
DELIBERATIVE AGENDA

SPECIAL CITY COUNCIL WORKSESSION
MONDAY, NOVEMBER 18, 2013
CONFERENCE ROOM 12, CITY HALL
6:00 P.M. – 7:00 P.M.

1. AGENDA
2. DISCUSSION: Bob Rusten, CAO, re: Self-insurance (oral)
 - 2.01. COMMUNICATION: Bob Rusten, Chief Administrative Officer, Susan Leonard, Human Resource Director & Scott Schrader, ACAO for Administration, re: Initial discussion of City of Burlington's Medical Self-Insurance (**material to be sent under separate cover**)
3. ADJOURNMENT

ADJOURNED MEETING, CITY COUNCIL
MONDAY, NOVEMBER 18, 2013
CONTOIS AUDITORIUM, CITY HALL
7:15 P.M.

1. AGENDA
2. RESOLUTION: Honoring Burlington Youth Football Program (Councilor Hartnett)
3. REPORT: Peg Boyle Single, Chair, Library Commission, re: Fletcher Free Library November, 2013 Commissioners' and Trustees' Report
4. REPORT: James T. Strouse, Chairman, Burlington Employees' Retirement System, City Council Report for June 2013
5. PUBLIC FORUM **(Time Certain: 7:30 p.m. – 8:00 p.m. unless extended by the Council President per Council Rules)**
6. CONSENT AGENDA
7. COMMUNICATION: Chapin Spencer, Director, DPW, re: Downtown Parking Improvement Initiative (15 mins.)
 - 7.01. RESOLUTION: Launching the Downtown Parking Improvement Initiative (Councilors Tracy, Ayres, Mason: Transportation, Energy & Utilities Committee)
8. RESOLUTION: Adoption of Proposal for \$500,000 Fund Adjustment (Councilors Aubin, Knodell: Board of Finance)
 - 8.01. COMMUNICATION: Bob Rusten, Chief Administrative Officer, re: Proposal that Identifies approximately \$500,000 in General Fund reduced expenditures and increased revenues to achieve FY 2014 General Fund budget goal

9. RESOLUTION: March 4, 2014 Annual City Meeting –Proposed Charter Change Re Ban on Firearms in Any Establishment with a Liquor License (Charter Change Committee)
10. RESOLUTION: March 4, 2014 Annual City Meeting – Proposed Charter Change Re Police Seizure of Firearms During Domestic Abuse Incident (Charter Change Committee)
11. RESOLUTION: March 4, 2014 Annual City Meeting – Proposed Charter Change Re Safe Storage of Firearms (Charter Change Committee)
12. ORDINANCE: ANIMALS AND FOWL—Confinement of animals in vehicles (Councilors Mason, Blais, Paul, Shannon, Bushor, Tracy, Knodell, Ayres, Worden & Siegel)(1st reading—proposed action: consider this 1st reading and refer it to the Ordinance Committee)
- 12.01. COMMUNICATION: Whitney Bierschenk, Hospital Manager, BEVS, re: Support for Vermont Statute Title 13 §386. Confinement of animals in vehicles
- 12.02. COMMUNICATION: Nancy Cathcart, President & CEO, Humane Society of Chittenden County, re: Support of a proposed city ordinance that matched Vermont Statute Title 13 §386.
13. COMMITTEE REPORTS (5 mins.)
14. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)
15. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)
16. COMMUNICATION: Eileen Blackwood, City Attorney and Bob Rusten, CAO, re: Potential litigation regarding a public records request (oral)
- * * * * **EXPECTED EXECUTIVE SESSION** * * * *
17. COMMUNICATION: Richard Haesler, Assistant City Attorney, re: Champlain Parkway-Pending Litigation (oral)
- * * * * **EXPECTED EXECUTIVE SESSION** * * * *
18. ADJOURNMENT

CONSENT AGENDA

ADJOURNED MEETING, CITY COUNCIL MONDAY, NOVEMBER 18, 2013

- 6.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List
*waive the reading, accept the communication and place it on file
- 6.02. RESOLUTION: Authorization to Purchase Police Vehicles Using Impact Fees (Councilors Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution

- 6.03. COMMUNICATION: Lise E. Veronneau, Business Administrator, Burlington Fire & Police Departments to the Board of Finance and the City Council, re: FY 14 Vehicle Purchase – Use of Impact Fees
*waive the reading, accept the communication and place it on file
- 6.04. RESOLUTION: Prepayment of 1999 Urban Reserve Certificates of Participation (COPs) (Councilors Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 6.05. RESOLUTION: 41 Cherry Street, LLC: Amendments to Ground Lease and Notice of Lease (Councilors Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 6.06. COMMUNICATION: Richard Haesler, Assistant City Attorney, re: 41 Cherry Street – Ground Lease Amendment #3; et al
*waive the reading, accept the communication and place it on file
- 6.07. RESOLUTION: Authorize Amendments to Master Services Agreement Between Burlington Telecom and VTEL (Councilors Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 6.08. COMMUNICATION: Martha R. Lang, Ph.D., re: St. Joseph School
*waive the reading, accept the communication, place it on file and send a copy to School Superintendent Jeanne Collins
- 6.09. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, July 15, 2013, Draft
*waive the reading, accept the communication, place it on file and adopt the minutes at the December 9, 2013 City Council Meeting
- 6.10. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, August 12, 2013, Draft
*waive the reading, accept the communication, place it on file and adopt the minutes at the December 9, 2013 City Council Meeting
- 6.11. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, September 9, 2013, Draft
*waive the reading, accept the communication, place it on file and adopt the minutes at the December 9, 2013 City Council Meeting
- 6.12. COMMUNICATION: Thomas Gustafson, Vice President for University Relations & Administration, The University of Vermont, re: City of Burlington and University of Vermont Memorandum of Agreement Re: 2009 Zoning Amendments
*waive the reading, accept the communication, place it on file and refer it to the Institutions/Human Resources Committee with a report due back at the February 10, 2014 City Council Meeting as to whether UVM is meeting the goals of the agreement and an assessment as to whether UVM is holding students accountable for off-campus behavior, and trends in neighborhoods as they relate to UVM housing issues

- 6.13. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes, October 15, 2013
*waive the reading, accept the communication and place it on file
- 6.14. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes, October 21, 2013
*waive the reading, accept the communication and place it on file
- 6.15. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes, October 28, 2013
*waive the reading, accept the communication and place it on file
- 6.16. RESOLUTION: Authorization to Enter Agreement to Waive Excavation Fees
(Councilors Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 6.17. COMMUNICATION: Norman Baldwin, P.E., City Engineer/Assistant Director-Technical Services, DPW, re: Request special consideration to repave St. Paul Street between King and Maple in lieu of Excavation Fees
*waive the reading, accept the communication and place it on file

Members of the public may speak when recognized by the Chair, during the Public Forum (time certain: 7:30 p.m.) or during a Public Hearing. This agenda is available in alternative formats upon request. Persons with disabilities, who require assistance or special arrangements to participate in programs and activities of the Clerk/Treasurer's Office, are encouraged to contact us at 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will air live on the night of the meeting on Burlington Telecom, Channel 317. This meeting will also air on Channel 17 on November 20, 2013 at 8:00 p.m., repeating at 1 a.m., 7 a.m. and 1 p.m. the following day. For information on access, call Scott Schrader, Assistant CAO for Administration and Management (865-7140) or Lori Olberg, Licensing, Voting and Records Coordinator (865-7136) (TTY 865-7142).

Resolution Relating to

RESOLUTION

Sponsor(s): Councilor Hartnett

Introduced: _____

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

HONORING BURLINGTON YOUTH FOOTBALL PROGRAM

CITY OF BURLINGTON

In the year Two Thousand Thirteen.....

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

That WHEREAS, it is the goal of the Burlington Youth Football Program, through the combined efforts of the coaches, to allow every child to play football regardless of what their financial situation is; and

WHEREAS, the program's foundation is focused on life lessons for our players and every player is taught the value of discipline, dedication and respect; and

WHEREAS, the Coaches view it as a responsibility for the team to represent our community well and to teach the players to have pride in their School and the Schools values; and

WHEREAS, the Burlington Youth Program has focused on developing players for competitive sports at the high school level, teaching the players foundations; and

WHEREAS, Jack Detore and Kevin Garrison have been with the Burlington youth Football Program for the past eight years and took the program over three years ago; and

WHEREAS, the team was fortunate to help our program make it through the playoffs to the championship game for the past two seasons; and

WHEREAS, this year the team, with careful guidance from the Coaching staff, had an undefeated season and went on to win the NVYL championship for the first time in Burlington Youth Football history;

NOW, THEREFORE, BE IT RESOLVED that the Burlington City Council congratulates the Burlington Youth Football Team, and all the players on it, for its outstanding and historic season in winning the championship and going undefeated; and

BE IT FURTHER RESOLVED that the Burlington City Council is very proud of the entire Burlington Youth Program, and the Council also congratulates and thanks the parents and guardians for their work and support as well as Coaches Jack Detore and Kevin Garrison for the incredible job they did with the team, both in winning the championship and for instilling the values of discipline, dedication and respect in all the players.

Fletcher Free Library November, 2013 Commissioners' and Trustees' Report

Overview

Under the leadership of Director Rubi Simon, the Fletcher Free Library¹ has undertaken an assessment and reallocation of its resources to offer expanded services and new programming. The increased services and programs have been widely popular, as assessed through patron comments and by the community "voting with its feet." Her efforts start at the top, by leading the way to develop an up-to-date strategic plan, and go through all the operational aspects of the library by reviewing and revising policies and procedures.

In close collaboration with the Fletcher Free Library Board, Director Simon has put a new emphasis on development and expanding the available resources of the library through fundraising, grant writing, and community and national partnerships. She is also working to develop an up-to-date and effective strategic plan that will help to guide the library over the next three years. And, she is working to review and preserve the physical facility and collections of the library. In addition, the Fletcher Free Library Board is undergoing a reorganization that will allow us to be a potent resource for the Director and her staff.

Overall, it has been a very exciting time at the library. Director Simon has brought high-level expertise and unbounded energy to her position. The library staff combines a great professionalism with dedication to the library and is central to every accomplishment listed below. As Director Simon works closely with City Hall, community and national partners, we believe she will help to enhance the library resources and fulfill the Fletcher Free Library's potential as a valued and valuable resource for our community, an economic driver for our city, and a gem that serves to entice families and businesses to move into Burlington. Below we provide an overview of some of the highlights since January 2013.

Expanded Evening Hours Have Been Very Popular: After months of reviewing statistics on the number of patrons using the library, the library began a new schedule as of September 3rd. This is the first schedule review and update in years, going on decades. This change has been well received by the public, with patrons "voting with their feet" and using the library during the evening hours to a much greater extent than the prior morning hours. The staff has had great response to the extra evening.

Enhanced IT Capabilities and Expanded Hours Results in Greater Use of Community Spaces: The library offers its meeting rooms to community groups for gatherings. The extra evening has seen a marked increase in community use of the meeting spaces and most rooms are already scheduled through the winter. A Google Grant equipped the community rooms with video conferencing capabilities.

Offering New Drop-In Tutoring Services for Burlington 1st through 8th Grade Students: The library is offering after-school and weekend tutoring/homework assistance for students in first through eighth grades. Graduate students from the Albany College of Pharmacy and Health Services tutor individual students or small groups in reading, math and science. Tutoring has begun in early October.

¹ Please excuse the anthropomorphizing of the library; we did so in the interest of brevity.

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The Summer Reading Program Enhances Its Outreach and Enjoys Another Successful

Year: The DIG INTO READING! Summer Reading program had an exceptionally successful year. This free seven-week program for elementary and middle school students offers fun activities, encouragement, and incentives to read during summer vacation. This program serves to lessen the summer learning loss that students experience. With the hiring of a temporary Youth Outreach Coordinator, this program targeted diverse communities to increase participation. Along with librarians meeting with six of Burlington's elementary schools, the coordinator reached out to thirteen sites, including King Street Youth Center, Sara Holbrook Community Center, and programs at parks and housing developments.

Record-Breaking Attendance at Chris Bohjalian and Stephen Kiernan Author Event: A partnership with Phoenix Books to bring authors Chris Bohjalian and Stephen Kiernan to the library drew over 300 attendees. The library is enhancing both its programming and its publicity efforts to meet the needs of the community and subsequently attract increased attendance at events.

Emphasis on Programming Highlighting Multicultural and Race/Ethnic and Sexual Orientation Diversity and Timely Social Issues: The Library Staff continues the good work developed by the late Dan Balon to meld the Library's Programming with its Diversity Statement. A Spanish sing-a-long group for pre-school children and families has been added as a regular programming event. Events such as one sponsored by Conversations on Race Now were held at the library and focused on the Trayvon Martin decision and President Obama's subsequent remarks. An art exhibit was sponsored by the RU12? Community Center in which it presented the Vermont Queer Archives, which focused on how community is developed, celebrated, and preserved. As part of the Let's Talk About It Series, the library is currently sponsoring a series of film and book discussions on Islam. Finally, Community Cinema, a partnership with the library and Vermont Public Television, is a civic engagement initiative featuring monthly screenings and community discussions of films that focus on timely social issues of the day.

Expanded On-line and E-offerings: With the increased usage of e-books and videos, the library has expanded its on-line and e-offerings. Recently, it added IndieFlix as a service; IndieFlix provides patrons with unlimited access to thousands of independent films from around the world. With this addition, the library continues its focus on providing access to non-mainstream media. This adds to its offerings of e-books and on-line audio books and language learning resources, in addition to Consumer Reports and Morningstar.

Hack the Stacks: Civil Hacking at Fletcher Free Library Supports the Local NonProfit Community: In partnership with Code for BTV (the Burlington-based Code for America Brigade of volunteer civic hackers), the library will sponsor a two-day hackathon on October 26 and 27. This event will bring together volunteer hackers to create Internet-based public resources that serve Burlington's (and Vermont's) nonprofit community.

Fletcher Free Library Plays a Pivotal Role in the Launch of "BTV Ignite" : On October 15th, Mayor Weinberger announced that the City of Burlington would be the 26th US city to join

US Ignite, a White House initiative run through the National Science Foundation that connects communities with exceptionally fast broadband capability in order to develop next-generation Internet applications. Our existing fiber network allows us a unique opportunity to enhance our educational systems, provide high-speed internet access to all our citizens, allow existing businesses the opportunity to grow, and support entrepreneurs as they start new businesses. As a critical partner in the launch of BTV Ignite, the library now has 1Gbps (Gigabit per second) connection speed, which is over 100 times as fast as both the average national broadband speed and Vermont's statewide average broadband speed. This capability will support our schools, institutes of higher learning, entrepreneurial communities and businesses with the goal of sustainable economic growth and workforce development. As BTV Ignite was taking shape, Director Simon was able to connect with library leadership in Kansas City, Kansas, another US Ignite city, and learn more about their plans for a software lending library. She is in conversation with the Kansas City Public Library about the formation of a Library Consortium that would allow FFL patrons access to this digital lending library. Director Simon also participated on the panel "Sparking Burlington's Future" at the official launch of BTV Ignite at Tech Jam on October 18th.

Developing Relationship with Partnership for Change to Strengthen Educational Partnerships with Burlington and Winooski Schools: Partnership for Change is an initiative that supports innovation in Winooski and Burlington schools as they remodel our public education system to focus on Student-Centered Learning and Family-School Partnerships and to meet the needs of a more diverse and changing local and global society. Through the leadership of Mayoral-Designee Commissioner Jessica Nordhaus, the library, the schools and the Partnership are working together to support multiple projects. Most currently, Fletcher Free Library is supporting the work of Burlington High School 9th graders in their Make a Change project and is hosting diversity and race training for the BHS.

Re-energized Board Development Committee Due to New Leadership: Director Simon is working closely with the Board Development committee to boost external funding opportunities for the library. State Representative and Library Commissioner Jill Krowinski brings extensive development and outreach experience and is the new Chair of the Development Committee. Library Trustee Selene Colburn, Librarian at the University of Vermont, brings extensive development, marketing, and planning expertise to the Board. The Development Committee is recruiting outside volunteer talent to assist in its efforts.


Experienced Organizational Development Professional Leads Fletcher Free Library's Strategic Planning Process: Library Commissioner Glenn McRae, Associate Director at the UVM Transportation Research Center and teaching in the Public Administration Graduate program, brings over three decades of experience in strategic planning and organizational development to his role as Chair of the Board Development and Strategic Planning committee. Mr. McRae and Director Simon are working closely with the Board, the Friends of the Library and the library staff to develop an up-to-date and effective strategic plan that will guide the library for the next three years and will translate into annual operational goals and objectives.

Dedicated and Professional Staff Continue Commitment to Excellence: Through this time of change, we must commend each and every library staff member on their unfaltering commitment


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to the library and the community. These many accomplishments could not have been done without their enthusiastic participation.

We are very pleased to present this report to the Burlington City Council and Mayor Weinberger. If you have any questions or would like additional information, please feel free to contact the Board Chair at pegboylesingle@gmail.com or at 802/862-4699.

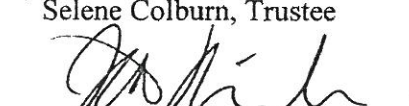

Peg Boyle Single, Chair

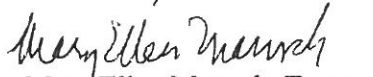

Ed Adrian, Vice Chair


Kate Bouton, Staff Commissioner



Selene Colburn, Trustee



Peter Ireland, Trustee


Jill Krowinski, Commissioner


Mary Ellen Manock, Trustee


Glenn McRae, Commissioner


Jessica Nordhaus, Mayor-Designee
Commissioner


Ellen MacLellan,
Representative of the Friends of the Library

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BURLINGTON EMPLOYEES' RETIREMENT SYSTEM

James T. Strouse
Chairman of the Board
Robert Hooper
Vice-Chairman

2013 JUN 10 P 12:35
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Marina Collins
Retirement Administrator
802-865-7097
802-865-7142 (TTY)

CITY COUNCIL REPORT FOR June 2013

- **MISSION**

The mission of the Retirement Board as defined by the Ordinance is to be trustees of the funds of the retirement system. The members have the authority to invest funds, determine asset allocation within guidelines, develop the guidelines, and hire such managers and consultants as may be needed. The members also set policy and oversee the general administration of, and have the responsibility for, the proper operation of the retirement system. The members make decisions on disability applications and follow-ups.

- **HIGHLIGHTS**

The market value on 3/31/2013 was \$148,371,261 versus \$137,634,671 on 3/31/2012. In the 3/31/2013 Dahab report – for the first quarter, the Composite portfolio returned 3.2%, which was 0.2% greater than the Burlington Manager Shadow Index's return of 3.0% and ranked in the 95th percentile of the Public Fund universe. Over the trailing year, the portfolio returned 9.7%, which was 2.2% above the benchmark's 7.5% performance, ranking in the 62nd percentile. Since March 2008, the account returned 7.8% on an annualized basis and ranked in the 49th percentile.

In May 2012, continuing our efforts to bring the Plan into conformity with IRS rules, the Board voted to add all current permanent employees age 65 or over, who had not previously been permitted to participate in the Plan, to the Plan. The Board concurrently asked the City Council to fully fund all costs associated with this action and not amortize these costs.

The Board spent a considerable amount of time during the year discussing our investment programs. In June 2012 our Investment Consultant (Barry Bryant of Dahab Associates) reviewed for us the characteristics and performance of the assets that we have retained under our direct control (timber, emerging markets and private equity). We are nearing the five year mark of having the balance of our portfolio managed by the Vermont

Pension Investment Committee (VPIC) and intend to formally review that relationship to determine if it is in our best interest to remain with them or not. With that in mind, Mr. Bryant urged the Board to concentrate on this over the next several quarters. In August 2012, VPIC gave a presentation to the Board. They were represented by State Treasurer Beth Pearce, Matt Considine, Director of Investments and Steve Rauh, VPIC Chair. They gave a comprehensive report on the fund's performance and structural changes in the portfolio through the years that we have been with them. Their presentation was followed by a presentation from Mr. Bryant. He gave another in-depth presentation to us in November 2012. In January 2013, in advance of performance discussions about the VPIC portfolio in February, he devoted his time to analysis of our "alternative investments" portfolio. In February he gave an analysis of the VPIC performance over the five years that we have been with them and compared performance and costs with a hypothetical similar to the VPIC portfolio but invested as much as possible in index funds. The Board was left to mull the decision over the next couple of months before making the decision. However, at the May 2013 Board meeting, there was considerable discussion of VPIC performance versus the hypothetical performance. The Board then decided to monitor the comparative performance over both an up and down market cycle before making a definitive decision.

Another important item that was discussed in several meetings was whether or not our assumed investment return of 8% was realistic. It was noted that, although about 90% of our assets are with VPIC, we do not share the same return assumptions (although ours is a straightforward 8% and they use a more complicated formula). Ultimately, the Board commissioned our actuary; Buck Consultants (David Driscoll) to undertake an experience study for our Plan. Basically they look at all of our assumptions and compare them with actual experience of our Plan and make recommendations as to what our assumptions should be going forward. Mr. Driscoll discussed the results of that study with the Board on May 2, 2013. The discussion was comprehensive and, in the end, the report and all of the recommendations contained therein were unanimously accepted by the Board. Of note was the recommendation that we retain our 8% assumed actuarial rate of return. In addition, in response to a question from an employee Board member, Mr. Driscoll indicated that being 71% funded is not unusual and that we are not in a horrible position in comparison to some other plans.

In December 2012 the Board received the annual valuation of the Plan. It was accepted and the City Council was asked to fund the Plan as indicated in the valuation and required by Ordinance. (This amount was subsequently increased because of some assumption changes reflected in the experience study.)

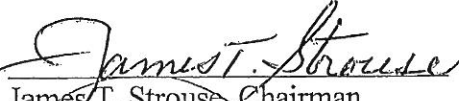
At the time of this writing there are 894 active members of the Retirement System, 555 retirees and beneficiaries, and 364 members who have left service with vested benefits. Pension benefits average about \$880,000 per month. From July 1, 2012 and May 31, 2013 approximately 125 new members have been added to the system, 50 have retired, 30 have been withdrawn as non-vested and 10 have left with vested benefits.

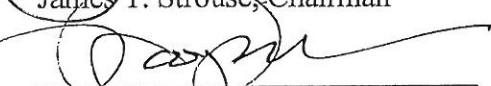
The FY12 members of the Board are James Strouse, Robert Hooper and Jeffrey Wick, who are appointed by the City Council, Paul Sisson, Interim Chief Administrative

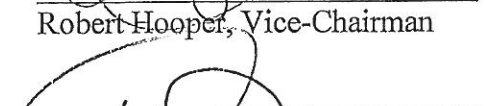
Officer, who is the Ex-Officio member, Firefighter Benjamin O'Brien, Fire and Cpl. Ray Nails, Police who are elected by the Class "A" employees, and Munir Kasti and Paul Paquette, who are elected by the Class "B" employees.

Sincerely,


RETIREMENT BOARD



James T. Strouse, Chairman


Robert Hooper, Vice-Chairman



Rich Goodwin, Asst. CAO


Ray Nails


Benjamin R. O'Brien


Paul A. Paquette


Munir Kasti


Jeffrey Wick

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**CITY OF BURLINGTON
DEPARTMENT OF PUBLIC WORKS**

645 Pine Street, Suite A
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802.863.0450 TTY
www.burlingtonvt.gov/dpw

Chapin Spencer
DIRECTOR OF PUBLIC WORKS

To: City Council
Fr: Chapin Spencer, Director
Re: **Downtown Parking Improvement Initiative**

November 12, 2013

REQUESTED COUNCIL ACTION:

Vote to support the attached resolution sponsored by the Council's Transportation Energy and Utilities Committee.

BACKGROUND:

Public Works and CEDO are partnering with the Burlington Business Association to undertake a major planning and implementation effort around enhancing the public/private parking system in the downtown/waterfront area. There are also many other entities, including the CCRPC and the Police Department, who are also engaged.

PROBLEM STATEMENT:

There are two main drivers for this effort:

- 1) Policy makers, business leaders and the public want a more user-friendly parking system. Following up from the parking management recommendations in PlanBTV, we've had numerous conversations with key stakeholders – and the interest in comprehensively exploring ways to improve the system has been very strong.
- 2) The current funding model for maintaining the garages is broken and must be urgently fixed. The Traffic Fund has had two years of deficit budgets and critical capital investments have been deferred. See the list of \$1M+ urgent capital needs on the attached page. The policy makers' and the public's appetite for raising more funds from parking will be dependent on our ability to lay out a compelling roadmap to an improved parking experience.

DESIRED OUTCOMES:

1. A concerted communications and outreach effort to engage the community in a dialogue around how the parking system can be improved

Non-Discrimination

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.

2. The implementation of short-term pilot projects in 2014 to try out new approaches and technologies while also raising additional revenue for critical capital improvements
3. The completion of a downtown parking facilities assessment for City-owned parking garages by the end of 2014
4. The development of a Parking Management Plan by March 2015 that will deliver long-term policy and operational recommendations for dramatically enhancing the public/private parking system

PATH TO TODAY

We took the attached City Council resolution on the Downtown Parking Improvement Initiative to various Committees and Commissions prior to bringing it to the City Council including:

- Oct 29th: CC Transportation Energy & Utilities Committee
- Oct 30th: DPW Commission
- Nov 12th: Planning Commission

PARKING SUMMIT A GREAT SUCCESS

The BBA, DPW and the Community and Economic Development Office held a downtown parking summit on November 13 at the Hilton. The Mayor kicked off the event for the 150 diverse stakeholders who attended. The summit featured a keynote speech by Jeffrey Tumlin, a nationally-renowned parking expert and principal at Nelson/Nygaard Consulting Associates.

Thank you to the many Councilors who attended the event. If you missed it, Jeff's very impressive presentation will be online soon.

If you have any questions prior to the Council meeting, do not hesitate to contact me at 802-865-5818 or cspencer@burlingtonvt.gov.

1
2 **Resolution Relating to**

RESOLUTION
Sponsor(s): ~~Councilors Tracy,~~
Ayres, Mason: Transportation, Energy & Utilities Com.

3
4
5
6 LAUNCHING THE DOWNTOWN
7 PARKING IMPROVEMENT INITIATIVE

Introduced: _____
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

8
9
10
11
12 **CITY OF BURLINGTON**

13
14 In the year Two Thousand Thirteen.....
15 Resolved by the City Council of the City of Burlington, as follows:

16
17 That WHEREAS, Plan BTV reported that Burlington's parking system, including both public and
18 private parking, is not fully utilized; and

19 WHEREAS, the Department of Public Works reports its Traffic Fund lacks sufficient funds to
20 adequately maintain its downtown garages and the facilities have therefore suffered from years of delayed
21 capital investment; and

22 WHEREAS, downtown/waterfront business owners, visitors, customers, and employees
23 periodically report mediocre to negative experiences when using Burlington's downtown parking system;
24 and

25 WHEREAS, the future vitality of Burlington’s downtown/waterfront area depends on a parking
26 system that is managed and operated to improve efficiency, to enhance the customer experience and to
27 better maintain our diverse parking infrastructure; and

28 WHEREAS, a highly-efficient parking management system may minimize the needed parking
29 footprint and maximize space for other uses in our dense, vibrant core; and

30 WHEREAS, PlanBTV calls for “a comprehensive approach to parking management” and further
31 says “building more parking is extremely costly and can take many years to see results. Therefore,
32 managing the parking resources that we already have more efficiently must be our immediate priority to
33 mitigate and/or reduce demand as much as possible;” and

34 WHEREAS, PlanBTV further suggests that there “is a real and immediate opportunity for a
35 public/private partnership possibly working in partnership with the expanded Business Improvement
36 District who could play a key role in the overall management of downtown parking facilities;” and

37 WHEREAS, representatives from the Department of Public Works, the Burlington Business
38 Association and the Community & Economic Development Office have been meeting to explore both
39 short-term and long-term strategies to improve the downtown/waterfront parking system over the past six
40 months; and

41 WHEREAS, the outreach to over 50 downtown business leaders and stakeholders has

Resolution Relating to**LAUNCHING THE DOWNTOWN
PARKING IMPROVEMENT INITIATIVE**

demonstrated significant support for a focused effort on enhancing the downtown/waterfront parking system; and

WHEREAS, this resolution has been reviewed by and received support from the City Council Transportation, Energy & Utilities Committee, the Public Works Commission, the Planning Commission, and the Church Street Marketplace; and

WHEREAS, the recent Downtown Parking Summit, hosted in partnership with the BBA, brought together over a hundred stakeholders to explore ways we can improve the system;

NOW, THEREFORE, BE IT RESOLVED that the City Council establishes a collaborative public/private Downtown Parking Improvement Initiative with a vision of a managed parking system that delivers a positive experience for customers and reinforces the downtown's and waterfront's vitality well into the future; and

BE IT FURTHER RESOLVED that the mission of the Downtown Parking Improvement Initiative is to listen, learn, and experiment so that stakeholders can identify and propose new and improved ways to manage, operate and maintain Burlington's public and private parking assets in the city's core; and

BE IT FURTHER RESOLVED that the Downtown Parking Improvement Initiative will fulfill its mission by achieving these outcomes:

- Facilitate a public dialog about the downtown/waterfront parking system and inform stakeholders in the larger community about improvements to the parking system
- Complete an assessment of the City's downtown parking infrastructure including maintenance needs, expected lifespan, and capital improvement needs
- Recommend, implement and evaluate a series of pilot projects to test the impact of changes to the downtown public/private parking system that are in line with the Initiative's mission and collecting data from those pilots to inform future efforts
- Create a Parking Management Plan based on input from the public, area businesses and national parking experts; and

BE IT FURTHER RESOLVED that this Downtown Parking Improvement Initiative will focus on the downtown and waterfront area as defined by PlanBTV although attention will also be given to the upcoming study of the City's residential parking program so that stakeholders can better understand and manage the dynamics between both parking systems; and

BE IT FURTHER RESOLVED that representatives from the Downtown Parking Improvement Initiative shall meet with and update the Neighborhood Planning Assemblies that include or border the downtown/waterfront area to ensure adjacent neighborhoods are engaged in this initiative; and

LAUNCHING THE DOWNTOWN
PARKING IMPROVEMENT INITIATIVE

Resolution Relating to

BE IT FURTHER RESOLVED that there shall be a Working Group that will closely manage the initiative and shall have at least one representative from the following entities:

- Burlington Business Association
- Department of Public Works
- Community & Economic Development Office
- Police Department; and

BE IT FUTHER RESOLVED that an Advisory Committee shall be established to provide strategic direction and include the following representatives:

- Two business owners, managers or officials from the Church Street Marketplace selected by the Church Street Marketplace Commission
- Two business owners or managers from the downtown / waterfront area outside of the Church Street Marketplace selected by the Burlington Business Association
- Two downtown residents selected by the Mayor
- Two stakeholders representing cultural, educational or non-profit entities with a presence in the downtown / waterfront area selected by the Mayor
- A City Councilor selected by the City Council
- A Public Works Commissioner selected by the Public Works Commission
- A Regional Planning Commission official selected by the CCRPC; and

BE IT FURTHER RESOLVED that the Advisory Committee shall vote to elect a Chair and Vice Chair at their first meeting; and

BE IT FURTHER RESOLVED that the Advisory Committee shall meet at least quarterly and undertake the following tasks:

- Provide input on proposed short-term pilot projects and review after-implementation results
- Finalize the consultant selection for the Parking Management Plan by a vote of the majority of the Advisory Committee members
- Provide policy guidance on key issues in the development of the Parking Management Plan
- Have members serve as liaisons in outreach and communication efforts
- Send the Parking Management Plan forward to the City Council once a majority of the Advisory Committee members vote affirmatively that the plan is ready for adoption; and

BE IT FURTHER RESOLVED that the Downtown Parking Improvement Initiative will complete the downtown parking facilities assessment no later than the end of 2014; and

BE IT FURTHER RESOLVED that the Downtown Parking Management Plan will be presented to the City Council for adoption no later than March, 2015.

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2 **Resolution Relating to**
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RESOLUTION
Sponsor(s): Councilors Aubin,
Knodel: Bd. of Finance
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

6
7 ADOPTION OF PROPOSAL FOR \$500,000 FUND ADJUSTMENT
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13 **CITY OF BURLINGTON**

14 In the year Two Thousand Thirteen.....

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

16
17 That WHEREAS, in adopting the Fiscal Year 2014 General Fund “Non-Departmental” Budget, the
18 Mayor and City Council charged the Chief Administrative Officer to identify ways to increase General
19 Fund revenues or decrease expenditures that totaled \$500,000; and

20 WHEREAS, he has done so and has submitted the attached memorandum documenting his
21 proposal;

22 NOW, THEREFORE, BE IT RESOLVED that the City Council accepts the proposal by the Chief
23 Administrative Officer as outlined in the attached memo, where no further City Council policy decisions
24 are needed, and authorizes him to adjust the budget as outlined therein.
25



OFFICE OF THE CLERK/TREASURER City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000
Fax (802) 865-7014
TTY (802) 865-7142

TO: City Council

FROM: Bob Rusten, Chief Administrative Officer

DATE: November 14, 2013

RE: Proposal that identifies approximately \$500,000 in General Fund reduced expenditures and increased revenues to achieve FY 2014 General Fund budget goal

Within the Fiscal Year 2014 General Fund "Non-Departmental" Budget account number 101-00-000-8012 entitled "Revenue Enhancement/Expense Reductions" was created to show \$500,000 of net General Fund savings. It was my charge to work with department heads to identify ways to increase General Fund revenues or decrease expenditures that totaled \$500,000 and report back by the end of September.

This process has taken longer than expected, for which I apologize.

Starting in July I met with individual or groups of department heads and through this process we identified many ideas. Most of these were either not practical, need more time to research or clearly could not be implemented within the FY 2014 time frame.

I am bringing forth 9 ideas most of which can be done administratively. A few will need City Council approval. If all of these ideas are implemented we believe they will amount to at least \$492,000. Even if all of these ideas are implemented we will continue to look for ways to increase revenues and decrease costs for FY 2014 and beyond.

Ideas:

Change

1. General Fund Debt Service:

We believe we will underspend the budgeted line by \$57,500. We come to this conclusion as we believe the line was slightly over-budgeted and that the actual interest rate for the CIP bond is less than what had been anticipated.

\$57,500

2. City Council Reimbursement:

This budget line allows for each City Councilor to receive \$5,000 as a reimbursement for allowable Councilor expenses. The total budget for this line is \$70,000.

In FY 11 \$18,828 was spent. In FY 12, through 3/31/12 \$10,501 was spent. In FY 13 \$29,874 was spent. So far in FY 14 \$8,674 has been spent. We propose that Council agree to limit the reimbursement total to \$42,000, or \$3,000 per City Councilor which will reduce the budgeted expenditure by \$28,000. If Council approves this memo we will encumber this amount.

\$28,000

3. Police Department Lease Vehicle:

The Police Department budget account #01-050-7200_115 line is used to pay the financing of police cruisers. For FY 2014 there is \$226,050 budgeted. Each year one three-year finance charge ends and a new three-year financing begins. Instead of creating a new financing, we will use police impact fees in FY 14 and pay cash for the four new cruisers. Eliminating this new three-year financing will save the City, over three years, over \$10,000 in finance charges. Our goal is to use impact fees each year to pay cash for new cruisers until we will no longer be financing any vehicles. There is \$30,000 in the FY 14 budget and pay for the new financing and as we are paying cash instead we will not need to spend this money.

\$30,000

4. City Health Insurance Contribution:

In budget line 01-00-000-5400_125 there is \$4,471,338 for the cost of the City's contribution to employee health insurance. In October the employee contribution for health insurance increased for non-union and the AFSME members. These increases were warranted, and the additional revenue had not been budgeted. We estimate this additional General Fund FY 14 revenue to be about \$35,000. As there is an additional revenue we can then reduce the City contribution by a corresponding amount. On November 18th the City Council is holding a work session to review our current health insurance system and ideas to possibly reduce expenditures. We anticipate that the City Council will support some changes to the system in FY 14 that at a minimum could save \$40,000. Therefore we believe that we could reduce the City's contribution from this budget line by a total of \$75,000.

\$75,000

5. Short-Term Investment of General Fund Revenue:

With the City Council approval of our Investment Policy, and its guidelines, we can now invest General Fund money. We have investigated some win-win situations where we can lend money to City Enterprise Funds at a rate higher than we are getting in our sweep account, but lower than these Funds would pay if they borrowed from a financial institution. The Investment Policy allows us to invest up to \$5,000,000 in any fiscal year. Our plan is to lend approximately \$2,500,000 in FY 2014, using promissory notes, with interest payments to the General Fund totaling \$50,000.

\$50,000

6. Miscellaneous Ideas:

We have a variety of ideas, either implemented or to be further analyzed and then implemented. These included central purchasing, cash-back credit cards, reviewing vendor contracts, reviewing cell and/land line phone costs, air cards, current or new cash payments to the City, not paying National League of Cities and Towns dues and others that conservatively we believe will reduce costs or increase revenues to a total of \$106,500

\$106,500

7. Interest Expense – Line of Credit:

In budget account 01-00-000-7002 we have allocated \$125,000 to pay interest for General Fund borrowing on our line of credit. We anticipate that we will be utilizing our line of credit such that the interest charge will not be that high. In FY 13 we paid \$111,377 from this budget line and we anticipate that we will spend no more than \$105,000 in FY 2014. This will save \$20,000 in expenditures.

\$20,000

8. Information Technology:

We believe there is within the General Fund there is over \$85,000 in budgeted expenditures for large computer system expenses that instead could be paid from the use of impact fees and the CAO earmark in the CIP budget. This would allow us to spend the same amount of money but reduce General Fund expenditures. \$85,000

9. Modifications to City Parking Fees:

City administrative staff have been assisting in the review of the City parking plans and have been helping to support the efforts to generate more revenue to assist with the deferred capital needs of City garages. In addition, we will be working with Traffic to help create a deferred maintenance and ongoing maintenance schedule and ways to finance such a schedule. Due to this additional work we would propose that out of the FY 2014 additional parking revenues generated by changes to the parking system the General Fund receive \$25,000. \$25,000

Conclusion:

The total of all of these changes would result in a FY 2014 General Fund reductions in expenditures and increases in revenues that total \$477,000. \$477,000

It is also important to note that these proposals are just for FY 2014 and that some of these changes may not be included as part of the FY 2015 General Fund budget proposal.

1
2 **Resolution Relating to**
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RESOLUTION
Sponsor(s): Councilors Siegel,
Ayres, Blais: Charter Change Com.
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

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6 MARCH 4, 2014 ANNUAL CITY MEETING--PROPOSED
7 CHARTER CHANGE RE BAN ON FIREARMS IN ANY
8 ESTABLISHMENT WITH A LIQUOR LICENSE
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12 **CITY OF BURLINGTON**
13

14 In the year Two Thousand Thirteen

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

16
17 That the following question be placed on the ballot of the Annual City Meeting to be held on
18 March 4, 2014:

19 "Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further
20 amended to add Article 99. General Weapons Requirements Sec. 510 entitled "Ban on Firearms in
21 Any Establishment with a First Class Liquor License" thereto to read as follows:

22 Sec. 510. Ban on Firearms in Any Establishment with a First Class Liquor License.

- 23 (a) This act expressly supersedes 24 V.S.A. §§ 2291(8) & 2295 and authorizes the City of
24 Burlington to regulate the possession and carrying of firearms in the manner indicated below.
25 (b) Ban. Within the City of Burlington, no person may carry or possess a firearm, as defined by
26 Section 4016(a)(3) of Chapter 13 of the Vermont Statutes Annotated, in any building or on
27 any real property or parking area under the ownership or control of an establishment licensed
28 to serve alcohol on its premises.
29 (c) Exceptions. This provision shall not apply to
30 (1) any federal, state, or local law enforcement officer acting within the scope of that officer's
31 official duties;
32 (2) any member of the armed forces of the United States or the Vermont National Guard
33 acting within the scope of that person's military duties;
34 (3) any government officer, agent, or employee authorized to carry a weapon and acting
35 within the scope of that officer's duties;
36 (4) the owner or operator of such establishment, as long as that person is not prohibited from
37 possessing or carrying that weapon under any other federal, state, or local law.
38 (d) The penalty for any violation of this section shall be as follows:
39 (1) Criminal Offense. Any violation of this Article shall be considered a criminal offense,
40 which shall be punishable by a fine of no more than \$1,000 and/or by imprisonment for
41 not more than ninety (90) days.
42

Resolution Relating to

MARCH 4, 2014 ANNUAL CITY MEETING-- PROPOSED
CHARTER CHANGE RE BAN ON FIREARMS IN ANY
ESTABLISHMENT WITH A LIQUOR LICENSE

(2) Civil Offense. Any violation of this Article shall also be considered a civil ordinance violation punishable by a fine of no less than \$200 and no more than \$500 and civil forfeiture of the weapon as provided below.

(3) Forfeiture. Upon probable cause that a person is in violation of this provision, a law enforcement officer may seize the weapon involved in the violation. The person from whom the weapon is seized, or the owner of the weapon (if different), may appeal the forfeiture of the weapon within thirty (30) days of the seizure to the Vermont Superior Court, Civil Division, pursuant to Chapter 102 of Title 12 of the Vermont Rules of Civil Procedure and Rule 74 of the Vermont Rules of Civil Procedure. In any appeal, the burden of proof shall rest upon the City to establish the violation by a preponderance of the evidence. If the City fails to establish the required burden of proof, the items shall be returned to the person from whom they were seized.
If no appeal is taken within thirty days, or if the City prevails in the superior court proceedings, the items so seized shall become the property of the City of Burlington.?"

AND, BE IT FURTHER RESOLVED that pursuant to 17 V.S.A. Sec. 2645(a)(7) the City Council hereby determines that the proposed charter amendment is too long or unwieldy to be shown in the amended form and determines that the printed ballot shall utilize a short form question to read: "Shall the Burlington City Charter be amended to add Article 99. General Weapons Requirements Sec. 510 entitled "Ban on Firearms in Any Establishment with a First Class Liquor License," which provides that no person may carry or possess a firearm in any location under the ownership or control of an establishment licensed to serve alcohol on its premises and which provides for specific exemptions from the prohibition and for penalties, including forfeiture of the firearm, for a violation?"

AND, BE IT FURTHER RESOLVED that in accordance with 17 V.S.A. Sec. 2645, public hearings on the above-proposed amendment of the Burlington City Charter shall be held on Friday, January 17, 2014 at 12:00 noon and on Monday, January 27, 2014 at 7:00 p.m. in Contois Auditorium, City Hall, Burlington, Vermont.

* Material underlined added.

1
2 **Resolution Relating to**

RESOLUTION

Sponsor(s): Councilors Siegel,
Ayres, Blais: Charter Change Com.

Introduced: _____

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

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6 MARCH 4, 2014 ANNUAL CITY MEETING--PROPOSED
7 CHARTER CHANGE RE POLICE SEIZURE OF WEAPONS
8 DURING DOMESTIC ABUSE INCIDENT
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13 **CITY OF BURLINGTON**

14 In the year Two Thousand Thirteen
15 Resolved by the City Council of the City of Burlington, as follows:
16

17 That the following question be placed on the ballot of the Annual City Meeting to be held on
18 March 4, 2014:

19 "Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further
20 amended to add Article 99. General Weapons Requirements Sec. 511 entitled "Police Seizure of
21 Weapons During Incident" thereto to read as follows:

22 Sec. 511. Police Seizure of Weapons During Incident.

23 (a) This act expressly supersedes 24 V.S.A. §§ 2291(8) & 2295 and authorizes the City of
24 Burlington to regulate the possession and control of firearms in the manner indicated
25 below.

26 (b) Whenever, within the City of Burlington, a police officer has probable cause to believe
27 that a person has been the victim of domestic abuse, as defined in Chapter 21 of Title 15
28 of the Vermont Statutes Annotated, the officer may confiscate any firearm, ammunition,
29 or deadly or dangerous weapon, as defined in 13 V.S.A. §4601, in the immediate control
30 or possession of the person alleged to be the abuser.

31 (c) A person whose property has been seized may request its return, and the police shall
32 return the property within five (5) days of receiving the request, except in the following
33 circumstances:

34 (1) if the property is being held as evidence for a legal proceeding connected with the
35 domestic violence complaint; or

36 (2) after a hearing, a court order is issued denying the request or prohibiting the
37 owner from possessing such property.

38 (d) The penalty for any violation of this section shall be as follows:

39 (1) Criminal Offense. Any violation of this Article shall be considered a criminal
40 offense, which shall be punishable by a fine of no more than \$1,000 and/or by
41 imprisonment for not more than ninety (90) days.

Resolution Relating to

MARCH 4, 2014 ANNUAL CITY MEETING--
PROPOSED CHARTER CHANGE RE POLICE
SEIZURE OF WEAPONS DURING DOMESTIC
ABUSE INCIDENT

(2) Civil Offense. Any violation of this Article shall also be considered a civil ordinance violation punishable by a fine of no less than \$200 and no more than \$500 and civil forfeiture of the weapon as provided below.

(3) Forfeiture. Upon probable cause that a person is in violation of this provision, a law enforcement officer may seize the weapon involved in the violation. The person from whom the weapon is seized, or the owner of the weapon (if different), may appeal the forfeiture of the weapon within thirty (30) days of the seizure to the Vermont Superior Court, Civil Division, pursuant to Chapter 102 of Title 12 of the Vermont Rules of Civil Procedure and Rule 74 of the Vermont Rules of Civil Procedure. In any appeal, the burden of proof shall rest upon the City to establish the violation by a preponderance of the evidence. If the City fails to establish the required burden of proof, the items shall be returned to the person from whom they were seized. If no appeal is taken within thirty days, or if the City prevails in the superior court proceedings, the items so seized shall become the property of the City of Burlington.?"

AND, BE IT FURTHER RESOLVED that pursuant to 17 V.S.A. Sec. 2645(a)(7) the City Council hereby determines that the proposed charter amendment is too long or unwieldy to be shown in the amended form and determines that the printed ballot shall utilize a short form question to read: "Shall the Burlington City Charter be amended to add Article 99. General Weapons Requirements Sec. 511 entitled "Police Seizure of Weapons During Incident," which provides that a police officer may confiscate a weapon in the immediate control or possession of an alleged domestic abuser if the officer has probable cause to believe that domestic abuse has occurred and which provides for provisions on the return of the firearm and for penalties, including forfeiture of the weapon, for a violation?"

AND, BE IT FURTHER RESOLVED that in accordance with 17 V.S.A. Sec. 2645, public hearings on the above-proposed amendment of the Burlington City Charter shall be held on Friday, January 17, 2014 at 12:00 noon and on Monday, January 27, 2014 at 7:00 p.m. in Contois Auditorium, City Hall, Burlington, Vermont.

* Material underlined added.

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2 **Resolution Relating to**

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6 MARCH 4, 2014 ANNUAL CITY MEETING--PROPOSED
7 CHARTER CHANGE RE SAFE STORAGE OF FIREARMS
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RESOLUTION
Sponsor(s): Councilors Siegel,
Ayres, Blais: Charter Change Com.
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

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12
13 **CITY OF BURLINGTON**

14 In the year Two Thousand Thirteen

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

16
17 That the following question be placed on the ballot of the Annual City Meeting to be held on
18 March 4, 2014:

19 "Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further
20 amended to add Article 99. General Weapons Requirements Sec. 509 entitled "Safe Storage" thereto
21 to read as follows:

22 Sec. 509. Safe Storage.

23 (a) This act expressly supersedes 24 V.S.A. §§ 2291(8) & 2295 and authorizes the City of
24 Burlington to regulate the possession and carrying of firearms in the manner indicated below.

25 (b) Within the City of Burlington, no person who possesses a firearm, as defined in 13 V.S.A.
26 §4016(a)(3), shall store or otherwise leave the firearm outside of his or her immediate
27 possession or control without having first securely locked the firearm in an appropriate safe
28 storage depository or rendered it incapable of being fired by use of a gun locking device
29 appropriate to that weapon.

30 (c) A "safe storage depository" shall means a safe or other secure container which, when locked,
31 is incapable of being opened without the key, combination, or other unlocking mechanism, so
32 as to prevent an unauthorized person from obtaining access to the weapon.

33 (d) Penalties. The penalty for any violation of this section shall be as follows:

34 (1) Criminal Offense. Any violation of this Article shall be considered a criminal offense,
35 which shall be punishable by a fine of no more than \$2,500 and/or by imprisonment for not
36 more than ninety (90) days.

37 (2) Civil Offense. Any violation of this Article shall also be considered a civil ordinance
38 violation punishable by a fine of no less than \$200 and no more than \$500 and

Resolution Relating to MARCH 4, 2014 ANNUAL CITY MEETING--
PROPOSED CHARTER CHANGE RE SAFE STORAGE
OF FIREARMS

civil forfeiture of the weapon as provided below.

(3) Forfeiture. Upon probable cause that a person is in violation of this provision, a law enforcement officer may seize the weapon involved in the violation. The person from whom the weapon is seized, or the owner of the weapon (if different), may appeal the forfeiture of the weapon within thirty (30) days of the seizure to the Vermont Superior Court, Civil Division, pursuant to Chapter 102 of Title 12 of the Vermont Rules of Civil Procedure and Rule 74 of the Vermont Rules of Civil Procedure. In any appeal, the burden of proof shall rest upon the City to establish the violation by a preponderance of the evidence. If the City fails to establish the required burden of proof, the items shall be returned to the person from whom they were seized. If no appeal is taken within thirty days, or if the City prevails in the superior court proceedings, the items so seized shall become the property of the City of Burlington.

(4) Determination of Penalty. In determining the appropriate penalty, the court shall take into account all relevant factors, including the presence of minors at the location and time of the offense.?"

AND, BE IT FURTHER RESOLVED that pursuant to 17 V.S.A. Sec. 2645(a)(7) the City Council hereby determines that the proposed charter amendment is too long or unwieldy to be shown in the amended form and determines that the printed ballot shall utilize a short form question to read: "Shall the Burlington City Charter be amended to add Article 99. General Weapons Requirements Sec. 509 entitled "Safe Storage of Firearms," which provides that no person shall store a firearm outside of his or her immediate possession or control without having locked the firearm in a safe storage depository or with a gun locking device and which provides for penalties, including forfeiture of the firearm, for a violation?"

AND, BE IT FURTHER RESOLVED that in accordance with 17 V.S.A. Sec. 2645, public hearings on the above-proposed amendment of the Burlington City Charter shall be held on Friday, January 17, 2014 at 12:00 noon and on Monday, January 27, 2014 at 7:00 p.m. in Contois Auditorium, City Hall, Burlington, Vermont.

* Material underlined added.

CITY OF BURLINGTON

ORDINANCE

Sponsor: Councilors Mason, Knodell, Ayres, Worden & Siegel

In the Year Two Thousand Thirteen

Public Hearing Dates _____

First reading: _____

Referred to: _____

Rules suspended and placed in all stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

ANIMALS AND FOWL--

Confinement of animals in vehicles

It is hereby Ordained by the City Council of the City of Burlington, as follows:

That Chapter 5, Animals & Fowl, of the Code of Ordinances of the City of Burlington be and hereby is amended by adding a new section, Sec. 5-28, "Confinement of animals in vehicles" thereto to read as follows:

Sec. 5-28. Confinement of animals in vehicles

(a) A person shall not leave an animal unattended in a standing or parked motor vehicle in a manner that would endanger the health or safety of the animal.

(b) Any humane officer, law enforcement officer, or member of a fire and rescue service may use reasonable force to remove any such animal from a motor vehicle. The officer so removing an animal shall deliver the animal to a humane society, veterinarian or town or municipal pound. If the owner of the animal cannot be found, the officer shall place a written notice in the vehicle, bearing the name of the officer and the department and address where the animal may be claimed. The owner shall be liable for reasonable expenses associated with the removal, delivery, boarding and disposition of the animal and a lien may be placed on the animal for these expenses. The officer may not be held liable for criminal or civil liability for any damage resulting from actions taken under subsection (a) of this section.

(c) A violation of this section shall be a civil violation subject to the penalties imposed by section 5-24 of this chapter.

* Material underlined added.

BEVS

Burlington Emergency & Veterinary Specialists

24-hours/7-days a week
Emergency/Critical Care &
Specialty Referral Hospital

200 Commerce Street
Williston, VT 05495
P 802-863-2387
F 802-863-2348
bevs@bevsvt.com
www.bevsvt.com

Emergency/Critical Care

Tom Hecimovich, DVM
Jodi Halpin, DVM
Asya Zolotusky, VMD
Hannah Flynn, VMD
Amanda Rutter, DVM

Internal Medicine

Bryan Harnett, DVM
Diplomate ACVIM

November 1, 2013

Support for Vermont Statue Title 13 § 386. Confinement of animals in vehicles

Burlington Emergency & Veterinary Specialists (BEVS) is Vermont's only specialty and 24/7 emergency veterinary hospital. Our hospital provides experienced doctors, advanced procedures, and state-of-the-art medical equipment. Pets have rapid access to the best veterinary care during emergencies and referrals from primary veterinarians.

At night, on weekends, and during holidays our emergency veterinarians see walk-in emergencies and care for hospitalized patients. Pets may come to BEVS for round-the-clock care by the emergency team. A Veterinary specialist in Internal Medicine is also available for advanced diagnostics and treatments.

Our mission is to provide the best care when you need it most by providing advanced medical diagnostics and treatments through our specialists and 24/7 emergency department. Some of the finest technical and front office staff in the state work in our hospital. We appreciate the enormous responsibility and privilege associated with caring

Our doctors and staff work with the Burlington Police Department when they present injured or stray animals needing medical attention. We are in support of the Burlington Police Department mirroring the state statute to create a city ordinance, Vermont Statue Title 13 § 386. Confinement of animals in vehicles.

Thank you,

Whitney Bierschenk

Hospital Manager

RECEIVED
NOV 13 A 9:18
CLERK
POLICE OFFICE



November 6, 2013

Burlington City Council

To whom it may concern:

I am writing to express the Humane Society of Chittenden County's support of a proposed city ordinance that matched Vermont Statue Title 13 §386.

HSCC is a private, independent 501(c)(3) in South Burlington serving Chittenden and Grand Isle counties with a mission to foster compassion for animals and end animal suffering. We've been around since 1901. We shelter 30 dogs and 80 cats at a time. HSCC employs a professional, highly-dedicated staff of 15—and we depend heavily on the help of about 250 volunteers, whose donated hours equaled 9 full-time staff positions last year! We accept animals on an appointment-only basis to ensure we have enough room to allow our residents to stay as long as they need to until they find new homes. We take in about 800 dogs, cats, and small animals a year.

We are the only shelter in Vermont that employs a humane investigator on staff. JoAnn Nichols responds to about 100 reports of animal cruelty a year. Primarily, she's able to resolve issues through education—but in cases of intentional cruelty or neglect, JoAnn works with local law enforcement to remove the animal from the home.

Most pet owners are unaware of the very real danger of leaving their pets unattended in their cars for short periods of time. While education and outreach play an important role in the prevention of unnecessary suffering of confined pets, an ordinance that mirrors the state statute would give law enforcement another resource when dealing with these situations.

142 Kindness Court
South Burlington, VT 05403
802.862.0135
fax 802.860.5868
www.chittendenuhumane.org

One caveat: Animals removed from cars should be sent immediately to a veterinarian for evaluation, as their condition may not be evident but may be severe. Once evaluated and treated they should be taken to Lucky Puppies for sheltering, as the Humane Society of CC is regularly near capacity and we have an approximate two week waiting period for in-take.

Please feel free to contact me if you have further questions.

Sincerely,


Nancy Cathcart
President & CEO

RECEIVED

2013 NOV 13 A 9:18

BURLINGHAM CLERK
TREASURER'S OFFICE

	11/6/2013		
Prepared by: Lori Olberg, Licensing, Voting & Records Coordinator			
Meeting Date	Type of Document	Action Requested	Return to Council
1/9/2012	Resolution: Creation of a Financial Literacy Web Page	progress report to the Council by the Interim CAO	2/13/2012
2/13/2012	Resolution: Ongoing and Future Relationship Between the City of Burlington and the University of Vermont	report due back to the Council by the Community Development and Neighborhood Revitalization Committee	3/26/2012
8/13/2012	Resolution: Strategic Plan Re Fiscal Health of the City	Board of Finance and the C/T Office will work to produce a strategic plan and present said plan to the Council in a worksession	1/7/13; 1/28/13
8/13/2012	Resolution: Landlord Accountability	report due back to CD & NR Committee from the Code Enforcement Office	not-specified
11/26/2012	Resolution: Moving Urban Agriculture Issues Forward	Board of Health to report back to the Council; Planning Commission to report back to the Council	6/24/2013
3/11/2013	Resolution: Commission and Board Appointment Process	report due back from the Charter Change Committee to the Council	first meeting in November 2013
3/11/2013	Resolution: Survey to Determine if Commissions and Boards are Functioning Optimally	report due back from the Charter Change Committee to the Council	first meeting in November 2013
3/18/2013	Communication: Burlington Committee on Accessibility Strategy and Plan	future action to be taken	not-specified
4/15/2013	Resolution: Proposed Amendments to Appendix B Rules and Regulations of The City Council	postpone action for now	post City Council Retreat
6/10/2013	Resolution: City Attorney Constitutional Analysis of No Trespass Ordinance for Church Street Marketplace June 12, 2012	have the Ordinance Committee review Attorney John Franco's issues	not-specified
6/24/2013	Communication: John L. Franco, Jr., re: CSM Trespass Authority Ordinance Opinion	referred to the Ordinance Committee	not-specified
	Supplement		
7/15/2013	Communication: UVM Housing Master Plan	referred to the Institution/Human Resources Committee	not-specified
7/15/2013	Communication: Richard Cate, UVM, re: COB and UVM MOU re: Zoning Amendments	referred to the Institution/Human Resources Committee	not-specified
8/12/2013	Ordinance: CDO Historic Building Materials ZA 13-12	referred to the Ordinance Committee	not-specified
8/12/2013	Communication: P & Z Director White, re: Proposed Zoning Amendment 13-12	referred to the Ordinance Committee	not-specified
8/12/2013	Resolution: Adoption of Council Priorities for 2013 - 2014 Council Year	report back from the "Priorities Committee"	9/23/2013
9/23/2013	Resolution: Burlington Ward Redistricting Plan	report back from the Charter Change Committee	11/18/2013
9/23/2013	Resolution: Finalize A Strategic Plan for Diversity, Equity and Inclusion for the City of Burlington	final plan and adoption by the City Council	1/27/2014
10/21/2013	Ordinance: ZA 14-06 CDO--Removal of Café Parking Requirements in Shared Use Districts	referred to the Ordinance Committee	not-specified
11/4/2013	Ordinance: CDO--RCO-Recreation Greenspace Lot Coverage ZA 14-02	referred to the Ordinance Committee	not-specified
11/4/2013	Communication: Corey Mallon, RN, re: St. Joseph's School	"wtrapf" and referred to the Board of Finance	not-specified
11/4/2013	Communication: Norman Baldwin, re: requests special consideration to repave St. Paul Street between King and Maple in lieu of Excavation Fees	"wtrapf" and referred to the Board of Finance	not-specified
11/4/2013	Communication: Hunter Rieseberg, VLCT, re: VLCT Board Sets DY15 Dues	send a copy to the Board of Finance	n/a

1
2 **Resolution Relating to**

RESOLUTION
Sponsor(s): Councilors Bushor,
Aubin, Knodell; Bd. of Finance
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

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6 **AUTHORIZATION TO PURCHASE POLICE VEHICLES**
7 **USING IMPACT FEES**

8
9
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11
12 **CITY OF BURLINGTON**

13
14 In the year Two Thousand Thirteen.....
15 Resolved by the City Council of the City of Burlington, as follows:

16
17 That WHEREAS, the Police Department wishes to replace four vehicles with 2014 Ford Interceptors,
18 specially equipped for police use; and

19 WHEREAS, from the four bids that were received, the Police Chief has recommended that the
20 Department accept the low bid from Gateway Motors and have the vehicles equipped at MHQ in
21 Massachusetts; and

22 WHEREAS, the cost of \$25,600 per vehicle, plus outfitting costs, for a total cash outlay of
23 \$132,490, would be funded utilizing Police Impact Fees; and

24 WHEREAS, to properly equip the vehicles, the Police Chief has also recommended that the
25 Department purchase certain equipment needed to deploy the vehicles; and

26 WHEREAS, budget amendments would be required to move the total sum of \$132,490 from the
27 line item entitled Police Impact Fee Revenue 201-17-000-4260 to Impact Fee Expense 201-17-000-9500;
28 and

29 WHEREAS, the Police Department will work with the Department of Public Works to identify
30 four current vehicles that can be removed from operation and be sold or traded, thus keeping annual
31 maintenance costs stable; and

32 WHEREAS, the Board of Finance on November 12, 2013, recommended the approval of the total
33 expenditure and the budget amendments;

34 NOW, THEREFORE, BE IT RESOLVED that the City Council approves the expenditure of
35 \$132,490 and the related budget amendment for four new police vehicles and related equipment as
36 outlined above and authorizes the Police Chief, Michael Schirling, to execute any documents, subject to
37 prior review by the City Attorney and Chief Administrative Officer, required to complete these purchases
38 and deploy the new vehicles.



BURLINGTON POLICE DEPARTMENT

1 North Avenue
Burlington, Vermont 05401

Michael E. Schirling
Chief of Police

Phone (802) 658-2704
Fax (802) 864-5945
TTY/TDD (802) 658-2700

TO: **Board of Finance and City Council**

FROM: Lise E. Veronneau, Business Administrator
BURLINGTON FIRE & POLICE DEPARTMENTS

DATE: November 4, 2013
RE: FY 14 Vehicle Purchase – Use of Impact Fees

The **Burlington POLICE Department** respectfully requests continuation of its vehicle replacement plan.

Specifically, FY 14 vehicle purchase plan is for replacements of 4 vehicles, 2014 Ford Interceptors from Gateway Motors in White River Junction, Vermont and having them equipped at MHQ for a total cash outlay of \$132,490 to be funded utilizing Impact Fees. The Police Impact Fee balance at 6/30/2013 was \$179,770.

Bids were as follows:

Gateway Motors in Vermont	\$25,600 per vehicle
MHQ in Massachusetts	\$25,875 per vehicle
Formula Ford in Vermont	\$25,902 per vehicle
Heritage Motors in Vermont	\$26,685 per vehicle

Therefore, the **FY 14 vehicle purchase request** is to allow use of \$132,490 from impact fees to make the cash payment in the amount of \$132,490 on the following:

4 of the 2014 Ford Interceptors from Gateway Motors for \$102,400
Police Equipment and Install with MHQ in Massachusetts for \$30,090

TOTAL: \$132,490

With the vehicle replacement and rotation plan, it was agreed that for every vehicle purchased, a vehicle was off-loaded (removed from the fleet). In this way, the annual vehicle maintenance budget was not being asked to support more vehicles. This has proven to be successful in reducing the annual vehicle maintenance costs.

Working with the Department of Public Works, an equal number of vehicles as purchased have been identified as off-loads. We will sell (or trade-in) these vehicles and put the funds back in the vehicle maintenance account.

Additional backup documentation is available upon request. Thank you once again for continuing the Police Vehicle Replacement Plan.

CC:
Michael Schirling, Chief of Police
Andy Higbee, Deputy Chief
Claude Raineault & Rob Green, DPW

Respect ~ Honor ~ Remember
Officer James W. McGrath, end of watch May 12, 1904; Officer J. Albert Fisher, end of watch December 15, 1947

1
2 **Resolution Relating to**
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RESOLUTION
Sponsor(s): Councilors Bushor,
Aubin, Knodell: Bd. of Finance
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

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7 PREPAYMENT OF 1999 URBAN RESERVE
8 CERTIFICATES OF PARTICIPATION (COPs)
9

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11
12 **CITY OF BURLINGTON**
13

14 In the year Two Thousand Thirteen.....

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

16
17 That WHEREAS, on September 23, 2013, the Burlington City Council approved by resolution the City's
18 part in the "Act 80" settlement of disputed amounts identified in the 2012 Report of the Office of the State
19 Auditor ("Auditor's Report") as relating to Burlington's Waterfront TIF District; and

20 WHEREAS, the Auditor's Report specifically alleged that the City improperly retained \$1 million of
21 State Education Fund money, the bulk of which was for the debt service on \$1,390,000.00 Certificates of
22 Participation ("COP's") issued in 1999 to refinance the City's purchase of the Urban Reserve; and

23 WHEREAS, the "Act 80" settlement resolved all outstanding allegations of underpayment raised by
24 the Auditor's Report up to the settlement date and prepayment of the remaining debt service on the Urban
25 Reserve COPs will completely eliminate any future issue of contention between the City of Burlington and
26 the State of Vermont; and

27 WHEREAS, the City has sufficient escrowed funds in its Waterfront TIF account to prepay the
28 remaining \$573,502.50 principal and interest on the 1999 Urban Reserve COPs on December 1, 2013
29 without negative impact on the City's finances and without negative impact on plans for the Waterfront TIF
30 District;

31 NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize an adjustment
32 to the City budget to prepay the remaining \$573,502.50 principal and interest on the 1999 Urban Reserve
33 COPs to close out this debt on December 1, 2013, and authorizes Chief Administrative officer Bob Rusten,
34 or his designee, to make such adjustments and to execute all necessary documents.

1
2 **Resolution Relating to**

RESOLUTION
Sponsor(s): Councilors Bushor,
Aubin, Knodell: Bd. of Finance

Introduced: _____
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

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7 41 CHERRY STREET LLC:
8 AMENDMENTS TO GROUND LEASE AND
9 NOTICE OF LEASE

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11
12
13 **CITY OF BURLINGTON**

14 In the year Two Thousand Thirteen.....
15 Resolved by the City Council of the City of Burlington, as follows:

16
17 That WHEREAS, the CITY declared and established a condominium known as the Westlake Area
18 Condominium located in the City of Burlington, Vermont as described in the Master Declaration
19 Westlake Area Condominium dated July 27, 2005 and recorded in Volume 925 at Page 709 of the City of
20 Burlington Land Records (the “Declaration”); and

21 WHEREAS, the Unit Owner to Unit A of the Westlake Area Condominium, 41 Cherry Street,
22 LLC, has constructed a hotel, i.e. Hotel Vermont, consistent with all plans as permitted for the property at
23 41 Cherry Street in Burlington, Vermont (the “Project”); and

24 WHEREAS, upon completion of the Project the Unit Owner has discovered that, although the
25 permits allow for it, the Project’s awning over the public right-of-way on Cherry Street inadvertently
26 exceeds the easement for such projection as stated in the Ground Lease by a few feet; and

27 WHEREAS, the December 1, 2008 Ground Lease as between the City and 41 Cherry Street, LLC,
28 is therefore in need of what shall be a third amendment in order to memorialize a more specific
29 measurement change pertaining to the projection easement (from 13’ by 36’ to 14’ by 49’) for the
30 existing, as-built awning over the Cherry Street public right-of-way; and

31 WHEREAS, a Fourth Amended and Restated Notice of Lease is needed for purposes of recording
32 the above referenced Third Amendment to the Ground Lease; and

33 WHEREAS, 41 Cherry Street, LLC, presented each of the above referenced documents to the
34 Board of Finance on November 12, 2013 and the Board of Finance recommended that the full City

Resolution Relating to

41 CHERRY STREET LLC: AMENDMENTS TO
GROUND LEASE AND NOTICE OF LEASE

Council authorize Mayor Weinberger to execute each of the attached documents, with allowance for any necessary minor changes, subject to the review and approval of the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that Mayor Miro Weinberger is hereby authorized to execute a Third Amendment to Ground Lease, and a Fourth Amended and Restated Notice of Lease, each in substantial conformance to the above-referenced attachments, subject to the review and approval of the City Attorney.

lb/RWH/c: Resolutions 2013/CEDO – 41 Cherry St. LLC – 3rd Amendment to Ground Lease & 4th Amended & Restated Notice of Lease
(Westlake Area Condo; Hotel Vermont)
11/14/13

THIRD AMENDMENT TO GROUND LEASE

This Third Amendment to Ground Lease is by and between the City of Burlington ("Landlord") and 41 Cherry Street, LLC ("Tenant") and is made as of November 1, 2013.

WHEREAS, the Landlord and the Tenant entered into a Ground Lease with respect to real property located at 41 Cherry Street in Burlington, Vermont and dated as of December 1, 2008, as amended by the First Amendment to Ground Lease between the Landlord and the Tenant, dated as of July 5, 2011, and the Second Amendment to Ground Lease dated as of August 1, 2012 (together, the "Lease"); and

WHEREAS, the description of the Property or Leased Premises in the Lease requires a minor amendment in order to provide an accurate measurement of an easement in favor of the Tenant over the Cherry Street public right-of-way; and

WHEREAS, the parties desire to amend the Lease to amend the Legal Description of the Property and the Leased Premises as set forth in Exhibit A to the Lease.

NOW THEREFORE, the parties hereto agree as follows:

1. **Easement over Cherry Street.** Section 2(3) of Exhibit A to the Lease containing "Legal Description of Property and Leased Premises 41 Cherry Street, Burlington, Vermont" shall be deleted and replaced by the following:

Easement forty-nine feet (49') in length on the northerly boundary of Unit A and extending fourteen feet (14') over the Cherry Street public right-of-way and to be for the purposes of projections from Unit A, including, without limitation, for wall mounted signage, awnings and doors that may be constructed or installed from time to time, and footings.
2. **Exhibit A.** Exhibit A to the Lease "Legal Description of Property and Leased Premises 41 Cherry Street, Burlington, Vermont" shall be deleted and replaced by Exhibit A attached hereto.
3. **Defined Terms.** All capitalized terms used herein shall have the meanings set forth in the Lease unless otherwise defined herein. The term "Premises", as used in the Lease, shall have the same meaning as "Leased Premises" and "Property".
4. **Notice of Lease.** The Notice of Lease filed in the Burlington land records shall be amended in order to take into account this Third Amendment to Lease.
5. **Amendment.** All terms of the Lease not amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Second Amendment to Ground Lease as of the day and date first set forth above.

City of Burlington

By: _____
Miro Weinberger, Mayor

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS

On this _____ day of November, 2013, in the City of Burlington, personally appeared Miro Weinberger, Mayor of the City of Burlington, to me known to be the person who executed the foregoing instrument, and he acknowledged this instrument, by him signed, to be his free act and deed and the free act and deed of the City of Burlington.

Before me, _____
Notary Public
My commission expires: 2.10.15

41 Cherry Street, LLC

By: _____
Charles DesLauriers, Manager

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS

On this _____ day of November, 2013, in the City of Burlington, personally appeared Charles DesLauriers, Manager of 41 Cherry Street, LLC, to me known to be the person who executed the foregoing instrument, and he acknowledged this instrument, by him signed, to be his free act and deed and the free act and deed of 41 Cherry Street, LLC.

Before me, _____
Notary Public
My commission expires: 2.10.15

Exhibit "A"

Legal Description of Property and Leased Premises
41 Cherry Street, Burlington, Vermont

The Property or Leased Premises consist of:

1. Unit A of the Westlake Area Condominium as more fully described in the Master Declaration Westlake Area Condominium ("Condominium") dated July 27, 2005 and recorded in Volume 925 at Page 709 of the Burlington Land Records as amended by First Amendment to Master Declaration dated as of August 1, 2012 to be recorded in the City of Burlington Land Records ("Master Declaration"). All defined terms used below are as defined in the Master Declaration.

Without limiting the foregoing, it is noted that the Property is subject to and has the benefit of those easements and rights-of-way and covenants, as shown on said Plats and Plans and as set forth in the Master Declaration, including but not limited to the following:

The sixty (60) foot right-of-way for ingress and egress to Unit B and across Unit A is limited to ten (10) feet in height, and the owner of Unit A is granted the vertical air rights above the right-of-way and the right to develop or construct within those vertical air rights so granted; and

The horizontal boundaries of Unit A and Unit B are the above described metes and bounds, the upper vertical boundary is one hundred thirty feet (130') above the surface of the land and the lower vertical surface is fifty feet (50') below the surface of the land.

2. Easements upon and over Units B and C-2 and the Cherry Street right-of-way as shown on the plan attached hereto as Exhibit A-1, and described as follows:

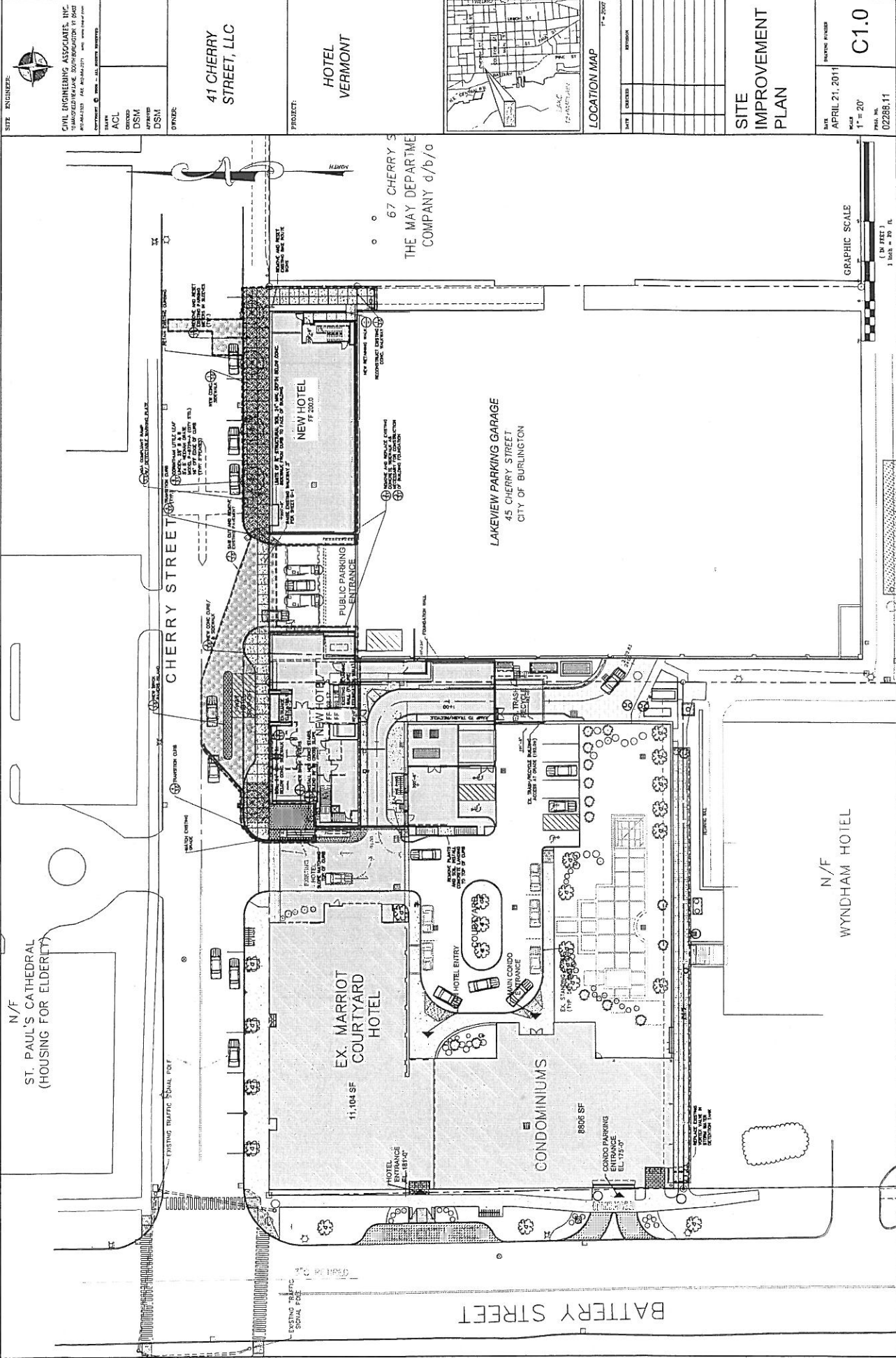
1. Easement over and upon Unit B being a twelve foot (12') by ninety five foot (95') easement as shown on the plan attached hereto as Exhibit A-1, which easement is for the purposes of constructing a building and improvements in the airspace above the existing wall of the garage on Unit B (elevation 196.97' +/- ASL) and to construct necessary footings and piers to support the structure to be built on Unit A and on or over the easements areas over or upon Units B and C-2; and

2. Easement over and upon Unit C-2 measuring 17.27 feet by 72 feet, more or less, as shown on the plan attached hereto as Exhibit A-1, which easement is for the purposes of constructing a building and improvements in the airspace beginning approximately 7'2" above the finished grade of the existing ramp of the garage and to construct necessary footings and piers to support the structure to be built on Unit A and on or over the easements areas described.

3. Easement forty-nine feet (49') in length on the northerly boundary of Unit A and extending fourteen feet (14') over the Cherry Street public right-of-way and to be for the purposes of projections from Unit A, including, without limitation, for wall mounted signage, awnings and doors that may be constructed or installed from time to time, and footings.

4. Easement forty-five feet (45') in length on the easterly boundary of Unit A and extending five feet (5') into the airspace of Unit B of the Westlake Area Condominium at least eight feet and four inches (8' 4") above the grade of the walkway between Unit A and what is now Macy's, which easement may be for the purposes of the construction, maintenance, repair and replacement of buildings and improvements attached to or a part of the buildings and improvements to be built on Unit A.
5. Easement and right-of-way on, under and along the Cherry Street public right-of-way and on, under and along the walkway between Unit A and what is now Macy's, which is a portion of Unit B of the Westlake Area Condominium for the installation, operation, maintenance and repair of all utilities serving the Benefited Parcel, including without limitation water, sewer, stormwater, electricity, cable, fiber optics and telephone lines, pipes, poles and conduits, and all other utilities that are or may be laid, installed or constructed from time to time to serve Unit A, including without limitation those shown on the Plats and Plans attached to the Master Declaration of the Westlake Area Condominium.
6. 2' X 60' easement for a foundation wall and overhead structure on Unit A onto Unit C-2, as is more particularly described in paragraph 6 of the First Amendment to Master Declaration Westlake Area Condominium dated as of the 1st day of August, 2012 and to be recorded in the City of Burlington Land Records contemporaneously herewith.
3. An easement over and upon the Cherry Street public right-of-way, adjacent to the northerly boundary line of Unit A, for the construction, maintenance and use of an entranceway for vehicles for guests and invitees accessing the Building, as is more particularly shown on Exhibit A-2 attached hereto.
4. An easement and right-of-way for the benefit of Unit A extending 46.33 feet by 60 feet from Unit A onto Unit C-3, as is more particularly described in paragraph 1 of the First Amendment to Master Declaration Westlake Area Condominium dated as of the 1st day of August, 2012 and to be recorded in the City of Burlington Land Records contemporaneously herewith.

Unit A and the foregoing easements referred to herein as "the Property" or "Leased Premises".



<p>SITE ENGINEER:</p> <p>CIVIL ENGINEERING ASSOCIATES, INC. 1000 E. BURLINGTON AVENUE, SUITE 200 BURLINGTON, VT 05401 TEL: 802-255-1234 FAX: 802-255-1235 WWW.CEASOURCE.COM</p>	<p>DATE: APRIL 21, 2011</p> <p>SCALE: 1" = 20'</p> <p>PROJECT NO.: 02288.11</p>	<p>CLIENT: 41 CHERRY STREET, LLC</p>	<p>PROJECT: HOTEL VERMONT</p>	<p>LOCATION MAP</p>	<p>DATE: APRIL 21, 2011</p> <p>SCALE: 1" = 20'</p> <p>PROJECT NO.: 02288.11</p>	<p>SITE ENGINEER: CIVIL ENGINEERING ASSOCIATES, INC.</p>	<p>DATE: APRIL 21, 2011</p> <p>SCALE: 1" = 20'</p> <p>PROJECT NO.: 02288.11</p>	<p>C1.0</p>
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FOURTH AMENDED AND RESTATED NOTICE OF LEASE

KNOW ALL PERSONS BY THESE PRESENTS, that **THE CITY OF BURLINGTON**, a Vermont municipality (the "Landlord"), and **41 CHERRY STREET, LLC**, a Vermont limited liability company with a principal place of business in Burlington, Vermont (the "Tenant"), have entered into Lease dated as of December 1, 2008 and amended by First Amendment to Ground Lease dated as of July 5, 2011, Second Amendment to Ground Lease dated as of August 1, 2012, and Third Amendment to Ground Lease dated as of November 1, 2013 (collectively, the "Lease"), with respect to certain lands and premises known as **Unit A and a portion of Unit B, Units C-2 and C-3 of the Westlake Area Condominium, Burlington, Vermont, with an address of 41 Cherry Street, Burlington, Vermont as more particularly described on Exhibit A attached hereto (the "Leased Premises")**.

WHEREAS, the parties hereto have filed a Notice of Lease dated as of December 1, 2008 and recorded in Volume 1050 at Page 512 of the City of Burlington Land Records, an Amended and Restated Notice of Lease dated May 29, 2012 and recorded in Volume 1175 at Page 191 of the Land Records, a Second Amended and Restated Notice of Lease dated June 8, 2012 and recorded in Volume 1178, at Page 495 of the City of Burlington Land Records, and a Third Amended and Restated Notice of Lease dated as of August 1, 2012 and recorded in Volume 1184 at Page 305 of the City of Burlington Land Records; and

WHEREAS, the parties hereto wish to replace the Third Amended and Restated Notice of Lease with this Fourth Amended and Restated Notice of Lease.

NOW THEREFORE, the parties agree as follows:

This Fourth Amended and Restated Notice of Lease replaces the Third Amended and Restated Notice of Lease referred to above.

The following information accurately reflects the agreement between the parties contained in the Lease:

1. The current Landlord and Tenant are listed above.
2. The date of execution of the Lease is as of December 1, 2008.
3. The term of the Lease shall be for a period of forty nine (49) years commencing on December 1, 2008 and terminating at midnight on December 31, 2057. Unless terminated, the Lease renews automatically at the end of the Lease Term and each successive Lease Term for an additional 49 year term unless the Tenant terminates the Lease.
4. The Property or Leased Premises subject to the Lease is described on **Exhibit A** attached hereto.
5. In addition to those permitted in the Lease, the Permitted Improvements shall also include the improvements to be undertaken by Tenant to the sidewalk and road surface in the Cherry Street right-of-way in order to construct the entranceway for vehicles for guests and invitees accessing the Building.
6. The Lease contains the following restrictions on assignment of the Lease:

"Section 11. **Assignment and Subletting.**

(a) Tenant shall have the right at any time to sublet the whole or a portion of the Property or to assign or mortgage this Lease, without Landlord's prior written approval, and upon the condition that all rights acquired by a third party hereunder shall be subject to each and all of the covenants, conditions or restrictions set forth in this Lease. At least fifteen (15) days prior to the execution by Tenant of any assignment agreement, Tenant shall deliver to Landlord a copy of the proposed final form thereof, which shall contain, in a form acceptable to Landlord, a covenant on the part of the assignee to assume all the obligations of Tenant. Any sublease agreement shall contain a provision that it is subject to all of the terms, covenants and conditions of this Lease and shall not contain provisions inconsistent with the terms of this Lease.

(b) Tenant shall, without Landlord's consent but upon prior written notice, have the right to assign this Lease to any entity controlled by, which controls or which is under common control with Tenant."

7. This Fourth Amended and Restated Notice of Lease will be recorded in the land records of the City of Burlington and is intended to provide notice to third parties of the Lease. The Lease contains terms and conditions in addition to those set forth in this Notice of Lease. Capitalized terms not otherwise defined herein shall have the meaning defined in the Lease. This Third Amended and Restated Notice of Lease is not intended to amend or modify the terms and conditions of the Lease. To the extent that the terms and conditions of this Third Amended and Restated Notice of Lease differ from the terms and conditions of the Lease, the terms and conditions of the Lease shall govern and prevail. An original Lease is located at the offices of the Landlord and of the Tenant.

8. Tenant has a right of first refusal with respect to the Property.

9. The parties' notice addresses are as follows:

If to Landlord: City of Burlington
Attn: Mayor
149 Church Street
Burlington, Vermont 05401
Telephone: (802) 865-7272
Facsimile: (802) 865-7270

with a copy to: City Attorney
149 Church Street
Burlington, Vermont 05401
Telephone: (802) 865-7121
Facsimile: (802) 865-7123

If to Tenant: 41 Cherry Street, LLC
25 Cherry Street
Burlington, Vermont 05401
Telephone: (802) 864-4709
Facsimile: (802) 862-1176

with a copy to:

Catherine Kronk, Esq.
Murphy Sullivan Kronk
P.O. Box 4485
275 College Street
Burlington, VT 05406-4485
Telephone: (802) 861-7000
Facsimile: (802) 861-7007

This Notice is given pursuant to 27 V.S.A. § 341(c).

DATED as of the 1st day of Novemer, 2013.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

[Signature page to follow]

Landlord:

The City of Burlington

Witness

By: _____
Title: _____

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.

At Burlington, in said County, on this ____ day of November, 2013, _____, Duly Authorized Agent of The City of Burlington, personally appeared, and he/she acknowledged this instrument, by him/her sealed and subscribed, to be his/her free act and deed of The City of Burlington.

Before me, _____
Notary Public
My commission expires: 2/10/15

Tenant:
41 Cherry Street, LLC

Witness

By: _____
Manager

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.

At Burlington, in said County, on this ____ day of November, 2013, _____, Manager of **41 Cherry Street, LLC** personally appeared, and he acknowledged this instrument, by him sealed and subscribed, to be his/her free act and deed and the free act and deed of **41 Cherry Street, LLC**.

Before me, _____
Notary Public
My commission expires: 2/10/15

Exhibit "A"

Legal Description of Property and Leased Premises
41 Cherry Street, Burlington, Vermont

The Property or Leased Premises consist of:

1. Unit A of the Westlake Area Condominium as more fully described in the Master Declaration Westlake Area Condominium ("Condominium") dated July 27, 2005 and recorded in Volume 925 at Page 709 of the Burlington Land Records as amended by First Amendment to Master Declaration dated as of August 1, 2012 to be recorded in the City of Burlington Land Records ("Master Declaration"). All defined terms used below are as defined in the Master Declaration.

Without limiting the foregoing, it is noted that the Property is subject to and has the benefit of those easements and rights-of-way and covenants, as shown on said Plats and Plans and as set forth in the Master Declaration, including but not limited to the following:

The sixty (60) foot right-of-way for ingress and egress to Unit B and across Unit A is limited to ten (10) feet in height, and the owner of Unit A is granted the vertical air rights above the right-of-way and the right to develop or construct within those vertical air rights so granted; and

The horizontal boundaries of Unit A and Unit B are the above described metes and bounds, the upper vertical boundary is one hundred thirty feet (130') above the surface of the land and the lower vertical surface is fifty feet (50') below the surface of the land.

2. Easements upon and over Units B and C-2 and the Cherry Street right-of-way as shown on the plan attached hereto as Exhibit A-1, and described as follows:
 1. Easement over and upon Unit B being a twelve foot (12') by ninety five foot (95') easement as shown on the plan attached hereto as Exhibit A-1, which easement is for the purposes of constructing a building and improvements in the airspace above the existing wall of the garage on Unit B (elevation 196.97' +/- ASL) and to construct necessary footings and piers to support the structure to be built on Unit A and on or over the easements areas over or upon Units B and C-2; and
 2. Easement over and upon Unit C-2 measuring 17.27 feet by 72 feet, more or less, as shown on the plan attached hereto as Exhibit A-1, which easement is for the purposes of constructing a building and improvements in the airspace beginning approximately 7'2" above the finished grade of the existing ramp of the garage and to construct necessary footings and piers to support the structure to be built on Unit A and on or over the easements areas described.

3. Easement forty-nine feet (49') in length on the northerly boundary of Unit A and extending fourteen feet (14') over the Cherry Street public right-of-way and to be for the purposes of projections from Unit A, including, without limitation, for wall mounted signage, awnings and doors that may be constructed or installed from time to time, and footings.
4. Easement forty-five feet (45') in length on the easterly boundary of Unit A and extending five feet (5') into the airspace of Unit B of the Westlake Area Condominium at least eight feet and four inches (8' 4") above the grade of the walkway between Unit A and what is now Macy's, which easement may be for the purposes of the construction, maintenance, repair and replacement of buildings and improvements attached to or a part of the buildings and improvements to be built on Unit A.
5. Easement and right-of-way on, under and along the Cherry Street public right-of-way and on, under and along the walkway between Unit A and what is now Macy's, which is a portion of Unit B of the Westlake Area Condominium for the installation, operation, maintenance and repair of all utilities serving the Benefited Parcel, including without limitation water, sewer, stormwater, electricity, cable, fiber optics and telephone lines, pipes, poles and conduits, and all other utilities that are or may be laid, installed or constructed from time to time to serve Unit A, including without limitation those shown on the Plats and Plans attached to the Master Declaration of the Westlake Area Condominium.
6. 2' X 60' easement for a foundation wall and overhead structure on Unit A onto Unit C-2, as is more particularly described in paragraph 6 of the First Amendment to Master Declaration Westlake Area Condominium dated as of the 1st day of August, 2012 and to be recorded in the City of Burlington Land Records contemporaneously herewith.
3. An easement over and upon the Cherry Street public right-of-way, adjacent to the northerly boundary line of Unit A, for the construction, maintenance and use of an entranceway for vehicles for guests and invitees accessing the Building, as is more particularly shown on Exhibit A-2 attached hereto.
4. An easement and right-of-way for the benefit of Unit A extending 46.33 feet by 60 feet from Unit A onto Unit C-3, as is more particularly described in paragraph 1 of the First Amendment to Master Declaration Westlake Area Condominium dated as of the 1st day of August, 2012 and to be recorded in the City of Burlington Land Records contemporaneously herewith.

Unit A and the foregoing easements referred to herein as "the Property" or "Leased Premises".

MEMO

TO: City Council

FROM: Richard Haesler

RE: 41 Cherry Street – Ground Lease Amendment # 3; et al

DATE: November 14, 2013

The Board of Finance on November 12, 2013, approved a technical amendment to the 41 Cherry Street ground lease (with the corresponding amendment to the Notice of Lease which gets filed in land records). A letter to me, dated November 7, 2013, from Catherine Kronk, attorney for 41 Cherry Street, LLC., was provided to the Board of Finance to assist in giving context to the request. That letter, again for that purpose, is attached hereto.

MSK

MURPHY
SULLIVAN
KRONK

Via U.S. Mail

November 7, 2013

Richard W. Haesler, Jr., Esq.
City Attorney's Office
City Hall
149 Church Street
Burlington, VT 05401

**Re: 41 Cherry Street, LLC
Hotel Vermont**

Dear Richard:

As you know, I represent 41 Cherry Street, LLC, the developer of Lot A in the Westlake Area Condominium – now known as Hotel Vermont.

Upon completion of the Hotel, the developers discovered that the projection onto the Cherry Street right of way, over the front door of Hotel Vermont, exceeds the easement for the overhang that is set forth in the Ground Lease between the City and 41 Cherry Street, LLC, by a few inches.

This was discovered by the surveyor who completed an ALTA survey of the improvements, as-built. NBT Bank, the lead lender on the project, insists that the ALTA survey show no encroachments.

It is the hope of 41 Cherry Street, LLC that the City of Burlington will consider a request to amend the easement for the projection so that it is compliant with the Ground Lease.

The easement for the projection is 36 feet by 13 feet. The as-built dimensions of the projection are just under 49 feet by 14 feet. The as-built dimensions were approved by all permitting authorities. We request that the new easement read 49 feet by 14 feet.

I have submitted a draft of the Third Amendment to Ground Lease for your consideration, and accompanying documents.

I look forward to hearing from you.

{00112151.1}

- 2 -

Thank you.

Very truly yours,



Catherine Kronk

Murphy Sullivan Kronk

275 College Street, Burlington, VT 05401

Phone: (802) 861-7000 | Cell: (802) 233-7421

ckronk@mskvt.com

(00112151.1)
MSK | MURPHY
SULLIVAN
KRONK

275 COLLEGE STREET, PO BOX 4485 | BURLINGTON, VT 05406-4485 | PHONE 802 861-7000 | FAX 861-7007 | MSKVT.COM

1
2 **Resolution Relating to**
3

RESOLUTION
Sponsor(s): Councilors Bushor,
Aubin, Knodell: Bd. of Finance
Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

4
5
6 AUTHORIZE AMENDMENTS TO MASTER SERVICES
7 AGREEMENT BETWEEN BURLINGTON TELECOM AND
8 VTEL
9

10
11
12 **CITY OF BURLINGTON**
13

14 In the year Two Thousand Thirteen.....

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

16
17 That WHEREAS, Burlington Telecom currently has a Master Services Agreement with VTEL to
18 provide dedicated Internet access; and

19 WHEREAS, VTEL wishes to amend the agreement to include additional increments and other
20 terms; and

21 WHEREAS, the agreement will continue on a monthly basis; and

22 WHEREAS, the Board of Finance on November 12, 2013, recommended approval of the
23 amendments;

24 NOW, THEREFORE, BE IT RESOLVED that the City Council approves the amendments of the
25 Master Services Agreement with VTEL and authorizes the Acting General Manager, Stephen
26 Barraclough, to execute the relevant documents, subject to review by the City Attorney and Chief
27 Administrative Officer.
28

29
30 lb/EBlackwood/c: Resolutions 2013/Burlington Telecom – Amend Master Services Agreement with VTel
31 11/14/13

November 14, 2013

MARTHA R. LANG, PH.D.
138 COLCHESTER AVENUE
BURLINGTON, VERMONT 05401
802-862-1094

President Shannon and
Burlington City Councilors
Burlington City Hall
Burlington, VT 05401

Re: St. Joseph School

Dear President Shannon and Burlington City Councilors:

Revised Renovation Costs

The attached sheet has the revised renovation costs for St. Joseph's School. It does not include asbestos abatement and soft costs: legal expenses, permitting fees, architectural fees (in the first year). Nor does it include cost overruns (usually about twenty percent for the Burlington School District). Renovation costs after the first four years could easily include major structural and roof work and the replacement of the underground sewage and plumbing system.

Why is the Burlington School District still attempting to buy St. Joseph School even though the price tag is now close to \$10M?

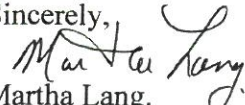
What Will St. Joseph's School Be Used For?

There could be an increase of perhaps 34 students in the next school year. Please note, the Burlington schools are only at eighty-seven percent of their maximum capacity. Could someone please explain why it is necessary to spend close to \$10M because there might be an increase of 34 students?

If St. Joseph's is purchased for administrative purposes, clerical/office workers cannot be relocated there because the school is located in a Residential Medium Zone which does not permit clerical/office work. Is there even a shortage in office space for the school's administrative workers? During these difficult financial times shouldn't there be cuts in school administrative expenses not increased spending for office space that cannot be occupied?

Wouldn't the Burlington tax payers' money be better spent on the city's pension fund?

Thank you for your time and consideration.

Sincerely,

Martha Lang.

RECEIVED
2013 NOV 13 12 3:57
BURLINGTON CLERK
TREASURER'S OFFICE

To: Bernie O'Rourke, Chair, Infrastructure and Technology Committee
 From: Paul Irish, Director of Infrastructure and Technology
 Re: Saint Joseph's School Capital Costs
 Date: 31 OCT 2013

RECEIVED
 2013 NOV 13 PM
 BURLINGTON OFFICE
 TREASURER'S OFFICE

Mark Irish, Bernie O'Rourke, and Paul Irish sat down with Colin Lindberg and Randy Burnett and did a review of potential costs for Saint Joseph's School. After that, Mark Irish reviewed specific costs with L&N to firm up prices.

Based on the original presentation, we were asked to return with a listing of costs to occupy. The following table shows immediate costs, and short term (less than 5 years) additional recommendations, if funding is available. Highlighted items have been reviewed. Major increases are in heat pump/ventilation/boilers, electrical, and lighting.

Contingency and design/engineering fees are included. This does not include the purchase of the building.

Immediate Costs

Item		Fiscal Year	Cost	Priority
contingency	1	2015	\$160,000	safety
bathroom ADA compliance	1	2015	\$368,000	accessibility
elevator	1	2015	\$260,000	accessibility
furnishings for classrooms	1	2015	\$100,000	
kitchen additional	1	2015	\$47,500	safety
kitchen hood	1	2015	\$83,000	safety
sprinkler	1	2015	\$257,400	safety
window treatments	1	2015	\$16,000	
Door Buzzer/Vid/Int	1	2015	\$6,000	security
Commercial Movers	1	2015	\$25,000	
TOTAL			\$1,322,900	

Short Term Additional Recommendations

Item		Fiscal Year	Cost	Priority
Contingency	3	2017	\$600,000	
Arch and Eng Fees	3	2017	\$400,000	
Heat Pumps for AC, ventilation, inc boilers	3	2017	\$2,886,000	
Room Re-configurations	3	2017	\$100,000	
downspouts runoff wastewater improvements	3	2017	\$28,600	
electrical upgrade	3	2017	\$915,200	
lighting improvements	3	2017	\$238,000	
sound control in gym	3	2017	\$30,000	
locksets	3	2017	\$100,000	security
TOTAL			\$5,297,800	

DELIBERATIVE AGENDA

SPECIAL CITY COUNCIL WORKSESSION
CONFERENCE ROOM 12, CITY HALL
MONDAY, JULY 15, 2013
6:00 P.M. – 6:45 P.M

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, JULY 15, 2013
7:07 P.M.

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

ABSENT: Commissioner Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

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

2. CONSENT AGENDA

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

2.01. REQUEST FOR CAFÉ EXPANSION DATES: Ken's Pizza, 71 Church Street
*waive the reading, accept the communication, place it on file and approve the request for café expansion dates for Ken's Pizza for the following dates only: July 18th, August 1st, August 4th, August 7th -9th, August 15th, August 22nd and August 30th

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

Guild Fine Meats LLC, d/b/a Guild Fine Meats, 111 St. Paul Street

Commissioners Blais and Ayres made a motion to approve the first class restaurant liquor license application for Guild Fine Meats. The motion passed unanimously.

3.01. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2013-2014):

Guild Fine Meats LLC, d/b/a Guild Fine Meats, 111 St. Paul Street

Commissioners Blais and Ayres made a motion to approve the second class liquor license application for Guild Fine Meats. The motion passed unanimously.

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

Guild Fine Meats LLC, d/b/a Guild Fine Meats, 111 St. Paul Street

Commissioners Blais and Ayres made a motion to approve the outside consumption permit application for Guild Fine Meats. The motion passed unanimously.

4. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2013-2014):

Todd Rockwood, d/b/a Kerry's Kwik Stop Purchaser, LLC, 249 St. Paul Street

Commissioners Blais and Ayres made a motion to approve the second class liquor license application from Kerry's Kwik Stop Purchaser, LLC. The motion passed unanimously.

5. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2013-2014):

Shivalik Ram LLC, d/b/a Riverside Beverage, 500 Riverside Avenue

Commissioners Blais and Ayres made a motion to approve the second class liquor license application for Riverside Beverage. The motion passed unanimously.

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

Made Inn Vermont@204 LLC, 204 South Willard Street

Commissioners Blais and Ayres made a motion to approve the outside consumption permit application for Made Inn Vermont@204LLC. The motion passed unanimously.

7. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission Meeting at 7:11 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL

MONDAY, JULY 15, 2013

7:11 P.M.

PRESENT: See Above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Mason and Bushor the agenda was unanimously adopted as amended as follows: remove from the agenda item 13. RESOLUTION: Convening Of A Summit to Discuss The Underfunding of The City's Pension Plan and Explore Options to Address Unfunded Liability (Councilors Blais, Mason, Paul, Ayres, Shannon and Worden) and place it on the August 12, 2013 Deliberative City Council Agenda; Councilor Knodell requested that they amend the action on consent agenda item 6.21.

COMMUNICATION: John L. Franco, Jr., Law Office of John L. Franco, Jr., Sandy Baird, Esq. and Jared Carter, Esq., re: Church Street Marketplace District Trespass Authority Ordinance Enforcement to read “waive the reading, accept the communication, place it on file, refer it to the City Attorney, and request a recommendation on the letter’s request to suspend enforcement by July 29.”

2. TOBACCO LICENSE APPLICATION (2013-2014):

Todd Rockwood, d/b/a Kerry’s Kwik Stop Purchaser, LLC, 249 St. Paul Street

Councilors Blais and Ayres made a motion to approve the tobacco license for Kerry’s Kwik Stop Purchaser, LLC. The motion passed unanimously.

3. TOBACCO LICENSE APPLICATION (2013-2014):

Shivalik Ram LLC, d/b/a Riverside Beverage, 500 Riverside Avenue

Councilors Blais and Ayres made a motion to approve the tobacco license for Riverside Beverage. The motion passed unanimously.

4. PUBLIC HEARINGS: COMPREHENSIVE DEVELOPMENT ORDINANCES—

- Nonconforming Structures Demolition ZA 13-05
- Residential Side/Rear Yard Setback Encroachment ZA 13-08
- Community Centers ZA 13-09

Councilor Mason requested that they discuss the ordinances separately.

City Council President Shannon opened the public hearing at 7:15 p.m.

David White, Planning and Zoning Director, stated there were three amendments to the Comprehensive Development Ordinance. The first was ZA 13-05 which had to do with retention of nonconformities in the case of the demolition of the structure. If a building is removed and it encroaches into the side, front, or rear setback, if it is over lot coverage, or is too tall, it would be allowed to be replaced within the constraints of the existing nonconformity. They occasionally have a building that cannot be replaced within the same condition that exists on the lot. This will help preserve neighborhood patterns and the way that development occurs. The second was ZA 13-08, which had to do with how side yard setbacks are calculated. This helps maintain the existing development pattern in residential areas. This is a new mechanism for how they calculate those setbacks. It also allows for vertical expansion of encroachments into side and rear yard setbacks.

Scott Gustin, Planning and Zoning Comprehensive Planner, stated ZA 13-08 had two components. One allows for vertical expansion of existing non-conformities. The other component is the alternative calculation for side yard setbacks.

Mr. White stated the third amendment, ZA 13-09, had to do with making community centers a conditional use. Mr. Gustin stated that it was presently conditional use limited to the ground floor only. The amendment would make it permitted use. Mr. White stated that goes back to the Zoning Ordinance as it was prior to 2008 with no limitations.

Councilor Mason stated his understanding is that ZA 13-05 corrects the issue that if a building were to fall down, it could be rebuilt. If it were torn down, it could not be rebuilt. They have incentivized allowing structures to fall into a state of disrepair rather than tearing down and replacing unsafe buildings.

Mr. White stated that is fair to say and would be the case for sheds. If it were lost due to a catastrophe, the non-conformities would be retained, but it could not just be replaced.

City Council President Shannon closed the public hearing at 7:20 p.m.

- 4.01. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE-Nonconforming Structures Demolition ZA 13-05(Planning Department, Planning Commission)(2nd reading)

Councilors Mason and Bushor made a motion to waive the second reading and adopt the ordinance. The motion passed unanimously.

- 4.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE-Residential Side/Rear Yard Setback Encroachments ZA 13-08 (Planning Department, Planning Commission)(2nd reading)

Councilors Mason and Hartnett made a motion to waive the second reading and adopt the ordinance.

Councilor Bushor stated that she is on the Ordinance Committee and they visited this twice. She supported the ordinance as it came from the Planning Commission with some clarifications. They did a good job of identifying the side yard and rear setbacks and understanding the neighboring properties. They then revisited the ordinance and fine-tuned it so it would apply only to single family homes. She supported those changes. Because they had made significant changes, it had to be referred back to the Planning Commission. They reviewed the changes and said they did not support them. They felt that applying this only to single family homes would be too restrictive. She agrees with them and feels that the first ordinance was the right one.

Councilor Mason stated that he will be supporting the ordinance. He admits there was a lapse in procedure in how this was rolled out. No one from the Planning Commission attended the public hearings, so he was surprised to see this communication. His understanding was that this was mainly intended to address issues for single family home owners. Subsequent to that, there was an idea of how to calculate side yard setbacks, which they will implement today. They were informed that would solve most of the problems that they saw. They did hear of potential negative consequences of expanding this beyond single family homes. If it turns out they have not gone far enough, he would be happy to revisit this.

Councilor Knodell inquired if there was any information in the communication from the Planning Commission that raised new issues beyond what was discussed in Committee. Councilor Mason stated the communication was the first time he had heard there was an issue. The Committee never considered the issue they raised. Councilor Knodell stated the Ordinance Committee has a lot of work to do, but she would prefer to refer this back to the Ordinance Committee.

Councilors Knodell and Brennan made a motion to amend the motion to refer the ordinance to the Ordinance Committee.

Councilor Worden stated that he feels this step is needed and the question is how far they should step. This should be supported by most everyone. The Planning Commission raises the question of whether or not they should take this further. Rather than sending the whole thing back, he would like to act on this. If the Planning Commission wants to take it further, they could still do that. It seems safe to allow single family homeowners to take advantage of this.

Councilor Siegel inquired if someone from the Planning Commission would speak to this. Emily Lee, Planning Commission, stated that she did not feel she was the best representative to comment on this

Ordinance. She believes this is important for the King Street Youth Center to move forward on a project and would not want to prevent that from happening. She believes this will be discussed at the Planning Commission again.

Councilor Bushor stated that the Planning Commission sent the broader ordinance to them. They did the work and wanted to apply it more broadly, but the Ordinance Committee narrowed it. The changes came forward because of a desire for someone to do a development that did not work. That is how they came to examine things that are currently on the books to see if they work. Unless the Planning and Zoning Department tells her it would be problematic, she would like to send it back to Ordinance Committee.

Councilor Siegel inquired how this might affect the timeline for what the King Street Youth Center hopes to do. Mr. Gustin stated if it is passed tonight, the King Street Youth Center could proceed under it. If it is sent back to the Committee, it will not be in effect. They have not yet applied, but they will not be able to until this has passed.

The motion to amend the motion to refer this back to the Ordinance Committee failed by a vote of 3-10 with Councilors Bushor, Knodell and Brennan voting in favor.

Councilor Siegel inquired if they can pass this tonight and then begin the process of reviewing the Planning Commission's recommendation. Mr. White stated the Planning Commission does not feel that the ordinance creates a problem they just do not feel it goes far enough. The Council could approve this tonight and as part of the action, they could request the Ordinance Committee review the request to expand it.

Councilors Siegel and Brennan made a motion to amend the motion to adopt the ordinance and refer it to the Ordinance Committee.

Councilor Hartnett stated that doing this would not hold anything up. City Attorney Blackwood stated from a legal standpoint, they would prefer if they separated those ideas. They can pass the ordinance as is and do a separate motion to refer it back to the Planning Commission or Ordinance Committee.

Councilors Siegel and Brennan withdrew the motion.

City Attorney Blackwood stated she would suggest they refer it back to the Planning Commission. It will be treated as a new amendment.

Councilor Hartnett inquired if handling it in this way would affect the King Street Youth Center. Mr. Gustin stated it will affect them by helping them move forward.

The motion to adopt the ordinance passed by a vote of 11-2 with Councilors Paul and Brennan voting against.

Councilors Siegel and Bushor made a motion to refer the residential side/rear yard setback encroachments issue to the Planning Commission.

Councilor Knodell stated that the issue was regarding the restriction of the ability of multi-family and non-residential properties to make modifications.

Councilor Worden stated that this was in regards to expanding this to non-single family homes and community centers.

City Council President Shannon stated that the motion was to refer to the Planning Commission the issue of expanding the side and rear yard setback encroachments to structures other than single family and community centers.

The motion passed by a vote of 12-1 with City Council President Shannon voting against.

- 4.03. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE-Community Center ZA 13-09 (Planning Department, Planning Commission)
(2nd reading)

Councilors Mason and Bushor made a motion to waive the second reading and adopt the ordinance. The motion passed unanimously.

- 4.04. COMMUNICATION: Burlington Planning Commission, re: ZA-13-08 Residential Side/Rear Yard Setback Encroachments

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

- 4.05. COMMUNICATION: Assistant City Attorney Sturtevant, re: Public Hearing Notice, Burlington Comprehensive Development Ordinances: Proposed Amendments ZA-13-05, ZA-13-08 and ZA-13-09

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

- 4.06. COMMUNICATION: Assistant City Attorney Sturtevant, re: Public Hearing Notice, Revised, Burlington Comprehensive Development Ordinance: Proposed Amendment ZA-13-08

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

5. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:43 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Martha Lang	Ward 1 Resident	Ira Allen, Taft, St. Joseph's Land Transfer
David White	Planning and Zoning Director	planBTV
Emily Lee	Ward 2 Resident	In favor of Mandatory Recycling Toters
Mark Porter	Ward 1 Resident/Landlord	In favor of Mandatory Recycling Toters
Alan Matson	School Board Member	Proposed Real Estate Transactions
Pike Porter	Ward 6 Resident	UVM Housing

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:57 p.m.

6. CONSENT AGENDA

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

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

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

6.02. RESOLUTION: Authorization to Enter into Purchase and Sale Agreement with The
Visiting Nurse Association Re 28 Archibald Street (Councilors
Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

6.03. RESOLUTION: Reorganization of Positions at Burlington City Arts to Eliminate
Office Assistant II Position and to Create Visitor Service Coordinator
and Gallery Educator Position (Councilors Shannon, Bushor, Aubin,
Knodell: Board of Finance)

*waive the reading and adopt the resolution

6.04. COMMUNICATION: Julie Hulburd, HR Generalist and Susan Leonard, Director of Human
Resources to the Board of Finance, re: Reorganization – Elimination of
the BCA Office Assistant II position, Creation of Visitor Services
Coordinator and Gallery Educator position

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

6.05. RESOLUTION: Parking Agreement re: Meter Hood Permits with Catamount/Van Ness,
LLC at the Brown's Court Lot (Councilors Shannon, Bushor, Aubin:
Board of Finance)

*waive the reading and adopt the resolution

6.06. COMMUNICATION: Nathan Wildfire, CEDO, re: Communication on Parking Agreement re
Meter Hood Permits With Catamount/Van Ness LLC, July 16, 2013 –
July 15, 2014

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

6.07. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Bench and
Planters on a Portion of the City's Right-of-way with American
Flatbread (Councilors Blais, Ayres: License Committee)

*waive the reading and adopt the resolution

6.08. RESOLUTION: Appointment of City Representative and Alternate for Chittenden County
Regional Planning Commission's Transportation Advisory Committee
(Councilor Shannon)

*waive the reading and adopt the resolution

6.09. RESOLUTION: Approval and Authorization to Execute Agreements with the Chittenden
County Regional Planning Commission (CCRPC) for Burlington Bike
Path Intersection Scoping Study Project (Councilors Shannon, Bushor,

Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 6.10. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain an Access Ramp on a Portion of the City's Right-of-way with Pomerleau Family, LLC (Councilors Blais, Ayres: License Committee)

*waive the reading and adopt the resolution

- 6.11. RESOLUTION: Authorization for New Position Stormwater and GIS Technician (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 6.12. COMMUNICATION: Norm Baldwin, Assistant Director of Technical Services and Megan Moir, Stormwater Program Manager, DPW, re: Creation of Stormwater and GIS Technician Position

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

- 6.13. RESOLUTION: Authorization for New Position Maintenance Specialist (Bike Path) (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 6.14. COMMUNICATION: Jesse Bridges, Director Parks and Recreation, re: Request for Maintenance Specialist (Bike Path)

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

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

*waive the reading and adopt the resolution

- 6.16. RESOLUTION: Acceptance of Vermont Homeland Security (HSU) Grant Urban Search and Rescue (USAR) Training Opportunities and Budget Amendment Authorizing Expenditure (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 6.17. COMMUNICATION: Lise E. Veronneau, Business Manager, Burlington Fire & Police Departments, re: Vermont Department of Public Safety Grant Agreement #02140-71152-101

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

- 6.18. RESOLUTION: Reclassification of One Regular Full Time Community Justice Center Coordinator to One Regular Full Time Assistant Director of the Community Justice Center at the Community and Economic Development Office (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 6.19. COMMUNICATION: Julie Hulburd, HR Generalist and Susan Leonard, Director of Human Resources to the Board of Finance, re: Reclassification and Title Change Community Justice Center Coordinator – CEDO

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

- 6.20. COMMUNICATION: Alan Matson, Chairman, Burlington Board of School Commissioners, re: Burlington School District's real estate transactions

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

- 6.21. COMMUNICATION: John L. Franco, Jr., Law Office of John L. Franco, Jr., Sandy Baird, Esq. and Jared Carter, Esq., re: Church Street Marketplace District Trespass Authority Ordinance Enforcement

*waive the reading, accept the communication, place it on file, refer it to the City Attorney's Office and request recommendation on the letter's request to suspend enforcement of the ordinance by July 29th

- 6.22. COMMUNICATION: Nathan Wildfire, CEDO, re: Public Investment Action Plan (PIAP) Concept Round Recap

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

- 6.23. COMMUNICATION: Martha R. Lang, Ph.D., 150 Colchester Avenue, re: School Real Estate Transactions, July 10, 2013 letter

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

- 6.24. COMMUNICATION: Martha R. Lang, Ph.D., 150 Colchester Avenue, re: School Real Estate Transactions, July 15, 2013 letter

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

- 6.25. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

American Flatbread-Burlington Hearth-, St. Paul Street between College Street and the crosswalk at mid-St. Paul Street, Saturday, August 3, 2013, Festival of Fools, 5 p.m. – 10 p.m.

*waive the reading, accept the communication, place it on file and approve the one day only special event outdoor entertainment permit application for American Flatbread

- 6.26. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (July and August):

Pacific Rim, 161 Church Street, 10 p.m. – 2 a.m., Live Music and DJs, Dancing, specific dates in July and August only

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

- 6.27. REPORT: Board of Assessors Commission Report

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

- 6.28. REPORT: Annual Report of the Burlington Conservation Board Fiscal Year 2013: June 30, 2012 – July 1, 2013

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

- 6.29. REPORT: Sean McKenzie, Chair, re: Design Advisory Board

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

- 6.30. REPORT: Amy Mason – Chairperson, Burlington Board of Tax Appeals, re: Board of Tax Appeals – 2012 Annual Report

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

- 6.31. COMMUNICATION: Vermont Department of Taxes, re: Notice of Education Tax Rates for

Fiscal Year 2014

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

- 6.32. REPORT: Diane Meyerhoff, City Council Retreat Facilitator, Third Sector Associates, re: Report of the Burlington City Council Retreat June 20, 2013 – 6:00-9:00 p.m., Rock Point School

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

- 6.33. COMMUNICATION: City of Burlington Office of the Chief Administrative Officer, re: Livable Wage Ordinance, Effective July 1, 2013

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

- 6.34. COMMUNICATION: Stephanie Reid, Interim Human Resources Generalist and Susan Leonard, Human Resources Director, re: Communication – Step Placement for Meghan Sweeney, Office Assistant II Fire

*waive the reading, accept the communication, place it on file and approve the step placement for Meghan Sweeney

- 6.35. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes, June 3, 2013

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

- 6.36. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes, June 17, 2013

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

7. PRESENTATION: Richard H. Cate, Vice President for Finance and Administration and University Treasurer, UVM, re: UVM Housing Master Plan

Richard Cate, UVM, stated that the University's housing situation has been stable for the last few years. Undergraduate enrollment was down by about 350 students since its high point. They anticipate that they will have 9,800 undergraduate students this fall. This is because the President wanted to modify the student faculty ratio and because of a shift in demographics of the Northeast. Vermont is the oldest state in the nation with the lowest birth rate, so the number of high school graduates has been declining. They are continuing on this trend and have the same commitment to the City. They agreed to pay for additional patrols in the City during high points. Those efforts have resulted in some benefits, though there are still a number of students living in the downtown area. In the Housing Master Plan, it was clear that some residence halls on campus that have become functionally obsolete. The Chittenden, Buckham and Wills area especially has small rooms and is in need of upgrades. There is a goal to replace those buildings. They do not yet have a financial plan for accomplishing these efforts. They will begin with additional housing near Athletic Campus. They would then determine what they will do with CBW. There are some buildings on the Redstone Campus that will need to be replaced. They would like to bring freshmen to the main campus and avoid having them live on Trinity Campus. They believe that Trinity would be better suited to graduate students who currently live in the downtown area. They want to look at restoring common areas in residence halls that were converted to rooms during the peak years. Students are looking for opportunities to interact and socialize in residence halls. Because those areas do not exist or are not large enough, they believe it would make sense to bring them back and expand them. There is no plan for increase in enrollment. Studies have shown that older students have no desire to reside in standard residence halls. They need to improve their inventory to make residence halls better. One survey gauged whether it would make sense to create more apartment style housing on the fringes of campus as they did with Redstone Lofts. Their feedback has shown that there is not a lot of appetite for students wanting to live in those areas. They consider them too close to restricted residence hall style living because they are

so close to campus. Students also want to be downtown. There are many in the community who wish that students would not traverse to the downtown, and many students agree. It seems that they should find means to partner with a private developer and the City to locate appropriate locations for apartment style housing in the downtown area. That would mitigate the issue of students traversing through neighborhoods and would allow students to be in an environment that is designed for students. The University would not own the buildings, but would partner with someone and sponsor them. That should be pursued on a parallel track with what they hope to do on campus.

Councilor Tracy inquired what they consider to be a realistic timeline for building off campus student apartments. He is excited about this idea and would like to see a clear timetable. Mr. Cate stated he expects it would take at least three years. They need to identify the right site, acquire the site, find the right partner, and actually build something. The University does not need to do anything beyond constructing them. They are willing to begin conversations about what the right site would be. Councilor Tracy inquired if there are things that the Council could do to help expedite the process. Mr. Cate stated that he would like to hear from the Mayor and the Council President about the best way to move forward. Councilor Tracy stated there was brief mention in the Housing Master Plan about efforts to mitigate the harm done to the community by students. There are a number of people who work on these issues, but they do not have enough time and resources to really dedicate to important issues. He inquired if there is money in the budget to address these other issues. Mr. Cate stated they do not have an extensive amount of new resources in the budget, but they will continue conversations about what the most effective mitigations steps they can take are. The people working in that area can entertain ideas that people may have. Councilor Tracy stated they have been talking about the proposed real estate transaction with the School Department. He inquired if he could speak to any of the proposed uses of the Ethan Allen School or Taft School. There have been concerns about how that would impact the neighborhood. Mr. Cate stated they would not be used for housing. Taft School would be used for academic purposes. Students would be walking to that site. He does not feel that neighbors would see any great change in its use. Ira Allen is more likely to be used for administrative purposes. This would be similar to what is already occurring with the School Department's Offices. It will not be used for housing.

Councilor Bushor stated that she agrees with much of what is in the UVM Housing Master Plan, but has not been satisfied with the process. The consultants were supposed to respond to community members before this was released. The community groups were broad and she is glad they were involved. She had hoped the Housing Master Plan goal would specify that they would like to reduce the stress on the housing market for the City. The plans' recommendation to review structures that were obsolete, needed to be readapted, or needed to be created seemed to make good sense. All of this reflects what students want and she was glad the University was incorporating it into the master plan. When talking about housing options, they mentioned Trinity Campus being a graduate campus. She inquired if they have considered what they did at University Heights where faculty and students share housing to bring some stability to those younger student housing structures. Housing on the fringe impacts neighborhoods and may help reduce stress. Mr. Cate stated they have not yet determined what the other arrangements would be. Residential learning communities are an option being considered. Councilor Bushor stated they mentioned that they have had a difficult time identifying the location of off-campus students because of the way they communicate with students. She suggested they build something into their electronic communication to find out where students are living. The demographics of the wards have been changing and they have been trying to address those issues. They talked about future sites for student housing and impediments to development. There is a proposal for a big complex on Grove Street. She inquired if they had considered talking to them about having faculty housing there. This would utilize housing that is being built and would keep people close to where they work. She stated they have met their goal of housing 60% of students. She hopes that they continue to house the same number. She also hopes if they continue to grow they will continue to add housing. Mr. Cate stated that commitment is still there and they do not intend to downsize the number of beds. They are talking about growing the number of beds on campus slightly and replacing and rehabilitating many existing beds. They will also create common

spaces. Councilor Bushor stated she needs to understand how many properties downtown will be owned by the institutions and what that means. She wants to know how many students will be living downtown and if that will change who wants to come downtown. She does not want Burlington to be just for UVM and Champlain. It should be welcoming to all residents; the site location was key.

Councilor Aubin inquired what the Green Mountain Walkway was. Mr. Cate stated the Green Mountain Walkway was a vision of having a direct and more convenient means of pedestrian travel from Trinity Campus to Main Campus. It would be a crossing over Colchester Avenue and would come out by Chittenden, Buckham and Wills. The route that students take to get to Main Campus is scattered.

Councilor Paul stated that she understood President Sullivan has been meeting with the Administration. She feels the same courtesy should be extended to the City Council, particularly those who are directly impacted by the University. Mr. Cate stated he can pass that message back to the President. Councilor Paul stated there was a resolution passed relating to the MOU which laid out several steps that they hoped would be included. A number of those have been done, but she hopes that they can continue to consider this as they do the next MOU. She heard from several people who live along the area surrounding Redstone. She had an opportunity to meet with the housing consultant. When she spoke with them, she tried to make clear that there is a concern about the number of people living on Redstone Campus. It appears that there may be another dorm on Redstone Campus. Mr. Cate stated that would be a replacement residence hall on Redstone Campus. There is not a lot of support for adding housing to Redstone Campus. The Master Plan incorporates feedback from a number of people and is not necessarily exactly what the University will do. It has a number of options. The primary intent is to replace Coolidge and at least one other facility. They believe Redstone Lofts has tapped the market on the number of students who want to live in that area. They are instead looking towards housing downtown. Councilor Paul stated the people she has spoken to will be happy to have housing downtown. Students will also prefer that. Mr. Cate stated it is difficult to know what may change in the future. There are a number of items in the plan that are ideas rather than something the university will or will not do.

City Council President Shannon inquired if the University has adopted this plan. Mr. Cate stated they have not brought this to the Board of Trustees and said they want to do everything in the plan. They have presented it to them and said there are things they will want to do and that they will be back with proposals. There are some items that will be done, such as the replacement of Chittenden, Buckham and Wills. Other things, such as adding beds on Redstone, were not supported by survey data from student and they do not plan to move forward with that.

Councilor Worden stated that he has found the presentation encouraging. He was discouraged after reading the Master Plan, as it only addressed 60% of the students. He understands that is their commitment to the City, but it seems any effort to plan around housing should make some mention of the 40% of students in off-campus housing. He appreciates the acknowledgement of the state of the neighborhoods around the Center City. There have been decades of unplanned decay. He read a portion of planBTV regarding the importance of housing in the downtown area. He looks forward to partnering with UVM to find alternative ways to house students downtown. He would like to see a corollary plan that the University is engaged in for repurposing housing in neighborhoods that has been used for students. There has been a benefit to the University as enrollment has grown. As they find new housing and enrollment declines, they need to open up homes for young professionals, the elderly and new Americans. He wants students in the neighborhood, but there are streets where 99% of the population is between 18-22 years of age; that is not the diversity they want. The University's efforts in the community are welcoming. In the Master Plan, it talked about housing in Colchester for faculty and staff. He encouraged them to look closer to home and consider employee funded housing. They could help a faculty member with a down payment and make it vested so they have to stay at the University to take advantage of that. They should look closer at student tracking for off-campus. He understands it has been difficult, but there has to be a way to do it.

Councilor Hartnett inquired if there was a way to track student housing. It is hard to patrol and watch neighborhoods if they do not know where students are living. It is hard to believe they cannot track these students by address. There is a problem in neighborhoods and it is unfortunate. He would like to see foot patrols, more accountability and more tickets being written. He thinks it is a great partnership that they have but it is impacting the quality of neighborhoods. UVM has to be at the table and he would like to see a bigger commitment from UVM. Tracking where students live would be useful information. Mr. Cate stated the information has been sent and they have to use sampling. They do not have the exact address of each student, but they do know the patterns of where they live. They feel comfortable with that level of analysis. That does not mean they have resolved all of the problems. They need to find a way to meet the expectations of the Council and the City to gather opinions and coming to a consensus. People in the City have different positions based on where they live. The proposals often conflict with each other. If the City could come to a consensus, UVM would have a guideline to use. Councilor Hartnett stated he feels the Council needs to be more directly involved. He hopes that UVM realizes it is a great partnership and a part of the community. There have been a lot of positives but there are major problems in the neighborhoods that affect homeowners; he hopes they can continue to get better.

Councilor Brennan stated that he appreciates the vision set forward in the Master Plan. He is struck by how large the University Campus is. As they discuss the situation, he is reminded of the great things that come from the University. There are many students in the schools working with children in the community. There are a number of degrees around this table from the University. There are unacknowledged benefits the University has given the City. He stated President Sullivan's plan is to decrease enrollment and increase the caliber of the students. He inquired if he feels this will bear fruit to address some of the problems. Mr. Cate stated the enrollment changes are not dramatic and would result in 350 students less than they had at their peak; that has been accomplished. The question now is about programs and facilities that will be available and how to attract certain students. They have students at a high skill level now and they would like to attract more of them. Having new facilities is part of that and will help them get to their vision. Councilor Brennan stated there was a person who came in for public comment who had a problem with Redstone Apartments which are leased. He inquired how he sees the University playing a role in managing housing downtown. Mr. Cate stated typically with third party arrangements they are managing what is going on. Students do not want to be regulated any more than a person who lives in an apartment downtown. They want to be treated as adults and without RAs or people checking on them. There is more of that activity at Redstone Lofts because they demand it when it is on-campus. The University's role would be to have expectations stated in writing about what the owner of the property will do to ensure there is peace and tranquility in the area. Councilor Brennan stated he appreciates the mindset of the replacements. He feels that having a better place to live will make people more respectful of their housing.

Councilor Blais stated he is a University of Vermont graduate. He remembers coming up College Street with some fellow students and the President at the time came outside and suggested they may want to be quieter. President Sullivan's decision to move back into Englesby was a wise decision so that he is a part of the neighborhood. He will be dealing on a personal basis with some of the issues they are talking about.

Councilor Paul stated the University did agree to have foot patrols. She thanked them for that and for listening to what is and is not working. There was an attempt to do foot patrols with a private security company. That did not work so they changed their course and got effective foot patrols. She believes they have been effective because she has not gotten phone calls or emails in the past season about people being upset about the amount of noise. That issue has gotten better in part because of the foot patrols.

Councilor Bushor stated Mr. Cate referenced that they get different responses on what they would like to see based on the part of the City people live in. During the Clavelle Administration, they would gather Councilors from student areas to talk about the issues. If there was an issue going forward, they would

collectively resolve it. They would then get one statement from the City rather than a number of statements. She feels there is a need to do that again. There should be a clear voice from the City as they move forward with housing initiatives.

Councilors Worden and Tracy made a motion to waive the reading, accept the communication and refer it to the Human Resources and Institutions Committee. The motion passed unanimously.

Mayor Weinberger stated he supports that motion. The Administration has started to begin conversations about these issues with that Committee.

7.01. COMMUNICATION: UVM Housing Master Plan

Councilors Worden and Tracy made a motion to waive the reading, accept the communication and refer it to the Human Resources and Institutions Committee. The motion passed unanimously.

7.02. COMMUNICATION: Richard H. Cate, Vice President for Finance and Administration and University Treasurer, re: City of Burlington and University of Vermont Memorandum of Agreement Re: 2009 Zoning Amendments

Councilors Worden and Tracy made a motion to waive the reading, accept the communication and refer it to the Human Resources and Institutions Committee. The motion passed unanimously.

8. PUBLIC COMMENT ON WARD REDISTRICTING

City Council President Shannon opened the public comment period. No one came forward to speak. City Council President Shannon closed the public comment period.

City Council President Shannon spoke about the loss of George Gamache, a member of the Ward Redistricting Committee. The Council held a moment of silence.

City Council President Shannon stated they inquired about putting information on Redistricting into Burlington Electric Department bills. They do not do bill stuffers but did agree to include information in their regular newsletter.

9. RESOLUTION: Mandatory Wheeled Covered Recycling Toters – Implementation (Councilor Tracy)

Councilors Tracy and Worden made a motion to waive the reading and adopt the resolution.

Councilor Tracy stated they included a resolution and an ordinance. The ordinance is very specific to just the language, but they also wanted to include some context about the process of adopting the use of covered, larger, wheeled recycling toters at all rental properties. This has been a tremendous effort with help from the Mayor's Office and Code Enforcement. They have considered the issues and complexities with getting this out to the City's 9,000 rental properties. It has been a large undertaking so they will be doing a phased implementation. The largest properties with 10 or more units will be addressed first and they will slowly address smaller apartments. After the first phase they will be evaluating how the process worked and how they can do it better going forward. They will be responsive to feedback that they receive. Bill Ward, Code Enforcement Director, stated there will be three phases. If the ordinance passes tonight it will be sent to the Ordinance Committee for public comment. They have received some feedback from property owners and some tenants. This type of process takes a long time and he appreciates patience as they move forward.

Councilor Bushor stated that she read this and did not see where it specified the first round would be for 10 or more units. Mr. Ward stated the next item they will be taking up is the ordinance. It specifies 10 or more units there. Councilor Bushor stated it is not included in the resolution so she found it confusing. She does not remember why they excluded properties that have dumpsters with lids. Dumpsters are for trash. Mr. Ward stated there are recycling dumpsters that are meant only for recycling. They should be accepted as an equivalent. They exist separately from trash dumpsters.

Councilor Bushor offered an amendment to the resolution to specify that recycling dumpsters are exempt. Councilors Tracy and Worden accepted the amendment as friendly.

Councilor Brennan inquired if there will be enough supplies in the City if a single family wanted to purchase one proactively. Mr. Ward stated that question is yet to be answered. The toters are available and they are seeing them going out to units that are not required to have them, such as single family rentals and duplexes. They have pledged to work with the CSWD to maintain a high supply. That will be part of what they will consider for phases 2 and 3. They have estimates of what the numbers may be but they are unsure exactly what that will require. They will work with the Department of Public Works to resolve any issues. Councilor Brennan stated there have been concerns about recycling ending up in stormwater. The prevailing winds come from the South most days. When they have strong wind, the Intervale is north of the City. As they look at those recycling bins, the plastics are not biodegradable in their wetlands. They are doing unintended damage on those windy days. He applauds efforts to move this forward to avoid having plastics in the wetlands.

Councilor Mason stated there was a concern that the cost of this would be passed on to tenants. Currently the cost is subsidized. He inquired what the anticipated cost of the toters will be. Mr. Ward stated a 65 gallon toter costs the property owner \$48. Councilor Mason inquired if they will continue to be able to subsidize this as they roll out the program. Mayor Weinberger stated the non-subsidized cost is between \$75-\$100. If that is being shared by three units, they are talking about \$25 per unit for something that should last for a decade. Mr. Ward stated it would be no higher than that amount. It is not a huge subsidy and would only rise by a small amount. Councilor Mason inquired if they envision that subsidy will still be available for single family homeowners. Mr. Ward stated he has a sense that CSWD will do what they can to continue to offer the subsidized cost.

Councilor Siegel stated she is excited about these toters. She has her children help with household tasks including recycling. They usually fill four blue bins which were all odd shapes and difficult for them to carry. They can easily roll the toter out to the curb.

Councilor Worden stated he has a toter and it has been great. He has seen Mr. Ward in the neighborhoods picking up recycling, and he hopes this will help him free up time to do other things. He has noticed that he does not have to take his toter out as often as he did his bins. In time, they may be able to look at the frequency with which they pick up recycling.

City Council President Shannon stated anyone can have a problem with recycling flying throughout the City. She inquired if they have ever taken action against someone for repeated events of recycling blowing away. Mr. Ward stated there is a \$100 ticket that they can issue, but they have only issued a few of those. It is challenging because the property owner is the person getting the ticket, but it is often an unintentional act. They look to the property owner to respond quickly and would only issue a ticket if it were addressed slowly.

The motion to adopt the resolution passed unanimously.

10. **ORDINANCE: HOUSING – Sanitation (Code Enforcement, Councilor Tracy)**
(1st reading) (Proposed action: consider 1st reading and refer it to the

Ordinance Committee)

Councilors Tracy and Bushor made a motion to waive the first reading and refer the ordinance to the Ordinance Committee.

Councilor Bushor inquired if the Chair of the Ordinance Committee feels that the timeline is doable. Councilor Mason indicated it is doable. Councilor Bushor stated she supports comments made by the individual who spoke about rolling this out to all people in Burlington. She hopes they keep that in mind. There is also an educational component that is needed so that property owners will be aware of the change. It will be helpful when it becomes effective so that they will all be on board.

The motion passed unanimously.

11. PRESENTATION: Brian Pine, Assistant Director for Housing & Neighborhood Revitalization, CEDO and David J. Provost-Sr. Vice President, Champlain College, re: Browns Court

David Provost, Vice President, Champlain College, stated that they are before the Council with this request. Champlain College signed a 1994 Memorandum of Understanding which stated if they purchased any properties outside of its current boundaries they would need to come before the Council to seek approval. Champlain College acquired the Eagles Club with the intention of building upper class men and women student apartments. This was directed by their Master Plan which says they will house 90% of their students. They identified the capacity on the hill for housing and they determined that they would need to add 600 additional beds. They acquired Ethan Allen Club and Eagles Club to accomplish this goal. This project is about developing the Eagles Club and the adjacent lot, which is Browns Court. This lot is owned by the City. He is here because they need City Council approval to acquire land. Their intention is to have this property developed by a third party, REM Development. They will form an LLC which would own the structure. In the long term, Champlain College would have the ability to own the building. The property will be managed by Champlain College. The site is currently a parking lot which provides 38 spaces to the public. The intention would be to replace those spaces with spaces in the new structure. The project has not yet been designed. On the street side, they would try to engage the street scape by creating usable spaces. They could be mixed use or retail spaces. They are open to community dialogue about the best use of the street side space. The units would be apartment style. Given the grade changes in the adjacency of the two properties, they believe they can increase density in that area. It is along the current shuttle route to campus and would not have a big impact on how students are moved to campus. Because the property would be owned by a third party, the LLC would be for profit. It would remain on the tax rolls for the newly assessed value of the structure they would put on it. It would be a \$20-\$30 million facility being added to the tax rolls. In the long term, if Champlain College were to acquire the property, they would be responsible for paying taxes going forward.

Brian Pine, CEDO, stated this is not an action item but for discussion purposes. He offered to answer any questions.

City Council President Shannon inquired if they need permission both to buy any property and to buy the land from the City. Mr. Provost stated that is correct. Champlain College's request is relating to the MOU. The City can make its own decision about whether or not to sell the property.

Councilor Hartnett inquired if Champlain College would be responsible for the units and their security. Mr. Provost stated the business deal is currently being discussed. The current plan is that Champlain College would be responsible. The developer does not want to manage it. If that is not possible, they may hire a third party to manage it, but they currently intend to run it. Councilor Hartnett stated that he prefers that and feels it would be helpful.

Councilor Tracy stated that the purchase of the Ethan Allen site has stalled. He inquired if building housing on that property could be minimized by this project. Mr. Provost stated if this property is sold to the college, they would go through a process to design the facility to meet their needs and be amenable to the neighborhood and community. If it gets them closer to their Master Plan of housing all students, that could affect what they do with Ethan Allen. The choice to move forward with the Eagles is because they feel it is a better project for Champlain College and the City of Burlington. It is less controversial. Ethan Allen will be more difficult to develop and gain support because of its location. They have discussed divesting in it or using it for another purpose. Councilor Tracy stated that is something he would like to have happen given some of the plans he saw before the deal fell through. Some of those proposals seemed out of step with what the neighborhood desires. Any attempt to move away from that makes him more comfortable with moving forward with this deal.

Councilor Knodell inquired what the current use of the Eagles Building is. Mr. Provost stated from the time they acquired the property until last summer, it was used as a temporary shelter for families with COTS. It is currently vacant and is being used for storage. The parking lot is being utilized by local businesses. Councilor Knodell stated there is an inclusionary zoning ordinance which states that a certain number of units must be affordable to households. She inquired if that would apply to this project and how they would do that. Mr. Pine stated there is an exemption for student housing located in an institutional zoning district. This is not located in that type of district, so it would apply. They discussed different scenarios for how to achieve compliance. The most likely approach is that the college would serve a population that would be served by having affordable units.

Councilor Bushor inquired how many units would be in this location. Mr. Provost stated they have not yet designed the project, but they expect to build 60-80 units. The intention would be to maximize density. They want to house students but do not have many solutions. Councilor Bushor inquired if a unit would contain one student or two. Mr. Provost stated they have learned that there is demand for four bedroom units and studios. They would consider that in the design phase. He expects they will house 275-350 students. Councilor Bushor stated there was a reference that there would still be some existing parking. She inquired how that would work and inquired if they would provide parking for students. Mr. Provost stated they will build parking to meet current zoning requirements according to the ordinance. They will also meet the needs of the City by replacing the spaces that already exist. Those spaces will be available all the time as public parking spaces. Most students who live on campus have to park off-site. They have not yet determined how they would manage the spaces. Councilor Bushor inquired about a reference to mixed income housing and whether or not this is consistent with what the City would have used this for. Mr. Pine stated that the ordinance requires all housing be mixed income unless the DRB grants an off-site option. This will achieve the mixed income goal. The pressure to find a place to house the students in the neighborhoods is significant and the goal is to change that trend. Councilor Bushor stated she is concerned about bringing a lot of students downtown until she sees the big picture. There is a tipping point where they do not have the diverse mix and one population dictates the activities of the downtown. She wants the students who are already downtown to utilize it and live in good housing. She worries if Champlain and UVM continue to develop downtown.

Councilor Worden stated that this is not just a change in location but also a change in management. This will take students who are living in the same areas in an unmanaged situation and will place them in a more managed situation. The Jeanne Mance dorm on Pearl Street is a similar example. There are other potential impacts, but this sounds like a good proposal. He stated typically structures cannot span over property lines. There are two Browns Courts parcels that would probably need to be merged. He inquired if they plan to merge Browns Court with the Eagles Club Site. If so, would they be sold to the third party developer in the meantime and eventually return to Champlain College? If that is the case, would the whole parcel be available for taxation? Mr. Pine stated the City's preference is to eliminate the property lines and make this one contiguous property. Mr. Provost stated their intention would be to have

Champlain College own the land. They would lease the facility. Councilor Provost inquired if the entire facility would be available for taxation. Mr. Provost stated it would. Councilor Worden inquired if there is anything that has ever been identified as a better purpose for that lot. Mr. Pine stated there was a parking garage once studied for that site, but it was not deemed to be appropriate. The appraiser deemed the best use would be residential development at the maximum height and density.

Councilor Hartnett stated that he hopes they keep the neighbors updated so they are not surprised at the end. This is a great partnership and it will work, but he hopes neighbors are kept updated. Mr. Provost stated they have reached out to the people living in homes on this corner. They have also offered to help them find a buyer if this is an issue for them. When they purchased the Eagles Club, there were a handful of residents who reached out because they wanted to give input about the design of the street sign. They will reach out to them and include them in the design process. This is about revitalizing a part of town that is not being effectively used.

City Council President Shannon stated that she understands that REM does not want to manage the property and Champlain would manage it. She inquired how management would be different from how students are managed in dorms. Mr. Provost stated these students will be juniors and seniors. They try to prepare them for life. As they design it, they will try to have oversight and hold students accountable, but there will not be an RA on every floor. It could include a live in property manager. This will help students understand what it means to pay monthly rent and be accountable for their behavior. Their public safety officers would go through the buildings. The actual student life model is still being considered. City Council President Shannon inquired if they would increase the management if students do not live up to their expectations. Mr. Provost stated that students are held accountable through a review process when they do misbehave. They take actions when they break the rules. Those same things would be in place. City Council President Shannon stated she agrees with the sentiment that having a mass of students in the downtown could be problematic. She likes this better than the idea of UVM building housing downtown because UVM has other options. This takes the students who are living in adverse conditions and creates a better environment. They are downtown now and will continue to be downtown. She would appreciate if they reached out to Maple Street neighbors because the increased scale of the project will make a difference for them. She inquired if they envision the affordable housing to be integrated into the building. Mr. Provost stated their intention would be to fully integrate it into the project. There are students who meet the need as defined for inclusionary housing. They are currently assisted through financial aid. They would meet those requirements by meeting the needs of that group. City Council President Shannon stated Champlain College has developed quality buildings in the City. She inquired what the vision for the architecture is at this site. Mr. Provost stated in early discussions there was no full consensus. It will look different than their buildings on South Willard Street and Lakeside Avenue. They specifically tried to make those buildings fit in. The issue with this neighborhood is that there are all kinds of designs. It will be seen as a large Champlain College building and they are known for their reputation of designing nice buildings. As they design it, they will be conscious of what is in the neighborhood.

- 11.01. COMMUNICATION: Brian Pine, Assistant Director for Housing & Neighborhood Revitalization, CEDO, re: Champlain College acquisition of Browns Court parking lot

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

- 11.02. COMMUNICATION: David J. Provost-Sr. Vice President, Champlain College, re: Purchase of Brown's Court Parcels (#049-3-027-00 and #049-3-041-000)

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

11.03. COMMUNICATION: Proposal to Purchase Real Property

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

12. RESOLUTION: Approval of Agreement Between Hancock Wind, LLC and Burlington Electric Department (Councilors Shannon, Bushor, Knodell, Aubin: Board of Finance)

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

Ken Nolan, BED, stated BED does an integrated resource plan every three years by state law. It is essentially a 20 year business plan. In 2004, the plan indicated that a renewable supply portfolio provided the least risk and cost for Burlington residents. They have been pursuing that and working towards a portfolio that is about 1/3 wind power, 1/3 biomass power such as the McNeil station and 1/3 hydro power. For the first six months of 2013, 80% of the power supply has come from renewable resources. They updated the plan in 2012. The plan indicated that wind power was too expensive given the change in natural gas prices. When they filed that with the state regulators, they were approached by First Wind, who developed the Sheffield Wind Project. They indicated they had started a project in Maine with substantially cheaper pricing. They have been talking to them and reached resolution on a contract that is a good advantage for Burlington ratepayers. It is a 51mw project in Hancock County, Maine with 17 turbines. Burlington will use 13.5mw which would be about 9% of Burlington's energy needs. They have filed for all of their permits and they are expected any day. There are four neighboring towns that they have tax agreements with. Everyone is supportive of the project. They expect to build this in 2014. The contract says they are required to be operational by the end of 2015 but they expect to be operational before that. The contract is a 10 year contract with a 15 year extension. Under Vermont law, if they contract exceeds 10 years they have to get state permits in Vermont, even though the project is being built in Maine. It takes 18-24 months to get those permits, which would have been a problem for the developer. They will be locked in for 10 years and then have 2 years to decide if they would like to continue. If they do choose to continue, they would have 2 additional years to get the state permits. It allows them to move forward with financing and building the project. There are some risks with renewable energy credits, but they do not feel they are significant, especially considering the risk mitigation this project provides by getting them away from natural gas.

Councilor Bushor stated that the memo states this contract would continue to deepen BED's exposure in REC markets. She inquired if there is an appropriate level of how many renewable energy credits they should have the option to sell. Mr. Nolan stated there is no target. They look at risk mitigation. In this case they are trading off natural gas and oil risk with renewable energy risk. Their plan is to trade as much oil and gas risk for renewable risk. They need to monitor their risk and mitigate it, but stopping is not what the plan indicates.

Councilor Knodell stated they discussed this at Board of Finance and it was supported unanimously.

Councilor Brennan inquired if they are putting themselves in a position to be able to expand McNeil to cogeneration as they look to renewable energy sources. Mr. Nolan stated the IBM Smarter Cities group looked at gasification of McNeil. They are looking at the big utility projects and are now looking at the plants they have. They are considering if they can be improved or operated better through a change of technology. They are also moving towards distributed generation, such as solar. This contract and the

Winooski One arbitration are the last big utility scale power supplies they are looking about. They will then look at a smaller generation and refurbish the units they have.

The motion passed unanimously.

- 12.01. COMMUNICATION: Ken Nolan, Manager of Power Resources, Burlington Electric Department, re: Hancock Wind Facility

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

- 12.02. COMMUNICATION: Ken Nolan, Manager of Power Resources, Burlington Electric Department, re: Economic Analysis of Hancock Wind Contract Impact on BED Power Portfolio **Public Version**

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

- 12.03. COMMUNICATION: Energy, Capacity, Rec and Ancillary Services Sale and Purchase Agreement Between Hancock Wind, LLC and Burlington Electric Department: FW 2013-0701—**PUBLIC**

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

13. RESOLUTION: Convening Of A Summit to Discuss The Underfunding of The City's Pension Plan and Explore Options to Address Unfunded Liability (Councilors Blais, Mason, Paul, Ayres, Shannon and Worden)

This agenda item was removed and will be placed on the August 12, 2013 City Council Agenda.

14. APPOINTMENT: CSWD, Alternate (Term expires 5/31/14)

Councilor Ayres nominated July Sanders.

Councilor Bushor stated there was an email about whether the Director of Public Works had responded. His response was not very specific and she inquired if people were satisfied and wanted to move forward.

Councilor Brennan nominated Charlie Giannoni.

July Sanders received 6 votes from Councilors Aubin, Blais, Ayres, Worden, Shannon and Tracy.

Charlie Giannoni received 6 votes from Councilors Hartnett, Paul, Mason, Knodell, Brennan and Siegel.

Councilor Bushor did not vote.

City Council President Shannon conducted a second vote.

July Sanders received 7 votes from Councilors Aubin, Blais, Ayres, Worden, Shannon, Tracy and Knodell.

July Sanders was appointed as the CSWD Alternate.

15. COMMITTEE REPORTS (5 mins.)

Councilor Worden stated that there will be a Community Development and Neighborhood Revitalization Meeting. They will continue talking about revitalizing housing around the Center City. In past meetings, Champlain College, UVM, and Fletcher Allen have attended and they have had good discussions.

Councilor Mason stated that the Ordinance Committee has scheduled a hearing regarding the Livable Wage Ordinance. They will begin to discuss proposed changes.

City Council President Shannon stated the BTAB did not meet last month but will be meeting next month.

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

Councilor Knodell stated that the two senior principals from US Ignite were in Burlington. There were no Councilors on BTAB available for the dinner. She was able to attend and they had a great dinner. It seemed there was good work done while they were here and there is more clarity about the ways they may develop their application. The Council added another community garden to Ward 2 by approving the acquisition of a parcel of land on Archibald Street. It is a dense area and people love that garden. The community will appreciate the Council's support.

Councilor Blais stated that at the last meeting they authorized the Mayor to sign a friendship agreement with the Mayor of the town of Honfleur. He attended that ceremony. The Honfleur Mayor reminded them as they celebrate their independence from Great Britain they have to thank France for having been able to achieve that victory. He also stated that any citizen of Burlington is welcome to go to the museums in Honfleur free of charge.

Councilor Aubin stated that the Ward 4&7 NPAs will be hosting a storytelling for kids about the history of the New North End.

Councilor Hartnett spoke about the passing of George Gamache. He was committed to the City and children in the New North End as a Little League Coach.

Councilor Brennan spoke about the passing of George Gamache. The Burlington Babe Ruth 13 year olds won the districts and are off to the State tournament. He wished them luck.

Councilor Paul stated that consent agenda item 6.22 relates to the Parks, Arts, and Culture Committee. One highlight is the Public Investment Action Plan is moving forward. She encouraged everyone to look at that. The RFP will be ready shortly. There is an effort being made to consolidate like projects and move this forward with the idea of having projects voted on during Town Meeting Day 2014.

Councilor Bushor stated that Ward 1 NPA is meeting through the summer. The focus will be the Parks Master Plan and the future of Schmanska Park. At their last meeting they had a presentation about Ireland's Project with 200+ housing units. There was also a presentation about residential parking and potential changes to the program. Some impose a fee on residents who find themselves in a situation that require residential parking.

Councilor Siegel stated that there was an event in front of City Hall called Bearing Witness protesting the outcome of the Trayvon Martin trial. There will be a follow up organizing meeting for anyone interested getting involved.

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

Mayor Weinberger stated that the Friendship Agreement with Honfleur received a substantial amount of media attention. There is a Committee that will continue to work on this relationship.

The rain that has come over the past month has brought a great amount of scrutiny to how the stormwater system works and does not work. They have come out with information and FAQs that is on the web that will provide guidelines for moving forward. The investment in the stormwater infrastructure in this budget has shown to be a good decision. There has been work on creating a new job in that department.

He attended an event called Imagine College at Champlain College. There were 16 year olds from all over the Northeast who were not considering going to college. They tried to open their eyes to the impact college can have on their lives. It reflected well on the work Champlain is doing in the community.

He is excited about the Community Gardens and is happy that the purchase went through. He thanked the Parks Department for their work. The Moran building has an art exhibit installed in it and there is a nightly light show. This is an effort to bring attention and new thinking about the waterfront.

The US Ignite visit was successful. The two individuals who came met with a number of stakeholders. They came forward with a number of recommendations.

Discovery is proceeding in the BT CitiBank case with depositions being scheduled. Burlington's motion for summary judgment has been fully briefed. There is a hearing on CitiBank's motion for BT to be placed as a receiver. There was a ruling in the case on a procedural motion that City Attorney Blackwood will circulate through the Council. The Osier case has a hearing on the plaintiff's motion for a jury trial.

He gave his condolences to George Gamache's family.

18. ADJOURNMENT

Without objection, the Regular City Council Meeting unanimously adjourned at 10:25 p.m.

Attest:

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

DELIBERATIVE AGENDA
LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, AUGUST 12, 2013
11:14 P.M.

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

ABSENT: Commissioners Siegel and Aubin

CITY ATTORNEY'S OFFICE: City Attorney Blackwood

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

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

2. CONSENT AGENDA

There were no consent agenda items.

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

Speak Easy Arts & Events Center, LLC, d/b/a Arts Riot, 400 Pine Street

Commissioners Blais and Ayres made a motion to approve the First Class Restaurant Liquor License Application for Arts Riot..

City Council President Shannon stated that this was a great group that the South End is excited to have move into the neighborhood. She is glad they can support them in their endeavor.

The motion passed unanimously.

4. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 11:16 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
MONDAY, AUGUST 12, 2013
7:09 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Mason and Bushor the agenda was unanimously adopted as amended as follows: note **revised** version of agenda item 4.02. RESOLUTION: Reclassification of the Assistant Director Public Works – Technical Services Position (Councilors Shannon, Bushor, Aubin Knodell: Board of Finance); remove from the consent agenda item 7.03. RESOLUTION: Church Street Marketplace District Commission Authorization to Enter into License Agreement with B. Hospitality Group, Inc. for College Street Kiosk (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance); note corrected last page of consent agenda item 7.23. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned City Council Meeting, December 17, 2012 with the consent action to “waive the reading, accept the communication, place it on file and adpt the minutes at the September 9, 2013 City Council Meeting;” add to the consent agenda item 7.33. COMMUNICATION: Harry Chen, MD, Commissioner of Health, Department of Health, Environmental Health, re: Deputy Health Officer Appointment for Deborah Dalton with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 7.34. COMMUNICATION: Harry Chen, MD, Commissioner of Health, Department of Health, Environmental Health, re: Deputy Health Officer Appointment for Ita Meno with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 7.35. COMMUNICATION: Harry Chen, MD, Commissioner of Health Department of Health, Environmental Health, re: Deputy Health Officer Appointment for Matthew Perry with the consent action to “waive the reading, accept the communication and place it on file;” remove from the consent agenda item 7.21. COMMUNICATION: Martha R. Lang, Ph.D., re: Documents Not Properly Researched for School Building on Colchester Avenue and place it on the Deliberative Agenda as agenda item 17.5.

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

Speak Easy Arts & Events Center, LLC, d/b/a Arts Riot, 400 Pine Street

Councilors Blais and Ayres made a motion to approve the indoor entertainment permit application for Arts Riot. The motion passed unanimously.

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

Vinifera, Inc., d/b/a Vin Bar & Shop, 126 College Street

Councilors Blais and Ayres made a motion to approve the indoor entertainment permit application for Vin Bar & Shop. The motion passed unanimously.

4. APPOINTMENT: City Engineer and Surveyor

Mayor Weinberger stated that Norm Baldwin is a familiar face and will make an excellent City Engineer and Surveyor. He has outstanding commitment to the City and has been working for the City since he graduated from UVM in 1990. He is familiar with the responsibilities of the City Engineer. He will

provide continuity at a time when the Department is going through a transition at the director level. He will also continue to serve as the Director of Technical Services. These will be additional responsibilities.

Councilors Bushor and Tracy made a motion to appoint Norm Baldwin as City Engineer and Surveyor.

Norm Baldwin, DPW, stated he has wanted to do this for many years and he has learned about the City and its systems through his years of working here. There are always more problems to solve, and he looks forward to that opportunity. He has demonstrated how committed he is to the City by serving in a variety of roles and stepping up when needed.

The motion passed unanimously.

4.01. COMMUNICATION: Mayor Miro Weinberger, re: Appointment of City Engineer and Surveyor

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

4.02. RESOLUTION: Reclassification of the Assistant Director Public Works – Technical Services Position (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

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

Councilors Bushor and Hartnett made a motion to amend the agenda to add item 4.05. RESOLUTION: Honoring Steven Goodkind For More Than Three Decades of service to the City (Full City Council). The motion passed unanimously.

4.05. RESOLUTION: Honoring Steven Goodkind for More than Three Decades of Service to the City (Full City Council)

Councilors Bushor and Decelles made a motion to waive the reading and adopt the resolution.

Councilor Bushor read the resolution aloud.

Mayor Weinberger stated that they had notified Senator Sanders that this would be Steve's last City Council meeting. Senator Sanders was not able to attend, but did he did submit a message that he hoped to have read aloud.

Doreen Kraft, Burlington City Arts, read Senator Sanders' message aloud.

Mayor Weinberger presented Steve Goodkind with an award from the Mayor's Office and read the text of the award aloud.

Councilor Decelles stated it was easy to pick on Public Works because of issues with streets and sidewalks. When you fully understand what Public Works does, the criticism dwindles and it is easy to see how good of a job they do. He thanked Steve Goodkind.

Councilor Bushor stated she has worked with Steve Goodkind for a long time. She appreciates his creativity and insight. She will miss having him and wishes him well. He has always been there for Ward 1 Residents. He is honest and direct and she values that. She thanked him for his service.

Councilor Worden stated that there are many engineers that look up to Steve Goodkind. He appreciates his years of service.

City Council President Shannon thanked Steve Goodkind for his work. She stated it is easy to pick on Public Works, but she has found working with him pleasurable. He has been responsive and direct. It is a difficult job and he has done it well.

Steve Goodkind stated when he came here 32 years ago he never imagined he would be here for that long. It was his dream job and he hopes that he is moving on to something better. It has been magic for him. He thanked everyone.

The motion passed unanimously.

5. Nathan Lavery, Chair, Public Works Commission, re: Annual Report to City Council – FY2013

Nate Lavery, Public Works Commission, congratulated Steve Goodkind and expressed his excitement for the new Director coming in. He offered to answer any questions.

Councilor Bushor stated that they should emphasize that there is a new service system in place. This is the opportunity that the public has to hear about important advances that departments have made. Funding of sidewalks is also an important topic that people she represents would like to hear about. Steve Goodkind, Public Works, stated a lot of people have heard about SeeClickFix, which is a system where a person can use their smart phone to request things from certain Departments. Public Works has so many facets that this was not a good option for them. They have instead implemented a more complex system that they have developed themselves. Eventually, they plan to interface their system with SeeClickFix so the public will be able to use it. It is currently 90% implemented, and they will be completing it over the next year. It will allow a person to lodge a complaint and view other complaints that have been submitted. It will also be used for performance reports. Sidewalks are the thing they get the most complaints about and have the least ability to deal with. They did some reports on this topic and it is tough to grapple with. They need to begin to address it.

Councilors Bushor and Knodell made a motion to waive the reading, accept the report and place it on file. The motion passed unanimously. Councilor Decelles was not at the table.

6. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:43 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Charles Simpson	Ward 6 Resident	Against F-35s
Edward Pais	Ward 6 Resident	Off Leash Workshop Group
Ben Cohen	Ward 6 Resident	Against F-35s
Corey Mallon	Ward 7 Resident/ VT Workers Center	Against F-35s
Ken Lawless	Ward 2 Resident	Against F-35s
Ashley Smith	Ward 7 Resident	Against F-35s

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Ray Tanguay	Ward 7 Resident/Air Force Association Charter 306	In favor of F-35s
Thomas Grace	Ward 1 Resident	Against F-35s
Paul Fleckenstein	Ward 3 Resident	Against F-35s
Tony Bell	Ward 4 Resident	In favor of F-35s
Steven Gould	Ward 7 Resident	In favor of F-35s
Martha Lang	Ward 1 Resident	59 Murray Street
Kurt Wright	Ward 4 Resident	In favor of F-35s
Ben Aleshire	Ward 3 Resident	Against F-35s & No Trespass Ordinance
Barbara Headrick	Ward 6 Resident	Issues with ZA-13-11
Peter Lackowski	Ward 1 Resident	Against F-35s
Jean Hopkins	Ward 1 Resident	Against F-35s
Peter Cook	Ward 5 Resident	Against F-35s
Susi Taylor	Ward 5 Resident	Against F-35s
Stuart Paton	Ward 1 Resident	Against F-35s
Michael Mahoney	Winooski Resident	Against F-35s
James Leas	S. Burlington Resident	Against F-35s
Katie Kirby	Winooski Resident	Against F-35s
Eileen Andreoli	Winooski Resident	Against F-35s
Bob Tudek	Starksboro Resident	Against F-35s
Jean Bluto	Winooski Resident	Against F-35s
Meaghan Emery	S. Burlington Resident	Against F-35s
David Ransom	Waterville Resident	Against F-35s
James Dumont	Bristol Resident	Against F-35s
Nicole Sitro	Essex Junction Resident	In favor of the F-35s

Councilor Paul suggested that they continue the public forum.

Councilor Hartnett stated that he is in favor of the original plan to end the public forum and return to it at the end of the meeting to allow them to complete their business.

Councilor Paul stated people are here now and wish to speak. She does not feel it is right to ask them to stay for what could be several hours. They will be here to do the meeting now or in a half an hour.

City Council President Shannon noted there are other people on their agenda who would have to wait if they continue the public forum.

Councilor Ayres stated this is the essence of the right to be heard in a democratic process. It is not too much to ask that they allow 32 more minutes for the speakers to be heard.

Councilor Blais stated no one is questioning the speakers' right to be heard. If people's feelings are sufficiently strong, they will stick around to be heard. This issue is important, but there is other business that they will need to attend to.

Councilor Decelles stated they sometimes get on their own soapbox and hear themselves speak. He spoke in favor of allowing the public to speak. It is unfortunate that others will have to wait, but perhaps this will force them to move more quickly later on.

Councilors Brennan and Paul made a motion to extend the public forum period to hear the remainder of the speakers.

Councilor Knodell stated that she will vote against the motion. It will realistically take 45 minutes to an hour to get to their business. They have heard a lot of good comments and eventually started hearing similar comments. They should get their business done efficiently and address the rest of the public forum as soon as possible.

City Council President Shannon recommended they suspend the public forum and put it at the end of the agenda.

The motion failed by a vote of 6-6 with Councilors Brennan, Paul, Ayres, Decelles, Tracy and Bushor voting in favor.

City Council President Shannon suspended the public forum at 8:53 p.m. and reconvened it after agenda item 17.5.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Deborah Altemus	Williston Resident	Against F-35s
Richard Joseph	Winooski Resident	Against F-35s
Horace Shaw	Winooski Resident	Against F-35s
Rosanne Grecco	S. Burlington Resident	Against F-35s
Chris Hurd	Representing State Sen. David Zuckerman	Against F-35s
Carmine Sargent	S. Burlington Resident	Against F-35s
David Ross	Milton Resident	Against F-35s
Noal Kandel	Williston Resident	Against F-35s

Ben French	S. Burlington Resident	Against F-35s
Igor Zbitnoff	Winooski Resident	Against F-35s

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 10:49 p.m.

7. CONSENT AGENDA

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

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

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

7.02. RESOLUTION: Authorization of An Agreement with Switchback Brewery for the Acceptance of Waste at the Main Wastewater Treatment Plant
(Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

7.04. RESOLUTION: Authorizing License Agreement Between Prelco, Inc. and Church Street Marketplace for Access to Water for Public Drinking Fountain
(Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance; Councilor Paul)

*waive the reading and adopt the resolution

7.05. RESOLUTION: Authorization to Enter into License Agreement for Stairs, Sunshades and Roof Overhang on a Portion of the City's Right-of-way with Burlington Housing Authority (Councilors Blais, Tracy, Ayres: License Committee)

*waive the reading and adopt the resolution

7.06. RESOLUTION: Authorization to Enter into License Agreement for Awning, Sign and Lamps Extending Over a Portion of the City's Right-of-way with Orange Leaf (Councilors Blais, Tracy, Ayres: License Committee)

*waive the reading and adopt the resolution

7.07. RESOLUTION: Authorization to Contract for Leddy Park Softball Field Renovation
(Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

7.08. COMMUNICATION: Jesse Bridges, Director, Department of Parks & Recreation, re: Leddy Park Softball Field Renovation Contract

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

7.09. RESOLUTION: Authorization to Execute Amendments to Cooperative Agreements With The State of Vermont for Church Street Marketplace Capital Improvement Projects (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 7.10. COMMUNICATION: Guillermo Gomez, Public Works Engineer, Department of Public Works, Re: STP 5000 (16)-CA#0186 – Amendment #4; STP 5000 (17)-CA#0187 – Amendment #5; STP 5000 (19) – CA#0303 – Amendment #2

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

- 7.11. RESOLUTION: Creation of Regular Full Time Custodian I – Burlington Parks and Recreation Department (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 7.12. RESOLUTION: Authorization for Land Purchases and Relocation Services (AIP-94) in Anticipation of AIP Grant Funds for Burlington International Airport (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 7.13. RESOLUTION: Reclassification and Title Change of the Burlington Police Department Assistant to the Officer in Charge Position (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 7.14. RESOLUTION: Authorization to Execute Amended Lease with Hangar Condo Association at Burlington International Airport (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 7.15. RESOLUTION: Authorization to Settle Civil Actions Regarding Property Taxation at Burlington International Airport (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 7.16. COMMUNICATION: Matt Conger, Member, Public Works Commission, re: Resignation

*waive the reading, accept the communication, place it on file, advertise the vacancy (already did) and send a letter of appreciation thanking Matt Conger for his time served as a member of the Public Works Commission)

- 7.17. COMMUNICATION: Jackie Gordon, re: F-35 planes

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

- 7.18. COMMUNICATION: Miro Weinberger, Acting As Duly Authorized Agent for the Burlington Community Development Corporation, re: Construction of the Champlain Parkway Land

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

- 7.19. COMMUNICATION: Karen B. Horn, Director, Public Policy and Advocacy, VLCT, re: 2013 VLCT Municipal and Legislative Service Awards

*waive the reading, accept the communication, place it on file and refer to the Mayor's Office for consideration

- 7.20. COMMUNICATION: Martha Lang, City Resident and Abutter, re: Proposal to Lease/Sell Ira Allen, Lease Taft School & Purchase/Renovate St. Joseph's (PF 7/15/13)

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

- 7.21. COMMUNICAITON: Martha R. Lang, Ph.D., re: Documents Not Properly Researched for School Building on Colchester Avenue

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

- 7.22. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Regular City Council Meeting, December 3, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 9, 2013 City Council Meeting

- 7.23. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned City Council Meeting, December 17, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 9, 2013 City Council Meeting

- 7.24. COMMUNICATION: Alan Matson, Chair, Board of Commissioners, Burlington School Board, Re: Real Estate Authorization

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

- 7.25. COMMUNICATION: The Off-Leash Work Group (OLWG), re: Off-Leash Work Group Findings

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

- 7.26. REPORT: Elisabeth Mickenberg, Chair, Board for Registration of Voters, re: Annual Report for 2013

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

- 7.27. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Church and Main, 156 Church Street, August 11, 2013, 6 p.m. – 10 p.m., Charity event

*waive the reading, accept the communication, place it on file and ratify the one day only special event outdoor entertainment permit application for Church and Main

- 7.28. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (Fris in August):

Monkey House, SEABA parking lot on Pine Street, 4 p.m. – 9 p.m., Community Food Truck Stop

*waive the reading, accept the communication, place it on file and ratify the special event outdoor entertainment permit application for Monkey House for 8/2 and 8/9; approve the special event outdoor entertainment permit application for Monkey House for 8/16, 8/23 and 8/30

- 7.29. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (September only):

Pacific Rim, 161 Church Street, 10 p.m. – 2 a.m., DJ, dancing and amplified music

*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for Pacific Rim for the following dates only: 9/4, 9/5, 9/6, 9/7, 9/11, 9/12, 9/13, 9/14, 9/18, 9/19, 9/20, 9/21, 9/25, 9/26, 9/27, 9/28; fees are waived for the month of September only

- 7.30. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Seven Days, Friday, September 6, 5:00 p.m. – 10:00 p.m., front and right side only of Curtis

Lumber parking lot (permission granted by Curtis Lumber)

*waive the reading, accept the communication, place it on file and approve the one day only special event outdoor entertainment permit application for Seven Days

7.31. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (3 days only):

South End Arts and Business District (SEABA), September 6-8, 2013, Friday: 5:00 p.m.- 10:00 p.m.; Saturday: 10:00 a.m. – 10:00 p.m.; Sunday: 11:00 a.m. – 4:00 p.m., various events/locations

*waive the reading, accept the communication, place it on file and approve the three day special event outdoor entertainment permit application for SEABA

7.32. COMMUNICATION: Karen Lafayette & Erhard Mahnke, Legislative Liaisons, re: 2013 Burlington Legislative Report

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

7.33. COMMUNICATION: Harry Chen, MD, Commissioner of Health, Department of Health, Environmental Health, re: Deputy Health Officer Appointment for Deborah Dalton

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

7.34. COMMUNICATION: Harry Chen, MD, Commissioner of Health, Department of Health, Environmental Health, re: Deputy Health Officer Appointment for Ita Meno

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

7.35. COMMUNICATION: Harry Chen, MD, Commissioner of Health Department of Health, Environmental Health, re: Deputy Health Officer Appointment for Matthew Perry

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

8. PUBLIC COMMENT ON WARD REDISTRICTING

City Council President Shannon opened the public comment on Ward Redistricting. There being no one coming forward and no objection from the remaining Council, City Council President Shannon closed the public comment.

9. REPORT: Jeff Nick, Chair, Church Street Marketplace Commission, re: Church Street Marketplace Annual Report, FY 13

Ron Redmond, Church Street Marketplace Director, stated that they have a very committed Marketplace Commission. There was a brief report included in the packet outlining key events. The most important was the capital improvements that have occurred over the last ten years. The Marketplace has transformed in that time. They also outlined their negative fund balance that they are in the process of addressing. The intention is to pay it off in two years and then begin a capital reserve. Over a period of time, they will build \$200,000 to cover unexpected expenses. They may also use that money for additional capital improvements.

Phil Merrick, Church Street Marketplace Commissioner, stated that he has seen tension between the private/public issue with the Marketplace. Businesses have tried to control it more for business purposes; there has been pushback from the community that the street belongs to them. The businesses are paying for things that other business owners do not have to pay in other parts of town. This is something to be aware of as these are going to be real issues in the next few years.

Mr. Redmond stated that they would love to invite each Councilor to spend time on the Marketplace and understand what they do. They recently had a round table with some business owners and Matt Young, the Street Outreach Coordinator, to discuss what they do. The Marketplace is a public street. There have been hundreds non-profits who have taken advantage of their tabling program. They have vigils, rallies and protests on a regular basis. They have non-profit solicitors on the street. There is always a lot happening. There are 200 street performers and 20 cart owners who make their livelihood by serving food on the street. They are both a public street and a community center. There are also about 25 free events that happen each year.

Councilor Tracy inquired how many local versus national businesses are on the Marketplace. Mr. Redmond stated that is a misconception that they constantly have to address. Most of the businesses on Church Street are locally owned, but the businesses in Burlington Town Center are mostly nationally owned. It is about a 70/30 split. The national stores have a large footprint which gives the impression that there are more of them than there are. They also have found that local retailers like having some national businesses on the street because their marketing power draws people in. Local businesses are then discovered. Councilor Tracy inquired what the largest challenge the Marketplace faces in staying competitive with large shopping areas in neighboring communities and how they plan to address them. Mr. Redmond stated the biggest thing they have to contend with is competition on a private setting with private parking and easy freeway access. However, they play to their strengths, which are a wonderful downtown, a lake, and a great university. They promote the experience of being downtown. There is a lot of diversity on Church Street. They create a festive atmosphere with street performers, food carts, sidewalk cafes and other things that people can enjoy. There are not many places that you can see so many people that live in Vermont in public. Buddy Singh, Church Street Marketplace Commissioner, stated that the merchants and restaurateurs would say that safety and security is a barrier in a lot of sense because of behavior on the street. There is a perception that it affects their businesses. It is brought up in almost every meeting. The Street Outreach Team and the Police Chief do an unbelievable job but there are 3.2 million visitors on the street each year.

Councilor Brennan stated that he would like to hear more about safety and public vs. private businesses. He was recently on Church Street and there was a lot of activity. There are corridors for public access but he noticed someone in a wheelchair having a difficult time maneuvering through the street. There are times when it seems that they have encroached a little too far. Mr. Redmond stated it does get crowded and they are challenged to keep a 12 foot fire lane open through the center of the street and a 9 foot right of way. During the Festival of Fools there were some blind individuals who were stranded on Church Street. During events like that, they need to hire Police Officers to keep the right of way clear because it is hard for people to get through. They have a lot of people who have accessibility issues and they have to stay on top of that. He encouraged them to get in touch with him if they see something that does not look right. They rely on people helping them to see these issues. Councilor Brennan stated that he appreciated this and there are a lot of people and merchants. He wonders if the right of way size is set at the right number. When they look at bars, there are certain national standards used, and inquired if there is a similar standard that should be applied to Church Street. Mr. Redmond inquired if he is specifically concerned about the café areas. Councilor Brennan stated he walked from the end of Church Street to City Hall and he found it difficult to maneuver through. He saw someone in a wheelchair who was struggling. Mr. Merrick stated there are a lot of people setting up sidewalk sales that are taking up more space than they are supposed to. There is access down the middle if needed. Councilor Brennan stated that he was walking down the middle.

Councilor Bushor stated she sees affordability missing from their list of stores. Two of the more affordable stores, J.C. Penny and Old Navy, have left. She inquired if they consider that as they try to attract businesses. A lot of people cannot afford to buy things on the street. Mr. Singh stated most of the storefronts are owned privately. The market will dictate how they will split up their storefronts. They will provide support as they can to fill any vacancies. That is a priority for them and the landlords. There have

been a lot of storefronts split to have smaller, boutique-like places. That reflects what can survive and thrive on the marketplace. As much as they would like to see certain types of businesses, they cannot always control that. Vacancies are coming and going quickly because people want to be on the street. Mr. Merrick stated he does not know why Old Navy moved but he assumes it was because they had lower rent or better traffic in their new location. When they are selling a less expensive product, they need to sell more of it and may need lower rent. They do not typically discuss these issues because they do not own any of this property. Individual property owners are the ones negotiating leases with prospective tenants. Inexpensive products are usually national chains and brands. There may be some stores that would be interested. Councilor Bushor suggested that CEDO and the Marketplace may be able to work together to see what is missing and consider ways to address the affordability issue. She understands they do not own the property but hopes that affordability is always in the mix and a topic of discussion. They should reach as many community members as possible. Church Street is great and she would like to make it better.

Councilor Worden inquired about stores on the second floor. There are accessibility issues there but many of the second floors are vacant. He inquired if there is anything that the commission can do to engage the upper floors. Mr. Redmond stated there was mention about vacant space on second floors in planBTV. There are two properties, one above Halvorson's and one above the UVM Catamount Store, with a significant amount of space. They attempted to do a grant, but the landlord above Halvorson's elected not to do anything at that time. There have been potential opportunities for the building with the Catamount Store, but the property owner is still on the fence about it. There is someone who would like to build condominiums in that area. In many cases, it comes down to the landlord. They have been bringing them ideas and funding sources, but have not been successful so far. There have been other areas that they have had more success with. Mr. Singh stated they would love more businesses, signage and activity on the street.

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

10. **REPORT:** Jake Perkins, Burlington Fire Commission, Chair, re: 2013 Annual Report of the Burlington Fire Commission to the Burlington City Council

Kevin McLaughlin stated that he is the Vice Chair of the Fire Commission and Jake Perkins is their new Chair. The Fire Department responded to 7,162 emergency calls. Of those, approximately 4,399 were for emergency medical service. This was a 2% increase in call volume over last year and a 22% increase over the last 6 years. In the last year, four members with over 20 years of service retired. This included the retirement of the Fire Marshal with the Assistant being promoted to Fire Marshal, Battalion Chief. The Department remains at an authorized strength of 79 members. When Chief Lasker became a fire fighter in 1989, they were authorized 82 members. In the past year, the Department launched a Comprehensive Emergency Medical Quality Assurance-Quality Control Improvement Program with the goal of enhancing the level of service that they provide. They will identify areas of needed growth and build upon areas of success. The Fire Department continues to be successful in obtaining grant funding. This year they received \$77,119.70 to enhance communication capabilities by replacing portable radios and base stations. In 2012, they met the Federal Narrow banding mandate two months early with the completion of their radio equipment upgrades and programming. In the aftermath of Hurricane Sandy, they deployed four members with equipment to Southern Vermont. Eight members went to New York City to aid in their recovery. They are committed to providing emergency response within three minutes of receipt of the alarm and to provide an ambulance within 3.2 minutes of receipt of a call.

Councilor Brennan thanked them for their service and dedication. Making that three minute mark is not an easy task, but the employees step up to make that happen. Mr. McLaughlin stated the three minute response time is very important because a lot can happen in a short time.

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

11. **REPORT:** Jerome F. O'Neill, Chair, Board of Police Commissioners, re: Annual Report of the Burlington Police Commission to the Burlington City Council June 2012 through May 2013

Jerry O'Neill, Chair of the Police Commission, stated that the Department has a number of programs that people may not be aware of. One is the Rapid Intervention Program for low level offenders. This is an effort to take low level offenders and not have them go into the system. They are also working to reduce violence against women and children. This has made a tremendous difference in the prosecution of sexual offenses. Drug level interdiction is a major problem in Burlington. There are great flows of drugs that ebb and flow. The Department has implemented computer software that was developed by the Department. There are 14 primary law enforcement agencies and over 50 secondary enforcement agencies that have purchased the software. It puts all information about a case in one place and sends it to the prosecuting and defense attorneys. There is a tremendous cost savings as a result of this program.

Councilor Tracy stated that the Department is constantly doing new things. He is excited about the City-wide safety survey that will be going out to residents. He inquired about the efforts to train officers about racial profiling awareness. He also inquired about efforts to recruit and retain people of color on the force. Mr. O'Neill stated that there has been a constant effort to recruit people of color. It is a battle to get people to decide they want to join the Police Department. Burlington works very hard at it and recruits in every way they can think of. They have been successful in recruiting women in the Police Department. Other minorities have been harder to recruit, but they have worked hard at it. Increasing diversity is a key top item. The difficult part is that the Department gets a lot of applicants each year. They then screen the applicants and they have to choose people based on their capabilities. Police Chief Michael Schirling stated that their recruitment efforts have included going to larger urban areas with more diverse populations. They have had the most success recruiting diverse, multiethnic people when they build relationships with people in that community. People then act as recruiters themselves. They have a ten year long strategy which begins with trying to recruit the right people. They have members of the community sit on hiring panels. They train supervisors in bias free operations. When they talk about reducing incidences of racial profiling, they talk about in terms of mitigating biases in their operations. All humans bring biases to any interaction that they have. The starting point is to recognize the biases that they bring and mitigate their impact on their decision making process. Beyond this, they include a section called cultural competency and diversity. They focus on everything from white privilege to micro inequity. They have worked with two University of Vermont professors to conduct these trainings. He stated that constant community engagement is important to what they do. That has been primarily through Uncommon Alliance. As that is reconstituted, he has had conversations with leaders in the community of color about drug enforcement efforts and the best way to do that sensitively and appropriately.

Councilor Brennan thanked them for their report. He was a victim of a violent crime in the last year and the efforts of the Police through that time were excellent. He feels that their work on bias based police forcing should be included in their report. That is something crucial that they are working on because they have a community that is changing. It is important that this work is noted and that people can find that information. When they need to make corrections in their activity they should be transparent about it. Today there was a ruling that the stop and frisk rule in New York City was not constitutional. He requested they report the number of citizen complaints about the behavior of officers. His experience was very positive, but he does not know if that is the same for everyone. Their line of business is one where there is always confrontation but it is important to be transparent. He requested they include information about traffic stops by race in their report. He would like to have a better understanding of that as their demographics change. They do have a great police force but there is always room for improvement. Mr. O'Neill stated that he will try to remember to ask the Council what information they would like to see

before they draft next year's report. Chief Schirling stated that he give an annual report to the Commission about citizen complaints, the trends and the outcomes. Mr. O'Neill stated the number of citizen complaints is tiny. They do want to understand this.

Councilor Blais inquired if the notion of regional dispatching is still being considered. Chief Schirling stated that it has no current momentum or traffic on that plan. He does believe regional policing is in the future of Chittenden County. It makes sense but it is very difficult to get momentum on it. Councilor Blais inquired about regionalization of dispatching services. Chief Schirling stated it makes sense but it is a question of who would own it and who wants to give up the autonomy of their communication services. One challenge is that there are 13 or 14 disparate collective bargaining units. Another is that in smaller agencies, many dispatchers serve as records clerks or greeters at the front desk. These are complexities they would have to get around, and without a crisis or financial imperative, they have not had success. They considered it in 2006.

Councilor Decelles stated that this conversation seems to be based on philosophy. He gets frustrated when he sees people going to the bathroom outside of City Hall and putting graffiti on the building. There are people drinking beer in City Hall Park; normal people do not walk through there because of their perception that it is not safe. When they come to Church Street on a weekend, it is a joyous place but early in the morning, there are people sleeping in doorways and sidewalks. Resources are tight but he gets frustrated about solving those problems. Few people feel safe walking through City Hall Park. It is nice to talk about broader issues but there are other issues today that they need to address.

Mayor Weinberger thanked them for their report. He noted that one of the major focuses in the summer of 2012 was City Hall Park. There was an innovative effort involving multiple departments and the number of calls went down substantially. There certainly are issues but the force is responsive and working on them. He received a communication after he reached out to the father of two children who were pepper sprayed during an incident in the Park; he read the communication aloud. Chief Schirling was away during this incident and the Deputy Chief did a great job responding to the incident.

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

12. **PRESENTATION:** Mark Larson, Commissioner of the Department of Vermont Health Access, re: Vermont Health Connect (15 mins.)

City Council President Shannon stated that she felt this presentation would be helpful for Councilors if constituents raise questions about this issue.

Mark Larson handed out informational materials to the Council. Vermont Health Connect will influence many Burlington Residents including individuals and small businesses. This will be a new way for Vermonters to access health insurance plans and choose one that fits their needs and budget. This is an important part of Vermont's effort to implement federal healthcare law. Vermonters will be able to access public and private health plans and view them side by side. They will then be able to select one that fits best with their budgets. For individuals accessing health coverage independently they will be able to access financial help. They will be able to view plans beginning January 1. There is also a calculator that will allow them to estimate their premiums based on the available plans. The plans all offer the same quality benefits such as doctor's visits, hospitals stays, preventative care and prescription coverage. There is no guesswork about what is covered. When comparing premiums they will not need to worry about what each plan includes. There will be plans offered through Blue Cross Blue Shield and MVP. There will also be stand-alone dental plans offered through Delta Dental. The plans will be sorted with different packages with different amounts of premiums and copays. There will also be plans for HSAs and HRAs for employers who provide high deductible plans with matching packages of HRAs and HSAs to help

their employees pay for coverage. Finding coverage, particularly affordable coverage, is difficult, especially for those who purchase as individuals. Big changes are coming in healthcare that will influence individuals and in small group markets. They are very excited to be on track for a successful implementation in October. There will be an open enrollment period from October through March.

Councilor Bushor stated that she heard on the news that the State is rolling this out and is trying to make information available. She inquired what is going on around the State. Many people she represents do not use email or social media. She inquired how that population would be engaged. Mr. Larson stated that they will be working to help prepare Vermonters to use Vermont Health Connect. They are putting information online and it is available by phone and in person. A person could enroll online and with assistance by phone. They have contracted with 18 Vermont organizations to be navigators and have trained 200 individual navigators who will be able to sit down with people in different communities around the State to work through the process. People can still use a paper application if they want. They have had public forums throughout Vermont and navigator organizations will be holding more. They will also be advertising on TV and Radio about where people can find more information. They are trying to be comprehensive in their outreach efforts. Councilor Bushor inquired if this information will be sent to hospitals and doctor's offices. Mr. Larson stated that they are working with healthcare providers around the state. They are providing training to people who work in healthcare settings and help people enroll in coverage. They will know how to access the information they will need.

Mayor Weinberger thanked him for his work on this issue. This a big transition that they will be going through. He encouraged him to think of the Council and Administration as another tool to get them through the transition. The networks they have created will be important in getting information out.

Councilor Brennan inquired if the Governor is still moving towards a single payer system and if so when would it come into play. Mr. Larson stated that they are thinking of their healthcare goals in four areas: universal coverage, controlling the cost of healthcare, making the way they pay for healthcare more fair and equitable and improving the health of Vermonters. The work they are doing now will move them towards those goals, but will not accomplish them. They are fully committed to a publically financed and universal health system by 2017. They are making good progress towards that goal.

13. **ORDINANCE:** **COMPREHENSIVE DEVELOPMENT ORDINANCE—Adaptive Reuse and Residential Bonuses ZA 13-11 (Planning Department, Planning Commission)(1st reading)(Proposed action: consider this 1st reading and refer it to the Ordinance Committee)**

Councilors Mason and Paul made a motion to consider this first reading and refer it to the Ordinance Committee.

City Council President Shannon stated that she had removed this from the consent agenda because she finds it helpful for the Council to give their input before the Ordinance Committee does their deliberations.

Councilor Bushor stated that a resident spoke about this ordinance. It would be helpful to have her comments sent to the Ordinance Committee so she can be notified when this is addressed.

Councilor Worden stated that the resident had comments about the format of the document but also about the substantive changes. It would be helpful for the Committee to have that information.

The motion passed unanimously.

- 13.01. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re:
Proposed Zoning Amendment (ZA-13-11)

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

14. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Historic Building Materials ZA 13-12 (Planning Department, Planning Commission)(1st reading)(Proposed action: consider this 1st reading and refer it to the Ordinance Committee)

Councilors Mason and Bushor made a motion to consider this first reading and refer it to the Ordinance Committee.

Councilor Tracy inquired if this would allow for the use of concrete sideboard on a property. Councilor Mason stated that is his understanding, but they will discuss it further at the Committee. Councilor Tracy stated he feels that it is helpful to be able to have that flexibility because it provides efficiency in maintenance and heating and cooling costs.

The motion passed unanimously.

- 14.01. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re:
Proposed Zoning Amendment (ZA-13-12)

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

15. RESOLUTION: Reorganization Burlington Telecom – Reclassification and Title Change of Burlington Telecom Network Operations Supervisor to Division Manager of Technical Operations and Commercial Sales; and Title Change for Division Manager of Regulatory Affairs, Outside Plant, and Technical Assistance to Division Manager of Regulatory Affairs, Outside Plant, and Forward Planning (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

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

Councilor Knodell stated that this was discussed at the Board of Finance. It involves upgrading one position and changing the responsibilities of another position. One position will be filled by a current BT employee and they will be recruiting for the other position. The reason is to ensure that BT is prepared to maintain service and felt they needed more technical expertise on staff. They will be spending more on salaries but they will fund it by reducing other items in the budget.

The motion passed unanimously.

16. RESOLUTION: Convening of A Summit to Discuss the Underfunding of the City's Pension Plan and to Explore Options to Address Unfunded Liability (Councilors Blais, Mason, Paul, Aubin, Ayres, Shannon, Worden)

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

Councilor Mason stated that this is a real issue they will have to grapple with. He thanked those who worked on this resolution. He is optimistic that this will be a first step to discuss the size of the unfunded liability and addressing potential solutions. This is a complicated process that will require buy in from the Council, Administration, the public and the unions themselves. This will be a first step at getting people together to figure out how to move forward.

Councilor Bushor stated one topic that came up during the recent election was the City's pension plan and how to deal with it. She wishes this had come from the entire Council. She inquired about the makeup of the summit as there are only two non-employees. She felt the makeup could have been broader.

Councilor Knodell requested the current version of the resolution.

Councilor Mason stated that the original resolution laid out membership of the summit. They ran into legal issues with labor violations, so they do not identify who will be on the Committee in the resolution. It will be up to the Mayor to appoint people. It does identify constituent groups that it has been asked to present its proposed agenda to.

Councilor Bushor stated that she is concerned that she does not have the correct resolution. There was a problem disseminating the resolution to the full Council. Councilor Knodell requested they hand out a paper copy of the resolution to the Council. Councilor Mason stated that this is not time sensitive and could be addressed at the next meeting.

Councilors Mason and Knodell made a motion to postpone action on this item until after the public forum.

Councilor Paul stated that the corrections are small and inquired why they could not address this at this time. Councilor Mason stated they can talk about it after public forum.

The motion to postpone action until after the public forum passed unanimously.

Councilor Knodell stated that the idea is that there would be a retirement summit that would be a one day event. They would hope to draw attention from the public and do a lot of education. Following the summit, there would be discussions about possible solutions that they could implement. Councilor Mason stated that is correct.

Councilor Hartnett stated that a resolution of this magnitude regarding the pension fund could have been rolled out differently with all of the City Councilors on board as sponsors. This is not an issue of political partisanship. He supports the resolution.

Councilor Paul stated that everyone did have a copy of this resolution when it was posted online on Thursday. She has asked to be a cosponsor of resolutions that were posted online in the past. Anyone could have done that with this resolution.

The motion passed unanimously.

17. **RESOLUTION:** Adoption of Council Priorities for 2013 – 2014 Council Year (Councilors Shannon, Knodell, Ayres, Paul)

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

Councilor Knodell stated that the Council had a retreat earlier in the summit and they had discussed what the Council's priorities for the year should be. They arrived at consensus around three broad priorities –

restoring the fiscal health of the City, improving the quality of life in neighborhoods and improving the environment and addressing climate change. The resolution has the City Council President appoint a committee to work on moving these priorities forward.

City Council President Shannon stated that it was suggested that the resolution will only be adopted if they have support from 2/3 of the members of the Council.

Councilor Brennan stated that he had some priorities that were more specific such as discussing the F-35s. However, as they broaden the topics they have chosen, he feels there will be room to discuss more specific issues.

City Council President Shannon stated the subcommittee will not be debating the topics but coming up with a process for moving them forward.

The motion passed unanimously.

17.5. (was 7.21.) COMMUNICATION: Martha R. Lang, Ph.D., re: Documents Not Properly
Researched for School Building on Colchester Avenue

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

Councilor Bushor stated that this was addressed to the City Council and raised some specific questions. She did not know if the School Board knew about this but she would like them to be prepared to respond to the questions. She did not feel she had the right to refer this to the School Board or Superintendent but inquired if the Council would like to do that.

City Council President Shannon asked Martha Lang if she had raised these questions with the School Board. Martha Lang, Ward 1 Resident, stated that they were the first group she presented the documents to. She was happy to share any information that she has with anyone in the City.

Councilors Bushor and Brennan made a motion to refer this packet to the School Board with a response when they present to the Council.

The motion passed unanimously.

Councilors Brennan and Ayres made a motion to suspend the rules and extend the meeting to complete the agenda. The motion passed by a vote of 11-1 with Councilor Decelles voting against.

18. COMMITTEE REPORTS (5 mins.)

Councilor Knodell stated that the Public Safety Committee was meeting with the Police Chief to discuss the status of enforcement under the No-Trespass Ordinance on the Church Street Marketplace, his thinking on the assault weapons ban and illegal drug trafficking in the City.

Councilor Worden stated that the Human Resources and Institutions Committee would be meeting. The Community Development and Neighborhood Revitalization Committee would be meeting as well. At their last meeting they had an engaging conversation with representatives from the various institutions as well as neighbors about revitalizing neighborhoods around downtown.

Councilor Mason stated that the Ordinance Committee would be meeting to continue its discussion on the livable wage.

Councilor Paul stated that the Parks Arts and Culture Committee would be meeting to discuss the Public Investment Action Plan. The RFP has come out and groups of people are working on responses. The Parks Foundation will be coming to the Council with a resolution and MOU with the City.

Councilor Blais stated that the License Committee would be meeting to explore the distinction between restaurants and cabarets. They have invited the Police and Fire Departments as well as First Class Liquor License Holders to discuss whether or not there should be changes.

City Council President Shannon stated that at the Council Retreat they agreed to follow up on issues with the Council agenda and deadlines. They have had a few meetings with the Administration and the proposal is to look at the many things they do by resolution and consider moving those issues forward without resolutions and move them forward by motion. They would still have a record of actions taken. They are concerned about search ability to find what they have done which is not always easy now. The other consideration is moving forward with some software as the paperless agenda has been challenging. They are looking into the software that the School Board is using and will consider other options. The Council received an invitation from Llu Mulvaney-Stanak to participate in the annual fire truck pull.

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

Councilor Ayres stated that he can accept responsibility for the huge turnout there was this evening because he put forward a resolution last week and then withdrew it. He thanked those who came out to speak on the issue and felt that it was in important dialogue.

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

Mayor Weinberger stated that they should have received monthly financial statements for the City of Burlington. This is the first time in memory that they have produced this statement. They will be produced on a monthly basis.

They have considerably more to do with pedestrian infrastructure. There have been some exciting investments including the new midblock crossing on Main Street. It has made the crossing there safer. There is also a pilot project going on at the Pearl/Colchester/Prospect intersection. He has received some positive feedback from citizens that appreciate the City's efforts to address that intersection. There will be an attempt to make crossing Pine Street safer in the coming months with the addition of rapid flashing beacons and with new signalization at the Lakeside/Pine intersection.

He took a tour of Lakeview Cemetery with someone who knew a lot about it. It is a wonderful resource.

The City has a longstanding sister city relationship with Yaroslavl, a City of about 700,000 people on the outskirts of Moscow. He has received a number of communications asking him to reexamine that relationship in light of the anti-gay comments and policies made by the national government in Moscow. They are still researching what their options are as a City. He finds the comments and policies reprehensible and offensive and contrary to values that are held in Burlington. It is not clear to him that the best response is to end this longstanding relationship that has been a bridge for cultural communication for decades. He takes seriously that they should do something but they are not clear that is the right response. He and his Administration have been one of the few outspoken voices in opposition to the Putin. It is a complex situation.

Legal cases regarding Burlington Telecom and the CitiBank lawsuits were continuing. There will be a hearing in which CitiBank's motion to have Burlington Telecom moved into a receivership is going to be discussed. They have been preparing for this and will have a strong argument.

The “We All Belong Program” and the City’s AmeriCorps program received a \$250,000 renewal grant. They will continue the City’s efforts to support local non-profits and City Departments with AmeriCorps volunteers.

The Festival of Fools had a breakthrough year. There were unprecedented crowds throughout the weekends. There were reports that merchants saw a significant increase in foot traffic. There was a new event with the Block Party on St. Paul Street. It was an exciting year for the festival. This is a marquis event of Burlington City Arts.

The City of Burlington was listed as the Number Two great place to live in America according to Kiplinger’s Personal Finance. It was rewarding to see the reasons listed included the Church Street Marketplace and its sustained strength, the magnet schools and the growing creative economy. They were off by one in their designation but it was a nice recognition of where the City is at.

21. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Regular City Council Meeting at 11:12 p.m.

Attest:

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

CITY COUNCIL WITH MAYOR PRESIDING

MONDAY, AUGUST 12, 2013

11:12 P.M.

PRESENT: see above

ABSENT: Councilor Decelles departed at 10:30 p.m.

MAYOR WEINBERGER PRESIDING:

1. AGENDA

On a motion by City Council President Shannon the agenda was adopted as is.

2. CONSENT AGENDA

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

2.01. COMMUNICATION: Clerk/Treasurer’s Office, re: Openings Burlington City
Commissions/Boards (1st notice)

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

2.02. COMMUNICATION: Clerk/Treasurer’s Office, re: Openings Burlington City
Commissions/Boards (2nd notice)

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

3. APPOINTMENT: Design Advisory Board, Alternate (Term expires 6/30/14)

City Council President Shannon nominated Jeremy Gates. Jeremy Gates was appointed unanimously as an Alternate Member of the Design Advisory Board.

4. APPOINTMENT: Board of Tax Appeals (Term expires 6/30/15)

City Council President Shannon nominated Brian Martin. Brian Martin was appointed unanimously as Member of the Board of Tax Appeals.

5. ADJOURNMENT

Without objection, Mayor Weinberger adjourned the City Council With Mayor Presiding Meeting at 11:14 p.m.

Attest:

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

DELIBERATIVE AGENDA
LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, SEPTEMBER 9, 2013
7:04 P.M.

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

CITY ATTORNEY'S OFFICE: Eileen Blackwood

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Blais and Aubin the agenda was unanimously adopted as amended as follows: note name change for agenda item 4. **SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2013-2014): Lola's Variety Store, Inc., 41 King Street (aka 39 King Street).**

Commissioner Bushor noted there was a name change for agenda item 4.

2. CONSENT AGENDA

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

2.01. ONE HOUR EXTENSION OF OUTSIDE CONSUMPTION HOURS (2013-2014):

Sweetwaters, 120 Church Street, extend to 2 a.m. everyday

*waive the reading, accept the communication, place it on file and approve the one hour extension of the outside consumption hours for Sweetwaters, 2 a.m. everyday

2.02. ONE DAY ONLY OUTSIDE CONSUMPTION PERMIT EXPANSION:

Scuffer Steak and Ale House, 148 Church Street, Thursday, September 19, 2013, Pumpkin Carving Contest featuring 6 pumpkin beers/25 artists, rescue shelter benefit: Potter's Angels

*waive the reading, accept the communication, place it on file and approve the one day only outside consumption permit expansion for the Scuffer Steak and Ale House

2.03. FIRST CLASS LIQUOR LICENSE RENEWAL (2013-2014): Boloco, 92 Church Street

*waive the reading, accept the communication, place it on file and approve the 2013-2014 First Class Liquor License Renewal for Boloco with all standard conditions

2.04. OUTSIDE CONSUMPTION PERMIT RENEWAL (2013-2014): Boloco, 92 Church St.

*waive the reading, accept the communication, place it on file and approve the 2013-2014 Outside Consumption Permit Renewal for Boloco

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

Penny Cluse Café, Inc., d/b/a Lucky Next Door, 163 Cherry Street

Commissioners Blais and Ayres made a motion to approve the first class restaurant liquor license application for Lucky Next Door.

Commissioner Bushor inquired what the hours of operation will be. Commissioner Blais stated that the hours will be 7:00 a.m. to 9:00 p.m. This applies to the location next door to Penny Cluse Cafe.

4. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2013-2014):

Lola's Variety Store, Inc., 41 King Street (aka 39 King Street)

Commissioners Blais and Ayres made a motion to approve the second class store liquor license application Lola's Variety Store.

Commissioner Blais stated that the hours of operation will be from 7:30 a.m. to 10:00 p.m.

The motion passed unanimously.

5. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 7:08 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
MONDAY, SEPTEMBER 9, 2013
7:08 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Mason and Bushor the agenda was unanimously adopted as amended as follows: note **proposed** amendment to agenda item 8. RESOLUTION: Authorization to Enter into Memorandum of Understanding with The Parks Foundation of Burlington (Councilors Paul, Brennan, Aubin: Parks, Arts & Culture Committee).

Councilor Siegel requested consent agenda items 5.13. COMMUNICATION: Mayor Miro Weinberger, re: IBM Smarter Cities Challenge – Burlington Report, 5.28. COMMUNICATION: Hugo, re: Night time runners and 5.49. COMMUNICATION: World Health Organization, JRC European Commission, re: PF 8/12/13: Burden of disease from environmental noise be removed and placed on the deliberative agenda. City Council President Shannon stated that these would be agenda items 8.1, 8.2 and 8.3.

2. TOBACCO LICENSE APPLICATION (2013-2014):

Lola's Market, 41 King Street (aka 39 King Street)

Councilors Blais and Ayres made a motion to approve the tobacco license application for Lola's Market. The motion passed unanimously.

3. PUBLIC HEARINGS: BURLINGTON COMPREHENSIVE DEVELOPMENT ORDINANCES

- Proposed Amendment ZA-13-07-50% Residential Limitation
- Proposed Amendment ZA-13-10-Accessory Dwelling Units

City Council President Shannon opened the public hearings at 7:12 p.m.

Councilor Mason stated that the first proposed amendment is ZA-13-07 which eliminates the 50% limitation for residential use in the Downtown and Downtown Waterfront Districts. It also eliminates the 75% gross floor area maximum office use in the downtown waterfront district. The amendment will affect the potential for housing development in the downtown of the City. The other amendment is ZA-13-10 which deals with accessory dwelling units. The amendment is intended to encourage the creation of accessory dwelling units by reducing the required on-site parking, clarifying the treatment of density calculations and incorporating a deed restriction. The Ordinance Committee held hearings on each of these amendments. They heard positive testimony from Planning and Zoning, CEDO, the BBA and a private developer in regards to ZA-13-07. They heard testimony that the requirement makes building difficult and has a chilling effect. They also received a communication from the Mayor's office about the inability to obtain federal financing with the requirement. This was a big piece of planBTV and was passed unanimously by the Planning Commission and the Ordinance Committee. They heard limited testimony on ZA-13-10. The Ordinance Committee made minor changes to the deed restriction requirements.

David White, Planning and Zoning Director, stated that it was necessary to allow the creation of new housing to address local and regional housing shortages. There was a less than 2% vacancy rate for housing. It was also needed to support economic development, job creation and growth of the City's grand list. By achieving a greater balance between jobs and housing in the area, they can have a positive impact on traffic congestion, reducing fuel consumption, vehicle miles travelled, parking demand, emissions, travel time, housing affordability and supporting existing and expanding retail and office uses. Accessory dwelling units of this type are required by Statute to be included in the ordinance. They are limited to efficiency or one bedroom units for no more than two occupants within an owner occupied use. The changes are clarification of wording regarding the size limitation, density calculation, and the deed recording requirement. There is also a reduction of the parking space requirement from one space to two. This eliminates the option for a waiver.

Councilor Bushor inquired if the limitation of two occupants is two adult occupants. Mr. White stated that is correct. City Council President Shannon inquired if that is specified. Mr. White stated it is.

No members of the public came forward to speak.

Councilor Worden inquired how the owner occupied requirement of accessory dwelling units will be enforced. He understands that there is a deed restriction and that they cannot have a Certificate of Occupancy unless that has been filed and they meet the requirements. There are many homes that are occupied without an Occupancy Permit. The only way he knows that this can be enforced is at the time of sale. He inquired if there are other ways that can be enforced. Mr. White stated it could be enforced if someone made a complaint to Code Enforcement. That is the typical enforcement mechanism. Councilor Worden inquired if the accessory unit requires inspection as other rental units do and if they could investigate owner occupancy at that time. Mr. White stated he believes it does require inspection. If it is a rented unit then it would be subject to minimum housing requirements.

There being no one coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearings at 7:19 p.m.

- 3.01. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—
50% Residential Limitation ZA 13-07 (Planning Department,
Planning Commission, Councilors Mason, Bushor, Paul: Ordinance
Committee)(2nd reading)

Councilors Mason and Paul made a motion to waive the second reading and adopt the ordinance.

Councilor Knodell stated that she will support the ordinance change. She appreciates that the 50/50 zoning turns out not to be practical. It was developed to ensure that downtown Burlington was a place where good jobs would be generated. It would be the economic base of Chittenden County. To do that, there has to be an appropriate balance of space for both housing and jobs. They were told it would be more profitable to build residential space than commercial space. She does not want Burlington to be a bedroom community for Williston and South Burlington. They cannot build a strong economy on retail and restaurant jobs. As they move through the implementation of planBTV, they need to remember the section that talks about building a strong economy. They need to address disincentives for creating new commercial space in and around the downtown as they build new housing units.

Councilor Bushor stated that she brought up Councilor Knodell's point at the Ordinance Committee. She hopes they will continue to watchdog this to understand if the scale tips too far to residential. Zoning is not stagnant and is a tool to define how they grow and meet the needs of the community. She wanted to have reporting methods to ensure that there is a healthy mix. They heard that the market should drive the use and that is what they are going to do. She shares concerns that if they do not have enough commercial uses downtown they will find themselves in a different situation.

City Council President Shannon passed the gavel to Councilor Mason.

City Council President Shannon echoed Councilor Knodell's concern that they have continued commercial development downtown. There was and still is an incentive for residential development. Having the 50/50 requirement prevented them from developing residential. The downside is that they need more housing everywhere. She does not think that they can let the market drive the use. She will support this given their current situation but she wants to keep close tabs on what is happening with the market. She does not think that they have addressed how they will ensure that there is continued commercial development.

Mayor Weinberger stated that he is excited about this step. This will be an important step for housing affordability and options. He does not think that the 50/50 requirement was ever a healthy direction for the City to go. There was commercial development before the requirement was created and there will be more after it is gone. They do not get economic development by prohibiting residential development. It became virtually impossible to do residential development. This will rescind that prohibition and will put them in a positive direction. Lack of housing and housing options is a major constraint for those looking to create jobs. Many people want to move to Burlington but have few options. There is room in the City for both types of development. They are nowhere near having too much housing downtown. He will support revisiting it if there is a need but he is confident that this is a forward step.

The motion passed unanimously.

- 3.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Accessory
Dwelling Units ZA 13-10 (Planning Department, Planning
Commission, Councilors Mason, Bushor, Paul: Ordinance Committee)

(2nd reading)

Councilors Mason and Paul made a motion to waive the second reading and adopt the ordinance. The motion passed unanimously.

3.03. COMMUNICATION: Public Hearing Notice: Burlington Comprehensive Development Ordinances: ZA-13-07 and ZA-13-10

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

4. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:30 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Larkin Forney	Ward 5 Resident	Need for Affordable Housing/Shelters

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:32 p.m.

5. CONSENT AGENDA

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

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

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

5.02. ORDINANCE: SOLID WASTE GENERATION TAX—Taxes Imposed (Public Works Department)

*waive the reading, suspend the rules, place in all stages of passage and adopt the ordinance

5.03. COMMUNICATION: Nicole Losch, Transportation Planner, Office of Planning, re: Solid Waste Collection Tax Increase Ordinance Amendment

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

5.04. RESOLUTION: CEDO Budget Adjustment re Americorps for FY 14 (Councilors Bushor, Knodell, Aubin: Board of Finance)

*waive the reading and adopt the resolution

5.05. COMMUNICATION: Darlene Kehoe, Assistant Director for Finance, CEDO, re: FY 14 Budget Amendment for 2013 AmeriCorps Grant

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

5.06. RESOLUTION: Authorization of Burlington Electric Department for Renewal of Contract for Property/Boiler and Machinery Insurance -2013 (Councilors Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

5.07. COMMUNICATION: Paul G. Alexander, Manager of Risk Management & Governmental Affairs, Burlington Electric Department, re: B.E.D.'s Property/Boiler and Machinery (B&M) Insurance renewal

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

5.08. COMMUNICATION: Paul E. Plunkett, CIC, Senior Vice President/Principal, Hickok & Boardman, Inc. to Mr. Paul G. Alexander, CPCU, Manager of Risk Management and Governmental Affairs, Burlington Electric Department, Re: Burlington Electric Department's Property Insurance Renewal

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

5.09. COMMUNICATION: City of Burlington Electric Department Property Comparison

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

5.10. COMMUNICATION: Burlington Electric Department, Property/B&M Insurance Policies, Premium/TIV History 8/22/2013

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

5.11. COMMUNICATION: Clerk/Treasurer's Office, re: Financials for July 2013

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

5.12. COMMUNICATION: Mayor Miro Weinberger, re: Vermont League of Cities and Towns (VLCT) Report

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

5.14. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, June 24, 2013 Minutes

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

5.15. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, July 8, 2013 Minutes

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

5.16. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, August 5, 2013 Minutes

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

5.17. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Organization Day, April 1, 2013

*waive the reading, accept the communication, place it on file adopt the minutes at the September 23, 2013 City Council Meeting

5.18. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Recessed Organization Day Meeting, City Council, April 8, 2013

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 23, 2013 City Council Meeting

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

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 23, 2013 City Council Meeting

5.20. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned City Council Meeting, April 29, 2013

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 23, 2013 City Council Meeting

5.21. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Regular City Council Meeting, May 6, 2013

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 23, 2013 City Council Meeting

5.22. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned City Council, May 20, 2013

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 23, 2013 City Council Meeting

5.23. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Annual City Council Meeting, June 3, 2013

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 23, 2013 City Council Meeting

5.24. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Regular City Council Meeting, December 3, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the August 12, 2013 City Council Meeting

5.25. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned City Council Meeting, December 17, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the August 12, 2013 City Council Meeting

5.26. COMMUNICATION: Kathy Knauer, re: Open house at Leddy

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

5.27. COMMUNICATION: Martha R. Lang, Ph.D., re: Response to Burlington School District's FAQs for Real Estate Proposal

*waive the reading, accept the communication, place it on file and send a copy to Burlington School Superintendent Jeanne Collins

5.29. COMMUNICATION: Joanna Cole, State Representative, New North End, re: F-35s NOT GOOD FOR COGNITIVE DEVELOPMENT

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

5.30. COMMUNICATION: Erik Bailey, re: Public Process Complaint

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

5.31. COMMUNICATION: Sister Lucille Bonvouloir and Sister Mary Crosby, 332 Hildred Drive,
re: Supportive of Gun Control Charter Change

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

5.32. COMMUNICATION: Ron Redmond, Church Street Marketplace Commission, re: Letter of
Resignation from Commissioner Robert Fuller; application for Church
Street Marketplace Commission from Jed Davis

*waive the reading, accept the communication, place it on file, advertise the vacancy, send a letter of
appreciation to Robert Fuller thanking him for his years of service as a CSM Member and place Jed
Davis' application for consideration in the CSM appointment process

5.33. COMMUNICATION: Stephanie Reid, Interim Human Resources Generalist and Susan
Leonard, Human Resources Director, re: Communication – Step
Placement for Julie Laplume, Assistant Chief Accountant

*waive the reading, accept the communication, place it on file and approve the step placement for Julie
Laplume

5.34. COMMUNICATION: Jane McDougal, 185 Pine Street #31, re: Homeless Solicitors

*waive the reading, accept the communication, place it on file and send copies to CSM Director Redmond
and Chief Schirling

5.35. COMMUNICATION: Roger Cole, Ward Three Resident, re: aB-accessBurlington

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

5.36. COMMUNICATION: Brian Shupe, AICP, Executive Director, VNRC, re: F-35 opposition

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

5.37. COMMUNICATION: Hunter Rieseberg, President, VLCT Board of Directors, re: Voting
Delegates at the VLCT Annual Business Meeting

*waive the reading, accept the communication, place it on file and appoint Mayor Miro Weinberger as the
VLCT Voting Delegate

5.38. COMMUNICATION: Peter Cook, re: F-35 opposition

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

5.39. COMMUNICATION: Kai Forlie, re: F-35 opposition

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

5.40. COMMUNICATION: Katherine Kirby, re: PF 8/12/13: F-35 opposition

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

5.41. COMMUNICATION: Jean Bluto, re: PF 8/12/13: F-35 opposition

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

5.42. COMMUNICATION: Igor Zbitnoff, re: PF 8/12/13: F-35 opposition

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

5.43. COMMUNICATION: Eileen Andreoli, re: PF 8/12/13: F-35 opposition

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

5.44. COMMUNICATION: Paul Fleckenstein, re: PF 8/12/13: F-35 opposition

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

5.45. COMMUNICATION: Rick Hubbard and Sally Howe, re: PF 8/12/13: Questions relating to your support for basing, as soon as possible, the F-35s at BTV

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

5.46. COMMUNICATION: George Cross, re: PF 8/12/13: F-35 opposition

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

5.47. COMMUNICATION: Stop the F-35 Coalition, re: PF 8/12/13: Stop the F-35 Basing at Its Airport

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

5.48. COMMUNICATION: James A. Dumont, Esq., re: PF 8/12/13: F-35s – the Role of the Burlington City Council

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

5.50. COMMUNICATION: Chittenden County Senator David Zuckerman, re: PF 8/12/13: F-35 opposition

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

5.51. COMMUNICATION: Horace Shaw, re: PF 8/12/13: F-35 opposition

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

5.52. COMMUNICATION: Ben Alshire, re: PF 8/12/13: The Exile's Manifesto

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

5.53. COMMUNICATION: Rabbi Joshua Chasan, 209 North Prospect Street, re: F-35 opposition

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

5.54. COMMUNICATION: Martha R. Lang, Ph.D., re: BSD's purchase of 59 Murray Street

*waive the reading, accept the communication and place it on file; a copy has already been sent to Burlington School Superintendent Jeanne Collins

5.55. COMMUNICATION: Miriam Black, re: Ward Composition

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

5.56. COMMUNICATION: John William Clancy, re: Burlington Emergency Shelter Firing

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

5.57. COMMUNICATION: Karen Horn, Director, Public Policy and Advocacy, VLCT, re: Your Chance to Guide Municipal Legislative Priorities for 2014

*waive the reading, accept the communication, place it on file and send to the Mayor's Office for consideration and possible submissions

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

El Gato Cantina, 169 Church Street, Saturday, September 14, 10:30 p.m. – 1 a.m., DJ, salsa dancing

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

5.59. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (Sept/Oct only):

Magnolia Bistro, Saturdays only: 10 a.m. – 2 p.m., parking lot on the corner of College and St. Paul Streets, live amplified music

*waive the reading, accept the communication, place it on file and approve the special event outdoor entertainment permit application for Magnolia Bistro for the following dates only: 9/14, 9/21, 9/28, 10/5, 10/12, 10/19 and 10/26: 10 a.m. – 2 p.m.

5.60. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (4 days only):

Monkey House, SEABA Parking lot on Pine Street, 9/6, 9/13, 9/20, 9/27, Community Food Truck Stop, dancing, amplified music, 4 p.m. to 10 p.m.

*waive the reading, accept the communication, place it on file and see the action as follows: ratify the 9/6 event, approve the 9/13, 9/20 and 9/27 events for the Monkey House

5.61. RESOLUTION: Church Street Marketplace District Commission Authorization to Enter into License Agreement with B. Hospitality Group, Inc. for College Street Kiosk (Councilors Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

6. PUBLIC COMMENT ON WARD REDISTRICTING

City Council President Shannon opened the public comment at 7:34 p.m.

No one came forward to speak on Ward Redistricting.

City Council President Shannon closed the public comment at 7:34 p.m.

City Council President Shannon stated that there is a link to a survey on Redistricting on the City website. So far 59 people have weighed in. They have received comments from all wards of the City and would appreciate more comments.

7. RESOLUTION: Proposed Champlain College Purchase of the Browns Court Parking Lot Site (Councilors Bushor, Aubin, Knodell: Board of Finance)

Councilors Knodell and Decelles made a motion to waive the reading and adopt the resolution as amended.

Councilor Knodell stated that this relates to selling the Browns Court parking lot to Champlain College. There is a 1994 MOU which states that City Council must approve the college acquiring property outside of the zone of Champlain College operations. The second resolved clause approves the terms and conditions of a purchase and sale agreement. The third resolved clause authorizes the Mayor to execute the sale. The new resolved clause that will be added by her amendment states that Champlain College will monitor the behavior of students. She read the resolved clause aloud. There are significant benefits associated with the Council selling this site to Champlain College. This is a downtown site that will be redeveloped into apartment style housing for students. Champlain has agreed to house all students through its own dorms or affiliated housing. They promise that all of the public parking spaces that are currently there will be retained in the new development. This will increase the grand list. They will take a property that is not on the tax rolls and combine it with the parking lot to create a taxable housing complex. The new resolved clause is there to ensure that this property needs to be managed well. There are high expectations of the behavior of the students.

Councilor Bushor stated that the Board of Finance raised several questions. One was about the affordability requirements. They were told that 15% will be affordable. She was told that property taxes will be assessed and will go up as the value of the property increases. Champlain College will be having a third party construct this and they will be taxed at market rate. She supports this and always thinks long and hard when an institution goes outside of their bounds to build housing for students. There is a limited amount of space in Burlington and wants to ensure it is for all people not just students. Champlain has been a good neighbor and conscientious about the behavior of its students.

Councilor Tracy stated Champlain College has several proposed developments for student housing. These include the Ethan Allen Property and this property. He views them as interrelated. The Ethan Allen project was beyond the scope of what anyone in the neighborhood felt was appropriate. The project has been put on hold and this has become the primary focus. He inquired if this project will result in a smaller project at the Ethan Allen site. David Provost, Vice President, Champlain College, stated that their master plan identified a goal to house all of its students. They decided to keep the undergraduate enrollment the same so that they can house all of their students. They needed to add roughly 1,200 beds to do that. They are contemplating 600 beds on the hill and 600 off the hill. Next summer they will complete on campus housing for 400 beds. They have not yet built anything off the hill. This project will have between 80-90 units of 1-4 bedroom units. They can assume about 300 students will live there. They will need to find 300 more beds. At the time of the master plan, they said they may acquire failing fraternities and sororities, which will take away the need for housing. They feel this is a strong project. The Ethan Allen project remains controversial. They first are focusing efforts on this project. They are not in a position to divest from Ethan Allen and are aware of the concerns of the neighbors. This site will help them get closer to their goal. John Caulo, Champlain College, stated that any plan they put forward will comply with all zoning and land use regulations adopted by the City. Councilor Tracy inquired what public engagement process they went through with neighbors to solicit feedback. Mr. Provost stated that they reached out to neighbors on St. Paul Street when they acquired the property. They have reached out to all property owners on Browns Court. They will be the most impacted by this development. Mr. Caulo stated that there are commercial non-residential buildings on other parts of the street. They have also reached out to neighbors on Maple Street. They are aware of the plan. Councilor Tracy stated he feels he can support this. Mr. Caulo stated that it is to their benefit to be as transparent and proactive as possible. Councilor Tracy stated that this kind of project can set an example to other institutions about how to develop property in the downtown for students.

Councilor Brennan stated that the efforts of master planning is shown through building and people. They have worked with young students to prepare them to attend institutions such as Champlain. This is key in developing jobs in the City. This is exciting development in the downtown and he will support it.

Councilor Hartnett stated that he has been very critical of the University of Vermont for their student behavior. He believes it is critical that they include the clause about student behavior. The Council wants to protect neighborhoods and this is very important.

Councilor Worden stated that this is a model to follow. Champlain has been a good neighbor and also opens its doors to the neighborhood. He understands that when they acquired the Eagle's Club property they opened their door to COTS. He requested an explanation of what happened with that group. He inquired how they plan to use the ground floor retail space. This would make the development more useful to the community. Mr. Provost stated that after they acquired the Eagle's Club, COTS had lost some housing for homeless people and families. They reached out to Champlain College and inquired what their plans were. They did not believe that they would move forward for a few years so they allowed them to use that space. There are some issues with the safety of that building but they raised money to bring it to a suitable state. They built a home for families in that building. It was intended to be short term because it was not in line with what they envisioned for families. They try to use a more transitional model to allow people to be able to work and live on their own. They let them know that they would no

longer need the space. This was in part because of the high cost of operating the space. They moved out last summer and are working on other projects and solutions. Mr. Caulo stated that they will try to activate the streetscape along St. Paul Street between King and Maple Streets. Their design team has a plan with the potential to fulfill that promise. They will either have residential stoops that go down to the sidewalk or storefronts. They have had some general level discussions with non-profits that have programming needs requiring additional space. This is a market driven project. They will have income from rents paid by students and the same will be true on the non-residential side.

Councilor Decelles stated that he is excited about this project. He will not vote against the amendment but finds it interesting that this even came up. He cannot think of times where Ward 6 Councilors raised concerns about students and their rowdiness in the neighborhood. Champlain does an exceptional job and are a model for the other institution in town.

Councilor Ayres stated that Champlain College has set the high water mark for what it means to interact as an institution of higher learning in the City in which they exist. He inquired what the oversight of student behavior might look like. Mr. Provost stated that it is their intention to oversee their behavior in the same way they do on campus. The college does not want to use its balance sheet to develop housing and therefore want to work with third party developers. They intend to hold students to the same standards as on campus students. Mr. Caulo stated that this particular project will be only for upperclassmen. They hope to produce graduates who will have the ability to live independently as adults. They will not have RAs but there will be monitoring.

Councilor Paul stated that she is supportive of this sale. Champlain does a wonderful job with its students. It is a little bit unfair to say that Champlain College students are perfect, and they have had some issues with students, but the college addresses it expeditiously. A resident handed them a letter that had questions about the proposed purchase. She inquired if they could respond to the concerns that were raised. Mr. Provost stated that they do not believe that this project violates the federal free housing act. If they believed it was they would address it. They had long conversations with the City's Administration with compliance of affordable housing and are prepared to do that. There is a significant population that meets those requirements. These are single parent, first American and first Vermont programs. The other question is why the College is willing to pay four times the assessed value. They are paying the amount that the property was appraised at and more. He felt they should offer more than it was appraised for. They are very serious about housing their students. This is a 100 year strategy and do not feel overpaying in that context is unreasonable. Councilor Paul thanked them.

Mayor Weinberger thanked Champlain College for the process they worked through together. It took some time but it was a positive negotiation throughout. He thanked the teams that worked on this. He feels this is an important step forward for housing. This transaction has the added benefits of improving the City's balance sheet with the sale itself and the long term addition to the tax rolls. This project will have a positive impact on the quality of life in the neighborhoods. This will add vitality to St. Paul Street. Having ground floor retail is significant. There is also a hotel being built on that street and it will be a very different street in a few years.

City Council President Shannon stated that Champlain College is keeping the parking spaces that already exist. She inquired how the parking will work. She was glad to hear that this is a 100 year view. It is important that they have assurances that this will be built as planned and it will stay in their control. This is an important site for the City and she does not want to leave what happens next to chance. The plan will free up housing for families. They are not expanding their student body as they build housing for them. If they continue to consume properties and expand their student body it creates problems. However, their plan is to house students without growing. Mr. Provost stated these are precious spaces and are often utilized by people at the Flynn and people who work in that area. They will build the project so that there will be parking and 38 spaces reserved for public parking. City Council President Shannon inquired if the

spaces will be underground. Mr. Provost stated that they will. Mr. Caulo stated typically people working at businesses in the area utilize those spaces. Mr. Provost stated that people are allowed to park there for eight hours so it is only being used by a few individuals. They may continue a meter system or have a gate and ticket system. They will work that out in the design process. Residents who have a demand for a car will be treated the same way as students on-campus. They think that there will be a high volume of biking and walking and it is also on the shuttle route. He stated that the developer is waiting for City Council approval. He will move very quickly once it is granted and he hopes to begin work in January. The risk of them not moving forward on this project is very low. City Council President Shannon stated she knows the developer is very efficient. She stated that she has concerns if they were to sell it later on.

Councilor Mason stated that they are authorizing the Mayor to enter into a Purchase and Sale Agreement based on a letter. He feels this is atypical and they would typically approve a Purchase and Sale Agreement. There is information that is not included in the letter such as the 15% affordability requirement. He inquired if they should be approving a P&S Agreement rather than authorizing the Mayor to sign it. City Attorney Blackwood stated that the P&S is being worked on but is not ready for approval tonight. It is up to the Council whether they are comfortable authorizing the Mayor to sign the P&S or if they would rather see it ahead of time. Mr. Provost stated he would not expect the 15% affordability requirement to be in the P&S because it is required by ordinance. The project would not be approved if that were not included. He hopes to avoid including the details of the project at the City Council level. The project will still have to go through the normal approval process. The Council is just being asked to approve the sale of the property to Champlain College. How they use it is dependent upon the City and Act 250 approving the project. Councilor Mason stated that in his world a board would be asked for approval to sign a contract. The Council is being asked to sign an agreement to agree on certain points. He has no doubt that Champlain College and the Administration will adhere to the terms but the Council is on the line if there is something in the P&S that was not discussed. If this has been past practice, he is ok with it, but this is the first time he has been through a process like this. Councilor Bushor stated that the resolution has a "whereas clause" that references a letter that details the continued access of the dedicated spaces. It talks about the sale of the property in generic terms but is specific about dollar amount. It does not deal with zoning issues but does discuss the specifics of the sale. They have discussed this at the Board of Finance and there have been communications to the Council. She felt all of the important pieces that did not pertain to zoning were included in the letter. She has no problem with the Council looking at the final P&S Agreement but does not feel they need to hold this up. She feels if anything in the P&S Agreement were different from the letter it would return to the Council. Mayor Weinberger stated if that there are changes that deviate from the letter they will return for further Council action. This is not out of line with authority that the Council has granted the Administration in the past. There was a question about what would happen if Champlain College does not follow through on their commitments. He thinks that they will move forward quickly and do exactly what they said. However, in the past there have been significant real estate agreements in which the City has not gotten what they were expecting. There is a provision in the letter that gives the City the ability to take back the property if Champlain has not moved forward in three years. It is important that the City is protected and that they get what they expect when these agreements are made.

The motion passed unanimously.

- 7.01. COMMUNICATION: Brian Pine, Assistant Director for Housing & Neighborhood Revitalization, re: Sale of Browns Court municipal parking lot to Champlain College

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

8. RESOLUTION: Authorization to Enter into Memorandum of Understanding with The

Parks Foundation of Burlington (Councilors Paul, Brennan, Aubin:
Parks, Arts & Culture Committee)

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

Councilor Paul stated that this is the result of work by a number of individuals who were committed to taking the efforts of the Parks and Recreation Department and bringing it to the next level. This will bring money to their activities. This will authorize the City to enter into an MOU with the newly founded Parks Foundation of Burlington. The Parks Foundation of Burlington is a non-profit philanthropic organization created to raise funds and provide financial support to the Parks and Rec Department. The Parks, Arts and Culture Committee met and heard a presentation from the Foundation. They voted unanimously to support the MOU which is a cooperative agreement and an endorsement of support for their policies. She hopes the Council will support their efforts.

Councilor Bushor stated that there is a section in the MOU that states the Parks and Recreation Department names policy for foundation related gifts. She inquired who approves the policies and the gift naming. She inquired if the amendment to the resolution changes the MOU. Councilor Paul stated those were suggested amendments but she was not there when they were discussed. Councilor Blais stated they were looking to have the City Council take the lead in establishing policy in how the naming would take place. If there were a situation where someone had served in the military and they wanted to name a park after them, they would not want to lose the opportunity to have that naming process. The purpose of the amendment was to make it clear that the City Council has authority of the naming process. Councilor Bushor stated that was her desire as well. The MOU states that they will draft a naming policy but it is not as clear as the resolution. She feels that the MOU should also be updated. Councilor Blais stated that he agrees and feels they should address that.

City Council President Shannon inquired if they can amend a memo. City Attorney Blackwood stated they would have to make a motion to amend the memo before they accept the communication.

Councilor Bushor inquired if there is urgency in the adoption of this. She feels they should read it more closely before it is amended on the floor. Councilor Paul stated that is a good point and feels this can be addressed at the next meeting. City Council President Shannon suggested they postpone action on this item and place it on the consent agenda at their next meeting.

Councilor Bushor stated she feels this is a great idea and she is very excited about it.

Councilor Brennan thanked everyone for their work. This will be a foundation for the people. They have stated that they want to invest in this area. This will open the doors for public transportation and recreation.

Councilor Hartnett stated that he would like to work out this detail now. This is the second time that the Foundation has tried to get off the ground. The conversation sounds positive and everyone wants to move forward. He would hate to see it delayed. People are excited to get started.

City Council President Shannon stated that the next three meetings are expected to be grueling while there is a light agenda tonight. She suggested taking a 5 minutes recess to amend the MOU. Councilor Knodell inquired if they can amend the motion to state they will adopt the resolution and amend the MOU to be in conformity with the resolution. City Attorney Blackwood stated they could amend the resolution to reflect that language.

The Council took a 5 minute recess.

City Attorney Blackwood stated the MOU will be amended to be consistent with the resolution. She read the proposed amendments aloud:

Line 32, remove the words “through the Parks and Recreation Department and;”
Delete lines 36 through 38, “WHEREAS, the City, through its Parks and Recreation Department, philosophically and by policy will not name any asset without the necessary monetary gift as detailed in the *Policies and Procedures Manual* of the *Fund Development Program* to be developed; and.”

Councilors Bushor and Brennan made a motion to adopt the amendments. The motion passed unanimously.

Councilor Siegel inquired if the Parks Foundation will have staff. She understands they will utilize some staff from the Parks and Recreation Department and inquired if that is what is referred to in the MOU. Jesse Bridges, Parks and Recreation Director, stated the intention is that there will be no paid staff for the foundation. The Foundation will be a volunteer board but will be supported by Parks staff.

The motion passed unanimously.

8.1 (was 5.13.) COMMUNICATION: Mayor Miro Weinberger, re: IBM Smarter Cities Challenge – Burlington Report

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

and

8.2. (was 5.28.) COMMUNICATION: Hugo, re: Night time runners

*waive the reading, accept the communication, place it on file and send a copy to Chief Michael Schirling for follow up

and

8.3. (was 5.49.) COMMUNICATION: World Health Organization, JRC European Commission, re: PF 8/12/13: Burden of disease from environmental noise

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

Councilors Siegel and Knodell made a motion to waive the readings, accept the communications and take the actions indicated.

Councilor Siegel stated that she pulled item 8.1 from the consent agenda in part because it is fabulous and very exciting. There is a 58 page document of recommendations from the IBM Smarter Cities Challenge telling them things they can do to be more environmentally friendly and proactive. She inquired if there is a place where the public can see paper copies of this. She also inquired how they will engage in the recommendations. Mayor Weinberger stated the document is lengthy and they will provide Councilors with a printed copy if they wish. They felt the best way to disseminate the information to the public was through the website but suggested they could have hard copies on file at the Library. The Administration has asked Department Heads to get the short term recommendations done within the first year. There are four broad areas of recommendations. Two have been placed under the responsibility of the Burlington Electric Department and the other two were given to the City’s Sustainability Coordinator. The Mayor is open to conversation about resolution on them, although he is not sure that is necessary. He feels that staff should work on these recommendations and come back to the Council to implement them. There is opportunity for additional collaboration. Councilor Siegel stated agenda item 8.2. was an email received through the Contact Us on the City’s website. It was about a group of people running at night blowing whistles. She inquired if anyone will be responding to this. Councilor Bushor raised a point of

information that the action is to send it to Chief Schirling. Councilor Siegel stated agenda item 8.3. was a document from the World Health Organization about the burden of disease from noise. She only saw one page and assumes there was more. Lori Olberg, Clerk/Treasurer's Office, stated this was submitted for information only at the August meeting. A full copy is available if needed.

The motion for all three communications passed unanimously.

9. COMMITTEE REPORTS (5 mins.)

Councilor Tracy stated that the Transportation Energy and Utilities Committee will be meeting to hear about the summer paving program. They will also be discussing sewage backups in homes. There are also some pilot projects, such as the North Avenue Corridor Study and the Pearl/Colchester/Prospect intersection.

Councilor Brennan stated that the Tax Abatement Committee has been reviewing requests and will be finishing at their next meeting.

Councilor Paul stated that the Parks Arts and Culture Committee will continue to discuss the Public Investment Action Plan. She stated that she is glad the TEU Committee is addressing the problems with sewer backup as it has been a serious problem in several wards.

Councilor Siegel stated that the Charter Change Committee will be discussing gun legislation. The date of the meeting has changed and she outlined what the process will be going forward. Any measures that pass the Council will be on the ballot for March. Any items that receive a 2/3 majority will be sent to the State Legislature for ratification.

Councilor Mason stated that the Ordinance Committee will be meeting and they hope to complete their review of the livable wage. There is an expected executive session on the Church Street No-Trespass Ordinance. In light of pending litigation they may delay that issue and instead address Zoning Ordinances.

Councilor Knodell stated that the Ad Hoc Committee on Council Priorities met. They went through the three priorities that the Council decided on: Environment & Climate Change, Fiscal Health of the City, and Neighborhood Quality of Life. They will present a proposed course of action. They talked about the Smarter Cities Report as part of Environment & Climate Change and will coordinate with the Administration. The Public Safety Committee will be conducting the neighborhood safety survey. They hope that Councilors will help knock on doors and do surveying. They will also be asked to recommend people to get the survey out in their wards. They are working closely with the Police Department on this.

City Council President Shannon stated that they will be addressing redistricting, livable wage, F-35s and gun related charter changes at upcoming meetings. She is trying to manage the schedule so they do not all occur at once. Each of these issues could draw out large numbers of people from the public who would like to comment. She suggested holding issue specific public forums at 6:00 p.m. before the next three meetings. Councilor Ayres stated there was a suggestion that residents of the City of Burlington would get first priority to speak. City Council President Shannon stated that she does plan to do that. Councilor Worden inquired how this will be publicized. City Council President Shannon stated that she will be requesting help from the Council to spread the word; it will also be included on the agenda. Councilor Bushor stated that the livable wage issue is not resident-specific. She hopes that the voices that have been present at their meetings will be heard. There are individuals who work here and want a livable wage but they do not live here because they cannot afford to because they do not get a livable wage. City Council President Shannon stated that she would be happy to prioritize employees that are directly affected but the goal is to hear from everybody. Councilor Hartnett inquired if there will be a press release. He is in favor

of this and it makes it clear that there will be at least an hour and a half of public forum. The regular public forum will be for people with any other issues. City Council President Shannon stated that they will do a press release.

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

Councilor Decelles stated that last week Ward 7 lost Danny Ryan Sr. who was a long-time resident and a poll worker. The anniversary of 9/11 is coming up and he hopes that everyone stops to remember what happened that day. He was contacted by someone who was told that smoking on Church Street was against the law. He discovered the Municode has inaccurate information. City Attorney Blackwood stated this was brought to her attention and they found that the Mayor did veto that ordinance. She is unsure how that got in Municode; the City is currently in the process of transitioning from Municode to another provider and will work to get that off of the books.

Councilor Hartnett stated that there is an issue with the School calendar that is being discussed. They have public hearings coming up and encouraged Councilors to get involved. He suggested that the School Department come to the NPAs. He also requested a presentation to the Council. This will affect everyone's lives and he does not feel that they have done a great job communicating this. People in their wards will be asking them about this and he wants to be proactive about this.

Councilor Bushor stated that the Ward 1 NPA will be meeting. There was a communication from the Mayor about the VLCT's proposed amendments to municipal policy. She believes there are some serious policy changes being contemplated. One is a statement about the need to revamp Act 68. Other communities are not able to generate tax dollars through municipalities. Money is going to the schools and it is not a level playing field. The other thing is that the State should fully fund PILOT. There is also a safety section that deals with cell phones, but it makes no reference to texting, which she feels is a serious omission. She does not know what kind of teeth this policy has but she would be supportive of strong language. She hopes others will take the time to read through this. The State meeting is a good time to interact with others with the same issues.

Councilor Brennan encouraged the Council to express their thoughts about the situation in Syria to their Congressional members. He deplores the atrocities that are happening Syria but they are war weary. There have been long drawn out battles and making a move now would not be the right decision.

City Council President Shannon thanked SEABA and volunteers for the Art Hop. It was a great neighborhood event and has been a great success.

The Council sang Happy Birthday to Councilor Aubin.

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

Mayor Weinberger stated that this week is the 50th Anniversary of the Baptist Church bombings in Birmingham, Alabama. The U.S. Conference of Mayors is having an event to mark this anniversary and have asked Mayors to sign on to be part of the U.S. Coalition of Cities Against Racism and Discrimination. They have laid out 10 points that are resonant with what has been going on in Burlington. He will be signing on to this at an event this week.

The Mayor attended the retirement party for Ray Nails who was the first African American Police Officer in the State of Vermont. He was part of a class of four officers that joined the Police Department and he will be the first to retire. The entire federal delegation sent letters and he played a significant role in breaking down a race barrier in the community.

The Fletcher Free Library has new telecommunication equipment that is available to all. This is a great resource for those who do not personally have telecommunication devices. This additional capacity is a positive one. The camera that Google has donated to the Library is different than the one on most home computers. It allows whole groups to be projected.

Mayor Weinberger welcomes comments on the Vermont League of Cities and Towns policy agenda. As Mayor, he sits on the Board of VLCT. He intends to go to their meeting. He will be requesting that he sit as the voting member at that event.

The Administration has included the first budget report in recent memory. This will be a monthly event going forward. This is a significant step forward that has been enabled by New World Software.

The Mayor will have an update on Burlington Telecom at the next meeting after depositions for the case have been taken.

Chapin Spencer has begun his tenure as Public Works Director. They have also hired Brian Lowe as the Mayoral Project Coordinator. He comes from the Treasury Department where he worked in a number of policy and implementation roles.

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

City Attorney Blackwood stated that there were two items that they would discuss in executive session. One item will require them to come out of executive session to take action on. The Council agreed to address item 13 and then return to item 12.

12. **COMMUNICATION:** Eileen Blackwood, City Attorney, re: Church Street Marketplace Trespass Authority – Pending Litigation (oral)

On a motion by Councilors Bushor and Knodell the City Council voted to go into executive session at 9:50 p.m. premature disclosure would place the City at a substantial disadvantage. Present were: see above

Councilors Bushor and Decelles made a motion to go out of executive session at 10:20 p.m. The motion passed unanimously.

13. **COMMUNICATION:** Eileen Blackwood, City Attorney, re: Champlain Parkway – Pending Litigation with Vermont Railway, Inc. (oral)

On a motion by Councilors Bushor and Knodell the City Council voted to go into executive session at 9:31 p.m. premature disclosure would place the City at a substantial disadvantage. Present were: See Above, Assistant City Attorneys Gregg Meyer and Richard Haesler, Peter Owens, CEDO, Brian Dunkiel, Dunkiel and Saunders.

On a motion by Councilors Knodell and Bushor the City Council voted to go out of executive session at 9:45 p.m.

Councilors Bushor and Decelles made a motion to add item 12.5 to the agenda. The motion passed unanimously.

- 12.5 **RESOLUTION:** Authorization for Settlement of Pending Litigation, re: Champlain Parkway (Councilor Bushor)

Councilors Bushor and Decelles made a motion to waive the reading and adopt the resolution. The motion passed unanimously.

Councilors Decelles and Knodell made a motion to go into executive session to discuss the Church Street Marketplace Trespass Authority at 9:50 p.m. premature disclosure would place the City at a substantial disadvantage. The motion passed unanimously.

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

On a motion by Councilors Bushor and Decelles, the City Council went out of executive session at 10:20 p.m.

14. **ADJOURNMENT**

Without objection, City Council President Shannon adjourned the Regular City Council Meeting unanimously at 10:21 p.m.

Attest:

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



The University of Vermont
UNIVERSITY RELATIONS

October 30, 2013

Joan Shannon, City Council President
Burlington City Hall
149 Church Street
Burlington, VT 05401

RECEIVED
2013 NOV -1 P 12:19
BURLINGTON CLERK
TREASURER'S OFFICE

RE: City of Burlington and University of Vermont Memorandum of Agreement Re: 2009 Zoning Amendments

Dear President Shannon and Members of the City Council,

I am writing to update UVM's June 30, 2013 report on the University's progress and activities regarding the 2009 Memorandum of Agreement Re: 2009 Zoning Amendments. In this letter, I am providing updates on the following two items:

- **1:1 Match in Housing for Enrollment Increases**
- **Identification of Number and Location of Off-Campus Students**

The information below provides these updates.

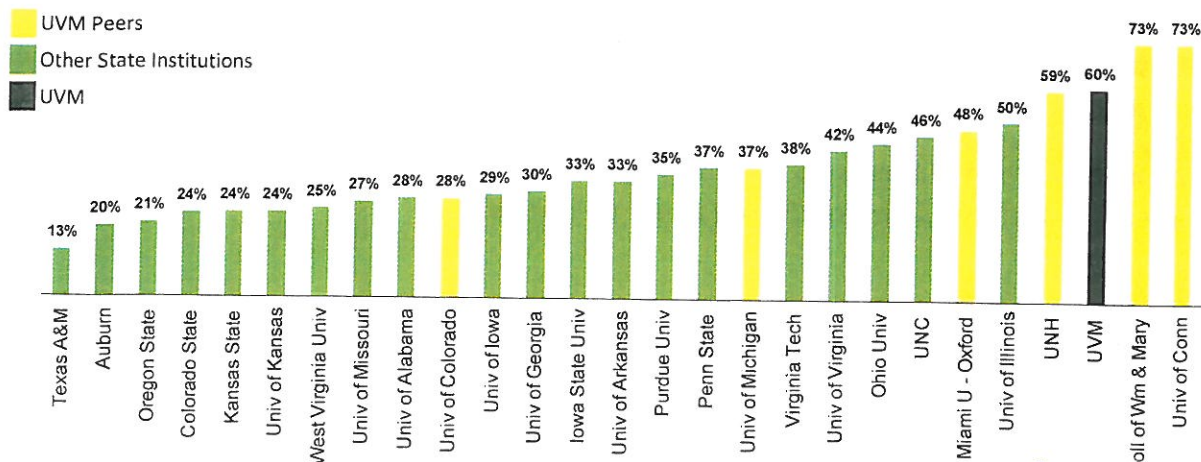
1:1 Match in Housing for Enrollment Increases

"After Fall 2009 and continuing throughout the duration of this agreement, UVM agrees to provide, by its own means or by working with a third party developer, student housing within the institutional districts defined in the City zoning ordinance in effect on March 9, 2009, or outside the boundaries of the City of Burlington on a 1:1 basis relative to increased enrollment of undergraduate students beyond the number enrolled in Fall 2009.

- a. For the purposes of this agreement undergraduate students are defined as those who are enrolled in an undergraduate degree program for at least 9 credit hours per semester and have not yet earned a baccalaureate degree.*
- b. The City agrees that the 1:1 requirement would be applicable over a two-year timeframe. For example, in the Fall of 2011 UVM would certify that the total increased enrollment of undergraduate students between Fall 2009 and Fall 2011 has been matched by the same number of new student beds as described above."*

The Fall 2013 undergraduate enrollment as defined by this agreement is 9,764. **This represents a decrease of 392 students from the Fall 2009 enrollment of 10,156.** Therefore, the 1:1 requirement is not a factor for this year.

Percent of Undergraduates Housed On-Campus



*2012 Enrollment & Housing Figures Provided by Biddison-Hier for UVM Student & Faculty/Staff Housing Master Plan

RECEIVED
2013 NOV -1 P 12:19
BURLINGTON CLERK
TREASURY'S OFFICE

Identification of Number and Location of Off-Campus Students

"UVM agrees to identify the number and where UVM students live off-campus based on information reasonably available to UVM, to enable the City and UVM to work together to address impacts in the neighborhoods."

UVM gathers local address information from students at the outset of their time here. We request that all students update this information at the start of each semester. Each year we do an analysis of this information to calculate how many students are living in Burlington. This fall, 1,187 students reported an off-campus address in Burlington.

Because we know the self-reported data is not 100% accurate, we do make assumptions based on information we know to be true, such as our on-campus housing capacity. Based on this information, we estimate about 400 more students are likely living in Burlington, bringing our total estimate of students living off-campus in Burlington to be **approximately 2,200**, or about 23% of the undergraduate student population. **This represents a decrease of approximately 300 students living in Burlington from fall 2012.**

**2012 vs 2013 Percentage Comparisons of Students Reporting
Burlington Addresses by Ward**

Ward	2012	2013	Percentage Change
Ward 1	24.0%	22.5%	-1.5%
Ward 2	46.0%	48.0%	2.0%
Ward 3	11.0%	11.0%	0.0%
Ward 4	1.0%	2.0%	1.0%
Ward 5	3.0%	4.0%	1.0%
Ward 6	13.0%	11.0%	-2.0%
Ward 7	2.0%	1.5%	-0.5%

The City and UVM are continuing to see positive gains in lowering the number of students living in the City of Burlington due to the additions of Redstone Lofts in 2012 and the moderate decline in enrollment over the past three years. We look forward to continuing work with the City on housing issues, particularly as we look towards finalizing the Student and Faculty/Staff Housing Master Plan which will guide our housing efforts through 2026.

Please let me know if you have questions about this update.

Sincerely,



Thomas Gustafson
Vice President for University Relations & Administration

cc: President E. Thomas Sullivan
Mayor Miro Weinberger

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City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

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BOARD OF FINANCE TUESDAY, OCTOBER 15, 2013

MINUTES

PRESENT: City Council President Shannon; Councilors Bushor, Aubin, and Knodell; CAO Rusten

ABSENT: Mayor Weinberger

ALSO PRESENT: ACAO Schrader; City Attorney Blackwood; Assistant City Attorneys Bergman and Haesler; Susan Leonard, HR; Darlene Kehoe, Marcy Krumbine, CEDO; Ron Redmond, Church Street Marketplace; Brian Lowe, Mayor's Office

Due to the absence of the Mayor, on a motion by Councilor Shannon and Councilor Knodell CAO Rusten was elected to Chair the meeting.

1. Agenda

CAO Rusten stated item 7 will be removed from the agenda.

On a motion by Councilor Aubin and City Council President Shannon, the agenda was adopted unanimously as amended.

2. Public Forum

Frank Von Turkovich spoke about his company's proposal to install solar panels on a property in the New North End.

3. Approval of the Board of Finance Minutes

a. September 16, 2013

b. September 30, 2013

Councilor Bushor noted a place in the September 30 minutes where the word expend was used instead of expensed.

On a motion by Councilor Bushor and City Council President Shannon, the minutes were adopted unanimously. Councilor Knodell abstained from voting on the September 30 minutes.

4. Authorization for Acquisition of 150 Shelburne Street at Tax Sale – Attorney

Councilor Knodell and City Council President Shannon made a motion to approve the purchase at tax sale if no one else bids on the property.

Assistant City Attorney Bergman stated this is a taxpayer who refuses to make any change that will result in the City getting any money. They have exhausted their resources in trying to find a

buyer for the property or getting the owner assistance from the State. They have had a trial on the valuation of the property. This is the next step in the process. Given the high delinquency, this will continue to go on. At a certain point, more taxes will be owed than the fair market value of the home. That will make it much more difficult to be made whole. They hope that there will be a private sale. Legally, the City is not allowed to bid on the property. They hope there is a purchaser who will make the City whole, but it is not unlikely that no purchaser will come forward. This is not a quick and easy job, and he feels that the City needs to take it on unless they are willing to give up the money that is owed to them.

Councilor Knodell inquired what the City can do to encourage more bidders. She also inquired what the source of funding will be if the City does buy the property. Assistant City Attorney Bergman stated they have used CEDO connections to attract interest in the property. Two people have expressed an interest in developing the project. They will be doing extra advertising through Picket Fence. A tax sale notice and treasurer's warrant were recorded in the land records. They will be advertising in Seven Days. CAO Rusten stated since the money is owed to themselves, they would not have to give money to the property owner. Assistant City Attorney Bergman stated the City is not eligible to charge the 12% statutory limit on interest. His costs are capped at 15%. The law does allow them to recover the funds that are used to investigate and remediate the contamination, including legal fees.

City Council President Shannon inquired if the City would become the landlord to the tenants at that property. Assistant City Attorney Bergman stated a disincentive to buying the property in a tax sale is that the deed is not acquired for a full twelve months. The owner will continue to collect rents. It is not likely that they will get a pre-judgment action if they receive all of the money through a tax sale, which they would. After the twelve months pass, they become the owner. City Council President Shannon inquired who would be responsible for maintenance. Assistant City Attorney Bergman stated she would be. City Council President Shannon inquired what happens if she does not. Assistant City Attorney Bergman stated the tenants could take action against her and the Code Enforcement Office would investigate problems. She has registered the property and it has passed inspection.

Councilor Bushor stated she is happy to see this issue closed. She inquired if the property is sold to another buyer would they be required to clean up the property. Assistant City Attorney Bergman stated the State is responsible for the cleanup. The level of extensive contamination is not so bad that it makes the property uninhabitable. It does not cause a risk to the neighboring properties. His sense is that anyone who buys this property will be buying it with the capacity and willingness to do the right thing. It is underutilized that could fetch twice the value it has now once the contamination is taken care of.

CAO Rusten inquired what would happen if there is no buyer and the City does not buy it. Assistant City Attorney Bergman stated it would remain as it is and he believes they will never get the money. The City has sued the owner and he would try to win that case. However, she has a low income and the return would be very small.

The motion passed unanimously.

5. Authorization for Budget Amendments – CEDO

- a. AmeriCorps Competitive Grant**
- b. CEDO Entitlement Grant**

Councilor Knodell and City Council President Shannon made a motion to approve the budget amendments.

Councilor Bushor inquired if there are new line items that reflect the money that will be there. ACAO Schrader stated they will be building budgets for each of these grants. When they receive a budget performance report, they will see the amendments within that report. Councilor Bushor stated she wants to know where she would be able to find this information. ACAO Schrader stated they have been working on this for a while to try to close the last fiscal year and determine what they have received for this year. There is a memorandum that lists an expense for training fees for AmeriCorps. There is also a summary of the revenue changes that they need to recognize for FY14. To a large degree, the deficits are mitigated for the carryovers from previous fiscal years. They ensured that the salaries were covered regardless of the revenue. They also recognized the changes in the grant amounts and the carryover dollars. There is only one instance where there is a fund balance. Everything else is either unspent prior year grant funds that have not yet been received, or new allocations that they did not consider when they adopted the budget.

The motion passed unanimously.

6. Authorization for Agreement with Barrett's Tree Service for Light Hanging – Marketplace

Councilor Bushor and City Council President Shannon made a motion to approve the agreement.

Councilor Aubin inquired how this compares with previous contracts that they have had. Ron Redmond, Church Street Marketplace, stated they have given them the same rate for three straight years.

The motion passed unanimously.

~~7. Authorization for Agreement with A. Marcelino and Sons for Snow Removal – Marketplace~~

Removed from the agenda

8. License Agreements with Nika and Red Square for Awnings - Marketplace

Councilor Bushor inquired why this was not sent to the License Committee. Ron Redmond, Church Street Marketplace, stated these are agreements separate from café agreements. Councilor Bushor stated the full Council receives them but they do not come to Board of Finance.

Councilor Aubin and City Council President Shannon made a motion to pass over this item. The motion passed unanimously.

9. Reclassification of Church Street Marketplace Marketing Coordinator – HR

Councilor Bushor and City Council President Shannon made a motion to approve the reclassification. The motion passed unanimously.

10. Input on Draft Proposal for Retirement Summit – C/T

CAO Rusten stated they are looking for feedback from the Council on the agenda. They will take any feedback to the planning Committee for their next meeting. Brian Lowe, Mayor's Office, stated this is a working document and have made some changes since it was submitted. He outlined the proposed changes.

Councilor Bushor stated she had expected to see some of the options ahead of time. This seems like more of an information meeting rather than an action meeting. She inquired what the goal of the summit is. Mr. Lowe stated this is in response to the resolution that the Council passed in August. The goal is to make the public aware of different concerns. At the conclusion of the summit, the administration will return to the Council with a draft process to address concerns that were raised at the summit. CAO Rusten stated the focus is to identify what the problems are and then determining a process to look at solutions. Councilor Bushor stated they have only designated 50 minutes for the keynote speech and public forum. That seems limited if there is a group of people who want to speak to this issue. City Attorney Blackwood stated they are focusing on educating first. There was a concern that if they began by proposing solutions, there are many people with strong feelings about this. It would take a lot of time to fit this in. They first hope to come to an agreement about what the problems are that they need to solve. Councilor Bushor stated she is concerned that the administration will propose a solution and they will not have an opportunity to debate the solutions. City Attorney Blackwood stated that is not what they want to happen. Councilor Bushor stated she feels that decisions are sometimes handed down without them hearing other options.

Councilor Knodell stated she hoped that they will be talking about the underfunding of the system. There are different pictures that can be drawn. She inquired if they will be presenting speakers and a range of different examples and scenarios. CAO Rusten stated understanding the implications of different decisions is important. They will look at the different implications and try to have data to support this. Councilor Knodell stated she hopes that they include Councilors in the discussion after the summit about strategies that will be used to address this. CAO Rusten stated this is an important problem that needs to be addressed and they feel they need to get buy in from everyone.

City Council President Shannon stated it would be helpful to have documents online, such as the report from the Retirement Task Force. It is interesting that they have this report that laid a clear path but was never executed. She wants to know why it was executed to determine the source of the problem and why it has been so difficult to address. She would also like the valuation report to be online. She suggested they look at what the numbers would be if they were to use a different standard. The next steps have been left to the administration.

Councilor Knodell suggested they present this to the union leadership. Mr. Lowe stated the changes that have been made were requested by the unions.

11. Authorization for Standby Letter of Credit for City's Workers Compensation Program – C/T

Councilor Bushor and City Council President Shannon made a motion to approve the Standby Letter of Credit.

Councilor Bushor inquired why they are switching banks. ACAO Schrader stated they recently put out an RFP for banking services. Keybank appears to be the best proposer. They are slowly transitioning to that bank. Councilor Bushor stated they used to look favorably with TD Bank because they were within the state. She inquired how many banks bid. ACAO Schrader stated there were three banks.

The motion passed unanimously.

*****Expected Executive Session*****

On a motion by City Council President Shannon and Councilor Knodell, the Board voted unanimously to into executive session at 5:50 to discuss a real estate transaction and pending litigation. Premature disclosure would put the City at a disadvantage.

12. Discuss Real Estate Transaction – C/T**13. Potential Litigation to Recoup Unpaid Taxes - Attorney**

On a motion by City Council President Shannon and Councilor Knodell, the Board voted unanimously to go out of executive session at 6:15pm.

Without objection, CAO Rusten adjourned the Board of Finance meeting at 6:15pm.

FOR INFORMATION PURPOSES**Grants Accepted Since Last Meeting**

- **Global Philanthropies Partnership Grant - \$24,407 – November Multi-City Parking Convening**
- **Urban Sustainability Directors Network Grant - \$4,250 – Peer Exchange with Asheville, NC**



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BOARD OF FINANCE MONDAY, OCTOBER 21, 2013

MINUTES

PRESENT: Mayor Weinberger; City Council President Shannon; Councilors Bushor, Knodell, and Aubin; CAO Rusten

ALSO PRESENT: ACAO Goodwin; City Attorney Blackwood; John Vickery, Assessor; Kirsten Merriman-Shapiro, CEDO; Erin Demers, DPW

1. Agenda

Councilor Bushor requested they discuss the valuation appeal of Burlington Town Center.

On a motion by Councilor Bushor and City Council President Shannon, the agenda was adopted unanimously as amended.

2. Public Forum

No one came forward to speak.

3. Authorization for Construction Contract for Waterfront Access North Phase 1 - DPW

Erin Demers, Public Works, stated this contract is for work on the three outfalls in preparation for the Waterfront Access North project. They will also demolish the abandoned coal tunnel. They went out to bid and estimated the cost would be \$197,000, but bids came in at \$134,000.

City Council President Shannon inquired if this will be consistent with all of the possibilities of what could happen at the Waterfront. Mayor Weinberger stated a year ago they decided not to move forward with the previous plans for Moran, but they did decide to move forward with Waterfront Access North. They had hoped to move forward with more projects, but the bids did not come in as they had hoped and they delayed that project. This work needs to be done this season to allow additional work to begin in the Spring. They are aware it is unclear what will happen with the Moran building. However, this is something that will need to be done regardless of what happen with Moran. City Council President Shannon inquired if the \$134,000 for this project is part of the \$6.9 million budget. Kirsten Merriman-Shapiro, CEDO, stated it is part of the \$6.9 million budget. This work is easier to do now while the groundwater is very low. Ms. Demers stated they will be filling one coal tunnel with concrete. This is a unique project that may have caused their previous bids to come in high. Doing this while the lake level is low is advantageous. Ms. Merriman-Shapiro stated this will eliminate some risk for contractors.

Councilor Bushor and City Council President Shannon made a motion to recommend to City Council approval of the contract. The motion passed unanimously.

4. Discussion of Appeal of Valuation of Burlington Town Center

Councilor Bushor inquired how the change in the valuation will affect them financially. John Vickery, Assessor, stated the value of the property was appealed about 18 months ago. The Board of Assessors did not make any adjustments, as they were waiting for more information. The property owners had requested the value be placed at \$1.5 million because it is significantly vacant. They also have high utility costs compared with other office buildings. Their appeal was denied at that time. It then went before the Board of Tax Appeals, who determined it did not meet their criteria. Finally, it was sent to the State Tax Department. They did a lot of work to determine the fair value of the property. Whenever a property goes before the final board, it is uncertain what will happen. It is common practice to try to work out a settlement rather than wait for the decision from the State. The building is still 74% vacant and they have a negative cash flow.. They agreed to place the value at \$3.6 million. They have an agreement that is fashioned similarly to one created for another office building that had significant vacancy. They recognized the vacancy, but if it changes in the next few years, the City reserves the right to reassess it. Without that type of agreement, the State would set the value for three years and it would be locked in. This will allow them to reassess if the building does become more occupied. A full building is more desirable. This property is unique because it is in the Waterfront TIF district. There are funds that are retained to pay down debt service that they have. This will reduce that amount slightly. The municipal taxes are about \$4,500 per year. The TIF District has more than enough funds for the debt service that is required. It may not affect the general fund at all. CAO Rusten stated in building the grand list, they had estimated that they could lose about \$1.5 million. The agreement also waived the City being responsible to pay any interest on the FY 2013 tax money to be refunded to the property owner. They will actually be receiving slightly more money than anticipated. Mr. Vickery stated each year they estimate the Grand List to help the Clerk/Treasurer's office set the tax rate. They build in a reduction for errors and appeals. They knew this was a standing appeal and made a reduction of \$1.5 million. Councilor Bushor stated she is glad to understand how this affects their tax revenue. Mr. Vickery stated the reduction was significantly less than anticipated.

Without objection, Mayor Weinberger adjourned the Board of Finance meeting at 5:50pm.

FOR INFORMATION PURPOSES

Grants Accepted Since Last Meeting

- **Building Bright Futures Grant - \$4,500 – Parks Department**



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BOARD OF FINANCE MONDAY, OCTOBER 28, 2013

MINUTES

PRESENT: Mayor Weinberger; City Council President Shannon (left at 5:40pm); Councilors Bushor, Knodell, and Aubin; CAO Rusten

ALSO PRESENT: ACAO Goodwin; City Attorney Blackwood; Assistant City Attorney Haesler; Norm Baldwin, Laurie Adams, DPW; Seth Lasker, Lise Veronneau, Fire; Mike Kanarick, Mayor's Office; Ken Nolan, BED

1. Agenda

City Council President Shannon requested item 6 be moved to item 1.1.

On a motion by City Council President Shannon and Councilor Knodell, the agenda was adopted unanimously as amended.

1.1 (Formerly 6) Authorization for Champlain Parkway Contract Amendment – DPW

Councilors Bushor and Knodell made a motion to approve the contract amendment.

City Council President Shannon inquired why the contract needs to be increased by \$600,000. Norm Baldwin, DPW, stated they executed a Cooperative Agreement with the State of Vermont for \$2 million. They used some of those funds for their contract with Clough Harbor and Associates (CHA) and for legal services for the project. The work will not be completed, therefore CHA's contract scope will extend beyond its limit. City Council President Shannon inquired what the design changes are. Mr. Baldwin stated they are continuing to advance Contract 6, which is design for the area between Lakeside Ave. and Pine St. They are completing other tasks related to Contracts 1 and 2. Mayor Weinberger stated this is respecting the Council's desire to have contract amendments brought in advance rather than retroactively. As they begin new sections of work, they will bring contract amendments before the Board of Finance. These represent the next steps in the project. Mr. Baldwin stated since their last contract amendment, they received approval for a cooperative agreement from the State to bring \$2 million into the project. They are amending the contract before they utilize the funds they received from the State. City Council President Shannon stated it seems there is no budget. They keep paying for things as they come up. She requested a budget to see what they expect for the overall cost. Mr. Baldwin stated the challenge is there are a lot of unknowns as they face different legal challenges. They can give a number, but it is likely to change. This project is in the middle of Act 250 appeals and they do not know when they will get through them. City Council President Shannon stated she understands the challenge of legal fees. Construction and design costs could change if they get an order from Act 250 to do something differently. They are lucky that the City only has to pay 2%, but it is not an inconsequential amount in their budget. Mr. Baldwin stated he can get a sense from the design firm of how long it will take to get to the end of construction process. Their plans need to work within the CCRPC regional plan and the State transportation plan.

Councilor Bushor inquired if there is a maximum spending cap. Mr. Baldwin stated that is the amount of the current amendment from the State Cooperative Agreement. The State will not increase this all at once. As the project advances, they will continue to offer Cooperative Agreement Amendments until the project is complete. Councilor Bushor inquired if there is an upper amount. Mr. Baldwin stated there is not. There is a commitment to complete the project and the cost will be what it is. They have to follow the process to complete the project.

The motion passed unanimously.

2. Public Forum

No one came forward to speak.

3. Approval of the Board of Finance Minutes

a. October 15, 2013

b. October 21, 2013

Councilor Knodell requested changes to the October 15 minutes to clarify her comments about the Pension Summit.

On a motion by Councilors Knodell and Bushor, the minutes were adopted unanimously.

City Council President Shannon left the meeting.

4. Authorization for Contract for Snowplowing Services – Marketplace

The Board addressed an item to allow the Church Street Marketplace to execute a contract with A. Marclenino and Co. for snowplowing services.

Councilors Knodell and Aubin made a motion to authorize and execute the contract. The motion passed unanimously.

5. Authorization for Colchester Avenue Sidewalk Project Contract – DPW

The Board addressed an item to allow the Department of Public Works to execute a contract with Don Weston Excavating to construct a sidewalk on Colchester Avenue.

Councilor Bushor thanked them for moving this forward.

Councilors Knodell and Aubin made a motion to authorize and execute the contract. The motion passed unanimously.

7. Authorization to Purchase Excavator – Water

Councilors Aubin and Knodell made a motion to authorize the purchase.

Councilor Bushor inquired if the cost of the trailer is rolled into the cost. Laurie Adams, Water, stated the machine will cost \$107,860 and the trailer will cost \$12,200.

The motion passed unanimously.

8. Review of September Financials – C/T

and

9. First Quarter Budget Amendment Analysis – C/T

and

10. Review Sweep Account Analysis (Formerly Pooled Cash) – C/T

Councilors Knodell and Bushor made a motion to postpone action on items 8-10 and address them at their next meeting. The motion passed unanimously.

11. Authorization for Ambulance Purchase - Fire

Councilors Aubin and Bushor made a motion to authorize the ambulance purchase.

Councilor Bushor stated she would like to receive copies of both bids and information about why the bid was chosen. Seth Lasker, Fire Chief, stated they only received two bids, which was disappointing. The difference between the bids was \$2,240. They elected to go with the higher bid of \$171,460. They currently own two other vehicles from this company, Osage Industries, and have an excellent relationship with them. They have had excellent maintenance support, and keeping the trucks on the road is very important to them. He felt going with the known company would be in their best interest.

Councilor Knodell inquired if this will be financed from the current year general fund budget. CAO Rusten stated it will be financed from the Capital Improvement Program.

The motion passed unanimously.

12. FY14 Contribution to Visiting Nurses Association – Fire

The Board addressed a Budget Amendment to allow the Fire Department to contribute \$106,760 to the Visiting Nurses Association for indigent care services.

Councilors Bushor and Knodell made a motion to approve the contribution. The motion passed unanimously.

13. National League of Cities Membership – Mayor (Discussion Only)

Mayor Weinberger stated his budget has had a standing item to pay the dues for the National League of Cities. He has had no value from that in his 18 months as Mayor and felt he should look into it to see if others found a value in this. This is different than the Vermont League of Cities and Towns which has a lot of value. CAO Rusten stated they also contacted Department Heads to see if they were benefiting from this, but none said they were. Mayor Weinberger stated he is fine with ending their membership. He has been involved with the National Conference of Mayors.

Councilor Bushor inquired if they can transfer this money to the special projects fund. CAO Rusten stated they will not move the money at this time, but will keep this discussion in mind for the future.

14. Timing of the 11/12 Board of Finance Meeting

The Board discussed the start time of the 11/12 Board of Finance meeting and agreed to meet at 5:00pm.

15. Authorization for planBTV Contract Amendment – P/Z

Councilors Bushor and Knodell made a motion to authorize the contract amendment.

Councilor Bushor stated she is interested in computer generated 3D models but is unsure of the cost. She inquired if that is part of what they hope to do. Sandrine Thibault, Planning and Zoning, stated that is something that Champlain College has done in the past, but is not part of this particular contract. Councilor Bushor inquired if there is anything they would benefit from in this new stage. Ms. Thibault stated this will help in illustrations and document preparation.

The motion passed unanimously.

*****Expected Executive Session*****

16. Authorization for Amendment to Agreement with Winooski One Partnership – BED

The Board did not enter Executive Session.

Councilors Bushor and Knodell made a motion to approve the amendment.

Ken Nolan, BED, stated the contract that was approved with Winooski One required the Arbitration Panel to do a full legal ruling. They have told them they will give them a number and a layman's explanation of how they realized that, but will not do a full legal analysis of the case. Councilor Bushor inquired if this will give them information to substantiate the decision. Mr. Nolan stated there are three levels. The lowest level would just give them the number with no explanation. They have agreed to a middle level number and a brief explanation of how they arrived at the analysis. The highest level would have a full blown legal conclusion. Councilor Bushor inquired if the City Attorney feels this is adequate. City Attorney Blackwood stated she has spoken with the Attorney who has been handling this. They are working to make a decision quickly and feel this would be adequate. Mr. Nolan stated they panel has told them that if they approve this amendment, they can make a ruling by December 1. This needs to be done quickly if they are going to have it on the ballot for March.

The motion passed unanimously.

Without objection, Mayor Weinberger adjourned the Board of Finance meeting at 5:55 pm.

1
2 **Resolution Relating to**
3

RESOLUTION

Sponsor(s): Councilors Bushor,
Aubin, Knodell; Bd. of Finance

Introduced: _____

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

4
5
6
7 **AUTHORIZATION TO ENTER AGREEMENT**
8 **TO WAIVE EXCAVATION FEES**
9

10
11
12 **CITY OF BURLINGTON**
13

14 In the year Two Thousand Thirteen.....

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

16
17 That WHEREAS, the Public Works Department has received a request from the developer of the
18 Stratos Project at 183 St. Paul St. to waive certain excavation fees; and

19 WHEREAS, the developer made utility connections within the roadway and thus had to excavate
20 1296 square feet within the roadway; and

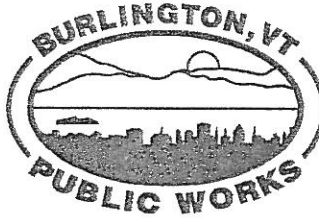
21 WHEREAS, the permit for that excavation includes fees that would total \$30,209.76; and

22 WHEREAS, the developer has proposed that in lieu of that fee, it 1) repave St. Paul St. between
23 King and Maple Streets to the City's standards, and 2) pay the administrative and inspection fees of
24 \$1969.92; and

25 WHEREAS, the License Committee supported this waiver on October 21, 2013, and the Board of
26 Finance recommended approval of the waiver on November 12, 2013;

27 NOW THEREFORE BE IT RESOLVED that the City Council hereby authorizes the Department
28 of Public Works to enter into an agreement with the developer, subject to the review and approval of the
29 Chief Administrative Officer and the City Attorney, that will waive the excavation fee for the installation
30 of utility connections for the Stratos Project, conditional on the developer's 1) repaving St. Paul St.
31 between King and Maple Streets to the City's standards and 2) payment of the administrative and
32 inspection fees of \$1,969.92.
33

34
35
36 lb/EBlackwood/c: Resolutions 2013/DPW – Waive Excavation Fees in Lieu of Repaving St. Paul St. between King & Maple Sts. (Stratos
37 Project)
38 11/14/13



MEMORANDUM

October 31, 2013

TO: Burlington City Council

FROM: Norman Baldwin, P.E.
City Engineer/Assistant Director-Technical Services

RE: Request special consideration to repave St.Paul Street between King and Maple
in lieu of Excavation Fees

The Department has received a request to waive Excavation Fees in lieu of repaving St.Paul Street between King Street and Maple Street

The Department received the request from Mr.Stuart Chase who is the developer currently advancing the residential development project on St.Paul Street on the west side of the block section between King Street and Maple Street, commonly referred to as the Stratos Project at 183 St.Paul Street. As part of the Stratos project the developer made utility connections within the roadway, precipitating the need for the developer to pull an Excavation Permit and at the closing of their permit pay Excavation Fees.

The Excavation Permit Fees currently due are \$ 30,209.76, with 1296 square foot of excavation within the roadway.

As background information, the Excavation Fees are structured to recover costs to rebuild the roadway given the cuts within the roadway reduce the service life of the roadway. The Excavation Fee structure is represented in Chapter 27, Streets and Sidewalk within the Burlington Code of Ordinances.

Administrative fees & Inspection fees :	\$ 1.52 s.f..
Excavation within paved Portion of the right of way	\$ 21.79 s.f.
Total Excavation Fees/Square Foot	\$ 23.31 s.f.

Within Chapter 27 there are no provisions for staff to waive excavation fees in lieu of the developers offer to repave the street.

Stuart Chase as the developer for the Stratos Project has made the offer to

- Repave St.Paul Street between King Street and Maple Street and
- Pay the Administrative & Inspection Fees of \$ 1,969.92

As an alternate to paying the permit fees due of \$30,209.76.

Rather than denying the developer the opportunity to give his proposal fair consideration I had suggested that he present his request to a higher authority beginning with the City Council Licensing Committee and then onto the Full Council. The item was presented to the License Committee and it had received the License Committees vote of support at their Tuesday, October 21, 2013 meeting.

Given Mr.Chase's proposal has meet with the License Committees approval the item is now being presented to the Full Council as the final step in the approval process.

As staff, we have reviewed Mr.Chase's request and we are supportive of the request for a number of reasons.

- Under this proposal the street would repave the street and restore it to a pristine state immediately without delay.
- Under the developers proposal the City is achieving its primary objective to have the private interests restore the roadway surface to a condition better than the pre-development state.

As staff we will be at the upcoming meeting Council Meeting.

Thank you in advance for your thoughtful consideration.

c.c. Stuart Chase
 Ronald Gore, Excavation Inspector