Regular City Council Meeting - Monday, December 15, 2014 - Contois Auditorium
12/15/2014

Regular City Council Meeting - Monday, December 15, 2014 - Contois Auditorium (Monday, December 15, 2014)

Generated by Lori Olberg on Friday, December 19, 2014

Members present
Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul (phone), Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Absent

Jane Knodell

Also Present

Amy Bovee, Lori Olberg, Clerk/Treasurer's Office; CAO Bob Rusten; ACAO Rich Goodwin; City Attorney Eileen Blackwood; David White, P/Z; Bill Ward, Code Enforcement; Assistant City Attorney Richard Haesler; Norm Baldwin, DPW; Peter Owens, Nate Wildfire, Kirsten Merriman-Shapiro, CEDO

Meeting called to order at 7:09 PM

1. Agenda

Action, Procedural: 1.01 Motion to Approve/Amend Agenda

Motion to Approve/Amend Agenda as follows:
Note supplemental information for agenda item 4.05 (per the Mayor's Office); remove from the consent agenda item 3.08 Resolution: Support for State Budget Allocations to Allow for Livable Wages and Benefits for HowardCenter Workers (Councilors Colburn, Tracy, Knodell, Brennan, Siegel) and place it on the deliberative agenda as item 4.10 (per Councilor Colburn and City Council President Shannon); note proposed amendments to this as well (per Councilor Colburn)

Amend item 3.07 to insert "except to the extend the City is contributing fringe benefit costs" after the word "force".

Motion by Chip Mason, second by Sharon Bushor.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Bianka Legrand, Chip Mason, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Not Present at Vote: Karen Paul

2. Public Forum: Time Certain 7:30 p.m.

City Council President Shannon opened the public forum at 7:27pm

Peg Boyle Single – Residential Parking Study

Richard Hillyard – Burlington Town Center

Elizabeth Nakazmerad – Support for Howard Center Workers

Deanna Allen – Support for Howard Center Workers

Aaron Marcotte – Support for Howard Center Workers

Karen Porter – Support for Howard Center Workers

Felicia Kornbluh – Support for Howard Center Workers

Lyndsey O'Day – Support for Howard Center Workers

Ella Kaplan – Support for Howard Center Workers

James Haslan – Support for Howard Center Workers

Keith Brunner – Support for Howard Center Workers

Tom Hart – Support for Howard Center Workers

City Council President Shannon closed the public forum at 7:59pm.

3. Consent Agenda

Action (Consent), Procedural: 3.01 Motion to Approve/Amend Agenda taking the following actions as indicated

Resolution: Motion to Approve/Amend Agenda taking the following actions as indicated

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 3.02 Resolution: Support for Ban on Nontherapeutic Uses of Antibiotics in Livestock Production (Councilors Colburn, Legrand)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 3.03 Resolution: Authorization to Execute Easement Agreement for Manhattan Drive Slope Failure Recovery Project (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 3.04 Resolution: Honoring Edward Sutton for his Public Service (Full City Council)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 3.05 Resolution: Authorization for Disbursement of Downtown Program Sales Tax Reallocation (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 3.06 Resolution: FY 2015 Budget Amendment - CEDO re: Lead Hazard Control (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 3.07 Resolution: Acceptance of U.S. Department of Justice Grant Related to Internet Crimes Against Children Task Force and Amendment of The FY 2015 Budget (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 3.09 Resolution: Determination of Need for Concise Summary of Charter Change Amendments on Public Hearing Notice (Councilor Shannon and Charter Change Committee)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 3.10 Communication: C/T, re; Accountability List

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 3.11 Communication: Vermont Association of Chiefs of Police, re: Luncheon Invite

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 3.12 Communication: Assessor's Office, re: City Council Memo Re: Tax Abatement Request

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 3.13 Communication: Assessor's Office, re: LOWER YOUR TAX BILL by Completing the Homestead Declaration Form

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent): 3.14 Special Event Permit Application (one day only): Skinny Pancake

Resolution: approve one day only special event permit for Skinny Pancake

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 3.15 Communication: Amy Bovee, Executive Secretary, re: Board of Finance Minutes (Monday, November 3, 2014)

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 3.16 Communication: Amy Bovee, Executive Secretary, re: Board of Finance Minutes (Monday, November 10, 2014)

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 3.17 Communication: Amy Bovee, Executive Secretary, re: Board of Finance Minutes (Monday, November 17, 2014)

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 3.18 Communication: Amy Bovee, Executive Secretary, re: Board of Finance Minutes (Monday, November 24, 2014)

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 3.19 Communication: Erhard Mahnke, re: Notice of Appeal; Act 250 Application #4C1275 Partial Findings of Fact, Conclusion of Law, and Order

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Report: 3.20 Report: Board of Health Annual Report

Resolution: waive the reading, accept the report and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

4. Deliberative Agenda

Action: 4.01 Indoor Entertainment Permit Application (2014-2015): Hilton Garden Inn

approve with following conditions:
*all City permits to be closed out
*Fire Marshal approval
*issuance of sign permit
*all standard conditions

Motion by Norm Blais, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Bianka Legrand, Chip Mason, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Not Present at Vote: Karen Paul

Action: 4.02 Indoor Entertainment Permit Application (2014-2015): Istanbul Kebab House

approve with following conditions:
*contingent upon Fire Marshal approval
*issuance of sign permit from P & Z
*all standard conditions

Motion by Norm Blais, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Bianka Legrand, Chip Mason, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Not Present at Vote: Karen Paul

Action: 4.03 Outdoor Entertainment Permit Application (2014-2015): Istanbul Kebab House

approve with the following conditions:
*contingent upon Fire Marshal approval
*issuance of sign permit from P & Z
*all standard conditions

Motion by Norm Blais, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Bianka Legrand, Chip Mason, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Not Present at Vote: Karen Paul

Action, Resolution: 4.04 Resolution: Recommending Needle Disposal Action Steps (Public Safety Committee)

Councilor Colburn stated this is an important issue for the community. They have heard stories of exposures and needle sticks from members of the community. This proposal is an attempt to prevent that. They are hoping to implement drop boxes in outdoor spaces and public bathrooms. They also believe that it is important to have public outreach on disposal options and treatment options.

Councilor Bushor stated part of the education process should include disposal options for animals. They should educate people on how to dispose of options personally. She hopes they consider having disposal options at all beaches.

Councilor Hartnett it will take time to get needle disposal boxes out. They find more needles in warmer months and their goal is to have them in place by April. They will revisit this after one year.

Councilor Tracy stated the resolution recognizes the work that is happening to address this issue and works with several City Departments. The See Click Fix program can be used to report needles and the response time has been very quick. He also reported a needle in a public park to the Parks Department and their response was quick. This is an opportunity to follow and adopt best practices to deal with the side effects of having an opiate crisis in the state.

waive the reading and adopt the resolution

Motion by Selene Colburn, second by Dave Hartnett.

Final Resolution: Motion Passes (vote taken by roll call)

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action, Resolution: 4.05 Resolution: Creating A Development Agreement for The Redevelopment of The Burlington Town Center (Councilors Paul, Blais, Bushor, Ayres, Shannon, Legrand, Hartnett, Wright)

Councilor Mason stated he will recuse himself from this item.

Councilor Ayres stated the proposed development at Burlington Town Center is an opportunity and a challenge to the community. The process leading to a Development Agreement shows the promise of improving their community together and realizing the goals of planBTV. It will create new housing in the heart of the City, hospitality, retail, and entertainment space, connectivity. They will have an open, accessible and thorough public process from now until next May when they will act on a final draft of the development agreement. They will begin this with a joint commission with members CC and PC. They will be advised by a group of development advisors, and the developers have agreed to pay for this service. The development advisors will be working for the City and not the developers. The public process around this project is unprecedented.

Councilor Bushor stated it is important that they revitalize the downtown and look at the mall. She is disappointed that people have cited the mall as a failure. It was a vision for that time that served the community well. They can improve it for today, but there was a lot of public input and she expects they will have more this time around. The timeline seems a little tight, but she has heard there is a willingness to make sure that the developers and the administration have enough time to solicit feedback from the people. She is pleased that they have funding to hire professionals to give them input on all of the proposals. They have not had that ability in the past. There was a question about whether there is a need for another hotel and if they can support additional retail and she sees that they are projecting that there is support for that. They have a threshold to make development work and wants to find a balance of what will work for the City and the Developer.

Councilor Tracy stated he recently attended a conference to look at creating livable communities. They focused on place-making in an urban context. Density is crucial for creating places where people want to be. He has heard skepticism from residents, but he is supportive of this to allow those voices to be heard. He wants to ensure they enhance multi-modal connectivity and ensure that it is a place for everyone. They need to find ways to bring everyone to the table through this planning process.

Councilor Hartnett stated they have talked about making this a downtown for everyone. The next seven months are the most important part of this project. There are still many options on the table for them to discuss. It will benefit many people.

Councilor Brennan inquired if there is capacity for TIF financing to support this project. Mayor Weinberger stated the capacity that exists has already been allocated through the PIAP process. However, this will generate additional capacity, but they do not know what they will be used for. It is possible that they can use their Downtown TIF as a tool for this redevelopment. Councilor Brennan inquired if there is a possibility of using the Downtown TIF. Mayor Weinberger stated it is possible but needs to be looked at further. Bank Street is the dividing line between the Downtown and Waterfront TIFs.

Councilor Siegel stated she is hopeful that they can redevelop the mall in a way that will be useful to the residents of downtown. It used to be possible to buy basic goods downtown, but that is no longer possible. This could result in a positive change. She is concerned that CEDO is doing a lot to promote new development and may not be able to do this thoroughly. The response from the Administration was that all of the development projects are high priority. She is concerned that they are all at the top of the list. She is also concerned that there are no changes to the inclusionary zoning ordinance at this time. She would prefer to hear something stronger to say they will not compromise on that Ordinance. She is concerned that the timeline is very quick to do this well. She is glad they will be asking for public input and inquired what the Mayor's vision for the redevelopment is.

Councilor Colburn stated this is a pivotal moment for Burlington to create an inclusive, exciting expansion of the Downtown. There is also a recognition that there could be large repercussions if they do not get this right. She would not want to see it focused on high end retail or development. She stated she would like to know more about the mix of housing types. She expressed concerns for the accelerated public process and inquired what factors are driving it. She inquired what the public's evaluative role in the process would be. She inquired what the next steps will be in vetting the developer. Mayor Weinberger stated his personal vision would not be appropriate to impose on the site. He shares planBTV's vision to improve connectivity and better utilize the two block space. He is excited that they have an owner of the mall who appears to share that vision and is willing to collaborate. The vote tonight is about moving forward with a public process, whether they want to accept financial assistance from the developer to review the project. This does not risk substantial resources and they have done due diligence. The owner has shown himself to be credible as someone who can make good on the implementation of a redevelopment. Peter Owens, CEDO, stated the redevelopment will be a many year process. Reconnecting the street grid and reopening the mall to engage the community, creating jobs and housing are ideas that the City had through public process that has already been done. This process will not replace other that are already in place. The developer has decided it is in his interest to provide funding to make sure it is the project they all want to see. Neither the City nor the Developer can do this by themselves. This is a new process to create a development agreement. It will allow for a dialogue.

David White, P/Z, stated the intent of the public process is to engage the public and hear the key issues and concerns. They are envisioning that they will have at least four public events including a kickoff event, a design workshops and review and comments on the proposals. Many of the outlines for the City’s vision have been done as part of the Downtown and Waterfront plan. There will also be opportunities to hear from the owner and the public about what issues are important to them. There will be ongoing opportunities for public engagement at a kiosk in the mall. They will then have a multi-day design workshop. They envision this will be in the mall to discuss a variety of topics. The next meeting will be to present what they have heard and what they have come up with. The owner will put forward their proposal and they will see how well they have listened to the public and incorporate their concerns. The City’s technical team will review the plans and see what issues and challenges there are.

Sherida Paulsen, PKSB Architects, stated they have presented images as ideas and as a way to get the conversation going. It is not necessarily what they will do. She provided background information about their firm and its philosophy. They work with residential, retail, and hotel as well as preservation and adaptive reuse. They hope to create an environment that will enhance Downtown Burlington. She displayed examples of other projects they have worked on. They will hold design charrettes and workshops to gather input from the public and incorporate their comments. They then created a development plan which the builders were able to use.

Councilor Blais noted that a fellow Councilor had said there is a conspiracy between the Mayor’s Office and the Democratic Caucus on this issue. He refuted this idea.

Councilor Wright stated it is important that they do their due diligence. He will like to hear what the greatest risks are to the Developer and the City will be. Mayor Weinberger stated one of the greatest challenges for the City would be if they were to make a TIF commitment. This requires them to anticipate a new tax increment and there have been timing problems with this. Mr. Owens stated it is good to ask what could go wrong. One is a situation where there is unpredictability. They will get consensus early to help reduce that. They want partners who can perform when things are going badly. He believes they are working with someone with considerable capacity and experience who will make good decisions. Councilor Wright stated he expects the Council will be kept fully informed every step of the way.

Councilor Hartnett stated they heard that if people were uncomfortable at the end of the pubic process they will extend it. He does not want them to turn this into a political war and this will be good for everyone.

Councilor Ayres spoke about public processes. He encouraged them to hold meetings at a variety of times and locations.

call the question

Motion by Tom Ayres, second by Dave Hartnett.

Motion Fails

Aye: Tom Ayres, Selene Colburn, Dave Hartnett, Bianka Legrand, Kurt Wright

Nay: Norm Blais, Vince Brennan, Sharon Bushor, Karen Paul, Rachel Siegel, Max Tracy, Joan Shannon

Recuse: Chip Mason

Councilor Paul stated she is concerned that they have had to discuss public process so extensively. The developer is committed to a public process which is not how this usually works. This is a huge opportunity and they need to vote in favor of this and collaborate together.

Councilor Brennan stated he has heard that questions are welcome and they are all important to ask. It is positive to thoroughly vet this and to ensure that they get what they want.

Call the Question

Motion by Kurt Wright, second by Tom Ayres.

Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright

Nay: Joan Shannon

Recuse : Chip Mason

waive the reading and adopt the resolution

Motion by Tom Ayres, second by Dave Hartnett.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Recuse : Chip Mason

Action, Resolution: 4.06 Resolution: March 3, 2015 Annual City Meeting - Charter Changes to Make Board Terms Three Years (Charter Change Committee)

Councilor Siegel stated this will standardize term lengths.

Councilor Bushor stated there is a section about changing Airport Commissioner terms to three years. It states that those currently in a position will remain in place for the length of the term they were appointed. She inquired if this will apply to the planning Commission who also have four year terms. She also inquired if they need to include language about people continuing to serve until a replacement is appointed for all Boards and Commissions. Councilor Siegel stated this should apply to the Planning Commission and it was omitted in error. City Attorney Blackwood stated the intent was to include that provision for the Planning Commission. This issue and a correction can be made as part of their public hearing process.

Amend Resolution to add language to line 46 after the word appointment to read "shall hold office for the term of three year from the first day of July following his or her appointment

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

waive the reading and adopt the resolution

Motion by Rachel Siegel, second by Norm Blais.

Final Resolution: Motion Passes

Aye: Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Not Present at Vote: Tom Ayres

Action, Resolution: 4.07 Resolution: March 3, 2015 Annual City Meeting - Charter Changes Concerning Reserve Funds (Board of Finance)

CAO Rusten stated the City Charter allows the Council to create and fund reserves. However, it is limited. It can only be funded in the month of July and for limited purposes. For long term planning purposes as City finances improve, this would allow the Council to create reserves for a broader purpose and fund it based on the availability of revenues. The use of the money would be specified by resolution.

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

Aye: Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action, Resolution: 4.08 Resolution: March 3, 2015 Annual City Meeting - Charter Changes to Eliminate Requirement Relating to Political Affiliation for Certain City Boards (Charter Change Committee)

Councilor Siegel stated this will eliminate political affiliation for those applying to Boards and Commissions. They will leave the question on the application as optional.

Councilor Bushor stated she does not know if there would be value in looking at utilities differently. She would like to have a diverse group of people looking at utilities, but they want expertise as well. Councilor Siegel stated that was not discussed.

waive the reading and adopt the resolution

Motion by Rachel Siegel, second by Norm Blais.

Final Resolution: Motion Passes

Aye: Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action, Discussion, Information: 4.09 Communication: Kim Sturtevant, Assistant City Attorney, re: Champlain College/Eagles Place Appeal (oral)(possible executive session)

City Attorney Blackwood stated they had anticipated that they would have a final agreement, but this has been delayed. The parties are hoping that they will be able to come together.

Action, Resolution: 4.10 Resolution: Support for State Budget Allocations to Allow for Livable Wages and Benefits for Howard Center Workers (Councilors Colburn, Tracy, Knodell, Brennan, Siegel) *was consent agenda item 3.08*

Councilor Colburn stated they have heard from workers in the community who are working with the most vulnerable members of the community. She has received many questions about what the City is doing to help with the substance abuse problem. She has heard that they rely on the Howard Center to work with these individuals and find solutions. This is a public health and safety issue. There are many factors contributing to low wages for these employees. There is dwindling federal and state funding and there are great income discrepancies. She has heard stories from workers who have serious financial challenges. The resolutions asks them to encourage the State and Howard Center to do everything they can to prioritize livable wages and working conditions for workers. They are not getting involved in collective bargaining or telling them how to do it. It just asks them to do what they can and recognize the hard work of their employees.

Councilor Mason stated he cannot support this as written. He spoke with the management at Howard Center. They are at a sensitive time in their negotiations between labor and management. He was told this could potentially negatively impact their negotiations. He has not heard from AFCSME if they would support pulling this resolution. He heard from management that they are focused on livable wages, but they suggests they are not. They have not had an opportunity to hear from anyone about ongoing litigation. He appreciates the call to State allocation. He offered an amendment to the resolution.

Councilor Wright stated he will support the amendment, but this does not mean he is not supportive of the workers. He is sensitive to the fact that they cannot solve this problem here and does not believe they should insert themselves into it.

Councilor Tracy stated he will not support the amendment, as it takes significant meaning from the resolution. He does not understand why Howard Center management would not want to make this a priority and the language should remain in the resolution. Workers should be taken care of at a basic level.

Councilor Colburn stated she will not support the amendment, and is particularly opposed to removing the resolved clause. They are making broad suggestions to the State and the Howard Center who are both important in this issue. Removing the Howard Center makes the resolution weak. This is broad and does not interfere with bargaining.

Councilor Bushor requested they divide the question. City Attorney Blackwood stated this must be done by motion.

Councilor Brennan stated he will not support the amendment. They have heard from employees at the Howard Center who are experiencing burnout from their jobs and low wages. Working conditions should not create such stress that mental health is a concern for employees.

Councilor Siegel stated she is comfortable removing the whereas clauses, but is not comfortable removing the resolved clause removes a critical piece of the resolution. She believes that they should support this for workers when they require them for City workers. They are just urging payment of livable wages. They do make statements even if they do not have teeth in the decision. They can have influence as community leaders.

Divide the Question

Motion by Sharon Bushor, second by Selene Colburn.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Joan Shannon

Nay: Norm Blais, Dave Hartnett, Bianka Legrand, Kurt Wright

Strike the whereas clauses beginning on 30 and 33

Motion by Chip Mason, second by Dave Hartnett.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Kurt Wright, Joan Shannon

Nay: Max Tracy

Councilor Wright stated he understands the good intentions but the timing is not appropriate for them to vote on this at this time. He believes this would be a statement that they do not support management.

Councilor Mason stated they were involved with CCTA negotiations only when they were at an impasse. This situation is not at an impasse and they should allow the process to take its course without inserting themselves into it.

Councilor Brennan stated the Council has dealt with many resolutions regarding mental health. He wonders if people filling these jobs are at their best because they are stressed about working conditions and wages. There are individuals counseling children in schools. There are high rates of turnover which creates an inadequate cycle for dealing with mental health. Mental health is an issue in this City and they should address it with their full capacity.

Councilor Ayres stated he will vote to keep the language in the resolution. During the CCTA situation, they stepped back from voting for binding arbitration. Within one week of stepping back from that situation it was resolved. these negotiations are in a critical staged they should not be involved. They will ask the State to provide allocations for mental health resources, but they should not inject themselves into labor negotiations.

Councilor Siegel stated leaving this resolved clause in will allow management to go to the State and request more money. They need to make livable wages, good working conditions and retention a priority.

Councilor Colburn stated she will not support the amendment offering encouragement to the Howard Center. In 2013, the Legislature mandated a 3% funding increase to Medicaid providers. It is a complex issue, which is why she supported striking the whereas clauses. Howard Center did not clearly comply with that, which is under litigation. She does not see this as inserting themselves into the process.

Strike the resolved clause beginning on 39.

Motion by Chip Mason, second by Dave Hartnett.

Motion Fails

Aye: Norm Blais, Dave Hartnett, Bianka Legrand, Chip Mason, Kurt Wright, Joan Shannon

Nay: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Karen Paul, Rachel Siegel, Max Tracy

Table the Resolution

Motion by Kurt Wright, second by Dave Hartnett.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Dave Hartnett, Bianka Legrand, Chip Mason, Kurt Wright, Joan Shannon

Nay: Vince Brennan, Sharon Bushor, Selene Colburn, Karen Paul, Rachel Siegel, Max Tracy

waive the reading and adopt the resolution

Motion by Selene Colburn, second by Max Tracy.

Final Resolution: Motion Fails

Motion not voted on.

5. Committee Reports

Information, Procedural: 5.01 Verbal Reports

Councilor Legrand reported on the Human Resources Committee.
Councilor Colburn reported on the Community Development and Neighborhood Revitalization Committee.

Suspend the Rules and Complete the Agenda

Motion by Kurt Wright, Second by Vince Brennan

Final Resolution: Motion Passes

Ayes: Norm Blais, Vince Brennan, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Nays: Sharon Bushor, Karen Paul

6. City Council - General Affairs

Information, Procedural: 6.01 Verbal Reports

Councilor Siegel reported on I Vote Vermont and non-citizen voting rights. She also reported on the NAACP creating a Champlain Valley chapter.
Councilor Tracy reported on the lost Shul Mural which was an artifact representing the Lithuanian Jewish Community in the Old North End.
Councilor Bushor reported on bus service disruption during the recent snowstorm, the Ward 1 NPA and the elimination of residential parking, and a proposal for student resident ambassadors.
Councilor Wright reported on the Senior Christmas Dinner at the Miller Center.
Councilor Hartnett reported on a letter that his daughter wrote about homelessness in the City. He also reported on the Superintendent Search process.
Councilor Colburn thanked Councilor Hartnett for the letter he distributed about homelessness.
City Council President Shannon spoke about a press conference and Edmunds Middle School students thanking them for passing the smoking ban.

7. Mayor - General Affairs

Information, Procedural: 7.01 Verbal Reports

Mayor Weinberger reported on the Diversity and Equity Strategic Plan and its implementation.

8. Adjournment

Action, Procedural: 8.01 Motion to Adjourn

Without objection, City Council President Shannon adjourned the meeting at 10:50pm.