



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday,
February 22, 2012
07:00 P.M.

- 1) Call to Order by the Mayor
- 2) 12-054. General Business and Appearances
- 3) 12-055. Consideration of the Consent Agenda:
 - a) Consideration of the Minutes from the February 8th, City Council Meeting and February 14th, 2012 City Council Work Session.
 - b) Ratification of the City Manager's Employment Agreement for 2012-2014.
 - c) Formal approval of the Mediated Settlement Agreement with National Life.
 - d) Consideration of approval of a Vermont Agency of Transportation (VTrans), Town Highway Structures Program grant reimbursement request identified as claim form "#TA 65", for the now completed Towne Hill Road Culvert Reconstruction Project. Public Works Department staff secured the grant funding in 2010 in the amount of 90% of the project costs and completed the project during the 2011 construction season. In accordance with the terms of the grant agreement, VTrans requires that the municipality, through its select board or City Council, certify as to the accuracy of the reimbursement claim. Documentation of project expenditures are on file and available for review. Due to unforeseen circumstances, project expenditures exceeded the original cost estimate. A grant amendment to assist with these additional costs was requested, recommended by the District Transportation Administrator,

and approved by the VTrans Program Manager. The TA65 form herein presented for City Council certification reflects the amended grant amount of \$81,357.75, representing 90% of the total project cost (\$90,379.50). A majority of the City Council must indicate approval by signing the TA 65 form in the space indicated.

- e) Consideration of an "Application for Permit for Conduit Locations" submitted by Sovernet Fiber Corporation to obtain a license to construct buried conduits within two municipal highway rights-of-way (Gov. Davis Avenue & National Life Drive). Sovernet is currently in the process of expanding throughout many areas of town by attaching their systems to existing utility poles through agreements with Fair Point, and as authorized by the PSB. The attachment of fiber optic cables will, in some cases, require additional pole anchoring to support the added stresses. Most anchoring requirements will be accomplished through the use of existing ground anchors while a handful of others will require new ground anchors. The existing aerial systems are licensed by the City. To construct and maintain new underground conduit systems, Sovernet (through their right-of-way agent, NorthLand Right of Way Services, LLC.) has requested permission from the municipal authority to occupy the public highway right-of-way. The subject systems will provide communication services for the state Capitol Complex and the State offices in the National Life facility (see attached plan). The Public Works Department has reviewed the petition and is prepared to issue a "Construction & Access" Permit for the projects and will enforce applicable road & utility construction activities, and require payment of the permit fee upon approval of the utility petition. If approved, a majority of the City Council must sign the petition in the space provided and the City Clerk will record the document in the land records.
- f) Consideration of a request for the closure of State Street (from Main to Elm) on Saturday, June 2nd, 2012, between the hours of 7:00 A.M. and 4:00 P.M. for the Annual "Montpelier Fashion Show". The Fire Chief, Police Chief and Public Works Director have all approved this request.
- g) Consideration of revoking the October 22, 2008 approval of the "RESOLUTION AUTHORIZING AGREEMENTS AND THE EXECUTION AND DELIVERY THEREOF FOR THE MAKING OF CERTAIN CAPITAL IMPROVEMENTS THROUGH THE ISSUANCE OF NOT TO EXCEED \$106,000,000 EAST CENTRAL VERMONT COMMUNITY FIBER CERTIFICATES OF PARTICIPATION SERIES 2008". On October 22, 2008, the City authorized East Central Vermont Community Fiber (ECF) to issue certificates of participation (master lease) not to exceed \$106,000,000 for

the purposes of making certain capital improvements for the delivery of communication services. Due to significant changes in the capital markets, ECF does not intend to finance the project with the certificates of participation.

- h) Consideration of the becoming the Liquor Control Commission for the purpose of acting on the following:
 - 1. Ratification of the issuance of two Catering Permits from Yebba, Inc., d/b/a The Abbey Pub & Restaurant, for Wine Receptions scheduled to be held from 3:00 to 7:00 P.M. at the State House: one on Tuesday, February 14th; the other on Wednesday, February 22nd, 2012.
 - 2. Ratification of the issuance of a Catering Permit to Vermont Hospitality Management, d/b/a New England Culinary Institute, for a "Welcome Reception" scheduled to be held on Wednesday, February 15th, from 6:00 to 8:00 P.M. at the National Life Guest House.
 - 3. Application for a 2011 First Class Liquor License/Restaurant License from Clean Slate Café & Company, d/b/a Clean Slate Café, for their new business which will be opening at the old Thrush Tavern location. These licenses are required to be renewed each year by May 1st. Because these applicants hope to open by then, they are applying for their 2011 Licenses; they will need to reapply for their 2012.
 - 4. Application for a Catering Permit from Vermont Hospitality Management, d/b/a New England Culinary Institute, for a State House Reception scheduled to be held on Thursday, February 23rd, from 4:30 to 6:30 P.M. at the State House.
 - 5. Application for Special Event Permit from Go America Go Beverages for a "Taste of Vermont 2012" Legislative Reception scheduled to be held on Tuesday, March 13th, from 5:00 to 7:00 P.M. at the Capitol Plaza.
 - 6. Application for a Catering Permit from Langdon Street Pub Company, d/b/a McGillicuddy's Irish Pub, for a Legislative Open House scheduled to be held on Thursday, March 15th, from 4:00

P.M. to midnight at the offices of MacLean, Meehan & Rice, 9 Court Street.

- i) Payroll and Bills
- 3) 12-055. Consideration of the Consent Agenda:
- 4) 12-056. Setting of "approximate times" for the following agenda items.
- 5) 12-057. Appointments to form a "Reapportionment Committee".
 - a) At the Council's December 7th, 2011 meeting, the committee which was formed earlier in the year to "analyze census data and begin district reapportionment, as appropriate" reported its findings to Council.
 - b) As Council rep and chair of this group, Alan H. Weiss reviewed the highlights of the report and outlined the options that evening. The motion was made and seconded to direct staff to advertise for people to serve on a Reapportionment Committee.
 - c) Staff advertised and has received responses from the following: Frederick H. Skeels, 103 Freedom Drive; John Bloch, 6 Winter Street; Esther Farnsworth, 171 Westview Meadows; Nick Marro, 305 State Street; Mary Alice Bisbee, 3 Prospect Street; Steve Hingtgen, 7 West Street; and Barney Bloom, 25 Summer Street.
 - d) Recommendation: Opportunity to meet applicants; Council may choose to enter into an Executive Session in accordance with Title I, §313, Executive Sessions, (3) The appointment or employment or evaluation of a public officer or employee to review and discuss the applicants; appointments to form the "Reapportionment Committee", outlining their charge and timetable.
- 6) 12-058. Consideration of Montpelier's rep to the EC Fiber Board.
 - a) Staff recently learned that Peter Timpone is resigning as the City's rep to this governing board.
 - b) Given that he has served as the alternate for four years, John Bloch has

expressed interest in being appointed as the full-time rep.

- c) Recommendation: Appoint John Bloch or direct staff to advertise.
- 7) 12-059. Conduct the second Public Hearing to consider proposed amendments to the City's Charter.
- a) The first Public Hearing was held on January 26th; the following articles are being considered for inclusion on the Warning for the City Meeting scheduled to be held on March 6, 2012.
 - b) ARTICLE 10. Shall the city amend Title XII - Section 2 of the city charter to allow for the assessment of a 1% local sales tax as per amendment language filed with the City Clerk on January 4, 2012? 20% of revenues received will be dedicated for business development and/or business promotion. 80% of all revenues received will be dedicated to offset property tax revenue. (Requested by the City Council)
 - c) ARTICLE 11. Shall the city amend Title XII - Section 2 of the city charter to allow for the assessment of 1% local rooms, meals and alcohol taxes as per amendment language filed with the City Clerk on January 4, 2012? 100% of revenues received will be dedicated for infrastructure improvements and maintenance. (Requested by the City Council)
 - d) ARTICLE 12. Shall the city amend Title V - Sections 1 and 3 and adding a new section 4 of the city charter (and renumber remaining sections accordingly) to change the signature requirement for legally binding petitions from 5% of registered voters to 10% of registered voters as per amendment language filed with the City Clerk on January 4, 2012? (Requested by the City Council)
 - e) Recommendation: Conduct the second Public Hearing.
- 8) 12-060. Conduct the second Public Hearing to consider the following Article and its inclusion on the Warning for the City's March 6th Annual Meeting.
- a) ARTICLE 9. Shall the voters authorize the City Council to borrow a sum not to exceed \$870,000 for infrastructure improvements and equipment purchase? If approved, bonds for these capital items would be issued for a term of 20 years. With a 20 year bond, approximately \$23,500 would be

required for the first year interest payment and approximately \$74,300 for the second year principal and interest payment and future payments declining each year as the principal is repaid. (Requested by the City Council)

b) Recommendation: Conduct the Public Hearing.

9) 12-061. Discussion of oversight of the Recreation Department

a) Recommended Action: Direction to staff and possible vote.

10) 12-062. Council Reports

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11) 12-063. Mayor's Report

12) 12-064. Report by the City Clerk-Treasurer

12) 12-064. Report by the City Clerk-Treasurer

13) 12-065. Status Reports by the City Manager

14) 12-066. Agenda Reports by the City Manager

Adjournment