



Regular City Council Meeting - Monday, January 27, 2020, 7:00 pm, Contois Auditorium, City Hall 1/27/2020

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 27, 2020

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

Perri Freeman – Central District

Franklin Paulino – North District

Joan Shannon – South District

Jack Hanson – 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: Mayor Weinberger

Steve Locke, Interim CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Jordan Redell, Mayor’s Office

Olivia LaVecchia, Mayor’s Office

Deanna Paluba, HR



Regular City Council Meeting - Monday, January 27, 2020, 7:00 pm, Contois Auditorium, City Hall 1/27/2020

Brian Lowe, CIO

Lori Olberg, C/T

Amy Bovee, C/T

Chapin Spencer, DPW

David White, Planning

Meagan Tuttle, Planning

OTHERS PRESENT:

Lea Terhune

Jerry Nulty

Ericka Redic

Alan Matson

Cheri Campbell

Amy Magyar

Kirby Dunn

MaryAnne Camden

Sarah Carpenter

Tyler Moss

[Note: Minutes in order of published agenda.]

1.0 CALL TO ORDER

Council President Wright called the City Council meeting to order at 7:07 PM on January 27, 2020.

1.01 Agenda

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

- **Add Item 3.04 (Mural)**
- **Note materials for Item 4.01 (ADU)**
- **Note information for Item 4.04 (Election Dates for Petitions, Warning, Ballot Availability)**

AMENDMENT by Councilor Freeman, SECOND by Councilor Paulino, to add a resolution to support transgender and



Regular City Council Meeting - Monday, January 27, 2020, 7:00 pm, Contois Auditorium, City Hall 1/27/2020

nonbinary individuals as Item 4.07.

VOTING: unanimous; motion carried.

2.0 PUBLIC FORUM

Public forum was opened at 7:33 PM.

- Lea Terhune spoke about the mural as a commercial billboard and "white" marketing in Vermont.
- Jerry Nulty spoke in support of more public bathrooms being available.
- Erica Redic spoke of the impact of taxes on income and the city dictating what landlords can do with their property giving renters more rights than property owners. The voters are urged to dismiss the Housing Trust Fund charter change proposed by the city.
- Alan Matson urged support of Amtrak being parked overnight by the McNeil Plant which will preserve the waterfront.
- Cheri Campbell spoke of the parking requirement for ADUs versus apartments, and asked City Council to look at this.
- Amy Magyar urged ensuring the ADU ordinance is what the city wants.
- Kirby Dunn spoke in support of the ADU ordinance and urged the city to take action on short term rentals.
- MaryAnne Camden spoke in support of the ADU ordinance with the owner occupied provision.
- Sarah Carpenter spoke in support of the ADU ordinance including the owner occupied requirement and to look at building code issues to avoid zoning out ADUs.
- Tyler Moss spoke in support of the ADU ordinance.

No further comments. Public forum closed 8:01 PM.

3.0 CONSENT AGENDA

3.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as
Indicated

3.02 COMMUNICATION: Accountability List

3.03 RESOLUTION: Asset Management Program, TEUC

3.04 COMMUNICATION: Remarks on the 'whiteness' of Vermont, Lea Terhune

MOTION by Councilor Bushor, SECOND by Councilor Roof, to adopt the consent agenda, Items 3.01 – 3.04, and take the action indicated. VOTING: unanimous; motion carried.

4.0 DELIBERATIVE AGENDA

4.01 Ordinance: ZA#20-03 ADU – Planning, Planning Commission, Ordinance Committee

MOTION by Councilor Mason, SECOND by Councilor Bushor, to set the ordinance for Accessory Dwelling Units, ZA#20-03, for a first reading and schedule a public hearing.



Regular City Council Meeting - Monday, January 27, 2020, 7:00 pm, Contois Auditorium, City Hall 1/27/2020

DISCUSSION:

- Councilor Mason said he will comment at the second reading. Owner occupancy and the fire code issues will be sent to the Ordinance Committee for review.

AMENDMENT by Councilor Shannon, SECOND by Councilor Tracy, to have the Ordinance Committee discuss the issue of sprinklers in ADUs. VOTING: unanimous; motion carried.

CONTINUED DISCUSSION:

- Councilor Bushor said the language in lines 123 and 124 of the resolution is cumbersome.

AMENDMENT by Councilor Bushor, SECOND by Councilor Shannon, to remove the words "no longer" in Line 124. VOTING: unanimous; motion carried.

CONTINUED DISCUSSION:

- Councilor Bushor said there are items in the ordinance that need fine-tuning by the Ordinance Committee. ADUs should require owner occupancy.
- Councilor Hanson suggested owner occupancy with an ADU be required by Ward. Senior Planner Tuttle said Wards can change so a boundary that is less likely to change, such as a street, would be used.
- Councilor Mason pointed out the ADU ordinance already requires owner occupancy.
- Councilor Shannon spoke in support of homeowners providing rental units in the city and moving the ADU ordinance forward as presented.
- Council President Wright spoke in support of the owner occupancy requirement.

VOTING: unanimous; motion carried.

4.02 Public Hearing: Proposed Charter Changes for March 3, 2020 Annual City Meeting

The public hearing was opened at 8:09 PM.

Housing Trust Fund

Councilor Pine said the tax was approved by the voters of Burlington in 1989 as a local funding source to support affordable housing, but the tax has not been able to keep up with the cost of housing. A full penny will track with inflationary growth of the grand list to address the affordable housing need.

Mayor Weinberger said one penny generates \$390,000 of revenue. The impact of the penny tax is about \$23/year on a single family property assessed at \$230,000. The tax will not erode over time by tracking with inflation growth of the grand list. Councilor Shannon noted the city is in the middle of a reassessment so the property tax impact at this time is not known.

City Attorney Blackwood noted a typographical error was corrected on Line 15 of the resolution so the version with the correction should be adopted.



Regular City Council Meeting - Monday, January 27, 2020, 7:00 pm, Contois Auditorium, City Hall 1/27/2020

Erica Redic, resident, spoke of the impact of all the property tax increases on her income and that the policies addressing affordability are making housing more unaffordable. City Council is urged to think of the second and third order effects of decisions and look for actual solutions, not creating more problems down the line.

Sarah Carpenter said most money for affordable housing is from private investment for low income tax credits and some city money. The seed money (\$400,000) is instrumental in pulling down federal and state money. City Council is urged to put the Housing Trust Fund question on the ballot.

Councilor Dieng read a text from a resident in the New North End who spoke of the financial difficulty living in Burlington due to loss of tax base and urged consideration of the budget burden and tax policies on residents.

Councilor Bushor asked about the impact of a full penny. Mayor Weinberger said there will be a full penny tax and no longer a payment out of the General Fund to the Housing Trust Fund. The Administration is mindful of the property tax burden and has worked hard to be responsive.

Election Dates for Petitions, Warnings, Ballots

Councilor Tracy explained the due dates for petitions, warnings, and ballots for local elections will match the state.

Non-Citizens Voting

There were no comments.

MOTION by Councilor Roof, SECOND by Councilor Pine, to defer the issue of non-citizen voting to CDNR for discussion with the purpose to better inform the public.

DISCUSSION:

- Councilor Roof said there is a growing level of confusion and misunderstanding with the charter change proposal. More public discourse is needed so the charter change is in a better position to pass.
- Councilor Pine recalled feedback from the public was received at the last public hearing.
- Councilor Freeman spoke in support of further discussion at CDNR and expanding voting to noncitizens.
- Councilor Tracy expressed frustration with delay, but supported more dialogue.
- Councilor Hanson spoke in support of the issue and the public having the information.
- Councilor Dieng said no one from the community asked for the voting to come forward and those affected are not showing up. Also, there is no time certain for the item to come back from CDNR.
- Councilor Roof clarified saying there is no community support is an opinion, not a fact, and that leads to confusion. More public process and nuanced conversation is needed in order to make an informed decision



Regular City Council Meeting - Monday, January 27, 2020, 7:00 pm, Contois Auditorium, City Hall 1/27/2020

on the issue.

VOTING: 10 ayes, 2 nays (Councilor Dieng, Council President Wright); motion carried.

4.03 Charter Change: Housing Trust Fund

MOTION by Councilor Pine, SECOND by Councilor Bushor, to adopt the resolution and place the Housing Trust Fund item on the ballot. VOTING: 10 ayes, 2 nays (Councilor Dieng, Council President Wright); motion carried.

4.04 Charter Change: Election Dates for Petitions, Warnings, and Ballot Availability

MOTION by Councilor Tracy, SECOND by Councilor Bushor, to waive the reading and adopt the resolution to put the charter change for local election dates for petitions, warnings, and ballot availability on the ballot. VOTING: unanimous; motion carried.

4.05 Charter Change: Resident Non-Citizen Voting in Local Elections

Referred to CDNR for further discussion.

4.06 Concise Summary of Ballot Availability Charter Change

MOTION by Councilor Tracy, SECOND by Councilor Pine, to waive the reading and adopt the resolution on having a concise summary of the ballot availability charter change on the ballot.

DISCUSSION:

- Councilor Tracy explained the resolution will allow more concise, clear language for the voter when entering the voting booth. The full charter change language will be available at the voting place.

VOTING: unanimous; motion carried.

4.07 Support for Transgender and Nonbinary Individuals – Councilor Freeman

MOTION by Councilor Freeman, SECOND by Councilor Hanson, to waive the reading and adopt the resolution for support of transgender and nonbinary individuals.

AMENDMENT by Councilor Freeman, SECOND by Councilor Shannon, to amend the resolution by striking lines 8 through 10 because the language references an event that was cancelled. VOTING: unanimous; motion carried.

DISCUSSION:

- Councilor Freeman said the resolution shows support by the city of transgender and non-binary people.
- Councilor Dieng asked about free speech. City Attorney Blackwood said speech not protected by the First



Regular City Council Meeting - Monday, January 27, 2020, 7:00 pm, Contois Auditorium, City Hall 1/27/2020

Amendment involves an imminent threat of physical harm to other people.

- **City Attorney Blackwood noted the library is working on policies pertaining to reserving a room at the library.**

VOTING: unanimous; motion carried.

5.0 COMMITTEE REPORTS

- Councilor Tracy announced a meeting on 1/28/20 to discuss the Winooski Corridor Study. The TEUC will meet on 2/4/20.
- Councilor Pine said the CDNR will meet on 2/12/20 to discuss tenant protections, and there will be a public presentation on CityPlace from Brookfield on 1/30/20.
- Councilor Dieng said the HR Committee will meet on 1/30/20 to discuss the Social Media Policy, the Equity & Diversity position, and livable wage data.
- Councilor Mason said the Joint Committee will meet on 1/28/20 to discuss short term rentals.
- Councilor Shannon reported the PACC met and heard an update on the bike path, City Hall Park, Highlight, Moran, and Memorial Auditorium. Moran and Memorial Auditorium will be coming to City Council at a future meeting.

6.0 CITY COUNCIL - GENERAL AFFAIRS

Councilor Bushor said the Colchester Avenue Advisory Committee will meet on 1/29/20 to discuss bikeways, parking, and intersection safety. Councilor Bushor expressed frustration about the lack of information being provided by Brookfield on CityPlace and only having one day to look at the design on 1/30/20.

Councilor Tracy reported he was targeted by a fake social media account by the Deputy Chief of Police. The eight day suspension that was issued was inadequate. Police Department oversight needs to be increased.

Councilor Hanson expressed concern about the eight day disciplinary suspension for the recent police incident and the process in terms of the community having the opportunity for oversight and input.

Councilor Paul said the presentation by Brookfield will be televised. There has not been enough time to review the new design. Councilor Paul announced the Ward 6 NPA is meeting on 2/6/20 and BT Finance Manager will attend. Also, 'Coffee with the Mayor' at Great Northern on Pine Street is 1/29/20. All are welcome.

Councilor Dieng spoke about the police issue and the need for the city to do better. Also, there is a meeting at Franklin Square on 1/28/20 to discuss the great work being done there by DPW.

Councilor Pine announced COTS received a \$1 million donation from New England Federal Credit Union. The money will be





Regular City Council Meeting - Monday, January 27, 2020, 7:00 pm, Contois Auditorium, City Hall 1/27/2020

used to expand housing so those leaving the shelter will have more permanent housing.

7.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

Council President Wright stated the public information meeting on the ballot item charter change is 2/26/20.

8.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported:

- Vermont Alert System for notifications on matters such as the snow ban, boil water notices has been expanded.
- E-buses are coming to Burlington.
- Information on the police investigation and report was released. The Police Commission was briefed on the disciplinary decision. The policy is being reviewed and should include oversight by elected officials.

9.0 ADJOURNMENT

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

The meeting was adjourned at 9:12 PM.

RScty: MERiordan