



City Council Meeting - Monday, November 10, 2014, 7:00 p.m., Contois Auditorium, City Hall 11/10/2014

City Council Meeting - Monday, November 10, 2014, 7:00 p.m., Contois Auditorium, City Hall (Monday, November 10, 2014)

Generated by Lori Olberg on Friday, November 14, 2014

Members present

Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Absent

Dave Hartnett

Meeting called to order at 7:14 PM

Also present: Mayor Miro Weinberger, CAO Bob Rusten, City Attorney Eileen Blackwood, Assistant City Attorney Richard Haesler, ACAO Rich Goodwin, Lori Olberg, Clerk/Treasurer's Office, Mike Kanarick and Brian Lowe, Mayor's Office, Police Chief Michael Schirling, Ron Redmond, Church Street Marketplace.

1. Agenda

Action, Procedural: 1.01 Approve/amend the agenda

Motion to approve the agenda as amended:

note title change and supporting documentation for agenda item 4.08 Resolution: Downtown Tax Increment Financing District: VEPC Phase Filing Authorization (Board of Finance) (per the Mayor's Office and City Attorney's Office); add to the consent agenda item 4.15 Communication: Neale F. Lunderville, Interim General Manager, BED, re: BED Billing Issue: 60-day Update with the consent action to "waive the reading, accept the communication and place it on file." (per COS Kanarick; CAO Rusten and BED Interim General Manager Lunderville); note proposed amendments for agenda item 5.03 Resolution: Exploration of Feasibility of Offering Municipal Sale of Gasoline to Customers (Councilors Tracy, Colburn, Brennan, Siegel) (per Councilor Tracy); change order of agenda items 5.04 Ordinance: HEALTH - Smoking prohibitions at city parks (Parks, Rec & Waterfront Commission and Councilors Shannon, Paul and Mason)(1st reading)NOW 5.05 and 5.05 Ordinance: HEALTH - Smoking in outdoor places prohibited (Councilors Mason, Paul, Shannon, Brennan, Hartnett, Blais) (2nd reading) NOW 5.04 (per Councilor Mason) and remove from the agenda item 5.06 Ordinance: PEDDLERS AND SOLICITORS License applications, review, fees, locations (Clerk/Treasurer's Office; Ordinance Committee)(2nd reading) (per Councilor Mason.)

Motion by Chip Mason, second by Sharon Bushor.

Motion Passes



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Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Not Present at Vote: Dave Hartnett

2. CCTA Update: Chapin Spencer and Pablo Bose, CCTA Representatives for the City

Communication, Discussion, Information: 2.01 CCTA Update

Chapin Spencer and Pablo Bose, CCTA Representatives, presented on CCTA. Mr. Bose stated the interim General Manager has implemented an open door policy and has removed locks on Administrative Offices. This has increased flow into the offices and has been a strong symbolic gesture. The Labor Management Committee has met and they conducted a Relationships by Objectives Program and they will issue a report from that process. The Steering Committee that came out of this process to oversee safety and scheduling has been meeting. This Committee includes shop stewards, a maintenance union member, an administrative staff person from HR, and the General Manager. Mr. Spencer stated they underwent a hiring process for a new General Manager and established a different hiring process than has been used in the past. They had staff and public representation. They also conducted interviews publically and posted them online. The after action report as a result of the strike will be out next week. There is also an Operations Committee of the Board that has been setup to deal with those issues. Mr. Bose stated the interim GM has created a more positive environment and has treated members of the organization with respect. The Strategy Committee is engaging in marketing and outreach campaigns. They have given attention to how drivers and workers feel about different things in the Organization.

Councilor Brennan stated he appreciates the positive changes that have been made.

3. Public Forum: Time Certain (7:30 p.m.)

Information, Procedural: 3.01 Public Forum

City Council President Shannon opened the public forum at 7:23 p.m.

John Bossange, in favor of ban on smoking in Public Parks.

Richard Hillyard, in favor of municipal sale of gasoline.

Nancy Kaplan, in favor of ban on smoking in Public Parks.

Ryan Mitofsky, in favor of ban on smoking on Church St.

Kenneth Peterson, in favor of ban on smoking in Public Parks and on Church St.

Joe Harig, in favor of ban on smoking on Church St.

Michael Ly concerned about election practices/processes re: Burlington Clerk's Office

Sarah Wylie, in favor of ban on smoking in Public Parks and on Church St.

Eli Lesser Goldsmith, in favor of ban on smoking in Public Parks and on Church St., opposed to municipal sale of gasoline.

City Council President Shannon closed the public forum at 7:43 p.m.



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4. Consent Agenda

Action (Consent), Procedural: 4.01 Approve/amend the consent agenda taking the actions as indicated

Motion to approve/amend the consent agenda taking the actions as indicated

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.02 Resolution: Incorporation of Memorandum of Understanding Into The Easement to The Chittenden County Transportation Authority (CCTA) for the Development of A New Transit Center on St. Paul Street with Additional Bus Berths and Passenger Shelters Located on Pearl Street and Cherry Street (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.03 Resolution: Approval of Amendment No. 13 to Wood Fuel Transportation Agreement Between New England Central Railroad and Burlington Electric Department (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.04 Resolution: Authorization to Accept U.S. Department of Housing and Urban Development Lead Hazard Control Grant (Board of Finance)

Resolution: waive the reading and adopt the resolution



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Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.05 Resolution: Authorization Reimbursement of CEDO's Waterfront TIF District FY 2014 Related Costs (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.06 Resolution: Reorganization - Parks and Recreation Department - Parks Division - Reclassification and Title Changes to Parks Maintenance Worker Positions, One Parks Maintenance Specialist Position and One Arborist Tech Position and Re-categorization of One Limited Service Full Time Maintenance Specialist Bike Path Position to Regular Full Time (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.07 Resolution: Appointment of Acting Inspectors for Wards Two and Six (Councilor Shannon)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason,



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Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 4.08 Resolution: Downtown Tax Increment Financing District: VEPC Phase Filing Authorization (Board of Finance)

Resolution: waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.09 Communication: Lori Olberg, Clerk/Treasurer's Office, re: Accountability List

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.10 Communication: William A. Mason, Chair, re: Cost Control Committee

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Minutes: 4.11 Communication: Amy Bovee, Executive Secretary, re: Board of Finance Minutes for October 14, 2014

Resolution: waive the reading, accept the communication and place it on file



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Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.12 Communication: Amy Bovee, Executive Secretary, re: Board of Finance Minutes for October 20, 2014

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.13 Communication: CAO's Office, re: Financial Reports

Resolution: waive the readings, accept the communications and place them on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication, Minutes: 4.14 Communication: Amy Bovee, Executive Secretary, re: October 27, 2014 Minutes, Special Public Hearing on the Permit Process

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason,



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Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 4.15 Communication: Neale F. Lunderville, Interim General Manager, BED, re: BED Billing Issue: 60-Day Update

Resolution: waive the reading, accept the communication and place it on file

Motion by Sharon Bushor, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

5. Deliberative Agenda

Action: 5.01 Indoor Entertainment Permit Application (2014-2015): Bento, 197 College Street

Councilor Bushor inquired if there are noise issues at this establishment. Councilor Blais stated the area where the entertainment will take place is a small area and there are no residential apartments above it. They have indicated to him that if he gets a noise complaint they will revisit his permit.

approve the indoor entertainment permit application for Bento with the following conditions:

*all standard conditions

*BPD cabaret training to be completed before issuance of permit

Motion by Norm Blais, second by Max Tracy.

Not Present at Vote: Councilor Hartnett

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action: 5.02 Appointment: Fence Viewer (Term Expires 6/30/15)

Nominate Charlie Giannoni

Motion by Tom Ayres, second by Tom Ayres.



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Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action, Resolution: 5.03 Resolution: Exploration of Feasibility of Offering Municipal Sale of Gasoline to Customers
(Councilors Tracy, Colburn, Brennan, Siegel)

Councilor Tracy stated that Burlington area has been one of the most profitable places to sell gas in the Northeast for the past fourteen weeks. They are regularly one of the top five most lucrative market with profit margins topping fifty cents a gallon. The cost of transporting gas further North to Burlington only adds a small amount to the total price. The major reason is the lack of competition in Chittenden County with only three companies selling the majority of gas. Many Vermonters have no choice but to drive long distances to work. People are forced to choose between putting gas in their tank and putting food on the table. He believes that if the City of Burlington can do something about these issues, they should. This resolution requests that the Department of Public Works look at opening more gas pumps to the public to create more competition and drive prices down. This has been done in a community in Kentucky and it resulted in significantly lower prices. The savings that result stayed in the local economy. He has also asked the department to consider how the revenue would be used, such as upgrading City vehicles to more efficient models or improving their public transportation infrastructure.

Councilor Mason stated he will recuse himself from this item, as his firm represents Champlain Oil Co.

Councilor Knodell stated she will recuse herself from this item because of her involvement with Burlington College.

Councilor Brennan stated there has been much discussion about the price of gasoline in the Chittenden County area. This is a matter of fairness to people living in Chittenden County. A significant amount of money could be saved. The City currently has one pumping station and they would need to consider the infrastructure. The City has made moves to increase other infrastructure. This will increase fairness.

Councilor Ayres stated he will vote against the resolution. The Department of Public Works is the steward of the City's infrastructure. All City owned vehicles that are essential to emergency preparedness and City functions make use of the six pumps at the Pine St. DPW facility. They maintain 300 vehicles and respond to emergencies around the clock. Having immediate access to those pumps is critical. Large vehicles take up several pumps and take up to fifteen minutes to fill. None of the pumps are presently equipped with payment terminals. The logistical constraints of offering fuel to the public would be unsustainable. The diesel and regular fuel gasoline are less expensive because they exempt from federal taxes because they are for municipal use. This would not be the case if they were to open their pumps to public use. They should not be competing against the mom and pop fuel distributors in the area. It would be extremely difficult to distinguish between taxable and non-taxable gasoline sales. He believes that DPW should be focusing their attention on other important issues.



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Mayor Weinberger stated the exploration that is requested in this resolution has already been done. They have found that it will not be feasible without compromising core City services. He welcomes the suggestion and any opportunity to save Burlingtonians money. Further exploration is not warranted.

Councilor Paul stated she appreciates the desire of the sponsors in bringing this forward. She believes the resolution is ill-advised at this time. It would be logistically difficult and the feasibility has already been considered. She believes that the City's fiscal health and stability is extremely important. Their fiscal health has been shattered, and they have slowly been working to repair their financial problems. This hard work could disappear with this resolution and could threaten the City's credit rating.

Councilor Bushor stated she believes their region has a problem with gasoline prices. They have traditionally left these types of issues to business people, but she applauds the effort. She noted a section of the report that says they do not believe they should use the rear yard at 645 Pine St. for this endeavor. She inquired if that is a comment from the Director of Public Works regarding the feasibility. Chapin Spencer, DPW, stated the intent of the sentence was to make clear that the analysis was limited to the site constraints and operational issues. He does not want to weigh in on the larger policy issue of whether or not this could be done at another location. It would conflict with their existing operations. Councilor Bushor stated she believes this is a good idea that has not found its time.

Councilor Siegel stated she shares the belief that it does not seem realistic to have a gas pump at the DPW facility. However, the resolution does not require the pump to be positioned there. She shares concerns about the City's credit rating, but the resolution was amended to request an analysis of how this could affect their credit rating. She would like to eliminate the use of fossil fuels, but the resolution is really about economic justice. This may bring the prices down whether they end up with a municipal gas pump or not.

Councilor Wright stated he will not support the resolution. The cost of living, not just gasoline, is expensive in the State of Vermont. The resolution is grounded in good intentions, and he supports efforts to reduce the cost of living for Vermonters, but he does not support the City going into competitive business.

Councilor Colburn stated the memo does a great job outlining what the impediments are. It does not explore what the costs of accomplishing this would be. She understands the concerns, but she does not believe that this memo is equivalent to a full study.

Councilor Tracy stated it is apparent that there is an issue with the price dynamic in this area that they have not addressed. He inquired what alternatives those criticizing the resolution would suggest. This calls for them to look into an issue that is very important for many people who have to choose between their basic needs. He does not believe that the feasibility study has been done. He believes that the memo was looking for reasons to say no without highlighting any of the benefits. He does not believe that looking at this issue would cause their credit rating to drop. That may be an issue if they decided to move forward with the plan, but studying it would not cause a problem.



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Councilor Ayres stated that they could consider opening a cooperative gasoline model that would be owned by its members rather than the City.

Call the Question

Motion by Kurt Wright, Second by Max Tracy

Final Resolution: Motion Passes

Ayes: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

waive the reading and adopt the amended version of the resolution

Motion by Max Tracy, second by Vince Brennan.

Final Resolution: Motion Fails

Aye: Vince Brennan, Selene Colburn, Rachel Siegel, Max Tracy

Nay: Tom Ayres, Norm Blais, Sharon Bushor, Bianka Legrand, Karen Paul, Kurt Wright, Joan Shannon

Recuse: Jane Knodell, Chip Mason

Not Present at Vote: Dave Hartnett

Action, Ordinance - Second Reading: 5.04 Ordinance: HEALTH - Smoking in outdoor places prohibited (Councilors Mason, Paul, Shannon, Brennan, Hartnett, Blais)(2nd reading) Was Agenda item 5.05, changed per Councilor Mason

Councilor Hartnett arrived at 8:15 p.m.

Jeff Nick, Church Street Marketplace Commission, stated they have heard about the negative health consequences of second hand smoke. The Marketplace Commission rethought the ban and they unanimously supported a 24 hour ban. This is not an effort to have people leave the Marketplace. It asks them to refrain from smoking while they are here so smokers and non-smokers alike can enjoy the Marketplace.

Councilor Mason stated the Ordinance Committee held three public hearings. The overwhelming majority of those who came were in support of the ban. The owner of the tobacco shop on Church Street spoke against the ban. They heard from the Police Chief that having a 24 hour ban would be easier to enforce than a partial ban. Most business owners were in favor of a 24 hour ban. They have also included the State definition of tobacco products, which includes tobacco



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substitutes such as e-cigarettes. He heard that from a public health perspective, there is no reason that they should not do this. If that is their reasoning, it makes more sense to do a 24 hour ban. They do not allow smoking in restaurants, and much of Church Street is an outdoor café. It is noticeable when someone is smoking on Church St.

Councilor Hartnett stated this has been discussed numerous times and he has opposed it. He is in favor of this resolution because it is very defined as being on the Church Street bricks. It does not affect side streets, it allows restaurant workers to have a cigarette out back, and it does not prevent people from enjoying downtown. They have turned Church Street into an outdoor event center. He supports the resolution.

Councilor Colburn stated she will support the resolution. She spent the morning with a family member who has cancer that was caused by secondhand smoke. The doctor also noted that a recent patient of his was a waitress who had never been a smoker. The health risks of second hand smoke are indisputable. There is growing evidence that this is a risk in open air spaces. There are legitimate concerns that have been expressed, particularly ensuring that the Ordinance is enforced equitably, however the question of public health trumps other concerns.

Councilor Brennan stated there are thousands of chemicals associated with tobacco products. The State is moving towards a single payer healthcare system. A large part of the costs associated with healthcare is the last two years of life. When they have toxins of this nature that people are exposed to, the last two years of life can be costly. They are looking to drive down healthcare costs and encourage people to have a healthier life. He supports the resolution.

Councilor Bushor stated she did not support the Ordinance in the Ordinance Committee. It came to them with a 9am-9pm ban. It was then amended to be a 24 hour ban. She wanted to ensure that they heard from the merchants on the street. Most of them were bar and restaurant owners. They have acknowledged that there are multiple faces on Church St. She believed that they should take a smaller step towards a smoke-free Church Street. However, she has heard comments that have swayed her to believe that health trumps everything else and she will support this.

Councilor Knodell stated she will not support this. It sends a message that smokers are not welcome on the Marketplace. It will reduce the diversity of people who feel that the Marketplace is for them. Eating and drinking establishments already have the ability to create smoke-free outdoor spaces if they so choose. There are serious public health concerns that the Council does not address, such as emissions from automobiles. She has concerns hearing that the mission of the Church Street Marketplace is to promote public health.

Councilor Wright stated he will not support this. The Marketplace looked great this summer. It was hustling and bustling and people were having a good time. He does not want to change that. This is more of a solution looking for a problem.

City Council President Shannon passed the gavel to Councilor Paul. City Council President Shannon stated she has asthma and is reactive to cigarette smoke. People smoking near her causes her to panic. She has a chronic condition and there are a number of irritants that are unavoidable. This measure would make this irritant easier to avoid. She also supports no



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idling regulations. She does not support this to remove individuals from the Marketplace, she just wants people to stop smoking in her presence. It is the behavior, not the people, that she is opposed to. She supports personal choices that do not affect others, but this affects others. People have a right to breathe air without being impacted by secondhand smoke.

Councilor Legrand stated she will support the resolution. They have to be careful about making a statement that people are not welcome on the Marketplace. Everyone is welcome, but they need to be objective about the issue. They have serious health concerns and they have to recognize the consequences. This is a small step to address this issue.

Councilor Tracy inquired how they will address the issue of spillover of smoking on side streets. Councilor Mason stated they have asked the Church Street Marketplace to be cognizant of that issue. Councilor Tracy inquired if this is appropriate under the First Amendment. City Attorney Blackwood stated a ban on smoking would not relate to the first amendment. It regulates their behavior and not their opinions or speech. Councilor Tracy raised concerns about selective enforcement and inquired how that will be addressed. Councilor Mason stated they have heard that enforcement will be self-policed for a considerable period of time. The Commission will be undertaking public education components as this is put into place. Officers will be empowered to enforce this, but the public will be the main enforcers.

Councilor Bushor stated she had concerns about smoking on side streets. Other communities have seen this happening when they have implemented bans. They discussed expanding the no smoking area, but opted not to. They will have to monitor this and see what the impact will be. They will have to deal with problems as they arise.

Mayor Weinberger stated there were few issues he heard more about in his last campaign that smoking on Church St. He did not support the ban at that time, but he is supportive of this action. He believes this is a narrower ban than the prior one. The stakeholders in Church Street have all supported this action. There are many more precedencies that they can look to around the country that have proven to be effective. He believes that this kind of focused ban will be seen as being on the right side of this issue.

waive the second reading and adopt the ordinance

Motion by Chip Mason, second by Karen Paul.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Joan Shannon

Nay: Jane Knodell, Max Tracy, Kurt Wright

Action, Ordinance - First Reading: 5.05 Ordinance: HEALTH - Smoking prohibitions at city parks (Parks, Rec & Waterfront



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Commission and Councilors Shannon, Paul and Mason)(1st reading) Was Agenda item 5.04, changed per Councilor Mason

Councilor Hartnett stated this is much more broad and it tells people that they are not welcome in their Parks. It is still possible to enjoy Downtown without smoking on Church St. He will agree to send this to first reading, but he believes it will tell people they cannot enjoy the Parks.

Councilor Tracy expressed concerns about this, but he is willing to let them look into it.

consider this first reading and refer to the Ordinance Committee

Motion by Chip Mason, second by Tom Ayres.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Nay: Jane Knodell

Action, Ordinance - Second Reading: 5.06 Ordinance: PEDDLERS AND SOLICITORS License applications, review, fees, locations (Clerk/Treasurer's Office; Ordinance Committee)(2nd reading) Agenda item removed per Councilor Mason

This item was removed from the agenda.

6. Committee Reports

Information, Procedural: 6.01 Verbal Reports

Councilor Knodell reported on the Community Development and Neighborhood Revitalization Committee.

Councilor Colburn reported on the Public Safety Committee.

Councilor Tracy reported on the Transportation, Energy, and Utilities Committee.

Councilor Mason reported on the Ordinance Committee.

Councilor Wright reported on the Parks, Arts and Culture Committee.

Councilor Siegel reported on the Charter Change Committee.

City Council President Shannon reported on the Form Based Code Committee.

7. City Council - General Affairs



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Information, Procedural: 7.01 Verbal Reports

Councilor Wright reported on the upcoming election and the permit process public hearing.

Councilor Bushor reported on a donation made to local agencies, the grandfathering issue of the four unrelated adults Ordinance, and sidewalk disrepair.

Councilor Knodell reported on election issues and requested the Board of Civil Authority receive a report.

Councilor Hartnett reported on the Police Department's handling of mental health issues and Veteran's Day.

Councilor Colburn reported on the Police Department's Coffee with the Chief and the Three Squares Vermont Challenge.

Councilor Brennan reported on the disbanding of the Joint School and City Council Committee and other issues with the Schools.

Councilor Siegel reported on the non-citizen voting referendum ballot question and changing the name of Columbus Day.

City Council President Shannon stated the School's consultant delivered a report on their finances.

8. Mayor - General Affairs

Information, Procedural: 8.01 Verbal Reports

Mayor Weinberger reported on NPA meetings, the Burlington Telecom Settlement, changes in the parking policy, the Retirement Committee, the Housing Action Plan, election issues, the Mayor's Book Club, the Green Mountain Imperative Breakthrough Summit, and a performance of *The Producers*.

9. Adjournment

Action, Procedural: 9.01 Adjourn

Without objection, City Council President Shannon adjourned the meeting at 9:21 p.m.