Regular City Council Meeting - Monday, July 10, 2017, 7:15 pm, Contois Auditorium, City Hall
7/10/2017

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

July 10, 2017

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

Joan Shannon – South District

David Hartnett – North District

Richard Deane – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Moore - Ward 3

Kurt Wright – Ward 4

William "Chip" Mason – Ward 5

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Bob Rusten, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Anthea Dexter-Cooper, Assistant City Attorney

Brian Lowe, Mayor's Office

Katie Vane, Mayor's Office

Lori Olberg, C/T Office

Brandon del Pozo, Police Chief

Eric Kratochvil, BPD

Chapin Spencer, DPW

Meagan Tuttle, P&Z

Noelle Mackay, CEDO

OTHERS PRESENT: Ron Ruloff

Janet Patterson

Karen Powell

Jay Mullowney

David Maher

Art Frank

Martha Frank

James Palmer

David Grossnickle

Jason van Driesche

Jim Carrier

Eric Mayer

Christine Staats

Mary Mangus

Jenny Fuller

Glenn Eames

Mike Werisbicki

Liam Griffin

Thomas Connolly

Colin Birch

Lola Huston

Kathy Connolly

RJ Laluminere

Abby Kenney

Dennis O'Brien

Tim Kane

Mike McGorghan

Jean O'Sullivan

Joe Herrick

Eric Monson

Robin Lloyd

Ron McGarvey

Carolyn Bates

Joy McGarvey

George Rutherford

Andrea Kenney

Alexander D

Andy Montroll

Jason Charest

Rich Clark

Ron Redmond

Jeff Nick

1.0 CALL TO ORDER and AGENDA

City Council President Knodell called the meeting to order at 7:15 PM on July 10, 2017 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

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

- **Note correction in Item 5.04 (ECHO Updated Project Schedule)**
- **Amend action for Item 5.10 (Eviction Crisis Plans & Protocols Report)**
- **Note updated resolution for Item 5.14 (BCA Staffing Structure)**
- **Note updated resolution for Item 5.19 (Wastewater Division Reorg)**
- **Add Item 5.21 (Pro-Tech Security and Fire Contract) to Consent Agenda**
- **Add Item 5.22 (Education Tax Rate) to Consent Agenda**
- **Add Item 5.23 (Communication on Pilot Project) to Consent Agenda**
- **Add Item 5.24 (Public Hearing: F18-21 TIP) to Consent Agenda**
- **Add co-sponsors (Councilors Mason, Shannon, Deane, Moore) to Item 6.04 (North Avenue Pilot Recommendations) and note amendments**
- **Note addition to Item 11.01 (Action relative to BTC following Executive Session)**
- **Note amendment to Item 5.03 to add language to Section 4.1.1 of the Downtown Parking and Transportation Agreement to say City Council will be notified prior to the presentation to the DPW Commission on matters relative to any changes in rates.**

VOTING: unanimous; motion carried.

2.0 SWEAR IN NEWLY ELECTED CITY COUNCILOR

2.01 Swearing in of newly elected Ward 7 city councilor, Ali Dieng

Mayor Weinberger sworn in Ali Dieng as the city councilor representing Ward 7. Congratulations were extended to Councilor Dieng.

3.0 ANNUAL REPORTS TO CITY COUNCIL

3.01 Chittenden County Regional Planning Commission (CCRPC)

Andy Montroll, Burlington representative to CCRPC, pointed out the annual report notes a number of initiatives that were undertaken including adopting a policy to work better regionally (one example is regional dispatch).

Councilor Bushor asked about real time traffic information being collected anonymously through Bluetooth devices. Andy Montroll will check into any privacy issues with this activity.

3.02 Planning Commission

Andy Montroll, Planning Commission Chair, and Meagan Tuttle, Principal Planner, highlighted that 17 proposed zoning changes were brought forward over the past year plus planning initiatives. Additionally, the Planning Commission looked

at the Southend PlanBTV report and did follow up on the Downtown PlanBTV form based code and other plans. Having a youth member on the commission is very positive.

4.0 PUBLIC FORUM

Public forum was opened at 7:31 PM.

COMMENTS

- Ron Ruloff, resident, spoke of former Mayor Peter Clavelle being the mediator in the lawsuit to stop the mall development and this being "frontloaded for development". Mr. Ruloff also spoke of the FBI investigation of Jane and Bernard Sanders and the hope that at least two or more indictments will result. Mr. Ruloff contended development citywide is essentially a fraud and has been conducted in a fraudulent manner, and expressed disappointment the opposition caved in because people should be protesting to stop the development.
- Janet Patterson, North Burlington resident, urged City Council to support the pilot study because the pilot has made North Avenue a safe place to drive and ride a bike.
- Karen Powell, resident, read a statement questioning who City Council represents and about manipulating the public input process. Ms. Powell said it felt like the pilot was a done deal from the beginning. The majority of residents in the New North End do not want the pilot to become permanent. Ward 7 said "no" three times. Ms. Powell urged letting the people vote on the question in March without interference from City Council or the Mayor.
- Jay Mullowney, New North End resident and year-round bike commuter for the past 20 years, said he uses the bike path because cars and bikes do not mix. Mr. Mullowney urged plowing the bike path in the winter so it can be used by bikers.
- Dave Maher, New North End resident, said the project has divided the residents in the New North End who feel their voices have not been heard and opinions are not respected. The majority of people in the New North End voted against the pilot but the city went ahead anyway. The surveys showed a majority of residents in the New North End are against the pilot. The second survey results are questionable. Mr. Maher urged putting the question on the March ballot and letting the people vote.
- Art Frank, New North End resident and a biker, spoke against the plan because it is safer to use the bike path. The November 2014 City Council resolution required the support of the residents to continue the pilot and over 50% were opposed, but the pilot went forward anyway. That is disrespectful.
- Martha Frank, New North End resident, spoke against the project and said she has lost faith in the city government. Ms. Frank said she would appreciate City Council looking at the validity of the last survey. Most of the residents in the New North End are senior citizens and the survey was electronic. The paper copies were cumbersome and not timely. Ms. Frank urged putting the pilot on the ballot and letting the people vote.
- James Palmer, resident, said he walks and uses the bus. The bike path has hills. More New North End residents participated in the survey than voted in the last election for the two wards so the survey is more representative, not less. Safety is the biggest concern and the configuration of the pilot is safer now than previously.
- David Grossnickle, New North End resident, spoke of the rules of the road and people riding bikes on the west side of the street in the wrong direction. People do not know the rules of the road when biking and that makes it unsafe. Also, the city has snow on snow in winter and has to plow, but the area is not kept clear. Traffic congestion makes drivers more aggressive. The alternative is to create a bike path on the west side of the street so bikes can be off the road.
- Jason Van Driesche, Local Motion, said the pilot was designed to answer the question of the lane conversion increasing safety and decreasing congestion, and the answer is yes. Streets need to work for walking, biking, and

driving. North Avenue is safer. City Council is urged to make the pilot permanent.

- Jim Carrier, New North End resident, said the times are changing in the New North End and the idea of mixing bikes and cars is federal policy. The opposition is to change. City Council is urged to approve the project.
- Eric Mayer, resident in the south end, said people feel they are not represented by city government. As the Sinex mall project moves forward there is common sentiment the project does not speak to Burlington residents and does not work to their needs. It is a trickledown neoliberal type economics that does not work for the everyday citizen or women or people of color or queer people or immigrants or New Americans. There was a meeting on rebranding Burlington Labs - a company accused of stealing $6.7 million from the state Medicaid fund, rather that is the settlement the company agreed to pay without admitting liability. The company has seven years to pay the money back. Most people who steal do not get the same opportunity. They go to jail. It is not good to be congratulating a company on changing their name so they can do business without their legacy.
- Christine Staats, Old North End resident, physician, mother, and bike commuter, said she bikes to her patients in the New North End and felt safe biking on North Avenue last summer. City Council is asked to continue the pilot project for the health and safety of the community. Also, Montreal is a city that maintains its bike paths well along city streets.
- Mary Mangus, Old North End resident, spoke of the four lane road nightmare for cars and bikes. The pilot is a safety improvement and may get people out of their cars and on bikes. If so, traffic will decrease. The pilot needs to be looked at as the future. City Council is urged to vote on the matter.
- Jenny Fuller, Ward 7 resident, spoke of her children biking to school now with the bike lane, and that it was not possible to cross the street with four lanes of traffic. The New North End is multi-generational now and the children need to have access to independence, pride, and safety.
- Glenn Eames, resident, spoke in support of the pilot and getting information to make the corridor safer. The pilot will open the city to more commerce and be a benefit to the businesses. City Council needs to look at the matter holistically because the city is for all residents. One solution is more people riding bikes. To say use the bike path is not reasonable just as it is not reasonable to tell drivers to use the connector.
- Mike Werisbicki, Ward 7 resident, said it was terrifying to bike on North Avenue before the bike lanes, and suggested the city keep the pilot. The numbers say safety is what is up.
- Liam Griffin, Ward 7 resident, spoke of the 34 public meetings held on the project so more study or data are not needed. City Council is urged to end the process and accept the DPW recommendation.
- Thomas Connolly, New North End resident, said people who live in the New North End are not anti-bike. There are two dedicated bike paths. There has been tremendous development in the New North End and North Avenue is the only conduit that connects to the city. There should be talk of the overall health of the New North End in terms of safety of citizens who are elderly and need support services, of people getting to school, of commerce. It is important for City Council to listen to the stress they are hearing from some citizens of the New North End and give them a voice.
- Colin Birch, New North End resident, said there has been a 400% increase in commuter bike share on North Avenue. Mr. Birch said he commutes by bike and car, and purchased his house in the New North End because of the bike infrastructure, but the acrimony and nastiness on the part of some people does not feel like Burlington. People riding in the bike lane are just trying to get to work like the drivers. Keep in mind highways – cars, bike paths – bikes, streets – people.
- Lola Huston, New North End resident, spoke of being hit by cars while bicycling and having a vastly greater sense of safety. The process with the pilot has been long and arduous with ample opportunity for public input. There is a measurable increase in safety and a major conduit that benefits all Burlington residents. City Council is urged to keep the pilot project in place.
- Tom Ayres, former city councilor, said the amendment of October 2014 that created the North Avenue pilot was poorly worded and fueled a bitter division in the New North End. Mr. Ayres said this was the worse vote he cast as a City Council member. The amendment created the illusion people from one section of the city could have veto power over a major public infrastructure project. That is not the way to govern responsibly. It is unconscionable that

the matter was allowed to get to this point. City Council is urged to close the door on the vicious innuendo.

- Kathy Connolly, New North End resident, spoke in support of plowing the bike path which if plowed would be a great alternative. Also, pave the sidewalk on North Avenue. Ms. Connolly expressed hope the pilot can be brought back one more time to hear the full concerns from everyone.
- RJ Laluminere, Ward 7 resident, said the pilot is working as expected. There is a 40% crash reduction in the project area versus 0% citywide. The road should not be designed for rush hour. Safe streets are needed the other 23 hours far more than maximal traffic flow is needed during rush hour. Modest investment to Ethan Allen Parkway and the VT127 intersection may help ameliorate the delay during rush hour. City Council is urged to accept the changes and move forward on the full redesign of North Avenue that includes cyclist tracks similar to paving the sidewalk to give motor vehicles and bicycle traffic their own dedicated spaces.
- Abby Kenney, Ward 4 resident, spoke of the extensive process and public input, and the results that show a definitive success rate for the objectives of the pilot. City Council is urged to vote for the resolution. The validity of many of the concerns of people who live in the New North End is recognized. The pilot is much safer. Further dialogue is encouraged with residents. It is hoped to move forward talking about congestion and traffic light issues. The pilot should remain. The situation can improve.
- Dennis O'Brien, resident, urged listening to what the taxpayers are saying. Delay of 10 minutes each day adds up over a week or a month. In the New North End the pilot has been put upon the residents and there is no compromise. People in the New North End are saying the fix is in. The bike path was closed at the right time so the DPW report would come back about bikes all over the avenue, but there were only three bikes tonight, for instance, and they were on the sidewalk. What the people want is being mixed with what is needed. No one does not want safety. City Council is urged to let the people vote.
- Tim Kane, North Avenue resident, spoke of near misses with people on their cellphones and having to fix his springs due to the armadillos. Mr. Kane also said the way the pilot came about was deceptive. Another bike path is not needed on North Avenue. There are semi-trucks on the road.
- Mike McGarghan, one of the founding members of the grassroots effort of "4 Lanes for North Avenue", said it is frustrating with all the community meetings and public forums not to have a public vote on the issue. The grassroots effort could not do a website because DPW bought the name and redirected the website to their website. People in the New North End feel they are not being taken honestly and that City Council does not want to work with their point of view.
- Rep. Jean O'Sullivan spoke of transportation not just being bikes and cars, but also walking and public transit. City Council is urged to vote for the resolution. Another public vote would be an embarrassment. The way to deal with too much traffic on North Avenue is public transportation.
- Eric Monson, resident, spoke in support of the pilot and the need for the bike path to extend to the school at the upper end of North Avenue and to downtown Burlington to the south. The path should be plowed and lights added. There should be connection from North Avenue to the bike path and the bike path to Ethan Allen homestead. The pilot should remain in place and the bike path extended east-west and north-south as far as possible.
- Joe Herrick, Ward 7 resident, spoke in support of the project which makes all modes of transportation safer.
- Robin Lloyd, Maple Street, said the 72nd anniversary or Hiroshima Day and Nagasaki Day is approaching. The bomb changed the world forever. The Peace & Justice Center and Women's International League for Peace and Freedom have a proclamation in support of nuclear disarmament. The UN voted to prohibit nuclear weapons (122 nations were involved in the vote).
- Ron McGarvey, Ward 4 resident, said he feels safer in all modes of transportation with the pilot and hopes City Council votes to continue the pilot. Mr. McGarvey said he is not in favor of public referendums for establishing public safety policy. The data demonstrate the pilot is safer. City Council is obligated to make decisions that benefit all residents. The city's liability carrier may have an opinion about changing from a safer configuration to one that is less safe. City Council is urged to vote to continue the pilot.
- Caroline Bates, resident, urged voting for Alan Manson and BT Corp. as the new owner of BT to stay local and a cooperative. Ms. Bates said it feels safer on North Avenue now and urged City Council to vote yes on the pilot and

extend the bike path pilot down Pine Street and do a rotary instead of having a dead-end at Champlain Parkway.

- Joy McGarvey, Lakewood Parkway, stressed that the North End is a neighborhood filled with many different people who use different ways to access the wonderful things in the north end. People walk, bike, and use all different modes of transportation. It is much friendly now to get around.
- George Rutherford, resident, said his children use the bike lanes and if the lanes were not there it would be less safe. Thanks are extended for all the good work that has been done. The bike path should be extended and the bike lane should continue because it feels safer with it. City Council should make a decision and vote yes on the pilot.
- Andrea Kenney, resident, spoke of riding a bike while growing up in Burlington when there were no bike paths. Ms. Kenney said she now rides on the bike path, but not in winter or at night. Ms. Kenney spoke in support of the bike lanes.
- Alexander D, resident, said he uses the waterfront bike path and the bike path on the beltline, but spoke against the New North End pilot because cars and bikes do not mix. It is selfish to take a handful of bikers and reduce four lanes to two lanes to accommodate. Safety – no. It is slow. Think safe, but smart.

There were no further comments. Public Forum was closed at 8:48 PM.

5.0 CONSENT AGENDA

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

5.02 COMMUNICATION: Accountability List

5.03 COMMUNICATION: Downtown Parking & Transportation Agreement

5.04 COMMUNICATION: ECHO Updated Project Schedule

5.05 COMMUNICATION: Continuum of Car Planning Grant Contract

5.06 COMMUNICATION: Declaration of Elected Candidate Ward 7 Special Election

5.07 COMMUNICATION: Spot on the Dock

5.08 COMMUNICATION: Sweep Accounts & Other Bank Accounts

5.09 COMMUNICATION: General Fund Revenue Unaudited

5.10 COMMUNICATION: Eviction Crisis Plans & Protocols Report

5.11 REPORT: Design Advisory Board

5.12 COMMUNICATION: FIO Document(s)

5.13 RESOLUTION: Reclassify & Retitle Waterfront Manager Position

5.14 RESOLUTION: Update Staffing Structure Burlington City Arts

5.15 RESOLUTION: Market Factor Adjustment & Change in Reporting Structure, Technology Support Specialist

5.16 RESOLUTION: 2017 Burlington One Year Action Plan

5.17 RESOLUTION: Quitclaim Deed, 104 Pleasant Avenue

5.18 RESOLUTION: Quitclaim Deed, land at 56 West Road

5.19 RESOLUTION: Reorganization, Wastewater Division

5.20 RESOLUTION: BED 2016 Integrated Resource Plan

5.21 COMMUNICATION: Phase II Contract Pro-Tech Security and Fire

5.22 COMMUNICATION: Notice of Education Tax Rates for Fiscal Year 2018

5.23 COMMUNICATION: Jeff Ladner re: Opposing Continuation of Pilot Project

5.24 COMMUNICATION: CCRPC Public Hearing re: Adopt Proposed FY18-21 TIP

MOTION by Councilor Paul, SECOND by Councilor Roof, to adopt the Consent Agenda, Items 5.01 through 5.24, with the following amendments:

- **Amend language in Item 5.03 (Downtown Parking & Transportation Agreement) to notify City Council prior to presentation to the DPW Commission relative to parking rate changes.**
- **Note correction in Item 5.04 (ECHO Updated Project Schedule).**
- **Amend action for Item 5.10 (Eviction Crisis Plans & Protocols Report).**
- **Note updated resolution for Item 5.14 (BCA Staffing Structure).**
- **Note updated resolution for Item 5.19 (Wastewater Division Reorg).**
- **Add Item 5.21 (Pro-Tech Security and Fire Contract) to Consent Agenda.**
- **Add Item 5.22 (Education Tax Rate) to Consent Agenda.**
- **Add Item 5.23 (Communication on Pilot Project) to Consent Agenda.**
- **Add Item 5.24 (Public Hearing: F18-21 TIP) to Consent Agenda.**

and to take the action indicated. VOTING: unanimous; motion carried.

6.0 DELIBERATIVE AGENDA

6.01 Appointment of Assistant City Attorney

Mayor Weinberger reviewed the qualifications and experience of Anthea Dexter-Cooper who will be an outstanding addition to the City Attorney's team as Assistant City Attorney.

MOTION by Councilor Mason, SECOND by Councilor Shannon, to confirm the appointment of Anthea Dexter-Cooper as Assistant City Attorney.

DISCUSSION:

- **Anthea Dexter-Cooper said she is honored to be appointed and looks forward to being a member of the team.**

VOTING: unanimous; motion carried.

6.02 Public Hearing: Allocation Method and Standards for Common Area Fee Formula and Establishment of Common Area Fees for Church Street Marketplace for FY2018

The public hearing was opened at 8:52 PM. Church Street Marketplace Executive Director, Ron Redmond, and Chair of the Church Street Marketplace Commission, Jeff Nick, explained the first step is approval of the allocation method and then the common area fees. There were no further comments. The public hearing was closed at 8:53 PM.

6.03 Allocation Method and Standards for Common Area Fee Formula and Establishment of Common Area Fees for Church Street Marketplace for FY2018

MOTION by Councilor Roof, SECOND by Councilor Paul, to waive the reading and adopt the resolution on the allocation method and standards for the common area fee formula and the establishment of common area fees for the Church Street Marketplace for FY2018.

DISCUSSION:

- **Councilor Bushor pointed out Attachment A says "west side FY17-FY18" and "east side FY17 proposed 1%". Ron Redmond said this is an error that will be corrected. There is no increase in the common area fee from FY17.**
- **Council President Knodell asked if the resolution is correct in its wording. City Attorney Blackwood will check into this.**

AMENDMENT by Councilor Bushor, SECOND by Councilor Roof, to correct Attachment A to say "east side FY17-FY18". VOTING ON AMENDMENT: unanimous; motion carried.

VOTING ON MOTION AS AMENDED: unanimous; motion carried.

6.04 North Avenue Pilot Recommendations

MOTION by Councilor Tracy, SECOND by Councilor Moore, to waive the reading and adopt the resolution on the North Avenue pilot recommendations.

DISCUSSION:

- **Mayor Weinberger said the level of engagement and commitment to the community is what makes Burlington a great city and is the source of strength. The pilot was a test to see if changes in the road design would increase public safety and increase accessibility for all modes of transportation. The city wants safe roads and accessibility for all neighborhoods open to all modes. There has been extended debate on the pilot and adjustments have been made based on the feedback. The studies show good progress has been made in terms of safety and access. The number of crashes is down by 25%. The number of serious crashes is down by 75% in the four to three section of the roadway. The changes have been made with very limited impact on the flow of traffic. An increase in other modes of transportation is being seen. There has been improvement with very limited public investment. City Council is urged to keep the pilot as recommended. It is time for closure and to move on. Mayor Weinberger said he works hard to be a mayor for all of the city and reduce opposition, and remains committed to that goal. Staff did listen at the meetings and made changes in**

response. The armadillos were removed. Bus pull-offs were created. Signalization was optimized. Listening and making changes will continue. There is a strong team at DPW led by a very able director who is committed to making a better city. Chapin Spencer is responsive, listens, and is a communicator. Thanks are extended to Director Chapin for the hard work and taking all the criticism.

- **A presentation on the pilot project and the public process was given.**
- **Crash data were presented by Eric Kratochvil, BPD. In sum, the pilot area had a decrease in crashes and a decrease in injuries.**
- **Traffic data were presented by Jason Charest, CCRPC. In sum, average travel time increase was one minute and nine seconds maximum and 80% of people entering North Avenue from side streets had a wait time of 30 seconds or less. Traffic volume showed a slight decrease. Traffic speed was unchanged or decreased. There were slightly more walkers and bikers. Cost/benefit analysis shows the benefits outweigh the cost at a 1.25 benefit/cost ratio.**
- **Survey results were reported by Rich Clark with Castleton Polling Institute. The results show 78% of the responses were from Wards 4 and 7. There was good age representation in the New North End. By a narrow margin people supported the project and feel North Avenue is safer.**
- **Director Spencer stated the staff recommendations based on the data and survey results are to retain the existing lane configurations and advance a number of improvements (land striping/marking, signalization adjustment at Ethan Allen Parkway), do intersection improvements at Ethan Allen Parkway/Little Eagle Bay, have an engineering firm evaluate the VT127 intersection improvements, and continue monitoring performance and make additional improvements such as sidewalks on North Avenue.**
- **Councilor Tracy stated the process should be judged on whether the avenue is safer and it is in so many ways. Crashes have decreased. Injuries have decreased. The city has a fundamental responsibility when seeing safety increase to make that permanent so the public is as safe as possible. The city needs to continue to look at safety across all modes. Safety data should be the priority and outweigh the congestion data. Councilor Tracy reviewed sections of the resolution including accountability measure, monitoring performance, making improvements, and reporting on how to make the process better.**
- **Councilor Moore asked if there are any thoughts for future projects with regard to process and if there is a plan for winter and bike commuters. Director Spencer said the pilot effort was an appropriate approach (collect data, listen to input, make changes) though there can always be improvements. Regarding plowing the bike path in winter, Parks & Rec is exploring the idea. The bike lanes are plowed. Mayor Weinberger said the newly built sections of the bike path are plowed.**
- **Councilor Dieng stated the North Avenue voters voted against the bike lane twice yet this is still being discussed. Councilor Dieng asked the necessary steps in the future to take to not go over this again. Trust is important. Director Spencer explained with regard to the process there was a four month check-in prior to winter to see if the pilot was functioning and should continue for a full year, and there was a second stage plan after that. Director Spencer said he is always happy to take feedback from the public and City Council. Regarding a more clear, streamlined process City Council and DPW have to work together as partners to ensure the process is defensible by all.**
- **Councilor Dieng asked if the traffic flow from the Burlington College development on North Avenue has been assessed. Jason Charest, CCRPC, said this was not part of the pilot analysis directly. The applicant for the Burlington College property has put forth a traffic impact study that will be reviewed by CCRPC. Director Spencer said DPW has reviewed the plan and found the performance of the traffic network acceptable after buildout of the project.**
- **Councilor Dieng asked about residents losing parking with the pilot. Director Spencer said there was loss of public parking due to the bike lanes. The city has to balance mobility and parking in the narrow right-of-way. Staff has some ideas how to mitigate the matter.**
- **Councilor Dieng asked what the police will do to make sure bikers and drivers are safe. Police Chief del Pozo said car and bike safety will not take precedence over drug control activities especially with the opiate crisis**

because one has killed more Vermonters and Burlingtonians than the other. The total number of crashes reported on North Avenue since 2012 is 13 and 10 have involved bikes on the sidewalk interacting with cars trying to clear the sidewalk. Since July 1, 2016 to June 30, 2017 there has been one bike accident on North Avenue and the bike was on the sidewalk and hit by a car. The year prior there were two accidents. There is time to see if the engineering has an effect. The data indicates a decrease in car and pedestrian and bike accidents on North Avenue. Reallocating police resources to North Avenue is not justified, but the police will continue to educate on bike safety and enforce the law.

- **Councilor Mason said the objective was always about safety. The pilot is right and it is time to move forward. There are other roads that will have bike lanes (Shelburne Road, Pine Street).**
- **Councilor Hartnett stated Burlington High School has announcements daily about people being late for school because they are riding the bus. There are petitions in stores on North Avenue saying the avenue is more unsafe than ever before which does not jive with the data. North Avenue is for everyone. There can be a compromise with the pilot. There could be shared paths on both sides of North Avenue and VT127 could be opened up. Crosswalks on North Avenue are good so there are good parts of the pilot. Councilor Hartnett spoke of personally canvasing the neighborhoods to encourage participation in the survey. The three north end city councilors were to see the data first, but that did not happen. The city councilors were not even contacted prior to the public meeting where the data were presented. There is no reason for that. Public trust in the process has been lost. The process was not well done. There are too many questions down the road. The pilot has to work for the community and be safe for people who want to walk and bike and have an efficient flow of traffic. Local Motion is driving the plans, but there has to be a balance. Valuable parking cannot be lost.**
- **Councilor Wright asked if more time will give better, statistical significance with regard to safety. Police Chief del Pozo said the data are too small to show statistical significance so to show a decrease with confidence that would pass merit more time is needed.**

AMENDMENT by Councilor Wright, SECOND by Councilor Hartnett, to strike all language in the resolution and substitute with the language as provided in the proposed amendment.

<u>DISCUSSION OF AMENDMENT BY COUNCILOR WRIGHT</u>:

- **Councilor Wright said people who love the road and people who do not have been dismissive of each other's points of view. There must be room for all opinions. The strike all amendment acknowledges there is great concern. Safety is a concern, but the sample size is so small and there is not enough data to know the real safety issue. The amendment is calling for not making the pilot permanent just yet. The impact of the development of Burlington College on North Avenue with potentially more vehicles on the road is not known. More data, better data on the traffic impact from a major development are needed. Also, confidence needs to be instilled that the process works right, and not just from one side. At least half of the New North End does not feel the process was handled right. If there is a vote in March that would be the only vote since the pilot was put in place. There have been surveys which are not scientific and only indicate those who participated. Many people do not have computers and the Mayor made a commitment to send out a survey in the spring to residents in the New North End, but a postcard was sent instead providing direction on how to get a survey. The first postcard was not well designed so a second postcard was done, but that postcard had a timeline that did not work. The reason to have a vote of the public is to allow confidence to be instilled into the process, to get better data about safety, and to get more information on the development on North Avenue. There is no reason to rush into this. The language that was in place said the New North End will decide the pilot. The language was accepted by City Council and crafted by the Administration. As important as the road is to people, both the opponents and the supporters, even more important is that the process instill confidence in the people.**
- **Councilor Paul asked about the process with the survey and the results. Director Spencer explained when the**

survey was received from Castleton, DPW reviewed the narrative describing the New North End pilot project, but made no comments on the findings. Castleton provided a revised version and a request was received from Councilor Wright and Councilor Hartnett for a copy which was provided the next day.

- **Councilor Paul spoke of Chapin Spencer's professionalism, integrity, and being a dedicated public servant.**
- **Councilor Bushor said Colchester Avenue was the first street to go from four lanes to three lanes to allow bike travel. There are more bicyclists on the road now so the bikers must feel safer. Councilor Bushor said she would be interested in the strike all amendment if the bullets from the original resolution are included on the pilot staying in place, delineating the lines, continuing to monitor performance of North Avenue, making additional investments consistent with the corridor and input obtained, installing additional crosswalks on North Avenue, and providing a written report in September on how to improve the public outreach process. Councilor Bushor said a balance must be found between the reduction of crashes and injuries and people who feel they did not have opportunity to weigh in. City Council must vote for what is safer for everyone.**
- **Councilor Bushor proposed a further amendment to the amendment by Councilor Wright to add a resolve clause to include lines 29-36 and 46-51 from the original resolution, but the motion failed due to lack of a second.**
- **Councilor Hartnett said he will not support the amendment. Confidence in the process needs to be restored. It is discouraging the city received the data and did not inform the New North End city councilors who did not know the data was received until seeing the posting for the public meeting even though Councilor Wright requested the data from Director Spencer who said the information would probably be sent early the next week. A second phone call was made with a threat to go public with the matter. Councilor Hartnett said he has lost confidence in Director Spencer.**
- **Councilor Tracy said he will not support the amendment because it does not promote or mention safety and strikes all the language prioritizing safety in the original resolution, replacing it with language about doing a pilot. It was not clear if a vote would supersede a road design that is safer and it was not clear if the voices of the New North End would carry greater weight and a deciding role in terms of making a final call. It was not clear if the amendment is a charter change or just advisory. Councilor Tracy said it is best to stick to the original resolution given the road is experiencing greater safety.**
- **Councilor Shannon stated road projects are controversial and people get upset when parking is taken away. There was not a public vote on the southern connector or sidewalk adds as part of the Safe Routes to School initiative. There has been a tremendous amount of public input from the New North End. The survey results are closely split, but there was a plurality in favor. City Council has the obligation to look at the data, take public input, respond, and evaluate holistically, not just going to two wards of the city.**
- **Mayor Weinberger said he is opposed to sending the pilot to a ballot item. The city has never made public safety decisions by ballot and should not start now. Councilor Wright should have made it clear the intent was to have a ballot vote. City Council with input from the Mayor, staff, and technical counsel should make these types of decisions and that is why the charter puts the decision in the hands of City Council and the Mayor.**

VOTING ON AMENDMENT BY COUNCILOR WRIGHT: 1 aye, 11 nays (Council President Knodell, Councilor Dieng, Councilor Moore, Councilor Tracy, Councilor Bushor, Councilor Hartnett, Councilor Mason, Councilor Shannon, Councilor Paul, Councilor Roof, Councilor Deane); motion did not carry.

<u>CONTINUED DISCUSSION ON ORIGINAL RESOLUTION</u>:

- **Councilor Shannon pointed out what is being done is for the community benefit. Work will continue on a better process and improving traffic flow and safety for all modes of traffic throughout the city including North Avenue.**
- **Councilor Wright stated to vote to make the pilot permanent with questions remaining and at least half the**

residents in the New North End not having confidence instilled in them about the process is a mistake. It is hoped when City Council approves language in the future the Council sticks to it. Going forward with any transportation plan that involves city streets, parking, and such City Council should not allow one organization, Local Motion, coming from one aspect to drive the matter. The point of view needs to be more global.

- **Councilor Bushor stressed it is important to move forward with the safety issues. The process was flawed and it is hoped this can be improved in the future.**
- **Councilor Dieng said Ward 7 people support the bike lane, but constituents are losing trust in the city. A better process is needed. Bus drivers have a petition to stop people from passing a stopped bus when picking up or dropping off passengers. Places to pull off are needed. Director Spencer said Green Mountain Transit and the public can be involved in conversation of specific areas that need attention.**
- **Councilor Wright said there may be an opinion that Ward 7 is in favor of the pilot, but according to the survey Ward 7 narrowly opposed the pilot.**

There were no further comments.

VOTING ON ORIGINAL RESOLUTION: 10 ayes, 2 nays (Councilor Wright, Councilor Hartnett); motion carried.

MOTION by Councilor Wright, SECOND by Councilor Hartnett, to suspend the rules to complete the work of City Council and eliminate Committee Reports (Item 7.0), City Council General Affairs (Item 8.0), City Council President Council Updates (Item 9.0), and Mayor General Affairs (Item 10.0). VOTING: unanimous; motion carried.

7.0 COMMITTEE REPORTS

No report.

8.0 CITY COUNCIL – GENERAL AFFAIRS

No report.

9.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No report.

10.0 MAYOR – GENERAL AFFAIRS

No report.

11.0 EXECUTIVE SESSION

11.01 BTC Litigation Settlement and Development Agreement Negotiations

Burlington Town Center Litigation Settlement

MOTION by Councilor Roof, SECOND by Councilor Deane, to find that premature disclosure of the Burlington Town Center litigation settlement would be detrimental to the city. VOTING: unanimous; motion carried.

MOTION by Councilor Roof, SECOND by Councilor Deane, based on the finding of premature disclosure being detrimental to the city to go into Executive Session to discuss the Burlington Town Center litigation settlement and invite the Mayor, Mayor's Office staff, City Attorney, CAO, CEDO and staff to attend. VOTING: unanimous; motion carried.

Executive Session was convened at 10:40 PM.

MOTION by Councilor Roof, SECOND by Councilor Deane, to adjourn Executive Session. VOTING: unanimous; motion carried.

Executive Session was adjourned at 11:07 PM.

ACTION ON BTC LITIGATION SETTLEMENT FOLLOWING EXECUTIVE SESSION

MOTION by Councilor Shannon, SECOND by Councilor Paul, to authorize the City Attorney's Office to enter into a stipulated judgment in the pending 75 Cherry Street permit appeal (Devonwood Investors, LLC, 75 Cherry Street, Superior Court Environmental Division, Docket No. 39-4-17 vtec) that would modify the DRB permit to include up to 200 additional underground parking spaces and an additional entrance onto Pine Street subject to approval of the plans by DPW and P&Z staff and with the DRB to be informed of the details at the July 18, 2017 meeting.

DISCUSSION:

- **Attorney Blackwood explained the court will be given a stipulated judgment entered into by all the parties that made changes to the issued DRB permit to allow an additional 200 underground parking spaces and an additional entrance onto Pine Street subject to approval of the plans by DPW and P&Z staff.**
- **Councilor Bushor spoke against the motion because underground parking with the project was requested and the city was told this is out of the question, but now it is not.**
- **Mayor Weinberger stated the critical settlement will dissolve and the future of project made uncertain without support of the motion. The project has evolved over time. Permits are secured before engineering plans are done. Some geotechnical information changed the engineering assumptions and allowed adding underground parking. This played a key role in allowing the settlement to come to this point.**

There were no further comments.

VOTING: 10 ayes, 2 nays (Councilor Bushor, Councilor Tracy); motion carried.

Burlington Town Center Development Agreement Negotiations

MOTION by Councilor Deane, SECOND by Councilor Roof, to find that premature disclosure of discussions with Devonwood of the Burlington Town Center development agreement would put the city at a disadvantage. VOTING: unanimous; motion carried.

MOTION by Councilor Deane, SECOND by Councilor Roof, based on the finding of premature disclosure putting the city at a disadvantage to go into Executive Session to discuss the Burlington Town Center development agreement and invite the Mayor, Mayor's Office staff, City Attorney, Attorney Farkas, CAO, CEDO Director to attend. VOTING: unanimous; motion carried.

Executive Session was convened at 11:14 PM.

MOTION by Councilor Roof, SECOND by Councilor Deane, to adjourn Executive Session. VOTING: unanimous; motion carried.

Executive Session was adjourned at 11:48 PM.

12.0 ADJOURNMENT

With no further business and without objection the meeting was adjourned at 11:48 PM.

RScty: MERiordan