



Regular City Council Meeting - Monday, December 18, 2017, 6:00 pm, Contois Auditorium, City Hall 12/18/2017

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

December 18, 2017

MEMBERS PRESENT: Jane Knodell (Council President) – Central District

David Hartnett – North District

Joan Shannon – South District

Richard Deane – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Moore – Ward 3

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Beth Anderson, Interim CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Brian Lowe, Mayor’s Office

Katie Vane, Mayor’s Office

Lori Olberg, C/T



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Amy Bovee, C/T

Brandon Del Pozo, BPD

Steve Locke, BFD

Meagan Tuttle, DPW

Laura Wheelock, DPW

Kirsten Merriman Shapiro, CEDO

OTHERS PRESENT:

Raphine O'Rourke

Aaron Frank

Charlie Baker

James Lockridge

Char Dennett

Solveig Overby

Steve Marshall

Kelly Devine

Prospero Gogo

7th & 8th graders from Burlington schools

Mariah Sanderson

Katherine Clark

Christy Lorraine

Pam Seamaze

Alex Verno

1.0 CALL TO ORDER and AGENDA

City Council President Knodell called the meeting to order at 6:15 PM on December 18, 2017 and led the assemblage in the Pledge of Allegiance

1.01 Agenda

MOTION by Councilor Roof, SECOND by Councilor Moore, to approve the agenda with the following amendments:



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- **Note additional information for Item 4.08 (Extend License Agreement, Snyder Construction, LLC)**
- **Add Item 4.09 (Solveig Overby, Sale of BT document) to Consent Agenda**
- **Add Item 4.10 (Solveig Overby, 12/11/17 Public Forum) to Consent Agenda**
- **Add Item 4.11 (Solveig Overby, Fiber Anti-Monopoly Access) to Consent Agenda**
- **Add Item 4.12 (Memorial Auditorium Update) to Consent Agenda**
- **Add Power Point Presentation to Item 5.01 (Options to Reduce Taxes)**
- **Note revision to item 5.03 (Ballot Question re: Forming UMD)**
- **Add co-sponsor(s) to Item 5.04 (Ballot Question re: Climate Action)**
- **Add co-sponsor(s) and Note Revision to Item 5.05 (Legal Age to Purchase Tobacco Products)**

VOTING: unanimous; motion carried.

2.0 WORK SESSION: BT Purchase Agreement

MOTION by Councilor Mason, SECOND by Councilor Bushor, to find that premature public disclosure of the Asset Purchase Agreement for BT would place the city at a significant disadvantage because of the risks of disclosing its negotiating strategy if discussed in public. VOTING: unanimous; motion carried.

MOTION by Councilor Mason, SECOND by Councilor Bushor, based on the finding of premature public disclosure putting the city at a significant disadvantage to go into Executive Session to discuss the Asset Purchase Agreement for BT and invite the Mayor, Mayor's Office, CAO, City Attorney, and attorney Raphine O'Rourke. VOTING: unanimous; motion carried.

Executive Session was convened at 6:20 PM. The regular meeting resumed at 7:33 PM.

3.0 PUBLIC FORUM

Public forum was opened at 7:34 PM.

COMMENTS

- James Lockridge spoke of human dignity and public restrooms, and urged the city to build public restrooms.
- Charlotte Dennett expressed concern of BT being purchased by Schurz TV, Schurz contributing to right-wing candidates, and getting information to the public.
- Solveig Overby spoke of the investment in BT by Burlington, the vision of BT for fiber to home, preserving the intent, and allowing access by other telecom services to prevent a monopoly.
- Steven Marshall spoke of quality of life issues addressed by the Ordinance Committee that allow a more humane response to behavior in the community. Having a feedback loop is suggested. The city has neglected to provide public bathrooms and if the offender can show there was no bathroom nearby then the ticket should be dismissed.
- Kelly Devine, Burlington Business Association, spoke of the need to increase the number of public bathrooms. The business and property owners are willing to be a part of the solution. Increased use of the resource of the street outreach team as the first outreach if a violation is witnessed is encouraged.
- Prospero Gogo, cardiologist, spoke in support of age 21 being the age limit for tobacco sales due to health



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concerns.

- 7th & 8th grade students from Burlington schools spoke in support of increasing the age limit to 21 for tobacco sales. A poem was read about a family member who died from a tobacco related illness.
- Marian Sanderson, Burlington Substance Abuse Prevention, spoke in support of any initiatives to help young adults reject tobacco products.
- Katherine Clark, police and fire dispatch, spoke against regional dispatch service.
- Christy Lorraine, emergency communications specialist for police and fire, spoke against regional dispatch service for Burlington.
- Pam Seamaze, emergency communications specialist and former regional PSAP dispatcher, spoke against regional dispatch service for Burlington.
- Alex Verno, emergency communications specialist, spoke against regional dispatch service for Burlington

There were no further comments. Public Forum was closed at 8:05 PM.

4.0 CONSENT AGENDA

- 4.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 4.02 COMMUNICATION: Accountability List
- 4.03 COMMUNICATION: Burlington Airport Budget Amendment
- 4.04 COMMUNICATION: Conservation Legacy Fund Disbursement Request
- 4.05 COMMUNICATION: Burlington Greenway (bike path) Rehab Phase 2 Design and Construction Administration Contract Amendment
- 4.06 COMMUNICATION: Review of 2017 Audited Financial
- 4.07 COMMUNICATION: FIO Document(s)
- 4.08 COMMUNICATION: Extend License Agreement Flynn/Pine, Snyder Construction, LLC
- 4.09 COMMUNICATION: Solveig Overby, Missing 3/23/17 Communication
- 4.10 COMMUNICATION: Solveig Overby, Public Forum 12/11/17
- 4.11 COMMUNICATION: Solveig Overby, Fiber Anti-Monopoly Access
- 4.12 COMMUNICATION: Memorial Auditorium Update

MOTION by Councilor Roof, SECOND by Councilor Deane, to adopt the Consent Agenda and take the action indicated for Items 4.01 through Item 4.12. VOTING: unanimous; motion carried.

5.0 DELIBERATIVE AGENDA

- 5.01 Report: Options to Reduce Municipal Taxes and Fees for Seniors and Low to Moderate Income Burlington Residents

MOTION by Councilor Wright, SECOND by Councilor Tracy, to waive the reading and adopt the resolution on the



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report of options to reduce municipal taxes and fees for seniors and low to moderate income Burlington residents.

DISCUSSION:

- **Councilor Wright pointed out the resolution recognizes that the city has done a good job resolving its credit issue and meeting goals relative to unassigned fund balance so it is a good time to look at helping residents share in the success of the city. The resolution asks the Administration to provide information on how to implement reducing taxes for low and moderate income residents and seniors in Burlington, and the cost to do so. Fees will also be looked at as well as the possibility of reducing the overall municipal tax rate as was done last year. It is expensive to live in Burlington and in Vermont overall so anything that can be done to alleviate affordability concerns should**

be done.

AMENDMENT by Councilor Paul, SECOND by Councilor Wright, to replace “undesignated reserve fund” with “unassigned fund balance” in Line 2 of the resolution. VOTING on the amendment: unanimous; motion carried.

DISCUSSION ON AMENDED RESOLUTION:

- **Councilor Bushor recalled the program for hardship situations in her hometown that allowed deferring payment of property taxes and accrued interest until the house was sold. It is hoped these kinds of ideas can be explored so people can remain in the homes.**

There were no further comments.

VOTING: unanimous; motion carried.

5.02 Presentation: Great Streets Design and Construction Standards

Senior Planner Tuttle, DPW Engineer Wheelock, and CEDO Senior Projects and Policy Specialist Merriman Shapiro gave a presentation on Great Streets design and construction standards to be used as plans are developed for streets in the city. Great Streets elements include being walkable/bike-able, accessible, sustainable, vibrant, and functional to restore the balance among users of the public right-of-way and the uses. The standards will help create a unified streetscape and reframe the downtown. The guide is a resource for planners, designers, and project managers, and shows existing conditions, design considerations, and recommendations on street typology.

Councilor Dieng asked how public bathrooms fit in the Great Streets design. Planner Tuttle said there are elements identified within the standards including a public restroom. Once the location is known there is information in the standards on how to install the restroom.

Councilor Bushor expressed concern about being locked into the design standards if the public does not want what is designed and potentially curtailing creativity or choice because it is not in the standards. Planner Tuttle said adoption of the standards does not replace the project development review process. The standards identify critical elements of the streetscape and provide options above the minimum requirements, but do not identify a plan for any individual street. The standards may need to be changed going forward and there is a section in the standards to address this.



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Councilor Tracy said concern was heard about use of tropical hardwoods in projects. Planner Tuttle said the standards speak to not using tropical hardwoods in the downtown area and to find a more sustainable wood or new products for benches and such.

Council President Knodell mentioned the difference between unified visual language and uniform visual language, and concern about over-designing the city making it less interesting. Planner Tuttle said the focus is on how the elements can perform and be placed in the right-of-way to be functional and workable. Council President Knodell stressed everyone needs to feel welcome in the public space.

Councilor Hartnett expressed concern the message being communicated with the standards is no cars in the downtown even though the city does not have mass transit and the climate provides maybe four months of walking and biking weather. The standards will cripple traffic in the downtown. Cars are not going away (record car sales were recorded in September) and the city wants people to come to the downtown so there must be a balance with the standards.

Councilor Roof noted the record auto sales in September referred to by Councilor Hartnett were due to people replacing cars lost in the hurricanes.

Councilor Deane stated the document shows a commitment to quality of design. The plan puts the auto in correct relationship to the use of the public realm by people and bicycles which is a more gracious way for people to enjoy the commonwealth.

Councilor Wright said there is concern the automobile is being made obsolete in Burlington with all the initiatives in the city.

Mayor Weinberger pointed out the city is in a period of major investment in public infrastructure. The standards get the investment right to the highest degree possible. The waterfront north section has many of the features in the design standards. The redesign of St. Paul Street is another example.

Councilor Shannon shared the concern about over-designing, but design continuity with streets is good. There should be further discussion of parking.

Councilor Dieng spoke of street lighting and being able to see the sky and stars. Planner Tuttle said the streetlight recommendations find a balance between lighting for safety and security and illumination. The light levels in the standards do not contribute to light pollution and help locate lights where they are warranted.



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5.03 Ballot Question on Forming a Union Municipal District (UMD) for Regional Dispatch Service – Public Safety Committee

MOTION by Councilor Roof, SECOND by Councilor Hartnett, to approve the revised resolution for a ballot question at the annual meeting on forming a UMD for regional dispatch service.

DISCUSSION:

- Councilor Roof said the Public Safety Committee discussed regional dispatch. The study committee determined response time to 911 calls will improve with regional dispatch. Other benefits include enhanced mutual aid, more dispatchers on duty, and dedicated oversight of services. Once the UMD is formed the UMD board can establish job commitments to labor concerns. The amendments to lines 50 to 54 in the resolution clearly state if a UMD is created City Council guarantees involvement of the city's dispatchers in discussions going forward. More information will be available on the UMD so the city can decide whether or not to join.
- Councilor Moore stated more information is needed on the involvement of dispatchers, data on time savings, policy for all eight communities, and how it fits with the local police and fire union contracts. Employees were not against the idea of regional dispatch service, but were frustrated with the process.
- Fire Chief Locke explained how 911 calls are answered, legal advice from an independent labor attorney, dispatcher involvement, common operational policies, and building relationships with police and fire and rescue over time.
- Kathryn Clark, Burlington dispatcher, said the dispatchers are frustrated that the information was not made available to them, but was available to the public. Going forward information to be released should be shared with the dispatchers. Regarding dispatchers serving on a subcommittee, the UMD board must first approve the subcommittee.
- Councilor Moore noted there is an amendment about involving dispatchers if forming a UMD is approved by the voters. Chief Locke added the amendment says the Burlington director will meet with Burlington dispatch staff and then report the findings to the entire UMD board. The Mayor or designee is the Burlington director.
- Councilor Bushor asked if there is the option to have a union representative involved. Aaron Frank said the UMD entity does not yet exist so negotiations on its behalf cannot take place. The group as a whole felt it best for municipalities to engage directly. City Attorney Blackwood added there are labor relations issues. The employees are unionized. When the bargaining on the contract is done it is expected to deal with employment issues relative to transition from city employees to employees of another entity. Without a UMD as yet the involvement of the dispatchers is premature. There will be discussion at the city level on how to transition assuming a UMD is formed.
- Councilor Bushor asked about HR helping long term employees who have to reapply for a job, adding there are ways to work with employees to make them feel valued through a transition that may occur.
- Councilor Deane asked Police Chief del Pozo if there are advantages to regional dispatch versus a locally based system. Chief del Pozo said Burlington dispatchers are topnotch and professional. The prospect of a change is unsettling for anyone. Chief del Pozo said he tells people to call directly to Burlington dispatch to save response time because of the lack of computer interface between the PSAP and dispatchers. It is time to build a professional system and get the citizens the help they need immediately without relying on a rural system because Burlington is a city. Help needs to get to the police when there is a call because a fight is won or lost in seconds.
- Councilor Deane asked for an explanation of "computer aided dispatch". Chief del Pozo said co-located call takers and dispatchers are in the same room so incoming calls are logged into the computer and sent out immediately.
- Councilor Tracy asked about support of the dispatchers by police officers. Chief del Pozo said the officers are



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only familiar with how Burlington does dispatch and are concerned about the dispatchers changing and reapplying for jobs.

- Councilor Tracy asked if not being able to help officers in other communities has borne out. Kathryn Clark, dispatcher, said dispatchers do not like to put a call on hold and break the connection with the caller. Burlington has more staff and works as a team so there are multiple people listening to 911 calls. There is a radio frequency that can be accessed by the county. Agencies do use the frequency. Regarding staffing levels, as yet there are no plans in place and no guarantee for employees.
- Councilor Dieng asked about organizing and informing the community. Kathryn Clark said outreach will be done after the vote so people can have the complete picture.
- Councilor Hartnett observed the dispatchers seem to be against the concept. City Attorney Blackwood advised the dispatchers cannot be put on the spot regarding terms and conditions of their employment or negotiations from a labor relations standpoint.
- Kathryn Clark said the dispatchers are not against regional dispatch as a whole, but are uncomfortable with the current plan or lack thereof. The focus is on the operational side.
- Councilor Paul asked if the mapping technology in phase 2 phone calls can be blocked or is not available without a smartphone. Fire Chief Locke said Vermont relies on technology. Nearly 68% of 911 calls are via cellphone and the latitude/longitude shows up clearly. Local dispatchers learn their area. The same will happen with regional dispatchers.
- Councilor Dieng asked if cellphone location can be triangulated with 911 calls. Chief Locke said the latitude and longitude of the location are shown.
- Councilor Dieng asked about minimizing the direct number to Burlington dispatch to a few digits. Chief del Pozo said there is a direct line by dialing "0911". The amount of time is minimized with co-located 911 call takers and dispatchers being together. If police officers and firefighters were asked to design a system to get resources to a site as soon as possible they likely would design a regional dispatch system. It is hoped there is a way to design a system to honor the work of the dispatchers.
- Council President Knodell said support of the creation of a UMD sends the message that a system can be created that is good for employees and better in terms of response time.
- Mayor Weinberger thanked the team for working on the issue for the past 18 months. The public safety system can be improved and response time decreased, and the right thing can be done for the team that works for Burlington. If the voters approve forming a UMD then questions can be asked and details worked out for transitioning employees. The city owes a debt to the dispatchers and making the transition as smooth as possible.
- Councilor Tracy stated the process was flawed especially in terms of engaging the dispatchers and there are two groups saying two different things.

There were no further comments.

VOTING: 11 ayes, one nay (Councilor Tracy); motion carried.

5.04 Ballot Question on Climate Action – City Councilors

MOTION by Councilor Shannon, SECOND by Councilor Paul, to adopt the resolution to put a question on the ballot regarding climate action with amendment to Line 20 of the resolution to remove the words "people of color".

DISCUSSION:

- Councilor Shannon said the resolution tries to emphasize to the Governor how important the work is to



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decrease carbon input and try to reverse the effects of climate change. Burlington can be a leader in this effort.

AMENDMENT by Councilor Wright, **SECOND** by Councilor Mason, to add "and members of the General Assembly" after the word "Governor" on Line 16. **VOTING** on amendment: unanimous; motion carried.

DISCUSSION ON AMENDED RESOLUTION:

- Councilor Mason expressed appreciation for the work done to get the resolution in a better form.
- Councilor Dieng asked for more specifics on policies and programs and if the city can do more such as in the future purchase only green solar vehicles. Councilor Shannon explained it is up to the state to determine what actions can be taken to achieve the goals of climate action.
- Councilor Deane said an example of the effect the state can have are the commercial building energy standards issued by the state and Act 250 requirements.

There were no further comments.

VOTING: unanimous; motion carried.

5.05 Ballot Question on Increasing the Age to Legally Purchase Tobacco Products – City Councilors

MOTION by Councilor Mason, **SECOND** by Councilor Shannon, to approve the resolution to put a question on the ballot regarding increasing the age to legally purchase tobacco products to 21 years old.

DISCUSSION:

- Councilor Mason gave a brief history of past votes on Tobacco 21 (defeated at the state level) that led to the local approach.
- Councilor Bushor observed 18 year olds can be sent to war, but cannot determine if they want to smoke if the age limit to buy tobacco is raised.

There were no further comments.

VOTING: 9 ayes, 3 nays (Councilor Bushor, Councilor Tracy, Councilor Hartnett); motion carried.

5.06 Report: Recommendations on Combatting Homelessness

MOTION by Councilor Roof, **SECOND** by Councilor Hartnett, to accept the report from the Public Safety Committee and place the information on file.

DISCUSSION:

- Councilor Roof read the eight recommendations from the Public Safety Committee to help address homelessness.
- Councilor Moore said the Public Safety Committee recognized the need for increased access to low barrier space during the daytime, and urged more support for street outreach and housing retention.
- Councilor Bushor spoke in support of low barrier shelters and more outreach and public restroom access.



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- Councilor Hartnett suggested a co-partnership with the housing retention specialist position in conjunction with the housing authorities.
- Council President Knodell observed the recommendations did not include creating more studio units or more housing. Councilor Roof said the charge was to determine how to support people with services.
- Councilor Dieng stated the priority is to have street bathrooms. Every October 10th the city should celebrate homelessness.

There were no further comments.

VOTING: unanimous; motion carried.

The Public Safety Committee will develop action steps for consideration by City Council.

5.07 Quality of Life Ordinance – City Council

Councilor Mason said the ordinance carries forward criminal penalty for repeat violation of public urination/defecation and alcohol possession three times in six months and adds a restorative justice element. The committee will further discuss and provide a recommendation to address public drunkenness and sexually aggressive catcalling.

Councilor Tracy suggested the city create a process to allow an individual accused of public urination/defecation to prove there was no access to a public bathroom.

Councilor Bushor noted not just the homeless population does these activities. Many students are publicly intoxicated. More public restrooms would be good to have.

Councilor Wright said the ordinance is to address people engaging in bad conduct on the street. People need to understand there will be consequences to bad conduct.

Police Chief del Pozo spoke in support of the ordinance because the city is dealing with the consequences of people failing to respect the rule of law and the city's institutions which erodes quality of life.

MOTION by Councilor Wright, SECOND by Councilor Roof, to suspend the rules to continue work. VOTING: unanimous; motion carried.

Councilor Hartnett said the city needs to ensure people are safe in the downtown area including the homeless.



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Councilor Moore said the Public Safety Committee focused on homelessness and services in the downtown. The ordinance focuses on behavior and what changes need to be made to impact behavior. More involvement in the court system may not change behavior. Councilor Mason said the Ordinance Committee provided what was advised by legal counsel that could be provided. The effort continues. Councilor Bushor observed restorative justice offers people the opportunity to change their behavior and for some people this may make a difference. Councilor Moore stated restorative justice is an intense experience for people and not an easy conversation.

5.08 BT Purchase Agreement Update

Council President Knodell reported City Council discussed the purchase agreement in Executive Session with Schurz Communications. The City Attorney feels the final agreement is close. The goal is to release the agreement to the public on 12/20/17 and have a special City Council meeting and public hearing on 12/27/17 then vote on the agreement.

6.0 COMMITTEE REPORTS

No reports given.

7.0 CITY COUNCIL – GENERAL AFFAIRS

Councilor Dieng thanked Councilor Shannon for attending the dumpling gathering in Ward 7.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No report.

9.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported;

- COTS candlelight vigil is 12/21/17.
- First Night buttons are available. City Arts is involved in First Night. The new city flag will be raised on First Night.
- Happy Holidays to all!

10.0 ADJOURNMENT

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

The meeting was adjourned at 10:45 PM.



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