
* * * DELIBERATIVE AGENDA * * *

ORGANIZATION DAY, CITY COUNCIL
MONDAY, APRIL 7, 2014
CONTOIS AUDITORIUM, CITY HALL
7:00 P.M.

1. AGENDA
2. MAYOR'S STATE OF THE CITY ADDRESS
3. OATH OF OFFICE-NEWLY ELECTED AND RE-ELECTED COUNCILORS
4. ELECTION OF CITY COUNCIL PRESIDENT
5. ELECTION OF BOARD OF FINANCE MEMBERS
6. CONSENT AGENDA
 - 6.01. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re:
Accountability List
*waive the reading, accept the communication and place it on file
 - 6.02. RESOLUTION: Authorization for The Approval of Loan and Financing of a Water
Pump for The Public Works Department Water Division (Board of
Finance)
*waive the reading and adopt the resolution
 - 6.03. COMMUNICATION: Martha R. Lang, Ph.D., re: Mr. Taft's Last Will and Testament
*waive the reading, accept the communication, place it on file and send a copy to BSD Superintendent
Collins
 - 6.04. COMMUNICATION: Amy Bovee, Executive Secretary, Clerk/Treasurer's Office, re: Applications
for Renewals of License Agreements for Encumbrances Outside of the
Church Street Marketplace for the 2014-2015 Season
*waive the reading, accept the communication, place it on file and approve the 2014-2015 Encumbrance
Renewals for Livery Barn, New Moon Café and SAS Architects
 - 6.05. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee,
Executive Secretary, re: Draft Minutes, Regular City Council Meeting,
December 9, 2013
*waive the reading, accept the communication, place it on file and adopt the minutes as received at the March
31, 2014 City Council Meeting

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 on April 9, 2014 at 8:00 p.m., repeating at 1 a.m., 7 a.m. and 1 p.m. the following day. For information on access, Scott Schrader, Assistant Chief Administrative Officer for Administration (865-7140) or Lori Olberg, Licensing, Voting and Records Coordinator (865-7136) (TTY 865-7142).

6.06. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee,
re: Draft Minutes, Adjourned City Council Meeting, December 16, 2013

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 31, 2014 City Council Meeting

6.07. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee,
Executive Secretary, re: Draft Minutes, Special City Council Meeting,
January 17, 2014

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 31, 2014 City Council Meeting

6.08. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee,
Executive Secretary, re: Draft Minutes, Adjourned City Council Meeting,
January 27, 2014

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 31, 2014 City Council Meeting

7. ADJOURNMENT

	4/3/2014		
Prepared by: Lori Olberg, Licensing, Voting & Records Coordinator			
Meeting Date	Type of Document	Action Requested	Return to Council
1/9/2012	Resolution: Creation of a Financial Literacy Web Page	progress report to the Council by the Interim CAO	2/13/2012
2/13/2012	Resolution: Ongoing and Future Relationship Between the City of Burlington and the University of Vermont	report due back to the Council by the Community Development and Neighborhood Revitalization Committee	3/26/2012
8/13/2012	Resolution: Landlord Accountability	report due back to CD & NR Committee from the Code Enforcement Office	not-specified
11/26/2012	Resolution: Moving Urban Agriculture Issues Forward	Board of Health to report back to the Council; Planning Commission to report back to the Council	6/24/2013
3/18/2013	Communication: Burlington Committee on Accessibility Strategy and Plan	future action to be taken	not-specified
4/15/2013	Resolution: Proposed Amendments to Appendix B Rules and Regulations of The City Council	postpone action for now	post City Council Retreat
6/10/2013	Resolution: City Attorney Constitutional Analysis of No Trespass Ordinance for Church Street Marketplace June 12, 2012	have the Ordinance Committee review Attorney John Franco's issues	not-specified
6/24/2013	Communication: John L. Franco, Jr., re: CSM Trespass Authority Ordinance Opinion	referred to the Ordinance Committee	not-specified
	Supplement		
7/15/2013	Communication: UVM Housing Master Plan	referred to the Institution/Human Resources Committee	not-specified
7/15/2013	Communication: Richard Cate, UVM, re: COB and UVM MOU re: Zoning Amendments	referred to the Institution/Human Resources Committee	not-specified
8/12/2013	Ordinance: CDO Historic Building Materials ZA 13-12	referred to the Ordinance Committee	not-specified
8/12/2013	Communication: P & Z Director White, re: Proposed Zoning Amendment 13-12	referred to the Ordinance Committee	not-specified
9/23/2013	Resolution: Finalize A Strategic Plan for Diversity, Equity and Inclusion for the City of Burlington	final plan and adoption by the City Council	1/27/2014
	Districts		
11/4/2013	Communication: Corey Mallon, RN, re: St. Joseph's School	"wtrapf" and referred to the Board of Finance	not-specified
11/4/2013	Communication: Hunter Rieseberg, VLCT, re: VLCT Board Sets DY15 Dues	send a copy to the Board of Finance	n/a
11/18/2013	Resolution: Launching The Downtown Parking Improvement Initiative	tasked to complete the downtown parking facilities assessment	no later than the end of 2014
11/18/2013	Resolution: Launching The Downtown Parking Improvement Initiative	Downtown Parking Management Plan will be presented to the City Council for adoption	no later than March, 2015
11/18/2013	Communication: Thomas Gustafson, VP for University Relations & Administration, Re; City of Burlington and University of Vermont Memorandum of Agreement Re: 2009 Zoning Amendments	referred to the Institution/Human Resources Committee with a report due back as to whether UVM is meeting the goals of the agreement and an assessment as to whether UVM is holding students accountable for off-campus behavior, and trends in the neighborhoods as they relate to UVM housing issues	2/10/2014
12/9/2013	Communication: CC Resolution -St. Paul Street Easement Deed Draft	"wtrapf" and referred to the Board of Finance	not-specified
1/13/2014	Ordinance: CDO--Neighborhood Mixed Use District Expansion ZA 14-05	referred to the Ordinance Committee	not-specified
1/13/2014	Communication: David E. White, re: Proposed Zoning Amendment - ZA - 14 - 05	referred to the Ordinance Committee	not-specified
1/27/2014	Communication: Jeff Munger, Chair, Airport Commission, re: Taxi Services	referred to the Board of Finance; copies sent to the OC/LC	not-specified
3/26/2014	Resolution: In Support of Resolution of CCTA Labor/Management Impasse	CCTA Commissioners are requested to report to the CC every 2 months on labor management relations at CCTA	every 2 months
3/31/2014	Resolution: Establishment of Nominating Committee for Commission/Board Appointments	report due back to the City Council by the Charter Change Committee	first meeting in November
3/31/2014	Resolution: Job Descriptions and Notification for Commission/Board Appointments	referred to the Charter Change Committee	not-specified

Resolution Relating to

AUTHORIZATION FOR THE APPROVAL OF LOAN
AND FINANCING OF A WATER PUMP FOR THE
PUBLIC WORKS DEPARTMENT WATER DIVISION

RESOLUTION _____

Sponsor(s): Board of Finance

Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

CITY OF BURLINGTON

In the year Two Thousand Fourteen

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, utilizing the Federal Safe Drinking Water Act (the “Act”) funding, the state of Vermont
2 Department of Environmental Conservation (herein called “the State”) has made nearly 20 Million Dollars
3 available to fund capital improvements that improve public health protection and facilitate compliance with
4 the Act through the State’s Water Supply Drinking Water Revolving Loan Program (the “Program”); and
5 WHEREAS, the Water Division of the Department of Public Works was awarded eligibility under the
6 Program to replace an inoperable 500 HP finished water pump with a smaller, high efficiency, variable
7 frequency drive controlled 400 HP pump (the “Project”); and
8 WHEREAS, Article 74 (§3-225) of the Burlington City Charter authorizes the City Council to make all
9 necessary repairs, extensions or improvements to the City water works and water pollution control plants and to
10 pledge the credit of the City to incur obligations to be paid in installments over a period of years to pay the cost
11 of such improvements; and
12 WHEREAS, the City Council found and determined that the interest of the City and the general public
13 interest and necessity require that the afore-described pump replacement improvement be made and authorized
14 the Department of Public Works Director, or his designee, to complete the Construction Loan Application for
15 Drinking Water Revolving Loan Funds under 24 V.S.A. Chapter 120 and to apply to the Vermont Municipal
16 Bond Bank (the “Bank”) for financing;
17 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington, Vermont, as
18 follows:
19 The City accepts the terms of the Approval of Loan Application from the State and shall borrow an
20 amount of not to exceed \$260,000.00 from the Bank (the “Loan”), for the purpose of purchasing a high efficiency
21 water pump. The Loan shall be primarily payable from the receipt of revenues of the water division, shall not
22 be a general obligation of the City, and shall mature within 20 years from the date it is extended to the City; and
23

AUTHORIZATION FOR THE APPROVAL OF LOAN AND FINANCING OF
A WATER PUMP FOR THE PUBLIC WORKS DEPARTMENT WATER
DIVISION

BE IT FURTHER RESOLVED that the Mayor, Chief Administrative Officer and Assistant Chief Administrative Officer for Finance are, and each one of them is, hereby authorized and empowered to execute and deliver (i) a loan agreement with the Bank to evidence the Loan and the repayment thereof, (ii) a bond, promissory note or notes in the principal amount of the Loan, (iii) such documents and instruments as the Bank may request in connection with the Loan, in such form and with such terms as they deem necessary and in the City's best interest, and (iv) such other documents and instruments necessary or convenient in connection with the Loan, subject to the prior review of the City's bond counsel, as necessary.

Martha R. Lang, Ph.D.
138 Colchester Avenue
Burlington, VT 05401
(802) 862-1094

April 2, 2014

President Shannon and Burlington City Councilors
City Hall
149 Church Street
Burlington, VT 05401

RECEIVED
2014 APR - 2 A 11: 50
BURLINGTON CLERK
TREASURER'S OFFICE

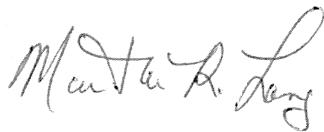
Re: Mr. Taft's Last Will and Testament

Dear President Shannon and Burlington City Councilors:

I am enclosing a copy of Mr. Taft's Last Will and Testament. Would you please read it carefully? On page three it is very clear what Mr. Taft's intentions were if the property was no longer used as a school. "...IN TRUST, to use the said homestead premises and any and all buildings thereon and the residuary portion of my estate, for the founding, erection, maintenance, and endowment of a home for indigent men...." How does an art studio, owned by UVM, meet the intent of Mr. Taft's Last Will and Testament?

Thank you very much.

Sincerely,



Martha R. Lang

LAST WILL AND TESTAMENT.

I, ELIHU B. TAFT, of the City of Burlington, make this my LAST WILL AND TESTAMENT revoking all other Wills made by me.

I leave nothing to my legal heirs.

I leave nothing in my Will to my faithful house-keeper, Alice Hurson, as I have otherwise provided for her.

I direct my Executors, within one year after my death, to erect a monument on my cemetery lot, like the sketch I leave herewith of light colored Barre granite with four corner posts of the same stone with a plain letter "T" on them.

To the City of Burlington, I give FIVE HUNDRED DOLLARS(\$500.) for the perpetual care and adornment of my lot in Lake View Cemetery, if I shall not have already so provided in my lifetime.

To my Executors I give certain remembrances which I wish distributed according to a written memorandum which I have prepared and will leave with my Will.

My homestead property at the southeast corner of Pearl and William Streets in the City of Burlington, Vermont, I give and bequeath to the CITY OF BURLINGTON, VERMONT, to be kept and maintained for school purposes,- the buildings thereon to be torn down and the front steps and terrace removed, as they extend into the street.

The rest and residue of my estate, real and personal, and wherever situated, I give and devise to the CITY OF BURLINGTON, VERMONT, with which to build a school house on my homestead lot as herein provided.

I wish a plain and substantial building of red brick

to be built and trimmed with Barre granite. I would suggest a one or two story building, with no tower or belfry, as the funds on hand will permit. The size and cost of said building to be determined by my Executors and the Building Committee of the Board of School Commissioners at the time when my Executors decide there is money enough on hand in my estate to build the same. Said building shall be called the "ELIHU B. TAFT SCHOOL".

If at my death the residue of my estate, which I have herein given to build a school building, in the judgment of my Executors is not sufficient for that purpose then I direct my Executors and authorize them to invest and re-invest such residue- say five or ten years- until such residue shall in their judgment be sufficient to build such school building.

I trust the School Commissioners will maintain a bed of flowers in front of said school building, both on Pearl and on Williams Street.


In case the City of Burlington shall not within two years after the probate of my will accept the gift of my homestead premises and the residuary portion of my estate in this Will contained, upon the conditions specified therein, or in case said homestead premises and any buildings at any time standing thereon shall not be kept or used by the City of Burlington for school purposes(except as same may be made use of by my Executors while my estate is being settled or accumulated), then and in either such event it is my will that any and all right, title and interest of the City of Burlington in and to said homestead premises and said residuary

portion of my estate shall cease and terminate, and in such event I do give, devise and bequeath my said homestead premises and any buildings standing thereon, and all the residuary portion of my estate, unto my Executors, and their successors, I N T R U S T, to use said homestead premises and any and all buildings thereon and the residuary portion of my estate, for the founding, erection, maintenance and endowment of a home for indigent aged men, to be known as "THE ELIHU B. TAFT HOME FOR AGED MEN"; and in such event I give my Executors and their successors, authority to cause a corporation to be formed under the laws of the State of Vermont for the purpose of receiving and holding this devise and bequest and accomplishing the objects thereof.

I name CLARENCE P. COWLES, EDMUND C. MOWER, HENRY B. SHAW, LEVI P. SMITH and HARVEY T. RUTTER, to be incorporators and trustees of such corporation, with power of succession.

I appoint CLARENCE P. COWLES and EDMUND C. MOWER, my EXECUTORS.

Burlington, Vermont, January 19th, 1927.

....Elihu B. Taft....

SIGNED, SEALED, PUBLISHED and DECLARED by the above named ELIHU B. TAFT, as and for his LAST WILL AND TESTAMENT in the presence of us, who in his presence and in the presence of each other, and at his request, and by his express direction have hereunto subscribed our names as witnesses thereto at the City of Burlington, Vermont, this 19th day of January, A.D., 1927.

Clarence P. Cowles
Edmund C. Mower
Harvey T. Rutter

C O D I C I L T O W I L L .

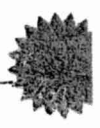
B E I T K N O W N that I, ELIHU B. TAFT, of the City of Burlington, County of Chittenden, and State of Vermont, declare this to be a first CODICIL to my LAST WILL AND TESTAMENT, which bears date of January 19, 1927.

In the event that the school-house provided for in my Will shall not for any reason be accepted and built, then and in that event instead of giving all of my estate for the establishment and maintenance of a Home for Indigent Aged Men, as provided in my Will, I do give and bequeath to the CITY OF BURLINGTON such sum of money not to exceed SIXTY THOUSAND (\$60,000) DOLLARS as may be needed to build a court-house for the City Court of the City of Burlington, and the residue of my estate to be used for the purpose of establishing and maintaining a Home for Indigent Aged Men, as provided in my Will.

In the event that neither a school-house nor City Court house is accepted by the City of Burlington, within two years after the probate of my Will, then it is my will that all of my estate, both real and personal, be used by my EXECUTORS for the establishment of a Home for Indigent Aged Men as provided in my Will.

In all other respects I ratify and confirm my said LAST WILL AND TESTAMENT.

I N W I T N E S S W H E R E O F, I hereunto set my hand and seal at the said City of Burlington, on this 29th day of October, A. D. 1928.

Elihu B. Taft 

SIGNED, SEALED, PUBLISHED AND DECLARED by the above named ELIHU B. TAFT, as and for a CODICIL to his LAST WILL AND TESTAMENT in the presence of us, who in his presence and in the presence of

each other, and at his request, and by his express direction,
have hereunto subscribed our names as witnesses thereto at
the City of Burlington, Vermont, this 29th day of
October, A. D. 1928.

Edmund C. Mower

C. S. Brownell

Marion C. Lewis

COVER MEMO FROM CLERK/TREASURER'S OFFICE TO CITY COUNCIL
[Consent Agenda]

From: Amy Bovee, Executive Secretary, Clerk/Treasurer's Office

To: City Council

Re: Applications for Renewals of License Agreements for Encumbrances Outside of the Church St. Marketplace for the 2014-2015 Season

Dear Councilors:

Below please find a list of businesses located outside the Church St. Marketplace who have submitted annual renewal applications. Each applicant has paid the appropriate fee, included with their application updated proof of insurance and all applicable endorsements; certified that their renewal does not amend, modify or otherwise change their existing License Agreement; and received certification by the Department of Public Works that their current license is in compliance with the terms of their existing License Agreement. We submit this list for your approval for License Agreement Renewals for the 2014-2015 Season pursuant to the process outlined in the unanimously adopted Resolution dated March 10, 2014.

If approved by the City Council, these renewal applications and accompanying documents, along with this communication, shall constitute a one year extension of the existing License Agreements through April 30, 2015.

- Livery Barn, Sign/Canopy, 156 St. Paul St.
- New Moon Café, Tables, Chairs, and Planters, 150 Cherry St.
- SAS Architects, Sign, 117 St. Paul St.

DELIBERATIVE AGENDA
LOCAL CONTROL COMMISSION
MONDAY, DECEMBER 9, 2013
CONTOIS AUDITORIUM, CITY HALL
7:05 P.M.

PRESENT: City Council President Shannon; Commissioners Bushor, Worden, Knodell, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Blais, Paul, Ayres and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood and Gene Bergman

CLERK/TREASURER'S OFFICE: Bob Rusten, Rich Goodwin, Scott Schrader and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Blais and Ayres the agenda was unanimously adopted as is.

2. CONSENT AGENDA

On a motion by Commissioners Blais and Ayres the agenda was unanimously adopted as is thus taking the following actions as indicated:

2.01. EXPANSION OF LIQUOR LICENSE SPACE: Radio Bean Coffeehouse
*waive the reading, accept the communication, place it on file and approve the expansion of liquor license space for Radio Bean Coffeehouse, an additional 25 seats, contingent upon Fire Marshal approval and all City permits being closed

3. FIRST CLASS RESTAURANT/BAR LIQUOR LICENSE APPLICATION (2013-2014):

2 Broke Guys, LLC, d/b/a Church Street Tavern, 103 Church Street

Commissioners Blais and Ayres made a motion to approve the First Class Restaurant/Bar Liquor License Application for 2 Broke Guys, LLC, d/b/a Church Street Tavern. The motion passed unanimously.

3.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):

2 Broke Guys, LLC, d/b/a Church Street Tavern, 103 Church Street

Commissioners Blais and Ayres made a motion to approve the Outside Consumption Permit Application for 2 Broke Guys, LLC, d/b/a Church Street Tavern. The motion passed unanimously.

4. FIRST CLASS RESTAURANT/BAR LIQUOR LICENSE APPLICATION (2013-2014):

Citizen Cider, LLC, 316 Pine Street, Suite 114

Commissioners Blais and Ayres made a motion to approve the First Class Restaurant/Bar Liquor License Application for Citizen Cider, LLC.

Commissioner Worden stated that he would recuse himself from this item as his firm is working with the applicant for permitting.

The motion passed unanimously; Commissioner Worden recused himself.

4.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):

Citizen Cider, LLC, 316 Pine Street, Suite 114

Commissioners Blais and Ayres made a motion to approve the Outside Consumption Permit Application for Citizen Cider, LLC. The motion passed unanimously. Commissioner Worden recused himself.

5. FIRST CLASS RESTAURANT/BAR LIQUOR LICENSE APPLICATION (2013-2014):

165 Church Street, LLC, d/b/a Zen Lounge, 165 Church Street

Commissioners Blais and Ayres made a motion to approve the First Class Restaurant/Bar Liquor License Application for 165 Church Street, LLC, d/b/a Zen Lounge.

Commissioner Mason stated that he would recuse himself from this item because he had worked with the applicants.

The motion passed unanimously; Commissioner Mason recused himself.

6. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission Meeting at 7:09 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

REGULAR MEETING, CITY COUNCIL
MONDAY, DECEMBER 9, 2013
7:09 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

City Council President Shannon spoke about the life and passing of Nelson Mandela.

1. AGENDA

On a motion by Councilors Mason and Bushor the agenda was unanimously adopted as amended as follows: note agenda item 10. RESOLUTION: Wastewater System Revenue Bond Supplemental Resolution No. 4 (Councilor Shannon) in final format; note proposed amendment to agenda item 11. RESOLUTION: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Ward Boundaries (Councilors Siegel, Ayres, Blais: Charter Change Committee); note proposed amendment to agenda item 11. RESOLUTION: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Ward Boundaries (Councilors Siegel, Ayres, Blais: Charter Change Committee); note proposed amendments to agenda item 11. RESOLUTION: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Ward Boundaries (Councilors Siegel, Ayres, Blais: Charter Change Committee); add to the agenda item 11.03. COMMUNICATION: Councilor Decelles, re: Proposed Amendment to Re-districting Plan.

2. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014):

Citizen Cider, LLC, 316 Pine Street, Suite 114

Councilors Blais and Ayres made a motion to approve the Indoor Entertainment Permit Application for Citizen Cider, LLC.

Councilor Worden stated that he would recuse himself, as his firm was performing permitting services for the applicant.

The motion passed unanimously; Councilor Worden recused himself.

3. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014):

165 Church Street, LLC, d/b/a Zen Lounge, 165 Church Street

Councilors Blais and Ayres made a motion to approve the Indoor Entertainment Permit Application for 165 Church Street, LLC, d/b/a Zen Lounge.

Councilor Bushor inquired about a statement at the bottom that stated there could be no nudity or adult theater without obtaining a special event permit. Councilor Blais stated there is a person affiliated with the company that has a history of providing that type of entertainment. They wanted to ensure that the owners understood they would want to review that type of event ahead of time.

Councilor Mason stated that he would be recusing himself from this item because of a conflict of interest.

The motion passed unanimously; Councilor Mason recused himself.

4. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:27 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Robert Bristow-Johnson	Ward 7 Resident	Redistricting
Alan Matson	Ward 6 Resident	Redistricting
Dan Mulligan	Ward 5 Resident	Smoke Free Downtown
Kurt Wright	Ward 4 Resident	Redistricting
Jim Holway	Ward 4 Resident	Redistricting

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:44 p.m.

5. CONSENT AGENDA

On a motion by Councilors Decelles and Bushor the consent agenda was unanimously adopted thus taking the following actions as indicated:

5.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:
Accountability List

*waive the reading, accept the communication and place it on file

5.02. RESOLUTION: Approving The Purchase of Equity in VT Transco, LLC by Burlington
Electric Department (Councilors Shannon, Bushor, Aubin: Board of
Finance)

*waive the reading and adopt the resolution

5.03. RESOLUTION: Amendment of the FY 2014 Police Department Budget to Move Base
Salary Funds to Overtime Account (Councilors Shannon, Bushor, Aubin:
Board of Finance)

*waive the reading and adopt the resolution

5.04. RESOLUTION: Delegation of Authority for Budget-Neutral Amendments Within City
Departments' Individual Budgets (Councilors Shannon, Bushor, Aubin:
Board of Finance)

*waive the reading and adopt the resolution

5.05. RESOLUTION: Authorization to Execute Agreement Addendum with The Hertz
Corporation at Burlington International Airport (Councilors Shannon,
Bushor, Aubin: Board of Finance)

*waive the reading and adopt the resolution

5.06. COMMUNICATION: Ryan Betcher, Burlington International Airport to Board of Finance, re:
City Council Approval Request – Addendum to Temporary Ground
Lease for Hertz Car Rental

*waive the reading, accept the communication and place it on file

5.07. RESOLUTION: Authorization for Financing and Purchase of Operating Equipment at
Burlington International Airport (Councilors Shannon, Bushor, Aubin:
Board of Finance)

*waive the reading and adopt the resolution

5.08. COMMUNICATION: Burlington International Airport to Finance Board, re: City Council
Approval Request – Financing and purchase of Vehicles & Equipment

*waive the reading, accept the communication and place it on file

5.09. RESOLUTION: Authorization for Modification of Passenger Boarding Bridge at
Burlington International Airport (Councilors Shannon, Bushor, Aubin:
Board of Finance)

*waive the reading and adopt the resolution

5.10. COMMUNICATION: Burlington International Airport to Finance Board, re: City Council
Approval Request – Modify Terminal Passenger Boarding Bridge

*waive the reading, accept the communication and place it on file

5.11. RESOLUTION: Authorization to Execute Lease Renewal with Greyhound Lines, Inc.
at Burlington International Airport (Councilors Bushor, Aubin, Knodell:
Board of Finance)

*waive the reading and adopt the resolution

- 5.12. COMMUNICATION: Ryan Betcher, Burlington International Airport to Board of Finance, re: City Council Approval Request – Greyhound Lease Space Renewal

*waive the reading, accept the communication and place it on file

- 5.13. RESOLUTION: Authorization to Execute Lease Renewal with Federal Express Corporation for 73 Customs Drive at Burlington International Airport (Councilors Shannon, Bushor, Aubin: Board of Finance)

*waive the reading and adopt the resolution

- 5.14. COMMUNICATION: Ryan Betcher, Burlington International Airport to Board of Finance, re: City Council Approval Request – Federal Express Lease Renewal

*waive the reading, accept the communication and place it on file

- 5.15. COMMUNICATION: Bill Watterson, General Manager, CCTA, re: FY15 Budget Meeting

*waive the reading, accept the communication and place it on file

- 5.16. COMMUNICATION: Andy De Fatta, re: Draconian gun laws

*waive the reading, accept the communication and place it on file

- 5.17. COMMUNICATION: Charles L. Delaney, Assistant Judge and Constance C. Ramsey, Assistant Judge, re: Pre-Budget Meeting

*waive the reading, accept the communication and place it on file

- 5.18. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City Commissions/Boards (**no applications; no one applied**)

*waive the reading, accept the communication and place it on file

- 5.19. COMMUNICATION: Elise Marks, Fairmont Place, 7, re: Opposes F-35 basing at the Burlington Airport

*waive the reading, accept the communication and place it on file

- 5.20. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Manhattan Pizza, 167 Main Street, 12/23/13, 9:30 p.m. – 2:00 a.m., Band/DJ, amplified music

*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Manhattan Pizza

- 5.21. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (December dates):

Pacific Rim, 161 Church Street, DJs and Bands, Dancing, Amplified music, 10 p.m. – 2 a.m.

*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for Pacific Rim for specific dates in December only

- 5.22. COMMUNICATION: CAO Rusten, re: Budget Amendment Report First Quarter 2014

*waive the reading, accept the communication and place it on file

- 5.23. COMMUNICATION: Rich Goodwin, Assistant CAO – Finance and Administration, re: Sweep Accounts & Other Bank Accounts – Pooled Cash Report

*waive the reading, accept the communication and place it on file

- 5.24. COMMUNICATION: Clerk/Treasurer's Office, re: September financials

*waive the reading, accept the communication and place it on file

- 5.25. COMMUNICATION: Clerk/Treasurer's Office, re: Sweep Accounts & Other Bank Accounts October 2013

*waive the reading, accept the communication and place it on file

- 5.26. COMMUNICATION: Clerk/Treasurer's Office, re: October financials

*waive the reading, accept the communication and place it on file

- 5.27. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, July 15, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the November 18, 2013 City Council Meeting

- 5.28. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, August 12, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the November 18, 2013 City Council Meeting

- 5.29. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, September 9, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the November 18, 2013 City Council Meeting

6. PUBLIC HEARING: Section 108 Guarantee Loan Funds

Peter Owens, CEDO Director, stated that this was an application for an existing source of federal funding that the City Council approved years ago. They were advancing a number of projects on the waterfront. This hearing was part of a prospective amendment of that application to preserve the opportunity to roll this funding into a prospective new project. The merits of the Moran proposal itself will be part of a larger discussion about the final slate of projects through the PIAP process.

Councilor Bushor stated that there was a section outlining the conditions of the funding. One talked about activities that would benefit low and moderate income activities. The only place where she could see that being provided was through the sailing center. There was no definitive statement within that. She inquired how they would prove that moving forward. Kirsten Merriman-Shapiro, Special Projects Manager, CEDO, stated that the building was within a HUD recognized building revitalization strategy area, so it was considered low and moderate income. All jobs created by this project were considered to provide opportunity for low and moderate income people. Councilor Bushor inquired if it only applied to job creation and not to accessibility for low and moderate income people. Ms. Merriman-Shapiro stated that section related to the benefits of jobs. Mr. Owens stated that they were working within HUD's definition of how they determine low and moderate income benefits. Ms. Merriman-Shapiro stated that it was also a public facility that would service a low to moderate income population. Councilor Bushor stated that she understood how this met the definitions as required by HUD. As a City Councilor, she will want to see how people of low and moderate income can access activities there.

City Council President Shannon opened the public hearing at 7:25 p.m.

No one came forward to speak.

There being no one coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 7:25 p.m.

6.01. COMMUNICATION: CEDO, re: Legal Notice

Councilors Bushor and Decelles made a motion to waive the reading, accept the communication and place it on file.

Councilor Worden stated that he would recuse himself from this vote since his firm has worked on the Moran Plant.

The motion passed unanimously; Councilor Worden recused himself.

6.02. COMMUNICATION: DRAFT Burlington Amended Section 108 Loan Application
New Moran: Redevelopment of a Derelict, Coal-fired Power Plant

Councilors Bushor and Decelles made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously; Councilor Worden recused himself.

7. PRESENTATION: Bill Watterson, General Manager, CCTA and Stephen L. Carlson,
Project Development Manager, Chittenden County Transportation
Authority, re: Downtown Burlington Station

Bill Watterson, General Manager, CCTA, stated that they have made progress on the Downtown Transit Center and now need to discuss an easement with the City.

Steve Carlson, CCTA, stated that he was pleased to be here to discuss the easement that will be needed for the Transit Center in Downtown Burlington. The bus terminal was once located on St. Paul Street north of Main Street. The busses would pull up and park on the street. There were some indoor amenities and a place to wait outside of the elements. It was upgraded over the years and was attached to a restaurant. When they started this process, the first thing they did was array the possible sites they could use. They identified 37 locations that they considered. The list went through a site selection and review process and they narrowed it down to 9 choices. They considered these further and selected St. Paul Street as the preferred alternative. The core piece of the site plan is an area on St. Paul Street with a center platform and five bus berths on each side. There will be a small transit station building adjacent to Cherry Street. To get the busses and doors lined up on St. Paul Street they had to change the direction of traffic flow. There will also be bus berths along Pearl Street and Cherry Street for a total of 21 bus berths. It is located in an area that uses public space for a public purpose, it does not remove property from the tax rolls, it is conveniently located, it eliminates busses crossing the Church Street Marketplace and it will provide Burlington with a first-class transit station. The berths on Pearl and Cherry Streets are contiguous and convenient to the transit center. They have had over 95 meetings with interested parties and have good support from local businesses, residents and City officials. The facility was originally designed to have two stories and a canopy that extended from Cherry Street to Pearl Street. There would have been a wall on the western side of the project with a masonry base and glass extending to the canopy. Through the design process, it evolved into a one story building with the functions below the main level. There are still two levels, but one is below the ground. They also pushed back the canopy because the Historic Preservation Community was interested in them maintaining the view of the Cathedral of Immaculate Conception. It will be a one story structure with a narrower canopy extending from Cherry to Pearl Street. There will be a fence instead of a wall on the west side of the project. They have worked with a wind consultant who helped them with issues related to nitrogen dioxide and diesel odor. He displayed models of how the structure will look. They will have markers on the platform showing what each bus

berth is. There will also be timepieces to keep everyone on schedule. There will be monitors with arrival and departure information. They will have glass panels to provide a windbreak. There will be a radiant heating system overhead to allow people to warm up while waiting outside. The station will have an employee break facility, a glassed in ticket booth, a lobby and waiting area, two public restrooms and a small concession space. They are talking with the Vermont Division for the Blind who runs the concession facility in the State Office Building. They are working to see what they need to do to make it viable. There will be an ADA window and a full height window at the ticket booth. On the lower level there will be an employee break space with a small kitchenette, bathrooms and lounge area. The project has gone through the site selection process, the environmental policy act review and the preliminary engineering. They are close to having an agreement on utility relocation with DPW and Burlington Electric. They are now beginning a conversation about the right of way agreements that will be needed. The final design will be done by March and they will begin pre-construction and construction phases after that. The easement will cover 6 roadway segments- St. Paul Street itself, the north and south sides of Pearl Street both east and west of St. Paul Street and the north side of Cherry Street. St. Paul Street will be an exclusive bus way. The cars entering the Zampieri State Office building will be permitted to use the southbound lane to enter and exit the parking garage. The term of the easement will be 99 years.

Councilor Bushor stated that she is very excited about this. She inquired how access to the parking garage is guaranteed. Mr. Carlson stated that it should be added to the deed and resolution. It is something they intend to do. They also said that the City would have access to the utilities and that will be included in the easement. Councilor Bushor stated that there is a section about early termination and inquired if there needed to be specific stated reasons for termination of the agreement.

Councilor Brennan inquired how they plan to keep glass clean and how they will keep the public free from exhaust fumes. Mr. Carlson stated that the canopy covers only half of the bus so all of the exhaust fumes are outside of the canopy. There are currently 8 glass shelters downtown and they have a regular maintenance crew that cleans the shelters to make them look nice.

Councilor Mason stated that the spots for the busses on Cherry and Pearl Streets are exclusive. They are losing a lot of parking in those areas and inquired if they could be available for public parking on Sundays and after hours. Mr. Carlson stated that they first will create an easement so they can use those areas for bus parking and loading. They will then work with DPW each year on a plan that says how much can be used for public parking separately from the easement. They will address parking issues on an annual basis. City Council President Shannon suggested that the easement could acknowledge that there will be a separate agreement regarding parking.

Councilor Siegel stated that she has overheard people talking excitedly about this. She inquired if there is anything in the plan to address bike storage. Mr. Carlson stated that they have been working with DPW to have covered bike storage on the south side of Cherry Street where one of the current shelters is. The company that manufactures the shelters will design a similar looking covered bike storage facility. Councilor Siegel inquired how many bikes it would be able to hold. Mr. Carlson stated that the current shelter is 27 feet long so it would be able to hold many bikes.

City Council President Shannon stated this will be referred to the Board of Finance with a report back date by the end of January. She is glad to see this moving forward.

Councilor Worden stated he will recuse himself from the vote, as his firm is providing engineering services for this project.

7.01. COMMUNICATION: CCTA, re: Downtown Burlington Station Power Point Presentation to the City Council, December 9, 2013

Councilors Bushor and Brennan made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously; Councilor Worden recused himself.

7.02. EASEMENT DEED

Councilors Bushor and Brennan made a motion to refer the easement deed to the Board of Finance with a report back date of no later than January 27. The motion passed unanimously; Councilor Worden recused himself.

7.03. CITY COUNCIL RESOLUTION-ST. PAUL STREET EASEMENT DEED DRAFT

Proposed action: discuss and refer to the Board of Finance

Councilors Bushor and Brennan made a motion to refer the draft resolution to the Board of Finance with a report back date of no later than January 27. The motion passed unanimously; Councilor Worden recused himself.

8. ORDINANCE: HOUSING—Fees (Code Enforcement, Councilors Bushor, Knodell)

Proposed action: suspend the rules and place in all stages of passage

Councilors Knodell and Bushor made a motion to suspend the rules and place in all stages of passage.

Councilor Knodell stated that this would amend the ordinance that sets out their minimum housing inspection system. It increases the fee that is charged to apartment owners to support Code Enforcement apartment inspections from \$75/unit to \$100/unit. It has been ten years since the fee was increased. They have a high performing office and their budget is well managed. There comes a time when they need to adjust the fee to support the program. They need the program to have a high quality of life. The current budget is based on an annual fee of \$100.

Councilor Bushor stated that the ordinance does reflect that if it is owner occupied or there are 2 units or less the fee remains at \$75. It has been a long time coming. She inquired if the owners of investment properties have been notified of this. She inquired how they intend to get the word out. It is better to give them up front information before sending them the bill. Bill Ward, Code Enforcement Director, stated that last year when they were working on the recycling ordinance, they met with landlords to solicit feedback. They included large and small landlords and they were clear that they planned to move forward with the increase. Word spreads fast and the Vermont Apartment Owner's Association knows about this. There was a City Council Work Session aired on Channel 17 that included the increase in the discussion. They will continue to have conversations with them as they prepare their bills. Councilor Bushor stated that there are always concerns when they increase a fee about how that will be absorbed by people living in the dwellings. There is a concern that landlords will increase rents disproportionately to the amount their fees are being increased. She inquired if there is a way of checking how this will play out for the tenant. Mr. Ward stated that the increase amounts to \$2 per month per unit. He suspects there will be \$5-\$10/month increases. They cannot control that. They need to do what they can to continue operating as a code enforcement office. They have made a lot of changes and added staff but have not raised their fees. All of their budget items have increased. The increased revenue will make a big difference for their office. Councilor Bushor stated that there was an effort to inform the property owner of what their anticipated increases in fees would be from their trash haulers when they made changes in their recycling program. She wishes they could offer the tenant the courtesy of letting them know there could be an increase. She is concerned about abuse.

City Council President Shannon stated that she is a landlord and rents have generally increased over the last ten years. This increase may or may not be passed along to tenants. It will be hard for them to tell

because it is likely they would have seen a rent increase anyway. As a landlord, she thinks this is a small thing to be asked for.

Councilor Worden stated that he supports this. The flipside to a potential increase in rent costs is the benefit that tenants are receiving by having someone look at the condition of the units on their behalves. His one reservation is that they have increased the homeowner occupied rental units by 50% by increasing the fee from \$50 to \$75. Those are the rental units that they want to encourage, since they have someone living on the premises, caring for the property, and being attentive to the tenants. For those not living on site, the fee was increased only 33%. He hopes they will think about these proportions in the future.

The motion passed unanimously.

8.01. COMMUNICATION: Bill Ward, Director, Code Enforcement Office, re: Amendment to Chapter 18

Councilors Knodell and Bushor made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

9. RESOLUTION: Approving The Issuance and Sale of Wastewater Revenue Refunding Bond Anticipation Notes, Series 2013 (Councilor Shannon)

Councilors Mason and Knodell made a motion to waive the reading and adopt the resolution.

Councilor Mason stated that this resolution seeks authorization for wastewater revenue refunding bond anticipation notes which will be used to repay the 1990 Series 1 Bonds in an original principal amount of \$5,378,105 and the 1992 Series 1 Bonds in an original principal amount of \$15,449,196 which was subsequently increased to \$19,403,807. His understanding is that the current outstanding principal amount is about \$15 million. The balloon payment on those is due on December 31 of this year. The City has set aside no funds to repay this. They are working with the Vermont Municipal Bond Bank with this issuance which will amortize the debt over 20 years.

Thomas Melloni, Esq., Burak, Anderson, Melloni, stated that there were two resolutions before the Council tonight. The first related to a Bond Anticipation Note financing. The second was for long term bonds to be issued to the Vermont Municipal Bond Bank. In 1988, the voters of the City approved loans up to \$26 million to finance a Lake Champlain Pollution Abatement Project. There were upgrades to each of the City's wastewater treatment plants as well as a sewer overflow system. The City issued \$5.5 million of revenue bonds in 1990. Those were paid off in 2010. The second series was for \$14,570,000 which was coming due. The City has gone to the Vermont Municipal Bond Bank which is a state agency. They typically issue their bonds and use the proceeds to make loans to local municipalities within the State. Because they carry the credit support of the State of Vermont, they have an AA Credit Rating and are able to borrow at a lower rate than someone with a lower credit rating. They are not scheduled to close on their new bond issuance until the first week of January. This leaves a period of time when the City's payment of the 1992 Wastewater Revenue Bonds will be due but the new issuance will not have closed with the Bond Bank. The CAO's Office has negotiated for a Bond Anticipation Note which would be a bridge financing. It will be issued at the end of December and the proceeds will pay the bond that is coming due. In the first week of January, they will issue a bond with the Vermont Municipal Bond Bank with a 20 year payment term. The original bonds had extremely low principal payment terms in the early years. The intent was to allow the City time to construct the system, but the final construction and audit was not completed until year 2000. The City was also given time to establish wastewater rates to make the principal payments on the financing. The amortization was expected to be pushed off to now. The long term bond resolution was changed. In 1990, the City Council adopted a Wastewater Revenue Bond

resolution. They found some typographical errors and some corrections that needed to be made to the resolution. They are not material to the overall transaction.

Councilor Mason inquired if the \$15 million bond was part of the Vermont Municipal Bond Bank's regular issuance that will include other municipalities. Mr. Melloni stated that the Vermont Municipal Bond Bank was going to the market. One will refinance outstanding debt that they have incurred. The second is a special bond offering that they are doing to the public that has the City of Burlington's wastewater revenue bonds as well as a financing for St. Albans' TIF Financing. The City of Burlington's Wastewater Revenue Bonds are not issued to the public, but to the Vermont Municipal Bond Bank as evidence of the loan repayment obligation. The Vermont Municipal Bond Bank holds the bonds as security. Councilor Mason stated that the first resolution is a bridge to get them to the time when the Vermont Municipal Bond Bank issues the bonds. He inquired if there would be problems with the bridge financing if something were to go wrong with the financing from the Vermont Municipal Bank. ACAO Goodwin stated that the Bond Anticipation Note has a maturity date of March 31, which gives them 90 days.

Mayor Weinberger stated that this vote is a sign of progress and good decisions that they have made. The anticipation of the need to do this refinancing is something that the CAO's office has been aware of. Changes they have made to the rate structure have prepared the City to be able to close on this financing. This is the first time that they have done a transaction like this with the Vermont Municipal Bond Bank. It was not available to the City previously. The fact that it is available now that there is a sense with the leadership of the Bond Bank that the City is moving in the right direction. This will result in a savings of millions of dollars over the life of the bond by doing this through the Bond Bank.

Councilor Brennan stated that he thought they were trying to get away from short term borrowing by issuing the Fiscal Stability Bond. He inquired why this short term borrowing is necessary. Mayor Weinberger stated Bond Anticipation Notes are a form of short term financing. They can be used responsibly, such as in this situation, which is a matter of seven days. This will result in a better interest rate for the City in the long term. The short term financing allows them to be part of the larger bond package. Mr. Melloni stated that this is part of a larger offering that the Vermont Municipal Bond Bank is doing. They are in the marketplace now soliciting bids to get the most favorable rate. They need time in order to close. This is not a typical short term borrowing that is being relied upon. It is a bridge to allow them to make their payment on time and then wait for long term bonds. ACAO Goodwin stated that they could have closed on December 31 or January 1, but they did not want to do that. It made sense to do the closing on January 7 to get a more favorable rate. The rate on the short term borrowing is 2.75%. This is actually lower than the interest rate they will pay in the long term. City Council President Shannon stated that the rate will be predictable in the short term borrowing. ACAO Goodwin stated that the rate on the Bond Anticipation Note will vary on a daily basis, but the rate is lower than the rate on a long term borrowing. The rate that is available has been less than 3% for the last 6 months, so he is confident that they will be in good standing from now until January 7.

Councilor Knodell stated that wastewater rates have been increased in preparation for this long term financing. She inquired if rates will go up further to service this debt. CAO Rusten stated they are unsure about rate increases in the coming years. They are working to create a 20 year rate structure. They began to do that for the Bond Bank to demonstrate that they will be able to make their payments. They do not yet know all of the other operating costs. It would be imprudent to make any guarantees about rate increases in the coming years.

Councilor Worden stated that more than the treatment plant that make up the rates. They also have infrastructure and other treatment plants in the City. It is a complex question that does not relate just to this bond. He inquired about the anticipated longevity of the treatment plant that is supported by this bond. ACAO Goodwin stated that the useful life of that asset is 50-75 years.

Councilor Bushor stated that the balloon payment was anticipated. A proposal came forward with a slate of increases in Water and Wastewater rates to begin to cover the anticipated cost of refinancing. The rationale for not refinancing immediately was that they needed to show that they had done something to cover these costs. There was a plan that projected out some increases. She hopes they can find that as they move forward with the 20 year plan. She is hopeful that they can look at that and revise it. They do not want to have a rate increase that is a shock to the ratepayers.

Councilor Knodell stated that she is supportive of this. She inquired if there will be a request to increase the Wastewater rates in the FY15 budget because of the fact that they have refinanced. She understands there are other factors that go into rates. CAO Rusten stated that they would have had to come in for a much bigger increase if they had not refinanced in this way. He could say that there would not be a rate increase because of this refinancing, but he does not want it to appear that there will be no increase. When they looked at building the rate structure, they looked at operating expenses they were expecting. It was built with this refinancing built into it. Without a long term rate analysis, they are more likely to see spikes in the rate. They are working to develop long term capital programs to avoid major increases. They hope to achieve some stability.

Councilor Worden stated that they want to be careful to get that information. He recalls that the intent of changing the rates was to be able to refinance the debt.

Mayor Weinberger stated that this is something that was discussed during the budget discussions. The combined Water and Wastewater rates are in the middle of the pack compared with the rest of the state. The costs of the bonds will be fixed for the next 20 years. In that sense, the refinancing will not drive increases from here. However, there may be a need, and will likely be a need for modest increases in coming years. There was a long period of time when there were no increases, which is what has caused the recent spike. The goal would be to have a more measured, incremental increase over time.

The motion passed unanimously.

10. RESOLUTION: Wastewater System Revenue Bond Supplemental Resolution No. 4
(Councilor Shannon)

Councilors Mason and Knodell made a motion to waive the reading and adopt the resolution. The motion passed unanimously.

11. RESOLUTION: March 4, 2014 Annual City Meeting—Proposed Charter Change Re
Ward Boundaries (Councilors Siegel, Ayres, Blais: Charter Change
Committee)

The Council took a brief recess.

City Council President Shannon stated that several Councilors wanted to offer amendments to the resolution. She requested that they work through the process of bringing amendments to the 4/8/12 plan before bringing forward a completely different plan.

Councilors Siegel and Knodell made a motion to waive the reading and adopt the resolution.

Councilors Decelles and Siegel made the motion to amend the resolution to change the term of office from three years to two years.

Councilor Blais stated that he was on the Charter Change Committee and supported the three year term. The recommendation for a three year term stems from the problems that are inherent in a 4/8/12 plan. One

of the significant issues is that those seeking one of the four district offices will have a daunting task of engaging ¼ of the population of the City. This will require a time and financial commitment. Asking a candidate to run a campaign covering ¼ of the City every two years will significantly discourage qualified candidates from running. The Charter Change Committee suggested having a 3 year term for the districts and a 2 year term for the wards. That seemed problematic, because it creates the impression that the Councilors representing districts are more powerful. He is not keen on 3 year terms, but out of fairness to candidates running for districts, their terms should coincide with that of the Mayor.

Councilor Paul stated that they are not just voting to change the length of the terms, but also on how that would happen. City Council President Shannon stated that the transitional provisions section will also be changed. Senior Assistant City Attorney Bergman stated that the proposal is for a strike-all from 311-322 and then line 331-332 and replacing it with new language. City Council President Shannon stated that they do not have any changes to section 3. Senior Assistant City Attorney Bergman stated that they need to amend section 3 to be consistent with the other proposed amendments. Councilors Decelles and Siegel accepted the amendment as friendly. Councilor Paul inquired if the proposal would have someone running for a ward seat in 2014 running three years in a row. Councilor Decelles stated that was correct.

Councilor Knodell stated that the conversation with the public has been about redistricting and how to reapportion the City population to meet their legal requirement so that all voters in the City are equally represented when they elect Councilors. The issue of the term of Council is something that is a completely new topic that came up very late in the process. They have not had an opportunity to talk to neighbors about changing the term from one year to two years. She felt it was too late to introduce a change in terms. In the limited conversations she has had, the preference was to elect councilors every two years. She would prefer to return to two year terms.

Councilor Brennan stated that he was in favor of a two year term. He believed that it was late and the public had not vetted changing the term length. Two year terms allowed for continuity in the Council but also maintaining more of a citizenship role. Moving to a three year term would move them away from the public.

Councilor Bushor stated that she supported the concept of two year terms, but she does not think it was advantageous to support an amendment that states Councilors have to run three years in a row. She wants them to come up with something fairer than what has been suggested.

Councilor Mason agreed with Councilor Bushor. They have lost two members to family commitments, and he has a hard time asking half of the Council to run elections three years in a row as this would require. He appreciates the concept, but they will have a hard time recruiting people for this volunteer body if they have to run three years in a row. It is important to have an institutional memory on this body.

Senior Assistant City Attorney Bergman stated that the motion to amend should also include a strike-all and replacement for lines 543-556. There are two sections of the Charter that mirror each other. Councilors Decelles and Siegel accepted the amendment as friendly.

Councilor Blais stated that an inherent flaw with 4/8/12 is that it will require this sort of jumping through hoops to get them on board to have consistency in ward elections. It came through Charter Change and they spent hours trying to figure out how to transition to 4/8/12. Those who are trying to figure out how to do this should revisit the question of whether they will support 4/8/12.

Councilor Hartnett inquired if there is any way that they can run the ward seats for a three year term one time and then have two year terms after that. City Council President Shannon stated that it would have to be written into the Charter. Councilor Hartnett suggested they look at that option. Fairness trumps everything when drawing lines.

Councilor Siegel stated that they would also need to amend line 529 to change the word three to two. Senior Assistant City Attorney Bergman stated that would affect the Mayor's term. Councilor Siegel stated that the way that the resolution stands, there are Councilors that will have to run three times in a row whether they amend it or not. The idea that half the Council would have to run three times in a row is an exaggeration because they will be a 12 person Council. This will affect 4 people, not 7. Only the ward people would be elected for one year.

Councilor Paul stated that she is in favor of two year terms, but she is not in favor of this amendment because it will require Councilors to run three years in a row.

Councilor Knodell stated that in this approach of implementing two year terms, the wards will first elect their ward Councilor. In the following year, they will elect their district Councilors. There will not be a mixture in any given year.

City Council President Shannon requested a roll call.

The motion to amend the resolution on lines 311-322, 331-332, and 543-556 to change the term of all Councilors from three years to two years passed by a vote of 9-5.

AYES: Councilors Aubin, Ayres, Brennan, Decelles, Hartnett, Knodell, Siegel, Tracy and Worden

NAYS: City Council President Shannon, Councilors Blais, Bushor, Mason and Paul

Councilors Brennan and Siegel made a motion to amend the resolution on line 342 to strike the words male or female. The motion passed unanimously.

Councilors Brennan and Ayres made a motion to amend the resolution on pages 15, 16 and 17 to change the number of School Commissioners from eight to twelve.

Councilor Brennan stated that he changed the transition expiration to 2014 because he did not see the need to make a clean break. Senior Assistant City Attorney Bergman stated that his first concern relates to the expiration of the terms as of April 2016. What that does is perpetuate the constitutional problem which is why they have accelerated the transition to 2015. The second problem is that they need to add the words "ward and" on lines 639. On line 668, they need to specify that they are not electing anyone in 2014. They need to move to a staggering situation. Councilor Brennan stated that there were hearings for people to speak on this issue. The public expressed interest in having a 16 member School Commission. It is important to maintain the opportunity to maintain diversity on the School Board. As they look at School Boards across the State, they are predominantly white males. By shrinking the number of School Board members, they would replicate that trend of having white males dominate. Burlington's School Board has been dealing with diversity issues for a long time. It is important to listen to the voices of those who spoke and have it mirror what happens at the Council level.

Councilor Mason inquired if they are able to adopt the amendment that is in front of them. Senior Assistant City Attorney Bergman stated that they would have to amend the amendment to make it work. It cannot be adopted as is. He suggested that they mirror what has been done with the City Councilors. Councilor Mason inquired how the sponsors would like to change this so they can debate it.

Councilor Ayres suggested adopting the same transitional format that they used for the City Council. City Council President Shannon inquired if they can adopt a concept and create the actual language later. Assistant City Attorney Bergman stated they should adopt the language now. They do have another meeting at which they could do this. City Council President Shannon inquired if the amendment is out of order due to the fact that they do not have the language before them. If the desire is to go through with the

amendment in concept, they would need to refer it to the Charter Change Committee to return with language to vote on. Senior Assistant City Attorney Bergman stated that was correct.

City Council President Shannon stated that the amendment was not in order and needed to be retracted. She suggested they could wait until the end of the process and then make a motion to refer it to the Charter Change Committee to make the change. Without having the language in front of them that is the only way to move it forward.

Councilor Bushor stated that she wants to be assured that the Charter Change Committee can contemplate a two year term in a different way than what was adopted. She inquired how that would happen. City Council President Shannon stated that if someone makes a motion to refer to Charter Change, they can include any topic that the Council desires.

Councilors Blais and Mason made a motion to amend section 3-19 on lines 404-406 to state that Annual City Elections will be held at districts and not at wards.

Councilor Blais stated that that this was an issue that came before the Charter Change Committee. The City Clerk's Office talked about the logistical and administrative hassles involved with having 8 polling places. In an ideal world, having 8 polling places would be best. However, it poses a logistical administrative problem for the City Clerk's Office to get ballots for people to vote. To administratively accomplish that in 8 wards would be unduly complex and expensive.

Councilor Bushor stated that she is not unsympathetic to the needs of City Administration, but she is more sympathetic to the voters. People look to their polling place as a place to congregate. People come to vote, but also to make contact with other voters. It is like the local post office that they have worked to eliminate, but it is a meeting place. She does not support this amendment. She thinks that the ward polling places are important. People can walk to them and they are like a neighborhood school.

Councilor Brennan stated that he appreciates the Administration's burden in developing ballots, but there are times even in the current wards where lines build up and people have to wait to vote. There is not a lot of room in the building. He can only imagine that the lines would double as a result of reducing the numbers. Across the country, there have been efforts made to reduce polling places which has discouraged voters. He is opposed to reducing the number of polling places. He supports every effort to make voting inviting and welcoming for people to make voting their civic duty.

Councilor Hartnett stated that going to 4 polling places would create excitement and bring neighborhoods together. People would adapt. They think of the worst case scenarios, but voters adapt to change well. The New North End recently changed polling places and people love it. It is an opportunity to create excitement along with the new boundary lines. It would be a common link.

Councilor Siegel stated that she has tremendous respect for City workers, but her interest as an elected official and as a person committed to equity falls more heavily on the voters. With only four polling places, less people would bother going because there are people with no cars. Getting on and off of public transportation is not a simple task for someone running multiple errands. If they have to travel further and cannot walk to the polling places, it will discourage participation, which is already low. It will also discourage people from walking if there is inclement weather. People already leave without voting when there are very short lines. The lines have never gotten very long in Burlington, but they live in a culture where people do not wait. Longer lines will discourage even more people. She feels they need eight polling places because she does not want voter participation to be even more diminished than it already is.

City Council President Shannon requested a roll call.

The motion to amend lines 404-406 to read districts instead of wards failed by a vote of 6-8.

AYES: City Council President Shannon, Councilors Aubin, Blais, Hartnett, Mason and Worden

NAYS: Councilors Ayres, Brennan, Bushor, Decelles, Knodell, Paul, Siegel and Tracy

Councilor Decelles inquired what the process going forward will be. If this were to be sent back to Charter Change, would it return to the Council with final language for the ballot. City Council President Shannon stated that she would expect them to return with language to put on the ballot. If it is not sufficiently prepared, it will be referred to Charter Change for them to return to the full Council. Councilor Decelles inquired why they could not adopt the amendment tonight. City Council President Shannon stated that it must be in writing for them to vote on it. They can vote on it if someone can produce that language.

Councilor Bushor stated that there was an amendment that says the Board of Civil Authority will determine polling places. City Council President Shannon stated that amendment was not moved.

Councilors Brennan and Blais made a motion to strike all and amend the resolution to change the plan to 7 wards with 13 councilors.

Councilor Brennan stated that this is the first time the full Council has had an opportunity to vote on this map. He believes that the lines keep neighborhoods together. The ward 8 proposed in the 4/8/12 plan creates a significant burden of one type of voter. There are minimal year round voters. He believes 7/13 would be better for the voters overall. There is opposition in the New North End towards this plan, but they have a whole City to think about. He does not believe it creates undue burden.

Senior Assistant City Attorney Bergman stated that they have not yet drafted language for this amendment. City Council President Shannon stated that this would have to be referred to the Charter Change Committee. She suggested that they strike the language and replace it with the map that is on the table and refer it to the Charter Change Committee. Councilors Brennan and Blais made an amendment to the motion to strike all of the language and refer the 7 ward 13 councilor map to the Charter Change Committee.

Councilor Blais stated that the Charter Change Committee was scheduled to meet on Wednesday to address these types of issues. The complexities and problems that they have discussed would not exist if this was adopted. The transition for Council members and School Board members would be simple. This maintained the neighborhoods that currently comprise their wards. It recognized the simple math issue that there was a current ward that was overrepresented. It corrected that problem by having their ward represented by one councilor instead of two. Under the 4/8/12 plan, that part of the City will have 3 councilors. Under this plan, they would also have 3 councilors. This was not a slight or offense towards the New North End, it was a recognition of the numbers. This plan puts them in a better position than 4/8/12. Dealing with the complexities of 4/8/12 was daunting and overwhelming.

Councilor Hartnett stated that it was easy to look at the New North End and say they will take a councilor away from them. There is another plan out there that is fair to the whole City. This minimizes Ward 7, a ward of middle class working families that are engaged in the community and have high voter turnout. This tells them thanks for being engaged, but they will be losing a Councilor. Everyone else in the City will still have two representatives. It is simply unfair on that basis alone. He would rather work through the complications of 4/8/12 and be able to put something on the ballot that is fair to everyone. Minimizing one part of the City is wrong. He urged the Council to vote against this plan.

Councilor Aubin stated that he finds this amendment problematic because there will be parts of the City that will be represented by one councilor rather than two councilors. He understands that the math breaks down to one person one vote, but he finds that it does a disservice to residents in the smaller ward with limited representation.

Councilor Bushor stated that this did not come from the Redistricting Committee. None of the proposals from the citizen committee moved forward. The whole process has been flawed. The proposal for 7/13 makes sense. The stumbling block has been articulated by those who live in the New North End who have a perception of loss. The other map creates an 8th ward which is drawn very strangely. They say that brings neighborhoods together, but it is a bizarre shape. She feels she cannot support the 4/8/12 plan because it does not make sense. The 7/13 plan at least makes some sense. A member from the New North End who attended most Redistricting Committee meetings said their job would be easy if they could just be logical about it and go with the 7/13 proposal. She feels that supporting either of these is a disservice to the City, but the 7/13 plan makes more sense to her right now.

Councilor Tracy stated that he will not be supporting this amendment. The Committee was charged with making 8/12 a workable plan. The idea was not to come back with a plan and then change it again.

Councilor Ayres stated that suggesting that 7/13 is fairer to the broad swath of voters across the City is ludicrous. The people who reside north of Ethan Allen Parkway will be losing representation. It does go to the spirit of one person, one vote, but the residents of Ward 7 will only be able to turn their Councilor over every other year. Every other ward in the City will have an election each year. That is not fair to the voters in that section of the City.

Councilor Worden stated that he does not agree with the notion that one ward will have one representative while another ward will have 2. The statement that the 4/8/12 is more equitable is only true because it takes that situation and spreads it throughout the City. There will be 4 wards with 2 councilors living in them and 4 wards with 1 councilor living in them.

The motion to strike all of the language and refer the 7/13 map to the Charter Change Committee failed by a vote of 3-11.

City Council President Shannon requested a roll call.

AYES: Councilors Blais, Brennan and Siegel

NAYS: City Council President Shannon, Councilors Aubin, Ayres, Bushor, Decelles, Hartnett, Knodell, Mason, Paul, Tracy and Worden

Councilors Brennan and Tracy made a motion to amend the motion to refer the 8/4/12 plan to the Charter Change Committee to develop language for the Board of School Commissioners to reflect 12 members with the same terms and rollout as the City Council.

Councilor Worden inquired if that motion also included amendments to the earlier amendments to resolution. City Council President Shannon stated that they would refer the resolution as it was amended. Councilor Knodell stated that if this motion passed, it would be the final motion on this matter tonight. Senior Assistant City Attorney Bergman noted that if this motion failed, there could be additional motions.

Councilors Bushor and Decelles made a motion to amend the motion to ask the Charter Change Committee to develop alternative transition plans with the goal of a two year term.

Councilor Decelles inquired if this would return to them as a resolution and ballot language. Senior Assistant City Attorney Bergman stated that they would have to approve both. Councilor Decelles inquired if they could be amended on the floor. Assistant City Attorney Bergman stated they will have to give ballot language and ballot short form language in a resolution to meet the deadlines that are required by State Statute.

Councilors Decelles and Brennan made a motion to suspend the rules and extend the meeting. The motion passed by a vote of 12-2 with Councilors Worden and Mason voting against.

The motion to amend the motion to request the Charter Change Committee develop alternative language for the transition passed by a vote of 11-3 with City Council President Shannon and Councilors Blais and Ayres voting against.

Councilor Hartnett inquired if the Charter Change Committee would only address these two issues and not introduce any new plans. City Council President Shannon stated that was correct.

Councilor Ayres inquired if they were simply being asked to consider an alternative transition plan with no specific recommendation. Councilor Bushor stated that was correct.

Councilor Blais noted that the problems with the transition were not addressed before Charter Change. They have grappled with it and no one liked it, but they were told that for this configuration, this was the way that it needed to be. The Charter Change Committee would not be able to come up with an alternative unless the City Attorney's Office had a new idea.

Councilor Mason stated that may have been the advice to the Charter Change Committee with three one year terms that was to ensure that the plan was implemented as expeditiously as possible so that they would not be subject to potential litigation. Senior Assistant City Attorney Bergman stated that that was not correct. They proposed implementing this in 2015. There were so many iterations that one option that was considered was that the first year of the transition would have a group elected for one year. It was not impermissible to have a 3 year transition and then have 2 year terms. That was not entertained by the Committee. Councilor Mason stated that he would not be supporting this amendment because he does not want to tell the School Board what the most effective number for them would be. He does not think that they know better than they do. He appreciated the comment about increasing diversity, and they have said they can do their job better by having 8 of them. He was interested in modifying the transition period.

The motion to refer the 4/8/12 plan to the Charter Change Committee to develop language for the Board of School Commissioners to reflect 12 members with the same terms and rollout as the City Council and to consider an alternative transitional plan and return to the December 16 meeting passed by a vote of 10-4.

City Council President Shannon requested a roll call.

AYES: Councilors Aubin, Ayres, Brennan, Bushor, Decelles, Hartnett, Knodell, Siegel, Tracy and Worden

NAYS: City Council President Shannon, Councilors Blais, Mason and Paul

11.01. COMMUNICATION: Charter Change Committee, re: Ward Redistricting 8 Wards – 4 Districts – 12 Councilors

Councilors Decelles and Siegel made a motion to refer the communication to the Charter Change Committee. The motion passed by a vote of 10-4 with City Council President Shannon, Councilors Blais, Mason and Paul voting against.

11.02. COMMUNICATION: Councilors Blais and Brennan, re: Re-districting: "7-13" plan

Councilors Blais and Brennan made a motion to refer the communication to the Charter Change Committee. The motion failed by a vote of 3-11 with Councilors Siegel, Brennan and Blais voting in favor.

11.03. COMMUNICATION: Councilor Decelles

Councilors Decelles and Siegel made a motion to accept the communication and refer it to the Charter Change Committee. The motion passed by a vote of 9-5 with City Council President Shannon, Councilors Blais, Bushor, Mason and Paul voting against.

12. RESOLUTION: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Police Confiscation/Seizure of Weapons During Domestic Abuse Incident (Councilors Siegel, Ayres, Blais: Charter Change Committee)

Councilors Siegel and Ayres made a motion to waive the reading and adopt the resolution.

Councilor Siegel stated that this is a measure that will allow the Police to remove weapons from a home of a potential domestic abuser. This would be used if an officer is called to a home with a domestic dispute and the abuser is arrested and then let out on bail. The abuser could go home and get a weapon and a violent crime could take place. There are often terms of bail that say they can be released for a certain amount of money and they cannot access weapons. This would be a safeguard in case a probable domestic abuser is released on bail so that they could not access a firearm. This was referred back to the Committee because the resolution outlined penalties without stating what would activate the penalties. They have added a section to explain that penalties would be enacted if they failed to turn over a weapon in their immediate control or possession when requested by an officer.

Councilor Bushor stated that this was much clearer and she feels she can follow it. She thanked the Committee.

Councilor Brennan stated that he pushed for stiffer penalties and longer jail time, but he feels the Committee worked hard at coming up with this measure.

The motion passed by a vote of 13-1 with Councilor Decelles voting against.

13. COMMUNICATION: Bob Rusten, Chief Administrative Officer to Evan Hughes, VFSC Vice-President, re: Freedom of Information Request, October 18, 2013 email

CAO Rusten stated that a communication was sent to the Vermont Federation of Sportsmen's Club regarding their Freedom of Information Request. They had put in a request related to documents concerning action related to enacting restrictions on weapons. They did a search on that request and came up with about 18,000 emails. They have had a City Attorney read through over 5,000 documents to determine which are responsive to their request and which would be exempt. They have given about 2,400 documents to them for review. About 1,600 were non-responsive to the request in that they mentioned guns or firearms, but they did not relate to enacting policy. They are claiming exemptions for about 117 documents. They have a number of other documents they have to go through to determine whether they can be disclosed or if they meet the exemption requirements. The next step is to make that

determination whether they can give them documents in their entirety or whether they can give them redacted documents. They have about 13,000 additional documents that are from employees. The terms weapons, guns or knives were included in that search. They believe that most would not be responsive to their request and are not talking about policy. It has taken a considerable amount of staff time to get them to that point. The City has given them a significant amount of documents. They are trying to meet the requirements of the public records request while still allowing the City Attorney's Office to complete their other tasks.

Councilor Bushor stated that she feels it is important that they amend this letter to include her name. CAO Rusten stated it has happened and it will be posted on the webpage.

City Council President Shannon stated when she did her own search the results included a rescue dog named Gunner and relatives with a "gun" in their last name. She inquired if things like that would be included in the 18,000 documents. CAO Rusten stated that is correct and there were 1,600 that they looked at and determined they were not responsive to the request. They believe in the remaining 13,000 documents, most will be non-responsive to the request.

Councilor Brennan thanked them from doing their due diligence in this request. They have just added three items to the ballot to try to make the citizens of Burlington safer. They have been pressured with a task that is daunting. They can do more when it comes to making citizens safe from guns and gun violence.

Councilors Brennan and Tracy made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

14. COMMITTEE REPORTS (5 mins.)

Councilor Tracy stated that the Transportation, Energy, and Utilities Committee was having a joint meeting with the Parks, Arts and Culture Committee to review Waterfront TIF proposals.

Councilor Siegel stated that they have a Charter Change Committee meeting on redistricting.

City Council President Shannon stated that they have reviewed a number of programs to use for their City Council agendas. They will be having some people from BoardDocs do a presentation during a work session. They will be available for questions.

15. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Siegel stated that tomorrow was International Human Rights Day. There will be an event with David Sleight speaking. He is a defense attorney who has been representing Guantanamo Bay detainees.

16. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated that there was a sad death that took place on the beltline this morning. It was the first automobile death in almost three years.

They announced that the F-35s would be coming to Burlington last week. A positive thing to come out of the debate is the focus it has brought on the Chamberlain Neighborhood immediately east of the Airport. There is an urgency to come up with a long term plan for this neighborhood that has been affected by the FAA buyout in recent years. South Burlington announced that they have received a grant from the State of Vermont and will be launching a planning process to move them towards a vision to improve quality of life in that neighborhood. This is something that a number of Councilors have been vocal about and have

been wanting to see progress on for some time. He went to the announcement and indicated that Burlington and the Airport would be supportive of that process. It is appropriate that South Burlington takes the lead.

The Parks Foundation had a coming out event this morning that was well attended. They have created and filed by-laws and the board has been expanded to seven members. A number of initial contributions have been made. Several Councilors attended the event. It is important work and will allow them additional resources and flexibility to move projects forward.

There will be a memo on the next Council agenda that attempts to take input from a variety of stakeholders and layout the process forward on how they will reform the pension system. This is an obligation that was laid out in the initial resolution. They had an initial discussion with the Board of Finance and took some input from them.

The Ordinance Committee has started to work on the lot coverage amendment for the Parks System. This has been reviewed by the Planning Commission for some time. This amendment must take place soon or it will disrupt the timeline for moving forward the expansion and enhancement of the bike path that is planned for next summer. It allows for a modest expansion of lot coverage in Waterfront Park and without it the bike path proposal cannot move forward.

17. COMMUNICATION: Eileen Blackwood, City Attorney, re: Pending Litigation Regarding BT (oral)

City Council President Shannon stated they will also briefly discuss a real estate transaction.

On a motion by Councilors Hartnett and Ayres the City Council went into executive session at 10:58 p.m. premature disclosure would place the City at a substantial disadvantage. Present were: see above.

*** * * * EXPECTED EXECUTIVE SESSION * * * ***

Without objection, the City Council went out of executive session at 11:19 p.m.

18. ADJOURNMENT

Without objection, the Regular City Council Meeting was adjourned at 11:19 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

DELIBERATIVE AGENDA

ADJOURNED MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
MONDAY, DECEMBER 16, 2013
7:09 P.M.

PRESENT: City Council President Shannon; Councilors Brennan, Bushor, Worden, Knodell, Tracy, Siegel, Aubin, Hartnett, Mason, Blais, Paul, Ayres and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Bob Rusten, Rich Goodwin, Scott Schrader and Lori Olberg

1. AGENDA

On a motion by Councilors Mason and Knodell the agenda was unanimously adopted as amended as follows: note speakers for agenda item 2. PRESENTATION: Karen Vastine, CJC and **Kristin Olofson**, BPD, re: Neighborhood Safety Initiative (25 mins.)(oral); add to the agenda item 5.01. COMMUNICATION: Nathan Wildfire, CEDO, re: CEDO Draft PIAP Recommendation for Waterfront; add to the consent agenda item 4.15. COMMUNICATION: Dr. George Truran, re: Norman Blais with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 4.16. Me@yourhouse.com, re: Passage of gun laws with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 4.17. COMMUNICATION: Douglas & Melanie Duprey, re: 2nd Amendment with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 4.18. COMMUNICATION: Assistant Judges of Chittenden County, re: Proposed County Tax with the consent action to "waive the reading, accept the communication and place it on file;" remove from the agenda item 6. COMMUNICATION: Doreen Kraft, Executive Director, BCA, re: City Hall Park Resolution; add Councilors Paul, Blais and Mason as co-sponsors to agenda item 7. RESOLUTION: Addressing Burlington's Retirement System Challenges (Councilor Shannon); note proposed amendment to agenda item 7. RESOLUTION: Addressing Burlington's Retirement System Challenges (Councilors Shannon, **Paul, Blais and Mason**); note proposed amendments for agenda item 10. RESOLUTION: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Ward Boundaries (Councilors Siegel, Ayres, Blais: Charter Change Committee); add to the agenda item 15.5. COMMUNICATION: Peter Owens, CEDO Director, re: Downtown Real Estate Transaction (oral); expected executive session.

Councilor Knodell stated that the speakers for agenda item 2 would be Karen Vastine from the Community Justice Center, Gail Champnois from the University of Vermont, Jerry Manock and Ryan Mitofsky. She also noted that agenda item 15.5 will be on the deliberative agenda and not the consent agenda.

2. PRESENTATION: Karen Vastine, CJC and Kristin Olofson, BPD, re: Neighborhood Safety Initiative (25 mins.)(oral)

Councilor Knodell stated that the Council had been hearing about the Neighborhood Safety Initiative that the Public Safety Committee had been working on. Their major project this year had been to conduct a survey of the community to assess feelings of safety in neighborhoods, identify what people value about their neighborhoods and the things they wish would change. They will be reporting on the results. This is a highly collaborative effort and they appreciate the efforts of the University and the Burlington Police Department. She thanked the Police Department for dedicating Officer Kristin Olofson to work on this as one of her special projects.

Karen Vastine, Community Justice Center, stated that this has been an evolutionary process to respond to residents' concerns about the uptick in burglaries that occurred last summer. Many people contacted the Community Justice Center and the Police Department to request that there be an organized community safety initiative. They realized that the City is diverse. All neighborhoods face different issues and have different strengths. They need to tailor efforts to what residents want to build upon and to address their concerns. The goal of the survey was to see what residents like and dislike about their neighborhoods. A total of 701 surveys were completed. They asked people where they lived and what their housing situation was. 67% were owners, 29% were renters, and 4% were other. Those in the "other" category were those working in the neighborhoods but are not Burlington residents. They asked people how long they have lived at their current address and they got a nice diversity of answers. They determined which wards people live in. She noted that they did door to door knocking in Wards 2, 3 and 4. They learned that people like the location of their neighborhood in the City the best. They also like the walkability, that they know their neighbors, gardens and parks, bike-ability, that their neighbors care, that it is family friendly and diverse. The number one concern for the whole City was break-ins and burglaries. The second biggest concern was car break-ins and vandalism. The third was speeding and traffic. The fourth was noise. This was interesting because they have been presenting to NPAs. They have been looking at the biggest concerns per NPA. At the Ward 2/3, noise was an equal concern with break-ins and burglaries. People are also concerned about drug deals, poorly maintained properties, parking, trash, public intoxication, animal problems and discrimination. Those who said they were concerned about discrimination indicated they felt discriminated against across identity. They also asked about feelings of safety during the day and nighttime. Most felt pretty safe during the day and less safe at night.

Gail Shampnois, UVM, stated that in the daytime, 84% of people city-wide said they felt safe. In the nighttime, that number drops to 44%. 61% of people felt safe at home. They did ask people the reasons why they feel safe or unsafe. Some are related to burglaries and break-ins. Some of the good news was that 35% said there is something happening on their street to build community. This shows that there is opportunity for education and outreach. They asked people if they would be interested in neighborhood activities, such as block parties, and 70% said they would be. People were also interested in neighborhood safety planning.

Ryan Mitofsky, Ward 2 Resident, stated that he surveyed his block and got a variety of responses. The themes that were most constant were quality of life and personal safety. People who experience quality of life issues, such as noise, trash, or traffic feel that is most important to them. Those who have been victims of burglary feel that safety is the most important issue to them.

Ms. Vastine stated that they have been presenting to NPAs and will continue to do that. It would be great for leaders, such as City Councilors, to talk to neighbors about safety and how they would like to get involved. They will have ward specific results available that they will share. There are opportunities for City leaders to assist with training neighborhood groups and identify neighborhood resources. They have been handing out information from the Burlington Police Department that contains tips about personal safety. They will be providing training for organized neighborhood groups in February.

Jerry Manock, Ward 6 Resident, stated that they have a block party on South Union Street each year. Someone from the neighborhood organizes the food and applies for a permit from the City to allow them to close the street. They block the street with sawhorses and barriers. There is an opportunity for the City to make it easier for people to do this. There could be a person who would help someone who wanted to have a party like this and help deliver the barriers and get the permits. It is a great way to get together with neighbors and meet students who have moved in. They have found out that people are eager to equate public safety with an increased sense of community. They are more willing to get involved with community events to increase the watchfulness and make it a safer place.

Councilor Siegel inquired whether or not they had demographics included in the survey. Only 3% of people said they had concerns about discrimination. That does not mean much unless she knows what percentage of those people who are less empowered. Ms. Shampnois stated that they also asked for people's streets, so they were sensitive about what demographic information they asked for. They did not want people to be concerned that they would be identified. Mr. Manock stated this was a voluntary survey. A next step would be to approach certain communities, such as the refugee community, in a direct way, to get a sense of demographics. It was clear that the elderly population might not answer a survey like this. They may want to speak with that group directly.

Councilor Mason stated that Ward 5 has been very concerned about safety and a group has already been formed. He believes it would be beneficial for them to come to the Ward 5 NPA sooner rather than later. Ms. Vastine stated that she has been in touch with members of that group. She believed that they would be on the agenda for the next meeting.

Councilor Bushor stated that she sees barriers for people that need to be considered. Sometimes there are people for who English is not their primary language. They may not be able to get information from them without a translator. She thinks each of them could identify areas where they would like to understand to make sure the survey is broad and inclusive.

3. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:37 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Robert Bristow-Johnson	Ward 7 Resident	Redistricting
Kurt Wright	Ward 4 Resident	Redistricting
Tian Berry	BHS Student/Ward 6 Resident	Smoke Free Downtown
Mariah Sanderson	Burlington Partnership for a Healthy Community	Smoke Free Downtown
Jim Holway	Ward 4 Resident	Redistricting
Patrick Brown	GBMRC	Martin Luther King Jr.

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:53 p.m.

4. CONSENT AGENDA

On a motion by Councilors Bushor and Decelles the consent agenda was unanimously adopted as amended thus taking the following actions as indicated:

4.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:
Accountability List

*waive the reading, accept the communication and place it on file

4.02. RESOLUTION: Authorization to Grant Charter § 130 Hardship (Mayor Weinberger)

*waive the reading and refer to the Institution and Human Resources Committee for consideration

- 4.03. RESOLUTION: Approving Use of Contingency Funds for Sustainability Coordinator
(Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 4.03.01 . COMMUNICATION: Jennifer Green, Sustainability Coordinator, CEDO, re:
Sustainability, Cost Savings, and the General Fund

*waive the reading, accept the communication and place it on file

- 4.03.02. COMMUNICATION: Mayor Miro Weinberger, re: Contingency Funds for the
Sustainability Coordinator Position

*waive the reading, accept the communication and place it on file

- 4.03.03. COMMUNICATION: Mayor Miro Weinberger, re: Burlington Sustainability
Program Partnership Proposal

*waive the reading, accept the communication and place it on file

- 4.04. RESOLUTION: Recategorization of One Limited Service Full Time Exhibitions and
Sales Coordinator Position and One Limited Service Full Time Senior
Designer Position to Regular Full Time Positions at The Burlington
City Arts (Councilors Shannon, Bushor, Aubin, Knodell: Board of
Finance)

*waive the reading and adopt the resolution

- 4.04.01. COMMUNICATION: Doreen Kraft, Executive Director, BCA, re:
Classification of Exhibitions and Sales Coordinator

*waive the reading, accept the communication and place it on file

- 4.04.02. COMMUNICATION: Julie Hulburd, HR Generalist and Susan Leonard,
Director Human Resources, re: Re-categorization of the
Limited Service Full-Time Senior Designer and the
Limited Service Full-Time Exhibitions and Sales
Coordinator to Regular Full-Time

*waive the reading, accept the communication and place it on file

- 4.05. RESOLUTION: Reclassification and Title Change of Senior Programmer/Analyst
Position; Reclassification of Programmer/Analyst Position & Database
Administrator Position; Reclassification of Senior Network Analyst; and
Creation of Internet Programmer Analyst Position – Burlington Electric
Department (Councilors Shannon, Bushor, Aubin, Knodell: Board of
Finance)

*waive the reading and adopt the resolution

- 4.05.01. COMMUNICATION: Barbara Grimes, BED General Manager, re:
Reclassifications of IT Positions

*waive the reading, accept the communication and place it on file

- 4.05.02. COMMUNICATION: Susan Leonard, Human Resources Director and
Benjamin Pacy, Human Resources Generalist, re:
Reclassification and Title Change Senior
Programmer/Analyst Position; Reclassification
Programmer/Analyst & Database Administrator
Position; Reclassification Senior Network Analyst; and

Creation Internet Programmer Analyst – Burlington
Electric Department

*waive the reading, accept the communication and place it on file

- 4.06. RESOLUTION: Authorization for Lease of Certain Land at Burlington International Airport (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 4.06.01. COMMUNICATION: Robert McEwing, Burlington International Airport, re: City Council Approval Request – Land Lease, SMS Realty Partnership

*waive the reading, accept the communication and place it on file

- 4.07. RESOLUTION: Authorization for Land Purchases Under AIP-98 (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 4.07.01. COMMUNICATION: Robert McEwing, Burlington International Airport, re: City Council Approval Request – Purchase of 3 Properties – AIP-98

*waive the reading, accept the communication and place it on file

- 4.08. COMMUNICATION: Bob Rusten, Chief Administrative Officer, re: Report on Central Purchasing as Specified in Resolution 14.0 adopted on June 24, 2013

*waive the reading, accept the communication and place it on file

- 4.09. COMMUNICATION: Douglas Johnston, President, Vermont Association of Chiefs of Police and Springfield Police Chief, re: Luncheon

*waive the reading, accept the communication, place it on file and send to Mayor Weinberger and City Council President Shannon for consideration

- 4.10. COMMUNICATION: Local Control Sub-committee/City Council License Committee Members, re: Liquor license holder letter

*waive the reading, accept the communication and place it on file

- 4.11. COMMUNICATION: William Grubel, re: limiting gun ownership

*waive the reading, accept the communication and place it on file

- 4.12. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance November 12, 2013 Minutes

*waive the reading, accept the communication and place it on file

- 4.13. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance November 25, 2013 Minutes

*waive the reading, accept the communication and place it on file

- 4.14. COMMUNICATION: Hank Bradley, re: 2nd amendment

*waive the reading, accept the communication and place it on file

- 4.15. COMMUNICATION: Dr. George Truran, re: Norman Blais

*waive the reading, accept the communication and place it on file.”

4.16. COMMUNICATION: Me@yourhouse.com, re: Passage of gun laws

*waive the reading, accept the communication and place it on file

4.17. COMMUNICATION: Douglas & Melanie Duprey, re: 2nd Amendment

*waive the reading, accept the communication and place it on file

4.18. COMMUNICATION: Assistant Judges of Chittenden County, re: Proposed County Tax

*waive the reading, accept the communication and place it on file

5. PRESENTATION: Nathan Wildfire, CEDO, re: PIAP Update (oral)(15 mins)

Nathan Wildfire, CEDO, stated that the Public Investment Action Plan was created about a year ago. It was an effort to create a public process to determine how to expend Tax Increment Financing (TIF) dollars within the Waterfront TIF District. It has been an exciting ride. This is the first time that the State of Vermont has used a public process to allocate TIF dollars. They have had a lot of strategy, but have taken a lot of input about how to refine and improve the process. What they ultimately have in the Waterfront TIF District is a number of funds that are created by growth in that district that they can invest solely in public infrastructure and facilities. The first thing they did was ask anyone to put forth ideas. They ended up with about 120 ideas. They then asked people to submit concept proposals. They had two months to do this and 50 were submitted. These were submitted by landowners, non-profit employees, residents and City employees. The Mayor then put together a Public Investment Team. These were five volunteers from across the City with expertise in waterfront, design, finance and development. They combed through the 50 concept proposals and used a set of criteria to whittle it down to 29 projects. Those 29 proposals were all over the waterfront. There was a lot of variety in the proposals. They ranged from the Moran plant, marina projects, transportation projects, streetscape projects and ideas to create new park space. They had a 90 day window to respond to a request for proposals. Many people combined their ideas, some chose not to move forward, and others were deemed to be an inappropriate use of TIF funding. On the last day, they had 9 final proposals. They were all great uses of TIF financing. It was a great way to change the public consciousness to look beyond the Moran plant to a breadth of options that improved access. Those proposals were then reviewed by the Public Investment Team and scored. These were referred to the Mayor and CEDO. They are now bringing before them a draft of how to allocate the TIF resources to five final projects. The question that the Council will address is approving language for the March ballot to allow the City to take up debt in support of those five projects. They are now looking for feedback and comments on the proposal. They are not asking them to support every detail in each proposal, just support the concepts. Every project has to go through all of the usual processes of design review, permitting and approval of debt. All projects have milestones and timelines that they will have to adhere to. If they are able to hit those milestones, their project will progress. The next steps will be to create the milestones and going through the permitting and design processes. The first project is New Moran which has been put forth by Room 9 LLC and the Charlie Tipper Company. This is a proposal to turn the building into a space that celebrates public art, craft and small level makers' space. It will also be event and public gathering space. It will also be a place to celebrate food. They are excited about the partners that have been brought on board. They feel it brings the most positive energy to the Moran Plant in a number of years. They put together a Kickstarter Campaign and raised \$19,000. In concept, it works within the confines of public trust. It would remain owned by the City and be leased by a newly formed non-profit. There is currently no access to the building, but this would allow the public to access it through working or visiting there. It brings vitality to the waterfront and improves access to a place that people cannot go now. The second is a significant expansion of the Marina capacity. They are the 9th largest marina on Lake Champlain despite having the largest population center. Burlington deserves a world class marina and there is currently a waiting list with over 900 people who want to have a slip. Those who arrive by boat are primary economic drivers. He noted a big piece at the bottom of the map, which is a floating wave attenuator. It is a 21 foot wide pier into the water that protects the entire harbor

from southern swells. They currently have damaging swells, but this would protect the marina and the entire harbor. It would also act as a public promenade. It will be a park on the water and anyone will be able to go out and enjoy it. It also seeks to create publically accessible boater amenities such as restrooms, showers, lockers, and laundry facilities. Perkins Pier, which is just to the North of the marina, is a low point on the lake and it floods several times per year. Part of this project would raise it up to take it out of the flood plain so that walkways are not covered. It would also put in a new public access park. The Mayor has sought to set aside about \$1 million to fund smaller projects that are about place making along the Waterfront. Near the ECHO Center, College Street loops around to the right. The goal is to get people to come down College Street and turn left. There would be a new park that celebrates the two slips into the harbor and educates visitors about the lake ecology. That is a protected slip and there is wildlife living in there. ECHO would expand its programming into the space around its center. People would learn about ecology and the working waterfront that is next door. The land would be City owned but ECHO would lease it and maintain it. It will feel like a public park but will be an extension of educational programming. They are also looking to mitigate stormwater that is coming off of their parking lot and do green infrastructure. All of the projects have components of stormwater mitigation. They feel that TIF money invested in the waterfront should help the lake's health. The next project is Waterfront Park. It is the State's most visited park. It is arguably the best event space in the State. The infrastructure is inadequate to hold events. The Parks Department has a proposal to invest in better electrical, water and sewer infrastructure. It will mitigate the impact of events on the neighbors. They currently have to bring in generators to service events. They take up a lot of space and create noise and disturbance. Events would be able to plug in to infrastructure in the ground. It is also critical to support their Act 250 amendment that the City is pursuing. They currently have the Bike Path that snakes along the park. During events the Bike Path is rerouted to the street, which is rather unsafe. They will move the Bike Path to run along the railroad track so that it will not be impacted by events. The Community Sailing Center has been operating for years by renting space from the City. It is unheated space and is barely adequate for their needs. They have brought thousands of people to the waterfront to experience the lake in a new way. This is important because they have programs for New Americans, low income school children and Vermont Adaptive. This will prepare a site for a permanent facility for them. It has gone through many layers of review and is a fully permitted plan. The Public Investment Team as well as the Mayor and Staff are supportive of the Cherry Street proposal they received. They think it is much more strategic to do this project in coordination with the redevelopment of the Burlington Square Mall, which will be sold to a new owner. They do not want to invest in this project only to have to redo it as the mall is redeveloped. He encouraged the Council to reach out to him to review any proposals further.

City Council President Shannon stated that they have all received CDs with the plans that they are being asked to support. They will be voting on this in January, so it is important that Councilors get the information.

Mayor Weinberger stated that he will be meeting with CEDO and is unsure what day they will come to the Council. He has not finalized his feelings on the slate that is coming to them and what projects will be included at what amounts. He would welcome reactions to this draft plan. He does not disagree with the excitement, but the final decisions have not yet been made.

Mr. Wildfire stated that constituents can comment on the proposals online. City Council President Shannon inquired if they can look at the comments. Mr. Wildfire stated that they can.

Councilor Knodell stated that this is very exciting and there are lots of great projects. She is interested in the TIF capacity and feels it would be important for the Board of Finance to look at the current debt and performance, and then make sure they are comfortable with the issuance of debt that is proposed.

Councilor Bushor inquired what the dollar amount associated with the Cherry Street promenade was. Mr. Wildfire stated that it was over \$2 million. Councilor Bushor stated that the new transit center will be

located there. They did not want to have people abandon Church Street by having them go to the waterfront. The connection between the two is key. They have an opportunity and she does not want this to languish. She does not know how long it will take Burlington Town Center to make its changes. She is concerned about postponing that. When they have talked about development on the waterfront, infrastructure has always been discussed but never put forward as a project. She was surprised to see the Department of Parks and Recreation put this forward as a project. She feels it is a necessary piece of the equation and she does not know how they can say no to that. She inquired how many options will be coming forward that they can support with the \$7.5 million. Mr. Wildfire stated that it would support five projects. Councilor Bushor inquired if the infrastructure would be part of that. Mr. Wildfire stated that it would. Councilor Bushor inquired if the first phase is \$830,000 and is one of the smaller projects that is being considered. Mr. Wildfire stated that is correct. The waterfront park, the sustainability plaza and the sailing center would be part of the \$1 million pot. Councilor Bushor inquired if they would only have a small amount of money left for other small projects if they were to do this. Mr. Wildfire stated that they would not use all TIF money to pay for the small projects. It would be matched with other sources. Councilor Bushor stated that she wants to understand the total funding package so they know how much TIF and other money will be used. She sees some as having more risk than others. Mr. Wildfire stated that all of the budgets are online and on the CD. They will be able to see each budget by source. The ones that have phases attached to them, such as the ECHO Center and Waterfront Park, have an updated budget. Councilor Bushor requested that be a part of the package when they come forward for a final vote in January.

Councilor Tracy inquired how they will make all of the projects accessible to all Burlingtonians regardless of socioeconomic status. He also inquired what the plans are to educate voters about the ballot item, particularly given that they have a tight timeline. Mr. Wildfire stated that he has been in touch with the NPAs and they will be making presentations. They already presented to the Waterfront Action Group. They will present to anyone who wants them to come. They did this in the spring as well. This is about a lot more than the Moran Plant building. They want people to experience the waterfront in a different way. The farthest north project is the Sailing Center which has allowed people to access the lake for free for years. That is an anchor to bring all people to experience the lake. It will also create new lakefront paths and access along the lake. Right now that space cannot be accessed. They will also be opening the Skate Park and will begin to discuss what to do with the Urban Reserve. They will see people accessing that part of the waterfront. The next space is the Moran building. Today no one can access it because it is unsafe. They want people to be able to work there and access community space there. It will be an event space. They will increase the level of access there. Waterfront Park is open and is used by thousands of people. This proposal will increase the level of accessibility, particularly during ticketed events. Right now the Bike Path shuts down during ticketed events. They will add new lights and entrance gates. In phase 2, they will build steps from the Boardwalk down to the water. The sustainability plaza at ECHO will be free of charge. Right now people have to pay to go in. It will function like a public park. The marina itself will create an amenity that is open to all bike path users with open facilities. It will also create a public promenade and improve the flood resiliency.

Councilor Siegel stated that she is happy to see that the New Moran will be City owned and non-profit managed. She inquired if locker and shower facilities will be open to the public. Mr. Wildfire stated that they will. Councilor Siegel stated that there is an idea that they will attract wealthy boat owners into the marina with public showers. Disenfranchised folks may go there to take a shower, which may put people off. She inquired how that has been addressed. Mr. Wildfire stated that it happens today at the boathouse. The facility is inadequate for their need, but the system seems to work. The Parks and Recreation Department is dedicated to the idea that this will be open for all. They have heard the concern, but they like to operate facilities with public access. That is how it will be. Councilor Siegel stated that she is glad to hear that. She is glad that they are committed to improving lake ecology through this process. She inquired what happened to the proposal for a splash park. Mr. Wildfire stated that there were two splash park proposals. They were both tucked into areas that are not well used or accessible. One would have

been between the Moran building and the Sailing Center. He did not think that the proposal was off the table, but the team felt it would be more strategic to build the surrounding uses and then fill in the middle. It would only be used in the summertime, which is only three months here. They wanted to create year round uses first. If they build the splash park first and it is surrounded by vacant uses it would not be very attractive or safe. The other space that was proposed would have interfered with ECHO's sustainability plaza. It is not off the table, but it was not deemed as an appropriate first step.

5.01. COMMUNICATION: Nathan Wildfire, CEDO, re: CEDO Draft PIAP Recommendation for Waterfront

6. COMMUNICATION: Doreen Kraft, Executive Director, BCA, re: City Hall Park Resolution
***Proposed action: waive the reading, accept the communication, place it on file and refer to the Parks, Arts and Culture Committee**

This agenda item was removed.

7. RESOLUTION: Addressing Burlington's Retirement System Challenges (Councilor Shannon, Paul, Blais and Mason)

Councilors Mason and Blais made a motion to waive the reading and adopt the resolution.

Councilor Mason stated that this is a continuation of the discussion related to the pension in a collaborative manner. They passed a resolution in August to encourage the Administration to convene a summit to discuss the underfunding of the City's pension plan. They also requested the Administration submit a draft for next steps, which they have before them tonight. This plan calls for the convening of a group of 16 individuals who were involved with the pension summit. It has firm deadlines. The group will begin meeting in January and they will report back to the Council by the end of May. The union representatives will be non-voting members.

Councilor Bushor inquired if the resolution that was moved had been amended. City Council President Shannon stated that it was. Councilor Bushor stated that the memo talks about hiring an outside consultant and options within a budget set by the mayor and inquired if there is a funding source for there. She inquired if it is definite that they will use an outside consultant. Mayor Weinberger stated that they were committed to doing that. He is confident that they will find a way to fund it. Councilor Bushor inquired if that will require a budget amendment. Mayor Weinberger stated that it will. Councilor Bushor stated that she supports this and feels it is responsive to the comments that she heard at the Board of Finance. She believes this is a City issue and she would like to have the Council President move forward as stated and have the final slate approved by the City Council. She feels that without that, they are missing an opportunity to have other parties weigh in on this. The Administration and the President of the Council are of the same party and she feels that others who are not part of that party should absolutely show support of the membership that is put forward.

Mayor Weinberger stated that they want to get this started as quickly as possible. They want to get this done before collective bargaining negotiations begin next spring and summer. It would be unfortunate to lose all of January.

Councilor Bushor stated that the people that are going to be appointed from the Administration will be appointed by the Mayor. She would like the one non-union non-management employee and the City Council representative who will be selected by the City Council President to be approved by the City Council. That could happen in the first meeting in January. She feels that makes it a healthier process. She

is not trying to slow things down, but sometimes they have been critical of the committees that they have selected. If the full Council supports it, they remove that criticism.

Councilors Bushor and Tracy made a motion to amend the resolution to state that the one non-union non-management employee and the City Council representatives who will be selected by the City Council President will be approved by the City Council by the January 6 meeting.

Councilor Blais stated that it was his understanding where earlier times when appointments to different committees were done by the City Council President with no further oversight. City Council President Shannon stated that the Council President has often been assigned that task. Councilor Blais stated that it seems to him that if in the past this has been the sort of appointment made by the Council President, they should continue to do that. City Council President Shannon stated that Councilors have a fairly heavy workload, so a lot of the decision on deciding who will serve on this committee will be influenced by who wants to serve on the Committee. There will be four Councilors. She does not think that everyone will want to serve. The expectation is that there is broad representation from the Council and that is her goal. She would ask the employees who would be interested in serving in the non-union, non-management role. She thinks that people will step up for that. It may be a more controversial appointment because there may be a lot of choices. She does not expect the Council appointments to be controversial.

Councilor Bushor stated that she has not always been pleased with the Council President's selections in the past. Some committees have been lopsided and have not been diverse enough. They have not represented the City as a whole. She is trying to remove that and get full Council support. The resolution that came forward for the summit was not by the full Council.

Councilor Worden requested specific language; Councilor Bushor repeated the language.

The motion to amend the resolution passed by a vote of 13-1 with Councilor Hartnett voting against.

Councilor Knodell stated that they are proposing to create a representative body. They will be asked to come together to find solutions to a very thorny problem. It will require every member of the Committee to put down the hat of their group and pull together to find a City solution. Her worry is that everyone will come into the room trying to prevent their people from being touched. She hopes the ground rules state that this will require shared sacrifice and that everyone has to give. That is the only way they will make progress. She hopes they can create a shared strategy around bargaining.

City Council President Shannon inquired how they will appoint the non-union non-management employee and how they will find out who is interested. CAO Rusten stated that they could do it by email. They will need a mechanism to get in touch with every employee that meets the criteria to let them know about their responsibilities. They will need to collate that information to share with the Council. City Council President Shannon requested input from the caucuses within a week.

Mayor Weinberger stated that he agrees with Councilor Knodell's points. He is optimistic that the conversation will be productive. This is a pragmatic proposal. Based on successful efforts in other communities, they have heard that the efforts are successful when there is input from all stakeholders from the beginning. That is what this does. It is a vehicle that allows them to have a conversation that cannot happen once the collective bargaining process begins. His sense is that it will be valuable. There is a breadth of opinion on the size, scope and magnitude of the problem. He hopes they will make progress towards a shared understanding.

The motion to adopt the resolution, as amended, passed unanimously.

7.01. COMMUNICATION: Mayor Miro Weinberger, re: Draft Process to Address Issues

Raised at Pension Summit

Councilors Mason and Blais made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

8. ORDINANCE: BUILDINGS AND BUILDING CONSTRUCTION – Building Codes
Adopted (Councilors Mason, Paul, Bushor: Ordinance Committee)
(2nd reading)

Councilors Mason and Tracy made a motion to waive the 2nd reading and adopt the ordinance.

Councilor Mason stated that this falls into the category of a cleanup item. A constituent brought to their attention that the codes referenced in this section were outdated. It became clear that the references are to a code that has been put into the Vermont Code. Those are unnecessary because the protections that are afforded through this have been adopted into the Vermont Code, which has been adopted into the Burlington Code.

City Council President Shannon inquired if the State and National Codes have been adopted by reference. Councilor Mason stated that they have adopted the Vermont Building and Fire Safety Code. They were told that the 2003 International Building Code is now part of the Vermont Building and Fire Safety Code. City Council President Shannon stated that they have adopted the Vermont Code, but there are places that the City code differs from the Vermont Code. When they differ, the City Code prevails. Councilor Mason stated that is correct.

The motion to adopt the ordinance passed unanimously.

9. ORDINANCE: ANIMALS AND FOWL – Confinement of animals in vehicles
(Councilors Mason, Bushor, Paul: Ordinance Committee; Councilors
Blais, Shannon, Tracy, Knodell, Ayres, Worden & Siegel)(2nd reading)

Councilors Mason and Bushor made a motion to waive the 2nd reading and adopt the ordinance.

Councilor Mason stated that this was referred to the Ordinance Committee. They heard testimony from public safety officers that this was needed. There was a question about what would happen if the Police broke into a vehicle. The Officers indicated that the vehicle would be secured and someone would stay with the vehicle until the owner was contacted. Alternatively, it could be moved to a secure location.

The motion passed unanimously.

10. RESOLUTION: March 4, 2014 Annual City Meeting—Proposed Charter Change Re
Ward Boundaries (Councilors Siegel, Ayres, Blais: Charter Change
Committee)

Councilors Siegel and Ayres made a motion to waive the reading and adopt the resolution.

Councilor Siegel stated that there were two changes that the Council sent back to the Charter Change Committee. One was to change the School Board composition to match the City Council composition. They were also asked to change the rollout to eliminate the chance of anyone having to run three years in a row. The School Board change was made. When they talked about changing the roll out, they decided that because the Council had already voted down three year terms, and because the concern with running three years in a row was deemed irrelevant to redistricting, they did not want to spend a lot of time on it. Any one of them could be the person who would run three years in a row. She does not know if that

would be so hard because they would end up with a lot of name recognition. In the long run, it might help them to have their lawn signs out three years in a row. It is similar to how they chose voter convenience over staff convenience when they ended up choosing 8 polling places over 4. They are not doing this for the staff, or for themselves, but for the voters.

Councilors Knodell and Decelles made a motion to amend the resolution to replace version 3 of the 8/4/12 plan with version 1 of the map.

Councilor Knodell stated that this addresses a concern she has heard a lot when talking to people about the 8/4/12 plan. When people look at Ward 8, they say that is the funniest looking ward they have ever seen. It lacks geographic contiguity. It does not have a good balance between student and long-term residents. She prefers to go back to an earlier version that is more contiguous and has a better mix of voters.

Councilor Blais stated that when this discussion began, he suggested the best way to deal with redistricting was to meld the Center City with the Old North End. That was met with a flurry of opposition from people saying that they cannot do that because it will unduly affect distinct, recognized neighborhoods. This motion will cut Ward 6 off. Henderson Terrace and Robinson Parkway will be moved into Ward 8, while they have been part of Ward 6. The Charter Change Committee discussed it at length and decided it was unfair, since Ward 6 is not the source of the problem. He will vote against the amendment.

Councilor Knodell stated that the main test for her was if you were to be moved out of your current ward, would you be with people whose concerns are similar to yours. She believed that this version met that test.

Councilor Siegel stated that she does not think either of the maps were perfect. They did not come up with an 8th ward that she felt 100% about. The benefit of the amended map is that the student housing in the Southern end of South Prospect will remain in Ward 6. The on-campus housing will be spread out over three wards. The version in the current resolution is only spread out over two wards. It is preferable to have it more spread out and diversified.

City Council President Shannon requested a roll call.

The motion to amend the resolution passed by a vote of 8-6.

AYES: City Council President Shannon, Councilors Brennan, Bushor, Decelles, Hartnett, Knodell, Siegel and Tracy

NAYS: Councilors Aubin, Ayres, Blais, Mason, Paul and Worden

Councilors Knodell and Ayres made a motion to amend the resolution to create an initial three year term for ward councilors, which will eliminate the need for any councilor to run three years in a row.

Councilor Knodell stated that this was a major issue that came up in their previous discussion. Some Councilors may have to run three successive one year terms. She wanted to give the entire Council a chance to vote on this. After the transition, the terms would be two years.

City Council President Shannon inquired if this was vetted through the City Attorney's Office. Councilor Knodell stated that it was.

Councilor Bushor noted a typo in the resolution. City Attorney Blackwood stated that the Charter repeats itself and two sections should be identical. Councilors Knodell and Ayres accepted the correction as friendly.

Councilor Siegel stated that she does not feel that the possibility of someone having to run three years in a row is a big inconvenience. She does not feel that it warrants having a three year term. They have a high rate of people leaving after one term or mid-term. Having a three year term happen once would not be devastating, but her preference would be to stick with the one year terms.

City Council President Shannon requested a roll call.

The motion to amend the resolution to change the transitional terms passed by a vote of 11-3.

AYES: City Council President Shannon, Councilors Aubin, Ayres, Bushor, Decelles, Hartnett, Knodell, Mason, Paul, Tracy and Worden

NAYS: Councilors Blais, Brennan and Siegel

City Council President Shannon requested a roll call.

The motion to adopt the resolution, as amended, passed by a vote of 9-5.

AYES: Councilors Aubin, Ayres, Brennan, Bushor, Decelles, Hartnett, Knodell, Siegel and Tracy

NAYS: City Council President Shannon, Councilors Blais, Mason, Paul and Worden

Councilor Decelles left the meeting,

Councilor Knodell stated that the City Attorney has alerted her that they did not adopt the short form language for the Charter Change on Ward Boundaries. City Attorney Blackwood stated that it would require an amendment to the resolution on lines 694-725 to be replaced by the language submitted by Councilor Knodell.

Councilors Knodell and Bushor made a motion to reconsider agenda item 10. The motion passed by a vote of 12-1 with Councilor Mason voting against.

Councilor Bushor stated that they have short form language incorporating their amendment for a 12 member Council and a three year term for phase in.

Councilors Knodell and Hartnett made a motion to replace the short form ballot question language with the amended language.

Councilor Knodell stated that Senior Assistant City Attorney Bergman drafted the short form language which was reviewed by the Charter Change Committee. He also provided this language in the event that the motion to change the terms was successful, which it was. They are amending the short form language to match the amended resolution.

The motion to amend the resolution passed by a vote of 11-2 with Councilors Blais and Paul voting against.

The motion to adopt the resolution passed by a vote of 8-5 with City Council President Shannon, Councilors Blais, Mason, Paul and Worden voting against.

11. RESOLUTION: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Ward Boundaries (Councilors Shannon, Knodell and Blais)

This item was not addressed at this meeting.

12. COMMITTEE REPORTS (5 mins.)

Councilor Blais stated that there was a letter on the consent agenda from the License Committee. The letter notifies first and second class liquor license holders that there is a significant problem with license holders not filing monthly reports or paying their gross receipts tax. They have indicated that if license holders are not current by the time of their renewal, they will be asking the City Council to not renew their licenses. They do that knowing that for many establishments, that would be the death nail to their business. To deal with that issue, they have notified businesses well in advance to give them time to prepare.

Councilor Worden stated that the Institutions and Human Resources Committee will be meeting in January. They will discuss the rewrite of the City Employee Manual and will review the memorandum of understanding with the University of Vermont.

13. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Siegel stated that there was an agenda item on the consent agenda approving the use of contingency funds for the legacy project. Climate change mitigation was something that the Council voted to have as a priority, and this works towards that. She hopes that it will be continued and expanded. Having only one person do that job for the whole City is asking a lot. She stated that in January there will be a resolution coming forward stating that future redistricting in Burlington will not be done by elected officials. The federal government is a mess because of gerrymandering. She does not think that anyone was overt in their self-promotion, but she doubts that anyone can completely eliminate that. She does not feel that it should be in their prevue in the future. They approved the purchase of three homes in South Burlington on their consent agenda. She wishes they were impressing upon the Air Guard to stop using their afterburners to bring the decibel level down. This would make the homes habitable and more people could be moving into that neighborhood. She read two emails from constituents lamenting what happened to the neighborhood around the Airport.

Councilor Aubin stated that the Ward 4&7 NPA meeting will be happening. They will be talking about building developments in the New North End.

Councilor Worden stated that one of the goals the City Council set for the year was quality of life in the neighborhoods. He visited the area that was most affected near the Airport. The City does play a role in this and needs to work towards resolution there. The biggest concern he has heard is about the uncertainty of what will happen there. He will be bringing forward a resolution in the new year to start a process towards resolution in that neighborhood.

Councilor Hartnett stated that he was invited to a press conference in regards to the shooting in the New North End in November. It was a sad day there for the Brunette family and others. The State's Attorney and the Attorney General determined it was a justified shooting. He was not there to pass judgment. He was there representing the family and to send a message that they need to have better outcomes. He was not passing judgment on the shooting itself, but the resolution will address procedures that should be in place or ones that are in place that need to be followed. They need to do a better job when they respond to calls related to mental health issues. He does not expect the Police Department to solve the issue that they have, but the outcome in the New North End in November was unacceptable. He hopes that this

resolution will address the issues in the future. He hopes to have the full Council sponsor the resolution. He wants to do this in a respectful manner with the goal of getting results.

Councilor Paul stated that about a year ago they passed a resolution about the fiscal health of the City. They made that a priority for this year. She will be bringing forward a resolution to continue working on that resolution. The goal is to have that come to the Council in January. There is an exciting process going on around Burlington College. They have a very exciting plan to take them into the future. They will be presenting that plan in January. It is a very exciting plan that will make a huge difference for Burlington College and will increase the amount of housing in that area.

14. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated that the Burlington Town Center Mall has sold. It appears to have been different than originally reported with an additional company involved. They have not yet met with the new players and they do not know much about their plans. Their sense is that it is a good thing that there is a new group that is prepared to make significant investments in the property. They hope to meet soon and hope that their goals are consistent with the City's goals to revitalize Cherry Street, create jobs and buttress the vibrancy of the Downtown.

He recently toured the Burton Snowboard facility. It is open to the public each Tuesday. It is fascinating to see the amount of activity and creative enterprises that are going on in this two building facility. They are in the process of expanding and consolidating operations. It is an exciting thing to see. They have committed themselves to being part of the future of the South End of Burlington.

He invited the Council to attend a press release in the South End to mark the completion of pedestrian improvements that have been worked on in recent months. There are new sidewalks and rapid flashing beacons. They will continue to address and begin a planning process for pedestrian infrastructure throughout the City.

He thanked City Council President Shannon for noting the passing of Captain David Gale. There are events in honor of him that the public and the Council are invited to.

15. COMMUNICATION: Eileen Blackwood, City Attorney, re: BT Update (oral)

On a motion by Councilors Bushor and Knodell the City Council went into executive session at 9:55 p.m. premature disclosure would place the City at a substantial disadvantage. Present were: see above, David White, Planning and Zoning Director; Peter Owens, CEDO Director; Brian Pine, Assistant CEDO Director for Housing; CAO Rusten; City Attorney Blackwood; Mike Kanarick, Brian Lowe, Mayor's Office.

*** * * EXPECTED EXECUTIVE SESSION * * * ***

15.5. COMMUNICATION: Peter Owens, CEDO Director, re: Downtown Real Estate Transaction (oral); expected executive session.

Without objection, the City Council went out of executive session at 11:30 p.m.

16. ADJOURNMENT

Without objection, City Council President Shannon adjourned the City Council meeting at 11:30 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary

* * * **DELIBERATIVE AGENDA** * * *

SPECIAL MEETING, CITY COUNCIL
FRIDAY, JANUARY 17, 2014
CONTOIS AUDITORIUM, CITY HALL
12:00 P.M.

PRESENT: City Council President Shannon, Councilors Paul, Blais, Ayres, Siegel, Knodell and Hartnett (arrived at 12:13 p.m.); Councilor Worden (via phone at 12:17 p.m.)

ABSENT: Councilors Bushor, Tracy, Brennan, Aubin, Mason and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood and Gene Bergman

CLERK/TREASURER'S OFFICE: Scott Schrader and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

Councilors Siegel and Knodell made a motion to adopt the agenda. The motion passed unanimously.

2. CONSENT AGENDA

On a motion by Councilors Siegel and Knodell, the consent agenda was adopted unanimously, thus taking the actions indicated.

2.01. COMMUNICATION: Clerk/Treasurer's Office, re: Notice of Public Hearings Regarding March 4, 2014 Annual City Meeting--Proposed Amendments to the Burlington City Charter

*waive the reading, accept the communication and place it on file

3. PUBLIC HEARING: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Ban on Firearms In Any Establishment With A Liquor License

*no action required

and

4. PUBLIC HEARING: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Safe Storage Of Firearms

*no action required

and

5. PUBLIC HEARING: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Police Confiscation/Seizure Of Weapons During Domestic Abuse Incident

*no action required

and

6. PUBLIC HEARING: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Ward Boundaries

*no action required

City Council President Shannon opened the public hearings at 12:08 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Eric Jacobson	Westford Resident	Opposed to Gun Related Charter Changes
Althea Vassiliades	Lock It Inc.	In favor of Safe Storage of Firearms
Sally Kerschner	VT Public Health Assoc.	In favor of Gun Related Charter Changes
Marie Adams	Gun Sense VT	In favor of Gun Related Charter Changes
Jay Appleton	City of Burlington Staff Member	Correction to Redistricting Language
Bill Sprano	Huntington Resident	Opposed to Gun Related Charter Changes
Eddie Cutler	Westminster Resident	Opposed to Gun Related Charter Changes
Ian Galbraith	Ward 2 Resident	Opposed to Gun Related Charter Changes
Robert Bristow-Johnson	Ward 7 Resident	In favor of Redistricting Map Version 3
John Klar	Orleans Resident	Not Proper Forum for Gun Control Discussion
Eddie Garcia	VT Citizens Defense League	Opposed to Gun Related Charter Changes
Paul DeCausemacker	Colchester Resident	Opposed to Gun Related Charter Changes
Gerard Mullen	Bolton Resident	Opposed to Gun Related Charter Changes
Chris Bradley	VT State Rifle & Pistol	Opposed to Gun Related Charter Changes
Evan Hughes	VT Federation of Sportsmen's Club	Opposed to Gun Related Charter Changes

Ryan Sanderson St. Albans Resident Opposed to Gun Related Charter Changes

Kevin Ryan

City Council President Shannon closed the Public Hearing at 12:40pm.

7. ADJOURNMENT

Without objection, City Council President Shannon adjourned the City Council meeting at 12:40 p.m.

Attest:

Lori Olberg, Licensing, Records & Voting Coordinator & Amy Bovee, Executive Secretary

DELIBERATIVE AGENDA

ADJOURNED MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
MONDAY, JANUARY 27, 2014
7:00 P.M.

PRESENT: City Council President Shannon; Councilors Bushor, Worden, Tracy, Knodell, Brennan, Siegel, Aubin, Mason, Blais, Paul and Ayres; Councilor Decelles (arrived at 7:23 p.m.); Councilor Hartnett (arrived at 7:44 p.m.).

CITY ATTORNEY'S OFFICE: Eileen Blackwood and Richard Haesler (arrived at 8:45 p.m.)

CLERK/TREASURER'S OFFICE: Bob Rusten, Rich Goodwin, Scott Schrader and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Mason and Bushor, the agenda was adopted unanimously with the following amendments: amend the action for consent agenda item 8.13. COMMUNICATION: Jeff Munger, Chair, Approved by the Airport Commission, re: December 16, 2013 Letter to Council President Shannon to "waive the reading, accept the communication, place it on file, send copies to the Ordinance Committee and the City Council License Committee and refer to the Board of Finance for FY 15 budget and further discussion regarding the recommendations."; add the Board of Finance as a co-sponsor of agenda item 10. RESOLUTION: March 4, 2014 Annual City Meeting – Increase in Maximum Tax Rate For General City Purposes Authorized (Councilors Shannon, Paul); Remove agenda items 11 and 11.01. City Hall Park Presentation and Resolution and place on a subsequent agenda. ; add Councilor Tracy as a co-sponsor of agenda item 12. RESOLUTION: Strategic Plan Re Fiscal Health of The City (Councilors Paul, Blais, Mason, Knodell, Worden, Ayres, Siegel, Brennan) and note proposed amendment.

City Council President Shannon noted on the amendment to add the Board of Finance as a sponsor for agenda item 10. were specifically the names: Councilors Bushor, Aubin and Knodell.

Councilor Bushor stated that the Board of Finance made an amendment to consent agenda item 8.07. RESOLUTION: Authorization for Department of Parks and Recreation to Purchase Equipment and Vehicles. The addition was to add the date of the memo that was referenced in the resolution.

2. PUBLIC HEARING: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Ward Boundaries

*no action required

and

3. PUBLIC HEARING: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Ban on Firearms In Any Establishment With A Liquor License

*no action required

and

4. PUBLIC HEARING: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Safe Storage Of Firearms

*no action required

and

5. PUBLIC HEARING: March 4, 2014 Annual City Meeting—Proposed Charter Change Re Police Confiscation/Seizure Of Weapons During Domestic Abuse Incident

*no action required

and

6. PUBLIC HEARING: MDP-14-01 – Climate Action Plan; Open Space Protection Plan; Amendment and re-adoption of the Burlington Municipal Development Plan

City Council President Shannon opened the public hearings at 7:23 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Carolyn Bates	Ward 5 Resident	In Favor of Gun Related Charter Changes/ Opposed to Moran Plant Redevelopment
Christopher Brown	Ward 3 Resident	Opposed to Gun Related Charter Changes
Tony Bell	Ward 4 Resident	Opposed to Gun Related Charter Changes
Lenore Broughton	Ward 1 Resident	Opposed to Gun Related Charter Changes
Arthur Vento	Ward 4 Resident	Opposed to Gun Related Charter Changes
Ron Ruloff	Ward 3 Resident	Opposed to Gun Related Charter Changes
Ian Galbraith	Ward 2 Resident	Opposed to Gun Related Charter Changes
Chuch Sussman	Burlington Resident	Opposed to Safe Storage Charter Change
Ed Wilbur	Ward 4 Resident	Opposed to Gun Related Charter Changes
James Lockridge	Ward 5 Resident	Opposed to City Hall Park/Moran Plans
Robert Bristow-Johnson	Ward 7 Resident	Problem with Redistricting Map
Gabriella	Ward 1 Resident	Opposed to Gun Related Charter Changes
Gregory Roy	Ward 4 Resident	Opposed to Gun Related Charter Changes
Shawn Handy	Essex Resident	Opposed to Gun Related Charter Changes
Amy Alexander	Groton Resident	Opposed to Gun Related Charter Changes
Evan Hughes	VT Federation of Sportsmen's Clubs	Opposed to Gun Related Charter Changes
Eddie Garcia	St. Johnsbury Resident	Opposed to Gun Related Charter Changes

Norman Gosselin	St. Albans Resident	Opposed to Gun Related Charter Changes
John Van Dijk	Williston Resident	Opposed to Gun Related Charter Changes
Paul DeCausemacker	Colchester Resident	Opposed to Gun Related Charter Changes
Chris Bradley	Northfield Resident	Opposed to Gun Related Charter Changes
Valerie Harris	Vermont Resident	Opposed to Gun Related Charter Changes
Tom Sopchak	Williston Resident	Opposed to Gun Related Charter Changes
Jason George	Ward 2 Resident	Opposed to Gun Related Charter Changes
Diane Tardif	Essex Resident	Opposed to Gun Related Charter Changes
Christian Campbell	Ward 7 Resident	Opposed to Gun Related Charter Changes
Eli Farnsworth	Colchester Resident	Opposed to Gun Related Charter Changes
Michael Covey	Williamstown Resident	Opposed to Gun Related Charter Changes
Roger Farnsworth	Bristol Resident	Opposed to Gun Related Charter Changes
Linda Kirker	Georgia Resident	Opposed to Gun Related Charter Changes

City Council President Shannon closed the public hearings at 7:44 p.m.

6.01. COMMUNICATION: Sandrine Thibault, AICP, Comprehensive Planner, Scott Gustin, AICP, Senior Planner, Planning & Zoning and Jennifer Green, Sustainability Coordinator, CEDO, re: Proposed Municipal Development Plan Amendment: MDP-14-01 Burlington Climate Plan; Open Space Protection Plan; Amendment and re-adoption of the Burlington Municipal Development Plan

Councilors Mason and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.02. COMMUNICATION: 2013 planBTV Burlington's Municipal Development Plan

Councilors Mason and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.03. COMMUNICATION: Burlington, VT Climate Action Plan

Councilors Mason and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.04. COMMUNICATION: Relationship to Other Plans

Councilors Mason and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.05. COMMUNICATION: VIII. Energy Plan

Councilors Mason and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.06. COMMUNICATION: II. Natural Environment

Councilors Mason and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.07. COMMUNICATION: I. Land Use Plan

Councilors Mason and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.08. COMMUNICATION: Prepared by Landslide Natural Resource Planning, re: City of Burlington Open Space Protection Plan

Councilors Mason and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.09. COMMUNICATION: City of Burlington, VT 2013 Municipal Development Plan

Councilors Mason and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.10. COMMUNICATION: Assistant City Attorney Sturtevant, re: Burlington, Vermont Public Hearing Notice, MDP-14-01 – Climate Action Plan: Open Space Protection Plan; Amendment and re-adoption of the Burlington Municipal Development Plan

Councilors Mason and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.11. COMMUNICATION: Draft Resolution of MDP-14-01 – Climate Action Plan; Open Space Protection Plan; Amendment and re-adoption of the Burlington Municipal Development Plan (Councilor Tracy)

Councilors Mason and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

7. PUBLIC FORUM

City Council President Shannon opened the public forum at 8:30 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Martha Lang	Ward 1 Resident	School's Proposed Real Estate Transaction

With no one further coming forward and no objection from the remaining Council City Council President Shannon closed the public forum at 8:31 p.m.

8. CONSENT AGENDA

On a request from Councilor Paul, the Council took a two minute recess.

Councilors Paul and Bushor made a motion to remove item 8.10. from the consent agenda and place it on the deliberative agenda as item 12.05 and adopt the consent agenda, as amended, thus taking the actions indicated. The motion passed unanimously.

8.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:
Accountability List

*waive the reading, accept the communication and place it on file

8.02. RESOLUTION: Authorization to Execute Grant Agreement for Manhattan Drive Slope
Failure Recovery Project with The State of Vermont (Councilors
Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

8.02.01. COMMUNICATION: David K. Allerton, P.E., Public Works Engineer, Office of the
City Engineer, re: Request Authorization to Accept Federal
Highway Administration Recovery Funds to Repair the
Manhattan Drive Slope Failure

*waive the reading, accept the communication and place it on file

8.03. RESOLUTION: Renewed Lease Agreement with Resource for the Old City Garage,
339 Pine Street (Councilors Shannon, Bushor, Aubin, Knodell: Board
of Finance)

*waive the reading and adopt the resolution

8.03.01. COMMUNICATION: Chapin Spencer, Director, DPW, re: Lease Agreements for 339
Pine Street

*waive the reading, accept the communication and place it on file

8.04. RESOLUTION: Renewed Lease Agreement with Chittenden Solid Waste District for
the Old City Garage, 339 Pine Street (Councilors Shannon, Bushor,
Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

8.04.01. COMMUNICATION: Chapin Spencer, Director, DPW, re: Lease Agreements for
339 Pine Street

*waive the reading, accept the communication and place it on file

8.05. RESOLUTION: Purchase of Boarddocs Software for Use in City Council Meetings,
Sub-committee Meetings, and Commission Meetings (Councilor
Shannon)

*waive the reading and adopt the resolution

8.06. RESOLUTION: Authorization to Enter into License Agreement for An Awning
Extending Over A Portion of The City's Right-of-way with

Merchants Bank (Councilors Blais, Tracy: License Committee)

*waive the reading and adopt the resolution

8.07. RESOLUTION: Authorization for Department of Parks and Recreation to Purchase Equipment and Vehicles (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance) **Pending Board of Finance Approval on 1/27/14**

*waive the reading and adopt the resolution

8.07.01. COMMUNICATION: Jesse Bridges, Director Parks and Recreation, Deryk Roach, Parks Superintendent, re: 2014 Vehicle and Equipment Replacement Proposal

*waive the reading, accept the communication and place it on file

8.08. RESOLUTION: Creation of Regular Full Time Energy Efficiency Program & Policy Analyst – Burlington Electric Department (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

8.08.01. COMMUNICATION: Benjamin Pacy, Human Resources Generalist and Susan Leonard, Human Resources Director, re: Burlington Electric Department – Creation of Regular, Full Time Energy Efficiency Program & Policy Analyst

*waive the reading, accept the communication and place it on file

8.08.02. COMMUNICATION: Barbara L. Grimes, General Manager, BED, re: Position funding

*waive the reading, accept the communication and place it on file

8.09. RESOLUTION: Acceptance of U.S. Department of Justice Grant Related to Internet Crimes Against Children Task Force and Amendment of The FY 2014 Budget (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

8.09.01. COMMUNICATION: Lise E. Veronneau, Business Administrator, Burlington Fire & Police Departments, re: Internet Crimes Against Children Task Force OJP Grant #2013-MC-FX-K035

*waive the reading, accept the communication and place it on file

8.11. COMMUNICATION: Bill Sprano, re: Huntington, re: Guns-Safe Storage-

*waive the reading, accept the communication and place it on file

8.12. COMMUNICATION: Christopher Pearson, Member, Parks and Recreation Commission, re: Resignation

*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation thanking Chris Pearson for his time served as a Member of the Parks and Recreation Commission

8.13. COMMUNICATION: Jeff Munger, Chair, Approved by the Airport Commission, re: December 16, 2013 Letter to Council President Joan Shannon

*waive the reading, accept the communication, place it on file and send copies to the Ordinance Committee and the City Council License Committee

- 8.14. COMMUNICATION: Martha R. Lang, Ph.D., re: Undisclosed and Misleading School Department Expenses

*waive the reading, accept the communication, place it on file and send a copy to the Board of Finance

- 8.15. COMMUNICATION: Chief Michael Schirling, Burlington Police Department, re: Promotions

*waive the reading, accept the communication and place it on file

- 8.16. COMMUNICATION: submitted by Marie Adams at the January 17th Special City Council Meeting, re: Gun Violence

*waive the reading, accept the communication and place it on file

- 8.17. COMMUNICATION: Dennis Fournier, re: Vermont Sportsmen Bill of Rights

*waive the reading, accept the communication and place it on file

9. COMMUNICATION: Miro Weinberger, Mayor, re: Open Letter to the People of Burlington (20 mins.)

Mayor Weinberger stated that they have a slate of \$9.6 million of investments in the Waterfront TIF District that they are seeking approval to place on the Town Meeting Day Ballot. This was the product of a lot of work over the last year. This will move the City forward in a number of important ways. Once these investments have been made, they will strengthen existing resources on the Waterfront that they love already. They will increase the use and access to the Waterfront and Lake itself. They will protect the Lake from stormwater runoff and the pollution associated with it. They will resolve the future of the Northern Waterfront when the slate is passed and implemented. He thanked the Community and Economic Development Office for leading this process and citizens for participating in the process.

Peter Owens, CEDO Director, stated that they launched this effort about a year ago and they have come a long way. A year ago, the Mayor stated that the process would begin with a request for concepts that will be open to all. It involved a Public Investment Action Team who reviewed and evaluated the concepts. It is culminating with a slate of investments. After dozens of public meetings and thousands of public comments, they are excited to advance the slate of projects. The success of the process is not limited to this slate alone. It resulted in nine finalists being advanced to the Mayor's Office. The limited TIF dollars meant that some projects could not be funded in this slate, but all of these projects are fully supported and they will work to advance them in the future. The other key proposals include the Burlington Community Aquatic Center, the Cherry Street Promenade, the Perkins Pier Marina and the Urban Reserve Project. The Sustainability Park is a project to construct an outdoor classroom and park with stormwater, energy, and access features. It was developed by the ECHO Center. The second is Waterfront Park Improvements for infrastructure improvements to make it a better venue and neighbor during events. This is being brought forward by the Parks and Recreation Department. The third is the Community Sailing Center. They will construct a permanent home on the waterfront for this great institution with classrooms, lake access and storage. The Burlington Harbor Marina proposal will respond to the overdue shortage of boating and lake access with 120 boat slips. 80 of these will be transient and 40 more will be moorings. Waterfront Access North is a project that was approved in November of 2012 to integrate the Moran site with environmental remediation, lake protection and utility relocation. This is ongoing through the Department of Public Works. The final project is the redevelopment of the Moran building into a mixed use community arts and events center featuring local energy, food, a rooftop garden, maker's space, a nanobrewery and a technology center. It has deep community roots and is led by Charlie Tipper and Room 9 Redevelopment. He read a list of community partners who have been involved in this project.

Bill Truax, Public Investment Team, introduced the other members of the Public Investment Team. He stated that the amount of creativity, vision and collaboration supporting Burlington has been fantastic.

They are sorry that there are not more funds available to implement more of the projects that were suggested by the community. During April and May, CEDO staff screened over 50 projects, and they forwarded 29 proposals onto the detailed development phase for them to establish project feasibility. They recommended proposers of similar projects to partner and work together to strengthen their submission. During September and October, they ranked 9 of the projects and submitted them to the Mayor for further vetting. They have the potential to transform the Waterfront much as the Church Street Marketplace has transformed the downtown. They heartily support the recommendation before them.

Mayor Weinberger stated that it has been two weeks since the slate was announced publically. He has heard that there is a great deal of support and excitement about the slate. He looks forward to putting it to the people and seeing what they think of it.

City Council President Shannon stated Councilors Worden and Paul recused themselves from this debate because of conflicts of interest.

Councilor Bushor stated that she was glad to be at this threshold again. She believes this project will happen. She feels positively about Moran and wants the building to stay. Even those who want the building to go will vote because one side will win this time. With all the energy, creativity and dedication from important people who understand the community have come together to put forward a plan that is exciting. Everyone can find something that they like in this proposal. She agrees with comments made about those initiatives that came forward that were reduced. Those that did not make it are still important and they will find their place. She inquired if the Skate Park is a piece of the Waterfront Access North project and if it can be included in the list of projects. Mayor Weinberger stated that the voters voted on Waterfront Access North in November of 2012. 75% of the voters supported it and it clearly included the Skate Park. They intend to build the Skate Park this spring. This complements some supplemental funding to that project. There was an attempt to keep the ballot language as efficient as possible so that there would not be extensive descriptions to that question. Councilor Bushor stated that she understands they try to be as brief as possible, but she has never seen a longer ballot item in her life. She inquired if the skate park is already funded or if it is part of this question. If it is part of this funding, she would like to insert the words "skate park." If it is already funded, it does not need to be included. Mayor Weinberger stated that the skate park is part of an overall project which may need additional funding. That is why they included the project in this question.

Councilor Tracy stated that they have gone through an extensive public outreach process. He inquired what steps they took, who was involved, how they were involved and how they plan to get the word out to people before Town Meeting Day. Nate Wildfire, CEDO, stated that this was the first time someone in the State of Vermont ever allocated TIF resources in a public fashion. They asked for help in crafting this process early on. They started with an open call for anyone to share an idea. They received about 120 ideas. Most of them were just a sentence. They posted them all online and encouraged everyone to talk to each other. Many people began by looking at those registries. They then sought to have anyone bring in concept proposals. While that was happening, they tried to get input from different committees. They also sought advice from the Parks Arts and Culture Committee. As proposals came in, they worked to get the word out about what they received. They put all of the projects online so that people could look at them. They were hearing that not everyone accesses the internet, so they held two day-long open houses. People came in and left comments. They then asked for ideas about how to make the next round stronger and created the Public Investment Team. They tried to have a broad representation of different disciplines there. They then toured the committees again. They had seven small open houses in City Hall. The proposals have been available at the Library and on their website. This was the first time that they did this, and they learned a lot of lessons. Councilor Tracy inquired what will happen between now and Town Meeting Day. Mr. Wildfire stated that they will visit all of the NPAs and the different committees. The proposals are still online, and the media picked up the Mayor's Open Letter. The proposers are starting to activate their bases and get the word out.

Councilor Brennan thanked them for their hard work. He inquired how viable they feel the Moran project is. The language in the ballot question puts that in question. He likes the plan that has been presented and wants to see it happen. Mr. Owens stated that the first thing that the Mayor asked of him when he started his job was how to address the problem of Moran. It has been discussed for thirty years. There is broad agreement that this is the strongest proposal and vision that they have seen. It is based locally and grew out of local people working collaboratively. It is not an easy project. He believes in the people behind the project and the economic model that has been put into it. They have attached a series of milestones that they have been working to finalize to make sure they have a clear idea of the targets that need to be met. They are not insubstantial, but they are possible. They feel this is the best chance that they have to make this work. The feasibility will come to light as they progress. They will begin with a capital campaign feasibility study that they will start immediately if they receive a successful vote in March. By fall they should know if they can come up with the money they need to get this off the ground. Charlie Tipper, New Moran, stated that Tad Cook, Eric Crockenberg and himself are the co-proposers for the New Moran project. Israel Smith is a principle at Smith Buckley Architects. They have been helping them with their architectural design work. Jeff Glassberg is with Renaissance Development Corporation and has been a source of financial scrutiny and rigor throughout the formation of their proposal. Councilor Brennan stated that with the proposal that is before them, if they fail to meet the milestones they are putting the Moran Plant on the chopping block. He has great fears of that happening, and wants reassurance that the plan will be successful. Mr. Tipper stated that they do have confidence in their plan, but their audacity only goes so far. They pledge that they will follow through with the plan that is in partnership with the City. The milestones are really tough, and are tougher than they were expecting at the outset. He cannot promise that they will succeed, but they will continue the process that they have been part of to date. The community has been overwhelmingly positive to date. There are a multitude of sources of energy and interests in the Moran building. There was a comment during public forum about accessibility for the arts community. They have been pouring out in force in support of this project. They intend to honor that demonstration of support. It is a fundamental part of their whole design stratagem- Arts and Community and the relationship between the two. They will have a fully infused arts program with as open a door that they can possibly have to all levels of interest. They have a model and the numbers work. The biggest piece will be their success in creating a path for the community to demonstrate its desire for this building to be reborn.

City Council President Shannon inquired what they think the critical needs to the success of the project are. Mr. Tipper stated they need a positive vote in March to start.

Councilor Hartnett stated that the message is that Moran is on the chopping block. If this does not get a yes vote, they will be dealing with Moran again, which no one wants to do. They need to get the message out to the voters that a yes vote is crucial. He had a conversation with a group about why they need to vote yes even if they want the building torn down. They know that there is urgency here and people need to vote yes either way. He is a big supporter of this project, but he has been an opponent of Moran. He is glad to see this project before them. They have a lot at risk and he wants the Council to pledge that they will get behind the project to get Moran where it should be.

Councilor Siegel stated that this question lumps demolition with the project, which she finds problematic. She inquired if they would rather have the building torn down than redeveloped by someone else if their plan does not pass. Tad Cook, New Moran, stated that they have a chance to have resolution and redevelop the plant and the northern part of the Waterfront more than they ever have before. There has always been an option to put the decision down the road. The Mayor and CEDO opened the door to any other plan than tearing the building down. They have the chance to say let us make something happen without the baggage of putting a decision off. He would rather deliver a value for the community or hear once and for all from Burlington that they want to move on. Councilor Siegel inquired if they personally would rather have the building torn down if their plan does not happen than see something else happen

there. She does like the plan, and wants it to pass, but she cannot vote for it the way it is written. Mr. Tipper stated that part of their proposal speaks to a continued open mindedness about how this plan will take shape. The plan will morph. They do not have a list of tenants and full program developed yet. They will be continually engaging the community to determine what does want to land at this building. It is not their plan or demolition. It is an exercise of pragmatism not ego. The building has been an unsolvable puzzle for almost thirty years. They will sleep just fine if the community does not choose to step up and help make this happen. There are a million ways that this project can fail- they have to be real about that. They did not put up a fight when it was proposed that the ballot question included language about tearing the building down. They will exercise their community's best opportunity to save the building. That is all they can promise. Israel Smith, Smith Buckley Architects, stated that the flexibility of this team has impressed him. They have been willing to evolve their whole approach as new opportunities come to the floor. One of the main strengths of the proposal is its ability to include everyone who comes to the table. It feels like a Burlington project. As an architect, he does not like to see buildings torn down. However, to move forward as a City they have to have a balanced, objective approach towards these questions. There are some buildings that are artifact buildings because of something special that happened there or the design of the building. Moran is special because of the possibilities that it holds for them to use it. It was designed for a totally different purpose than what is being proposed now. That is what makes it attractive. It took him a while to get comfortable with the proposal, but they have to be pragmatists about this. If this is the compromise that gets them to a yes vote and gives them the opportunity to make this project real, it is a gamble worth taking.

City Council President Shannon stated that she shares concerns about tearing the building down and putting that into the question. She thinks that the community needs to get behind a use for that building. She inquired what they will need from the community to be successful if they get a yes vote. Eric Crockenberg, New Moran, stated that it is about the vision of the community and the power of the community to bring it to fruition. They are a direct reflection of the values that the community has brought to bear. They are an open platform and a foundation for the community to put in their ideas. They are an evolving entity. It is a partnership, it is about preserving the waterfront's industrial history, it is about the ecology of the waterfront, it is about creating a creative economy. All of those are interrelated networks that need to be brought together. They need community support and partnership.

Councilor Bushor stated that she has not heard a direct response and she believes that is because their vision applies to the building, but also can apply without the building. She inquired if that is true. They are proposing a vision for New Moran with various tenants. If Moran was not there, they may come forward with the same proposal. Mr. Tipper stated that their vision is completely linked to the building. They have never said a word about how they might come to bear as a team if the building were to come down. They have tried to keep this process fun because right now it is a labor of love. They have to be real about how audacious this effort is. There is a whole City that owns the building and really wants some resolution. He thinks that Moran fatigue it is one of the best assets that they have as a community to see redevelopment come to fruition. If they could go into the building and relate to it, he believes that the majority of the community would be moved by it. They want to give the building back to its rightful owners. They are poised to have a success down there that they have never had before. They are at a tipping point. Councilor Bushor inquired if they have an anticipated timeline. Those who want to preserve the building want to know how tight of a timeline it is. Mayor Weinberger stated that the outlines of the timeline they have been talking about are the feasibility study being completed by the fall, financing and tenant commitments for the bulk of the space within a year, and have the project in construction within two years. They have been working with New Moran on a document that will add detail to that timeline. The intent is to bring it to the Council as a more developed document after the vote. It will be a memorandum of understanding. He has always wanted to see something great done with the building. There will be no hair trigger from the Administration to say that this project is not feasible and that it will not happen. There will be dates in the document, but the intent is not that if they miss it by a week they will end the project. The intent is to lay out a plan to assess if the plan is clearly not going to be met

because of missed milestones. There will be further Council action before the trigger is pulled. Councilor Bushor stated that she feels that is doable.

Councilor Siegel inquired if it is typical that a feasibility study would be done after a yes vote. Mr. Wildfire stated that with capital campaigns it is hard to convince a donor without having the City authorize their funds, which would be seen as matching funds to the donors. Mayor Weinberger stated that the New Moran team will be putting a great deal of personal time and resources into pursuing everything from here. It is the appropriate time for them to go to the voters to see if they feel it is worthy of continuing to pursue it. It is better to have that information now than after they spend considerable money.

- 9.01. COMMUNICATION: Community & Economic Development Office, re:
Public Investment Action Plan – Project Summaries

Councilors Knodell and Ayres made a motion to waive the reading, accept the communication and place it on file. The motion passed

- 9.02. COMMUNICATION: Nathan Wildfire, CEDO – reviewed by Bob Rusten,
CAO, re: Tax Increment Financing (TIF) Capacity –
Waterfront TIF District

Councilors Knodell and Ayres made a motion to waive the reading, accept the communication and place it on file. The motion passed

- 9.03. COMMUNICATION: CEDO, re: PIAP budget worksheets

Councilors Knodell and Ayres made a motion to waive the reading, accept the communication and place it on file. The motion passed

- 9.04. COMMUNICATION: William H. Truex, Jr FAIA, -Chairman of the Public
Investment Team, re: Press Announcement for PIAP
Program – January 13, 2014

Councilors Knodell and Ayres made a motion to waive the reading, accept the communication and place it on file. The motion passed

- 9.05. RESOLUTION: March 4, 2014 Annual City Meeting – Pledging The Credit of The City
to Secure Indebtedness for Public Improvements within The Waterfront
TIF District (Councilors Shannon, Bushor, Knodell, Aubin: Board of
Finance)

Councilors Knodell and Ayres made a motion to waive the reading and adopt the resolution.

Councilor Knodell stated that she is someone who wants to preserve this building which is emblematic of Burlington's history as an industrial working waterfront. There is not much of that history left there now, and it is an important history. The language will help them succeed because people will come together around the idea that this is the last chance. She loves the plan for Moran. This question does ask the voters if they authorize the City Council to pledge the faith of the taxpayers of the City of Burlington behind \$9.6 million of new debt that will be used to fund the projects. This is part of a Tax Increment Financing district, and the debt will be repaid by the new property taxes from all of the investments that are within the Waterfront TIF District. The pledge of the voters is behind it. The Board of Finance did an analysis to test whether there is the capacity to repay the debt. They looked at the new debt associated with these

projects and the issuance of debt to finance the projects that were approved in November 2012. They have a very healthy Waterfront TIF District because past investments have been fruitful. The value of property on the Waterfront has increased significantly. Because of wise past investments, they have the ability to make wise new investments. This is very financially sound.

Councilor Decelles stated that he has never cared one way or another if the building stayed up or comes down. His biggest fear was that if the building came down and there was no plan, nothing would ever happen. He inquired what the costs of demolition would be. Peter Owens, CEDO Director, stated that they have an estimate from 2007 that it would cost \$2.04 million. It will likely cost more now, but they have not done any additional number crunching. It would be well within the \$6.3 million of TIF money allocated to Moran. They will not have a problem with TIF capacity if that is the decision that they face. Nate Wildfire, CEDO, stated that if they increase that estimate for inflation at 5% annually, the number is about \$2.5 million. They would then have to go through a community process to figure out what would go there.

Councilors Brennan and Siegel made a motion to amend the resolution to strike line 65 after the word "improvements" through line 70.

Councilor Brennan stated that they have heard about the project that will be moving forward through the PIAP process. There were many proposals that were put forward and none of them that rose to the top was demolition of the building. He believes they can rally around this resolution without creating a destructive alternative. It would take a huge amount of energy and resources to remove the building and it would have an effect on the climate. The voters see that there is a possibility here. The milestones seem doable, but he also feels that it is fragile. He appreciates the Mayor's comments about not making quick stabs to tear the building down. He does not feel they need this language to move forward.

Councilor Tracy inquired how much longer they will be able to draw on this money moving forward if this proposal does not go through. Mr. Wildfire stated that they have 11 more years in this district. Mayor Weinberger stated that they have an additional 5 years to incur debt and 11 more years in the life of the TIF district. Councilor Tracy inquired how much money has been spent on public outreach for this project. Mr. Wildfire stated that they have spent a lot of staff time. Mayor Weinberger stated that the out of pocket dollar amount has been minimal, but there has been a significant investment of staff time.

Councilor Hartnett stated that he will not support the amendment. People want closure on this. They have spent a million dollars of taxpayer money just in the past 5 years and have nothing to show for it. They had a kickoff at the ECHO Center a week ago and he said they will finally be making a decision on Moran. The response from someone he spoke with was that it was a good thing and has been a long time coming. The message is that they should stay positive and get this passed. There are a lot of people who would like to see the building torn down. He is in favor of this project because it fits Burlington. He encouraged Councilors to get behind this and encourage people to vote for it.

Councilor Ayres stated that he first came to this community and became engaged as a small business owner. He was involved with the precursor for the Burlington Business Association, and one of the first issues that he heard about was what they would do with the Moran Plant. Since then, he has been skeptical about the feasibility and expense of restoring that building to a functional and operating building for the community. As a result of the community process they have gone through, he has changed his mind. They have the ability to leverage TIF dollars and the community's creative energy to create a space called New Moran. Given the process that they have gone through, he is delighted with the wording of this question. It is time to stop kicking this can down the road. They have an extraordinary opportunity to work with the New Moran team to make this happen. If it does not come to that reality, it is time to end this.

Councilor Siegel stated that she supports the amendment. She has heard people say that the threat of demolition will motivate people to vote yes. However, she has not heard anyone say that is motivating them, and that logic does not make sense to her. Many people have told her that they will vote no because of the threat of demolition. It is muddy to have two questions mixed together. She cannot support it for that reason. She wants to support it, but she does not want the threat of demolition. If the building is demolished, they cannot build something new there. They cannot build that close to the Waterfront again, but this building is grandfathered in. Mayor Weinberger stated that the question that has been put before them with this amendment is a fair one. There are three compelling reasons to keep the language the way it is and he does not support the amendment. The language being stated this way will make it more likely for there to be a positive outcome because it provides clarity that this is the last effort. Secondly, it is important to have a clear statement of intent that this is the last effort and they will not keep doing this indefinitely as they have for the last thirty years. He struggled with this knowing that the people of Burlington want resolution. This ballot language is the only way that they could come up with to give people some certainty that there will be resolution. It says that this time it will be different and they will not be going back to square one. He has heard feedback that there is strong support for that concept.

Councilor Bushor stated that she will not support the amendment, although she supports what it wants to accomplish. She would have preferred a different question, but she hopes that Councilors will get behind this, because a no vote will result in nothing happening on the Waterfront. That would be a very sad outcome for all of the wonderful process they have gone through as a community. She believes the question is the right one of the community.

The motion to amend the resolution failed by a vote of 2-10 with Councilors Brennan and Siegel voting in favor. Councilors Worden and Paul recused themselves due to a conflict of interest.

Councilors Bushor stated that she would like to put forth an amendment. Mayor Weinberger stated that the City Attorney's Office has more information about her amendment available. Assistant City Attorney Haesler stated the question has been through a review process to comply with statutory requirements. It is a long question because there are a number of requirements in the TIF statute about what the question has to ask. The next step they have to follow through on is to provide a notice to the public supporting the question. All of that has to line up with statutory requirements. Adding to the question adds to the equation of what they have to ask the public. It puts them in a precarious position as to how they are presenting the question. The skate park is not built into the equation and they have to be careful about adding amendments at this point. Councilor Bushor stated that she was proposing to insert the word 'skate park relocation' into the question. However she is hearing that would create a lot of work to explain what is going to happen at the skate park. She is going to support this resolution, but she feels they are missing out on a group of people voting yes that may have been excited about this. She will not bring forth her amendment but she is disappointed.

Councilor Knodell stated that there has been reference to the money that has been spent in the past on the previous projects. She inquired if that spending will benefit this project. Mr. Wildfire stated that a lot of the dollars that have been spent previously have gone to permitting the site. That includes the Moran Building itself and the surrounding site which will include the Sailing Center. They have gotten that site ready through zoning. Additional dollars have been spent on remediation inside the building and on site. They have also spent money on architectural design and engineering to figure out what would be possible. Some of that was spent on schematics and plans for future redevelopment. Pieces of that design may or may not be used in New Moran.

The motion to adopt the resolution passed by a vote of 10-2 with Councilors Siegel and Brennan voting against. Councilors Worden and Paul recused themselves due to a conflict of interest.

10. RESOLUTION: March 4, 2014 Annual City Meeting – Increase in Maximum Tax Rate

For General City Purposes Authorized (Councilors Shannon, Paul)(20 mins.)

Councilors Paul and Aubin made a motion to waive the reading and adopt the resolution.

Councilor Paul stated that voting in favor of this resolution will allow for a question on the Town Meeting Day ballot asking the voters to increase the general city fund tax rate by 2 ¼ cents for an overall rate of 78.84 cents per \$100 of assessed property value. As elected officials, they take their obligation and responsibility to manage City dollars very seriously. They also have an obligation to provide quality services to their residents. They must do that at a rate that is affordable and achievable. The City Council held a work session last week, and CAO Rusten did a great job of introducing what is a difficult topic. There is no one at this table that is thrilled about the idea of having a tax increase. What this resolution does is go deeper than talking about a tax increase. The reality is that they have to make investments in their municipal structure today to continue to provide the services that their residents enjoy and are entitled to, but also allow them to put in longer term cost saving measures. At the work session, CAO Rusten noted that the guiding principles in regard to this increase and the budget are that they need to be fair, factual and forward. She believes that it is fair and factual to say that for the past several years, the City has made a tremendous effort to see that the tax rate remained stable. That cannot go on forever. The last time that there was an increase was 2004. That is a long time without an increase. She thought that it was meaningful to view the list of revenue raising strategies for 2016. That list is very long and it is full of good ideas. Many of them stand a good chance for implementation in time for the FY16 budget. Some of the ideas include energy efficiency efforts, centralized purchasing, and increasing marketing for Parks and Recreation. They have gotten to a point that they have to find ways to raise money rather than going to the taxpayers, and this is what she would consider the forward aspect of the plan. They must invest today for tomorrow. They cannot continue to cut without falling behind from social, technological and efficiency perspectives. These ideas are not quick fixes, but they are also not band-aids or one time solutions. These are investments, which take time, patience, hard work and money. Looking forward, the tax increase will mean the addition of 10 employment positions; 8 are limited service. The cost of the ten positions is about \$720,000. Of that, \$480,000 will be saved through cost savings and other techniques to lower the cost to \$240,000. That \$240,000 will come back to the City because those jobs will generate revenue in FY16. If the positions are not successful, they are limited service and will not continue. They need to continue to look for efficiencies as much as they can, and part of that includes reducing reliance on outside consultants, improving technology, and reducing debt by purchasing more and leasing less. They will be seeing a presentation from Burlington College about their master plan. It is an amazing plan that will include many more housing options ranging from senior housing, market rate housing and senior living. They need to encourage this type of project because they grow the grand list. Growing the grand list means they have a wider base that they are taxing and they will not need to increase taxes as much. Investing today for tomorrow, providing efficiencies and building systems and processes to prepare for tomorrow is what this increase is all about. An affirmative vote on this resolution says that the Council supports this initiative and the improvements and tax increase are necessary and in the best interest of the City.

CAO Rusten stated that when they started looking at the budget, Department Heads, staff, and the CAO's office went through every line in the general fund budget to identify key cost drivers. They identified a \$2.6 million shortfall in the budget. The 2 ¼ cent tax increase only raises about \$800,000. Part of the overall increase is because of the pass through taxes that the Charter allows, but they have also made significant cuts in other spending and found other revenue sources to make up the \$2.6 million hole. If the voters were to reject the tax increase, it does not mean that they go back to status quo. It means that they will not have the money that they need to maintain their current services or to make investments in the future. Councilor Paul raised a point about cutting for efficiency. It is also possible to cut for inefficiency. They had over 400 general fund employees. There are approximately 400 desktop and laptop computers for general fund and enterprise fund employees. 80-100 of those computers are 5 years or older. This year

they bought 24 new computers, but half are still in boxes in the office because they do not have the staff to get the computers set up for people. They have old computers, old systems, incompatible software, and people in departments doing computer work that they were not hired to do, which causes problems in the system. They also have issues where they are not able to respond to citizens requests to provide information quickly. They have new employees who have to wait a week or two to have a computer set up because they only have two full time staff members in the entire City to work on IT. They can cut to be efficient and they can cut to be inefficient. They want to address needs in FY15 and beyond.

Councilor Bushor stated that they had requested talking points to provide to citizens when they ask questions. She has heard that they are working to sustain current services and to improve IT services. Those are two areas where people can understand that they are supporting with a tax increase. It will make them more efficient with the current number of people that they have and save money by having the compatibility needed to allow departments to communicate with each other.

Councilor Worden stated that he will support the proposed budget. He has looked through it and knows that a lot of hard work has been done. They make a great point that the status quo is an increase three times what they are proposing if they look at the cost drivers. He knows they went through this line by line to get the increase down to what it is. This budget is more complicated than repeating what they did last year. Last year, it appeared that every department was presented separately. This year it was presented as one compact presentation with everything included. It has been ten years since the last increase. The decisions they make today will have an effect for the next many years. The increase ten years ago set the stage. The lack of increase has impacted all departments. It did result in a lot of efficiencies and rooting out inefficiencies. It also resulted in a reduction in staff and a challenge in meeting the services that citizens have come to expect. This decision is one to invest and make sure they can continue to provide those services in an efficient manner.

Mayor Weinberger stated that he was reluctant to accept the recommendation that they needed to do this. In the prior two years, they worked very hard to avoid a tax increase. He has come to the conclusion that it would be irresponsible to attempt to do that again with this budget. He is supportive of this and feels it is responsible and invests properly in key areas that will benefit them in the long run.

The motion to adopt the resolution passed unanimously.

10.01. COMMUNICATION: Bob Rusten, CAO, re: Major Cost Drivers of FY15 General Fund

Councilors Paul and Ayres made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

11. PRESENTATION: Doreen Kraft, City Arts Director, Jesse Bridges, Parks and Recreation Director, Kelly Devine, Executive Director, BBA and H. Keith Wagner and Jeff Hodgson Partnership, Landscape architect team, re: City Hall Park Master Plan (15 mins.)

11.01. COMMUNICATION: Doreen Kraft, City Arts Director, re: City Hall Park Resolution

11.02. RESOLUTION: City Hall Park Master Plan (Councilors Paul, Brennan, Aubin: Parks, Arts & Culture Committee)

These items were removed from the agenda.

12. RESOLUTION: Strategic Plan Re Fiscal Health of The City (Councilors Paul, Blais, Mason, Knodell, Worden, Ayres, Siegel, Brennan)

Councilors Paul and Brennan made a motion to waive the reading and adopt the resolution.

Councilor Paul stated that they have looked at the cost drivers for the FY15 budget. It is about the fiscal health of the City and the full Council listed this as one of their top three priorities for the year. They all know they have a lot of goals that they would like to see the City move forward on. These goals come with financial price tags. As the people who are entrusted in managing City dollars must be mindful of the consequences of the decisions they make. They have to be responsible, which is also a component of their bond rating assessment. They need to align their values and goals with their financial reality. Most organizations do strategic plans, budget projections and financial timelines. This resolution will require the Council to work with the Administration to develop a three year projection of expenditures and revenues and a strategic plan assuming a balanced budget. They will then understand the ramifications of their decision on their credit rating and their long term fiscal health. The resolved clauses state they will work to complete a three year plan by the end of 2014 and presented in January of 2015. They did pass a similar resolution in 2012, but time constraints limited action on it.

The motion passed unanimously.

- 12.05. (formerly 8.10.) RESOLUTION: Ward Redistricting – Change to Referenced Map Per Public Hearing Comment (Councilor Siegel)

Councilors Paul and Blais made a motion to waive the reading and adopt the resolution.

Councilor Paul stated that she removed this from the consent agenda because this resolution relates to redistricting. There has been talk concerning the map that they will be using. They took a vote several meetings ago to from the map that is referred to as Version 3 to a map that is known as Version 1. Version 3 came out of the Charter Change Committee, but the Council voted to return to Version 1. This resolution requests that they return to Version 3. They do have the language available. She originally voted against this because she was disappointed in the map. She felt it was unfair to Ward 6 and they were not the reason that redistricting needed to be done. She will support redistricting, provided that Version 3 is put before the voters. It is a fairer map to Ward 6 and other areas of the City. Her first choice was not the 4/8/12 plan, but it is a compromise.

City Attorney Blackwood stated that they need to amend the resolution to change the map.

Councilors Mason and Hartnett made a motion to suspend the rules and extend the meeting to complete agenda item 12.05. Councilor Blais stated that they still have to address the License Committee agenda. City Council President Shannon stated that will still go forward. The motion passed by a vote of 13-1 with Councilor Tracy voting against.

Councilor Bushor stated that her understanding was that the proposal is to make a minor boundary line adjustment that impacted one neighborhood in Ward 6. She inquired what they are amending.

City Attorney Blackwood stated that they have passed a question to be placed on the ballot. That question included Version 1 on the map. They cannot just change the reference because they have to change the description of the wards which is described by streets in the Charter. She suggested they use the original resolution. Procedurally, they can replace the resolution before them with the earlier resolution. They also need to indicate that it is replacing the resolution that says they will need to put information on the ballot.

Councilor Blais stated that they can amend the resolution to ask that the original map that came to them from the Charter Change Committee be adopted along with the boundaries as stipulated in the resolution.

Councilors Paul and Ayres made a motion to amend the resolution by replacing the map and defining language with the resolution that came to the Council from the Charter Change Committee.

Councilor Worden inquired which map will be used. City Council President Shannon stated that they will use the map that came to them from the Charter Change Committee.

Councilor Siegel stated that Version 1 came to the committee. They tried to see if they could get the Robinson Parkway neighborhood back into Ward 6. They did not come up with a perfect solution, so decided to use Version 3 although it was not their favorite map. She thought that they could only amend the plan based on testimony they received. The testimony that they heard was only about the naming issue, not about the map itself. City Council President Shannon stated that they did receive testimony about changing the map tonight. They are permitted to do this based on that testimony.

Councilors Hartnett and Aubin made a motion to call to question. The motion passed unanimously.

City Council President Shannon requested a roll call.

The motion passed by a vote of 10-3. Councilor Decelles was not present.

AYES: City Council President Shannon, Councilors Aubin, Ayres, Blais, Bushor, Hartnett, Knodell, Mason, Paul and Worden

NAYS: Councilors Brennan, Siegel and Tracy

City Council President Shannon adjourned the City Council meeting at 10:47 p.m.

City Council President Shannon reconvened the City Council meeting at 10:50 p.m.

The motion to adopt the resolution passed by a vote of 11-2 with Councilors Worden and Siegel voting against.

13. COMMITTEE REPORTS (5 mins.)

This item was not addressed at this meeting.

14. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

This item was not addressed at this meeting

15. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

This item was not addressed at this meeting

16. COMMUNICATION: Eileen Blackwood, City Attorney, re: Burlington Telecom Update (oral)

This item was not addressed at this meeting

* * * EXPECTED EXECUTIVE SESSION * * *

17. ADJOURNMENT

Without objection, City Council President Shannon adjourned the City Council meeting at 10:51 p.m.
Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

LOCAL CONTROL COMMISSION
MONDAY, JANUARY 27, 2014
CONTOIS AUDITORIUM, CITY HALL
10:47 P.M.

1. AGENDA

Commissioners Blais and Ayres made a motion to adopt the agenda. The motion passed unanimously.

2. FIRST CLASS RESTAURANT/BAR LIQUOR LICENSE APPLICATION (2013-2014):

Champlain Chocolates Company, d/b/a South End Kitchen, 716 Pine Street

Commissioners Blais and Ayres made a motion to approve the first class restaurant/bar liquor license application for South End Kitchen.

Commissioners Worden stated that he would recuse himself due to a conflict of interest.

Commissioner Siegel stated that Lake Champlain Chocolate has said they will be switching to fair trade cocoa. She hopes people will encourage them to make this change. The cocoa industry deforests large regions and 90% is sourced in West Africa and produced by forced child labor. As they vote for this, she hopes they will follow through in their commitment to use fair trade cocoa.

The motion passed unanimously.

3. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission Meeting at 10:50 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary