



Regular City Council Meeting - Monday, January 29, 2018, will begin after the Local Control Commission Meeting, Contois Auditorium, City Hall 1/29/2018

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

January 29, 2018

MEMBERS PRESENT: Jane Knodell (Council President) – Central District [8:12 PM]
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

Lori Olberg, C/T



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Amy Bovee, C/T

Chapin Spencer, DPW

OTHERS PRESENT:

Ralphine O'Rourke

Ron Redmond

Robin Lloyd

Jim Lockridge

Beth Citro

Gus Klein

Ms. Lawson

Mr. Davenport

Drew Baker

James Leas

Tatiana Reprikova

Ann Goring

Sharon Manno

Sharon Hopper

Eileen Androli

Rosanne Greco

Fiona Griffin

Julie Macuga

Laurie Larson

Charles Simpson

Ann Marie Klein

Lisa Lord

Rachel Siegel

Chief Stevens

Peter Lackowski





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Ray Gondeau

Trish O'Kane

Sarah Woodard

Amy Radcliffe

Charles Messing

Lucy Gluck

Frank Cioffe

Col. Hank Carter

Andrew Simon

Matthew Ennis

Mariah Cronin

Eric Maier

Katy Hellman

Mary Lacey

Kit Andrews

Peggy Lores

Bonnie Filker

Steve Goodkind

Robert Harendeen

Paul Fleckenstein

Stephen Marshall

1.0 CALL TO ORDER and AGENDA

In the absence of City Council President Knodell, Councilor Wright called the City Council meeting to order at 7:16 PM on January 29, 2018 and led the assemblage in the Pledge of Allegiance. City Council meeting was recessed to convene the Local Control Commission meeting. City Council meeting resumed at 7:20 PM



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1.02 Election of Acting City Council President

Interim CAO Anderson called for nominations for Acting Council President.

MOTION by Councilor Hartnett, SECOND by Councilor Roof, to nominate Councilor Wright as Acting Council President. There were no other nominations. **VOTING: unanimous; motion carried.**

Councilor Wright as Acting Council President facilitated the meeting.

2.0 AGENDA

2.01 Agenda

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

- **Note revised Item 5.07 (Lease with Champlain Industries, Inc.)**
- **Note materials for Item 6.03 (City Financial Health Report)**
- **Note revised resolution for Item 6.04 (F-35 Advisory Question)**
- **Note materials for Items 6.08, 6.09, 6.10 (G.O. Bonds/UVM & Champlain College)**
- **Note revisions to Item 6.11 (Mural)**
- **Note addition of councilors to Item 6.12 (Taskforce on Mural)**

DISCUSSION:

- **Councilor Mason requested being added as a co-sponsor to Item 6.13 (Tobacco Age of Consent).**

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

3.0 ANNUAL REPORTS

3.01 Police Commission

Postponed.

4.0 PUBLIC FORUM

Public forum was opened at 7:28 PM.

COMMENTS

- Robin Lloyd said the Mayors for Peace organization is working to bring survivors of the atomic bomb to Burlington



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schools to speak about the experience. Mayor Weinberger is urged to take a position and reject the nuclear weapon being brought to Burlington Airport (F-35).

- Jim Lockridge said the wording of the petition signed by 1,700 people should not be changed by City Council members and the Mayor needs to approve the petition as originally submitted. Thanks are extended for removing the mural and starting over.
- Beth Citro with the green ribbon F-35 campaign spoke in support of the F-35 with the National Guard. The jets will be here. Nothing has changed. Over 11,000 people on Facebook and over 20,000 people sent in comments in support of the jets. Over 10,000 postcards have been sent in as well. The Guard is spending time getting ready for the jets.
- Gus Klein spoke in support of the F-35 and noted his work at General Dynamics on components of the jet. Burlington residents have said they want the sound of freedom at Burlington Airport.
- Ms. Lawson spoke about the removal of the mural and all people not being included in the mural.
- Mr. Davenport spoke of the mural having a negative impact on marginalized people not included in the mural which should be removed.
- Drew Baker spoke against the F-35 as not being the sound of freedom.
- James Leas spoke of the Mayor being required to put the original resolution on the F-35 on the ballot for public vote per the city charter and the Vermont Constitution.
- Tatiana Reprikova from Russia urged keeping democracy and letting the people decide what they want.
- Ann Goring said over 5% of the citizens wish to support the resolution as presented to the Mayor.
- Sharon Manno spoke in support of presenting the question on the F-35 on the ballot and demanded the Mayor put the resolution on the ballot as presented.
- Sharon Hopper spoke in favor of the F-35 resolution on the ballot as presented.
- Eileen Androli spoke in support of the resolution on the F-35 as presented.
- Rosanne Greco urged listening to what the people want in regard to the opinion on the F-35. Democracy is messy, but great. Put the item on the ballot and let the people have a voice.
- Fiona Griffin spoke against the F-35 and in support of allowing the citizens to vote on the item in March.
- Julie Macuga spoke against the F-35 and in support of putting the issue on the ballot.
- Laurie Larson spoke against the F-35 and not silencing the voice of the people on the matter. Let the people vote on the resolution reflecting the will of the people.
- Charles Simpson spoke against the F-35.
- Ann Marie Klein spoke of the men and women who serve the country protecting the freedom enjoyed by all. The F-35 matter has already been voted by City Council. The F-35 will be here next year.
- Lisa Lord spoke in support of removal of the mural because it is racist.
- Rachel Siegel spoke against changing the resolution on the F-35 and informing the public of any changes. Also, the mural is problematic.
- Chief Stevens said the Abnaki Nation speaks for itself and is not a victim and urged the city to speak to him directly to know the Abnaki position on the mural. The Abnaki Nation is willing to work with Burlington to promote educational and cultural activities in a positive manner. The mural is problematic because it does not represent the Abnaki people.
- Peter Lackowski spoke in support of the resolution as submitted.
- Ray Gondeau said Burlington has not remedied damages the city is liable for from the airport. The resolution on the F-35 as originally proposed should be on the ballot per the charter.
- Trish O'Kane urged letting the people have a voice on the F-35 resolution as originally written.
- Sarah Woodward spoke in support of removing the mural and replacing it with one more representative of the community.
- Amy Radcliffe spoke in support of leaving the F-35 resolution unchanged due to new information on impacts.
- Charles Messing spoke of voting on the F-35 resolution as submitted.





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- Lucy Gluck spoke in support of the resolution on the F-35 as submitted and that it is time to remove the mural for one that speaks to who the city is.
- Frank Cioffe spoke in support of not moving the F-35 resolution forward because it is misleading, whether intentional or not, and if the resolution is on the ballot the words in support of the Guard and its mission should be removed. There is no mission without the F-35. There was public process and those who did not like the decision on the F-35 appealed, but were denied at every level of the court and now are before City Council.
- Col. Hank Carter, 151 Fighter Wing Pilot, 29 years in the Guard, graduate of UVM who raised his family here, said the proposed ballot item is disingenuous and misleading in that the F-35 ballot item does not support the Vermont National Guard, and in fact does the opposite and is distracting to the federal and state missions. In October 2013 City Council opposed two resolutions against basing the F-35 in Burlington and the Air National Guard thanks the city for the support. The Air Guard has been preparing for the arrival of the F-35 in 20 months from now. There is no alternative mission for the Vermont Air National Guard. As with the F-15 the Guard will continue to work with local leaders, local councils, Burlington Airport, and others who want to work constructively to help base the new aircraft. It is hoped the ballot initiative can be worded clearly and not in a deceptive manner. It was not anticipated to be before City Council on this matter, but rather to give an update on the progress toward the Secretary of the Air Force conversion to the F-35.
- Andrew Simon said the city charter says City Council should be doing nothing with the resolution. Let the process on the F-35 referendum go forward.
- Matthew Ennis spoke in support of the F-35 resolution as submitted and quoted Dwight Eisenhower on the military industrial complex.
- Mariah Cronin spoke against the F-35 due to health effects.
- Eric Mayer spoke of returning power to individual citizens and not blocking the F-35 question on the ballot especially for a profit motive. The people have a right to vote.
- Mary Lacey spoke in support of removing the mural.
- Katy Hillman spoke of decisions coming from a place of love and solidarity.
- Kit Andrew spoke for Stella and Martha Penzer in support of not amending the wording on the petition for a referendum to appear on the ballot for the F-35.
- Peggy Loes spoke against the F-35.
- Bonnie Filker spoke in support of the F-35 question being on the ballot.
- Steve Goodkind spoke in support of the petition to put the F-35 question on the ballot.
- Robert Harendeem spoke in support of putting the question on the ballot about the F-35.
- Paul Fleckenstein spoke of City Council and the Administration being undemocratic regarding the social and environmental impacts of the F-35.
- Steven Marshall said he is doing all that he can do to get public bathrooms in the city and spoke in support of taking down the mural and stopping the F-35.

There were no further comments. Public Forum was closed at 8:57 PM.

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: Encroachments into City Rights-of-Way
- 5.04 COMMUNICATION: Dragonheart Vermont Contract



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5.05 PERMIT (2 days): Special Event Outdoor Entertainment Permit, Hotel Vermont, February 2&3, 2018

5.06 COMMUNICATION: FIO Document(s)

5.07 RESOLUTION: Second Licensing Agreement, Champlain Industries, Inc.

5.08 RESOLUTION: License Agreement, Hinsdale Properties, North Winooski Avenue

5.09 RESOLUTION: License Agreement, Knead, LLC, North Winooski Ave.

MOTION by Councilor Roof, SECOND by Councilor Deane, to adopt the Consent Agenda and take the action indicated for Items 5.01 through Item 5.09.

DISCUSSION:

- **Councilor Deane and Councilor Mason recused themselves from Item 5.07 on the Consent Agenda.**

VOTING: 10 ayes, 2 recusals (Councilor Deane, Councilor Mason); motion carried.

There was a brief recess. The meeting resumed at 8:25 PM and the Pledge of Allegiance was recited by the assemblage.

6.0 DELIBERATIVE AGENDA

6.01 Indoor Entertainment Permit Application 2017-2018: Deli 126, 126 College St.

MOTION by Councilor Deane, SECOND by Councilor Roof, to approve the Indoor Entertainment Permit Application (2017-2018) for 126 Deli, 126 College Street, with the condition all city permits need to be closed out with all standard conditions. VOTING: unanimous; motion carried.

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

MOTION by Councilor Deane, SECOND by Councilor Roof, to approve the Indoor Entertainment Permit Application (2017-2018) for The Friendly Toast, 86 St. Paul Street, with the condition all city permits need to be closed out with all standard conditions. VOTING: unanimous; motion carried.

6.03 Resolution: FY17 Management Letter and Audited Financial Report and City Financial Health Report

MOTION by Councilor Paul, SECOND by Councilor Bushor, to waive the reading and adopt the resolution on the FY17 Management Letter and Audited Financial Report, and to accept the City Financial Health Report.

DISCUSSION:

- **Councilor Paul spoke of the FY17 Audit Management Letter and how far the city has come from having material weaknesses and significant findings to no findings, material weaknesses, or significant deficiencies for the first time in the city's history. Vigilance and best practices have rewarded the city and the taxpayers**





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with a \$12.6 million savings.

- Scott McIntyre, auditor, reported the FY17 audit went very well. The management letter has recommendation, but none of the issues are material weaknesses or significant deficiencies. Mr. McIntyre reviewed how the unassigned fund balance increased from \$6.5 million to \$8.4 million.
- Councilor Dieng asked how long Mr. McIntyre has been auditing the city. Mr. McIntyre said since 2011 and the first couple of years were challenging engagements. The audit in recent years has gone well. The city's books and records are in good order with no adjustment needing to be posted. Councilor Dieng asked if the surplus is money the city did not use and if the funds can be used elsewhere. Scott McIntyre said the unassigned fund balance is residual or an accumulation of excess revenues over expenditures over many fiscal years. There are many factors that figure into the amount.
- Mayor Weinberger stated the clarity of the reports from the auditors has been very helpful to the city. The city has a goal of unassigned funds of \$6 million which has helped with the city's credit rating. Use of money in excess of the \$6 million will be discussed in the budget season. The work of the CAO Office to bring the city to this point is recognized.

There were no further comments.

VOTING: unanimous; motion carried.

6.04 Resolution: F-35 Ballot Question – City Councilors

MOTION by Councilor Hartnett, SECOND by Councilor Wright, to waive the reading and adopt the resolution on basing the F-35 at Burlington Airport.

DISCUSSION:

- Councilor Hartnett recognized the effort to get signatures on the petition, but there was concern with the wording saying the petition was in support of the Vermont Air National Guard and that there is an alternate mission which is factually not true. Factually untrue information cannot be put on the ballot. The proposed language is a compromise so the voters can weigh in on the issue.
- Councilor Wright felt there was civil debate on the matter with only a couple exceptions. City Council has dealt with petitions with inaccuracies before and not allowed editorial comments on a ballot question. Allowing editorial comments on a ballot is a mistake and setting a bad precedent. Ballot questions should have neutral wording. The petitioners are asking for a special privilege by adding editorial comment to the question. City Council is obligated to ensure voters understand what they are voting on and that the wording is fair without editorializing.

AMENDMENT by Councilor Tracy, SECOND by Councilor Moore, to strike the text and use the text currently posted on Board Docs with a substitute resolution 'be it resolved' clause with the original question on the petition (Board Docs document titled "Advisory Ballot Question Air National Guard F-35 Original Question").

DISCUSSION ON AMENDMENT:

- Councilor Mason questioned if City Council per the charter can change the language. City Attorney Blackwood explained the charter says if a petition signed by 5% of the voters is received the Mayor shall insert for the annual city meeting any special article for any legal purpose beyond the jurisdiction of City Council so the Mayor is only required to put a question on the ballot that is beyond the jurisdiction of City Council. The F-35 question is not. City Council is being asked to do something within its authority. The





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question is an advisory question. VLCT and the Secretary of State's Office have information on voter backed petition binding and advisory questions. In this case City Council does not have to put the question on the ballot. The Mayor would have to put a question on if the voters came forward requesting a charter change for example. The recent court decision in South Burlington regarding Article 2 of the Vermont Constitution and voters giving advice to legislators that must go on the ballot is being appealed to the Vermont Supreme Court so the question is not settled in the law. The same judge would handle a similar case in Burlington and would likely rule the same way. It is not clear if the judge would require the original wording on the petition or only the "heart of the question".

- Councilor Tracy said the petitioners got sign off on the wording of the question by the City Attorney's Office so the language should not be changed.
- Councilor Dieng asked if the City Attorney's Office worked with people on revising the language. City Attorney Blackwood said her office provides legal advice on whether a question as worded should not be on the ballot, but it is up to City Council to put questions on the ballot. In this case there was no reason to advise City Council not to put the question on the ballot.
- Councilor Mason said City Council is not in the position to amend the language of the question. This has not been the historical practice or that of VLCT. The door in terms of editorializing will be opened. The decision from Vermont Supreme Court has not yet been received so to err on the side of caution the question should be on the ballot and the matter revisited after the court's decision is rendered.
- Councilor Shannon said the question is misleading and not informative. People will be confused how to vote. Perhaps language could be added about the concern of a precedent of editorializing, but City Council is following the court decision as it stands right now.
- Councilor Moore asked if the concerns raised had been discussed with the petitioners. City Attorney Blackwood said her office responded in writing to the questions on the petition that were submitted. Councilor Moore commented the city does not have control over the decision on the F-35 so it is not clear why this is being discussed.
- Councilor Roof spoke in support of the original language because it passed legal review. The concern for editorializing is recognized, but there is time to help people get fully informed on the question on the ballot.
- Councilor Wright stressed it is critical for City Council to strive to be consistent. The language on the ballot question should be honest and not misleading and express the crux of the issue so people can vote. The judge should decide if the language is a problem rather than City Council agreeing to language that is editorialize. Debate can be had, but not as a ballot question.
- Councilor Hartnett pointed out the South Burlington question was whether to go to a ballot vote or not. City Council is agreeing to have a ballot vote so the situation is different. It is not right to change the way City Council governs for one petition and then go back to business as usual.
- Councilor Bushor agreed the first statement in the ballot question could be removed because that is not what people are voting, but the added language is further editorializing by saying "recognizing there may not be alternative equipment" so this language should be removed. The City Attorney gave guidance so the lesson learned is not to have editorial comments in ballot questions.

CALL THE QUESTION by Councilor Hartnett, **SECOND** by Councilor Tracy. **VOTING:** 4 ayes, 8 nays; motion does not carry. Debate continues.

A brief recess was taken.

AMENDMENT by Councilor Shannon, **SECOND** by Councilor Deane, to amend the resolution by adding the



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following language:

- Whereas, the Council has concerns about misleading and editorializing language in the proposed ballot question, and
- Whereas, the legal decision made in the ruling of *Skiff v South Burlington School District* makes it unclear as to whether or not the Council has the ability to change the questions, and
- Whereas, a vote in favor of putting the question on the ballot should not be considered support for the question by the Council nor a precedent for putting questions on the ballot in the future that editorialize, but rather reflects a unique legal situation at this point in time.

DISCUSSION ON AMENDMENT:

- Councilor Shannon said the suggested language clarifies City Council's intention. What is being done today is with legal guidance, but the situation could change in the future and so would City Council's actions.
- Councilor Tracy said the amendment editorializes and the language is vague.
- Councilor Hartnett reiterated Burlington's question is totally different from South Burlington's question.
- City Attorney Blackwood confirmed the South Burlington case did not deal with the issue before City Council.

VOTING ON AMENDMENT (add language on editorializing): 6 ayes, 6 nays; motion did not carry.

VOTING ON AMENDMENT (strike language and use language in document on Board Docs): Councilor Hartnett – nay, Council President Knodell – nay, Councilor Deane – aye, Councilor Shannon – aye, Councilor Bushor – aye, Councilor Tracy – aye, Councilor Moore – aye, Councilor Wright – nay, Councilor Mason – aye, Councilor Paul – aye, Councilor Dieng – aye, Councilor Roof – aye (9 ayes, 3 nays); motion carried.

VOTING ON MOTION AS AMENDED: 10 ayes, 2 nays (Councilor Wright, Councilor Hartnett); motion carried.

Councilor President Knodell said the petition language will be on the ballot. A short recess was taken.

6.05 Work Session: BT Carried Interest Options

MOTION by Councilor Shannon, SECOND by Councilor Dieng, to postpone the work session until the 2/12/18 City Council meeting.

DISCUSSION:

- Councilor Paul expressed concern about meeting the timeline. The resolution was crafted with the timeline in mind.
- Councilor Hartnett suggested holding the work session and postponing the other items on the agenda to the next meeting.

VOTING: 2 ayes, 10 nays; motion did not carry.

MOTION by Councilor Hartnett, SECOND by Councilor Shannon, to suspend the rules and take up Items 6.05, 6.08, 6.09, 6.10, and 6.13 only.





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DISCUSSION:

- **Councilor Dieng urged finalizing the mural at this time (Item 6.11).**
- **Item 6.11 was added to the list.**

VOTING: unanimous; motion carried.

Ralphine O'Rourke made the following points on carried interest:

- Argument can be made for using the sale proceeds.
- The city cannot issue a revenue bond because revenues from BT cannot be directed as a minority owner.
- A charter amendment to use taxpayer funds to purchase equity in a private company would need City Council, voter, and state legislature approval and the window to do this has passed.
- A gift from a private third party is possible to use if earmarked and held separately.
- Schurz did not indicate interest in making an investment offering to citizens. The Asset Purchase Agreement would have to be amended for this.

Councilor Bushor asked for further explanation of why a revenue bond would not be a viable option. Attorney O'Rourke explained a method of repayment is needed and the city has no rights to receive a distribution from the new BT entity. The plan by the company is to reinvest in the company. Councilor Bushor asked if shareholders have a say with carried interest. Attorney O'Rourke said as a minority interest holder the city has a say, but the Board of Directors makes the final decision. The plan is to reinvest in the company.

Councilor Shannon asked if there are restrictions on the use of taxpayer funds and sale proceeds. Attorney O'Rourke said the city can enter into a joint venture agreement per the charter. The Public Utilities Commission ensures with issuance of the Certificate of Public Good that the taxpayers will not suffer additional losses. Sales proceeds are an extension of BT revenues and are available for use. The Asset Purchase Agreement protects these dollars as well.

Councilor Moore asked if the city with ownership share will share in the profits of the business. Attorney O'Rourke said if the company elects to do a distribution then the city will receive a share of the projects, but the capital plan is to reinvest in the expansion of the company. Councilor Moore asked about receiving some profits to help pay back the \$17 million that was lost. Attorney O'Rourke said at some point the city can anticipate distributions from the company.

Council President Knodell said if the city takes carried interest the membership agreement between the city and the new BT lays out the terms and options for monetizing in the future. Attorney O'Rourke said some options for monetizing have been laid out and are included in the Asset Purchase Agreement. Council President Knodell said at some point in time the pros and cons need to be discussed to understand the form of potential financial return.

Councilor Hartnett mentioned having a year to decide on a cash option. City Attorney Blackwood said the city needs to indicate to the Public Utilities Commission any interest in taking carried interest. Councilor Mason clarified the city needs to



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decide to take carried interest or not and has up to a year to decide the amount.

Attorney O'Rourke reviewed estimated gross proceeds, transition expenses, allocation of sales proceeds, proceeds available to the city, purchase of carried interest/membership interest, and cash to the city after purchase.

6.08 Resolution: General Obligation Bonds for Capital Improvements – Board of Finance

MOTION by Councilor Paul, SECOND by Councilor Wright, to waive the second reading and adopt the resolution for the issuance of general obligation bonds for capital improvements as authorized.

DISCUSSION:

- **Councilor Paul said the G.O. bonds are not to exceed \$6.1 million for capital improvements in association with UVM and Champlain College.**
- **Councilor Tracy said there was inadequate time to review the documents.**
- **Mayor Weinberger said in the weeks before the voters go to the polls there will be time for the information to be made available. The investment is significant by UVM and Champlain College. If the bonds are not approved the opportunity and the investment by the colleges will be lost.**

There were no further comments.

VOTING: 11 ayes, one nay (Councilor Tracy); motion carried.

6.09 Resolution: Agreement with Champlain College on City's 10-Year Capital Plan

MOTION by Councilor Paul, SECOND by Councilor Roof, to waive the reading and adopt the resolution on the agreement with Champlain College on the city's 10-Year Capital Plan.

DISCUSSION:

- **Councilor Paul said the city wanted the institutions to share in the cost of the improvements to sidewalks because the colleges use the sidewalks. The colleges are not obligated to share the cost, but Champlain College agreed to make payments toward the bond if approved by the voters.**

VOTING: 11 ayes, one nay (Councilor Tracy); motion carried.

6.10 Resolution: Agreement with UVM on City's 10-Year Capital Plan

MOTION by Councilor Paul, SECOND by Councilor Wright, to waive the reading and adopt the resolution on the agreement with UVM on the city's 10-Year Capital Plan.

DISCUSSION:

- **Councilor Paul said UVM has agreed to make payments toward the bond for improvements like Champlain College. Improvements and a plan for University Place are included with a timeline. UVM also agreed to**



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improve Trinity Campus for student housing.

- Councilor Bushor expressed concern that the agreement supersedes the agreement in 2000 with regard to student housing, student conduct, parking, and traffic. A second concern is UVM over-reaching by having a say in the city changing its capital projects. A third concern is the "need consent" provision if there is no agreement on University Place because quality of life and the relationship with the community trumps money.
- Councilor Dieng asked if housing is part of the agreement. Mayor Weinberger said the agreement consolidates more housing into one place. The housing agreement is separate.
- G.O. bonds and using payments from Champlain College and UVM to pay back the bonds was explained.

There were no further comments.

VOTING: 11 ayes, one nay (Councilor Tracy); motion carried.

6.11 Resolution: Removal of "Everyone Loves A Parade" Mural – City Councilors

MOTION by Councilor Dieng, SECOND by Councilor Tracy, to waive the reading and adopt the resolution to remove the "Everyone Loves A Parade" mural, and determine a process to select a mural committee to determine replacement.

DISCUSSION:

- Councilor President Knodell said the version of the resolution includes removal of the mural.
- Councilor Dieng explained the resolution is for the City Attorney to look at the legal ramifications of taking down the mural and report to City Council by March 12, 2018. A petition with 400 signatures was submitted asking City Council to take action because the mural does not belong in the city and does not represent the people in the city.
- Councilor Shannon said City Council should see the petition because there has been no outcry from the people of color asking for the removal of the mural. Options to make the mural inclusive rather than removing the mural should be investigated as well as moving forward with a process that includes people so there is inclusion.
- Councilor Deane said the mural does not reflect all immigrants. The community needs to work together to correct this and have an inclusive process to decide how to correct the mural together.
- Councilor Hartnett spoke against removing the mural, but having a taskforce look at changing the mural.
- Councilor Mason said the resolution is asking for information on removing the mural, not a vote to remove the mural.
- Councilor Dieng said a committee is needed to determine the design, implementation, and funding of a new mural. The resolution is asking the City Attorney to look into any legal ramifications of removal of the mural.
- Councilor Tracy spoke in support of looking at the legal ramifications of removal of the mural and getting feedback on steps to take to remove the mural and replace with an inclusive mural.
- Mayor Weinberger said the mural was a well-intended effort in 2009 and has had a positive impact in the ally. It is clear there are problems today with not projecting inclusiveness of a diverse Burlington. The issue is complex with artist rights, public art values, and government over-reach so legal implications from legal counsel should be known before starting the work.
- Councilor Wright pointed out the mural was vandalized and never intended to be "racist". There are ways the mural could be more inclusive.
- Councilor Dieng said the mural is an opportunity for children to learn about the community, but the mural



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today does not represent diversity in the city.

- Councilor Hartnett asked if the owner of the building with the mural has been notified of the petition. City Attorney Blackwood said there is an easement granted to the city for the mural.
- Councilor Paul said businesses paid for the mural.
- Ron Redmond, Church Street Marketplace, said the issue is complicated with the businesses, but coming together to resolve this is a good step.
- Councilor Paul said there should be a process in place before deciding what to do with the mural. The words "and how this can be accomplished" should be removed from the resolution.

CALL THE QUESTION by Councilor Hartnett, **SECOND** by Councilor Wright. **VOTING:** majority of ayes. Debate ceased.

VOTING (to get legal advice on removal of the mural): 7 ayes, 5 nays (Councilor Deane, Councilor Wright, Councilor Hartnett, Councilor Bushor, Councilor Paul); motion carried.

6.12 Resolution: Appoint Inclusive Taskforce for New Mural – Councilor Shannon

MOTION by Councilor Shannon, **SECOND** by Councilor Hartnett, to postpone action to March 12, 2018 on the resolution to appoint an inclusive taskforce to reimagine the "Everyone Loves A Parade" mural and report recommendations to the Mayor and City Council.

DISCUSSION:

- Councilor Bushor urged taking a vote and starting the process as soon as possible.
- Councilor Shannon suggested postponing action due to the previous resolution that requests information from the City Attorney on removal of the mural as a solution so there is no reason to go forward with a process.
- Council President Knodell said the resolution just adopted was not to remove the mural, but to take affirmative action in the future to bring about the removal.

VOTING: 10 ayes, 2 nays (Councilor Bushor, Councilor Tracy); motion carried.

6.13 Resolution: Age of Sale of Tobacco Products to 21 Years Old

MOTION by Councilor Mason, **SECOND** by Councilor Shannon, to suspend the rules and adopt the resolution to increase the age of sale for tobacco products from 18 to 21 years old.

DISCUSSION:

- Councilor Mason said with the resolution the penalty and onus is on the seller, not the purchaser, to adhere to the age rule.
- Councilor Tracy said the question should be better vetted.
- Councilor Bushor said she cannot reconcile what 18 year olds can do for their country and not letting them decide whether or not to buy tobacco.
- Councilor Hartnett said it is ironic supporters of the age change support legalizing marijuana.
- Councilor Mason said the age of legalization for marijuana is 21 years so there would be consistency.



**Regular City Council Meeting - Monday, January 29, 2018, will
begin after the Local Control Commission Meeting, Contois
Auditorium, City Hall
1/29/2018**

There were no further comments.

VOTING: 7 ayes, 5 nays; motion carried.

7.0 COMMITTEE REPORTS

No report.

8.0 CITY COUNCIL – GENERAL AFFAIRS

No report.

9.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No report.

10.0 MAYOR – GENERAL AFFAIRS

No report.

11.0 ADJOURNMENT

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

The meeting was adjourned at 12:12 AM on January 30, 2018.

RScty: MERiordan