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DELIBERATIVE AGENDA

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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](http://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: 2<sup>nd</sup> 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 Shamponis, 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: 2<sup>nd</sup> 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](mailto: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: 2<sup>nd</sup> 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 9<sup>th</sup> 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) (2<sup>nd</sup> reading)

Councilors Mason and Tracy made a motion to waive the 2<sup>nd</sup> 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)(2<sup>nd</sup> reading)

Councilors Mason and Bushor made a motion to waive the 2<sup>nd</sup> 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 8<sup>th</sup> 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.

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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 preveue 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