



Regular City Council Meeting - Monday, June 24, 2019, 7:00 pm, Contois Auditorium, City Hall 6/24/2019

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

June 24, 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

David White, P&Z

Luke McGowan, CEDO

Steve Locke, Fire Dept.

Gene Richards, Airport

OTHERS PRESENT:

Jeff Munger

Michelle Asch

Shireen Hart

Todd Spellman

Sabina Haskell

Mark Hughes

Mary Filmore

Colby Roberts

Diane Sullivan

James Mark Leas

Cara Montagoo

Robin Lloyd

Casey Sears

Hannah Brislin

Zachary York

Jabulani Gamache

Skyler Nash

Jim Dunn

Joe Speidel



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

1.0 CALL TO ORDER and AGENDA

Council President Wright called the meeting to order at 7:12 PM on June 24, 2019.

1.01 Agenda

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

- **Note information for Item 4.39 (ELI grants and scholarships)**
- **Note information on Item 4.44 (FAA grant and contract)**
- **Add Item 4.54 (zoning amendment notice process)**
- **Note information for Item 5.14 (UVM housing)**
- **Move Item 4.51 (food trucks) to Deliberative Agenda as Item 5.15**

VOTING: unanimous; motion carried.

2.0 ANNUAL REPORT TO CITY COUNCIL

2.01 Airport

Aviation Director Richards and Airport Commission Chair, Jeff Munger, summarized the productive year for the airport, highlighting the airport has financial stability with 300 days of cash-on-hand, the credit rating received an increase, grants were received from the FAA for needed airport projects and deferred maintenance, and enplanements are up due to more daily service and increased plane sizes. The airport provides access to space at the terminal for nonprofits to raise funds. Year-to-date \$160,000 has been raised.

Councilor Bushor mentioned the upcoming 100th anniversary of the airport and the importance of the airport for travel and for the economy of the region and state. Councilor Bushor asked about the housing removal program. Aviation Director Richards explained the new noise mitigation program will insulate houses, replace doors and windows, and add air conditioning.

Councilor Tracy mentioned the noise of the F-35 airplanes and how the community will be engaged. Airport Commission Chair Munger said the commissioners attend the open house meetings on airport noise to lend support to the consultants, airport team, and the FAA, and meets with people from the surrounding towns such as Winooski and South Burlington. Community relations have been much better with South Burlington due to better communications. South Burlington has a representative on the Airport Commission.



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Councilor Freeman spoke about the growth of the airport being inversely related to greenhouse emissions, and asked about steps to decrease emissions. Aviation Director Richards said the airport works with the airlines and expects there will be more efficient and larger aircraft being used moving forward. The airport has installed solar panels, wind energy, light initiatives, and EV charge stations.

Councilor Hanson asked for an explanation of the work with airlines. Aviation Director Richards said the #1 initiative with airlines is to get affordable and better, competitive service. More affordable flights keep people from driving to another airport or to their destination.

Councilor Dieng asked about the relocation of parking for employees. Airport Commission Chair Munger said the parking garage is full and the airport has various lots around the terminal that are being used. Aviation Director Richards added employee parking is about 200' from the terminal. The parking is affordable and the majority of the employees are happy with the parking arrangement. There are other options available to employees. Councilor Dieng asked for an update on the proposed hotel. Aviation Director Richards said the hotel project received DRB approval from South Burlington and will break ground in 60 days for completion in nine months.

2.02 Police Commission.

Michelle Asch and Shireen Hart, Chair and Vice Chair of the Police Commission respectively, gave the report from the Police Commission, noting the report does not come from the Police Chief.

Councilor Bushor asked for clarification of the purpose of the Police Commission. Vice Chair Hart referred to the bulleted items in the report which are to help new commissioners understand what the Police Commission is doing. Councilor Bushor urged having good communication with City Council. Chair Asch spoke about the pilot project on the role of the Police Commission and citizen complaints. The Commission will come to City Council twice a year to discuss complaints and where the process is going.

Councilor Tracy asked for ideas on how the Police Commission can be more transparent with the public specifically with cases involving excessive force. Chair Asch said clarity is needed with regard to labor laws in order to know what can be released for public consumption. The police have been very transparent to the commissioners during executive session. Councilor Tracy asked if disciplinary standards are commensurate with the harms or if the union contract needs to be revisited. Vice Chair Hart said the commission is advisory with many different opinions for the Police Chief and deputies on what is appropriate. Chair Asch said she is comfortable with the level of discipline based on the information that was provided to the commission. Precedent and previous actions are considerations as well in the commission's recommendations.

Councilor Freeman asked the best way to clarify directives as a commission. Vice Chair Hart reiterated the commission is advisory only. Councilor Freeman asked the process for directives to be taken under review. Vice Chair Hart said when a directive is to be amended or adopted the commission reviews and discusses the language and any revisions at the



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monthly meetings which are open to the public.

Councilor Pine stated City Council needs to provide more clear direction to the Police Commission. There needs to be better communication so the relationship between City Council and the Police Commission can work better. Councilor Pine suggested holding a focused work session or retreat with the Police Commission and City Council.

3.0 PUBLIC FORUM

Public forum was opened at 7:32 PM.

COMMENTS

- Todd Spellman spoke about the impact on quality of life in the neighborhood by Trinity campus due to college kids going on neighboring properties, littering, vandalism, and noise. Undergraduate students should not be on Trinity campus and there should not be more student housing on Trinity campus.
- Sabrina Haskell requested being reappointed to the Burlington Electric Commission.
- Mark Hughes thanked City Council for considering him for the Police Commission, and clarified his relationship with Chief del Pozo (not adversarial). There is no better police department in the state, but there is always room for improvement. Mr. Hughes read a list of items he pledges to do while serving on the Police Commission.
- Mary Filmore expressed concern about the F-35 planes and unaddressed issues with the aircraft, and asked City Council to re-evaluate having the F-35 at Burlington Airport.
- Colby Roberts and Diane Sullivan spoke of Matt Thorsen's photography work telling the story of Vermont and requested the name of Mechanics Lane be changed to "Thorsen Way".
- James Mark Leas spoke of the war principle of proportionality, military necessity, and required separation relative to the F-35, and urged that the military be pressed to uphold its own laws and seek a mission that meets the requirements of the law in a city location.
- Cara Montagoo urged City Council to continue the fight of the residents who do not want the F-35 planes at the airport. There is concern about impacts on residents and being a target of a nuclear strike.
- Robin Lloyd said according to Air National Guard, EPA approved firefighting foam will replace the legacy foam. The public should have access to the report on the site inspection that is being done for handling the foam. Also, there is concern about waste chemicals from washing the F-35 planes. City Council is urged to look for a different and healthier mission for the Guard and the community.
- Casey Sears referred to two backpacks full of documents and tapes archiving his life and the challenges he has faced with his mental health and living on the streets of Burlington.
- Hannah Brislin explained her application for a position on the Conservation Board.

There were no further comments from the public. Public Forum was closed at 8:03 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 COMMUNICATION: Minutes, Local Control, 2/11/19



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- 4.04 COMMUNICATION: Minutes, City Council, 2/11/19
- 4.05 COMMUNICATION: Minutes, Board of Civil Authority, 2/19/19
- 4.06 COMMUNICATION: Minutes, Full Board of Abatement of Taxes, 2/19/19
- 4.07 COMMUNICATION: Minutes, City Council Mayor Presiding, 2/19/19
- 4.08 COMMUNICATION: Minutes, City Council, 2/19/19
- 4.09 COMMUNICATION: Minutes, Public Information Meeting, 2/27/19
- 4.10 COMMUNICATION: Minutes, City Council, 3/11/19
- 4.11 COMMUNICATION: Minutes, Local Control, 3/11/19
- 4.12 COMMUNICATION: Minutes, City Council Special Meeting, 3/25/19
- 4.13 COMMUNICATION: Minutes, Local Control, 3/25/19
- 4.14 COMMUNICATION: Minutes, Board of Civil Authority, 3/25/19
- 4.15 COMMUNICATION: Minutes, City Council, 3/25/19
- 4.16 COMMUNICATION: Minutes, City Council Special Meeting, 3/29/19
- 4.17 COMMUNICATION: Minutes, Organization Day, 4/1/19
- 4.18 COMMUNICATION: Minutes, City Council Work Session, 4/8/19
- 4.19 COMMUNICATION: Minutes, City Council, 4/15/19
- 4.20 COMMUNICATION: Minutes, City Council, 4/29/19
- 4.21 COMMUNICATION: Minutes, City Council Mayor Presiding, 4/29/19
- 4.22 COMMUNICATION: Minutes, Local Control, 4/29/19
- 4.23 COMMUNICATION: Minutes, City Council, 5/13/19
- 4.24 COMMUNICATION: Minutes, Local Control, 5/13/19
- 4.25 COMMUNICATION: Minutes, City Council, 5/20/19
- 4.26 COMMUNICATION: Old North End Community Center Lease and Sublease
- 4.27 COMMUNICATION: Timekeeping System Contract
- 4.28 COMMUNICATION: Resident Engineering Services Contract
- 4.29 PERMIT (one day): Switchback
- 4.30 PERMIT: BCA Concert Series



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- 4.31 PERMIT (3 days): Festival of Fools Event
- 4.32 PERMIT (one day): Zero Gravity
- 4.33 COMMUNICATION: Queen City Park – Meaghan Emery
- 4.34 COMMUNICATION: DEC Storm Water Grant
- 4.35 COMMUNICATION: Bike & Pedestrian Safety - Barbara
- 4.36 COMMUNICATION: Master On-Call Contract, Financial Advisor
- 4.37 COMMUNICATION: Water Line Easement – Colchester Court
- 4.38 COMMUNICATION: Amendments to Master On-Call Agreements
- 4.39 COMMUNICATION: ELI Grant and Scholarships Update
- 4.40 COMMUNICATION: FAA Grant Airport Taxiway G Project
- 4.41 COMMUNICATION: Airport Joint Use Agreement
- 4.42 COMMUNICATION: Airport Marketing and Promotional Services Contract
- 4.43 COMMUNICATION: FAA Grant Air Carrier Apron Project
- 4.44 COMMUNICATION: FAA Grant Airport PAPI
- 4.45 COMMUNICATION: Community Engagement- Office Assistant II Position
- 4.46 COMMUNICATION: Health Insurance Stop Loss Policy
- 4.47 COMMUNICATION: Inventory Control Specialist Position - Police
- 4.48 COMMUNICATION: Public Bathroom Facilities
- 4.49 RESOLUTION: Capital Public Improvement Infrastructure Bonds
- 4.50 RESOLUTION: Renaming Queen City Park Road
- 4.51 RESOLUTION: Food Truck and Street Vending Policies
- 4.52 RESOLUTION: Quit Claim, 457 South Union Street
- 4.53 RESOLUTION: Renaming Mechanics Lane to Thorsen Way
- 4.54 COMMUNICATION: South End Zoning Amendment – Candelin Wahl
- 4.55 COMMUNICATION: Notice Process for Zoning Amendments

MOTION by Councilor Bushor, SECOND by Councilor Paulino, to adopt the Consent Agenda, Items 4.01 – 4.55, and take the actions indicated. VOTING: unanimous; motion carried.



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Council President Wright recessed the City Council meeting at 8:19 PM to convene the Liquor Control Commission. The City Council meeting resumed at 8:20 PM and then recessed to convene the City Council with Mayor Presiding meeting. The City Council meeting resumed at 9:42 PM.

5.0 DELIBERATIVE AGENDA

5.01 – 5.11 Appointments

MOTION by Councilor Mason, SECOND by Councilor Dieng, to advance the slate of appointments as posted (Items 5.01 – 5.11) including:

- **CCRPC, term expires 6/30/21 – Andy Montroll**
- **CCRPC Alternate, term expires 6/30/21 – Re-advertise**
- **CSWD, term expires 5/31/20 – Joseph “Lee” Perry (term begins 6/24/19)**
- **CSM, term expires 6/30/22 – Jeff Nick**
- **CSM, term expires 6/30/22 – Linda Magoon**
- **CSM, term expires 6/30/22 – Lorre Tucker**
- **CSM, term expires 6/30/22 – Mark Bouchett**
- **Fence Viewer, term expires 6/30/20 – Vikas Mangipudi**
- **Fence Viewer, term expires 6/30/20 – Re-advertise**
- **Fence Viewer, term expires 6/30/20 – Re-advertise**
- **Green Mountain Transit Board, term expires 6/30/22 – Chapin Spencer**
- **Housing Board of Review, term expires 6/30/22 – Josh O’Hara**
- **Housing Board of Review, term expires 6/30/22 – Olivia Pena**
- **Housing Board of Review, term expires 6/30/22 – Betsy McGavisk**

VOTING: unanimous; motion carried.

5.12 Indoor Entertainment Permit 2019-2020: The Boardroom

MOTION by Councilor Roof, SECOND by Councilor Tracy, to approve the 2019-2020 Indoor Entertainment Permit for The Boardroom, LLC, d/b/a The Boardroom, 3 Mill Street with all standard conditions. VOTING: unanimous; motion carried.

5.13 City Councilor Expense Reimbursement – Councilors Hanson, Paulino, Freeman, Dieng

MOTION by Councilor Hanson, SECOND by Councilor Paulino, to waive the reading and adopt the resolution to amend Appendix B, Rules of City Council relative to city councilor expense reimbursement.

DISCUSSION:

- **Councilor Hanson explained the amendment will allow newly elected city councilors access to funds provided to City Council members to support that role.**
- **Councilor Bushor questioned being able to use funds at such a late date with the fiscal year ending June 30th. CAO Anderson said invoices can be submitted up to 30 days after the end of the fiscal year.**



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VOTING: unanimous; motion carried.

5.14 UVM Progress on Housing Undergraduates on Trinity Campus – Councilors Paul, Shannon

MOTION by Councilor Paul, SECOND by Councilor Pine, to waive the reading and adopt the resolution on reports and ongoing communication on UVM's progress toward housing undergraduates on Trinity campus.

DISCUSSION:

- Councilor Paul explained the resolution addresses the housing issue with UVM and reports to City Council after release of UVM's housing plan to establish more housing.
- Councilor Bushor took issue with reference to Trinity campus because Ward 1 residents feel targeted. UVM needs to find places on campus for housing to minimize the impact on residential neighborhoods around campus.
- Councilor Paul mentioned the effort to gather input on the resolution and that no comments were received.
- Councilor Hanson said the city and City Council should be involved in the discussion with UVM about housing and Trinity campus.

MOTION by Councilor Hanson, SECOND by Councilor Freeman, to amend the resolution to strike lines 52 through 56.

DISCUSSION OF AMENDMENT:

- Councilor Hanson said housing on Trinity campus should be focused on upper classmen or graduate students.
- Councilor Paul pointed out Line 35 references UVM master plan and juniors and seniors.
- Mayor Weinberger spoke in favor of more housing throughout the city. Trinity campus is an underutilized part of the city that could be improved and have additional homes. The same could be said about other parts of the city and campus. Through good planning and design Trinity campus could have more homes and not more impact.
- Councilor Shannon spoke in support of building on-campus housing in Wards 6, 8, 1. The entire campus needs to support housing. Residents should not have to deal with nuisances from students.
- Councilor Bushor spoke about the situation in Ward 1 neighborhoods with UVM student housing and suggested the resolution be amended to not focus on Trinity campus exclusively.

MOTION by Councilor Bushor, SECOND by Councilor Paul, to change the title of the resolution to read: "Reports and Ongoing Communication with UVM's Progress toward Housing Undergraduates on Campus" and amend Line 59 by deleting "be it on the Trinity campus and/or other sites".

DISCUSSION OF AMENDMENT:

- Councilor Mason stated the language should be clear that the focus is on-campus housing and suggested a friendly amendment to Line 59 to add "on campus" after "student housing".
- Councilor Pine pointed out Champlain College has housing off campus as well as UVM. Councilor Mason said his interpretation is information is being requested, not direction.

VOTING (on amendment): 11 ayes, one nay (Councilor Paulino); motion carried.

CONTINUED DISCUSSION:





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- Representatives from UVM gave a brief history of the housing plan started in 2012. The plan is being updated and recommendations are forthcoming. UVM is pleased to continue working with the city on the matter.
- Councilor Dieng asked how the resolution fits with the housing agreement between the city and UVM. Joe Speidel, UVM, said the resolution is about information when the housing study is complete and will determine where the housing can be on campus. UVM will be looking at a third party provider because UVM does not have debt capacity to handle this on its own. UVM feels it has been a good partner with the city on this matter over the years and the resolution strengthens that relationship.
- Mayor Weinberger said new information will be generated in the months to come and the process will inform the update to the housing agreement. It is hoped to find areas of mutual interest that will generate additional homes, serve the UVM student body better, and address the overall acute housing shortage.
- Councilor Bushor asked if there is still married student housing at Fort Ethan Allen. Joe Speidel said the housing was sold to CHT and Redstone. UVM does not have any formal married student housing.

VOTING (on resolution as amended): 11 ayes, one nay (Councilor Freeman); motion carried.

5.15 City Policies: Food Trucks and Streetside Vending – Licensing Committee

MOTION by Councilor Roof, SECOND by Councilor Bushor, to waive the reading and adopt the resolution on updating and improving city policies related to food trucks and streetside vending.

DISCUSSION:

- Councilor Roof said a committee would be established to look at how to manage and regulate food trucks in the city and create a level playing field. Safety will also be a focus.
- Councilor Bushor pointed out there is a licensing committee already. The deadline may need to be extended for applicants to the committee due to the July 4th holiday.

MOTION by Councilor Roof, SECOND by Councilor Tracy, to amend Line 76 of the resolution to change July 2nd to July 9th. VOTING (on amendment): unanimous; motion carried.

SUSPEND THE RULES

MOTION by Councilor Roof, SECOND by Councilor Tracy, to suspend the rules to finish Item 5.15 (Policy on food truck and streetside vending). VOTING: 11 ayes, one nay (Councilor Freeman); motion carried.

CONTINUED DISCUSSION ON MOTION (food truck, streetside vending):

- Councilor Hanson suggested including representatives from the public on the committee.

The meeting was recessed at 10:33 PM and resumed at 10:35 PM.

MOTION by Councilor Roof, SECOND by Councilor Tracy, to amend Line 61 to read: "One member who is a Burlington resident and who does not own or work in a business in the central business district to be selected by a vote of the Licensing Committee." VOTING (on amendment): unanimous; motion carried.



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MOTION by Councilor Mason, SECOND by Councilor Roof, to amend Line 48 to have the selection be by the Council President per past practice. VOTING (on amendment): 9 ayes, 3 nays (Councilor Tracy, Councilor Freeman, Councilor Hanson); motion carried.

CONTINUED DISCUSSION:

- **Mayor Weinberger mentioned having a representative from the Administration.**

MOTION by Councilor Roof, SECOND by Councilor Mason, to add "a member to be added from the Administration" to Line 61. VOTING (on amendment): 8 ayes, 3 nays (Councilor Tracy, Councilor Freeman, Councilor Hanson) [Councilor Shannon not present for the vote]; motion carried.

VOTING (on amended resolution): unanimous; motion carried.

6.0 COMMITTEE REPORTS

No report.

7.0 CITY COUNCIL – GENERAL AFFAIRS

No report.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No report.

9.0 MAYOR – GENERAL AFFAIRS

No report.

10.0 ADJOURNMENT

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

The City Council meeting was adjourned at 10:47 PM.



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