



Regular City Council Meeting - Monday, February 12, 2018, 6:30 pm, Contois Auditorium, City Hall 2/12/2018

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

February 12, 2018

MEMBERS PRESENT: Jane Knodell (Council President) – Central District [via telephone
for Item 6.03 only]

David Hartnett – North District

Joan Shannon – South District

Richard Deane – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Moore – Ward 3 [arrived 7:18 PM]

Kurt Wright – Ward 4

William "Chip" Mason – Ward 5

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Beth Anderson, Interim CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Brian Lowe, Mayor's Office

Katie Vane, Mayor's Office



Regular City Council Meeting - Monday, February 12, 2018, 6:30 pm, Contois Auditorium, City Hall 2/12/2018

Lori Olberg, C/T

Amy Bovee, C/T

Noelle MacKay, CEDO

Chapin Spencer, DPW

OTHERS PRESENT: Ralphine O'Rourke

Ron Redmond

Jenny Marge

Shireen Hart

Christine Longmore Kemp

Sandy Wynne

Marianne Ward

Kit Anderson

Steve Goodkind

1.0 CALL TO ORDER and AGENDA

In the absence of City Council President Knodell, Interim CAO called for nominations for Acting Council President.

MOTION by Councilor Paul, SECOND by Councilor Hartnett, to nominate Councilor Wright as Acting Council President. There were no other nominations. **VOTING: unanimous[Council President Knodell and Councilor Moore not present for vote]; motion carried.**

Acting Council President Wright called the City Council meeting to order at 6:30 PM on February 12, 2018.

1.01 Agenda

MOTION by Councilor Roof, SECOND by Councilor Deane, to approve the agenda with the following amendments:

- **Add Item 3.02 – Resolution Honoring Antonio Pomerleau**
- **Note revisions to Item 5.46 (Pet Friendly De-Icing Materials)**
- **Note information on Items 5.47 – 5.49 (Public Improvement Bonds and change amount of bond to \$9 million)**
- **Note information on Item 5.50 (Capital Lease Purchase Agreement with Key Government Finance, Inc.)**
- **Note presentation/slides for Item 6.01 (CSM 2017 Holiday Recap)**



Regular City Council Meeting - Monday, February 12, 2018, 6:30 pm, Contois Auditorium, City Hall 2/12/2018

- **Note presentation/slides for Item 6.02 (CityPlace Burlington and Macy's)**

VOTING: unanimous[Council President Knodell and Councilor Moore not present for vote]; motion carried.

2.0 EXECUTIVE SESSION

2.01 AFSCME Contract Bargaining

MOTION by Councilor Mason, SECOND by Councilor Roof, to find that premature disclosure of contract negotiations on AFSCME collective bargaining would put the city at a disadvantage. VOTING: unanimous[Council President Knodell and Councilor Moore not present for vote]; motion carried.

MOTION by Councilor Mason, SECOND by Councilor Bushor, based on the finding of premature public disclosure putting the city at a disadvantage to go into Executive Session to discuss contract negotiation of AFSCME collective bargaining, and to invite the Mayor's Office, CAO, City Attorney to attend. VOTING: unanimous[Council President Knodell and Councilor Moore not present for vote]; motion carried.

Executive Session was convened at 6:35 PM and adjourned at 7:16 PM. The regular meeting reconvened at 7:17 PM and the Pledge of Allegiance was recited.

3.0 ANNUAL REPORTS

3.01 Police Commission

Christine Longmore Kemp and Shireen Hart highlighted the following from the Police Commission Report:

- BPD had input into the prep guide for the Police Academy and format of the entrance exam to help recruit minorities and women.
- Four public forums were held on the Fair and Impartial Policing Policy.
- The State Police Commission model will be presented to City Council in June.

Councilor Bushor agreed the work on the entrance exam by BPD is important. Councilor Bushor also mentioned the holistic approach being taken on domestic violence and opioid use.

Councilor Hartnett said the community policing effort is outstanding and a huge success. The Police Chief's annual review by the Police Commission this year will include interviews with citizens. All the work that is being done is applauded. Christine Longmore Kemp agreed the work is good, but there is still more to do. Burlington Police Department's model is being recommended as the model for the state.



Regular City Council Meeting - Monday, February 12, 2018, 6:30 pm, Contois Auditorium, City Hall 2/12/2018

Councilor Tracy asked how the State Police Advisory Model is working. Christine Longmore Kemp said there are many challenges. Statewide policy impacts local police departments. Complaints are being reviewed with the police chiefs. Burlington is moving in that direction and involving community and citizen oversight. Much can come out of community oversight by helping to educate people and connecting them to needed services to work toward a positive outcome.

Councilor Dieng spoke in support of "selling Burlington" on its safety. The data collected by BPD is amazing. Councilor Dieng asked if the mental health calls are the same people or if the challenge has increased. Christine Longmore Kemp said there are a high number of calls classified as mental health calls. The response has been to work with the Ride Along Program. Also along the lines of mental health is the wellness of officers being more of a priority. Councilor Dieng asked if marijuana sales are included in the data on drug sales. Shireen Hart said the data contains information on any illegal drug sales. Clarification will be sought on marijuana sales.

Councilor Moore spoke of the use of force presentation being much appreciated as is the work on mental health and wellness.

City Council waived the reading and accepted the annual report from the Police Commission.

3.02 Resolution: Honoring Antonio Pomerleau

Postponed.

4.0 PUBLIC FORUM

Public forum was opened at 7:40 PM.

COMMENTS

- Sandy Wynne urged the purchase and consumption of fair trade chocolates only to avoid having a product produced by child labor. Burlington has been a fair trade city since 2009.
- Marianne Ward, Ward 7, spoke of the on-street parking situation on Summit Street due to "Resident Only" parking signs being posted by the city even though the houses on the street have a garage and driveway for cars. There is no parking available for other people coming to the area for classes or appointments. The city is requested to resolve the matter so all can enjoy a livable city.
- Kit Anderson said with more outreach to educate people better on the KBTL bid the bid would have prevailed. Nearly all the residents canvassed in Wards 3, 4, and 8 want local ownership. Residents and business owners deserve to hear the KBTL side and the confidence to own and operate BT with increasing benefit for generations to come.
- Steve Goodkind stated selling BT is one of the most misguided and ill-conceived efforts in the city. There is hope of a change in leadership in March because there is a problem with the options and no vision with the current Mayor.

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



Regular City Council Meeting - Monday, February 12, 2018, 6:30 pm, Contois Auditorium, City Hall 2/12/2018

5.0 CONSENT AGENDA

- 5.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 5.02 COMMUNICATION: Accountability List
- 5.03 COMMUNICATION: Minutes, Board of Finance, 5/15/17
- 5.04 COMMUNICATION: Minutes, Board of Finance, 6/5/17
- 5.05 COMMUNICATION: Minutes, Board of Finance, 6/12/17
- 5.06 COMMUNICATION: Minutes, Board of Finance, 6/26/17
- 5.07 COMMUNICATION: Minutes, Board of Finance, 7/10/17
- 5.08 COMMUNICATION: Minutes, Board of Finance, 8/7/17
- 5.09 COMMUNICATION: Minutes, Board of Finance, 8/28/17
- 5.10 COMMUNICATION: Minutes, Board of Finance, 9/18/17
- 5.11 COMMUNICATION: Minutes, Board of Finance, 10/2/17
- 5.12 COMMUNICATION: Minutes, Board of Finance, 10/16/17
- 5.13 COMMUNICATION: Minutes, Board of Finance, 10/30/17
- 5.14 COMMUNICATION: Minutes, Board of Finance, 11/13/17
- 5.15 COMMUNICATION: Minutes, Board of Finance, 11/20/17
- 5.16 COMMUNICATION: Minutes, City Council BT Work Session, 7/31/17
- 5.17 COMMUNICATION: Minutes, City Council BT Work Session 8/7/17
- 5.18 COMMUNICATION: Minutes, City Council Mayor Presiding, 8/7/17
- 5.19 COMMUNICATION: Minutes, Local Control, 8/7/18
- 5.20 COMMUNICATION: Minutes, City Council, 8/7/17
- 5.21 COMMUNICATION: Minutes, City Council BT Work Session, 8/28/17
- 5.22 COMMUNICATION: Minutes, Local Control, 8/28/17
- 5.23 COMMUNICATION: Minutes, City Council, 8/28/17
- 5.24 COMMUNICATION: Minutes, City Council BT Work Session, 9/18/17
- 5.25 COMMUNICATION: Minutes, Local Control, 9/18/17
- 5.26 COMMUNICATION: Minutes, City Council, 9/18/17



Regular City Council Meeting - Monday, February 12, 2018, 6:30 pm, Contois Auditorium, City Hall 2/12/2018

- 5.27 COMMUNICATION: Minutes, Local Control, 9/25/17
- 5.28 COMMUNICATION: Minutes, City Council, 9/25/17
- 5.29 COMMUNICATION: Minutes, Full Board of Abatement of Taxes, 9/25/17
- 5.30 COMMUNICATION: Minutes, Special City Council BTC Work Session, 10/2/17
- 5.31 COMMUNICATION: Minutes, City Council, 10/16/17
- 5.32 COMMUNICATION: Minutes, City Council Mayor Presiding, 10/16/17
- 5.33 COMMUNICATION: Minutes, Special City Council UVM/Champlain College/BT Work Session, 10/30/17
- 5.34 COMMUNICATION: Minutes, Local Control, 10/30/17
- 5.35 COMMUNICATION: Minutes, City Council, 10/30/17
- 5.36 COMMUNICATION: Minutes, City Council, 11/6/17
- 5.37 COMMUNICATION: Minutes, Local Control, 11/13/17
- 5.38 COMMUNICATION: Minutes, City Council, 11/13/17
- 5.39 COMMUNICATION: Minutes, City Council BT Subcommittee, 11/16/17
- 5.40 COMMUNICATION: Minutes, City Council, 11/27/17
- 5.41 COMMUNICATION: Minutes, Downtown Parking & Transportation Council, 1/24/18
- 5.42 COMMUNICATION: FY2017 TIF Reports, Vermont Economic Progress Council
- 5.43 COMMUNICATION: Victims of Crime Act Grant
- 5.44 COMMUNICATION: FIO Document(s)
- 5.45 ORDINANCE: Suspension/Revocation of Certificate, 1st Reading
- 5.46 RESOLUTION: Pet Friendly De-Icing Materials
- 5.47 RESOLUTION: Reimbursement for Waterworks System
- 5.48 RESOLUTION: Reimbursement for School District Capital Improvements
- 5.49 RESOLUTION: Reimbursement for 10-Year Capital Plan
- 5.50 RESOLUTION: Capital Lease Purchase Agreement, Key Government Finance, Inc.
- 5.51 RESOLUTION: Quitclaim Deed, 142 Pleasant Avenue

MOTION by Councilor Roof, SECOND by Councilor Deane, to adopt the Consent Agenda and take the action indicated for Items 5.01 through Item 5.51. VOTING: unanimous[Council President Knodell not present for vote]; motion carried.



Regular City Council Meeting - Monday, February 12, 2018, 6:30 pm, Contois Auditorium, City Hall 2/12/2018

6.0 DELIBERATIVE AGENDA

6.01 Presentation: Church Street Marketplace 2017 Holiday Recap - CSM

Ron Redmond and Jenny Marge, CSM, gave background information on CSM and the work with businesses and property owners in the Church Street vicinity. The mission is to keep Church Street clean, safe, and fun. Presently there are 71 retail stores and 25 food and beverage establishments (75% locally owned). The vacancy rate is 2%. A survey of the retailers on the 2017 holiday season showed over 70% saying the season was good to great. Sales were up over 2016. There were numerous special events during the holidays. Advertising online and through social media produced strong results. The holiday parking promotion resulted in a 20% increase in new users of the parking app. There is a good mix of locals, Vermonters, and tourists coming to the downtown area. The marketplace parking garage is the most used garage in the city. There has been a decrease in property crime and violent crime in the city with the increased police foot patrols.

Councilor Bushor asked about the data source and if the same denominators were used for overall sales compared to prior sales. Ron Redmond said the local retailers provided information on sales. Councilor Bushor commented on the data showing shoppers being from Burlington and an equal amount from the surrounding communities.

Councilor Dieng asked about the future hopes for CSM. Ron Redmond said CSM wants a unified downtown with a cabaret of retailers throughout the downtown, not just Church Street, so the consumer understands there is much available to them. CSM wants to bring more downtown workers and downtown residents.

Councilor Tracy asked how Church Street can be made more affordable and accessible across the economic spectrum. Ron Redmond said the fees are being reviewed for merchants so locating on Church Street can be more sustainable. CSM works with stores to locate downtown so there is a broad range of services available.

Councilor Deane asked about parking during the holiday season. Jenny Marge said use of the parking apps continues to grow. Promotions and innovative ways to talk about parking are being done.

Mayor Weinberger said this is the first holiday season without the mall and nearly 73% of the merchants reported a good or great holiday season with sales. It is clear the resilience in the downtown should carry the city through the mall construction period. Regarding public safety, the downtown merchants feel the foot patrols are working.

6.02 Presentation: CityPlace Burlington Progress & Macy's Employees - CEDO

CEDO Director Mackay gave an update on the progress of workforce development in the downtown and the Macy's transition. The mall project is in the early stages of demolition. In addition to PC Construction there are 27 local subcontractors providing services and 18 local consulting firms. It is estimated there are 650 employees working on the project. Job listings and job fairs are planned to meet the labor and community workforce portion of the agreement. There has been lots of cooperation between Devonwood, DPW, and CEDO. CSM and Burlington Business Association are helping with communications. Per the agreement there will be two payouts of \$50,000 to CEDO to help support local businesses



Regular City Council Meeting - Monday, February 12, 2018, 6:30 pm, Contois Auditorium, City Hall 2/12/2018

and parking during construction. With regard to the closing of Macy's, CEDO is working with the Dept. of Labor to assist employees. A local job fair is planned.

Mayor Weinberger recognized the hard work by the CEDO team to bring all resources to bear in helping with the Macy's closing.

6.03 Resolution: Membership Interest Purchase Agreement, Schurz – City Councilors

Council President Knodell participated via telephone. It was noted two legal memos have been released and posted on BoardDocs.

MOTION by Councilor Paul, SECOND by Councilor Hartnett, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Paul explained the resolution is to explore and have legal counsel seek approval from the Public Utilities Commission on carried interest.
- Councilor Bushor expressed absolute support of the resolution.
- Councilor Shannon spoke in support of the resolution fostering more discussion to solidify whether this is the right direction to go. Other options should be considered such as investing the money for example. The community has a lot of needs (housing, programs that have been cut or eliminated, and other needs). The goal of investing the money is to make more money, but it cannot be assumed investment will yield more money to taxpayers and the decision making capacity of the board of directors on which Burlington will have a seat is not clear.
- Councilor Hartnett asked about the timeline. Attorney Blackwood outlined the next step is to file a petition with the Public Utilities Commission for approval of the sale of BT and include a request to approve the agreement that says the city will have carried interest in BT. Once the Certificate of Public Good is issued the sale with Schurz will be closed and the city has one year from the closing of the sale to decide whether to invest in the new entity, Champlain Broadband. There is the possibility the Public Utilities Commission will not approve that portion of the application and put off the decision until there is a firm commitment on what the city is asking. If the city has no interest in going forward then the Public Utilities Commission should be informed of this. Attorney O'Rourke said clarity on the position of the city would be beneficial, but it does not appear that will be available for the Certificate of Public Good application.
- Councilor Mason urged all to be mindful that the city is one board member on the seven member board of directors for the new entity so there is not much power of persuasion. Also, it is not certain there will be a financial return. More conversation is needed on use of the \$5 million. The terms of the operating agreement should be reviewed before deciding to do a rollover. The public needs to be kept up to speed on what is being rolled over and the potential with the investment.
- Councilor Bushor questioned investing in BT if there is no financial gain and asked if there are restrictions on use of the money. Attorney O'Rourke said the short term plan is to re-invest in the business. The city does not have control over a distribution or the timing of a distribution.
- Councilor Hartnett stated the city is obligated to return the money to the taxpayers of Burlington and repay as much of the \$17 million that was lost as possible.
- Mayor Weinberger agreed it is good to weigh considerations, but there is a negotiated agreement in place





Regular City Council Meeting - Monday, February 12, 2018, 6:30 pm, Contois Auditorium, City Hall 2/12/2018

and the city needs to give an indication of what is wanted relative to carried interest and having a 7.5% investment for a seat on the board.

There were no further comments.

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

7.0 COMMITTEE REPORTS

- Councilor Deane announced the Local Control and Licensing Committee will meet 2/13/8.
- Councilor Tracy announced the TEUC will meet 2/27/18.

8.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Paul noted the resolution honoring Tony Pomerleau was postponed until the family can attend the City Council meeting.
- Councilor Tracy spoke of having a united front and being proactive in de-structuring white supremacy in the community. The Administration is thanked for making a strong statement against white supremacy.
- Councilor Dieng expressed remembrance for George Coutrayer and his contribution to the city.
- Councilor Mason said comments on the change to the Suspension of Certificate of Compliance Ordinance (landlord/tenant issues) should be forwarded to the Ordinance Committee.
- Councilor Bushor expressed concern for the loss of Panera from Church Street and what Church Street will look like in the future with other businesses leaving. With Macy's leaving Burlington does not have a department store.
- Councilor Bushor mentioned the Ward 1 meeting with Regional Planning on the Winooski Bridge replacement with a "slide bridge". The new bridge will be built next to the old bridge then slid over top. It will be very exciting to watch.

9.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No report.

10.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger announced Election Day is upcoming. Early voting begins 2/14/18. Same day voter registration can be done. The institutional bond (\$6 million) is on the ballot and pending voter approval UVM and Champlain College will execute the agreement with the city.

11.0 ADJOURNMENT





**Regular City Council Meeting - Monday, February 12, 2018, 6:30
pm, Contois Auditorium, City Hall
2/12/2018**

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

The meeting was adjourned at 9:08 PM.

RScty: MERiordan