



Regular City Council Meeting - Monday, October 17, 2016 (begins right after the Local Control Commission Meeting which is set for 7:00 pm), Contois Auditorium, City Hall 10/17/2016

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 17, 2016

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

David Hartnett – North District

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

Tom Ayres, Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Eileen Blackwood, City Attorney

Bob Rusten, CAO

Rich Goodwin, DFO





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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

Chapin Spencer, DPW

Shawn Burke, BPD

Eric Fowler, BPD

OTHERS PRESENT:

Jason Charest, CCRPC

John Slayson, RSG

Ron Ruloff

Jason Van Driesche

Steve Stone

Emily Bodecker

Tom Morley

Karen Rowell

Sandy Wynne

Ann Marie Klein

Fred Einsbrook

Gus Klein

Jim Carrier

JJ Van Dett

Steve Goodkind

Lani Raven

Donna Hayes

Marianne Ward



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[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 7:16 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 additional information in Item 4.01 (North Avenue Resolution).**

VOTING: unanimous; motion carried.

2.0 PUBLIC FORUM

The public forum was opened at 7:30 PM.

COMMENTS

- Ron Ruloff announced he voted against the TIF and all the bonding requests, and spoke of the city not knowing how to spend money and manage and corruption in public financing of a private project. Mr. Ruloff urged voting against the TIF and have the city find another way to increase revenues and change its financial status.
- Jason Van Driesche, Local Motion, thanked the city for the North Avenue pilot which is hitting a matrix of success across the board. More work needs to be done, but the protected bike lanes between the high school and Route 127 can work and are essential for making the city bike-able for a broad range of people.
- Steve Stone spoke against the bike lane project because bicyclists do not obey the rules of the road and do not use hand signals or wear helmets or use lights. Bikers ride in the middle of the road and think cars should go their speed, but North Avenue was made to go 25 or 30 mph. If a driver goes around the biker will yell at them. Someone is going to get hurt and the motorist will pay for it. The bike lanes are a bad idea, especially in winter. Lots of money was spent on the bike path and that will go by the wayside.
- Emily Bodecker, Local Motion, thanked the Mayor, Administration, DPW for the work done so people in the new north end, the city, and those who visit the city will have opportunity to ride, walk, and drive a complete street. There is a 49% reduction in crashes over the entire area and a 44% decrease in crashes in the four lane to three lane conversion. Those who walk/run are up to 81% of new north end residents. Biking is up to 72%. The road can work for everyone at the same time together. Weighing the quantitative data on safety, travel time, benefit to cost, commute times, reduced crashes there is also 60% feeling safer driving, 88% feeling safer walking, and 90% feeling safer biking.
- Tom Morley, new north end resident, spoke in support of a bike path which is safer when biking and has no impact





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on driving. The choice should be to either have a separate bike path or put bikes on the road with cars and bikes will be considered a vehicle.

- Karen Rowell spoke of the conflict of interest with Chapin Spencer being in charge of data analysis because he is biased and kept the survey from the population promised to decide the outcome and is putting a recommendation before City Council that all support except one. The Mayor did robo-calls for the lanes and turned a blind eye to conflict of interest issues. These actions would be illegal if it were not happening in Burlington which has a history of running the government without regard to conflict of interest. The Mayor made false statements on the safety of North Avenue prior to the pilot – a common tactic to invent a problem to fix. The constituency is given the illusion of a choice set up with stacked meetings and manipulated public input results, even trying hard not to let the people vote on the matter. The vote happened and brought out the truth. Now people have to get 2,000 signatures to have another vote. Residents should not have to work this hard to get representation. Delay tactic was used to delay mailing the survey. The voices said to say “no” to the bike lane and have said no twice to the lane. Residents in the new north end pay taxes and ask when they will get representation.
- Sandy Wynne urged everyone to buy only fair trade chocolate to stop the child labor that is used to produce non-fair trade chocolate, and have Burlington lead the way by being a fair trade city.
- Ann Marie Klein spoke against the bike pilot saying riding a bike, running or walking on North Avenue is not an issue and something she has done since childhood. The flow of traffic in the morning with school buses and students has slowed. Now there are more cars on the road and fewer lanes.
- Fred Einsbrook gave positive sentiment on the North Avenue pilot project because biking is better and safety is improved. The city is urged to continue the project and consider expanding it in the future.
- Gus Klein spoke in opposition to the bike pilot project, adding the voters in the new north end voted against the pilot and it is not known what to do to convince City Council that the answer is “no”. There are not that many bikers on North Avenue and the money should be put to use elsewhere. The city has more important issue to be concerned with right now.
- Jim Carrier, journalist, spoke of retro-engineering a livable city with ways to get around that are not auto dependent, adding what is going on in the new north end is “right on the money”.
- J.J. Van Dett, old north end, thanked the city for the pilot project and the bike lanes that is common sense planning and being done all over the country.
- Steve Goodkind, resident, said the consultants economic feasibility study on BTC to determine if the project is viable and if TIF is needed for the project to be viable and what the rents will be has been released, but in a modified form with no numbers, rents, income. City Council has reviewed the numbers in Executive Session, but cannot divulge the information yet the public is being asked by people supporting the project to vote a bond to lend money to the project. The voters are entitled to the numbers and to make their own decision. The redacted report is a poor excuse for TIF funding and it is hoped the voters let that be known to City Council.
- Lani Raven, UVM, spoke of the zoning change on Fletcher Place (ZA#16-12). UVM does not support any changes that will cause the university owned property to be zoned less than the existing institutional use. UVM owns both 34 Fletcher and 50 Fletcher which are surrounded on three sides by land zoned institutional. The property at 50 Fletcher is slated for the zoning change. The property has been in institutional use for many years and the district planned to meet institutional and academic needs with increased flexibility in cooperation with the neighborhood. UVM is asking for the zoning change item to be removed from the Consent Agenda and to reconsider UVM’s rezoning requests for the Trinity campus.
- Donna Hayes, new north end resident, said she uses the bike path because it is not safe to ride a bike on North Avenue. The bike path is beautiful and scenic without cars. There are only three or four bikes a day on North Avenue.
- Marianne Ward read a statement explaining she voted “no” on the TIF as a vote of no confidence in the way the Mayor and City Council are handling the pilot that has been disrespectful to elected members, Wright and Hartnett, and the north end residents who were betrayed on who would have the final vote.

There were no further comments. Public forum was closed at 8:06 PM.



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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: Moran Site Suggestion, Emily Bergquist
- 3.04 COMMUNICATION: Charity Walk, National MS Society
- 3.05 COMMUNICATION: Resignation Shawn Tao, Housing Board of Review
- 3.06 COMMUNICATION: Response to April 25th Resolution, Police Commission
- 3.07 COMMUNICATION: Renew License Agreement Encumbrance Outside CSM
- 3.08 COMMUNICATION: Complaint Permanent Voting City Advisory Board Seats
- 3.09 COMMUNICATION: Step Placement, Engineering Technician Ashley Toof
- 3.10 COMMUNICATION: Step Placement, Excavation Inspector John Sucharzewski
- 3.11 COMMUNICATION: Continuum of Care Planning Grant
- 3.12 COMMUNICATION: Victims of Crime Act Victim Assistance Grant
- 3.13 COMMUNICATION: FIO Document(s)
- 3.14 ORDINANCE: Enforcement Period of Limitations (ZA#16-11)
- 3.15 ORDINANCE: Rezone Fletcher Place to Residential Medium (ZA#16-12)
- 3.16 ORDINANCE: Off Site Parking (ZA#17-01)
- 3.17 ORDINANCE: Daycare and Preschools (ZA#17-02)
- 3.18 ORDINANCE: Withhold Permit (ZA#17-03)
- 3.19 ORDINANCE: Neighborhood Activity Center, Cambrian Rise (ZA#17-04)
- 3.20 RESOLUTION: Temporary Banner Arms and Banners
- 3.21 RESOLUTION: Reclassify Gallery Coordinator and Curatorial Assistant Position
- 3.22 RESOLUTION: Create Full Time BTVStat Analyst Position
- 3.23 RESOLUTION: License Agreement, Sign in City Right-of-Way, Patagonia
- 3.24 RESOLUTION: License Agreement, Table/Chairs in City Right-of-Way, Mawuhi African Market
- 3.25 RESOLUTION: Public Notice Information, Waterfront TIF District





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MOTION by Councilor Colburn, SECOND by Councilor Bushor, to adopt the Consent Agenda Items 3.01 – 3.25 presented and take the action indicated.

DISCUSSION: Councilor Paul and City Council President Knodell recused themselves on Item 3.19 (Neighborhood Activity Center Cambrian Rise). Councilor Bushor explained the Fletcher Place zoning change is on the Consent Agenda as a first reading only. There were no further comments.

VOTING: unanimous; motion carried.

4.0 DELIBERATIVE AGENDA

4.01 Presentation: North Avenue Pilot Project 1st Quarter Update

Chapin Spencer, DPW, Shawn Burks, BPD Deputy Chief, Eric Fowler, BPD Analyst, Jason Charest, CCRPC, and John Slayson, RSG gave a presentation on the background, data highlights, and staff recommendation for the pilot project on North Avenue. The pilot project stemmed from the 2011 Transportation Plan and Complete Streets Act. Adjustments were made to the pilot based on feedback from the public. Data were collected on crashes, intersection operation, travel time. A cost/benefit analysis was done by CCRPC using the data collected to date. All reports are online.

Deputy Chief Burke reported initial crash findings from July 1 through September 30th comparing the years from 2012 to 2016 show North Avenue from Washington Street to Plattsburgh Street had a decrease in crashes in 2016 and in the lane reconfiguration area (four lanes to three lanes) there was a decrease in injuries.

Jason Charest reported morning commute peak time increased on average 15 second to one and a half minutes with the pilot and increased on average 13 seconds to one minute in the evening commute peak time. Wait time to exit a side street on average increased six seconds in the AM and 12 seconds in the PM. Village Green had the greatest impact. More data will be collected with school in session and having the traffic signal fixed. There was no significant change in the speed of vehicles due to the pilot, but there was a slight reduction in motorists exceeding the speed limit. The volume of traffic is consistent indicating people are not avoiding the corridor. The data suggest a slight increase in bikes and pedestrians with more bikes using the road. Cost/benefit analysis based on the data to date show benefits outweigh costs by 1.48%.

Chapin Spencer reported the Police Department said there is no material impact on response time for police by the pilot project. The Fire Department said the conversion turn lane is a help, but there is concern with the protected bike lane during rush hour and getting emergency vehicles through. Regarding the concern by the public about the survey being handled by a third party entity, RSG won the contract and is the third party handling the survey.

John Slayson, RSG, stated his company does surveys across the world. The online survey that was done for the pilot project has provided quality data. Nearly one quarter of the new north end voting age responded. There were over 2,700 respondents with a high percentage of drivers (99.5% of respondents drive at least once a day, 81% drive five times per week). Sixty-seven percent of respondents live in Wards 4 & 7 and 51% of the respondents feel travel times have increased and there are travel delays. Of the new north end respondents 49% are dissatisfied with the four to three lane





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reconfiguration. Overall 45% are satisfied and 6% are neutral/not sure. In spring 2017 there will be further follow on from the survey and other methods to carry out the survey.

Chapin Spencer stated the DPW recommendation is based on the data to date and the cost/benefit result being positive, potential increase in public safety, traffic data being consistent with what was estimated pre-pilot, and the survey not indicating overwhelming opposition. The recommendation is to remove the bike lane bollards and armadillos, monitor intersections to make adjustments to the project as needed, retain lane configuration until June 2017, do a second survey in the spring, identify other potential improvements through winter (i.e. markings, benches/planters, new crosswalks on North Ave.), and report the final recommendation to City Council in June 2017.

Mayor Weinberger said it was important to push ahead and do the survey to collect the data and have an interim report. The hard work by the team working on the project and the responsiveness to make adjustments is recognized. It is hoped the new north end will see that the city is listening and will continue to look to make improvements and adjustments. The attempt was to make North Avenue better for all users. The safety data is the first indication that may have succeeded. The pilot should continue in order to have a greater sample size. A majority of the residents in the new north end voting not to go forward with the pilot was a concern, but it did not make sense to not go forward given the amount of work that had taken place already. It is hoped people go into the process with an open mind. There is indication of a shifting of attitudes.

Councilor Colburn asked why rear-end crashes are up. Deputy Chief Burke said with the configuration having cars traveling in a straight line north or south there is a higher incident of rear-end collisions. Head on collisions due to the turn lane did not increase so it appears motorists can navigate the lanes without issue. Councilor Colburn asked if the results will taper off once people get more familiar with the new configuration. Deputy Chief Burke said this was not studied. Chapin Spencer said injuries and crashes will continue to be monitored through the rest of the pilot. Councilor Colburn asked when the five new crosswalks on North Avenue will be installed. Chapin Spencer said there will be one in the old north end and four in the new north end. The design for two crosswalks in the former four lane section is being advanced based on the decision on the road. It is hoped to install the crosswalks next year.

Councilor Hartnett recalled the update was requested in order to have an exit strategy if the pilot was not working. The pilot is working and should continue until March. The data seem to say North Avenue is not the most dangerous road in the city and it is great to make the road safer, but it is remarkable how safe the road was before the pilot. Councilor Hartnett said he was discouraged with the process and loss of public trust. The results of the survey represents the temperature of the people in the new north end. People are split on the four to three lane configuration so more time is needed. People want the posts and armadillos removed for the protected bike lane. The delay times at the Route 127 intersection does not jive with the data. There are delays longer than what the data are showing so a better way to manage that section of road is needed. The project is a pilot and changes will be made to do what is best for people in the new north end and the rest of the city. It is hoped the process gets better going forward and public trust can be rebuilt and conversation and anger can be controlled to better move forward together.

Councilor Shannon commented on the tremendous amount of information and break out of responses from the new north end. There is not great disparity between opinions of the new north end residents and the rest of the respondents. Some people feel there should not be bikes on North Avenue at all because there is a bike path. It is frustrating there are



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aggressive and irresponsible bicyclists that lead to more conflict than needs to be between cars and bicycles. Bikes having lights makes a big difference. Councilor Shannon asked if the police can enforce this. Deputy Chief Burke said the Police Department is strapped for resources to be proactively dealing with this. There is officer training on the bike laws and enforcement and education is emphasized. Local Motion is invited to the training.

Councilor Bushor stated there are people who use bikes for the rec bike path and those who use bikes as a mode of transportation. Councilor Bushor said she tried to work with UVM to require bike lights, helmets, and enforcement without success, and bikers do not self-regulate. How to deal with bicyclists on the road and regulate compliance with the laws needs to be found. Regarding the survey, more numbers are needed so the results can be conclusive. It appears the pilot has been responsive to comments from the people using the road and it is hoped that has improved the road. Councilor Bushor said she is looking forward to the final survey that is more than just electronic. Councilor Bushor asked if there is any opportunity to improve travel times. Chapin Spencer said signalization, potential modification to the Route 127 intersection, addition of turn lanes are some options. All the area schools start at approximately the same time so there is a 20 minute period where there is a significant amount of traffic on the avenue. Councilor Bushor mentioned without the protected bike lane some people will not share the road which is unfortunate in an older city to not be able to accommodate cars and bicyclists. Chapin Spencer said there are a host of potential options and a variety of delineators, roadway designs, and grade separation. DPW will look at all the options over the coming year.

Councilor Wright asked Chapin Spencer if he recalled working together to recraft the language in the resolution. Chapin Spencer agreed he provided input and guidance and understood the intent of the language, but felt it was not optimal. Councilor Wright read the language agreed to by the Administration and approved by City Council that says if public input from the new north end does not support continuation of the pilot then the four lane configuration will be restored. Councilor Wright asked if the city will abide by the language. Mayor Weinberger assured input from the public is taken very seriously and factors into what is being done including a section of the pilot to be removed. It is hoped the importance of public safety and being responsible for public safety is acknowledged. Councilor Wright mentioned the statement saying that due to the short duration of the survey the results could be statistically insignificant. Deputy Chief Burke said the language is in the memo from Mr. Fowler and in the analysis referring to the small sample size and short duration and not being able to conclude the intervention had an effect on crashes involving injuries. There was only one accident with injury reported in the entirety of the intervention area during the project period 2016. That same incident involved a person on a bike. Councilor Wright said it is good to continue to gather data, but there needs to be acknowledgement of what has been collected so far is statistically insignificant. People are being asked to believe the data and not what they are seeing with their own eyes. An opportunity was missed by not sending out a paper copy of the survey to everyone. This would have provided better confidence in the process. The response by residents of the new north end is not surprising because people have great passion, both pro and con, and that underscores listening to the residents of the new north end because so many of the respondents are from the new north end and that is where the people are impacted by far. The city needs to do what is in the resolution. People like Pat Stone and Richard Young are feeling disenfranchised by the process because they do not have a computer and did not get an equal opportunity to fill out the survey.

Councilor Tracy expressed appreciation for all the work and time put into the pilot, especially when there is the larger issue of the bike/ped master plan. It is hoped to find a better way in the future to address safety needs in the City of Burlington and refrain from attacking members of the city staff. It is baseless and unfortunate to treat hardworking city employees like that. Everyone needs to be respectful in their dialogue and not fall prey to conspiracy theories that are not founded in fact. The entirety of Burlington, not just one neighborhood, needs to be represented. Within each neighborhood there is a wide



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variety of public opinion. The road is used by a lot of people. There has been lots of feedback from the new north end and it would have been good to hear from other places in the city as well. The data say there is a positive feeling with the lane conversion, but not with the protected bike lanes. How to reconcile people saying they feel safer and mode share riders are increasing with people saying they do not like the protected lane piece needs to be understood. Characterizing and addressing the negative feedback to create protection that maintains the feeling of safety, but deals with the concerns from the Fire Department also needs to be understood. John Slayson explained there were a higher number of respondents dissatisfied with the delineation (bollards, armadillos). The use of the bike lanes were not categorized. Looking at people who said they are a bike rider and also a car user (434 respondents) of that number 72% said they feel safer in the pilot configuration. When everyone is aggregated together there is a negative opinion of the delineation. When bicyclists only are considered there might be the perception they feel safer. Chapin Spencer said there are ways to address the areas of dissatisfaction which include the inability to pull over for an emergency vehicles (this was addressed by spacing the delineators), aesthetics (there are other types of protection such as planters with vegetation, dots on the road, and others).

Councilor Ayres said he is heartened by the response to the survey and has confidence in the numbers. Thanks are extended to RSG for the effort in parsing the numbers so there are many parameters in which to make decisions. Thanks to everyone who participated in the process in light of the "slings and arrows" and allegations that this is a biased process and rigged system. The response has been with transparency, dignity, and respect for all points of view. It is hoped everyone can rise above the rancor. Regarding the issue of the language saying the new north end must support the pilot configuration or else the road will be returned to four lanes Councilor Ayres said he regrets having spoken in favor of the language because the language has divided the constituents in the new north end. To suggest any section of the city or the city as a whole can derail a major infrastructure project by referendum is contrary to state law and the city charter which delegates responsibility for public infrastructure project decisions to City Council. Councilor Ayres said he regrets creating the illusion that people in one section of the city have veto power on a decision of the city administration with input from Public Works and City Council. In nine months there will be a written and online survey that will show if the data that has emerged so far suggesting a successful pilot in terms of land reconfiguration is still the case.

Councilor Wright said there was divisiveness on Front Porch Forum about the pilot and it came from all side. There was a gentleman who supported the pilot and called everyone "stupid" who did not agree. New north end residents should be the ones to decide as the language says, and saying something different is what alienates. Councilor Wright asked what was counted as the 'new north end'. John Slayson said the zip code of 05408 was used, but there were also 40 households closer to the Intervale and outside of Wards 4 & 7. American Community Survey and Fact Finder Census Configurations were used to identify the exact population within the Ward 4 & 7 geographic area. Sources of data and demographics are in the appendices of the report.

Council President Knodell expressed thanks for the unbiased and professional work of the entire team and looks forward to a full paper survey in the spring and the day City Council spends an hour and a half talking about safe streets and sidewalks in the old north end.

5.0 COMMITTEE REPORTS

- Councilor Colburn reported the Community Development Neighborhood Revitalization Committee rescheduled





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their meeting to hear the report from the consultant on inclusionary zoning to mid-November.

- Councilor Hartnett reported the Public Safety Committee meeting on October 27, 2016 will cover neighborhood traffic.
- Councilor Hartnett reported the PACC will meet on November 16, 2016 to discuss a smoking ban in city parks. Proposal(s) will be presented to City Council on November 28, 2016.
- Councilor Mason reported the Ordinance Committee will meet on 11/2/16 to consider zoning related amendments.

6.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Roof reported on his visit to Burlington's sister city, Yaroslavl, Russia, and thanked the city government of Yaroslavl for the cultural, music, and art program provided to the visitors. An official resolution will be presented at a future City Council meeting. Burlington will host the sister city in April 2017.
- Councilor Colburn reported on the grand opening of the Transit Center which will be a great addition to public transportation infrastructure in the downtown. Thanks are extended to all for the work.

7.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

Council President Knodell noted prior to the start of the City Council meeting on 10/24/16 will be the Celebrate Burlington event where distinguished community service awards will be announced and presented.

8.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported:

- The transit center opening was a happy day. DPW is recognized for the work on the project. The city needs to make sure the transit center lives up to its full potential to strengthen the transit system. The ballot items on November 8th will provide opportunity to see the transit center serve hundreds of jobs and hundreds of homes with the BTC project.
- The first BTVStat meeting was held and reviewed the performance of HR, Library, and Code Enforcement. An analyst position will be added to the city. It is hoped to have a public dashboard with stats for each department noted and available to the public.
- A new batch of AmeriCorps volunteers was sworn in on October 7, 2016. The volunteers are deployed throughout city government and city nonprofits making the community stronger.
- Ethan Allen Tower Run was a great event. The course went through Ethan Allen Park.
- Innovation Week will host 15 events during the week including BTV Ignite community forum to discuss the future of BED and new innovations, and Ignite Inter-City Jam Award.
- College Street Congregational Church will once again have a steeple as of October 23, 2016.

9.0 ADJOURNMENT

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





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The meeting was adjourned at 9:27 PM.

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