
DELIBERATIVE AGENDA

ADJOURNED MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
MONDAY, NOVEMBER 26, 2012
7:10 P.M.

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

CITY ATTORNEY'S OFFICE: Eileen Blackwood and Gene Bergman

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Kranichfeld and Aubin the agenda was unanimously adopted, as amended as follows: re-number consent agenda items 3.01 through 3.17 to **4.01 through 4.17**; amend the action for consent agenda item 3.17. COMMUNICATION: Patti Coburn, Local Transportation Facilities to Interested Parties, re: VTrans Transportation Alternatives Program to "waive the reading, accept the communication, place it on file and send copies to the Department of Public Works and the Department of Planning and Zoning requesting members from each department attend either the December 12th or December 13th informational workshop."

2. OATH OF OFFICE FOR THE NEWLY ELECTED WARD ONE CITY COUNCILOR

Mayor Weinberger swore in Councilor Kevin Worden.

3. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:49 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Missa Aloisi	Ward 3 Resident	In favor of Moran Resolution
Fariad Munarsyah	Ward 4 Resident	City's Hiring
Margaret Joyal	Ward 4 Resident	City's Hiring
Nathaniel Joyal	Ward 4 Resident	City's Hiring
Genese Grill	Ward 3 Resident	In favor of Moran Resolution
Lisa Ann	Burlington Resident	July 29 Police/Protestor Incident
Wendy Coe	Ward 2 Resident	In favor of Moran Resolution
Jonathan Leavitt	Ward 2 Resident	In favor of Moran Resolution/ City's Hiring
Sandy Baird	Ward 1 Resident	In favor of Moran Resolution

Kit Andrews

Ward 3 Resident

In favor of Moran Resolution

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 8:14 p.m.

4. CONSENT AGENDA

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

4.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:
Accountability List

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

4.02. RESOLUTION: Creation of Full Time Limited Service Civilian Special Projects
Coordinator – Burlington Police Department (Councilors Shannon,
Bushor, Paul: Board of Finance)

*waive the reading and adopt the resolution

4.03. RESOLUTION: Moving Urban Agriculture Issues Forward (Councilor Shannon)

*waive the reading and adopt the resolution

4.04. RESOLUTION: Reclassification and Title Change of The Burlington City Arts
Curator Position (Board of Finance)

*waive the reading and adopt the resolution

4.05. RESOLUTION: Authorization for Land Purchase in Anticipation of AIP Grant Funds for
Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

4.06. RESOLUTION: Acceptance of Corrections Grant From State of Vermont, Department of
Corrections related to Community Impact Team; and Amending the FY
2013 Budget (Board of Finance)

*waive the reading and adopt the resolution

4.07. 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 Paul,
Frank & Collins (Councilors Dober, Tracy and Blais: License
Committee)

*waive the reading and adopt the resolution

4.08. 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
Esperanto (Councilors Dober, Tracy and Blais: License
Committee)

*waive the reading and adopt the resolution

4.09. RESOLUTION: Authorization to Enter into License Agreement with Mansfield
Professional Building, LLC. To Encumber Sidewalk and Greenbelt and
Occupy One Metered Parking Space on a Portion of the City's Right-of-
way (Councilors Dober, Tracy and Blais: License

Committee)

*waive the reading and adopt the resolution

4.10. RESOLUTION: Authorization for Acceptance of Safer Communities Grant From Vermont Department of Corrections (Board of Finance)

*waive the reading and adopt the resolution

4.11. COMMUNICATION: Karen Vastine, Community Justice Center Coordinator, Burlington Community Justice Center, re: Department of Corrections Grants: "Safer Communities" (Grant #03520-1285)

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

4.12. RESOLUTION: Authorization to Execute Memorandum of Agreement Re: Waterfront Access North Project – BED Easement (Councilors Shannon, Bushor, Paul: Board of Finance)

*waive the reading and adopt the resolution

4.13. COMMUNICATION: Kirsten Merriman Shapiro, Special Projects Manager, CEDO, re: Waterfront Access North Project – BED Easement

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

4.14. COMMUNICATION: Jerome F. O'Neill, Chair, Burlington Police Commission to the City Council, re: SIMS & Boston Comparison Question – Councilor Brennan's question at the City Council meeting

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

4.15. COMMUNICATION: Scott Schrader, Assistant Chief Administrative Officer, re: Declaration of Elected Candidates Special City Election – November 6, 2012

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

4.16. COMMUNICATION: Scott Schrader, Assistant Chief Administrative Officer, re: Declaration of Election Results Questions on the Ballot Special City Election – November 6, 2012

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

4.17. COMMUNICATION: Patti Coburn, Local Transportation Facilities to Interested Parties, re: VTrans Transportation Alternatives Program

*waive the reading, accept the communication, place it on *file* and send copies to the Department of Public Works and the Department of Planning and Zoning requesting that members from each department attend either the December 12th or December 13th informational workshop

5. PUBLIC HEARING: COMPREHENSIVE DEVELOPMENT ORDINANCE—Electronic Message Display – ZA 12-08

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

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

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

(2nd reading)

Councilors Mason and Aubin made a motion to waive the second reading and adopt the ordinance as drafted.

Councilor Mason stated this was the electronic message display that the Council passed a month ago. It was referred to the Planning Commission, which held a public hearing. It passed unanimously and was referred back to the Council for second reading and adoption.

Councilor Bushor made an amendment to use the term “grades 6-8” to keep the language consistent throughout the Ordinance.

Councilor Decelles inquired why only the middle schools are included in this. Councilor Mason stated this came forward because of a request from Hunt Middle School. There was concern at the committee level about Electronic Message Displays in general and their effect on neighbors. This was extended only to middle schools so as to limit the impact. This was an attempt to be responsive to the request and be conscientious about the adverse effects. If this came up again in the future, they could request that this be expanded beyond middle schools.

The motion passed unanimously.

- 5.02. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Zoning Amendment – ZA-12-08 Electronic Message Display

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

- 5.03. COMMUNICATION: Clerk/Treasurer’s Office, re: Public Hearing Notice, Burlington Comprehensive Development Ordinance ZA-12-08

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

6. PUBLIC HEARING: COMPREHENSIVE DEVELOPMENT ORDINANCE—Amendments Related to Residential Occupancy Limits in the RH District – ZA #13-01

City Council President Shannon opened the public hearing at 7:18 p.m.

Bill Church, Ward 2 Resident, spoke in favor of the ordinance. He spoke against the grandfathering clause.

Maddie Posig, Ward 2 Resident, spoke in favor of the ordinance.

Emily Lee, Ward 2 Resident, spoke in favor of the ordinance.

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 7:27 p.m.

- 6.01. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE Amendments related to Residential Occupancy Limits in the RH District (Councilors

Shannon, Tracy, Bushor, Dober: Special Ordinance Committee)(2nd reading)

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

Councilor Bushor stated this has been a long time coming. She thanked the residents for their help in this process. This was a first step and not a total solution. She was happy to support this. They have learned a lot by working on this and Code and CEDO were helpful in determining what else needs to be done. These ideas were mainly turning investment properties into owner occupied housing. The ordinance previously stated that no more than four unrelated adults can reside in a single family home in the Low and Medium Density zones. This will extend that requirement to the High Density Zone and all districts within the City. She thanked the Council for their support to residents.

Councilor Tracy thanked everyone who went through this process, particularly the residents living in this neighborhood. This is only a first step and much more work will be needed to bring that neighborhood to stability. This will hold the line, but more action and participation will be needed. There needs to be a real commitment to this neighborhood.

Councilor Kranichfeld stated he is happy that this has come back to the Council. The first time this was before the Council it did not pass. Ward 2 neighborhoods have been affected by decisions the City made around housing restrictions. Garbage, vandalism, and parking issues have grown without protection from the City. This is a small step in the right direction and over time quality of life can be improved in those neighborhoods.

Councilor Dober stated he will support this. This ordinance will do very little for the problems in the RH District. The residents that are creating a majority of the issues do not have more than four bedrooms and will still exist. This should be addressed by getting the University and Code more involved. Regulations around all homes in this area need to be strengthened, not just homes with four or more bedrooms. This is grandfathered, so as long as people own their building, nothing will change.

Councilor Brennan stated that during the public hearing, someone mentioned the grandfathering ending at the term of a lease. He inquired if that is legally possible and stated he did not believe that grandfathering would apply in that way. Senior Assistant City Attorney Bergman stated any use that is in effect now will be allowed to continue so long as that use is not discontinued for more than a year. The end of the lease will not make that change in and of itself.

Councilor Decelles stated he saw a t-shirt in a store referring to Burlington's slums. His wife went to UVM and briefly lived on one of those streets. She chuckled at it, but not in a funny way. Everyone wishes this was a silver bullet to solve all problems. Because of the grandfathering in this ordinance nothing will change. That is unfortunate for residents. Anyone who owns one of these properties and is utilizing it in the way the ordinance refers to will not make any changes. It is not just the large apartments causing problems. He wishes there had been a better process to work with landlords, the University and Code. This ordinance will do nothing and misleads everyone. He will not support it based on that logic.

Councilor Worden stated he believes this will do something. It will draw a line in the sand and prevent further decay. He lived on a street mentioned in the t-shirt and now lives on another street in a low density neighborhood. His current street noticeably changed when the original ordinance was passed twelve years ago. There is also a citizen group that has been regularly attending meetings and working on this problem; continuing that energy and perseverance may result in a change. Efforts should be directed at finding solutions about where to house students who are a vibrant part of the City. He also hopes to have more diverse, sustainable, and livable neighborhoods.

Councilor Mason stated he will recuse himself from this discussion based on his firm's engagement by interested parties.

Mayor Weinberger thanked everyone who has worked on this legislation. He does not agree with the assertion that it will do nothing. It will stop the situation from getting worse and will stand as an obstacle to further conversions of large family housing into student housing. There is other progress happening in the City as well. He has worked with the Code Enforcement Director who will soon report back on their progress. That office has stability for the first time in many years and has made progress in catching up with housing inspections and new innovations. There is a commitment from the Council to do more to address housing and livability issues.

City Council President Shannon passed the gavel to Councilor Kranichfeld to allow her to participate in the discussion. She stated that she agrees that this will not make a big change. When residents said they would like to move it forward, she told them it would not make a big change. It does prevent the problem from getting worse. It also creates fairness, as it does not make sense to define families differently based on what zone they are in. Citizens deserve a reprieve and it is likely that much of what is happening now is not legal. She hopes they will start to look at the situation through a different lens. There is more support for this tonight and they will be able to stem the tide of adding bedrooms and cars to the neighborhood.

Councilor Paul stated when this first came before the Council she voted against it. When Councilor Tracy was elected, he began working very hard on this issue and humanized it for the Council. Many people have spoken on why it is so important to pass this ordinance. The residents of the area have open eyes and know what it will and will not do. It will set a tone that the Council and the community respect the rights of people who live in that neighborhood. There are a number of things that need to be done. Code Enforcement is on top of the issues. She looks forward to moving ahead with landlord accountability. She thanked the neighbors who worked on this and thanked Councilor Tracy for making the issue clearer and easier to understand.

Councilor Bushor stated the important part of the ordinance is that it will stop conversion of single family homes.

The motion passed by a vote of 11-2 with Councilors Decelles and Hartnett voting against. Councilor Mason recused himself from the vote.

- 6.02. COMMUNICATION: David E. White, AICP Director of Planning & Zoning, re: Proposed Zoning Amendment – ZA-13-01-Residential Occupancy Limits in the RH District

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

- 6.03. COMMUNICATION: Clerk/Treasurer's Office, re: Public Hearing Notice, Burlington Comprehensive Development Ordinance ZA-13-01

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

7. REPORT: Spencer Newman, Chair, Burlington Electric Commission, re: Commission Chair Report

Spencer Newman, Burlington Electric Commission, stated it has become apparent to him that Burlington Electric is an asset to the City in terms of economic development and the welfare of citizens and guests. They have contributed \$303 million to the Vermont economy in the last ten years. The Commission's goals are to keep rates low and stable while utilizing power from resources that minimize environmental impact and promote economic growth. The Department has accomplished many goals including financing and implementing the Smart Meter Grant with minimal opt outs. This allows greater power supply reliability and control at the user level. Advanced meters are 75% deployed. They have also achieved many objectives in the Service Quality and Reliability Plan. This includes administrative efficiency and customer service. Burlington uses 4.7% less electricity than they did in 1989 when an energy efficiency bond was passed. Rates have been steady through 2011 and 2012 despite an increase in transmission costs. They have also adopted an Integrated Resource Plan which balances stable rates and a move towards 100% renewable energy sources. They have begun to negotiate with Winooski One to acquire the plant. There will also be output from the Sheffield Wind Project. Georgia Mountain Wind will be online by the end of the year. The Commission's concerns focus on rate stability, rate competitiveness, power supply contracts and sourcing, smart grid implementation, and employee retention.

Councilor Dober stated the cover letter reads that the citizens of Burlington are being saved \$500,000 annually. He requested an explanation of that. Mr. Newman stated that has to do with line loss and systems the Department has put in place to prevent energy loss. Councilor Dober stated the line loss is higher than the average in the rest of the State. Mr. Newman stated that could be because of different infrastructure. Councilor Dober stated their rates are higher than the rest of the State of Vermont by 2%. Mr. Newman stated the average rates are higher. The goal is to move them more in line with the rest of the State. Part of that has to do with contracts that have been in place for years. As those have begun to expire, they are being replaced with more cost effective contracts that will help bring rates in line with the rest of the State. Councilor Dober stated this is a City owned Department and the rate payers should be provided a better rate than private companies. That is not happening. Mr. Newman stated they should strive to make rates as low and stable as possible. That is a goal of the Commission. When they look at renewable energy projects, such as Winooski One, they are looking at long term solutions for stable, low cost electricity. There are several contracts being replaced with lower cost contracts. The Department will also be paying off bonds for the McNeil Plant fully. This will free up money, and they will work to determine how best to use those funds. Councilor Dober stated he is in favor of Winooski One because he hopes it will align with a better rate structure. He hopes that with the payoff of McNeil, they can begin to give back to the rate payers.

Councilor Brennan stated there have been discussions about co-generation activities at the McNeil Plant. He inquired what the Council and Commission can do to elevate that. If there is a pipeline, it should be coming from McNeil and creating heat and cooling for citizens. Mr. Newman stated this would take waste heat that comes out of McNeil and pipe it into Burlington to be repurposed. There is a group in Burlington that has worked on this. It is difficult to do this in a way that makes economic sense. McNeil was not built for this purpose so it would cost a lot of money to retrofit the necessary equipment. They should continue to look at it and explore it further. Councilor Brennan stated he would encourage them to do so. The Climate Action Plan has looked at ways to reduce the City's carbon footprint. This project is a matter of will and it could help in that effort. The other activities that they have pursued such as wind power and Winooski One are great and he would like to see continued efforts in that area.

Councilor Bushor stated in the past, an effort was made to create a report like BED's for departments. There was a goal to have each department create a similar report showing successes and failure. This is very useful. In many cases, the rates are higher but overall bills are lower because of energy efficiency efforts. BED has been a leader in this effort. She does feel they should continue to look at ways to reduce

the rate. BED has been looking for a partner for co-generation to help with funding. UVM and Fletcher Allen were not interested. It was suggested that heat from the McNeil Plant could be used both at institutions and in the Intervale for incubators. She inquired if that is still being considered. Mr. Newman stated most of the discussion has focused on piping it up the hill, but piping it to the Intervale would be more cost effective.

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

8. REPORT: Elisabeth Mickenberg, Chair, Board for Registration of Voters, re: Annual Report for 2011

Elisabeth Mickenberg, Board for Registration of Voters, stated this year was not unusual in the number of people that were registered. They also maintained checklists for the elections.

Councilor Bushor stated in her ward, the Voter Registration person was located in an awkward place compared with where the voter came in. She would have preferred they were next to the station where ballots were handed out. Unless there is a requirement that they cannot be at the front, they should be. She looked at the summary of Ward Clerks and inquired if a Charter Change would be needed. She stated that since a member of the Board for Registration of Voters is present at the polls for each election, they may have more authority about whether or not a person is eligible to vote. Ms. Mickenberg stated they are not allowed to be within the voting area. The Ward Clerks establish their location. It can be confusing because people have to walk through the voting area to get to their desk. Councilor Bushor stated if they must be outside of where the voter votes, she would prefer that process would be at the beginning before going to pick up a ballot. Some people do not vote because of the awkwardness of the process.

Councilor Siegel stated she spoke at the last meeting to several issues in terms of language used at the polls and electioneering that arose and will pass that along. Ms. Mickenberg stated that does not impact their Board and would pertain to the City Clerk's Office. They try to allow people to vote if they are allowed to.

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

City Council President Shannon recessed the meeting at 8:35 p.m. City Council President Shannon reconvened the meeting at 8:50 p.m.

9. RESOLUTION: Moran Plant Development & Public Good (Councilors Tracy, Siegel, Bushor, Brennan)

Councilor Bushor stated they were mid-conversation with this resolution when the November 13th meeting ended. She inquired how they should move forward. City Attorney Blackwood stated normally they would have addressed this as the first item when the meeting was reconvened. Since that was not done, she suggested they reintroduce it and start again.

Councilor Decelles raised a point of order and inquired if the resolution is being reintroduced, would the amendments from the previous meeting carry over. City Council President Shannon stated it is being introduced as it reads in the packet and can be introduced however Councilor Bushor chooses to do so. Councilor Decelles stated he needs clarification from the City Attorney because if it is being reintroduced it should be starting fresh. City Attorney Blackwood stated it should be introduced in the way that they would like to discuss it and not as if it had been amended. The record from last meeting did not record the vote or show the resolution as amended. She suggested the amendment be included in the introduction.

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

Councilor Bushor stated there will be some changes made to the resolution. She requested they change some dates in the resolution. The discussion was interrupted and this has allowed the Council to reflect on the resolution and receive contact from constituents. She received several messages that all spoke in favor of retaining full or majority ownership. Most of the people encouraged her to support the resolution. The theme that they continue to hear is the desire to keep it publically owned. That is all this resolution does, as it is not binding. No one knows what will happen in that building. There are a lot of zoning regulations that have gone into determining where public and private areas will be. They have been able to maintain those zones with dividing lines at Lake Street and College Street. She hopes everyone will be willing to think about what they have heard and will be willing to be supportive. Her biggest concern for the Waterfront is they will be in a better place if they all support an initiative. If there is division, it will make things controversial. If there is something different than the guiding principles, the community will have to vote on it.

Councilor Bushor requested they amend the resolution to change the dates in the resolution. The amendment was accepted as friendly.

Councilor Worden stated he will recuse himself from this and any other Moran discussions as his firm has provided sub-consultant services for the plant.

Councilor Dober stated the Waterfront is not for sale in his mind. Walking the streets, no one he spoke to wants to invest money in the building. The Public Good comes in many faces. The only thing that he was hung up on was item D. As long as he can remember, it has been empty and a nuisance to the Waterfront. They have spent a lot of money and is glad that has ended. He would like to amend the resolution slightly so as not to discourage any potential partners.

Councilors Dober and Hartnett made a motion to amend the resolution to add “retain full or majority ownership by the City of the Moran Plant property, and seek to lease space in the Moran Plant versus sell the property to private entity or otherwise secure robust, binding, permanent protections of the public interest” to item D.

Councilor Siegel inquired if she could make a different amendment. City Council President Shannon stated they can amend the amendment. Councilor Siegel inquired if she would do it now or before a vote. City Attorney Blackwood inquired if she would like to amend the original resolution or amend the amendment. Councilor Siegel stated it is the same clause. City Attorney Blackwood stated that if it affects the same clause, she could amend the amendment. The Council would then vote on the amended amendment first. They could then vote on the original amendment.

Councilor Dober raised a point of order and requested they include the phrase “strive to”

Councilors Siegel and Paul offered an amendment to the amendment to remove “or otherwise secure robust, binding, permanent protections of the public interest” from the amendment and include “Be it further resolved, that if an opportunity presents itself that does not allow for full or majority ownership, the proposal shall be brought to a City Vote. If it passes the Vote, the City will secure robust, binding, permanent protections of the interest”.

CAAO Schrader requested the amendments be given to the Clerk’s Office in writing.

Councilor Siegel stated the sponsors have had an ongoing conversation with the Administration. Everything has been down to the wire and there is not time to incorporate changes. This results in

wordsmithing on the floor. She would prefer a different process. Her hope is to separate out a suggestive principle, that the people want to retain ownership, with a demand that if ownership is non-viable, it be put to the voters. It is non-binding, but is more assertive if it cannot remain owned. One example is the Intervale, which was sold to the Intervale Foundation. Even though that is no longer owned by the City, it still contributes the public good. That is a good argument that sometimes it does not work to maintain public ownership. This resolution does not tie hands and is suggestive. This is a compromise in that it suggests selling may still be a possibility, but only if the voters approve. She hopes this will satisfy those who do not want to tie hands.

Councilor Dober stated the amendment as amended is favorable to him. The Waterfront is not for sale and they should not do anything without hearing from the people.

Councilor Blais stated it is regrettable that this discussion is happening now. There are concrete issues that come before the Council that they need to weigh the public interest. When the time comes that there is a proposal for Moran, the Mayor will bring that discussion forward. When that happens, there will be an open vigorous public debate. He is at a loss why they are having this discussion now. They are confusing ownership of the property with uses of the property. The better discussion would be to discuss how it will be used. This is a hypothetical theoretical debate about ownership.

Councilor Kranichfeld stated that whatever plan is approved, they need to ensure that the public has full access to the building and enjoyment of the building, regardless of income level. That will be his criteria when they are assessing whatever the Mayor puts forward. This is premature and may prevent any public use by precluding possible proposals from being made and partners from coming forward. The first amendment that Councilor Dober made addresses those concerns and allows the Council to express goals without preventing a proposal from being made. He does not support Councilor Siegel's amendment which raises questions about how the process would work for the City to find a partner and gain bids. He inquired how the second amendment would affect the Mayor's process for the Moran process going forward. Mayor Weinberger stated he appreciates the effort the sponsors have made to get to a consensus. He also appreciates comments from the public and is aware that there are longstanding concerns about the Waterfront. During his recent campaign, he said that the Waterfront has unfinished work. Something worthy and useful should be built at the Moran site. It will not be easy to make that progress. Mayors and Councils have struggled with this for thirty years and it is time to move forward. He is reluctant to support anything, even if it is advisory that adds to the rules and constraints at the beginning of the process. The site has constitutional, environmental, and historic protections. The focus should be on moving forward and making progress on the site. He was hopeful there would be a way to balance the concerns about committing to these principles with his feeling that they need to make progress. He is hopeful that Councilor Dober's language will be seen as an articulation of the desire of the Council and Administration without ruling out forms of ownership that have been used by past Councils. This amendment puts forth the idea that there could be a case where a transfer of ownership is required. He stated that with time and work on the language he could get comfortable with Councilor Siegel's amendment, but is currently not comfortable with it. It could create additional unintended problems.

Councilor Tracy inquired if the Mayor is working on an RFQ and asked what they are including in it. Mayor Weinberger stated he intends to put a full proposal forward in January. He is not prepared to determine what will be included in the RFQ yet and solicit Council feedback when that time comes. Councilor Tracy inquired what an RFQ is and what it will involve. Mayor Weinberger stated an RFQ is a request for qualifications. Councilor Tracy inquired who has been working on this. Mayor Weinberger stated Peter Owens, CEDO Director, has been the point person in that process. Councilor Tracy inquired if there had been public involvement. He feels this is germane because there is a process that is already happening. There is a need to establish some principles before they get into anything specific. He wanted to put forth values that are important, including public ownership. He has felt support from the community about public ownership. He has not once heard that people want to sell that site. That tells

him that they are moving in the right direction. He would prefer not to have the numerous amendments. This resolution establishes the necessary principles without amendments. This will best protect the public's will moving forward.

Councilor Decelles stated they had previously amended the resolution to use language that would be less binding. The resolution said that they would like to retain ownership of the Moran site and not sell it to a private developer. If it were to drive away buyers, they would not be the right match for the site anyway. Now, with the amendments, it is more binding than it was previously. He likes Councilor Dober's amendment, but Councilor Siegel's amendment makes it feel more binding. When the Intervale was sold, he requested a public vote but the Council voted it down. That was an example of selling off public land. He would hope any Council or Administration would go back to the voters. He will not support the second amendment, but will support the first.

Councilor Bushor stated when a process is begun, the expectations should be clear. While these are not binding principles, they are things that people have asked be submitted to the Administration. It makes sense to know what the City is looking for. She supported the amendment at the previous meeting and still does. She felt that Councilor Dober's amendment was lacking and needed clarity. She feels Councilor Siegel's amendment is crisper because it explains what would happen if they do not adhere to the guiding principles. It will allow voters to weigh in on if the new ownership makes sense or not. These issues seem self-evident but it is important to have them stated. The resolution documents what the intent was and tells others this intent. She will support Councilor Siegel's amendment.

Councilor Brennan stated he has been torn about the amendments. The line that is holding the resolution up is the line that pertains to ownership. He originally wanted majority ownership only, but compromised on that principle. He will not support either amendment because it strays too far from ownership. This is germane to the conversation right now. The intensity has occurred because of information that they do not have on the table. If there is more they should know, he would like to hear it in the discussion.

Councilor Dober stated he is not sure why this is here yet because no proposal is on the table. After hearing the new amendment, he does not feel he can support it. He would feel comfortable with the resolution without the binding language.

Councilors Decelles and Dober made a motion to call to question. The motion passed by 10-3 with Councilors Brennan, Tracy and Siegel voting against. Councilor Worden recused himself.

City Council President Shannon requested that they read the amendment. Councilor Siegel read the amendment.

The motion to amend the amendment failed by a vote of 2-11 with Councilors Bushor and Siegel voting in favor. Councilor Worden recused himself.

Councilors Dober and Mason made a motion to call the amendment to question. The motion passed unanimously. Councilor Worden recused himself.

The motion to amend the resolution passed by a vote of 9-4 with Councilors Bushor, Brennan, Tracy and Siegel voting against. Councilor Worden recused himself.

Councilor Aubin stated he has found this process fascinating. There is a process in place for the Moran plant. The project will be vetted by a committee of members of this Council. After that vetting and public hearings and meetings, everything that they are concerned about will be out in the public. He is not convinced that this is necessary because the process will work if it is allowed to go forward. He trusts the process and is a member of that committee.

Councilor Bushor stated this is a work of compromise with the Administration. She feels the resolution is diminished by the amendment. She believes the important pieces of the resolution are the guiding principles are paramount to her. When the Mayor announced that he was going to start this process over, her only reaction was that she wanted it to be affordable, accessible, and for the City to retain majority ownership. She is a representative of the residents so she wanted to bring their voice to the table. She will support the resolution because she wants the other pieces to be there. She is displeased with the process.

Councilor Brennan stated he also feels the resolution is diminished with the amendment. It takes away from the intent of the resolution, which was Councilors representing constituents. The Mayor is going through a process to create an RFQ and RFP. This was meant to provide guiding principles for drafting those documents. He questions whether this is a fair and honest process with an RFQ and RFP. This debate has created a situation where they are not looking at what Burlington citizens want.

Councilor Tracy stated he will not support the resolution as amended because it has been diminished. He wanted it to be stronger than it is. He believes in public ownership and will stand by that principle.

Councilor Brennan requested a roll call.

The motion passed by a vote of 10-3.

AYES: City Council President Shannon, Councilors Aubin, Blais, Bushor, Decelles, Dober, Hartnett, Kranichfeld, Mason and Paul

NAYS: Councilors Brennan, Siegel and Tracy

Councilor Worden recused himself.

10. RESOLUTION: March 5, 2013 Annual City Meeting—Advisory Referendum re: City Ownership of the Waterfront Properties (Councilor Brennan)

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

Councilor Brennan stated he felt a need to move forward with this advisory question to the citizens of Burlington. There has been a long debate about whether public or private ownership is indeed a preference of the citizens. It is time to ask the citizens directly. Because of how negotiations were going, he decided to put this forward to get a pulse on what the citizens really want. It appears the Mayor wants to sell the Moran plant, but he believes a majority of people do not. This is only an advisory question and he hopes Councilors will support it. There are private businesses to the East of the Waterfront that represent the Waterfront as the citizens want it, such as Seventh Generation or the Peace and Justice Center. There has been an idea that money was wasted, but it was not. The citizens of Burlington have invested in cleaning up the Waterfront from pollution. The City has taken responsibility for its Waterfront, and they are at a point of time where it can become usable space.

Councilor Decelles stated he supported the previous resolution wholeheartedly. He is secure in his understanding of what the voters have stated many times in the past. He appreciates asking a non-binding advisory portion of it. However, he hopes that once the Council has put forth a plan, a binding question will be put before the voters. He does not feel this is necessary and would prefer to wait until they have a plan in front of them.

Councilor Bushor stated that there has been question from Councilors about what the people of Burlington want. It is good to check in with the people that they represent to affirm this or give a different

response. She feels she knows the answer, but hearing it from voters is very powerful and would like to give them the opportunity to weigh in.

Councilor Siegel stated she does not feel like she knows for sure that the people of Burlington want ownership. This would allow voters to weigh in and they will know for sure. She knows that whatever plan is moved forward will be voted on, but does not know what law governs that and requested an explanation of what that is based on.

Councilor Tracy stated he supports this and they need assurance from the public before they move in any direction. Voters were just asked for their opinion on legalization of hemp and cannabis products. He was pleased to have the support of the Council because he felt that it was a good starting place to have that debate. Some of the answers were very surprising to him in that 86% of his constituents supported that. There could be interesting results in this case. This should be established before moving forward. There is no harm in asking the question and it does not cost anything.

Councilor Dober stated that the voters should weigh in when it is time. Right now their options are an empty building or not. He would prefer to give them a list of options when they have a proposal.

Councilor Hartnett stated he views this as an insurance policy in case the previous resolution failed. He does not view it as compromising at all. It is odd that Councilors talk about how it is important to get the pulse of the voters. As a citizen, he tried to get Moran back on the ballot when it was floundering and losing money. Not one Councilor supported his efforts at that time. He is surprised that there is a resolution now when they do not like how things are going. There is a lack of trust in the Administration, and he is unsure where it is coming from. Everyone knows that something needs to be done with Moran and the Mayor made that difficult decision. He would like to allow the Mayor to bring a plan to the Council and then bring a plan to the voters.

Councilor Kranichfeld stated that one Councilor said the City has taken responsibility for the Waterfront and this is the next step forward. The comment related to the money spent cleaning up guano at that site. In its current state, the Moran plant is a blight on the Waterfront. It is a potential jewel for the City, but right now it is not usable and is an eyesore. It represents a failure on the part of the City to do anything with it. There is no excuse for the public not to be enjoying it right now. It is not okay to put up more potential roadblocks. This raises the same issues as the previous resolution. He has concerns that it could inadvertently prevent use of the building that could come forward. The language used in this resolution is misleading as it implies that if the voter says no, they want it to be privatized. That is not necessarily true. No one has said they would like to sell it and this is based on the idea that people do want to sell it. Passing this resolution could preclude a public use for the building and use of that part of the City. He will not support the resolution.

Councilors Paul and Blais made a motion to call to question. The motion passed by 12-1 with Councilor Brennan voting against. Councilor Worden recused himself from the vote.

Councilor Brennan requested a roll call.

The motion failed by a vote of 4-9.

AYES: Councilors Brennan, Bushor, Siegel and Tracy

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

Councilor Worden recused himself from the vote.

11. COMMITTEE REPORTS (5 mins.)

Councilor Brennan stated the Tax Abatement Committee met. They planned to bring all of the abatements forward at the next meeting. Because of the length of the agenda, they will wait for two more meetings.

Councilor Paul stated there will be a Parks Arts and Culture Committee meeting. She will not be able to attend the meeting, but Councilors Aubin and Brennan will be in attendance. It is critical that they meet monthly for updates on Moran and other issues. She encouraged other Councilors to attend. The Airport Strategic Planning Committee will be meeting to discuss governance. At the last meeting there was a discussion about regionalizing the Airport. This discussion will be about privatizing the Airport. It is an important discussion to have and could be an important step for the Airport.

City Council President Shannon stated the Redistricting Committee has a number of proposals available on the City's website. They are all very different from each other. The Committee has struggled to gauge what other Councilors feel. Whatever the Committee decides will need to receive a majority from the Council. The Committee decided to come forward for full Council input on some of the options. There will be a work session before the next City Council meeting to discuss the options.

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

Councilor Siegel stated the date of the meeting regarding the July 29 incident has changed.

Councilor Dober stated the Ward 4/7 NPA will be meeting to discuss pets and off leash cats. There will be experts coming to speak on the subject.

Councilor Tracy stated he and Councilor Kranichfeld met with residents to discuss Pomeroy Park. They are working with the Parks Director to discuss potential improvements. Councilor Kranichfeld suggested that anyone who is interested can contact him for information on the meeting.

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

Mayor Weinberger stated they achieved success on the ballot questions and thanked the Councilors who helped with this effort. The week after the election he received a call from Moody's to make sure they were aware of the passage of the Fiscal Stability Bond. When those bonds go to be sold, they will revisit the credit rating. They received the news that it passed favorably. They are on the cusp of success to give the Board of Finance authority to act on Airport Bonds. They are nearing the end of that process. The Board of Finance will meet to accept the final terms this week. This transaction of \$26 million will put the Airport on surer footing and convert short term debt to long term debt. He noted that Interim CAO Sisson's Office has been hard at work on this and implementing a new financial software program. It is very labor intensive and is a major effort on their part. Additionally, they conducted an election that had very high turnout. This followed on the heels of a redistricting effort at the State level which added complication to voting. It was not perfect, and there was a list of problems that were raised, but overall was very successful given the confluence of events. They are appreciative of the efforts they carried out. When discussing redistricting at the work session next week, there will be a presentation of what the Interim CAO's Office goes through in an election. City Council wards do impact that complication. They have narrowed the field to four plans and hope they can continue to narrow it down to bring a proposal to the Council. He was pleased to visit the rebuilt playground on Appletree Point. This was the seventh of thirty projects the Council approved to be completed through Penny for Parks. They are on schedule and on budget for the completion of all 30 projects by the end of 2013. There has been progress with the Rail yard Project. The scoping effort is underway and there will be more details available soon. There is also a

design team and consultation team working on the Bike Path redesign. This was made possible by ballot question 2.

City Council President Shannon suspended the City Council meeting at 10:22 p.m. to address the City Council with Mayor Presiding Meeting.

City Council President Shannon reconvened the City Council meeting at 10:29 p.m.

14. COMMUNICATION: Joseph McNeil, Esq., re: IBEW Negotiations (oral)

The executive session did not take place at this meeting.

15. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Adjourned Meeting of the City Council at 10:29 p.m.

Attest:

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

CITY COUNCIL WITH MAYOR PRESIDING
MONDAY, NOVEMBER 26, 2012
10:22 P.M.

PRESENT: see above

MAYOR WEINBERGER PRESIDING:

1. AGENDA

On a motion by Councilor Dober and City Council President Shannon the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Councilor Decelles and City Council President Shannon the consent agenda was unanimously adopted thus taking the following actions as indicated:

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

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

3. APPOINTMENT: Library Commission (Term expires 6/30/15)

Councilors Blais and Hartnett made a motion to postpone the appointment to the Library Commission.

Councilor Blais stated that there are only five days between the time the appointments were published and the closing of the appointments. Because the time was limited, he feels they should re-advertise and give the public an opportunity to express interest in the appointments.

Minutes, Adjourned City Council, November 26, 2012

Councilor Bushor made a point of information that motions to table are not open for discussion and debate.

The motion passed by a vote of 10-4 with Councilors Tracy, Siegel, Kranichfeld and Decelles opposed.

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

Councilors Blais and Hartnett made a motion to postpone the appointment to the Public Works Commission. The motion passed by a vote of 10-4 with Councilors Tracy, Siegel, Kranichfeld and Decelles opposed.

5. ADJOURNMENT

Without objection, Mayor Weinberger adjourned the City Council with Mayor Presiding Meeting at 10:28 p.m.

Attest:

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