



Regular City Council Meeting - Monday, November 18, 2019, 7:00 pm, Contois Auditorium, City Hall 11/18/2019

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

November 18, 2019

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

Perri Freeman – Central District

Franklin Paulino – North District

Joan Shannon – South District

Jack Hanson – 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: Mayor Weinberger

Beth Anderson, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Jordan Redell, Mayor’s Office

Olivia LaVecchia, Mayor’s Office

Deanna Paluba, HR



Regular City Council Meeting - Monday, November 18, 2019, 7:00 pm, Contois Auditorium, City Hall 11/18/2019

Brian Lowe, IT

Lori Olberg, C/T

Amy Bovee, C/T

Chapin Spencer, DPW

Laura Wheelock, DPW

Bill Ward, Inspections

Patty Wayman, Code Enforcement

OTHERS PRESENT:

Lea Terhune

Larry Sudbay

Cindy Cook

Charlie Messing

James Marc Leas

Steve Goodkind

Paul "Chuck" Brewer

Randall Harp

Skyler Nash

Mike Lacroix

Bob Lake

1.0 CALL TO ORDER

Council President Wright called the City Council meeting to order at 7:07 PM on November 18, 2019.

1.01 Agenda



Regular City Council Meeting - Monday, November 18, 2019, 7:00 pm, Contois Auditorium, City Hall 11/18/2019

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

- **Add Item 5.17 (East Ave. Safety Issue)**
- **Additional information on Item 6.01 (Church Street Marketplace Executive Director Appointment)**
- **Additional information on Item 6.03 (Special Committee to Review Policing Policies)**
- **Additional information on Item 6.07 (Certificate of Compliance Landlord Accountability)**
- **Remove Item 5.05 (Close Early on Monday Before Election Day) and place on Deliberative Agenda as Item 6.08**

VOTING: unanimous; motion carried.

2.0 RECOGNITION: DEPUTY FIRE CHIEF AARON COLLETTE

Councilor Mason read the resolution recognizing Deputy Fire Chief Collette for completing the requirements of the Executive Fire Officer Program and for his dedication, commitment, and loyalty in serving the city. Deputy Fire Chief Collette's family was also recognized for their support.

MOTION by Councilor Mason, SECOND by Councilor Shannon, to adopt the resolution as read. VOTING: unanimous; motion carried.

Deputy Fire Chief Collette acknowledged the contribution of all members of the Fire Department and mentioned the loss of Jason Menard with the Worcester Fire Dept.

3.0 LOW BARRIER SHELTER SOUP DRIVE - Councilor Roof

Kevin Townes and Ben Shearer explained the request for food items to feed the people staying at the low barrier shelter which opened November 1st.

Council President Wright recessed the City Council meeting at 7:25 PM to convene the Local Control Commission. The City Council meeting resumed at 7:28 PM.

4.0 PUBLIC FORUM

Public forum was opened at 7:28 PM.

COMMENTS

- Lea Terhune spoke about removing the mural and Abnaki tribal recognition.
- Larry Sudbay spoke in support of Amtrak coming to Burlington and not in support of expansion of the railyard north of College Street or a second set of tracks in front of the Wing Building, Main Street Landing, and ECHO Center.



Regular City Council Meeting - Monday, November 18, 2019, 7:00 pm, Contois Auditorium, City Hall 11/18/2019

- Cindy Cook spoke on safety on East Avenue and addressing speeding to protect the pedestrians.
- Charlie Messing questioned the cost of the second rail, spoke against the Portland Loo, and suggested repurposing buildings into affordable housing.
- James Marc Leas spoke of inequality by the Mayor toward affordable housing, low income, minority populations, and children because there is no noise monitoring at the airport for the F-35s.
- Steve Goodkind urged City Council to redirect the development of the Champlain Parkway and notify FHWA that Burlington still wants environmental justice by not directing traffic through neighborhoods. The city has the opportunity to build the project it wants and do it right.

There were no further comments from the public. Public Forum was closed at 7:46 PM.

5.0 CONSENT AGENDA

- 5.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 5.02 COMMUNICATION: Accountability List
- 5.03 COMMUNICATION: Vermont Brewers Association Refund
- 5.04 COMMUNICATION: Investment Performance Summary FYTD 9/30/19
- 5.05 COMMUNICATION: Close Early Monday Prior to Election Day (moved to Deliberative Agenda as Item 6.08)
- 5.06 COMMUNICATION: Carl Fowler Memo on Amtrak Rail
- 5.07 COMMUNICATION: Lea Terhune on Removing the Mural
- 5.08 COMMUNICATION: Resignation, Board of Health, David Casey
- 5.09 COMMUNICATION: Opioid Litigation Memo
- 5.10 COMMUNICATION: Steve Goodkind on Champlain Parkway Rebuild Option
- 5.11 COMMUNICATION: Reclassify CEDO Assistant Director, Community Justice Center
- 5.12 COMMUNICATION: FIO Document(s)
- 5.13 RESOLUTION: Property Boiler and Machinery Insurance 2020, BED
- 5.14 RESOLUTION: Series 2016 A and 2016 B Trust Agreements, DPW
- 5.15 RESOLUTION: Quitclaim, 69 Monroe Street
- 5.16 RESOLUTION: Quitclaim, 120 Park Street
- 5.17 COMMUNICATION: Safety Issue on East Avenue and Throughout City

MOTION by Councilor Bushor, SECOND by Councilor Roof, to adopt the consent agenda, Items 5.01 – 5.17, and take the actions indicated. VOTING: unanimous; motion carried.



Regular City Council Meeting - Monday, November 18, 2019, 7:00 pm, Contois Auditorium, City Hall 11/18/2019

6.0 DELIBERATIVE AGENDA

6.01 CSM Executive Director Appointment

Mayor Weinberger announced Kara Alnasrawi is the new CSM Executive Director replacing Ron Redmond who retired after 20 years of service.

MOTION by Councilor Roof, SECOND by Councilor Pine, to confirm the appointment of Kara Alnasrawi as the Church Street Marketplace Executive Director.

DISCUSSION:

- **Councilor Tracy and Councilor Hanson stated their position that department heads should live in Burlington. Mayor Weinberger said he cannot recall votes against department heads in the past when the residency requirement for department heads is not in the charter and CSM does not require this.**
- **Councilor Dieng asked about the DID. Kara Alnasrawi said she is a proponent of expanding the CSM model and having a cohesive district and welcoming community. Councilor Dieng asked about conflict of interest due to owning a business. Kara Alnasrawi said she will not retain her business and is in active sale of the business. Councilor Dieng asked about addressing homelessness in the downtown area. Kara Alnasrawi said she would help coordinate efforts along with other partners to address homelessness which is a community issue to resolve.**

VOTING: 9 ayes, 3 nays (Councilor Tracy, Councilor Freeman, Councilor Hanson); motion carried.

6.02 Renter Protection Recommendation – CEDO

Councilor Hanson asked about inclusion of tenants and tenant advocacy groups in the policy making for renter protections. Director of Inspections Ward said the discussions to date have been at the staff level. Code Enforcement Division Manager Wayman said focus groups or outreach have not yet occurred. Mayor Weinberger noted the items for review submitted to the task force were from the tenant union and the instruction was to look at what is happening across the country for reform. Conversations with CDNR are expected.

Councilor Hanson asked about safeguards against drastic increases in rent amounts. Mayor Weinberger said rent stabilization and control have been in locations where there have been higher rates of rent increases than seen in Burlington. The Administration has had a long-standing concern about rent control efforts which are often self-defeating and why the city in the past rejected such measures. There is a lot of work to do where there is consensus and which will have greater impact than ensuring against an increase greater than 7% that has not been seen in years. The focus should be on significant items that can have substantial impact and where there is consensus.

Councilor Bushor said the issue of retaliation needs to be addressed so people are not afraid to make a report. Also, inequity before a board needs to be addressed where a property owner has an attorney present, but the renter cannot afford an attorney. For \$800,000 per year to help renters the eviction rate in the state could be reduced by 50% because most evictions are due to people falling behind in rent.



Regular City Council Meeting - Monday, November 18, 2019, 7:00 pm, Contois Auditorium, City Hall 11/18/2019

Councilor Pine spoke in support of including tenant voices because Burlington cannot have rent control if state law does not allow rent control.

Councilor Freeman listed the following items missing from the recommendations:

- Rent ceilings
- Gentrification and displacement
- Renters in public/social housing versus for-profit housing
- Cooperative and community interest model for broader renter protections
- Perspectives on housing from outside the U.S.
- Landlord licensing and fair housing

Councilor Freeman said the scope needs to be broader and include rent control, licensing, housing discrimination, and fair housing.

Mayor Weinberger said income issues are important, but the root issue with housing in Burlington is not income, it is supply. Addressing the supply issue is the movement across the country. There have been generations of focus on tenant protection issues and that work needs to be acknowledged and respected. There is a robust set of proposals to come forward thanks to the hard work of staff. The Administration has been reporting since the end of August that this work is ongoing and it would be helpful if city councilors have strong points to bring them to the Administration prior to the presentation to City Council. It seems to be a recurring theme to introduce extra requirements and it would be helpful for the Administration to hear this upfront.

Councilor Dieng spoke in support of including input from renters and considering including the items mentioned.

MOTION by Councilor Mason, SECOND by Councilor Bushor, to accept the communication on renter protections and refer the matter to CDNR. VOTING: unanimous; motion carried.

6.03 Appoint Special Committee to Review Policing Policies

MOTION by Councilor Roof, SECOND by Councilor Pine, to nominate Paul Brewer to the special committee to review policing policies.

DISCUSSION:

- Councilor Shannon thanked Kesha Ram for submitting an application which she then withdrew to allow Paul Brewer to be the candidate for the position.
- Councilor Freeman asked the candidate how he found out about the position and his observations on policing in Burlington. Paul Brewer said he saw the opening on Google and wanted to contribute to the community.



Regular City Council Meeting - Monday, November 18, 2019, 7:00 pm, Contois Auditorium, City Hall 11/18/2019

- **Councilor Tracy asked about representing police officers and how police deal with people with mental health issues. Paul Brewer said based on his experience as a crisis clinician in Boston he can evaluate conduct that is fair and conduct that is questionable. As a psychotherapist he meets every day with people with mental health difficulties.**
- **Councilor Dieng asked if the candidate understands why the commission was created and if his work at the Peace & Justice Center will impact work on the committee. Paul Brewer said the committee was formed due to a situation with the police dealing with people with mental health issues. The work at the Peace and Justice Center will not have an impact on the committee work.**

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

6.04 Update: Special Committee on Policing Policies

Randall Harp and Skyler Nash requested an extension for the committee to complete the tasks that were assigned. The committee has met six times to date and reviewed information on police training. Still to be discussed is the disciplinary process, oversight officer, wellness program, BPD data collection, and the Force Policy.

Councilor Pine asked about hiring a consultant to assist the committee. Randall Harp said the committee is still discussing hiring a consultant. Getting a consensus of the committee has been difficult.

MOTION by Councilor Roof, SECOND by Councilor Bushor, to extend the work of the Special Committee on Policing Policies to no later than the February 10, 2020 City Council meeting, and ask the committee to provide by that date at least a set of recommendations related to the Use of Force Policy.

DISCUSSION:

- **Councilor Dieng asked for further explanation of the extension. Randall Harp said given the size of the task it has been difficult for the committee to come up with a concrete resolution. The committee has been reviewing a lot of information, but does not have recommendations at this point. There is a diverse range of voices and interests on the committee, and a range of topics to discuss. Skyler Nash said comprehensive review of policing takes time. The committee is still in the factfinding stage.**
- **Councilor Dieng opined the committee is too large and it is not the role of the committee to do the review of the policies.**

AMENDMENT by Councilor Freeman, SECOND by Councilor Tracy, to add "community or citizen oversight" to the recommendation on Use of Force Policy.

DISCUSSION OF AMENDMENT:

- **Councilor Mason said the concern with extending the end date is there are a number of other items the committee was tasked with and it is not known if the other committee members agree the items stated by Councilor Freeman are a priority.**
- **Councilor Shannon said the issue is what City Council wants the committee to do so adding community oversight is not a problem.**



Regular City Council Meeting - Monday, November 18, 2019, 7:00 pm, Contois Auditorium, City Hall 11/18/2019

VOTING ON AMENDMENT: unanimous; motion carried.

VOTING ON MOTION AS AMENDED: 11 ayes, one nay (Councilor Dieng); motion carried.

Councilor Hanson suggested the committee meetings be held at sites other than the police station so all people from the public feel comfortable in the meeting space. Randall Harp said other locations have been discussed. Information was needed from BPD to inform the committee's work so it made sense to meet at the police station. Council President Wright said city councilors are free to attend the committee meetings and make comments there.

6.05 Findings of Fact and Necessity: Shelburne Street Rotary Redesign Project - DPW

DPW Engineer Wheelock requested City Council adopt the findings in the finding of necessity and continuation of the compensation hearing.

Councilor Bushor said the comments on the impact of loss of parking spaces was not in the findings. DPW Engineer Wheelock said it was clarified at the hearing that there is no loss of parking from the existing condition to the finished condition. Parking will only be temporarily unavailable so it is more of a compensation issue.

Councilor Shannon asked about the sidewalk and Parcel 16 (Majestic). Mike Lacroix, VTrans, said the sidewalk is in the city right-of-way, not on private property. The permanent easement for the underground water line does not affect the property long term once the line is installed. The impact of construction on the Majestic site is about two weeks. The temporary easement is for the duration of the project. The temporary easement is only for the work described. The easement gives the right to enter the property and perform the work as listed. The business on the Majestic site can continue operating. The access might be limited during work activities which will be discussed in compensation.

Councilor Pine said the owner of Parcel 16 said the project will cause hardship and his business will not survive. Narrowing the roadway to one lane is concerning. DPW Engineer Wheelock said compensation will cover the hardship. City Council adopted a resolution in 2009 on the roundabout option with a single lane. There is a way to have two lanes with a dedicated exit off Willard Street.

Councilor Mason asked who determines the need for two lanes. DPW Engineer Wheelock said the performance of the roundabout and available funding could determine the need for two lanes. Mike Lacroix added the roundabout is an engineered solution that will solve the issues and increase safety for all users. The state is confident the project will do what is intended.

Councilor Tracy said necessity is safety. The intersection is dangerous with the current design.



Regular City Council Meeting - Monday, November 18, 2019, 7:00 pm, Contois Auditorium, City Hall 11/18/2019

Councilor Shannon asked if there have been any fatalities at the intersection. Mike Lacroix said there are none on record. Councilor Shannon mentioned people not being able to get out of their neighborhood due to traffic backing up. Mike Lacroix said cars are expected to queue up to Adams Court in the worst case and for an insignificant amount of time. Councilor Shannon asked about starting with two lanes and going to one lane if warranted. Mike Lacroix said that alternative is not a federally fundable solution. DPW Engineer Wheelock said all the infrastructure work is being done so going to two lanes will be much less cost to the city.

Councilor Paulino said VTrans has not given fair consideration to a two-lane roundabout. The dedicated bike lane is taking significant roadway.

MOTION by Councilor Mason, SECOND by Councilor Hanson, to approve the resolution authorizing the City Council President to execute the Findings of Fact and Conclusions of Law finding public good necessity for the Shelburne Street rotary. VOTING (by roll call): Councilor Bushor – aye, Councilor Hanson – aye, Councilor Dieng – aye, Councilor Paulino – nay, Councilor Freeman – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – aye, Council President Wright – nay (10 ayes, 2 nays); motion carried.

6.06 Shelburne Street Roundabout Compensation Hearing

The hearing was opened at 9:35 PM. DPW Engineer Wheelock gave a history of the communication with the property owner at 616 South Willard (Bob Lake) on compensation and the exhibits submitted for information.

COMMENTS

Bob Lake said he did not receive a call from CEDO and did not take calls from Mr. Luck. The concern about losing the business was raised four years ago to DPW and VTrans. Mr. Lake said he would like to discuss the loss of business with staff and requested the compensation hearing be continued to March 9, 2020.

Councilor Tracy asked clarifying questions on what the compensation covers (easements, but not loss of business) and if postponement impacts the project (postponement beyond March will impact the project).

Councilor Bushor asked if the loss of business due to limited access for one or two weeks will be compensated. Attorney Rose said there is no compensation for loss of business due to traffic impact.

MOTION by Councilor Pine, SECOND by Councilor Bushor, to continue the compensation hearing relative to the Shelburne Street roundabout until the March 9, 2020 City Council meeting to allow time for the property owner affected by the necessity order to submit a formal request to VTrans for claimed business loss resulting from taking of easements.



Regular City Council Meeting - Monday, November 18, 2019, 7:00 pm, Contois Auditorium, City Hall 11/18/2019

DISCUSSION:

- **Councilor Mason said Mr. Lake can submit forms for the two weeks of business loss, not the longer construction cycle. City Council already authorized the project to go forward.**
- **Councilor Hanson asked if the delay will impact the project. DPW Engineer Wheelock said the delay increases the risk if there is a change of ownership of the property then negotiations must be done again.**
- **Councilor Dieng asked how long the business has been operating. Mr. Lake said he opened the car rental business in 2007. Councilor Dieng asked if the project will benefit the business. Mr. Lake said he does not believe the business will be operating when the project is done. Councilor Dieng asked about relocating the business. Mr. Lake said he looked for temporary lease options or offsite car storage, but did not have success.**

VOTING: 8 ayes, 4 nays (Councilor Tracy, Councilor Dieng, Councilor Hanson, Councilor Freeman); motion carried.

6.07 Certificate of Compliance Landlord Accountability

MOTION by Councilor Paul, SECOND by Councilor Pine, to waive the reading and adopt the revised resolution on the landlord certificate of compliance.

DISCUSSION:

- **Councilor Paul explained the certificate of compliance is a tool that will provide information on properties and landlords.**

VOTING: unanimous; motion carried.

6.08 Close Early Monday before Election Day

Councilor Hanson expressed concern about reducing voter access and suggested exploring options. City Attorney Blackwood said the Mayor decides on the daily operations of the city. City Council can give input to the decision or do a resolution suggesting changes. Councilor Hanson said 435 people voted early in the last election so the number is not insignificant. Alternatives to deal with the staffing issue should be explored. City Clerk Bovee said a charter change to expand the number of days the early ballots are available is being requested. Volunteers help, but it was still difficult to meet deadlines.

Councilor Bushor suggested closing after lunch hour to allow people to vote during their lunch break.

Council President Wright pointed out voting has been made easier in Vermont with early voting, absentee voting, same day registration.

Councilor Shannon said overstressed staff can lead to irregularities in handling ballots which is devastating in an election. Being proactive is admirable. City Council should not micro-manage.



Regular City Council Meeting - Monday, November 18, 2019, 7:00 pm, Contois Auditorium, City Hall 11/18/2019

7.0 COMMITTEE REPORTS

- Councilor Tracy reported the TEUC will meet 11/19/19 to discuss the Amtrak siting and the street seats project.
- Councilor Tracy said the Charter Change Committee will meet 11/21/19 to discuss the Housing Trust Fund and non-citizen voting.
- Councilor Pine said CDNR met with representatives from Brookfield and Devonwood, but did not receive much detail on the community engagement plan. The developers will return in December with an outline of a plan.
- Councilor Mason reported the Food Truck Committee will meet 11/20/19 for a walk around of the Peddlers District and to discuss regulating food trucks.
- Councilor Dieng said the HR Committee met on 11/5/19 to discuss the Social Media Policy and the Diversity, Equity, Inclusion Director position.

8.0 CITY COUNCIL - GENERAL AFFAIRS

- City councilors thanked CAO Anderson for her service to the city and wished her the best of luck.
- City councilors recognized the work of Superintendent Obeng and wished him all the best in his future endeavors.
- Councilor Mason announced the BHS musical on 11/21/19.

9.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

City councilors were urged to review the meeting agendas early and request any changes in advance of the meeting date.

10.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported the following:

- There will be a fact finding trip to Rutland to view railroad operations.
- The city is on track to hire an Equity, Diversity, and Inclusion Director.
- The turkey drive for the Food Shelf is approaching.
- Appreciation is expressed for the work of Beth Anderson as the city's CAO.

11.0 ADJOURNMENT

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

The meeting was adjourned at 10:33 PM.



**Regular City Council Meeting - Monday, November 18, 2019, 7:00
pm, Contois Auditorium, City Hall
11/18/2019**

RScty: MERiordan