



Regular City Council Meeting - Monday, May 21, 2018, 5:30 pm, Contois Auditorium, City Hall 5/21/2018

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

May 21, 2018

APPROVED

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

Jane Knodell – Central District [not present for site visit]

David Hartnett – North District [not present for site visit]

Joan Shannon – South District

Richard Deane – East District [not present for site visit]

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Brian Pine – Ward 3 [not present for site visit]

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Beth Anderson, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Brian Lowe, Mayor’s Office

Jordan Redell, Mayor’s Office

Lori Olberg, C/T





Regular City Council Meeting - Monday, May 21, 2018, 5:30 pm, Contois Auditorium, City Hall 5/21/2018

Amy Bovee, C/T

Chapin Spencer, DPW

Norm Baldwin, DPW

Laura Wheelock, DPW

Kirsten Merriman Shapiro, CEDO

Lise Veronneau, BPD

Mary Danko, Library

OTHERS PRESENT:

Barbara Wynn

Kelly Devine

Bruce Huff

Matthew Vaughan

Sally Grossnickle

Diane M. Leary

Altana Bullard

Jen Call

Linda M. Ayer

Tony Redington

Tiki Archambeau

Caryn Long

Frank Copeland

Cindy Hill

Judith Dillon

1.0 CALL TO ORDER and AGENDA



Regular City Council Meeting - Monday, May 21, 2018, 5:30 pm, Contois Auditorium, City Hall 5/21/2018

Council President Wright called the meeting to order at 5:35 PM on May 21, 2018.

MOTION by Councilor Roof, SECOND by Councilor Shannon, to find that premature public disclosure of legal advice on the necessity hearing on the Champlain Parkway would place the city at a disadvantage. VOTING: unanimous; motion carried.

MOTION by Councilor Mason, SECOND by Councilor Shannon, based on the finding of premature public disclosure placing the city at a disadvantage to go into Executive Session to discuss the necessity hearing on the Champlain Parkway and to invite outside counsel, the CAO, City Attorney, and the Mayor to attend. VOTING: 7 ayes, one nay (Councilor Tracy); motion carried.

Executive Session was convened at 5:51 PM.

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

Executive Session was adjourned at 5:55 PM and the regular meeting reconvened.

1.01 Agenda

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

- **Note additional information on Item 2.01 (Champlain Parkway Site Visit)**
- **Add Item 4.01 (Ben Traverse re: Champlain Parkway) to Consent Agenda**
- **Note additional information on Item 5.01 (Necessity Hearing Champlain Parkway)**
- **Note written material on Item 5.02 (Security Alarm Regulation)**
- **Note information on Item 5.04 (Bank Street and Cherry Street Improvements)**

VOTING: unanimous; motion carried.

2.0 SITE VISIT: Champlain Parkway

City councilors in attendance did a site visit prior to the necessity hearing for the Champlain Parkway.

3.0 PUBLIC FORUM





Regular City Council Meeting - Monday, May 21, 2018, 5:30 pm, Contois Auditorium, City Hall 5/21/2018

Public forum was opened at 7:23 PM.

COMMENTS

- Barbara Wynn spoke about those who feel there is not a necessity for their property to be intruded upon by the Champlain Parkway and the necessity hearing being unnecessary.
- Kelly Devine, Burlington Business Association, said the BBA supports the Champlain Parkway project. There have been many opportunities for feedback. BBA, AARP, Local Motion held an information hearing for the public a year and a half ago. Regarding the Bank Street and Cherry Street redesign there is concern about the "parklets" being properly managed and located by an abutting business or larger public organization that will be responsible for its use, cleaning and maintenance. Comments on the design of the final block of Cherry Street by Hotel Vermont and the Marriott should be considered. There is a lot of public seating and amenity by Church Street and some should be gauged farther away from Church Street to bring vitality to the area.
- Bruce Huff, resident, commented on the increase in the home security alarm cost from \$36 to \$60 and the hardship this creates on people with a fixed income. One suggestion is to charge the \$60 only if the program is initiated since people can call 9-1-1 for free.
- Matthew Vaughan, old North End, urged City Council not to approve the plans for Bank Street and Cherry Street, and to have DPW do plans that include protected and separate bike lanes. The current design does not achieve the goal of walkable/bike-able streets. Public comment was overwhelmingly in support of protected bike lanes instead of on-street parking, but the comments were not taken into account with the design. Hotel Vermont wrote a letter of support for protected bike lanes.
- Sally Grossnickle spoke of the Heineberg Community Senior Center being instrumental for friendship and social interaction for seniors. The center is an active and vital part of the community. Seniors are a valuable asset to the community. City Council is urged to support Heineberg Community Senior Center.
- Diane M. Leary told the story of how Heineberg Community Senior Center helped in her recovery from a recent accident (fall).
- Altana Bullard, Henry Street, spoke in support of Heineberg Community Senior Center.
- Jen Call spoke in support of Heineberg Community Senior Center and the programs that are offered.
- Linda M. Ayer, President of the Board of Directors for Heineberg Community Senior Center, said the organization has been in the new North End for 80 years and is a vital part of the lives of many senior citizens. Funding is by grants and contribution from the city. Grant funding from the United Way was denied which impacts the budget. The city is urged to continue to support the center.
- Tony Redington, Ward 2, spoke of the lack of modern design for bikes on Cherry Street and that there has been no change in the design of the Champlain Parkway since December 2006. The Walk/Bike Council in 2014 issued a critique of the design due to lack of adequate safe, separate walking and biking facilities. The intersection is being changed from a four-way stop to a high speed light.
- Tiki Archambeau said the Bank Street and Cherry Street design does not reflect walking and biking in the city. The design is not ready. The parking garage is underutilized and needs more traffic to get more revenue.
- Caryn Long said DPW indicated the opinions of the public on the design of Bank Street and Cherry Street are not finalized. The streets are narrow and do not need 15' designated for parked cars. Streets are for moving people, not storing vehicles. The streets should be left open for pedestrians and bikes. Regarding the trees in City Hall Park, the number of trees to be saved in the park is disappointing and not a fair promise to the people who wanted more trees saved.

There were no further comments. Public Forum was closed at 7:50 PM.

4.0 CONSENT AGENDA





Regular City Council Meeting - Monday, May 21, 2018, 5:30 pm, Contois Auditorium, City Hall 5/21/2018

- 4.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 4.02 COMMUNICATION: Accountability List
- 4.03 COMMUNICATION: License Agreement Renewals 2018-2019 CSM Encumbrances
- 4.04 REPORT: Board of Assessors Commission
- 4.05 COMMUNICATION: Step Placement, Parking Enforcement Officer, David Murrish
- 4.06 COMMUNICATION: Portable Radios and Accessories Purchase, Fire Department
- 4.07 COMMUNICATION: Replacement Defibrillators, Fire Department
- 4.08 COMMUNICATION: VLITE funds for Electric Bus Purchase, BED
- 4.09 RESOLUTION: Update Library Staffing Structure
- 4.10 COMMUNICATION: Support Champlain Parkway, Ben Traverse

MOTION by Councilor Knodell, SECOND by Councilor Bushor, to adopt the Consent Agenda and take the action indicated for Items 4.01 through Item 4:10. VOTING: unanimous; motion carried.

5.0 DELIBERATIVE AGENDA

5.01 Necessity Hearing: Champlain Parkway

DPW Assistant Director Baldwin spoke on the design plans that require the need to acquire property rights and the schedule for the Champlain Parkway.

Councilor Bushor asked if any of the owners of the 12 properties impacted gave counter-proposals or formal explanation of their opposition. DPW Assistant Director Baldwin said VTrans is working with the residents.

Councilor Dieng asked why the roadway does not attach directly to Battery Park to help people in the new North End access I-89 faster. DPW Assistant Director Baldwin said the program was designed with certain needs in mind. The intent was a north-south circulator for the south end.

Councilor Tracy asked if the property taking is permanent. DPW Assistant Director Baldwin said there are permanent takings, but seven of the 12 properties are temporary easements for construction. There are permanent easements tied to development of a shared use path.

The necessity hearing was opened and Council President Wright read the list of properties involved in the hearing. The properties include Vermont Railway, Inc., Howard Center, Inc., Donald Lee and Julie LaFountain, Riley Properties, LLC,





Regular City Council Meeting - Monday, May 21, 2018, 5:30 pm, Contois Auditorium, City Hall 5/21/2018

Cumberland Farms, Group 5 Investments, LLC, Maltex Partnership, 44 Pine Street Commercial Condo Owners Association DDC Holdings, LLC, Lessor Dealer.com, Derrick H. Davis Charitable Trust II, Maltex Partnership, Christopher H. Mason, Overlake Park, LLC. Other than Frank Copeland, attorney representing Howard Center, Inc., no one appeared on behalf of the properties listed.

COMMENTS

Frank Copeland, attorney representing Howard Center, Inc., objected to the taking on grounds that it is unreasonable and unnecessary.

Judith Dillon, 40th Burlington, LLC, objected to the notice of the necessity hearing. Necessity is to determine if public good requires the project, not to determine if the taking of particular properties is required to build the Champlain Parkway. Therefore, persons entitled to notice of the hearing are not limited to those property owners. 40th Burlington's property abuts the property and they did not get notice of the hearing or site visit so the proceedings and any decision will be void.

Cindy Hill, attorney representing Pine Street Coalition (citizens group interested in living, walking, biking in the south end, particularly Pine Street and other areas of the quarter), objected to the notice for both the site visit and necessity hearing because the process has not been properly served.

There were no further comments.

MOTION by Councilor Mason, SECOND by Councilor Deane, to close the necessity hearing for the Champlain Parkway and direct staff to prepare findings of fact for consideration by City Council at the 6/4/18 meeting.

DISCUSSION:

- **Attorney Blackwood advised staff will draft findings for consideration including a finding of necessity for action by City Council.**

VOTING: unanimous; motion carried.

5.02 Regulation of Security Alarm Systems – Ordinance Committee, Police Commission

MOTION by Councilor Knodell, SECOND by Councilor Mason, to waive the reading and adopt the changes to Chapter 21 for regulation of security alarm systems.

DISCUSSION:

- **Councilor Knodell said the change is to Section 21.42 regulating security systems. A permit is required for these systems so the police know who has them. The monthly fee changed from \$3 to \$5. The fee has not been changed since 2004. There are administrative costs with these alarm systems.**





Regular City Council Meeting - Monday, May 21, 2018, 5:30 pm, Contois Auditorium, City Hall 5/21/2018

- **Councilor Hartnett asked what the fee covers. BPD Business Administrator Veronneau explained the fee is to cover the permit for the alarm. There are administrative costs associated with registering the alarms with dispatch so information can be provided to the responding officers and to do the annual billing. The fee structure for false alarm calls is not being changed.**
- **Councilor Bushor expressed concern that the fees will not fully cover the administrative costs. There is also the need to be sensitive to the cumulative increase of fees on taxpayers.**
- **Councilor Mason pointed out City Council is not deciding on suspension of the false alarm fee. The Police Department has had difficulty collecting the fees which takes time to do. All alarm systems even though not connected to the Police Department need to be registered.**
- **Councilor Dieng asked the benefit to register the alarm system. BPD Business Administrator Veronneau said the ordinance requires the alarms to be registered so the dispatchers will know about the property which helps with having the proper response. Fines can be issued for failure to register an alarm.**
- **Councilor Hartnett expressed concern about the impact on senior citizen by the fee increase and suggested the city pursue fees for false alarms. BPD Business Administrator Veronneau said there are 781 registered alarm systems in the city. The Police Department is not aggressively seeking penalty fees, but works with people to comply with the ordinance. Most false alarms are from businesses.**

VOTING: 10 ayes, 2 nays (Councilor Hartnett, Council President Wright); motion carried.

5.03 Presentation: Library Strategic Plan

Library Director Danko reported the library's strategic plan was last updated in 1994. Many public forums were held and public input gathered on the library's direction in the future. Goals and objectives in the plan have been followed with new staff and services.

Councilor Bushor asked about the café included in the plan and how teens will be engaged with the strategic plan. Library Director Danko said the café is a long term goal and more outreach to organizations serving teens to get them to come back to the library is in the plan. Councilor Bushor asked about activities that contribute to the community cultural and education networks. Library Director Danko said Programming in Partnership will handle this. There are seven different language conversation groups now and community outreach. Special programs, such as "Burlington Rising" about bread from different continents, are being conducted.

Councilor Knodell asked about events to make people aware of the library and encourage usage. Library Director Danko said there has been an increase in library visits in the past nine months. Circulation is even, but there has been an increase to access of online services. Fletcher Free Library is the largest library in the state (48,000 s.f.) with over 80% greater circulation than other libraries.

Councilor Hartnett mentioned increasing usage in the new North End with a library on wheels service. Library Director Danko said the library is always interested in doing more outreach.

Councilor Dieng said the library presence is everywhere, but funds need to be targeted for an annex library in the new





Regular City Council Meeting - Monday, May 21, 2018, 5:30 pm, Contois Auditorium, City Hall 5/21/2018

North End.

5.04 Presentation: Bank Street and Cherry Street Improvements Conceptual Design

MOTION by Councilor Bushor, SECOND by Councilor Hartnett, to waive the reading and adopt the resolution to approve the conceptual designs for improvements to Bank Street between Church Street and Pine Street and Cherry Street between Church Street and Battery Street as presented on 5/21/18 and authorize the DPW Director to take steps necessary to manage the development and deliver 30% designs in substantial conformance to the approved conceptual designs and development agreement with BTC Mall Associates, LLC (developer of CityPlace Burlington) with informational updates provided to City Council when 30% plans and 75% plans are respectively complete.

DISCUSSION:

- Councilor Hartnett stressed keeping in mind there are two checkpoints for the plans, one at 30% and one at 75%.
- CEDO Senior Project Specialist Shapiro and DPW Project Engineer Wheelock reviewed the design of Bank Street and Cherry Street, noting there was much outreach and public comment on the design that resulted in refinement of the base design. The conceptual design needs approval by City Council to move to final design, permitting, and construction. The design shows travel lanes, parking, pedestrian and bike space. The path linkage from Battery Street to Church Street is improved. The intersection of St. Paul Street/Bank Street will be four-way. Storm water treatment on the curb-less streets includes rain gardens and tree belts. There will be approximately 34 new trees planted on Cherry Street and 32 new trees planted on Bank Street. Bike parking includes 47 spaces on Cherry Street and 23 spaces on Bank Street. There are uncured bulletin boards, two each, on Cherry Street and Bank Street. There will be public seating amenities, bike repair station, public artwork, planters, treatment of the intersections and crosswalks.
- Councilor Bushor asked if there is a proposal for the lane on the south side of Cherry Street as recommended by the DPW Commission. CEDO Senior Project Specialist Shapiro said an analysis was done of the pros and cons and impact on parking spaces of the lane. Councilor Bushor observed the design is a compromise to not having a dedicated bike lane. Having one bike path on Cherry Street should be considered. The public needs to be educated on "sharrows" to understand bikes in the lane space. The updates at 30% conceptual plan acceptance and 75% conceptual plan acceptance will help everyone understand how the project has moved forward.
- Councilor Knodell expressed appreciation for the uncured bulletin boards and improved path connection from Bank Street to Battery Street. PlanBTV Bike/Walk Master Plan shows streets designed for less than 20 mph speed (slow zone). Councilor Knodell asked if the buses can be taken off of Cherry Street. Mayor Weinberger said GMT has the right for bus bays, but if these are not being used then there are provisions for the city to reclaim the space over time.
- Councilor Deane asked how the street design will slow drivers. DPW Project Engineer Wheelock said slow street is 20 mph design as laid out in the Great Streets standards and bike/walk planning. There are narrow travel lanes, amenities closer to the road, vertical elements to give visual clues to drivers of pedestrians on the street. Councilor Deane asked if sharrows have been successfully used elsewhere. DPW Project Engineer Wheelock said sharrows have been used in other places, but are new to Burlington. More markings will be done in other areas of the city as well.
- Councilor Tracy mentioned some of the text with the diagrams on the website need to be updated. The lack of bike lanes is a real miss with the project. The streets are being rebuilt and should be designed with the most modern items inclusive of protected bike lanes and facilities. Sharrows are not adequate for many





Regular City Council Meeting - Monday, May 21, 2018, 5:30 pm, Contois Auditorium, City Hall 5/21/2018

reasons. The parking garages are not fully utilized so on-street parking should not be added to the detriment of bike facilities on the street. Streets that are safe for all users need to be created.

- Councilor Paul said the plan is well thought out and conceived. Comments from the public should be considered. CEDO Senior Project Specialist Shapiro said all the comments were considered, but may not have been executed in the plan.
- Councilor Dieng said bulletin boards are messy and sometimes have inappropriate items. Digital boards that are managed and monitored should be used. The design needs to respond with 21st Century modernisms.
- Councilor Hartnett said the project is not “half baked” as has been commented. Much time and effort has been put into it. Cherry Street needs parking on the street for Cathedral Square and the courthouse. The design strikes a balance. The walk/bike plan was to be a guide, not followed to a “T”.
- Councilor Knodell pointed out the Walk/Bike Master Plan contemplated no bike lane on Cherry Street so the design is a step up. The Bank Street design corresponds to the Walk/Bike Master Plan.
- Councilor Tracy clarified Cherry Street was contemplated as a “slow street” and sharrows are consistent with slow street design. PlanBTV had a slow street design as well, but nothing says the city cannot go further with walk/bike design.
- Mayor Weinberger said the main value of planBTV Walk/Bike Plan is a roadmap and vision of a protected bike network that when built will represent essentially a new transportation system for the city that does not exist today.

VOTING: 9 ayes, 2 nays (Councilor Tracy, Councilor Dieng)[Councilor Pine not present for vote]; motion carried.

5.05 Resident Parking

MOTION by Councilor Hartnett, **SECOND** by Councilor Dieng, to waive the reading and adopt the resolution on implementing strategies recommended in the Residential Parking Study.

DISCUSSION:

- Councilor Hartnett said the resolution is an effort to get residential parking moving forward.
- Councilor Deane expressed concern about capacity and schedule. DPW Director Spencer said DPW has been working to update the residential parking program consistent with parking plan. There will be revised ordinance language for consideration by the DPW Commission this summer. A report can be given to City Council in the fall after review by the DPW Commission.
- Councilor Deane asked if property values increase with restricted residential parking. Mayor Weinberger said the City Assessor had concern about having the expertise to do a meaningful study to determine impact on property value by having restricted residential parking. A professional to do the study will have to be hired. Cost and timing are issues.

AMENDMENT by Councilor Deane, **SECOND** by Councilor Shannon, to strike lines 27, 28, 29 in the second resolve clause relative to restricted residential parking.

DISCUSSION OF AMENDMENT:

- Councilor Hartnett spoke against holding up work to have an analysis done.
- Councilor Knodell said it is intuitive that if there is high demand for parking on a street and residents cannot find parking by their house that hurts property values, but to know the precise effect would take a sophisticated economic analysis.
- Councilor Dieng suggested hearing directly from the City Assessor before eliminating the resolve clause.





Regular City Council Meeting - Monday, May 21, 2018, 5:30 pm, Contois Auditorium, City Hall 5/21/2018

- **Councilor Deane said according to the Mayor the City Assessor's Office does not have the expertise to make the assessment. The issue can be addressed with a separate resolution.**

VOTING ON AMENDMENT (delete lines 27 through 29): unanimous; motion carried.

CONTINUED DISCUSSION:

- **Councilor Deane said a date in the fall for the report to City Council should be specified.**

AMENDMENT by Councilor Deane, SECOND by Councilor Shannon, to direct the DPW Director to report the results of the review by the DPW Commission to City Council at the second meeting in October, 2018.

DISCUSSION ON AMENDMENT:

- **Councilor Bushor said the report should be submitted to City Council before the ordinance goes to the DPW Commission. DPW Director Spencer said City Council can be notified of the changes. The plan is to have the ordinance before the DPW Commission in the next two to three months.**

VOTING ON AMENDMENT (report date): unanimous; motion carried.

VOTING ON MOTION AS AMENDED: 10 ayes, one nay (Councilor Bushor)[Councilor Pine not present for vote]; motion carried.

6.0 COMMITTEE REPORTS

- **Councilor Mason reported the Ordinance Committee will meet 5/29/18 to discuss suspension and revocation/ratification of certificates.**
- **Councilor Deane said the Local Control/Licensing Committee will meeting 6/5/18.**

7.0 CITY COUNCIL – GENERAL AFFAIRS

No report.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

Council President Wright reported:

- **Applications for city boards are due May 23, 2018 no later than 4:30 PM.**
- **City Hall Park Committee meeting on trees was productive. Another meeting will be scheduled.**
- **Contact Council President Wright for items on the agenda needing action.**

9.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger noted the following:





Regular City Council Meeting - Monday, May 21, 2018, 5:30 pm, Contois Auditorium, City Hall 5/21/2018

- FY19 budget meetings are ongoing. All are invited to the meetings.
- Discussion of the update to planBTV Comprehensive Development Plan for municipal development in the city will be held on 5/23/18 at the Bagel Café with staff from Planning & Zoning.
- Upcoming events in the city include the city marathon, jazz fest, Memorial Day ceremony in Battery Park.

10.0 ADJOURNMENT

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

The meeting was adjourned at 9:55 PM.

RScty: MERiordan