



Regular City Council Meeting - Monday, January 30, 2017, 6:00 pm, Contois Auditorium, City Hall 1/30/2017

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

January 30, 2017

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

David Hartnett – North District

Joan Shannon – South District

Selene Colburn, East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Giannoni - 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 Blackwell, City Attorney

Rich Goodwin, DFO

Jennifer Kaulius, Mayor's Office

Brian Lowe, Mayor's Office



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Katie Vane, Mayor's Office

Amy Bovee, C/T Office

Lori Olberg, C/T Office

David White, Planning & Zoning

OTHERS PRESENT:

Ron Ruloff

Charles Simpson

Sandy Baird

Robin Lloyd

James Giroux

1.0 CALL TO ORDER and AGENDA

Council President Knodell called the City Council meeting to order at 6:12 PM on January 30, 2017 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

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

- **Add Item 9.02 – Update on Contract Negotiations with UVM.**

VOTING: unanimous; motion carried.

2.0 WORK SESSION: Burlington Town Center

2.01 Burlington Town Center Update

MOTION by Councilor Mason, SECOND by Councilor Roof, to find that premature public disclosure of the development agreement contract with a third party 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 disclosure putting the city at a disadvantage to go into Executive Session to discuss contract negotiations and invite Eileen Blackwood,



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Bob Rusten, Jeremy Farkus, Noelle Mackay to attend. VOTING: unanimous; motion carried.

Executive Session convened at 6:13 PM.

Executive Session was adjourned and the City Council meeting reconvened at 7:31 PM.

3.0 PUBLIC FORUM

Public forum was opened at 7:31 PM.

COMMENTS

- Ron Ruloff, resident, referred to statements in the newspaper about the New Moran paying for itself and contended funds are just being switched from one fund to another for tenants; new money is not coming in and this is a shell game much like what was done by Bob Kiss switching money from the General Fund to pay for Burlington Telecom. Mr. Ruloff invited the Mayor to his television program to explain. Mr. Ruloff said New Moran is a charade for a failed project that City Council does not call a halt to like the F-35 airplane that does not have programming to fire a missile or a single shell. The warplane is a total flop pouring billions of dollars down the drain. Mr. Ruloff mentioned the millions of dollars already spent on the Moran building and stressed any contention that the building will pay for itself is a complete fraud. Mr. Ruloff said the Moran Plant has to be demolished if there is any honesty in the Administration or there will continue to be spending more tax dollars and have a new Moran project. Mr. Ruloff said he hopes the public is paying attention because City Council is not.
- Charles Simpson, Progressive candidate for City Council from the South District, expressed concern about the Administration's preoccupation for sweetening deals to net big development projects like Burlington Town Center and Cambrian Rise. More rigorous stewardship of the public interest is needed. Design aspects essential to the project should be paid by investors including internal roads and essential open space elements. Return the focus to improving the fine grain of the city, lot by lot. Great potential for density and mixed use is now wasted. Incentives and penalties should be crafted to shift vacant commercial parcels that are eyesores back to work for the city and residents. Empty lots in the downtown used as parking lots need attention and could be mixed use development with below ground parking. Incentives and penalties should be prioritized to get properties back into economic use. Proper maintenance of public facilities should be mandated. Forbid acquisition to private ownership including nonprofits. Mr. Simpson cited the examples of Memorial Auditorium falling into disrepair and ceasing to serve public needs, and City Hall Park that should be used by all residents.
- Sandy Baird, Ward 1, spoke in favor of the task force on evictions with mental illness and the Caroline Find to help women in crisis. Ms. Baird mentioned the legal clinic by Legal Aid to help people with problems in the community, many who are new Americans. Ms. Baird said she has noticed a massive increase in the number of evictions without cause by landlords since welfare ended. Eviction is a cause for future poverty. With eviction often children have to leave their schools.
- Robin Lloyd, resident, commended the Mayor and City Council for initiating a sanctuary city for Burlington and urged that Vermont become a sanctuary state. Ms. Lloyd described her house as a sanctuary house for two families from the Democratic Republic of the Congo which is no longer a democratic government but is a wealthy nation with minerals yet families are impoverished. Ms. Lloyd said the two families with her came as visitors and overstayed



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their visit and are asking for asylum, not refugees. Applications have been in the court for the past four years. More judges must be available to deal with these people.

- James Giroux, Champlain Housing Trust tenant, spoke in support of the eviction task force and explained the eviction notice he received for payments not made over a two year period and that he does not feel safe in his apartment because the maintenance people all have keys to the units. Mr. Giroux said he has been negotiating over the past two years with Champlain Housing Trust to use work orders for entry into residences and to have the keys remain in a box in the building rather than issuing the keys to maintenance workers.

There were no further comments. Public Forum was closed at 7:48 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: Various Issues, Caryn Long

4.04 COMMUNICATION: City Hall Park, Amey Radcliffe

4.05 COMMUNICATION: Step Placement, Neil Milcarek-Burke

4.06 COMMUNICATION: FIO Document(s)

4.07 RESOLUTION: Property Lease – Advance Towing and Repair, LLC

4.08 RESOLUTION: Property Lease – Elrac, LLC (Rent-a-Car)

MOTION by Councilor Colburn, SECOND by Councilor Roof, to adopt the Consent Agenda, Items 4.01 – 4.08, and take the action indicated. VOTING: unanimous; motion carried.

5.0 DELIBERATIVE AGENDA

5.01 Public Hearing: Charter Changes for March 7, 2017 Annual City Meeting

5.02 Charter Change: Tax Appeal Process

5.03 Charter Change: Clarify Mayor Presiding Appointments

5.04 Charter Change: City Councilor Pay

5.05 Charter Change: Board of Registration of Voters

5.06 Charter Change: City Council Meeting Procedures

The public hearing was opened at 7:49 PM on the charter changes noted in Items 5.02, 5.03, 5.04, 5.05, and 5.06.

COMMENTS





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Ron Ruloff, resident, stated city councilor is a volunteer position and the amount paid is not significant toward a living. Most of the members have good jobs and incomes so there is question why they want more pay especially when the city is in a financial crisis. Mr. Ruloff urged people to vote against any pay increase and eliminate pay for city councilors because it is absurd to pay people on City Council when the city is going broke.

There were no further comments. The public hearing was closed at 7:51 PM.

Attorney Blackwood advised that City Council already acted on the charter changes and held the required public hearings so action is needed only on those charter changes that were amended.

MOTION by Councilor Bushor, SECOND by Councilor Wright, to amend the charter change relative to the Board of Registration of Voters, by changing "Freeman's Oath" to "Voter's Oath" in line 52 of the resolution. VOTING: unanimous; motion carried.

5.07 Concise Summary of Charter Change Amendments on Ballot and Warning

MOTION by Councilor Bushor, SECOND by Councilor Wright, to adopt the proposed charter change questions short form text with the following amendments:

- **Question 2, charter change regarding Board of Registration of Voters, first bullet – after "....increase members to 12" add "with no more than six from the same political party".**
- **Question 3, charter change regarding eliminating tax appeal to the Board of Civil Authority, end of sentence – add "eliminate the appeal to the Board of Civil Authority while maintaining the option of an appeal to the state tax department or court".**

DISCUSSION: Councilor Bushor stated the public needs to know there is an option for tax appeals and the language is consistent with the full text.

VOTING: unanimous; motion carried.

5.08 Public Hearing: ZA#17-02 (Daycares & Preschools) and ZA#17-05 (Conversion Back to Single Family Use)

The public hearing was opened at 7:57 PM. David White, Planning & Zoning Director, explained ZA#17-02 aligns the definition of daycare and preschool with the state legislation and ZA#17-05 allows structures to return to single family homes in the downtown districts and high density residential districts.

There were no further comments. The public hearing was closed at 7:59 PM.





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5.09 ZA#17-02 – Daycares and Preschools Ordinance

MOTION by Councilor Mason, SECOND by Councilor Bushor, to waive the reading and adopt the ordinance for Daycares and Preschools (ZA#17-02) as drafted.

DISCUSSION: Councilor Mason noted the Ordinance Committee discussed and supported the ordinance. Councilor Bushor noted schools and preschools were added to the Use Table.

VOTING: unanimous; motion carried.

5.10 ZA#17-05 – Single Family Use Conversion Ordinance

MOTION by Councilor Mason, SECOND by Councilor Bushor, to waive the reading and adopt the ordinance for single family use conversation (ZA#17-05) as drafted. VOTING: unanimous; motion carried.

5.11 General Obligation Bonds for School Department Capital Improvements

MOTION by Councilor Bushor, SECOND by Councilor Roof, to waive the reading and adopt the resolution for general obligation bonds for School Department capital improvements with the amendment to eliminate lines 11-20 and the first word of Line 21 per Joe McNeil representing the School District.

DISCUSSION: Councilor Bushor explained the attorney for the School Department advised the language that was eliminated was confusing and did not add to the question asking the residents to approve the bond for \$19 million.

VOTING: unanimous; motion carried.

5.12 Eviction Crisis Plan and Protocol Plan for Public Housing Agencies

MOTION by Councilor Hartnett, SECOND by Councilor Wright, to waive the reading and adopt the resolution for the eviction crisis plan and protocol for public housing agencies.

DISCUSSION: Councilor Hartnett recognized the work on the eviction crisis plan and protocol with public housing agencies, fire, and police. The scope of the resolution was expanded to include the recommendation to form an eviction task force that will help exhaust every solution to prevent eviction and help with steps going forward if eviction occurs.

FRIENDLY AMENDMENT by Councilor Colburn to change Line 27 to read:

- “Now Therefore Be It Resolved that City Council authorizes the Public Safety Committee to establish a subcommittee comprised of housing providers, mental and behavioral healthcare providers, police and fire department representatives where applicable, individuals with lived experience of mental illness, and other community stakeholders.”

VOTING ON MOTION AS AMENDED: unanimous; motion carried.





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6.0 COMMITTEE REPORTS

- Councilor Colburn announced the Community Development Neighborhood Revitalization Committee is meeting January 31, 2017 at 6 PM to discuss the report reviewing the inclusionary zoning ordinance and to hear a presentation from the consultants.

7.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Paul commented on the FY16 Management Letter and audit and the city having sound financials that allow the resources to provide what the city provides. The city has come a long way from previous audits and management letters with internal controls, checks and balances, and standards. The tone set at the top and the moral integrity of the people who manage the city's finances are part of the reason the city is in the position it is in, specifically the character and steadfast belief to hold firm to best practices by CAO Rusten and DFO Goodwin and Ann Barton as well as all the staff in the Clerk/Treasurer's Office. A management letter with no findings a year from now is a real possibility. Congratulations to an amazing job.
- Councilor Bushor mentioned the weekly legislative report on the EPA and clean up of the lake and asked for information on what this means for Vermont.
- Councilor Wright asked for an update on permit reform.
- Councilor Colburn mentioned the spontaneous gathering deploring the Executive Order on immigrants that included the Mayor, Chief of Staff, Councilor Tracy, and Councilor Shannon. The strong statements by the Mayor are appreciated. The Airport Director will keep City Council informed on how people may be affected at the airport. City councilors are urged to use their voice to speak against the injustice and offer as much support as possible to Burlington residents who may be affected and are afraid. There is an immigration rights information session facilitated by the ACLU and Vermont Legal Aid on February 2, 2017.
- Councilor Ayres asked for any update from the committee working on the welcoming resolution.
- Councilor roof announced the Penguin Plunge on 2/4/17 to support Special Olympics Vermont. All are urged to attend.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

Council President Knodell reported the Welcoming City Committee is waiting for advice from the Police Commission on the policing policy section of the resolution.

9.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported the following:

- Effort will return to exploring what can be done with the Memorial Auditorium block. There will be opportunity for substantial public input. The consultant is still engaged. More details will be forthcoming. Resolving the zoning uncertainty for the area would be very helpful.
- There is a planned protest on 2/1/17 in reaction to the immigration policy and the event by ACLU and Legal Aid at St. Joseph's School on 2/2/2017 to discuss immigrant rights. There will be translators in attendance. The Attorney General is working on issues of fair and impartial policing. A task force is being formed.
- Burlington's mayor will miss the Penguin Plunge due to a commitment out of town, but Mayor Lozan from Barre will



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be in attendance and can represent mayors in general.

10.0 EXECUTIVE SESSION and/or ADJOURNMENT

MOTION by Councilor Mason, SECOND by Councilor Paul, to find that premature public knowledge of contract negotiations with UVM will put the city at a disadvantage. VOTING: unanimous; motion carried.

MOTION by Councilor Mason, SECOND by Councilor Roof, based on the finding of premature disclosure putting the city at a disadvantage to go into Executive Session to discuss contract negotiations with UVM and invite the Mayor, Eileen Blackwood, Brian Lowe, Katie Vane, and Bob Rusten to attend. VOTING: unanimous; motion carried.

The regular meeting was adjourned and Executive Session convened at 8:34 PM.

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