



**Regular City Council Meeting - Monday, July 15, 2019, 5:30 pm -
7:30 pm, Conference Room 12; 7:30 pm, Contois Auditorium, City
Hall
7/15/2019**

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

July 15, 2019

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

Perri Freeman – Central District

Franklin Paulino – North District

Joan Shannon – South District

Jack Hanson – 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: Mayor Weinberger

Beth Anderson, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Jordan Redell, Mayor’s Office

Olivia LaVecchia, Mayor’s Office

Deanna Paluba, HR



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Brian Lowe, IT

Lori Olberg, C/T

Amy Bovee, C/T

Chapin Spencer, DPW

Megan Moir, DPW

Jessica Lavallette, DPW

David White, P&Z

Luke McGowan, CEDO

Darren Springer, BED

Chris Burn, BED Energy Services

OTHERS PRESENT:

Raphine O'Rourke

Jeffrey Glassberg

Gabrielle Stebbins

Kawther Hashim

Ahmed Lateef

James Leas

Stan Hill

Charlie Messing

Johanna Rankin

Doris Bettinger

Mark Hughes

Creole Phatt

Judy Yarnell

Tom McDonald

Jennifer Decker

Lucy Gluck

Rachael Siegel

David Hartnett



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Caryn Long

Nancy Jacobson

J.F. Carter Newhauser

1.0 CALL TO ORDER and AGENDA

Council President Wright called the meeting to order at 5:38 PM on July 15, 2019.

1.01 Agenda

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

- **Note Appendix A for Item 6.16 (Cemetery Commission)**
- **Note information on Item 2.01 (Work Session on Use of BT Proceeds)**
- **Remove Item 7.05 (Public Hearing: ZA#19-03 – Parking)**
- **Remove Item 7.06 (Parking Amendments ZA#19-03)**
- **Note revised and amended version of Item 7.09 (Sidewalk Tractor Purchase, Council President Wright as sponsor)**
- **Remove Item 6.27 (Urban Offsets Contract - City Tree and Conservation Programming) and place on Deliberative Agenda as Item 7.10.**

VOTING: unanimous; motion carried.

2.0 WORK SESSION/EXECUTIVE SESSION: Possible uses of BT Proceeds

3.0 EXECUTIVE SESSION: Water Billing Negotiations

4.0 EXECUTIVE SESSION: CityPlace Update

There was discussion of the memo from Mayor Weinberger regarding determining the funds available from the BT proceeds to consider for reinvesting, perhaps by paying what is owed to the pension system (BERS) or toward the redevelopment of Memorial Auditorium. The city has a year from the closing date in March 2019 to make a decision. City Attorney Blackwood noted the \$500,000 working capital returned to the city is not utility money and cannot be considered for reinvestment. Outside counsel, attorney Ralphine O'Rourke, reviewed the negotiated items and protections built into the agreement. The city has first option to repurchase BT and if the city has a seat on the board of the utility then the city will have a voice in decisions.



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City councilors will email questions and requests for information to the City Attorney. More information on Schurz's plan and investing in telecommunications is needed in order to make an informed decision.

Prior to going into Executive Session, Councilor Mason said he will recuse himself from the discussion of the water billing negotiations with the Burlington Country Club.

MOTION by Councilor Mason, SECOND by Councilor Bushor, to find that premature public knowledge of contract negotiations relative to Champlain Broadband, water billing negotiations, and an update on negotiations with CityPlace would place the city at a disadvantage. VOTING: 10 ayes, 2 nays (Councilor Tracy, Councilor Freeman); motion carried.

MOTION by Councilor Mason, SECOND by Councilor Bushor, based on the finding of premature public knowledge of contract negotiations placing the city at a disadvantage to go into Executive Session to discuss Champlain Broadband, water billing, and CityPlace, and invite the Mayor, Mayor's Office staff, CAO, City Attorney, CEDO Director, Planning Director, DPW Director and Assistant Director, DPW staff, Todd Schurz, attorney Ralphine O'Rourke, and Jeff Glassberg. VOTING: 10 ayes, 2 nays (Councilor Tracy, Councilor Freeman); motion carried.

Executive Session was convened at 6:13 PM.

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

Executive Session was adjourned at 7:47 PM and the regular meeting resumed.

5.0 PUBLIC FORUM

Public forum was opened at 7:47 PM.

COMMENTS

- James Leas spoke of the laws of war and human shielding in regards to basing the F-35 jets at Burlington Airport, and the contention the contracts are void because it is illegal to base the planes in a residential area.
- Stan Hill spoke against the F-35 and urged the city to rename the ECHO Leahy Center to send a message.
- Charlie Messing spoke of having followers online due to his comments in *Seven Days* and that the decibels of the fireworks are half as loud as the F-35s.
- Johanna Rankin spoke of the noise from the F-35 and the plane being a nuclear bomber, and that there have been



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nuclear weapons in Vermont in the past.

- Doris Bettinger quoted the resolution passed by the Vermont Senate that says Bernie Sanders strongly opposes basing nuclear weapons in Vermont.
- Mark Hughes spoke in support of racial equity, diversity, and inclusion and creation of a paid position in city government to address equity.
- Creole Phatt requested the city create parking nearby handicap parking spaces for pregnant women.
- Judy Yarnell spoke of the nuclear capability of the F-35 and nuclear bombs in Vermont.
- Tom McDonald spoke of police patrols and lack of enforcement of skateboarding on the sidewalks.
- Jennifer Decker spoke against basing the F-35 at Burlington Airport and problems with the plane itself.
- Lucy Gluck spoke against the F-35 at Burlington Airport.
- Rachael Siegel spoke in favor of diversity, equity, and inclusion, and forming a department rather than one position. Ms. Siegel spoke against the F-35.
- Dave Hartnett spoke about the appointments to commissions being driven by political favors for friends, suggesting the police committee should be made up of three city councilors representing the three parties, chairs and vice chairs of each commission, and a representative from the Mayor's Office.
- Caryn Long spoke of storm water runoff impacting the lake, houses having yards rather than parking lots, and the poor condition of the sidewalks in the city.
- Nancy Jacobson spoke of a personal assault incident with a member of the BPD.
- J.F. Carter Newhauser spoke of support of continuing the work on social justice, and spoke against the F-35.

There were no further comments from the public. Public Forum was closed at 8:34 PM.

6.0 CONSENT AGENDA

6.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated

6.02 COMMUNICATION: Accountability List

6.03 COMMUNICATION: Contract with Utility Services Co.

6.04 COMMUNICATION: CEDO Community Justice Center Positions

6.05 COMMUNICATION: Contract with DEW for 645 Pine Street Renovation

6.06 COMMUNICATION: Early Literacy Outreach Program Coordinator Position

6.07 COMMUNICATION: Two Limited Service Positions for Reappraisal

6.08 COMMUNICATION: Openings on Burlington City Commission/Boards

6.09 COMMUNICATION: ECHO Development Agreement 2nd Amendment

6.10 REPORT: Vehicle for Hire Licensing Board

6.11 COMMUNICATION: Contract with Hooker & Holcombe for Pension Administration Outsourcing

6.12 COMMUNICATION: Regional Dispatch Update

6.13 COMMUNICATION: Notice of Education Tax Rates for FY2020





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6.14 COMMUNICATION: Three Class E-Bike System

6.15 COMMUNICATION: Contract with Industrial Four Inc. for Terminal Integration Project

6.16 REPORT: Cemetery Commission

6.17 COMMUNICATION: Property & Casualty Insurance Renewal for FY20

6.18 COMMUNICATION: Encumbrance License Agreement Renewals 2019-2020 for Outside the Church Street Marketplace

6.19 COMMUNICATION: Assistant Director for Community Works in CEDO

6.20 COMMUNICATION: FIO Document(s)

6.21 ORDINANCE: ZA#19-10 – Inclusionary Zoning

6.22 RESOLUTION: Sidewalk Café License Agreement CSM

6.23 RESOLUTION: Contract with Travelers Insurance for Workers Compensation FY2020

6.24 RESOLUTION: Quitclaim Deed – 196 Tracy Drive

6.25 RESOLUTION: Quitclaim Deed – 1599 North Avenue

6.26 RESOLUTION: Fees for Glebe/Leased Land Transfers

6.27 RESOLUTION: City Tree and Conservation Programming

MOTION by Councilor Bushor, SECOND by Councilor Roof, to adopt the Consent Agenda, Items 6.01 – 6.27, and take the actions indicated. VOTING: unanimous; motion carried.

7.0 DELIBERATIVE AGENDA

7.01 Report: Burlington Electric Commission

Gabrielle Stebbins, Burlington Electric Commission Chair, and Darren Springer, BED General Manager, reported BED is always working on safe, reliable, affordable, sustainable service, and continues the drive toward the city's net zero goal by 2030. Statistics are holding steady at BED which is very impressive. The support and leadership of the Electric Commission is noteworthy.

Councilor Tracy asked about the district energy project. BED General Manager Springer said different models and opportunities to help support the project are being reviewed. The district energy legislation being sought has been passed.

Councilor Mason asked about outreach for the programs being offered. BED General Manager Springer said there has been slow and steady marketing. The electric lawn mower program has been a big success. The upfront price is a challenge for electric vehicles. Auto dealers need to be educated that consumers want these cars.



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Councilor Bushor asked if the rebate for electric lawnmowers will continue. BED General Manager Springer said the rebate ends in December, but will likely be extended.

Councilor Hanson asked if there is a potential solution to getting more low income uptake of electric vehicles. Electric Commission Chair Stebbins said there has been an uptick in electric vehicles, but there is more room to grow. There are negotiations with local credit unions on more favorable finance terms for low income electric vehicle purchases. Regarding the energy coaching pilot program, BED is hosting sessions at the Family Room and may expand to other sites.

Councilor Dieng asked about avoiding a rate increase. Gabrielle said the regional market is being monitored for pricing. The need to change the rates will be addressed. Councilor Dieng asked about the staff satisfaction survey. BED General Manager Springer said a yearly survey is done plus workforce training and education opportunities. A firm is contracted to do the survey and there has been 92% participation.

Councilor Paulino noted the lack of complaints reflects the quality of work by BED.

7.02 Energy Efficiency in Rental Housing

BED Director Springer and Energy Services Director, Chris Burns, reported BED and VT Gas worked together to compile data on energy use in rental housing.

Councilor Hanson asked how the energy use compares to the national average and how it has changed over time. Chris Burns said real data, not averages were provided. An analysis of past data was not done to provide information on change over time.

Councilor Freeman stated the four sentence recommendation is vague, and stressed the need to act on the climate crisis with only 11 years of existence remaining.

Mayor Weinberger said preliminary proposals will be offered on 9/4/19.

7.03 Presentation: Initiative by BHS Students to Support Yemeni Children

Burlington High School students, Kawther Hashim and Ahmed Lateef, gave a presentation on the impact of war and the need to support the children of Yemen with food, water, medicine. A link to donate to help the children was provided



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7.04 Special Event Outdoor Entertainment Permit Applications (7/19/19 & 7/26/19): Church Street Marketplace

MOTION by Councilor Roof, SECOND by Councilor Tracy, to approve the Special Event Outdoor Entertainment Permit Applications by Church Street Marketplace for Mr. French Band on 7/19/19 and Phil Abair Band on 7/26/10 from 5 PM to 9 PM with amplified music and dancing. VOTING: unanimous; motion carried.

7.05 Public Hearing: ZA#19-03 – Parking Amendment

7.06 ZA#19-03 – Parking Amendment

Both items removed from agenda.

7.07 Racial Equity, Diversity, and Inclusion – Councilors Dieng, Pine, Hanson, Tracy, Roof, Bushor, Paulino, Mason, Shannon, Freeman, Paul

MOTION by Councilor Dieng, SECOND by Councilor Pine, to waive the reading and adopt the resolution on racial equity, diversity, and inclusion.

DISCUSSION:

- Councilor Dieng spoke of the Mayor and City Council being together on the resolution and Burlington as the largest and most diverse city in Vermont being a leader by creating a senior position to guide the city leaders and departments to have more diversity, equity, and inclusion. The resolution also creates a committee to explore forming a commission.

AMENDMENT by Councilor Bushor, SECOND by Councilor Dieng, to amend Line 4 of the resolution to change “older people” to “people of all ages. VOTING on amendment: unanimous; motion carried.

CONTINUED DISCUSSION:

- Councilor Pine noted the school district has a diversity and inclusion committee already in place. Councilor Pine read the clauses in the resolution pertaining to the timeframe for appointing the committee and hiring the position.
- Mayor Weinberger assured the senior staff of the Administration supports the resolution.

VOTING on motion as amended: unanimous; motion carried.

7.08 Special Committee on Policing Policies Appointments – Board and Commission Selection Committee

MOTION by Councilor Mason, SECOND by Councilor Roof, to appoint the following slate of individuals:

- Melo Grant to represent communities of color
- Dr. Kevin Rodger to represent mental health/substance abuse service providers
- Skyler Nash & J.F. Carter Newhauser to represent local activist organizations
- Jim Dunn to offer his professional background to help the committee





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And to re-advertise for an individual to fill the domestic abuse service providers position and have nominations from the floor for a second member representing communities of color and the local LGBT community.

DISCUSSION:

- **Councilor Pine suggested a person with experience be chosen rather than a service provider.**
- **All individuals are encouraged to apply.**

VOTING: unanimous; motion carried.

7.09 Use of Proceeds from Sale of BT for Sidewalk Tractors – Mayor Weinberger, Council President Wright

MOTION by Councilor Paul, SECOND by Councilor Shannon, to waive the reading and adopt the resolution on use of proceeds from the sale of BT to purchase eight sidewalk tractors.

AMENDMENT by Councilor Paul, SECOND by Councilor Bushor, to delete lines 1-4, change "\$1,075,000" to "\$570,000" in Line 19 and "proceeds from sale of Burlington Telecom" to "dollars from unassigned fund balance" and replace "eight" with "four".

AMENDMENT by Councilor Bushor, SECOND by Councilor Pine, to amend the title to read: "Use of Unassigned Fund Balance for Four Sidewalk Tractors".

DISCUSSION OF AMENDMENTS:

- **Councilor Paul observed this is a way to balance the capital need for sidewalk plows with a funding source.**
- **Councilor Pine requested an analysis of the savings with the new equipment in the fleet.**
- **Mayor Weinberger said this will help staff, reduce public frustration with the breakdown of plows, and save money. The city is in the fourth year of investment in sidewalk replacement and road repairs. Further discussion of use of BT funds is needed.**

VOTING on amendments: unanimous; motion carried.

VOTING on motion as amended: unanimous; motion carried.

7.10 Urban Offsets Contract for Tree and Conversation Programming – Board of Finance

Postponed to the 8/12/19 City Council meeting.

8.0 COMMITTEE REPORTS

- **Councilor Tracy announced the TEUC will meet on 7/25/19. Work continues on the Conflict of Interest Policy.**

9.0 CITY COUNCIL – GENERAL AFFAIRS

No report.





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10.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

Council President Wright announced Councilor Shannon and Councilor Freeman are appointed to the Special Committee on Policing Policies.

11.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported the following:

- The new position of Assistant Director for Community Works in CEDO will not add to the tax burden.
- All are urged to attend the Festival of Fools event.

12.0 ADJOURNMENT

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

The City Council meeting was adjourned at 10:08 PM.

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