Regular City Council Meeting-Contois Auditorium, City Hall, 7:00 p.m.
7/14/2014

Regular City Council Meeting-Contois Auditorium, City Hall, 7:00 p.m. (Monday, July 14, 2014)

Generated by Amy Bovee on Friday, August 29, 2014

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

Also present: Mayor Weinberger, Bob Rusten, David White, Eileen Blackwood, Brian Lowe, Kim Sturtevant, Rich Goodwin, Scott Schrader

Meeting called to order at 4:52 PM

1. Agenda

Action: 1.01 Motion to approve/amend the agenda

Motion to amend the agenda removing item 5.02 Ordinance: Comprehensive Development Ordinance - Residential Parking Standards from the agenda with direction to add to the August 11, 2014 deliberative agenda; note revised version of Resolution to Item 6.37 re: Purchase of Smart Meters for Downtown Core (Board of Finance); add item 6.38 Resolution: Authorization for Planning and Zoning Budget Amendment for PlanBTV South End - Phase 1- Real Estate Market Analysis (Board of Finance); add to item 7.02 - Guidance to Ordinance Committee Document with suggested action to Refer to Ordinance Committee per Councilors Shannon and Colburn; add Councilors Siegel and Colburn as Co-sponsors to item 7.03 Resolution - Consideration of Ordinance Requiring Mandatory Recycling of Construction Debris; refer item 6.14 to institution committee and CD for a joint meeting with UVM with a report to be delivered at the first meeting in September.

Motion by Chip Mason, second by Bianka Legrand.

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

2. Public Forum: Time Certain 7:30 p.m.

Procedural: 2.01 Public Forum

Name	**Ward/Affiliation**	**Subject**
Jason Van Driesche	Localmotion	Parking Changes
Jean O'Sullivan	State Representative	Support Health Care Buffer Zone
Kay Francis Schepp	S. Burlington Resident	Support Health Care Buffer Zone
Ron Ruloff	Ward 3 Resident	Budget and City Admin Complaints
Jill Krowinski	Planned Parenthood	Support Health Care Buffer Zone
Sandy Baird	Ward 1 Resident	Support Health Care Buffer Zone
Elizabeth Nikazmerad	Ward 3 Resident	Support Health Care Buffer Zone
Christopher Hill	Ward 5 Resident	Support Health Care Buffer Zone
Agnes Clift	S. Burlington Resident	Importance of Free Speech
Bridget Mount	St. Albans Resident	Importance of Free Speech

3. Indoor Entertainment Permit Application (2014-2015)

Action: 3.01 Guild Fine Meats, 111 St. Paul Street

waive the reading, accept the communication, place it on file and approve the 2014-2015 Indoor Entertainment Permit Application for Guild Fine Meats with all standard conditions and contingent upon Fire Marshal approval

Motion by Norm Blais, 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

4. Presentation

Action, Communication, Presentation: 4.01 David E. White, Planning & Zoning Director, re: Form based Code (20 mins.)

David White, Planning and Zoning, stated they have been working on creating zoning regulations in the form of a form based code for the Downtown and Waterfront. This began with the creation and adoption of the Downtown and Waterfront master plan. It is a compilation to articulate a comprehensive and cohesive vision for the future. They centered their efforts on increasing the economic vitality of the downtown. People were asked to describe what they like most about the downtown and what they hoped to see in the future. They assembled a collection of big ideas to help them achieve this vision. They hope to make the Waterfront a four season place, build a vibrant economy, and address housing. The plan emphasizes the need to build upon the existing vitality of Burlington. The country is changing demographically and in terms of where and how people want to live. Urban places are attractive to these demographic changes and are the most sustainable to develop. They can encourage infill development and adaptive reuse. They can activate and enliven the streetscape. They can expand housing opportunities for everyone in the City. They can expand the street grid, enliven the Waterfront for year-long use, and add slips to their harbor. They need to use time tested urban design principles and ensure that development in Burlington continues. Zoning is a City regulation and permit process that addresses land use and development. It considers what type of development goes where in a community. It regulates how big and how much development can occur while protecting public features. They protect community health and safety, protect property values, and protecting special features. They have found that their local regulations are not focused on the things that they care about the most and that are fundamental to how people experience a place. There are different types of zoning regulations. Typical Euclidian zoning separates land uses so that people do not live next to industrial plants. Performance based zoning is based on measurable benefits and impacts. Form based zoning is focused on the form that development takes. There are also hybrid approaches, which are most similar to the approach they take in Burlington. In conventional zoning, use is the organizing principle regulations are based on. Form is secondary. Form based code has reversed this way of thinking to focus on the form that development takes based on dimensions of lots and blocks and buildings. Function follows the form. Burlington has been evolving towards form based zoning since the 1970s. Form based code is focused on a progression between the least to most developed parts of the community. The least developed areas are agricultural lands and nature preserves with the most developed area being the core of the downtown. They focus on places where people, particularly pedestrians, want to be. They are particularly effective at organizing and managing development in a Downtown mixed use environment. This is critical to creating a sense of community and enhancing economic vitality. Form based codes have been adopted across the Country. They are highly graphical with lots of pictures and diagrams and are very objective which makes them easy to follow. That enables them to have a straightforward review process that can be handled administratively. The biggest complaint they hear about the development review process in Burlington is that it is unpredictable. People want to know what they can and cannot do so they can make the proper investments. Their current Ordinance is very flexible but it leads to unpredictable outcomes. Unpredictability is a bad thing for the applicant trying to decide if they are going to make an investment in design. It is bad for neighbors because they do not know what will happen in their neighborhood. It is bad for the City because they cannot achieve development goals over time and build and sustain their tax base. Form based regulations are established and based on an adopted community vision. That is what the Downtown and Waterfront Master Plan is all about. It is then calibrated to the desired characteristics and conditions of a given place. They say that they like the community that they have and they want to perpetuate it. Many contain common elements that contain a diverse palate of regulatory tools and not about prescribing a particular architectural style. They are focused on fundamental urban design principles including building placement, configuration, placement, proportions, lot occupation, and relationships that are the foundation to all successful and vibrant urban places. The new regulations they have been working on will not change the best loved parts of the City. Instead, they will be more effective in ensuring those features can be replicated in other places. They establish a series of character districts that divide a community into areas of common development patterns. The regulating plan is the equivalent of a zoning map. It defines where form based districts can be found. It is very similar to their existing zoning maps. The code is organized by a hierarchy. The hierarchy defines what building types are permitted within each district. Each building type defines the frontage type that may be associated with the building. The frontage types describe the area between the façade of the building and the property line. It is about how people on the outside understand, experience and gain access to the building. It is like a menu that dictates what types of building you choose based on where you are building. Most projects can be reviewed and approved administratively. They do this for almost 90% of zoning requests they receive now. Under form based code, larger projects would be able to take advantage of the process. Certain projects will continue to go through a more discretionary process before the Development Review Board. Those would be projects that contain a conditional use, a major impact development, those seeking a variance, and appeals of administrative decisions. The Board will review the unusual criteria and staff will review the form based criteria. Form based code cannot cover everything in the City and it can be restrictive. They have built in mechanisms to provide relief. At a staff level, if they need relief and meet certain criteria, the director can provide that administrative relief. If they need relief beyond that standard, they will be able to go to the Development Review Board or seek a variance. Today they only have an option for a variance. If the project does not meet the requirements of the Ordinance, they have to request a variance. Variances should be difficult to get and should not be granted often because the criteria would be difficult to achieve. It allows them to tweak the standards when it makes good sense to do so.

5. Public Hearings: Comprehensive Development Ordinances: ZA 14-05 Neighborhood Mixed Use District Expansion; ZA 14 -07 Residential Parking Standards; ZA 14-09 Lot Coverage Exceptions and ZA 14-11 Animal Boarding allowance in NAC

Action, Information, Ordinance - Second Reading: 5.01 Ordinance: Comprehensive Development Ordinance--Neighborhood Mixed Use District Expansion ZA 14-05 (Planning Department, Planning Commission; Ordinance Committee)(2nd reading)

David White, Planning and Zoning, stated ZA 14-05 is a boundary adjustment to the neighborhood mixed use district to include 47 Bright Street. This will facilitate redevelopment of that property as part of a larger development by Champlain Housing Trust. ZA 14-09 expands the list of traditional residential features that can be included within the 10% lot coverage exemption. These include things like swimming pools, walkways, and window wells. ZA 14-11 will allow animal boarding kennels and shelters as a conditional use within a neighborhood activity center.

City Council President Shannon opened the public hearing.

No one came forward to speak.

City Council President Shannon closed the public hearing.

Councilor Mason stated this change was requested by Champlain Housing Trust. It passed unanimously before the Planning Commission and Ordinance Committee. There has been no objection from any neighbors.

waive the second reading and adopt the ordinance

Motion by Chip Mason, second by Sharon Bushor.

Final Resolution: Motion Passes

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

Information, Ordinance - Second Reading: 5.02 Removed

Action, Information, Ordinance - Second Reading: 5.03 Ordinance: Comprehensive Development Ordinance--Lot Coverage Exceptions ZA 14-09 (Planning Department, Planning Commission; Ordinance Committee)(2nd reading)

Councilor Mason stated this was unanimously approved by the Planning Commission and Ordinance Committee.

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, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action, Information, Ordinance - Second Reading: 5.04 Ordinance: Comprehensive Development Ordinance--Animal Boarding allowance in NAC ZA 14-11 (Planning Department, Planning Commission; Ordinance Committee)(2nd reading)

Councilor Mason stated there are only three designated neighborhood activity centers in the City of Burlington. They are the Ethan Allen Shopping Center, the Subaru dealership, and the Price Chopper plaza on Shelburne Rd. This was unanimously approved by the Planning Commission and Ordinance Committee. There has been an attempt to get some use into what used to be the movie theater. This would allow that as a conditional use going forward.

Councilor Siegel inquired what the impetus for this Ordinance change was. She also inquired how this change would relate to the update of the Urban Agriculture Plan. Councilor Mason stated the impetus for the change was a prospective tenant who was interested in using space at the Ethan Allen Shopping Center. The proposed Urban Agricultural Regulations are unrelated to this proposal.

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, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

6. Consent Agenda

Action: 6.01 Motion to approve/amend the consent agenda and take the actions indicated

Motion to approve the consent agenda and take the actions indicated.

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 6.02 Communication: Lori Olberg, C/T Office, re: Accountability List

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Report: 6.03 Report: Annual Report of the Burlington Conservation Board, Fiscal Year 2014: June 30, 2013 - July 1, 2014

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

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

Action (Consent), Report: 6.04 Report: Steven Offenhartz, Chair, DAB, re: Design Advisory Board Annual Report

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Report: 6.05 Report: Annual Report of the Burlington Development Review Board Fiscal Year 2014: June 30, 2013 - July 1, 2014

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Report: 6.06 Report: Lisa Jones, Board Clerk, Housing Board of Review, re: Burlington Housing Board of Review Annual Report for 2013

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Report: 6.07 Report: 2013-2014 Fletcher Free Library Commission Report to the Burlington City Council

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Report: 6.08 Report: Amy Mason - Chairperson, Burlington Board of Tax Appeals, re: Board of Tax Appeals - 2013 Annual Report

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Report: 6.09 Report: Timothy Larned, Acting Director, Winooski Valley Park District, re: Annual Report: July 1, 2013 - June 30, 2014

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 6.10 Communication: David E. White, AICP, Director of Planning & Zoning, re: Proposed Zoning Amendments: ZA-14-01 and ZA-14-10

waive the reading, accept the communication, place it on file and re-warn ZA-14-01 and ZA-14-10 for a public hearing slated for August 11, 2014

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 6.11 Communication: Mary Cushman, MD. MSc, Professor of Medicine and Pathology, UVM, re: Church Street as a smoke-free area

waive the reading, accept the communication, place it on file and send a copy to the Ordinance Committee Members

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 6.12 Communication: Clerk/Treasurer's Office, re: Sweep Accounts & Other Bank Accounts

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 6.13 Communication: Clerk/Treasurer's Office, re: General Fund Revenue as of June 18, 2014

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 6.14 Communication: Thomas Gustafson, Vice President for University Relations and Administration, re: City of Burlington and University of Vermont Memorandum of Agreement Re: 2009 Zoning Amendments

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 6.15 Communication: Harry Chen, MD, Commissioner of Health, Vermont, Department of Health, re: Deputy Health Officer Appointment of Theodore Miles

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 6.16 Communication: Mary N. Peterson, Commissioner, State of Vermont, Department of Taxes, re: Fiscal Year 2015 (FY15) Education Tax Rates

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 6.17 Communication: Amy Bovee, Executive Secretary, Clerk/Treasurer's Office, re: Applications for Renewals of License Agreements for Encumbrances Outside of the Church St. Marketplace for the 2014-2015 Season

waive the reading, accept the communication, place it on file and approve 2014-2015 Encumbrance Renewals for Bern

Gallery and Hotel Vermont

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication, Minutes: 6.18 Communication: Amy Bovee, Executive Secretary, C/T Office, re: Board of Finance Minutes, Monday, May 19, 2014

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 6.19 Communication: Eileen Blackwood, City Attorney, re: Supplement to Annual Report on Livable Wage Ordinance--FY 14

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

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 6.20 Special Event Outdoor Entertainment Application (two days only): Radio Bean Coffeehouse, Burlington College, Precipice Festival, August 1 and 2, 2014

waive the reading, accept the communication, place it on file and approve the special event outdoor entertainment permit application for Radio Bean Coffeehouse for two days only with listed conditions

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Communication: 6.21 Special Event Outdoor Entertainment Permit Application (two days only): Radio Bean Coffeehouse, Burlington College, WYSIWYG Festival, August 23 and 24, 2014

waive the reading, accept the communciation, place it on file and approve the special event outdoor entertainment permit application for Radio Bean Coffeehouse for two days only with listed conditions

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.22 Resolution: Planning and Zoning Department Fee Schedule (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.23 Resolution: Authorization to Execute Agreement With Champlain College for Placement of a Geothermal Conduit in Willard Street Right-of-way (License Committee)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.24 Resolution: Authorization for Purchase of Boiler Superheater for The McNeil Generating Station (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.25 Resolution: Reclassification of One Director of Operations, One Operations Foreman and Six Operations Specialists at Burlington International Airport (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.26 Resolution: Creation of Exempt Non-Union Limited Service Full TIme Burlington Telecom Financial Controller (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.27 Resolution: Reclassification of One Limited Service Full Time Associate Parks Project Coordinator to Regular Full Time - Burlington Parks and Recreation Department (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

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

Action (Consent), Resolution: 6.28 Resolution: Creation of Administrator of Metering Services Position; Creation of Metering Services Technician Position; Elimination of Troubleshooter Position; and Elimination of Electrician 1st Class A Metering Position - Burlington Electric Department (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.29 Resolution: Approving The Interest Rates and Sale of General Obligation Public Improvement Bonds, Series 2014 (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.30 Resolution: Approving The Interest Rates and Sale of General Obligation Tax Increment Financing Bonds for Waterfront TIF District Improvements Re March 2014 Ballot Item (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.31 Resolution: Approving The Interest Rates and Sale of General Obligation Tax Increment Financing Bonds for Waterfront TIF District Improvements Re November 2012 Ballot Item (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.32 Resolution: Award Proposal and Authorize An Agreement for Copy/Print Management Services (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.33 Resolution: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Barrio Bakery & Pizza Barrio (License Committee)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.34 Resolution: Authorization to Enter into License Agreement to Erect and Maintain Two Directional Signs on a Portion of The City's right-of-way with Champlain College (License Committee)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

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

Action (Consent), Resolution: 6.35 Resolution: Authorization to Enter into License Agreement to Maintain Awnings on a Portion of The City's Right-of-way with Stacks Sandwiches (License Committee)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.36 Resolution: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Thai Dishes (License Committee)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action, Resolution: 6.37 Resolution: Purchase of Smart Parking Meters for Downtown Core (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

Action (Consent), Resolution: 6.38 Resolution To Amend the FY 2014 General Fund Budget to Incorporate Expense/Funding Associated with the Real Estate Market Analysis for Plan BTV: South End (Board of Finance)

waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Bianka Legrand.

Final Resolution: Motion Passes

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

7. Deliberative Agenda

Action: 7.01 Appointment of Interim General Manager at Burlington Electric Department

Mayor Weinberger stated they have been searching for a replacement for General Manager Barb Grimes throughout the year. The search process was underway in March. He came to the conclusion the process should be extended, but they felt they should approve someone on an interim basis. He would like to appoint Neale Lunderville. He has extensive experience in State Government and in utilities. He has proven himself to be a dynamic leader and has a hands on approach in his way of conducting himself.

Neale Lunderville stated it is humbling to follow in the footsteps of Barb Grimes. She has built a strong team at BED. He is very excited about this opportunity. BED is where any utility wants to be. They are closely connected to their community, they are pushing for 100% renewable supply, and have placed a priority on energy efficiency while rates have remained stable and low. These benchmarks are critical to the future of BED. As the energy industry has been undergoing a transformation, Burlington has been very wise to continue to be on the leading edge of innovation and write its own energy future. As Interim General Manager, he will continue to advance these conversations and build on BED's successes so that Burlington continues to be positioned as energy leaders for decades to come. They are continuing to focus on projects BED is spearheading across the City including getting municipal solar projects online, electric vehicle recharging stations, energy efficiency work, utilizing the smart grid, and finalizing the purchase of the Winooski One hydro project. They also need to keep power running, which BED does very well. They have staff monitoring their system 24/7 to make sure customers are getting power. Finally, it is important for them to remain involved in the community.

Councilor Blais stated he met with Mr. Lunderville and reviewed his resume. He has very solid credentials. He has served the State in high capacities and he has received nothing but praise for his work after Hurricane Irene. It is appropriate that the head of their electric company is a person of such high energy.

Councilor Tracy stated it sounds like he plans to take an aggressive role for someone who will be serving as an interim manager. He inquired if they have considered restructuring the utility in any way. Mr. Lunderville stated his excitement for this is because the organization is already humming and he does not want to allow them to slow down, even on an interim basis. He wants to continue to support the good work that is being done. He does not prejudge any of the structure of the organization. The Mayor has asked him to look at the structure to see how it compares with other utilities. Councilor Tracy stated he appreciates his acknowledgement of the importance of renewable energy. They have talked over the years about the conversion of the heat from the McNeil Plant into a district heating system. He inquired how he feels about pursuing that project. Mr. Lunderville stated he has heard little about the project. Using the heat generated by McNeil for other purposes makes good sense, but he does not know if the economics of that work. He is interested in this and will review it early on. Councilor Tracy inquired if he has interest in applying to be the permanent GM. Mr. Lunderville stated his only goal right now is to do a good job and he will focus on that. He finds this organization very interesting. As the Mayor continues his process, he will decide if he wants to apply for the job going forward. Councilor Tracy inquired what the process for the search will be and how they will insure they have a diverse pool of applicants. Mayor Weinberger stated it has been a goal of the search to have a diverse pool of applicants to choose from. The finalist pool that was sent to him did meet that goal. He believes that will be the goal when they reopen the search, which he plans to do late this year. He hopes to make a permanent appointment at the end of the first quarter next year. He appreciates that Mr. Lunderville may be interested in the job then and will consider him should he apply. There will be considerably more process before a decision is made.

Councilor Wright stated he endorses Mr. Lunderville's nomination as general manager for BED. He has worked with him at the State level and he has done a great job. He believed the depth and breadth of his experience will be an asset for BED.

Councilor Bushor stated as an interim appointment, she was surprised to hear that there would be a review of the structure of Burlington Electric and where changes could be made. She sees that as being more appropriate for a permanent appointment. She understands there is great expertise in this individual, which she does not want to lose. She requested that when those findings are shared with the Mayor they be shared with the Council. Mayor Weinberger stated he has asked Mr. Lunderville to do a strategic review of all elements of BED's operations and provide recommendations on future steps for the next GM to take. He agrees it is not the place of an Interim General Manager to be implementing substantial changes. He is unsure if that will be the result of the review. He believes that this is an opportunity, especially given this particular candidate, to take stock of where Burlington Electric is strategically and compare it with its peers. It would be appropriate to share the report with the Council and the next general manager.

Councilor Paul stated his resume, vast experience, public service and background in utility planning make him truly qualified for the role. She cannot think of anyone in the State of Vermont more appropriate for this role. She also commended the Staff at BED.

Councilor Knodell stated she is supportive of the appointment. She inquired if Mr. Lunderville has had a chance to meet with the senior team who will be reporting to him. Mayor Weinberger stated he has had a chance to meet with them and also had a full staff meeting. He has had the opportunity for some follow up since then. Mr. Lunderville stated he has exchanged some email with them. He has been reading the Integrated Resource Plan, the minutes of Commission meetings, reports to commissions and other documents to help him prepare to engage with members of the leadership team in a proactive way. Councilor Knodell stated General Manager Grimes generated some productivity gains during her time served with productivity rising and employment falling. They should remember that and keep that trend going.

waive the reading, accept the communication, place it on file and confirm the appointment of Neale Lunderville as the Interim General Manager at Burlington Electric Department

Motion by Norm Blais, second by Dave Hartnett.

Final Resolution: Motion Passes

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

Action: 7.02 Ordinance: Offenses and Miscellaneous Provisions Health Center Buffer Zones (City Attorney's Office)

City Council President Shannon stated the buffer zone statement of guidance to the Ordinance to the Ordinance Committee will be considered separately.

Councilor Mason stated on June 26, the U.S. Supreme Court ruled that the Massachusetts buffer zone law, upon which this Ordinance was modeled, was unconstitutional. Their Ordinance established a similar 35 foot buffer zone. Following that ruling the City Attorney put forward a memo that they would be reviewing their Ordinance to make a determination as to its constitutionality. There was a public statement indicating that based upon their review, the buffer zone had some constitutional problems and the Burlington Police Department would be suspending enforcement until the Council was able to act. They have received a memo setting forth the legal analysis and it indicated that the Ordinance would fail on reconsideration. They set forth some proposed modifications that the Ordinance Committee and the Council may consider. That includes making the offense in the existing Ordinance criminal instead of civil, considering an 8 foot bubble which has been ruled upon, or considering a smaller buffer zone. He believes they need to make this amendment, but he is disappointed in the ruling that came from the Supreme Court. He does not believe it balances the competing needs of the First Amendment and safety. It was a unanimous ruling, so they are obligated to abide by it. The risk in failing to do so is they could be subject to attorney’s fees by the plaintiff in the matter that is active before the Federal District Court. They will take this up as expeditiously as possible to determine what they can do to provide protections while complying with constitutional requirements.

suspend all rules, place in all stages of passage and refer to the Ordinance Committee for further review and amendment

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, Jane Knodell, Bianka Legrand, Chip Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Councilor Colburn read the statement of guidance aloud.

Councilor Colburn stated she is deeply disappointed by the Supreme Court’s decision. Protective zones at healthcare facilities have allowed for a balance of free speech and patient protections. They provide peace of mind for patients, staff, and volunteer greeters, and provide clearly enforceable limits for Police Officers. She went to Planned Parenthood in Burlington this weekend where there were 25 participants in Vermont's Ride for Life outside the facility. These individuals were primarily from surrounding towns and did not seem to realize that Burlington's buffer zone is not being enforced. They stood across the street and held signs and prayed. Their presence upset patients entering the building, but the interaction took place at a distance. She stood with the volunteer greeter who was working there on her own for the first time. She was grateful for the company as the large group amassed nearby. She talked about a previous shift she had worked where protesters had followed patients all the way to the door of the facility talking to them and handing out literature. At times they escalated conflicts with patients. At one point, the protesters realized they did not have to stand across the street and they decided whether or not to come across the street. There were 20-25 of them and only two people at Planned Parenthood. It was a frightening and intimidating moment. She was relieved that she was there with the greeter. The Supreme Court has upheld the right to sidewalk counseling as a form of free speech. Sidewalk counseling can often take the form of severe harassment and intimidation at a time of vulnerability for patients. Since they stopped enforcing the buffer zone, staff at Planned Parenthood have reported an increase in protester activity on all days of the week. Patients have gone from expressing concern about having to view anti-choice groups and sign from afar to wanting to know why they are being followed and engaged on their way to the facility, even after they express no interest in the services being offices. She read a statement from a patient about a protester who felt uncomfortable because a protester took a picture of her. She also read statements from greeters recounting stories of patients being harassed. She noted that anti-abortion terrorists have murdered seven people since 1993, they have committed 200 arsons and bombing since the mid-1970s, and they have attacked clinics with anthrax. Entering a reproductive facility in this country has become an act of courage. No matter how peaceful their intentions, the presence of protesters up to the door of the facilities calls this to mind daily. She hopes they will support the statement of guidance which signifies to women in Burlington that they will work towards every legally defensible alternative that will protect patients from harassment as they seek reproductive healthcare.

Move to endorse the statement of guidance to the Ordinance Committee.

Motion by Selene Colburn, second by Rachel Siegel.

Final Resolution: Motion Passes

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

Action, Resolution: 7.03 Resolution: Consideration of Ordinance Requiring Mandatory Recycling of Construction Debris (Councilors Blais, Ayres, Mason, Colburn, & Siegel)

Councilor Blais stated this was brought to light last winter when a State Senator proposed a similar measure at the State level. It was held up in the Legislature, but he felt that if this were adopted in Burlington, it could help it pass at a State-wide level. This matter will be vetted by the TEUC and Ordinance Committees.

Councilor Tracy stated he looks forward to moving this forward enthusiastically.

waive the reading and adopt the resolution

Motion by Norm Blais, second by Tom Ayres.

Final Resolution: Motion Passes

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

Action, Resolution: 7.04 Resolution: Authorization for FY15 Borrowing By Burlington School District (Board of Finance)

Councilor Paul stated this resolution is requesting that the City Council approve temporary borrowing for the School District subject to mutually agreeable terms and conditions. This is a departure from what they have been doing. The School District is requesting a loan that will be secured by a note that is amenable to all parties. The funds would be borrowed on an as needed basis. They School District would commit to repaying any borrowed funds as expeditiously as possible. The amount is not to exceed $4.8 million with a maximum borrowing period not to exceed 90 days.

Stephanie Philips, Interim Superintendent, stated the Vermont Agency of Education advised the City and the School District that finances need to be entirely separated. Historically, having the combination of those funds in the City's Sweep Account had allowed the School District the opportunity to have cash reserves available during periods where they are in between receipts. That is typically in the months of June through August. With the request that funds be separated, they have found themselves in the position that they need to have cash available to cover low periods between cash receipts. They have put out to bid to financial institutions and received a response from KeyBank, which they are pursuing. They are asking the City to allow them to borrow up to $4.8 million as a bridge loan. They have been told that since it is the District's first time going through the process with a financial institution, there will be extensive paperwork and the process could be lengthy. If financing is not available, they will utilize the City's bridge loan to help them through that time period.

Councilor Knodell inquired how the Board of Finance voted on this item. City Council President Shannon stated it was a unanimous vote.

Mayor Weinberger stated the administration is supportive of this proposal. They see this move towards complete separation of City and School finances as being consistent with the work they have bene doing in overhauling their cash system. There are more accounts with more segregation. This change diminishes the possibility of mistakes and applying funds incorrectly. The loan represents minimal risk to the City taxpayers and they are comfortable with the City providing it until the district finds another means of managing their cash flow.

Councilor Bushor stated at the Board of Finance there was confusion about what Vermont Education Support Grants are. They agreed to add "(property taxes)" after the words Vermont Education Support Grants to clarify.

The amendment was accepted as friendly.

Councilor Wright inquired what would happen to the School Department if they denied the request. Joe McNeil, McNeil, Leddy and Sheahan, stated the School Department would hopefully not be in a bad position. They have a commitment from a viable financial institution. The problem is the gap in time between when the financing is in place with the bank and when the cash needs arise. In an ideal world, the bank financing will be in place before any money is requested from this loan. In a not so ideal situation, the thought is they may have to borrow for a limited period of time. The City's commitment is a backstop to a process that will serve the District well going into the future. Councilor Wright stated a lot of members of the public believe this will be an interest free loan. Mr. McNeil stated the Statute that they are operating under indicates that the School District may borrow from its municipality for 90 days interest free. The same would be true if the municipality were borrowing from the School District. The resolution makes clear that they will need to follow the protocol set by the CAO to requisition the money. The interest free 90 day portion is statutory.

Councilor Colburn stated she will support this. The need for their schools is critical and the means of repayment is secure. She inquired what would happen if the repayment did not occur within 90 days. Mr. McNeil stated they will sign a note with the City that indicates a repayment obligation within 90 days. They will also give the City some security with the tax collections the City performs on behalf of the School District. If the bank loan did not come through, they would have first lien on those dollars as they became available through collection. Councilor Colburn stated that is an important assurance. CAO Rusten stated within 20 days of the first tax collection date they will deposit approximately $12-13 million in the School's account. There will be money available to pay back whatever amount is loaned to the School. They will also sign a promissory note.

Councilor Tracy stated the School District is in transition and inquired how finances are being managed on a day to day basis. Ms. Phillips stated they are in the process of hiring a finance director and hope to have someone in place by mid-September. Day to day operations are being handled by Miranda McDonald, their accounting manager. They have contracted with some consultants that are helping with some pieces of day to day operations. Miranda McDonald, School District, stated they have contracted with an accountant to help with day to day accounting. She is fulfilling some of the Director's responsibilities in the interim. They have also contracted with someone who specializes in School District Finances to serve as a mentor to ensure they are fulfilling their financial obligations with the State, reporting, and auditing. They have contracted with someone to analyze their processes and procedures and make recommendations for the future director to implement.

Councilor Hartnett stated he supports letting the Schools borrow the money and he knows they need to have a strong relationship. They will be going their separate ways with the cash pool, but they cannot go their separate ways with the taxpayers. He is hoping that they can have a stronger connection and better working relationship between the School Board and the Council. In less than eight months they will be back before the voters with another 10% or more increase that the School Board will be asking the taxpayers. They have a deficit of $1.3 million, they will not be receiving $1.4 million of pilot money from the State, and the 3% teacher contracts will kick in. That is about 6-7% alone. That will be tough to swallow. He would like to be involved in early discussions with the budget long before it goes on the ballot. He hopes the loan will help them get through this difficult time.

waive the reading and adopt the resolution with change to language to educational tax.

Motion by Karen Paul, second by Dave Hartnett.

Final Resolution: Motion Passes

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

Discussion: 7.05 Gateway Block Development (oral)

Peter Owens, CEDO, stated he will provide an update for the proposed development of the Gateway Block or Super Block. They are specifically looking at the parking lot that sits at the corner of Main and South Winooski. It has been a parking lot for forty years and occupies about 20,000 square feet. He recalls driving into Burlington through the beautiful UVM greens and seeing the mountains in the distance. People then arrive at the foot of Main Street to find a decrepit motel, a vacant parking lot, and a gas station. This part of town has not changed in many years. They feel that there is an opportunity for there to be a successful redevelopment of this parcel and the surrounding district. It is the gateway to downtown. They have an opportunity to repurpose and activate the area following planBTV. It will also create a more sustainable and walkable Downtown. With planBTV and the TIF district they have tools to bring this forward. They have done some analysis over the past year of the site. They believe that the best outcome will be as a result of a competitive process that will seek to draw successful opportunities to the City. They feel they will need a better understanding of the height and zoning restrictions of the site, the parking requirement, and parking in the entire district to serve current and future needs. Beyond the site is Memorial Auditorium, the YMCA, and City Market. In conjunction with the current parking work, they anticipate folding in a more focused study on this corner of Downtown. Once they have a clearer idea of these issues, they will bring forward an RFP.

Councilor Knodell thanked them for having this item on the agenda. This topic was discussed at the last City Council meeting. After that meeting, she felt part of the discussion, which took place in executive session, should have happened in open session. This was the part about how they would move forward. She hopes that they will see this as a way to police themselves and be open and transparent. She wants them to slow down and do more studies. They should think about their form-based code and have a competitive process. She inquired what site the competitive process would apply to. Mr. Owens stated it is premature to give a conclusive answer on that. They control the City site right now. Based on the work that they do, there may be other opportunities that will emerge. Councilor Knodell stated she would urge them to keep up the momentum. She worries about studying and rewriting the zoning Ordinance for downtown because that will take a long time. They have a limited window of opportunity right now with low long-term interest rates. They also have the Downtown TIF District, which requires them to identify a project by 2016. With the Waterfront TIF District they can apply for an extension, but she thinks the State will make them pay. She would like to move forward. The CD Committee received the Housing Strategy Study, which says they have a serious shortage of housing in the City. They have planned a lot and they can get a lot done moving forward with a great idea for the site. They can have a lot of public process around designing ideas for that area beyond the site that they own.

Councilor Wright inquired if a competitive process can include more than the City owned surface parking lot. Mr. Owens stated they would have to have site control to legitimately put out a process. He thinks it is premature to determine the specifics of how the RFP would be constructed. They want to get some things built and this is a great opportunity. The parking piece is important and they have a consultant working on that issue. Councilor Wright stated the superblock gateway entrance to the City has been talked about for decades. The reason is because it is the gateway to the City and they have a hotel that is a blight. They have an opportunity for something good to happen. He understands the disappointment that the previous development fell apart. He does not want to see this slow down. The owners of the site have signed on to a development agreement with a local development company. They are still eager to work with the City to see something great happen. He hopes they will look beyond the surface parking lot.

Councilor Bushor stated the need for housing in Burlington is great. She attended the report on housing. There were some suggested ways of addressing the housing needs that the CD Committee is working with. Most of the proposals for this site over the years have been mixed use. She did not support the proposal that has fizzled because she was concerned about UVM students being housed there.

Councilor Mason inquired what can be appropriately disclosed in open session. City Attorney Blackwood stated matters that were learned about in executive session should not be discussed in open session. Councilor Wright stated he believes they veered outside of what they should be discussing in executive session. They should not repeat what was in executive session, but if they were improperly in executive session, they should disclose that information publicly. City Council President Shannon requested some parameters about what information can be shared publically. City Attorney Blackwood stated they went into executive session to talk about a real estate transaction. That includes who the parties are, what they were discussing and what the possible uses are. They were getting a report about the status of those discussions. Where the line got crossed was when they started talking about future options, other plans, and how they may include the public. They should not talk about the terms that they learned about and who the parties were.

Councilor Bushor stated she should that housing could be for other people. She has had concerns about housing students downtown. She is looking for other options and hopes the future will hold those options. She does not feel that was something she learned in executive session.

City Council President Shannon stated that conversation was in executive session and she urged Councilors to be careful in their comments.

Councilor Brennan stated he believes they should move forward with this property. The PACC heard information about ailing infrastructure at the Library. Connected to the Library is a parking lot which is connected to the Fire Station and the parking lot they are discussing. There is a lot of City property in this block. There are some small pieces of property in the larger block that need to be developed to make that the gateway. They moved forward with the TIF with this understanding. This was a cornerstone in planBTV. There are some historic buildings that may play a role. The Library has an addition that was not built in a historic time. They can rethink what their library is about. They should be innovative in their thought process. There is a lot of sad looking parking lot. The TIF is about developing an area and being smart in that process. The administration should be on the forefront looking to pursue all ideas and avenues to make that work. The other parcels that are part of this block are small. Just thinking about the parking lot is small thinking.

Councilor Tracy stated they do need to keep the momentum up. They recently had a situation with the Champlain College building. In concept, he supports the idea of housing students in the Downtown core. He does not want that to have a chilling effect in the downtown core. They need to draw students into the downtown and out of the core. They also need to create a funding mechanism with the University for neighborhood revitalization, which could be done in tandem with this project. One of the major concerns they heard about the Champlain College project was that it was an ugly building and would soon be dated. He urged them to push developers to put something creative forth. It is a unique opportunity to create an entry to their Downtown. They do not want to create a standard looking building, but rather an architectural jewel.

Councilor Mason stated they heard that developers like certainty. They had an opportunity to remove parking from the downtown, but they deferred. They asked the Downtown Parking group to study this. He believes that is the cause for the delay. The Administration heard that they want something done and he is optimistic that they will be able to move forward when they nail down the uncertainties that developers do not like.

7.06 Communication: Eileen Blackwood, City Attorney, re: Burlington Telecom Update (oral)(possible executive session)

City Attorney Blackwood stated she can share where they are at in the process publically but details may need to be shared in executive session. They have answers to questions that the Public Service Board sent to them due tomorrow. The public hearing was held last week in Contois. A number of members of the public spoke at that. They have the final technical hearing before the Public Service Board next week. They are preparing testimony for that. Once that hearing is held, they will be awaiting a decision that will enable them to move forward. They would expect that if the Public Service Board approves, they will put the financing piece of the settlement into place.

Councilor Blais inquired if they have the support of the Public Service Department in their petition. City Attorney Blackwood stated they do. They have filed an Assurance of Discontinuance that is a joint filling in which they set out conditions that the Public Service Department and the City have agreed on.

Councilor Knodell stated the hearing was well attended and they heard a variety of testimony. She thinks they should have a lot of confidence that the Public Service Board is doing their job based on the questions they are asking. The City will be forthcoming in their answers so that they can put them on the best possible footing to act on the petition that they have filed. There is a question that they asked about the $17 million interfund loan. They asked the City to assess the likelihood that the lease financing will result in meaningful progress towards repayment of that loan. Moody’s has also stated this has affected their credit rating. She inquired if the answers to that question will be shared with the Council. City Attorney Blackwood stated they should read what is posted on the website because the final copies are reviewed by outside counsel. Councilor Knodell stated there was a suggestion that the Board hold another public hearing after the City has submitted its answers. She requested the City convey that request to the Public Service Board. The public feels that they have not had an opportunity for much public discussion. Now that they are in Public Service Board proceedings, it is an opportunity for the public to understand where they are and what the solution is. There are some questions asking about what was discussed with the Council. She hopes they have an opportunity to see the answer to that question to ensure they agree with what was discussed. City Attorney Blackwood stated the answers are testimonies of witness. The drafts will not be shared with the Council as it would not be appropriate to have a body weigh in on the answer because it is testimony of a witness. Mayor Weinberger stated there are no representations being made about what the position of the Council was. They will state that the possibility of a revenue bond was not presented to the Council. The Council's position is not being represented in these questions. Councilor Knodell stated there is a question for Mr. Dorman where he is asked if BTAB and the City Council were presented with alternatives to the Rose Mawr or Pecor lease financings. Mayor Weinberger stated they will state that there were not alternatives presented in that time period.

Councilor Tracy stated there is a need for good public process around this and a desire for increased public knowledge around the terms of the deal. A constituent wanted to know what percentage of the price Dorman and Fawcett would receive as a result of the sale. They also wanted to know how they decided on that percentage. City Attorney Blackwood stated Dorman and Fawcett will receive 10%. She is not sure how they arrived at that number specifically. Mayor Weinberger stated they are not being paid anything once this deal closes until the liquidity event is achieved in the future. It was also an important material term for the investors that they wanted Dorman and Fawcett's compensation to be tied to that liquidity event so that everyone's interests are aligned.

Councilor Wright stated he would like the Public Service Board to have a hearing after the administration answers its questions. One member he talked to said they would consider that. The Council needs to do its due diligence in reviewing the questions and the answers to them. They need to ensure it is the best deal for the taxpayers of Burlington.

Councilor Colburn stated she attended the public hearing and encouraged the administration to request an additional public hearing once the City's answers are delivered. Moving forward, it will be important for them to facilitate robust public process. As a new Councilor, she is in a unique position of having never been in an executive session on this topic. She is sympathetic to the public's desire to participate and weigh in on the future of Burlington Telecom.

Councilor Bushor requested the administration keep the full Council informed. She would not have known about the questions if she had not been alerted by another Councilor. As they get closer to having determinations and next steps, it is key that they have full disclosure about the process. There has always been an intent to inform, but sometimes there have been delays. She hopes they will schedule executive sessions when there is new information regarding BT.

Councilor Blais stated there seems to be an undercurrent in this discussion that the City Council was not informed by the Administration and that they have not enabled the public to participate in the discussions. He feels the Administration has kept them informed of the terms of the litigation. They have discussed the financing in open session and they have disclosed the terms to the public.

Councilor Colburn stated she believes that the community is hungry to participate in a larger public discussion about the future of Burlington Telecom that has not happened to date.

Councilor Knodell stated her claim is not that the Council was uninformed about the terms of the settlement or the financing. She believes the Council should review the Public Service Board's questions and pay attention to the answers that the City Administration submits on behalf of the City Government, of which they are a part.

Councilor Hartnett inquired if they will see the answers at some point. City Attorney Blackwood stated she will send them a link or a notice that they have been posted. Councilor Hartnett stated he believes that this has been an open process through the years. The public has had plenty of opportunity to remain informed. They have heard from many people in the public about how they feel about Burlington Telecom. He hopes the end result will be good for everyone.

Councilor Wright stated the overall process has been open, but the questions from the Public Service Board were not brought to the attention of the Council. They should be paying attention to this and doing their due diligence and ensuring it is the best deal for taxpayers.

Councilor Brennan stated the City has asked for some relief from the Public Service Board. If relief is not granted there are issues they will have to contend with. He requested more information on that. Mayor Weinberger stated they are at an important stage in the resolution of the Burlington Telecom lawsuit with Citibank and the cloud that has been over City finances and Burlington Telecom. The point of the submission to the Public Service Board is for approval of the terms of the settlement agreement and elements of the bridge financing and relief from the violations that took place of their license with the Public Service Board. Without that relief, the financing will not go forward and they will be back in court.

8. Committee Reports

Councilor Knodell stated that the Community Development and Neighborhood Revitalization Committee will be meeting to discuss protocols around enforcing the noise ordinance, the housing strategy study and next steps to create economic incentives to increase the supply of housing, and receiving an update about CEDO's economic development team.

Councilor Tracy stated the Transportation Energy and Utilities Committee met to discuss the North Avenue Corridor Study. They also discussed the idea of sidewalk repair and developing a funding mechanism.

Councilor Siegel stated the Charter Change Committee will be meeting to discuss the resolution regarding City Council oversight of the School Budget. They are especially encouraging people of the Joint Cost Control Committee and School Board to attend the meeting.

Councilor Brennan stated the Tax Abatement Committee will be reviewing guidelines and procedures at their next meeting.

Councilor Colburn stated a joint working group of the Public Safety Committee and Board of Health will be looking at a feasibility study for public disposal sites of used needles will be meeting. They will be hearing from Safe Recovery about current retrieval efforts.

City Council President Shannon noted she removed an Ordinance on Parking Requirements in the shared use district from the agenda. They will have a discussion on August 11 and decide what they would like to do at that time.

9. City Council - General City Affairs

Councilor Bushor stated the Ward 1 NPA takes a break in the summer. There are issues that remain and there a lot of postings around noise and fireworks. She hopes the Council President will reach out to the Police Department to ask them to come and share any insights they have on how they are trying to address this. It is very disruptive to everybody. There has been a lot of vandalism. Their previous City Councilor was upset in a posting about the difficulties with noise and vandalism and was at a loss for what to do. Ward 1 loves Schmanska Park and the conversation has continued about what amenities will be offered. There is a desire for the tennis courts to be brought back and be functional. She understands the tennis court inventory is adequate, but location is important.

City Council President Shannon stated Ward 5 is also exacerbated by fireworks.

Councilor Tracy stated the Council does not always have a chance to share ideas. He and Councilor Knodell went around with other citizens to houses they identified as having set off fireworks. A group of 25 people went to the houses and engaged in a polite dialogue with the residents around the impact the fireworks were having. They seemed to take it to heart. They were surprised that this group of people was made visible. He does not know if it will have a lasting impact, but it may be a good strategy.

Councilor Wright stated the Parks Arts and Culture Committee will be meeting to discuss the Waterfront North Project and address the Parks Master Plan. Tennis courts have been a controversial part of that plan. For a few years, there has been a kid on Channel 3 news who is a Red Sox aficionado. He has been an analyst for the Red Sox and is a page in Montpelier. They have set up a Red Sox vs. Yankees debate. They have heard about a plan with new meters. He is concerned about the enhanced enforcement at night time. There is a hearing on that and he will express his concerns then.

Councilor Brennan stated the Babe Ruth tournament was at Callahan Park. The Burlington team fought gallantly but were unfortunately defeated. It was great to see them on the field.

Councilor Siegel stated she and Councilor Brennan will be at Nunyun’s to talk with Ward 3 residents.

Councilor Colburn stated she shares concerns about fireworks. She has heard a lot about this issue in the past few weeks. She is eager to hear results from Ward 2’s efforts. She communicated with Chief Schirling about the noise Ordinance. They will continue discussions with the Public Safety and Police Commissions.

City Council President Shannon stated the Mayor’s Cup Regatta was held on Saturday. The Burlington Boat came in second. Conditions were adverse for their team because of wind conditions. A team from Plattsburg won. The Mayor of Plattsburg challenged the Mayor of Burlington to participate. The wager was that if the Mayor of Plattsburg won, the Mayor of Burlington would participate in their polar plunge in NY. If the Mayor of Burlington won, the Mayor of Plattsburg will participate in the penguin plunge. Mayor Weinberger was not available to participate in the Mayor’s cup. He asked her to stand in and she was on the boat. The Mayor of Plattsburg claimed victory, but he was not actually on the boat. Mayor Weinberger has agreed to jump in the lake for the Polar Plunge nonetheless.

10. Mayor - General City Affairs

Mayor Weinberger stated he will be jumping in the lake twice next winter and appreciates City Council President Shannon’s efforts.

He stated they had a successful watch party in City Hall Park for the World Cup match between the US and Belgium. They are disappointed there will be no more matches to broadcast. It was exciting that it validated the conceptual plan for the future vision of City Hall Park that this Council has endorsed.

He celebrated the 50th anniversary of the Civil Rights Act. They launched the Mayor’s Book Group, which is a joint venture between the Mayor's Office and the UVM Humanities Center. The partnership involves UVM purchasing books for those who want to be involved. The first book will be *An Idea Whose Time Has Come* and they will be holding a discussion in the fall.

The Department Heads meet monthly and they have been moving the meetings to different facilities around the City. In the past couple of months, they have started meeting at the Community Health Center and at Burton Snowboards. The idea is they will engage important partners and institutions in the community. The recent reinvestment in the facility at Burton is impressive.

The Council has been promised reports that they are close to issuing. The goal is that they will have them by the next meeting. The report is on how they will administer their taxi system going forward. They will also be issuing a report regarding non-citizen voting and commission appointment issues.

He is happy that they will be building more. The Waterfront Access North project contracts have been approved. They will be breaking ground on that shortly. The bids have come back and they are on budget. Similarly, the bond issues were approved for TIF Financing and General Obligation Debt. They have been working with the Vermont Municipal Bond Bank and they will have interest rates considerably below the projections on those. This will represent a savings to taxpayers and the TIF dollars will go further than projected.

He was unable to be on the boat because he attended the wedding of Brian Lowe who works in the Mayor's Office. He congratulated him.

11. Adjournment

Without objection, City Council President Shannon adjourned the City Council meeting.