



Regular City Council Meeting - Monday, December 19, 2016, 7:00 pm, Contois Auditorium, City Hall 12/19/2016

MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

December 19, 2016

MEMBERS PRESENT: David Hartnett – North District

Joan Shannon – South District

Selene Colburn – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Giannoni, Ward 3

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Tom Ayres, Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Jane Knodell, Acting Mayor

Eileen Blackwell, City Attorney

Rich Goodwin, DFO

Jennifer Kaulius, Mayor’s Office

Brian Lowe, Mayor’s Office

Katie Vane, Mayor’s Office

Amy Bovee, C/T Office



Regular City Council Meeting - Monday, December 19, 2016, 7:00 pm, Contois Auditorium, City Hall 12/19/2016

Lori Olberg, C/T Office

Chapin Spencer, DPW

David White, Planning & Zoning

OTHERS PRESENT: Bob Hooper

Joyce Walsleben

Lani Ravin

Michael Palmer

Ed Adrian

Nate Orshan

Ron Ruloff

[Note: Minutes reflect the order of the published agenda.]

1.0 CALL TO ORDER and AGENDA

Councilor Bushor announced Jane Knodell is Acting Mayor and CAO Bob Rusten is absent. Councilor Bushor called the meeting to order at 7:13 PM and led the assemblage in the Pledge of Allegiance.

Nomination of Acting City Council President

MOTION by Councilor Hartnett to nominate Councilor Wright as Acting City Council President. There were no other nominations. Nominations were closed. **VOTING: unanimous; motion carried.** Councilor Wright is Acting City Council President.

1.01 Agenda

MOTION by Councilor Colburn to approve the agenda with the following amendment(s):

- **Note final format of Item 4.10 (Amend Fiscal Year 2017 Budget for Waterfront Access North Project)**

VOTING: unanimous; motion carried.



Regular City Council Meeting - Monday, December 19, 2016, 7:00 pm, Contois Auditorium, City Hall 12/19/2016

2.0 REPORT TO CITY COUNCIL

2.01 Retirement Board

Bob Hooper, Vice Chair of the Retirement Board, reported on the funding amount (close to the same as last year) and performance of investment of the retirement fund (rate of earning is approximately 8%).

3.0 PUBLIC FORUM

Public forum was opened at 7:25 PM.

COMMENTS

- Ron Ruloff again stated his idea to invite the Chinese to establish a consulate office in Burlington to serve the hundreds of Chinese students at UVM. Councilors Knodell and Giannoni are asked to email a note on progress with this idea to Mr. Ruloff who feels the idea has merit. Mr. Ruloff wished everyone happy holidays.
- Nate Orshan (and on behalf of Kit O'Connor) spoke in support of the compensation change for city councilors because serving on the council is hard work and the members are not adequately compensated at \$4,500 per year. There are opportunity costs to getting and staying in office. People in lower income brackets are somewhat precluded from serving so to encourage diversity in representation on the council the ordinance change should be passed.
- Ed Adrian echoed the remarks about passing the charter change to increase compensation for city councilors. Burlington has 40,000 people and has to negotiate with the hospital, university, utilities, arts. City councilors sit as a governing body on all this. City Council is urged to give more thought and have public debate on the worth of public officials.
- Michael Palmer, River's Edge Drive, spoke against opening the emergency gate in the development because the neighborhood is not designed for through traffic. The gate has been in place since the development was built. The Fire Chief said the gate meets safety and access requirement. It would cost a million dollars in road improvements to upgrade the road. The neighbors have signed a petition against opening the gate.
- Lani Ravin, UVM Campus Planning, read a statement from UVM not in favor of rezoning 50 Fletcher Place, but in support of rezoning other properties on the street. UVM is asking the Planning Commission to consider the Trinity College campus rezoning request which changes the front street setback and increases the campus overlay to increase density to meet university needs. City Council is asked to table the rezoning of 50 Fletcher Place until the comprehensive zoning for Trinity is reviewed and updated.
- Joyce Walsleben spoke in support of opening the emergency gate. There are 226 units on North Avenue out of 770 units with only one way in and one way out. City Council is urged to at least do a study and come to a compromise.

There were no further comments. Public Forum was closed at 7:51 PM.

4.0 CONSENT AGENDA

4.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s)
as Indicated

4.02 COMMUNICATION: Accountability List



Regular City Council Meeting - Monday, December 19, 2016, 7:00 pm, Contois Auditorium, City Hall 12/19/2016

- 4.03 COMMUNICATION: DAB Resignation, Chris Alley
- 4.04 COMMUNICATION: VTrans Highway Structures Grant Acceptance
- 4.05 COMMUNICATION: FY17 Budget Amendments Burlington Housing Trust Funds
- 4.06 COMMUNICATION: FIO document(s)
- 4.07 RESOLUTION: River's Edge Drive Gate
- 4.08 RESOLUTION: Planning Loan Vermont Clean Water Revolving Fund for Sewer
Pipe Assessment Project
- 4.09 RESOLUTION: Public Hearing: Tax Appeal to BCA and Three Voting
Members on Board of Tax Appeals
- 4.10 RESOLUTION: Amend FY2017 Budget for Waterfront Access North Project
- 4.11 RESOLUTION: Update Personnel Policies re: Working Holidays and Sick Leave
- 4.12 RESOLUTION: Agreement for Internet Access Transport

MOTION by Councilor Colburn, SECOND by Councilor Shannon, to adopt the Consent Agenda, Items 4.01 – 4.12 with the final format of the budget amendment for the Waterfront Access North Project (Item 4.10) and to take the action indicated. VOTING: unanimous; motion carried.

5.0 DELIBERATIVE AGENDA

5.01 Public Hearing: ZA16-12 Rezone Fletcher Place to Residential Medium; ZA17-03 Withhold Permit; ZA17-06 Rezone 168 Elmwood Ave. to NMU; ZA17-07 Commissioner Terms

The public hearing was opened at 7:53 PM. Planning & Zoning Director, David White, explained the zoning changes. ZA16-12 is rezoning Fletcher Place to residential medium density. ZA17-03 denies a zoning permit for property with outstanding zoning violations. ZA17-06 rezones 168 Elmwood Avenue to Neighborhood Mixed Use. ZA17-07 brings the zoning ordinance up to date with regard to the terms of Planning Commission members. The Planning Commission supports all the zoning changes.

COMMENTS

Lani Ravin, UVM Campus Planning, emphasized for UVM the larger picture is that Trinity campus is not just one property. UVM suggests looking at the entire UVM/Trinity campus to see if it makes sense to rezone 50 Fletcher Place.

Frank Von Turcovich stated Fletcher Place rezoning has been under discussion for a number of years. Mr. Turcovich asked City Council to send the issue back to the Planning Commission for further consideration. There is a lot going on at Fletcher Place (rezoning, boundary line adjustment) and the motivation for the zoning change is not to protect the life of residents, but against a zoning application that was submitted.



Regular City Council Meeting - Monday, December 19, 2016, 7:00 pm, Contois Auditorium, City Hall 12/19/2016

There were no further comments. The public hearing was closed at 7:59 PM.

5.02 ZA16-12 - Rezone Fletcher Place to Residential Medium

MOTION by Councilor Mason, SECOND by Councilor Paul, to refer ZA16-12 (rezoning of Fletcher Place) back to the Ordinance Committee.

DISCUSSION: The following comments were made:

- Councilor Mason noted there were no interested parties with concerns at the Ordinance Committee when the rezoning was being discussed. The Ordinance Committee will take the comments under consideration and try to turn around the zoning change expeditiously.
- Councilor Bushor stated residents with concerns should be given the same respect as UVM. Councilor Bushor spoke of the lengthy process with rezoning in Ward 1 and the proposal by the community to rezone to R-L and the compromise of R-M. There is no change in density. Institutional and R-M allow the same density. The use table does change. Dormitories not appropriate for residential neighborhoods are not allowed. The property at 50 Fletcher Place was residential and sold to UVM. Residential life is important to the city and UVM is urged not to buy up pockets of residential life. The boundary line adjustment happened afterward and was appealed to the DRB. If the appeal is denied it will likely be pursued at the E-Court level. Ward 1 needs to have the same right of neighborhood protection as all the other wards in the city. Just because the institutions are there does not mean they own the ward. There is co-existence. The university does not need to take over the neighborhoods.
- Councilor Tracy stated the Ordinance Committee has a full workload and has already dealt with the Fletcher Place rezoning issue. If residents cannot attend a meeting then they should contact a city councilor. No communications were received from interested parties on the matter.
- Councilor Shannon questioned changing the process because a resident missed a meeting. In this case the process has been long, but it is worth hearing from the neighbors because the matter is complex.
- Councilor Hartnett asked if the Ordinance Committee was surprised no one from either side attended the meeting. Councilor Mason said there was discussion and a decision by the committee so it was surprising to hear there is controversy.
- Councilor Roof said he needs more information to cast a vote because none of the controversy was captured in the information packet. The matter should go back to the Ordinance Committee.
- Councilor Bushor spoke about the time put into the matter and the agenda was posted, but nothing was heard from the Administration, only word from Councilor Mason of the action to refer the matter back to the committee. That part of the process is disappointing.

There were no further comments.

VOTING: 7 ayes, 4 nays (Giannoni, Tracy, Colburn, Bushor); motion carried.

5.03 ZA17-03 – Withhold Permit

MOTION by Councilor Mason, SECOND by Councilor Bushor, to waive the second reading and adopt the ordinance on withholding a permit.



Regular City Council Meeting - Monday, December 19, 2016, 7:00 pm, Contois Auditorium, City Hall 12/19/2016

DISCUSSION: Councilor Mason noted the ordinance was unanimously adopted by the Ordinance Committee.

VOTING: unanimous; motion carried.

5.04 ZA17-06 – Rezone 168 Elmwood Avenue to NMU

MOTION by Councilor Mason, SECOND by Bushor, to waive the second reading and adopt the ordinance to rezone 168 Elmwood Ave.

DISCUSSION: Councilor Mason said 168 Elmwood Avenue includes 6,300 s.f. of commercial space for Myers Furniture. The property was designed for first floor commercial use, not residential. The zoning change is consistent with the neighborhood mixed use on North Street. Residential is not desirable at street level at this location. The ordinance change was unanimously supported by the Ordinance Committee. Councilor Tracy noted Mr. Myers sold the building and retired to Florida. There were no further comments.

VOTING: unanimous; motion carried.

5.05 ZA17-07 – Planning Commissioner Terms

MOTION by Councilor Mason, SECOND by Councilor Bushor, to waive the second reading and adopt the ordinance on planning commissioner terms.

DISCUSSION: Councilor Mason said the ordinance change is in line with the March 2015 charter change approved by the voters to shorten the terms of planning commissioners to three years.

VOTING: unanimous; motion carried.

5.06 Charter Change – Mayor Presiding Over Appointments

MOTION by Councilor Giannoni, SECOND by Councilor Shannon, to waive the reading and adopt the resolution on Mayor presiding appointments.

DISCUSSION: Councilor Shannon observed the language of the charter change appears to have the Mayor voting on appointments. There was a split vote on the Charter Change Committee and the recommendation is the Mayor not be involved in appointment of department heads. There is a change to the charter proposed, but not to the existing practice.

VOTING: unanimous; motion carried.

5.07 Charter Change – Councilor Pay

Councilor Tracy facilitated discussion of this item.



Regular City Council Meeting - Monday, December 19, 2016, 7:00 pm, Contois Auditorium, City Hall 12/19/2016

MOTION by Councilor Wright, SECOND by Councilor Hartnett, to adopt the charter change on councilor pay.

DISCUSSION: The following comments were made:

- Councilor Wright said the pay increase is warranted due to the significant amount of work done by city councilors. It has been 13 years since the last increase. The amount has not kept up with inflation. Comments have been received in support of an increase which could attract people to run for City Council. An informal survey of comparable cities in the region show Ithaca, NY paying \$10,141 plus benefits, Rutland, VT paying \$2,300, Concord, NH paying \$1,000, Utica, NY paying \$15,000, Schenectady, NY paying \$14,000.
- Councilor Colburn suggested potentially paying a livable wage to city councilors.
- Councilor Bushor recalled the pay increase 13 years ago was a two-step process and the same is proposed now (\$4,500 FY18 and \$6,000 FY19).

AMENDMENT by Councilor Hartnett, SECOND by Councilor Wright, to increase the pay amount of \$4,500 to \$5,000 per year.

DISCUSSION OF AMENDMENT: The following comments were made:

- Councilor Hartnett spoke of the time spent running for office and serving and the cost which could prevent someone from running. No one should be precluded from serving on City Council. It is a good step forward to have the initial increase in pay.
- Councilor Shannon urged looking at the process rather than a specific number. The suggested amount is to catch up with inflation. An escalator could be included. What is recommended for the charter change should be on the March ballot and work should continue on the amount of compensation.
- Councilor Hartnett stated the increase is to start the conversation of where to go in the future.

VOTING ON AMENDMENT: 6 ayes, 5 nays (Mason, Paul, Shannon, Roof, Tracy); motion carried.

CONTINUED DISCUSSION ON MOTION AS AMENDED: The following was discussed:

- Councilor Roof acknowledged the work by the committee, but felt the level up to \$4,500 is not enough to open the door of opportunity for those who want to serve but cannot justify the time and the opportunity costs. More pay is warranted as is expanding the conversation. Establishing an actual job description is important, too. Councilor Roof suggested getting an estimate of compensation if the position were a livable wage part-time job.
- Councilor Shannon agreed conversation should continue.
- Councilor Mason agreed more information should be gathered such as whether other boards receive compensation.
- Councilor Giannoni noted a number of cities offer medical benefits that city councilors can purchase.
- Councilor Bushor said appointed versus elected officials should be considered. The school board has its own budget and the members are elected. The intent with the increase in pay 13 years ago was to entice people to serve on City Council. The question is whether the amount is enough to encourage people to run and to have a diverse council. The positions have value and worth. Of note, the increase will not be effective until 2018 so future city councilors will benefit.
- Councilor Wright mentioned the obligation to correct errors in the newspaper about the increase. Also, when there is a big issue people contact city councilors not commissioners. More expansive discussion would be good. The increase is a fair level to ask the voters to support.
- Councilor Paul noted the committee was asked to come up with a resolution and the process should be honored. Public service is critical to the process and what is valued in Burlington, but public service to where a person's livelihood is sacrificed does not seem fair or reasonable. If City Council wants to be inclusive then





Regular City Council Meeting - Monday, December 19, 2016, 7:00 pm, Contois Auditorium, City Hall 12/19/2016

the impediments to being inclusive need to be addressed. Inclusivity should be broadened and hopefully the increase will achieve that goal.

- Councilor Hartnett said the majority of the Charter Change Committee did not have an issue with the slight increase to \$4,500. The work of the committees is respected. School board members did have the conversation about compensation, but did not have the desire to take it forward.

There were no further comments.

VOTING: 10 ayes, one nay (Mason); motion carried.

Councilor Wright resumed facilitation of the meeting.

5.08 Charter Change – Board for Registration of Voters

MOTION by Councilor Giannoni, SECOND by Councilor Shannon, to waive the reading and adopt the resolution on the Board for Registration of Voters. VOTING: unanimous; motion carried.

5.09 Charter Change – City Council Meeting Procedures

MOTION by Councilor Shannon, SECOND by Councilor Giannoni, to adopt the resolution on City Council meeting procedures.

DISCUSSION: Councilor Shannon noted the charter change reflects the way meetings are presently conducted.

VOTING: unanimous; motion carried.

5.10 Charter Change – Due Dates of Property Tax Payments

MOTION by Councilor Shannon, SECOND by Councilor Giannoni, to adopt the resolution on property tax payment dates.

DISCUSSION: The following comments were made:

- Councilor Shannon explained handling elections and tax payments due in March puts a lot of work on the Clerk's Office. Also, the installments are not set equally throughout the year. Suggested months are August, November, February, and May.
- Councilor Hartnett expressed concern about the change causing an increase in late payments.
- Councilor Wright conceded the Charter Change Committee voted to go forward, but did have misgivings.
- Councilor Bushor stated the variability in the due date is a showstopper. It will be hard and all will be vulnerable to missing due dates.
- Councilor Colburn asked when the charter change would take effect if passed in March. Attorney Blackwood said it will depend on when the state legislature acts on the charter change. It could be in effect in the fiscal year beginning July 1st.
- Acting Mayor Knodell advised against putting the item on the ballot because taxes are an infrequent





Regular City Council Meeting - Monday, December 19, 2016, 7:00 pm, Contois Auditorium, City Hall 12/19/2016

payment and easy to forget. The charter change is too much confusion without benefit to outweigh it. The span from November to March gives people time to rebuild their savings from the holidays.

- Councilor Ayres stated the variability of the dates from year to year adds to the confusion.
- Councilor Shannon said the Clerk's Office gets complaints about the due dates because there is perceived variability. City Council does have the ability to be as consistent as possible with the resolution that states the dates. The voters paying the taxes will decide if the due dates are confusing.
- Attorney Blackwood clarified there is nothing in the charter now that sets the dates for tax payments either months or days. The charter says a quarter of the taxes will be due within 15 days of the tax bill being delivered to the CAO then a quarter due respectively three months and 15 days, seven months and 15 days, and 10 months and 15 days of the tax bill being delivered to the CAO so the dates vary every year.
- Councilor Wright noted there is to be a public hearing in January on the charter changes and based on the comments received City Council can make modifications.
- Amy Bovee, City Clerk's Office, said it would be helpful to staff to change the due dates especially when there are two major events to handle (i.e. election and tax payments). Residents also feel it would be beneficial. June and August payments are close together and challenging for many people. Tax payments on holidays are confusing so the more the due date is clear on the tax bill the better.
- Councilor Bushor suggested a statement be on the tax bill that if the payment date is on a holiday or weekend then payment can be made on the following Monday.
- Councilor Shannon observed there is no certainty in the charter. The language does not bind to the 12th or to specific months.

There were no further comments.

VOTING: 4 ayes, 7 nays (Ayres, Paul, Mason, Bushor, Wright, Roof, Tracy); motion does not carry.

6.0 COMMITTEE REPORTS

- Councilor Colburn reported the Community Development Neighborhood Revitalization Committee will meet on January 31, 2017 to discuss the consultant's evaluation of the inclusionary zoning ordinance. It is expected the timetable of release of the report will be January 15, 2017 and the public hearing on January 31, 2017.
- Councilor Giannoni announced the Public Safety Committee will meet on January 3, 2017 to discuss evictions when the individual is in a mental health crisis.

7.0 CITY COUNCIL – GENERAL AFFAIRS

No report given.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

Acting Council President Wright announced Councilor Bushor's and Councilor Tracy's birthday on December 15, 2016.

9.0 MAYOR – GENERAL AFFAIRS





Regular City Council Meeting - Monday, December 19, 2016, 7:00 pm, Contois Auditorium, City Hall 12/19/2016

Acting Mayor Knodell reported on business to come to City Council in January including:

- School Budget January 9, 2017
- School Capital Bond Request January 30, 2017
- New Moran Revised Response to RFQ Options January 9, 2017
- Resolution on Smoking Ban in Parks
- Eviction Crisis Plan

10.0 ADJOURNMENT

MOTION by Councilor Hartnett, SECOND by Councilor Giannoni, to adjourn the meeting. VOTING: unanimous; motion carried.

The meeting was adjourned at 9:14 PM. Wishes for a happy holiday season were extended.

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