
DELIBERATIVE AGENDA

SPECIAL CITY COUNCIL PUBLIC FORUM

MONDAY, OCTOBER 28, 2013

CONTOIS AUDITORIUM, CITY HALL

RE: F-35s

6:00 P.M. – 7:00 P.M.

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

CITY ATTORNEY'S OFFICE: Eileen Blackwood

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

City Council President Shannon opened the public forum at 6:00 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>In Favor/Opposed</u>
Ken Forguites	Ward 4 Resident	In Favor of F-35
Laura Caputo	Ward 4 Resident	In Favor of F-35
Travis Leno	Georgia Resident	In Favor of F-35
Dave Shechik	Essex Resident	In Favor of F-35
Dwight Rolston	Colchester Resident	In Favor of F-35
Barbara Wynroth	Ward 3 Resident	Opposed to F-35
Doug Dunbebin	Ward 5 Resident	Opposed to F-35
Trina Magi	Ward 5 Resident	Opposed to F-35
Connie Krosney	Ward 6 Resident	Opposed to F-35
Helen Scott	Ward 7 Resident	Opposed to F-35
John Godfrey	Ward 1 Resident	Opposed to F-35
Dale Rocheleau	Friends of VTANG/GBIC	In Favor of F-35
Frank Cioffi	GBIC	In Favor of F-35
Bill Keogh, Andy Montroll, and Kurt Wright	Burlington Residents	In Favor of F-35s
Claude Trahan	Ward 2 Resident	In Favor of F-35s
Mark Porter	Ward 1 Resident	In Favor of F-35s
Cathy Rahill	Ward 5 Resident	In Favor of F-35s

Clay Shaner	Ward 1 Resident	In Favor of F-35s
Martin Wagner	Ward 1 Resident	In Favor of F-35s
Brandon Sullivan	Ward 5 Resident	In Favor of F-35s
Chris Caputo	Ward 4 Resident	In Favor of F-35s
Nick Hinge	Ward 5 Resident	In Favor of F-35s
Paul O'Brian	Ward 5 Resident	In Favor of F-35s
Art Dusablon	Ward 4 Resident	In Favor of F-35s
Ethan Baldwin	Ward 1 Resident	In Favor of F-35s
Tim Watson	Ward 4 Resident	In Favor of F-35s

City Council President Shannon closed the public forum at 7:08 p.m.

SPECIAL MEETING, CITY COUNCIL
MONDAY, OCTOBER 28, 2013
7:08 P.M.

1. AGENDA

On a motion by Councilors Mason and Bushor the agenda was unanimously adopted as amended as follows: add to the consent agenda item 5.19. COMMUNICATION: Jane Kramer, Burlington, re: Opposes F-35 basing at the Burlington Airport with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.20. COMMUNICATION: Robin Lloyd, Burlington, re: Opposes F-35 basing at the Burlington Airport with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.21. COMMUNICATION: Mary Twitchell and Diane Gayer, Burlington, re: Opposes F-35 basing at the Burlington Airport with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.22. COMMUNICATION: Eileen Fraga, re: Support of the F35’s being based at the Burlington airport with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.23. COMMUNICATION: Dianne Laroche, re: full support of the F-35’s with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.24. COMMUNICATION: Ray Gonda, South Burlington, re: Fwd: Oct 28, 2013 Burlington City Council meeting official record with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.25. COMMUNICATION: Pat McKittrick, re: Against F35s coming to Burlington with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.26. COMMUNICATION: Jason Horwitz, Burlington, re: Opposes F-35 basing at the Burlington Airport with the consent action to “waive the reading, accept the communication and place it on file.”

2. CONTINUATION OF PUBLIC FORUM: **(Time Certain: 7:00 p.m. – 8:00 p.m. unless extended by the Council President per Council Rules)**

City Council President Shannon opened the public forum at 7:12 p.m.

Minutes, Special City Council Meeting, October 28, 2013

<u>Name</u>	<u>Ward/Affiliation</u>	<u>In Favor/Opposed</u>
Charles Guthrie	Ward 4 Resident	In Favor of F-35s
Juan Coleman	Ward 3 Resident	In Favor of F-35s
Jeanne Keller	Ward 1 Resident	Opposed to F-35s
Ed Wilbur	Ward 4 Resident	In Favor of F-35s
Ali Zipparo	Ward 3 Resident	Opposed to F-35s
Greg Roy	Ward 4 Resident	In Favor of F-35s
Rep. Joanna Cole	VT State Rep.	Opposed to F-35s
Ian Galbraith	Ward 2 Resident	In Favor of F-35s
Ann Burke	Ward 4 Resident	Opposed to F-35s
Greg Epler-Wood	Ward 6 Resident	Opposed to F-35s
July Sanders	Ward 3 Resident	Opposed to F-35s
Robert Jean	Ward 5 Resident	In Favor of F-35s
Paul Hood	Ward 3 Resident	Opposed to F-35s
Stella Penzer	Ward 3 Resident	Opposed to F-35s
Barbara McGrew	Ward 3 Resident	Opposed to F-35s
Bill LaPointe	Williston Resident	In Favor of F-35s
Scot Shumski	Ward 4 Resident	In Favor of F-35s
Kelly Divine	Burlington Business Association	In Favor of F-35s
Dave Maher	Ward 4 Resident	In Favor of F-35s
Monica Sargent	Ward 7 Resident	Opposed to F-35s
Stephen Lefkowitz	Ward 3 Resident	Opposed to F-35s
Greg Delanty	Ward 2 Resident	Opposed to F-35s
James Ramey	Ward 5 Resident	Opposed to F-35s
Richard Hillyard	Ward 1 Resident	In Favor of F-35s
Vince Dober	Ward 7 Resident	In Favor of F-35s

Sasha Scott	Ward 3 Resident	Opposed to F-35s
Carolyn Bates	Ward 5 Resident	In Favor of F-35s
Gary Dion	Ward 7 Resident	In Favor of F-35s
Ranjit Singh	Ward 4 Resident	In Favor of F-35s
Tristan Adie	Ward 5 Resident	Opposed to F-35s
Hannah Loso	Ward 1 Resident	Opposed to F-35s
Alex Buckingham	Ward 3 Resident	Opposed to F-35s
Heather Lawton	Ward 6 Resident	Opposed to F-35s

Councilors Brennan and Siegel made a motion to extend the public forum for 45 minutes.

Councilor Brennan stated that there was choice housing in the Burlington area where the noise level has minimal impact. There are a lot of people who came out here to talk about this issue and they should have the opportunity to speak.

Councilor Mason inquired how many people are in the queue. City Council President Shannon stated that there were approximately 60 people who have not yet spoken to the Council on this issue.

Councilors Blais and Decelles made a motion to amend the motion to state they will continue the public forum for 15 more minutes. The amendment to the motion passed by a vote of 8-6 with City Council President Shannon, Councilors Hartnett, Aubin, Blais, Ayres, Worden, Mason and Decelles voting in favor.

The motion to extend the public forum for 15 minutes passed by a vote of 12-2 with Councilors Siegel and Brennan voting against.

Sister Miriam Ward	Ward 1 Resident	Opposed to F-35s
Adjutant General Steven Cray	VT National Guard	In Favor of F-35s
Peter Spitzform	Essex Junction Resident	Opposed to F-35s
Samuel Hartley	Charlotte Resident	Opposed to F-35s
Arthur Trezise	Fayston Resident	Opposed to F-35s
Rick Hubbard	S. Burlington Resident	Opposed to F-35s
Jerry Tarrant	My Web Grocer	In Favor of F-35s
Brock Richardson	Winooski Resident	Opposed to F-35s
Kay Frances Schepp	S. Burlington Resident	Opposed to F-35s

today's world. There are studies about noise in and around airports and how they affect hypertension and cardiovascular disease. He requested a chance to ask the Airport Director some questions.

Councilor Siegel stated that there was a resolution passed by the South Burlington City Council that stated the UVM Faculty Senate urged the City Council to give due consideration to resolutions barring to the basing of F-35s and to act to protect the public health and welfare of residents of neighboring communities. There were so many people she agreed with during public forum. She agreed that the Air Guard does great things for their economy and through their mission. They heard about a guard member working during Hurricane Irene. That is how they provide value to the community. First strike planes will not help their community. Some have said that if they do not get the F-35s the Air Guard will close and the Airport will close. She does not believe that. There is evidence that the mission of the Air Guard would change. Every state has an Air Guard and Army Guard. Vermont will keep ours, as this is the only one. There are other bases that have had recent mission changes that have stayed open when the needs of the Air Force changed. There is an idea that there will be a budget shortfall because they are dependent on the Department of Defense to pay for fire services. There are FAA Grants available, which is how other Airports do it. They pay for the services in lieu of rent. They could apply for grants and then charge rent for that space. They would not have to have landing fees for people, and more people could come, and they would be able to pay a livable wage.

Councilor Mason stated that there are multiple resolutions on the table. This resolution seeks affirmative action on the part of the City as the landowner to preclude the F-35 from being based in Burlington. He read a memo from the City Attorney that cited a litany of potential negative consequences that could result from taking affirmative action as a landowner to preclude the F-35s. They would be in breach of their lease agreement, in violation of the joint-use agreement, in violation of the FAA Grant Assurances including \$2.4 million for taxi improvements, precluding them from receiving any FAA Grant money in the future, and potentially not receiving reimbursement for expenses from the FAA. That memo convinced him that there is no way that he will put the City at risk in that manner.

Councilor Worden stated that this has been a great debate in their community. He has heard from hundreds of people, met with the National Guard, met with Airport neighbors, and sat with community and religious leaders to discuss the F-35s. It is good and bad having an Airport close to the City. The City has grown closer to the Airport, but it has recently retreated as homes have been abandoned. The question is the economy versus the environment. Many Cities were gutted in the name of economic development, and still struggle today. Those spared from urban renewal are whole and vibrant. They recently heard about the Italian neighborhoods that were lost in Burlington when they were leveled to build the mall. They have been successful in finding creative ways for the City to flourish despite this. He believes that the people of Burlington and Vermont will find a positive way forward, regardless of the outcome tonight.

City Council President Shannon requested a roll call.

The motion to adopt the resolution failed by a vote of 4-10.

AYES: Councilors Brennan, Siegel, Tracy and Worden

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

3.01. COMMUNICATION: Memorandum Burlington respectfully tells its tenants that F-35 basing will not be permitted at Burlington airport

Councilors Brennan and Tracy made a motion to waive the reading, accept the communication and place it on file. The motion failed by a vote of 4-10.

4. RESOLUTION: Burlington Respectfully Opposes F-35 Basing at Burlington International Airport During First F-35 Basing Round (Councilors Siegel, Brennan, Tracy)

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

Councilor Tracy stated that he was happy that they have had a respectful discourse while addressing this issue. This resolution tries to weigh the interaction between the planes themselves and the people that they will impact. There is a need to gather facts and look at information. They have been doing that for the past three years and have gathered a lot of information. He is trying to base his decision on who will be impacted the most and what those impacts are. This resolution references the 770 Vermonters who will face credible loss of hearing and the 7,000 who will be placed within a 65 decibel zone that is not suitable for residential use. This information comes from the Air Force's Environmental Impact Statement. The resolution also questions the safety of the plane itself. They stated that the F-35s will only have had 1/10 the flying hours that the F-16 had when it arrived here. This makes it unsafe and increases the crash risk in a highly residential area. It asks them to forego the first round of basing of the F-35s. They have also found out from the City Attorney that they cannot discriminate against a particular airplane. They have learned that they can set reasonable noise standards in regards to public health and safety. The current Airport uses are within the decibel levels set by this resolution and will be allowed to continue. However, the F-35s are four times louder than anything that is currently at the Airport. This would prevent the arrival of the F-35s. It addresses the concerns that were raised by the previous resolution. This will stand up for the working families that live around the airport and the people who will lose value in their homes.

City Attorney Blackwood stated that the resolution has two parts from a legal perspective. It directs the Airport Director to develop a health and safety measure that would affect all airplanes. Her opinion is that is within their legal authority to do. They can then submit that to the FAA. They will review it and tell the City if that is something that they can enact without violating their grant assurances. The second piece is that they oppose the F-35 basing. Stating an opinion or position is something that the City Council can do. Nothing about that changes the legal opinion that states a municipal ordinance cannot interfere with or restrict military operations. There is a question about a case where a City looked to prohibit a defense contractor from operating within City limits. That case made it clear that it was a different situation because it was a defense contractor rather than the military itself. If an ordinance or action were presented to the FAA for approval, it would take a lot of evidence including scientific, technical data to back up the need for the regulation. It would take a fair amount of work and money to do that. The language alone would probably not be sufficient to convince the FAA that it is an adequate regulation and within the non-discriminatory requirement of the grant assurances. They would need to do a lot of work to put that forward.

Councilor Knodell stated that the language within the resolution that opposes the basing of the F-35s in the first round states that Burlington would use its authority as landowner to oppose the basing. She inquired why the issues raised in the legal opinion do not apply to this clause. City Attorney Blackwood stated that it does not specifically say it will block, prevent or deny it. She saw the word opposed as them taking a verbal position that as landowners they do not want that here. She does not believe that violates any of their agreements. Councilor Knodell stated that the use of the word authority seems to indicate that they would have a binding effect on the outcome. City Attorney Blackwood stated that she did not believe it is within their authority to tell someone that they cannot come here.

Councilor Mason inquired if what is proposed is considered non-discriminatory. He heard her express some reservations that without a full record supporting the reason that the noise level was picked that it would probably not pass the FAA's non-discriminatory guidelines. City Attorney Blackwood stated that appears to be a concern. Councilor Mason stated that the resolution sets noise and safety standards that

apply to both military and commercial planes. He inquired if the memo stated that both could be pre-empted under federal law. City Attorney Blackwood stated that she does not know how they could effectively impose the requirement on a military aircraft. They can pass the ordinance and set the standards, but whether they apply to a military aircraft is a different question. Councilor Mason stated that he saw the citation that allowed a municipality to adopt noise provisions, but saw that they ruled against the municipality for the safety standards. He inquired if they have authority to impose safety standards. City Attorney Blackwood stated that her review looked to see if they can say they want to oppose it and submit that to the FAA. That is within their authority. What the FAA will do with it is a different question.

Gene Richards, Airport Director, stated that he had sent an email with his views and vision of the harm passing this resolution may have on the Airport.

Councilor Brennan stated that he was struck by some of the comments in the email about expansion over the next 10-15 years and putting limits on the noise that the F-35s creates. He requested more information about the Airport expansion. They have been talking about the EIS and the noise lines outlined there. It seems his comments went beyond that issue. Mr. Richards stated that at the Airport, they have a diverse mixture of aircrafts. The aircrafts that they get affect the DNL zone. He was indicating that they do not want to limit what airlines could come to Burlington because they would exceed their noise expectations. This puts a cap on any potential noise that the Airport may have. Councilor Brennan inquired if there are plans to expand flight routes coming in and out of the Airport in the next 10-15 years. Mr. Richards stated that they work on that every day. The people in Burlington are looking for more, less expensive routes. They talk to many airlines to improve flights for the public in Burlington. It cannot be both ways. Councilor Brennan stated that he is looking to minimize the sound and the amount of people who are impacted by the Airport. There are many neighborhoods that have been devastated. The Mayor has committed to do a better job communicating. It seems that the Airport is expanding beyond what is actually here. He inquired if there are additional neighborhoods that will be affected by the assertion that there will be an expansion. Bob McEwing, Airport, stated that they have done two noise studies and are about to begin a third. The purpose is to determine what a noise exposure maps show with emphasis on determining where that 65 DNL line is located. That has been a landmark in terms of impacts. They have a consultant who does that. They look at military operations, the platform on which they operate, commercial flights, and what they are predicted to be in the future. The noise changes often and the study only shows what is happening at one point in time. If this resolution is passed, it will send a message to the airlines and they may not want to come here. Councilor Brennan stated that they have put profitability and proficiency over safety. The resolution is talking about safety and sounds. He inquired where they are coming from. Mr. Richards stated that safety is #1. Councilor Brennan inquired if it would be okay for them to have a plane that is less safe and with less flight hours. Mr. Richards stated that he believes that is one opinion. The Airport will always make sure that they are as safe as they can be. Staff works very hard to ensure this. Councilor Brennan stated that is his opinion and he strongly disagrees with some of the assertions in the memo.

Councilor Siegel inquired if they are expecting any commercial planes to be four times louder than the F-16. Mr. Richards stated that he hoped not. Councilor Siegel stated that she also hoped not, which was why she believed in the resolution. She was concerned that they have already destroyed 200 homes because of the F-16. If they oppose this resolution, she thinks that they must be planning to bring in louder commercial planes. If so, that would destroy even more homes at a time when they are working with South Burlington to mitigate these problems.

Councilor Decelles raised a point of order and stated that Mr. Richards and the Airport staff are here to answer questions not be berated by Councilors. City Council President Shannon stated she understands the point and they are here to answer questions. She requested Councilors frame their comments in questions.

Councilor Siegel inquired if they are expecting things to get louder. Mr. Richards stated that he would like the opportunity to be able to expand as needed and not have limitations. They do not always have the luxury to pick and choose what they want. What they are hoping for is more efficient commercial airlines. They met with many CEOs of airlines and they are making quieter and more efficient aircrafts. They do not know what will happen, and they do not want to lose the ability to come to the City. Councilor Siegel inquired if they had seen a map of areas where there could be in-fill in South Burlington and inquired how many of those areas are in the expanded noise zone if the F-35s come. There are hundreds of potential homes that could be built in South Burlington that will not be able to be built if the F-35s come. She offered Airport staff a copy. Mr. McEwing stated he has a copy of it. Councilor Siegel inquired if they will take responsibility for this loss of in-fill if they move forward with the F-35s. City Council President Shannon stated that question relates to policies dictated by the South Burlington City Council.

Councilor Knodell stated that this proposes new Airport regulations. The City would be saying that no commercial or government airplane using the Airport could exceed the current noise levels. This is a type of regulation that the City is not currently engaged in. The FAA requires the Airport to manage noise impacts. It is important for them to understand how that regulation would play out in terms of airlines choosing which airports to fly to. Mr. Richards stated the airlines have to have a profitable model to come to Burlington. They have to be able to use their aircrafts and fly on their own schedules. When they start implementing regulations, they do not have the ability to get that service. They have been working with airports and courting them to come to Burlington for additional service. They were fortunate to get Atlanta earlier this year, but it did not come easy. They know that they need more airlines serving Burlington to bring the price down. Many people are not able to fly out of the Airport because flights are more expensive. This would hurt their ability to be flexible. He understands where this came from, but he worries that it will hurt the future of the Airport. They have spent a lot of time talking about the finances of the Airport. They are barely making it right now. They work very hard to balance the budget. Saying no to an airline that would bring additional revenue is irresponsible.

Councilor Tracy inquired if there are any current commercial airlines that he believes they would have to say no to because of this. Mr. Richards stated that they have not yet studied this. Mr. McEwing stated that the NEMs are based on a lot of factors including the airline mix, the number of aircrafts coming in and the types of aircrafts that come in. This information is put into a computer to create the noise exposure map numbers. Adding five more flights a day of a particular type of aircraft could have an impact, but he does not know exactly what it would be. Mr. Richards stated that they do not know until it comes here and it has a cumulative effect. Saying no to an airline would be a disaster for the Airport. Councilor Tracy inquired if he supports the F-35 basing. Mr. Richards stated he absolutely supports it.

Councilor Brennan inquired if the EIS states the dominant factor in the 65 DNL is the F-16s. Mr. Richards stated that it does. Councilor Brennan inquired if they would be able to maintain current noise levels if they kept the F-16s. Mr. Richards stated he does not know that.

Councilor Siegel inquired if the FAA mandated that commercial airplanes needed to be quieter. Mr. Richards stated that is correct. Councilor Siegel inquired why new planes would be allowed to be noisier if the FAA has already passed this requirement. Mr. Richards stated that it is a cumulative effect and it is not that simple. They do not know what they will get at Burlington and there are a lot of planes out there. They will not necessarily get the newest planes on the market. Councilor Siegel inquired if he was aware that the F-16s account for 95% of the sound currently. Mr. Richards stated that he would not agree with that.

Councilor Paul stated that she has never encountered such an outpouring of expression on a single issue while she has been on the Council. This issue has galvanized many in the community and region. She is all for responsible discourse, and it saddens her that this issue has been so divisive and there has been no venue for meaningful debate. She believes that Democracy means listening to one another and engaging

in open dialogue. She has tried to work hard to reach out beyond her ward and the City of Burlington. She accepted invitations to engage with elected officials and neighbors from surrounding towns and has gathered as much information as possible and feels she is better educated in this debate. She did not rely on the State's political leaders when making her decision. She has tried to look into the assertions about real estate values. She has considered the noise issue, flight hours, crash rates, and composite materials in planes. She noted that there has been an increase in composite materials in both commercial and military aircrafts. In order to maintain their good standing with the FAA and their good standing in the region as an Airport that always puts safety first, they need the personnel and equipment to do that. She looked into the claim that without the F-35 their future is uncertain. The Air Force hopes to upgrade approximately 300 F-16s until the F-35 comes on line. The Aircraft will undergo structural upgrades. She asked the guard what the current planes are. They are an older model. It appears that they do not plan to upgrade the F-16s at the Airport. It is possible that without the F-35 coming to Vermont at some point, the Vermont Air National Guard's future will be uncertain. The F-35 is important to their continued mission in Vermont and they are integral to the Airport. The Airport is a hub of commerce and its impact on the region cannot be understated. It is one of the most important economic assets they have in Chittenden County. She has not heard one person dispute that fact. The Airport is digging out from significant financial challenges. They are gradually regaining their financial stability and are working to build more relationships to add more airlines to the Airport. She must keep in mind her oath of office and fiduciary responsibilities to the City. The region needs a financially healthy and economically sustainable Airport. It is not the time to place restrictions that could negatively impact the Airport. Throughout this debate, she has heard the word "reckless" from both sides of the debate. She hopes that after tonight, that type of behavior will stop. It divides the community and is disrespectful discourse. She is not happy with the level of military spending in this country. She believes that humanity is harmed by their inability to find peaceful means of resolving their differences. At the same time, she is very happy to live in the United States. She cannot appreciate the freedom that they have to sit in this room and debate this issue as much as people that serve in the military do. She believes that everyone is patriotic and are doing what they believe is best. She hopes the Guard will reach out into the community and engage with those who are against the F-35. She hopes they can move forward together because underneath it all they are neighbors.

Councilor Bushor stated that this started for her a long time ago. She attended several meetings before the EIS came out. Neighbors have received cooperation from the Guard about what they can control. They were accommodating to try to deal with the times that they took off and landed. She lives in Burlington and is affected by the noise, but is more concerned with Winooski, South Burlington, and her neighboring Burlington residents that will be impacted. Noise does impact everyone. The EIS was produced by the government and it contained many damaging statements that made people more concerned and fearful of what the planes may do. She was initially in support of the F-35s but then changed her opinion. The EIS was so overwhelmingly negative. She did vote in opposition to the first resolution. One reason was because of the liability issue. She is interested in supporting this resolution. There is a clause that regulates decibel levels for both military and commercial flights that she cannot support. That goes beyond what she hopes to accomplish. The City Council in Winooski requested that they remove this Guard Base from consideration for the first round of F-35 basing. She would support that resolution. She values the Airport, and some of the impacts are not just from the military planes. One resident spoke about the FedEx plane also being incredibly noisy. Living close to an Airport has an impact on all of them and noise occurs. Some of it depends on the weather. She would like the F-35 to have more time to be finessed. It is not always great to be first because there are bugs in the systems. They would be better served if they could be in a different round. Different people have used different information to make their case. Both sides have made their case. She hopes they can move forward once they make a decision on this resolution.

Councilors Bushor and Brennan made a motion to amend the resolution to strike the first and third resolved clauses.

Councilor Hartnett stated that he would have liked to have heard about this sooner so he could have had time to make a decision. It is difficult for him to vote on an amendment under these circumstances. City Council President Shannon noted she sent out an email in advance of this meeting requesting proposed amendments in advance and she did not receive any. Councilor Worden requested this be displayed on the screen. Councilor Bushor clarified her amendment.

The motion to amend the resolution failed by a vote of 10-4 with Councilors Siegel, Brennan, Tracy and Bushor in favor.

Councilor Worden stated that he has been clear that he supports the National Guard, he does not support bringing the F-35 here, and that he cannot vote for anything that would duly encumber the City. The first resolution specifically said that the City would work against the F-35 being based here and they would use their authority to prevent it. They have heard tonight from the City Attorney that they have limited authority to do this. This resolution does a few things that he is concerned with. It is unclear and speaks to delaying past the first round. That minces words when they are really trying to defeat it. Delaying it past the first round is equivocal to preventing it from being based here. It also wades into specific manners in which the City would need to restrict the basing of the F-35s. This is beyond the purview of his interests, since it would affect commercial airlines. He will not support the resolution.

Councilor Ayres stated that it has been an honor and a privilege to meet men and women from across the community and hear a wide range of opinions on the F-35. This decision is going to be one of the most difficult he will make as a City Councilor. He will not be voting in favor of the F-35, or for or against the National Guard. He is troubled that F-35s supporters have taken the stance of vilifying the critics of F-35s by criticizing their patriotism and suggesting that they do not support the military. They have also misled the community by contending that the failure to base the F-35s here would mean the end of VTANG and all they bring to the community. This is untrue. There are a number of places where the mission has changed without closing the base. He will not be voting for or against those who have contended that the F-35 poses serious threats to the health, welfare, housing values and environment of the community. The jury is still out on those issues and will be for a long time. They do not have sufficient information to base their decision on those grounds. He is deeply conflicted, but he will vote against the resolution. Military basing decisions and the terms of usage of the Airport are not the purview of the City Council. They have little or no control over the Secretary of the Air Force's final decision regarding the basis. This is at heart little more than a symbolic gesture. The resolution references health and safety concerns, but he believes its proponents would like to see no military presence at their Airport at all. The resolution ignores and invalidates the peace time services and the fire and safety services that VTANG brings to the community. It is an ill-conceived resolution that poses dire economic consequences to the Airport in regard to commercial air operations. The reality is that the Air Force could decide as soon as next week to propose F-35 basing at another Air Guard and the mission of VTANG would change. He is adamantly opposed to development, procurement or testing of the F-35s. It is not a weapons system that should be based in Burlington or anywhere in the United States. They are at the mercy of a Federal Bureaucracy that is bedded down with the military industrial complex insuring that \$1.5 trillion of taxpayer money will be spent on the military industry. They should be talking about their infrastructure, education, health, public safety, national security and creating jobs. He is appalled by the F-35, but it is time that they take it back to the Federal Government. The Air Force suggests that upgrading the current F-16s could be an option. They have talked about noise in the community, but the loudest noise that the F-35 makes is the sound of pork slapping the side of a barrel labelled Lockheed Martin. He shared three quotes from military leader and U.S. President, Dwight Eisenhower. He hopes they will have a positive dialogue going forward. He hopes that security and liberty will prosper through peaceful means.

Councilor Knodell stated that the first resolution failed because the majority of Councilors believed the City Attorney's opinion that they do not have the authority to block the basing of the F-35 at the Airport. There was a lack of understanding in the community about what they were voting on. They lack the

authority to block the basing. They also learned that there is a window in which localities can operate to regulate noise at Airports if they own the Airport. This resolution is written from that point of view. They would use regulatory authority to block the F-35. She questions if it would be able to prevail. In order to do that, they would have to adopt noise standards that would apply equally to commercial and military aircraft. They would create a new regulatory system to dictate the airplanes that could come in and out of the Airport based on whether they exceed present noise levels. She believes this would make it impossible for Burlington to have a successful Airport. The Airport is an essential aspect of the economy. Some question whether there is a connection between household incomes and their quality of life. She believes that there is a connection. As an economist, she cares a lot about the economy. As a Progressive, she believes that in order to achieve economic and social justice, they require a strong economy. Burlington is a small place that is located far away from other major population areas. That is much of what they love about Burlington. It is a challenge for the economy and makes air connections essential. Even if you do not work or use the Airport, the standard of living is higher because of it. The Economic history has a long list of communities that have failed to thrive because they did not get a railroad, highway or an airport. They should not take the Airport for granted. The regulations set up in this resolution should be reviewed much more thoroughly before it is enacted. She talked about the F-35 in her election and believes the majority of her ward is opposed to the plane. They believe that our society is dedicating too much money to military resources while underfunding essential aspects. She also pledged to work hard for good jobs. She has a lot of people in her ward who cannot find employment and she has to think about them as well. They have heard a lot about misguided federal priorities, but it is clear that even if the F-35 does not come to Burlington, that will not reduce military spending and increase spending on other things. She agrees that debate needs to take place at a federal level. The risk to their economic wellbeing is too high for them to be able to vote for the resolution.

Councilor Blais stated that there has been discussion about extolling the virtues of Democracy. There is another aspect, which is where elected officials bring their backgrounds and experience to make decisions. They have heard from a respected economist on this issue, and he will weigh in as an attorney. When these discussions began, it was new to him. The debate took a different shift and began talking about their responsibility as a landowner of the property in question. That is within his comfort zone because he spends a lot of time talking to land owners and landlords about what legal decisions they should make. He is dispassionate about giving advice to his clients, and that made his decision tonight easy. If he were to advise a landowner about whether or not to adopt this resolution, given the risks that they assume if they past this, the decision became very simple that he would not adopt it.

Councilor Siegel stated that she will make an amendment to the resolution. They originally stated they would block the F-35s as landowners. The City Attorney advised them that they could not do that, so they crafted a resolution that stated they will regulate noise. The Airport Director stated that will not work, which she does not necessarily buy. This amendment fits with what others have said about needing to vet these issues through commissions and Committees.

Councilors Siegel and Brennan made a motion to amend the resolution by striking the whereas clauses and stating in the resolved clause that they appreciate the Vermont Air National Guard while asking the Air Force to pass over basing in the first round to work with citizenry to examine the viability of basing the F-35 at the Burlington International Airport.

Councilor Decelles inquired if this is allowable because it is similar to the resolution that was voted down. City Council President Shannon stated that she will not dismiss it on those grounds.

Councilor Siegel stated that she offers this as a soft, gentle, non-binding request. It states they will ask them to bypass them in the first round.

The motion to amend the resolution failed by a vote of 4-10 with Councilors Bushor, Brennan, Siegel and Tracy voting in favor.

Councilor Decelles stated that he received hundreds of emails in the past four years. Information has been plentiful from both sides. There is one group that he has heard from continuously that has bothered him immensely. This group is the people from South Burlington. He did approve some sales of homes as a member of the Board of Finance. He looked at several houses in those neighborhoods before he purchased his home in Burlington. He drives by those neighborhoods and it bothers him. They will not be able to fix that tonight by voting on this resolution. He hopes that they have serious conversations with South Burlington to rectify what has become of those neighborhoods. He has wanted to bring a resolution before the body to thank the National Guard. To him, a no vote will send that signal. He has watched the faces of speakers and sees that they do not show emotions. That is enormously impressive to him. He has never served in the military, but has a history of military service in his family and among his neighbors. His vote for no will be his proudest vote while on the Council. It is for the people in uniform, their families, their stories of other people giving back to the community and the sacrifices their children make. He thanked them all.

Councilors Hartnett and Paul made a motion to suspend the rules and continuing the meeting. The motion passed unanimously.

Mayor Weinberger thanked the community members for the debate and discussion that they have had. This resolution goes beyond the question of basing the F-35s at the Burlington International Airport. It raises serious questions about compliance with federal grant agreements worth tens of millions of dollars and the future of commercial airlines. A vote against this resolution is a vote to value their relationship with the Vermont Air National Guard and is a vote for financial responsibility, a healthy airport, and a strong economy. He hopes they will vote it down.

Councilor Brennan stated that there were some amendments on the table that would have watered the resolution down, but did not see people moving forward on those. What they are asking for is health and safety regulations to be put in place to minimize further degradation of the neighborhoods in surrounding areas and that aircrafts are as safe as possible. Anything less than that would be reckless. He hopes they will support the resolution.

Councilors Hartnett and Decelles made a motion to call the question. The motion passed by a vote of 11-3 with Councilors Bushor, Brennan and Siegel voting against.

City Council President Shannon requested a roll call.

The motion failed by a vote of 11-3.

AYES: Councilors Brennan, Siegel and Tracy

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

The Council took a brief recess.

5. CONSENT AGENDA

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

Councilors Siegel, Decelles and Tracy were not at the table.

5.01. COMMUNICATION: Patricia Heather Lea, Bristol, re: The F-35

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

5.02. COMMUNICATION: Burlington International Airport, BTV News

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

5.03. COMMUNICATION: Tania Fujita, Burlington, re: Opposes F-35 basing at the Burlington Airport

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

5.04. COMMUNICATION: Jacques Demers, Burlington, re: Opposes F-35 basing at the Burlington Airport

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

5.05. COMMUNICATION: Susan Alden, Burlington, re: Opposes F-35 basing at the Burlington Airport

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

5.06. COMMUNICATION: Caitlin Burnham, Burlington, re: Opposes F-35 basing at the Burlington Airport

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

5.07. COMMUNICATION: Ernie Pomerleau, President, Pomerleau Estate and others, re: An Open Letter regarding Property Values and the Basing of the F-35 in Burlington, Vermont

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

5.08. COMMUNICATION: David Weinstein, Senior Policy Advisor, Office of U.S. Senator Bernie Sanders, re: HUD financing

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

5.09. COMMUNICATION: Peter A. Kovar, Assistant Secretary for Congressional and Intergovernmental Relations, U.S. Department of Housing and Urban Development, re: FHA policy related to properties subject to excessive noise

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

5.10. COMMUNICATION: Steven A. Cray, Major General, The Adjutant General, State of Vermont, Office of The Adjutant General, re: Support for basing the F-35 at the Burlington International Airport

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

5.11. COMMUNICATION: VTANG, re: Bullet Background Paper on F-16/F-35 Operational EIS Safety Statistics/Comparisons at BIAP

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

5.12. COMMUNICATION: VTANG, re: Memorandum Burlington respectfully tells its tenant not to base the F-35 in Burlington

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

- 5.13. COMMUNICATION: Frank Cioffi, President, GBIC, re: Basing of the F-35 in Vermont
*waive the reading, accept the communication and place it on file
- 5.14. COMMUNICATION: Thomas Grace, re: F-35 (Petition #1: VT petition)
*waive the reading, accept the communication and place it on file
- 5.15. COMMUNICATION: Thomas Grace, re: F-35 (Petition #2: Petition to include VT, USA and other countries)
*waive the reading, accept the communication and place it on file
- 5.16. COMMUNICATION: Ann Burke, Burlington, re: Opposes F-35 basing at the Burlington Airport
*waive the reading, accept the communication and place it on file
- 5.17. COMMUNICATION: Jeanne Plo, Burlington, re: Opposes F-35 basing at the Burlington Airport
*waive the reading, accept the communication and place it on file
- 5.18. COMMUNICATION: John Drake, Burlington, re: Opposes F-35 basing at the Burlington Airport
*waive the reading, accept the communication and place it on file
- 5.19. COMMUNICATION: Jane Kramer, Burlington, re: Opposes F-35 basing at the Burlington Airport
*waive the reading, accept the communication and place it on file
- 5.20. COMMUNICATION: Robin Lloyd, Burlington, re: Opposes F-35 basing at the Burlington Airport
*waive the reading, accept the communication and place it on file
- 5.21. COMMUNICATION: Mary Twitchell and Diane Gayer, Burlington, re: Opposes F-35 basing at the Burlington Airport
*waive the reading, accept the communication and place it on file
- 5.22. COMMUNICATION: Eileen Fraga, re: Support of the F35's being based at the Burlington Airport
*waive the reading, accept the communication and place it on file
- 5.23. COMMUNICATION: Dianne Laroche, re: full support of the F-35's
*waive the reading, accept the communication and place it on file
- 5.24. COMMUNICATION: Ray Gonda, South Burlington, re: Fwd: Oct 28, 2013 Burlington City Council meeting official record
*waive the reading, accept the communication and place it on file
- 5.25. COMMUNICATION: Pat McKittrick, re: Against F35s coming to Burlington
*waive the reading, accept the communication and place it on file
- 5.26. COMMUNICATION: Jason Horwitz, Burlington, re: Opposes F-35 basing at the Burlington Airport
*waive the reading, accept the communication and place it on file

6. COMMUNICATION: Eileen Blackwood, City Attorney, re: Collective Bargaining (oral)

On a motion by Councilors Brennan and Bushor the City Council went into executive session at 10:47 p.m. premature disclosure would place the City at a substantial disadvantage. Present were: Mike Kanarick, Rich Goodwin and Scott Schrader.

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

On a motion by Councilors Ayres and Hartnett the City Council went out of executive session at 11:01 p.m.

7. ADJOURNMENT

On a motion by Councilors Ayres and Hartnett the Special City Council Meeting unanimously adjourned at 11:01p.m.

Attest:

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

DRAFT