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DELIBERATIVE AGENDA  
LOCAL CONTROL COMMISSION  
MONDAY, JUNE 18, 2012  
CONTOIS AUDITORIUM, CITY HALL  
7:05 P.M.

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PRESENT: Mayor Weinberger; City Council President Shannon; Commissioners Adrian, Bushor, Kranichfeld, Tracy, Brennan, Siegel, Aubin, Mason, Blais, Paul, Decelles and Dober

ABSENT: Commissioner Hartnett

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Dober and Blais the agenda was adopted as presented.

2. CONSENT AGENDA

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

2.01. APPLICATION FOR FESTIVAL PERMIT (two days only): VT Brewers Festival  
\*waive the reading, accept the communication, place it on file and approve the two day only festival permit for VT Brewers Association

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2012-2013):

Change in Description/Expansion for Halvorson's Inc., d/b/a EB Strong's, 10 Church Street

3.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2012-2013):

Change in Description/Expansion for Halvorson's Inc., d/b/a EB Strong's, 10 Church Street

Commissioners Dober and Blais made a motion to approve the change in description/expansion for the liquor license and the outside consumption permit granted to Halvorson's Inc.

Commissioner Dober noted that there were additional restrictions on the outside consumption application.

Commissioner Bushor stated the menu looked great. She inquired if the previous owners used the same seating area and would it be taken over by new owners, or if this was an expansion. Commissioner Dober stated there was no current outside consumption area for this building. They might not open it this year, but they were planning for it in case they did. The building is Halvorson's and Crow's book store which connect in the back; the seating area would be behind that space. Commissioner Bushor stated she was trying to make sense of the diagram. Commissioner Dober stated the idea was that it would allow people to park and wait in the seating area. Commissioner Bushor inquired if this addressed the outside seating area; Commissioner Dober stated it was not.

The motion passed unanimously.

4. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission meeting at 7:10 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL  
MONDAY, JUNE 18, 2012  
7:10 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Adrian, the agenda was unanimously adopted as amended as follows: note **revised** version of agenda item 7. RESOLUTION: No to Basing F-35A in Burlington (Councilors Brennan, Siegel, Tracy); add Councilors Brennan and Paul as co-sponsors to agenda item 10. RESOLUTION: Requesting Exploration of Routes Between The Champlain Parkway and Battery Street to Enhance the Residential Areas Adjacent to Maple, King and Northern Pine Street (Councilors Mason, Shannon, Decelles, Siegel, Aubin, Tracy, Dober) and remove from the agenda item 15. COMMUNICATION: Ken Schatz, City Attorney and Joseph McNeil, Esq., re: Collective Bargaining (oral). Councilor Tracy requested that item 3.12 be removed from the consent agenda. City Council President Shannon made this item, agenda item 10.5 on the agenda.

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:31 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Bill Oetjen	Occupy Burlington/Ward 7 Resident	Against F-35
Lee Burch	Ward 4 Burlington	Against F-35
Liza Cowan	Ward 5 Burlington	Against F-35
James Marc Leas	Vermont Resident	Against F-35
Walter Norton	Ward 2 Resident	Against F-35
Ernie Pomerleau	Ward 6 Resident	In favor of F-35
Charles Norris-Brown	Ward 1 Resident	Against F-35
Sojun Godfrey	Ward 1 Resident	Against F-35
Hayley Archer	Ward 3 Resident	Against F-35
Eileen Andreoli	Winooski Resident	Against F-35
Frank Cioffi	Greater Burlington Industrial Corp.	In favor of F-35

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Ephriam Schwartz	S. Burlington Resident	Against F-35
Janice Schwartz	S. Burlington Resident	Against F-35
Richard Tonn	Ward 3 Resident	Against F-35
James Ramey	Ward 5 Resident	Against F-35
Alex Buckingham	Ward 3 Resident	Against F-35
Martha Lang	Ward 1 Resident	Against How Airport is Run
Peggy Luhrs	Women Int'l League for Peace & Freedom/ Ward 3 Resident	Against F-35
Jay Vos	Ward 5 Resident	Against F-35
Joe Solomon	Ward 2 Resident	Against F-35
Jonathan Leavitt	Ward 2 Resident	Against F-35
Peter Garritano	Shelburne Resident	Against F-35
Angela Gale	Winooski Resident	Against F-35
Laurie Larson	Ward 3 Resident	Against F-35
Jared Wood	Ward 1 Resident	Champlain Parkway/DPW Commission should be involved
Jaqi Robertson	Ward 3 Resident	Against F-35
Emily Eck	FedUp Vermont/Ward 3 Resident	Against F-35
Jeffrey Frost	Winooski Resident	Against F-35
Barbara Nolfi	Ward 1 Resident	Against F-35
Greg Epler Wood	Ward 6 Resident	Questions about F-35 should be explored
Maggie Stanley	Ward 3 Resident	Against F-35
Pike Porter	Ward 6 Resident	Against F-35
Dan Cypress	Ward 2 Resident	Against F-35
Katie Kirby	Winooski Resident	Against F-35
Peter Lackowski	Ward 1 Resident	Against F-35
Nick Hinge	Ward 5 Resident	In Favor of F-35
Sharyl Green	Ward 1 Resident	Against F-35

Igor Zbitnoff	Winooski Resident	Against F-35
Robin Lloyd	Quaker Meeting	Against F-35
Glenn Sousa	Ward 4 Resident	Against F-35
Jeffrey Tonn	Winooski Resident	Against F-35

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 9:05 p.m.

City Council President Shannon recessed the meeting for five minutes. The meeting reconvened at 9:10 pm.

### 3. CONSENT AGENDA

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

- 3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List  
\*waive the reading, accept the communication and place it on file
- 3.02. RESOLUTION: Ambulance Service Fees (Board of Finance)  
\*waive the reading and adopt the resolution
- 3.03. RESOLUTION: License Agreement with CCTA for South End PARC Shuttle (Board of Finance)  
\*waive the reading and adopt the resolution
- 3.04. COMMUNICATION: Patrick Buteau, Asst. Director, DPW, re: Changes to South End PARC Shuttle Operations  
\*waive the reading, accept the communication and place it on file
- 3.05. RESOLUTION: Authorization to Accept Grant and to Contract for Construction of Glycol Collection/Treatment System at Burlington International Airport (Board of Finance)  
\*waive the reading and adopt the resolution
- 3.06. COMMUNICATION: Burlington International Airport, re: Finance Board Approval Request – Acceptance of Grant and Awarding of Contracts-AIP-Construct Glycol Collection and Treatment System (AIP-93)  
\*waive the reading, accept the communication and place it on file
- 3.07. RESOLUTION: Authorization to Execute Amendment to Lease at Burlington International Airport (Board of Finance)  
\*waive the reading and adopt the resolution
- 3.08. RESOLUTION: Authorization to Contract for Car Rental Concessions at Burlington International Airport (Board of Finance)  
\*waive the reading and adopt the resolution
- 3.09. RESOLUTION: Authorization to Contract for Food and Beverage Concession Services

at Burlington International Airport (Board of Finance)

\*waive the reading and adopt the resolution

3.10. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Ken's Pizza and Pub (Councilors Dober, Tracy, Blais: License Committee)

\*waive the reading and adopt the resolution

3.11. RESOLUTION: Appropriate File Storage and Plan for Proper Storage of City of Burlington Records, Files and Important Papers (Councilor Paul)

\*waive the reading and adopt the resolution

3.13. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator & Amy Bovee, Executive Secretary, re: Minutes, Adjourned City Council, Draft, April 30, 2012

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the June 4, 2012 City Council Meeting

3.14. COMMUNICATION: Andrew Strauss, Alternate Member, DRB, re: Resignation

\*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation thanking Andrew Strauss for his time served on the DRB as an Alternate Member

3.15. COMMUNICATION: Harry Chen, MD, Commissioner of Health, Department of Health, Environmental Health, re: Deputy Health Officer Kimberly Ianello

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

3.16. REPORT: City Assessor Vickery, re: Board of Assessors Commission Report

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

3.17. COMMUNICATION: Martha Lang, Ph.D., re: Burlington International Airport Environmental Impact Study

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

3.18. COMMUNICATION: Jillian Bogert, Clerk of the Board, Burlington Fire Commission, re: Attendance Record

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

4. PUBLIC HEARING: Church Street Marketplace—Establishment of Common Area Fees for Fiscal Year 2013

Ron Redmond, Church Street Marketplace Director, stated that the Marketplace was funded by common area fees, an additional tax that that business owners on the Marketplace paid. This funds about 75% of the budget. As part of the charter, each year there was a public hearing to approve the formula to determine how people would be taxed. This was the second public hearing, which said there would be a 3.25% increase this fiscal year. There was a hearing to discuss the increase, and the Marketplace Commission approved it unanimously. That was included in the FY13 budget.

City Council President Shannon opened the public hearing at 7:14 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
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No one came forward to speak.

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 7:14 p.m.

4.01. RESOLUTION: Church Street Marketplace—Establishment of Common Area Fees for Fiscal Year 2013 (Councilor Shannon)

Councilors Dober and Paul made a motion to waive the reading and adopt the resolution. The motion passed unanimously.

4.02. COMMUNICATION: Clerk/Treasurer's Office, re: Notice of Public Hearing

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

5. PRESENTATION: Tom Moreau, General Manager, CSWD, re: Budget FY13 and Franchising Solid Waste Collection Study (20 mins.)(materials sent previously)

Tom Moreau, CSWD, stated there were two items: the FY13 budget, and a report on consolidation of solid waste hauling and garbage collection. The CSWD budget had two components. The operating budget was down 0.3% this year, and revenue was down 0.7% this year. The capital budget was \$3.5 million and was increasing 34%. The major item in this budget was that the all in one recycling facility needed upgrades projected at \$1.5 million. This was the first facility of this kind on the east coast. They would continue to pay for materials that were brought into the Material Recovery Facility (MRF). The current rate was \$10, though the budget read \$5. He stated they would continue to pay as much as possible until the market dropped. The other thing impacting Burlington was bio-solids. The district managed sludge from the wastewater treatment plant. That was projected to drop \$4.70 a ton. It would be beneficially reused instead of landfilled. The transportation would be longer, but it would be applied to agricultural fields. There would be more work done with bio-solids. Recycling revenues were very good but it was difficult to know what would happen on the world market. This was the first year that the mortgage had been paid off. There would be some staffing changes including filling a vacant engineering position. There was a contracted engineer, but this year they would hire a staff engineer. There would also be someone hired on a 24 hour basis who would look to bring in more food waste from restaurants and cafeterias. Organic waste would be out of the waste stream by 2020 for households and restaurants by 2016.

Councilor Siegel inquired if the composting mandates had already been passed. Mr. Moreau stated they had. The largest facilities that had two tons or more of food waste each week were mandated to have composting in place by 2014. All other restaurants would be mandated by 2016. The district would provide carts to help with the logistics. By 2020, everybody, including residential, would have another container for compost. There was a RFP out to see what the cost would be in the yield and participation rate. Some haulers would start before 2020. Councilor Siegel inquired if there was any way that the City Council could help move this forward. Mr. Moreau stated Burlington had a very efficient collection system. The best thing Burlington could do was continue to have a representative supporting consolidated collection. Doing that would help move this effort forward more efficiently and cost effectively.

City Council President Shannon inquired if the budget had already been adopted and if the Council needed to approve it. Mr. Moreau stated 17 of 18 towns had already approved it. The Council had three options: approve it, do nothing, which would result in a yes vote, or vote no with written reasoning.

Councilor Bushor stated it was important for each community to know how the budget would impact them. She noted that the cost of living was healthy. In the operating budget, the fund balance had to be used to balance this. She inquired if the operating budget would be able to sustain itself without that

surplus. Mr. Moreau stated this year's surplus was expected to be \$700,000-\$800,000, which would sustain the \$181,000 needed for next year. Much of these expenses from the fund balance were one time projects. The Board was doing a management study to show that the district had been running lean. It was included in the budget as a contingency. The committed budget was balanced, and the uncommitted was not. Those positions would not be added until it was clear that it was sustainable. The cost of living was calculated January through September. This was the median in the county. There was a consultant brought in every 5 years. They usually say this was one of the best systems in New England. The CPI was shortchanged for a few years, so it was determined this should be corrected by giving a higher one this year. Councilor Bushor stated they had reappointed their representative, but there was some confusion about who the alternate is. Mr. Moreau stated all of the policies were on a weighted vote, unlike the budget. Burlington got 9 votes out of 34. When the Burlington representative could not attend, it was difficult to get quorum. He stated as of today, an alternate had not been selected.

On a motion by Councilors Bushor and Siegel, the CSWD budget was adopted unanimously.

Mr. Moreau stated when the CSWD was formed the communities gave the municipal solid waste power to the District. Part of this was to take what was formerly a waste and turn it into a resource. One thing that was being considered was the inefficient collection system that was currently in place. On his street, there were different haulers coming on different days and it was very inefficient. This is phase one of several phases. An economic firm, DSM, was hired to do a study to examine the economic and environmental impacts of the current system. It costs about \$26.5 million to get rid of waste in this county. Having just one hauler per area with a specified route would be more efficient. Haulers pick up 300-400 houses per day. When there was just one hauler assigned to an area, they could do 800-1,000 houses in a day. This could save \$4.4 million. He stated they examined the commercial side, and making changes in that area was not cost effective unless there were savings of 15% or more. Residential waste made up 60% of the waste, but it costs 70% of the total. The district was not interested in putting its own trucks on the road, but making it more efficient. When compost collection was instituted, there would be three carts. With all three, over 60% of waste could be diverted. This study also found that \$4.3 million could be saved if garbage was collected residentially weekly, and \$5.9 million could be saved if it was collected bi-weekly. Many customers have an affinity for some of the smaller haulers. There would have to be contracts, and the thought was no hauler would get more than 20%-30%. Small haulers would get small routes to allow them to stay in business. There was also an issue of performance. Currently, if a customer was dissatisfied they could choose a new hauler or go to a drop off center. This would require performance contracts with penalties for missed stops or blowing garbage. This was being done willingly, so it could be done at any pace people were comfortable with.

Councilor Bushor stated she would like to have a presentation with findings when the issues that required further study had been addressed. She stated this was entertained in the past, but it was not popular with the haulers. She stated it was important to understand the recommendation and how the current businesses would be allowed to stay in business. Mr. Moreau stated it was a difficult balance. Councilor Bushor requested that he return with his findings. Mr. Moreau stated he expected that will be in the fall.

6. RESOLUTION: Support for the Vermont Air National Guard's Effort to Win Assignment of the F-35 Fighter Jet (Councilors Dober, Decelles)
7. RESOLUTION: No to Basing F-35A in Burlington (Councilors Brennan, Siegel)
8. RESOLUTION: Questions for Consideration in F-35 EIS (Councilor Shannon)

City Council President Shannon stated she intended to have agenda items 6-8 introduced separately, but have one discussion encompassing the issue as a whole. She stated she would introduce her own resolution and would pass the gavel at that time, but would preside over the discussion as a whole. Councilor Decelles inquired how she would take the gavel back once she had passed it for her own item.

City Council President Shannon stated she will be introducing the resolution but not participating in the discussion beyond that point. Councilor Decelles stated he would prefer that they keep the current process. He inquired if the Council would have to vote to amend the agenda to proceed in that fashion. City Council President Shannon stated she consulted with the City Attorney and it was her prerogative to make that decision. Councilor Decelles stated he would prefer to vote on and discuss each resolution separately. City Council President Shannon requested that the Council vote to make a decision. Councilor Dober stated he would like clarification from City Attorney Schatz before voting. City Attorney Schatz stated it was the City Council President's prerogative to determine how to proceed to run the meeting efficiently. The Council did have a right to appeal that decision with a motion and a second. Councilor Decelles stated he understood the intention, but he did not feel that it would expedite the process and might confuse it even more. City Council President Shannon stated that having a broader discussion about F-35s might allow comments to cover all three.

Councilors Decelles and Dober made a motion to appeal the decision of the City Council President. City Council President Shannon proposed having all three resolutions on the table for discussion. Her proposal passed by a vote of 11-3 with Councilors Decelles, Dober, and Brennan voting against.

Councilor Paul inquired if the chair passes the gavel, were they required to give up the gavel for the entire discussion before a vote on the resolution. She requested clarification from the City Attorney. City Attorney Schatz stated it was a provision of Robert's Rules that the City Council President did not participate in the debate. There was a provision that if the City Council President wanted to engage in the debate, they had the ability to pass the gavel for that matter. If the City Council President wanted to participate in the debate by taking a position with respect to a resolution, they could not take the gavel back back for that matter.

City Council President Shannon passed the gavel to Councilor Adrian for the remainder of the discussion.

Councilors Dober and Decelles made a motion to waive the reading and adopt the resolution in support of the F-35s (agenda item 6).

Councilors Brennan and Siegel made a motion to waive the reading and adopt the resolution against the F-35s (agenda item 7).

Councilors Shannon and Bushor made a motion to waive the reading and adopt the resolution raising questions about the F-35 (agenda item 8).

Councilor Dober stated his resolution was to support the F-35s coming to Vermont Air National Guard Base. He was a retired National Guard member and spent 15 years there. He was in the active Air Force in the South before that. One of his assignments was at Plattsburgh Air Force Base. The area was dynamic at that time. It was a shame that the Air Force Base closed and Plattsburgh could no longer afford to buy basic things that they need, like road salt. This would create 1,100 jobs. There would be an impact if the F-35s did not come here, and they were the only option for this air base. There had been some kind of fighter at the Airport since 1946. The EIS outlined the worst case scenario. He stated he thought that they would actually be quieter than the F-16. He said the Green Mountain Boys had a tradition of supporting their country, and failing to support this would take an element of that away. It was important to the Airport because the National Guard provided \$2.5 million a year for crash and fire services. There were grants and federal funds received because of the National Guard's presence. This was money that Burlington needed to come up with. The Interim Aviation Director outlined what this meant financially. It would be devastating to lose that money. It was important that the largest City in the State was supportive of our local fighting force.

Councilor Brennan stated he put forward his resolution for a number of reasons. He stated he met Rosanne Greco because he was serving food at the food shelf. After talking to her, this item came up and

they had a spirited conversation. He stated he had made up his mind after reading the EIS. She was torn in her position. City Councilors represented the people of their towns, not the Air Force. He stated he had thought about the \$2.5 million for fire services at the Airport and recognized that this body played an important role in this Airport. Burlington's neighbors have made a strong statement about not impacting their residents. In the EIS, the noise had been mentioned many times. He stated he was surprised at the comparisons that were being made, such as the OSHA standard for where hearing loss occurred. He stated this might not be a good standard for people occupying houses. Air quality was a factor that everyone should be concerned with. This would change the demographics of the community. People on the lower end of the economic spectrum might fall victim to predatory lending as housing values dropped and people leave them. This would create a greater divide and would have a larger negative impact than the positive impact 1,100 jobs would provide. Winooski invested nearly \$500 million in their Downtown at the beginning of the economic downturn. They had not yet realized their full potential. This could have a big impact on whether or not our neighbors would prosper or not. He stated the United States was engaged in offensive war efforts and he felt it was important to include that in the resolution. He stated speaking with Rosanne Greco had a lasting impact with him because of her role as a City Councilor and a retired Colonel.

Councilor Shannon made an amendment to her resolution (agenda item 8), to add a question stating "will there be any hearing impairment for adults, children, and/or infants due to F-35 training, and on what do you base your answer?". Councilor Bushor accepted the amendment. Councilor Shannon stated she was torn on this issue, and the room was filled with people in opposition to the F-35s, but she was unsure if that was the sentiment of the majority of the people. Most people outside of that noise zone were supportive of the F-35s, while those inside of it were not. A lot of those opinions were not informed and people were supportive of what they have heard and not the facts. She stated she attended a meeting for realtors and there were concerns about being able to get a loan in that zone. One portion of EIS process was to raise questions that were not addressed in the study. This resolution attempted to do that. This resolution would also ask that an F-35 be brought to the Burlington International Airport. There was conflicting information about the noise at peak levels, and it was difficult to know how it would affect people without bringing it here. This might determine that it affected more people than originally thought, or it may affect less people. Citizens of Winooski were affected by F-16s, even though they were outside of the 65 DNL line. If it could be experienced and it was not that different than F-16, it would take away fear in the community. She stated it was easy to support this if you did not live in that area, but it was different for those in the zone. As owners of the Airport, there was an obligation to be good neighbors. Some people thought that the Airport would financially benefit from bringing the F-35s here. The only benefit derived was from the emergency services that they provided. The region benefited from having the National Guard, but it was not just filling Burlington's pockets. It was important to have the National Guard here and they made a financial contribution to the running of the Airport. The Airport was a regional asset that served individuals and attracted people to do business here. It also included statements from the EIS addressing noise and other issues. She stated this raised questions for the final study.

Councilor Decelles stated it was important to listen to everyone to determine what was best for the City and the region. He stated a man had a decibel reader outside and the band playing in the alley registered at 93. That was loud, and it would be hard to sleep through. Someone from the Airport Commission listed decibel meters. Everyone knew that it was loud. The EIS statement was a template for people to work on these issues to mediate the noise to a tolerable level. A person was quoted in the *Free Press* saying there would be housing available. It was appropriate to stand with the Mayor and the Governor to support them coming to Burlington. If the base was closed, it would be hard to find the money to fill the role they provide for us. There should be more work with City Councils to have a productive discussion.

Councilor Kranichfeld thanked everyone for speaking on this issue. He stated as a Ward 2 City Councilor, he had a special obligation to his constituents, the residents of Ward 2. Moving forward with the F-35 program would have an immediate adverse effect on Ward 2 and Burlington in general. He stated there was a good point about the availability of federal loans on properties in the affected zone. The affected

zone was where there would be an average noise of 65 decibels or more. That zone included almost all of Winooski. The housing market here was such that Winooski was seen as an affordable alternative to housing available in Burlington. Housing was already unaffordable in Burlington. If it was difficult for people to get loans in Winooski, prices were going to go up in Burlington. The housing stock could not take any more pressure. He stated he agreed with Councilor Shannon's resolution that requested asking questions. However, it was unclear if those answers would come before the public comment period was over. He stated he felt they were obligated to make a decision on this issue.

Councilor Siegel stated there was a point made that tonight's crowd was reflective of all of Burlington. She stated 95% of the constituents she had spoken with have been opposed, but she had not asked questions on the street. She stated the Lockheed Martin plant had been on strike for two months, which might prevent a decision on this issue. She suggested putting it on the ballot in the fall to determine how people really felt. She stated that voting for more than one resolution was a possibility. She was opposed with the information that she had, but might change her mind with more information. Councilors represent their constituents, but also must vote their principles. She stated she was glad that in this instance, the two were the same. Although she was not against individual soldiers and people involved in the military, she was opposed to the military budget. It would be nice if there were free healthcare and stellar education system. Although voting against this would not cause the military budget to shift, but if people at this level could not speak against it, where would the change start? The military budget was atrocious.

Councilor Bushor stated the resolution in support of the F-35 had language in it about how there were legitimate concerns about noise issues, and that the Vermont Air National Guard was working to minimize additional noise impact as they have in the past. That was important because they have worked with communities to solve these problems. This was important because the noise was an unknown. She was concerned about what the economic impacts would be if Burlington was not selected for the F-35, but did not know how to evaluate it. When she moved here, she did not know that there was an Air Force base across the lake that could be a target if there was a war. She moved to Burlington because she felt it would be safer than her home in Massachusetts. It was important that there was a defense mechanism for our country, though the spending was out of control. She stated she was concerned about the economic impact but did not have an answer. Security and jobs were important. She stated there was an update to the resolution against the F-35s that detailed the EIS scenarios more fully. There was information about the F-35 in a City Council packet. She attended a meeting in Winooski and South Burlington to listen to the discussion before the EIS was released. She felt her role was to work with everyone to mitigate the consequences of bringing a different plane here. The resolution opposing the F-35s had a lot of language about the military that was contrary to what she believed, because the military was necessary living in this world. She stated she did believe that not basing the F-35 here was the more environmentally friendly option and had concerns about air quality. They would be less polluting than the F-16 and would not necessarily use after burners. Another point raised was that there were great things like composting and recycling here, but this was meaningless if there was poor air quality. She stated she needed more questions answered. She stated she originally supported the F-35, but had changed her mind and would now vote against it. She stated she valued the individuals in the National Guard because they have been very helpful in sorting through information. However, she felt air quality was very important. She felt she was betraying someone no matter how she voted. She stated she supported Councilor Shannon's resolution because the intent was to ask more questions.

Councilor Blais stated that he did not have a military background. When the issue of Lockheed Martin came before the Council, he had no reservations in voting against that proposal because it was not in the best interests of the City. Constituents had not elected him to weigh in on military spending in other parts of the United States. They had not elected him to make decisions about one defense program or another. They had elected him to do what was best for the City of Burlington. Burlington would come out ahead with the F-35s here. The Airport benefited because of their contributions totaling \$2.5 million per year.

Deployment of the F-35s would continue the vitality of the National Guard. If they did not come here, that future would be uncertain. He stated he had no reservations supporting the F-35s.

Councilor Tracy thanked people who spoke during public forum. The fact that over 35 people took time to speak said something very important. That level of support was not matched by those in favor of the F-35s. He stated his constituents have been overwhelmingly against it. When considering this, he had been remembering where his values lied, and what would do the greatest good. He stated his values were decidedly pacifist and against war. He hoped this would send a clear message that there should be a reprioritization in this country. Even without sharing those values, it was possible to be opposed to this by doing the greatest good for the greatest many. Councilor Shannon's resolution raised some very good questions. The fact that these questions still existed after a 6.5 pound report was issued indicated that this should be reevaluated. \$2.5 million was a lot of money, but there was an almost \$700 million impact on real estate. This was a new plane and there could be accidents in residential neighborhoods. There were always issues with safety with new planes. If there were an accident, they could jettison jet fuel over Lake Champlain. There would be a population growth in South Burlington, but there was no indication that there would be improvements in infrastructure to support that growth. It would also decrease the quantity and quality of the housing stock. There were too many questions left hanging, and he would not support the resolution.

Councilor Mason stated he supported the resolution in favor of basing the F-35, was opposed to the resolution against the F-35, and supported Councilor Shannon's resolution. This was an advisory view to the Air Force based on limited information. Everyone wished there was more information, but it was not here yet. There was information on noise impacts that was based on worst case scenarios. There was a potential gain in jobs, and a potential impact on services at the Airport if the guard were to leave. He stated he had not heard from any Ward 5 residents outside of public comments. He stated he was balancing the interests of the City of Burlington. He stated he ran on a platform of fiscal responsibility, and he could not vote against the bed down of the F-35s and take that risk.

Councilor Aubin stated there had been a lot of information presented. There was a not in my back yard mentality surrounding this, and that might be why this had not been a heated issues in Burlington. Vermont had a certain brand and image, and that was a strong economic driver. He stated he went to an event and met a young person who was moving his business here. Burlington was a place where people chose to move their businesses and they chose it because of its brand. These intangible things brought business to Burlington. The F-35 would play a major role in the branding of Vermont and its ability to bring in business. Vermont was often rewarded for what it had to offer. He stated he feared that the unanswered questions about the F-35 might hurt that branding and Burlington's ability to bring in 21<sup>st</sup> century businesses.

Councilor Brennan stated he had travelled around the country and world, and planned communities typically build the Airport thirty miles outside of the population zone. Burlington's Airport was in what used to be a field and it grew. The population also grew. The Airport was in a population zone. The F-22s did not have a good track record and pilots did not want to fly those. The F-35 did not have a track record. Bringing it here to try it out was not a positive alternative. The EIS talked about noise levels of 115 decibels, which equated to 2 jackhammers next to each other. That was a nerve-wracking amount of noise. He stated he lived in Winooski for three years. Air traffic over Winooski was a concern. He stated he would have to turn his TV up as the plane went over him, and did not realize this until he moved to Burlington. With the change in the flight path, the homes that would be impacted were those people living on the lower end of the economic scale. Their homes would be lower in value and they would have to deal with the noise pollution and effects of the air quality. All neighbors had spoken. If the F-35s did not arrive, there might be other options for the \$2.5 million. This could be raised by having Chittenden County come together to close that gap. Burlington's neighbors have said no.

Councilors Brennan and Dober made a motion to complete the agenda. The motion passed unanimously.

Councilor Paul thanked those who remained at the meeting to listen to the discussion. Several Councilors had mentioned they were here to represent their constituents. She stated five of her constituents were here, and four spoke against this. More importantly were the people who spoke privately and might not have the courage to speak when they were in favor of the F-35. It was hard to get up and be someone in favor of it in a crowd of those who were against. She stated those who spoke with her privately were evenly divided, and the total number was less than ten. There were petitions circulating that were both for and against. This discussion started in the past, but was tabled because the EIS was not complete. She stated what she had read of the EIS had raised more questions than answers. She stated she supported jobs and the ability to create jobs. It was hard to keep jobs when the economy was not good. There would also be a resolution about the Champlain Parkway that requested the Administration and the State to look at ways to take the Champlain Parkway out of the King Street neighborhood, and it was important to speak for the people who might not be able to speak for themselves. The other issue was that the Guard was a member of the community, but no one spoke tonight. She supported the Airport and found it troubling when people who live in Burlington go to Plattsburgh for flights. She understood discussions about military spending, but that was an unrealistic argument. She stated that the resolution that asked more questions was an intelligent way to go.

Councilors Decelles and Dober made a motion to call to question. The motion failed by a vote of 6-8.

Councilor Tracy requested a roll call vote. He stated he had heard comments on the Mayor's position on this and requested an explanation. Mayor Weinberger stated the EIS process had left a lot of questions. He stated he welcomed the resolution calling for questions to be answered. It was troubling that the questions were not well known, and that the value of people's homes could go down because of the noise level. He stated a test flight would help the discussion and debate if that were possible. It was also troubling that there would be increased expenses to operating the Airport. There were questions about the Air Guard's mission if the F-35s were not here. It would have an impact on the community in that there are \$50 million in salaries that were being spent in this area.

Councilor Shannon stated the EIS was still in draft form and a final statement would be issued. Its purpose was to be circulated in the community and for them to respond and raise issues that were not covered in the draft. Any question that was asked would be answered in the final EIS. She stated they would not make a decision before the final EIS was issued.

Councilor Dober stated her answers would be addressed by the time the EIS came out. The purpose of putting these resolutions in now was because public comment closed soon. He stated he was supporting his own resolution and Councilor Shannon's because it raised valid questions.

Councilor Bushor stated in the past she had asked if the F-35 could come to the Airport and was told no. They were in production and did not fly yet. She stated she was glad to see it in the resolution and would like to have them come. At the South Burlington City Council there was an offer to go to a base and hear them. However, the point was for the people living in the region to hear it. She inquired if there would be an opportunity to amend the resolutions. Acting City Council President Adrian stated the time to amend them is now. Councilor Bushor proposed an amendment to agenda item 7 to remove seven whereas clauses. Councilors Brennan and Siegel accepted the amendment as friendly.

The Council took a brief recess.

The motion to adopt agenda item 6, the resolution in support of the F-35s, failed by a vote of 4-9.

AYES: Councilors Blais, Decelles, Dober and Mason

NAYS: Councilors Aubin, Brennan, Bushor, Kranichfeld, Paul, Siegel, Tracy, Shannon and Acting City Council President Adrian

ABSENT: Councilor Hartnett

The motion to adopt agenda item 7, the resolution against the F-35s, failed by a vote of 5-8.

AYES: Councilors Brennan, Bushor, Kranichfeld, Siegel and Tracy

NAYS: Councilors Aubin, Blais, Decelles, Dober, Mason, Paul, Shannon and Acting City Council President Adrian

ABSENT: Councilor Hartnett

The motion to adopt agenda 8, the resolution that raised questions about the EIS, passed unanimously by a vote of 13-0.

AYES: All present members

ABSENT: Councilor Hartnett

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

9. RESOLUTION: Burlington Ward Redistricting (Councilors Shannon, Blais, Siegel)

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

Councilor Blais stated during redistricting for the State Legislature, there was a framework that was dealt with. This called for a similar framework to be implemented for drawing City wards.

Councilor Decelles stated the process that the BCA Subcommittee undertook was a good process. He suggested that be mimicked in this instance as well. The Mayor was the head of the Board of Civil Authority (BCA); allowing him to lead would be beneficial. The public should allow time for comment and have meetings in different parts of the City to make sure that those voices were heard.

Councilor Bushor stated she supported the resolution. After speaking with City Attorney Schatz, it was clear that the Mayor or the President of the Council could facilitate this, but it was within the Council's jurisdiction to draw the lines. The process to engage the public should be a clear one. This could be part of a work session before it went to committee to allow the Council to understand the scope and weigh in on the issues. This would allow the Council to be involved but still allow the subcommittee to do the work.

Councilor Adrian stated this was an important process and Ward 1 was the most disproportionately affected. It was important to make things as streamlined as possible, and he was unsure if he would support a work session. This could be discussed and Councilors could attend the meetings. The structure of the subcommittee would be well constructed because of how the resolution was written. He inquired if this would be ready by the end of November. City Attorney Schatz stated there were wards with disproportionate representation that were important to address. Ward boundaries were set forth in the City Charter. First there would be a ballot question and the Legislature then had to approve the proposal. It did not really matter whether it happened in November or March, as the Legislature would still have to vote on it. If this went on the ballot in November, and the Legislature were to act quickly to allow the Clerk's Office to move to the redistricted wards in March that would be preferable, but might not be feasible. He stated he did not have a problem with waiting until March. Councilor Adrian stated this was important and there were many ways to go about it.

ACAO Schrader stated administratively, moving quickly would be preferable. Using the new ward boundaries in March would be preferable.

Councilor Bushor stated she had suggested having this discussion as part of a work session because it was hard to go to someone else's meeting.

The motion passed unanimously.

10. RESOLUTION: Requesting Exploration of Routes Between The Champlain Parkway and Battery Street to Enhance the Residential Areas Adjacent to Maple, King and Northern Pine Street (Councilors Mason, Shannon, Decelles, Siegel, Aubin, Tracy, Dober, Brennan and Paul)

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

Councilor Mason stated that the Champlain Parkway was the biggest issue he heard about in Ward 5. There were winners and losers in the project. This process had been long and complicated. He stated he hoped that with a new Administration, a better alternative could be found instead of the one that was proposed.

City Council President Shannon stated this process had happened at least twice.

Councilor Decelles stated alternative A as initially proposed was the most appealing because you could go from Battery Street to the interstate. He stated the latest proposal would result in people still using Shelburne Street or Pine Street and would be a waste of money. A better solution would be best.

Councilor Bushor stated there had been alternatives that the City had supported that the State or the Feds did not support. This was the alternative that resulted from that. She stated she hoped it could be better because it would be awful for the King Street neighborhood. There was a motion to alter filed by Alan Hunt with some of the findings. She inquired if this was under litigation. City Attorney Schatz stated there was an Act 250 motion going on. Brian Dunkiel, of Dunkiel and Saunders, stated it was under litigation. Councilor Bushor stated in the motion it mentioned erroneous statements that were made by the Commission about traffic decreasing on King Street when it would actually increase. She inquired if this could move forward even though it was under litigation; City Attorney Schatz stated that it could.

Mayor Weinberger stated he welcomed this resolution. The resolved items were actions that were already being undertaken to mitigate impacts from the Champlain Parkway. He stated he welcomed the work of the sponsors. He stated he did not agree with some of the statements about the project that was in permitting which could have a negative impact on the project. This was something that everyone could agree to and move forward with exploring alternatives.

The motion passed unanimously.

- 10.5 (was 3.12.) RESOLUTION: Re-organization of the Office of the Mayor, Elimination of Executive Secretary, Creation of Office Assistant II, Creation of Assistant to the Mayor for Open Government, Innovation and Mayoral Initiatives, Elimination of Assistant to the CAO Position (CT Office), Reclassification of Assistant to the Mayor to be Re-titled to Assistant to the Mayor for Operations and Communications (Board of Finance)

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

Councilor Tracy stated this was indicative of a flawed process. He stated he did not have a problem with the creation of the position and that the person would do a good job. He stated he also supported the Mayor's ability to make changes in the Administration as he saw fit. He stated there was no chance to debate this, as it was put on the consent agenda. He stated it was also flawed to put it in the budget and slip it through. With future reorganizations, he would like to have a chance to debate it before it was put in the budget as a line item. He stated he was concerned how the work would be shifted with the elimination of the position which dealt with risk management. That person saved the City a lot of money and he wanted to ensure those functions would be adequately addressed. He inquired who would be doing this work, how it would be handled, and if the people handling it would be compensated, as it was a significant task. City Council President Shannon stated she made the decision to put it on the consent agenda and that was not the preference of the Administration. Mayor Weinberger stated he did not agree with the characterization that there was no chance to debate the issue or that there was an attempt to slip it through. There was a work session where this was a topic for conversation and a Board of Finance meeting where this was discussed. It was outlined with organizational charts and discussions at two prior meetings. With regards to the work, it was something that he had considered and the person in the position being eliminated had made the decision to retire before he took office. She was asked to reconsider and submit memos outlining her concerns about the duties she performed. They were not being neglected and department heads had been instructed that they should highlight any concerns if this resulted in operational changes within their departments. Interim CAO Sisson stated the property and casualty program had been shifted to Assistant CAO Schrader who had a lot of experience dealing with this. The Wellness program was transferred to Human Resources, where that program belonged. The committee remained intact with every department participating. He stated he had no qualms making that shift. There was also a resource within Hickok and Boardman. They were paid a fee to monitor the City's programs to ensure they were on track and adequate. The risk management for the City remained as strong as it was before.

The motion passed unanimously.

11. COMMUNICATION: Mayor Miro Weinberger, re: Mayoral Appointments for FY13

Councilors Adrian and Blais made a motion to waive the reading, accept the communication, place it on file and appoint the candidates outlined in the communication.

Mayor Weinberger stated there would be a motion needed to appoint the candidates. Councilor Adrian inquired if this was the format for appointing candidates or if that must be done separately. City Attorney Schatz stated this was the traditional format. The Mayor provided a list of appointees and it was up to the Council to confirm these appointments.

Councilor Bushor stated she felt everyone being reappointed had served the City well. She stated she was concerned with the fact that the Assistant City Attorneys were not being appointed in this process. She stated she understood there was a statement about allowing the new City Attorney the latitude to shape the office and she could appreciate that. However, she felt it would be a disservice to clean house and appoint new attorneys and lose the history that these people had with the City.

Councilor Brennan stated he agreed with Councilor Bushor's comments. The idea of having the Assistant City Attorney positions not being appointed was a concern. There was a lot of work that gets completed, and needed to, in this office. New staff could get themselves up to speed, but having the historical background was very important. Those individuals had been paid for their service, but moving forward, there were cases where it would be beneficial to have that historical background.

City Council President Shannon stated the City Council did have the power to not appoint someone and could prevent wholesale change.

Councilor Paul requested that the Mayor address when the appointment of Peter Owens as the new CEDO director would take place.

Mayor Weinberger stated he would request action on the nomination of Peter Owens at the next meeting. He stated his office had been in touch with people who had not met him yet to set up a time this week. He stated the Assistant City Attorney situation was unfortunate. He had hoped to have appointed a new City Attorney by now; when a nominee came forward, this would be resolved. In discussions with candidates for the City Attorney appointment, a number of them had remarked on the appreciation that they would have some ability to shape their office without having to wait an entire year. Given the nature of the City Attorney position, that was important. It was unlikely that a single candidate would have knowledge in all areas of the law that a City Attorney needed to be an expert in. It might be important for the next City Attorney to make a change in their office to mitigate lack of experience they might have in a certain area. He stated he had no intention to clean house and he would not propose that. He stated he had discussed this with the Assistant City Attorneys and they would prefer the situation was different, but he had made his position clear.

The motion passed unanimously.

12. COMMITTEE REPORTS (5 mins.)

This item was not addressed.

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

This item was not addressed.

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

This item was not addressed.

15. COMMUNICATION: Ken Schatz, City Attorney and Joseph McNeil, Esq., re: Collective Bargaining (oral)

This item had been removed per Joe McNeil's Office.

16. ADJOURNMENT

On a motion by Councilors Decelles and Dober the Regular Meeting of the City Council voted unanimously to adjourn at 11:28 p.m.

Attest:

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