



Regular City Council Meeting - Monday, March 11, 2019, 6:00 pm, Contois Auditorium, City Hall 3/11/2019

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

March 11, 2019

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

Jane Knodell – Central District

David Hartnett – North District

Joan Shannon – South District

Richard Deane – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Brian Pine – Ward 3

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Beth Anderson, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Joy Hovestadt, Assistant City Attorney

Jordan Redell, Mayor’s Office

Olivia LaVecchia, Mayor’s Office



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Brian Lowe, IT

Lori Olberg, C/T

Amy Bovee, C/T

Chapin Spencer, DPW

David White, CEDO

Kirsten Merriman Shapiro, CEDO

Meagan Tuttle, Planning & Zoning

OTHERS PRESENT: Ralphine O'Rourke

John Tashiro

1.0 **CALL TO ORDER and AGENDA**

Council President Wright called the meeting to order at 6:15 PM on March 11, 2019 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

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

- **Note material for Item 5.02 (City Market Annual Impact Position)**
- **Note documents for Item 5.03 (Closing Documents for Sale of BT to Champlain Broadband)**
- **Remove Item 5.04 (Approval of Fire Grievance Settlement)**

VOTING: unanimous; motion carried.

2.0 **EXECUTIVE SESSION**

2.01 BT Sale

MOTION by Councilor Mason, SECOND by Councilor Roof, to find that premature public knowledge of legal advice and negotiation matters pertaining to the sale of Burlington Telecom would place the city at substantial disadvantage. VOTING: unanimous; motion carried.

MOTION by Councilor Mason, SECOND by Councilor Roof, based on the finding of premature public knowledge of legal matters involving the sale of BT placing the city at a disadvantage to go into Executive Session to discuss negotiations and invite the Mayor and Mayor's Office staff, CAO, CIO, and City Attorney to attend. VOTING:



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unanimous; motion carried.

Executive Session was convened at 6:18 PM.

MOTION by Councilor Knodell, SECOND by Councilor Hartnett, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous; motion carried.

Executive Session was adjourned at 7:32 PM and the regular City Council meeting resumed.

3.0 PUBLIC FORUM

Public forum was opened at 7:34 PM. There were no comments from the public. 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 PERMIT: Indoor/Outdoor Entertainment Renewals 2019-2020
- 4.04 COMMUNICATION: Ambulance Fee Increase
- 4.05 COMMUNICATION: Surplus Equipment - Fire
- 4.06 COMMUNICATION: CY2019 Sidewalk Program Inspection Services Contracts
- 4.07 COMMUNICATION: North Ave. Unsignalized Ped Crosswalk Project Contracts
- 4.08 COMMUNICATION: Reclassify Cash & Banking Accountant Position
- 4.09 COMMUNICATION: CY2019 Sidewalk Program Construction Contracts
- 4.10 COMMUNICATION: FIO Document(s)
- 4.11 RESOLUTION: Quitclaim Deed, 88 Pleasant Ave.
- 4.12 RESOLUTION: Quitclaim Deed, 126 Tracy Drive
- 4.13 RESOLUTION: Reclassify/Retitle Acquisition Supervisor, Change Reporting Structure Library Tech Assistant positions
- 4.14 RESOLUTION: Quitclaim Deed, 62 Venus Ave.

MOTION by Councilor Knodell, SECOND by Councilor Roof, to adopt the Consent Agenda and take the actions



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indicated for Items 4.01 through 4.14. **VOTING: unanimous; motion carried.**

5.0 DELIBERATIVE AGENDA

5.01 Appointment: Assistant City Attorney

MOTION by Councilor Mason, SECOND by Councilor Paul, to confirm the appointment of Joy Hovestadt as Assistant City Attorney.

DISCUSSION:

- **Councilor Hartnett asked if there was any information on the employer the appointee did not want contacted. City Attorney Blackwood said the employer was pre-law school.**

. VOTING: unanimous; motion carried.

5.02 Presentation: City Market Update

John Tashiro, City Market GM, reviewed the performance of the City Market Co-op in fiscal year 2018, stressing the commitment to meet the city's needs continues. Sales were greater than \$48 million with 40% being local products and 68% of sales to members. Membership is at 13,500 presently. City Market has 330 employees (78% full time, 22% part-time) and 62% of the employees live in Burlington. Staff is very committed, giving over 19,000 hours of volunteer time and over \$200,000 worth of work with nonprofits. Donations to 3 Square VT and WIC totaled \$832,000. Food4All sales exceeded \$2 million. COTS tree sale raised \$10,500. City Market received a number of awards for best place to work and worksite wellness. City Market is working on ways to better serve the community.

Councilor Paul asked about decreasing single use plastic bags. Mr. Tashiro said City Market is trying to improve on packaging. There is already a carbon dioxide refrigeration system in place and the Co-op practices recycling, composting, and reuse.

Councilor Tracy asked about the Vision 2025 expansion. Mr. Tashiro said Vision 2025 is a road map to the long-term view for City Market. Vision 2025 includes growing the local economy and cooperation and creating strategic partnerships with other co-ops. City Market works with local businesses and retailers.

Councilor Shannon spoke of the assistance provided by City Market to people starting a business.

Councilor Bushor mentioned the affordability of products at City Market. Mr. Tashiro said a variety of products are offered at different price points. City Market tries to be within 10% of competitor prices.



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Councilor Dieng spoke positively of the syringe boxes in the City Market bathrooms and the mural at City Market, and asked about having access to the host of volunteers at City Market.

Council President Wright recessed the City Council meeting at 8:26 PM to convene the Liquor Control Commission meeting. The City Council meeting reconvened at 8:27 PM.

5.03 Closing Documents for Sale of Burlington Telecom to Champlain Broadband – Board of Finance

Councilor Bushor said based on the discussion in Executive Session there is no need for the Board of Finance to make a recommendation to City Council. City Council can act on the matter.

MOTION by Councilor Knodell, SECOND by Councilor Pine, to waive the reading and adopt the resolution on executing the closing documents for the sale of BT to Champlain Broadband, LLC.

DISCUSSION:

- Mayor Weinberger clarified the action is to execute the documents for the Asset Purchase Agreement that City Council approved in December 2017. The Public Utilities Commission issued a Certificate of Public Good in February to Champlain Broadband. Signing the documents will allow moving forward to achieve the goals since 2010 and free the taxpayers of any further liability. The city will be released from the lawsuit and the fiber optic resources will be protected. The city will retain a significant amount of investment and taxpayer savings. The city has veto rights on any future transfer of BT.
- Councilor Tracy recalled he did not support the previous agreement and continues to be disappointed in the sale of the company.
- Councilor Pine pointed out the decision to sell BT was approved by City Council in 2014. Executing the documents finalize the agreement. A way to keep BT local was not found in time. BT is a world class utility that will serve generations to come.
- Councilor Dieng asked about carried interest in the sale. City Attorney Blackwood said the city has a year from the closing to decide on carried interest.
- Councilor Hartnett said the city is fortunate to have 4,000 Burlingtonians who believe in BT. The city will receive back some taxpayer money. Kudos to the customers, employees and managers of BT.
- Councilor Shannon acknowledged the many achievements including finding a local investor for BT. It is in the best interest of the city to close the deal.
- Councilor Mason said a huge liability (\$10 million) to the city has been eliminated with the sale.
- Councilor Bushor said BT is a desirable utility. City Council did the best that could be done to ensure that BT continues and money would be available for next steps.
- Councilor Knodell clarified the resolution contains the community commitment as amended in Executive Session and agreed to by Champlain Broadband.
- Council President Wright said it is time to move forward for the citizens and employees of BT.

VOTING (by roll call): Councilor Bushor – aye, Councilor Deane – aye, Councilor Dieng – aye, Councilor Hartnett – aye, Councilor Knodell – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – nay, Council President Wright – aye (11-1); motion carried.



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5.04 Settlement of Fire Grievance – City Attorney

Removed from agenda.

6.0 COMMITTEE REPORTS

- Councilor Roof announced the Public Safety Committee may hold a meeting before the organizational meeting to discuss the encampment removal policy.
- Tracy said the TEUC discussed at the last meeting getting toters out across the city, Intervale Road for bike and pedestrian activity, handling storm water, scooter safety and access. At the meeting on 3/21/19 the committee will discuss crosswalks and pedestrian safety.
- Councilor Hartnett said the PACC will meet on 3/26/19 to discuss projects in the spring and New Moran.
- Councilor Deane said the Licensing and Local Control Commission will meet on 3/19/19.

7.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Bushor mentioned the youth art in the Contois atrium portraying dangers in the world, and the feeling of helplessness to keep the children safe.
- Councilor Hartnett said the school district does a good job keeping the children safe. Thanks are extended to Mark Barlow for his service on the school commission.
- Councilor Paul requested an update on the upcoming construction at City Place in March.
- Councilor Dieng mentioned the city effort to get the vote out, and the concern for safety with E-bikes and scooters.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

- March 25, 2019 City Council meeting agenda includes an update on City Place.
- Board of Finance approved five crosswalks in the new North End.

9.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported on the following:

- “I voted” stickers worked.
- The DPW portal has information on the sidewalk budget for 2019 construction.
- Potholes can be reported to DPW via the website.
- Everyone is urged to view the artwork by 4th graders displayed in the Contois atrium.
- There is an event on 3/19/19 in town hall on the opioid epidemic.
- Alternate transportation and E-scooter discussion will be a topic at the April 17, 2019 Mayor’s book discussion group.



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10.0 ADJOURNMENT

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

The City Council meeting was adjourned at 9:13 PM.

Mayor Weinberger reconvened the Board of Finance and without objection and no further business adjourned the meeting at 9:13 PM.

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