



Regular City Council Meeting - Monday, September 25, 2017, 5:30 pm, Contois Auditorium, City Hall 9/25/2017

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

September 25, 2017

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

Joan Shannon – South District

David Hartnett – North District

Richard Deane – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Moore - Ward 3

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

ADMINISTRATION:

Miro Weinberger, Mayor

Beth Anderson, Interim CAO

Rich Goodwin, DFO

John Vicker, Assessor

Eileen Blackwood, City Attorney

Brian Lowe, Mayor’s Office

Katie Vane, Mayor’s Office

Lori Olberg, C/T Office

Marcy Esbjerg, CEDO



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OTHERS PRESENT: Ralphine O'Rourke
 Jeffrey Small

Alexander Friend
Jim Carrier
Don Schramm
Robin Lloyd
Alan Matson
Brian Pine
Liz Curry
Shay Totten
Eli Pine
Peter Lakowski
Carolyn Bates
Charles Thorpe
Grant Taylor
Jim Lockridge
Greg Eplerwood
Steve Goodkind

1.0 CALL TO ORDER and AGENDA

City Council President Knodell called the meeting to order at 5:36 PM on September 25, 2017 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Roof, SECOND by Councilor Bushor, to approve the agenda with the following amendments:

- **Note easement agreement for Item 4.07 (Little Eagle Bay)**

VOTING: unanimous; motion carried.



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2.0 WORK SESSION: BT Sale Legal Issues

MOTION by Councilor Mason, SECOND by Councilor Deane, to find that premature disclosure of legal advice and financial analysis regarding the sale of BT would place the city at a substantial disadvantage. VOTING: unanimous; motion carried.

MOTION by Councilor Mason, SECOND by Councilor Wright, to go into Executive Session to hear legal advice on the sale of BT and invite the Mayor, Mayor's Office staff, City Attorney, Interim CAO, Ralphine O'Rourke, and Jeffrey Small to attend. VOTING: unanimous; motion carried.

Executive Session was convened at 5:38 PM.

MOTION by Councilor Mason, SECOND by Councilor Bushor, to adjourn Executive Session. VOTING: unanimous; motion carried.

Executive Session and the work session was adjourned at 7:05 PM. The City Council meeting resumed and was recessed at 7:10 PM for the Full Board of Abatement of Taxes meeting and the Local Control Commission meeting. The City Council meeting resumed at 7:25 PM.

3.0 PUBLIC FORUM

Public forum was opened at 7:27 PM.

COMMENTS

- Alexander Friend, Henry Street, said BT is a public utility. The city should ensure local control and majority ownership. BT is not an asset to be traded and sold. It is a public service that was built and paid for and is how people get their news and share information. If BT is sold to a commercial operator nothing prevents BT from being sold to a larger company. City Council working collaboratively with the bidders would be an interesting solution.
- Jim Carrier expressed appreciation for the push back on the nondisclosure statements and not shielding the Mayor. Mr. Carrier said David Provost should resign because he biased the decision by raising questions about only one of the candidates. Mr. Carrier spoke in support of the Keep BT Local bid and against the out-of-town bidders.
- Don Schramm, resident, said the financial risks of keeping BT local are lessened by the co-op advantages of resources like the Vermont community loan fund, member loyalty, resiliency and passion, recession proof, help from other coOps, and customer preference. Because of these advantages there are many Vermont co-ops with great longevity. The people of Burlington want a co-op. The Administration and City Council are urged to find ways to strengthen the management and financing.
- Robin Lloyd announced the treaty signed by 50 nations in the United Nations on the elimination of nuclear weapons. Ms. Lloyd urged Burlington to continue with the Mayors for Peace effort and contact nuclearban.org to urge the President to sign the petition. Ms. Lloyd spoke in support of keeping BT local so there is more access and



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alternative perspectives.

- Alan Matson, Chair of the Keep BT Local Co-op, clarified statements regarding debt and keeping the value in the community. Payment to investors are explicit and when done with payments all value will be owned and stay in the community. Pro formas with conservative assumptions show debt can be serviced and the company can pay off the debt. The total value stays with the community. Regarding the management, the co-op board hires the management and will have employment contracts with existing management.
- Brian Pine said BT is a pivotal piece of Burlington's infrastructure and cautioned that the highest bid is not necessarily the best bid for Burlington. Investor owned companies are beholden to their shareholders and will squeeze wages and benefits for employees, perhaps decrease the workforce, and raise rates for customers to get as much cash as possible out of the entity. Then it will be most profitable to sell when the agreement allows. Debt service ratio for Keep BT Local is healthier than most loans. With regard to net societal benefits (preserve and enhance the local economy and bring value to the customer base) Keep BT Local is the best option and should be kept in the mix.
- Liz Curry spoke in support of Keep BT Local and cautioned against first cost thinking because that does not recognize the total worth of the asset. With private ownership, rates will be increased, monopolies will come in, there will be price wars, and BT will be sold. Data protection is an issue. Resiliency is an important issue.
- Shay Totten said there is public support for Keep BT Local. There were 350 signatures on the petition for local ownership as the #1 criterion, 216 responses to the survey for local ownership as the #1 criterion, and comments made for local ownership at the BTAB hearings. Mr. Totten submitted a petition with 915 signatures in support of Keep BT Local and pointed out that most of the people in the audience are in support of local ownership and want City Council to work with the Co-op to make the bid offer stronger to match what is wanted for the city, BT, and the residents. City Market started with 2,000 members and now has 12,000 members. BT is starting with 7,000 members. Mr. Totten urged people to read "Sustainable Community" (Cypress Villages).
- Eli Pine spoke of the local business community and having a thriving city with hardly any corporate interests. Mr. Pine said if BT goes corporate rates could go higher and that would hurt many in the Burlington community. City Council is urged to think of the impact of selling BT to a corporation.
- Peter Lakowski spoke of publically owned assets being privatized and profit leaving the community. City Council is urged to keep BT local.
- Caroline Bates spoke about the Mayor speaking out on one of the bidders for BT. Ms. Bates mentioned her photography business that needs a strong internet and how BT has made her business functional, stable, and better than most of the competitors. BT is an incredible asset in Burlington. People move to Burlington for a local BT. City Council needs to think long term. If the city works with BT the debt will be paid in full.
- Charles Thorp, native Burlingtonian but resident of Japan for his adult life, described how the postal and banking services when run by the government in Japan were profitable and then were privatized which resulted in services being cut because the money went to shareholders. Mr. Thorp said BT tries to serve the citizens and it would be sad if BT becomes just another for-profit company.
- Grant Taylor, resident, spoke in support of keeping BT locally owned and operated. The local focus of BT is its biggest asset. Internet access should be a locally operated utility. Next best is a cooperative.
- James Lockridge spoke in support of Keep BT Local and spoke of basic structural issues making Burlington city government less fair, less inclusive, less representative than it could be. There is disinterest in these issues on the part of city leadership. The deteriorated model for board and commission appointments should be reconsidered and adjusted. There could be an empowering, modern city government that creates opportunities for citizen engagement. Mr. Lockridge said he has witnessed these opportunities be purposefully restricted by voting before the people. It is important for citizens to feel government hears their concerns about the quality of the democracy. Mr. Lockridge said he will be a champion of democracy in Burlington.
- Greg Eplerwood read a statement in support of a city-citizen partnership of the BT Cooperative. Having ownership and control over vital, modern public infrastructure is a powerful asset to assure long term success against future threats, known and unknown.



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- Steve Goodkind spoke of misinformation, political expediency, and blind faith of supporters, noting it is fair to say the city is not getting what is wanted with the three proposals. There is an option that is not a dead-end – do not sell BT. Keep BT local. There must be a way to buyout the Blue Water deal and own BT.

There were no further comments. Public Forum was closed at 8:08 PM.

4.0 CONSENT AGENDA

- 4.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 4.02 COMMUNICATION: Accountability List
- 4.03 COMMUNICATION: Resignation, Jacob Schumann, Board of Registration of Voters
- 4.04 COMMUNICATION: Assessment of Fair Housing
- 4.05 COMMUNICATION: Allocation of Surplus Funds – Green Mountain Transit
- 4.06 COMMUNICATION: TEUC Committee Goals
- 4.07 RESOLUTION: Little Eagle Bay Easement Agreement

MOTION by Councilor Roof, SECOND by Councilor Moore, to approve the Consent Agenda and take the action indicated for Item 4.01 through Item 4.07.

VOTING: unanimous; motion carried.

5.0 DELIBERATIVE AGENDA

- 5.01 Indoor Entertainment Permit Application 2017-2018: CBD Events, LLC, d/b/a Catering By Dale, 1 College Street (ECHO)

MOTION by Councilor Deane, SECOND by Councilor Roof, to approve the Indoor Entertainment Permit Application 2017-2018 for CBD Events, LLC, d/b/a Catering By Dale, 1 College Street (ECHO) with standard conditions and a complete record check. VOTING: unanimous; motion carried.

- 5.02 Outdoor Entertainment Permit Application 2017-2018: CBD Events, LLC, d/b/a Catering By Dale, 1 College Street (ECHO)

MOTION by Councilor Deane, SECOND by Councilor Roof, to approve the Outdoor Entertainment Permit Application 2017-2018 for CBD Events, LLC, d/b/a Catering By Dale, 1 College Street (ECHO) with standard conditions and a complete record check.

DISCUSSION:

- Councilor Bushor asked if the permit is in conjunction with events at ECHO only. Councilor Deane said the understanding was the permit is specifically associated with events at ECHO. There is no information on other places where the caterer is doing business.



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- **Council President Knodell asked if the permittee is an establishment outside of the events at ECHO. Councilor Deane said he does not know.**

There were no further comments.

VOTING: unanimous; motion carried.

5.03 Public Hearing: Consolidated Annual Performance & Evaluation Report (CAPER)

The public hearing was opened at 8:10 PM. CEDO Assistant Director, Marcy Esbjerg, explained a public hearing must be held on the action plan for spending the grant money the city received (HUD community development block grant and home investment partnership grant). There were no further comments. The public hearing was closed at 8:11 PM.

5.04 Consolidated Annual Performance and Evaluation Report (CAPER)

Councilor Bushor spoke positively on the city internship program and Youth Build mentioned in the report as well as statements on food at senior centers in the community, inclusionary zoning, modifications affecting affordable housing units, and concern for form based code as a catalyst for affordable housing.

Councilor Tracy noted the report calls out for renewed economic development and renewed focus of CEDO to grow good jobs in the region.

Mayor Weinberger thanked CEDO and especially Assistant Director Esbjerg for the attention to detail, documentation, and matching funding with clear evidence of progress.

MOTION by Councilor Bushor, SECOND by Councilor Tracy, to accept the communication and authorize submittal of the 2016 CAPER to the U.S. Department of Housing and Urban Development (HUD). VOTING: unanimous; motion carried.

6.0 COMMITTEE REPORTS

- Councilor Tracy reported the TEUC discussed the plan for implementation of PlanBTV Walk/Bike and on public engagement in the aspects of the implementation process. The document will be refined. Next meeting is tentatively October 17, 2017 at 6:30 PM.
- Councilor Roof reported CDNR met with CEDO on the update to the Housing Action Plan. Next meeting is October 20, 2017 with UVM on the work on collection of addresses.
- Councilor Roof reported the Public Safety Committee discussed risk and hazard mitigation planning. The meetings on the homelessness initiative are October 19, 2017 and November 9, 2017 at 5:30 PM.



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7.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Shannon announced the opening of the City Arts space on Pine Street. Congratulations to Doreen Kraft and the staff for finding the space.
- Councilor Hartnett spoke about the discussion by South Burlington with local selectboards on the regionalization of the airport and the relationship between South Burlington and Burlington which erroneously comes across as the two cities not having a good relationship. The two cities share emergency services, schools, utilities, and fields, and have been good neighbors to each other. Councilor Hartnett said he hopes the airport issue does not create a wedge and looks to the Mayor and the Administration to ensure the relationship stays strong. A joint meeting between the two boards should be held.
- Councilor Bushor announced the consultant is coming to walk around portions of Ward 1 for the neighborhood stabilization initiative on 9/29/17 at 4 PM.
- Councilor Bushor stated public engagement is important. The report to the DPW Commission did not reflect comments from the TEUC.
- Councilor Bushor reported DPW is drowning in traffic calming requests. DPW hired a consultant to help with the process.
- Councilor Dieng thanked the city councilors for helping with his learning curve as a city councilor. Councilor Dieng said he appreciates the rapid response by BPD to questions.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No report.

9.0 MAYOR – GENERAL AFFAIR

Mayor Weinberger reported:

- There is relief the teachers strike ended after two mediation sessions. There is passion on both sides to improve the school district.
- An update was put out on Memorial Auditorium. It is hoped to see a robust public process in the fall and a competitive RFP/RFQ process. The option of continuing a public assembly facility owned and operated by the city will be considered.
- The submission deadline for the city flag redesign is October 15, 2017. Anyone can submit a design.
- There was a milestone in the fight to reverse the opioid epidemic with the new hub in St. Albans and progress in the city in drastically reducing the waiting list. The work will continue.
- The new Burlington City Arts facility is at 405 Pine Street.
- The internship program in the city has grown and improved. Young people are encouraged to join the program and get involved in city operations.

10.0 EXECUTIVE SESSION

MOTION by Councilor Mason, SECOND by Councilor Bushor, to suspend the rules to add an Executive Session to discuss BT to the agenda. VOTING: unanimous; motion carried.



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10.01 Burlington Telecom

MOTION by Councilor Mason, SECOND by Councilor Bushor, to find that premature disclosure of discussion of legal memos and confidential financial analysis of BT would place the city at a substantial disadvantage. VOTING: unanimous; motion carried.

MOTION by Councilor Mason, SECOND by Councilor Bushor, to go into Executive Session to hear legal advice and financial analysis relative to BT and invite the Mayor, Mayor's Office staff, City Attorney, Interim CAO, Ralphine O'Rourke, and Jeffrey Small to attend. VOTING: unanimous; motion carried.

Executive Session was convened at 8:30 PM.

MOTION by Councilor Bushor, SECOND by Councilor Tracy, to adjourn Executive Session. VOTING: unanimous; motion carried.

Executive Session was adjourned at 9:58 PM.

11.0 ADJOURNMENT

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

The meeting was adjourned at 9:58 PM.

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