
DELIBERATIVE AGENDA

ADJOURNED MEETING, CITY COUNCIL

MONDAY, SEPTEMBER 24, 2012

CONTOIS AUDITORIUM, CITY HALL

7:04 P.M.

PRESENT: City Council President Shannon, Councilors Bushor, Blais, Dober, Adrian, Aubin, Tracy, Mason, Siegel, Brennan, Kranichfeld, and Decelles, Councilor Hartnett (arrived at 7:12 p.m.); Councilor Paul (arrived at 7:14 pm) and Mayor Weinberger (arrived at 7:14 p.m.)

CITY ATTORNEY'S OFFICE: Eileen Blackwood and Richard Haesler (arrived at 7:52 p.m.)

CLERK/TREASURER'S OFFICE: Paul Sisson and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Adrian and Bushor the agenda was unanimously adopted, as amended, as follows: add to the agenda item 6.01. COMMUNICATION: Burlington Electric Department, re: Winooski One Hydro Option Exercise: Public Information (already part of the packet); note the **revised** version (all Fire Commissioners signed off on the report) of agenda item 8. REPORT: Mark Saba, Burlington Fire Commission Chair, re: 2012 Annual Report of the Burlington Fire Commission to the Burlington City Council; remove from the agenda item 10. REPORT: Jerome F. O'Neill, Chair, Burlington Police Commission, re: Annual Report of the Burlington Police Commission to the Burlington City Council June 2011 through May 2012 and place it on the October 29, 2012 City Council Deliberative Agenda; add to the agenda item 11.02. COMMUNICATION: Miro Weinberger, Mayor to Brian Searles, Secretary of Transportation, VTrans, re: Champlain Parkway project (already part of the packet); add to the agenda item 11.03. COMMUNICATION: Brian R. Searles, Secretary of Transportation to The Honorable Miro Weinberger, Mayor, re: Champlain Parkway and the new Rail-Yard Enterprise District project (already part of the packet); remove from the consent agenda item 3.06. RESOLUTION: Authorization to Accept Grant (AIP-94) for Burlington International Airport, and to Contract for Relocation Services (Board of Finance) and place it on the Deliberative Agenda as agenda item 11.5.

2. PUBLIC FORUM

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

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Maurice Mahoney	Ward 1 Resident	Thanks to Ed Adrian
Sandy Wynne	Ward 1 Resident	Thanks to Ed Adrian
Neil Mickenberg	Ward 1 Resident	In favor of new Champlain Parkway plan
Sandra Levine	Attorney with VT Conservation Law Foundation	In favor of new Champlain Parkway plan
Kesha Ram	State Representative/Ward 1 Resident	Thanks to Ed Adrian

Dean Corren

Ward 1 Resident

Thanks to Ed Adrian, In favor of
Winooski One Purchase

Councilors Blais and Aubin made a motion to suspend the rules to allow Councilors' comments regarding Councilor Adrian's resignation. The motion passed by a vote of 13-1 with Councilor Adrian voting against.

Councilor Blais stated he had worked against Ed as a County Prosecutor and the head prosecutor for the Secretary of State's Office. In both places, he had a reputation of being tough but fair. He had the same reputation on the Council. He did not back down from a fight, was fair and his constituents would lose an advocate. The City was losing a dedicated public servant.

Councilor Dober stated at the first meeting he attended there was a discussion about marijuana and remembered thinking it would be tough. Ed had kept things interesting and thanked him for his service.

Mayor Weinberger stated Councilor Adrian played a significant role in ushering in a new day in Burlington government by bringing attention to problems with the management of the City. It was sad that he would not be here to help move the City forward. He thanked Ed for all that he had done.

Councilor Bushor stated she has had the honor of serving as the other Councilor from Ward 1. They first met when he was running against her. Running against him brought her to attention because she had never met anyone so straight and challenging. They were very different people, but that had been good for Ward 1. They sometimes have had differences of opinions, but some issues they have both been very concerned about. Ed would not be disappearing off the face of the earth, but would be holding Councilors accountable. She thanked him for all of the times he had made important observations. She stated she hoped he would continue to share his knowledge and skills with the City.

City Council President Shannon stated Ed raised the bar of scrutiny when he came onto the Council. He might seem distracted at times because he was paying attention to things and tweeting at the same time; however, he really did not miss anything and observed every person who came in the room. He noticed everything and was smart. She had benefited personally for him being a Councilor. Sometimes they have fought very vigorously, but at the end of the day when debating was done, he was the first to make sure that everything was ok. He stays connected to people. She hoped he would continue to weigh in and draw attention to things the Council might have missed. She will miss him and stated she was happy for him moving on to spend more time with his family. She presented a plaque honoring him.

Councilor Adrian thanked everyone. He stated he does not have a terminal illness, he was not sick, and he was not moving. There were times in life where you have to take a path and now he was going down the one less travelled. The current Council was different in composition than the one when he started. There was a new Mayor and new Councilors who were making a fresh start. It was important to have new perspectives over time. He felt there was more collaboration on the Council. He would not be going away and hoped to work with everyone again in the future.

Councilor Bushor stated this was a family commitment and thanked his family for allowing him to serve the City.

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:59 p.m.

3. CONSENT AGENDA

Councilor Paul stated consent agenda item 3.13. needed to be technically correct, she hoped she could add some words to the resolution without removing it from the consent agenda: BE IT FURTHER RESOLVED that the Committee be expanded to include up to seven (7) citizens

On a motion by Councilors Adrian and Aubin the consent agenda was unanimously adopted, as amended, 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: Authorization for Execution of Application for 2012 Municipal
Planning Grant Program from the Vermont Department of Economic,
Housing and Community Development (Councilor Brennan)

*waive the reading and adopt the resolution

3.03. COMMUNICATION: Jennifer Green, CEDO/Legacy Coordinator, re: Vermont State
Municipal Planning Grant

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

3.04. RESOLUTION: Authorization of Burlington Electric Department for Renewal of
Contract for Property/Boiler and Machinery Insurance (Board of
Finance)

*waive the reading and adopt the resolution

3.05. COMMUNICATION: Paul G. Alexander, Manager of Risk Management & Governmental
Affairs, re: B.E.D.'s Property/Boiler and Machinery (B&M) Insurance
renewal

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

3.06. RESOLUTION: Authorization to Accept Grant (AIP-94) for Burlington International
Airport, and to Contract for Relocation Services (Board of Finance)

*waive the reading and adopt the resolution

3.07. COMMUNICATION: Burlington International Airport, re: Finance Board Approval Request.
Acceptance of Grant and award of contract-Land (AIP-94)

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

~~3.08. RESOLUTION: Authorization for Amended Terms of Contract for Food and Beverage
Concession Services at Burlington International Airport (Board of
Finance)~~

~~*waive the reading and adopt the resolution~~

3.09. COMMUNICATION: Burlington International Airport, re: Approve A Change in Contract
Terms for the Skinny Pancake Lease Agreement

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

3.10. RESOLUTION: Ratification of Clerical Corrections: re: Resolution Relating to November
6, 2012 Special City Meeting—Issuance of General Obligation Bonds for
Public Improvements within the Waterfront TIF District (Councilor
Shannon)

*waive the reading and adopt the resolution

3.11. RESOLUTION: Authorization to Execute Lease of 700 Airport Parkway, South Burlington, Vermont (Board of Finance)

*waive the reading and adopt the resolution

3.12. COMMUNICATION: Burlington International Airport, re: Finance Board Approval Request-Acceptance of lease agreement

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

3.13. RESOLUTION: Appointment of Two Additional Citizen Members to the Airport Strategic Planning Committee (Councilor Paul)

*waive the reading and adopt the resolution

3.14. RESOLUTION: Approval of Burlington Electric Department's 2012 Integrated Resource Plan (Board of Finance)

*waive the reading and adopt the resolution

3.15. COMMUNICATION: Kenneth A. Nolan, Manager of Power Resources, Burlington Electric Department, re: 2012 Integrated Plan

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

3.16. COMMUNICATION: Karen Vastine, CEDO's Community Justice Center Coordinator, re: Renewal of intensive support and accountability program for returning offenders

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

3.17. COMMUNICATION: Edward Scott, Ward 7 School Commissioner, re: Resignation Resignation

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

3.18. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular, City Council, June 18, 2012, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the October 15, 2012 City Council Meeting

3.19. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Peggy Ellis-Green, Temporary C/T Assistant, re: Minutes, Adjourned, City Council, June 25, 2012, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the October 15, 2012 City Council Meeting

3.20. COMMUNICATION: Ed Adrian, CD Committee Chair, re: Fwd: Resolution on Landlord Ranking system

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

3.21. COMMUNICATION: Mayor Miro Weinberger, re: Extension of Interim CAO Appointment

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

4. PUBLIC HEARING: Consolidated Annual Performance & Evaluation Report

Marcy Krumbine, Assistant Director for Community Development, CEDO, stated this was an annual report. The Council approved the City action plan in 2011. That program year began July 1. This covered accomplishments from July 1, 2011 – June 30, 2012. It showed how the City spent its \$1.04 million of entitlement funds from Housing and Urban Development. 97% was spent on the highest priorities in the City, and 84% of the beneficiaries were very low income. The three priorities were affordable, decent housing, economic opportunity, and suitable living environments. It would be submitted to HUD by September 30th.

Councilor Bushor stated funding continued to shrink while need was growing. She inquired how that would be addressed in the future. She noted there were plans to do that, but inquired if there was a timeline. She inquired if there was an idea of how much funding would come through next year and the timeline of developing a plan. Ms. Krumbine stated the federal government passed a resolution to continue the funding. Funding for the CDBG program would remain stable for the next year. However, over the last two years there had been a 40% reduction in funding. Operations would continue to operate the same way with decreased funding. There were 25 sub-recipients of the grant, and the same amount of work was needed regardless of how much money was given. There would be ongoing discussions about whether there were more efficient ways to allocate the funding. There was a new CEDO Director and a new Mayor who would give input to the process. The CDBG Advisory Board would continue to give ideas and feedback. By the time there was a new RFP in November or December, there would be a better feel for how the money would be distributed. Councilor Bushor stated these reports were valuable. She inquired about the creation of affordable housing units. Some targets had been reached while others seemed far off. She inquired if HUD looked at how reasonable the targets were and if that would influence their funding. Ms. Krumbine stated they did not look at that because it was just for the City. There was one more year to the plan and a new one would be created shortly. Part of that process would be to look at the targets and adjust them accordingly. One area that was far off of the target was homeownership. That had to do with the housing market in that much of the housing in Vermont remained out of reach for low income people.

Councilor Brennan stated HUD was considering expanding the target to public and commercial buildings in 2013. He inquired if there had been consideration of this. Ms. Krumbine stated she was not familiar with that. The current funding was just for residential buildings. Recently, the office went through a monitoring of HUD and this was the only agency that came out with a 100% rating. If additional funding were sought, the current history would bode well because the program was well administered.

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

Casey Sears, Burlington Resident, came to speak about section 8 housing. City Council President Shannon directed him to speak during public forum.

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

4.01. COMMUNICATION: Marcy Krumbine, Assistant Director for Community Development, CEDO, re: Consolidated Annual Performance & Evaluation Report

On a motion by Councilors Bushor and Dober, the council voted unanimously to waive the reading, accept the communication and place it on file.

5. ORDINANCE: PERSONNEL – Retirement System – Definitions, Normal retirement age (James Strouse, Cpl. Ray Nails, Munir Kasti, Benjamin O'Brien,

Paul Paquette, Robert Hooper: Retirement Board; Human Resources Department)(Proposed action: waive the reading, suspend the rules and place in all stages of passage)

Councilors Mason and Bushor made a motion to waive the reading, suspend the rules and place in all stages of passage.

Interim CAO Sisson stated this amendment to the plan resulted from the voluntary compliance program that the City went through with the IRS. There was an error in grammar that allowed someone of the age 65 to begin employment and be immediately vested in the pension plan which was not the intention. The plan required years of service in addition to being 65 to be part of the plan.

Councilor Bushor stated that one of the City Attorneys who helped draft the communication was transitioning to the School Department. She inquired if there would be other City Attorneys that had been identified to receive updates from. City Attorney Blackwood stated they were in the process of reassigning her workload and was unsure exactly who would be handling this.

The motion passed unanimously.

5.01. COMMUNICATION: Retirement Board, Paul Sisson, Interim CAO and Nikki Fuller, Assistant City Attorney, re: Retirement Ordinance Amendment Corrective Action Required BY IRS

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

6. RESOLUTION: Authorization for BED to Exercise Option to Purchase All of Winooski One Partnership's Right, Title & Interest in the Existing Hydroelectric Generating Facility Spanning the Winooski River Between Burlington and Winooski (Board of Finance)

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

Councilor Bushor stated the Board of Finance had discussed this. The request was for BED to move forward with negotiations to exercise their option to purchase Winooski One Hydro. It must be done in a timely fashion. The conservative deadline for approval to move forward was September 30th. There was a deposit of \$100,000 due with this resolution that would allow the process to move forward. BED stated the \$100,000 deposit would be coming from a bond.

Councilor Decelles raised a point of order and suggested returning to this agenda item when someone from BED was present to speak on it.

Councilor Mason stated he would be recusing himself from this vote because of a conflict of interest.

Councilors Decelles and Bushor made a motion to move to agenda item 9.0 and return to this agenda item later in the meeting. The motion passed unanimously.

Councilor Bushor stated she was in the process of explaining this was concurrent because of the September 30th deadline. She stated she hoped that someone from BED could continue to address this item.

Ken Nolan, BED, stated when this option was exercised, a payment of \$100,000 would have to be made to put in escrow. BED had a bond vote approved in 2009. That bond included items for improvements at the McNeil plant. A portion of that was set aside for acquisition of renewable energy projects. About \$4 million remained. The intent would be to use that bond for legal fees and the deposit. Councilor Bushor requested a brief overview of the proposal. Mr. Nolan stated this dated back to the 1980s when Burlington pursued the Chase Mill Hydro plant. It ended up in court and the rights to plant were given to private developers. BED retained land and water rights that the developers leased. Part of that arrangement allowed the City to retain the right to purchase the facility. That contract ends in April. To take ownership when the contract ends, the purchase needed to be exercised by the end of September. Burlington must notify the owner of its intent to purchase. It was a hydro plant between Burlington and Winooski. It is about 7.3 megawatts and would supply 8-10% of electrical needs. It has been analyzed in the context of the integrated resource plan. This is a good option compared with other renewable energy options and natural gas. It compared favorably to all of those.

Barbara Grimes, BED, stated a benefit to this acquisition was that the power was located in Burlington and did not require an additional fee to be paid to transfer the energy.

Councilor Dober inquired what this meant to rate payers. Burlington spends money bringing in power that is consumed. Mr. Nolan stated this facility would cost the same as they were paying now for energy. The bond indebtedness that could be incurred and the operating cost would be the same as the cost of energy today. It could ultimately save money depending on the final purchase price. It would stabilize the rates. Once the City owned it, it just needed to be maintained. Hydroelectricity was inexpensive. Councilor Dober stated he remembered the bond relating to solar energy. It was all renewable, but he inquired if this was an appropriate use. He spoke with his constituents about different things than hydro power. Bill Ellis, Esq., McNeil, Leddy, Sheahan, P.C., stated he had not looked at the bond documents. His recollection was that it was for renewable energy and was broad enough to cover hydro. They would make sure it was appropriate.

Councilor Brennan thanked the forward thinkers who built the plant back in 1991. It was a good deal and that forward thinking on this lease was an important piece. A lot of work went on at the dam in this past year. He inquired if that work was regular maintenance or if there were upgrades. Mr. Nolan stated they had done some re-facing of the dam and replaced some metering. It might be more than typically occurred in a normal year, but it was routine maintenance. They would also do a physical inspection of the facility before the purchase was final. Ms. Grimes stated they could not do that until they were in negotiations.

Councilor Blais stated when they exercise the option and funds are placed in escrow they will then begin discussions about fair market value. If an agreement is not reached, the contract talks about arbitration. He inquired if the City were to go to arbitration and felt the number was higher than it should be, would the City be obligated to proceed. Mr. Ellis stated that the City could still back out, but the \$100,000 would be lost. It would count towards the purchase price, but would be refunded to the City if regulatory approvals were not obtained. If the City backed out for any other reasons, the money was forfeited.

Councilor Tracy stated they have been talking about renewable energy, particularly hydro. He felt that not all hydro energy was equal, particularly in a social justice framework. He opposed many of the projects Hydro Quebec was engaging in. He inquired how much energy was obtained through Hydro Quebec and inquired if this would help minimize reliance on them. Mr. Nolan stated presently they get no power from Hydro Quebec. The Council did approve entering into a contract with them. Power from them would start in 2015 through 2038 in varying amounts from 7-13%. Entering contracts like Winooski One where the City owned the facility meant that when contracts expired they would not have to renew them again. They continued to look for wind, hydro, and solar facilities. They were looking to keep them local and owned as much as possible. When that was not possible, there would be long term contracts to ensure power came to BED.

Councilor Brennan stated this plant would produce 8-10% of the City's electricity. Some plants similar to that have been in operation since the 1930s and 40s. He stated the \$100,000 deposit seemed like a small risk to secure electricity in Burlington. Mr. Nolan stated their annual budget for power supply was \$30 million. This facility itself would be about \$2.5 - \$3 million in cost each year. \$100,000 seemed like a lot of money, but in context the monthly power cost could fluctuate more than that. It locked the City into a long term more stable energy source to do away with fluctuations.

The motion passed by a vote of 13-1 with Councilor Hartnett voting against.

6.01. COMMUNICATION: Burlington Electric Department, re: Winooski One Hydro Option
Exercise: Public Information (already part of the packet)

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

Councilor Bushor requested moving item agenda eight before agenda item seven because agenda item seven had a half hour time limit. City Council President Shannon agreed to the change.

8. REPORT: Mark Saba, Burlington Fire Commission Chair, re: 2012 Annual Report of the
Burlington Fire Commission to the Burlington City Council (revised)

Mark Saba, Fire Commission, stated in the last year they had 7,007 calls of which 60% were emergencies. The number of fires had remained stable. That had to do with training and building inspections. The Fire Marshal's Office does a great job. Fire Chief Lasker has stepped up to the leadership role in his first full year. Grants have been difficult to obtain; in the past, there were nearly \$250,000 in grants each year. Now it was a struggle to get \$50,000 in grants. They had kept trying and were able to get a grant for \$76,000 for training and radios. There were two new pieces of apparatus that were in service. There was also a purchase of a used fire truck as a backup truck. Training has been very important. There was a fire on Pearl Street in a dental office. The training and expertise of the Fire Department was evident. A number of the senior members of the Fire Department have been retiring. During these nasty fires, nothing makes up for experience. The Chief and Deputy Chief knew where to put the water and how to handle it. It is important to keep people in the fire department. Everyone on the Commission was able to weigh in on the report before it was distributed. He stated they have lost ground on the support of their EMS and ambulances and aim to become one of the top departments in New England.

Councilor Brennan thanked them for the report and commended the Fire Department for their work. He stated there was an initiative regarding confined space rescue. There were businesses out there that enter into spaces without a fully equipped rescue team. He stated he did not know if they need the Council's help to create a fee system. There have not been any deaths, but those services could be utilized. However, the City would need to be compensated in some way. Fire Chief Seth Lasker stated that part of the \$76,000 grant went to that type of training as part of a larger discussion of redefining the role of the fire service today. That Service is available to any business that needs it.

Councilor Decelles stated he attended a training of fire officers for a day. It was overwhelming to see what they need to be briefed in and have expertise in. The last number in the report is the 3.2 minute response time which is incredible. He stated he always thinks about how long it would take for someone to arrive at his home in case of an emergency; the Fire Department is first class. He stated his daughter had an accident at school and the fireman held her hand to comfort her and stayed with her in the hospital until his wife was able to get there. He thanked them for all they do.

Councilor Dober stated he hoped there was a projection about what attrition will be and capitalize on that. He stated he worries about the capacity of the Fire Marshal's Office and feels they are understaffed. Chief

Lasker stated they are very busy and are finding ways to manage by allocating their time in better ways. They did pick up the time of sale inspection program that has increased each year. They have had to absorb that through time management.

Mayor Weinberger stated he had an opportunity to ride along with a crew and it was an outstanding experience. In that time there were 21 calls and the crew had to respond continuously. There was a concert that had to be evacuated, a chimney fire, an auto accident, and emergency medical services. It was interesting to see the professionals. Chief Lasker thanked the Mayor for taking the time to experience it.

City Council President Shannon thanked them for the report and the work they do.

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

7. PRESENTATION: Will Robb, Chair, Burlington Urban Agricultural Task Force, re: Update (30 minutes total)

Will Robb, Burlington Urban Agricultural Task Force, stated eighteen months ago the City Council passed a resolution in response to the chicken incident where a man in the Old North End was cited for having too many chickens. After visiting different departments and having hearings, it was determined there was no law governing urban agriculture. The existing Ordinance was designed to distinguish boarding kennels from people who own four dogs which was not appropriate. This could have been addressed directly to determine how many chickens were allowed, however there were other questions raised. For example, someone once wanted to have a goat and another person wanted a coop house on their front law. There is a need to develop a cohesive policy for urban agriculture. No one in the City could understand why the limit was four chickens. The Task Force has done research for eighteen months. They reviewed City and State policies, had a public input process, attended NPA meetings, held meetings with the Burlington Food Council, held a Livestock Policy Workshop, interviewed City officials, talked to practitioners and farmers in the Intervale. The farms on the Intervale were governed by State agricultural laws. They have reviewed the recommendations, but they were not covered under these recommendations. They also talked to other State and City officials. They have then reviewed the recommendations with City officials. They were charged with building a policy and it needed to be a working policy. There was a large constituency of the agricultural community. There were a lot of benefits to local agriculture. It could promote a robust local food system with social, economic, and environmental benefits. These benefits were existing goals of the City and could be supported through food system development. Urban agriculture was thriving in Burlington. There was a School Food Program, farms in the City, community gardens, and farms for New Americans. It was a community that was not as visible as it could be. There was a sense that Burlington was at the cutting edge of urban agriculture, but there were actually a lot of cities that were doing a lot of innovative things that could be used as models in Burlington. The City could raise visibility and become a cutting edge city.

Alison Nyhart, Burlington Urban Agricultural Task Force, stated they have come up with a number of recommendations. There were recommendations for legal policies, such as zoning regulations, programmatic elements to support legal policies, and policy and implementation approaches. This work would be supported by research and partnerships with organizations already doing this work. The regulatory recommendations were concerns regarding animal welfare. The laws at the State level did not provide enough of a basis for enforcement of animal cruelty problems. This was a good place to start when considering these regulations. There needed to be clarification about the legality of bee keeping. There should be new definitions in zoning regulations to define urban agriculture. Agricultural structures should be treated differently than buildings that require building permits. The City should expand its community garden programs and there were some neighborhoods that were underserved; many have waiting lists. Future developments would also have garden space; there was also a needs and assets

assessment. There are many people who do not have the space to garden that they would like. There are also residents who have land in the region that they may be willing to offer to people. There could be a mechanism to match these people. There is a need for community composting work because there is a new state law that will be in effect in the coming years to prohibit organic waste from landfills. Outreach and education could be a great support for other policies to help educate people about the regulations. There was an opportunity for the City to disseminate information on different available resources. The City did not need to provide information to people, but direct them to those resources. Having metrics to understand the scope of urban agriculture and food security would be useful. There could also be maps to identify future space for different projects. There were many community kitchen spaces throughout the City and microenterprises that need good kitchens to start businesses. It would be good to assess these kitchens to allow people to access that information. The Intervale farmland does not fall under the regulations of the City, but because they do business in Burlington, they should be supported. There are thriving Farmers' Markets that can be supported and expanded. The Burlington Food Council and City Staff can work to ensure that local organizations and state agencies are communicating well with one another. There were three key ways for the City to support these efforts. The City could articulate food systems as a priority, support work by committing City resources through departments that touch on these efforts, and to lend support to other organizations that support these efforts. This could serve as an example to other cities, so it was important to highlight successes. There could be a role for a cross-departmental team to work with the Burlington Food Council on implementing the high priority recommendations. The Burlington Food Council has submitted a grant application for ECOS to support a facilitator position to move these efforts forward. Moving zoning and ordinance changes through committees was a good first step. There could also be efforts for additional funding and partnering with the University to leverage expertise.

Mr. Robb stated they have identified barriers to urban agriculture in the report. It was more important to focus on the opportunities that are here. This is a sector of economic development that is overlooked. When you look at the amount of food money in the community there are advantages to people being able to provide their own food; it will help community resiliency. Investments in land and local food could not be moved. This was also good for pollution reduction and wastewater management through improving the health of the soil. This was a good investment and was part of what makes Burlington a good community. He stated he can envision a rooftop garden on top of the mall that would connect to the Waterfront. The food grown there could be used in a restaurant and be a tourist draw.

Councilor Kranichfeld thanked the task force for their work and stated he was astounded at the amount of work that had gone into this. When the resolution was passed to create this task force, there was a vague idea of what they wanted to see. This report was exactly what he wanted to see. It was a roadmap for how the City could move forward and also was a reference library for implementing these recommendations. It would be useful for years and was full of great ideas. It was an important issue for the City. Having a cohesive policy could have a number of benefits through improving the economy, environment, access to healthy food, community development, and the quality of life for residents. It was an important and worthwhile goal for the City. Burlington was behind the curve on this issue and it should not be. There was a wealth of recommendations and ideas and he was excited to take action steps to implement them.

Councilor Bushor stated this came to light through the chicken issue. She supported urban agriculture although there were problems with it. She thanked Ms. Nyhart for partnering with the task force. She supported the report, although not in every aspect. The City used to be more cutting edge in this regard. She stated she is a community gardener and there have been community gardens for many years. There are community gardens across the U.S. that model after Burlington. Other Cities have paved the way for Burlington to improve. She stated Fletcher Allen has a rooftop garden and having one on the mall could be very plausible. She inquired if they plan to present this to Planning and Parks. The Council could take the lead, but they would also need to be included. Mr. Robb stated they have not planned to do that, but they have presented to Department Heads. They were eager and excited about the recommendations,

particularly in Planning and Zoning. Planning and Zoning stated they were willing to work on this so long as the Mayor and City Council support them making it a priority. They could be given a copy of the report. Councilor Bushor stated that some of the staff resources might be there. There was the Legacy Program and a Land Steward in the Parks Department. Planning and Zoning could also originate Ordinance Changes. It would be useful to put it on the Commissions' agendas so they could begin work on these projects. She thanked them for including the humane treatment of animals in this report.

Councilor Brennan thanked them for their efforts. There had been a lot of work since the 1970s. Tying this together and building this roadmap was crucial. There were other items that were intriguing to him such as agro-tourism. CEDO was working with the Intervale to create greenhouses that would provide heat. Having 6 acres of produce come out of the Intervale in the middle of the winter was fascinating. It was interesting to see how wasted heat could be harnessed by Burlington Electric. It was important to tie together the social, environmental and economic issues. This report would live on into the future. He hoped to work on some of the initiatives.

Councilor Paul stated she has been in a class with both presenters and this report was much better than expected; it was a huge amount of work. Food Safety and Security are important, especially in Vermont. This report will not just get put on a shelf and many of the ideas will likely be implemented. She stated the issue about the coop houses is not that complicated and is just a matter of changing the ordinance. The cost for permitting is too high and the recommendation is to do have an administrative review without a fee. Hopefully a number of these ideas can be implemented at the same time.

City Council President Shannon thanked them for their work and presentation.

7.01. COMMUNICATION: Burlington Urban Agriculture Task Force, re: Report to Burlington City Council

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

Councilor Bushor offered an amendment to the motion to include referring it to the President of the Council for committee assignments to move the recommendations along. Councilors Kranichfeld and Paul accepted the amendment as friendly.

The motion passed unanimously as amended.

8. REPORT: Burlington Board of Health (BOH), re: Chair's Semi-Annual Report (January 1, 2012 to June 30, 2012)

David Casey, Board of Health, stated he was filling in for the Chair who could not make it to the meeting. He stated the Council should have received a copy of the report and he could answer any questions.

Councilor Bushor inquired if he had an opportunity to attend the annual conference regarding the pesticide ordinance. Mr. Casey stated two members of the Board did attend the conference although he was unable to. The presentation at the conference was well received. The intent of the presentation was to address issues regarding pesticides with the proximity to the lake. The goal was to keep the lake pesticide free and reduce runoff. The City's water was of high quality, but it was important to keep it that way. The presenters at the conference asked the audience if they lived near a body of water and nearly everyone raised their hand. Clearly it was an issue that affected many people across the country. Councilor Bushor stated the Board of Health was very engaged and they were fortunate to have members who engage on health issues in the community. Mr. Casey stated their next two meetings would be devoted to health

issues related to the F-35s. The Board of Health was also very interested in having the State Department of Health provide lead level information to the Burlington Lead Program to help it do its job with abatement in rental units. They were working to provide that protected information to the lead program, though there have been problems with that.

Councilor Brennan stated there were efforts to minimize lead paint poisoning but sometimes it received too much focus. The paints that were being substituted for the lead can also be concerning depending on how it was removed later. He hoped that as dust generating activities were considered, they look at metals other than just lead. The efforts that were being made to control dust generating activities were positive. Once they believe the lead was removed, people believe that the hazard was gone, but this was not always true. He hoped they could broaden the mindset beyond lead. Mr. Casey stated that was a good question to ask the Lead Program. The statutory reporting of lead blood levels goes to the Department of Health. Other blood tests were not necessarily reported. That might raise issues when trying to find out where problems lie. He stated he would pass that information along.

City Council President Shannon stated the Council passed a resolution of June in 2011 giving instructions about what to include in the reports. One requirement was that each Commissioner sign the report to show they had read it. She stated she was working on sending commissions and departments a note reminding them of this policy.

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

9. REPORT: Jerome F. O'Neill, Chair, Burlington Police Commission, re: Annual Report of the Burlington Police Commission to the Burlington City Council June 2011 through May 2012

This agenda item was removed and will be placed on the October 15, 2012 City Council Deliberative Agenda.

10. COMMUNICATION: Mayor Miro Weinberger, re: Response to June 18, 2012 City Council Resolution requesting Mayor's Office exploration of alternatives to proposed route of Champlain Parkway (oral)

Mayor Weinberger stated that the Administration appreciated the Council's direction and they have begun looking at this issue. They have come up with alternative routes as a result of the call from the Council and community members. They will be presenting a new option for the Council to take in a future meeting.

Peter Owens, CEDO Director, stated he is pleased to report back on this issue. It has been a large part of his work since coming to Burlington and he is proud of the results when people put their heads together. Part of the solution they have come to has been the hard work of people over many years. They have an alternative they have been exploring and have commitments from VTrans and FWHA. It will be a new urban street grid called the Rail Yard Enterprise Project that would provide connections between Pine and Battery streets. It is important to recognize this is not a highway coming into town but a grid of multimodal transportation options that will also provide opportunity for development and will allow truck access to bypass neighborhoods. It has been preceded by several studies. It will be an 80-10-10 Federal, State, City cost sharing. Many property owners and lessees have been contacted as well as people from Vermont Rail. They are committed to finding a way forward that would be good for the rail and the City. They have met with several neighborhood groups who have raised concerns, but see possibilities for improvement in the project. This will be a standalone project from the Champlain Parkway. It represents a change in how the City thinks about transportation. There will be a two part resolution at the next meeting

to continue this project, the next amendment for the state cooperative agreement, and to begin the scoping work of the Rail Yard Enterprise Project.

Mayor Weinberger thanked the Council for raising concerns. The Administration was looking for options to address the concerns about this neighborhood, members of the community who had become involved, and the Shumlin Administration.

Councilor Dober stated this plan looked great. He inquired about funding for this project being separate from the Champlain Parkway project. Mayor Weinberger stated this was a change in State and Federal policy. There had been a desire for a connection between Pine Street and the Waterfront for many years. This was a commitment from the Transportation Secretary Brian Searles to create that link. It was also a commitment to support funding in an 80-10-10 way. This was a substantial project and what those bills would amount to and how the local match would be paid for were downstream items. There was a lot of scoping and work that would need to be considered before funding could be in place. Councilor Dober inquired how the State had the authority to grant the 80% funding. Mayor Weinberger stated the State administers federal funds in respect to transportation funding. There was already an agreement in place for the Champlain Parkway which was being paid with 95% federal funds. The ratio was different with these newer projects. The State had been consulting with the Federal Highway Administration to work on an agreement for a new project.

Councilor Decelles stated they were told in the past that this would alleviate traffic. He never understood how having traffic circumvent six or seven streets to bottleneck again in the same place it always has would help. This proposal makes sense and he will be interested to see how this proceeds.

Councilor Siegel thanked them for their work. She stated she understands the two projects must proceed separately. There are a lot of people who feel great relief that this project may alleviate the problems with the Champlain Parkway. She inquired how much control they will have about the timing of the two projects. Mayor Weinberger stated they are committed to this new project and to moving as quickly as possible. At the next meeting there will be a resolution to allow the scoping of this project to take place. There has already been communication with the Chittenden County Regional Planning Committee to ensure there is funding in place for this scoping. Brian Searles has indicated he will work to gain legislative approval for this in the next legislative session. The intention is to move this as quickly as possible. There is considerable time between today and when a shovel can be put in the ground to build the Champlain Parkway. In that time, the issue of timing will clarify itself and there will be more detail than is available today. It is understandable that there would be concerns. Mr. Owens stated they will move forward with the existing project. They cannot change the fundamentals of the project, but some of the things like the streetscape can be changed to meet the overall goals of the project. He hopes to move forward in a positive way on both projects.

Councilor Brennan stated that as the representative of the King Street Neighborhood there were a number of concerns. He is glad that they were able to come up with an alternative and hear those voices. He stated he participated in demolition on the Parkway in 1988 but it had remained dormant since. He hopes they will consider that if one project is moving more quickly than another, they can consider leaving one dormant to allow the other to catch up. Many people are asking for that. There was a fear that quality of life in that neighborhood will be diminished, but this plan looks as though the neighborhood will be revitalized.

City Council President Shannon stated that the Mayor's Office handled the Council's request with gusto and this is much more than a report. She stated she has never been a fan of the Southern Connector and the lack of progress has been frustrating. This seems like a reasonable proposal that will move forward at a reasonable pace. It is viable, practical, and will benefit the City.

- 10.01. COMMUNICATION: Mayor Miro Weinberger, re: Response to June 18, 2012 City Council Resolution requesting Mayor's Office exploration of alternatives to proposed route of Champlain Parkway

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

- 10.02. COMMUNICATION: Miro Weinberger, Mayor to Brian Searles, Secretary of Transportation, VTrans, re: Champlain Parkway project (already part of the packet)

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

- 10.03. COMMUNICATION: Brian R. Searles, Secretary of Transportation to The Honorable Miro Weinberger, Mayor, re: Champlain Parkway and the new Rail-Yard Enterprise District project (already part of the packet)

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

- 11.5 (was 3.06.) RESOLUTION: Authorization to Accept Grant (AIP-94) for Burlington International Airport, and to Contract for Relocation Services (Board of Finance)

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

Councilor Bushor stated this was brought forward to the Board of Finance. She removed it from consent because this was a request for money to be set aside for the purpose of reimbursement of purchase of properties that were close to the Airport. She stated South Burlington had concerns about this practice of purchasing properties and removing them from the tax rolls. In prior communication, she had referenced the fact that she hoped South Burlington was aware of the resolution. She was assured that they had been made aware and the purpose was to seize the moment for the \$5 million grant. In the future, the hope was that other options would be considered such as better insulation. She pulled it to make sure South Burlington was indeed aware and that all will work to collaborate with them to solve the problem of the Airport's impact.

The motion passed unanimously.

12. COMMITTEE REPORTS (5 mins.)

Councilor Adrian stated the CD Committee met to discuss the resolution regarding landlord ranking. Those in attendance were in favor of some type of system, but there was concern that Code could not implement this because they were trying to catch up in other areas. There were also concerns whether having a ranking system would be a good way to approach it. The Committee recommended Code come back within a year when the time was better to work on this system. They would also provide recommendations about what would be feasible at that time.

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

No Councilor spoke.

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

Mayor Weinberger stated he gets to go to a lot of great events and recently attended the 40th anniversary of the Burlington Community Gardens. It was fitting that the urban agriculture report was coming back at this meeting to lay out future steps in Burlington urban agriculture.

He stated he is putting time and effort into building bridges with other towns in Vermont in preparation for the upcoming legislative session. He met with other Mayors to discuss issues such as TIF reform, public safety measures, and other economic development opportunities. That group has been dormant for a few years but these new Mayors are eager to collaborate. There will also be a Vermont League of Cities and Towns Board meeting next week. The town fair is taking place in South Burlington. It would be helpful if Councilors wanted to give guidance on which initiatives they would like to pursue this year.

The Penny for Parks program is making progress. Some tennis courts have been opened around the City. The Leddy Softball field renovations will be underway soon. They have hired a Project Manager as authorized in the budget to make sure that Penny for Parks is being run well. They hired Jon Adams-Kollitz who previously served in CEDO and has a landscape architecture background. The Bike Path repairs from last year's flood are underway now that the busy season is over. The first area is the North Beach boardwalk. The cemetery area and the Northshore Development washout are also targeted to be repaired soon.

There has been work put into the Waterfront. They reported on the rail yard development earlier in the meeting. There is also good news for Waterfront North, the \$6 million project surrounding the Moran plant. That has been held up due to permitting complications. As a result of legal steps and outreach to the Shumlin Administration, they have reached a settlement. So long as the ballot item passes, there should be no remaining obstacle to the project. The Moran RFP will be issued shortly.

There has been progress with City Hall Park over the summer. There was a three pronged effort to revive City Hall Park. They worked to enhance programming with sculptures and concerts. The alleyway was lit to make it brighter. There was also an increase in Police patrols over the summer. It was successful overall and there were 1/3 less incidents in the Park. There will be further work to continue this effort.

The Airport has just heard that Porter Air will be doubling flights to Toronto through the winter months. The Airport Strategic Planning Committee has begun meeting and there is an excellent group of individuals doing that work. They have also been working hard to repair relations with South Burlington. There is a variety of ongoing disputes, but they are working to improve channels of communication. The South Burlington member of the Airport Commission is now a voting member. There are also ongoing meetings with South Burlington, the Airport staff, and their City Council,

This is the last week for the public to weigh in on PlanBTV. There are events this week and he encouraged people to take advantage of this opportunity for public input.

15. ADJOURNMENT

On a motion by Councilor Adrian, the Adjourned City Council Meeting was unanimously adjourned at 9:48 p.m.

Attest:

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

BOARD OF CIVIL AUTHORITY
MONDAY, SEPTEMBER 24, 2012

9:48 P.M.

PRESENT: see above

MAYOR WEINBERGER PRESIDING:

1. AGENDA

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

2. CONSENT AGENDA

On a motion by Board of Civil Authority Members Hartnett and Shannon 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

Without objection, Mayor Weinberger adjourned the Board of Civil Authority Meeting at 9:50 p.m.

Attest:

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