



Regular City Council Meeting - Monday, March 13, 2017, Contois Auditorium, City Hall 3/13/2017

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

March 13, 2017

MEMBERS PRESENT: David Hartnett – North District

Joan Shannon – South District

Sharon Foley Bushor – Ward 1

Sara Giannoni - Ward 3

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Adam Roof – Ward 8

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

Selene Colburn – East District

Max Tracy – Ward 2

Tom Ayres – Ward 7

ADMINISTRATION: Miro Weinberger, Mayor

Bob Rusten, CAO

John Vickery, City Assessor

Eileen Blackwell, City Attorney

Rich Goodwin, DFO

Brian Lowe, Mayor’s Office



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Katie Vane, Mayor's Office

Lori Olberg, C/T Office

Brandon del Pozo, Police Chief

Steve Locke, Fire Chief

Scott Gustin, Planning & Zoning

OTHERS PRESENT: John Tashiro

David Provost

Terry Dorman [via telephone]

Stephen Barraclough

Aaron Frank

Charlie Baker

Caryn Long

Barbara Hedrick

Margaret Murray

1.0 CALL TO ORDER and AGENDA

MOTION by Councilor Wright, SECOND by Councilor Hartnett, to nominate Councilor Bushor as Acting City Council President in the absence of Council President Knodell. There were no other nominations. **VOTING: unanimous; motion carried.**

Acting City Council President Bushor called the City Council meeting to order at 7:05 PM on March 13, 2017 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Wright, SECOND by Councilor Paul, to approve the agenda with the following amendment (s):

- **Note revised memo for Item 4.10 – Street Reconstruction Program**
- **Add Item 4.15 – Divestment Committee Final Report Edits to Consent Agenda**
- **Note additional written materials for Item 5.06 – Burlington Telecom Sale Process**

VOTING: unanimous; motion carried.



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2.0 PRESENTATION: City Market

John Tashiro, City Market General Manager, thanked City Council for the support of City Market and gave a snapshot of progress over the past year. The following was highlighted:

- City Market Co-op has been in existence for the past 15 years and continues to seek to stay connected and support the community.
- Sales were over \$41 million in the last fiscal year with 39% being local product sales (\$16 million in sales).
- There are 12,000 members in the co-op (increase of 46%). Half of the members are Burlington residents.
- City Market staff is dedicated and committed. There are 237 employees (83% full time and 17% part-time) and 62% live in Burlington.
- City Market pays employees a livable wage and benefits.
- City Market received designation as one of the best places to work in Vermont.
- City Market provides Food for All benefits.
- Co-op members volunteer their time to work with community partners and support nonprofits such as Chittenden Emergency Food Shelf and COTS.
- Patronage refund checks are sent to co-op members (the co-op has returned over \$600,000). Uncashed checks are turned into grants.
- The expansion of City Market in the south end is on schedule to open mid-November 2017. Expanding in the old north end is being explored.
- E-commerce service will be piloted.

Mayor Weinberger congratulated City Market for the success of the organization and the expansion.

3.0 PUBLIC FORUM

Public forum was opened at 7:30 PM.

COMMENTS

- Caryn Long, Henry Street, spoke positively about Councilor Bushor as Acting City Council President and the City Market expansion. Ms. Long expressed concern about a chain store coming into the Burlington Town Center and impacting City Market, and urged supporting local businesses. Ms. Long expressed concern about the shadow study on the mall and shadows for a 14' story building going out 323', not 15' as shown by the developer's consultants. The city needs to find out if the architects are not being honest about the shadows, and if so, where else are they not being honest.
- Barbara Hedrick, Ward 6, expressed concern that zoning amendment ZA#17-09 needs a statement requiring the Planning & Zoning Office to protect residential low density and medium density neighborhoods from commercial use and mixed use by prohibiting those types of developments where there are family homes. Ms. Hedrick also expressed concern the Planning & Zoning Office is inclined to allow developments that would adversely impact residential neighborhoods next to campus. Planning & Zoning needs to be encouraged to require institutions to do the development deep within their campus so traffic and mixed use activities do not change the appearance or



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quality of life for residents next to campus. There should not be language that allows more density in R-L or R-M than in the R-L zone. The land subdivision language is a loophole. Also, Planning & Zoning has become a profit center for the city which is not right. Planning & Zoning should not be trying to increase revenue at the expense of residents, but should be protecting zoning and residential neighborhoods.

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

4.0 CONSENT AGENDA

- 4.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 4.02 COMMUNICATION: Accountability List
- 4.03 COMMUNICATION: Mayor's Veto Authority, Article 18 of City Charter
- 4.04 COMMUNICATION: Step Placement, Peter Brown and Aaron Collette
- 4.05 COMMUNICATION: Step Placement James Frazitta
- 4.06 COMMUNICATION: Step Placement Mike Weide
- 4.07 COMMUNICATION: Police Commission Role
- 4.08 COMMUNICATION: Ambulance Billing Contract 2017-2020
- 4.09 COMMUNICATION: Wayfinding Budget Amendment Unused Funds FY16
- 4.10 COMMUNICATION: CY17 Street Reconstruction Program
- 4.11 COMMUNICATION: FIO Document(s)
- 4.12 RESOLUTION: Eliminate Working Foreman Arboriculture Position and Create Arborist Technician Position
- 4.13 RESOLUTION: Financing for Parking Improvements Project
- 4.14 RESOLUTION: Public Improvement Bonds, 10 Year Capital Plan
- 4.15 COMMUNICATION: Divestment Committee Final Report Edits

MOTION by Councilor Wright, SECOND by Councilor Hartnett, to adopt the Consent Agenda, Items 4.01 – 4.15, with a revised memo for Item 4.10 and the addition of Item 4.15 (Divestment Committee Final Report Edits), and to take the action indicated. VOTING: unanimous; motion carried.

Acting City Council President Bushor recessed the meeting at 7:37 PM to convene the Local Control meeting followed by the Board of Civil Authority meeting and the Board of Abatement of Taxes meeting. The City Council meeting resumed at 7:45 PM.

5.0 DELIBERATIVE AGENDA





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5.01 Special Event Outdoor Entertainment Permit Application (one day only): Citizen Cider, 316 Pine Street, Suite 114

MOTION by Councilor Roof, SECOND by Councilor Mason, to approve the Special Event Outdoor Entertainment Permit (one day only) on March 17, 2017, Noon to 7 PM for Citizen Cider, 316 Pine Street, Suite 114. VOTING: unanimous; motion carried.

5.02 Public Hearing: ZA#17-09 - Major Impact Review

Councilor Wright facilitated the public hearing which was opened at 7:46 PM. Scott Gustin, Planning & Zoning, reviewed the zoning amendment on the triggers for major impact review, noting there is no impact to the standards or criteria. The thresholds are tailored to the development's intensity.

There were no public comments and the public hearing was closed at 7:48 PM.

5.03 Ordinance: ZA#17-09 – Major Impact Review

MOTION by Councilor Mason, SECOND by Councilor Bushor, to waive the second reading and adopt ordinance ZA#17-09 (Major Impact Review).

DISCUSSION: Councilor Mason reported the following:

- A number of hearings on the Major Impact Review ordinance were held.
- The Ordinance Committee worked with David White on the ordinance.
- No member of the public spoke on the ordinance except for the comments made at the City Council meeting on 3/13/17 during Public Forum.
- The requirement of coming before the NPAs is preserved, but being subjected to a mini-Act 250 impact requirement is not necessarily being required.
- Regarding schools and institutions, under state statute 24VSA4413 the city does not have the ability as a local body to regulate these projects, and nothing has been changed that was in place before or after the zoning amendment.

Councilor Bushor noted:

- Residential Low Density was added back along with the amount of the footprint (5,000 s.f. and 10,000 s.f.). Also added was 50 or more units triggering major impact review. The impetus was so time and money was not wasted and to address the needs of the community to understand new development and make comment.

There were no further comments.

VOTING: unanimous; motion carried.

Acting City Council President Bushor resumed facilitation of the meeting.



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5.04 Presentation: Regional Dispatch

Fire Chief Locke, Aaron Frank from the Town of Colchester, and Charlie Baker from Regional Planning gave an overview of the consultant's report on regionalization of dispatch. A regional center that is a public safety answering point will save time and money, improve staffing (more people will be in the center to answer calls and stay on calls), and allows for better mutual aid coverage. Challenges include:

- Potential loss of local relationships with police, fire, EMS
- Pay and benefits considerations
- Standardization of policies and procedures
- Operational changes
- Technology (computer aided dispatch is needed for regional service)
- Leadership (having the right person with the credibility and ability to manage through the changes and bring groups together)
- Governance structure being fair and equitable
- Loss of 24/7 administration in police departments

Consolidation would begin July 1, 2018. Full implementation would be complete by the end of 2019. There will be an appointed Executive Board to represent the five to eight member communities (Burlington would be the largest member community). An Executive Director would be hired to oversee the staff at the regional center. The consultants are recommending maintaining a dedicated Burlington dispatcher to handle call volume. The governance model being recommended for the regional dispatch center is a union municipal district. The citizens must vote on forming a union municipal district and it is hoped that vote could be held in March 2018. A joint survey committee will be formed to do further research and bring recommendations on regional dispatch. Each community is asked to appoint a member. Chief Locke is suggested as the appointed member from Burlington.

Aaron Frank mentioned Colchester dispatches for other communities which has saved money and formed strong partnerships.

Councilor Hartnett asked what the joint survey committee will do and if there will be opportunity for public information and input. Aaron Frank said the committee will work on the charter for the union municipal district agreement, the memorandum of understanding for shared costs, budgets and cost allocation, and technical details on how the center will work, such as the number of dispatchers on duty on which nights. Chief Locke added all meetings are public. All emergency calls (E-911 calls) will be handled as usual. The caller will not see a difference.

Police Chief del Pozo said the Burlington Police Department supports a properly executed dispatch system. The thoroughness of the work that has been done on regional dispatch is impressive. There are local issues and labor issues to deal with, but a regional system would enhance public safety response time.

5.05 Regional Dispatch Joint Survey Committee



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MOTION by Councilor Giannoni, SECOND by Councilor Hartnett, to waive the reading and adopt the resolution to appoint Fire Chief Locke to the Chittenden County Public Safety Services Joint Survey Committee. VOTING: unanimous; motion carried.

5.06 Burlington Telecom Sale Process

MOTION by Councilor Shannon, SECOND by Councilor Giannoni, to waive the reading and adopt the resolution on the Burlington Telecom sale process.

DISCUSSION: The following comments were made:

- **Councilor Shannon recalled the criteria for sale of Burlington Telecom was adopted a year ago based on the settlement agreement. BTAB developed a process for sale of Burlington Telecom and targeting people who meet the criteria. The Bluewater Agreement sets the timeline. The sale must be closed by 1/2/18.**
- **David Provost, Stephen Barraclough, and Terry Dorman (via telephone) were present. David Provost said public comments that have been received have been relative to the buyer and the sale of Burlington Telecom. There seems to be support for the process. The challenge will be to find the right partner.**
- **Councilor Hartnett acknowledged and thanked the over 4,000 loyal customers of Burlington Telecom. It is hoped the end result will be a win-win.**
- **Mayor Weinberger echoed the comments on hard work and leadership to get to this point.**

There were no further comments.

VOTING: unanimous; motion carried.

6.0 COMMITTEE REPORTS

- **Councilor Wright announced the Charter Change Committee will be meeting to discuss the Mayoral veto and reconsideration issues.**
- **Councilor Giannoni reported the eviction task force heard a presentation on the legal process with evictions. The Public Safety Committee will hear about intervention by people who work in bars when domestic abuse is witnessed. The Police Commission proposal is coming in April**
- **Councilor Mason said the Ordinance Committee will meet on 3/29/17 to discuss rezoning of Fletcher Place.**
- **Councilor Shannon said the Form Based Code Committee will be meeting to work on the end process to bring to City Council.**

7.0 CITY COUNCIL – GENERAL AFFAIRS

- **Councilor Hartnett wished the UVM Men's Basketball Team good luck in their NCAA game in Milwaukee. All are urged to watch the game on 3/16/17.**
- **Councilor Roof said he will be giving a presentation to the Public Safety Committee on domestic violence and sexual assault prevention, and incorporating bystander intervention models into the licensing process for bars.**



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8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No report given.

9.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported the following:

- Best of luck to the UVM Men's Basketball Team in the NCAA tournament and congratulations to John Becker succeeding on the national stage and Jeff Schulman having success in his first year as UVM Athletic Director.
- The DRB unanimously supported the land use permit for redevelopment of the Burlington Town Center which is a major milestone in the effort to revitalize and restore three blocks of the downtown.
- The infrastructure plan is moving forward with approval of \$8 million in bonding and \$5 million of commercial borrowing for the parking garage restoration work, repaving five miles of city streets, and rebuilding the bike path from North Beach to the Winooski River.
- Being a refugee resettlement community has had an impact and the initiative has made Burlington stronger. Burlington has a lot at stake with the outcome of the immigration policy in the country.
- Opioid town hall meeting will be held 3/16/17 to hear a presentation and answer questions from attendees on the opioid crisis in Chittenden County. Another opioid crisis event will be held 4/4/17.

10.0 ADJOURNMENT

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

The meeting was adjourned at 8:55 PM.

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