



Regular City Council Meeting - Monday, October 26, 2015 - 7:00 pm - Contois Auditorium, City Hall 10/26/2015

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

October 26, 2015

DRAFT

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

David Hartnett – North District

Joan Shannon – South District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Karen Paul – Ward 6 [via teleconference]

Tom Ayres – Ward 7

Adam Roof – Ward 8

MEMBERS ABSENT: Selene Colburn – East District

Sara Giannoni – Ward 3

ADMINISTRATION: Miro Weinberger, Mayor

Eileen Blackwood, City Attorney

Richard Haesler, Assistant City Attorney



Regular City Council Meeting - Monday, October 26, 2015 - 7:00 pm - Contois Auditorium, City Hall 10/26/2015

Bob Rusten, CAO

Rich Goodwin, ACAO

Jennifer Kaulius, Mayor's Office

Brian Lowe, Mayor's Office

Amy Bovee, Executive Secretary Clerk/Treasurer Office

Lori Olberg, Clerk/Treasurer Office

Seth Lasker, Fire Chief

Robert Plante, Deputy Fire Chief

Neale Lunderville, BED

David White, Planning & Zoning Director

OTHERS PRESENT:

Dr. Michael Sheeser, Paramedic Program

Spencer Newman, Burlington Electric Commission

John Bossange, Parks Foundation of Burlington

Ron Ruloff, Cathedral Square

Genese Grill, South End Alliance

Olivia Whittamore, Peace & Justice Center

Amu Crosswhite, Peace & Justice Center

Barbara Hedrick, Ward 6

Gregory Curtis, Church Street

Diane Gayer, Ward 6

Ibnar Avilix, Howard Street

Jen Berger, Decatur Street

Maggie Stanley, Ward 3



Regular City Council Meeting - Monday, October 26, 2015 - 7:00 pm - Contois Auditorium, City Hall 10/26/2015

[Note: Minutes reflect the order of the published agenda.]

1.0 CALL TO ORDER and AGENDA

Council President Knodell called the meeting to order at 7:07 PM on October 26, 2015 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Tracy, SECOND by Councilor Bushor, to approve the agenda with the following amendments with regard to the items listed and to take the action indicated:

- **Note correct version of Electric Commission Attendance Record.**
- **Remove Item 5.10 License Agreements for Patio in Right-of-Way Adjacent to 101 Main Street – place on agenda for November 9, 2015 meeting.**
- **Note motion and title change in Item 6.02 Fiscal Stability Bond (FSB) and supplemental documentation: Knodell FSB worksheet (Item 6.02).**
- **Add Councilor Ayres as co-sponsor of resolution for PlanBTV South End Housing in Enterprise Zone (Item 6.05).**

DISCUSSION: Clarification was made that the communication on the fiscal stability bond was already accepted and the recommended action in Item 6.02 pertains to the Knodell memo.

VOTING: unanimous[Councilor Paul not present for vote]; motion carried.

2.0 PRESENTATION: Paramedic Program for Burlington Fire Department

2.01 Fire Chief, Seth Lasker, Deputy Chief, Robert Plante, and Dr. Michael Sheeser re: Paramedic Program for Burlington Fire Department Fire Chief Lasker announced through the collaborative effort of the Administration, Burlington Firefighters Association, UVM Medical Center, and city councilors the paramedic program was established and on November 15, 2015 there will be paramedics with the Fire Department responding to calls. The program will include six paramedics with a goal of nine paramedics so there can be three per shift for 24 hour coverage. Mayor Weinberger added the budget item and collective bargaining contract approved by City Council included the paramedic program.

Fire Chief Lasker was presented the Mayor's Award for Distinguished Service recognizing 27 years of dedicated service on the Burlington Fire Department. Stacey Lasker was also recognized for support of her husband's dedication to the city.

Councilor Bushor asked about the paramedics having access to physicians at the hospital to confirm treatment of patients. Dr. Sheeser briefly explained the communication between the Emergency Room and paramedics on calls, assuring there is



Regular City Council Meeting - Monday, October 26, 2015 - 7:00 pm - Contois Auditorium, City Hall 10/26/2015

real time access to ER doctors.

3.0 REPORTS TO CITY COUNCIL

3.01 Board of Health Six Month Report

No one appeared to give the report. The item was placed on a future agenda.

3.02 Burlington Electric Commission

Spencer Newman, Chairman of Burlington Electric Commission, and Neale Lunderville, BED General Manager, were in attendance. The following was reported:

- BED in FY15 led the way nationally by sourcing 100% of power from renewable generation.
- A 500 kilowatt solar array was installed at the airport and a 124 kilowatt solar array was installed on the BED building on Pine Street.
- BED received the 2015 Award of Excellence from the American Public Power Association.
- The McNeal Plant had a stretch of 93 days of continuous operation.
- Moody's bond rating of BED improved from "stable" to "positive" with potential for high rating.
- BED is celebrating 110 years as a municipal utility.
- Performance measures show BED residential rates to be 6.8% lower than the statewide average. Current rates adjusted for inflation are lower than in 1990.
- BED made \$3.5 million in payments to the city.
- The transition to the new General Manager has gone very well with positive results already apparent.
- Reorganization of the department is an important step to set up BED for the future. The focus is on the next iteration of the integrated resource plan and discussion of reliance on selling Class 1 renewable energy credits which last year delivered over \$10 million back to the utility which helps keep rates stable and fund new projects.

Councilor Bushor asked about time of use rates. Neale Lunderville said the goal is the end of the fiscal year to have the rates in place.

Councilor Tracy asked about using waste heat from the McNeal Plant (i.e. co-generation). Spencer Newman said there is active discussion again on co- generation. The economics are challenging.



Regular City Council Meeting - Monday, October 26, 2015 - 7:00 pm - Contois Auditorium, City Hall 10/26/2015

4.0 PUBLIC FORUM

Public Forum commenced at 7:30 PM.

PUBLIC COMMENTS

Ø Genese Grill, Strong Street, spoke in support of the resolution for PlanBTV South End to remove housing and mentioned that citizens have issues with changing the zoning and the lack of respect for the experts in planning and economic development who advised against changing the zoning in the Enterprise District. Planning in Burlington in the future hopefully will show more respect for local experts and listen to the people.

Ø Olivia Whittamore and Amy Crosswhite, Peace & Justice Center, mentioned the campaign against children working in the cocoa industry under slave-like conditions. People are urged to buy certified fair trade cocoa products only.

Ø Ron Ruloff, Cathedral Square, spoke of the war on drugs and drug crimes in Burlington due to benefits of the system and "slum landlords" profiting from Section 8 vouchers. Mr. Ruloff listed people he knows with drug convictions or overdose incidents, and promised to continue to lecture on the matter.

Ø Gregory Curtis, Church Street, asked the Mayor and City Council to address the homeless panhandlers on side streets (Cherry Street by Rite Aid) and Church Street, especially those who are abusive, physically and verbally. Many are drug addicts and alcoholics

Ø Barbara Hedrick, Ward 6, mentioned six of the nine advisory members on the parking committee are against the plan which will allow four on-street parking permits per dwelling unit. This number of permits will create more parking congestion as larger apartment buildings are built. Neighborhoods will be flooded with people parking there. Ms. Hedrick suggested two on-street parking permits per single family house with a maximum of four for a multi-unit building. Per the residential parking statistics there are 92 miles of residential streets in the city and eight miles have resident permit parking. Six of the eight miles are located around UVM to protect from commuter parking. UVM needs to be encouraged to use park-and-ride programs which are environmentally green.

Ø Diane Gayer, Ward 6, spoke in support of the resolution to remove the housing discussion from the PlanBTV process which recognizes the importance of the Enterprise District. Statistics show the Enterprise District is 25% of the South End and 4% of the city's geographic area with 20% of the jobs and 92% of the city's industrial workforce.

Ø Ibnar Avilix, Howard Street, submitted 240 signatures in support of maintaining current zoning in the Enterprise District. Mr. Avilix mentioned his new job that hopefully will provide enough income to be able to live in the city. Housing should be studied all over the city before deciding to put it in the Enterprise District and the last 4% of the city. Mr. Avilix said he wants to be part of the conversation on the issue.

Ø Jen Berger, Decatur Street, spoke in support of not having housing in the South End plan. Ms. Berger mentioned her past involvement in community organizing and urged City Council to listen to the residents who live in the area and involve the residents.

Ø Maggie Stanley, Ward 3, spoke of the amount of money spent on PlanBTV South End, expressing hope all can work together going forward. Ms. Stanley urged keeping jobs local rather than outsourcing the contract for PlanBTV to a firm in Boston. Ms. Stanley also mentioned a problem with noise from a home business in her residential neighborhood and requested guidance on how to address the matter.



Regular City Council Meeting - Monday, October 26, 2015 - 7:00 pm - Contois Auditorium, City Hall 10/26/2015

Ø Frank Gonzalez, Friends of John Dewey, spoke of the timely writings of John Dewey, philosopher educator, who was born in Burlington, and urged paying teachers adequately what they deserve.

There were no further comments and the Public Forum was closed at 7:56 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: BED - Chittenden Solid Waste District Agreement

5.04 COMMUNICATION: BED - New England Central Railroad Contract
Amendment

5.05 COMMUNICATION: BED – Paymentus Contract Amendment

5.06 COMMUNICATION: Electric Commission Attendance Record (correct
version)

5.07 INFORMATION ONLY: Documents on Land Use, Workshops, Newsletter

5.08 PERMIT (one day): El Gato Cantina, 169 Church Street

5.09 ORDINANCE: Prohibit Parking on Lawns/Yards in Residential
Districts

5.10 RESOLUTION: License Agreements for Patio and Pavers in Right-
of-Way Adjacent to 101 Main Street,
Catamount/Van Ness LLC (Removed from Consent

and Place on

11/9/15 City Council Meeting Agenda)

5.11 RESOLUTION: FY2016 Budget Amendments CEDO Community
and Development Block Grant for Entitlement
Years Dev/PS 2013 & 2014

5.12 RESOLUTION: BPD - Regular Full Time Emergency
Communications Supervisor Position

5.13 RESOLUTION: FY2016 Budget Amendments CEDO Home
Investment Partnership Grant for Entitlement Years

MOTION by Councilor Tracy, SECOND by Councilor Ayres, to accept the consent agenda (Items 5.01-5.13) as previously amended (i.e. note correct version of Item 5.06, remove Item 5.10 and place on 11/9/15 meeting agenda.), waive the reading, accept the communications, take the action(s) indicated and place the item(s) on file. VOTING by roll call: Councilor Bushor – ayes, Councilor Tracy – aye, Councilor Wright – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Ayres – aye, Councilor



Regular City Council Meeting - Monday, October 26, 2015 - 7:00 pm - Contois Auditorium, City Hall 10/26/2015

Roof –aye, Councilor Hartnett – aye, Council President Knodell – carried.

aye, Councilor Shannon – aye; motion

6.0 DELIBERATIVE AGENDA

6.01 Update: Parks Foundation of Burlington

John Bossange, founding member of the Parks Foundation of Burlington, gave a brief history of the initiatives by the Friends of the Bike Path and the Parks Foundation. To date \$713,000 has been raised for projects of which over \$600,000 is dedicated to the bike path. The fund raising goal is \$1 million in one year.

6.02 Report: Annual Stability Bond Proceed Report

Council President Knodell asked Councilor Tracy to facilitate the meeting for this agenda item.

MOTION by Councilor Wright, SECOND by Councilor Ayres, to waive the reading, accept the memo from Council President Knodell on the fiscal stability bond (FSB), and place the information on file.

DISCUSSION: The following was discussed/noted:

- Councilor President Knodell explained the Board of Finance discussed the FSB which was to be on the Deliberative Agenda, but this did not happen. The agenda item is a memo on measuring costs and benefits of the FSB. The City CAO did the same analysis with slightly different results. Overall the bond provides benefits.
- Councilor Bushor stressed the full City Council should be aware of what the bond does and does not do. The CAO memo calculates real savings and speculative savings. The public should be informed of the real savings.
- Council Paul stated the FSB was the first and most important step for marked improvement and renewed hope for the city's financial security. The point and the essence of the bond is to restore fiscal stability. At the time of the vote on the bond city councilors understood the bond was not about saving money in terms of cost of the bond versus the cost of short term borrowing, and were aware that reliance on short term borrowing was hurting the city's credit rating and ability to recover. A long term bond is best in the long term financial interest of the city. The public needs to understand the bond was not about cost, but was about restoring the long term financial stability of the city. Moody's continues to speak to the FSB as a positive. The bond was the right thing to do and the public's confidence in the bond was well placed.
- Councilor Wright pointed out the Board of Finance interest was to make sure the taxpayers understand the details and analysis of the bond.
- Councilor Hartnett stressed City Council needs to support the bond, recalling the financial distress the city was in to the point of not being able to get a line of credit to purchase equipment for Public Works.
- Mayor Weinberger stated the value of avoiding a fiscal crisis was another reason for the bond. The



Regular City Council Meeting - Monday, October 26, 2015 - 7:00 pm - Contois Auditorium, City Hall 10/26/2015

report from the CAO responded to the request by City Council. The report was done twice and the same methodology followed. The methodology in the Knodell memo will be taken under advisement, but additional analysis will not shake what the auditor said, what the bond bank said, and what Moody's said that the FSB was the fundamental element in rebuilding the city's finances.

There were no further comments.

VOTING by roll call: Councilor Bushor – ayes, Councilor Tracy – aye, Councilor Wright – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Ayres – aye, Councilor Roof – aye, Councilor Hartnett – aye, Council President Knodell – aye, Councilor Shannon – aye; motion carried. Councilor

6.03 Resolution: Charter Change to Increase Parks Commission to Seven Members

MOTION by Councilor Wright, SECOND by Councilor Roof, to waive the reading and adopt the resolution to increase the Parks Commission to seven members.

DISCUSSION: Councilor Wright reported the Charter Change Committee voted unanimously in support of increasing the number of members on the Parks Commission to seven. Councilor Bushor confirmed the intent is to have seven members, not up to seven members. There were no further comments.

VOTING by roll call: Councilor Bushor – ayes, Councilor Tracy – aye, Councilor Wright – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Ayres – aye, Councilor Roof – aye, Councilor Hartnett – aye, Council President Knodell – aye, Councilor Shannon – aye; motion carried. Councilor

6.04 Resolution: Charter Change to increase Police Commission to Seven Members

MOTION by Councilor Wright, SECOND by Councilor Roof, to waive the reading and adopt the resolution to increase the Police Commission to seven members.

DISCUSSION: Councilor Wright reported the Charter Change Committee voted two to one in support of increasing the number of members on the Police Commission to seven. Councilor Tracey pointed out this is moving in the direction of the public comments requesting increased oversight of the Police Dept. and review of police activities and the new Police Chief indicated willingness to explore additional opportunities for achieving that oversight. Mayor Weinberger stated City Council is making good on progress called for in the city's diversity and equity plan. By expanding the commissions opportunity is created for diverse representation. There were no further comments.

VOTING by roll call: Councilor Bushor – ayes, Councilor Tracy – aye, Councilor Wright – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Ayres – aye, Councilor Roof – aye, Councilor Hartnett – aye, Council President Knodell – aye, Councilor Shannon – aye; motion carried. Councilor

6.05 Resolution: PlanBTV South End Housing in the Enterprise Zone

MOTION by Councilor Shannon, SECOND by Councilor Mason, to waive the reading and adopt The



Regular City Council Meeting - Monday, October 26, 2015 - 7:00 pm - Contois Auditorium, City Hall 10/26/2015

resolution for PlanBTV South End Housing in the Enterprise Zone.

DISCUSSION: The following comments were made:

Ø Councilor Shannon stated the resolution concerns removing housing in the Enterprise District of the South End. There was tremendous public process, but the three scenarios offered all included housing in the Enterprise Zone so there was not opportunity to weigh in on no housing in the Enterprise Zone. There is not consensus in the South End on housing in the Enterprise Zone, but the issue has become a distraction to the other elements in the plan. Artist housing on Lakeside Avenue by the Innovation Center has been removed. Some area needs to be reserved for jobs and housing has a tendency to take over where it is allowed.

Ø Councilor Mason agreed opposition of housing in the Enterprise Zone has been loud and clear. The conversation needs to happen, but the city is doing a housing action plan and it seems anywhere housing is proposed there is some objection. There were many "recipes" put forth in PlanBTV South End including economic development, preserving arts and affordability, improving and adding open spaces, proactively managing challenges associated with brown fields and brown water.

There were no further comments.

VOTING by roll call: Councilor Bushor – ayes, Councilor Tracy – aye, Councilor Wright – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Ayres – aye, Councilor Roof – aye, Councilor Hartnett – aye, Council President Knodell – aye, Councilor Shannon – aye; motion carried.

6.06 Resolution: Reorganization of Burlington Electric Department (BED)

MOTION by Councilor Bushor, **SECOND** by Councilor Hartnett, to waive the reading and adopt the resolution on reorganization of BED.

DISCUSSION: The following was discussed/noted:

· Neale Lunderville, BED General Manager, gave a brief overview of the transformation of BED with reorganization as one of the pieces. A strategic plan for the future of BED was done that focuses on distributed generation that is customer focused and updated internal processes. Voluntary buyout and restructuring of staff and departments reduced the number of positions to 120 (approximately 10% reduction) and streamlined management. More authority and responsibility was given to the front line employees. The reorganization will produce a stronger organization going forward and save \$1.1 million.

· Councilor Bushor expressed appreciation for the comprehensive packet of information provided to City Council. Council Bushor stated public power is important and BED has laid out a plan for today and in the future.

· Councilor Wright noted rate payers will appreciate the savings that will help stabilize rates going forward for a number of years. Neale Lunderville noted rates have not been increased since 2009. BED has an internal goal of going a decade without raising rates which is achievable with the plan.

· Councilor Tracy expressed appreciation for the bold new vision, keeping communications open, and proactively reaching out. Neale Lunderville gave credit to the decades of strong leadership at BED



Regular City Council Meeting - Monday, October 26, 2015 - 7:00 pm - Contois Auditorium, City Hall 10/26/2015

and the great employee base and management.

Mayor Weinberger stated there was great collaboration in the iterative process which creates the foundation and organization for pursuing exciting change together.

There were no further comment.

VOTING by roll call: Councilor Bushor – ayes, Councilor Tracy – aye, Councilor Wright – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Ayres – aye, Councilor Roof – aye, Councilor Hartnett – aye, Council President Knodell – aye, Councilor Shannon – aye; motion carried. Councilor

6.07 Resolution: Eliminate Assistant Planning Director/Chief Assistant Zoning Administrative Officer, Reclassify two Senior Planner-Development Review Positions, Create one Associate Planner Position

MOTION by Councilor Bushor, SECOND by Councilor Shannon, to waive the reading and adopt the resolution on reorganization of Planning & Zoning.

DISCUSSION: The following was discussed/noted:

David White, Planning & Zoning Director, reported the management structure has been flattened to bolster ability to do long range planning, add expertise, do permit reform, and focus on customer service.

Councilor Bushor observed there will be two principal planners for large projects and one associate planner for smaller projects, and it is good to have one principal planner speaking for the department and the governance of the department.

Councilor Wright asked how the reorganization will help with permit reform. David White stated there will be more consistency in decision making and involvement in the development review process.

Council President Knodell said the Board of Finance voted three to two on the matter. There is expectation the reorganization will help achieve stated goals.

There were no further comments.

VOTING by roll call: Councilor Bushor – ayes, Councilor Tracy – aye, Councilor Wright – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Ayres – aye, Councilor Roof – aye, Councilor Hartnett – aye, Council President Knodell – aye, Councilor Shannon – aye; motion carried. Councilor

6.08 Communication: Update Legal Matters (Executive Session)

[Note: Executive Session was convened pursuant to the following motions after conclusion of the regular meeting. The minutes reflect the order of the published agenda.]

MOTION by Councilor Mason, SECOND by Councilor Ayres, to find that premature disclosure of legal matters would place the city at risk and at substantial disadvantage. VOTING by roll call: Councilor Bushor – ayes, Councilor Tracy – aye, Councilor Wright – aye, Councilor Mason – aye, Councilor Paul – aye,



Regular City Council Meeting - Monday, October 26, 2015 - 7:00 pm - Contois Auditorium, City Hall 10/26/2015

Councilor Ayres – aye, Councilor Roof – aye, Councilor Hartnett – aye,
Councilor Shannon – aye; motion carried.

Council President Knodell – aye,

MOTION by Councilor Mason, SECOND by Councilor Ayres, to go into Executive Session to discuss legal matters where premature public knowledge would place the city at a substantial disadvantage, and to invite the Mayor, Mayor's Office staff, City Attorney(s), and CAO to attend.
VOTING by roll call: Councilor Bushor – ayes, Councilor Tracy – aye, Councilor Wright – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Ayres – aye, Councilor Roof – aye, Councilor Hartnett – aye, Council President Knodell – aye, Councilor Shannon – aye; motion carried.

Executive Session was convened at 9:03 PM.

7.0 COMMITTEE REPORTS

Ø Development Agreement Advisory Council working on the town center project is scheduled to meet November 12, 2015 at 7 PM.

Ø Community Development & Neighborhood Revitalization Committee to meet at the Miller Center in the New North End on November 2, 2015 at 6 PM.

8.0 CITY COUNCIL – GENERAL AFFAIRS

No report given.

9.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

Council President Knodell stated a joint work session with City Council and the Planning Commission will be held to discuss PlanBTV and form based code.

10.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger announced:

- BPD is working on recommendations for enforcement of the vehicle-for-hire ordinance.
- The Administration is monitoring events between Farrington Mobile Home Park and the resident co-op.
- Vermont International Film Festival 30th Anniversary was held at Main Street Landing. All are urged to support the festival celebrating the best films.
- October 28, 2015 is the BTV Ignite Roundtable covering Burlington Tech future to the economy.
- October 28, 2015 is the Vermont Council on Rural Development Vermont Climate Change/Economy Forum.



**Regular City Council Meeting - Monday, October 26, 2015 - 7:00
pm - Contois Auditorium, City Hall
10/26/2015**

11.0 ADJOURNMENT

With no further business and without objection the meeting was adjourned at 9:03 PM.

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