Regular City Council Meeting - Monday, December 10, 2018, 7:00 pm, Contois Auditorium, City Hall
12/10/2018

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

December 10, 2018

MEMBERS PRESENT: Kurt Wright (Council President) – Ward 4

Jane Knodell – Central District

David Hartnett – North District

Joan Shannon – South District

Richard Deane – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Brian Pine – Ward 3

William "Chip" Mason – Ward 5

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Beth Anderson, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Jordan Redell, Mayor's Office

Olivia LaVecchia, Mayor's Office

Lori Olberg, C/T

Amy Bovee, C/T

Neale Lunderville, CEDO

OTHERS PRESENT: Lauren Glen-Davitian

Springer Harris

Chris Twonbley

Richard Hillyard

Annie Macianni

Albert Petracca

Kelly Devine

Julie Masuga

Perry Freeman

Jim Lockridge

Hans Van Wees

Sarah Beal

Chuck Deslauriers

Emily Wadhams

William Leadford

1.0 CALL TO ORDER and AGENDA

Council President Wright called the meeting to order at 7:15 PM on December 10, 2018 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Knodell, SECOND by Councilor Bushor, to approve the agenda with the following amendments:

- **Note additional information in Item 5.03 (DID)**
- **Note revision to resolution for Item 5.04 (Open Process for NPAs)**

VOTING: unanimous; motion carried.

2.0 REPORT FROM CHANNEL 17

Lauren Glen-Davitian, Channel 17 Executive Director, reported on the decrease in funding (5% decline) due to Comcast reclassifying some income. As a result Burlington is being asked to double the baseline contribution to $24,000 to support Channel 17. Burlington also makes additional contribution toward the purchase of programming ($20,000). Other communities are being asked to increase their contribution as well. Channel 17 is looking to diversify funding and create different funding streams.

City councilors spoke in support of continuing public access to meetings and having legislation that requires internet providers to fund cable. Councilor Bushor requested expense and revenue sources be shown on one sheet of paper in the report.

3.0 PUBLIC FORUM

Public forum was opened at 7:33 PM.

COMMENTS

- Springer Harris spoke in support of the charter changes going to the Charter Change Committee so there can be a public vote.
- Chris Twonbley spoke in support of the resolution for NPAs.
- Richard Hillyard spoke in support of the resolution for NPAs.
- Annie Macianni spoke on the Downtown Improvement District and the negative impact on the homeless.
- Albert Patracca accused city councilors of being racist relative to the mural.
- Kelly Devine spoke of the negative impact of the asset tax on businesses in Burlington and the tax being a disincentive on capital investment.
- Julie Masuga spoke of the DID being exclusionary and having increased policing.
- Perry Freeman spoke against expanding the DID and displacing people and public safety being increased policing when it should be investing in people, their education, health care, jobs and working conditions.
- Jim Lockridge spoke in support of the revised resolution for NPAs.
- Hans Van Wees expressed concern for the lack of investment in economic development and increasing taxes instead of increasing the tax base. There is need to attract more people and businesses to the city.
- Sarah Beal spoke in support of the DID and businesses having more control on how the money is used.
- Chuck Deslauriers spoke in support of the plan for the Moran Plant, noting parking is an issue that needs to be considered with any redevelopment.
- Emily Wadhams stated Preservation Trust Vermont supports the functional rehab of the Moran Plant and keeping a vestige of Burlington in Burlington.
- William Leadford spoke of the need for people to stop for people in crosswalks, especially people who are challenged.

There were no further comments. Public Forum was closed at 8:02 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: Minutes, City Council, 8/27/18

4.04 COMMUNICATION: Minutes, Local Control, 8/27/18

4.05 COMMUNICATION: Minutes, BCA, 8/27/18

4.06 COMMUNICATION: Minutes, City Council Mayor Presiding, 8/27/18

4.07 COMMUNICATION: Minutes, City Council, 9/24/18

4.08 COMMUNICATION: Reclassify Public Works Engineer Position

4.09 COMMUNICATION: Airport Contract Amendment, Engineering Design, Stantec

4.10 COMMUNICATION: Airport Contract, Engineering Design, Hoyle Tanner Associates and S.D. Ireland Bros.

4.11 COMMUNICATION: FIO

4.12 COMMUNICATION: Comcast Settlement, Pole Attachments

MOTION by Councilor Knodell, SECOND by Councilor Bushor, to adopt the Consent Agenda and take the actions indicated for Items 4.01 through 4.12.

VOTING: unanimous; motion carried.

5.0 DELIBERATIVE AGENDA

5.01 Presentation: Moran Plant Update - CEDO

Interim CEDO Director Lunderville, Jessie Beck, Erin Moreau, and Erik Crokenberg gave a presentation on the Moran Plant that included the history of the building and efforts to resolve the future of the structure. The CEDO proposal is for a city-led project with Parks & Rec Waterfront Division managing the facility. All those who have worked on the Moran plans were acknowledged. Renderings of the proposed frame concept for the structure were reviewed. The proposal is for essentially an open air pavilion with a view platform on top and a skating rink at ground level. Estimated cost is between $5.2 million and $5.4 million. The proposal will create an eloquent, impactful, iconic landmark that can be built within the available funding and existing space. Staff will work to understand the parking needs and utilize the site to use the parking that is there. The space is more of a public park and performing space.

Erik Crokenberg said New Moran is very excited about the direction of the proposal for the building.

Councilor Shannon asked how much is possible with the funding. Interim CEDO Director Lunderville presented a range of options for $5.4 million. The final design process and permitting will help decide what the structure will look like.

Councilor Tracy asked how the proposal is consistent with the public vote that either approved the previous proposal or supported demolition. Interim CEDO Director Lunderville said the proposal is a partial demolition and site stabilization. Public input on the proposal will be sought.

Councilor Bushor spoke in support of the proposal which has lots of potential, especially the brick and covered areas.

Councilor Dieng spoke in support of the building to be a connection to nature with a wood frame and natural products.

Councilor Mason asked about ongoing maintenance and expense. Interim CEDO Director Lunderville said the building does not require much maintenance. There will be ongoing operating costs hopefully paid by revenue generated by use of the park and activities at the site.

Councilor Pine asked how long a time period is needed to retire the debt, and urged saving as many bricks as possible.

Councilor Deane suggested simplifying the frame and bringing nature into the project, having the movement systems outside the frame, and having a place for artists and people climbing.

Councilor Paul asked about shelter for the skating rink and the cost for some of the future add-ons such as a covered structure. Interim CEDO Director Lunderville said staff will get the costs for a covered structure and an elevator.

MOTION by Councilor Hartnett, SECOND by Councilor Pine, to send the proposal for the Moran Plant to PACC for further discussion.

DISCUSSION:

- **Councilor Hartnett said there will be public input at the PACC. The focus should be on Phase 1 so the project can move forward and there can be closure.**

VOTING: unanimous; motion carried.

5.02 Town Meeting Vote on Charter Change to Eliminate Business Personal Property Tax – Charter Change Committee

MOTION by Councilor Shannon, SECOND by Councilor Deane, to waive the reading and adopt the resolution.

<u>DISCUSSION</u>:

- **Councilor Shannon said the charter change will state that businesses with less than $45,000 in business personal property do not pay the tax and the tax will be repealed by July 1, 2026. The elimination can be phased in.**
- **Councilor Pine said removing the tax will provide incentive for businesses to locate in Burlington.**
- **Councilor Mason said the Charter Change Committee will work expediently on the matter.**
- **Mayor Weinberger said the change is consistent with what is happening elsewhere in the country and the phase out presents a way forward with little impact on taxpayers.**

VOTING: unanimous; motion carried.

5.03 Downtown Improvement District (DID)

MOTION by Councilor Roof, SECOND by Councilor Dieng, to refer to the Charter Change Committee consideration of charter changes to the DID consistent with discussion at the Board of Finance and report back to City Council on 12/17/18.

<u>DISCUSSION</u>:

- **Mayor Weinberger said the changes will allow the expansion of the enhanced services provided by Church Street Marketplace. The Board of Finance recommended sending the changes to the Charter Change Committee.**
- **A presentation was given on major elements of the proposal including governance and governance structure, authorities, boundaries of the DID, membership and definition of fee payers, fee collection and the appeal process, capital improvements.**
- **Councilor Roof gave a brief history of the DID expansion proposal.**
- **Councilor Knodell said she is not convinced a separate nonprofit is the way to go because there will be lots of negotiating and monitoring by the city. The process has been compressed and there has not been much opportunity for public input. Why there needs to be a second model to the model in existence is not clear.**
- **Councilor Pine asked about assurance the new nonprofit will carry on like the existing Church Street Marketplace and the city will have more control. An increase of 5% is significant.**
- **Councilor Mason asked how the nonprofit will be accountable and how abatements will work.**
- **Councilor Bushor said a city councilor should be on the board. Lots of thought is needed on governance. City Council must approve the management plan and bylaws.**
- **Councilor Tracy felt the matter is moving quickly and fundamental aspects are not defined. It seems private interest is having a larger role and there is erosion of the democratic structure.**
- **Mayor Weinberger said the city is not giving up authority to define the public realm with the charter change.**
- **Councilor Shannon stated no one would be interested in coming to the downtown if not for the businesses. The city is fortunate to have local businesses in the downtown. The businesses are the vitality of the downtown. There is no antagonism between Burlington City Arts, Festival of Fools, and the businesses.**
- **Councilor Roof said there has been a robust process. City Council establishes the management plan for the DID. The DID will not increase police presence and the ambassadors are not a private security force. The Outreach Program will participate. The fee is not on residential property. The nonprofit will be involved.**

- **Councilor Hartnett expressed concern about the lack of public process, the make-up of the board, and how negotiations go forward.**

VOTING: 10 ayes, 2 nays (Councilor Knodell, Councilor Tracy); motion carried.

MOTION by Councilor Mason, SECOND by Councilor Tracy, to suspend the rules and take up only Item 5.04 (NPA open process). VOTING: 11 ayes, one nay (Councilor Shannon); motion carried.

5.04 NPA Mini-Grant Program & All Wards Community Good Deed Program

MOTION by Councilor Dieng, SECOND by Councilor Hartnett, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Dieng spoke of the value of the NPAs to bring feedback to the community and the request to have CEDO work with the NPAs to determine what funding is needed and how it is used.**
- **Councilor Hartnett said the resolution is about what the NPAs are doing and to help enhance that. There is decreasing activity by NPAs. The All Wards NPA agreed now is the time for action.**
- **Councilor Shannon said not all the NPAs were shown the resolution in advance and some NPAs are not supportive due to the process that was used.**
- **Councilor Mason said the feedback he heard is the resolution is City Council telling the NPAs what to do.**
- **Councilor Roof said a proposal that is acceptable to all can be created.**
- **Councilor Bushor suggested sending the resolution to the All Wards steering committee for return to City Council for action.**
- **Councilor Deane said the process is flawed. The necessary time should be taken to do this right.**
- **Councilor Tracy said a process to better support NPAs is needed now.**
- **Councilor Pine stated for many the NPA is an avenue to enter city engagement.**
- **Councilor Knodell questioned why CEDO should be involved rather than CDNR.**

AMENDMENT by Councilor Deane, SECOND by Councilor Roof, to postpone action on the resolution to allow city councilors to go to the NPAs and gather input then discuss the issue at the next City Council meeting or after a time with city councilors have had opportunity to consult directly with their NPAs.

DISCUSSION OF AMENDMENT:

- **Councilor Bushor expressed preference to send the matter to the All Wards steering committee.**
- **Councilor Hartnett urged putting energy into the NPAs.**

CALL THE QUESTION by Councilor Roof. VOTING: 2/3 vote of City Council; motion passed on call the question.

VOTING (on motion to postpone): 6 ayes, 6 nays (Councilor Knodell, Councilor Hartnett, Councilor Bushor, Councilor Tracy, Councilor Dieng, Councilor Pine); motion does not carry.

CONTINUED DISCUSSION ON RESOLUTION:

- **Councilor Deane said this is an opportunity to move forward with well thought through language that can be**

supported by all.

CALL THE QUESTION by Councilor Dieng. VOTING: 2/3 vote of City Council; motion passed on call the question.

VOTING: 6 ayes, 6 nays (Council President Wright, Councilor Mason, Councilor Shannon, Councilor Paul, Councilor Roof, Councilor Deane); motion does not carry.

6.0 COMMITTEE REPORTS

No reports.

7.0 CITY COUNCIL – GENERAL AFFAIRS

No report.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No updates.

9.0 MAYOR – GENERAL AFFAIRS

No report.

10.0 ADJOURNMENT

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

The meeting was adjourned at 11:20 PM.

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