRED.~~

~~_____ No person shall maintain or operate within the limits of the city of Montpelier any trailer park unless such person shall first obtain from the City Council a license therefor. All trailer parks in existence upon the effective date of this ordinance shall, within ninety (90) days thereafter, obtain such license and shall comply with the requirements of this ordinance except that the City Council, upon application of a trailer park operator, may waive such requirements that require prohibitive reconstruction costs if such waiver does not alter the provisions for sanitation herein provided.~~

~~Sec. 9-2101. DEFINITIONS.~~

~~_____ (a) Mobile home or trailer shall be held to mean a trailer, so called, designed to provide sleeping and living accommodations for an individual or a family, or office space, with or without bath or toilet facilities, so designed, and with wheels under it or a convenient method for placing wheels under it, that can be towed on the highway behind a motor vehicle. The permanent attachment of a structure of the type heretofore described to one or more of water, sewer or a permanent foundation shall not affect the status of the structure as a mobile home.~~

~~_____ (b) Trailer park shall be held to mean an area of land held under one ownership, or management, designed for or used for occupancy by two or more mobile homes when the owners of mobile homes located therein are charged a fee for use of parking space or when mobile homes located therein are rented for occupancy by other than the owners thereof.~~

~~Sec. 9-2103. APPLICATION FOR LICENSE.~~

~~_____ The application for a trailer park license shall be made to the City Council, in writing, and signed by the application and must contain the following information:_____~~

~~_____ (a) Name and address of applicant.~~

~~_____ (b) The proposed location of park.~~

~~_____ (c) A plan of the park showing all parking spaces to be used together with the location of all public utilities and sanitary facilities.~~

~~Sec. 9-2104. LICENSE REQUIREMENTS.~~

~~_____ To be entitled to a license an operator must conform the park to be licensed to the following requirements:~~

~~_____ (a) The park must be located on a site graded to insure drainage of surface water and sub-surface water so that the same is free from sewage and stagnant pools.~~

~~_____ (b) A minimum space of twenty-four hundred (2400) square feet must be provided for each trailer space.~~

~~_____ (c) The park must provide a minimum of fifteen (15) feet clearance between each trailer located therein.~~

~~_____ (d) Each trailer space must abut upon a roadway of not less than thirty (30) feet in width of which twenty (20) feet shall be well drained and graveled or be equally well surfaced with provisions for lighting at night time.~~

~~_____ (e) Each trailer space must have a connection for water, sewage and an electric outlet.~~

~~_____ (f) _____ Provisions for the disposal of sewage must be made to conform with the provisions of all other ordinances of the City of Montpelier relating to sewage and to the laws of the State of Vermont relating to sewage disposal and water pollution.~~

~~Sec. 9-2105. MAINTENANCE OF.~~

~~_____ Trailer parks shall be subject to inspection by the City Health Officer who may provide reasonable rules for the maintenance of such parks to insure that the same are kept reasonably sanitary so as not to become a hazard to the health of the residents therein or others, and for failure to comply with any reasonable regulations provided by the City Health Officer, the City Council, upon his complaint and after hearing, may revoke the license of the operator of any park upon conviction of such operator of a violation of this ordinance, any health ordinance of the City of Montpelier, or any law of the State of Vermont made for the protection of the public health and welfare.~~

~~STATE LAW REFERENCE: Council may license, V.S.A., T. 24, Sec. 2231.~~

~~Sec's. 9-2106 to 9-2199. Reserved.~~

~~Enacted October 25, 1972.~~

~~Amendment enacted May 26, 1982 [Sec. 9-2102 rewritten]. Date of Publication: 6/9/82. Effective~~

~~_____ Date: 6/16/82.~~

~~Amendment enacted November 9, 1988 [Sec. 9-2101, fee increased]. Date of Publication: 11/21/88. Effective Date: 01/01/89.~~

~~Amendment enacted 7/25/18 [Sec. 9-2102 repealed] Date of Publication 7/27/18. Effective Date: 8/10/18~~



CITY COUNCIL Agenda Item #19-297

Date: October 9, 2019

Consent ☐ Discussion ☒

SUBJECT: Revision of Tax Stabilization Policy

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Approve draft policy as presented or provide guidance for possible revisions.

RELATED COUNCIL GOAL/PRIOR ACTION: Community Prosperity

EXPENDITURE REQUIRED: No expenditure is needed to adopt the policy. Tax stabilization awards, however, come from potential property tax revenue.

SOURCE OF FUNDS: General Fund

LEGAL REQUIREMENTS: Council is authorized to adopt and amend the policy.

BACKGROUND INFORMATION: City voters approved tax stabilization in 1980. The current policy was adopted in 2003. This year's strategic plan called for an update and revision to the policy. The City Manager rafted an amended policy which was discussed by the Council on April 10th. The Council referred the policy to a subcommittee. The new draft is based on that committee's discussion. Note that definitions are still required for three categories.

SUPPORTING DOCUMENTS: Memo from the City Manager, Proposed Policy Draft, Previously (Spring) Proposed Policy Draft

INTERESTED PARTIES: Montpelier Development Corporation

CITY MANAGER'S APPROVAL:

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



America's Small Town Capital

Mayor Anne Watson

City Council Members:

Dona Bate
Conor Casey
Lauren Hierl
Ashley Hill
Glen Coburn Hutcheson
Jack McCullough

William Fraser
City Manager

Cameron Niedermayer
Assistant City Manager

Jamie Carroll
Assistant to the City Manager

MEMORANDUM

To: Mayor Watson & City Council Members
From: William Fraser, City Manager
Re: Tax Stabilization Policy
Date: October 1, 2019

Review and update of the City's Tax Stabilization Policy, last amended in 2003 was discussed on April 10th and sent to a committee of Council Members Hill, Hutcheson and McCullough along with Tim Heney from the Montpelier Development Corporation Board, Planning & Development Director Michael Miller and the City Manager.

Background Review:

Tax Stabilization, along with TIF, is one of the only economic development tools that Vermont Local Governments are authorized to use. Voters initially authorized the City Council to use tax stabilization in 1980. This authorization was expanded in 2001 and 2017. All three votes were approved by solid margins. The most recent, 2017, vote was 950-236 in favor of expanding this authority to include business personal property in addition to real property. In 2001 voters approved expanding awards from 33% to 50% and from 7 years to 10 years. This vote was 853-594. The initial authorization in November of 1980 passed 2109-609.

What is Tax Stabilization? Tax stabilization is a development incentive which can be used to reward certain outcomes. It is fundamentally designed to promote increases in the grand list (total taxable property) and local jobs. In addition to those basic premises, it can be used to for other priority items as well.

What is the award? The City Council may reduce the amount of municipal (non-school) property taxes for real and business personal property by up to 50% for up to 10 years.

How is Stabilization granted? The City Council adopts a policy which outlines criteria for awards. Applicants provide information about how they meet the criteria. If an applicant qualifies as per the policy, the council may approve a stabilization contract consistent with the

policy guidelines.

Why would the City grant stabilization? The reduction of property taxes during a start up period may help a new business or project move forward. The city is still receiving the non-stabilized tax revenue from the project as new income. The availability of stabilization may serve as an incentive for new business or development to locate within the city.

The proposed draft recognizes that the key goals of the program are increased grand list, more jobs, and more quality housing. It creates additional incentives for environmental, energy efficiency, and aesthetic considerations.

What changes are in the draft? The committee sought to create a simpler award structure which eliminated much of the subjective nature of choosing different levels. The proposal creates a base award of 50% for 5 years when minimum criteria are met. There are provisions which can add up to five additional years - in one year increments - for specific performance criteria. Note that we still need definitions for three of these criteria.

One big change is the provision that tax stabilization will not be awarded to properties within the TIF district. I am seeking clarification from the Vermont Economic Progress Council (VEPC) about how they handle these situations. The TIF district covers our designated downtown and growth center. The reason for this is that the TIF district is intended to capture incremental tax growth as a means of financing necessary public improvements. Stabilization reduces that tax increment. On the other hand, certain projects may require both incentives in order to move forward. I hope to have more guidance from VEPC by Wednesday's meeting.

Tax Stabilization Statute:

Title 24 : Municipal And County Government

Chapter 075 : Economic Development

Subchapter 002 : Aid To Business; Publicity

(Cite as: 24 V.S.A. § 2741)

§ 2741. Municipal corporations; property values fixed by contract

(a) A municipal corporation, as hereinafter provided, may enter into a contract with owners, lessees, bailees, or operators of agricultural, forestland, open space land, industrial or commercial real and personal property, and alternate-energy generating plants for the purpose of:

- (1) fixing and maintaining the valuation of such property in the grand list;
- (2) fixing and maintaining the rate or rates of tax applicable to such property;
- (3) fixing the amount in money which shall be paid as an annual tax upon such property; or
- (4) fixing the tax applicable to such property at a percentage of the annual tax.

(b) A municipal corporation, by vote of a majority of those present and voting at an annual or special meeting called for that purpose for a contract relating to agricultural or forest property, open space land, or to alternate-energy generating plants, or by a vote of two-thirds of those

present and voting at annual or special meeting warned for that purpose for a contract relating to commercial or industrial property, **may** either:

(1) **provide general authority to its legislative branch to enter into such contracts as application is made;** or

(2) provide limited authority to its legislative branch to negotiate contracts, which shall be effective upon ratification by a majority of those present and voting at an annual or special meeting warned for that purpose.

(c) **Any contract entered into pursuant to this section:**

(1) **shall not be for a period in excess of ten years** except for a contract to stabilize taxes for an alternate-energy generating plant, in which case the term shall not exceed the term of any license, permit, or other approval required to operate such a plant;

(2) shall be filed with the clerk of the municipal corporation and shall be available for public inspection;

(3) may be with existing or new owners, lessees, bailees, or operators of such property, or with persons who intend to become owners, lessees, bailees, or operators of such property; and

(4) may be applicable to existing agricultural or forest property or open space land; renovations of or additions to existing agricultural, commercial, or industrial property, or open space land; or to new agricultural, forest, commercial, or industrial property, or open space land.

(d) For purposes of this section:

(1) "Renewable energy source" means any inexhaustible, continuous, or readily replaceable supply of energy, including solar, wind, hydroelectric, and geothermal. "Renewable energy source" does not mean any biomass, fossil, or mineral supply of energy, including wood, organic waste, oil, coal, or uranium.

(2) "Alternate-energy generating plant" means real and personal property that is built at an existing or new site after July 1, 1980, including any equipment, structure, or facility, used for or directly related to the generation or production of electricity from renewable energy sources with a nameplate capacity of not more than 25 million watts.

(3) "Farmland" means real estate, exclusive of any housesite, which is actively and exclusively devoted to farming and is operated or leased as a farm enterprise by the owner.

(4) "Forestland" means any land, exclusive of any housesite, which is under active forest management for the purpose of growing and harvesting repeated forest crops.

(5) "Housesite" means the two acres of land surrounding any house, mobile home, or dwelling.

(6) "Open space land" means any land, exclusive of any housesite, that does not fall under the definition of "farmland" and "forestland," is not used for commercial or industrial purposes, and does not have structures thereon. (Amended 1961, No. 16; 1967, No. 359 (Adj. Sess.), eff. March 26, 1968; 1969, No. 16, § 6, eff. March 11, 1969; 1973, No. 183 (Adj. Sess.), § 1, eff. March 30, 1974; 1977, No. 105, § 26; 1979, No. 170 (Adj. Sess.), § 1; 1993, No. 104, §§ 1-4, eff. June 21, 1993.)

CITY OF MONTPELIER
TAX STABILIZATION POLICY
2nd DRAFT October 1, 2019

Purpose: The City Council, as authorized by Title 24, Chapter 75 Section 2741 of the Vermont Statutes and by votes of the City in 1980 and 2001, may enter into a tax stabilization contract with the owner(s) of industrial, commercial or commercial housing properties in order to promote growth and development that advances the city's goals and priorities, which include creating good job opportunities, expanding the Montpelier Grand List, promoting housing a, enhancing public safety and encouraging environmentally responsible development.

1. **Granting of Tax Stabilization:** The granting of tax stabilization is the sole discretion of the City Council. The City Council may enter into tax stabilization contracts with owners of industrial and commercial real property to discount the property's newly added value on the Montpelier Grand List by one-half (1/2) for new industrial, commercial housing and commercial real or business personal property or for additions and renovations to existing industrial, commercial housing or commercial real property.
2. **Conditions:** Tax stabilization contracts are available for industrial and commercial projects subject to the following conditions:
 - a. Tax stabilization contracts shall have a term of no more than ten (10) years, effective at the beginning of the city's fiscal year following the date of approval of the contract.
 - b. The discount on the property value shall be for one-half (50%) of the newly added value of a new construction project or an additions/renovations project (including related business personal property) that would otherwise take effect in the year the contract is approved.
 - c. A proposed tax stabilization contract shall be the subject of two public hearings before the City Council prior to a final vote on the contract's acceptability.
 - d. Any discounted property value established by a tax stabilization contract shall be recalculated at the contract ratio in the event of a general property reappraisal and the discounted value will continue until the term of the contract is completed.
 - e. In an application for tax stabilization, the property owner(s) bears the burden of demonstrating how the project will meet the qualifying

criteria of this policy. However, for projects that are desirable and are believed to meet the criteria for tax stabilization, the City Council may extend an invitation to the property owner(s) to enter into a tax stabilization contract.

f. Applications for tax stabilization should be made after approval of a zoning permit or other permits from the Development Review Board but prior to the issuance of a building permit. The property owner(s) is at risk of being refused tax stabilization, irrespective of the merits of the project, if the application for tax stabilization is filed after the building permit is requested.

g. Applications for tax stabilization for business personal property may only be made in conjunction with applications for real property. Any awards will be made for the entire application.

h. Properties within the Tax Increment Financing (TIF) District are not eligible for Tax Stabilization.

3. **Compliance:**

a. A tax stabilization contract shall include any and all terms necessary to assure the City of the benefits which are the basis of the decision to grant tax stabilization to the project. In the case of a failure to carry out the terms of the contract, the City may terminate the contract and/or recapture the taxes for periods during which there was a breach of the terms, seek specific performance, and impose any other remedies which may be available under the terms of the contract or by operation of law.

b. Property owners who enter into tax stabilization contracts shall provide annual compliance statements documenting that all provisions of their tax stabilization contract are being met. Such compliance statements will be due by the anniversary date of the contract and will be reviewed by the city to assure that all criteria are maintained throughout the duration of the contract. Failure of the property owner(s) to provide compliance statements may be grounds for the City Council to terminate the tax stabilization contract..

4. **Municipal Taxes Only:** Tax stabilization awards shall be made consistent with the provisions of 24 VSA Chapter 75 Section 2741 and shall be only for the municipal portion of property taxes. Applicants who seek tax

stabilization for education property taxes must do so through the Vermont Economic Progress Council.

5. **Findings of Fact:** Before approving a tax stabilization contract, the City Council shall make specific findings of fact on which to base the general findings that the project meets each of the required eligibility criteria set forth in this policy.

6. **Benefit Levels:** Tax Stabilization awards may be awarded as follows:

Base Award – A reduction in property value of one-half (1/2) for up to five (5) years.

Additional Years - Up to five (5) additional years may be added based on criteria articulated in this policy..

7.. **Criteria for Base Award:** To be considered for tax stabilization, the project must meet ALL of the following criteria:

a. At the beginning of the contract term the real property additions and/or renovations and/or business personal property will:

- i) be assessed at a total of \$400,000 or more; or
- ii) be assessed at a total of \$100,000 or more for businesses with 25 or fewer full-time employees or with \$2 million or less in annual gross sales or;
- iii) for creation or renovation of 5 or more commercial residential units, or;
- iv) the project can demonstrate to the satisfaction of the City Council that the project will positively affect in a significant way the number of employment opportunities in Montpelier.

b. No part of the completed project, which shall include the entire value of the real property and any improvements thereon, will be exempt from City taxes during the term of the contract and thereafter for a period equal to the contract term, other than property value discount granted under the tax stabilization contract.

c. The real property additions and/or renovations to receive tax stabilization must include commercial and/or residential sprinklers approved (or properly waived through the municipal appeal process) by the Montpelier Fire Chief and the Vermont Department of Public Safety (if applicable).

d. The project can demonstrate to the satisfaction of the City Council that, net of tax stabilization and all foreseeable tax impacts, it will provide a positive property tax benefit to the City. This is defined to mean that the project will not require new service expenses in excess of the new tax revenues.

8. Criteria for Additional Years - To be considered for any additional years:

One year may be awarded per item up to a total of five (5) years:

1.a) The property owner(s) will deed to the City certain rights in real property which could otherwise be acquired only by outright purchase or eminent domain to promote the achievement of a specific policy or objective set out in the City Plan, including easements for riverfront walkways and parks, pocket parks, recreations trails and conservation easements that protect or create the following: key natural features, open space, greenways, specimen trees, etc. This provision shall apply only to acquisitions for which there is no reasonable or practicable alternative or;

b) The project will meet certain exceptional, enhanced aesthetic standards not otherwise required by law or the City Master Plan, such as replacement of existing above-ground power lines, preservation or creation of public views and vistas, maintaining or enhancing the historic authenticity of an existing building or unusual landscaping effects, or:

c) The project will include a unique and significant public amenity specifically referenced in the Montpelier City Plan, Economic Development Strategic Plan, Capital District Master Plan or Montpelier Arts Master Plan which will relieve the City of a significant cost which it would otherwise incur.

2. The project will result in a net increase of 15 or more residential units within the city.

3. At the commencement of the contract term the real property additions and/or renovations will be assessed at \$600,000 or more.

4. Throughout the life of the tax stabilization contract, the project will result in a net increase of 20 full time equivalent jobs which pay at least an amount equal to the lowest full time Montpelier city employee pay rate as of January 1 of the calendar year in which the application is filed and adjusted accordingly throughout the life of the contract. This rate will match or exceed the city's lowest full time hourly rate if the employer provides benefits. If no benefits, the rate will increase by 45%.

5. Energy efficiency standards (need to define)

6. Historic Preservation standards (need to define)

7. Environmental improvements (storm water, solar installation,, etc) not already required for construction (need to define)

9. **Recapture:** Where a project is subject to the recapture of taxes not paid because of a tax stabilization contract, the amount due shall be the total amount of the tax which would have been due if no tax stabilization contract had been in force plus interest from the date at which the tax would have been due. The property shall be subject to a tax lien for all unpaid amounts due under this provision.

10. **Transfer:** The tax stabilization contract shall be transferred to the new owner of any property subject to such contract. Failure to transfer the contract shall be subject to recapture of the full tax amounts or discontinuation of the tax stabilization contract.

11. **Definitions:**

a. Industrial real property is broadly defined as property used for the manufacturing (production or processing) of goods and commodities.

b. Commercial real property is broadly defined as property used for buying, selling and/or exchange of goods and commodities or the provision of services or multi family housing. Examples of commercial uses include, but are not limited to retail stores, warehousing, wholesaling, restaurants, hotels, offices and commercial apartments

c. The value of real property additions and/or renovations shall be calculated by comparing the assessed value of the property after improvement with the assessed value immediately before the improvement or the assessed value at the time of purchase, whichever is the greater. The difference is the amount of the real property addition and/or renovation.

d. Business personal property is defined by Title 32 of the Vermont statutes.

CITY OF MONTPELIER
TAX STABILIZATION POLICY
DRAFT 2019

Purpose: The City Council, as authorized by Title 24, Chapter 75 Section 2741 of the Vermont Statutes and by votes of the City in 1980 and 2001, may enter into a tax stabilization contract with the owner(s) of industrial, commercial or commercial housing properties in order to promote growth and development that advances the city's goals and priorities, which include creating good job opportunities, expanding the Montpelier Grand List, promoting housing, enhancing public safety and encouraging environmentally responsible development.

1. **Granting of Tax Stabilization:** The granting of tax stabilization is the sole discretion of the City Council. The City Council may enter into tax stabilization contracts with owners of industrial and commercial real property to discount the property's newly added value on the Montpelier Grand List by one-third (1/3) to one-half (1/2) for new industrial, commercial housing and commercial real or business personal property or for additions and renovations to existing industrial, commercial housing or commercial real property.

2. **Conditions:** Tax stabilization contracts are available for industrial and commercial projects subject to the following conditions:

a. Tax stabilization contracts shall have a term of no more than ten (10) years, effective at the beginning of the city's fiscal year following the date of approval of the contract.

b. The discount on the property value shall be for no more than one-half (50%) of the newly added value of a new construction project or an additions/renovations project (including related business personal property) that would otherwise take effect in the year the contract is approved.

c. A proposed tax stabilization contract shall be the subject of two public hearings before the City Council prior to a final vote on the contract's acceptability.

d. Any discounted property value established by a tax stabilization contract shall be recalculated at the contract ratio in the event of a general property reappraisal and the discounted value will continue until the term of the contract is completed.

e. In an application for tax stabilization, the property owner(s) bears the burden of demonstrating how the project will meet the qualifying criteria of this policy. However, for projects that are desirable and are believed to meet the criteria for tax stabilization, the City Council may extend an invitation to the property owner(s) to enter into a tax stabilization contract.

f. Applications for tax stabilization should be made after approval of a zoning permit or other permits from the Development Review Board but prior to the issuance of a building permit. The property owner(s) is at risk of being refused tax stabilization, irrespective of the merits of the project, if the application for tax stabilization is filed after the building permit is requested.

g. Applications for tax stabilization for business personal property may only be made in conjunction with applications for real property. Any awards will be made for the entire application.

5. **Compliance:**

a. A tax stabilization contract shall include any and all terms necessary to assure the City of the benefits which are the basis of the decision to grant tax stabilization to the project. In the case of a failure to carry out the terms of the contract, the City may terminate the contract and/or recapture the taxes for periods during which there was a breach of the terms, seek specific performance, and impose any other remedies which may be available under the terms of the contract or by operation of law.

b. Property owners who enter into tax stabilization contracts shall provide annual compliance statements documenting that all provisions of their tax stabilization contract are being met. Such compliance statements will be due by the anniversary date of the contract and will be reviewed by the city to assure that all criteria are maintained throughout the duration of the contract. Failure of the property owner(s) to provide compliance statements may be grounds for the City Council to terminate the tax stabilization contract..

6. **Municipal Taxes Only:** Tax stabilization awards shall be made consistent with the provisions of 24 VSA Chapter 75 Section 2741 and shall be only for the municipal portion of property taxes. Applicants who seek tax stabilization for education property taxes must do so through the Vermont Economic Progress Council.

7. **Findings of Fact:** Before approving a tax stabilization contract, the City Council shall make specific findings of fact on which to base the general findings that the project meets each of the required eligibility criteria set forth in this policy.

8. **Benefit Levels:** Tax Stabilization awards shall fall within four benefit levels.

Level One – A reduction in property value of one-third (1/3) for up to three (3) years.

Level Two – A reduction in property value of one-third (1/3) for seven (7) years.

Level Three - A reduction in property value of one-half (1/2) for seven (7) years.

Level Four - A reduction in property value of one-half (1/2) for ten (10) years.

7. **Criteria for Level One:** To be considered for Level One Benefits of tax stabilization, the project must meet ALL of the following criteria:

a. At the beginning of the contract term the real property additions and/or renovations and/or business personal property will

- i) be assessed at a total of \$350,000 or more; or
- ii) be assessed at a total of \$75,000 or more for businesses with 25 or fewer full-time employees or with \$2 million or less in annual gross sales or for creation or renovation of 4 or more commercial residential units..

b. The development is consistent with the City of Montpelier Master Plan in effect at the time the application is made and that the project has received Development Review Board approval (if required) and all other necessary permits not including the building permit.

c. No part of the completed project, which shall include the entire value of the real property and any improvements thereon, will be exempt from City taxes during the term of the contract and thereafter for a period equal to the contract term, other than property value discount granted under the tax stabilization contract.

d. The real property additions and/or renovations to receive tax stabilization must include commercial and/or residential sprinklers approved (or properly waived through the municipal appeal process) by

the Montpelier Fire Chief and the Vermont Department of Public Safety (if applicable).

e. The project will not result in a net decrease in the number of residential units within the designated downtown. However, this standard may be waived by the City Council if the Council makes an affirmative finding that the project results in exceptional public benefits which outweigh the public need for the housing units being removed or the Council affirmatively finds that the applicant has provided for comparable housing units elsewhere within the city.

f. The project can demonstrate to the satisfaction of the City Council that, net of tax stabilization and all foreseeable tax impacts, it will provide a positive property tax benefit to the City. This is defined to mean that the project will not require new service expenses in excess of the new tax revenues.

8. **Criteria for Level Two:** To be considered for Level Two benefits, the project must meet the requirements of paragraph 7 above and at least ONE of the following criteria:

a. The project can demonstrate to the satisfaction of the City Council that the project will positively affect in a significant way the number of employment opportunities in Montpelier. (NOTE – should we define this more clearly?)

b. The property owner(s) will deed to the City certain rights in real property which could otherwise be acquired only by outright purchase or eminent domain to promote the achievement of a specific policy or objective set out in the City Plan, including easements for riverfront walkways and parks, pocket parks, recreations trails and conservation easements that protect or create the following: key natural features, open space, greenways, specimen trees, etc. This provision shall apply only to acquisitions for which there is no reasonable or practicable alternative.

c. The project will meet certain exceptional, enhanced aesthetic standards not otherwise required by law or the City Master Plan, such as replacement of existing above-ground power lines, preservation or creation of public views and vistas, maintaining or enhancing the historic authenticity of an existing building or unusual landscaping effects.

d. The project will include a unique and significant public amenity specifically referenced in the Montpelier City Plan, Economic Development Strategic Plan or Capital District Master Plan which will relieve the City of a significant cost which it would otherwise incur.

e. The project will result in a net increase or renovation of 10 or more residential units within the city.

9. **Criteria for Level Three:** To be considered for Level Three Benefits, the project must meet the requirements of Level Two benefits and at least TWO of the following criteria:

a. The project will result in a net increase of 15 or more residential units within the city.

b. At the commencement of the contract term the real property additions and/or renovations will be assessed at \$500,000 or more.

c. Throughout the life of the tax stabilization contract, the project will result in a net increase of 25 full time equivalent jobs which pay at least an amount equal to the lowest full time Montpelier city employee pay rate as of January 1 of the calendar year in which the application is filed and adjusted accordingly throughout the life of the contract. This rate will match or exceed the city's lowest full time hourly rate if the employer provides benefits. In no benefits, the rate will increase by 45%. This will be called the City Wage in this policy.

d. The project must be located within the boundaries of the designated downtown or growth center as approved by the Vermont Downtown Development Board or within an industrial or office park zoning district,

10. **Criteria for Level Four:** To be considered for Level Four Benefits, the project must meet the requirements of Level Two benefits and at least THREE of the options provided in paragraph 9 and at least ONE of the following:

a. Energy efficiency standards (need to define)

b. Historic Preservation standards (need to define)

c. at least 40 new full time equivalent jobs which pay the City Wage or at least 25 new full time equivalent jobs which pay a minimum of 20% above the City Wage.

d. An environmental improvements (storm water, solar installation,, etc) not already required for construction (need to define)

e. Creation or renovation of 20 or more residential units.

11. **Recapture:** Where a project is subject to the recapture of taxes not paid because of a tax stabilization contract, the amount due shall be the total amount of

the tax which would have been due if no tax stabilization contract had been in force plus interest from the date at which the tax would have been due. The property shall be subject to a tax lien for all unpaid amounts due under this provision.

12. Transfer: The tax stabilization contract shall be transferred to the new owner of any property subject to such contract. Failure to transfer the contract shall be subject to recapture of the full tax amounts or discontinuation of the tax stabilization contract.

13. Definitions:

a. Industrial real property is broadly defined as property used for the manufacturing (production or processing) of goods and commodities.

b. Commercial real property is broadly defined as property used for buying, selling and/or exchange of goods and commodities or the provision of services or multi family housing. Examples of commercial uses include, but are not limited to retail stores, warehousing, wholesaling, restaurants, hotels, offices and commercial apartments

c. The value of real property additions and/or renovations shall be calculated by comparing the assessed value of the property after improvement with the assessed value immediately before the improvement or the assessed value at the time of purchase, whichever is the greater. The difference is the amount of the real property addition and/or renovation.

d. Business personal property is defined by Title 32 of the Vermont statutes.