
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