



Agenda

City Council Meeting

City Council Chambers, City Hall
Wednesday, November 20, 2019
6:30 P.M.

1. Call To Order By The Mayor
2. 19-339. Review and approve agenda
3. 19-340. General business and appearances
4. 19-341. Consideration of the Consent Agenda
 - a. Approve 10/30 meeting minutes
 - b. Approve 11/4 meeting minutes
 - c. Payroll and bills
5. 19-342. Appointment to the Housing Authority
6. 19-343. Conservation Fund
7. 19-344. Social & Economic Justice Advisory Committee update
8. 19-345. Ordinance amendments: Chapter 13. Natural Resources, 1st public hearing
9. 19-346. Homelessness Task Force update
10. 19-347. Winter Ban Amendment: Sibley Ave. & Prospect St.
11. 19-348. Other business
12. 19-349. Council reports
13. 19-350. Mayor's report
14. 19-351. City Clerk's report
15. 19-352. City Manager's report

16. Adjournment

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

In attendance: Mayor, Anne Watson. Councilors Dona Bate, Connor Casey, Glen Hutcheson, Jack McCullough and Lauren Hierl. Councilor Ashley Hill was not in attendance. Deputy City Clerk Crystal Chase acted as secretary of the meeting.

The Mayor called the meeting to order at 6:32.

19-303. With no objection the agenda was approved at 6:33pm.

19-304. Zach Hughes spoke on the opening of the transit center and the death of Mark Johnson.

Seth Collins spoke about implementing neighborhood watches and information sharing.

Morgan Brown spoke on the transportation center.

Steven Whitaker spoke on the shooting of Mark Johnson

City Manager William Fraser introduced Cameron Niedermayer as the new Assistant City Manager. He also noted that the full coverage of the press conference along with all the related information was available to the public on the Police's web page.

19-305. Councilor McCullough moved consent agenda with correction to item b, motion was seconded by Councilor Bate and passed unanimously.

19-306. Transportation Infrastructure Committee appointments: Motion to appoint Ian Anderson and Celia Riechel was made by Council member Bate, with McCullough's second and voted unanimously.

19-307. Homelessness Task Force appointments: Applicant Morgan Brown introduced himself and spoke of his interest in filling the seat.

19-308. Council member McCullough- moved to enter into executive session under statute 1 VSA sec 313a(3) to discuss the appointment of a public official, Councilor Bate seconded the motion and it passed with no objections. Councilor McCullough then moved to come out of executive session. Councilor Casey seconded and it passed with no objections. Councilor McCullough then moved to appoint both applicants (Morgan Brown and Rick DeAngelis). Councilor Hutcheson seconded.

Public comment came from Steven Whitaker, Zach Hughes and Lawrence Sadler. Motion to appoint both applicants passed unanimously.

19-308. Appointment to the Public Art Commission: Councilor Casey moved to appoint Ward Joyce with a second from council member Hutcheson. The motion passed with no objections.

- 19-309. Jamie Duggan gave a status update on Home Farm Way. No formal action taken.
- 19-310. Public Works Director Donna Barlow addressed the council with a presentation on winter operations. Discussion followed. Steven Whitaker and Lawrence Sattler offered comments.
- 19-315. Mayor Watson opened the public hearing on the responsible employer ordinance. Discussion followed. With no public comment, the hearing was closed at 8:18.
- Councilor McCullough moved to approve first reading with Council Member Hutcheson's language amendment and to schedule the second hearing for the November 13th meeting. Motion was seconded by Councilor Hierl and passed with no objections.
- 19-311. Kurt Motyka, Eric Bigglestone, and Jim Tringe, addressed the council. After discussion, Councilor Casey moved to approve the agreement and designate the City Manager as authorized to sign documents. Councilor Bate seconded and all voted in favor.
- 19-312. Kurt Motyka referred to the water sewer master plan that outlines all the replacement and maintenance plans and schedules. There was discussion. No formal action taken.
- 19-316. At 9:00pm Mayor Watson opened public hearing on the proposed changes to Chapter 8. With no comment, the public hearing was closed at 9:01pm. Motion to set 2nd hearing to next meeting was made by Councilor McCullough, Council member Bate seconded the motion and it passed uncontested.
- 19-313. Deputy DPW director Kurt Motyka and Project Manager Zach Blodgett led a discussion regarding CSO. No formal action taken.
- 19-314. Kurt Motyka gave a brief update. No formal action taken.
- 19-318. Councilor Bate suggested bringing reps from the CV Fiber to come in. She also reported on the Complete Streets Committee and discussed dog ordinance revisions.
- Council Member Casey thanked the City Manager Fraser and the Police Chief for the press conference.
- Councilor Hutcheson reported on the Homelessness Task Force as well as his work on the city's ash trees and the TW Wood gallery.
- Council Member McCullough reported on the opening of the Taylor Street transit center. He also shared that the first committee meeting was Monday for the main street middle school building.
- Councilor Hierl shared that one of her constituents called her to give kudos to the city for helping him work through a challenge.

- 19-319. Mayor Watson noted the art unveiling at Taylor Street and the coming shared use path opening at Barr Hill. She also updated Council on the Energy committee and the regional compost group.
- 19-321. City Manager Fraser noted his meeting with Barr Hill and the River Conservancy and updated on the search for the new Finance Director.

Without objection, the Mayor adjourned the meeting by unanimous consent at 9:59.

**Minutes of the Montpelier City Council Special Meeting
November 4, 2019 4:30pm
City Manager's Conference Room**

In attendance: Mayor, Anne Watson. Councilors Dona Bate, Connor Casey, Glen Hutcheson, Jack McCullough and Lauren Hierl (arrived at 4:35). Councilor Ashley Hill was not in attendance. Assistant City Manager Cameron Niedermayer acted as secretary of the meeting.

The Mayor called the meeting to order at 4:30pm.

19-322. The proposed agenda was approved without objection by unanimous consent.

19-324. Councilor McCullough moved to Authorize City Manager to sign dismissal agreement. Councilor Bate seconded. The motion carried unanimously at 4:38pm.

19-325. Without objection, the Mayor adjourned the meeting by acclamation at 4:38.



CITY COUNCIL Agenda Item #19-342

Date: November 20, 2019

Consent ____ Discussion X

SUBJECT: Appointment to the Montpelier Housing Authority

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Make 1 five-year appointment to the Montpelier Housing Authority

STRATEGIC OUTCOME/INITIATIVE: More Housing; Inclusive, Equitable and Welcoming Community

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

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

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: Ed Larson's seat has expired. We received one application - from Ed seeking reappointment.

The mission of the Montpelier Housing Authority is to promote, provide and preserve safe, decent and affordable housing in ways that support families, neighborhoods, and economic self-sufficiency.

SUPPORTING DOCUMENTS: Application

INTERESTED PARTIES: Housing Authority; Applicant

CITY MANAGER'S APPROVAL:

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

From: noreply@civicplus.com
Sent: Monday, November 11, 2019 10:03 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	Ed Larson
Email Address	[REDACTED]
Address	[REDACTED]
City	Montpelier
State	VT
Zip Code	05602
Phone Number	[REDACTED]
Occupation	Field not completed.
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?	Montpelier

Are you related to any elected City Councilor (including by marriage)?	No
Do you have any pending litigation against the City?	No
Name of City Board or Committee: (If applying for more than one board/committee, please list order of preference)	Montpelier Housing Authority
Are you currently serving or have you served on any City board or committee? If so, please list and give approximate dates.	25 years Commissioner on MHA
<i>Please answer each question in as much detail as possible.</i>	
Education/Credentials:	Know Stuff
Professional activities that relate to this board/committee:	25 years experience
Community activities that relate to this board/committee:	N/A
Why are you interested in serving on this board/committee?	I have been there long enough, but Jo Ann Troiano continues to serve as Executive Director. When she finally retires, I feel I am best suited to help with the search of a new Executive Director.
What talents or experience would you bring to the board/committee?	I currently am the Chair of the Board, President.
Any other comments or information you wish to provide to the Mayor and City Councilors?	Would have preferred to write a letter of interest as I did the last five times rather than do this application.
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.

Ed Larson

11/11/2019

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.](#)



CITY COUNCIL Agenda Item #19-343

Date: November 20, 2019

Consent ☐ Discussion ☒

SUBJECT: Conservation Fund

SUBMITTING DEPARTMENT: Conservation Commission via City Manager

RECOMMENDED ACTION: Receive update from Brenna Toman of the Montpelier Conservation Commission.

RELATED STRATEGIC OUTCOME/PRIOR ACTION: Environmental Stewardship

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The Montpelier Conservation Commission (MCC) is looking to revive the Conservation Fund. The MCC has appointed 3 members of the MCC to sit on the CF subcommittee. According to the original documents, City Council shall appoint two at-large members of the community. After discussion last year, it was suggested that the MCC report to the City Council with a summary of the fund and what they hope to accomplish.

The MCC requests that the City Council advertise for two at-large members of the public to complete the CF subcommittee. Once appointed, the CF subcommittee will update the application to the fund and submit for City council Review. The MCC suggests that at-large members have backgrounds including but not limited to: recreation, forest management, agriculture, ecology, and/or city planning.

SUPPORTING DOCUMENTS: Letter from the Conversation Commission

INTERESTED PARTIES: Conservation Commission

CITY MANAGER'S APPROVAL:

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



November 6th, 2019

Members, City Council
City of Montpelier
City Hall, 39 Main Street
Montpelier VT 05602

Dear Members of the Montpelier City Council,

The Montpelier Conservation Commission is excited to revive the Conservation Fund subcommittee to review purchases associated with the conservation of lands and waters of Montpelier. The Montpelier Conservation Fund is a dedicated reserve fund established in 2002 for the purpose of conserving lands and waters within the city for agricultural, forest, wildlife, recreational or natural area use, under the control and direction of the City Council.

The Fund will be used when other funds and means are not available or sufficient for a given conservation project. When the Fund is used, our goal is to leverage other public and/or private funds. Use of the Fund may include but are not limited to: purchase of (or assistance in the purchase) right of first refusal, options to purchase, long-term leases, conservation easements, land through a bargain sale, and land in fee.

The Conservation Fund subcommittee shall consist of 3 Montpelier Conservation Commission members and 2 at-large members of the public. The Conservation Commission requests that the Montpelier City Council advertise for these positions and that any citizen of Montpelier is eligible to apply. We suggest that at-large members have backgrounds including but not limited to: recreation, forest management, agriculture, ecology, and/or city planning. Once appointed the Conservation Fund subcommittee will update the application to the Fund and submit for city council review.

We look forward to being prepared to review applications to the Conservation Fund. We welcome your comments and suggestions.

Sincerely,
Brenna Toman
Montpelier Conservation Commission



CITY COUNCIL Agenda Item #19-344

Date: November 20, 2019

Consent ___ Discussion X

SUBJECT: Social & Economic Justice Advisory Committee (SEJAC) update and request

SUBMITTING DEPARTMENT: Social & Economic Justice Advisory Committee

RECOMMENDED ACTION: Receive the update from the Social and Economic Justice Advisory Committee. Consider and discuss RFP/budget request.

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

EXPENDITURE REQUIRED: TBD

SOURCE OF FUNDS: TBD

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The committee has been diligently meeting for a little over a year. For much of that time, they have struggled with the question of what is expected and how to successfully achieve the far-reaching goals laid out in the committee's charge. They feel that the best way to go forward is with the assistance of consultants. After speaking with a few, they've decided to request approval to do an RFP.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: SEJAC, residents.

CITY MANAGER'S APPROVAL:

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CITY COUNCIL Agenda Item #19-345

Date: November 20, 2019

Consent__ Discussion X

SUBJECT: Ordinance Amendments: Chapter 13, Natural Resources. 1st public reading

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Conduct 1st Public Reading of the proposed amendments to Chapter 13. Provide an opportunity for comments from neighbors and interested citizens. Approve proposed amendments.

STRATEGIC OUTCOME/PRIOR ACTION: Responsive and Responsible Government; Environmental Stewardship

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

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

SUPPORTING DOCUMENTS: Articles I of Chapter 13 of the Code of Ordinances with proposed amendments (red lined 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 13
NATURAL RESOURCES
ARTICLE I. IN GENERAL

Sec. 13-1. TRESPASS OR INJURY.

It shall be unlawful for any person to trespass upon or injure public buildings, squares, commons, cemeteries, fountains, statues or any other public property or resources owned by or under the control of the City of Montpelier.

Sec. 13-2. PENALTIES.

Anyone found to be violation of Sec. 13-1 shall be subject to the general penalty provisions of Sec. 1-9 of this Code and shall be subject to arrest and/or ejection therefor.

Sec. 13-3. BERLIN POND PROTECTION.

- a) It shall be unlawful for any person to trespass, occupy, or enter upon the surface of Berlin Pond, or any tributary thereof, or the lands adjacent thereto owned by the City of Montpelier without the permission of the City Council except as provided in Section 7-605 of Article VI.
- b) A violation of this ordinance shall be deemed to be a misdemeanor. A person violating this ordinance shall be subject to a fine to exceed \$500, and subject to imprisonment for a term not to exceed one year.
- c) Each day a violation of this ordinance occurs shall be deemed to be a separate offense.

~~CHARTER REFERENCE: Power to prevent and punish trespass or injury to public property, T. 3, Sec. 17 (XXX), 1955 Charter.~~

~~Sec's. 13-4 to 13-199. Reserved.~~

~~Enacted October 25, 1972.~~

~~Amendment enacted July 14, 2010 [Sec. 13-3, BERLIN POND PROTECTION, added]. Date of Publication: 10/07/10. Effective Date: 10/13/10.~~

CHAPTER 13
NATURAL RESOURCES
ARTICLE II. RIVERS AND STREAMS

Sec. 13-200. ENCROACHMENT ON RIVER.

No person shall in any manner encroach upon the bed of ~~the North Branch or of the Winooski River~~any river within the City, nor restrict the flow~~age thereof of any river~~ by filling, or by placing or depositing any material upon, the banks thereof, or by any other means whatsoever; provided, however, that this section shall not be construed to affect the lawful development or use of any water power thereon, or the acts of the City Council in the interests of the public welfare.

Sec. 13-201. LITTER IN RIVER.

No person shall place or deposit in the water, or upon ice formed thereof, or upon the banks of ~~the North Branch or of the Winooski River~~all rivers within the City any rubbish or waste material of any kind.

~~CROSS REFERENCE: Swimming in river—see Sec. 11-701 of this Code.~~

~~STATE LAW REFERENCE:—Refuse, V.S.A., T. 24, Sec. 2201.~~

~~Sec's. 13-202 to 13-299.——Reserved.~~

~~Enacted October 25, 1972.~~

CHAPTER 13
NATURAL RESOURCES
ARTICLE III. TREES

Sec. 13-300. DEFINITIONS.

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on either side of all streets, avenues, bike paths and located within the bounds of a municipality-owned highway right-of-way in the city.

Park trees: "Park trees" are herein defined as tree, shrubs, bushes and all other woody vegetation in any public parks and all areas owned by the City to which the public has free access ~~to~~ as a park.

Sec. 13-301. CREATION AND ESTABLISHMENT OF A CITY TREE BOARD.

There is hereby created and established the City Tree Board which shall consist of nine members, citizens and residents of this city, ~~who~~ shall be appointed by the City Council. The City Tree Board shall function under this ordinance and 24 V.S.A., Chapter 67, or successor provision to protect the public health and welfare by improving and preserving the beauty of the city as it relates to street trees and park trees.

Sec. 13-302. TERM OF OFFICE.

Each member will be appointed for a period of three years. In the event that a vacancy shall occur during the term of any member, ~~his or her~~their— successor shall be appointed for the unexpired portion of their term. Any member may be removed from the board for cause. Cause shall include but not be limited to excessive absences from scheduled board meetings and clearly identified conflicts of interest. To remove a member from the board shall require a majority vote of the remaining members and the concurrence of the City Council.

Sec. 13-303. COMPENSATION.

Members of the Board shall serve without compensation.

Sec. 13-304. DUTIES AND RESPONSIBILITIES.

It shall be the responsibility of the Board to study, investigate, ~~counceel~~counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, removal, or disposition of trees and shrubs in parks, along streets and in other public areas. The Tree Board will either work with, or counsel, Parks and Trees Staff and the Parks Commission regarding trees on City park lands. Such plan for the City of Montpelier, State of Vermont.—The Board, when requested by the City Council, shall consider, investigate, make findings~~s~~, report and recommend upon any special matter ~~of or~~ question coming within the scope of its work.

Sec. 13-305. OPERATION.

The Board shall choose its own chairperson on an annual basis during a regularly scheduled meeting in the month of October. A member will also be chosen as secretary and will keep the minutes of each meeting. The City Tree Warden will attend all meetings~~s~~ and will serve in the capacity

of advisor to the board. It will be the Tree Warden's additional responsibility to act as the interface between the Board ~~of and~~ other regulatory bodies within the city. Meetings will be held once a month, on the first Wednesday of each month at 7:30 P.M. If less than a majority of the members are in attendance, there is no quorum and a meeting cannot be held.

Sec 13-306. STREET TREE SPECIES TO BE PLANTED.

The following list constitute the official Street Tree species for the City of Montpelier, State of Vermont. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board and the concurrence of the City Tree Warden.

<u>Small Trees</u>	<u>Medium Trees</u>	<u>Large Trees</u>
Flowering Crabapple	Green Ash	Sugar Maple
Hawthorn	Honeylocust	Norway Maple
Bradford Pear	Basswood Linden	Black Oak
Lilac	Red Oak	<u>Ginkgo</u>
<u>Amelanchier spp. (serviceberry)</u>	Pin Oak	<u>Freeman Maple</u>
	<u>Hackberry</u>	<u>White Oak</u>
	<u>American Hophornbeam</u>	<u>Swamp White Oak</u>
	<u>Littleleaf Linden</u>	

Sec. 13-307. SPACING.

Spacing of Street Trees will be in accordance with the three species size classes listed in Section 13-306 of this ordinance and no trees may be planted closer together than the following: ~~Small~~ Small Trees, 30 feet; Medium Trees, 40 feet; Large Trees, 50 feet; except in special plantings designed or approved by the City Tree Warden.

Sec. 13-308. DISTANCE FROM CURB AND SIDEWALK.

The ~~Distance-distance Trees-trees~~ may be planted from curbs, edges of roads and sidewalks and will be in accordance with the three species size classes listed in Sec. 13-306 and no tree may be planted closer to any curb, edge of road or sidewalk than the following: In Central Business District I and II: Small Trees, 2 feet; Medium Trees, 3 feet; Large Trees, 4 feet. In General Business District and Residential: Small Trees, 6 feet; Medium Trees, 7 feet; Large Trees, 8 feet. Exceptions may be granted by the Board based on the recommendations of the City Tree Warden on a case-by-case basis and consultation with the Department of Public Works.

Sec. 13-309. DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS.

No Street Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or edges of roads. No Street Tree shall be planted closer than 10 feet of any fire hydrant. Exceptions may be granted only by approval of the Board upon recommendation of the City Tree Warden and consultation with the Department of Public Works.

Sec. 13-310. UTILITIES.

No Street Trees other than those species listed as Small Trees in Sec 13-306 of this ordinance may be planted under or within 10 lateral feet of any overhead utility wire, or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

Sec. 13-311. CONSTRUCTION IN VICINITY OF CITY TREES.

Any Construction within 10 lateral feet of city trees requires consultation with the City Tree Warden who will provide non-binding specific written recommendations.

Sec. 13-312. PUBLIC TREE CARE.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Warden may remove or cause to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature presents a hazard to the general public, is injurious to sewers, electric power lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pests. This section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 13-306 through 13-310 of this ordinance.

Sec. 13-313. TREE TOPPING.

It shall be unlawful, as a normal practice, for any person, firm or city department to top any Street Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstruction where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board upon recommendations by the Tree Warden.

Sec. 13-314. SUBSTANCES HARMFUL TO TREE LIFE.

It shall be unlawful for any person owning, using or having control of substances harmful to tree life to allow such substance or substances to come in contact with the soil surrounding the roots of any tree in any public thoroughfare, or of any tree or plant in any city park or parking strip in the City of Montpelier in such manner as may injure or destroy the tree or plants.

Sec. 13-315. PRUNING, CORNER CLEARANCE.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign, or to maintain a clear space of 8' above the surface.

Sec. 13-316. DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The City shall have the right to cause the removal of any dead or diseased tree on private property within the city, when such tree constitutes a hazard to life and property, or harbors insects or disease which constitutes a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority —to remove such trees and charge the cost of removal on the owner's property tax notice.

Sec. 13-317. REMOVAL OF STUMPS.

The removal of any stumps of Street or Park Trees shall not be mandatory unless it is deemed necessary by the City Tree Board to allow for a replanting or other reason. The City Tree Board must find that the removal of the stump is necessary for other than just aesthetic reasons. Any landowner with property adjacent to any stump may petition the City Tree Board to allow removal of said stump at the landowners' expense for purposes of aesthetics.

Sec. 13-318. INTERFERENCE WITH CITY TREE BOARD.

It shall be unlawful for any person to prevent, delay, or interfere with the City Tree Board, the City Tree Warden, Parks and Tree's staff, or any agents of the Board, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Street Trees, Park Trees or trees on private grounds, as authorized in this ordinance.

Sec. 13-319. ARBORIST LICENSE AND BOND.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be \$25 annually, in advance; provided however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before securing a contract with the City, a contractor must have possession of liability insurance in the minimum amounts of \$1,000,000 aggregate, general liability peroccurrence indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described. All tree work performed in the public right-of-way must conform with the National Arbor Society NC 300 Standards.

Sec. 13-320. REVIEW BY CITY COUNCIL.

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make a final decision.

Sec. 13-321. REVIEW BY CITY COUNCIL.

Any person violating any provision of this ordinance shall be, upon conviction or plea of guilty, subject to a fine not to exceed \$500 plus the cost of tree removal.

Sec. 13-322. TREE WARDEN'S JURISDICTION, PUBLIC SHADE TREES.

The Tree Warden shall have complete power and authority over any and all trees, shrubs, or plants planted and growing or hereafter to be planted and grown in the public right-of-way, or any public highway property of the City of Montpelier not under the jurisdiction of the Park Commission or the Cemetery Commission. Trees so located shall be deemed public shade trees.

The Tree Warden shall have all powers granted to Tree Wardens under 24 V.S.A., Chapter 67, or successor provision. He or she may refer violations of this ordinance or that chapter to the City Attorney or State's Attorney for prosecution.

The Tree Warden will advise the City Tree Board and any other regulatory boards of the City in matters of tree health, care and maintenance as needed. All actions taken by the Tree Warden will be reported to the Tree Board and maintained in an historical file.

~~Sec's. 13-323 to 13-399. Reserved~~

~~Enacted October 25, 1972.~~

~~Amendment enacted August 11, 1993 [Entire ordinance rewritten]. Date of Publication:—~~

~~8/23/93. Effective Date: 8/29/93.~~

~~Amendment enacted February 26, 1997 [Sec. 13-301, membership increased]. Date of Publication:—~~

~~3/06/97. Effective Date: 3/12/97.~~

CHAPTER 13
NATURAL RESOURCES
ARTICLE V. PARKS

Sec. 13-500. HUBBARD PARK.

(a) Park Curfew. No person shall be or remain in Hubbard Park between the hours of 9:00 P.M. of each day and ~~76~~6:00 A.M. on the next succeeding day except during an event organized or sanctioned by the City Parks Department, or ~~without~~ the express consent of the Board of Park Commissioners or its duly authorized agent.

(b) Motor Vehicle Regulations.

No vehicle shall be operated at a speed in excess of fifteen (15) miles per hour within the park.

No person, except Parks and Trees staff shall operate any motor-driven vehicle, except on duly established park roads.

No person shall operate a snowmobile except in those areas or on those trails as have been marked by authority of the Board of Park Commissioners for such operation.

No vehicle shall be parked contrary to the provisions of Chapter 10, Article VII: Parking and Parking Meter Zones.

(c) Firearms Prohibited. Except by permit of the Board of Park Commissioners or its duly authorized agent, no person shall carry, discharge or display any firearm, air rifle, gas weapon or bow and arrow.

(d) Destruction and Littering of Property Prohibited. No person shall deface, mutilate, destroy or otherwise harm public property, nor litter, dump or discard trash, rubbish, papers or similar substances.

(e) Disturbing the Peace. No person shall, with intent to cause public inconvenience or annoyance or recklessly creating a risk thereof:

Engage in fighting or in violent, tumultuous or threatening behavior; or

Make unreasonable noise; or

Use abusive or obscene language; or

Obstruct vehicular or pedestrian traffic.

(f) Fires Regulated. No person shall set, light or fuel any open fire except within

fireplaces or grills provided by the Board of Park Commissioners without special permission of the Parks Commission and a fire permit.

(g) Picking or Injuring Plants Prohibited. No person shall pick or injure any plant growing in the Park.

Sec. 13-501. SUMMER STREET PARK.

(a) Games Prohibited. Summer Street Park is open to park and recreational activity, except (1) hardball, (2) hockey, (3) softball, and (4) any game or activity that physically encroaches on adjoining landowners' property. Team sports by children over the age of ten (10) years ~~is~~are prohibited.

(b) Destruction and Littering of Property Prohibited. No person shall deface, mutilate, destroy or otherwise harm public property, nor litter, dump or discard trash, rubbish, papers or similar substances.

(c) Disturbing the Peace. No person shall, with intent to cause public inconvenience or annoyance or recklessly creating a risk thereof:

Engage in fighting or in violent, tumultuous or threatening behavior; or

Make unreasonable noise; or

Use abusive or obscene language; or

Obstruct vehicular or pedestrian traffic.

~~Sec's. 13-502 to 13-599. — Reserved.~~

~~Enacted September 24, 1975. — Date of Publication: 9/29/75. — Effective Date: 10/06/75.~~

~~Amendment enacted June 24, 1987 [Sec. 13-501(a) rewritten]. — Date of Publication: 7/30/87. — Effective Date: 8/06/87.~~

~~Amendment enacted August 8, 1990 [Sec. 13-500 (a), Sec. 13-500 (b) (2), Sec. 13-500 (b) (3), Sec. 13-500 (c) and 13-500 (f) rewritten; Sec. 13-500 (b) (4) added]. — Date of Publication: 8/23/90. — Effective Date: 8/29/90.~~

CHAPTER 13
NATURAL RESOURCES
ARTICLE VI. FLOOD INSURANCE RATE MAPS

~~Sec. 13-600. GENERAL INTRODUCTION.~~

~~—————In accordance with the City's eligibility for National Flood Insurance, effective October 20, 1972, and in order to safeguard to a reasonable degree the life and property of the inhabitants of the City of Montpelier from the hazards and ravages of floods, the City Council hereby ordains as follows:~~

~~Sec. 13-601. ADOPTION BY REFERENCE.~~

~~—————That the Flood Insurance Rate Maps, (FIRM) prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, identified by the date of June 20, 1973, delineating the special hazard areas of the city in which the construction of building and land use will be specifically controlled to reduce damage by flooding, are hereby adopted by reference and made part of the Code of Ordinances.~~

~~Sec's. 13-602 to 13-699. Reserved.~~

~~Enacted November 23, 1976.~~

~~Effective December 8, 1976.~~



CITY COUNCIL Agenda Item #19-346

Date: November 20, 2019

Consent ☐ **Discussion** ☒

SUBJECT: Homelessness Task Force Update Report

SUBMITTING DEPARTMENT: Homelessness Task Force

RECOMMENDED ACTION: Receive the update on the Homelessness Task Force's short term, mid-range, and long-term projects. Approve immediate recommendations as presented or provide guidance for possible alternatives.

STRATEGIC OUTCOME/PRIOR ACTION: Public Health & Safety; Inclusive, Equitable and Engaged Community. The Homelessness Task Force's first recommendations to extend the Bethany Warming Shelter were adopted at the October 9th 2019 Council Meeting.

EXPENDITURE REQUIRED: TBD

SOURCE OF FUNDS: The identified \$10,000 from the General Fund that the Council had previously discussed for use for the Good Samaritan run Bethany Church shelter.

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: At the October 9th 2019 Council Meeting, the Council approved funding to be spent on helping the Good Samaritan run Bethany Church shelter open earlier than they planned. The Homelessness Task Force has built on this work, and has further recommendations it believes will aid in the safety and security of those experiencing homelessness in our community.

SUPPORTING DOCUMENTS: The Homelessness Task Force Council Report November 20, 2019

INTERESTED PARTIES: The Homelessness Task Force

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the City Manager's Approval line.

Montpelier Homelessness Taskforce Overview and Goals

Vermont Homelessness Statistics

According to the [United States Interagency Council on Homelessness](#), as of January 2018, Vermont had an estimated 1,291 residents experiencing homelessness on any given day. These data were reported by Continuums of Care to the U.S. Department of Housing and Urban Development (HUD). This type of data is collected as “Point-in-Time Counts” where estimates are taken one night out of the year- so there is the potential for these numbers to not be fully representative of the actual homeless population. In the HUD data- of the 1,291 total, 169 were family households, 104 were Veterans, 101 were unaccompanied young adults (aged 18-24), and 160 were individuals experiencing chronic homelessness. Montpelier is not immune to this problem, and there are folks that are experiencing homelessness within our community.

The Montpelier Homelessness Taskforce’s (HTF) best current estimation is that there are 40-46 individuals experiencing homelessness in Montpelier as of November 12, 2019. This number does not include those who have managed to find temporary accommodations. Homelessness is a complex issue, and to address the issue in our community requires Montpelier-specific approaches.

Vision

The HTF believes that all residents of Montpelier, regardless of their current housing status, are entitled to safe, high-quality, and accessible housing and a reasonable expectation of health and happiness.

Mission

The mission of the HTF is to identify all residents of Montpelier, Vermont in need of housing and support, and articulate the activities which must be completed by the municipality and its partners to successfully get and obtain support for the community members of Montpelier that are currently experiencing homelessness.

Goals

The issue of homelessness is not one to be solved overnight. The HTF believes that it provides diverse and new viewpoints to the issue, and that there is work it can do to make systemic changes to Montpelier’s current system.

The HTF has approached the issues in tiers based on complexity and achievable time frames. Efforts have included short term projects that aimed to alleviate some of our street-level needs for folks experiencing homelessness. The HTF is also looking at mid-range and long-term solutions in which we believe the City and community partners can play a role.

The HTF understands that its long term goals are systemic and robust, and will take time to carefully build out these recommendations to bring a complete long-term plan to Council for consideration.

Immediate Recommendations:

- **Recommend that the Homelessness Task Force continue to meet for at least another calendar year; and**
- **Fund expanding the Good Samaritan shelter at Bethany Church service offerings further into the spring- to ensure it covers most of the inclement weather.**

Homelessness Taskforce Key Activities

The HTF has been meeting since September 2019, and has made significant progress in that time. The HTF has split its priorities into short term, mid-range, and long-term initiatives, and this report highlights the successes the group has achieved and next steps.

Short Term Projects:

1. Early Opening of the Good Samaritan Shelter:

- a. The Good Samaritan shelter, run out of Bethany Church, was able to open two weeks ahead of schedule, through the supportive funding from the City of Montpelier's Council, as requested by the HTF.
 - i. This opening ensures there is a shelter open for the eligible homeless population in Montpelier up to Good Samaritan's capacity of 20 people. The rest of Montpelier's homeless population remain unsheltered under our current shelter availability and barriers.

2. Storage Availability:

- a. A key challenge for folks experiencing homelessness in our community is finding easily accessible, weather resistant, and safe storage for winter items such as sleeping bags and tents. To address this need, the HTF obtained six donated lockers to act as nonpermanent storage.
 - i. The HTF is still working on obtaining a location to deploy the lockers.

3. Resource Survey:

- a. The HTF compiled currently available shelter plans, warming station plans and locations, food pantry and lunch offerings to identify if there were any local gaps it could attempt to locate a resource to fill. The HTF's goals for this project include:
 - i. That Montpelier City area has multiple overlapping resources that ensure that there are warm places for folks who are comfortable with sheltering resources to get out of inclement weather.

- 1. Currently, identified gaps include warming shelters- as the community's current services are not open to the general population- just approved Good Samaritan shelter residents.**

Mid-Range Projects and Plans:

1. **Acute Needs:**
 - a. The Montpelier community has identified that there are folks experiencing homelessness that do not have the ability or desire to stay in shelters. The HTF, in partnership with the Continuum of Care and other agencies, will review the process of obtaining subsidy and other support resources for those unable to utilize the existing shelter system and propose recommendations to improve the process.
2. **Expanding Shelter Services:**
 - a. The HTF recommends expanding the Good Samaritan shelter at Bethany Church service offerings further into the spring- to ensure it covers most of the inclement weather.
3. **Census Count:**
 - a. Any successful plan must start with an accurate count of the number of unique individuals and households that are experiencing homelessness in Montpelier.
 - b. The HTF has identified opportunities to work with other organizations who serve the homeless community in our region to ensure that we have an accurate count of those experiencing homelessness in Montpelier.
4. **Housing Availability Survey:**
 - a. A systematic effort to determine what housing resources currently exist in Montpelier. This work is currently underway.
5. **Interoperability and Integration with Existing Resources:**
 - a. The HTF understands that there are multiple other agencies in our State and our community that are also addressing the issue of Homelessness. The HTF has identified other organizations, and are meeting with them to determine where the HTF can best fit in and assist in their efforts. Organizations include:
 - i. City of Montpelier Housing Task Force;
 - ii. The Regional Planning Commission;
 - iii. Montpelier Interfaith Alliance;
 - iv. Continuum of Care;
 - v. Coordinated Entry;
 - vi. Housing Review Team;
 - vii. Vermont Affordable Housing Coalition;
 - viii. Governor's Council on Homelessness;
 - ix. Vermont Coalition to End Homelessness;
 - x. Barre Interfaith Group;
 - xi. Vermont Interfaith Action; and
 - xii. The Montpelier business community.
6. **Evaluation of the Winter-Weather Shelter System:**
 - a. The HTF proposes evaluating the winter-season shelter model and environment in our community- ensuring that gaps are identified, and that make recommendations to make the 2020-2021 offering more robust.

Long-Term Plans:

The HTF is still working on these recommendations. Currently, this report includes initiatives that have been discussed, but not formally recommended. Further work will be needed on the HTF's long-term plans.

According to the United States Interagency Council on Homelessness's report [Navigating Homelessness and Housing Needs Data: Tailoring and Driving Local Solutions](#)- communities who face a growing unsheltered population should focus on answering the following questions to assist in forming some long-term goals. These include:

1. Can your community deploy additional strategies to strengthen and coordinate outreach and engagement to ensure all people experiencing unsheltered homelessness are being identified, are known by name, regularly contacted, and understand the shelter, services, and housing opportunities available to them?
2. Can your community assess whether there are subpopulations among the unsheltered population that are increasing... in order to develop targeted outreach and engagement strategies?
3. If shelter utilization rates are low, can your community assess the current shelter model and identify opportunities to increase shelter utilization, such as through removing or lowering barriers that prevent people from seeking, accessing, or being eligible for shelter, or through implementation of age- and culturally appropriate practices?
4. Can your community prioritize and target any people who long-term stayers in shelter for specialized service and housing interventions, like supportive housing, in order to reduce the number of people who are using a significant number of bed nights and maximize the number of people that can be assisted?
5. Can your community strengthen prevention and in-reach efforts to prevent unsheltered homelessness through stronger discharge planning practices in coordination with public systems, including but not limited to state institutions, county facilities, hospitals, and foster care and child welfare agencies?
6. Can your community strengthen efforts to link people who are unsheltered to permanent housing opportunities even if they do not enter shelter?

These are all questions that the HTF can use to tailor a long-term plan for homelessness in the Montpelier Community. Once some of the mid-range plans have been completed, the Taskforce will be able to turn its attention to long-term plan building.

Other concepts have also been discussed for long term solutions. These include:

1. Pitching more progressive housing policies to the Montpelier City Council.
2. Harness the power of lobbying for change to our State House regarding housing policy.
3. Further exploring what options the Montpelier community has for storage locations for those experiencing homelessness to use.
4. Determining the associated Budget and funding opportunities to accomplish any long-term plans.

5. More systemic approaches, including:
 - a. Increase the number of homes affordable to Vermonters with extremely low-incomes (less than 30% of area median income), especially those who are homeless.
 - b. Coordination of Programming: Align programs serving Vermonters who are homeless, have mental health or other disability related needs, or who are at risk of homelessness, under the clear objective of Housing Stability.
 - c. Suggestions for increased support from the City of Montpelier for initiatives that have no other funding source, including the potential for:
 - i. Staffing for outreach and coordination of resources with the homeless population, preferably with a peer worker;
 - ii. Rental Subsidy programs; and
 - iii. Exploring strategies to engage in partnerships with private landlords to increase access to private housing.

The HTF's recommended Long-term plan will be forthcoming, will build on the work already accomplished, and will seek to answer some of the above considerations and questions.



CITY COUNCIL Agenda Item #19-347

Date: November 20, 2019

Consent ____ Discussion X

SUBJECT: Amendment to 10-714 of the Code of Ordinances- Winter Parking Ban: Prohibited overnight parking (adding two sections of streets)

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Approve addition of Sibley Ave. from Barre St. to College St. and Prospect Street - except on the southerly side – beginning at a point 200 feet easterly of the intersection with Cherry Avenue, and proceeding easterly a distance of 325 feet (#35 Prospect Street to #51 Prospect Street) to Section 10-714 Night Parking Restrictions during the Winter Parking Ban timeframe.

STRATEGIC OUTCOME/INITIATIVE: Public Health and Safety; Sustainable Infrastructure

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Council must approve ordinance amendments.

BACKGROUND INFORMATION: Following a series of concerns from residents and public safety officials, we propose to add Sibley Ave. from Barre St. to College St., and an additional part of Prospect St. to the list of streets where overnight parking is always prohibited from November 15th to April 1st.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: DPW, Fire, PD, residents

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. J. [unclear]", written over a faint, circular official stamp.