



Regular City Council Meeting - Monday, June 4, 2018, 7:00 pm, Contois Auditorium, City Hall 6/4/2018

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

June 4, 2018

APPROVED

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

David Hartnett – North District [arrived 7:20 PM]

Joan Shannon – South District

Richard Deane – 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

MEMBERS ABSENT: Jane Knodell – Central District

ADMINISTRATION: Miro Weinberger, Mayor

Beth Anderson, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Richard Haesler, Jr., Assistant City Attorney

Kimberly Sturdevant, Assistant City Attorney

Justin St. James, Assistant City Attorney



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Anthea Dexter Cooper, Assistant City Attorney

Jordan Redell, Mayor's Office

Susan Leonard, HR

Lori Olberg, C/T

Amy Bovee, C/T

Brian Lowe, Interim CIO

Brandon del Pozo, BPD Chief

Gordon Gilbert, 2nd Constable

Stephen Locke, BFD Chief

Chapin Spencer, DPW

Norm Baldwin, DPW

Kirsten Merriman Shapiro, DPW

Neale Lunderville, Interim CEDO Director

Marcy Esbjerg, CEDO

Doreen Kraft, BCA

Ron Redmond, Church Street Marketplace

Gene Richards, Airport

Mary Danko, Fletcher Free Library

Cindy Wight, Parks, Rec & Waterfront

Aaron Moreau, Harbormaster

John Vickery, City Assessor

Bill Ward, Code Enforcement

David White, Planning & Zoning

OTHERS PRESENT: Jon Rosa, attorney

Kelly Devine, Burlington Business Association

Brad Segal, Progressive Urban Management Associates

Stephen Marshall

Margaret Murray



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Caryn Long

City Council held a work session to discuss contract negotiations (in Executive Session) prior to the regular meeting. The work session commenced at 6:24 PM.

MOTION by Councilor Paul, SECOND by Councilor Roof, to find that premature disclosure of the city's contract negotiations would place the city at a disadvantage. VOTING: unanimous; motion carried.

MOTION by Councilor Paul, SECOND by Councilor Roof, based on the finding of premature disclosure placing the city at a disadvantage to go into Executive Session to discuss contract negotiations. VOTING: unanimous; motion carried.

Executive Session was convened at 6:25 PM and recessed at 7:07 PM.

1.0 CALL TO ORDER and AGENDA

[Note: Minutes in order of published agenda.]

Council President Wright called the regular City Council meeting to order at 7:15 PM on June 4, 2018 and led the assemblage in the Pledge of Allegiance. City Council meeting was recessed to convene City Council with Mayor Presiding. The regular meeting reconvened at 7:21 PM.

1.01 Agenda

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

- **Add information to Item 3.14 (Fire Protection and Prevention)**
- **Add information to Item 3.18 (Burlington Wildways)**
- **Note written material for Item 4.01 (Mayoral Appointments)**
- **Add Item 4.07 (Continuation of Executive Session on Contract Negotiations)**

VOTING: unanimous; motion carried.



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2.0 PUBLIC FORUM

Public forum was opened at 7:41 PM.

COMMENTS

- Stephen Marshall spoke in support of the homeless community and decreasing the stigma of homeless people. City Council and the Mayor are asked to help by having the city pick up the trash from the homeless camps that has been collected and bagged.
- Margaret Murray said she is confused trying to figure out where the money the city receives from federal and state agencies is being spent and is concerned about the amount of money not being paid by tax exempt entities that can afford to pay taxes.
- Caryn Long spoke of the wasteful spending of \$3 million on City Hall Park to wipe out all the trees that are there, and spending \$22 million on rebuilding streets that will look the same and add parking when the city is trying to be more pedestrian and bike friendly and the parking in the garages is under-utilized. The city needs to invest in the high school and in trying to keep young people here.

There were no further comments. Public Forum was closed at 7:48 PM.

3.0 CONSENT AGENDA

- 3.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 3.02 COMMUNICATION: Accountability List
- 3.03 COMMUNICATION: Schedule of City Council Meetings through August 2019
- 3.04 COMMUNICATION: Reparations, Rikki Risatti
- 3.05 COMMUNICATION: Payroll Manager Position and Reporting Structure
- 3.06 REPORT: Design Advisory Board
- 3.07 COMMUNICATION: Electric Commission Attendance Record
- 3.08 COMMUNICATION: Sweep Accounts & Other Bank Accounts March 2018
- 3.09 COMMUNICATION: General Fund Revenue March 2018
- 3.10 COMMUNICATION: FAA Grant, Airport Master Plan Update
- 3.11 COMMUNICATION: Contract, The Jones Payne Group, Noise Exposure Map
- 3.12 COMMUNICATION: FAA Grant & Contracts, Air Carrier Apron Reconstruction
- 3.13 COMMUNICATION: FIO Document(s)
- 3.14 ORDINANCE: Fire Protection and Prevention, Chapter 13 Revisions
- 3.15 RESOLUTION: Media and Advertising Vendor Contract, Airport



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- 3.16 RESOLUTION: City Health Insurance Program, Agreement with Group Insurance Service Center
- 3.17 RESOLUTION: Quitclaim Deed, 5 Hardy Avenue
- 3.18 COMMUNICATION: Burlington Wildways Progress Report

MOTION by Councilor Bushor, SECOND by Councilor Roof, to adopt the Consent Agenda and take the action indicated for Item 3.01 through Item 3:18. VOTING: unanimous; motion carried.

4.0 DELIBERATIVE AGENDA

4.01 Mayoral Appointments - Mayor

MOTION by Councilor Paul, SECOND by Councilor Shannon, to confirm the following FY19 Mayoral appointments:

- **City Attorney – Eileen Blackwood**
- **Assistant City Attorney and Assistant Grand Juror – Richard Haesler, Jr.**
- **Assistant City Attorney and Assistant Grand Juror – Kimberly Sturdevant**
- **Assistant City Attorney and City Constable – Justin St. James**
- **Assistant City Attorney and City Grand Juror – Anthea Dexter Cooper**
- **Second Constable – Gordon Gilbert**
- **Burlington City Arts Executive Director – Doreen Kraft**
- **Fire Chief and Emergency Management Civil Defense Director – Stephen Locke**
- **Police Chief – Brandon del Pozo**
- **Church Street Marketplace Executive Director – Ron Redmond**
- **Aviation Director – Gene Richards**
- **Fletcher Free Library Director – Mary Danko**
- **Public Works Director – Chapin Spencer**
- **City Engineer and Surveyor – Norm Baldwin**
- **Chief Administrative Officer – Beth Anderson**
- **Parks, Rec, & Waterfront Director and Cemetery Commissioner – Cindy Wight**
- **Harbormaster – Aaron Moreau**
- **City Assessor (2 year appointment) – John Vickery**
- **Interim Chief Innovative Officer – Brian Lowe**
- **Interim Director of the Community Economic Development Office – Neale Lunderville**

VOTING: unanimous; motion carried.

Mayor Weinberger said the Human Resource Director, Susan Leonard, is in the middle of a two year term, the Code Enforcement Director appointment is not done by City Council, and the three year term of the Planning & Zoning Director is appointed by the Planning Commission. There will be a vacancy in the General Manager position and in one of the Assistant City Attorney positions. The department heads and officials are an incredibly committed, hardworking, talented group of people who are outstanding collaborators and communicators. Mayor Weinberger said he is very proud and grateful for the partnership in the day-to-day management of the city.



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4.02 Presentation: Global Trends Report

Brad Segal with Progressive Urban Management Associates (PUMA) and Kelly Devine, Burlington Business Associations, presented the recommendations from PUMA for the Downtown Improvement District. Mr. Segal reviewed trends that shape cities including the people (baby boomers, Gen X, Millennials, Gen Z), education levels, talent, jobs, lifestyles, housing, competition, and technology. The trends are favorable for vibrant downtowns so it is important to manage, maintain, and market downtown Burlington. Further information will be provided on best practices and options for the city (i.e. change districts, charter changes, and such).

The following comments/observations were made:

- The report was informative and insightful to the value of the downtown development and how the downtown is being developed.
- A survey was done to help identify priorities in the downtown.
- Burlington is a wonderful, vital downtown, but assets need to be continually maintained and marketed because there are competing experiences.
- Some cities have created a dedicated fund to locally support affordable housing. Models include modest linkage fees on new development, land trust, or accessory dwelling units.
- Burlington is a "mid-tier" city which means people seek the same amenities as a larger city.
- "City building" is defined as offering people meaningful avenues of involvement.
- Burlington does not do "best practices" per the national standard relative to maintenance, management, capital re-investment, polishing of the downtown. It is unique to have a city department manage Church Street or to have a Downtown Improvement District restricted by charter to subsidize parking with the ability to do nothing else.

4.03 Presentation: Housing and Community Development 2018 Action Plan

CEDO Assistant Director Esbjerg presented the five year consolidated plan for the Housing and Community Development 2018 Action Plan noting the following:

- Burlington is a direct recipient of Community Development Block Grants used for affordable housing projects.
- Burlington has more renters than house owners.
- Cost burden is an issue. The number of households spending over 50% of income on housing has increased. The number of elderly renters has increased. The number of renters that are severely cost burdened by housing has increased.
- A higher percentage of blacks/African Americans, Asians, and American Indians experience severe housing cost burden.
- Burlington housing analysis shows 62% are multi-family, 60% are rental, 40% are owned. The housing stock is older in Burlington which can assist in helping people stay in their homes.
- Burlington has 26% of the Chittenden County workforce and over 50% hold a four year degree.
- Education and health care comprise 40% of the jobs in Burlington.
- Over 50% of the people drive to work alone in their car.
- The strategic plan lists goals for housing. The action plan proposes activities. Increasing home ownership opportunities in Burlington is one of the goals. CEDO is looking at housing resources.



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Councilor Bushor asked about use of home and lead hazard reduction funds for five low income owner-occupied units. CEDO Assistant Director Esbjerg said there is a Project Specialist working with these homeowners. Councilor Bushor asked about age-at-home activities. CEDO Assistant Director Esbjerg said the activities are through HomeShare. Councilor Bushor asked about assistance to the homeless. CEDO Assistant Director Esbjerg said the programs are awarded a two year grant.

Councilor Pine recalled the voters spoke in support of more affordable housing through the Housing Trust Fund. CEDO can provide guidance on where to place additional resources at the highest priority levels.

Councilor Hartnett asked how people are made aware of the resources that are available and what obstacles in addition to affordability are preventing people from owning a home in Burlington. CEDO Assistant Director Esbjerg said better jobs and less expensive housing is needed. People can contact CEDO for information on resources.

4.04 Public Hearing: 2018 Consolidated Plan for Housing & Community Development and 2018 Action Plan

The public hearing was opened at 8:50 PM. There were no comments. The public hearing was closed at 8:51 PM.

4.05 Finding of Necessity: Champlain Parkway Project

Councilor Mason facilitated the discussion.

MOTION by Councilor Wright, SECOND by Councilor Pine, to waive the reading and adopt the resolution in support of the Finding of Necessity relative to the Champlain Parkway Project (necessity hearing on 5/21/18).

DISCUSSION:

- Councilor Wright pointed out the resolution includes a finding that there is necessity to go forward with condemnation proceedings on properties where settlement could not be reached. This is a significant step forward in the Champlain Parkway saga.
- Councilor Tracy stated the shared use path should be a separate facility. The layout involving several properties is not ideal. Also, one of the properties on the list is still under negotiation.
- Councilor Shannon pointed out many of the property takings are temporary easements and not being contested by the property owner. Staff noted Cumberland Farms is still negotiating financial compensation with the state and the Howard Center is preserving rights going forward. Neither property is involved in the shared use path issue.
- City Attorney Blackwood explained there are two issues: necessity to take property and how much compensation. Most of the property owners are not contesting the taking, but are negotiating the compensation. City Council must make a finding that there is necessity for the taking and if necessary the courts will determine the compensation amount. VTrans is negotiating the value of the properties. If City Council does not find necessity to condemn the named properties then the project is ended.

VOTING: 9 ayes, one nay (Councilor Tracy) [Councilor Hartnett not present for vote]; motion carried.





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Council President Wright resumed facilitation of the meeting.

4.06 Presentation: CSWD FY2019 Budget Proposal

Sarah Reeves, CSWD General Manager, reported the proposed General Fund revenues in the FY19 CSWD budget are \$11,131,561 and expenses are \$10,597,613. Capital expenditures will be \$1,755,000 due to equipment and floor replacement at the MRF per the schedule and refurbishment at the DOCs. There will be no increases in the solid waste management fee, trash fee, or compost fee. There will not be a municipal assessment again this year. The MRF fee will be increased to better match the regional market and to cover costs. Biosolids fee will increase to cover expenses. There will now be a \$5 charge for each blue bin for recycling to encourage people to go to carts.

Councilor Pine asked about the compost law. Sarah Reeves said the deadline is July 1, 2020 to keep food scraps out of the landfill. CSWD is looking at the capacity and efficiency of Green Mountain Compost to be able to handle more organics once the law is in effect.

Councilor Mason asked about the market for recycled paper. Sarah Reeves explained the market for recycled mixed paper is very tight and CSWD is now paying to move the material to a secondary market rather than being paid for the material. Staff is looking at strategies. The Clean Water Bill was amended to waive the landfill ban on paper if necessary as a relief valve.

Councilor Bushor mentioned the Board of Health needing some legislation to deal with backyard composting of food waste so animals are not attracted to the area. There should not be a charge to drop off organics at the DOCs. Councilor Bushor asked if the Burlington DOC will be upgraded. Sarah Reeves said the intent is to build a DOC on Flynn Avenue.

Councilor Deane asked if mixed paper could possibly be used by the McNeil Plant. Sarah Reeves said CSWD will investigate the matter.

**MOTION by Councilor Bushor, SECOND by Councilor Deane, to approve the proposed FY2019 CSWD budget.
VOTING: unanimous; motion carried.**

4.07 Resume Executive Session

Postponed to the end of regular business (see Item 9.0).

5.0 COMMITTEE REPORTS



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- Councilor Paul announced the HR Committee is meeting 6/5/18 to discuss the step policy revision.
- Councilor Roof announced the Public Safety Committee is meeting on 6/5/18 to discuss the homelessness initiative, and the inclusionary zoning work group is meeting 6/11/18.
- Councilor Deane announced the Liquor License and Local Control Committee is meeting 6/5/18.
- Councilor Mason announced the Boards and Commissions meeting is 6/11/18 and the Ordinance Committee is meeting 6/12/18 to discuss proposed amendments to Suspension and Revocation of Certificate.
- Councilor Pine announced the Community Development and Neighborhood Revitalization Committee is meeting 6/7/18 to hear a presentation on the 5 year consolidation plan by CEDO and the Early Learning Initiative.
- Councilor Shannon announced the Charter Change Committee is meeting 6/13/18 to discuss capital improvements on Church Street and issues discussed at the City Council retreat relative to City Council interactions.

6.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Deane mentioned the report to City Council on the natural lands and conservation initiative (new name is “Burlington Wildways”). There is a slate of items planned for 2018-2019 and City Council will be asked to provide some financial assistance to move the initiatives forward.

7.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

Council President Wright reported:

- City Hall Park ad hoc committee meeting on trees is 6/6/18.
- Deadlines for agenda items must be maintained so any action items that are time sensitive should be submitted in a timely fashion.
- City councilors need to inform the Council President if they will be late or unable to attend a meeting.

8.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger noted the following events:

- Jazz Festival
- Community Sailing Center grand opening
- Special Olympics Summer Games (at UVM) opening ceremony
- Silver Jubilee 25th Anniversary Tibetan American Community
- City Hall blood drive

9.0 RECONVENE EXECUTIVE SESSION

Executive Session to discuss contract negotiations resumed at 9:42 PM.

MOTION by Councilor Roof, SECOND by Councilor Dieng, to adjourn Executive Session. VOTING: unanimous;





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motion carried.

Executive Session was adjourned at 10:44 PM.

10.0 ADJOURNMENT

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

The meeting was adjourned at 10:45 PM.

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