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DELIBERATIVE AGENDA

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CITY COUNCIL PUBLIC FORUM  
MONDAY, OCTOBER 21, 2013  
CONTOIS AUDITORIUM, CITY HALL  
RE: GUN-RELATED CHARTER CHANGES  
6:00 P.M. – 7:00 P.M.

PRESENT: City Council President Shannon, Councilors Bushor, Knodell, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Blais, Paul, and Ayres and Councilor Decelles (arrived at 6:42 p.m.)

ABSENT: Councilor Worden

CITY ATTORNEY'S OFFICE: Eileen Blackwood

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

City Council President Shannon opened the public forum at 6:06 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Eva Edwards-Stoll	Ward 5 Resident/ EMS Student	In Favor of Gun Control
Miriam Stoll	Ward 5 Resident	In Favor of Gun Control
A. C. Zirbriskie	Ward 4 Resident	In Favor of Gun Control
Meg Klepack	Ward 2 Resident	In Favor of Gun Control
Don McDonald	Ward 1 Resident	In Favor of Gun Control
Margy Zabriskie	Ward 4 Resident	In Favor of Gun Control
Mary Sullivan	Ward 5 Resident	In Favor of Gun Control
Erik Bailey	Jericho Resident	Opposed to Gun Control
Jean O'Sullivan	Ward 7 Resident/ State Representative	In Favor of Gun Control
Carolyn Bates	Ward 5 Resident	In Favor of Gun Control
Claude Trahan	Ward 2 Resident	Opposed to Gun Control
Arthur Vento	Ward 6 Resident	Opposed to Gun Control
Anna Niemiec	Ward 4 Resident	In Favor of Domestic Violence Charter Change/Gun Control
Ian Galbraith	Ward 2 Resident	Opposed to Gun Control

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Ron Ruloff	Ward 3 Resident	Character of Councilors Sponsoring Gun Control Charter Changes
Jean Markey-Duncan	Ward 4 Resident	In Favor of Gun Control
Martin Wagner	Ward 1 Resident	Opposed to Gun Control/ In Favor of Education
Jim Robert	Ward 7 Resident	Opposed to Gun Control
Tony Redington	Ward 3 Resident	In Favor of Gun Control
Jude	Ward 3 Resident	In Favor of Gun Control
Morgan Lamphere	Ward 2 Resident	Opposed to Gun Control
Greg Roy	Ward 4 Resident	Gun Control Should Be Addressed at State Level
Bob Duncan	Ward 4 Resident	In Favor of Gun Control
Connie Krosney	Ward 6 Resident	In Favor of Gun Control
Dylan Corrigan	Old North End Resident	Opposed to Gun Control
Bill Sprano	Huntington Resident	Opposed to Gun Control
William Moore	Johnson Resident/ VT Traditions Coalition	Opposed to Gun Control
Chris Bradley	Northfield Resident/VT State Rifle and Pistol Association	Opposed to Gun Control/Open Meeting Laws/Mental Health Issues
Marie Adams	Shelburne Resident	In Favor of Gun Control
Valerie Harriss	Wells Resident	Opposed to Gun Control
Ed Garcia	St. Johnsbury Resident	Opposed to Gun Control
Christian Matthews	Ward 2 Resident	Opposed to Gun Control
Scot Shumski	Ward 4 Resident	Opposed to Gun Control

City Council President Shannon closed the public forum at 7:10 p.m.

Attest:

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

ADJOURNED MEETING, CITY COUNCIL  
MONDAY, OCTOBER 21, 2013  
7:18 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Mason and Bushor the agenda was unanimously amended as follows: note **revised** version for consent agenda item 6.10. RESOLUTION: Delegation of Authority for Budget-Neutral Amendments That Reappropriate Grant Funds and/or Program Fund Balance Within CEDO Entitlement and Assistance Programs (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance; add to the consent agenda item 6.40. COMMUNICATION: Amanda Paulger-Foran, re: Complaint re: Rasputin's with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.41. COMMUNICATION: Mary Gray, re: Burlington City Council, vote NO on any Burlington Gun Control with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.42. COMMUNICATION: Sam Guarnaccia, re: Thank you for voting against the F-35!! with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.43. COMMUNICATION: Peter Schmidtler, Winooski, re: Vote for the resolution to stop the F-35 basing with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.44. COMMUNICATION: Courtney Fleisher, Winooski, re: Vote for the resolution to stop the F-35 basing with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.45. COMMUNICATION: Robyn Biryissin, South Burlington, re: Vote for the resolution to stop the F-35 basing with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.46. COMMUNICATION: Ann Burke, Burlington, re: Vote for the resolution to stop the F-35 basing with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.47. COMMUNICATION: Emily Merrill, Burlington, re: Vote for the resolution to stop the F-35 basing with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.48. COMMUNICATION: Lily Chau, Burlington, re: Vote for the resolution to stop the F-35 basing with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.49. COMMUNICATION: SaveOurSkiesvt.org, re: StopTheF35.com with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.50. COMMUNICATION: Bruce Hatrail, South Burlington, re: Vote for the resolution to stop the F-35 basing with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.51. COMMUNICATION: Bruce Plumley, Burlington, VT, re: City Council measure on gun 'control' with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.52. COMMUNICATION: Rich Goodwin, ACAO, re: Draft of the opinion letter for the Standby Letter of Credit (SLOC) for the Workers' comp program with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 6.53. COMMUNICATION: Randall Bishop, re: VT Sportsman's Bill of Rights & Gun Control with the consent action to "waive the reading, accept the communication and place it on file;" note **revised** version for agenda item 10. ORDINANCE: OFFENSES AND MISCELLANEOUS PROVISIONS—ARTICLE VI - Livable Wages (Councilors Mason, Bushor, Paul: Ordinance Committee) (2<sup>nd</sup> reading); note **proposed** amendments for agenda item 11. RESOLUTION: Charter Changes Concerning Police Seizure of Firearms During Domestic Abuse Incident (Councilors Siegel, Ayres, Blais); note **proposed** amendment for agenda item 12. RESOLUTION: Charter Changes Concerning Safe Storage of Firearms (Councilors Siegel, Ayres, Blais); note **proposed** amendment for agenda item 13. RESOLUTION: Charter Changes Concerning Ban on Firearms in any Establishment with a Liquor License (Councilors

Siegel, Ayres, Blais); note **proposed** amendment for agenda item 14. RESOLUTION: Charter Changes Concerning Concealed Firearm Permits (Councilors Siegel, Blais); remove from the consent agenda item 6.28. COMMUNICATION: Mayor Miro Weinberger, re: Pension Summit Draft Proposal and place it on the Deliberative Agenda as agenda item 14.1; note it is a revised version; remove from the consent agenda item 6.30. COMMUNICATION: Mayor Miro Weinberger, re: Proposed Maker Space in Memorial Auditorium and place it on the Deliberative Agenda as agenda item 14.2.

2. REPORT: Kirstin Daigle, Chair, re: Housing Board of Review

Kirstin Daigle, Housing Board of Review Chair, stated that each member has met with the City Attorney's Office. The Board now has a better understanding of quasi-judicial boards and has been taking a very literal interpretation of the City Ordinances. They learned that some of their decisions had been overturned. Burlington's Ordinance requires that landlords are required to notify tenants of security deposits being withheld by hand delivery or certified mail. They had allowed variances based on the Vermont Statute, which requires notification within 14 days. They recommend a change for the ordinance to allow for more updated forms of communications, such as email or text message. The Housing Board term is currently 5 years, but they would recommend 3 year terms. They will be putting forward recommended changes to the Ordinance Committee. They have heard from landlords who have been upset not to have their side of the story heard when facts have shown that there was significant damage to their property. They have had to award tenants their security deposits based on technicalities in the ordinance. They are functioning much better now that they have had a clarification about their rules and responsibilities.

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

3. REPORT: Nancy Kaplan, Chair and Chris Pearson, Vice-chair, Parks and Recreation Commission, re: Annual Report

Nancy Kaplan, Parks and Recreation Commission Chair, stated that they are a week past Jesse Bridges one year anniversary as the Parks and Recreation Director. This has been a strong year and they have done a lot. They included a chart of everything Penny for Parks has paid for in the last year. Staff morale is strong and they have embarked on a Parks Master Plan. Things are coming together.

Councilor Bushor stated that this was an informative report, which shows that people are documenting the things that are being done. She inquired about teen efforts in recreation programs. She also inquired about the storage of the trolleys for the Historic Trolley Tours at the Waterfront. With parking at a premium, that raised a red flag. Jesse Bridges, Parks and Recreation Director, stated that Parks and Recreation has historically focused on youth programming such as after school and summer camp programs. Teen outreach has been limited, but they just hired a new site coordinator at Memorial Auditorium to work with 242 Main. It has been tough to get teens to come out. For athletics, they have historically offered youth sports and then allowed older students to participate in school sports. There is a deficiency, but they do offer 242 as an opportunity for students who are not participating in school activities. Councilor Bushor stated 242 was created as an opportunity for students who did not participate in clubs and sports and often fell through the cracks. This was a way to engage them to help them make more positive choices in their lives. She looks forward to seeing what the new coordinator does. Mr. Bridges stated they are looking to delve more into technology to engage kids. He also stated that the trolleys are paying to park. Councilor Bushor inquired how much space they take up. Mr. Bridges stated that they take about two parking spots by Perkins Pier where there is plenty of room.

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

4. REPORT: Yves Bradley, Chair, Burlington Planning Commission, re: Annual Report of the Burlington Planning Commission, Fiscal Year 2013 (July 1, 2012 – June 30, 2013)

Bruce Baker, Planning Commission Vice-Chair, stated that he has submitted his report and will answer any questions.

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

5. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:36 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Sandy Wynne	Ward 1 Resident	Fair Trade
Kyle Silliman-Smith	Ward 3 Resident/ Peace and Justice Center	Livable Wage
Tom Papp	Ward 4 Resident/ Strathmore Homeowners Assoc.	Against South Forty Solar Project
Kelli Brooks	Ward 4 Resident	Against South Forty Solar Project
Alan Matson	School Board/Ward 6 Resident	School Real Estate Transactions
Eric Bradford	Ward 4 Resident	Against South Forty Solar Project
George Webb	Ward 4 Resident	Against South Forty Solar Project
Marcia Hemley	Ward 4 Resident	In Favor of Screening of Solar Project
Seth Bowden	Ward 3 Resident	In Favor of F-35 Basing
Scott Baldwin	Ward 1 Resident	In Favor of F-35 Basing
Cecile Reuge	Ward 2 Resident	Livable Wage
Corey Mallon	Ward 7 Resident	School Real Estate Transactions
Chelsea Clark	Ward 7 Resident	In Favor of F-35 Basing
Jeff Schulman	Ward 5 Resident	In Favor of F-35 Basing
Luke Ahmann	Ward 7 Resident	In Favor of F-35 Basing
Rich Price	Ward 1 Resident	In Favor of F-35 Basing
Dan Feely	Ward 1 Resident	In Favor of F-35 Basing

John Rahill

Ward 5 Resident

In Favor of F-35 Basing

Councilors Brennan and Bushor made a motion to extend the public forum for 30 minutes.

Councilor Decelles inquired how many more speakers there were. City Council President Shannon stated that there were 9 more speakers.

Councilors Brennan and Bushor amended the motion to state they will extend the public forum to hear from the 9 remaining speakers.

Councilor Knodell inquired how many people did not speak on the gun charter changes. City Council President Shannon stated that they will have a half hour of public comment before they take up the gun issues. There are more than 9 speakers who want to speak on gun issues. Councilor Knodell stated that she will vote against the motion to extend the meeting.

Councilor Bushor withdrew her second.

Councilor Decelles seconded the motion to extend the public forum.

The motion to extend the public forum failed by a vote of 10-3 with Councilors Brennan, Decelles and Hartnett voting in favor.

There being no one further coming forward and no objection from the remaining Council, City Council President closed the public forum at 8:18 p.m.

City Council President Shannon re-opened the public forum at 9:30 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Ed Cutler	President of Gun Owners of Vermont	Opposed to Gun Control
Evan Hughes	VP of VT Federation of Sportsmen's Clubs	Opposed to Gun Control
Ryan Sanderson	St. Albans Resident	Opposed to Gun Control/ Mental Health and Drug Issues
Paul DeCausemacker	Colchester Resident	Opposed to Gun Control
Clint Gray	Pres. of VT Federation of Sportsmen's Clubs	Opposed to Gun Control
Jamie Winton	Vermont Resident	Opposed to Gun Control
David Weijtyna	Vermont Resident	Opposed to Gun Control

City Council President Shannon closed the public forum at 9:46 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 License Agreement re: Robert Campbell Photographs (Councilor Shannon)

\*waive the reading and adopt the resolution

6.03. COMMUNICATION: Eileen M. Blackwood, City Attorney, re: Licensing of Robert James Campbell Photos

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

6.04. RESOLUTION: Authorization for Standby Letter of Credit to Cover Certain Worker's Compensation Claims (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

6.05. RESOLUTION: Reclassification of One Regular Full-Time Marketing Assistant for the Church Street Marketplace (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

6.06. COMMUNICATION: Ron Redmond, Church Street Marketplace, re: Request to Approve Reclassification of Church Street Marketplace's Marketing Assistant Position from Grade 14 to Grade 16, funded by reducing contractual services budget in public relations

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

6.07. COMMUNICATION: Julie Hulburd, HR Generalist and Susan Leonard, Director of Human Resources, re: Reclassification of the Church Street Marketplace Marketing Assistant

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

6.08. RESOLUTION: Construction Contract for the Waterfront Access North Phase 1 (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance) **(pending BOF approval on 10/21/13)**

\*waive the reading and adopt the resolution

6.09. COMMUNICATION: Erin Demers, Project Manager, DPW, re: Waterfront Access North – Outfall & Coal Tunnel Modification Apparent Low Bid Results for Construction

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

6.10. RESOLUTION: Delegation of Authority for Budget-Neutral Amendments That Re-Appropriate Grant Funds and/or Program Fund Balance Within CEDO Entitlement and Assistance Programs (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

6.11. RESOLUTION: Removal of Parking Requirements for Cafes in the Shared Use Parking Districts (Councilors Shannon, Mason)

\*waive the reading and adopt the resolution

- 6.12. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Removal of Café Parking Requirements in Shared Use Districts ZA 14-06 (Councilors Shannon, Mason)(1<sup>st</sup> reading)  
\*consider this 1<sup>st</sup> reading and refer to the Ordinance Committee
- 6.13. COMMUNICATION: Steve Goodkind, re: CSWD Resignation  
\*waive the reading, accept the communication, place it on file and send a letter of appreciation to Steve Goodkind thanking him for his years of service as the CSWD Representative for the City of Burlington
- 6.14. COMMUNICATION: S. Chapin Spencer's CSWD application, term expires 5/31/14  
\*waive the reading, accept the communication, place it on file and appoint S. Chapin Spencer as the CSWD Representative for the City of Burlington
- 6.15. COMMUNICATION: William E. Johnson, Director, Property Valuation and Review Division to DK Burlington Town Center, c/o General Growth Properties, P. Michael Majury, Property Tax Manager, re: DK Burlington Town Center v. City of Burlington (PVR #2012-140)  
\*waive the reading, accept the communication and place it on file
- 6.16. COMMUNICATION: Laura Standard, 22 Wilson Street, Burlington, re: F-35 Opposition  
\*waive the reading, accept the communication and place it on file
- 6.17. COMMUNICATION: Wendy Rice, 101 Hildred Drive, Burlington, re: F-35 Opposition  
\*waive the reading, accept the communication and place it on file
- 6.18. COMMUNICATION: Ron Manganiello, 78 Central Avenue, South Burlington, re: F-35 Opposition  
\*waive the reading, accept the communication and place it on file
- 6.19. COMMUNICATION: Kurt Peters, 197 Starr Farm Road, Burlington, re: F-35 Opposition  
\*waive the reading, accept the communication and place it on file
- 6.20. COMMUNICATION: Kate McInnis, 197 Starr Farm Road, Burlington, re: F-35 Opposition  
\*waive the reading, accept the communication and place it on file
- 6.21. COMMUNICATION: Louis Siegel, 267 Pearl St B-2, Burlington, re: F-35 Opposition  
\*waive the reading, accept the communication and place it on file
- 6.22. COMMUNICATION: Martha R. Lang, Ph.D., 138 Colchester Avenue, re: St. Joseph's School (10/7/13 cc handout public forum)  
\*waive the reading, accept the communication and place it on file
- 6.23. COMMUNICATION: National Priorities Project, re: F-35 and Burlington, VT: What's the total cost?  
\*waive the reading, accept the communication and place it on file
- 6.24. COMMUNICATION: Jeffrey Haslett, re: F-35=Lockheed Martin not National Guard or We the People  
\*waive the reading, accept the communication and place it on file
- 6.25. COMMUNICATION: Sr. Joanne LaFreniere, RSM and others, 100 Mansfield Avenue, re: Five Articles re: Gun Laws



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

6.26. COMMUNICATION: Laura Babcock, Board of Electric Commissioners, Burlington Electric Department, re: Electric Commission Attendance Record

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

6.27. COMMUNICATION: Kevin Dorn, Interim City Manager, South Burlington, re: Status of a Municipal Planning Grant application

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

6.28. COMMUNICATION: Mayor Miro Weinberger, re: Pension Summit Draft Proposal

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

6.29. COMMUNICATION: Nathan Wildfire, CEDO, re: Public Investment Action Plan (PIAP) Check-in

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

6.30. COMMUNICATION: Mayor Miro Weinberger, re: Proposed Maker Space in Memorial Auditorium

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

6.31. COMMUNICATION: Michael Metz, on behalf of The Generator Team, re: Maker Space: Annex of Memorial Auditorium

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

6.32. COMMUNICATION: Peter Owens, CEDO and Jesse Bridges, Parks and Recreation to the Burlington Planning Commission, re: Zoning amendment request

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

6.33. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes for September 3, 2013

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

6.34. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes for September 11, 2013

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

6.35. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes for September 16, 2013

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

6.36. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes for September 30, 2013

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

6.37. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

El Gato Cantina, 169 Church Street, Friday, November 1, 2013, 11 p.m. – 1 a.m., Dancing, Amplified music, “Day of the Dead” Salsa Night

\*waive the reading, accept the communication, place it on file and approve the one day special event indoor entertainment permit application for El Gato Cantina for Friday, November 1, 2013

6.38. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (November only):

Pacific Rim, 161 Church Street, Dancing, Amplified music, 10 p.m. – 2 a.m., 11/1, 11/2, 11/6, 11/7, 11/8, 11/9, 11/13, 11/14, 11/15, 11/16, 11/20, 11/21, 11/22, 11/23, 11/27, 11/28, 11/29 and 11/30

\*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for Pacific Rim for the above-mentioned dates only

6.39. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Skinny Pancake, 60 Lake Street, Suite 1A, October 31, 2013, 8 p.m. – 2 a.m., Halloween Show, Dancing, Amplified music

\*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Skinny Pancake

6.40. COMMUNICATION: Amanda Paulger-Foran, re: Complaint re: Rasputin's

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

6.41. COMMUNICATION: Mary Gray, re: Burlington City Council, vote NO on any Burlington Gun Control

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

6.42. COMMUNICATION: Sam Guarnaccia, re: Thank you for voting against the F-35!!

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

6.43. COMMUNICATION: Peter Schmittler, Winooski, re: Vote for the resolution to stop the F-35 Basing

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

6.44. COMMUNICATION: Courtney Fleisher, Winooski, re: Vote for the resolution to stop the F-35 Basing

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

6.45. COMMUNICATION: Robyn Biryissin, South Burlington, re: Vote for the resolution to stop the F-35 basing

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

6.46. COMMUNICATION: Ann Burke, Burlington, re: Vote for the resolution to stop the F-35 basing

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

6.47. COMMUNICATION: Emily Merrill, Burlington, re: Vote for the resolution to stop the F-35 Basing

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

6.48. COMMUNICATION: Lily Chau, Burlington, re: Vote for the resolution to stop the F-35 basing

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

6.49. COMMUNICATION: SaveOurSkiesvt.org, re: StopTheF35.com

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

6.50. COMMUNICATION: Bruce Hatrail, South Burlington, re: Vote for the resolution to stop the F-35 basing

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

6.51. COMMUNICATION: Bruce Plumley, Burlington, VT, re: City Council measure on gun 'control'

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

6.52. COMMUNICATION: Rich Goodwin, ACAO, re: Draft of the opinion letter for the Standby Letter of Credit (SLOC) for the Workers' comp program

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

6.53. COMMUNICATION: Randall Bishop, re: VT Sportsman's Bill of Rights & Gun Control

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

7. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City Commissions/Boards

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

7.01. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/15)

Councilor Knodell nominated James Lockridge to the Church Street Marketplace Commission.

Councilor Knodell stated that James Lockridge is a Ward 5 Resident who founded Big Heavy World. He works closely with young people and the artist community. There are two very strong candidates, but she believes Mr. Lockridge would be a good choice.

Councilor Ayres nominated Jed Davis to the Church Street Marketplace Commission.

Councilor Ayres stated that Jed Davis is the president of the Farmhouse Group which operates a number of restaurants in the proximity of the Marketplace. He would bring a significant downtown business perspective to the Marketplace Commission.

James Lockridge received 5 votes from Councilors Bushor, Knodell, Tracy, Brennan and Siegel.

Jed Davis received 8 votes from City Council President Shannon, Councilors, Aubin, Hartnett, Mason, Blais, Paul, Ayres and Decelles.

Jed Davis was appointed to the Church Street Marketplace Commission.

7.02. APPOINTMENT Fence Viewer (Term expires 6/30/14)

Councilor Bushor nominated Ralph Montefusco. Ralph Montefusco was unanimously appointed as a Fence Viewer.

7.03. APPOINTMENT: Public Works Commission (Term expires 6/30/15)

City Council President Shannon stated that agenda item 7.03. should be on an agenda of City Council with Mayor Presiding.

City Council President Shannon recessed the City Council Meeting at 8:25 p.m.

Mayor Weinberger convened the City Council with Mayor Presiding meeting at 8:25 p.m.

Dan Bradley stated that he has applied for the seat on the Public Works Commission. He retired 3 years ago from the Department of Public Works after working there for 20 years. He worked in every neighborhood of the City, staffed the Transportation, Energy and Utilities Committee and chaired the CCMPO Technical Advisory Committee. He also managed construction projects and planning initiatives. He hopes to continue to work with the City and feels his experience would bring value.

Councilor Tracy nominated Dan Bradley.

Councilor Mason nominated Jeff Padgett.

City Council President Shannon stated that she would happily cast two votes tonight because both candidates were very qualified.

Councilor Paul agreed with City Council President Shannon's comments. She was the chair of TEUC when Dan Bradley was the staff person and he did a phenomenal job. She will support Jeff Padgett, but she hopes that Dan will reapply when there is another opening.

Councilor Mason stated that he nominated Jeff Padgett who is a Ward 5 resident and an engineer with 6 years prior experience with Public Works. He is voting for him based on his experience as an engineer. That is an area of expertise that will lend itself to the issues they are facing at DPW.

Councilor Bushor stated that she supports appointees who do not necessarily have expertise to run the department because they are residents bringing forth issues that department looks at. They provide advice on how to set priorities. This is a hard choice for her and she has a long history of working with DPW. She has worked with both candidates and feels that both would be good choices.

Councilor Tracy stated that he served on the Public Works Commission and feels they could benefit from the knowledge of both applicants. Given the challenges that the Public Works Department faces and because of the transition they are undergoing, he felt that it would be valuable to have the voice of someone with experience in that area. He has worked with the members of that department and is intimately familiar with the inter-workings of the broad prevue of that department would be beneficial to the commission.

Dan Bradley received 6 votes from Councilors Siegel, Brennan, Tracy, Knodell, Bushor and Decelles.

Jeff Padgett received 8 votes from Mayor Weinberger, Councilors Shannon, Mason, Ayres, Blais, Paul, Aubin and Hartnett.

Without objection, Mayor Weinberger adjourned the City Council with Mayor Presiding Meeting at 8:31p.m.

City Council President Shannon reconvened the City Council meeting at 8:31p.m.

8. RESOLUTION: Approval of Purchase Power Agreement Between South Forty Solar, LLC and Burlington Electric Department (Councilors Bushor, Aubin – Board of Finance)

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

Councilor Bushor stated that the Board of Finance did not take action on this item and sent it to the Council to hear from the public. It does not go through the normal regulatory process. She is not an expert

in the Public Service Board but knows that they do due diligence. They will often investigate neighbors' concerns. She does not want to discount their role in the review process. Many are aware of the scenarios that have come forward in the past that were not supported by the neighbors. She has heard that they may support this, but do not have enough details to ask the questions they need answered. She has heard they would like to have a concrete plan come forward before they say yes or no. The Council could then decide what to do. They are considering the contract with BED which would allow them to purchase the power and not whether the project itself should move forward, but the two are married together.

City Council President Shannon stated that public forum comments requested more information on stormwater, the screening issue and the process with the Public Service Board. She requested an explanation of those issues. Ken Nolan, BED, stated that the Electric Commission had similar concerns when approving this agreement. They reviewed the agreement on an economic basis from a ratepayer perspective. They agreed that this project would be in BED's interest based on the pricing and terms of the contract. When approving the contract, they instructed BED to remain neutral on land use aspects. The Board of Finance asked them to notify the public, which they have done. The land use component will take a separate track. The Power Purchase Agreement is the trigger that sends this to the State level for review.

Brian Dunkiel, Esq., Dunkiel, Saunders, Elliott, Raubvogel & Hand, stated that they are at the beginning of the lifecycle of a solar project. The Power Purchase Agreement represents the ability for the developer to sell its electricity. Without this, there is no project and it does not make economic sense for a developer to invest in detailed, engineering designs about visual aspects, wetlands, and stormwater. Those studies cost tens of thousands of dollars. The developer has prepared a conceptual plan, which is referenced in the Power Purchase Agreement, but it is subject to change. As they begin to do their studies, they will make changes as needed. After the Power Purchase Agreement is approved, the studies will be conducted and there will be a 45 day notice letter. That is sent to the City, Regional Planning Commission, City Planning Commission, the Conservation Board and the neighbors. This leaves the project open for public comment. The developer has agreed to meet with the Conservation Board and address their concerns directly. These projects cannot afford expensive litigation, so they will make reasonable accommodations. Someone raised concerns about a project of this size in a neighborhood, but South Burlington is hosting two similarly sized projects in even more dense neighborhoods. One of these projects did make modifications to help the City and neighborhood support it. After the 45 day letter is filed, comments are assessed. At that point, they can file a Certificate of Public Good Petition with the Public Service Board to begin the process. The Public Service Board approves all of the environmental Act 250 criteria and others. These projects need to comply with all State environmental rules. If they require a Stormwater or Wetlands Permit, they still need to go through the process to get those permits.

Councilor Hartnett stated that he has spoken with both sides. Residents believed that after this was approved, it would go to the Public Service Board. He spoke with the developer and was assured that he will work with the neighbors to make sure this project is good. He has heard that the residents are not looking to kill the project. There are some who want nothing there, but many have said they can embrace this project if it is done right. He hopes the 45 day comment period will allow input and neighbors' concerns to be heard. He will support the agreement.

Councilor Brennan stated that he understands the residents' concerns, but the City has made a lot of efforts with the Climate Action Plan. This is a positive move. The world is in dire straits and they need to make small moves in this nature. His support is for renewables.

Councilors Bushor and Knodell made a motion to amend the resolution to read that the applicant has committed to meet with the Conservation Board and address the stormwater runoff and wetland buffer zones in compliance with applicable State rules prior to submitting their petition for a Certificate of Public Good.

Councilor Bushor stated she wanted to capture the commitment to meet with the Conservation Board to discuss the environmental issues.

The Council took a 5 minute recess.

Frank Von Turkovich, South Forty Solar LLC, stated that he was satisfied with the proposed language.

The motion to amend the resolution passed unanimously.

Mr. Von Turkovich stated that they have had a lot of communication with the neighbors. They have all been open to talking to him and he has committed to continue talking to them throughout the process. Sunset Cliff Road runs through the parcel that would be developed, and they have specifically agreed that they would address their issues concerning screening and landscaping.

The motion to adopt the resolution as amended passed unanimously.

- 8.01. COMMUNICATION: Ken Nolan, Manager of Power Resources, Burlington Electric Department, re: South Forty Solar LLC Purchase Power Agreement

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

9. RESOLUTION: Acquisition of 150 Shelburne Street in the Event a Bid Not Equal to the Delinquent Tax and Costs is Made at Tax Sale (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

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

10. ORDINANCE: OFFENSES AND MISCELLANEOUS PROVISIONS—ARTICLE VI – Livable Wages (Councilors Mason, Bushor, Paul: Ordinance Committee)(2<sup>nd</sup> reading)

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

Councilor Mason stated that they have made amendments to the Livable Wage Ordinance as a result of their last Livable Wage hearing. The first amendment relates to the definition of an employee. It makes clear that a person completing a mandated clerkship as part of their requirement for admission to the bar is not an employee subject to a livable wage. This clarification is consistent with the other carve outs in the definition of employee. The second change was to change the effective date, which will be January 1, 2014. There were some statements admonishing the Ordinance Committee for having a lack of data. They cannot force the airlines to provide that data. They passed that request on to the Administration. The Airport Administration stated that the airlines told them they would have to move that up the chain and the information would probably not be forthcoming. There are four airlines. U.S. Air is unionized and therefore exempt under the current ordinance. They got anecdotal information that Delta and United subcontract their operations. They believe that there are 33 affected Delta employees. They are not currently being paid the livable wage, and a recent posting for a baggage handler was listed a \$9/hour. They did not receive information about United Airlines, but received information that baggage handlers are paid \$9/hour. The amendments that were consistent with what they put forward as a whole. He is optimistic that this will be enforced by the Administration. This is a big improvement over what was on the books before that was not enforced. He hopes the Council will support this.

Mayor Weinberger stated that after a year of hard work, the Council has an ordinance that represents a balanced and responsible effort to address deep flaws in the existing Livable Wage Ordinance, while also being mindful of the City's economic interests and budget constraints. This will be a hard commitment for many workers covered by the ordinance. It is also a commitment to the people of Burlington that they will not gamble with the future of the Airport. The main change at the Airport is to remove an unusual provision of the Burlington ordinance that applies local wage regulations to Airport leaseholders. Very few livable wage requirements across the country apply the requirement to leaseholders. They have heard that they lack sufficient data to act. He disagrees because it is clear that the current ordinance is negatively impacting Airport finances. They have been unable to fill 15,000 square feet of space within the terminal at least in part because of the requirements. The ordinance nearly cost them the Skinny Pancake lease that has dramatically improved food services and airport revenue. Applying the Livable Wage Ordinance to the airlines would risk service losses and have a far greater financial impact. They know that requiring the Airport to pay a livable wage has little precedent. This element was never enforced. They know that enforcement would materially increase costs at the Airport, as the livable wage is not being paid to all airline workers. The airline industry is extremely cost sensitive and deploys planes to the most profitable routes. They have lost routes and seats in the recent past and they cannot afford to take any action that risks this. They have made considerable progress, but their credit rating is at a historical low, they have to work to build cash reserves, and they are just now seeing enplanements increase. They are in no position to gamble with the Airport's finances. The overall impacts will dramatically strengthen the Livable Wage Ordinance. They will finally make good on the ideals that motivated the creation of the ordinance decades ago. He urged the Council to pass the ordinance.

Councilor Bushor stated that she was here when this was adopted and it has now gone through another generation of consideration and modification. In many ways, it is a better ordinance, but in some ways it is diminished in terms of who it encompasses. The Committee did the community a good service because they had debate and compromise. She wanted to incorporate some of what they lost at the Airport, but she failed. There may be ways to accomplish this, but it will take a lot more time to figure out. She was enlightened on broadening the coverage for seasonal employees. She is glad there is something in the ordinance, but feels that it does not go far enough. She reached out to the Administration to see if they would support a phase-in to provide a livable wage after three years rather than four. She based that on the fact that the Director of Parks and Recreation told them that the 5+ year category encompassed 15% of his employees, while the 4+ year employees encompassed 25%, and 3+ years encompassed 50%. She thought that the community could afford that difference. There are a lot of people who piece together employment from season to season. There are people who work for the schools and then work for Parks. They receive a livable wage at one portion of their job but not in another. She does not believe in age discrimination and the idea that young people should be paid a lower wage. Many college students work to put themselves through school. She is disappointed that they have not broadened that, because having reliable people coming back to do the job saves money. She thought it was very telling that many of their programs are successful because of the continuity of having familiar faces from year to year. She will support the ordinance because she feels it is an improvement, but she is disappointed.

Councilor Tracy stated that he believes that they did great work, especially on the compliance measures. He sincerely appreciates their efforts to seek out the information that he requested. He does feel that the information was anecdotal, which is not surprising considering that they are dealing with huge corporations. That does not sit well with him. He understands the notion of precedents, but does not feel they are in a position to gamble with the basic needs of workers on the community.

Councilors Tracy and Brennan made a motion to reinstate the struck language in section 21-81 item a) that would require those leasing Airport property to pay a livable wage.

Councilor Brennan stated that he is in full agreement that the individuals at the Airport have sufficient funds to run airlines. It makes sense that those individuals should be leaders in supporting the livable

wage. The concept behind the livable wage is to make individuals more self-sufficient. If the City is a leader, it will force others to take on that role and increase wages. He respects what the Mayor said about the Airport's need to sustain itself, but he disagrees.

Councilor Knodell stated that the Mayor made a number of strong arguments, but it is hard to see a large group of employees removed from coverage under the Livable Wage Ordinance. There is a view that the Airport is fragile, and she can see that. The work of the Airport Strategic Planning Committee identified a number of strengths of the Airport and they should appreciate that Burlington is a dynamic and attractive community. They have a strength of attracting airlines to Burlington. It is hard not to try to protect those who will have this provision removed.

Councilor Siegel stated that she does not understand this threat of losing roots. If they accept the amendment and apply the Livable Wage Ordinance to the airlines, they can still apply for an exemption. They have formalized that process and they can use it. They now have a compliance check, but it is irrelevant if they are exempting almost everyone who would need the enforcement. They will not need to enforce it within City Departments because it is already being complied with there. She feels terrible that they are giving a blanket exemption to the multimillion dollar corporations who can afford it the most. She does not understand the threat.

Mayor Weinberger stated every department in the City has contracts with outside vendors. Very few were in compliance with the Ordinance when the City Attorney conducted their review. There are hundreds of contracts that will be impacted and workers will benefit from compliance measures that they are putting in place. They have lost routes at the Airport in the recent past. These losses are not abstract and enplanements are down. Anyone who has looked carefully at the Airport finances can see that there is much work to do to repair the damage that has been done. The Airport is at junk bond status and other areas of the City are at the edge. This is not the time to take action that will make that work even harder.

Councilor Mason stated that it is not just the multimillion dollar airlines but the entire Airport. In the City Attorney's report, practically no one was in compliance. They have heard testimony that the airlines were not amenable to discussing the livable wage. Given the precarious situation at the Airport, he is not willing to call their bluff. If they put this provision back in, they will have to return to all of these contracts where they put in a fixed rate for a 20 year period. This goes beyond the airlines. They will soon be renewing hangar space and have received little interest if this provision were to be put back in.

Councilor Bushor stated that this is hard because she wants to support the proposed amendment, but she does not feel that is right either. She does not feel that this is over. They need further study and focus at the Airport and on seasonal employees. They can adopt this and improve upon it. She will not support the amendment because she does not feel it properly deals with the complex issue at the Airport.

The motion to amend the ordinance failed by a vote of 9-4 with Councilors Siegel, Brennan, Knodell, and Tracy voting in favor.

The motion to adopt the ordinance passed unanimously.

11. RESOLUTION: Charter Changes Concerning Police Seizure of Firearms During Domestic Abuse Incident (Councilors Siegel, Ayres, Blais)

Councilors Siegel and Ayres made a motion to waive the reading and adopt the resolution.

Councilor Siegel stated that she has heard that a lot of people feel threatened by these proposed Charter Changes and they have a fear of losing rights. Her goal and intent is not to infringe on rights or persecute anyone. She agrees that these measures are a very small part of what needs to happen to prevent violence



and create safety. They need to address mental health, economic justice, poverty relief measures, addiction prevention and recovery, as well as legislative measures. From where she is sitting, she can address legislative measures but cannot do much about mental health issues. If an officer is called and has probable cause that the victim has been subject to domestic violence, the officer may confiscate any firearm in the control of the alleged abuser. Currently, the police are able to confiscate firearms if there is a relief from abuse order. What they know is that often the person being abused will try to placate the situation. The police may arrive and the woman will say everything is ok and under control. Later, when the police leave, things may escalate. Leaving a weapon there is extremely dangerous. They can take the weapon for 5 days. It is similar to a DUI when there is a temporary sentence coming before a charge. The Police Chief has said he is in favor of this. He does not believe it would be used very often, but when used it would be extremely useful.

Councilor Blais commended Councilor Siegel for her work in addressing these issues. Any suggestion that she conducted proceedings behind closed doors is untrue. There was nothing about the process that should be called into question. People have suggested that this will violate State Statute, but it is in harmony with State Statute. If these resolutions pass, the voters will have to weigh in on whether they approve. If they do approve, they will be sent to the Legislature where the General Assembly will consider if what has been done trumps general legislation. Claims that this is unconstitutional are also wrong. There is not a single constitutional right that is unfettered. They are all subject to reasonable regulation by government entities. He does not think that this is unreasonable regulation. These resolutions will meet constitutional muster. If people are threatening to sue them, he welcomes the opportunity. Communities and states will begin to enact comparable legislation and he believes there will be a wealth of litigation. He is confident that the measures being proposed will be seen as reasonable measures to protect citizens. The reason that there is opposition to this is that there is a fear that other Vermont towns will follow suit. From his perspective, that is a hope. He hopes Burlington takes the lead in passing measures that will make citizens safe. Once it is proven to be legal, he hopes that other communities follow suit.

Deputy Police Chief Bruce Bovat stated that the Police Chief is in support of the safe storage, seizure of firearms during a domestic dispute and the liquor license resolutions. He feels those are three measures that promote public safety and will help further hopes for public safety. He thinks that safe storage is the right move to keep guns out of unintended hands. There are times during domestic assault incidents that people are taken into custody and released shortly after. During that period of time, there may not be a relief from abuse order in effect. The individual could return to the residence where there are still firearms while they are still heated. That is the time where this would come into play. There have been increases in disturbances in bars and places with liquor licenses and they have found out afterwards that some of the individuals had firearms on their person/or themselves. His concern is that they have a closed, dark, crowded, and loud area with people under the influence of alcohol. Adding a firearm into that can create some serious havoc. He does not support the permitting resolution. With their current infrastructure, the Police Department would not have the ability to establish this administrative task.

Councilor Brennan inquired if they have any indications of how much this might be applied. Deputy Chief Bovat stated his understanding is that they would need probable cause that there was a victim of domestic assault. He would not want to foster a guess.

Councilor Bushor stated that they would get called to a site to investigate. She inquired if they would then have to find out if there were firearms in the home. Deputy Chief Bovat stated that there is no cookie cutter domestic abuse situation, so it is hard to give a single answer. It would depend on who called them and the dynamics. Councilor Bushor stated that the language made her think that they would have to have their gun visible. If it were not visible, she does not know how they would know there was a gun in the house. City Attorney Blackwood stated that generally, when a domestic abuse incident occurs they do inquire about the presence of weapons for the safety of everyone there. Dispatch will often ask that

question before officers arrive. They also contemplated that there would be additional training for officers to ensure that they ask and follow up about the weapons. Deputy Chief Bovat stated that the first thing an officer does when responding to an incident is ask them if there are weapons involved. They may just ask if there are weapons in the house and the officer has to determine if they are a threat. Councilor Siegel stated that in conversations with Chief Schirling, he indicated that officers often ask people if they will voluntarily hand over their weapons during the questioning period and they often do. Deputy Chief Bovat stated that was correct. They do not want to leave a situation that is volatile with weapons.

Councilor Brennan stated that he will support the resolution. As City Councilors, this is what they do. They create rules and regulation to protect safety and health. He does not think that they do enough to address domestic violence. This could prevent an unfortunate situation in a heated moment. It seems like a small price to pay for those who are supportive of gun rights if it might save a life.

Councilor Hartnett stated that he will be supporting two of the resolutions. He does not believe that it is fair to always be blaming guns. There are mental health and drug epidemics in this country. They will never be satisfied with the gun issue until they address those issues. Some have stated that these issues are above their pay grade, and he does not disagree. However, this resolution is not. When an officer goes into a situation like this and sees a gun lying on the table or on the floor, they should pick it up and get it out of there. Anyone would want that to happen. They have five days, and they can learn a lot about a person in that time. If there is no harm, the gun is returned. It is common sense. He will also support the liquor license resolution. He hopes they will look at drug issues as another way to address public safety.

Councilor Decelles stated that everyone in this room wants to give the Police Department the best tools to protect them. He does not think that standing on a soapbox here is the best way to do that. Governor Shumlin stated that Vermont law is fine and they need to tackle this on a national level. He feels that is a veto in waiting. He feels these resolutions should be sent to Montpelier as advisory questions. He does not know if they talked to their State Representatives and Lobbyists during this process to see if they will support this issue. He does not know if they can be sued by enacting this. If they were advisory only, there would be no risk of being sued. The conversation would still happen. The threat of litigation concerns him.

Councilor Decelles made a motion to revise the resolution to state they will prepare an advisory question. There was no second to the amendment.

The motion to adopt the resolution passed by a vote of 12-1 with Councilor Decelles voting against.

12. RESOLUTION: Charter Changes Concerning Safe Storage of Firearms (Councilors Siegel, Ayres, Blais)

Councilors Siegel and Ayres made a motion to waive the reading and adopt the resolution.

Councilor Siegel stated that the main motivation for the safe storage to her is to protect youth and teens from accidents and suicide. There was no language specific to the resolution to indicate that.

Councilors Siegel and Ayres made a motion to amend the resolution to add three additional whereas clauses and strike the word interpretation of on line 21 and add ruling on.

Councilor Knodell stated that they had proposed amendments for several items and would like clarification as to whether they are adopting the proposed amendments. City Council President Shannon stated that the agenda noted that they were proposed amendments and will have to be moved to take effect.

City Council President Shannon recessed the meeting.

Councilor Siegel clarified her amendments.

The motion to amend the resolution passed by a vote of 12-1 with Councilor Hartnett voting against.

Councilor Hartnett stated that he will not be supporting this resolution.

Councilor Bushor stated that she got a lot of input from people about the safe storage depository and very little about rendering a firearm incapable of being fired by using a gun locking device. This gives the owner choices. One member of the public recommended that they give gun locking devices out for free. Others said when they buy a gun that device comes with it. If a gun is safely stored and a person feared for their life, there would be a delay in accessing it. She does not know how long it would take to turn off a gun locking device. Deputy Chief Bovat stated it will vary from person to person. It depends on how someone handles stress. Councilor Bushor inquired how long it would take in a non-stressful situation. Deputy Chief Bovat stated if there is a key and a lock it would depend on where the key is. Councilor Siegel stated the Police Department does have locks available for free. The resolution states if it is outside of a person's immediate possession or control it needs to be locked. If it is on a bedside table or being carried on you personally, it does not need to be locked. It also states that in determination of a penalty, the court should take in all relative factors, especially the presence of minors. If the Police came into the house and the gun was unlocked but there were no children present, there could be no penalty. The goal is to keep guns out of kids' hands. Councilor Bushor stated that she is hearing that it could be on her bedside table unlocked. When she was a young mom someone broke into her house and she had two young children. She was terrified and wished she had a gun, though realized she would not know what to do with it. If her young children could access the gun in her bedside table, she would not be keeping them safe. She supports keeping kids safe and guns out of the hands of people who could do themselves harm, but she is not sure if they are achieving that.

Councilors Tracy and Hartnett made a motion to extend the meeting to address the remaining charter change resolutions and accept the communication regarding the pension summit. The motion passed by a vote of 9-4 with Councilors Hartnett, Bushor, Decelles and Knodell voting against.

Councilor Knodell stated that she appreciates the work that the Charter Change Committee did. She is growing increasingly uncomfortable voting on these major policies on the same night that the full Council first heard public testimony on these issues. It would help her if she could get a sense from Committee members about the kind of issues they grappled with and how they arrived at these items.

Councilor Decelles stated he agrees with Councilor Knodell's comments.

Councilors Decelles made a motion to amend the resolution to make this an advisory question. The motion was not seconded.

Councilor Blais stated that Councilor Knodell raised a good point. They had half a dozen issues on this issue and it has been fully vetted, both by those favoring gun rights and those favoring regulation of guns. They had two rounds of voting on these provisions. One included an assault weapons and high capacity ammo clip provision. That was voted down 2-1 by the Charter Change Committee. This matter has been reviewed extensively by the Committee and the public.

City Council President Shannon stated that this issue came forward with the previous Council, although the proposal was very different. They heard a tremendous amount of testimony when the original proposals came forward. This is the result of extensive public input.

Councilor Ayres echoed Councilor Blais' comments and noted they were not in anonymity on the assault weapons issue or on the concealed firearms permit issue. These four issues were considered very deliberatively and they heard from all sides. Part of the process moving forward will be substantive public hearings on each issue. All of these issues will be thoroughly vetted.

Councilor Siegel stated that there was a program through the Harvard School of Public Health called Means Matters which talks about suicide risks. The way that people try to kill themselves has an impact. Many suicide attempts occur with little planning during a short term crisis. Intent was not what determines whether a person lives or dies, the means also matter. 90% of attempters who survive do not go on to die by suicide later. 99% of suicide attempts with a firearm were fatal. Access to firearms was a huge risk factor for suicide. Firearms used in youth suicide often belong to a parent, so reducing access saves lives. In the news today there was a kid who took his parents' handguns and went on a shooting spree at his school. If it had been in a box or with a trigger lock, he presumably would not have gotten it. This measure is especially important to her as a member of the GLBT Community and knowing that the rate of suicide in the queer community is devastatingly high. They need to keep those most vulnerable safe from themselves.

Councilor Ayres stated that they had a discussion about having an unlocked weapon in the bedside table next to you. He would hold that if they were lying in the bed next to the table, it would constitute it being in their possession. If they were to be in the living room watching television and it remained outside of their immediate possession that would be different. He added that there have been significant reports that accidental deaths of children under the age of 15 have been significantly underreported because of the way medical examiners categorize death by firearm. That adds to his feeling that they need to protect children who were playing with their parents' guns and inadvertently kill another child. The statistics that were typically cited significantly underreport the number of those kinds of deaths that occur.

The motion to adopt the resolution passed by a vote of 11-2 with Councilors Hartnett and Decelles voting against.

13. RESOLUTION: Charter Changes Concerning Ban on Firearms in any Establishment with a Liquor License (Councilors Siegel, Ayres, Blais)

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

Councilor Siegel stated that this sought to ban firearms from bars. The way that liquor licensing goes, it would ban firearms from restaurants with liquor license as well. The current threat has more to do with knives and other lethal weapons. There have been people who flash guns at each other in bars as a threat. They hope the Public Safety Committee and Ordinance Committee will look at banning other lethal weapons from establishments with liquor licenses. Knowing that there have been knife fights in bars and now there are people flashing guns in bars, she would like to nip this in the bud and keep it from escalating.

Councilor Tracy stated that he serves on the License Committee and they see all manners of craziness that happens in downtown bars. On Thursday, Friday and Saturday nights they dedicate 6 or more officers in the downtown area at bar closing. It is a basic common sense thing based on what they have seen and heard in the bars.

Councilor Bushor stated that the resolution talks about the building, real property or parking area under the ownership or control of an establishment licensed to serve alcohol. She understood bars, but does not know if she wants to go beyond that. She inquired what parking area was being referred to since the bars are downtown. She does not understand building or real property.

Councilor Blais stated that it was well settled in the liquor laws that when controlling patrons in an establishment with a liquor license, their responsibility extends to the sidewalk outside, parking lot and things of that nature. All they have done is replicate the responsibility that licensees have to control what is happening in and around their establishment. There are not many first and third class licensed establishments with parking lots in Burlington. It is important for a licensee to control what happens if they happen to own one. They are mirroring the language of the liquor control laws. Councilor Bushor stated that it was logical to extend this to the sidewalk, but she does not know about parking lots. Councilor Blais stated that they limit it to the areas that are under ownership or control of the licensed establishment. City Council President Shannon stated that some areas outside of the downtown have an adjacent parking lot. Councilor Bushor stated that there were times that there is a building owned by the same person who owns a parking lot, but the parking lot may not be in close proximity. It is illogical to her.

Councilor Knodell inquired if the enforcement of this would lie with the Police Department and not the licensees. Deputy Chief Bovat stated that they would respond and look for violations if they were there. He wonders what hours this would apply to. There could be a time in the day that no one is drinking and someone could be in the parking lot with a gun. They could be called and a person who is totally sober and in lawful possession of a firearm would be in violation of this because they were on the property of an establishment with a liquor license. Someone with a legal firearm could also just be passing by an establishment with a liquor license on the sidewalk and would be in violation. Councilor Blais stated it applies to any property that is owned by or controlled by the establishment with the liquor license.

Councilor Mason stated that they could come up with a number of hypotheticals, but it will not come to that. They could put in hours of operation, but not all bars are on the same schedule. The Police Department understands the objective and he believes it will be enforced in accordance with that objective.

Councilor Brennan stated that he will be supporting the resolution. It is not a good thing to mix alcohol with firearms. It is common sense. Those who have watched Western movies will remember that people would check their weapons in order to have a drink. This is a modernization of something that was historically well established.

Councilor Decelles inquired what action the Police Department would use if they were called to an establishment where two individuals having a fight and one or both pulled their firearm. Deputy Chief Bovat stated it will depend on the situation. Their training is to determine if someone's life is at risk and take the appropriate actions. It could result in someone discharging their weapon, but they need to articulate a fear for themselves or others resulting from those firearms. Councilor Decelles stated that the proposed Charter Change states that any violation of this article should be considered a criminal offense. He inquired if it would already be a criminal offense. Deputy Chief Bovat stated that they would separate the people, check for any warrants, warrants or criminal histories, take the weapon, run the weapon and conduct an investigation. It would likely result in a disorderly conduct charge, at minimum. Councilor Decelles stated that the proposed Charter Change states that it shall also be considered a civil violation resulting in a fine and forfeiture of the weapon. He inquired if they would already do this. Deputy Chief Bovat stated that they could keep the weapons as evidence of the crime. They would at least be kept for that night. They would not hand weapons back to someone who was in a heated argument and had pulled a weapon.

Mayor Weinberger thanked the Charter Change Committee for their work and stated the conversation tonight shows how they have grappled with these issues in a way that will have meaningful results to improve safety. He fears that the media will not realize that they have worked hard to create reforms that will meaningfully impact public safety. He is supportive of the resolutions that they have addressed tonight. He particularly supports this resolution. Every time that he has gone out on ride-a-longs with

Police Officers, they have raised this issue. They have seen firearms fall out onto dance floors and have been on the scene in dangerous situations and have felt that this was an area that needed to be addressed. This body has been responsive to the concerns raised about the Sportsmen's Bill of Rights. There is a concern about a patchwork of regulation that would impact responsible gun owners. There has been a change with respect to an assault weapons ban and large magazine ban as a result of those concerns. There has been listening and understanding to the questions that have been raised about the concealed carry permit. He does not believe the other three resolutions raise the same concerns. These measures deal with Burlington Police responding to Burlington homes and bars. They will protect Burlington children in their homes. There may be minor questions of jurisdiction, but they do not present the obstacles that they would face with patchwork regulation in other areas. He does not see these as undermining the rights of responsible sportsmen.

Councilors Siegel and Ayres amended the resolution to strike line 23 and replace it with "court's ruling on the 2<sup>nd</sup> Amendment in 2008 in *District of Columbia v. Heller*."

The motion to adopt the resolution as amended passed by a vote of 12-1 with Councilor Decelles voting against.

14. RESOLUTION: Charter Changes Concerning Concealed Firearm Permits  
(Councilors Siegel, Blais)

Councilors Siegel and Blais made a motion to waive the reading and adopt the resolution with an amendment to lines 23-26.

Councilor Siegel stated that the presence of unpermitted concealed weapons was a concern for public health and safety, especially in a densely populated area. She was now concerned because at one point they had included a provision that these registrations would not be subject to public inquiry. That needs to be included. City Attorney Blackwood stated that she does not know when or how it got removed. She does not have the language in front of her.

Councilors Ayres and Blais made a motion to postpone action until the next meeting in order to clarify the language.

Councilor Decelles stated that they have had recesses and amendments all night. They agreed to continue the meeting and many people have travelled from far away. He wants to address this now.

Mayor Weinberger stated that he would urge the Council to find a way through this rather than delay it. He does not believe this provision will pass. There was time before the ballot language needed to be finalized. If there was need for revision of detail, there would be time to amend it. City Attorney Blackwood stated that they could go ahead with a sense that a provision should be put in to address the privacy concerns of the permit holders because they would be bringing the actual ballot language back to the Council.

Councilor Ayres withdrew his motion to postpone.

Councilor Ayres stated that there was a possibility that this resolution might not pass so they should vote on it and get it done.

Councilors Siegel and Brennan made a motion to add a resolved clause that stated that the Charter Change Committee shall address privacy issues.

The motion to amend the resolution passed by a vote of 12-1 with Councilor Hartnett voting against.

Councilors Hartnett and Knodell made a motion to call to question. The motion passed by a vote of 10-3 with Councilors Blais, Brennan and Siegel voting against.

The motion to adopt the resolution as amended failed by a vote of 9-4 with Councilors Siegel, Brennan, Tracy and Blais voting in favor.

14.1 (was 6.28.) COMMUNICATION: Mayor Miro Weinberger, re: Pension Summit Draft Proposal

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

Councilor Bushor stated that this was the final draft for the Retirement System Summit. She was disappointed that there was little diversity in who was conducting each session. She was hopeful that the outcome and the proposals that come forward will engage the full Council because this was a City issue and full Council issue.

Mayor Weinberger stated that there has been extensive outreach to the Board of Finance and others with alternative ideas about who would be leading and conducting the session. Major changes have been made and he is disappointed to hear disappointment expressed.

Councilor Knodell stated that she is pleased to see that the panel includes leadership from the City Unions. She feels that will be positive.

The motion passed unanimously.

14.2 (was 6.30) COMMUNICATION: Mayor Miro Weinberger, re: Proposed Maker Space in Memorial Auditorium

This item was not addressed at this meeting.

15. COMMITTEE REPORTS (5 mins.)

This item was not addressed at this meeting.

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

This item was not addressed at this meeting.

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

This item was not addressed at this meeting.

18. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Adjourned City Council Meeting at 11:16 p.m.

Attest:

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