



January 29, 2018

Regular City Council Meeting - Monday, January 29, 2018, will begin after the Local Control Commission Meeting, Contois Auditorium, City Hall

 [Click here to view the minutes for this meeting](#)

1. Election of an Acting City Council President

1.01 Election of an Acting City Council President

Type: Action

3. Annual Report to the City Council: Police Commission

3.01 Annual Report to the City Council: Police Commission

Type: Action

Recommended Action: waive the reading, accept the report and place it on file

 [Police Commission Report.pdf](#)

3.02 Motion to amend/adopt agenda

Type: Action, Procedural

Recommended Action: motion to amend/adopt agenda as follows: note revised version for consent agenda item 5.07 Resolution: Authorization to Enter into Second License Agreement with Champlain Industries, Inc. (Revised)(License Committee)(per Councilor Bushor); note written material for agenda item 6.03 Resolution: Authorization to Approve The FY17 Management Letter and Consolidated Audited Financial Report and to Accept The City Financial Health Report (Councilor Paul); add the Board of Finance as a co-sponsor to this agenda item (per City Attorney's Office); note alternative resolution for agenda item 6.04 Resolution: March 6, 2018 Annual City Meeting - Advisory Ballot Question Re Vermont Air National Guard Basing of F-35s at Burlington International Airport (Original Question)(Councilor Tracy); note written materials for agenda items 6.08, 6.09 and 6.10 (per COS Lowe)note revised version and title change for agenda item 6. 11 Resolution: City Attorney to Report Back to The Council Around the Legal Ramifications of Removing The "Everyone Loves A Parade Mural" and Selection of a Mural Committee to Determine Mural Replacement (Revised)(Councilors Dieng, Moore, Tracy); note proposed amendments per Councilor Dieng to the revised version of agenda item 6. 11 Resolution: City Attorney to Report Back to The Council Around the Legal Ramifications of Removing The "Everyone Loves A Parade Mural" and Selection of A Mural Committee to Determine Mural Replacement (Councilors Dieng, Moore, Tracy); add Councilors Wright and Deane to agenda item 6.12 Resolution: Appoint An Inclusive Task Force to Reimagine The "Everyone Loves A Parade" Mural and Report Recommendations to The Mayor and City Council (Councilor Shannon)

4. Public Forum: time certain: 7:30 pm

4.01 Verbal Comments

Type: Information, Procedural

5. Consent Agenda



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5.01 Motion to amend/adopt consent agenda taking the following actions as indicated

Type: Action (Consent), Procedural

Recommended Action: motion to amend/adopt consent agenda taking the actions as indicated: note revised version for agenda item 5.07 Resolution: Authorization to Enter into Second License Agreement with Champlain Industries, Inc. (Revised) (License Committee)(per Councilor Bushor)

5.02 Communication: C/T Office, re: Accountability List

Type: Action (Consent), Communication, Information

Recommended Action: waive the reading, accept the communication and place it on file

 Communication Accountability List 012918 cc
mtg LO.xlsx

5.03 Communication: Norman Baldwin, P.E., Assistant Director, DPW/City Engineer, re: Encroachments of Private Property into the City's Right-of-way

Type: Action (Consent)

Recommended Action: 1. to accept the January 24, 2018 memo from Norman Baldwin, P.E., City Engineer, place it on file and refer it to the City Council's Ordinance Committee for public input and committee consideration, including whether or not ordinances should be amended. 2. To approve of the approach recommended by DPW Assistant Director/City Engineer Baldwin as a practical interim measure to prioritize DPW resources and authorize DPW to continue to (1) allow existing encroachments to remain in-place unless they impact the safe use of the public Right of Way, and (2) require new development projects with encroachments to continue to be reviewed by DPW staff and considered by the License Committee and approved by the full City Council, until such time as the City Council decides differently.

 CC Encroachment Memo NB 1_24_18.pdf

5.04 Communication: Cindi Wight, Director, Department of Parks, Recreation & Waterfront, re: Dragonheart Vermont Contract

Type: Action (Consent)

Recommended Action: to approve and authorize the Director of Parks and Recreation to enter into a contract with Dragonheart Vermont for a period of ten (10) years, from which the City will receive \$60,000 dollars, payable either in annual payments of \$6,000 or of dock value at its Waterfront launch ramp and increased accessibility of Lake Champlain for the community through improved infrastructure and quality programming.

 20180123 Dragonheart Vermont BOFCC
Memo Final v2.docx

 Dragonheart Vermont Contract 2018 - 2027 (1
signature).pdf

 20180125 Dragonheart BOF Checklist.pdf



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5.05 Special Event Outdoor Entertainment Permit Application (two days only): Hotel Vermont, 41 Cherry Street, Ice Bar Event, DJ, 5:30 pm - 10:00 pm, February 2 - 3, 2018

Type: Action (Consent)

Recommended Action: approve the two day only special event outdoor entertainment permit application for Hotel Vermont , 41 Cherry Street, Ice Bar Event, DJ, 5:30 pm - 10:00 pm, February 2 - 3, 2018

 Hotel Vermont Special Event Outdoor EP Application Two Days Only.pdf

5.06 FIO Document

Type: Action (Consent), Information

Recommended Action: for information only

 FIO Document.pdf

5.07 Resolution: Authorization to Enter into Second License Agreement with Champlain Industries, Inc. (License Committee)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

****note revised version of this agenda item per Councilor Bushor**

 Champlain Industries Application and Exhibits.pdf

 License Agreement for Encumbrance - Champlain Industries, Inc., 2nd Agreement, 225 Church St. (construction, metered spaces) 2018.pdf

 License Agreement for Encumbrance - Champlain Industries, Inc., 2nd Agreement, 225 Church St. (construction, metered spaces) 2018 (REVISED).pdf

5.08 Resolution: Authorization to Enter into License Agreement with Irene C Hinsdale Irrevocable Trust DBA Hinsdale Properties to Obstruct a Portion of The City's Right-of-way on North Winooski Avenue (License Committee)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 Final Hinsdale PDF Encumbrance Application.pdf

 License Agreement for Encumbrance - Irene Hinsdale, 294-296 No. Winooski Ave. (existing ramp) 2018.pdf



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5.09 Resolution: Authorization to Enter into License Agreement with Knead, LLC to Obstruct a Portion of The City's Right-of-way on North Winooski Avenue (License Committee)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Final Knead LC PDF.pdf

License Agreement for Encumbrance - Knead, LLC, 294 No. Winooski Ave. (Sign) 2018.pdf

6. Deliberative Agenda

6.01 Indoor Entertainment Permit Application (2017-2018): Deli 126, 126 College Street

Type: Action

Recommended Action: approve the 2017-2018 Indoor Entertainment Permit Application for Deli 126, 126 College Street with the following conditions: all City Permits need to be closed out with all standard conditions

Deli 126 Indoor EP Application.pdf

6.02 Indoor Entertainment Permit Application (2017-2018): The Friendly Toast, 86 St. Paul Street

Type: Action

Recommended Action: approve the 2017-2018 Indoor Entertainment Permit application for The Friendly Toast with the following conditions: all City Permits need to be closed out with all standard conditions

The Friendly Toast Indoor EP Application.pdf



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6.03 Resolution: Authorization to Approve The FY17 Management Letter and Audited Financial Report and to Accept The City Financial Health Report (Councilor Paul & Board of Finance)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

****add the Board of Finance as a co-sponsor per City Attorney's Office****

note the following written materials:

Resolution
Fiscal Health Report
PFM Report
Moody's Report
Management Letter
CAFR=Comprehensive Annual Financial Report

 112717_Final Rating Report - Burlington, VT-1.PDF

 Memorandum_City of Burlington VT_Rating Review-Policy Samples and Benchmarking_Dec. 2017 (002).pdf

 Treasurer - Approving FY 17 Management Letter & Audited Financial Report & Accepting Fiscal Health Report.pdf

 Burlington, VT CAFR17 Draft.pdf

 Nov 2017 Fiscal Health Report 01052018 F.pdf

 2_Managemement Letter.docx

6.04 Resolution: March 6, 2018 - Annual City Meeting -- Advisory Ballot Question re Vermont Air National Guard Basing of F-35s at Burlington International Airport (Councilors Hartnett, Wright, Knodell)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

***note alternative resolution for this agenda item:**

Resolution: March 6, 2018 Annual City Meeting - Advisory Ballot Question re Vermont Air National Guard Basing of F-35s at Burlington International Airport (Original Question) (Councilor Tracy)

 Advisory Ballot Question re Air National Guard F-35s (3-6-18 Annual City Meeting).pdf

 Advisory Ballot Question re Air National Guard F-35s (3-6-18 Annual City Meeting) (Original Question).pdf



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6.05 Special City Council Worksession re: Review of The City's Carried Interest Options for Burlington Telecom (oral)

Type: Discussion, Information

 Signed City Council Resolution re Process for Defining and Deciding Among The City's Carried Interest Options for BT.pdf

6.06 Public Hearing Regarding Comprehensive Development Ordinance - Retaining Walls ZA #17-17

Type: Action, Procedural, Public Hearing

Recommended Action: open the Public Hearingclose the Public Hearing

 ZA 17-17 CC PH Notice..docx

6.07 Ordinance: Comprehensive Development Ordinance - Retaining Walls ZA #17-17 (Planning Department, Planning Commission; Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

 ZA-17-17_CH117rpt.pdf

 Zoning Amendment – ZA #17-17 Retaining Walls, Secs. 5.2.5(b), 6.2.2(m), 13.1.2.pdf

 Explanatory memo to city council ZA.17.17 for 1.29.18 PH.pdf

6.08 Resolution: March 6, 2018 - Annual City Meeting--Issuance of General Obligation Bonds for Capital Improvements Authorized (Board of Finance)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

**Memo and agreements added ~6:30pm by COS Lowe

****Memo from Mayor added by COS Lowe at 8:06pm

 Treasurer - Issuance of General Obligation Bonds for Capital Improvements (3-6-18 Annual City Meeting).pdf

 Champlain-COB Agreement 1-25-18_CC Signed.pdf

 City - UVM Agreement - Capital Plan 1-28-18 (Final).pdf

 01-28-18 Mayors Memo - UVM and Champlain Capital Contribution.pdf



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6.09 Resolution: Authorization to Execute Agreement Between Champlain College and The City of Burlington Regarding Participation in The City's Ten Year Capital Plan (Councilors Paul, Roof)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

Added by COS Lowe at 6:22pm on 1/28

 Champlain College - Agreement regarding Participation in the City's Ten Year Capital Plan.pdf

 Champlain-COB Agreement 1-25-18_CC Signed.pdf

6.10 Resolution: Authorization to Execute Agreement Between The University of Vermont and The City of Burlington Regarding Fees for Services and Participation in The City's Ten Year Capital Plan (Councilors Paul, Roof)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

Added by COS Lowe 6:20pm 1/28

Exhibit A & B added by COS Lowe 12:43pm 1/29

 City - UVM Agreement - Capital Plan 1-28-18 (Final).pdf

 UVM - Agreement regarding Fees for Service Participation in the City's Ten Year Capital Plan.pdf

 Exhibit B - UVM-Capital improvements.pdf

 Exhibit A - UVM-Capital improvements.pdf

6.11 Resolution: Immediate Removal of The "Everyone Loves A Parade" Mural and Process for Selection of Mural Committee to Determine Replacement (Councilors Dieng, Moore, Tracy)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

****note revised version of this agenda item per Councilor Dieng**

****note proposed amendments to Councilor's Dieng revised version of this agenda item**

 Church St. Marketplace – Removal of the "Everyone Loves a Parade" Mural.pdf

 Church St. Marketplace – Removal of the "Everyone Loves a Parade" Mural (REVISED).pdf

 Ali's proposed amendments to revised version of his resolution.pdf

 Removal of the _Everyone Loves a Parade_ Mural (revised on 1-29-18).docx



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6.12 Resolution: Appoint An Inclusive Task Force to Reimagine The "Everyone Loves A Parade" Mural and Report Recommendations to The Mayor and City Council (Councilor Shannon)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

note added co-sponsors for this agenda item: Councilors Wright and Deane

Church St. Marketplace - Appoint a Task Force to Reimagine the Everyone Loves a Parade Mural.pdf

Added co-sponsors to Joans resolution.pdf

6.13 Resolution: March 6, 2018 Annual City Meeting - Ballot Question re Raising The Age of Sale For Tobacco Products From 18 To 21 (Revised Ballot Language)(Councilor Mason)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

Ballot Question – re Tobacco (NEW language)
- Increasing the legal age to purchase to 21
(Annual City Meeting 3-6-18).pdf

7. Committee Reports

7.01 Verbal Reports

Type: Information, Procedural

8. City Council - General Affairs

8.01 Verbal Reports

Type: Information, Procedural

9. City Council President - Council Updates

9.01 Verbal Reports

Type: Information, Procedural

10. Mayor - General Affairs

10.01 Verbal Reports

Type: Information, Procedural



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11. Adjournment

11.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

12. Informational Statement

12.01 Members of the public may speak when recognized by the City Council President, during Public Forum (time certain: 7:30 pm) or during a Public Hearing. This agenda is available in alternative formats upon request. Persons with disabilities, who require assistance or special arrangements to participate in programs and activities of the Clerk/Treasurer's Office, are encouraged to contact us at 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will air live on the night of the meeting on Burlington Telecom, Channel 317. This meeting will also air on Channel 17 two days after the meeting starting at 8:00 pm, repeating at 1:00 am, 7:00 am and 1:00 pm the following day. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (865-7136)(TTY 865-7142)

Type: Information