

**CITY OF MONTPELIER  
CAPITAL CITY OF VERMONT**

**City Manager's Weekly Report – 4/09/10**

**UPCOMING MEETINGS ...**

- ❖ **Planning Commission:** Monday, April 12<sup>th</sup>, at 7:00 P.M. in the City Council Chambers.
- ❖ **Design Review Committee:** Tuesday, April 13<sup>th</sup>, at 5:30 P.M. in the Memorial Room.
- ❖ **District Energy Team:** Wednesday, April 14<sup>th</sup>, at 5:30 P.M. in the City Managers Conference Room.

**ENCLOSURES ...**

**Due to administrative difficulties this week, we will not list the attachments. This practice will return next week. Attachments will still be posted for all to see on the web.**

**STATUS REPORTS ...**

**Berlin Pond:**

We are meeting with ANR officials on Monday to review the relevant regulations and permits in light of our court case about the Pond.

**Railroad:**

I sent a letter to VTrans Secretary David Dill (enclosed) outlining some of our concerns and letting him know that we had requested a meeting with the Senate Transportation Committee for a more complete explanation.

**Police Negotiations/Arbitration:**

Our first negotiation session is scheduled for April 13<sup>th</sup>. The arbitration hearing is scheduled for June 11<sup>th</sup>.

**Vendor Ordinance:**

I met on Wednesday with a group of people interested in the Vendor Ordinance. While the group was somewhat representative, I would say that it was not complete. People in attendance were Suzanne Eikenberry and Shawn Bryan from Montpelier Alive, Carol Marold from Uncle Mike's Deli, Steve Ribolini and Chip Hart from City Center, Elysha Welters from Rhapsody, Corina Jordan and Darla Morissette. I have since spoken with Tim Azarian and am meeting with him on Monday.

The group that was present had a nice discussion and generally reached agreement on virtually all of the issues. I will summarize our conversation and identify those areas which still might be sources of discussion at the public hearings.

We first identified the reasons why an ordinance amendment might be necessary. The list included ADA Compliance, ease of pedestrian traffic, equity amongst businesses, trash, clarification of issues such as "like businesses", visual impact on other businesses and clarifying where vendors could be best located to meet both public and business interests.

We then went through the Montpelier Alive draft and laid out the 13 issues proposed for amendment. Those are: 1) establishing designated spaces; 2) allowing for additional spaces to be approved if they meet the criteria; 3) establishes a minimum size for vendor spaces; 4) clarifies insurance requirement; 5) requires that the vendor license be displayed; 6) clarifies definitions. A "type" of vendor is one in the same "class". Food is food, whether its hot dogs, ice cream or gourmet. Classes would be food, crafts, clothing, etc. 7) does NOT allow table; 8) vendor's can't impede access to parked cars; 9) in areas outside of the designated downtown, carts must stay within an 8' x 3' area; 10) in areas outside of the designated downtown vendors need landowner permission for public or private property; 11) in areas outside of the designated downtown vendors need a sign off from the police chief that the proposed location is safe; 12) allows vendors to have sign boards which must be

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contained within the designated space; 13) adds an administrative enforcement section with one warning and then license revocation.

Next we worked through the proposed changes to see where there was agreement. Ultimately there was agreement on all 13 of the proposed changes.

Suzanne outlined the designated spaces that Montpelier Alive had identified. These all met the criteria already in the ordinance. Some worked for only non-food vendors because of their proximity to existing restaurants. The food eligible spaces were; 1 & 2) two slots in City Hall Plaza both 12' x 10'; 3) Main & School Sts (near Bethany Church) 11' x 11'; 4) State St (in front of Courthouse) 10' x 11' and Christ Church Park (partially on church property and requires agreement with the church as well) 19' x 14'. Non-food spaces include 5 & 6) two spaces on the Rialto Bridge; 7) one space at State & Elm in front of the old Capital Grounds space; 8) one small space near the Information Booth on State St. There is a potential food space near TD Bank North near Langdon & Main St. but distance to nearby restaurants had not been measured so it is not being counted yet. There is another potential space near the Chittenden Bank which meets the criteria but the landowner has made clear that it will not allow vendors. Vendors on private property (for example the vacant lot next to Splash) would need to obtain owner permission and still meet the proximity requirements with regard to "like" businesses.

There was general agreement that the above represented the available spaces. A concern was raised by Rhapsody about the possible City Hall spaces. They felt that they were selling bus tickets and the main benefit to them was that bus customers were also buying food either for the trip or for the wait. They worried that vending carts located immediately at the bus stop would serve that same function.

Finally, we discussed how the designated spaces would be allocated. The following options were identified; 1) vendor request with license application, list top three choices for location; 2) First come, first served; 3) grandfathering – once you have a space you can keep it until you don't renew your license. 4) lottery; 5) auction; 6) pricing differential for preferred locations.

The group felt that, at this point, it was too late and too complicated to attempt to price spaces differently and that an auction was not necessary for the first time through. We developed a combination of the first three options. Vendors will request their top three choices when they apply for their license. In the event two people want the same space, first preference will be given to the person occupying the space last year. The next preference will go to the person who got their application in earliest. People who can not get one of their top three choices will be offered a choice (in first come first served order) of the remaining spaces. Vendors may choose not to take the location available to them. They will be refunded their fee and placed in a waiting list.

It seems most issues are resolved. Remaining areas of disagreement include tables, possibly the space assignment system (although not from the group that met the other day) and possibly the use of City Hall plaza for food carts.

### **Audit:**

Council Member Hooper, Finance Director Sandy Gallup and I interviewed two of the three firms who submitted proposals. The Finance Director is preparing a separate memo with a recommendation but I can tell you that we opted to select one of the two firms and not meet with the third.

### **ANR Enforcement:**

Attorney Stitzel is preparing an overview of this issue for you. I expect to get it this afternoon, hopefully in time for the packet but, if not, I'll send it out via e-mail and post on the web on Monday.

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### **Reappraisal:**

Work continues to go very well. Our entry rates (ability to perform interior inspections) continue to be excellent. As of yesterday we were at: Overall – 77%, Single family - 81%, Commercial - 68%, Apartments - 65%. All residential properties have had exterior inspections completed and all remaining properties will be finished this week. The committee will be meeting the first week of May to review status and review the final sets of mailings, booklets and public information as we head into the home stretch.

### **Cheney Water Leak Case:**

After the workshop meeting on Monday, I relayed your comments to the city's attorney Phil Woodward. He was going to meet with PACIF to see where they were on this case. I will put the item on the agenda so that you can make a decision in public session about how you wish to proceed.

### **Berlin Fire District #1 Merger (Water service):**

The Mayor told us at the workshop on Monday that the House Government Operations Committee voted against proceeding with merger approval. Attorney Giuliani will prepare an outline of our options but, at first glance, it appears that a re-vote of the item at the November election – with an accompanying re-vote by Berlin Fire District #1 – is the best approach.

### **Goals/Objectives/Priorities session:**

Thanks for spending the time on Monday. I will prepare an outline of our discussion for your review at the April 28 meeting.

### **November election:**

In keeping with the discussion on Monday night, I have include a timeline for potential charter changes if they were to be included on a November ballot. Items that we agreed to discuss were any requirements for district heat, local options taxes, fire district #1 merger and possible general charter changes recommended by a committee.

### **Upcoming Meetings:**

April 14	58 Barre Street (Report from Committee) Carr Lot Update District Energy Update ANR Enforcement – Steve Stitzel Planning Grants/TIF's Regional Shared Services First Reading – Vendor Ordinance Amendments Appointments to Tree Board
April 28	Second Reading – Vendor Ordinance Amendments Goals/Priorities Zoning Appeals Fee Auditorium Rental Policy Events Policy
May 12	

William Fraser  
City Manager