



Regular City Council Meeting - Tuesday, September 8, 2015 - begins after the Local Control Commission Meeting adjourns - Contois Auditorium, City Hall 9/8/2015

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

September 8, 2015

DRAFT

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

Selene Colburn – East District

Joan Shannon – South District

David Hartnett – North District [arrived 7:13 PM]

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
Richard Haesler, Assistant City Attorney
Rich Goodwin, ACAO
Brian Lowe, Chief of Staff



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Jen Kaulius, Mayor's Office

Lori Olberg, Licensing, Voting & Records Coordinator

Chapin Spencer, Public Works Director

Norm Baldwin, Public Works

Martin Lee, Public Works

Gene Richards, Aviation Director

Peter Owens, CEDO Director

OTHERS PRESENT:

Mark Naud, Lake Champlain Community Sailing Center

Ken Braverman, Braverman & Associates

Jeff Munger, Airport Commission

Jeff Wick, Retirement Board

Tony Reddington, North Winooski Ave.

Jay Vos, Conger Ave.

Ron Ruloff, Cathedral Square

Muffie Milens, Claire Point Road

Marcel Beaudin, South Beach Road

Barbara Hedrick, South Prospect Street

Jim Turnbough, Birchcliff Parkway

John St. Francis, Cherry Street

Maya Urbanowicz, Howard Street

Grace Meyer, Cherry Street

Marc Heinzer, South Willard Street

Caryn Long, Henry Street

Stephanie Field, River Road, Essex Junction

Bob McGowan, Alder Lane

Thomas Hyde, Deforest Road

Amanda Hannaford, Church Street



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Sheila Pijanowski, Alder Lane

Matt Wilson, Zero Gravity, Pine Street

Regina Brault, Cherry Lane

[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 7:10 PM on September 8, 2015 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

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

- **Remove Item 2.02: Conservation Board Annual Report - place on October 13, 2015 City Council agenda.**
- **Amend action on Item 4.09 Communication: Ron Ruloff - PF 7/13/15.**
- **Remove Item 4.34 Communication: City Council Minutes 8/10/15 - place on September 21, 2015 City Council agenda.**
- **Note in Item 4.39 Special Indoor Entertainment Permit Application: El Gato Cantina – drinks served until 12:45 AM.**
- **Note in Item 5.03 Resolution: Lake Champlain Community Sailing Center Development Agreement and Ground Lease – amendment to Section D.5, Page 6.**
- **Remove Item 4.06 Resolution: Pine St./Lakeside Ave. Intersection – place on Deliberative Agenda as Item 5.05.**
- **Note in Item 5.06 – title change and written communication.**
- **Note in Item 5.07 Resolution: Drug Trafficking – note substitute resolution, Mayor’s communication, proposed amendments to resolution.**
- **Remove Item 4.10 Communication: Burlington Telecom MOU – place on Deliberative Agenda as Item 5.08.**

DISCUSSION: President Knodell noted the August 10, 2015 City Council minutes were missing the motions for two Executive Sessions that were held. The minutes will be added to the next meeting agenda for



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approval.

VOTING: unanimous; motion carried.

2.0 ANNUAL REPORTS

2.01 Airport Commission

Jeff Munger, Chairman of the Airport Commission, publicly praised Gene Richards, Director of Aviation at Burlington Airport, as the hardest working man in the airline business and the airport staff as remarkable, high energy, professional, and invigorating. Rich Goodwin, City of Burlington ACAO, was also recognized for the assistance provided with airport finances. The effort has resulted in a remarkable year with Moody's raising the credit rating, the reserve funds being full, and adding a CPA to the airport staff.

Gene Richards, Director of Aviation at Burlington Airport, highlighted some of the accomplishments by airport staff including:

- Achieving high load factors.
- Dealing with significant cancellations (20,000 seats over the year) and helping passengers find alternate ways to their destination.
- Adding new air service to Burlington (Charlotte, Atlanta).
- Moving the airport administration office to new space that allows open offices for better staff interaction while working to provide the best service possible at the airport.
- New initiatives in marketing.
- Meeting with the airlines personally.
- Affirming the partnership with FAA.

Councilors asked about the following:

- Changes in passenger seats impacting the Moody's rating - Gene Richards explained with the Charlotte service and mainline service with United seat numbers are up for August. The numbers are tracking well. Weather is always an issue (cancellations). Moody's compares passenger boardings at Burlington Airport to similar airports and looks at the financial health of the airport.
- House removal project by the airport and the neighborhood association - Gene Richards said there are eight houses remaining to be removed in the noise program. The project has progressed well with only two people expressing concern. Work continues with the Chamberlin Neighborhood Committee with patience and to make the best of the opportunity. A new noise map is forthcoming. City Council will be kept informed.
- Canadian exchange rate and air service at Plattsburgh Airport impacting passenger numbers - Gene Richards said Canadian traffic is down 13%. Burlington Airport is actively advertising in Canada. Burlington Airport is an option for



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Canadians, but not if the cost is more. Plattsburgh Airport deals with a different type of air service (similar to Allegiant service at Burlington) so there is no real competition between the airports. Burlington will continue to seek affordable airfares and provide quality service.

City councilors recognized the excellent work by Gene Richards and his staff at the airport. Mayor Weinberger spoke of the positive role the Airport Commission has played in progress at the airport.

2.02 Conservation Board

The report from the Conservation Board will be heard at the 10/13/15 City Council meeting.

2.03 Retirement Board

Jeff Wick, Chair of the Retirement Board, gave an overview of the retirement fund noting the following:

- The retirement fund is a defined benefit plan.
- There are 600 people receiving benefits and 385 people with vested benefits who no longer work for the city and are not yet at retirement age.
- The cost to the city and working city employees is \$942,000 per month. The city portion varies each year based on actuary results. The city pays the fund \$8-\$9 million per year presently which is 19% of the payroll and is projected to contribute \$9 million per year for the next three years.
- The Retirement Board makes investment decisions and determines eligibility for disability benefits. The Board does not set the level of benefits.
- The city has \$144 million in assets and \$207 in future commitments so there is a gap of \$64 million in unfunded liability.
- Ninety percent (90%) of the money is with the Vermont Pension Committee. The city's investment consultant advised VPC is performing in the bottom 10% so the Board may remove the money and manage the funds. The allocation between stocks and bonds is 60/40.

The following was mentioned/discussed:

- Rate of return after removing money from VPC and investing – Jeff Wick said the Board sets the assumed rate of return which historically has been 8% on average each year, but this has not been achieved and the unfunded liability has grown as a result. The 8% figure may be too high though the actuary feels the number is reasonable. The Board will revisit the issue.
- Lowering the rate of return and the commitment by the Retirement Task Force to keep taxpayer contribution as a flat constant, and if not, then the employee, not the taxpayer, should absorb the cost – Jeff Wick said the Board will continue to monitor the numbers and set a rate of return that can be achieved.



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3.0 PUBLIC FORUM

Public Forum commenced at 7:30 PM.

PUBLIC COMMENTS

Ø Tony Reddington, North Winooski Avenue, spoke in support of doing a feasibility study for a roundabout at the intersection of Pine Street/Lakeside Avenue in order to have the choice of either a roundabout or the proposed intersection improvements. Mr. Reddington mentioned the positive safety record with roundabouts and that the Walk/Bike Council proposed and recommended a roundabout at the intersection. The AARP study was also in support of roundabouts.

Ø Jay Vos, Conger Avenue, spoke in support of a traffic light for the Pine Street/Lakeside Avenue intersection and urged City Council to support the proposal.

Ø Ron Ruloff, Cathedral Square, spoke about the city being financed with pensions that will not be paid, alternatives to the property tax to fund services, and planned TIF financing leading toward a major financial collapse of the city in five to six years. Mr. Ruloff also mentioned the school department and urged getting back to teaching reading, writing, and arithmetic to give students a real education.

Ø Muffie Milans, Claire Point Road, expressed concern about the impact on people wanting/needing to come to the city if fees are charged for parking seven days a week and the two hour free parking and free parking on Sunday is eliminated. Ms. Milans mentioned people use the parking garages at night during snow storms so a parking fee for the garages 24 hours a day is an issue.

Ø Marcel Beaudin, South Beach Road, thanked the councilors and city staff for support of the Lake Champlain Community Sailing Center and urged support of the development plan and lease for the permanent facility.

Ø Barb Hedrick, South Prospect Street, said until a customer satisfaction survey says there is a surplus of parking downtown there should not be any change to the city ordinance. City Council is urged to direct the Administration to implement the recommendations in the Downtown Study that do not require an ordinance change to eliminate off-street parking requirements for developers in the downtown district.

Ø Jim Turnbough, Birchcliff Parkway, expressed concern the permit that will allow live entertainment with amplified music at Zero Gravity will have a negative impact on the livable neighborhood.

Ø John St. Francis, Cherry Street, urged that the permit request by Zero Gravity to allow live entertainment and music until midnight be rejected and denied. In addition to the noise from music, impaired patrons on the streets of the neighborhood and increased traffic are also concerns.

Ø Maya Urbanowicz, Howard Street, spoke in support of the Lake Champlain Community Sailing Center and encouraged approval of the agreement.

Ø Grace Meyer, Cherry Street, spoke positively about Zero Gravity and their support of the arts and live music in the south end.

Ø Marc Heinzer, South Willard Street, spoke in support of the Development Agreement and Ground Lease for the Lake Champlain Community Sailing Center. Mr. Heinzer mentioned the mission of the sailing center to protect the lake as well



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get people out on the lake.

Ø Caryn Long, Henry Street, spoke of the loss of the neighborhood due to change of houses to rentals often without a permit because only interior changes to the building are made. Backyard area is being converted to parking which is a concern in terms of storm water runoff into the lake.

Ø Stephanie Field, River Road, Essex Junction, spoke in support of the lease agreement with the sailing center. Ms. Field told of her son's positive experience with the center learning to sail and how to protect the lake and the ecology.

Ø Bob McGowan, Alder Lane, opposed the Zero Gravity entertainment permit and stated the permit does not conform to current city neighborhood ordinances. Mr. McGowan said his concerns are about noise and impact of traffic and parking in the neighborhood.

Ø Thomas Hyde, Deforest Road, mentioned having to contact the police before visitors can park on his street which is posted for residents only, and requested flexibility to allow visitor parking on the street without having to notify the police first.

Ø Amanda Hannaford, Church Street, stated parking concerns can be addressed in the Downtown and Residential Parking Plans once there have been conversations with the citizens.

Ø Sheila Pijanowski, Alder Lane, expressed concern about noise and parking associated with Zero Gravity. Occasional music is acceptable and the permit should be issued for just that.

Ø Matt Wilson, Zero Gravity, Pine Street, explained the permit is for seven days per week until midnight, but there is no intention to have programming as such. Flexibility to be able to do events is what was wanted. Infrequent special events are anticipated, not events seven days a week. Lake Champlain Chocolates has offered their parking lot for event parking if necessary.

Ø Regina Brault, Cherry Lane, mentioned the odor from the brewery makes her and her neighbor nauseous. Ms. Brault said there has been no cooperation with the brewery to eliminate the smell. Noise from bands is not wanted either.

There were no further comments and the Public Forum was closed at 8:20 PM.

4.0 CONSENT AGENDA

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|------------------|---|
| 4.01 PROCEDURAL: | Amend/Adopt Consent Agenda and Take Action(s) as Indicated |
| 4.02 RESOLUTION: | Reassign License for College Street Kiosk |
| 4.03 RESOLUTION: | Full Time Technology Support Specialist Position |
| 4.04 RESOLUTION: | Renew Contract for Property/Boiler and Machinery Insurance 2015 |
| 4.05 RESOLUTION: | Vehicle Replacement Public Works |
| 4.06 RESOLUTION: | Pine St./Lakeside Ave. [Removed from Consent Agenda and Placed on Deliberative Agenda as Item 5.05] |
| 4.07 RESOLUTION: | Appointments to Board of Medical Examiners |



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4.08 COMMUNICATION: Accountability List

4.09 COMMUNICATION: Ron Ruloff re: PF 7/13/15

4.10 COMMUNICATION: Burlington Telecom MOU [Removed from Consent Agenda and Placed on Deliberative Agenda as Item 5.08]

4.11 COMMUNICATION: Civilian Police Department

4.12 COMMUNICATION: Michael Plageman re: Buell Street Meter Bags

4.13 COMMUNICATION: For Information Only Documents

4.14 COMMUNICATION: Burlington Four Star Rating

4.15 COMMUNICATION: Sweep Account Report June 2015

4.16 COMMUNICATION: Quarterly Budget Amendment Report

4.17 COMMUNICATION: Monthly Financials June 2015

4.18 COMMUNICATION: Board of Finance Minutes 8/3/15

4.19 COMMUNICATION: Board of Finance Minutes 8/10/15

4.20 COMMUNICATION: Special Local Control Commission Minutes 5/4/15

4.21 COMMUNICATION: Special City Council Minutes 5/4/15

4.22 COMMUNICATION: Local Control Commission Minutes 5/18/15

4.23 COMMUNICATION: City Council Minutes 5/18/15

4.24 COMMUNICATION: City Council Minutes 6/1/15

4.25 COMMUNICATION: Special City Council Work Session Minutes 6/15/15

4.26 COMMUNICATION: Local Control Commission Minutes 6/15/15

4.27 COMMUNICATION: City Council Minutes 6/15/15

4.28 COMMUNICATION: City Council Mayor Presiding Minutes 6/15/15

4.29 COMMUNICATION: City Council Minutes 6/29/15

4.30 COMMUNICATION: Local Control Commission Minutes 7/13/15

4.31 COMMUNICATION: City Council Minutes 7/13/15

4.32 COMMUNICATION: Special City Council Work Session Minutes 8/10/15

4.33 COMMUNICATION: Local Control Commission Minutes 8/10/15

4.34 COMMUNICATION: City Council Minutes 8/10/15 [Removed from Consent Agenda and Placed on September



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- 4.35 COMMUNICATION: City Council Mayor Presiding Minutes 8/10/15
- 4.36 COMMUNICATION: Special City Council Work Session Minutes 9/2/15
- 4.37 COMMUNICATION: Update Timeline for Parking Studies
- 4.38 REPORT: Fletcher Free Library Commission Annual Report June 2015
- 4.39 INDOOR ENTERTAINMENT PERMIT (one day): El Gato Cantina
- 4.40 OUTDOOR ENTERTAINMENT PERMIT (three days): Champlain College, Art Hop Event
- 4.41 OUTDOOR ENTERTAINMENT PERMIT (one day): Zero Gravity

MOTION by Councilor Colburn, SECOND by Councilor Giannoni, to accept the consent agenda (Items 4.01-4.41) as previously amended, waive the reading, accept the communications, take the action(s) indicated and place the item(s) on file. VOTING: unanimous; motion carried.

5.0 DELIBERATIVE AGENDA

5.01 Indoor Entertainment Permit Application (2015-2016): Zero Gravity, 715 Pine Street

MOTION by Councilor Ayres, SECOND by Councilor Roof, to approve an Indoor Entertainment Permit 2015-2016 for Zero Gravity, 715 Pine Street.

DISCUSSION: Councilor Ayres suggested lessening the original application for seven days a week, Noon to Midnight, to fewer days and hours. Matt Wilson, Zero Gravity, said decreasing the days and hours is acceptable because there is no intention of operating a music club seven days a week. The permit is wanted to be able to have a fun event on occasion (perhaps six events per year).

MOTION by Councilor Wright, SECOND by Councilor Colburn, based on testimony from the owner of Zero Gravity and neighbors to send the per application back to the Licensing Committee for further review of the days and hours of operation.

DISCUSSION: The following was mentioned/discussed:

- Councilor Shannon said after posting information on the permit on Front Porch Forum a number of calls from the neighborhood were received, some opposed to the permit, but most in support of reducing the hours for indoor entertainment to 9 PM weekdays and 11 PM weekends so the application should go back to the Licensing Committee.
- Councilor Hartnett said the public process for the application was not good and the permit application should go back to the Licensing Committee.
- Councilor Colburn agreed with being responsive to concerns expressed about the permit, but also being equitable in how the city deals with businesses along the Pine Street corridor adjacent to residential neighborhoods. The Arts Riot Citizen Center where permits have been granted in the past should be considered.



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- **Councilor Roof urged the public to discuss the permit with the Licensing Committee.**
- **Councilor Bushor said having flexibility for the opportunity to have events should be discussed by the Licensing Committee as well as the concerns of the neighbors.**
- **Councilor Mason encouraged public participation before the Licensing Committee.**

VOTING: unanimous; motion carried.

5.02 Outdoor Entertainment Permit Application (2015-2016): Zero Gravity, 716 Pine Street

MOTION by Councilor Ayres, SECOND by Councilor Roof, to approve an Outdoor Entertainment Permit 2015-2016 for Zero Gravity, 716 Pine Street.

DISCUSSION: There was mention of referring the permit back to the Licensing Committee.

MOTION by Councilor Ayres, SECOND by Councilor Roof, to refer the Outdoor Entertainment Permit Application by Zero Gravity to the Licensing Committee for further consideration and report to City Council.

DISCUSSION: Councilor Shannon asked the applicant to consider withdrawing the application. There were no further comments.

VOTING (to refer to Licensing Committee): unanimous; motion carried.

5.03 Resolution: Authorize Execution of Development Agreement and Ground Lease between City of Burlington and Lake Champlain Community Sailing Center

MOTION by Councilor Bushor, SECOND by Councilor Hartnett, to waive the reading and adopt the resolution to authorize the execution of the Development Agreement and Ground Lease between the City of Burlington and Lake Champlain Community Sailing.

DISCUSSION: Councilor Bushor spoke in support of a permanent location for the sailing center to continue their mission to serve the community and preserve the lake. Peter Owen, CEDO, noted the sailing center is the first PEAC project and the Development Agreement was drafted and reviewed by outside counsel. Mr. Owen highlighted the following points of the agreement:

- **The agreement protects long term fiscal stewardship with a base rent tied to CPI. The city will share in the success and growth by receiving a percentage as outlined in the rent provision.**
- **The organization will have flexibility to grow and stabilize.**
- **The agreement recognizes the value of the services provided by the sailing center.**

Mark Naud, Lake Champlain Community Sailing Center, thanked CEDO and the Mayor's staff for the hard work and assistance in seeking a permanent facility for the sailing center to expand the mission and reach into the community. Having a community waterfront center and public access to the lake is the goal.

Ken Braverman, consultant, noted May 2017 is the date when the project must have commenced per



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the agreement. There are default provisions by the city that can be invoked if necessary. There were no further comments.

VOTING: unanimous; motion carried.

5.04 Downtown and Residential Parking Plans

MOTION by Councilor Roof, SECOND by Councilor Wright, to approve the Downtown and Residential Parking Plans.

DISCUSSION: Councilor Roof stressed the importance of investing in the public process and invited the public to comment on the matter at the next City Council meeting. There were no further comments.

VOTING: unanimous; motion carried.

5.05 Pine Street/Lakeside Avenue Intersection Improvement Project

MOTION by Councilor Tracy, SECOND by Councilor Shannon, to approve the Pine Street/Lakeview Avenue Intersection Improvement Project.

DISCUSSION: Chapin Spencer, Norm Baldwin, and Martin Lee, Public Works Department, noted the following:

- In 2005 a roundabout was considered for the intersection, but the consultant reported the preferred solution is a signalized intersection.
- The city must follow the state and federal process for the project.
- Public safety is an issue with all the new development in the area and the intersection needs to be addressed sooner than planned so the project was added to the Public Works FY14 budget. The proposal hires a contractor to get the project done if possible by January 2016.
- The project will improve and signalize Feldman's driveway plus add pedestrian improvements.
- A petition in support of the signal was received from the businesses in the area (311 signers).
- The project design is consistent with the Champlain Parkway design with only some modifications because there will be less northbound traffic. There will be southbound bike lanes. VTrans and Federal Highway is working with Burlington Public Works on where there can be safety improvements without impacts on cost, permits, or the timeline of the Champlain Parkway. Having protected bike lanes would mean moving curbs on Pine Street at cost and risk to the project. The design is simple and keeps the intersection intact.

Mayor Weinberger noted the existing conditions are unacceptable. There have been bike accidents and many near misses with pedestrians. Along with the project there will be added sidewalks and a pedestrian crossing signal to the north of the intersection. City Council is urged to support the project. There were no further comments.

VOTING: unanimous; motion carried.





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5.06 Relative Authority of Public Works Commission over Residential Parking

City Attorney Eileen Blackwood reported the following:

- Per the city charter Burlington Public Works Commission has authority to regulate parking, parking meters, and manage municipal parking lots and garages. City Council can regulate the operation of municipal parking lots and garages (this was aimed at the airport parking garage).
- City Council has authority to appropriate money and collect tax money to spend on parking, parking lots, parking garages.
- Daily operations of parking is the jurisdiction of the Public Work Commission, not City Council.
- It is not clear if the Public Works Commission can set policy that is different from policy set by City Council.

Councilor Bushor stressed who sets policy and who abides by the set policy must be clear and in writing going forward. City Council sets the direction for the community and the Public Works Commission follows that direction.

President Knodell confirmed with legal counsel that for City Council to have authority over residential parking will require a charter change. Eileen Blackwood pointed out City Council has the authority to appoint the members of the Public Works Commission.

City Council accepted the communication as noted in Item 5.06 and placed the information on file.

5.07 Resolution on Drug Trafficking

Councilor Mason facilitated the discussion of the resolution on drug trafficking.

MOTION by Councilor Wright, SECOND by Councilor Hartnett, to adopt the resolution on drug trafficking and incorporate the amendment by Councilor Colburn and make the change to the 2nd meeting in November rather than October.

DISCUSSION: The following was mentioned/discussed:

- **Councilor Wright thanked the sponsors of the resolution that seeks to address the growing problem of opiate addiction and drug trafficking in the city. Burlington is a great city and relatively safe compared to other cities in the country, but drugs are being sold in parks, near schools, and children are being used as drug couriers. People are concerned about their safety. City Council is urged to support the resolution and send a message to the citizenry that the issue is taken very seriously and dealing drugs in Burlington will not be tolerated.**
- **Councilor Colburn thanked the sponsors of the resolution for the responsiveness to neighborhoods and**





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concerns about the visibility of the opiate crisis and collateral damage in the form of crime or violence. There is not enough treatment in the state or the city. People are waiting long time periods for treatment. The cost of treatment is significantly less than the cost of incarceration. The Mayor has charged the Police Chief to draft proposals to address the drug trafficking issue.

President Knodell stated by supporting the resolution the message to the public is City Council acknowledges the escalation of drug trafficking across the city and the need for a strong response to the crisis so the situation is different next year.

Councilor Hartnett said conversation with people on the street, some waiting for treatment, indicated demand for drugs in Burlington is two times higher than in New York City. The dealers must be removed.

Mayor Weinberger stated the battle on drugs continues. The amendment to the resolution by Councilor Colburn shows the city is serious about the drug challenge as a public health issue and the city stands with the Governor, U.S. Attorney, and State Attorney to have a strong law enforcement response along with education, prevention, and treatment to decrease the demand that is drawing dealers to the trade. The balanced resolution with amendments is in line with the pioneering efforts around the state and gives the best hope of success as soon as possible.

Councilor Tracy stated the issue needs to be viewed in a holistic sense. There has been 30 years of failed drug policies and the public has little trust in what is done with substance enforcement and treatment. Discussion is needed on how to handle opiates and also on what changes are needed, such as legalization of marijuana.

MOTION by Councilor Tracy, SECOND by Councilor Colburn, to amend the resolution by inserting the following after Line 9:

- **WHEREAS** any increased enforcement effort should be specifically targeted toward the substance that are the greatest cause for public health and safety concern, and
- **WHEREAS** heroin and other opiates pose far greater health and safety risk than marijuana, a substance recently identified by the scholarly journal *Scientific Report* as being less dangerous than alcohol and tobacco, and
- **WHEREAS** in the 2012 referendum 70% of Burlington voters favored legalization, taxation, and regulation of marijuana, and
- **WHEREAS** legislation regarding legalization of marijuana will be introduced in the coming Vermont legislative session, and
- **WHEREAS** revenues from legalization and taxation could be used for increased heroin and opiate prevention and treatment.

And add after the final whereas clause in the resolution:

- **"Be it further resolved that Burlington City Council supports legalization, taxation, and regulation of marijuana and encourages the Vermont state legislature to do so in its upcoming session".**

DISCUSSION ON AMENDMENT by Councilor Tracy: Councilor Wright urged defeat of the amendment by Councilor Tracy because several of the co-sponsors of the original resolution would not be able to support the resolution after many hours of work on the resolution. Also, the majority of City Council supports the original resolution which does not mean they oppose legalization of marijuana, just that the resolution is not the vehicle for this. More information is needed before legalizing marijuana. Council Bushor agreed, adding the





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resolution is very targeted and deals with “hard drug trafficking” (i.e. opiates, heroin), not marijuana. Councilor Shannon spoke in support of legalization, taxation and regulation of marijuana, but agreed the resolution is not the appropriate means. The amendment on marijuana confuses the issues and councilors will be conflicted with the vote. Mayor Weinberger agreed the resolution is not the right vehicle for debate on marijuana and just confuses the issue. Debate should be held before the legislature takes action though. There were no further comments.

VOTING ON AMENDMENT by Council Tracy on marijuana: 3 ayes, 9 nays (Knodell, Wright, Bushor, Shannon, Hartnett, Mason, Paul, Roof, Ayres); motion did not carry.

CONTINUED DISCUSSION ON THE RESOLUTION incorporating the

amendment by Councilor Colburn: Councilor Tracey expressed concern about racial profiling and drug enforcement and suggested amendment to the resolution.

MOTION by Councilor Tracy, SECOND by Councilor Giannoni, to amend the resolution by inserting the following:

- **WHEREAS the City of Burlington Diversity and Equity Strategic Plan has made bias-free policing a high priority, and**
- **BE IT RESOLVED that the Public Safety Committee and the Diversity and Equity core team will work with Burlington Police Department to ensure any increased enforcement efforts are in line with the stated goal of eliminating racial bias in policing, and**
- **BE IT FURTHER RESOLVED that the Public Safety Committee in cooperation with the Burlington Police Department will follow up on any changes to the drug trafficking enforcement strategy with a thorough analysis of, but not limited to, traffic and pedestrian stops as well as arrests to understand if any racial biases are present in these interactions.**

DISCUSSION ON AMENDMENT by Councilor Tracy on racial profiling: The following comments were made:

- **Councilor Wright urged rejection of the amendment because there is already a bias-free policing directive in the Burlington Police Department.**
- **Mayor Weinberger welcomed the spirit of the amendment, but noted there is already guidance directing the policing effort and not placing undue burden on minority populations. Bias-free policing is a priority for the Mayor and the Police Chief who plans to expand data collection, analysis, and dissemination of policing practices over time. The proposed language needs to be reviewed before adoption.**
- **Councilor Colburn agreed there are existing priorities and planning, but redundancy in prioritizing the elimination of bias is a great focus. What is called for is a check on how the work is moving ahead with the existing guidelines and plans, and it is an opportunity to communicate the priorities to the public and build trust in the city’s response to the issue.**
- **Councilor Bushor observed the amendment reminds everyone the resolution is cognizant of bias-free policing which is a high priority and that increased enforcement efforts will be in line with the resolution. The section on follow up by the Public Safety Committee is not necessary.**

FRIENDLY AMENDMENT by Councilor Bushor, SECOND by Councilor Tracy, to eliminate the second “Be it resolved” clause proposed by Councilor Tracy relative to Public Safety Committee follow up. VOTING



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on friendly amendment: 0 aye, 12 nays (Knodell, Wright, Mason, Paul, Bushor, Shannon, Tracy, Hartnett, Ayres, Roof, Giannoni, Colburn); motion did not carry.

CONTINUED DISCUSSION ON AMENDMENT by Councilor Tracy on racial profiling: Councilor Harnett stated the message is the city does not want drug dealing on the streets and that has nothing to do with racial profiling. The marijuana issue can be handled in a separate resolution. Councilor Giannoni said the amendment speaks to decades of failed policy and that the city wants to do things differently and is working toward bias-free policing. Councilor Shannon agreed the spirit of the amendment is that the city wants to eliminate biased policing, but the process should be looked at as a whole, not one piece for special treatment. Councilor Colburn stated the Police Chief highlighted the need to be vigilant around bias and the approach to opiate trafficking. President Knodell added the Police Chief agreed there is need to be very aware of bias so language is not needed in the resolution. Councilor Wright pointed out the resolution was carefully crafted with compromise and compromise to be set as it is so there is no need for language when there is already a directive on racial profiling in the Police Department.

CALL THE QUESTION by Councilor Wright. Discussion ceased.

VOTING (by roll call) ON AMENDMENT by Councilor Tracy on racial profiling: Bushor – aye, Giannoni – aye, Tracy – aye, Colburn – 4 aye, Wright – nay, Mason – Nay, Paul – nay, Ayres – nay, Roof – nay, Hartnett – nay, Shannon – nay, Knodell – nay (4 ayes, 8 nays); motion did not carry.

VOTING ON RESOLUTION with amendment by Councilor Colburn (by roll call): Bushor aye, Giannoni – aye, Tracy – aye, Colburn – aye, Wright – aye, Mason – aye, Paul – aye, Ayres – aye, Roof – aye, Hartnett – aye, Shannon – aye, Knodell – aye (unanimous); motion carried.

Council President Knodell resumed facilitation of the meeting.

5.08 Burlington Telecom re: Memorandum of Understanding

MOTION by Councilor Bushor, SECOND by Councilor Shannon, to waive the reading, accept the communication and place the information on file.

DISCUSSION: Councilor Bushor questioned why Burlington Telecom is paying toward renovations that the city will benefit from and not Burlington Telecom. Eileen Blackwood explained the city is making a deal within itself via an MOU from one entity to another. The money (rent) is market rate. There was negotiation between Burlington Telecom and city departments and that is why Burlington Telecom did the renovations. The matter was not voted on by Burlington Telecom Advisory Board (BTAB). Councilor Bushor requested some communication on Burlington Telecom at some point. There were no further comments. **VOTING: unanimous; motion carried.**

6.0 COMMITTEE REPORTS

Ø Councilor Colburn announced the Task Force on Fossil Fuel Divestment will hold meetings on 9/10/15 and 9/14/15.

Ø Councilor Colburn announced the Community Development and Neighborhood Action Committee will look at the Housing Action Plan which is on the CEDO website for feedback.





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7.0 CITY COUNCIL – GENERAL AFFAIRS

- Ø Councilor Wright mentioned the contribution for so many years to the City of Burlington by Bill Aswad who recently passed away. There was a moment of silence in honor of Mr. Aswad.
- Ø Councilor Tracy announced Open Streets in the old north end on 9/13/15. Local Motion has additional information.
- Ø Councilor Paul announced BTAB meets the second Wednesday of the month. What Burlington Telecom is looking for in the new owner will be discussed at the next meeting.
- Ø Councilor Paul announced Art Hop on 9/12/15.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

- Ø President Knodell mentioned the solar panels to be installed in the old north end by South Forty Solar, LLC. If City Council is to comment that should be done now.

9.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger listed events in the city on September 12, 2015 including Art Hop, Open Streets, Laura's March, and discussion of the Vehicle for Hire ordinance on September 15, 2015.

10.0 ADJOURNMENT

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

The meeting was adjourned at 10:27 PM.

RScty: MERiordan