Regular City Council Meeting - Monday, January 12, 2015, 7 p.m., Contois Auditorium, City Hall
1/12/2015

Regular City Council Meeting - Monday, January 12, 2015, 7 p.m., Contois Auditorium, City Hall (Monday, January 12, 2015)

Generated by Lori Olberg on Wednesday, January 14, 2015

Members present
Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Absent

Dave Hartnett, Bianka Legrand

Also present

Mayor Weinberger, CAO Bob Rusten, Senior Assistant City Attorney Eugene Bergman, Lori Olberg, Clerk/Treasurer's Office, Amy Bovee, Clerk/Treasurer's Office, Assistant City Attorney Richard Haesler, Peter Owens, CEDO, Kirsten Merriman Shapiro, CEDO, John Vickery, Assessor, Laurie Adams, DPW, Chief of Staff Mike Kanarick (arrived at 8:56 pm)

Meeting called to order at 7:09 PM

1. Agenda

Action, Procedural: 1.01 Motion to approve/amend agenda CAO Rusten, Gene Bergman, Lori Olberg, Amy Bovee, Richard Haesler, Laurie Adams, Peter Owens, John Vickery, Brian Lowe Start time 7:10pm

Note proposed amendments: note supplemental packet for agenda item 1.01; waive the rules and allow for Public Forum to begin at 7:15 p.m. (per City Council President Shannon); add Councilors Brennan and Paul as co-sponsors to agenda item 4.01 and note supplemental documents to include the resolution for agenda item 4.02 (per CEDO Director Owens and the City Attorney's Office).

Motion by Karen Paul, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Karen Paul, Rachel Siegel, Max Tracy, Joan Shannon

Not Present at Vote: Chip Mason

Action, Ordinance - First Reading: 1.02 Ordinance: Water - Meters (Public Works Department)(1st reading)

Councilor Bushor inquired why the Water Department does not plan to provide meters to residents and have them pay for them. Laurie Adams, DPW, stated the Ordinance reads that smaller sized meters will be provided by the City. They are proposing that in the future, all new meters that are installed will be paid for by the property owner. The Department will pay for all replacement meters going forward.

consider this first reading and refer to the Ordinance Committee

Motion by Sharon Bushor, second by Chip Mason.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

2. Public Forum: Time Certain 7:15 p.m.

Information: 2.01 Public Forum

City Council President Shannon opened the public forum at 7:12 pm

Catherine Antley – Ward 6 Resident - Opposed to Legalization of Marijuana
David Fischer – Burlington Resident - Opposed to Legalization of Marijuana
Ron Ruloff – Ward 3 Resident - Opposed to BTC Redevelopment
Richard Hillyard – Ward 1 Resident - Concerns with the School Budget
James Lockridge – Ward 3 Resident - Support for Arts, Concerns with BCA
Joanne Hunt – Ward 4 Resident - Preserve Burlington College Open Space

City Council President Shannon closed the public forum at 7:35pm.

3. Consent Agenda

Action (Consent), Procedural: 3.01 Motion to approve/amend agenda taking the following actions as indicated

Approve the Consent Agenda and take the actions indicated

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 3.02 Resolution: Creation of One Regular Full Time Taxi Licensing, Assistant Licensing, Voting & Records Clerk and One Limited Service Full Time Capital Project Accountant - Clerk/Treasurer's Office (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 3.03 Resolution: Reclassification of Financial Analyst Position and Reclassification and Retitling of Accountant - Operating Position - Burlington Electric Department (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 3.04 Resolution: Petition for Redetermination of Equalized Education Property Valuation for 2015 (Councilor Shannon)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 3.05 Resolution: Appointment of Divestment Task Force (Councilor Shannon)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 3.06 Resolution: Acceptance of State of Vermont Agency Transportation Grant "Burlington STP SDWK(19)" and Authorization to Execute Contract No. CA0422 to Reconstruct The Colchester Avenue Sidepath (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 3.07 Communication: C/T Office, re: Accountability List

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

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 3.08 Communication: Jillian Bogert, Clerk of the Board, Burlington Fire Department, re: Attendance Record

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

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 3.09 Communication: Erhard & Sydney Mahnke, re: Statement of Questions; Docket #168-12-14 Vtec

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

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 3.10 Communication: C/T Office, re: November Financial w/Dept Notes

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

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 3.11 Communication: C/T Office, re: 12/19/14 Sweep Report for December BOF

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

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 3.12 Communication: Katie Hartnett, re: Opening Doors

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

Motion by Sharon Bushor, second by Jane Knodell.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

4. Deliberative Agenda

Action, Resolution: 4.01 Resolution: Appointment of Additional Members to Burlington Telecom Advisory Board (BTAB) (Councilors Shannon, Brennan and Paul)

Councilor Brennan stated the Burlington Telecom Advisory Board was set up to be a stabilizing force. The Blue Ribbon Committee set the groundwork and BTAB carried out their work with the support of the administration. In the present day, they are looking to expand operations and look forward. They need new membership to understand the inner workings. They have brought names forward to broaden the depth of the BTAB and to strengthen its ability. He read the names of the new appointees aloud.

Mayor Weinberger stated the administration played an active role in discussing these appointments with the Council. They will be entering a new day for BT and have been thinking about what would make a good board. They looked to bring stakeholders in BT into the Board. They felt it would be important to add representation from the institutions, a representative with a background in an alternative ownership model, and a member of the business community.

Councilor Knodell stated she believes this is a very strong slate. Their next step should be to think about the charge of this renewed Board, particularly as it relates to seeking the right partner for Burlington Telecom. They also need to determine the roles of BT, the Council, the Administration, and BTAB.

waive the reading and adopt the resolution

Motion by Vince Brennan, second by Karen Paul.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action, Resolution: 4.02 Resolution: March 3, 2015 Annual City Meeting - Pledging The Credit of The City to Secure

Indebtedness for Public Improvements Within The Downtown TIF District(Board of Finance)(material to be sent under separate cover)

Councilor Paul stated this will allow them to place a question on the ballot asking them to allow the City to issues bonding in an amount not to exceed $10 million. The City Council established the Downtown TIF district in 2010. In 2011, the VEPC approved the Downtown TIF District and financing plan. A Month ago, the City submitted its first phase filling for the district and received unanimous VEPC approval. That was for proposed investments up to $20 million of public improvements and related costs. The City Council held a work session and heard a presentation from CEDO, the City Attorney, and the CAO regarding the projected increment going forward. They saw that the TIF financing is sufficient to finance the proposed $10 million slate of infrastructure improvements and related costs. This will include Main Street streetscape upgrades, St. Paul St. streetscape upgrades, Brownsfield remediation for Brown’s Court, and improvements and repairs to the Marketplace Garage. It is important for voters to know that when bonding for this amount of money they make conservative and realistic projections for the TIF district. She read the proposed ballot language aloud.

Councilor Bushor noted minor corrections that need to be made the ballot language. She noted that the language is required. City Council President Shannon accepted the corrections as friendly.

Councilor Knodell stated this will bring a Downtown Development Strategy to fruition. This will require a simple majority vote to succeed. It will be up to the City Council to authorize specific issuances of debt. She had suggested that they seek the full $20 million, but the Board of Finance decided not to make that decision. They will need to proactively manage their funds in order to keep developments and improvements moving forward.

waive the reading and adopt the resolution

Motion by Karen Paul, second by Sharon Bushor.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action, Discussion, Information, Presentation: 4.03 Presentation: Howard Smith, Superintendent of Schools and Nathan Lavery, Senior Director of Finance, Burlington School District, re: Burlington School District Proposed FY 16 Budget (15 mins.; then questions)

Howard Smith, Superintendent, thanked the City administration for their willingness to work with the School District. There is a lot of very good work going on in the schools. He wishes they could be presenting a plan that includes everything that they want to do, but they had to acknowledge their financial realities. They have worked to eliminate any risk of spending money that they had not budgeted. It is important to think about budgets as more than numbers on a page. They have to think of them as standards and values. They also look at student needs and the budget needs to support the resources to address those needs. Any budget needs to be scaled to current economic conditions. Nathan Lavery, Finance Director, stated that their proposed budget is $68.76 million. That number is preceded by an adjusted FY15 number which is a projection of their current spending. They have identified their challenges in the current fiscal year and have had unbudgeted expenses. This will represent a 1.99% increase over the voted budget from last year. In the past, the School has received PILOT revenue, but they will not be receiving that in future years. They have a potential $1.3 million deficit this year. They have had some unbudgeted revenues, but will have to make up the difference by cutting expenses. There are some systemic problems that they know they need to address in the next budget. They arrived at a budget of $70.76 million and identified $2 million of savings, which is how they arrived at the $68.76 million budget. Dr. Smith stated they were mindful of student needs and standards that should drive the budget in addition to fiscal considerations. They came up with some approaches that tried to create opportunities for greater efficiency and productivity, such as consolidating positions. They have also collapsed certain sections and increased class sizes within reasonable limits. There is also redesign work to improve instructional time in core academic areas. Support staff will be used to support a broader area of students. They have discovered that there have bene significant areas of student need and they have been addressed through the Special Education Department. They will be reallocating some of their Special Education staff to have them help additional students who are not proficient in certain areas. They will also have some staff development. They have decided to increase School Psychiatrist positions and reduce Social Worker positions which have a less direct impact on the core mission of schooling. They have also reallocated some of their paraprofessionals and have trimmed them slightly. They are freezing supplies, materials, equipment and textbooks. They have made provisions for an equal transportation plan. They also looked at creating a budget that would increase only 1.5%, but they have not fully worked out what that would look like. They are confident about the 2% increase budget and they believe it gives them more flexibility. Some of the ideas in this budget have a lot of good energy behind them. Mr. Lavery stated the State Legislature plays a role in determining the tax rates and it is subject to change. They have made calculations based on their most current numbers. A 2% spending increase will translate to a 2.6% increase in the Homestead Tax Rate. A 1.5% spending increase would translate to a 2.2% tax increase. The other factor to consider is that reducing their spending to the 1.5% level could also cause a loss of revenue. They have estimated that with a 2% spending increase a homestead valued at $250,000 would result in a $108 tax increase. There would be no increase for a household with a $50,000 income.

Councilor Bushor stated there is no elementary school in her Ward and she has concerns about transportation. She inquired which students would be considered in walking distances. Her constituents want to know that their children can be bussed to school. Mr. Lavery stated the walking distance is 3/4 of a mile from K-5th grade and 1 mile for 6-12th grade. Councilor Bushor stated they should consider the type of roads that will need to be navigated when setting policies. She also noted that they are talking about eliminating partial positions and inquired if they will continue to employ the same people part time. Mr. Smith stated there are some people who are working part time now. They may eliminate some part time positions. The changes will be seniority driven. They will give employees the opportunity to retain the portions of the position. Councilor Bushor stated she is glad they have found ways to include paraeducators in the budget.

Councilor Mason inquired what the policy determinations for PE in Middle School is in light of the reduction in gym classes. Sitting in academic classes all day can be difficult for this age group. He also expressed disappointment in the reductions in foreign language. Mr. Smith stated Middle School schedules are fragmented. They considered performance areas and have found that they have not focused on skilled development to reach the targets that are established for them. They found that they were being pulled out of Language Arts and Math that were higher than other schools. Academic teachers were not always spending all of their time with students because students were in other activities. This will optimize the amount of time students spend with teachers in core academic areas. They are brining physical education in line with what they do in the rest of the district. There are other ways to give students opportunities to move around. They believed they should do foreign language right or not do it at all. They felt that they were not doing it right for middle school students. They have eliminated the program for 6th graders and improved the program for 7th and 8th graders.

Councilor Wright thanked them for their work on the School budget and balancing the needs of the schools with the needs of citizens. He inquired if they have considered cuts in central administration. Mr. Smith stated they have identified items that they are confident they can eliminate. It will take time to fully examine all of their expenses and look at all positions. Councilor Wright inquired what the difference between the 1.5% and 2% budget increases would be. Mr. Smith stated the

2% number is what they arrived at by looking at their student needs and building the budget. The 1.5% number represents a budget with more restraint and including more savings.

Councilor Brennan stated he is disheartened by both numbers because he sees needs that are not being met. He inquired if there have been any efforts to express the challenges that the School District is facing. Mr. Smith stated they have not done that yet, but have had some informal interactions with Representatives to begin this conversation. They will be working to determine a way to provide information to Montpelier. Councilor Brennan expressed dissatisfaction about the elimination of foreign language classes. He believed that was a way of creating equity across a diverse group of students. He believes they should invest more in this. Mr. Smith stated they work to make sure that each year is effective for students. Burlington does try to provide unique opportunities and programs for students, and having foreign language would be ideal.

Mayor Weinberger thanked them for their work on the budget and their willingness to collaborate with various stakeholders. He understands their need to balance the needs of students with the realities of rising taxes. He senses their concerns and restraint with making reductions in the short time they have had to examine the budget. He expressed support about their efforts to speak with Legislatures about their challenges.

Councilor Colburn inquired about the elimination of the Grants Director and Specialist position. They have talked about the strategy of private fundraising being important to help grow the schools. She inquired how eliminating that position will impact their capacity in that area. Mr. Smith stated they had two positions working together. However, in many places there is one person working on Grants. They are not walking away from their commitment to pursue grant opportunities. Those functions are often rolled into one position. There are periods of time when the Grant Director can be working on Grant Development. Mr. Lavery stated there is a lot of work that goes on outside of the Grants Office. Councilor Colburn stated one of her bigger areas of concern was the paraprofessionals and special education cuts. She believed that paraeducators in Kindergarten were helpful. She is glad to see that they are putting some of that back in, but believes that will come at the expense of special education. Those roles are very important presences in the classroom. Mr. Smith stated they know that their staffing structure is not ideal. They will need to do careful planning to reach the point where they would like to be. The change that they may experience may be that special education students will interact with mainstream students. They will have to do this with careful planning to ensure those students feel supported.

Councilor Siegel inquired if they favor the 2% increase. Mr. Smith stated that was the number they came up with through their initial process. They are not comfortable bringing something forward without diving into potential savings. There are other unknowns that could come up. Councilor Siegel inquired why they came forward with a second number that they are less comfortable with. Mr. Smith stated the Board requested that they develop another number, which is unsurprising given the current climate. They have tried to address that request. Councilor Siegel inquired if people favor the 1.5% model for any reason other than the financial benefit. Mr. Smith stated there is a sense in the community that the spending increases that have occurred has been questionable. People believe that there must be a way to reduce spending, and they have to debate what margin they can cut. They will have a greater degree of confidence around the numbers in the future. These cuts alone will take a lot of work to make sure there are no negative impacts on the students. Mr. Smith responded. Councilor Siegel requested information on the impact on diversity and equity issues. Mr. Smith stated having exposure to language is important to young students. There is extraordinary variation in the number of vocabulary words students are exposed to. Councilor Siegel spoke in favor of the 2% increase budget.

Councilor Tracy stated they have discussed long term budgeting and inquired if that is something they will continue to work on. Mr. Smith stated they will continue to work on that. They have a list of recommendations from their auditor that they need to complete. The first is to get a handle on this year’s budget and ensure it is balanced. They have frozen this year's budget, but they will have to have a workable budget soon. Their second objective is to go through controls, procedures and policies that need to be in place to ensure proper oversight of the budget. Mr. Lavery stated the School board's Finance Committee has identified long range planning as a priority. They will also be looking at capital planning. A long term vision is critical to help them make future decisions in a proactive way. Councilor Tracy stated it is important to communicate with the community about the budget and inquired how they plan to do that. Mr. Smith responded.

City Council President Shannon stated she appreciates that they looked at this as a way to reallocate resources rather than just making cuts. She has heard that the School Board seems to be split on the 1.5% versus 2% increase budget. She believes it is important that they ask the questions about the reasons they have been increasing. However, it seems that they are not getting much benefit by going to the 1.5% increase rather than the 2%. She inquired if they have incorporated comments from the presentation about recommendations on School finances. Mr. Lavery stated there are some items they can move forward with immediately and have incorporated some of those changes. They have worked to implement stronger budget controls. Once they lift the freeze there are financial control efforts that will remain in place. There will be accounting reforms to come into compliance with GASB standards immediately. There are other recommendations that will take longer to implement. Mr. Smith stated they merged recommendations to create working guidelines to use. The Finance Committee has adopted this for them to work from.

5. Committee Reports

Information, Procedural: 5.01 Verbal Reports

Councilor Knodell reported on the Community Development and Neighborhood Revitalization Committee.
Councilor Tracy reported on the Transportation Energy and Utilities Committee.
Councilor Siegel reported on the Charter Change Committee.
City Council President Shannon reported on Committee Appointments.

6. City Council - General Affairs

Information, Procedural: 6.01 Verbal Reports

Councilor Brennan reported that there will be a panel debate with all of the School Board members.
Councilor Tracy reported on a gathering for Brian Pine and Karen Vastine, two long time City employees. He thanked them for their service.
Councilor Siegel reported that there will be a Black Lives Matter rally on Martin Luther King Jr. day. There will also be a public event on the referendum question about allowing non-citizen voting.
Councilor Bushor reported on bicycle and pedestrian transportation and feels that they need to focus more on pedestrians.
Councilor Ayres reported on the Farrington Mobile Park and their intent to form a cooperative and purchase their land. He also reported on the North Avenue Corridor Study.
City Council President Shannon reported on the retirement of Brian Pine and Karen Vastine.

7. Mayor - General Affairs

Information, Procedural: 7.01 Verbal Reports

Mayor Weinberger reported on Martin Luther King Jr. Day, the Retirement of Brian Pine and Karen Vastine, and the Mayor’s Book Club.

8. Adjournment

Action, Procedural: 8.01 Motion to adjourn

Without objection, City Council President Shannon adjourned the Regular City Council Meeting at 9:42 pm.