Regular City Council Meeting - Monday, September 8, 2014
9/8/2014

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Members present
Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Also present:

Chapin Spencer, DPW; Fire Chief Seth Lasker; Jesse Bridges, Parks and Recreation; City Attorney Eileen Blackwood; ACAOs Rich Goodwin and Scott Schrader

Meeting called to order at 7:08 PM

1. Agenda

Action, Procedural: 1.01 Approve/Amend the Agenda

Motion to Approve/Amend the Agenda
Add to the consent agenda item 5.23. Special Event Indoor Entertainment Permit Application (5 days only): Bern Gallery with the motion to "waive the reading and approve the special event indoor entertainment permit application for Bern Gallery for 5 days only"; add communication to Consent Item 5.03 from John R. Killacky, Executive Director of Flynn re: project; note revised version Item 5.08; remove Consent Agenda Item 5.13 to future Deliberative City Council Agenda per Councilor Siegel; amend the action for Consent Agenda Item 5.15 to refer to DPW Director Spencer and Parks and Recreation Director Bridges with a report back to the City Council with a recommendation by November 25, 2014 (per Councilors Bushor, Mason, and Shannon); amend the action for Consent Agenda Item 5.19 to refer to License Committee (per Councilor Blais); move Consent Agenda Item 5.05 to Deliberative Item 6.04 per Councilor Colburn; and move Consent Agenda Item 5.21 to Deliberative Agenda as Item 6.05 per Councilor Colburn; note change in word to Deliberative Agenda Item 6.02 Page 3, line 54 of attached Resolution - changed "concerns" to "comments" per Councilor Blais; move Consent Agenda Item 5.22 to Deliberative Agenda as Item 6.06 per Councilor Knodell.

Motion by Chip Mason, second by Sharon Bushor.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

2. Annual Reports to the City Council

Action, Report: 2.01 Fire Commission

Chair Jake Perkinson and Chief Lasker presented on the Fire Department. Mr. Perkinson stated they responded to 7,336 emergency calls, representing a 2% call volume in the last year and a 22% increase in the past six years. Under national standards, the Burlington Fire Department is 20% understaffed. They have developed an internal senior fire department training program at no cost to the taxpayers. They have also been proactive in obtaining grant funding for training and equipment. They have had seven firefighters with 25 years of service retire and have 14 probationary firefighters.

Councilor Colburn inquired about their response to overdose situations and their use of Naloxone or Narcan. Chief Lasker stated they are first responders to anyone needing medical attention. They have been using Narcan for many years and have been using it more frequently.

Councilor Bushor inquired how many false alarms they respond to and how they work to eliminate those. Chief Lasker stated the number of false alarms are down significantly. They do respond to a significant number of alarms where there is no fire.

Action, Report: 2.02 Parks and Recreation Commission

Vice Chair John Bossange and Department Director Jesse Bridges presented. Mr. Bossange stated in the past year they have worked to develop their Master Plan, begin construction on the Bike Path, improving workplace culture and development of values, the issuance of the Waterfront Park Act 250 permit, and to plan ahead for facility maintenance.

Councilor Colburn commended the Department for developing the Parks Foundation and their work on needle disposal. She inquired what work they are doing for teens. Mr. Bridges stated they would like to see growth in their teen programming. They have operated the teen center in the New North End. They have turned a storage facility in Roosevelt Park into a teen academic center and partnered with the Boys and Girls Club. They run 242 Main and are working to expand camp opportunities. They are working to partner with the Schools to grow their programming.

Councilor Wright stated there is a flooded area of the bike path near the dog park. Mr. Bridges stated they are attempting to address that. Councilor Wright inquired what the next steps will be for the bike path. Mr. Bridges stated Phase 1a will begin at the end of the construction season. They will work on construction of the section from Waterfront Access North through the Urban Reserve in the spring. They are working to design the entire path so they can begin construction as soon as they identify funding sources.

Councilor Siegel spoke in favor of the programming at 242 Main and the Parks Department. She suggested that public Parks are a great place to educate the public about waste management. She also noted a need for gender neutral bathrooms. Mr. Bridges stated all of their bathrooms that have the ability to be gender neutral are signed as such, but they are continuing to discuss that as they improve facilities.

Councilor Tracy inquired when the Parks Master Plan will be completed. Mr. Bridges stated they have been working on the process for a year and have done a lot of public outreach. They are finalizing their internal review and will present their edits to the planners. Once they have a final draft, they will circulate it.

Councilor Knodell inquired if the facilities are encompassed in the Master Plan and what their major concerns are. Mr. Bridges stated they are responsible for custodial services and building maintenance since 2008 with few additional resources. They need greater staff power in their facilities. They have been involved in the capital planning process that will help significantly. Mr. Bossange stated they need a capital plan so that buildings are maintained.

Councilor Bushor requested a listing of teen programs and their attendance numbers. Mr. Bridges stated many of their programs are through partnerships and will have a big impact on the community.

Mayor Weinberger stated they are working on a facility assessment to determine what repairs are needed in the short, medium, and long term.

Action, Report: 2.03 Public Works Commission

Department Director Chapin Spencer and the Chairman Nathan Lavery of the Commission presented. Mr. Lavery stated they had a major change in the Department with a new Director and City Engineer. He commended the Department for their snow fighting efforts in the past year. They have been working on the Downtown Parking Initiative and have made some changes that they are trying. They have created goals and objectives for the Commission to gauge their progress.

Councilor Bushor inquired about the nature of their Annual Performance Report. Mr. Lavery stated they will evaluate the different aspects of the Department. Mr. Spencer stated they are working to identify key metrics to understand their performance.

Councilor Mason inquired about the residential parking study. Mr. Chapin stated they have begun studying the residential parking program. They have a consultant and steering committee that will be holding a number of public meetings. They are looking at the program broadly and he expects there will be significant changes.

Councilor Brennan inquired if the Department needs more information about what customers would like to see. Mr. Lavery stated the Commission has listed customer service as a priority and will evaluate the quality and timeliness of it. Mr. Spencer stated they have been using See Click Fix as a way to communicate with the public. It also allows them to track issues. They have a policy of complete streets and will have opportunities to discuss the future of their right of way.

Councilor Tracy stated their sidewalk infrastructure is deteriorating and they will soon receive a report on them. Mr. Lavery stated one objective for the year is to develop a sustainable capital plan for at least one asset group. They envision that would be the sidewalk system.

City Council President Shannon stated they receive chronic complaints about parking at Oakledge Park and hopes they can solve this issue in the future.

3. Indoor Entertainment Permit Application (2014-2015)

Action: 3.01 The Swingin' Pinwheel, LLC, d/b/a The Swingin' Pinwheel, 11 Center Street

approve the 2014-2015 indoor entertainment permit application for The Swingin' Pinwheel with all standard conditions

Motion by Norm Blais, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

4. Public Forum: Time Certain 7:30 p.m.

Procedural: 4.01 Public Forum

Police Chief Michael Schirling - Future of Policing
Ron Ruloff - objection to pension system, soft policing and sheltering within the City.
Albert Petrarca - represents BTV Green and requests City Council support to legalize cannabis and place a referendum question for amnesty for those with cannabis offenses.
Brian Albarelli - objects to the Church Street trespass ordinance and its Constitutionality.
Ken Axelson - on behalf of BTV Green also requests Council consideration of amnesty referendum.
Jim Drummond - request support of his application for the DRB.

5. Consent Agenda

Action: 5.01 Approve/Amend the Consent Agenda

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.02 Resolution: Acceptance of FEMA Assistance to Firefighters Grant Agreement #EMW-2013-FO-03000 and Budget Amendment Authorizing Expenditure of City's Match from Contingency Fund (Board of Finance)

Resolution: waive the reading and adopt the resolution

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.03 Resolution: Authorization to Execute Easement for Permanent Placement and Maintenance of Designed Sidewalk in Front of The Flynn Theater at 153 Main Street (License Committee)

Resolution: waive the reading and adopt the resolution

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.04 Resolution: Approval of Request for Budget Amendments to FY 2015 Street Capital Program Budget (Board of Finance)

Resolution: waive the reading and adopt the resolution approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.06 Resolution: Authorization to Transfer Funds Within Capital Improvements Project and Capital Projects Budgets (Board of Finance)

Resolution: waive the reading and adopt the resolution

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.07 Resolution: Authorization to Enter into License Agreement to Erect and Maintain A Chain Link Fence on a Portion of The City's Right-of-way with Snyder Construction Company, LLC (License Committee)

Resolution: waive the reading and adopt the resolution

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.08 Resolution: Authorization to Contract for Bike Path Construction Phase 1A, Authorization to Amend Lease with State of Vermont and Vermont Railway and Authorization for Easement with Lake Champlain Transportation Company - Parks and Recreation Department (Board of Finance)

Resolution: waive the reading and adopt the resolution

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.09 Resolution: Correction to Fiscal Year 2015 Personnel Listing Burlington Police Department (Board of Finance)

Resolution: waive the reading and adopt the resolution

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.10 Resolution: Creation of Burlington Telecom Service Support Coordinator Position; Elimination of One Help Desk Technician Position; and Re-titling of Other Help Desk Technician Positions to Service Support Technician (Board of Finance)

Resolution: waive the reading and adopt the resolution

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.11 Resolution: Amend FY 2015 General Fund Budget to Incorporate Expense/Funding Associated with PlanBTV: South End (Board of Finance)

Correct line 20 to $8,000 and Line 24 to $231,000 within the Resolution.

Resolution: waive the reading and adopt the resolution

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.12 Resolution: Authorization of Burlington Electric Department for Renewal of Contract for Property/Boiler and Machinery Insurance - 2014 (Board of Finance)

Resolution: waive the reading and adopt the resolution

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Report: 5.13 Removed

Action (Consent), Communication: 5.14 Communication: Lori Olberg, C/T Office, re: Accountability List

Resolution: waive the reading accept the communication and place it on file

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 5.15 Communication: Catherine Bughman, 6 Lake Forest Drive, re: Parking situation of Flynn Avenue near Oakledge Park

Resolution: waive the reading, accept the communication and place it on file and refer to DPW Director Spencer and Parks and Recreation Director Bridges with a report back to the City Council with a recommendation by November 25, 2014

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 5.16 Communication: Helen Plumley, Customer Service - DPW, re: Meter Bag Extension for 12-hr bag, S212

Resolution: waive the reading, accept the communication, place it on file and grant the one (1) week extension on the 12 hour meter bag S212

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 5.17 Communication: Stephanie Reid, Human Resources Manager, Susan Leonard, Human Resources Director, re: Communication - Step placement for Michael Mercadante, Water Installer

Resolution: waive the reading, accept the communication, place it on file and approve the step placement for Michael Mercadante, Water Installer

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 5.18 Communication: Scott Schrader. ACAO, re: Declaration of Elected Candidates Special City Election - August 26, 2014

Resolution: waive the reading, accept the communication and place it on file

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 5.19 Communication: Mayor Miro Weinberger, re: Review and Report on Taxi Administration System

Resolution: waive the reading, accept the communication and place it on file and refer to License Committee approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 5.20 Communication: Burlington Police Department, re: Police Commissioners' Attendance Record

Resolution: waive the reading, accept the communication and place it on file

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Discussion: 5.22 Moved to Deliberative Agenda Item 6.06

Action (Consent): 5.23 Special Event Indoor Entertainment Permit Application (5 days only): Bern Gallery

Resolution: waive the reading and approve the special event indoor entertainment permit application for Bern Gallery for 5 days only

approve the consent agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

6. Deliberative Agenda

Action, Resolution: 6.01 Resolution: Creation of Ward 8 Neighborhood Planning Assembly (Councilors Shannon, Tracy, Colburn)

Councilor Bushor stated there was a suggestion that they have a combined Ward 1/8 NPA and they will continue to consider that.

Councilor Colburn stated it has been exciting to see student engagement around the formation of this ward.

Kesha Ram, CEDO, stated they have put a lot of work into ensuring that this new ward has an NPA before the next election. This will allow them to do community building and form their new ward.

Councilor Knodell inquired what the political balance of the Ward 8 Steering Committee is. Ms. Ram stated they attempted to ensure there was a balance of campus representation. They did not discuss their party affiliation, but reached out to a number of individuals.

Approve the Resolution

Motion by Selene Colburn, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action, Resolution: 6.02 Resolution: Audit Advisory Committee Appointment and Charge (Board of Finance)

Councilors Paul stated this will recreate an ad hoc committee that was formed several years ago. Since that time, they have had a better understanding of the audit and management letter. They have an auditor who has had one contract, which will be expiring this year. The City will also be expanding its internal controls by having an independent audit committee. This group will review the audit and will report to the Council at the end of each year.

Councilor Knodell stated they created this committee to make sure the Council is deeply engaged in the audit. She does not want them to adopt the attitude that they do not have to be involved because this Committee is also reviewing it.

Mayor Weinberger spoke in favor of the resolution.

waive the reading and adopt the Resolution

Motion by Karen Paul, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action: 6.03 Communication: Eileen Blackwood, City Attorney, re: Update on BT (oral)(possible executive session)

City Attorney Blackwood stated they have completed their filings to the Public Service Board and are waiting for a decision.

Councilor Wright asked if the PSB is aware of some City Councilor's desire to have another public hearing. City Attorney Blackwood responded that they did not have an opportunity for that to happen.

Action, Resolution: 6.04 Resolution: Budget Amendment for FY 2015 Traffic Fund (Board of Finance) - (Moved from Consent Agenda Item 5.05)

Councilor Colburn stated this amendment is predicated on changes to parking fees in garages and at some meters. She requested regular updates on parking initiatives and studies.

Councilor Tracy agreed to provide regular updates.

waive the reading and adopt the resolution

Motion by Selene Colburn, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action, Communication: 6.05 Communication: VLCT Draft Municipal Policy 2015 (moved from Consent Agenda Item 5.21)

Councilor Colburn stated they are supposed to review this document and inquired if placing it on this agenda fulfilled that. She also suggested they discuss what their legislative priorities are. Mayor Weinberger stated the League worked on stormwater management this year to protect Lake Champlain and other water bodies. They solicited input from Department Heads and they will continue to update the Council on what they are working on. He welcomes their input. Councilor Colburn inquired if he is fully supportive of the priorities as outlined. Mayor Weinberger stated he welcomes input on the policy statement.

Councilor Bushor stated the Mayor represents them as their voting member. She typically reviews it and provides comments on whether or not she is supportive.

Action, Communication: 6.06 Communications: Eileen Blackwood, City Attorney, re: BED Street Light Billing Issue; Neale F. Lunderville, Interim General Manager, BED, re: BED Billing Issue: Analysis, Resolution, and Next Steps (Moved from Consent Agenda Item 5.22)

Councilor Knodell expressed concerns about the settlement because there is $300,000 that the City will not be reimbursed for because of a statute of limitations. She does not know what a statute of limitations would apply because they are part of the same entity. She also has been advised that there is a discovery rule saying that the time period of the statute of limitations does not start until an error has been discovered. It does not say that they cannot make full reimbursement, just that they do not have to. City Attorney Blackwood stated they did not want to set a precedent of treating the City better than any other customer. The industry standard has been to use a six year period. The discovery rule also considers when they should have had an opportunity to discover a billing error, and it is possible that they could have figured it out earlier. Councilor Knodell stated the memo refers to an agreement that was made between BED and the City without Council involvement. Neale Lunderville, BED General Manager, stated they view the City as a customer. They consulted with other utilities about white time frame they used and heard that six years was the standard. They also want to ensure that they use precedent and statute in a way that is defensible to the Public Service Board. Councilor Knodell inquired if there are any legal memoranda. City Attorney Blackwood stated there is not.

Mayor Weinberger stated they have been focusing on collecting information, documenting it, and distributing it. The next step is to return with an agreement for the Council to formally approve. The proposal is not final.

Councilor Tracy inquired what steps they are taking to ensure this does not happen again. Mr. Lunderville stated they are launching a full review of their billing processes. Their preliminary investigation has shown that the issues do not affect residential or small commercial meters. There is always the chance of normal meter dysfunction. He stated that they are reviewing their internal practices and engaging in an audit to improve the processes around billing.

Councilor Blais spoke in favor of the process that they have used to resolve this.

Councilor Wright stated he agrees that the full amount should be refunded to the City and University. He inquired what the full amount of the settlement is and where the funds will come from. Mr. Lunderville stated the full amount is $1.4 million to the City and $357,000 to the University. The funds will come from debt service reserves that have recently been freed up. The fund will still contain $1.9 million after the payout and it will not affect rates. They are working to improve their credit rating and their cash on hand is an important metric, and that will be reduced with these payments.

Councilor Brennan questioned the idea that the customer should have caught the error. City Attorney Blackwood stated that generally six years is the standard. Someone could come forward and request that they investigate back further. BED is admitting they made a mistake and using a six year standard eliminates indefinite liability.

Councilor Bushor stated she has confidence in BED and how they have corrected their error. She inquired if this was reported to the Public Service Board. Mr. Lunderville stated that it was not reported. They found a sub-meter that should not have been there that will be eliminated. They will work with the Public Service Board to resolve the leased lights issue to standardize it. The Public Service Department has provided a statement on Friday supporting the measures that will be taken. Councilor Bushor inquired how they are treating ECHO and the University. Mr. Lunderville stated that they have already paid UVM back for the amount they were overbilled for the same six year window. UVM and ECHO will have to determine how to handle the billing issues between them that did not involve BED. Councilor Bushor asked if they have considered paying over time. Mr. Lunderville stated they contemplated paying the six year amount over 3 years, but it was decided that it was best for the organization to do it in one year.

Councilor Wright inquired if BED would fight the City should they seek full repayment. Mr. Lunderville responded that the department would have to review that to ensure that balance between the precedent and the PSB and the customer.

7. Committee Reports

Councilor Tracy delivered a report on the Transportation, Energy, and Utilities Committee.

Councilor Knodell delivered a report on the Community Development and Neighborhood Revitalization Committee.

Councilor Colburn delivered a report on the Public Safety Committee and the joint working group of the Public Safety Committee and Board of Health.

Councilor Mason delivered a report on the Ordinance Committee.

Councilor Wright delivered a report on the Parks, Arts, and Culture Committee.

Councilor Siegel delivered a report on the Charter Change Committee.

Councilor Blais delivered a report on the License Committee and taxi licensing.

8. City Council - General City Affairs

Councilor Wright reported on Burlington College and Kevin Garrison's recent election to the School Board.

Councilor Brennan thanked Chief Schirling for his report on police practices.

City Council President Shannon reported on the Art Hop.

9. Mayor - General City Affairs

Mayor Weinberger reported on Burlington College, the Art Hop, the Police Department's community engagement efforts, the library strategic planning effort, the Department Head meeting at Seventh Generation, the bike path, the creation of the Ward 8 NPA, the Diversity and Equity strategic planning effort, Laura's March, and the active living workshop.

10. Continuation of Expected Executive Sessions

Action: 10.01 Communication: Kim Sturtevant, Assistant City Attorney, re: Champlain College/Eagles Landing Settlement (oral)

City Attorney Blackwood stated they are ratifying a settlement agreement. This requires changes to the project to address issues related to the mass of the project at the Development Review Board. The agreement requires permit conditions to deal with those issues.

Councilor Wright spoke in favor of the agreement and the project.

Councilor Tracy inquired if this is time sensitive. City Attorney Blackwood stated it is.

Councilor Mason requested an explanation of the procedure. City Attorney Blackwood stated this is a settlement between the City of Burlington, Champlain College, and three individuals who are involved. The matter remains under appeal.

Councilor Brennan stated he believes the process has worked well and spoke in favor of the agreement.

Mayor Weinberger spoke in favor of the agreement. He believes this will remove pressure from the housing market, generate property taxes, and will enhance the vibrancy of the downtown.

Approve the settlement agreement

Motion by Norm Blais, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

City Council President Shannon recessed the City Council meeting at 9:36pm.

Action: 10.02 Communication: Eileen Blackwood, City Attorney, re: Update on Reproductive Health Care Buffer Zone Ordinance Litigation (oral)

This item was not addressed.

Action: 10.03 Communication: Eileen Blackwood, City Attorney, re: Collective Bargaining/Wages Update (oral)

This item was not addressed.

11. Adjournment

Action, Procedural: 11.01 Motion to adjourn

Without objection, City Council President Shannon adjourned the City Council Meeting at 10:05pm.