



Regular City Council Meeting - Monday, May 18, 2015 - Contois Auditorium, City Hall 5/18/2015

Regular City Council Meeting - Monday, May 18, 2015 - Contois Auditorium, City Hall (Monday, May 18, 2015)

Generated by Amy Bovee on Thursday, May 21, 2015

Members present

Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Absent

Adam Roof

Meeting called to order at 7:09 PM

1. Agenda

Action, Procedural: 1.01 Motion to amend/adopt agenda

motion to amend/adopt agenda as follows: note proposed amendments to agenda item 5.04 Resolution: Livable Wages for Howard Center Workers (Councilors Colburn, Tracy, Ayres, Bushor) and supporting documentation (per Councilor Colburn); note MOU and term sheet for agenda item 5.05 Resolution: Authorization for Execution of a Memorandum of Understanding Between The City and The Burlington Harbor Marina; note correct co-sponsors (Councilors Knodell, Bushor and Wright)(per Brian Lowe and Councilor Paul); note supporting documentation for agenda item 5.02 (per DPW Director Spencer); remove from consent agenda item 4.45 Resolution: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Tight Squeeze Coffee Shop (License Committee) and place it on the deliberative agenda as item 5.06 (per Democratic Staffperson Stephany Ahearn per Councilor Shannon); amend the action for consent item 4.33 Proposed Zoning Amendment ZA 15-05 (Appendix A Use Table) and have the action be consider it first reading and schedule a public hearing.

Motion by Sharon Bushor, second by Selene Colburn.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

2. Communication from Mayor Weinberger re: Uber's Operations in Burlington

Information, Procedural: 2.01 Verbal Report



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Mayor Weinberger stated the Administration has been working to create a draft interim operating agreement with the transportation company Uber. The goals of the agreement would be to avoid a legal dispute with Uber, to allow Uber to operate lawfully in the City of Burlington, and to level the playing field between Uber and existing vehicle for hire companies. Their main areas of concern are to level the playing field with respect to fees that are paid to the City and the inspection and insurance requirements. They are in close communications with Uber and they hope to have something to share with the Council and Airport Commission. They intend to meet with representatives of Taxi Cab companies while this document is in draft form. They hope to move expediently to have something in front of the Council for approval in June. They envision this agreement will be in place for up to twelve months. As soon as that document is approved, they would begin to work with involved stakeholders, including existing taxi cab companies and Uber. They would look at a focused stakeholder process led by the Mayor's Office and the Ordinance Committee. They would begin that work in July when the agreement was passed with a goal of considering permanent revisions to the Taxi Ordinance that will level the playing field within six months.

Councilor Wright inquired if the people from taxi companies will get a chance to review this before Uber agrees to it. Mayor Weinberger stated they have been negotiating with Uber to draft this document. They will share it with the Council and will meet with cab companies to review the document and get their input before formally submitting something for approval.

Councilor Tracy stated a primary concern has been issues around driver safety and certifications. There have been concerns about how the vehicles are operated and sexual assault in other communities. He inquired if the background check component will be included. It is required of licensed cab companies operating in the City. Mayor Weinberger stated that is another item that will be part of that agreement to ensure Uber drivers have comparable background checks. Councilor Tracy stated the current Ordinance requires meter rates, while Uber operates on a supply and demand model where there might be price surges. He inquired how those things will be squared. One system allows customers to know the price across the board. The other model could have higher variability. The last Ordinance rewrite sought to provide consistency to customers and give them recourse if they were charged unfairly. Mayor Weinberger stated he does not believe they will require Uber drivers to purchase meters in the interim period. It is a complicated question to determine what the City's interests in price regulations and if public interests are accomplished through other means. He believes that will be a focus of the stakeholder process that will follow the interim operating agreement.

City Council President Knodell inquired if the City has done a legal analysis of whether the current Ordinance applies to Uber. Mayor Weinberger stated they have and that was the focus of the City Attorney's letter to Uber earlier in the year where they put the company on notice that they were in violation of the Ordinance. City Council President Knodell inquired if the Council received a copy of the analysis. City Attorney Blackwood stated they have not done a formal written opinion outlining the pros and cons. They did a legal analysis and wrote a letter to Uber about it. City Council President Knodell stated she believes the City needs to send a signal that they are serious about enforcing the current Ordinance. She inquired what their current enforcement capacity is and how it might be improved. They need to be prepared to enforce the Ordinance they draft. She believes there is an enforcement gap. City Attorney Blackwood stated she has not received updated numbers from the enforcement group. They issued 8 tickets to Uber drivers who were found to not be in compliance with the Ordinance. They have a number of Uber drivers who have gotten their licenses and are operating in compliance with the law.



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Councilor Paul inquired if the Taxi Board is functioning and if they have been consulted on this issue. City Attorney Blackwood stated they are functioning and have been involved. They will share the draft document with them and they are aware of the ongoing negotiations and enforcement. The Ordinance has sections for drivers and their vehicles and another for companies. Uber the company says that they are not a taxi company, as they don't own taxi cabs or operate vehicles. That is the legal issue that is at play. Individual drivers are still drivers that are required to be licensed because they operate vehicles for hire. They are requiring drivers to get licenses and taking action against those who do not.

3. Public Forum: Time Certain: 7:30 p.m.

Information, Procedural: 3.01 Verbal Comments

City Council President Knodell opened the public forum at 7:23pm

Chris Dunwoody, Howard Center Employee, spoke in favor of Livable Wages for Howard Center

Charlie Herrick, Green Cab Owner, spoke about enforcing taxi regulations

Ron Ruloff, Ward 3 Resident, spoke against development of Burlington College Land

Jennifer Decker, Howard Center Employee, spoke in favor of Livable Wages for Howard Center

Fred Solomon, Taxi Driver, spoke about enforcing taxi regulations

Mike Kurt, Howard Center Employee, spoke in favor of Livable Wages for Howard Center

Cindy Smith, Winooski Resident, spoke in favor of Livable Wages for Howard Center

Paul Fleckenstein, Burlington Resident, spoke in favor of Livable Wages for Howard Center

Tom Hart, Howard Center Employee, spoke in favor of Livable Wages for Howard Center

Deanna Allen, Howard Center Employee, spoke in favor of Livable Wages for Howard Center

Elizabeth Nikazmerad, Burlington Resident, spoke in favor of Livable Wages for Howard Center

Aaron Firore, Howard Center Employee, spoke in favor of Livable Wages for Howard Center

Nolan Rampy, Howard Center Employee, spoke in favor of Livable Wages for Howard Center

Jack Sinclair, Howard Center Employee, spoke in favor of Livable Wages for Howard Center

Karen Porter, Howard Center Employee, spoke in favor of Livable Wages for Howard Center

James Fouts, CCTA Bus Driver, spoke in favor of Livable Wages for Howard Center

Jessica Fuller, Ward 3 Resident, spoke against Uber and safety issues

Matt Callahan, Howard Center Employee, spoke in favor of Livable Wages for Howard Center

City Council President Knodell closed the Public Forum at 8:01pm.





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4. Consent Agenda

Action (Consent), Procedural: 4.01 Motion to amend/adopt consent agenda taking the following actions as indicated
motion to amend/adopt consent agenda taking the following actions as indicated

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Information: 4.02 Communication: Lori Olberg, C/T Office, re: Accountability List
waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.03 Communication: Amy Bovee, Executive Secretary, re: Minutes, Local Control Commission Meeting, August 11, 2014

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.04 Communication: Amy Bovee, Executive Secretary, re: Minutes, Special City Council Worksession, November 10, 2014



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waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.05 Communication: Amy Bovee, Executive Secretary, re: Minutes, Special City Council Worksession, December 1, 2014

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.06 Communication: Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, December 1, 2014

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.07 Communication: Amy Bovee, Executive Secretary, re: Minutes, Board of Abatement of Taxes Meeting, December 1, 2014

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting



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Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.08 Communication: Amy Bovee, Executive Secretary, re: Minutes, Board of Civil Authority Meeting, December 1, 2014

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.09 Communication: Amy Bovee, Executive Secretary, re: Minutes, Special City Council Worksession, December 15, 2014

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.10 Communication: Amy Bovee, Executive Secretary, re: Minutes, Local Control Commission Meeting, December 15, 2014

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.



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Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.11 Communication: Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, December 15, 2014

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.12 Communication: Amy Bovee, Executive Secretary, re: Minutes, Board of Civil Authority Meeting, December 15, 2014

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.13 Communication: Amy Bovee, Executive Secretary, re: Minutes, Special City Council Worksession, January 5, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes





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Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.14 Communication: Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, January 5, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.15 Communication: Amy Bovee, Executive Secretary, re: Minutes, Board of Civil Authority Meeting, January 5, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.16 Communication: Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, January 12, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon



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Action (Consent), Communication, Minutes: 4.17 Communication: Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, January 16, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.18 Communication: Amy Bovee, Executive Secretary, re: Minutes, Special City Council Worksession, January 26, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.19 Communication: Amy Bovee, Executive Secretary, re: Minutes, Local Control Commission Meeting, January 26, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.20 Communication: Amy Bovee, Executive Secretary, re: Minutes, Regular City



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Council Meeting, January 26, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.21 Communication: Amy Bovee, Executive Secretary, re: Minutes, Board of Civil Authority Meeting, January 26, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.22 Communication: Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, February 9, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.23 Communication: Amy Bovee, Executive Secretary, re: Minutes, City Council With Mayor Presiding Meeting, February 9, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council





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Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.24 Communication: Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, February 17, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.25 Communication: Amy Bovee, Executive Secretary, re: Minutes, Board of Civil Authority Meeting, February 17, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.26 Communication: Amy Bovee, Executive Secretary, re: Minutes, Public Information Hearing on Public Questions for March 3, 2015 Annual City Meeting, February 23, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting



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Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.27 Communication: Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, March 9, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.28 Communication: Amy Bovee, Executive Secretary, re: Minutes, Board of Civil Authority Meeting, March 9, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.29 Communication: Amy Bovee, Executive Secretary, re: Minutes, Special City Council Worksession, March 23, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.



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Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.30 Communication: Amy Bovee, Executive Secretary, re: Minutes, Local Control Commission Meeting, March 23, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.31 Communication: Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, March 23, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.32 Communication: Amy Bovee, Executive Secretary, re: Minutes, Board of Abatement of Taxes Meeting, March 23, 2015

waive the reading, accept the communication, place it on file and adopt the minutes at the June 1, 2015 City Council Meeting

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max



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Tracy, Kurt Wright, Joan Shannon

Action (Consent), Ordinance - First Reading: 4.33 Ordinance: Comprehensive Development Ordinance - Appendix A-Use Table (Attached Dwellings-Mixed Use and Small Daycares in the RCO) ZA 15-05 (A and B)(Planning Department)(1st reading)

consider this first reading and schedule a public hearing

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Ordinance - First Reading: 4.34 Ordinance: Comprehensive Development Ordinance -- Community Gardens Impact Fee Incentive and Off-site Improvements Impact Fee Inclusion ZA #15-07 (Planning Department; Planning Commission)(1st reading)

consider this first reading and refer to the Ordinance Committee

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.35 Resolution: Authorization to Submit 2015 Burlington One-Year Action Plan (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon



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Action (Consent), Resolution: 4.36 Resolution: Authorization to Accept Grant and Purchase Property - Burlington International Airport (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.37 Resolution: Authorization to Accept Grant and to Contract for Reconstruction of a Portion of the Air Carrier Apron (Phase 2) at The Burlington International Airport (AIP-103)(Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.38 Resolution: Authorization to Accept Grant and to Contract for Construction of a Parallel Taxiway ("K") at The Burlington International Airport (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.39 Resolution: Authorization to Execute a Construction Contract with R. Parker Enterprises for Housing Removal on Airport Acquired Land Located at The Burlington International Airport Being Removed Pursuant to Airport Improvement Project Grants (AIP-74, 78, 81, 84, 87, 88, 92, 94, 98)(Board of Finance)

waive the reading and adopt the resolution



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Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.40 Resolution: Authorization to Execute a Construction Contract with S.D. Ireland for Housing Removal on Airport Acquired Land Located at The Burlington International Airport Being Removed Pursuant to Airport Improvement Project Grants (AIP-74, 78, 81, 84, 87, 88, 92, 94, 98)(Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.41 Resolution: Appointment of Councilor to Burlington Telecom Advisory Board (Councilors Giannoni, Tracy)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.42 Resolution: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with St. Paul St. Gastro Grub (License Committee)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes



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Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.43 Resolution: Authorization to Enter into License Agreement to Maintain Access Ramp on a Portion of The City's Right-of-way with Stratos Condominium Owners' Association (License Committee)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.44 Resolution: Authorization to Enter into License Agreement for an Awning Extending Over a Portion of The City's Right-of-way with The Gryphon (License Committee)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Resolution: 4.45 Resolution: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Tight Squeeze Coffee Shop (License Committee) *moved to deliberative as item 5.06

Action (Consent), Resolution: 4.46 Resolution: Authorization to Enter into License Agreement for a Sign and Lights Extending Over a Portion of The City's Right-of-way with Urban Salon Team (License Committee)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes



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Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.47 Communication: Amy Bovee, Executive Secretary, re: Board of Finance Minutes, Monday, April 13, 2015

waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.48 Communication: Amy Bovee, Executive Secretary, re: Board of Finance Minutes, Monday, April 20, 2015

waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Information: 4.49 Communication: C/T Office, re: Sweep Accounts & Other Bank Accounts

waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Information: 4.50 Communication: C/T Office, re: General Fund Revenue Unaudited -



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waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Information: 4.51 Communication: C/T Office, re: BT FY2015 (9 + 3) Outlook - Key Points

waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.52 Communication: Amy Bovee, Executive Secretary, re: Applications for Renewals of License Agreements for Encumbrances Outside of the Church St. Marketplace for the 2015-2016 Season

approve license agreement renewal applications for 2015-2016 as recommended in the communication dated May 13, 2015

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent): 4.53 Special Event Indoor and Outdoor Entertainment Permit Application (June 5 - 14, 2015): Discover Jazz Festival

approve the special event indoor and outdoor entertainment permit application for Discover Jazz Festival, June 5 - 14, 2015



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Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent): 4.54 Amendment to Indoor Entertainment Hours (2015-2016): American Flatbread - Burlington Hearth
approve the amendment to the indoor entertainment permit for American Flatbread - Burlington Hearth - end time
everyday: 2:00 a.m.

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.55 Communication: Barbara Middleton, re: Church Bells
waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.56 Communication: The University of Vermont Office of Student and Community Relations, Division of Student Affairs, re: OSCR Mission
waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon



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Action (Consent), Communication: 4.57 Communication: James Reagan, re: Accessory Dwelling Unit

waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.58 Communication: Rachel Siegel, Executive Director, Peace and Justice Center, re: Police Chief Search

waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.59 Communication: Public Works Commission Chair, re: Attendance of Commissioners (April 2014-April 2015)

waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.60 Communication: Devon Ayres, Designated Accountability Monitor, Vermont Workers' Center, re: Burlington LWO Enforcement Update

waive the reading, accept the communication and place it on file



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Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.61 Communication: John Emmeus Davis, 52 Booth Street, re: Testimony on the 3/30/15 Draft Housing Action Plan

waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.62 Communication: Stephanie Reid, Human Resources Manager, Susan Leonard, Human Resources Director, re: Communication - Step placement for Diana Wood, Marketing and Outreach Manager

approve the step placement seven (7), grade eighteen (18) for Diana Wood, Marketing and Outreach Manager, to take effect immediately following approval

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.63 Communication: BED. re: BED Billing Issue: Final Report April 30, 2015

waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes



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Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

5. Deliberative Agenda

Action, Procedural: 5.01 Communication: Mayor Miro Weinberger, re: Appointment of Chief Innovation Officer

Mayor Weinberger presented Beth Anderson for approval as the City's first Chief Innovative Officer. He is excited that they are moving forward with this position and with the candidate they have selected. The position will address three areas of need within the City's senior leadership. The position will create senior level oversight of the City's IT function, it will head up the City's data collection and analysis efforts, and will be responsible for forwarding a culture of continuous improvement and delivering more value for taxpayers with the dollars that are spent delivering City services. Beth Anderson has come through an extensive process and search committee that reviewed applications and interviewed many candidates. She has experience in all three of those areas, which was a difficult combination to find. She has considerable experience in a range of different settings including the financial sector and Vermont non-profits. He has been impressed by her approach to her work and they believe she is the right type of person to step into this position. She is a strong listener and collaborator. She will rise to the task of working with Department Heads to carry out these functions.

Beth Anderson thanked the Mayor for his kind words and stated she looks forward to work with the City to build a culture of improvement and innovation in order to provide better services to the City and its residents.

approve the appointment of Beth Anderson as the City's Chief Innovation Officer for the balance of FY15 and all of FY16

Motion by Chip Mason, second by Karen Paul.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action, Communication, Discussion, Information: 5.02 Communication: CSWD, re: FY2016 Budget Proposal

Chapin Spencer, DPW and CSWD Board member, spoke in favor of the proposed budget. It has an increase in the tip fee for recyclables. The market for recyclables has decreased. There will also be a small increase in the solid waste tax which will be passed on to homeowners. This will be a 35 cent per month increase.

Tom Moreau, General Manager of CSWD, stated they are made up of 18 member towns. When they vote on policy, each Board member gets a vote for every 5,000 people. For the budget, each town gets one vote. The revenues are down 1/10 of a percent despite losing another 5,000 tons of garbage with another construction demolition facility that opened in Colchester. They tax 110,000 tons of trash. They are doing a good job of recycling and composting. Normally 39% of



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revenues come from the sale of recyclable materials. This year, there is little need for newspaper, the steel market is down because of recession, and plastic is down because the price of oil is down. They have had to raise their tip fee from \$6 to \$21. It is a large increase, but they are less expensive than landfills and employ 42 people. The expenses are up 4.8%. More than half of the expenses are one time. He is retiring, so there will be an overlap period as he trains his replacement. Act 148 is taking effect and will require them to reduce the amount of trash from 3 pounds per person per day to 2.7. They will be doing advertising to explain how to recycle, compost, and dispose of construction and demolition materials. They have added extra money in the budget to do this. They will hire two part time people with one year contracts to enact Act 148. Their budget has gone up 2.1% without the one-time expenses, in part because there is only one landfill in Vermont. They are attempting to sell the City a piece of land on Flynn Avenue to put a long term drop off center. The place on Pine Street has better value than as a drop off center. They have put money in their budget to develop and permit that this year. They are also working with the City to handle its wastewater sludge. Currently it is transported to New York. Vermont passed a water quality act, and they are working on a study to determine how to remove phosphorous from sludge. They are studying that issue. Burlington has a large facility and has a raw material that is difficult for them to deal with. They will work with the City on ways to address that issue.

Councilor Bushor stated she finds this budget interesting because it addresses how they remove things that they do not want in the City in an environmentally conscious way. She heard about the increase in tipping fees, which will be a big hit. She has reviewed the new guide which she finds very useful. She inquired if they see more appliances and tires being disposed of illegally since they stopped doing roundups for those items. Mr. Moreau stated doing that cost them about \$45,000 a year and they stopped doing that to save money. They see lots of tires collected during Green Up Day because people throw them on the side of the road. They also collect water and breed mosquitos. He thinks the district should rethink that process.

Councilors Shannon and Wright thanked Mr. Moreau for his service.

approve the FY16 Budget Proposal for CSWD

*note email from DPW Director Spencer and CSWD Representative

Motion by Sharon Bushor, second by Kurt Wright.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action, Resolution: 5.03 Resolution: Appointment of Councilor to Burlington College Community Housing Site Design Workshop (Councilor Giannoni)

Councilor Giannoni stated she was originally interested in serving in this role. Ward 3 is close to the former Burlington College land and many Ward 3 residents heavily use that land. She is new to the Council and wants to have an understanding of the budget, so she was hesitant to set aside time for this role. After talking to many community members



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she heard that many residents supported Councilor Ayres being appointed, she offered to sponsor the resolution.

Councilor Ayres thanked Councilor Giannoni and others who expressed willingness to support him. He looks forward to bringing a balanced City-wide perspective to this issue. It poses challenges and opportunities for that piece of land.

Councilor Giannoni stated she spoke with the Parks Director about the importance of keeping Ward 3 residents in the communication loop. They discussed having meetings to ensure she can facilitate keeping people informed as to where things are at and how they can be involved.

waive the reading and adopt the resolution

Motion by Sara Giannoni, second by Karen Paul.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Action, Discussion, Procedural, Resolution: 5.04 Resolution: Livable Wages for Howard Center Workers (Councilors Colburn, Tracy, Ayres, Bushor)

Councilor Colburn stated the aim of this resolution is to express gratitude for the work Howard Center employees are doing in the community on the issues of health, public safety, education, and wellbeing. It also recognizes the real challenges of doing this work on the salaries that are available. It recognizes the impacts that continued loss of state and federal funding has on this type of agency. It urges everyone who can, namely the State and agency to make improvement of wages a priority. She has talked to Howard Center workers, supervisors, and the Director as well as peers at other agencies, Councilors and Legislatures. She talked to clients at Howard Center who are affected by the frequent turnover. Everyone is in agreement that low wages are unfortunate. There is disagreement as to whether the City Council should play a role in this issue. This is a critical workforce in the community that they rely on heavily. She became a City Councilor because she thinks they have an obligation to help people. She thinks that working people are under attack in this age of budget cuts and growing income inequality. They could stay silent on this issue and decide it is not their place. However, she believes that when working people are struggling and the most vulnerable people of the population are suffering as a result of that they should stand up and affirm their community values.

Councilor Shannon stated she believes that all Howard Center employees deserve a livable wage. She agreed to support this resolution on the terms that it was broadly in support of a livable wage. She believes it is important and she is glad they do that in the City and that it includes their contracts. They are doing a better job of ensuring that it happens. She does not think it is the prevue of this City Council to get involved in labor negotiations. The resolution calls for competitive wages, but there are instances where people make large six figure incomes to keep them competitive. Competitive wages can have a variety of meanings. She believes they should make a livable wage, or more, but would not want people to lose



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their jobs so that others can make more. She does not know the wage structure within the organization. She does not know where the Council will draw the line on what they get involved in. With CCTA, they have a management role in that they have two seats on that Board. There were complaints about the management of the organization. They had people representing them in management. She wonders if they will get involved in all labor contracts in the City. She is in favor of livable wages for every organization, but that is not what the resolution says.

Councilor Hartnett stated he is not comfortable weighing in on Contract negotiations. They have no involvement with the negotiating team. There are many organizations in the City that perform great work. There are other organizations that they are not addressing wage issues. This brings the contract negotiation to the City Council table, which is not the appropriate place for it. This is the union's responsibility. They do not have the information they need. He does support the idea that everyone deserves a livable wage, but they should not get involved in ongoing contract negotiations.

Councilor Ayres stated he does not see this as the City Council imposing themselves in contract negotiations. He sees this as standing for the principles that underpin them as a Democratic society and valuing the contributions of social work. The central piece of the resolution is the portion that says they are calling for allocations in the State of Vermont budget that allow for livable wages at the Howard Center and comparable social service agencies. It is incumbent on them to stand behind those people who are making contributions to the community and make sure they are adequately compensated so they do not have the kind of turnover that does detriment to the most vulnerable people in need of services.

Councilor Mason stated to him this resolution still urges the Howard Center to act in a certain way. He shares the concern that they know nothing about the negotiations. It cherry picks one issue- wages. There are other issues at the table that they know nothing about. He will not support the resolution. Union and management are not here because they signed a contract saying they will not engage in public conversations. He is saddened because the stories he has heard are very moving. He is very supportive of a livable wage, but he does not think this is the appropriate way to address the issue.

Councilor Bushor stated she is supportive of the resolution. They heard the governor's priorities in the past year and one of these was substance abuse. She sees the Howard Center as instrumental at making them successful at that priority. She sees continuity of care as essential, especially if you are fragile to begin with. They are providing a necessary service and they need support from the Council. They are asking the State to look at how they pay these people. The Livable Wage Ordinance was started with the City being the core of the community. This was supposed to be a first step and encourage other people who do business in the City of Burlington to pay a livable wage. She understands that Health Care dollars are limited, but they have to understand how this costs them more. Hiring new people requires expensive training. It is important that they are committed to paying a livable wage to employees providing a necessary service.

Councilor Wright stated he shares concerns about this resolution and also shares sympathy with workers at the Howard Center. He inquired if the Mayor has thoughts on this resolution. Mayor Weinberger stated the Administration and Council have worked hard to fulfill and strengthen Burlington's commitment to Livable Wages. The changes they have made together have brought City government close to fulfilling the ideals established as part of the Ordinance. This discussion is not about whether the Council and Administration support the idea of a livable wage. They have heard heartfelt stories that are very moving and raised concerns about problems throughout the City that they should grapple with on an ongoing basis. He does not see their position tonight as being a statement on those issues. He is troubled by this resolution and



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shares concerns that this brings the Council into a collective bargaining process that they have no way of evaluating and the parties involved have committed to working out directly. No impasse has been declared. The terms of dispute are not known. It is difficult for them to evaluate what action they can take to address the concerns raised by the speakers.

Councilor Shannon stated this will remove them from the negotiations by directing this towards the Legislature. The Legislature should pay livable wages much like the City does.

Councilor Colburn stated she is not in support of the amendment. She has worked to craft a resolution that does not address the terms of collective bargaining. This is a broad statement of support that calls on the State and the Agency to do what they can to make livable and competitive wages a priority. Management at the Howard Center have voiced a desire to do this. It is not at odds with the goals of the Howard Center. The State does not give money to the employees, but they allocate funding for the Howard Center.

Councilor Giannoni stated she was uncomfortable with an earlier version of the resolution that called for a specific percentage of wage increase. The Director of the Howard Center has a complicated funding structure and she was not comfortable weighing in with that level of detail. She is comfortable with this version of the resolution because it is broad.

Councilor Ayres stated he will not support the amendment. The language as it stands does not put an undue burden or expectation on the collective bargaining process. They have heard that they are broadly supportive of the concept of a livable wage. It urges the Howard Center to make livable wages a priority, not requiring them to do so.

Councilor Wright stated they cannot order the Howard Center to change their wages. This will inject themselves into the collective bargaining process. They can make this statement, but they should make it at another time. Making this statement will set a bad precedent.

Councilor Tracy stated he does not support the amendment. The two clauses work together. One clause asks the Legislature to allocate the money and the next asks the Howard Center to use that money to pay workers. Taking this clause out does not do much to support livable wages for workers.

City Council President Knodell stated she will vote in favor of the amendment. She does not support this language because it makes an inference that the Howard Center does not care about livable wages, which she does not know to be true.

City Council President Knodell requested a roll call vote

Delete the last resolved clause of the resolution



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Motion by Kurt Wright, second by Joan Shannon

Final Resolution: Motion Fails

Aye: Kurt Wright, Chip Mason, Dave Hartnett, Jane Knodell, Joan Shannon

Nay: Sharon Bushor, Max Tracy, Sara Giannoni, Karen Paul, Tom Ayres, Selene Colburn

Councilor Shannon stated she is sorry the amendment failed because she believes they could have had a unanimous resolution in support of livable wages and Howard Center workers.

Councilor Hartnett stated there are other alternatives that they could have looked at. He believes the sponsors of the resolution have a motive other than support of livable wages.

Councilor Wright stated he will vote against the resolution. A split vote of the Council will not be effective.

City Council President Knodell requested a roll call.

waive the reading and adopt the resolution

*note proposed amendments and supporting documentation per Councilor Colburn

Vote on original Motion

Motion by Sara Giannoni, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Karen Paul, Max Tracy

Nay: Dave Hartnett, Jane Knodell, Chip Mason, Kurt Wright, Joan Shannon

Action, Resolution: 5.05 Resolution: Authorization for Execution of a Memorandum of Understanding Between The City and The Burlington Harbor Marina (Board of Finance)(possible executive session)

Councilor Paul stated she will recuse herself from this matter.

Nate Wildfire, CEDO, stated in January 2013 they began the Public Investment Action Plan, which was a competitive process to allocate Tax Increment Financing dollars. Over the course of the Spring and Summer, different concept



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proposals and then full project proposals came to the City as ways to spend TIF dollars. The proposals were reviewed by the Public Investment Team. They ended up with a slate of projects that were proposed by the Mayor to put on the ballot in March of 2014. This was one of the highest scoring projects that came out of that process. In March 2014 the public authorized the City to take on debt through the Tax Increment Financing process to support these projects. They then began refining the projects. Through that process they determined they will move the Marina south of the Water plant. One reason for this was because it will be better protected by the existing breakwater. The wave attenuator will protect the harbor and marina from swells to the North which have increased in recent years. They will limit on land boat storage at this time. There will be a floating boathouse attached to the wave attenuator. This will be the primary place for services for the Marina. They will have a primary access to the facility via the piece of land between the Coast Guard and the Water Plant. Some of the parking will happen in that section as well as the DPW parking lot. There will also be new parking through the Waterfront Access North project. They will also create a new public park space. They will move the pavilion to a new location right on the water. The assumptions on revenues and expenses have been vetted with the Parks Department and by getting feedback from other City's marinas. There is a due diligence period that has begun and will close by July 31. This period will allow them to figure out what challenges there might be to having a Marina in that area with the Water Plant. They will return with a development agreement which will be vetted by the Parks, Arts and Culture Committee. They have put together a request for proposals to conduct the work needed in the due diligence period. This will allow a higher percentage of transient boaters, which will help the economic vitality of the downtown.

Councilor Hartnett stated when the Parks Arts and Culture Committee reviews this they will want the public and private use to be defined. He thinks this is a great project, but he does not want to underestimate that portion of this project. He inquired if the additional parking will be paid parking. Mr. Wildfire stated the parking specific to their marina is within their rights to use. The Waterfront Access North parking will be paid parking for any user of the Waterfront. Councilor Hartnett inquired how much parking will stay for the Sailing Center. Mr. Wildfire stated some parking adjacent to the Sailing Center will remain but will not be specific in purpose. The Sailing Center will have its own parking and access to Waterfront Access North parking.

City Council President Knodell noted she will join the Parks Arts and Culture Committee in discussions on this item.

Councilor Giannoni stated she believes this is an exciting project. She believes that it will be important that people who use that space are made aware that it is going to change. She thought they could have flyers there saying it is the future site of the marina. They could be invited to Parks Arts and Culture Committee meetings. They have seen in the past that there were projects that have not gone over well with the public because they were not made aware. Mr. Wildfire stated they have been learning good lessons about outreach from their mall process. They will use those lessons to continue the process of outreach for all PIAP projects. They have been going to stakeholder groups who would use this space and talking to them. They will have an online tool. They have also been experimenting with ways to have comment boxes, write up boards, or tear flyers to solicit input.

Councilor Tracy stated the public outreach piece is important, especially since it has been over a year since voters approved this and it will be another year before it is built. The public access agreement piece is helpful to understand. He inquired how much that will change and the design may change. Mr. Wildfire stated the due diligence period will be done by July 31. As part of that, they have to arrive at the terms of the development agreement. This will be reviewed by the Parks Arts and Culture Committee. He does not anticipate large changes, but they will go through that process. Councilor Tracy stated



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it sounds like this strikes a balance between public and private. He inquired if there is a cost element associated with the private pieces and how the cost will breakdown between the private entity and the City. Mr. Wildfire stated that will be worked out as part of the due diligence period and how the revenues will be split out. There will be new tax revenues either through property taxes or through indirect economic activity that will typically go to the General Fund. There is a lease payment that will be split amongst City Departments and programs. There is also a PILOT that the Water Department is assessed on their land. Since this marina will occupy a portion of that land, they will take a share of that payment.

Councilor Bushor stated she is supportive of this because they have heard an outcry for more marina space. They need to find a balance between public access and private utilization. She believes the Sailing Center and fishing pier make her ok with this plan. It is important to remind the public of the two access points that are there for them.

Councilor Shannon stated her parents had a boat but no place to put it. The only way to get a boat in the water was by belonging to a club. Vermont is different in this way and even clubs provide access to everyone. This opens up public access that they do not have today. The wave attenuator gives the public a surface area in the lake. Walking next to the boats and seeing boats coming out and in will be awesome. She remains concerned about the entry point shooting boats out into the ferry lane. She hopes they will do their best to avoid that as designs proceed.

Councilor Wright stated the Board of Finance unanimously approved this item.

waive the reading and adopt the resolution

*note MOU and term sheet, correct co-sponsors are Councilors Knodell, Bushor and Wright

Motion by Kurt Wright, second by Joan Shannon.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Max Tracy, Kurt Wright, Joan Shannon

Recuse: Karen Paul

Action, Resolution: 5.06 Resolution: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Tight Squeeze Coffee Shop (License Committee) *formerly consent agenda item 4.45

Councilor Shannon stated the policy they are using about where tables and chairs cannot go are ADA standards. These standards do not differentiate busy sidewalks and lighter use sidewalks. That is important. She asks that the License Committee gather an inventory of tables and chairs that are currently in the public right of way. Secondly, she would like them to review the existing policy about when obstructions in the right of way are allowed and to bring that forward to the Council. She would like to know if pedestrian congestion is taken into account in the policies. She also requests that they



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consult with the Accessibility Committee to find out if these obstructions in the right of way are hazardous.

Councilor Ayres stated he welcomes the opportunity to look at these issues. He requested that she provide him with a list in writing.

waive the reading and adopt the resolution

Motion by Tom Ayres, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright

Nay: Dave Hartnett, Joan Shannon

6. Committee Reports

Information, Procedural: 6.01 Verbal Reports

Councilor Wright reported on the Boards and Commissions Nominating Committee.

Councilor Colburn reported on the Community Development Neighborhood and Revitalization Committee met with the Human Resources and Institutions Committee. She also reported on the Housing Summit.

Councilor Hartnett requested clarification on the committee structure. City Council President Knodell stated she will provide an update.

7. City Council - General Affairs

Councilor Wright stated he had a question from a concerned constituent about soil at Leddy Park and requested an update from the Mayor.

8. City Council President - Council Updates

Action, Procedural: 8.01 Verbal Reports

City Council President Knodell reviewed the City Council committee structure. Councilor Hartnett suggested that they use dormant committees as a way to solicit public input. Councilor Wright suggested they could request to hold a meeting and the Council would be fine with that.



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9. Mayor - General Affairs

Information, Procedural: 9.01 Verbal Reports

Mayor Weinberger reported on the ground breaking for the CCTA Transit Station, the Challenger Softball League, the UVM STEM facility ground breaking, Kids Day, the passage of the Community Development Block Grant allocations, the production of the FY16 budget, the VFW Memorial Day celebration, and the Vermont City Marathon.

10. Adjournment

Action, Procedural: 10.01 Motion to adjourn

motion to adjourn

Motion by Kurt Wright, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Sara Giannoni, Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Chip Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon