



Regular City Council Meeting - Monday, August 13, 2018, 7:15 pm, Contois Auditorium, City Hall 8/13/2018

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

August 13, 2018

APPROVED

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

Jane Knodell – Central District

David Hartnett – North District

Joan Shannon – South District

Richard Deane – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Brian Pine – Ward 3

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

MEMBERS ABSENT: William “Chip” Mason – Ward 5

ADMINISTRATION: Miro Weinberger, Mayor

Beth Anderson, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Richard Haesler, Assistant City Attorney

Jordan Redell, Mayor’s Office

Lori Olberg, C/T



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Amy Bovee, C/T

David White, P&Z

Meagan Tuttle, P&Z

Neale Lunderville, BED and Interim CEDO Director

Chapin Spencer, DPW

Megan Moir, DPW

Jan Wright, Deputy Police Chief

OTHERS PRESENT:

Shireen Hart

Michelle Ashe

Jan Wright

Wei Wei Wang

Tom Carroll

Andy Montroll

Liz Mariani

Bruce Wilson

Al Petrarca

Joanne Hunt

Jack Daggett

Nick Fioersch

Catherine Aitrey

Norman Fischer

[Note: Minutes reflect the order of the published agenda.]

1.0 CALL TO ORDER and AGENDA

City Council held a work session prior to the meeting. Council President Wright called the regular City Council meeting to order at 7:22 PM on August 13, 2018 and led the assemblage in the Pledge of Allegiance.



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1.01 Agenda

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

- **Note signatures with Item 2.02 (Police Commission Report)**
- **Remove Item 4.03 (encumbrance permit – 85 South Prospect Street)**
- **Note correct version of Item 4.04 (encumbrance permit – 239 Loomis Street)**
- **Note corrected materials and remove Item 4.05 (Big Heavy World funding)**
- **Note revised information with Item 4.13 (CY18 Sidewalk & Curb Reconstruction Project)**
- **Remove Item 4.15 (Old North End Community Center Subleases)**
- **Note materials for 4.16 (Great Streets – St. Paul Street)**
- **Note information for Item 4.18 (market factor adjustment IT Project Manager position)**
- **Note revised information and remove Item 4.19 (COBRA rates)**
- **Remove Item 4.20 (Personnel Policy updates) and place on 8/27/18 agenda**
- **Note corrected information with Item 4.25 (new positions and increase hours)**
- **Remove Item 5.03 (City Council Rules & Regulations) and place on 8/27/18 agenda**
- **Note revised information for Item 5.04 (Burlington DID Phase 1 Assessment)**

VOTING: unanimous; motion carried.

2.0 ANNUAL REPORTS

2.01 Planning Commission

Planning Director White, Senior Planner Tuttle, and Planning Commission Chair, Andy Montroll, reported on the busy year for the Planning Commission covering technical corrections to the zoning ordinance to finishing the downtown form based code to developing the municipal development plan. The Planning Commission and staff work well as a team. Members of the community share input and ideas. Going forward the focus is on the Burlington plan and keeping the vision alive.

Councilor Knodell spoke positively on the Planning Commission report and the Ordinance Committee being ready to work on the enforcement period of limitations issue.

Councilor Bushor complimented the Planning Commission on the diversity of ideas and representation on the commission.

Councilor Pine mentioned the City Council Community Development Committee and the inclusionary zoning ordinance being ready by December for review by the Planning Commission.

2.02 Police Commission

Shireen Hart, Michelle Ashe, and Deputy Police Chief Wright presented the Police Commission Report highlighting the





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following:

- 40,000 calls handled by the police, 5,000 criminal in nature.
- Effort continues to get the police force to full staff. Deputy Police Chief position is being filled to replace Sean Burke who is now the Police Chief in South Burlington.
- BPD made recommendations adopted by VSP on the Police Academy entrance exam.
- The department is using the emergency resource vehicle with success.

Councilor Tracy asked for an update on progress with racial bias in policing. Deputy Chief Wright said the Police Commission is still working on the accountability portion of the issue.

Councilor Bushor commented on the benefit of having the Police Commission review complaints and continue to look at de-escalation techniques. Deputy Chief Wright assured the department shares complaints and other information with the Police Commission. Shireen Hart noted BPD shares information on non-lethal methods of handling situations with area police departments.

Councilor Pine noted the Public Safety Committee will be discussing implicit bias in police stops and will forward recommendations.

Councilor Dieng asked about park patrols including people of color. Deputy Chief Wright said the department is always seeking more applicants and trying to spread the word into neighborhoods. Councilor Dieng mentioned patrolling on foot and bike as a way to address climate change. Deputy Chief Wright said rookie officers do foot patrol and there are two bike officers now.

Councilor Hartnett asked about attrition in the department. Deputy Chief Wright said three officers are retiring, two officers are out on medical leave, two officers left to join VSP or return to their home state. Councilor Hartnett applauded the Police Commission for being independent and not "rubber stamping" business.

3.0 PUBLIC FORUM

Public forum was opened at 7:30 PM.

COMMENTS

- Liz Mariani spoke of taking down the mural on Church Street and spoke of her own journey to dismantle white supremacy and colonized thinking.
- Bruce Wilson spoke in support of the mural and what's been done for youth programs.
- Al Petrarca spoke in support of removing the mural.
- Joanne Hunt thanked City Council for support of the nurses and a fair contract. Negotiations are still ongoing which is shocking.



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- Jack Daggett spoke in support of removing the mural.
- Nick Fioersch updated City Council on website assistance provided to various groups in Burlington by Civic Hackers.
- Catherine Aitrey spoke of a program to help eradicate addiction and offered to speak further with City Council on the matter.
- Norman Fischer spoke of the First Amendment (free speech) which does not allow censorship.

There were no further comments. Public Forum was closed at 7:54 PM.

Council President Wright recessed the City Council meeting at 7:54 PM to convene the Local Control Commission. The City Council meeting resumed at 7:55 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 PERMIT: Encumbrance permit - 85 South Prospect Street [removed from agenda]
- 4.04 PERMIT: Encumbrance permit - 239 Loomis Street
- 4.05 COMMUNICATION: Big Heavy World Funding [removed from agenda]
- 4.06 COMMUNICATION: Notice of Reappraisal Order
- 4.07 COMMUNICATION: PAC appointments
- 4.08 COMMUNICATION: Recommendations from Inclusionary Zoning Work Group
- 4.09 COMMUNICATION: Note on Education Tax Rates FY19
- 4.10 COMMUNICATION: Street Franchise Agreement – AT&T
- 4.11 COMMUNICATION: Major software integration
- 4.12 COMMUNICATION: Route 127 Outfall Repair Contract – GW Tatro
- 4.13 COMMUNICATION: CY18 Sidewalk & Curb Reconstruction Program
- 4.14 COMMUNICATION: Burlington Bike Path Rehab Phase 3 Design
- 4.15 COMMUNICATION: Burlington Bike Path Rehab Phase 3 Design
- 4.16 COMMUNICATION: Great Streets – St. Paul Street
- 4.17 COMMUNICATION: FIO document(s)
- 4.18 RESOLUTION: Market Factor Adjustment – IT Project Manager
- 4.19 RESOLUTION: COBRA rates [removed from agenda]



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- 4.20 RESOLUTION: Personnel Policy Updates
- 4.21 RESOLUTION: Quitclaim Deed – 18 Forest Street
- 4.22 RESOLUTION: Acting Inspections of Elections
- 4.23 RESOLUTION: Grant for acquisition of River's End marina
- 4.24 RESOLUTION: Rejection of Offer of Dedication – Whalen Building, 177-179 South Winooski Ave.
- 4.25 COMMUNICATION: Create New Positions and Increase Hours

MOTION by Councilor Knodell, SECOND by Councilor Bushor to adopt the Consent Agenda and take the action indicated for Item 4.01 through Item 4.25. VOTING: unanimous; motion carried.

Council President Wright recessed the City Council meeting at 8:29 PM to convene the Board of Civil Authority meeting. The City Council meeting resumed at 8:30 PM.

5.0 DELIBERATIVE AGENDA

5.01 Update on Moran Plant - CEDO

Interim CEDO Director Lunderville reported the focus of late at CEDO has been Memorial Auditorium, but staff has also been trying to determine what funding streams are in place for the Moran Plant and creative alternatives to have a functional facility that improves the waterfront and is within the funding. A consultant will be hired and a report provided to City Council.

Councilor Knodell mentioned the Waterfront TIF District and the December 2019 deadline to use the resource.

Councilor Bushor mentioned getting a tenant which would lead to more tenants. Something the public is excited about and provides greater public access year round should be done with the building.

Councilor Dieng asked why the Moran proposals have not moved forward. Interim CEDO Director Lunderville explained there have been many proposals that did not work for one reason or another. Staff is working to develop a viable plan to meet the public's need in a viable and achievable timeframe. More study is needed to provide a solid answer.

Councilor Hartnett said closure is needed on the project, but not by spending \$10 million to tear down the building.

Council President Wright asked if money could be saved by sealing the foundation rather than doing a demolition. Interim





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CEDO Director Lunderville assured the suggestion will be explored.

5.02 Mural Task Force Report to City Council - Mayor

Wei Wei Wang and other members of the mural task force reported on the recommendation to remove the mural as soon as possible or by August 29, 2022 and to do the following:

- Provide information to the public on why the mural was removed.
- Correct historical information related to the images depicted on the mural.
- Update the arts and public places guidelines and funding requirements.
- Do a replacement mural that correctly reflects the history of Burlington inclusive of people of color who helped grow the city.

There was discussion of the mural making some people feel invisible because they are not represented in the picture. The mural represented the timeframe from 1609 to 2009. The August 2022 date is the 10th anniversary of the mural being displayed and per the verbal agreement can then be removed. The mural was a public service by the merchants at the time and was done in good faith. The merchants paid for the mural and had an expectation the mural would be displayed for a certain time period. The task force tried to strike a balance with all the voices heard.

Council President Wright asked if the recommendation is to remove the mural or relocate the mural. Wei Wei Wang explained the four panels making up the mural represent an inaccurate history of Burlington. VARA law prohibits destruction of public art. The task force did not explore returning the mural to the artist. The task force suggested having an approval process before a panel of people to make sure the new mural accurately reflects Burlington before the new mural is installed. There could be different murals representing different parts of the city's history. The idea of education was implicit in the task force's discussions and the process of community involvement is a discovery process for community members to provide their experience and contribution. Council President Wright asked if the task force would consider having another mural on the opposite wall that reflect Burlington's more recent history. The task force said this was considered, but the inaccuracies are so deep with the existing mural that it did not feel right to leave it up or that another mural on the opposite wall would 'soften' the impact.

Councilor Shannon asked if the task force considered putting the question of removing/relocating the mural to the public for a vote. Wei Wei Wang said the task force held public forums to get public input and heard from about a dozen people. With the timeline before the task force it was thought best to hold public forums versus a larger public vote.

MOTION by Councilor Shannon, SECOND by Councilor Knodell, to waive the reading, accept and place the report on file.

DISCUSSION:

- **Councilor Shannon thanked the task force for the thoughtful approach to the task and reaching consensus with such divergent views. The task force was created by City Council through a collaborative process with**



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good applicants. The recommendation from the task force is to remove and relocate the mural within the city with new placards by 2022. City Council needs to discuss how to proceed.

- Mayor Weinberger acknowledged the time spent and the work done by the task force.
- Councilor Knodell noted the recommendations are the result of working through many different approaches to issues. City Council will make a plan for moving forward.

VOTING: 10 ayes, one nay (Councilor Hartnett); motion carried.

5.03 City Council Rules and Regulations – Postponed to 8/27/18.

5.04 Burlington Downtown Improvement District (DID) Phase 1 Assessment

MOTION by Councilor Roof, SECOND by Councilor Knodell, to waive the reading and adopt the resolution on the Burlington DID Phase 1 assessment.

DISCUSSION:

- Councilor Roof said the goal is to investigate options on how to better manage the downtown area through the DID and the Business Improvement District (a/k/a Church Street Marketplace). The action is to commit to the process that gives City Council and the community full opportunity to assess the report and recommendations which detail information and the DID. A work session will be held with the consultant (PUMA) and the Board of Finance will review fiscal and budgetary implications. The Board of Finance will select the preferred option for City Council approval. The Charter Change Committee will draft language for a ballot vote.
- Councilor Knodell noted the report highlights many issues that were not addressed for a long time in the downtown. The preferred option should go to City Council and then to the Charter Change Committee. The work session should include points of view from other committees.
- Councilor Shannon said bringing more commercial taxpayers to the downtown is important for the city.
- Councilor Tracy expressed concern about governance and not turning public space over to the business community. Citizen involvement in the downtown needs to be reinvigorated because there are residents who live in the downtown.
- Councilor Dieng said it would be more powerful to have the local people lead the initiative and put together what is wanted rather than consultants.
- Councilor Pine said the work with the city's partner, Burlington Business Association, is important. The consultant is worth the resources. A more balanced governance system is needed than the suggested preferred model with the public having a more significant role.
- Councilor Roof clarified the city can use the consultant as needed. The work session is a public meeting so anyone can attend. There will also be robust public outreach. PUMA is aware of the reality in Burlington. The city will decide on the consultant's recommendation. The charter change vote would be in March 2019.

VOTING: unanimous; motion carried.

6.0 COMMITTEE REPORTS

- Councilor Roof announced the Public Safety Committee is meeting 8/15/18 to discuss policing bias and downtown



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waterfront park bathroom access.

- Councilor Hartnett announced the PAAC is meeting 8/23/18 to discuss Memorial Auditorium and the process going forward.
- Councilor Tracy said the TEUC is meeting 9/11/18 to discuss Colchester Avenue and the Winooski Bridge alternatives.
- Councilor Shannon announced the Charter Change Committee will have recommendations on the City Council rules at the next City Council meeting.
- Councilor Deane gave an update on the Downtown Peddling District (district was last updated in 1995) and inclusion of additional food truck locations. Information is being gathered from CEDO and the CSM Commission before make changes to the district.

7.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Hartnett spoke of the passing of Dave Gretkowski and the loss of an incredible individual who will be greatly missed by all.
- City Council held a moment of silence in honor of Dave Gretkowski.
- Councilor Tracy mentioned the community meeting to hear the results of testing for dry cleaning contaminants in the Old North End.
- Councilor Bushor mentioned the 100 year celebration of North Beach, a gem the city is lucky to have.
- Councilor Dieng recognized the work of Chapin Spencer and DPW in the New North End keeping the roads clear, well paved, and well signed. Also, Cindi Wight, Dave Hartnett, and Kurt Wright are thanked for the time and energy put into the New North End block party.
- Councilor Roof said the next training as part of the sexual assault initiative is 8/20/18 at Hopeworks.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

Council President Wright mentioned the special meeting on 9/11/18 to discuss bonding. City Council will deal with the mural resolution at the final meeting in September.

9.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported:

- Dave Gretkowski's service was a sad, but moving and memorable tribute.
- North Beach formerly was farmland that opened as a beach for World War I veterans. The beach has a bright and active future, but the city needs to continue to address environmental challenges.
- The 314 bed facility at 194 St. Paul Street will be open 8/14/18.
- The new parking system is implemented at the airport to be followed by the downtown garages.
- New dispatch computers for fire and police are operational.
- There will be a work session in advance of the City Council meeting on 8/27/18 to hear an update on the waste water and storm water systems in the city. There may need to be some form of revenue bonding on the November ballot. September 11th is the last day to put an item on the ballot and that is why a special meeting is scheduled.



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10.0 ADJOURNMENT

MOTION by Councilor Roof, SECOND by Councilor Knodell to adjourn the regular meeting and resume the work session. VOTING: unanimous; motion carried.

The regular meeting was adjourned at 10:07 PM.

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