
DELIBERATIVE AGENDA

SPECIAL CITY COUNCIL WORKSESSION
MONDAY, SEPTEMBER 10, 2012
CONFERENCE ROOM 12, CITY HALL
6:00 P.M. – 7:15 P.M.

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

ABSENT: Councilor Hartnett

ALSO PRESENT: ACAOs Goodwin and Schrader; City Attorney Eileen Blackwood; Stephen Barraclough, Terry Dorman, BT; Barbara Grimes, BED; Joseph McNeil, McNeil, Leddy and Sheahan; Michael Burak, Mark Heath, Burak Anderson Melloni.

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Bushor and Brennan the agenda was adopted unanimously as presented.

2. DISCUSSION: Burlington Telecom Update (oral) 6:00 - 6:45

On a motion by Councilors Bushor and Brennan the City Council went into executive session at 6:25 p.m. premature disclosure would place the City at a substantial disadvantage. Present was/were: Mayor Weinberger; City Council President Shannon, Councilors Mason, Decelles, Bushor, Tracy, Kranichfeld, Paul, Brennan, Blais, Siegel, Adrian, Aubin, and Dober; ACAOs Goodwin and Schrader; City Attorney Eileen Blackwood; Stephen Barraclough, Terry Dorman, BT; Michael Burak, Mark Heath, Burak, Anderson, Melloni.

On a motion by Councilors Bushor and Brennan the City Council went out of executive session at 7:00 p.m.

3. COMMUNICATION: Joseph McNeil, Esq., re: Collective Bargaining (oral) 6:45 – 7:15

On a motion by Councilors Bushor and Kranichfeld the City Council went into executive session at 7:01 p.m. Premature disclosure would place the City at a substantial disadvantage. Present was/were: Mayor Weinberger; City Council President Shannon, Councilors Mason, Decelles, Bushor, Tracy, Kranichfeld, Paul, Brennan, Blais, Siegel, Adrian, Aubin, and Dober; ACAOs Goodwin and Schrader; City Attorney Eileen Blackwood; Barbara Grimes, BED; Joseph McNeil, McNeil, Leddy, Sheahan.

On a motion by Councilors Bushor and Tracy the City Council went out of executive session at 7:26 p.m.

4. ADJOURNMENT

On a motion by Councilors Bushor and Tracy the Special City Council Work session voted unanimously to adjourn at 7:26 p.m.

Attest:

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

LOCAL CONTROL COMMISSION
MONDAY, SEPTEMBER 10, 2012
CONTOIS AUDITORIUM, CITY HALL
7:40 P.M.

PRESENT: All Present

ABSENT: n/a

CITY ATTORNEY'S OFFICE: City Attorney Eileen Blackwood, Assistant City Attorney Gene Bergman

CLERK/TREASURER'S OFFICE: ACAOs Schrader and Goodwin, Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Dober and Blais the Local Control Commission Agenda was unanimously adopted as presented.

2. CONSENT AGENDA

Commissioner Bushor inquired if the committee received feedback from residents on extensions of the hours of consumption permits. Commissioner Dober stated they consulted the Police Department and this is within their recommendation. This will help calm the lower church street crowd because there will be people outside eating. People at the bars or in line for the bars will be more attentive. The Police Department agrees. Councilor Bushor inquired if the philosophy is that the more eyes that are on the street the better. Commissioner Dober stated outside consumption was already allowed until 9:00. This will extend it to 11:00. Everyone on upper Church Street has outside consumption until 2:00. The problems there have been cleaned up for the most part, and this will allow them extra time.

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

2.01. APPLICATION FOR SPECIAL EVENT PERMIT (two days only):

Whistle Pig Whiskey, Grand Point North Festival Taste of Vermont Tent, Waterfront Park, September 14- 15, 2012, 2 p.m. – 11 p.m.

*waive the reading, accept the communication, place it on file and approve the two day only application for special event permit for Whistle Pig Whiskey

2.02. APPLICATIONS FOR SPECIAL EVENT PERMITS (three days only):

The Switchback Beerworks, 160 Flynn Avenue, October 12 – 14, 2012

- **10 Year Anniversary VIP Dinner, 10/12/12, 3:30 p.m. – 12:00 a.m.**
- **10th anniversary celebration, 10/13/12, 11:00 a.m. – 5:30 p.m.**
- **10 Year Anniversary Account Appreciation Lunch, 10/14/12, 11:00 a.m. – 5:00 p.m.**

*waive the readings, accept the communications, place them on file and approve the applications for special event permits for The Switchback Beerworks contingent upon Fire Marshal approval

2.03. EXTENSION OF OUTSIDE CONSUMPTION PERMIT HOURS (2012-2013):

Das Bierhaus, 175 Church Street

*waive the reading, accept the communication, place it on file and approve the extension of outside consumption permit hours for Das Bierhaus, end time everyday 11:00 p.m.

2.04. EXTENSION OF OUTSIDE CONSUMPTION PERMIT HOURS (2012-2013):

El Gato Cantina, 169 Church Street

*waive the reading, accept the communication, place it on file and approve the extension of outside consumption permit hours for El Gato Cantina as follows: end time Sun-Tues: 10:00 p.m.; end time Wed – Sat: 11:00 p.m.

2.05. FIRST CLASS CABARET LIQUOR LICENSE RENEWAL (2012-2013):

Remy Cooper, LC, d/b/a ½ Lounge, 136 ½ Church Street

*waive the reading, accept the communication, place it on file and approve the 1st Class Carabet Liquor License Renewal for Remy Cooper, LLC with all standard conditions and contingent upon DLC seminar certification

2.06. OUTSIDE CONSUMPTION PERMIT RENEWAL (2012-2013):

Remy Cooper, LC, d/b/a ½ Lounge, 136 ½ Church Street

*waive the reading, accept the communication, place it on file and approve the outside consumption permit renewal for Remy Cooper, LLC with all standard conditions and contingent upon DLC seminar certification

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

Crepemont, LLC, d/b/a Mr. Crepe (formerly Bangkok Bistro), 144 Church Street

Commissioners Dober and Blais made a motion to approve the license. The motion passed unanimously.

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

Crepemont, LLC, d/b/a Mr. Crepe (formerly Bangkok Bistro), 144 Church Street

Commissioners Dober and Blais made a motion to approve the permit. The motion passed unanimously.

4. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 7:45 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
MONDAY, SEPTEMBER 10, 2012
7:45 P.M.

PRESENT: see above

Councilor Decelles requested a moment of silence in honor of 9/11. The Council took a moment of silence.

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Adrian and Decelles the agenda was unanimously adopted, as amended as follows:

Remove from the consent agenda item 3.18. RESOLUTION: Request to Develop a Strategy and Plan to Reconstitute the Advisory Committee on Accessibility (Councilor Bushor) and place it on the September 24, 2012 City Council Agenda; amend the motion for consent agenda item 3.28. COMMUNICATION: Danny Turenne, re: Queb tax in Burlington as follows: “waive the reading, accept the communication, place it on file **with a copy to be sent to the Mayor’s Office for his response;**” amend the motion for consent agenda item 3.29. COMMUNICATION: Martin Menard, re: Queb’s tax as follows: “waive the reading, accept the communication, place it on file **with a copy to be sent to the Mayor’s Office for his response;**” add to the consent agenda item 3.36. COMMUNICATION: Rachel Siegel, Ward 3 City Councilor to Burlington Police Department, Attn: Greta Dumas/Burlington Police Commission, re: Importance of an Independent Investigation into the July 29th incident between BPD and the Tar Sands Protesters with the action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 3.37. COMMUNICATION: Abigail Tykocki, re: New Taxi Cab Fares with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 3.38. COMMUNICATION: Rebecca Goldberg, Library, re: Letters and Reviews with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 3.39. COMMUNICATION: Mayor Miro Weinberger, re: Request to authorize grant applications with the action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 3.40. RESOLUTION: Authorization to Apply for Funding for an Environment, Community, Opportunity, Sustainability (ECOS) Project of the Chittenden County Regional Planning Commission (CCRPC) Grant (Councilor Shannon) with the action to “waive the reading and adopt the resolution;” add to the consent agenda item 3.41. COMMUNICATION: Steven E. Jeffrey, Executive Director, Vermont League of Cities & Towns, re: draft 2013 VLCT Municipal Policy with the action to “waive the reading, accept the communication and place it on file;” add to the agenda item 6.01. COMMUNICATION: Peter Owens, CEDO Director, re: **TIF Capacity related to Nov Ballot item;** note the proposed action for agenda item 13. ORDINANCE: CDO-Amendments Related to Residential Occupancy Limits in the RH District ZA #13-01; note the proposed action for agenda item 15. ORDINANCE: CDO-Electronic Message Display ZA 12-08.

Councilor Decelles requested that item 8 be removed from the agenda.

2. PUBLIC FORUM (Time Certain: 7:45 p.m.)

City Council President Shannon opened the public forum at 7:52 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Jean O’Sullivan	Ward 7 Resident/ State Representative	In favor of hemp & cannabis ballot item
Al Gobeille	Business Owner	Concerns regarding City Finances
Jerry O’Neill	Police Commissioner	Update on July 29 Demonstration
Chris Pearson	Ward 1 Resident/ State Representative	In favor of hemp & cannabis ballot item

Chapin Spencer	Local Motion	Bike Path & In favor of hemp & cannabis ballot item
Albert Petrarca	Ward 3 Resident	In favor of hemp & cannabis ballot item
Peter Moss	Fairfax Resident	In favor of hemp & cannabis ballot item
Emily Peyton	Independent Candidate for Governor	In favor of hemp & cannabis ballot item
David Barnouw	Ward 6 Resident	In favor of hemp & cannabis ballot item
Rafael Wainhaus		In favor of hemp & cannabis ballot item
Phil Hammerslough	Ward 2 Resident	In favor of hemp & cannabis ballot item/ TIF and Bike Path
Norman Williams	Ward 6 Resident	Bond Issue and BT Lawsuit
Robin Lloyd	Ward 6 Resident	In favor of hemp & cannabis ballot item
Kurt Wright	Ward 4 Resident/ State Representative	Bike Path Financing

There being no one further coming forward, City Council President Shannon closed the public forum at 8:21 p.m.

3. CONSENT AGENDA

On a motion by Councilors Adrian and Kranichfeld the consent agenda was unanimously adopted, as amended, thus taking the actions indicated as follows:

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: Authorization to Contract with Precipitator Services Group, Inc. For Electrostatic Precipitator Field Rebuild (Board of Finance) (supporting material in envelope marked “confidential”)

*waive the reading and adopt the resolution

3.03. RESOLUTION: Authorization to Contract with Evaptech, Inc. for Cooling Tower Timber Replacement (Board of Finance)(supporting material in envelope marked “confidential)

*waive the reading and adopt the resolution

3.04. RESOLUTION: Authorization to Contract with Alstom Power, Inc. for Generator Rotor Removal and Replacement (Board of Finance)(supporting material in envelope marked “confidential)

*waive the reading and adopt the resolution

3.05. RESOLUTION: Open Space Protection Plan Update (Board of Finance)

*waive the reading and adopt the resolution

- 3.06. COMMUNICATION: Scott Gustin, Senior Planner, Burlington Conservation Board, re: Funding of the Burlington VT, Open Space Protection Plan Update
*waive the reading, accept the communication and place it on file
- 3.07. RESOLUTION: Authorization to Award a Contract for the Relining and Repair of the Delineated Pipes for Wastewater and Stormwater (Board of Finance)
*waive the reading and adopt the resolution
- 3.08. RESOLUTION: Supplemental Budget Resolution #2012-04 Authorization for Acceptance and Appropriation of 2012 Justice Assistance Grant (JAG) Funding for Crime Prevention Programs (Board of Finance)
*waive the reading and adopt the resolution
- 3.09. COMMUNICATION: Mayor Miro Weinberger, re; Acceptance of the 2013 JAG Grant
*waive the reading, accept the communication and place it on file
- 3.10. COMMUNICATION: Mayor Miro Weinberger, re: 2012 Justice Assistance Grant (JAG) Dated May 14, 2012
*waive the reading, accept the communication and place it on file
- 3.11. RESOLUTION: Appointment of Acting Inspectors of Election for Ward One (Councilor Shannon)
*waive the reading and adopt the resolution
- 3.12. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain a Sign Extending Over a Portion of the City's Right-of-way with Phoenix Books (Councilors Dober, Tracy, Blais: License Committee)
*waive the reading and adopt the resolution
- 3.13. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain a Sign Extending Over a Portion of the City's Right-of-way with Liebling (Councilors Dober, Tracy, Blais: License Committee)
*waive the reading and adopt the resolution
- 3.14. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Das Bierhaus (Councilors Dober, Blais, Tracy: License Committee)
*waive the reading and adopt the resolution
- 3.15. RESOLUTION: License Agreement with KAS, Inc. to Install Ground Water Monitoring Wells on Portions of the Public Rights-of-way on Center Street, Bank Street, College Street and So. Winooski Ave. (Councilors Dober, Tracy, Blais: License Committee)
*waive the reading and adopt the resolution
- 3.16. RESOLUTION: Reclassification and Title Change Burlington Telecom Account Executive to Senior Commercial Account Executive (Board of Finance)
*waive the reading and adopt the resolution
- 3.17. COMMUNICATION: Susan Leonard, Human Resources Director and Benjamin Pacy, Human Resources Generalist to the Board of Finance, re: Burlington Telecom –

Reclassification and Title Change for Account Executive Position

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

3.18. RESOLUTION: Request to Develop a Strategy and Plan to Reconstitute the Advisory Committee on Accessibility (Councilor Bushor)

*waive the reading and adopt the resolution

3.19. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain An Awning Extending Over a Portion of the City's Right-of-way with Draker Solar Properties (Councilors Dober, Tracy, Blais: License Committee)

*waive the reading and adopt the resolution

3.20. INDOOR ENTERTAINMENT PERMIT RENEWAL (2012-2013): Remy Cooper, LLC

*waive the reading, accept the communication, place it on file and approve the 2012-2013 Indoor Entertainment Permit Renewal for Remy Cooper, LLC with all standard conditions and contingent upon DLC seminar certification

3.21. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (two days only):

Higher Ground, Maltex Building Parking, Lot, Art Hop Central, September 7 and 8, 2012, 4 p.m. – 12 a.m., Dance Party and Fashion Show

*waive the reading, accept the communication, place it on file and ratify the two day only special event outdoor entertainment permit application for Higher Ground

3.22. COMMUNICATION: Steven E. Jeffrey, Executive Director to Vermont Municipal Officials, Re: Candidate Forum Tool Kit

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

3.23. COMMUNICATION: Lori Cragin, MS, PhD, State Epidemiologist – Environmental Health, Vermont Department of Health, re: Reappointment of Deputy Health Officer

*waive the reading, accept the communication, place it on file and re-appoint Linda Ayer as a Deputy Health Officer

3.24. COMMUNICATION: Christine Auer Hebert and family, re: Thank you

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

3.25. COMMUNICATION: Haik Bedrosian, Ward Seven School Commissioner to Mr. Keith Pillsbury, Chair, Burlington Board of School Commissioners, re: Resignation

*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Haik Bedrosian thanking him for his time served on the School Commission; note that the November 6, 2012 Special City Election will hopefully fill this vacancy

3.26. COMMUNICATION: Ed Adrian, Ward One City Councilor, re: Resignation

*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Ed Adrian thanking him for his time served on the City Council; note that the November 6, 2012 Special City Election will hopefully fill this vacancy

3.27. COMMUNICATION: Ray, rkicanoe@msn.com, re: Bike Path

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

- 3.28. COMMUNICATION: Danny Turenne, re: Queb tax in Burlington
*waive the reading, accept the communication, place it on file and refer to the Mayor's Office for a response
- 3.29. COMMUNICATION: Martin Menard, re: Queb's tax
*waive the reading, accept the communication, place it on file and refer to the Mayor's Office for a response
- 3.30. COMMUNICATION: Jennifer Tedeschi, re: Smoking Ban on Church Street
*waive the reading, accept the communication and place it on file
- 3.31. COMMUNICATION: Rachel Siegel, Vince Brennan, Sharon Bushor, Max Tracy to Mayor Weinberger, re: July 29th Protests
*waive the reading, accept the communication and place it on file
- 3.32. COMMUNICATION: Erika Renae Keith, Ward Two Inspector of Election, re: Resignation
*waive the reading, accept the communication, place it on file and advertise the vacancy in time for the 2013 Annual City Election
- 3.33. COMMUNICATION: Hunter Rieseberg, President VLCT Board of Directors, re: Voting Delegates at the VLCT Annual Business Meeting
*waive the reading, accept the communication, place it on file and appoint Mayor Miro Weinberger as the Voting Delegate for VLCT
- 3.34. COMMUNICATION: John Brabant, Vermont DEC Salvage Yard Program to Town Clerk and Certificate of Registration Holder, re: Enclosed Replacement Certificate of Registration
*waive the reading, accept the communication and place it on file
- 3.35. COMMUNICATION: Nick Kinney, Wright and Morrissey, re: W&M Parking Bag Burl DPW Renewal
*waive the reading, accept the communication, place it on file and refer to DPW Director Goodkind for approval
- 3.36. COMMUNICATION: Rachel Siegel, Ward 3 City Councilor to Burlington Police Department, Attn: Greta Dumas/Burlington Police Commission, re: Importance of an Independent Investigation into the July 29th incident between BPD and the Tar Sands Protesters
*waive the reading, accept the communication and place it on file
- 3.37. COMMUNICATION: Abigail Tykocki, re: New Taxi Cab Fares
*waive the reading, accept the communication and place it on file
- 3.38. COMMUNICATION: Rebecca Goldberg, Library, re: Letters and Reviews
*waive the reading, accept the communication and place it on file
- 3.39. COMMUNICATION: Mayor Miro Weinberger, re: Request to authorize grant applications
*waive the reading, accept the communication and place it on file
- 3.40. RESOLUTION: Authorization to Apply for Funding for an Environment, Community, Opportunity, Sustainability (ECOS) Project of the Chittenden County

Regional Planning Commission (CCRPC) Grant (Councilor Shannon)

*waive the reading and adopt the resolution

3.41. COMMUNICATION: Steven E. Jeffrey, Executive Director, Vermont League of Cities & Towns, re: draft 2013 VLCT Municipal Policy

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

4. RESOLUTION: November 6, 2012 Special City Meeting—Issuance of General Obligation Bonds for Working Capital Reserve Funds Authorized (Board of Finance)

Councilors Paul and Hartnett made a motion to adopt the resolution.

Councilor Paul stated this resolution will place a question on the ballot to allow the City to issue General Obligation Bonds in an amount not to exceed \$9 million for the purpose of funding one or more reserve funds to be used for working capital costs and expenses for the City and its department. This would reduce reliance on short term borrowing. It will address one of the most significant material deficiencies in the management letter the auditor issued this year. It would also address challenges with Moody's Credit Rating Service and the City's rating downgrades. The City's credit rating was Aa3, was considered high grade and high quality, and was only one step below the highest rating. Today, the rating is Baa3, one step above non-investment grade. When the issue with the \$17 million that had been funneled to BT was brought to light, people wondered how a City this size could do this without creating a hole in the financial structure. The City's financial structure has been affected. There is \$8 million in reserve. This may sound like cash, but it is often not in that form. Revenues do not always come into the City at the same time as expenditures. Without cash reserves, the City may find itself without cash. Sometimes, they are in large amounts and require short term borrowing. Short term borrowing requires interest payments and does not improve the financial condition. This will stop the dependence on short term borrowing and begin to address the issues. Some people have said there is no urgency with this issue, but failure to act creates that urgency. Moody's is watching the City and have said that the credit rating's future depends on addressing the short term borrowing problem. They have also said this move will be received favorably. This bond may not instantly resolve credit rating troubles, but not addressing the issue will send a bad message to credit raters and the auditors. She strongly supports it and looks forward to moving forward.

Councilor Dober stated he wrote an article about what the next Mayor will need to do. One item was to fix the City's credit rating. The other items were to get out of Moran, improve the Airport, and move employees to the School Department rather than the City. This Bond will give the City the cash availability that it needs to function. The rating is critical and waiting until March is not an option.

Councilor Brennan stated he has heard what was communicated to the Council about this issue. The bonding has merit. CAO Sisson compared it to a home equity loan that would consolidate credit card debt and makes sense. An action that was taken with the Bike Path was to start to build money. The citizens who worked on this were able to solicit donations from those who were willing. He stated that he will offer an amendment to the resolution and read it.

Councilors Brennan and Siegel made a motion to amend the resolution to include financing for the bike path in the bond.

Councilor Brennan stated an important piece of the language is that the money will be used to stabilize the City's funds. There is a portion of the bike path in play with TIF money. This would give an opportunity to go out to the private sector showing that the City has committed to this project. The funds would not have to be pulled at this time, but having that option would allow the bike path to grow in a logical fashion.

Councilor Decelles inquired how a \$12 million borrowing would affect a home valued at \$200,000. Interim CAO Sisson stated it would be about \$80 for a \$250,000 house. Councilor Decelles inquired how much additional interest would be paid if a \$12 million bond were borrowed. ACAO Schrader stated it would add approximately \$80 and an additional \$20 for the interest.

Councilor Bushor inquired how much interest would be paid on the amount that is borrowed since it is taxable. ACAO Schrader stated the bonding on the bike path would be tax exempt and the interest rate would be lower. Historically, non-taxable bonds have had interest rates ½-1% lower. It would probably cost about \$120,000 and another \$450,000. Councilor Bushor inquired if that would be close to \$600,000. ACAO Schrader stated that is correct. Councilor Bushor stated that bond would be non-taxable because it is for infrastructure improvements. She inquired if they would issue two bonds, one taxable and one not. ACAO Schrader stated that is his interpretation of the language.

Councilor Kranichfeld stated the long term financial health of the City must come first and should be the Council's top priority. It is an important foundation and that must be repaired first. The spirit of the amendment is in the right place, but it is not worth jeopardizing the chances of a \$9 million bond passing. He stated he will vote against the amendment and will support the original language.

Councilor Dober inquired if the City can afford this right now. This will add an additional \$3 million of debt while the credit rating is low. He inquired how this will affect liquidity. ACAO Schrader stated it would increase liquidity by \$3 million until the notes were due. The City is not close to its debt limit. Councilor Dober inquired if this conforms with the City's plan for the near future. Mayor Weinberger stated he does not support the amendment. He respects the spirit of the amendment, but this is not the way to pursue it. The City faces serious financial problems and he will not support an amendment that may reduce support for the fiscal stability bond by increasing taxes that households will face. There are two ballot items for the Bike Path and a commitment from the Council in addition to private fundraising. These things will allow \$4 million to be spent on the Bike Path and will complete design and permitting and widening of congested sections of the Bike Path. The proposal with the rooms and meals tax and the bond question are both tax increases. There has been commentary that this is rushing. It will take years to spend \$4 million on the bike path. In that time, it will be possible to refine the costs of the bike path. The number is only conceptual and should not be used to make tax decisions. Now is not the time to move forward with this request.

Councilor Aubin stated he is unsure where the dollar amount of \$3 million number in the amendment came from. It is confusing to put these two measures together.

Councilor Adrian stated the other initiatives, should they pass, will raise about \$4 million for Bike Path Improvements. It is difficult to understand why \$3 million more would be needed beyond that. He stated he appreciates the work of the Bike Path Task Force. They were able to raise private money and the City will also contribute. The expectation was that only a small amount of that money would come from taxpayers. The economy is poor right now, and fundraising may become difficult, but taxpayer dollars should not be used to supplement something that should be coming from the private sector. There is already a substantial amount of money being put into this project. This will last a few years and there may be a better picture of City finances at that time.

Councilor Siegel stated she agrees that the financial stability of the City must come first. Having spoken to voters, they feel like they are not gaining anything from the \$9 million. While it is important for the City, voters feel more excited about buying something concrete like the Bike Path. The number is so large that the difference between \$9 million and \$12 million does not feel so great. For some residents, the tax increase would be hard, but it is worth it in order to pass the fiscal stability bond. She feels she could sell the bond better if the Bike Path is attached. She is concerned that TIF money will only help the downtown

portion of the path. A tax increase for maintenance does not make sense when a major rehab is about to occur. The City cannot ask people to donate to the Bike Path without the City chipping in. The bonds do not have to be drawn right away, but would be in reserve until they are ready to be used. She does not know where the \$3 million number was derived from, but based on this and the \$4 million, this may cover the entire expense of the Bike Path. She noted that the Bike Path is an economic generator for the City.

Councilor Mason stated he will not support the amendment. The liquidity issue needs to be addressed. The Bike Path is something that people want. He is not prepared to lose the need of improving finances because of the want of a bike path. He requested more clarity about what amounts will be spent on what projects in the amendment.

Councilor Brennan stated the City is facing problems, but the people of Burlington are in good shape. Talking about needs, there was a time when the former mayor asked for a tax increase. The Council did not allow that to go on the ballot. There has been a need for a long time. The Mayor presented a need for \$8.2 million and \$9 was chosen. The numbers in the task force report were inflated, so he selected a number that would put more pressure on the private sector. The Mayor may use the bonds where he sees fit. This would provide a rallying point for voters and allow the foundation to move forward in the private sector. There is no need to clarify more than that as it will be up to the Mayor and the administration to pull those funds.

Mayor Weinberger stated he respects Councilor Siegel's different conclusion on the success of the fiscal stability bond with the Bike Path included. He stated that there is a misunderstanding if people feel they do not get something out of this bond. Credit ratings matter, both for individuals and Cities. The City is paying dearly for the mistakes of the past. There is also an item on the agenda for an \$11,250,000 long term bond. That is a routine bond and is necessary for the management of the City. The community will pay \$1.1 million in interest over the next 20 years because of the most recent downgrade. There are many better uses for that money than paying interest to lenders. If the City were downgraded any more, it would no longer be considered investment grade. It would double the amount spent on short term borrowing. City Council President Shannon reminded the Mayor that discussion should be focused on the amendment. Mayor Weinberger stated he is trying to dispel the idea that people will not get anything out of this borrowing.

Councilor Brennan requested a roll call.

The vote on the amendment failed by a vote of 4-10.

AYES: Councilors Brennan, Bushor, Siegel and Tracy

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

Councilor Hartnett stated it is interesting that people feel they will not get anything out of the \$9 million bond. The real problem is what they will not get if this does not pass. This is needed and should be fully supported. To have a world class waterfront, bike path, and parks, the financial foundation must be in order. He stated he is confident that the Bike Path will be taken care of. The Mayor has given his word that he is supportive of the Bike Path. Putting the two together is not fair to the voters. He was in favor of moving the 1% meals tax increase forward. The big picture is that this bond needs to be in place. The former administration asked for tax increase and was denied. People did not trust where the money was going. That has changed and he fully supports this bond.

Councilor Bushor stated the Mayor presented a scenario to the Board of Finance three weeks ago. She has a problem with this process. As a City Councilor, she feels she is a check and balance to the

administration. She will support the resolution, but a different process would have been more beneficial. Departments are asked to go through a more inclusive process and offer multiple scenarios. She has not heard another scenario presented. Bonds will be refinanced when the interest rates are lower. She would have preferred to at least know what other options the administration considered. It is important to feel that this has been fully vetted. She knows there is a need and this will address some of the problem. It will be important not to go forward with short term borrowing after this is in place. She stated she does trust the administration, but wants to be the check and balance for the citizens.

Councilor Decelles inquired when the administration came up with this proposal. Mayor Weinberger stated they have been in office for five months. They had less than a month to make budget decisions upon entering office and two months to pass the budget. Since that was passed, the liquidity issue has been the main issue of the administration. It took time to develop the proposal. It was not a firm proposal until it was shared with the Council. There have been conversations since May that something would be done on the November ballot. It is a strong proposal. Councilor Decelles inquired what other ideas the administration had considered. Mayor Weinberger stated he stands by the proposal. It is the proposal that has worked in other communities. It may not be the only option, but it has been three years since the Council became aware of the problem. The auditor stated it would improve the balance sheet. It will be a credit positive in future rating evaluations. It makes intuitive sense. Councilor Decelles stated he has not spoken to anyone who does not recognize there are financial issues. However, it is legitimate to question this as no other idea has been vetted. Having a broader discussion with more community members would have been more beneficial. This may solve the liquidity problem, but does not solve the solvency problem. It would have been interesting to discuss other options such as layoffs, pay freezes, or service cuts to paint a clearer picture. This reminds him of Piper-Jaffrey with the sense of urgency. He is not convinced this is the best option because he has not heard what other options there are. He will not support this.

Councilor Paul stated that Piper-Jaffrey was a way of kicking the tin can down the road. It would have wrapped all debt into one thing with huge payments further down the road. No other alternative was presented, but the Council did enough research to vote it down. It was the right decision. This is an alternative that is preferable to raising taxes. Raising taxes is only a short term fix. Bonding is a commitment that sends a message the City is serious about this. It spreads the payments over a long period of time. Those who benefit from the increased credit rating are also those who are paying for the bond. The City needs and deserves a world class bike path, but first needs a world class credit rating. She stated the former Mayor often stressed that when voting for tax increases, Councilors should be prepared to sell it. That is very important.

Councilors Mason and Aubin proposed an amendment to the resolution to add “excluding Burlington Telecom”.

Councilor Mason stated his hope with this amendment is to avoid any complication with condition 60. The City Attorney’s Office has indicated it will not create collateral issues.

The motion passed unanimously.

Councilor Adrian noted that there will be four finance resolutions addressed tonight. Item 6 deals with general obligation bonds states the City Council requests the Mayor call a Special City Meeting on November 6, 2012. The resolution that is being debated now for General Obligation Bonds says the item will be on the ballot for the special meeting. There has been no request for a Special Meeting yet, so that must happen before the Council can vote to add things to it.

Councilor Adrian made a motion to amend the resolution add a request for the special meeting to the resolution. Councilors Paul and Hartnett accepted the amendment as friendly. City Attorney Blackwood read the correct language.

Councilor Brennan stated he understands the need for this. Many Councilors have said that in order to move forward, this will need to be sold to constituents. He knows that there is a problem, but he is having a hard time developing talking points. It is going to be hard to gain a 2/3 majority. He does not want to stand in the way of the administration, but feels that this is the only option presented and it is rushed.

Councilor Dober made a motion to call the vote to question. The motion passed unanimously.

City Council President Shannon requested a roll call.

The motion passed by a vote of 13-1.

AYES: City Council President Shannon; Councilors Adrian, Aubin, Blais, Brennan, Bushor, Dober, Hartnett, Kranichfeld, Mason, Paul, Siegel, and Tracy.

NAYS: Councilor Decelles

5. RESOLUTION: November 6, 2012 Special City Meeting—Approval of Increase in Maximum Tax Rate for General City Purposes Authorized for Bike Path Improvement and Maintenance Fund (Board of Finance)

Councilors Bushor and Mason made a motion to adopt the resolution.

Councilor Bushor stated the Bike Path Task Force proposed a maintenance fee for the Bike Path. Even though the improvements are just beginning, this money should begin to accrue. It is not a lot of money but will be used to keep the bike path in good condition. It is a dedicated tax that will not roll over into the general fund.

Interim CAO Sisson stated it is treated the same as Pennies for Parks money.

Councilor Hartnett stated he hopes it will be treated the same as Pennies for Park money recently, not how it was handled in the past. This is a statement that the administration, the task force and the Council are dedicated to the Bike Path. This is a commitment from the City and he will support this. He thanked the Task Force for their hard work.

Interim CAO Sisson thanked the Bike Path Task Force for their work.

Councilor Brennan stated it is important to note that this resolution focuses on the Bike Path Network. This does extend beyond the Waterfront Bike Path. The City has a vibrant bike path system. This small amount of money will be dedicated to this system. It was wise of the task force to recognize that having a vibrant network is vital. The Waterfront has a recreational piece, but there are also paths that can be used for alternative means of transportation.

Mayor Weinberger stated this administration is committed to building a world class Bike Path. The actions tonight will allow for design and permitting, get the financial house in order, and will get the Bike Path built.

The motion passed unanimously.

6. RESOLUTION: November 6, 2012 Special City Meeting—Issuance of General Obligation Bonds for Public Improvements Within the Waterfront TIF District (Board of Finance)

Councilors Bushor and Adrian made a motion to adopt the resolution with an amendment to remove the request for a Special City Meeting.

Councilor Bushor stated this is a seven million dollar request and the breakdown is available. There are portions of this money that will go to the Waterfront North Project and other portions that will go to the Bike Path. Waterfront North will account for \$2.9 million and the Bike Path for \$2.6 million. About \$500,000 will be for CEDO's administration fee. This is an exciting tool to make improvements in this area of the waterfront. She stated she hopes everyone will support it.

Peter Owens, CEDO Director, stated the key issue is whether the existing TIF capacity will support the items that are being requested. The analysis clearly shows that it does. The model used the most conservative estimates possible. The biggest variable in the model is how many projects are expected to move forward. There was an assumption that there would be no new projects. Even with no background growth or Moran Development. It also assumed that the hotel on Cherry Street would not be completed in time. The conservative tax assumptions were used as well. The interest rate was more conservative than expected. Even with all of those assumptions, the TIF district would still have remaining capacity of \$7 million. TIF funds will need to be committed by 2014. There is likely considerable additional TIF capacity.

The motion passed unanimously.

- 6.01. COMMUNICATION: Peter Owens, CEDO Director, re: **TIF Capacity related to Nov Ballot item**

Councilors Bushor and Adrian made a motion to accept the communication and place it on file. The motion passed unanimously.

7. RESOLUTION: Approving the Sale of General Obligation Public Improvement Bonds, Series 2012A (Board of Finance)

Councilors Bushor and Paul made a motion to adopt the resolution.

Councilor Bushor stated the Mayor spoke to this previously. This is bonding for a cumulative amount of money in 2012. There is also a 2009 School Bond issue that is included. The total dollar amount is \$11.25 million. The resolution breaks down the departments and a dollar amount for each.

Councilor Dober inquired if this is routine. ACAO Schrader stated that is correct. Councilor Dober inquired if there are any changes in amounts. ACAO Schrader stated there has been an increase in the authorization for City purposes. The School Bond is also included. This is done each year.

The motion passed unanimously.

8. RESOLUTION: One Percent Rooms and Meals Tax Increase and Burlington Bike Path Structural Improvements (Councilor Decelles)

This item was removed from the agenda.

9. RESOLUTION: November 6, 2012 Special City Meeting—Advisory Ballot Question

Re Legalization of Cannabis and Hemp Products (Councilors Tracy, Adrian, Blais)

Councilors Tracy and Blais made a motion to adopt the resolution.

Councilor Tracy stated it is important to have an eye towards what can be done to move forward in broader policy issues. This debate has gone on for some time now, but has picked up and shown a move towards more reasonable laws. This debate is not so much about the policy itself, but about putting a question on the ballot. Representatives from Montpelier have stated this would be helpful for them. It will allow voters to weigh in and will be advisory in capacity. If this does pass, it does not legalize marijuana. It begins a serious conversation about where and how Police and drug enforcement resources are spent. There is a rising issue with prescription drug abuse in the community while resources are dedicated to this other issue. This will start the conversation about alternatives and policies that can be improved upon. It sends a message that the City would like to have that debate and will provide feedback to Montpelier.

Councilor Decelles stated he polled about twenty of his constituents about this issue. They all asked whether the question would address decriminalization or legalization. He specified that the question would call for legalization. Three were in support and seventeen were not. When asked about decriminalization, eight were supportive. Representatives from Montpelier stated they will be having this conversation, but it will be about decriminalization. To really gauge where the voters of Burlington stand, it would be more appropriate to ask the question about decriminalization. As a parent, it is a difficult question. Children are told not to drink or smoke, but this would say it is alright. It would make sense to take a smaller step to address this than full legalization. He stated he will not support this.

Councilor Blais stated that as he spoke with his children about drinking and smoking while they were growing up, he also spoke with them about hypocrisy. Few would argue that smoking marijuana is healthy for you, but neither is liquor. The discussion should take place. It is hypocritical to allow the consumption of alcohol while still outlawing marijuana.

Councilor Dober stated he still has two children in high school and has discussed this with all of his children. The discussion has always been that this is illegal. He does not want to see Burlington as a place where you can have a coffee and smoke a joint in a shop. It is not healthy and there is a large problem with prescription drugs. Using the same theory that this could be taxed, other drugs could be sold too. He stated there is no comparison between alcohol and marijuana. Morally, he cannot support it.

Councilor Aubin stated he appreciates what has been said. This is a challenging vote because the hypocrisy argument and the message arguments are both very strong. Drug abuse is a demand issue. The drug war is fought on a supply issue and has caused problems. He will support this resolution because it is just a litmus test on how people are feeling. He stated he hopes his constituents and his students understand this.

Councilor Kranichfeld stated that as a criminal prosecutor who has prosecuted people for marijuana, there is no question that the policy needs to be rethought. Voting for this resolution is more of a vote for democracy because it puts the question to the Burlington voters.

Councilor Brennan stated this question is not about cannabis use. There is inequity in the legal system on how punishment is handed down based on color. Because of that, this is an important move in the right direction. Because hemp looks like cannabis, it is outlawed in all uses. There are so many things that can be done with hemp. It is renewable and grows quickly. This allowed him to have a conversation with his children about the use of drugs.

Councilor Tracy stated it is important to emphasize that parents need to have this conversation with children and is not the role of big government. He stated he intends to do that and conduct public education campaigns around the merits of different strategies for this. He hopes to catalyze the conversation by adding this to the ballot.

Councilor Adrian stated this is the fourth time this issue has been discussed since he has been on the Council. Some Councilors thought processes have progressed over time. He stated he believes that most members of the Council have probably at least tried marijuana once in their lives. There are people that use drugs and there are people who abuse them. Harder drugs are more likely to cause problems because of addiction issues. This does not apply to marijuana, and studies have concluded this. The question about marijuana use is how to regulate it. People will use it the same way that other drugs are used - some for recreation, some for abuse, and some for self-medication. The 1920s showed that you cannot put a prohibition on things that are easily creatable. Marijuana is easier to create than alcohol. He stated he would rather have that discussion with his kids than try to hide it because they think it is wrong and illegal. It is easier to discuss alcohol because of the stigma associated with marijuana because it is illegal. He stated although he stopped smoking a long time ago, there is a place for marijuana use in society.

Councilor Dober stated he has been in youth sports programs for the better part of twenty years. There are more parents that are not engaged than parents who are. This opens up something that is going to end up becoming a problem. Each person probably knew someone in high school who was a dooper. These people look the same, though they do not have a brain cell left. This gives people another avenue for addiction. They smoke from the time they wake up until the time they go to bed.

Councilor Bushor stated she would urge Councilors to put this on the ballot. While many constituents may not support this, it would allow the people an opportunity to vote no on this question.

City Council President Shannon stated should this ever come to be, she would support including marijuana in the downtown smoking ban that she hopes will someday come to be.

Councilor Hartnett stated that there are a lot of kids out there who do not have parents to go to for guidance. He stated he knows many young people who started out smoking marijuana and then began to try other drugs. He does support decriminalization, but he cannot support putting legalization on the ballot. This is a far cry from having a martini after work.

Councilor Tracy requested a roll call.

The motion passed by a vote of 11-3.

AYES: City Council President Shannon; Councilors Adrian, Aubin, Blais, Brannan, Bushor, Kranichfeld, Mason, Paul,, Siegel and Tracy.

NAYS: Councilors Decelles, Dober and Hartnett

10. REPORT: Sean McKenzie, Chair, Design Advisory Board

Sean McKenzie, Design Advisory Board, stated he is willing to answer any questions about the process and how decisions are made. He also included an outline of projects that have taken place in the last year.

Councilor Bushor stated that maintenance of historic buildings and sites can be very onerous for people on fixed incomes. The City does not do it right and hopes that more can be done to make it better in the future. She stated people have been made to feel they have to abandon their house. While she wants to preserve historic structures, she does not want to displace residents. Mr. McKenzie stated he agrees and

the Ordinance Committee has been working on materials to create a policy that can be relied on. It would be a nice list to have. Currently, they follow the Secretary of Interior standards. There is some latitude in that and exceptions can be made. There was a project before the Board on Hyde Street. It was a former synagogue and they were working to replace the windows. One section of the building was close to another building and using wood windows would not be in the interest of longevity. They allowed that window to be replaced with materials that would hold up longer, while the part that would show had to be made of wood. Councilor Bushor thanked the Board for helping Burlington look good.

City Council President Shannon stated that the section with their “wish list” was helpful, but was general. It may be helpful for the Council to know when issues arise to help understand the challenges the Ordinance creates. The Flynn Theater was a good example where everyone knew what needed to be done, but the Ordinance did not work in such a way as to allow that. Knowing what could be done to improve it would be helpful.

On a motion by Councilors Bushor and Dober, the Council voted unanimously to accept the report. Councilor Decelles was not at the table for the vote.

11. REPORT: Austin D. Hart, Chair, Development Review Board, re: Annual Report

Austin Hart, Development Review Board, thanked the Design Advisory Board for the work they do to advise the Board. He stated he has submitted a written report and is open to questions and comments. The Board is working well. The most important thing the Council does is appoint great members.

Councilor Bushor thanked him for coming and stated that when she has an opportunity to weigh in on appointments, she looks for diversity. It makes it more powerful and having debate brings the outcomes to a better place. It is also important to have a skill set and commitment to the work involved. Mr. Hart stated willingness to work hard and pay attention is the most important part of a committee member.

On a motion by Councilors Bushor and Dober, the Council voted unanimously to accept the report. Councilor Decelles was not at the table for the vote.

12. REPORT: Peter L. Potts, Chair, Burlington Planning Commission, re: Annual Report of The Burlington Planning Commission, Fiscal Year 2012 (July 1, 2011 – June 30, 2012)

Bruce Baker, Planning Commission, stated the Planning Commission never ends up the way he thinks it will. He complimented the Council on their choices in members. Peter, the Chair, wrote a written report which is accurate in all areas except for the replacement of historic materials. The Planning Commission had a change of opinion about where they should go. That is an area to pay attention to. The difficulty with historic building materials is that there are strong competing interests that are all valid. It is economically burdensome to preserve historic building materials, but it is also important to preserve the historic beauty of the City. There are other concerns to consider. During that meeting, the committee decided to focus on design, spatial relationships, and historic character over the material being replaced. Planning staff was asked to create a test for that, and it is being vetted. The hope is that if it looks historic, it will be acceptable. They are also working to produce a list of acceptable historic materials for different circumstances.

Councilor Bushor stated that no one has left their home, but it has been burdensome for some. She values the wisdom of a previous Council who allowed students to serve on the committee. It is important to get their perspective and vision.

Councilors Paul and Bushor made a motion to suspend the rules and complete the agenda.

Councilors Dober and Decelles made a motion to amend the motion to end the agenda after item 17. The motion passed by a vote of 8-5 with Councilors Bushor, Brennan, Tracy, Hartnett, and Siegel voting against.

The motion to suspend the rules and complete the agenda through item 17 passed by a vote of 10-4.

Councilor Brennan stated that the rules regarding lead based paint may be expanded to public buildings. It may be important to consider that standard when looking at replacement. A commercial building may have more available assets.

On a motion by Councilors Bushor and Dober, the Council voted unanimously to accept the report. Councilor Decelles was not at the table for the vote.

13. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE Amendments Related to Residential Occupancy Limits in the RH District ZA #13-01 Councilors Shannon, Tracy, Bushor, Dober: Special Ordinance Committee)(2nd reading)

Councilors Bushor and Tracy made a motion to consider second reading and refer the amendment to the Planning Commission.

Councilor Bushor stated this has gone through several extensive processes with the Council and the Planning Commission. It is self-explanatory and allows four unrelated adults to be in all Residential Districts. In an RH zone, it allows an excess of four if the dwelling contains an extra 150 square feet and one additional parking space. The parking space is key because the RH ordinance talks about properties with a larger square footage allowing an additional occupant, but the parking space takes into consideration all impacts that this may have. She stated she received an email from an investment property owner who was concerned about what this would do to the value of properties. Not being able to have more than four people reduces the value of the property. She reminded investment property owners that in the RH District there was a ruling regarding grandfathering which will allow people to continue to do what they are currently doing. Even if the property is sold, it will be allowed to continue. It will only stop if the number of people is reduced to four or less and it is used in that way for more than a year. In that case, this Ordinance would apply. The residents that are asking for this understand this could impact the value of their property, but they are there to live not to sell. This may help them gain stability in their neighborhoods. For the investors, the properties would not be as attractive to buy, which is what the residents are trying to accomplish.

Councilor Decelles requested an explanation of the number of people that would be displaced by implementing this. Assistant City Attorney Bergman stated the grandfathering question and the opinion that has been given led the committee to be unable to determine a number. There are too many variables. He estimates that there will not be much displacement because of the grandfathering. Any changes will be in the normal course of changes under the law. Councilor Decelles inquired if the grandfathering is a true legal opinion. He inquired if the Attorney's Office believes this is appropriate to avoid a lawsuit. Assistant City Attorney Bergman stated the law says that if you have an existing use, changes to the law may not impact the existing use. It is very simple from a legal perspective. Councilor Decelles stated if this Ordinance were to go into effect without changing existing uses, the concerns from those around town are no longer addressed. He stated that this does not need to be pursued. If there are issues each year, it probably has to do with the landlord. If there are sporadic issues, it is probably the tenants. He stated he wishes that they could have done more to address problems with landlords. Having heard about grandfathering the law, he questions why this needs to be implemented.

Councilor Dober stated he was opposed to this at the beginning, but the grandfather clause did change his mind. At present, this does not do much. The purpose of it is that moving forward, it will change the environment in which residents live. He requested statistics about how many buildings are causing issues. Most of those already have less than four occupants. Bill Ward, Code Enforcement, stated that of the sixteen properties with the most problems, 82% of the units have less than five occupants. Councilor Dober inquired what the major problems are. Mr. Ward stated unsanitary conditions on the green belt cause the most problem and they plan to address those next. They affect a lot of neighborhoods, particularly Ward 1 and 2. The Bradley-Buell streets and Isham Street have a lot of problems because they have the highest rental percentage. They are the same properties time and time again. Residents are concerned about the future, and this addresses the future. It may not make a major impact now, but will prevent further degrading. Councilor Dober stated that the landlords he spoke with are good landlords and were in favor of this. The Ordinance Committee and Code Enforcement need to work on ensuring landlords are more responsible. He stated he agrees to this for future benefit of the neighborhood.

Councilor Paul stated this has been an interesting process and it is an important issue for several wards. The people in the Hill Neighborhood understand what this will or will not do. It is a very small step, but an important one. This shows that the Council cares about the problems in their neighborhoods. The other step is to implement the landlord accountability. All of these steps together will make a difference.

City Council President Shannon stated if it is legal today, it will continue to be legal tomorrow. Having met with residents, they have been told this will not make a major change on the ground. Their goal was to stem the tide of turning over properties. There is further work to be done, but thanked those who worked on this.

Councilor Dober stated he received an email about financial issues that will occur because of this. Much of what he was suggesting was that this will decrease the tax base. He inquired if a house and property are taxed the same regardless of how many people are living in it. ACAO Schrader stated it is taxed based on its market value. The question is whether this will impact the market value of the homes. In his experience in other communities, it will not. Councilor Dober stated it should be the same price for a four bedroom home regardless of who is living there.

The motion passed by a vote of 12-2 with Councilors Hartnett and Decelles voting against.

14. ORDINANCE: MINIMUM HOUSING – ADMINISTRATION AND ENFORCEMENT—Penalties (Code Enforcement; Councilors Mason, Dober, Bushor: Ordinance Committee)(2nd reading)

Councilors Mason and Bushor made a motion to adopt the Ordinance.

Councilor Mason stated the need for this has already been addressed. This will increase the first offense fine and add a second offense fine. It will help deal with some of the troublesome landlords.

The motion passed by a vote of 12-1 with Councilor Hartnett voting against. Councilor Decelles was not at the table.

15. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Electronic Message Display ZA 12-08 (Planning Department, Planning Commission; Councilors Mason, Bushor, Dober: Ordinance Committee) (2nd reading)

Councilors Mason and Bushor made a motion to consider this second reading and refer to the Planning Commission.

Councilor Mason stated this is a clean-up item. The request emanated from the Burlington Friends of Education. There was testimony about a need to reach out to parents of Middle School Students. Currently an electronic sign is only allowed at the high school. This would expand the allowance to Main Street and North Avenue. The committee amended it to restrict hours of operation between 10:00 pm.

The motion passed unanimously by a vote of 13-0. Councilor Decelles was not at the table.

16. ORDINANCE: ANIMALS & FOWL – At-large prohibited, PARKS—Animals prohibited; exception (Councilor Paul; Councilors Mason, Dober: Ordinance Committee; Councilor Shannon)(2nd reading)

Councilors Mason and Dober made a motion to adopt the Ordinance.

Councilor Mason stated this was referred out of the Ordinance Committee in 2011. The Council considered it then and nothing happened. It was only debated to bring it forward to the Council for action.

Councilor Bushor stated she does not support this. It is an improvement over what is on the books because the current law says that dogs that are not on a leash may be killed. She stated she does not support it because of the language.

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

17. REPORT: Peter Owens, CEDO Director, re: Moran Update (oral)(10 mins.)

Peter Owens, CEDO, stated the intent is to give the Council on the direction they are headed for the Moran RFP process. He stated he and the Mayor's Office are excited about the opportunity to move this forward. Over the next few months, they are committed to having a process ready to go. They will present a draft proposal to the Parks Arts and Culture Committee and take input from them. They will then bring this back to the Council on the fourth. There have been a number of concerns expressed and he looks forward to bringing this forward. It is a 6-9 month process and there is a great opportunity. He stated from a real estate point of view, it is very exciting. A number of people will be engaged around this question and think creatively about how to move it forward in a pragmatic way that will also pay attention to public process issues. It will be a two part process beginning with an RFQ process for a development team throughout the fall. They will then evaluate the top choices and continue to review them. These teams will then bring proposals forward to for the Council and Community to review. By spring, there will be a better idea of options moving forward.

Councilor Dober stated the ratio of profit to non-profit is important and he hopes this is considered when moving this forward. There have been concerns about how many non-profits use that space.

18. COMMITTEE REPORTS (5 mins.)

This item was not addressed at this meeting.

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

This item was not addressed at this meeting.

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

This item was not addressed at this meeting.

21. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Regular Meeting of the City Council meeting at 11:06 p.m.

Attest:

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

BOARD OF CIVIL AUTHORITY
MONDAY, SEPTEMBER 10, 2012
_____ P.M.

The Board of Civil Authority meeting did not take place at this time.

PRESENT:

MAYOR WEINBERGER PRESIDING:

1. AGENDA

On a motion by Board of Civil Authority Members ___ and ___ the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Board of Civil Authority Members ___ and ___ the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. RESOLUTION: Appointment of Assistant Election Officials
(Councilor Shannon)

*waive the reading and adopt the resolution

3. ADJOURNMENT

On a motion by Board of Civil Authority Members ___ and ___ the Board of Civil Authority Meeting voted unanimously to adjourn at ___p.m.

Attest:

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