Regular City Council Meeting - Monday, November 14, 2016, Contois Auditorium, City Hall 11/14/2016

MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

November 14, 2016

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

David Hartnett – North District [arrived 7:27 PM]

Joan Shannon – South District

Selene Colburn, East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Giannoni, Ward 3

Kurt Wright – Ward 4

William "Chip" Mason – Ward 5

Karen Paul – Ward 6 [via teleconference]

Tom Ayres, Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Eileen Blackwell, City Attorney

Bob Rusten, CAO

Rich Goodwin, DFO

Jennifer Kaulius, Mayor's Office

Brian Lowe, Mayor's Office

Katie Vane, Mayor's Office

Amy Bovee, C/T Office

Lori Olberg, C/T Office

Noelle MacKay, CEDO

OTHERS PRESENT: Ron Ruloff

John Mahoney

1.0 CALL TO ORDER and AGENDA

City Council President Jane Knodell called the meeting to order at 7:17 PM and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Colburn, SECOND by Councilor Giannoni, to approve the agenda with the following amendment(s):

- **Postpone action on Item 3.09 (Burlington Electric personnel positions).**
- **Note additional information for Item 4.03 (Amendment to Ground Lease Hotel Vermont).**

VOTING: unanimous; motion carried.

Council President Knodell recessed the City Council meeting at 7:19 PM to convene the Local Control Commission meeting. City Council meeting resumed at 7:28 PM.

2.0 PUBLIC FORUM

The public forum was opened at 7:28 PM.

COMMENTS

- Ron Ruloff stated the city voters approved the ordinance change and bonding authority for the Sinex building on Church Street. The liberal city is supposed to be looking after the idea of the common man, ordinary person. There is so much going on with big developers and there is a lot wrong with the Sinex development from organized crime penetration of unions to simple destruction of the downtown. There should be 60% or ¾ to approve something like this because it is going to be the opening wedge for even more buildings. There will be no added tax revenue from this monstrosity for 20 years and whatever extra there is will simply disappear. The city is holding a funeral for the downtown to build this thing. The city is planting in the middle of downtown portable Section 8 people among whom there will be many drug users and some drug pushers who will be given absolute license to carry on their business. Mr. Ruloff said he knows this because he lived on the street for 11 years and knows the people personally. The motel in Shelburne is filled with people who will fill up the Sinex building and then more buildings will be needed for even more homeless who will fly to the area. Burlington is famous nationwide for its benefits system. Mr. Ruloff said it is insanity what City Council approved and the voters approved.

- John Mahoney, new north end resident, spoke in support of going vertical in the city core and for projects that might positively impact the tax base, but those goals could have been achieved with the zoning already in place. There is continued concern going forward about the maximum height of the proposed project and its ultimate environmental impact.

There were no further comments. Public forum was closed at 7:34 PM.

3.0 CONSENT AGENDA

3.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated

3.02 COMMUNICATION: Accountability List

3.03 COMMUNICATION: Electric Commission Attendance Record

3.04 COMMUNICATION: Parks and Recreation Commission Attendance Record

3.05 COMMUNICATION: Amendment to Agreement with Dubois & King

3.06 COMMUNICATION: Engineering Services Agreement

3.07 COMMUNICATION: FIO Document(s)

3.08 RESOLUTION: Tiered Progression Program, Engineering Positions

3.09 RESOLUTION: Burlington Electric Personnel Positions [removed from Consent agenda]

3.10 RESOLUTION: Reclassify/Title Change, Office Assistant II, Fire/Police

3.11 RESOLUTION: Adopt Records Retention Policy

3.12 RESOLUTION: License Agreement with Junktiques

3.13 RESOLUTION: License Agreement with KAS, Inc.

MOTION by Councilor Colburn, SECOND by Councilor Giannoni, to adopt the Consent Agenda Items 3.01 – 3.13 with the removal of Item 3.09 (Burlington Electric Personnel Positions) and take the action indicated. VOTING: unanimous; motion carried.

4.0 DELIBERATIVE AGENDA

4.01 Indoor Entertainment Permit Application 2016-2017: Social, 165 Church Street

MOTION by Councilor Ayres, SECOND by Councilor Roof, to approve the Indoor Entertainment Permit Application 2016-2017 for Social, 165 Church Street. VOTING: unanimous; motion carried.

4.02 Special Event Indoor Entertainment Permit Application (one day): November 18, 2016, Artisan Vapor

MOTION by Councilor Ayres, SECOND by Councilor Roof, to approve the Special Event Indoor Entertainment Permit Application (one day) on November 18, 2016 for Artisan Vapor. VOTING: unanimous; motion carried.

4.03 Amendment to Ground Lease with Hotel Vermont

Noelle MacKay, CEDO Director, explained the fourth amendment to the ground lease with Hotel Vermont that includes notifying the property owner of any changes planned to the lake view garage so concerns and suggestions for mitigation can be expressed and opportunity to negotiate initiated.

MOTION by Councilor Shannon, SECOND by Councilor Bushor, to authorize the Mayor to execute the 4th Amendment to the Ground Lease with Hotel Vermont with any related documents subject to review and approval by the City Attorney.

DISCUSSION: Councilor Bushor confirmed the dates are correctly reflected in the document(s).

VOTING: unanimous; motion carried.

4.04 Moran Plant Update

Director MacKay reported options for the Moran site were due by November 11th, but the CEDO team felt a 90 day response time to the RFQ was needed. The RFQ was posted in September. Meetings have been held with New Moran and prospective developers, and staff has been looking at a potential demolition plan.

Councilor Wright commented it feels like the process is starting over. Director MacKay said her understanding is all agreed to one more time to find a partner to implement the vision the voters approved. The RFQ states implementing the vision and lining up financing and a development and operation plan that would be neutral for the city. Staff feels 90 days is needed for this. The process will not be dragged out and answers will be provide. Councilor Wright asked if there is a process to begin removal of the building. Director MacKay said staff is trying to prepare a step-by-step process that covers historic preservation, existing federal money, decommissioning the building, environmental factors, cost of demolition.

Mayor Weinberger said the project is on track to make a collective decision by early 2017. There will be resolutions. CEDO is laying out the steps and the cost, and will present the information for a decision early next year.

Councilor Tracy recalled the project was voted with a specific partner and asked what changed. Director MacKay said New Moran is competing and developing an application, and is looking at working with a new development partner. CEDO has been working with them, but has contacted other responders to the proposal as well. CEDO is not looking to reopen the process from what was discussed in July. The RFQ is looking for the proposal approved by the voters. Councilor Tracy expressed concern about the timeline and continually extending the timeline. Certain elements of the program were difficult to begin with and have become more difficult (i.e. including event space). One of the partners stated intention to create event space of similar size one community over. It is not certain there is economic capacity to support two event spaces of the same capacity moving forward. It is also not certain that looking for other partners will deal with the broader economic concerns that have surfaced as a result of the process. The site should be developed close to or on the line of what the voters approved in 2014, but the project should not be extended out forever. Also, City Council needs to be consulted on extending the timeline because being brought together on the deadline is important to maintain the partnerships. Director MacKay clarified the RFQ asked for leases in terms of long term leases for financial viability and it may not be an "either/or" in terms of event space.

Councilor Hartnett spoke against more delays and if there are no other options then demolition is the choice. Discussion of future plans should be in conjunction with the demolition so there is a plan for the space.

Councilor Roof said he could not recall a vote on the November 11th date and agreed City Council just heard of the date change, but given Director MacKay's arrival to CEDO with a full plate of existing projects it is a smart administrative decision to shift the date from November 11th. City Council was in agreement on July 20th to the 90 day period for the process. The delay is not due to the feasibility of the project or issues with the project or the team. Councilor Roof said he supports the date change and is excited to see the new proposals. The New Moran proposal is not the project of the New Moran, Inc., but is the New Moran proposal. The RFQ lays out expectations of the proposal and if the standards are met then that is in line with the promise to the voters.

Councilor Mason asked what happens after December 22nd. Director MacKay said the team will score the proposal, ask any questions, and choose a favored proposal to move forward. This will likely be by the end of January, early February. Councilor Mason said the sense of City Council is the sooner, the better.

Council President Knodell asked if the process involves the Parks and Recreation and Waterfront Commission. Director MacKay confirmed this.

Mayor Weinberger said the conversation is consistent with the plan last summer when the MOU was terminated and it was made clear this would be the final RFP process before a final decision. The only change is a shift by a month of the deadline for when the RFP is due. Mayor Weinberger said he was overly optimistic on how quickly to be able to get the RFP to the street and the appropriate timeline for that. It was a mistake to put on such a precise deadline before CEDO had finished writing the RFP. The intention is to go to decision in early 2017 which was the plan of last summer. No one is more eager to have clear direction than the Administration. It is wrong to rush this important decision. The conversation and process remains worth doing. There are serious conversations going on by parties interested in the space. The alternative location in another city that was referenced is uncertain and it is unclear what the impact might be. The city hold the TIF allocation authority in reserve. The work going on for this effort is not being done by the city so the taxpayers can be told the city is being careful with resources. Mayor Weinberger spoke in support of not prematurely ending this last best hope for the building that many in the community are hoping can be saved.

Councilor Colburn said it is worth taking the time to continue to explore and answer questions through a thoughtful process. Having outside eyes on the scoring of the RFQ, like the PAAC for feedback, would be good. Director MacKay said the CEDO team and Parks and Rec will be scoring the RFQ, but others may be brought in depending on the questions.

Councilor Ayres asked if added weight will be given to local proposals versus a national entity. Director MacKay said this was not part of the scoring criteria. The financial feasibility and strength of the partnerships were the focus.

Councilor Bushor spoke in support of what is being proposed and giving the opportunity for well thought out proposals that have some funding. An update on the cost of demolition would be good, and though demolition is not wanted there have been groups discussing the Moran building since the mid-1980s.

Councilor Wright said he would prefer not to demolish the building, but City Council must be mindful of the message given to the voters and the spirit of the resolution. Councilor Wright said he would like to hear sooner than later about the cost of demolition and any additional money spent by the city on review of the proposals. Director MacKay said approximately $2,500 will be needed to look at environmental costs and to get an understanding of the magnitude of the demolition cost. An exact number would not be available without bidding an RFQ with professional demolition groups. It is hoped the people who have worked on the building can give an evaluation that will give some magnitude in terms of demolition cost. Other than CEDO time and staff there is no spending. Regarding the same themes of conversation in the 1980s, the Public Trust Doctrine addresses reuse of the site. Staff is looking at how the Public Trust Doctrine, zoning, and the new shoreline protection will fit in with what can happen on the site and the parameters. All the information will be included in a memo to the City Council.

Councilor Tracy asked about a hard deadline for a yes or no decision. Director MacKay reminded there is much going on (Echo, the marina, BTC). The goal is to have options outlined with recommendations by the first quarter.

Council President Knodell said she will work with the Administration to bring a timeline forward that will include a process for consulting with City Council and relevant committees.

5.0 COMMITTEE REPORTS

- Councilor Wright reported the Charter Change Committee will meet 11/15/16 to review proposals from the Administration and City Council.

6.0 CITY COUNCIL – GENERAL AFFAIRS

No report.

7.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

Council President Knodell reported:

- Appointments are needed for the CSWD alternate position, on the Housing Board of Review, and on the Parks and Recreation and Waterfront Commission. Councilors are urged to spread the word about the vacancies.
- Meeting dates in 2017 should be reviewed. Forward comments to Lori Olberg.

8.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported:

- Congratulations to the Parks Foundation for meeting the goal of $1 million in funds for rehab of the bike path. The money will be spent on enhancements to the bike path such as steps and entrances to the lake by the dog park and a new access to Texico Beach and the new park at the end of the urban reserve.
- Thanks are extended to the VFW Howard Plant Post 782 for the Veterans Day ceremony which was well attended. The city will continue to work to increase observance of these important ceremonies.
- There will be an event on 11/15/16 at the new home of the Community Sailing Center. An update on the plans for the building and the facility will be provided to the public.
- There is a meeting on 11/15/16 on next steps in the “Great Streets” effort approved by the voters in 2014 to use the downtown TIF zone to make improvements in the downtown and pubic infrastructure. The first streets to get investment are Main Street and St. Paul Street and ultimately North Winooski. The public is urged to attend the meeting.
- “Small Business Saturday” on 11/26/16 will be announced on November 21st for holiday shopping.
- Happy Thanksgiving to all.

9.0 EXECUTIVE SESSION

9.01 Collective Bargaining

MOTION by Councilor Shannon, SECOND by Councilor Mason, to find that premature discussion of collective bargaining would be adverse to the city’s interests. VOTING: unanimous; motion carried.

MOTION by Councilor Shannon, SECOND by Councilor Mason, based on the finding of premature disclosure placing the city at substantial disadvantage to go into Executive Session to discuss collective bargaining with the City Attorney and to invite the Mayor and members of the Mayor’s staff as designated. VOTING: unanimous; motion carried.

Executive Session was convened at 8:14 PM.

MOTION by Councilor Wright, SECOND by Councilor Roof, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 8:30 PM.

10.0 ADJOURNMENT

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

The meeting was adjourned at 8:31 PM.

RScty: MERiordan