



Regular City Council Meeting - Monday, September 24, 2018, 7:00 pm, Contois Auditorium, City Hall 9/24/2018

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

September 24, 2018

MEMBERS PRESENT: Kurt Wright (Council President) – Ward 4

Jane Knodell – Central District [via telephone at 8:55 PM to

10:03 PM]

David Hartnett – North District [left at 10:36 PM]

Joan Shannon – South District

Richard Deane – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Brian Pine – Ward 3

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Beth Anderson, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Jordan Redell, Mayor’s Office

Olivia LaVecchia, Mayor’s Office

Lori Olberg, C/T





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Amy Bovee, C/T

Neale Lunderville, CEDO

Marcy Esbjerg, CEDO

Chapin Spencer, DPW

Megan Moir, DPW

Yaw Obeng, BSD

Clare Wool, BSD

OTHERS PRESENT: Kate Stein

Albert Petrarca

Dave Maher

Karen Ruben

Laurie Fisher

Charles Messing

Shelly Waterman

Allison Segal

Casey Sears

Diane Mueller

Ann Taylor

Charlotte Dennett

1.0 CALL TO ORDER and AGENDA

Council President Wright called the meeting to order at 7:03 PM on September 24, 2018 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

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

- **Note final version of Item 4.41 (BTVStat Update)**
- **Note information for Item 4.50 (Lake Champlain Byway Corridor Management Plan)**
- **Note information for Item 4.55 (Quitclaim, YMCA)**





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- **Note information for Item 5.03 (Debt Policy)**
- **Note information for Item 5.05 (BHS Bonds)**
- **Add Item 5.06 (MOU for BHS ReEnvisioning Project)**

VOTING: unanimous; motion carried.

2.0 EXECUTIVE SESSION

2.01 Collective Bargaining Update

MOTION by Councilor Mason, SECOND by Councilor Roof, to find that premature public disclosure of collective bargaining negotiations would place the city at a substantial disadvantage. VOTING: unanimous; motion carried.

MOTION by Councilor Mason, SECOND by Councilor Roof, based on the finding of premature public disclosure of collective bargaining negotiations placing the city at a disadvantage to go into Executive Session to hear an update from the City Attorney and to invite the Mayor, Mayor's Office, CAO, City Attorney's Office. VOTING: unanimous; motion carried.

Executive Session was convened at 7:07 PM.

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

Executive Session was adjourned and the regular meeting reconvened at 7:26 PM.

3.0 PUBLIC FORUM

Public forum was opened at 7:30 PM.

COMMENTS

- Kate Stein spoke of the lack of accessibility at Burlington High School and urged support of a school without physical barriers.
- Albert Petrarca spoke of the Abnaki finding the mural offensive and City Council needing to decide on supporting the offensive artwork for another four years.
- Dave Maher spoke in support of the \$30 million bond for the waste water treatment plant, noting the odor from the treatment plant by Perkins Pier detracts from the restaurants and waterfront.
- Karen Ruben urged support of the high school bond being on the November ballot.
- Laurie Fisher spoke in favor of the storm water and waste water utility bonds and urged investing in the future of the region and the lake.



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- Charles Messing suggested having many compostable toilets in City Hall Park and finding homes for the homeless.
- Shelly Waterman spoke of the lack of accessibility at Burlington High School and urged putting the school bond on the ballot in November.
- Allison Segal spoke in support of removal of the mural because it is offensive and needs to disappear.
- Casey Sears spoke of discrimination of the homeless in the state.
- Diane Mueller spoke in support of removing the mural.
- Ann Taylor spoke in support of the \$30 million waste water and storm water bond, and keeping the trees in City Hall Park.
- Charlotte Dennett spoke in support of removing the mural and installing a "Museum of Shame".

There were no further comments. Public Forum was closed at 8:04 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: Minutes, Board of Finance, 3/12/18
- 4.04 COMMUNICATION: Minutes, Board of Finance, 3/26/18
- 4.05 COMMUNICATION: Minutes, Board of Finance, 4/16/18
- 4.06 COMMUNICATION: Minutes, Board of Finance, 4/9/18
- 4.07 COMMUNICATION: Minutes, Board of Finance, 4/30/18
- 4.08 COMMUNICATION: Minutes, Board of Finance, 5/7/18
- 4.09 COMMUNICATION: Minutes, Board of Finance, 6/4/18
- 4.10 COMMUNICATION: Minutes, Board of Finance, 6/18/18
- 4.11 COMMUNICATION: Minutes, Board of Finance, 6/25/18
- 4.12 COMMUNICATION: Minutes, Local Control, 4/16/18
- 4.13 COMMUNICATION: Minutes, City Council, 4/16/18
- 4.14 COMMUNICATION: Minutes, Mayor Presiding, 4/30/18
- 4.15 COMMUNICATION: Minutes, Local Control, 4/30/18
- 4.16 COMMUNICATION: Minutes, City Council, 4/30/18
- 4.17 COMMUNICATION: Minutes, Full Board of Abatement, 5/14/18
- 4.18 COMMUNICATION: Minutes, Local Control, 5/14/18
- 4.19 COMMUNICATION: Minutes, Mayor Presiding, 5/14/18





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- 4.20 COMMUNICATION: Minutes, City Council, 5/14/18
- 4.21 COMMUNICATION: Minutes, City Council, 5/21/18
- 4.22 COMMUNICATION: Minutes, City Council, 6/4/18
- 4.23 COMMUNICATION: Minutes, Mayor Presiding, 6/4/18
- 4.24 COMMUNICATION: Minutes, City Council Work Session, 6/4/18
- 4.25 COMMUNICATION: Minutes, Local Control, 6/18/18
- 4.26 COMMUNICATION: Minutes, City Council, 6/18/18
- 4.27 COMMUNICATION: Minutes, Mayor Presiding, 6/25/18
- 4.28 COMMUNICATION: Minutes, City Council, 6/25/18
- 4.29 COMMUNICATION: Minutes, City Council Work Session, 7/16/18
- 4.30 COMMUNICATION: Minutes, City Council, 7/16/18
- 4.31 COMMUNICATION: Minutes, Local Control, 7/16/18
- 4.32 COMMUNICATION: Minutes, Mayor Presiding, 7/16/18
- 4.33 COMMUNICATION: Minutes, City Council, 8/13/18
- 4.34 COMMUNICATION: Minutes, City Council Work Session, 8/13/18
- 4.35 COMMUNICATION: Minutes, Local Control, 8/13/18
- 4.36 COMMUNICATION: Minutes, Board of Civil Authority, 8/13/18
- 4.37 COMMUNICATION: AmeriCorps Grant Agreement
- 4.38 COMMUNICATION: Step Placement – Carolyn Felix
- 4.39 COMMUNICATION: Step Placement – Olivia LaVecchia
- 4.40 COMMUNICATION: Radio Fire Alarm Equipment
- 4.41 COMMUNICATION: BTVStat Update
- 4.42 COMMUNICATION: Airport Emergency Runway Repair
- 4.43 COMMUNICATION: Airport Aviatron Building Roof
- 4.44 ANNUAL REPORT: Vehicle for Hire Licensing Board
- 4.45 PERMIT (2 days): Oktoberfest, Waterfront Park, 9/21/18 & 9/22/18
- 4.46 COMMUNICATION: FIO Document(s)
- 4.47 ORDINANCE: ZA#19-01 (Grocery Stores)





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- 4.48 ORDINANCE: ZA#19-02 (Residential Density)
- 4.49 ORDINANCE: ZA#19-03 (Parking Amendments)
- 4.50 RESOLUTION: Lake Champlain Byway Corridor Management Plan
- 4.51 RESOLUTION: VHB Agreement, Storm Water
- 4.52 RESOLUTION: School Building Bonds
- 4.53 RESOLUTION: Quitclaim, 50 Barley Road
- 4.54 RESOLUTION: Quitclaim, 2035 North Avenue
- 4.55 RESOLUTION: Quitclaim, YMCA

MOTION by Councilor Bushor, SECOND by Councilor Deane, to adopt the Consent Agenda and take the action indicated for Item 4.01 through Item 4.55. VOTING: unanimous; motion carried.

5.0 DELIBERATIVE AGENDA

5.01 Presentation: Consolidated Annual Performance and Evaluation Report (CAPER)

CEDO Director Lunderville and Assistant CEDO Director Esbjerg presented the CAPER noting the following:

- The housing goal of increasing availability and access to housing was met.
- The goal of increased economic opportunity was met or exceeded.
- Opportunity gap needs to be addressed.
- There is sustainability of opportunity and investment.

Councilor Bushor mentioned addressing the homeless and addiction issues. Assistant CEDO Director Esbjerg said year round low barrier shelters are advocated. The city needs to learn how to better use funding resources.

Councilor Deane asked about next steps. Assistant CEDO Director Esbjerg said the five year plan and assessment of fair housing is the plan.

Councilor Pine asked about continuum of care and rental assistance. Assistant CEDO Director Esbjerg said \$1.2 million has been used and \$50,000 to expand coordinated entry. CEDO is working hard to make sure all rental assistance is used.

Councilor Dieng asked about the percentage of students renting houses in the city. Assistant CEDO Director Esbjerg said every community has its housing issues (i.e. snowbirds, students)





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5.02 Public Hearing: CAPER

The public hearing was opened at 8:37 PM. There were no comments. The public hearing was closed.

MOTION by Councilor Pine, SECOND by Councilor Bushor, to accept the communication and authorize the Assistant CEDO Director to submit the 2017 CAPER to the U.S. Department of Housing and Urban Development (HUD).
VOTING: unanimous; motion carried.

5.03 Debt Policy

Mayor Weinberger said the debt policy provides guidelines on the amount and nature of debt the city can carry. Standards in the policy include city debt and maintaining an "AA" rating standard, and overlapping debt between the city and school and maintaining an "A" rating standard. Projections may be updated and revisions made to the document.

MOTION by Councilor Paul, SECOND by Councilor Bushor, to accept the debt policy as presented.

DISCUSSION:

- Councilor Paul noted debt when well managed is a prudent investment in the future and provides a road map to sustaining the city's financial position and ability to provide outstanding services. The policy recognizes the city and school working together.
- Councilor Hartnett asked about cost of borrowing with an "AA" rating versus an "A" rating. CAO Anderson explained for each \$1 million with an "AA" rating the city saves \$18,000 per year. Downgrade to an "A" rating will cost an extra \$8,000 per year.
- Councilor Bushor said the policy will serve the future of the city and school district well.
- Councilor Deane acknowledged the collaborative work that was done to create the policy.
- Councilor Shannon echoed acknowledgement of work that was done on the policy and the framework that the policy provides.
- Councilor Dieng stated the next step is the city and school district finding ways to work together better.
- Mayor Weinberger pointed out the charts show the impact on the taxpayer of new debt allowed by the policy.

VOTING: unanimous; motion carried.

5.04 Issuance of Bonds for Burlington High School

MOTION by Councilor Pine, SECOND by Councilor Hartnett, to waive the reading and adopt the resolution on issuing bonds for Burlington High School renovation.

DISCUSSION:

- Councilor Pine read a statement emphasizing the importance of the high school for the community and a quality environment being key to a quality education.





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- Councilor Hartnett gave credit to the public for pushing the school issue with City Council. Public education, public schools, public buildings define Burlington. The high school building is crumbling and not accessible. The investment in the high school is a huge statement.
- Councilor Shannon said there is concern about taxes. The public has many questions that need answers before the bond will be supported. It is time to make the investment in the school.
- Councilor Mason expressed concern about the lack of public outreach, the cost, and the impact on the city's credit rating. Work on the debt policy and the MOU is a path forward.
- Councilor Deane said the project is needed for learning space, accessibility, heating and fire safety. The project delivers the most value for the dollar.
- Councilor Tracy said the existing school security is unacceptable. There are fire and safety issues with the physical plant. The bond should be accepted.
- Councilor Bushor spoke in support of the \$70 million investment in the high school to address long standing deficiencies. The public is urged to support the bond.
- Councilor Dieng said there is much work to do to convince the voters to support the bond. Fund raising should also be done.
- Councilor Roof spoke in support of the bond.
- Councilor Paul acknowledged the hard work by the School Board and Administration on the bond. The need is known by all.
- Mayor Weinberger said the plan addresses deficiencies and makes for a 21st Century education.
- Councilor Pine read the ballot language for the \$70 million bond for capital improvements at the high school.
- Council President Wright thanked the city and school administrations and the School Board for the hard work that was done. Major renovation is needed at the high school. It would be better to have the bond vote in March though.

VOTING (by roll call): Councilor Bushor – aye, Councilor Deane – aye, Councilor Dieng – aye, Councilor Hartnett – aye, Councilor Knodell – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – aye, Council President Wright – nay (11 ayes, one nay); motion carried.

5.05 Issuance of Revenue Bonds for Waste Water and Storm Water Utility Projects

MOTION by Councilor Bushor, SECOND by Councilor Deane, to waive the reading and adopt the resolution in support of the issuance of revenue bonds for waste water and storm water utility projects.

DISCUSSION:

- Councilor Bushor stated the \$30 million in revenue bonds is for improvements to the waste water and storm water system and investment in the health of the lake and city. Ratepayers will pay back the bond. City Council will be looking at the fee structure to be more affordable for small users.
- Councilor Dieng asked about the rate and the number of customers, stating that the plan is not well vetted and needs more time to study. Assistant DPW Director Moir said the rate will increase an average of \$5.36 and there are 10,000 customers. One cent on the rate raises \$13,000. DPW Director Spencer noted information on capital needs was presented during the budget process and after the storm incidents. There will also be a public town hall to present information.
- Councilor Pine emphasized taxpayers and ratepayers are different.
- Councilor Hartnett said the project has been fast tracked and done well. The rewards of the project are fewer





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beach closings and a cleaner lake. The plan has been in the works, but accelerated due to the storm incidents over the summer.

- Councilor Mason recalled City Council saw a waste water proposal. DPW Director Spencer added the information is on BoardDocs and the webpage.
- Councilor Shannon pointed out there are line items for the \$30 million bonds. The information was thorough. The highest priority for residents is to minimize pollution in the lake and control odors. Assist DPW Director Moir said the chemicals used at the treatment plant can be revamped to better mask odors. Covering the holding tanks is the long term plan.
- Mayor Weinberger said the project will fulfill the city's responsibility to protect the lake and be a better steward.

VOTING (by roll call): Councilor Bushor – aye, Councilor Deane – aye, Councilor Dieng – nay, Councilor Hartnett – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – aye, Council President Wright – aye (10 ayes, one nay)[Councilor Knodell not present for vote]; motion carried.

5.06 MOU for Burlington High School Project

MOTION by Councilor Paul, SECOND by Councilor Pine, to approve and authorize the Mayor to execute the MOU for the Burlington High School project.

DISCUSSION:

- Mayor Weinberger said the MOU lays out how the school district and city will work together and how the project will be managed and the role of the Board of Finance. This will be a multi-year project. Municipal bonding and school district bonding is outlined in the city charter.
- School Superintendent Obeng and School Board Chair Wool said the School Board voted unanimously in support of the MOU. The level of cooperation between the school district and city has been outstanding.

VOTING: unanimous; motion carried.

5.07 Termination of Condition from 12/5/28 Quitclaim Deed to YMCA

MOTION by Councilor Roof, SECOND by Councilor Shannon, to waive the reading and adopt the resolution on the termination and release of the condition contained in the 12/5/28 quitclaim deed to the Young Men's Christian Association (YMCA).

DISCUSSION:

- Councilor Bushor spoke against the resolution due to the stipulation on the free public reading room. City Attorney Blackwood said the stipulation will likely go away.

VOTING: 10 ayes, one nay (Councilor Bushor)[Councilor Knodell not present for vote]; motion carried.

6.0 COMMITTEE REPORTS





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- Councilor Hartnett reported the PACC is meeting 10/3/18 to discuss First Night and the role of City Arts.

7.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Bushor said there is still work to be done to make pedestrian crossings safer.
- Councilor Hartnett expressed condolences to "Fibber", the 81 year old Vietnam veteran who passed away in a homeless camp at Leddy Park. Fibber cared and gave to many. RIP.

MOTION by Councilor Mason, SECOND by Councilor Roof, to suspend the rules to complete the agenda. VOTING: unanimous; motion carried. The rules were suspended at 10:34 PM.

- Councilor Pine said residents would like to know the cost of the planters on some city streets. Also, a person applying for a job with the city had difficulty with the online application.
- Councilor Roof expressed condolences for "Captain", the young boxer who died tragically after a recent fight. City Council is urged to read the letter from the Vehicle for Hire Board (\$147,000 has been received from the \$.25 per ride fee paid to the city by taxi services). Councilor Roof will represent the city during a visit to Burlington's sister city in Russia.
- Councilor Dieng reported Bernie Sanders was at a recent town hall meeting, and Councilors Dieng and Pine will attend the summit on 10/1/18.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

- Downtown Improvement District (DID) work session will be held at 5:45 PM prior to the start of the next City Council meeting.
- Two public hearings will be held on the Burlington Telecom sale.

9.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported:

- The Art Hop in the south end was a success.
- Olivia LaVecchia is the new communications person in the Mayor's Office.
- Water quality town hall is scheduled on 9/27/18.
- Airport received a credit rating upgrade from Moody's. Enplanements are up.
- Planters in the street are a low cost intervention for pedestrian and bike safety.

10.0 ADJOURNMENT

MOTION by Councilor Pine, SECOND by Councilor Bushor, to adjourn the meeting. VOTING: unanimous [Councilors Knodell and Hartnett not present for vote]; motion carried.

The meeting was adjourned at 10:48 PM.





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