DELIBERATIVE AGENDA

SPECIAL CITY COUNCIL WORKSESSION
CONFERENCE ROOM 12, CITY HALL
MONDAY, JANUARY 7, 2013
6:00 – 7:15 P.M.

PRESENT: City Council President Shannon, Councilors Kranichfeld, Decelles, Blais, Brennan, Siegel, Paul, Bushor, Worden, Aubin, Mason, Tracy and Dober

ABSENT: Councilor Hartnett

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Bushor and Mason the agenda was adopted as is.

2. DISCUSSION: Burlington Telecom, re: Litigation

On a motion by Councilors Bushor and Mason the City Council went into executive session at 6:02 p.m. premature disclosure would place the City at a substantial disadvantage. Present were: see above, Mayor Weinberger; Mike Kanarick, Mayor's Office; Interim CAO Sisson; ACAO Schrader; City Attorney Blackwood; Stephen Barraclough, Gary Evans, BT; Thomas Melloni, Mike Burak, Burak, Anderson, and Melloni, Pat Robins, David Provost, and D. Parker

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

On a motion by Councilor Bushor and City Council President Shannon the City Council went out of executive session at 7:24 p.m.

3. ADJOURNMENT

On a motion by Councilor Bushor and City Council President Shannon the City Council Worksession voted unanimously adjourned at 7:24 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
MONDAY, JANUARY 7, 2013
7:33 P.M.

PRESENT: all present

CITY ATTORNEY'S OFFICE: Eileen Blackwood

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Kranichfeld and Bushor the agenda was unanimously adopted as amended as follows: add to the consent agenda item 3.21. COMMUNICATION: Sara Moulton, Mapping & GIS Specialist, State of Vermont, Division of Policy, Planning and Intermodal Development-Mapping Unit, re: 2013 Certificate of Highway Mileage with the consent action to "waive the reading, accept the communication, place it on file and send to DPW Director Goodkind for completion;" add to the consent agenda item 3.22. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City Commissions/Boards with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.23. COMMUNICATION: Tim Stine, Sons of Liberty Militia, re: Warning!!! Pass it on with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.24. COMMUNICATION: Kyle Jablon, re: Gun Ban Resolution with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.25. COMMUNICATION: Susan J. Bell, re: Gun Ban Resolution with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.26. COMMUNICATION: James Guest, re: Gun Ban Resolution with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.27. COMMUNICATION: Richard Bell, re: Gun Ban Resolution with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.28. COMMUNICATION: Roy Marble, Marble Consulting, re: City Gun Ban Agenda with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.29. COMMUNICATION: Sons of Liberty Militia, re: The Second Shot Heard Round The World? with the consent action to "waive the reading, accept the communication and place it on file;"add to the consent agenda item 3.30. COMMUNICATION: Paul DeCausemacker, re: Semi-automatic firearms resolution with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.31. COMMUNICATION: Steven Bell, re: Gun Ban Resolution with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.32. COMMUNICATION: Al Mosher, re: Charter Change to ban semi-automatic assault weapons resolution with the consent action to "waive the reading, accept the communication and place it on file;" note proposed amendments for agenda item 4. RESOLUTION: Charter Change to Prohibit Semi-automatic Assault Weapons and Multiple-Ammo Clips (Councilors Blais, Shannon, Aubin, Bushor); note proposed amendments for agenda item 5. RESOLUTION: Paperless Council Packets (Councilors Aubin, Shannon, Tracy); add to the agenda item 7.01. COMMUNICATION: Mayor Miro Weinberger, re: Waterfront and Downtown Public Investment Action Plan; add to the agenda 7.5. DISCUSSION: BERS VALUATION.

Councilor Siegel requested that consent agenda item 3.12. SPECIAL EVENT PERMIT APPLICATION (one day only): Smitty's Pub, 12/31/12 be placed on the Deliberative Agenda as item 7.02.

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:41 p.m.

Name	Ward/Affiliation	Subject
Ian Galbraith	Ward 2 Resident	Opposed to Assault Weapon Ban
Bob Reid	Hinesburg Resident	Opposed to Assault Weapon Ban
Larkin Forney	Ward 5 Resident	Opposed to Assault Weapon Ban

Rebecca Lee	Ward 3 Resident	Board of Health Applicant
Ryan Sanderson	St. Albans Resident	Opposed to Assault Weapon Ban
Morgan Lamphere	Ward 1 Resident	Opposed to Assault Weapon Ban
Richard Hillyard	Ward 1 Resident	Opposed to School Budget
Eddie Cutler	Westminster Resident/ The Gun Owners of Vermont	Opposed to Assault Weapon Ban
Evan Hughes	Barre Resident/ VT Federation of Sportsmen Club	Opposed to Assault Weapon Ban
Clint Gray	Sutton Resident/ VT Federation of Sportsmen Club	Opposed to Assault Weapon Ban
Linus Leavens	S. Burlington Resident	Opposed to Assault Weapon Ban
Steven Gragg	Ward 7 Resident	Opposed to Assault Weapon Ban
Claude Trahan	Ward 2 Resident	Opposed to Assault Weapon Ban
Anthony Commo	Ward 3 Resident	Opposed to Assault Weapon Ban
Matthew Storer	Ward 2 Resident	Opposed to Assault Weapon Ban
Nathan Limoge	Colchester Resident	Opposed to Assault Weapon Ban
Robert Wittemeyer	Ward 7 Resident	Opposed to Assault Weapon Ban
Renee Robyor	St. George Resident	Opposed to Assault Weapon Ban
Taylor Woodard	Ward 7 Resident	Opposed to Assault Weapon Ban
Michael McGarghan	Ward 7 Resident	Opposed to Assault Weapon Ban
Lee Brown	Ward 4 Resident	Opposed to Assault Weapon Ban
Ron Ruloff	Ward 3 Resident	Opposed to Assault Weapon Ban/ War Criminal Living in Burlington
Roger Farnsworth	Revolutionary Ward Veteran's Assoc.	Opposed to Assault Weapon Ban
Franco Salese	Ward 3 Resident	Opposed to Assault Weapon Ban
Kurt Wright	Ward 4 Resident	In favor of Waterfront Development Resolution/Opposed to Assault Weapon Ban
Adam Nilson	Burlington Resident	Opposed to Assault Weapon Ban

Chris Brown	Ward 3 Resident	Opposed to Assault Weapon Ban
Jeff Marcotte	Colchester Resident	Opposed to Assault Weapon Ban

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 8:37 p.m.

3. CONSENT AGENDA

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

3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List
*waive the reading, accept the communication and place it on file

3.02. RESOLUTION: Creation of a Classified Limited Service Full Time Position – Waterfront Operations Specialist – Parks and Recreation (Board of Finance)
*waive the reading and adopt the resolution

3.03. RESOLUTION: Authorization to Submit a Continuum of Care Grant Application to the U.S. Department of Housing and Urban Development (Councilors Worden, Aubin, Siegel: Community Development & Neighborhood Revitalization Committee)
*waive the reading and adopt the resolution

3.04. COMMUNICATION: Marcy Krumbine, Assistant Director of Community Development, CEDO, re: Continuum of Care Grant Application
*waive the reading, accept the communication and place it on file

3.05. RESOLUTION: Authorization to Contract for Boathouse Upper Deck Floor Renovation Parks and Recreation Department (Board of Finance)
*waive the reading and adopt the resolution

3.06. COMMUNICATION: Jesse Bridges, Director, Department of Parks & Recreation, re: Boathouse Upper Deck Floor Renovation Funding Sources
*waive the reading, accept the communication and place it on file

3.07. COMMUNICATION: Mayor Miro Weinberger, re: Extension of Interim CAO Appointment
*waive the reading, accept the communication and place it on file

3.08. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator & Amy Bovee, Executive Secretary, re: Draft, Minutes, Regular City Council Meeting, August 13, 2012
*waive the reading, accept the communication, place it on file and adopt the minutes at the January 28, 2012 City Council Meeting

3.09. COMMUNICATION: Andrew Gilbertson, Member, Board of Tax Appeals, re: BTA resignation
*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Andrew Gilbertson thanking him for his time served on the Board of Tax Appeals

3.10. COMMUNICATION: O'Neill D. Louchard, re: Passage of Tar Sands Resolution
*waive the reading, accept the communication and place it on file

3.11. COMMUNICATION: Jillian Bogert, Clerk of the Board, Board of Fire Commissioners, re: Attendance Record
*waive the reading, accept the communication and place it on file

3.13. COMMUNICATION: Bill Watterson, General Manager, CCTA, re: FY14 Budget Meeting (Lori emailed to City Council on December 20, 2012, at 11:12 a.m.)
*waive the reading, accept the communication and place on file

3.14. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, September 24, 2012 Minutes
*waive the reading, accept the communication and place it on file

3.15. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, October 4, 2012 Minutes
*waive the reading, accept the communication and place it on file

3.16. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, October 15, 2012 Minutes
*waive the reading, accept the communication and place it on file

3.17. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee, October 16, 2012 Minutes
*waive the reading, accept the communication and place it on file

3.18. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee, October 30, 2012 Minutes
*waive the reading, accept the communication and place it on file

3.19. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee, November 8, 2012 Minutes
*waive the reading, accept the communication and place it on file

3.20. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee, November 19, 2012 Minutes
*waive the reading, accept the communication and place it on file

3.21. COMMUNICATION: Sara Moulton, Mapping & GIS Specialist, State of Vermont, Division of Policy, Planning and Intermodal Development-Mapping Unit, re: 2013 Certificate of Highway Mileage
*waive the reading, accept the communication, place it on file and send to DPW Director Goodkind for completion

3.22. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City Commissions/Boards
*waive the reading, accept the communication and place it on file

3.23. COMMUNICATION: Tim Stine, Sons of Liberty Militia, re: Warning!!! Pass it on.
*waive the reading, accept the communication and place it on file

3.24. COMMUNICATION: Kyle Jablon, re: Gun Ban Resolution
*waive the reading, accept the communication and place it on file

3.25. COMMUNICATION: Susan J. Bell, re: Gun Ban Resolution
*waive the reading, accept the communication and place it on file

3.26. COMMUNICATION: James Guest, re: Gun Ban Resolution
*waive the reading, accept the communication and place it on file

3.27. COMMUNICATION: Richard Bell, re: Gun Ban Resolution
*waive the reading, accept the communication and place it on file

3.28. COMMUNICATION: Roy Marble, Marble Consulting, re: City Gun Ban Agenda
*waive the reading, accept the communication and place it on file

3.29. COMMUNICATION: Sons of Liberty Militia, re: The Second Shot Heard Round The World?
*waive the reading, accept the communication and place it on file

3.30. COMMUNICATION: Paul DeCausemacker, re: Semi-automatic firearms resolution
*waive the reading, accept the communication and place it on file

3.31. COMMUNICATION: Steven Bell, re: Gun Ban Resolution
*waive the reading, accept the communication and place it on file

3.32. COMMUNICATION: Al Mosher, re: Charter Change to ban semi-automatic assault weapons resolution
*waive the reading, accept the communication and place it on file

3.33. COMMUNICATION: Llewelyn Hughes, re: Proposed Gun Ban
*waive the reading, accept the communication and place it on file

Councilor Brennan requested a five minute recess.

4. RESOLUTION: Charter Change to Prohibit Semi-automatic Assault Weapons and Multiple-Ammo Clips (Councilors Blais, Shannon, Aubin, Bushor) (20 mins.)

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

Councilor Blais stated everyone here has come forward with good intentions. This discussion must take place under the laws of Vermont. Under the Vermont Fish and Game Statutes, it is unlawful to use a hunting rifle that has the capacity of more than six weapons when hunting deer and bear. That was passed to give the deer and bear a fair chance. A person could also walk into the Flynn Theater full of children with an AK-47 fully loaded with a high capacity magazine. That act would be legal. That dichotomy does not make good sense in a modern society. The same common sense should be used in the streets and the woods. Children should be afforded the same rights as deer. Some people have said this is not needed in Burlington because nothing like this has happened before. The people of Newtown, Connecticut would have said that too. Councilor Blais agreed with people who say there should be State or Federal regulations on this. If there were effective legislation passed, he would be the first to ask this resolution be rescinded. However, he is not confident that this type of legislation will be passed at the State or Federal level. If they are to act, they will need to act locally. To those saying this is being done quickly and rashly, he noted it will take at least one year before this will be approved. The Charter Change Committee

will have time to deal with some of the issues addressed here. The language is intentionally vague to allow the Charter Change Committee to draft legislation that will have constitutional muster and protect people's rights. He believes it will be possible to meet all of those demands. If the Charter Change is approved, there would be public hearings. It would be put to a vote for the citizens of Burlington. Nothing will happen unless it is adopted by a majority of the voters of the City. He is confident the voters will make the right decision. It is often said that the voters are the wisest place to look to determine an appropriate course of action. It will then have to be adopted by the State Legislature. It will take time to get that passed and will allow people to discuss how to draft that legislation. Some have said this is just a symbolic act, but he disagreed. Every time legislation is passed, it reflects the community sentiment. It also deters people from engaging in illegal activity. It also provides a punishment for those who violate the law. This will give the Police one more tool to use to deal with someone who is walking down Church Street with a loaded AK-47. Some have suggested focusing attention on mental health issues and safer schools. Nothing prevents that from happening alongside this process. There can be reasonable regulation on military-style assault weapons while exploring safer schools and addressing mental health issues. It is important to remember how closely identical to Burlington that community is. They should resolve to do something. It may not solve all of the problems, but it at least puts something in motion in response to that tragedy. This is just a first step to bringing this before the Council, voters, and General Assembly.

Councilor Decelles inquired about the legality of this Charter Change. He inquired if there are other municipalities in Vermont that have gun laws trumping state law. City Attorney Blackwood stated she is not aware of any, but has not researched it fully. This requests that the Legislature exempt Burlington from State Laws. Councilor Decelles stated the Sandy Hook incident kicked in for him on Christmas morning with his family. As a child he was allowed to bike around Burlington and walk alone on Church Street without fear. He does not feel comfortable letting his nine year old daughter do that. That is a travesty. People in the Old North End are afraid to come out of their homes. There are things that the City Council can do to address public safety. To send a Charter Change to Montpelier that they will likely not sign off on is a fruitless effort. He understands the sentiment, but the reality is this will go nowhere. The Public Safety Committee should instead address the needs that constituents have raised. People are afraid to come out of their homes and walk down Church Street.

Councilors Decelles and Dober made a motion to amend the resolution to strike all of the language and request that the Public Safety Committee convene a series of public hearings, work together with Burlington Schools, the Police Department, Howard Services, State's Attorney's Office, and other relevant parties to make the Schools and City as safe as they can be.

City Council President Shannon inquired if a replacement amendment is appropriate. City Attorney Blackwood stated that is allowable as long as it is on topic with the original resolution.

Councilor Dober stated when he was eight years old, he asked for a bow and arrow set. He wanted it because Robin Hood could shoot an arrow through an arrow, which he thought was cool. He never achieved that shot. He wrote an article about mentorship. Because he did not have a father, he had a mentor who owned firearms. At a young age, he took a hunter safety course. He started skeet shooting at age twelve. He shot a powerful handgun shortly after that. He qualified as an expert with an M16 A1. In Iraq, he qualified as a sharpshooter. The people with firearms were heroes in his eyes. He shoots for sport and has since childhood. The amendment gets to the real problem. Shooting is not the problem. This allows the public to engage in its real concern - public safety.

Councilor Kranichfeld stated that the Public Safety Committee has already discussed holding the type of hearings requested tonight. There is no reason why that cannot be done concurrently with this resolution. He suggested that if the Council would like to instruct the Public Safety Committee to work on safety in the Schools, they should bring forward an additional resolution. If a majority of the Public Safety Committee votes to have these hearings they can have them. He can also hold them as chair of the Public

Safety Committee. He has already decided he wants to do that, though he has not yet scheduled them. There is no reason to replace the vote on the resolution with this amendment. There are better ways to reach the same goal.

Councilor Bushor stated the amendment is consistent with her support of the original resolution. She has learned a lot since she agreed to sponsor this resolution. She does not own a gun, but her ex-husband did. She is not comfortable with guns, but has been around them. Her concerns are about how to make life safer for people in Burlington. She is intrigued by the amendment because there are two issues in her mind. One is guns themselves, and the other is the individual possessing the gun. Her comments relate to mental health issues. The country needs to realize there is a crisis that needs to be dealt with. Problems relate more to the individual and lack of available services. She feels strongly that the amendment gets at that part of the problem. She believes it is consistent with her position and will support it.

The motion on the amendment failed by a vote of 4-10 with Councilors Decelles, Dober, Bushor and Tracy voting in favor of the amendment.

Councilor Tracy requested Police Chief Schirling discuss guns and gun violence in Burlington in regards to the types of firearms that are used. Chief Schirling stated most recently, gun violence has manifested itself in a couple of ways. There has been an uptick in armed robberies. There are also cases of domestic violence and assault. It has been very prominent in drug dealing. The majority of weapons are handguns. They do occasionally come into contact with assault weapons. Generally, gun incidents are related to thefts or are possessed by someone trafficking large amounts of drugs.

Councilor Kranichfeld stated he owns firearms and enjoys hunting and going to the shooting range. He owns firearms in part for home protection. He respects people's rights to bear arms under the second amendment. He also respects the culture of responsible gun ownership that is prevalent in Vermont. Overly restricting gun ownership can have a harmful effect on that culture. Having said that though, he does have a difficult time with assault weapons. There are not enough legitimate uses of assault weapons that justify the problems they cause when they are allowed. They can be used for hunting but are not necessary. They are not needed for home protection. He agrees that they should focus on mental health issues. As a criminal prosecutor, he has seen the criminal justice system become the safety net for the mentally ill who have no other resources. That is not acceptable. Society has failed to help those who need it the most. The resolution that was written was very broad and asks to focus on assault weapons and high capacity clips. It leaves it to the Charter Change Committee to define those terms.

City Council President Shannon noted that they have not amended this resolution. There is a proposed amendment noted, but it has not been enacted.

Councilor Kranichfeld reminded the Council that this resolution asks Charter Change to draft legislation for later approval. It will be up to them to define what an assault weapon is and what a high capacity clip is. It is only when they return to the Council they will decide whether or not to support it. He supports starting the conversation. He does not think there is a legitimate use of assault weapons that justifies the risk they create.

Councilors Kranichfeld and Blais made a motion to amend the resolution to replace the word "semi-automatic" and "high capacity." He also made a motion to change the title to Charter Change to Prohibit Assault Weapons and High Capacity Clips.

Councilor Mason stated he will recuse himself from any vote based on his firm's representation of a client who would be directly affected. Councilor Decelles requested a clarification on Councilor Mason recusing himself. Councilor Mason reiterated his reason for recusing himself. Councilor Decelles inquired

if he had voted on the previous amendment. Councilor Mason stated he did vote on the previous amendment because it did not specifically include language regarding assault weapons.

The amendment passed by a vote of 10-3 with Councilors Decelles, Hartnett and Dober voting against. Councilor Mason recused himself from the vote.

Councilor Brennan stated there have been conversations about this type of resolution. Events occurred to bring this forward in a different light. He will put forward an amendment to add language to the current resolution. He feels that after the Newtown, CT incident, every legislative body should be addressing this. Incidents like this have happened time and time again and there needs to be a serious conversation across the country. Vermont lawmakers should discuss enacting laws to require waiting periods for the purchase of guns, require guns to be sold with child safety locks, and require guns to be locked in safes. They should also limit the number of guns that can be purchased by one individual. They should end the gun show loophole. This loophole exists when a non-licensed dealer sells a gun at a show in a private sale. There is no record of those guns. He is hopeful the legislature will have a discussion about putting an end to violence. The United States has the highest rate of gun ownership in the world. Murder figures are astounding. Gun violence is a unique problem to America. Compared with other industrial nations, it is clear that the United States has a much higher rate of gun violence. A lot of people have said that Vermont does not have that rate of deaths. However, there is an open policy where guns can be bought, traded, and sent to other parts of the country. There are standards for driving commercial vehicles across the country. Those are administered by the State Legislature. A similar program could be enacted for the distribution of guns. He has owned guns in the past and has hunted. He bought a handgun when he lived in the South End. There was a horrific crime that occurred when a woman was raped, beaten, and dragged from Winooski to his neighborhood. When he left for work that morning, he did not know the woman was there. When he learned of the incident, he went and purchased a revolver. That was not the answer. More guns are not the answer. Without a doubt, America has a high homicide rate compared to countries with a similar socioeconomic level. He hopes this additional amendment will help focus on other areas, such as video game violence. Guns are readily available, video games promote them, and there are mental health issues. It is time to have a sane conversation. He has experienced some hardships in his life. He has an adult daughter. About a decade ago, he received a phone call that she had been shot with a stray bullet. This happened in a neighborhood similar to the Old North End. It came from a handgun. There needs to be more work to address all guns. There has been handgun violence in City limits. There is no room for firearms to be discharged in Burlington. Burlington is different than in other parts of Vermont. In Massachusetts, they use shotguns rather than rifles for hunting because there are too many houses.

Councilors Brennan and Blais made a motion to add language to the resolution requesting the State to address the issues of gun violence with President Obama and Vice President Biden in licensing, permitting, and processing for handguns and the effectiveness of concealed weapons in society, eliminating the gun show loophole, providing more resources towards mental health and have better control on video game violence and their availability to children under 18.

Councilor Tracy stated he will support the amendment. He feels this resolution needs to mention mental health in some capacity. A broader, more holistic approach is needed and this starts to do that.

Councilor Siegel stated that banning certain kinds of weapons will not prevent crazy things from happening. It is more important to look at mental health issues and the culture of violence. The conversation needs to be at a national level and looks at issues of race and gender. Young white men are committing these mass murders. When young black men kill each other the conversation is about race. When women go crazy and kill their kids, they frame it around gender. Framing this around gender would allow them to learn more and prevent this from happening again. There could be an indirect impact with the resolution before the amendment. She feels she can support this with the amendment. She is not convinced that gun control laws will help, but she does not know it will not help. There are many steps to

this process that will require conversation. At the end, it may appear different than what is written now. If the amendment goes through and they make this request, it feels more useful.

Councilor Aubin stated he worries about this amendment because he is unsure where the discussion will go. Mental health is a huge, complex issue. The discussion around mental health is not black and white. It takes a lot of time and focus. Adding that to this resolution muddles the nature of the discussion, although it is a very important conversation to have. There are also issues with resources surrounding mental health. It requires a lot of money and dedication that may not be available with this amendment, although he appreciates the intent. He will not support the amendment.

Councilor Bushor stated she will support the amendment because it adds clarity to the intent of the resolution. This also brings this directly to the State, which is valuable. The public and Police Chief spoke about assault weapons not being the issue, so addressing licensing would be valuable. The mental health issue is incredibly complex, but very important. People with mental health issues are in crisis and in need of help. They are not being helped soon enough and they then act out in horrific ways.

The amendment passed by a vote of 10-3 with Councilors Decelles, Dober, and Hartnett voting against. Councilor Mason recused himself from the vote.

Councilor Hartnett stated they are legally on thin ice. He does not feel this should be in front of them. What happened in Newtown, CT would have happened whether or not there was a ban on automatic weapons. Today in Burlington there was a lockdown at one of the schools because a woman turned her natural gas up so high it threatened to blow up the neighborhood. Guns are not the problem, it is the individuals. Mental illness is the issue. Every one of these mass shootings have been done by men ages 18-30, from middle class families, who were well educated, and on prescription drugs prescribed by their doctors for mental illness. These individuals are being lost and they are paying the price. In Burlington it will not make the streets safer. This issue will come up whether there is a ban or not. No one wants to talk about mental illness because no one has the answers or resources. They should not feel that making guns the issue and passing this is doing their part. He does not feel that moving this forward is the right thing. They are trying to pass laws that are symbolic and do not have meaning about the real issues.

Councilor Aubin stated this discussion is challenging. He owns a number of firearms and he enjoys shooting. He wrestles with this because they are talking about a specific type of weapon. The mechanics of those weapons and the use of the weapons are not really different than a gun he already owns for target practicing and hunting. The weapons that the resolution refers to were designed to be used in war. There are a number of facts that are thrown around when talking about gun safety, but they do not provide the answer. A lot of people reference Australia. After the Port Arthur shooting, Australia made moves to buy back certain types of weapons and restrict other weapons. That has had little effect on gun violence in Australia. One fact that glares out to him is there has not been a mass killing since that was enacted. The frequency of mass assaults on unarmed civilians went down. There is often an argument that Vermont's low gun crime rate has a relationship to its relaxed gun laws. He believes education is important. He has a four year old son and it was shocking to him that he came home from school and was pretending to shoot something, as if guns are a toy. He intends to teach his sons reverence around gun ownership and they will be given the proper training to use guns. That is the best way to avoid the issues they are trying to stop. A lot of people want to say that places with stricter gun laws also have high crime rates. He is not sure if those actually correlate. There are many factors why Vermont has low crime rates and other places have higher rates. He is a history teacher and they talk a lot about civics. The second amendment is a great one for class discussions. The Bill of Rights bend and interrelate to interplay the rights of the public and the individual. The first amendment is not absolute because of the need to balance those rights. There is some degree of gun control federally with the ban of fully automatic weapons. That needs to be acknowledged and part of the discussion. The majority of homicide deaths in this country are made by firearms. That is a reality in the United States. There are so many unanswered questions. There are many

valid arguments on both sides of the argument. This discussion needs to continue. Voting against the resolution will not continue the resolution. More information needs to be given to the Council and the people of Burlington. There are legal issues. This may never get to Montpelier, but there will be public forums to discuss assault weapons in the City. He will support the resolution for that reason.

Councilor Paul stated she does not have the answers and does not know if this is the solution. This could be part of the solution, but it is not the solution. Voting against this ends the discussion, which she does not want to do. After the Newtown incident, the President spoke about what happened. His response was a balanced approach when he said there need to be discussions about safety in schools, gun control, and mental health. These issues are not mutually exclusive. The resolution as amended does what needs to be done. The mental health issue needs to be discussed. She agrees with Councilor Decelles amendment, but does not want to strike all.

Councilors Paul and Blais made a motion to add Councilor Decelles amendment to the resolution.

Councilor Dober raised a point of order and inquired if there can only be two amendments on a resolution. City Council President Shannon stated there can only be two amendments of an amendment, but there can be more amendments to the resolution.

Councilor Bushor requested a recap of the amendment.

Councilor Decelles raised a point of information and inquired if the amendment will be at the end of the amended resolution. Councilor Paul stated it will be added as number 5 in the resolution.

Councilor Decelles stated he will vote against the amendment as it was reintroduced. The Charter Change Committee is meant to change the Charter and put a recommendation in front of the Council and Voters. Things are sent there for a reason, not to simply have a broader discussion. The Public Safety Committee should have been meeting about this and he is glad they will be addressing this. Often, issues come up and the Council pushes them aside. This is going to do nothing. If a person wants a gun they will get it. Montpelier will be taking this up when they reconvene. There is no need for the Council to discuss banning a type of gun. All they need to do is have the Public Safety Committee address the issues. There are legal questions and no other municipality has done this. There is a long history in this state, and there is no reason to think it will happen in the next six months.

Councilors Decelles and Dober made a motion to call to question. The motion passed by a vote of 11-2 with Councilors Kranichfeld and Hartnett voting against. Councilor Mason recused himself from the vote.

The amendment to the resolution passed by a vote of 10-3 with Councilors Decelles, Hartnett, and Dober voting against. Councilor Mason recused himself from the vote.

Councilor Worden stated this is a good discussion and will be helpful in the long run. He comes from a hunting family and appreciates the rights the Constitution affords people. With those rights come limits and responsibilities. When rights infringe on other rights, there are limitations. In this case, the rights of innocent victims were infringed upon. He has heard people say there cannot be different limits in different jurisdictions, but he feels different jurisdictions have different conditions. The responsibility that comes with this right is to support the continuation of the right and ensure that the right does not affect others in an adverse way. They have heard guns are not the problem and mental health is. The main issue is where guns and mental health cross. He likes the amendments that have been made to add licensing, permitting, and mental health to the discussion. Half of the guns that are exchanged in this country are exchanged through private sales. He would like to see a push to control that. They do not want guns in the hands of people who will do wrong with them. He hopes they will move in that direction nationally.

City Council President Shannon passed the gavel to Councilor Kranichfeld.

City Council President Shannon stated she is glad they started this discussion. The original language may not have been perfect, but she appreciates that it sparked the discussion. She appreciates the additions that have been made. She is impressed by the gun owners on the Council who are supporting this effort. Owning a gun does not mean you oppose gun control. She hopes they can work with gun owners to find a common ground that will make the community safer. She has never held a gun in her life. One of her sister's classmate's father was killed by his own handgun. There is no law that could have prevented that. There was also an 18 year old boy who lived with her family who was killed by a handgun that was acquired too easily. That could have been prevented. The other boy who killed him would not have done that if he did not have easy access to the gun. She appreciates the amendments that incorporate mental illness. She believes that people do have rights to a gun, but there need to be discussion about the limitations and responsibilities that come with that. She supports this. They have embarked on a number of discussions through this process.

Mayor Weinberger stated this has been a thoughtful and productive discussion. He was moved by the comments tonight and by President Obama's comments in Newtown. This country is not doing enough to keep children safe and cannot accept these events as routine. He supports charging the Charter Change and Public Safety Committees taking action to determine what can be done to prevent this in the future. They can balance issues of gun violence with the Vermont culture of gun ownership. He is grateful they will include the School Department in these discussions.

The motion to adopt the resolution passed by a vote of 10-3 with Councilors Decelles, Dober, and Hartnett voting against. Councilor Mason recused himself from the vote.

5. RESOLUTION: Paperless Council Packets (Councilors Aubin, Shannon, Tracy) (30 mins.)

City Council President Shannon and Councilor Worden made a motion to waive the reading and adopt the resolution.

City Council President Shannon stated this was a goal the Council identified at their retreat and has been talked about for a long time. This proposal is perhaps not the final solution for paperless packets but it is a first step. The packets would be provided in PDF form. Ultimately, there may be better software, but there are many options to weigh. They should be able to read PDF documents. Councilors will be able to purchase a device and will be payable from City Councilor funds. City Council currently has $70,000 for Council use. They have only used $6,000 so far this year. That will last the Council through June. The computers purchased would be the property of the City of Burlington and should only be used for City business. Councilors can also choose to purchase the devices at the same price with personal funds and could then keep them for personal use. If a Councilor was to leave the Council and wanted to keep the device, there would be depreciation on the device that would allow them to buy it at a reduced rate. Paper packets will no longer be available for Councilors. There will be one original paper packet that will be the master for creating the PDFs.

Councilor Bushor stated she will not support this resolution although she agrees with going paperless. With the Board of Finance meetings, she prints out all of the materials and brings them with her. Other Councilors frequently request an extra copy from the Interim CAO. She is not satisfied with who pays for this. She knows that it takes a lot of time to make copies and collate them. Going paperless translates to time saved and expenses on paper saved. She is not satisfied with the perception that there is not money for this in the Clerk/Treasurer's budget. Although each City Councilor has a lot of money in their own account, it was put there so resources could be pooled to tackle a specific issue. She does not want to take away their ability to do that. A Councilor should not have to pay for the device. If the City wants to go

paperless, each individual should be provided a computer that they can use for City business. There are probably some tablets that cost less than $1,000. Perhaps if they pooled resources with the School, they could have saved money and bought more tablets. She does want to move in this direction, but the way that is proposed is not the way to do it. There are money savings in staff time, paper, and courier services. That money can be utilized.

Councilor Siegel stated she is interested in the intent of the resolution, but similarly does not feel comfortable with the proposed payment plan for people who need a device. Many people already have tablets and laptops. It is a matter of economic fairness that the funds would come from somewhere other than Council funds. She appreciates the research that has been done about the budget, but future costs for researchers are unknown. She hopes the Council will continue to have economic diversity and those who do not have the means to buy their own device should not be made to choose whether they spend money on Council related research or a device.

Councilors Siegel and Brennan made a motion to amend the resolution to strike lines 49-51 and replaced it with language stating that funds will come from a line item in the City Clerk's FY14 budget and strike lines 52-56 to state that devices will be the property of the City Councilor who purchased the device. They will be liable for tax implications and be the sole owners of the device.

City Council President Shannon stated she does not agree in concept with the amendment. One issue is that the funds cannot be taken out of a 2014 budget because it does not yet exist. When they create the 2014 budget, they can budget differently for the future. This resolution lays out how this first set of computers would be paid for. It does not have to be done this way in the future. The point is that if the City Councilor purchases the device, it is their property. If they do not purchase the device, it should be the property of the City. The concept being introduced is that the City would pay for the device and it would belong to the Councilor.

Councilor Dober inquired who is responsible for maintenance and upgrades for the laptop during the duration of the Councilor's term. ACAO Schrader stated if the device is City property the City would be responsible for upgrades and software such as anti-virus. That would be an automatic update when logging on to the server. Councilor Dober inquired if he drops and breaks his notebook who would be responsible. ACAO Schrader stated it would be the City's responsibility to replace it.

City Attorney Blackwood stated she has concerns about the amendment. If a laptop becomes the property of a City Councilor, but the City pays for it, it is considered compensation to the City Councilor. The Charter sets compensation at $3,000 per year. It does provide for expense reimbursements, but owning it would be compensation, not a reimbursement. The amendment would be a violation of the provisions in the Charter.

Councilor Brennan stated the intent of the amendment is to create compensation and alleviate the City of responsibility of the device or any actions that happen on the device. That is a cleaner way to move forward with such a device. He appreciates the fact that maintenance would come into play. It creates more of a burden on the City itself and puts responsibility on the Councilors themselves. The City may also be responsible for the liabilities if illegal activities occurred through the laptops. The intent of the motion was to create compensation.

Councilor Decelles stated he supports the resolution. He asked the Council to imagine they are City employees. A number of City employees have cell phones and other devices that the City maintains. When the employee leaves, the equipment stays. He feels they should do the same thing. They should purchase fourteen devices at a good price and then move on. It should not come from their stipend. It should just be utilized to perform daily services to the City.

Councilor Bushor stated she agrees with Councilor Decelles' comments. She hopes that they could readdress this in April and determine if the funds can be found this year. They can then build these expenses into the budget for FY14.

ACAO Schrader stated the money does not exist in the FY13 budget. Interim CAO Sisson stated the expense reimbursement accounts are the only option for FY13. The Clerk/Treasurer budget does not have the excess funds to spend $14,000 for computers that were not planned for. If they Council chose to wait until FY14, they can be budgeted for.

The motion to amend the resolution failed by a vote of 5 (Councilors Hartnett, Brennan, Bushor, Tracy and Siegel) to 9(Councilors Dober, Mason, Shannon, Kranichfeld, Aubin, Decelles, Paul, Blais and Worden.)

Councilor Hartnett inquired when this will begin. City Council President Shannon stated it will begin on February 11. She would be amenable to a different start date, but she feels they have waited a long time.

Councilor Dober stated the FY14 budget comes out in June. They could probably purchase devices shortly after that date and have the funds in the budget by the middle of summer.

Councilor Dober made an amendment to change the start date to August of 2013. The motion was not seconded.

The motion passed by a vote of 11-3 with Councilors Siegel, Brennan, and Bushor voting against.

Acting City Council President Kranichfeld returned the gavel to City Council President Shannon.

Councilors Paul and Tracy made a motion to suspend the rules and complete agenda items 6-7.2. The motion passed unanimously.

6. PRESENTATION: Jeanne Collins, Superintendent, Burlington School District, re: School Budget (20 mins.)

School Board Member Keith Pillsbury stated a year ago they proposed a 10.11% increase in the budget. That was a scary number. They appreciated that voters were willing to support that budget. They were able to implement the first year of the one to one tech program where all 9th graders have iPads. This has changed the way they are learning. All 6th grade students at EMS have MacBooks. Hunt Middle School has Netbooks. Technology is increasing student collaboration, learning, and thinking. They hired kindergarten para-educators who are making a difference in literacy. They are anticipating over 300 kindergarten students next year with classes of 20-22 students. The budget allowed them to take over the loss of $500,000 federal funds because of decreases in Vermont poverty. They also lost another $250,000. They took over pension and social security costs that were not covered by the Vermont State Teachers' Retirement System. That was a shift from the City Taxes to the School Tax to better track educational funding. They purchased a financial management software system to replace thirty year old software and are currently transitioning. This will allow greater transparency in the budgeting process and better tracking of expenditures. The Finance Committee chair will present the recommended budget and their rationale. The School Board is taking comments on their deliberation and will work to adopt the FY14 budget for the town meeting.

Alan Matson, Ward 6 School Board Member, stated the School Board asked the Administration to bring forward budgets that had increases in expenditures of 0%, 2%, and 4%. Parts of the budget need to be established as early as October for Special Education. They have been estimating far in advance of when the budgets come out. The Administration then develops budgets for November. The Finance Committee

met several times to work through the proposals. The Board set goals for the Administration to keep in mind when creating a budget. These goals are the Strategic Plan for Equity and Inclusion, Budget Goals, and the 5 year Capital Plan. They will be finishing some construction at Flynn Elementary that came in with a bond issue. They now need to redevelop the plan to look at the infrastructure to see what their needs are. Safety has been an area that has generated a lot of discussion. He wanted the Finance Committee to put forth a view of what is an acceptable level of spending for the next 3-5 years. The goal is to increase spending no more than inflation. Unfortunately, there have been pressures on costs in public education. They have not been comfortable with that level. They have instead tried to stay within 2% of inflation. There are five drivers in the increases. The first is the increase in students of approximately 1% per year. Special education costs have increased the budget more than 1% per year. There has been an increase of kids who are on the autism spectrum and in Burlington the number is about 1 out of 100 children. Supporting all children is a goal of public schools, but it is expensive to the School District. There has also been an increase in emotional and behavioral issues. It is very costly. The third issue is capital spending and added bonding a few years ago. They have also added a new curriculum of English Language learning. There has been a real need for this, as 15-20% of students arrive in schools not speaking English. There are usually about 40 students at the high school who do not speak English. The competitive environment for graduates has changed significantly. Now, the most selective schools are accepting only 5-8% of students. It is important to provide the educational and advancement opportunities for kids going out into the world. If this budget is adopted, it will represent an average of a 5.1% increase for the last four years. The rate of inflation has been 1.66% or more. The increase in students has added about 0.8%. Special Education has constituted over 1% per year on the overall budget. Capital spending and debt service has gone up about 0.5% per year. That will flatten out as they have now completed the larger bonding. The core spending has increased 1.54% representing the new curriculum, the one to one initiatives, and healthcare costs. Healthcare costs have increased 14% and represented a 1% increase in the overall budget. Given that over 85% of the cost of the School District is in personnel, the pressure on school budgets will be above inflation because of healthcare costs alone. That is how they came up with the idea of using inflation plus 10%. When looking at the increases that they thought they needed, they ended up with a 7% increase over last year. They had hoped to leave it between 0-4%. They looked at potential cuts and settled on a budget that increased 4.5% overall. Some of the items they had to take out included two administrators at the director level, the number of para-educators, and taking back some positions that were added in the elementary school. They are also looking at some community projects. They have put in a 15% reduction for co-curriculars. Every cut has had an advocacy group protest and show why these cuts are against their goals. They will be adding in an expense to pay the City for services they receive through the Clerk/Treasurer's Office and some bonding. The last page showed what it would take to get to 0%, 2%, and 4% and the cuts could impact full day kindergarten. There are other things they could cut, such as after school programs. However, 4.5% was as low as they were willing to go given what the City has done in the past. There has been discussion in Montpelier about changing the base rate, which would impact the tax rate on top of the 4.5%. There will be effects from loss of revenues related to PILOT and revenue from the federal government. They have lost almost 0.5% per year on their budget because of federal funding.

Councilor Bushor stated they have listed reductions with the dollar amounts. It would be helpful to understand how they would address those cuts. There were cuts in para-educators in elementary schools and special educators in the middle school. She would like to know how those student needs will be met. Athletics always seem to come up. Some say it is a great equalizer between scholastic ability and socioeconomic status. There may be other funding sources available, but she is not sure of that. One of the driving forces is healthcare and inquired what teachers paid for healthcare. She inquired if that is on par with what other employees are paid. She was dismayed to see that they had even considered cutting the Diversity and Equity Office. That should not even be on the list. Mr. Matson stated 15% of healthcare costs and all contracts are in a similar range. Councilor Bushor inquired if the Administration looked at what City employees pay. Jeanne Collins, Superintendent, stated it depends on the contract. The teachers' contract was in line with other teacher contracts throughout the state. Non-teacher contracts are compared

with the City. The new healthcare system is impacting what they are able to change. Throughout the district they are comparable with the City. She stated that people should not assume that the School Board and Administration are saying things on the reduction list are things they could live without. They are saying that they have to balance providing services with what the City can afford. It is not a pretty picture, but they are not comfortable asking for a 7% increase either. They never considered cutting the Diversity and Equity Office, but rather considered changing the way professional development services are provided. They are deeply committed to the Strategic Plans for Diversity and Equity and have increased that office this year. By cutting para-educators, they will have to provide services differently and more effectively. Councilor Bushor stated what is on the printed page which is misleading.

Councilor Brennan stated there are a lot of direct services on the reduction list that will impact students. Effects that will come later on may impact them even further, including the healthy living class at the Middle School. Talking about tobacco use, unhealthy eating, exercising, alcohol and sexual behavior are important. Kids are away from their parents more than ever before, and this is an area that should be reexamined. It is unfortunate that they have to look at all of these direct services.

Councilor Siegel stated they talked about Burlington growing and they are increasing the number of students, she did not understand why they would try to spend less. She would advocate for putting all of the reductions back in and asking for a 7% increase. It would be tragic to lose funding while they are growing.

City Council President Shannon inquired what other opportunities there will be to comment on the School Budget. Mr. Matson stated they will be establishing the budget that will be put forth and will be visiting the NPAs. They have allowed the community opportunity to comment.

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

6.01. COMMUNICATION: Burlington School District, re: Budget Public Hearing, FY 2014 December 18, 2012

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

7. COMMUNICATION: Mayor Miro Weinberger, re: Moran Plant and Waterfront Redevelopment Update (oral)(20 mins.)

CEDO Director Peter Owens stated he was reporting about the Waterfront and Moran RFQ process. They have finally found the right way forward on moving the Waterfront and Downtown forward. Over the six months since they began the RFQ process for redevelopment of the Moran Plant, they have discovered that focusing solely on Moran is not the most strategic approach. There is tremendous opportunity to make public investments with millions of dollars of TIF money. The community has a compelling interest in fairly and openly weighing those decisions. They plan to have a Public Investment Action Plan (PIAP). This is not only about making good decisions on the Waterfront, but also about how the City can grow and what kind of City they would like it to become. He discussed a book that was written about how cities were tearing down neighborhoods to build freeways and public housing projects that were isolated from neighborhoods. The author did not like that segregation and understood that good cities are not about diagrams but big ideas. They are about fine grained patterns of uses and housing and jobs sharing a common domain. Great communities are tied together by public space. Those ideas have become incorporated into standard thinking about urban planning and design. Getting from concept to reality is difficult. PlanBTV lays out a vision of a vibrant, diverse, walkable City. This is the most important economic and community development initiative that the City faces. Another recent book that was

published argued that the best economic development that a City can pursue is creating more walkable spaces. People were moving to where they want to be. 66% of young people today determine where they want to go and then move there to make a life. 77% of these young people move to a vibrant, urban core. That should tell Burlington what its aspirations should be. The same holds true for empty nesters. People are increasingly choosing to be in walkable, mixed use, urban cores. They value that quality of life and a fear of losing mobility when they lose their driver's license. There is $5 million in the Waterfront TIF and potentially more, and $10 million in the downtown TIF district. This process will be brought back as a formal resolution, but he looks forward to hearing comments. The idea is to roll out a Request for Concepts to invite ideas from across the community about how to create public space. They will appoint a team between the Mayor and City Council to be responsible for vetting ranking, and scoring these proposals in an open public format. Projects that are determined to have merit will be brought back for more detailed proposals. By the fall, they hope to have a slate of well figured out projects that they can bring a slate to the voters. They envision a similar process for the Downtown TIF District.

Councilor Dober stated TIF is an excellent tool, but he cautions how deep they go with it.

Councilor Bushor stated this is a great proposal and process. She appreciates the time taken to reach out to Councilors. The public investment team will be appointed by the Mayor with consultation with the City Council President. She wants to make sure that the whole Council or a representative group be involved in that process. She hopes when the concept review and finalist selection takes place it also goes through the City Council. There is a lot of work to be done in a short period of time. She believes this will end in a better result with the focus on the Waterfront as a whole. Mr. Owens stated he received similar comments from other Councilors.

Councilor Siegel stated she is concerned about the timing and inquired about voting on a slate of projects. Mr. Owens stated the projects have not been fully thought out, but would likely be a package of projects. Assuming they were qualified, they would all be put forward. It would not be one project versus another. Councilor Siegel inquired if they will have only one construction season to incur the debt. Mr. Owens stated the projects need to be incurred and moved forward by the end of 2014. Mayor Weinberger stated incurring debt does not necessarily mean it will be spent in that year. Some projects may begin in 2014, but others will not start until later. They would have to be far along in the planning and permitting process in order to incur debt, but not fully constructed. The nature of the Waterfront TIF is that the capacity in the TIF is at least $5 million. That could go up considerably depending on what projects are moved forward. It is important that the projects interact with each other and work together. There will plan to bring a number of items to the voters together. That is why they have suggested the Public Investment Team to put together a set of complementary projects that work together physically and financially.

Councilor Brennan stated he is concerned with the Waterfront TIF and where it stands. They are at the end of the line as to when funds can be acquired. It is an ambitious timeline and he looks forward to going through the process. He hopes that something does materialize in the next cycle. There is a lot more time to address the Downtown TIF.

Councilor Tracy inquired what happens if they go through the process and do not get the proposals they need. Mr. Owens stated he knows they will be getting some proposals. This is not just for private entities, but also for City Departments. Mayor Weinberger stated they have no idea how many proposals they will get. He hopes they get a large number of proposals from many individuals and organizations. They anticipate the Request for Concept period will allow individuals, non-profits, businesses and City Departments to put forward proposals. The bar is intentionally very low. The application will be intentionally easy. The hope is that the process is open and inclusive. They may even be able to partner people with the design community to represent any idea in an illustration. In the early 1980s, there was something called the Buds project where designers came forward with a variety of ideas. They hope this is a similar period of inspiration. There will be a number of proposals coming forward. He intends to

direct the Parks and Recreation Department to come forward with a proposal for improvements to Waterfront Park so it will be better able to accommodate events without disrupting neighbors. He will be directing CEDO to put forward a proposal for the Moran Plant. What that will be is not yet known. He expects there will be non-profits coming forward with renewable energy projects. Cherry Street is within the Waterfront TIF and is an area for innovation and change. They are developing the bus terminal and there is a new hotel. The mall is for sale and there have been discussions about changing it. They have been engaging with leaders in the community that are planning to bring things forward. He does not expect they will have a problem with too few proposals coming forward. Councilor Tracy inquired if there is any consideration of extending the TIF deadline. Mayor Weinberger stated that two years is enough time to get through what they have laid out to come up with an excellent slate of projects and to move them to a point where debt is ready to be incurred. He does have a concern that they could do that work and forces outside of their control that would knock those projects out. They intend to work for legislative protection against that and have engaged in conversations with Montpelier. Fortunately, this conversation will be happening in Montpelier. Vermont League of Cities and Towns and the Vermont Mayors are all looking for TIF reforms. They will work for whatever relief they can, but in the meantime it will be important to move forward.

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

7.01. COMMUNICATION: Mayor Miro Weinberger, re: Waterfront and Downtown Public Investment Action Plan

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

7.02 (formerly item 3.12.) SPECIAL EVENT PERMIT APPLICATION (one day only): Smitty's Pub, 12/31/12

Councilors Dober and Blais made a motion to waive the reading, accept the communication, place it on file and approve the one day only for Smitty's Pub.

Councilor Siegel stated she wanted to take this off of consent because it is the second time she has noticed the Council approving something that is post-dated. She is not concerned with the event itself, but she would hate for an event to happen that she would not have approved.

Councilor Dober stated this is very common. They do their best to get everything in Committee. There were only a couple of meetings in December, so this was the earliest opportunity to bring it forward. It happens even more in the summer. Typically, the Committee does vet these, but there are other times that it is approved by the Chair of the License Committee and the City Council President. They try to be as fair to the businesses as possible. The organizations do have to apply within five days. They do follow those guidelines, but they do not always have a Council meeting in that time frame.

City Council President Shannon stated if the Dealer.com event permit had come in advance, she would have voted no on it. It was well disguised under Nectar's so she did not know she would have voted no on it. Sometimes there are small events like a funeral that need a liquor license and need to be addressed quickly.

7.5. DISCUSSION: BERS VALUATION (oral)

This item was not addressed at this meeting.

8. COMMITTEE REPORTS (5 mins.)

This item was not addressed at this meeting.

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

This item was not addressed at this meeting.

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

This item was not addressed at this meeting.

11. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Regular City Council Meeting at 11:33 p.m.

Attest: Lori Olberg & Amy J Bovee

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