# Regular City Council Meeting - Monday, October 24, 2016, Contois Auditorium, City Hall
# 10/24/2016

*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**

**October 24, 2016**

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

David Hartnett – North District [arrived 7:11 PM]

Selene Colburn, East District

Max Tracy – Ward 2

Sara Giannoni, Ward 3

Kurt Wright – Ward 4

William "Chip" Mason – Ward 5

Karen Paul – Ward 6

Tom Ayres, Ward 7

Adam Roof – Ward 8

**MEMBERS ABSENT**: Joan Shannon – South District

Sharon Foley Bushor – Ward 1

**ADMINISTRATION**: Miro Weinberger, Mayor

Gene Bergman, Assistant 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

Jesse Bridges, Parks & Rec Director

**OTHERS PRESENT**: Peggy O'Neal

Maggie Standley

Marija Valencak

Gail Shampnois

Alex Bunt

David Severs

Marty Majoros

Charlie Baker

Andy Montroll

Nancy Kaplan

John Bossange

Ron Ruloff

Carolyn Bates

Steve Goodkind

Michael Long

Amey Radcliffe

[Note: Minutes reflect order of published agenda.]

## 1.0 CALL TO ORDER and AGENDA

City Council President Jane Knodell called the meeting to order at 7:05 PM and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

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

- **Add Celebrate Burlington Proclamations as Item 1.02 and Appreciation to the City and People of Yaroslavl, Russia as Item 1.03.**

**VOTING: unanimous; motion carried.**

1.02 Celebrate Burlington Proclamations

Council President Knodell mentioned recognizing the 10th year of the Parallel Justice Program in addition to recognizing outstanding individuals who contributed to helping make the city a better place.

*Herb Bloomenthal Award for Community Activism*

Recipient: Peggy O'Neil for her efforts with safe biking and walking and quality education in Burlington schools.

*2016 Community Arts Award for Promoting Arts and Culture*

Recipient: Maggie Standley for promoting arts and culture in the community and spearheading a neighborhood pocket park on Myrtle Street.

*Ken Schatz Award for Dedication to Community Justice*

Recipient: Marija Valencak for her work with the Community Justice Center.

*Peter Clavelle Award for Citizen Leadership*

Recipient: Gail Shampnois for her work on the Legacy Steering Commission and promotion of quality of life in Burlington neighborhoods.

Mayor Weinberger read the proclamation recognizing the award winners.

*Ten Year Anniversary of Parallel Justice Program for Victims of Crime*

Council President Knodell recognized the collaboration that created the Parallel Justice Program including Vermont Center for Crime Victim Services, BPD Chiefs, Lieutenants, and other officers, Parallel Justice Specialists, Community Justice Directors, staff and volunteers, Diane Derby from Sen. Leahy's Office, Parallel Justice commissioners, and the thousands of people served by the program. Mayor Weinberger read the proclamation recognizing the 10 year celebration of the Parallel Justice Program.

1.03 Yaroslavl, Russia Sister City

Alex Bunt, President of the Burlington/Yaroslavl Sister Cities Project, spoke about the recent and very rewarding trip to Yaroslavl by representatives from Burlington through the Sister Cities Program. A gift from Yaroslavl was presented to the City of Burlington and accepted by Mayor Weinberger.

Councilor Roof read a resolution of appreciation to Yaroslavl, Russia for hosting the 2016 delegation from the sister city of Burlington, Vermont. It was noted Burlington is looking forward to hosting Yaroslavl for the next visit. Councilor Giannoni spoke of the importance of continuing the relationship between the two cities.

By unanimous consensus the resolution was adopted.

## 2.0 ANNUAL REPORTS TO CITY COUNCIL

2.01 Chittenden County Regional Planning Commission

Charlie Baker, CCRPC Executive Director, and Andy Montroll, CCRPC Chair, reviewed activities of CCRPC including:

- CCRPC is celebrating 50 years in existence.
- CCRPC leverages municipal funds with state and federal funds to do projects.
- Many projects are being done in the city and the county.
- CCRPC is facilitating a regional dispatch study, regional energy plan, opioid alliance, Building Home Together, water quality technical assistance, Winooski Basin Plan in 2018, transportation project analysis and priority setting.

Andy Montroll noted CCRPC helped Burlington on the North Avenue pilot project, downtown parking study, residential parking study, railyard enterprise, Winooski/Colchester Avenue scoping studies, Burlington walk/bike master plan study, storm water studies, Champlain Parkway study, and Shelburne Street rotary study.

Councilor Colburn requested a report on the progress of the opioid alliance within a year, and asked how the alliance will

work. Charlie Baker said the group has discussed how to work together in a different way because what is being done now is not working.

Councilor Tracy mentioned having density in the urban core prevents sprawl only if there is regional cooperation, and asked CCRPC's role in coordinating development and communities coordinating with one another to realize the prevention of sprawl. Charlie Backer assured that is the goal of the regional plan and the ECOS plan which is a sustainability plan. One of the intents was densifying in the core areas (Burlington, South Burlington, Williston Road, Shelburne Road, Essex Village, Taft Corners). The future land use maps guide the policies. The commitment is there from the municipalities to support "smart growth". All the communities have no plans to extend sewer lines beyond their service area. Andy Montroll added regional cooperation is discussed by the commissioners particularly with housing and jobs and the vitality of the region. Building Homes Together initiative is looking toward what the region needs to do to accommodate the growth projected and how to distribute this fairly throughout the county with a focus on urban centers and consistent with the regional plan. There is an emphasis on having density in the transportation corridors.

Mayor Weinberger stated CCRPC has weighed in on important issues and that is appreciated.

2.02 Parks and Recreation and Waterfront Commission

Nancy Kaplan, Chair, and John Bossange, Vice Chair of the Parks and Recreation Commission, commended Jesse Bridges and staff for all their hard work. Work by the commission includes:

- Completed the parks master plan
- Storm water management by the parks
- Acquisition and completion of the Burlington College land parcel
- St. Joseph School property as a community center
- Rehab of the bike path
- Response to the needs of the community
- Staff goal setting and enrichment
- Continued work on goals

Councilor Colburn spoke in support of reinvigorating and creating new community space in neighborhoods.

Nancy Kaplan said the commission is holding its meetings at different locations in the city to be more accessible to the public.

**3.0 VERBAL REPORT: NOVEMBER 8, 2016 ELECTIONS**

3.01 Elections Update

Amy Bovee, Assistant City Clerk, reported:

- 3,200 general election ballots have been issued and 2,300 local ballots have been issued.
- 1,600 voters have been registered since September 1st.
- There is a significant amount of early voting.
- Staff in the Clerk/Treasurer Office, City Attorney's Office, IT Department have been meeting to ensure all are prepared for the election.
- Staff has worked with the Secretary of State's Office to ensure compliance with election night reporting deadlines and requirements.
- The city was authorized to purchase two new tabulators to make sure equipment is ready for Election Day.
- Poll workers are being recruited from groups that have not been represented in the past.
- There will be a meeting with each Ward to make sure all needs are addressed.
- Early voting has begun with local and general election ballots.
- Deadline to register to vote is November 2nd at 5 PM.
- Same day voter registration will not take effect until next year.

Council President Knodell asked if those who voted before the local ballot was ready should contact the city to get a ballot. Amy Bovee confirmed this.

Councilor Roof asked the difference between absentee ballots that contained only the general election ballot versus both the general and local ballots. Amy Bovee said 900 voters received absentee ballots with only the federal ballot, but some are students who are just voting in the general election and some are overseas voters who are not requesting a local ballot. Bob Rusten said according to the Secretary of State's Office a voter must specifically request the ballots. If an absentee ballot was requested before the local ballot was available the voter can still vote the ballot at the city office or on Election Day. Councilor Roof asked if the city is required to follow the guidance from the Secretary of State. Bob Rusten advised once a request is made for the position of the Secretary of State's Office as to the legal position of the city it is advisable to follow the advice. Information on the ballots will be posted on the city's webpage and newspaper.

Councilor Wright read an email from an individual who used the ballot request form and received only the general election ballot, not the local ballot, and was told by City Hall that the form only covered the general election ballot, but a local ballot will be sent if requested. If this voter had not contacted City Hall they would not have received the local ballot. Councilor Wright stated something is wrong with the procedure. There are huge issues on the local ballot and the outcome potentially could be impacted by people not getting the ballot. It is vital to find a way to send both ballots.

Councilor Mason requested a follow up communication to City Council on the position of the Secretary of State on having to request the general and local ballots. Bob Rusten said voters who come into the office are asked if they want both ballots. Some people are using a form that only specifies the general election ballot. Councilor Mason suggested reaching out to the 900 people to see if they want the local election ballot. Bob Rusten said the Secretary of State advised against sending postcards to those who received only one ballot and not the other to avoid singling out any one group of people in terms of the information. People are being told to contact the city for a ballot. There were 289 overseas people who sent in general ballot requests only. Amy Bovee added there is a federal form that almost all overseas voters complete to request a ballot and can choose all absentee ballots for which they are eligible or just the ballot for the upcoming federal election. Most choose the federal election ballot only. Both federal and local ballots will be sent if requested.

Councilor Ayres stressed it is critically important to receive the information and not disenfranchise close to 700 people on issues that are critically important to the city. It is unfathomable why the Secretary of State would preclude reaching out to voters who may well want the local ballot. Expediting the report to City Council as to the rationale for the Secretary of State's advice would be helpful.

Councilor Hartnett asked about sending a postcard notice. Bob Rusten said the recommendation from the Secretary of State was not to single out any particular group of people. If a group was missed that is an issue. There has been a significant amount of information out to the public that a local election is occurring. Some people who did not get a local ballot are planning to vote on Election Day. Councilor Hartnett urged not accepting the recommendation from the Secretary of State and sending out notices to ask for a local ballot.

Council President Knodell commented the average voter assumes all ballots will be mailed with an absentee ballot and does not expect to make a special request for the local ballot. Amy Bovee said the vast majority of requests come on the city's form and it is very clear there are two elections. Staff confirms the choices with people as well. There have been forms from other campaigns that are confusing so staff follows up with the voters. There is not a quick way to find out who has already been asked about wanting one ballot only.

**MOTION by Councilor Wright, SECOND by Councilor Ayres, that City Council advise the Secretary of State's Office that City Council wants to send ballots out to all Burlington residents who requested absentee ballots and the Secretary of State allow this to be done.**

**DISCUSSION: It was clarified the ballots will be sent to the 631 voters who did not receive the local ballot. The 289 overseas voters specified their request for a federal ballot. Attorney Bergman expressed concern about the motion and advised the Secretary of State does not have the authority to grant the city permission, but can give advice about election law. The city can ask to relook at the advice and make changes to the legislation. Councilor Wright asked if there are any ramifications should the city take action and then inform the Secretary of State that City Council feels this is the proper course of action.**

**VOTING: Prior to the vote the motion was withdrawn based on the concern of legal counsel.**

**MOTION by Councilor Wright, SECOND by Councilor Ayres, to direct the Administration to send ballots out to 631 individuals and inform the Secretary of State's Office that City Council made this directive despite their advice.**

**DISCUSSION: Attorney Bergman advised if a voter is given the form and chooses not to take the local ballot then sending them a notice would not be appropriate and would be beyond the authority of the City Clerk's Office. The law is unclear, but the advice from the Secretary of State is not.**

**VOTING: Prior to the vote the motion was withdrawn.**

City Council took a brief recess and reconvened at 9:18 PM.

**MOTION by Councilor Wright, SECOND by Councilor Hartnett, to direct the Administration to contact any voter who requested an absentee ballot and who did not expressly say they only wanted the federal ballot.**

**DISCUSSION: Council President Knodell said the Administration will make it clear there is an effort to educate voters so everyone understands the opportunities they have. Mayor Weinberger assured staff will work hard to fulfill the intent of the motion. There were no further comments.**

**VOTING: unanimous; motion carried.**

Council President Knodell acknowledged Amy Bovee's work with Curtis Reed on diversifying the election staff. Mayor Weinberger added the elections during Amy Bovee's tenure have run smoothly with an absence of errors. As a result of the discussion on the ballots staff will make sure no one is lost in the gap due to confusion. Staff will see if there are structure changes that can be made in the future to clear up any confusion such as having a specific opt out policy for future elections.

**4.0 PUBLIC FORUM**

The public forum was opened at 7:38 PM.

*COMMENTS*

- Ron Ruloff urged voters to vote against the ordinance change for the form based new building code and the TIF bond issue. Mr. Ruloff said there will not be an interior mall if the town center is redeveloped. The Sinex plan is not well thought out and will fall on the taxpayers who will not see any profit for 20 years which by then the building will be dilapidated if it is even built.
- Carolyn Bates, 20 Carolyn Street in the five sisters neighborhood, urged voters to say "no" to ballot items 3 & 4 because Sinex will still build as tall as present zoning allows and with the same "goodies" in the zoning overlay proposal. When the five sisters neighborhood was built in the 1930s the developer built complete streets and gave them to the city. Eric Farrell who is developing the BC land is building streets and giving them to the city. Ditto for S.D. Ireland on Grove Street. There has been a long term precedent for developers to build streets around their developments and give them to the city. Mr. Sinex will be making a $150 million profit. The city needs $100 million for schools and infrastructure. The city does not need more debt. It makes sense for Sinex to pay for new and improved streets around the town center because the town center will not be viable or easily accessible without them. The city needs the tax money if the town center succeeds to pay down debt. The city should not have to wait 20 years paying off the TIF loan before being able to collect the full tax received. All are urged to vote "no" on the TIF and the two block zoning overlay proposal.
- Steve Goodkind read from the predevelopment agreement about information to be provided, noting there is no mention of the information being redacted. Copies of the agreement are with the information redacted so there is no information at all. Either the developer never provided the information or the city is playing a game to suppress release of the report. Both are unacceptable. The voters should have the information before voting on the TIF. Everyone wants an informed voting public. It is time to release the report.
- Michael Long read a statement about the false assertions by Sinex and the vote to change the zoning. All are urged

to vote "no" on questions 3 & 4 on November 8th.

- Amey Radcliffe said there has been strong promotion by Mayor Weinberger for the BTC project and questioned if this is a misuse of time and information. The zoning ordinance is about the overlay district and maximum buildout of the overlay district, not the Sinex project. It is frustrating to see fear used that the city is doomed if the ordinance is not approved. It is unfair and not right. It is hoped people have a clear understanding when they vote so there is a project the people want and like.

There were no further comments. Public forum was closed at 7:50 PM.

Councilor Wright recognized former Burlington Mayor, Peter Clavelle, who was in attendance.

**5.0 CONSENT AGENDA**

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| 5.01 PROCEDURAL: | Amend/Adopt Consent Agenda and Take Action(s) as Indicated | |
| 5.02 COMMUNICATION: | Accountability List | |
| 5.03 COMMUNICATION: | CBORD Door Access Contract | |
| 5.04 COMMUNICATION: | Preferred Construction, Inc. Contract | |
| 5.05 COMMUNICATION: | FY17 Budget Amendment – Change Account Number | |
| 5.06 COMMUNICATION: | Contracts with Pension Technology Group | |
| 5.07 COMMUNICATION: | Request to Fund Spectrum Youth and Family Services | |
| 5.08 COMMUNICATION: | Regional Program Support for Champlain Senior Center | |
| 5.09 COMMUNICATION: | Request to Fund Community Health Centers of Burlington | |
| 5.10 COMMUNICATION: | Step Placement, Opiate Police Operations Manager Jackie Corbally | |
| 5.11 COMMUNICATION: | Step Placement, Stormwater Program Manager Jenna Calvi | |
| 5.12 COMMUNICATION: | FIO Document(s) | |
| 5.13 RESOLUTION: | MOU with Corix | |
| 5.14 RESOLUTION: | MOU with Generator | |
| 5.15 RESOLUTION: | Appointments of Acting Inspectors of Election, Ward 3, | 4,5,6,7,8 |
| 5.16 RESOLUTION: | Payment of Retroactive Wage Increases to Promoted Employees | |
| 5.17 RESOLUTION: | Create Positions, HVAC Technician, Building and Events | |

Maintenance Worker, and Retitle Facilities Maintenance Worker position

5.18 RESOLUTION: Adopt Revised Personnel Policy Section 12.11 (Work Product Policy)

5.19 RESOLUTION: BED Purchase of VTTransco Oversubscription Units

5.20 RESOLUTION: Amend Personnel Policies, Add to Section 9.5 (Hearing Rights) and Revise Section 6.5.d (replace Sick Bonus with Wellness Bonus)

**MOTION by Councilor Colburn, SECOND by Councilor Wright, to adopt the Consent Agenda Items 5.01 – 5.20 as presented and take the action indicated. VOTING: unanimous; motion carried.**

## 6.0 COMMITTEE REPORTS

- Councilor Giannoni reported the Public Safety Committee will meet 10/27/16 to discuss traffic safety (speed bumps, stop signs, and such).
- Councilor Wright reported the Charter Change Committee has a busy agenda including mayoral veto power, Board of Finance amendments in the budget process, mayor voting on hardship exemptions, and party designation.

## 7.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Colburn reported the Burlington teacher contract has been ratified and approved. Appreciation is extended to the teachers union and school board going back to the table, making concessions, and upholding the collective bargaining process and averting a strike.
- Councilor Colburn also reported PILOT funds are being used to fund a multi-cultural position through Spectrum for the youth case management program for at risk students and for the program connecting students to dental services through the community health centers.
- Councilor Wright agreed there is relief a teacher strike was averted, but there is a problem with a system that goes to the brink of a very divisive action that is very disruptive to families. A change in the system is needed to avoid this position in the future. The current contract is only one year with two months already passed.
- Councilor Wright reminded people to vote and vote in the city election. There are huge issues on the ballot important for the city going forward for decades.

## 8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No report.

## 9.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported:

- The Administration worked with schools to ensure the programs with PILOT funds go forward since the ruling by the state on distribution of the funds ($400,00 was used in school budget relief and the remainder put into the

unassigned fund balance which helped increase the city's credit rating benefiting the schools as well).

- Congratulations to Mike Schirling for BTV Ignite Innovation Week. All events were well attended.
- A meeting was held with bar owners and brewers on the possible increase in the alcohol tax. There will be further discussion after the election on the gross receipts plan.
- A meeting was held with businesses to be impacted by the construction of the mall redevelopment. There will be strong communication between property owners, the developer, and the city to try to minimize impacts to the greatest degree possible. Diane Colangelo, CEDO, set up the meeting.
- Success of the Parks Foundation in securing philanthropic dollars to help implement the city's five year $50 million capital plan is noted.
- Parks & Rec will be hosting a chess tournament.
- There will be a Veterans Day ceremony in Battery Park at the 11th hour of the 11th month in the 11th year.
- There is an extensive list of Halloween events to be happening in the city.

## 10.0 ADJOURNMENT

With no further business and without objection the meeting was adjourned at 9:38 PM.

*RScty: MERiordan*