



Regular City Council Meeting - Monday, June 17, 2019, 7:00 pm, Contois Auditorium, City Hall 6/17/2019

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

June 17, 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 [arrived 7:17 PM]

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

Megan Tuttle, P&Z

Steve Locke, Fire Dept.

OTHERS PRESENT:

Ashley Bend

Andy Montroll

Jennifer Greyneau

Jennifer Decker

Benjamin Kenwallier

Allie Kenny

Craig Smith

Evan Gould

Mike Fialko Casey

Erin Kennedy

Doug Goodman

Charlie Messing

Casey Sears

Rob Slingerland

Dave Hartnett

Barbara Wynn

Gail Asberry

Stephanie Herrick

Elise Nelson

Stephen Hamlin

Brett Smith





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Christian Dutcher

Mike Williams

Maria Hammel

John Grison

Grayson King

Rosetta Webber

Charles Simpson

Wendy Bratt

Laurie Smith

Wes Hamilton

James Leas

Robin Lloyd

Marcia Casani

Laura Waters

John Coulo

Carolyn Bates

Justin Worthley

Kelly Devine

Ben Traverse

Alan Newman

Janet Scheider

[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 7:14 PM on June 17, 2019.



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1.01 Agenda

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

- **Remove Item 4.39 (Letter of Agreement with UVM) and place on Deliberative Agenda as Item 5.14**
- **Note corrected version of Item 4.44 (Medical Examiners)**
- **Add Item 4.48 (Mimi Hsu – Street Parking)**
- **Add Item 4.49 (ZA19-07A Commercial Uses in E-LM Zone)**
- **Add Item 4.50 (Russ Scully – South End Zoning Amendment)**
- **Add Item 4.51 (Bob Neeld – Zoning Changes)**
- **Add Item 4.52 (Ty Volante – Burton’s Mixed Use Development)**
- **Add Item 4.53 (Brett Smith – Entertainment Venue in Light Manufacturing Zone)**
- **Add Item 4.54 (Candelin Wahl – South End Zoning Amendment)**
- **Add Item 4.55 (Colin Alger – ZA10-07A Commercial Uses in the E-LM Zone)**
- **Add Item 4.56 (Paco DeFrancis – Entertainment Venues in Enterprise District)**
- **Add Item 4.57 (Penelope Wall – Zoning Amendments for Arts Center)**
- **Add Item 4.58 (Alex Farrell – Commercial Uses in the E-LM Zone)**
- **Add Item 4.59 (Rebecca Wasserman (Burlington/Higher Ground Proposal)**
- **Add Item 4.60 (Whitney Heingartner (Burton and Higher Ground)**
- **Add Item 4.61 (Carol Pykosz – No to Rezone for Higher Ground)**
- **Add Item 4.62 (Justin Worthley – Zoning Amendment)**
- **Add Item 4.63 (Kelly Devine – ZA19-07A Commercial Uses in E-LM)**
- **Add Item 4.64 (Justin Worthley – Burton’s Story)**
- **Remove ZA19-02 (Residential Density) from Item 5.01 (Public Hearing: Ordinance Changes)**
- **Remove Item 5.02 (ZA19-02 Residential Density)**
- **Note revised version of Item 5.07 (Annual Tax Assessment)**
- **Note title change and revision to Item 5.13 (BPD Report on Social Worker Support)**

VOTING: unanimous; motion carried.

2.0 ANNUAL REPORT TO CITY COUNCIL

2.01 Fire Commission

Fire Commission Chair Bond and Fire Chief Locke highlighted there was a 3% increase in emergency calls in the past year and a 30% increase over the past 10 years. There are two new apparatus. Computer Aided Dispatch is in use. Renovation of Fire Station 2 is complete. Deferred maintenance and capital improvements are needed in Fire Station 1 and Fire Station 3. The marina has expanded with the addition of 400 new slips. The Fire Department must rely on Shelburne or Colchester fire/rescue boats in an emergency so discussion is needed about a fire boat for Burlington.

Councilor Bushor asked about assistance from the Coast Guard. Fire Chief Locke said the Coast Guard is often not in port. Further discussion is needed about the impact of the marina on the Fire Department.



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Councilor Bushor confirmed the Fire Department is using iPads to capture notes after a fire, and asked about the number of alarms and false calls (1,100 last year). Fire Chief Locke said the number is consistent with past years.

Councilor Dieng praised the firefighters for what they do, and asked about the ambulance in the old north end. Fire Chief Locke said the relocation of the ambulance is temporary. Councilor Dieng asked for a breakdown of the calls by wards at some point in time.

2.02 Planning Commission.

Planning Commission Chair Montroll, Planning Director White, and Comprehensive Planner Tuttle reviewed major work by the Planning Commission in the past year including planBTV comprehensive plan, charter changes, zoning changes. The public process and participation have been amazing and work by staff is incredible. Planning commissioners work together to come to consensus on issues.

Planning Director White noted that Andy Montroll received the "Volunteer Planner of the Year" award from CCRPC.

Councilor Bushor observed the city is well served by having a diverse planning commission.

Councilor Shannon thanked Andy Montroll for bringing people together and having the Planning Commission work with other development boards. Andy Montroll said a planning session will be held in January with Planning & Zoning and the various boards. The Ordinance Committee has a planning commissioner, zoning member, and design review member which allows for different points of view. Staff and the public share different perspectives as well.

Councilor Dieng asked about planBTV South End. Andy Montroll said the plan looks to have a vibrant district. Planning Director White said the intent is to strike a balance between manufacturing and jobs and non-manufacturing uses such as performing arts.

Councilor Hanson mentioned the recommended change on residential density. Planning Director White said better clarity and further discussion on the matter is needed.

3.0 PUBLIC FORUM

Public forum was opened at 7:34 PM.

COMMENTS

- Jennifer Greyneau spoke about noise from the F-35 aircraft and impact on people living by the airport.



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- Jennifer Decker spoke about banning nuclear weapons at the airport.
- Benjamin Kenwaller spoke in support of the zoning change, ZA19-07A, and arts in the south end.
- Allie Kenny spoke about the Burton proposal in the south end and the zoning amendment.
- Craig Smith spoke in support of rezoning in the south end.
- Evan Gould spoke in support of the proposal by Higher Ground and the zoning amendments.
- Mike Fialko-Casey spoke in support of the Burton proposal.
- Erin Kennedy spoke in support of the zoning amendment and Burton proposal.
- Charlie Messing spoke about sound decibels and the bus schedule.
- Casey Sears presented CDs and documents detailing his life history in Burlington.
- Rob Slingerland expressed disappointment in the bus driver being terminated and being used as a scapegoat because the incident on the bus went political. A stated policy is needed between GMT, the school system, and parents.
- Dave Hartnett spoke in support of smart development and zoning for the Burton proposal. Also, the bus driver dismissal was a rush to judgement without getting all the facts, and that cost the driver his career.
- Barbara Wynn spoke about the F-35 aircraft and atomic bombs, and not knowing what is going to be done with CityPlace.
- Gail Asbury spoke about the Burton situation and police calls to the venue.
- Stephanie Herrick spoke against the Higher Ground proposal.
- Steven Hamlin, North Avenue Co-op, thanked the Mayor and city councilors who helped with the community clean up of the neighborhood.
- Christian Dutcher spoke in favor of the proposal by Burton.
- Michael Williams spoke about noise and traffic with the Higher Ground proposal.
- Marie Hammel spoke about Burton, Higher Ground, and traffic impact.
- John Grison spoke about noise from the Burton proposal and spot zoning.
- Grayson King spoke in support of the zoning amendment.
- Rosetta Webber spoke in support of the Burton project and progress of programs for the youth.
- Charles Simpson spoke against the F-35 aircraft.
- Wendy Bratt questioned the location for Higher Ground in a residential area and keeping people safe.
- Laurie Smith questioned the location for Higher Ground and containing what happens outside the building and preserving the quality of life of area residents.
- Wes Hamilton spoke in support of the zoning change for Higher Ground and multiple restaurants in one communal space.
- James Leas spoke against the F-35.
- Robin Lloyd spoke about use of firefighting foam at the airport and contaminating drinking water.
- Laura Waters read a letter from Megan Emery, South Burlington City Council, against locating Higher Ground in Burlington.
- Carolyn Bates spoke in support of the Burton proposal, welcoming business to Burlington, and looking at traffic and road infrastructure.

There were no further comments from the public. Public Forum was closed at 8:35 PM.

4.0 CONSENT AGENDA

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

4.02 COMMUNICATION: Accountability List



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- 4.03 COMMUNICATION: Minutes, Local Control, 2/11/19
- 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, 4/15/19
- 4.19 COMMUNICATION: Minutes, City Council Work Session, 4/8/19
- 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: Local Edward Byrne Memorial Justice Assistance Grant 2017
- 4.27 COMMUNICATION: Reclassify Parking Maintenance Worker Position
- 4.28 COMMUNICATION: Rezoning to Allow Higher Ground – Donna Fellingner
- 4.29 COMMUNICATION: Proposed E-LM Zoning Changes – Almy Landauer
- 4.30 COMMUNICATION: Step Placement – William Sanderson



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- 4.31 COMMUNICATION: DRB Resignation – Ali Zipparo
- 4.32 REPORT: Design Advisory Board
- 4.33 REPORT: Development Review Board
- 4.34 COMMUNICATION: Sweep Accounts and Other Bank Accounts
- 4.35 COMMUNICATION: City Council Regular Schedule of Meetings through August 2020
- 4.36 COMMUNICATION: Step Placement – James Sherrard, Jr.
- 4.37 COMMUNICATION: Project Management Services Contract – Jeffry Glassberg
- 4.38 COMMUNICATION: Court Diversion Contract #38384
- 4.39 COMMUNICATION: Letter of Agreement to UVM (moved to Item 5.14)
- 4.40 COMMUNICATION: FIO Document(s)
- 4.41 COMMUNICATION: ZA19-04: Trees, Junkyards, Cross-Reference Corrections
- 4.42 COMMUNICATION: ZA19-06: Article 7 Sign Ordinance
- 4.43 RESOLUTION: Quit Claim Dee, 11 Meridian Street
- 4.44 RESOLUTION: Medical Examiner Appointments
- 4.45 RESOLUTION: Positions to Support Court Diversion Services
- 4.46 RESOLUTION: Bond Anticipation Note Capital Public Improvement Infrastructure
- 4.47 RESOLUTION: Reclassification and Reporting Structure Permitting & Inspections
- 4.48 COMMUNICATION: Street Parking – Mimi Hsu
- 4.49 COMMUNICATION: ZA19-97A: Commercial Uses in E-LM Zone – Jenn Swain
- 4.50 COMMUNICATION: South End Zoning Amendment – Russ Scully
- 4.51 COMMUNICATION: Zoning Changes – Bob Neeld
- 4.52 COMMUNICATION: Burton's Mixed Use Development Plan – Ty Volante
- 4.53 COMMUNICATION: Entertainment Venue in Manufacturing Zone – Brett Smith
- 4.54 COMMUNICATION: South End Zoning Amendment – Cadelin Wahl
- 4.55 COMMUNICATION: ZA19-07A: CDO Amendment – Colin Alger
- 4.56 COMMUNICATION: Entertainment Venues in Enterprise District – Paco DeFrancis
- 4.57 COMMUNICATION: Zoning Amendment for Arts Center – Penelope Wall



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- 4.58 COMMUNICATION: Commercial Uses in E-LM Zone – Alex Farrell
- 4.59 COMMUNICATION: Burlington/Higher Ground Proposal – Rebecca Wasserman
- 4.60 COMMUNICATION: Burton and Higher Ground – Whitney Heingartner
- 4.61 COMMUNICATION: No to Rezone for Higher Ground – Carol Pykosz
- 4.62 COMMUNICATION: Zoning Amendment Proposal – Justin Worthley
- 4.63 COMMUNICATION: ZA19-07: Commercial Uses in E-LM – Kelly Devine
- 4.64 COMMUNICATION: Burton's Story – Justin Worthley

MOTION by Councilor Bushor, SECOND by Councilor Pine, to adopt the Consent Agenda, Items 4.01 – 4.64, and take the actions indicated. VOTING: unanimous; motion carried.

5.0 DELIBERATIVE AGENDA

5.01 PUBLIC HEARING: ZA19-02 – Residential Density (removed from the hearing), ZA19-07A (Commercial Uses in E-LM), ZA19-07B (Commercial Uses in E-LM, Banks)

The public hearing was opened at 8:52 PM.

COMMENTS

Justin Worthley, Burton Snowboards, spoke in support of the zoning amendment to allow commercial uses in the E-LM. Burton met with the public in a variety of venues and will continue to communicate. Burlington is Burton's roots. The company is worldwide, but when people say Burton they think Vermont and Burlington. Burton is offering an interesting, unique proposal to stay in Burlington.

Doug Goodman, Queen City Park Road, expressed concern about traffic and the need for a traffic study.

Kelly Devine, Burlington Business Association, spoke in support of the two zoning amendments pertaining to commercial uses in the E-LM. The proposal by Burton is a creative, imaginative reuse of industrial space.

Brett Smith, Austin Drive, spoke in support of the zoning changes because they will make the south end a more vibrant and livable area. Arts and performance space feel right.

Elisa Nelson, Austin Drive, mentioned her past work helping to find the right business for the right space, and suggested the Champlain Parkway be built first before agreeing to the Burton proposal due to traffic and safety issues. As a compromise 5,000 s.f. of space could be approved until the Champlain Parkway is built and determined to be effective.



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John Coulo spoke in favor of the Burton proposal and zoning changes. Manufacturing uses are not locating in the zone. The zoning changes allow an application to be filed for the site and the applicant will have to demonstrate the impacts associated with the project can be addressed.

Ben Traverse, Home Ave./Pine St., expressed concern about the large volume of traffic after a concert late at night and the associated noise impact on residents in the area making a material alteration to the neighborhood. Mr. Traverse urged City Council to pause and do more due diligence before moving ahead.

Alan Newman, Higher Ground, explained the police calls to the site in South Burlington, noting the 115 calls were calls, not visits, and included five calls from Higher Ground staff to keep the police informed of any potential issues. There have only been two arrests. South Burlington Police feel Higher Ground has been very responsible and would like the venue to remain in South Burlington. Higher Ground worked with the South Burlington Police Department to make sure no issues went beyond the property. Mr. Newman suggested Police Chief del Pozo speak to City Council about conversations with the South Burlington police relative to Higher Ground.

Janet Schneider, Queen City Park Road, expressed concern about people going to Redrocks Parks after a concert and smoking or wandering the neighborhoods. Noise is a concern.

There were no further comments. The public hearing was closed at 9:22 PM.

5.02 Ordinance: ZA19-02 Residential Density – Planning

Removed from agenda.

5.03 Ordinance; ZA19-07A Commercial Uses in E-LM – Planning

Councilor Mason recused himself.

MOTION by Councilor Bushor, SECOND by Councilor Roof, to waive the reading and adopt the resolution for ZA19-07A – Commercial Uses in the E-LM.

DISCUSSION:

- **Councilor Bushor reviewed the review process and multiple meetings that were held on the ordinance giving the public opportunity to comment. The Ordinance Committee visited the Burton site. The intent of the zoning change is to broaden industrial uses and the definition of what can be in the space in the south end**



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including banks. The ordinance is about uses compatible with industrial uses. The conditional use review process allows opportunity to hear and address concerns. The performing arts space is a conditional use with a proposed cap of 15,000 s.f.

- Planner Tuttle said the Planning Commission discussed the need to find a balance with planBTV South End and types of uses, manufacturing and general uses.
- Councilor Shannon said the ordinance is complex and asked what happens to the performing arts space if the industrial use relocates. Planner Tuttle said the non-industrial use can remain, but the space vacated by the industrial use must be filled with an industrial use.
- Councilor Shannon asked how traffic will be addressed. Planning Director White said performing arts center is a conditional use and the DRB will review under the conditional use criteria that include undue adverse impacts. The process is to ensure a project fits in the area. The project can be modified through the process. The denial rate by the DRB for conditional use applications is between 2% to 4%.
- Councilor Shannon noted limitations were set in place for Arts Riot, but changed for the Burton proposal. Planner Tuttle said the changes are to allow flexibility to have industrial uses yet do no harm to property values. The Planning Commission recognized the neighborhood is evolving and felt performing arts venues could be anywhere in the district with tying to manufacturing and having conditional use review. Planning Director White added the cost of space and value of land in the south end makes it difficult to be affordable for manufacturing uses so the city was looking for solutions to keep manufacturing uses affordable.
- Councilor Shannon asked how a performing arts center creates jobs in the jobs district. Planning Director White said recording studio, tv/radio studios are allowed uses in the district which is similar in terms of creation of music.
- Councilor Shannon opined the proposal is not consistent with planBTV. The arts district is on Pine Street. There were many steps taken to reinvigorate Pine Street and support industrial uses. The proposal is not a small footprint or in support of the existing district or residents, and it is a regional attraction. Allowing up to 15,000 s.f. is not consistent with what was envisioned. There is concern about moving the proposal forward without the Champlain Parkway in place, and there will be more policing needs at a time when there are policing needs at the other end of the city. Three options are offered:
 - 5,000 s.f. performing arts to extend into the area
 - While the parkway is being built go through the envisioning process
 - Support the Champlain Parkway
- Councilor Pine said changing the zoning in an area for maker spaces in the Enterprise Zone will drive up rents. Planning Director White acknowledged that is the challenge. Property values have risen over time. The city is looking to have uses that meet market need and generate income alongside the more affordable spaces. Planner Tuttle said the zoning tries to recognize the evolving nature of what "making" means and limit the amount of space not related to making. The zoning is trying to be flexible so uses can co-exist in a controlled way. Councilor Pine said in order to keep existing makers viable there must be flexibility with land use planning. There is faith in the entrepreneurial spirit that has served the city well.
- Councilor Roof pointed out there are limits put on the performing arts space through the conditional use review process that Burton must go through for a permit. Zoning needs to be responsive to the future.
- Councilor Bushor said extra security or satellite parking are options to help make the project more compatible with the neighborhood.
- Councilor Hanson expressed hope sustainable ways for people to get to/from shows can be found. Partnering with GMT will help alleviate traffic concerns.

VOTING (by roll call): Councilor Bushor – aye, Councilor Hanson – aye, Councilor Dieng – aye, Councilor Paulino – aye, Councilor Freeman – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – nay, Councilor Tracy – aye, Council President Wright – aye (10 ayes, one nay, one recusal); motion carried.



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5.04 Ordinance; ZA19-07B Commercial Uses in E-LM (Banks) – Planning

MOTION by Councilor Bushor, SECOND by Councilor Roof, to waive the reading and adopt the resolution for ZA19-07B – Commercial Uses in the E-LM (Banks).

DISCUSSION:

- **Councilor Bushor said the ordinance addresses banks in the E-LM district. Drive-thru service is not permitted.**

VOTING: unanimous; motion carried.

Councilor Mason returned to the meeting.

5.05 Annual Appropriation and Budget for Fiscal Year beginning July 1, 2019 excluding the IT Department – Mayor, Board of Finance

MOTION by Councilor Paul, SECOND by Councilor Bushor, to waive the reading and adopt the resolution on the annual appropriation and budget for fiscal year beginning 7/1/19 excluding the Innovation and Technology Department.

DISCUSSION:

- **Councilor Paul commented on the Mayor's budget that reflects the hard work and collaborative effort by staff, the Board of Finance, and the voters. The budget does not include expenditure of BT funds which will be further discussed over the summer. The budget does include funds for forward thinking with ELI, scholarships, low barrier shelter, increase in money for the NPAs, and other neighborhood needs. The city's strong credit rating makes it possible to address critical community needs and do what is important for the community.**
- **Councilor Tracy expressed appreciation for the additional support and resources for the NPAs.**
- **Councilor Hanson said he has some questions on the budget that he would like to have answered before voting.**

MOTION by Councilor Hanson, SECOND by Councilor Freeman, to postpone adoption of the budget until the next City Council meeting.

DISCUSSION OF AMENDMENT:

- **Councilor Hanson further explained he submitted questions to the Administration and has not yet received answers which he would like before voting on the budget.**
- **Councilor Pine asked if delaying the vote on the budget is a problem. Mayor Weinberger said staff in anticipation of questions tried to be very responsive, but some of the questions not yet answered were just received at the Board of Finance meeting that preceded the current City Council meeting. Most of the questions pertain to small budget amounts, and it is not clear any would cause a vote against the budget document. Staff is committed to getting answers to Councilor Hanson's questions. There were four budget meetings in May. The budget is largely unchanged to avoid last minute questions. The Board of Finance was engaged earlier in the process and supports the budget. There is some concern with the delay with only one**



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meeting remaining for adoption.

- Councilor Bushor suggested acting on some of the budget resolutions or having a budget amendment in order to move forward and still address Councilor Hanson's concerns. City Attorney Blackwood said City Council can separate out bonding and financing for action, but not pieces of the budget. Mayor Weinberger said there is a process to correct errors and oversights in the budget as a budget amendment. Staff does not have all the answers to the questions from Councilor Hanson to structure an amendment at this time.
- Councilor Shannon said in the past new city councilors worked with fellow councilors and staff to bring questions forward in advance. There are many resources available regardless of the availability of council funds. It is hard to understand how Councilor Hanson is just realizing he is not prepared to vote on the budget that is now on the Council floor.
- Councilor Hanson said he is prepared to vote on the budget, but would benefit from digging deeper into some questions, such as further investigation of support for new councilors and funds being available.
- Councilor Pine stated it is not unprecedented to vote the budget at the last possible meeting.

VOTING ON AMENDMENT TO POSTPONE (by roll call): Councilor Bushor – nay, Councilor Hanson – aye, Councilor Dieng – aye, Councilor Paulino – nay, Councilor Freeman – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – nay, Councilor Tracy – aye, Council President Wright – nay (6 ayes, 6 nays); motion does not carry.

CONTINUED DISCUSSION ON MOTION TO ADOPT BUDGET:

- Mayor Weinberger thanked all who worked on the budget and provided feedback, noting there is much to be proud of with the budget. The work on the infrastructure will have a long term impact on the community plus there are clean water resiliency investments, major investments at the airport, and the Champlain Parkway. Capital investment for FY2020 will exceed private entrepreneurial investment.

VOTING: Councilor Bushor – aye, Councilor Hanson – aye, Councilor Dieng – aye, Councilor Paulino – aye, Councilor Freeman – nay, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – aye, Council President Wright – aye (11 ayes, one nay); motion carried.

SUSPEND THE RULES

MOTION by Councilor Mason, SECOND by Councilor Bushor, to suspend the rules at 10:32 PM to take up time sensitive items including Items 5.06 (IT Budget), 5.07 (Tax Assessment on Property Grand List), 5.08 (Investment of Unassigned Fund Balance), 5.09 (Public Improvement Bonds), 5.10 (Grant Anticipation Notes Airport Projects), 5.11 (Grant Anticipation Note Champlain Parkway), 5.13 (BPD Report – Mental Health and Wellness Unit), 5.14 (Agreement Letter with UVM). VOTING: unanimous; motion carried.

5.06 Annual Appropriation and Budget for IT Department for Fiscal Year beginning 7/1/19 – Mayor, Board of Finance

Councilor Roof recused himself.

MOTION by Councilor Paul, SECOND by Councilor Bushor, to waive the reading and adopt the resolution on the annual appropriation and budget for the Innovation and Technology Department for fiscal year beginning July 1, 2019.





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DISCUSSION:

- Councilor Paul explained why the IT budget is voted separately to address conflict of interest.

VOTING: unanimous; motion carried.

Councilor Roof returned to the meeting.

5.07 Annual Tax Assessment on Property Grand List – Mayor, Board of Finance

MOTION by Councilor Paul, SECOND by Councilor Bushor, to waive the reading and adopt the resolution on the annual tax assessment on the property grant list for fiscal year beginning 7/1/19.

DISCUSSION:

- Councilor Paul explained the city tax rate for FY20, noting the changes are extremely small and the amount is funding obligations for the present and planning for the future.
- Councilor Dieng asked if taxes are increasing. Mayor Weinberger explained the resolution sets the property tax rate for FY20 tax bills. Councilor Dieng stated the Mayor made a public statement saying due to the revenues from the sale of BT taxes will not be increasing. Mayor Weinberger explained due to the sale proceeds the tax increase approved by the voters in the past year will not be implemented. BT revenues are not being used. The fund balance is being used. There will be discussion of the use of BT funds in July.

MOTION by Councilor Dieng, SECOND by Councilor Hanson, to delay action on the tax assessment on the property grand list for a week pending answers to questions from the Mayor and CAO.

DISCUSSION OF AMENDMENT:

- Councilor Shannon said the Board of Finance discussions have been open to the full council so people can get answers to questions in advance. It is hard to understand why councilors are not taking advantage of this and coming prepared to vote.

VOTING ON AMENDMENT TO POSTPONE: VOTING: Councilor Bushor – nay, Councilor Hanson – aye, Councilor Dieng – aye, Councilor Paulino – nay, Councilor Freeman – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Pine – nay, Councilor Roof – nay, Councilor Shannon – nay, Councilor Tracy – aye, Council President Wright – nay (4 ayes, 8 nays); motion does not carried.

VOTING (on tax assessment): Councilor Bushor – aye, Councilor Hanson – aye, Councilor Dieng – nay, Councilor Paulino – aye, Councilor Freeman – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – aye, Council President Wright – aye (11 ayes, one nay); motion carried.

5.08 Investment of Unassigned Fund Balance – Mayor, Board of Finance

MOTION by Councilor Bushor, SECOND by Councilor Mason, to waive the reading and adopt the resolution on investment of unassigned fund balance to improve city services and drive operational efficiencies.



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DISCUSSION:

- Councilor Bushor mentioned the policy adopted in 2015 on maintaining a fund balance of at least 10% with a cap at 15%. The resolution deals with how the fund balance is appropriated, leaving an unassigned fund balance of 13.6% remaining for emergencies. Mayor Weinberger added 13.6% fund balance is approximately \$8.2 million (10% is \$6 million).

VOTING: unanimous; motion carried.

5.09 Public Improvement Bonds for FY2020 – Mayor, Board of Finance

MOTION by Councilor Bushor, SECOND by Councilor Roof, to waive the reading and adopt the resolution authorizing public improvement bonds for FY2020.

DISCUSSION:

- Councilor Bushor explained the resolution allows borrowing if needed so money is available.

VOTING: unanimous; motion carried.

5.10 Issuance of Grant Anticipation Notes for Certain Airport Improvement Projects for FY2020 – Mayor, Board of Finance

MOTION by Councilor Bushor, SECOND by Councilor Paul, to waive the reading and adopt the resolution approving the issuance of grant anticipation notes for certain airport improvement projects for FY2020.

DISCUSSION:

- Councilor Bushor explained the resolution allows borrowing in anticipation of grants from the FAA for airport projects.

VOTING: unanimous; motion carried.

5.11 Issuance of Grant Anticipation Notes for Certain Champlain Parkway Costs – Mayor, Board of Finance

MOTION by Councilor Bushor, SECOND by Councilor Shannon, to waive the reading and adopt the resolution approving the issuance of grant anticipation notes for certain Champlain Parkway costs in anticipation of grants from Federal Highway and VTrans (\$8 million in grants). VOTING: Councilor Bushor – aye, Councilor Hanson – aye, Councilor Dieng – aye, Councilor Paulino – aye, Councilor Freeman – nay, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – nay, Council President Wright – aye (10 ayes, two nays); motion carried.

5.13 Report from Burlington Police on Mental Health and Wellness Unit – Councilors Paulino, Dieng, Pine

MOTION by Councilor Paulino, SECOND by Councilor Pine, to waive the reading and approve the request for a



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report from the police on creation of a mental health and wellness unit.

DISCUSSION:

- Councilor Paulino read a statement on the goal to strengthen the mental health response in Burlington. The request is for the police to supply recommendations on how the city can best supply additional social workers and support to the community, and be proactive as well as reactive.
- Councilor Mason called for a point of order because the resolution contains items already voted by City Council such as expanding the number of social workers via direct hire or outside sources, and officer wellness initiatives. City Attorney Blackwood said the Council President has the prerogative to determine if the actionable item is the same. Council President Wright said there are two items of conflict so the ruling is in favor of the point of order.

MOTION by Councilor Freeman, SECOND by Councilor Hanson, to appeal the decision of the Council President.

DISCUSSION OF APPEAL:

- Council President Wright said it is unusual for City Council not to abide by a ruling by the Council President.
- Councilor Hanson said he would like a better understanding of the rule being referenced and how it applies.
- Council President Wright clarified the City Attorney advised on the Council President's purview and discretion in the matter.

Councilor Mason requested a short recess. Council President Wright recessed the meeting at 11:08 PM and reconvened at 11:15 PM. Councilor Mason withdrew his point of order.

MOTION by Councilor Pine, SECOND by Councilor Dieng, to refer the resolution to the special committee created by City Council at the last meeting and to request that the committee address and review with the police the data and report to City Council with the committee report in November.

DISCUSSION:

- Councilor Paulino explained the point of the resolution was to find a fast track response to finding further support for the community outside the special committee because the decision is very important and could be prejudiced by the special committee involvement. The responsibility should not be outsourced. Significant amounts of money have been allocated in the budget for equivalent type positions. The special committee tasks do not include mental health and substance abuse. City Council should allocate funds as elected officials. The resolution is similar to the one done for the Water Department staff additions.

VOTING (to refer to special committee): Councilor Bushor – aye, Councilor Hanson – nay, Councilor Dieng – aye, Councilor Paulino – nay, Councilor Freeman – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – aye, Council President Wright – aye (10 ayes, two nays); motion carried.

5.14 Letter of Agreement with UVM – Bob Rusten, CAO

MOTION by Councilor Bushor, SECOND by Councilor Dieng, to authorize the Mayor to execute the letter of agreement with UVM resolving both the water billing issues and establishing an annual omnibus payment



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beginning 7/1/19 subject to final review by the City Attorney and CAO.

DISCUSSION:

- **City Attorney Blackwood gave a brief overview of the water billing issue due to the water meters. The omnibus payment by UVM to the city is in lieu of taxes to contribute to city operations.**
- **Councilor Shannon said the water billing problem started 20 years ago before being recently discovered and corrected.**
- **Councilor Bushor urged any resident impacted by the water billing issue to contact the Public Works Department.**

VOTING: 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 Hanson, to adjourn the meeting. VOTING: unanimous; motion carried.

The City Council meeting was adjourned at 11:23 PM.

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