



Regular City Council Meeting - Monday, May 15, 2017, Contois Auditorium, City Hall 5/15/2017

MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

May 15, 2017

MEMBERS PRESENT: Jane Knodell (Council President) – Central District

David Hartnett – North District

Joan Shannon – South District [arrived 7:53 PM]

Richard Deane – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Moore - Ward 3

Kurt Wright – Ward 4

William "Chip" Mason – Ward 5

Karen Paul – Ward 6

Tom Ayres – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Bob Rusten, CAO

Eileen Blackwood, City Attorney

Rich Goodwin, DFO

Brian Lowe, Mayor's Office



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Katie Vane, Mayor's Office

Amy Bovee, C/T Office

Lori Olberg, C/T Office

Jesse Bridges, Parks & Rec

Scott Gustin, Planning & Zoning

Marcie Esbjerg, CEDO

OTHERS PRESENT:

Vera Burt

Janet Patterson

Karen Rowell

Steve Norman

Martha Lang

Propsero Gogo, Jr.

1.0 CALL TO ORDER and AGENDA

Following the conclusion of the Local Control Committee meeting, City Council President Knodell called the City Council meeting to order at 7:19 PM on May 15, 2017 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Roof, SECOND by Councilor Paul, to approve the agenda as presented. VOTING: unanimous; motion carried.

2.0 PUBLIC FORUM

Public forum was opened at 7:20 PM.

COMMENTS



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- Vera Burt spoke of "assaults" suffered by Airport Ambassador, Sheila Edwards, on May 3, 2017 from a taxi driver at the airport and expressed concern about the way the matter is being handled. Ms. Burt said Ms. Edwards was disciplined by the Aviation Director for not handling the situation effectively. Ms. Edwards now fears going to work and losing her job. Deputy Police Chief, Jan Wright, is looking over the police report and has found items that do not add up.
- Karen Rowell spoke of the survey results for the North Avenue lane changes begin falsely reported by Chapin Spencer, but even the numbers reported show the New North End (NNE) does not support continuing the project. Also, the postcard sent out for the new survey was not advertised and looked like recycling. In addition the postcard was not sent to everyone in the NNE. People outside Ward 7 and Ward 4 can take the survey and there is no protection against filling out the survey multiple times. Ms. Rowell said crash data results compiled by the city will not be accepted without being analyzed by someone for the "4 Lanes for North Avenue" position. Ms. Rowell read comments from the survey about providing reliable data, not emotion, and that the root basis for the matrix is flawed and produced statistically invalid results for accidents, pedestrian and bike counts, and wait times.
- Steve Norman announced the third annual French Heritage Day in Winooski on June 25, 2017 provided \$4,000 can be raised. Mr. Norman recalled over five years ago City Council voted in support of city policy being accommodating to French speakers. The school board and school superintendent are asked to institute a French speaking kindergarten classroom by fall, 2018 and add a teacher in the subsequent grades in the next five years.
- Martha Lang spoke of the rezoning on Fletcher Place that included her property at 128 Colchester Avenue. The rezoning now prevents her building from being used as a dental lab, medical lab, pharmacy, or café. Ms. Lang said she will seek a decrease in her property taxes for the building because potential uses have been eliminated except for residential.
- Prospero Gogo, Jr., cardiologist, spoke of the revenges of smoking and having tobacco 21 legislation in place in Vermont to help lower the smoking rate and deaths due to smoking. The city is urged to pass a local ordinance to raise the smoking age to 21 years.

There were no further comments. Public Forum was closed at 7:35 PM.

3.0 CONSENT AGENDA

- 3.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 3.02 COMMUNICATION: Accountability List
- 3.03 COMMUNICATION: Vehicle for Hire Licensing Fees
- 3.04 COMMUNICATION: General Fund Revenue Unaudited March 2017 Financial
- 3.05 COMMUNICATION: Sweep Accounts & Other Bank Accounts
- 3.06 COMMUNICATION: License Agreement Renewals Encumbrances Outside CSM
- 3.07 COMMUNICATION: Construction Contract re: Gazo Avenue Outfall Repair
- 3.08 COMMUNICATION: Aquarehab Contract for Water Main Relining
- 3.09 COMMUNICATION: BPRW State Corrections Work Crew Contract
- 3.10 COMMUNICATION: BPRW Vermont Youth Conservation Corps Contract



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- 3.11 PERMIT (3 days): Citizen Cider, 316 Pine Street
- 3.12 PERMIT (umbrella): Burlington Discover Jazz Festival, June 2-11, 2017
- 3.13 COMMUNICATION: FIO Documents
- 3.14 ORDINANCE: Green Roofs & Lot Coverage (ZA17-10)
- 3.15 ORDINANCE: Emergency Shelters (ZA17-11)
- 3.16 ORDINANCE: Technical Corrections (ZA17-12)
- 3.17 ORDINANCE: Signage Illumination in ELM (ZA17-13)
- 3.18 RESOLUTION: Renew Agreement with Group Insurance Service Center
- 3.19 RESOLUTION: Sign in Right-of-Way by Coco Nail Spa
- 3.20 RESOLUTION: Tables/Chairs in Right-of-Way by Esperanza Restaurante
- 3.21 RESOLUTION: Obstruction of Right-of-Way by Snyder Construction, LLC
- 3.22 RESOLUTION: Obstruction of Right-of-Way by Green Earth Environmental
- 3.23 RESOLUTION: Standby Letter(s) of Credit for Workers Compensation Program
- 3.24 RESOLUTION: Lease of Airport Apron Space to VANG
- 3.25 RESOLUTION: Update to Staffing Structure at BED

MOTION by Councilor Roof, SECOND by Councilor Ayres, to adopt the Consent Agenda, Items 3.01& 3.25, and to take the action indicated. VOTING: unanimous; motion carried.

4.0 DELIBERATIVE AGENDA

4.01 Public Hearing: Action Plan for Housing & Community Development and Allocation of 2017 CDBG Funds

The public hearing was opened at 7:41 PM. Assistant Director Marcy Esbjerg reviewed the 2017 Action Plan and committee recommendations for use of CDBG funds. Applications were requested for health, childcare, early childhood and preschool, hunger, and food access along with the regular development projects. The recommendation is one year of funding for each project. Four public service projects and eight development projects are being recommended. Two projects declined funds so the funds were reprogrammed. The plan is based on last year's CDBG amount of \$724,000. The amount to be received this year will not be known until July. City Council will be asked to vote on the plan once the final budget numbers are known.

PUBLIC COMMENT

Janet Patterson said she was upset when she thought funding for the women working for women program and the fresh food program was being cut, but then found out Vermont Works for Women received CDBG money. Ms. Patterson spoke in support of CEDO and in jobs and equal pay for women.



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There were no further public comments. The public hearing was closed at 7:44 PM.

Councilor Bushor asked if all the funds received will be awarded. Assistant Director Esbjerg said yes, and there is \$74,722 in contingency funds that can be used as well. Councilor Bushor commented the vacancy rate is different than a year ago and was at 4.4% in December 2016, but two bedroom apartments require an annual income of \$54,000 when the median income level in the city is \$44,671 so housing that people can afford has not been provided. Councilor Bushor asked if goals not attained can be carried forward. Assistant Director Esbjerg said when the five year plan is redone a community assessment is also done to identify needs. Housing is always the #1 goal. Councilor Bushor agreed significant progress has been made in some areas, but more time is needed in other areas.

4.02 Public Hearing: Rezone Fletcher Place to Residential Medium (ZA16-12)

The public hearing was opened at 7:51 PM. Principal Planner, Scott Gustin, said the zoning amendment is a map change on Fletcher Place to residential medium density to reflect most of the uses on the street and eliminate nonconformities. There is no change to residential density or lot coverage. Changes in uses are expected going from institutional to residential. Multi-family apartments go from conditional use to permitted in the zone and nonresidential uses permitted under institutional zoning become conditional uses in the residential medium zone.

PUBLIC COMMENT

There were no comments from the public. The public hearing was closed at 7:52 PM.

4.03 ZA16-12: Rezone Fletcher Place to Residential Medium

MOTION by Councilor Mason, SECOND by Councilor Bushor, to waive the reading and adopt the ordinance (ZA16-12).

DISCUSSION:

- Councilor Mason stated the ordinance change has been worked on for over four years. There was unanimous support though begrudgingly for what is transpiring.
- Councilor Bushor said Scott Gustin was instrumental in bringing the people together and formulating an approach that was successful. The goal is to have zoning reflect what is in place.

VOTING: unanimous; motion carried.

5.0 COMMITTEE REPORTS

- Councilor Mason announced the Ordinance Committee will meet 5/16/17 at Fletcher Free Library.
- Councilor Moore said a memo from the Public Safety Committee meeting will be forthcoming.



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6.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Roof said he will be pursuing an explanation on the airport taxi incident at the next Vehicle for Hire board meeting.
- Councilor Mason asked that any comments on ordinance amendments be submitted to the Ordinance Committee.
- Councilor Moore spoke positively from personal experience about the Vermont Youth Conservation Corps. The corps is very good for the youth of the city and the parks.
- Councilor Wright said the postcards sent out for the North Avenue pilot study survey are very disappointing and were designed in a way that will not be helpful for people to have confidence in the survey process. City Council is requested to postpone the vote on the pilot being permanent until the July meeting.

7.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

- Welcoming City Committee will meet May 31, 2017 to continue work on a policy on undocumented individuals living in the city.
- Finding the right partner to purchase Burlington Telecom is moving forward. The deadline to submit a letter of interest is June 1, 2017. Burlington Telecom Advisory Board will screen the respondents and bring two or three finalists to City Council in July. Executive Session (s) will be scheduled in June to apprise City Council on progress.

8.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported the following:

- Thanks are extended to the Community Economic Development Office and the Labor Department for the recent job fair that was a very effective event.
- National Peace Officers Memorial Day was recognized and 25 Vermont officers fallen in the line of duty were honored.
- Four budget sessions are upcoming for City Council.
- Form Based Code Committee meeting is 5/18/17.

9.0 EXECUTIVE SESSION

9.01 Personnel Matter

MOTION by Councilor Shannon, SECOND by Councilor Moore, to find that premature disclosure of personnel matters that involve private information concerning public employees would place various parties and the city at a disadvantage. VOTING: unanimous; motion carried.

MOTION by Councilor Shannon, SECOND by Councilor Moore, based on the finding of premature disclosure of personnel matters that involve private information concerning public employees placing various parties and the city at a disadvantage to go into Executive Session to discuss confidential personnel matters and to include the



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Mayor's Office, the City Attorney's Office, and the CAO. VOTING: unanimous; motion carried.

Executive Session was convened at 8:04 PM.

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

Executive Session was adjourned at 8:20 PM.

10.0 ADJOURNMENT

With no further business and without objection the meeting was adjourned at 8:20 PM.

RScty: MERiordan