



Regular City Council Meeting - Tuesday, November 13, 2018, 5:45 pm, Contois Auditorium, City Hall 11/13/2018

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

November 13, 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



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Amy Bovee, C/T

Neale Lunderville, CEDO

Chapin Spencer, DPW

Scott Guston, Planning & Zoning

OTHERS PRESENT: Jeremy Farkus

Jeff Glassberg

1.0 CALL TO ORDER and AGENDA

Council President Wright called the meeting to order at 5:55 PM on November 13, 2018 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

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

- **Additional information to Item 5.05 (Fair Market Rent Survey)**
- **Amended action in Item 5.08 (Encumbrance Application, 85 South Prospect)**
- **Add Item 5.19 to Consent Agenda (include city councilors at CommunityStat meetings)**
- **Additional information to Item 6.05 (Termination Easements, Champlain Parkway)**
- **Additional information to Item 6.06 (Compensation Hearing, Champlain Parkway)**
- **Additional information to Item 6.07 (Amicus Curiae Brief Doyle v BPD)**

VOTING: unanimous; motion carried.

2.0 WORK SESSION: City Council Rules and Regulations

Councilor Shannon explained the amendments to the rules are mainly to reflect what is in practice. Draft changes include:

- Committees must submit a plan in writing of the work to do.
- Members of an ad hoc committee are appointed by the Council President.
- Council President sets a time limit for each agenda item and asks the number of councilors who wish to speak in order to manage the time accordingly.
- Priority is given to the public weighing in on an agenda item in Public Forum.
- Public Forum can be recessed to a later time in the meeting, but City Council cannot take action until hearing from all the public who signed up to speak on the item.
- Council President can pass the gavel in order to participate in discussion.
- City Attorney's Office will hold a training session for city councilors on Roberts Rules.
- Language will be included in the rules against any attack or questioning of City Council or a member of city staff or



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a presenter to City Council.

- Speaker must refrain from use of profanity.
- Councilors can vote "nay" on appointments.

Councilor Knodell expressed concern about the rule on the Council President managing time being too prescriptive. Prioritizing people who want to speak to agenda items under Public Forum is not friendly to the public. City Council should hear a pressing issue and not make the public wait until the end of the meeting. Regarding member responsibility the language of not imputing improper motives is preferred. Allowing friendly amendments helps move the meeting along.

Councilor Bushor said the language in Items 4A and 4B on committee assignments should be the same. Also, having a locked-in agenda can cause loss of cohesiveness of an item under debate. Roll call with members attending via telephone needs to be added. Appointments can be placed on the agenda and where meetings are posted should be specified.

Councilor Hartnett expressed concern about the high priority on time which could suffer debate on items. Debate is democracy.

Councilor Mason said the intent of the impunity rule is from a decorum perspective to see if the rule can be expanded. Regarding friendly amendments, City Council should pick a path and get expeditiously to the same place rather than having friendly amendments. Regarding time, it is not prudent to take up new business when it is late and everyone is tired.

Council President Wright spoke against the change in Public Forum that makes people wait to speak. City Council needs to hear from the public and the Council President should have the discretion to let members of the public speak. Council President should also have discretion on the amount of time given to each councilor to speak on a topic. The rules that are in place presently need to be followed.

There was further discussion of managing time at the meeting. Councilor Deane said some structure for time management is needed. Councilor Shannon said the rules are to give the Council President the tools to limit councilor time when necessary. Councilor Pine said the limit on time will avoid councilors pontificating. Councilor Hartnett suggested a 6:30 start time for the meeting and a hard end time of 11 PM. Council President Wright pointed out a 2/3 vote of the Council is needed to suspend the rules and if that is not achieved then that is a hard stop of the meeting.

The work session ended at 6:35 PM. The Charter Change Committee will provide the final rules for City Council action.

3.0 EXECUTIVE SESSION

3.01 CityPlace Update





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Councilor Deane recused himself. Mayor Weinberger noted amendment was made to the agreement with the developer, but the developer has not yet pulled the foundation permit so the project can proceed.

MOTION by Councilor Mason, SECOND by Councilor Knodell, to find that premature public knowledge of attorney/client communications relative to CityPlace would put the city at substantial disadvantage. VOTING: 9 ayes, 2 nays (Councilor Hartnett, Councilor Tracy); motion carried.

MOTION by Councilor Mason, SECOND by Councilor Roof, based on the finding of premature public knowledge of attorney/client communications putting the city at substantial disadvantage to go into Executive Session to hear an update on CityPlace and to invite the Mayor, Mayor's Office staff, CAO, City Attorney, City Attorney's Office staff, DPW Director, CEDO Director, Jeremy Farkus, Jeff Glassberg to attend. VOTING: 9 ayes, 2 nays (Councilor Hartnett, Councilor Tracy); motion carried.

Executive Session was convened at 6:37 PM.

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

Executive Session was adjourned at 7:30 PM. Councilor Deane returned to the meeting.

4.0 PUBLIC FORUM

Public forum was opened at 7:35 PM. There were no comments. Public Forum was closed at 7:36 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: 2017 Bulletproof Vest Partnership Grant (\$9,490.10)
- 5.04 COMMUNICATION: 2018 Bulletproof Vest Partnership Grant (\$6,178.80)
- 5.05 COMMUNICATION: Council Initiative Fund, Fair Market Rent Survey
- 5.06 COMMUNICATION: Office Environments Contract
- 5.07 COMMUNICATION: Shelburne Limestone Contract 10th Amendment





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- 5.08 PERMIT: Encumbrance Application, 85 South Prospect Street
- 5.09 COMMUNICATION: Regional Dispatch
- 5.10 COMMUNICATION: Regional Dispatch Update
- 5.11 COMMUNICATION: 2018 Certificate of Highway Mileage
- 5.12 COMMUNICATION: Resignation, Samantha Tilton
- 5.13 COMMUNICATION: Step Placement, Tyler Bernatchy
- 5.14 COMMUNICATION: Step Placement, Kim Bleakley
- 5.15 COMMUNICATION: Step Placement, Weston Brisco
- 5.16 COMMUNICATION: Master On-Call Agreements
- 5.17 COMMUNICATION: FIO Document(s)
- 5.18 RESOLUTION: Unexpended Wellness Funds Carryover
- 5.19 COMMUNICATION: City Councilors in CommunityStat Meetings

MOTION by Councilor Knodell, SECOND by Councilor Pine, to adopt the Consent Agenda and take the actions indicated for Items 5.01 through 5.19 with correction of the date in Line 13 of the resolution in Item 5.18. VOTING: unanimous; motion carried.

Council President Wright recessed the City Council meeting at 7:37 PM to convene the Full Board of Abatement of Taxes. City Council meeting resumed at 8:33 PM.

6.0 DELIBERATIVE AGENDA

6.01 Public Hearing: ZA18-05 (Article 3 Amendments), ZA18-06 (Article 8 Bike Parking), ZA19-01 (Grocery in E-LM)

The public hearing was opened at 8:34 PM. There were no comments. The public hearing was closed.

6.02 ZA18-05 Article 3 Amendments – Planning & Zoning

MOTION by Councilor Mason, SECOND by Councilor Knodell, to waive the reading and adopt the ordinance. VOTING: unanimous [Councilor Hartnett not present]; motion carried.

6.03 ZA18-06 Article 8 Bike Parking – Planning & Zoning

MOTION by Councilor Mason, SECOND by Councilor Knodell, to waive the reading and adopt the ordinance on updated bike parking standards. VOTING: unanimous [Councilor Hartnett not present]; motion carried.



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6.04 ZA19-01 Grocery in E-LM – Planning & Zoning

MOTION by Councilor Mason, SECOND by Councilor Knodell, to waive the reading and adopt the ordinance that changes the Use Table to permit a grocery store of a certain size. VOTING: unanimous [Councilor Hartnett not present]; motion carried.

6.05 Champlain Parkway Termination of Easements – Board of Finance

MOTION by Councilor Shannon, SECOND by Councilor Paul, to waive the reading and adopt the resolution on the termination of easements relative to the Champlain Parkway.

DISCUSSION:

- **Councilor Shannon said a property owner appealed the acquisition of a property easement. The city does not need the easement because the work will stay in the public right-of-way.**

VOTING: unanimous [Councilor Hartnett not present]; motion carried.

6.06 Champlain Parkway Compensation Hearing – Board of Finance

MOTION by Councilor Shannon, SECOND by Councilor Knodell, to waive the reading and adopt the resolution on the Champlain Parkway Compensation Hearing on December 17, 2018 at 6 PM per the Necessity Order. VOTING: unanimous [Councilor Hartnett not present]; motion carried.

6.07 Amicus Curiae Brief Doyle v BPD

MOTION by Councilor Mason, SECOND by Councilor Knodell, to waive the reading and adopt the resolution on the request to VLCT to submit an Amicus Curiae Brief on Doyle v BPD. VOTING: unanimous [Councilor Hartnett not present]; motion carried.

7.0 COMMITTEE REPORTS

- Councilor Shannon said the Charter Change Committee will discuss the Downtown Improvement District and City Council Rules at the next meeting.
- Councilor Knodell announced the Senior Center Study Committee is meeting and will have a public forum on recommendations.
- Councilor Roof said the Public Safety Committee is meeting on 11/15/18 to discuss homeless camp removals and more public bathrooms in the downtown area.
- Councilor Pine said the CDNR will meet on 11/19/18 to discuss inclusionary zoning. A public hearing is scheduled on 12/11/18.
- Councilor Deane said the License Control Committee will meet on 11/20/18.
- Councilor Mason said the Ordinance Committee will meet on 11/20/18.





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- Councilor Paul said the HR Committee will meet on 11/19/18 to discuss changing the name of "Columbus Day" to "Indigenous Peoples Day" and the 457 Plan.

8.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Roof said the Church Street Marketplace Committee and the Downtown Improvement District Advisory Council will be getting an update on 11/27/18.
- Councilor Roof said there were 2,125 same day registrations on voting day.
- Councilor Pine thanked the voters for support of the Clean Lake and Burlington High School bonds.
- Councilor Mason said the Burlington High School theatre group presented Little Mermaid.
- Councilor Paul spoke of the good voter turnout and the gathering of the interfaith community to help crush hatred and anti-Semitism.
- Councilor Deane said Armistice Day is 11/11/18 to recognize the sacrifice made to secure freedom.

9.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

- The upcoming work session will discuss proposed charter changes.

10.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported:

- The work session on 11/26/18 will cover three key charter changes.
- The ballot outcomes were remarkable in support of the bonds.
- Thanks are extended to city councilors serving on CommunityStat.
- Highlight launce is 11/15/18. The event is the successor to First Night.

11.0 ADJOURNMENT

MOTION by Councilor Roof, SECOND by Councilor Knodell, to adjourn the meeting. VOTING: unanimous [Councilor Hartnett not present]; motion carried.

The meeting was adjourned at 9:05 PM.

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