

N O T I C E & W A R N I N G  
SPECIAL CITY MEETING

The legal voters of the City of Burlington, Vermont are hereby notified and warned to come and vote at a Special City Meeting on

Tuesday, the 8th day of November, 2016

between 7:00 a.m. and 7:00 p.m. in their respective wards, at the voting places hereinafter named, for the following purposes:

To vote upon six special articles placed on the ballot by request of the City Council, one of which was initiated by voter petition, said special articles being as follows:

1. APPROVAL OF GENERAL OBLIGATION BONDS  
FOR CITY CAPITAL PLAN PROJECTS

“Shall the City Council be authorized to issue general obligation bonds or notes in one or more series in an aggregate principal amount not to exceed Twenty-Seven Million, Five Hundred Seventy-Three Thousand, Five Hundred Eight Dollars and 00/100 (\$27,573,508.00) to be borrowed in increments between Fiscal Year 2017 and Fiscal Year 2021 for the purpose of funding capital improvement infrastructure projects of the City and its departments in furtherance of the City’s 10 Year capital plan?”

2. AUTHORITY TO ISSUE REVENUE BONDS FOR  
WATER SYSTEM IMPROVEMENTS

“Shall the City Council be authorized to issue revenue bonds or notes in one or more series, pursuant to the City Charter, on behalf of the Water Resources Division of the Department of Public Works, in an amount not to exceed \$8,344,000, secured by the revenues of the waterworks system, to be borrowed in increments between Fiscal Year 2017 and Fiscal Year 2020 for the financing of capital additions and improvements to the waterworks system, including (i) capital improvements to the City’s underground pipe and water distribution system, water mains, services, valves and hydrants, and (ii) to fund debt service reserve funds and pay costs of issuance?”

Estimated total Project Cost: \$8,344,000

City Share of Costs: \$8,344,000

### 3. ADOPTION OF ZA #16-14

“Shall the amendment to Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington, identified as ZA 16-14 Downtown Mixed Use Core Overlay, be adopted by the City of Burlington?”

### 4. PLEDGING THE CREDIT OF THE CITY TO SECURE INDEBTEDNESS FOR PUBLIC IMPROVEMENTS WITHIN THE WATERFRONT TIF DISTRICT

“Shall the City Council be authorized to pledge the credit of the City to secure the repayment of indebtedness or make direct payments for the purpose of funding one or more public improvements and related costs attributable to projects serving the Waterfront Tax Increment Financing (TIF) District, specifically:

- (a) **Pine Street Acquisition, Construction and Streetscape Improvements:** (the block between Bank Street and Cherry Street) to include property acquisition; street infrastructure and construction; streetscape, stormwater, utility, lighting and multimodal transportation improvements;
- (b) **St. Paul Street Acquisition, Construction and Streetscape Improvements:** (the block between Bank Street and Cherry Street) to include property acquisition; street infrastructure and construction; streetscape, stormwater, utility, lighting and multimodal transportation improvements;
- (c) **Cherry Street Streetscape Upgrades:** (up to four blocks; between Church Street and Battery Street inclusive of intersections) to include streetscape, stormwater, utility, lighting and multimodal transportation improvements;
- (d) **Bank Street Streetscape Upgrades:** (the two blocks between Church Street and Pine Street inclusive of all intersections) to include streetscape, stormwater, utility, lighting and multimodal transportation improvements;
- (e) **Related Costs:** reimbursement for TIF eligible related costs incurred by the City for the administration of the Waterfront TIF District, including direct municipal expenses such as departmental or personnel costs related to creating or administering the district to the extent they are paid from the municipal and not education taxes and are otherwise reimbursed in accordance with law in a total principal amount not to exceed \$21,830,000.00 (which would be added to

prior approvals for incurrence of Waterfront TIF District debt, since the district's creation, of \$32,858,873.00, of which \$15,473,290.00 was outstanding at the start of this fiscal year), and to issue bonds, notes or make inter-fund loans for such purpose with the understanding that tax increment from the properties within the Waterfront TIF District shall be pledged and appropriated for the payment of such indebtedness or direct costs of the improvements; and with the further understanding that the City may utilize up to but not more than 75 % of all education increment and not less than an equal amount of municipal increment for payments of such indebtedness or direct costs and shall be further authorized upon City Council approval to utilize up to 100 % of municipal increment upon such determination as may be annually made that such additional retention of municipal increment is necessary for the purposes of reimbursing those direct municipal expenses such as departmental or personnel costs related to creating or administering the district which under the law may only be paid from the municipal and not education taxes?"

5. PROPOSED CHARTER CHANGE REGARDING  
POWERS OF CITY COUNCIL RE MUNICIPAL PARKING GARAGES,  
LOTS, STRUCTURES

"Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to amend Article 19 Powers of City Council, Section 48, subsection 58 as follows:

**ARTICLE 19. POWERS OF CITY COUNCIL**

**48 Enumerated.**

The city council shall have power:

...

- (58) (A) To acquire and hold by lease, purchase, gift, condemnation under the provisions of sections 2805 through 2812, inclusive of Title 24 of the Vermont Statutes Annotated, as amended, or otherwise, and to maintain and operate within the limits of Chittenden County, a municipal parking lot or lots, ~~and~~ a municipal parking garage or garages, and any other municipal parking structure(s), and to alter, improve, extend, add to, construct, and reconstruct such lots or garages, subject, however, to the provisions hereinafter contained in this subdivision. In exercising the foregoing power, and notwithstanding the preceding sentence, the city council shall not, except pursuant to subdivision (50) of this section and

section 276 of this Charter, have authority to acquire any property outside the limits of the City of Burlington through the use of the power of eminent domain or condemnation. The city council shall not be exempt from the responsibility for securing all applicable permits from any community within Chittenden County outside the limits of Burlington in which it desires to construct a parking lot or garage. Any parking lot or garage constructed by the city outside the corporate limits of Burlington shall be subject to the ad valorem property tax of the community in which it is located.

(B) The board of public works commissioners shall have general control, management and supervision of all municipal parking lots and garages. Said board shall have power to make regulations with respect to the use of all such municipal parking lots and garages, including reasonable terms, conditions and charges, and shall also have the power to regulate the parking, operation and speed of vehicles and pedestrian and vehicular traffic on the public highways of the city, including such ways, streets, alleys, lanes or other places as may be open to the public, to erect, maintain and operate ~~coin-operated parking meters equipment and systems~~ for the regulations of parking of vehicles, to govern and control the erection of guideposts, street signs and street safety devices on said highways, and to prescribe regulations and penalties for violation of the same in respect to all of said matters and to remove and impound as a public nuisance, at the expense of the owner, any vehicle found parking on a public highway or in a municipal parking lot or garage in violation of any city ordinance or any regulation hereunder, and to prescribe the terms and conditions upon which the owner may redeem such vehicle from the pound, which regulations, when published in the manner provided in section 49 for the publication of ordinances, shall have the force and effect of ordinances of the city, and violations of which shall be subject to the penalties provided in section 50 of this Charter. All ordinances of the city, and all regulations of the board of parking commissioners, in effect prior to July 1, 1959, shall remain in full force and effect notwithstanding that the subject matter thereof shall be within the jurisdiction of the board of public works commissioners, unless and until such board shall, by regulation duly adopted and published, alter, amend or repeal the same.

(C) Said board shall also from time to time recommend to the city council the acquisition or construction of municipal parking lots or garages, and the city council shall not authorize such acquisition or construction without such recommendation, nor shall the city council dispose of or lease to others for operation any municipal parking lot or garage without the recommendation of said board.

(D) All receipts from the operation or lease of said municipal parking lots and garages shall be kept by the city treasurer in a separate fund, ~~which shall not at the end of any fiscal year become a part of the general fund of the city under the provisions of section 65 of this Charter, except as hereinafter provided to be known as the Parking Facilities Fund and shall be used~~ Expenditures from said fund may be authorized by said board for the purpose of paying any and all operating

~~expenses related to operating, maintaining, acquiring, constructing, or expanding of said lots and garages, including salaries and rentals, any payments on any obligation incurred for construction or repair of those lots or garages. Any amounts unused at the end of a fiscal year shall be carried over to the next fiscal year. All revenues generated from on-street parking equipment and systems shall be used by the city council for traffic regulation and control, including but not limited to acquisition or maintenance of parking facilities; proper repair or construction of streets, sidewalks, and bridges; traffic or parking demand management facilities, planning, or services; traffic calming measures; and other transportation-related activities. In addition, the city council may vote to place any such revenues in the Parking Facilities Fund, at its discretion. There shall also be credited to said fund by the city treasurer such portion of the receipts of traffic meter installations on the public streets of the city as is not appropriated by the city council for the purpose of purchasing and operating said traffic meter installations or controlling or regulating traffic. At the close of each fiscal year the city treasurer shall credit to the general fund of the city such portion of the balance of said fund, after the payment of operating expenses, as may be required to meet interest payments on any obligations issued for the purpose of acquiring, altering, improving, extending, adding to, constructing or reconstructing such parking lots or garages, and shall further credit to the sinking fund of the city such further portion of said balance as may be required to meet principal payments on any obligations issued for said purpose, provided, however, that any pledge, assignment or hypothecation of net revenues under paragraph (E) shall be complied with before making such credits.~~

(E) ~~If it shall reasonably appear to said the board of public works commissioners at any time that the receipts from said the existing municipal parking lots or garages are in excess of the amounts required for the purposes enumerated in the preceding paragraph, and that the acquisition of further lots or garages is not required, they shall cause rates and charges for the use of said lots and garages, or some of them, to be reduced.~~

(F) ~~If the board of public works commissioners, Subject pursuant to the provisions of paragraph (C) of this subdivision, has recommended the acquisition or construction of a new parking lot or garage, the city council may from time to time pledge, assign or otherwise hypothecate the net revenues from said lots or garages, after the payment of operating expenses, and may mortgage any part or all of said lots or garages, including personal property located therein, to secure the payment of the cost of purchasing, acquiring, leasing, altering, improving, extending, adding to, constructing or reconstructing said lots or garages, but the city council shall not pledge the credit of the city for any of said purposes except in accordance with the provisions of section 62 of this Charter.?"~~

\* Material underlined added.

\*\* Material stricken out deleted.

## 6. BIKE PATH RELOCATION

“Shall the Mayor of Burlington and the City Council be advised to relocate the

Burlington Bicycle Path to the west side of the railroad tracks between College and King Streets even if that means utilizing the public trust doctrine or eminent domain to accomplish this task?"

The following are designated as polling places, viz:

- Ward One: Mater Christi School, 100 Mansfield Ave.
- Ward Two: H.O. Wheeler School (Integrated Arts Academy), 6 Archibald St.
- Ward Three: Lawrence Barnes School (Sustainability Academy), 123 North St.
- Ward Four: Saint Mark's Youth Center, 1271 North Ave.
- Ward Five: Burlington Electric Department, 585 Pine St.
- Ward Six: Edmunds Middle School, 275 Main St.
- Ward Seven: Robert Miller Community & Recreation Center, 130 Gosse Ct.
- Ward Eight: Fletcher Free Library, 235 College St.

The polls open at 7:00 a.m. and close at 7:00 p.m.

  
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Miro Weinberger, Mayor

Publication Dates:  
Burlington, Vermont

lb/EBlackwood/Annual Meetings/SPECIAL WARNING 11-8-16  
10/6/16