



City Council Meeting - Monday, November 17, 2014 - 7:00 p.m. - Contois Auditorium, City Hall 11/17/2014

City Council Meeting - Monday, November 17, 2014 - 7:00 p.m. -Contois Auditorium, City Hall (Monday, November 17, 2014)

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Members present

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

Meeting called to order at 6:55 PM

1. Agenda

Action, Procedural: 1.01 Approve/amend the agenda

Motion to Amend the Agenda to amend action to Consent Agenda Item 4.06 to include a showing of support by the City Council of the Planning Commission's comments per Councilor Bushor; and add communication from William Scott supporting Resolution 6.04 per Clerk Treasurer's Office.

Motion by Chip Mason, second by Sharon Bushor.

Final Resolution: Motion Passes

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

2. Presentation: Martha Maksym, Executive Director, United Way, Matt Young, Supervisor, HowardCenter Street Outreach Team and Mike Schirling, Chief, Burlington Police Department, re: HowardCenter Street Outreach Program Report 2014

Action (Consent), Communication: 2.01 Communication: HowardCenter Street Outreach Program Report 2014

Martha Maksym, United Way, stated the Street Outreach program is a partnership between a number of different organizations. They work to create a downtown climate that is welcoming to everyone and to connect people in need of social services with those agencies. They are dealing with opiate addiction and strains on the mental health system. Police Chief Schirling stated they have had exponential increases in the number of calls they receive for mental health issues. They expect that by the end of this year they will have seen a 500% increase in the past five years. These are calls that just involve mental health, although mental health influences thousands of other calls. Their mental health system is not able to address the need they see in the community. They need more support in that system. Matt Young stated they started the program in 2000 to serve people in the downtown. They have six people working seven days and evenings. There are many things that look like mental illness. There has been an erosion of services and there are not enough beds to treat mental health state-wide. People are much sicker by the time they go to a hospital and leave while they are still sick. They have to



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look at everyone in a clinical and political context when determining who gets treatment. Chief Schirling commended the Street Outreach Program for their work.

Councilor Tracy inquired if other communities in Vermont have experienced similar increases in call volume. Chief Schirling stated he believes that Vermont's small urban cores have had similar experiences but that Burlington is unique. Councilor Tracy inquired if he feels that they have received funding from the State of Vermont that parallels the level of service they provide. Chief Schirling stated he would like to see resources go into state level systems to alleviate these issues. Councilor Tracy inquired what else the Council can do to support this work. Chief Schirling stated they can thank those doing the work and coming up with ways to create additional capacity for treatment. Martha Maksym stated they hear that there are long waiting lists and there is no capacity to treat those in need. They need advocacy and funding for non-profits to address this problem.

Councilor Bushor inquired how many of their contacts were repeat individuals. Matt Young stated those contacts represent 871 individuals who they contacted 9,300 times. Councilor Bushor inquired how they categorize whether an individual is stable or improved. Mr. Young stated their program is a behavioral and those numbers are a snapshot of what they do.

Councilor Colburn inquired if members of the Street Outreach Team are members of the Naloxone pilot. Mr. Young stated they are not. They see different types of intoxications and have decided that they will call the Fire Department when they come across these situations. Councilor Colburn inquired if there are plans for the City to advocate for more support for these programs at the State level. Mayor Weinberger stated this was discussed at the Vermont Mayor's Coalition to advocate for changes in the mental health system. The City is an active participant of the United Way Campaign and through the budget to contribute to the system.

Councilor Bushor stated her employer participates in the United Way Campaign and inquired if it is possible to dedicate contributions to the mental healthcare system. Ms. Maksym stated that is possible and they do dedicate resources to health on a broad level.

City Council President Shannon inquired if there is a difference between mental illness and mental health in their data. Mr. Young stated mental illness is psychotic disorders and depression. They document mental health if they do not have a medical diagnosis. Sometimes this just means bad behavior. City Council President Shannon stated they hear about the needs for more beds, but they do not hear as much about the root cause of the problem. She inquired if they are able to pinpoint the source of the problems. Ms. Maksym stated about half of the people they treat first were exposed to opiates through a legal prescription. City Council President Shannon inquired what is being done to address that. Ms. Maksym stated there is a lot being done to reduce physicians prescribing opiates. They are seeing that people are switching to heroin as prescription drugs become less available. City Council President Shannon inquired if heroin versus opiate pills affect behavior. Mr. Young stated it varies. Half of their work relates to people with substance abuse problems. They try to connect people with treatment. Early education is crucial.

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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



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

Information, Procedural: 3.01 Public Forum

Greg Epler Wood - In Support of Burlington Telecom Local Ownership
Greg Guma- In Support of Local Ownership for Burlington Telecom
Steph Holdridge - Support Divestment from Fossil Fuels
Lauren-Glenn Davitian - Public Input in Future of Burlington Telecom
Alex Prolman - Support Divestment from Fossil Fuels
Caroline DeCuinzo - Support Divestment from Fossil Fuels
Solveig Overby - More thought needed on Burlington Telecom settlement agreement
Casey Lynn Brinkman - Support Divestment from Fossil Fuels
Melissa Moldovon - Support Divestment from Fossil Fuels
Julia Elfin - Support Divestment from Fossil Fuels
Samuel Ghazey - Support Divestment from Fossil Fuels
Nate Steers - Support Divestment from Fossil Fuels
Ruth Shafer - Support Divestment from Fossil Fuels
Daniela Escobar - Support Divestment from Fossil Fuels
JT Lukens - Support Divestment from Fossil Fuels
Joseph O'Brien - Support Divestment from Fossil Fuels
Curt McCormack - Support Divestment from Fossil Fuels

4. Consent Agenda

Action (Consent), Procedural: 4.01 Approve/amend the consent agenda taking the actions as indicated

Resolution: Motion to approve/amend the consent agenda taking the actions as indicated

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 4.02 Resolution: Reorganization of The Community & Economic Development Office (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.



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Final Resolution: Motion Passes

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

Action (Consent), Resolution: 4.03 Resolution: Creation Of An Additional Exempt Non-union Regular Full Time Assistant Chief Accountant Position - Clerk/Treasurer's Office (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 4.04 Communication: C/T Office, re: Accountability List

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 4.05 John Mowad, re: [City Council] Unfair parking policies

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 4.06 Communication: Kimberlee J. Sturtevant, Assistant City Attorney, re: Application by



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New Cingular Wireless PCS, LLC d/b/a AT & T Mobility for a Certificate of Public Good, pursuant to 30 V.S.A. 248a for Installation of a Wireless Telecommunications Facility at 128 Lakeside Avenue

Resolution: waive the reading, accept the communication and place it on file and show support of Planning Commission's comments and forward to Public Service Board.

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

5. Update: Champlain Parkway

Communication: 5.01 Communication: Chapin Spencer, Director, Department of Public Works, re: Briefing on Champlain Parkway Project

Chapin Spencer, DPW Director, delivered a presentation on the Champlain Parkway. He stated that the Council directed DPW to move forward with the project in the fall of 2012. The Parkway is a 2.5 mile transportation link in Burlington's south end. It connects I89, Route 7 and Downtown Burlington. It will support the vitality of the South End by strengthening the street grid, removing trucks from neighborhoods and improving street safety. It was originally conceived as a four lane highway and has evolved to a two lane roadway with multimodal connections. He displayed maps showing where the road will run and rendering of the street views. 95% of the cost will be paid by the federal government, 3% will be paid by the State and 2% will be paid locally. They have a rough estimate that it will cost \$30 million to construct, meaning the City will pay \$600,000. They are working to move as expeditiously as possible. This will address a number of problems in the South End. Further problems can be addressed as separate projects. They are concurrently working on the Railyard Enterprise project which will build a street grid in the King/Maple neighborhood. They will also be doing significant improvements to the Pine/Lakeside intersection. They are working on determining what property they will use for the project and obtain rights to that property. They expect they will need to get permit extensions and update their Environmental Impact Statement. They will then bid and construct the project. They project construction will start in 2017. They received their Act 250 Permit but it was appealed. They hope to settle that case. There is no legal reason that construction cannot commence while that appeal is underway and it does not affect pre-construction work. They are seeking public engagement through planBTV South End, presentations, project website, traffic calming efforts in King/Maple neighborhood.

Councilor Wright inquired how quickly this is moving forward. Mr. Spencer stated they meet weekly on this project. It is complex and they are addressing issues one at a time. Councilor Wright inquired what the status of the spur in the Battery Street area is. Mr. Spencer stated there are three railroad spurs that this project touches. The first they will cross is the grocery spur around the large parking lot at the end of Sears Lane that they are working to get rights for. They are also working to create a shared use path along the west side of Pine Street and secure rights to it. There is also a spur near Curtis Lumber that they considered but did not choose. They are considering similar transportation improvements in that area as part of the Railyard Enterprise project.

Councilor Bushor stated she worries that the vision that initiated this proposal is not compatible with the vision of today.



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She inquired if the street fits with the activities that are being proposed. Mr. Spencer stated he does believe it is compatible. It is now a two lane roadway rather than a four way roadway. They have scaled the design down to make it fit within their community. They are again looking at the Pine Street section with an eye to safety. They are aware that this will be a long term investment in Pine Street, which is become more mixed use. Councilor Bushor inquired if they receive input from Ward 5 residents regularly. Mr. Spencer stated they have a very engaged public who are invested in their neighborhood. The best way for people to engage is through the planBTV South End project. Councilor Bushor stated the redesign of Riverside Avenue took a long time as well, but there was disappointment because they lost some of the amenities that they wanted through the process. It is a neighborhood roadway and they should ensure that their needs are met as best as possible.

6. Deliberative Agenda

Action, Resolution: 6.01 Resolution: Supplemental Resolution No. 5 Issuance of Airport Revenue Bonds (Board of Finance)

Councilor Paul spoke about the upgrade of the Airport's credit rating because of their improved finances. The Airport's debt service coverage ratio has improved above the minimum of 1.25 to 1.65. This refinancing will retire outstanding debt at lower interest rates and continue to improve their finances. If the rates are not lower, they will not move forward with the refinancing.

Councilor Siegel noted errors in the POS.

waive the reading and adopt the resolution

Motion by Karen Paul, second by Sharon Bushor.

Final Resolution: Motion Passes

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

Action, Resolution: 6.02 Resolution: Approving Bridge Financing Documents For Burlington Telecom and Completing Settlement With Citibank (Board of Finance)

Councilor Paul stated these agreements have been approved by the Public Service Board and will allow Burlington Telecom to settle a \$33 million debt for \$10 million. They will be able to choose a party to work with them in the future. This is a continuation of the trend of the City taking responsibility for its finances and sends a strong message to the credit rating agencies and the community. She noted that they will seek partners, and most of the prospective partners hope that the City will remain involved.

Councilor Siegel stated she will recuse herself from this item.

Thomas Melloni, Burak, Anderson, Melloni, gave an overview of each of the documents that the Council will be approving. The bridge lease financing will provide the majority of the financing for the settlement agreement with Citibank, which



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requires a \$9.03 million payment from the City to settle a \$33.5 million lawsuit. Four of the documents relate to the operational aspects and the remainder implement the bridge lease financing. The first is a Burlington Telecom system lease, which will sell the transfer the title and assets of the system to Bluewater Holdings. Bluewater Holdings will lease that back to the City to avoid any service interruption and retain the current management. They payments of the lease are subject to annual appropriation and will be paid from Burlington Telecom revenues. The second is a real estate lease of the Burlington Telecom building. It will be leased to Bluewater Holdings and then leased back to the City. This will allow the City to recover money from the property if they transfer ownership to Burlington Telecom to a different owner in the future. The third document is a management and sale agreement, which provides that Burlington Telecom will be operated on a stand alone basis as is practicable. BTAB will act as a Board of Directors for the enterprise and it allows Dorman and Fawcett to continue to serve as the general managers. It also gives the City four years to find a new operator. The Proceeds from that transaction will be divided among Bluewater Holdings, the City, and Dorman and Fawcett. The other documents convey the assets of the system to Bluewater Holdings.

Mayor Weinberger stated they are nearing reaching resolution of the Burlington Telecom issue and provided an outline of the process leading up to this point. Tonight they are seeking final approval of the financing documents and will close on the Settlement Agreement. That resolution will achieve the goals the administration and Council have been working for. They have protected the taxpayers from further risk. They sought to protect ratepayers while allowing Burlington Telecom to continue to provide service. The agreement will allow them to continue to provide competition. The agreement preserves the possibility of the \$17 million over time by allowing the City to secure 25% of the sale price in the future or remain involved with the company. They have also worked to promote the goals of BTV Ignite. It is time for resolution of this issue so they can move forward.

Councilor Knodell stated she attended the Public Service Board hearing on this topic and they did ask questions about a Revenue Bond in place of the Bluewater Financing. The Public Service Board felt they thought it may have been possible to find other financing sources, but allowed the City to move forward with this form of financing. They want to ensure that they explore every option for maximizing local ownership, recovering \$17 million, and finding partners whose interests are aligned with the City's.

Councilor Tracy spoke in favor of the City retaining a significant stake in Burlington Telecom. He hopes they will be presented with a wide range of options in the future about who they will partner with and how it will benefit the City. There is a need for public process to determine their goals and find a partner.

Councilor Brennan spoke about the process leading up to the settlement.

Councilor Bushor spoke in favor of the resolution and stated is glad that partnership is still an option. She believes BT is an asset to the City, despite its financial challenges. It will put the City on better financial grounds and opens up options to them.

Councilor Colburn stated she is sympathetic to the concerns that they have heard about this settlement, although she will support the resolution. She is committed to working collaboratively to ensure that there is a strong public process.

Mayor Weinberger stated that including a statement about urging the City to remain a partner does not have any impact on the documents that they are approving. A sale will be necessary in the future, but the City has the ability to enter into a sale with the City as a partner in the next entity. They are confident that they will be able to find possible partners.

City Council President Shannon requested an explanation of the ownership of Burlington Telecom and its relationship with Citibank. City Attorney Blackwood stated as a result of the lease financing that the City did not pay on, some of the assets that make up BT reverted to Citibank. However, the assets were not turned over to Citibank. Bluewater Holdings will own



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the assets as a result of this transaction, but they will lease them back to the City. They City will continue to operate the entity. City Council President. When this closing happens their lawsuit with Citibank will be resolved.

waive the reading and adopt the revised version of the resolution

Motion by Karen Paul, second by Jane Knodell.

Final Resolution: Motion Passes

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

Recuse: Rachel Siegel

Action, Resolution: 6.03 Resolution: Expansion of Burlington Telecom Advisory Board (BTAB) and Approval of BT Operating Guidelines (Board of Finance)

Councilor Paul stated part of the requirement of the closing is that Burlington Telecom operate as independently as possible under the City Charter. BTAB will oversee Burlington Telecom and its membership will be expanded.

Councilor Bushor noted that the Board of Finance will receive monthly financial reports from Burlington Telecom. She feels it is important that the Council remain informed about Burlington Telecom despite the fact that they will be operating as independently as possible.

waive the reading and adopt the revised versions of the guidelines and resolution

Motion by Karen Paul, second by Jane Knodell.

Final Resolution: Motion Passes

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

Action, Resolution: 6.04 Resolution: March 3, 2015 Annual City Meeting--Divestment of Public Funds From Fossil Fuel Companies With The Largest Carbon Reserves (Councilors Colburn, Siegel, Brennan, Knodell, Bushor)

Councilor Colburn spoke about a report calling for reduction in fossil fuels. Large companies produce the majority of the world's emissions. Fossil fuel companies rely on government to allow them to continue their operations. Divesting from fossil fuels is a large step that they can take. This will devise a meaningful process that includes the citizens of Burlington.

Councilor Blais stated the electorate looks to them to assess information and determine what is in the public interest. This matter will require study and information, and he is confident they can make the best decision for the City of Burlington. He does not feel this should be passed on to the electorate and will not support the resolution asking for an advisory



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question.

Councilor Brennan spoke in favor of the resolution. It is important to have this conversation with the general public. They need to do more and this is a step in the right direction. They need to create more pressure to get off of fossil fuels.

Councilor Siegel stated she believes ballot questions make voters feel included and valued and spoke in favor of moving this forward as a ballot question. Having the pulse of the voters in conjunctions with a task force would be valuable and still allow them to complete the work that is needed. They passed a resolution requesting that the Retirement Board research money invested overseas and found it difficult. They are now reconsidering their pension fund and feels they can look at this again.

Councilor Knodell stated she previously had concerns about divesting harming their performance, but heard that others have not been harmed by doing this. She feels it is also important for the public to weigh in on how they feel about this issue.

Councilor Mason stated he feels asking the voters for their opinion before doing the research on this issue. The Retirement Board makes decisions about how dollars are invested. They have not asked the beneficiaries or their elected representatives whether they support this or not. They should engage BERS in a more meaningful analysis. He does not have information about investment returns before going to the voters.

Councilor Bushor stated they need information about how divestment would affect their return. She is in favor of addressing climate change issues and feelings they should take all steps that they can.

Councilor Tracy requested Mayor Weinberger's opinion on this issue. Mayor Weinberger stated he does believe that the City is languishing on their environmental goals. He is open to moving in this direction. He believes they need to pursue this carefully so it does not undo their efforts at shoring up their retirement system or harming relationships with public employees. He believes that this would be a problem with their relationship with public employees. He believes they are asking the public to weigh in on how employee's money will be spent. They should be engaged in the process. They know that Burlingtonians care about climate change and want to stop it.

waive the reading and adopt the resolution

Motion by Selene Colburn, second by Max Tracy.

Final Resolution: Motion Fails

Aye: Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Rachel Siegel, Max Tracy

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

7. Committee Reports

Information, Procedural: 7.01 Verbal Reports

Councilor Knodell spoke on the CDNR Committee



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Councilor Mason spoke on the Ordinance Committee
Councilor Colburn spoke on the Public Safety Committee

8. City Council - General Affairs

Information, Procedural: 8.01 Verbal Reports

Councilor Hartnett spoke about the Superintendent Search.

Councilor Bushor spoke about the joint Ward 1/8 NPA meeting, dissatisfaction with changes to the parking system, and the wireless project at 128 Lakeside Ave.

Councilor Wright spoke about concerns with changes to the parking system, changes with Burlington Town Center, and requested a Board of Civil Authority meeting to discuss election issues.

Councilor Mason announced that Burlington High School is putting on Shrek the Musical.

Mayor Weinberger spoke about the Mayor's Book club. New Moran has submitted their due diligence report and CEDO will review it and draft a term sheet. He will be attending the Ward 4/7 and Ward 5 NPA meetings. There will be a special forum on parking. There will be a livable wage training.

9. Adjournment

Action, Procedural: 9.01 Motion to adjourn

Without objection, City Council President Shannon adjourned the meeting at 10:14pm.