



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday,
September 10, 2014
06:30 P.M.

- 1) Call to Order by the Mayor
- 2) 14-203. Approval of the Agenda:
 - a) Suggested Action: City Council Members should review and approve the agenda, including having the Mayor, City Councilors and staff identify items to be added under "Other Business".
- 3) 14-204. General Business and Appearances
- 4) 14-205. Consent Agenda:
 - a) Consideration of the Minutes from the August 13th Regular Council Meeting and August 29th, 2014 Special City Council Meeting.
 - b) Accept the bid from H.P. Fairfield, Inc. of Morrisville, Vermont, for the dump body and related equipment and hydraulics for Truck #1, in the amount of \$31,835 and to authorize the City Manager to sign all documents related to this purchase.
 - c) Approve Parking Committee recommendation to designate four (4) motor coach parking spaces throughout the city from September 15 - October 30 and create temporary signage for those spots:
 - 1) Main Street in front of the Unitarian Church (existed last year)

- 2) Main Street in front of City Hall (2 spots in front of the Greyhound Bus Stop)
 - 3) State Street at intersection with Gov. Davis Avenue (2 spots proposed)
 - 4) State Street at the far end of the Statehouse (existed last year)
- d) Approve a request from Jesse Moorman (15 Terrace Street) for the closure of Terrace Street Extension between Bailey Avenue and Chapman Road on Saturday, September 27th from 2:00 to 8:00 P.M. for a "Neighborhood Potluck". Such closure would directly impact driveway access to the five residences at 13-16 Terrace Street and 13 Bailey Avenue (accessed via Terrace Street). The applicant is not seeking to restrict travel along Bailey Avenue nor access to residences further along Terrace Street Extension including Chapman Road, Richardson Street, and Mather Terrace; these streets would remain accessible at all times via Hopkins Street. As always, the Fire Chief requires emergency vehicle access; anything in the street should be able to be moved quickly. (See attached map for clarification.)
- e) Designate the Montpelier Senior Activity Center as the second external location for posting meeting notices and agendas. The Council previously designated City Hall and the High School as posting locations. Under the new Vermont Open Meeting Law requirements, two locations are required in addition to City Hall.
- f) Payroll and Bills
- 5) 14-206. Appointments to Montpelier's Design Review Committee.
- a) The two, 3-year terms currently being held by Stephen Everett and Eric Gilbertson expire this month. Staff advertised and only received responses from Mr. Everett and Mr. Gilbertson, both seeking reappointment.
 - b) Recommendation: Reappoint both applicants for another 3-year term.
- 6) 14-207. Appointments to the City's Development Review Board.

- a) The two, 1-year vacancies which expire this month are both Alternate seats currently being held by Kate McCarthy and Michael Sherman. Staff advertised and only received responses from Ms. McCarthy and Mr. Sherman, both seeking reappointment.
- b) Recommendation: Reappoint both applicants for another 1-year term as Alternates.

7) 14-208. Appointments to Montpelier's Historic Preservation Commission.

- a) There will be three vacant seats this month; one is a 3-year term currently being held by Anthony Otis; two are 2-year terms currently being held by Eric Gilbertson and James Duggan.
- b) Staff advertised and received responses from all three current members seeking reappointment.
- c) Recommendation: Reappoint all three to their respective terms on the Commission.

8) 14-209. Decision on Use of Upper Floor Development at 1 Taylor Street

- a) Community Participation Events were held on May 6, May 21, June 10, and September 3.
- b) The 1 Taylor Design Committee met on April 21, June 2, July 16, and August 18.
- c) As a result of this work, the Committee and development team recommend rental housing as the use for the private development at 1 Taylor Street. The proposed bus turning radius, building massing, housing use, and site design can be seen in the attached presentation.
- d) Based on the recommendation of the Committee, development team, and public discussion, the following resolution is proposed: The Montpelier City Council approves use of the upper floors at 1 Taylor Street for at least 30 rental apartments. The Council authorizes the City Manager to negotiate a development agreement with Redstone that advances the design and construction phase of the building project, outlines a long-term agreement for the use of the upper floors, and prescribes the use of

onsite parking spaces. Finally, the Council authorizes the City Manager to negotiate an agreement with CCTA/GMTA for the use of the first floor space and associated site space for a Transit Center.

- e) Recommendation: Approve recommendation and this resolution.

9) 14-210. Discussion of State Street Redesign

- a) On April 16, 2014 the City Council adopted a plan for the redesign of State Street in front of the Statehouse that converted the parking along the Statehouse lawn to angled parking, thereby adding 16 net new parking spaces, and added a bike lane to the DMV side of State Street.
- b) At the August 13, 2014 Council meeting, the Council asked for a project update and to possibly revisit the design.
- c) The Mayor recommends an option to maintain the existing parallel parking and add a bike lane to both sides of the Street.
- d) Recommendation: Discussion and direction to staff.

11) 14-212. Consider Municipal Planning Grant Application for Completion of Zoning Re-Write

- a) The Planning Commission has been re-drafting the Zoning Ordinance for over two years.
- b) Consultant Brandy Saxton was contracted through December 31, 2014 to assist with this project.
- c) The Commission, with Ms. Saxton and Planning Director Mike Miller, are making good progress but do not expect to complete the work and all the requisite hearings by the end of December. They would like to extend Ms. Saxton's contract into 2015 so that she may be involved through to the end.
- d) The Planning Grant Application would seek funding for this work to continue. This is an eligible expense under the Planning Grant Program.

- e) The City Council had, earlier this year, delayed the start of work on an Economic Development Strategic Plan with the idea of seeking this Planning Grant for that project. Planning Director Miller has developed an alternate approach for the EDSP.
- f) Recommendation: Direct the City Manager and Planning Director to pursue a Municipal Planning Grant for completion of the zoning re-write.

12) 14-213. Discussion of parking requirements in the Zoning Ordinance

- a) The Mayor requested this discussion of whether they should be reduced, or eliminated, in the Downtown District.
 - a) The Planning Commission is reviewing parking requirements as part of their zoning rewrite process. Planning Director Mike Miller will be present to provide information about this topic.
 - b) Recommendation: Discussion; possible direction to staff/Planning Commission Members.

13) 14-214. First Reading/Public Hearing to consider rescinding Chapter 18, Impact Fees, Article I. Establishment of Impact Fees of the City's Code of Ordinances.

- a) Planning staff is recommending this amendment; Planning Director Mike Miller will brief Council and answer questions. (See attached copy.)
- b) Recommendation: Conduct the First Reading/Public Hearing and set the date of the next hearing for September 24, 2014.

14) 14-215. First Reading/Public Hearing of an amendment to the City's Code of Ordinances, Chapter 16, Taxation, Article I. General Taxation.

- a) The City's Delinquent Tax Collector presented to the City Council at their August 13th, 2014 meeting, recommending that Council consider a reduction in the late penalty for property taxes from 8% to 5% (memo attached).
- b) Council voted to move forward, and the First Reading/Public Hearing was scheduled for this date. The amendment would read as follows:

- 1) Sec. 16-8. PENALTY FOR DELINQUENCY. In accordance with the City Charter, Title XII, Section 4, a penalty of eight (8%) percent shall be added to the unpaid portion of each delinquent installment. Said penalty shall become part of the tax for all purposes and shall be payable to the city sheriff or collector of delinquent taxes. As authorized by Title XII(4) of the City Charter, there is imposed a penalty equal to five percent (5%) of any tax installment paid within five (5) days following a payment date established in Section 16-5, which penalty shall increase to eight percent (8%) on and after six (6) days following such installment payment date. Such penalty shall be deemed a part of a delinquent tax payment installment, and may be recovered by any means permitted by law.

- c) Recommendation: Conduct the First Reading/Public Hearing and set the date of the next hearing for September 24, 2014.

15) 14-216. VCFA Liaison Committee

- a) During recent meetings between the City and the Vermont College of Fine Arts, it has been mutually agreed that regular communication and coordination would be beneficial.
- b) A VCFA Liaison Committee made up of the City Manager, Assistant City Manager, Planning Director, Council Members, and VCFA representatives could address this need.
- c) Recommendation: Discussion; possible appointments.

16) 14-217. Selection of a voting delegate to the Vermont League of Cities and Towns' Annual Business Meeting.

- a) Each year, Council is asked to choose a voting delegate to the VLCT's Annual Meeting which is part of the League's Town Fair; this year it is being held at the Champlain Valley Exposition, starting at approximately 2:00 P.M. on Thursday, October 9th.
- b) Recommendation: Designate a delegate.

17) 14-218. Other Business

18) 14-219. Council Reports

10) 14-211. Berlin Pond

- a) Council requested this item for an opportunity to discuss whether to appeal the Agency of Natural Resources' ruling on usage of the pond.
- b) Recommendation: Discussion; direction to staff.

21) 14-222. Agenda Reports by the City Manager

1) Discussion of possible appeal of August 20 decision in Hallsmith v. City of Montpelier, Fraser & Baker.

- a) Decision was issued concerning due process in this matter. Deadline for appeal of this decision is September 19, 2014.
- b) Council Member Golonka has requested that discussion of possible appeal be placed on the agenda.
- c) Council has received a privileged communication from its attorney concerning the merits of an appeal.
- d) It is anticipated that some or all of this discussion will be conducted in Executive Session in accordance with Title 1, Section 313 (1) E and F, with a finding that premature general knowledge of the attorney's communication would clearly place the city at a substantial disadvantage. Such an executive session would include the City Manager and Assistant City Manager as they are named parties in this suit.
- e) Recommendation: Direct City Manager and Attorney whether or not to file an appeal.

22) Adjournment

19) 14-220. Mayor's Report

20) 14-221. Report by the City Clerk