Regular City Council Meeting - Monday, June 27, 2016 - Contois Auditorium, City Hall
6/27/2016

MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

June 27, 2016

APPROVED

MEMBERS PRESENT: Jane Knodell (Council President) – Central District

David Hartnett – North District

Joan Shannon – South District

Selene Colburn, East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Giannoni - Ward 3

Kurt Wright – Ward 4

William "Chip" Mason – Ward 5

Karen Paul – Ward 6

Tom Ayres – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Eileen Blackwood, City Attorney

Richard Haesler, Assistant City Attorney

Bob Rusten, CAO

Rich Goodwin, DFO

Jennifer Kaulius, Mayor's Office

Brian Lowe, Mayor's Office

Amy Bovee, C/T Office

Lori Olberg, C/T Office

Beth Anderson, CIO

Chapin Spencer, DPW

Norm Baldwin, DPW

Martha Keenan, DPW

OTHERS PRESENT: Ken Braverman

Jack Wallace

Chuck Deslaurier

Adam Gross

Jeff Glassberg

Ron Ruloff

Mark Naud

Damon Lane

Kelly Devine

Jay Fayette

Caryn Long

[Note: The minutes reflect the order of the published agenda.]

1.0 CALL TO ORDER and AGENDA

Council President Knodell called the meeting to order at 7:10 PM on June 27, 2016 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Colburn, SECOND by Councilor Paul, to approve the agenda with the following amendments to the items listed and to take the action indicated:

- **Note Material for Item 3.17 (UVM Letter of Agreement and Zoning Agreement).**
- **Add Item 3.27 (Financial Management Questionnaire) to Consent Agenda.**
- **Add Councilor Knodell, Councilor Wright, Councilor Bushor, and Mayor Weinberger to Item 4.03 (Marina Development Agreement) and note Councilor Paul recused.**
- **Note Proposed Amendment to Item 4.04 (Annual Appropriation and Budget FY17).**
- **Remove Item 3.13 (License Agreement, Bern Gallery) from Consent Agenda and place on Deliberative Agenda as Item 4.12.**

VOTING: unanimous; motion carried.

2.0 PUBLIC FORUM

Public Forum commenced at 7:32 PM.

PUBLIC COMMENTS

- Ron Ruloff, Cathedral Square, requested that all applications for work permits in the city be posted online and all the names of contractors hired, the names of people on the board of the companies, and the owners be posted and background checks be done. Mr. Ruloff said any police records should be noted. The hundreds of millions of dollars of proposed work in the city is a magnet for organized crime. When the hospital was remodeled a majority of the work permits were missing. Pete Clavelle, when Mayor, avoided all questions of propriety. Mayor Weinberger was asked about the vetting being done for organized crime and the Mayor said the city wants long term relationships. The question is with whom.
- Mark Naud, Lake Champlain Sailing Center, thanked City Council for the support of the sailing center's project and the opportunity to work with the marina project. Both projects will thrive. Mr. Naud said the sailing center has not yet built the facility, but is already getting solicitations to host boats. Mr. Naud said he looks forward to the project getting started and working collaboratively on the northern harbor management plan and on opportunities to safely put people on the lake. Mr. Naud mentioned the Floating Gallery Sail 2.0 event done in partnership with Dealer.com where local artists were commissioned to put digital art on sails and create functional art on the waterfront.
- Damon Lane, Peru Street, spoke in favor of the marina and activation of the waterfront as a park to allow public access to the dock. It is hoped the number of transient slips (40%) can be adjusted if they are not filled so more local boaters can have slips. The new sailing center project is very exciting as well.
- Kelly Devine, Waterfront Action Group representing all businesses on the waterfront, spoke in support of the marina project which brings desperately needed boat facilities to the water front. The Parks & Rec project to add additional marine facilities is also supported. Using the lake is good for business. The season is short. City Council is urged to support the marine north project.
- Jay Fayette, PC Construction, spoke in favor of the marina project. There are 231 people on the waiting list for a slip at either the boathouse or Perkins Pier. The average wait time for a slip at the boathouse is eight years, and five to seven years at Perkins Pier. No one gives up boat slips so there are few available. It is imperative that the city start to see this kind of responsible development in Burlington for the viability of the waterfront let alone the commerce that will be created for businesses. The developers, Jack Wallace, Chuck Deslaurier, and their associate, are capable and have operated and developed successful developments, two of which are in Burlington (Courtyard and Hotel Vermont). The marina development is vital. The city needs to see it through. There are many people who want their boat in Burlington, but cannot find a slip so they go to New York. The development is germane to the Burlington waterfront. City Council is implored to see the project through to a successful conclusion.
- Caryn Long, Henry Street, spoke about TIF funding which first started in California in the 1950s and was outlawed in California because money was being taken from schools and infrastructure. There is $65 million in deferred

maintenance in Burlington schools. The streets and sidewalks are in horrendous condition and not improving. Ms. Long questioned the rush for the zoning change to the building height limit for the downtown overlay district, noting comments she has received include the project being housing to just make money, concern about the cost to remediate the soil for the streets if it will cost $10 million to remediate the soil for the garage, and whether it is worth connecting the streets when schools and sidewalks are crumbling. There is question as to who will monitor the affordable housing aspect and get the needed information. Malls are dying. People want to shop at lifestyle centers and Church Street marketplace is a beautiful lifestyle center so perhaps the focus should be on saving that. City Council is urged to take its time and not rush through the mall redevelopment project.

There were no further comments. Public forum was closed at 7:50 PM.

3.0 CONSENT AGENDA

3.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated

3.02 COMMUNICATION: Accountability List

3.03 COMMUNICATION: DPW Street Construction Contract

3.04 COMMUNICATION: Colchester Side Path

3.05 COMMUNICATION: Corrected Board Appointment Terms

3.06 COMMUNICATION: Repayment to State of TIF Increment

3.07 PERMIT (one day): Special Outdoor Event, August First

3.08 PERMIT (three days): Special Outdoor Event, Citizen Cider

3.09 PERMIT: Indoor Entertainment 2016-2017, Swan Dojo

3.10 PERMIT (one day): Special Outdoor Event, The Growler Garage at Body Resolution

3.11 PERMIT (three days): Special Outdoor Event, Citizen Cider

3.12 PERMIT (three days): Special Outdoor Event, SEABA

3.13 COMMUNICATION: Notice of Redetermination of EEPT Grand List

3.14 COMMUNICATION: Handout dated 6/13/16, Coalition for a Livable City

3.15 COMMUNICATION: DRB Alternate Resignation, Wayne Senville

3.16 COMMUNICATION: UVM Letter of Agreement and Zoning Agreement

3.17 REPORT: Voting Locations and Improving Voter Participation

3.18 REPORT: Development Review Board

3.19 COMMUNICATION: FIO Document

3.20 ORDINANCE: Idling Clause

3.21 RESOLUTION: Extend Vehicle for Hire Fee Schedule and Interim Agreement with Uber

3.22 RESOLUTION: Amend Open Meeting Law Designations

3.23 RESOLUTION: License Agreement for Tables & Chairs in Right-of-Way, The Archives

3.24 RESOLUTION: Contract with Stantec Consulting Services for Stormwater Permit Management Services at Airport

3.25 RESOLUTION: Agreement with Northeast Delta Dental FY2017-2019

3.26 COMMUNICATION: Financial Management Questionnaire

MOTION by Councilor Colburn, SECOND by Councilor Roof, to accept the consent agenda (Items 3.01-3.26) with the removal of the Bern Gallery license agreement to the Deliberative Agenda as Item 4.12 and the addition of the financial management questionnaire (Item 3.26) and to take the action indicated. VOTING: unanimous; motion carried.

4.0 DELIBERATIVE AGENDA

4.01 Indoor Entertainment Permit Application (2016-2017): Monarch and the Milkweed, 111 St. Paul Street

MOTION by Councilor Ayres, SECOND by Councilor Roof, to approve the Indoor Entertainment Permit Application 2016-2017 for Monarch and the Milkweed, 111 St. Paul Street. VOTING: unanimous; motion carried.

4.02 Presentation: Burlington Harbor Marina Development Agreement

Mayor Weinberger commented the marina proposal can be traced back to PlanBTV that called for additional boat slips so residents and neighbors can have slips. In 2013 the Public Investment Action Plan proposed a portion of the northern waterfront to be a new marina. In 2014 the proposal was unanimously supported by City Council and taken to the voters on Town Meeting Day. In May 2015 the MOU was approved unanimously by City Council. Due diligence work followed including engineering studies. The Board of Finance and Parks Arts & Culture Committee reviewed the revised proposal. In sum the plan:

- Creates new recreational opportunity
- Creates160 new boat slips
- Builds a new public park on the waterfront that is presently a parking lot
- Provides estimated future revenue from lease payments, tax payments, parking payments, and PILOT in the amount of $4 million plus significant indirect benefits with new people visiting the city and the economic activity that will create.

Ken Braverman, consultant on the project, noted four key endeavors:

1. Public access.
2. Maintain the working waterfront nature of the property and activating the northern waterfront.
3. Creating more activity.

4. Meeting long term economic needs of the city and the developer.

Jack Wallace and Chuck Deslaurier noted the most prominent feature of the project is the docks with 160 slips surrounded by a floating breakwater so the water inside the breakwater will be calm. The breakwater will be approximately 14' wide with concrete walkways open to the public. There will be public restrooms at one end of the breakwater and a water taxi stop. Ways and opportunities for visiting boaters to get up the hill into the city are being considered (public transit, extension of College Street shuttle). The fishing pier parking lot will be a new public park and plaza up to the seawall and the Water Department building. There will be shared uses with the Water Dept. operations. There is a water's edge path planned eventually to north beach. Mr. Wallace described the parking and use of leased land and the amenities to be added. It is hoped the permit process can be complete and construction can begin next year with full operation in 2018.

Councilor Colburn asked about adjusting the balance of itinerant slips to local slips. Jack Wallace said 40% was the number proposed to the developer which will work in the business model though there is a bit of a risk. Most are seasonal boaters. The matter can be re-evaluated in the future.

Councilor Hartnett recognized the need for more slips and the thought Parks & Rec would do them and they would be available to the public, but what is proposed by the developer could likely not be built by the city. What is proposed will enhance the waterfront. The residents of Burlington need to be included. Young people need to be introduced to boating and to the lake, and it needs to be kept affordable.

City Council President Knodell asked where boats will be launched that are not in slips. Jack Wallace said there are two ramps for boat access to the lake, the state's ramp and a ramp at Perkins Pier. The plan is to have equipment and facilities to launch boats that cannot use a ramp. City Council President Knodell thanked Parks Arts & Culture Committee for the good work on the project and the push for public access which is very important.

Councilor Mason asked where information on the $4 million net present benefit can be found. Ken Braverman said there is a spreadsheet with the calculations that was given to the Board of Finance. Councilor Mason mentioned the hanging "and" needs to be deleted in Section 7 of the agreement.

4.03 Execute Development Agreement between the City of Burlington and Burlington Harbor Marina

The list of sponsor includes Councilor Knodell, Councilor Wright, Councilor Bushor, and Mayor Weinberger. Councilor Paul recused herself.

MOTION by Councilor Wright, SECOND by Councilor Bushor, to approve execution of the development agreement between the City of Burlington and Burlington Harbor Marina.

DISCUSSION: The following comments were made:

- **Councilor Wright reported the Board of Finance unanimously recommended the project with Councilor Paul**

recused. The long waiting list for boat slips is known. The proposal for the waterfront is excellent and City Council is urged to approve the agreement.

- **Councilor Bushor echoed the need that has been stated and that the public will have access to the attenuator for a different view of Burlington. The enhancement of parking allows for some additional public parking spaces. All aspects of the project are important because there are public amenities.**
- **Councilor Bushor asked if the ground lease document will be expanded to have more substance. Attorney Haesler said the term sheet lays out the guiding terms for the ground lease. A commitment is needed by July 31st to execute the ground lease and parking. Councilor Bushor requested that City Council receive a copy of the final document. Attorney Haesler said the document will be a communication on the City Council agenda in August.**
- **Councilor Shannon observed the project greatly increases accessibility to the lake for boaters and non-boaters. The price of slips is going up because supply is limited. People have had to give up their slips, but as they get older a slip on a dock is needed. There is a great synergy between the project and the sailing center which introduces people who otherwise would not have access to the lake to the recreational and environmental aspects of the lake. Councilor Shannon said she looks forward to all that can be accomplished together with the project.**
- **Ken Braverman gave an overview of the terms of the lease. The ground lease is 40 years. Base rent is $55,000 per year tied to the CPI so there is an annual adjustment. The city will receive additional rent from 5% of gross revenues the marina receives over $1,130,000 (estimated $28,000 at stabilization), parking revenues of $6,500 per year, property taxes at $56,000 per year at stabilization. The city will have the right of first refusal if the marina is put up for sale. There is reversion at the conclusion of the ground lease of all permitted fixtures (assets) to the city except for the business improvements (i.e. floating marina facility and equipment). Risks taken by the developer where the city benefits include construction of the eastern parking lot and construction of the park, plaza and promenade area.**
- **City Council President Knodell calculated $4 million net present value at stabilization is about $100,000 of annual revenue. Ken Braverman said the total revenue stream over the course of the lease is about $10.8 million. Net present value of the revenue stream is $4 million. A 5% discount rate was used.**
- **Councilor Giannoni asked that the terms information be added as a consent agenda item.**
- **Mayor Weinberger expressed appreciation to Jack Wallace, Chuck Deslaurier, and their third partner for the partnership through the lengthy process. Interest was first expressed in early 2013. There is $800,000 in TIF investment for the overall project of $7 million. The city is aware of the limited number of slips. The developers brought creativity and entrepreneurial effort to drive the process forward.**

There were no further comments.

VOTING: unanimous [Councilor Paul recused]; motion carried.

4.04 Annual Appropriation and Budget for Fiscal Year Beginning July 1, 2016

MOTION by Councilor Paul, SECOND by Councilor Shannon, to approve the annual appropriation and budget for fiscal year beginning July 1, 2016 and waive the reading:

<u>DISCUSSION</u>: The following comments were made:

- **Councilor Paul stated the Mayor presents a budget prior to the start of the fiscal year on July 1st. The Board of Finance presents recommendations. City Council will be taking action on the operating budget, enterprise funds, special revenue budget, capital project budget, annual tax assessment, grant anticipation note for the**

airport, public improvement loans, and capital borrowing for the Water Division. This year's budget provides a generous infusion of program to strengthen the city's financial position and enhance the infrastructure and public safety commitment. The budget is a true reflection of the hard work of the Administration, City Council, and the voters, all working together. There has been an increase in the city's credit rating that translates into a decrease in the cost of borrowing. With this budget there will be a half penny of savings passed on to taxpayers due to reduction in borrowing and decrease in the cost of the pension fund. Throughout the budget process the Mayor and CAO have worked with City Council, heard budget concerns, and in the spirit of collaboration, compromise, and respect for one another the Mayor's budget includes another half penny decrease in the tax rate. The one penny decrease is a one-time reduction in a line item in the budget. The budget includes:

- **Continued commitment to build fund balances**
- **Increased investment in public safety**
- **Newly created position to deal with the struggle with opiates**
- **Funding for sidewalks**
- **Funding for the Housing Trust Fund**
- **Funding for the bike path**
- **Creating a risk management position**
- **Funding for the community center in the old north end**
- **Money for needed maintenance improvements**
- **Expansion of youth services at the library.**
- **Councilor Paul said there is much to celebrate in the budget. The $200 million budget is complicated, but a delicate structure. An item cannot be changed without impacting another. The budget is no easy task to put together. It is a good budget and a reflection of careful planning, flexibility, cautious optimism. The budget is about making choices and negotiating and getting buy-in. For the third year in a row there is a budget that embodies the words of the CAO: fair, factual and forward. It is a very good budget and should garner unanimous support from City Council.**
- **Councilor Wright spoke in support of the budget and echoed the collaborative work between City Council, the Administration, and the Mayor. Compromise was achieved. Thanks are extended to City Council President Knodell for the initiative on the tax give-back. It is appropriate when the voters are asked for money and it is found not all is needed to, in good faith, return some of that. This speaks to why the Board of Finance is made up in a tri-partisan way. There are concerns going forward. The city faces deficits in outlying years and there are a number of additional positions in the city government. Police Chief del Pozo expressed need for the Police Dept. to grow to 115 sworn officers and the Administration was asked for a plan of how to achieve this. Steps are taken in this budget to improve public safety.**
- **Councilor Bushor complimented the Administration on the budget and the collective bargaining team on sharing the cost of health insurance and retirement goals. Those individuals not covered by collective bargaining will receive a 2.5% cost of living adjustment with continuation of step movement. The CAO established contingency funds for fuel, salt, and overtime for snowplowing activities and for the CAO to massage the benefit and compensation package. There is also $100,000 for unforeseen item spending upon approval by the Board of Finance.**

AMENDMENT by Councilor Bushor, SECOND by Councilor Wright, to insert the following language at Line 10 of the budget resolution:

"Whereas the City Council opposes the collection of parking meter revenues from 7 PM to 10 PM and until such time the hours of collection can be rolled back the City Council supports the budget, but expresses grave concern on the revenue derived during these evening hours."

DISCUSSION OF AMENDMENT: The following comments were made:

- **Councilor Bushor explained the issue is whether the extended hours implemented 20 months ago are effective or harmful by detracting or keeping people from coming downtown. Merchants and others have expressed concern about the later parking meter charges. Councilor Bushor said she would have liked a more in-depth discussion before adoption of the budget on July 1st, but the information that was requested just came forward in June. Councilor Bushor said she cannot support the extended parking revenue aspect of the budget, but there was no way to define line items and divide the question so an amendment is proposed that expresses concern around the issue and goes on the record. To be clear, the amendment does support the budget.**
- **City Council President Knodell reported there was a motion at the Board of Finance meeting not to amend the resolution, but to adopt the language proposed by Councilor Bushor. The vote was three in support and two against. Overall the motion to bring the budget to City Council was unanimous.**
- **Councilor Roof acknowledged the intention of the amendment and at the core it is the delineation via the city charter that City Council does not control parking and meters and rates. That is the crux of the matter. Councilor Roof said he cannot support the amendment because more information is needed on the extended parking hours. If hours are being considered, then morning as well as evening hours should be included. This is a message to the colleagues on the Public Works Commission. Conversation in concert with the amendment needs to be the collective message.**
- **Councilor Wright spoke in support of the amendment which clearly is sending a message of concern about implementation of the enforcement hours changing from 6 PM to 10 PM and City Council having no authority over this going forward. It is hoped there will be a resolution before the Charter Change Committee to change the jurisdiction. City Council does not have a lot of influence except to send a message via the amendment.**
- **Mayor Weinberger observed it would be unfortunate if the amendment dilutes the broader theme of the important action on the budget. The sentiment motivating the amendment is appreciated and Councilor Bushor has been clear throughout the budget process with concern for the enforcement of existing extended hours as well as potential new changes. The proposed amendment can be accepted in that spirit, but the argument behind the amendment regarding drop in revenue after the 7 PM hour is a fundamental misunderstanding of prior testimony on evening enforcement hours. In actuality, many people pay for parking at 6 PM and stay to 9 PM or 10 PM. The impact of reducing the hours of enforcement back to 7 PM has not yet been fully analyzed. The revenue generated from this has been substantial. The increase in revenue in the Traffic Fund has been instrumental in going from a deficit to a net positive situation and allows reinvestment in the parking garages and transportation improvements. Extended hours of enforcement have contributed 68% of the increase in on-street meter revenue FY15-FY16 and has been a critical element in equipping the city in long needed repairs. City Council needs to take a stand on the amendment. There will be opportunity for City Council to weigh in when the Administration brings forth the parking policies. Parking change is needed before the final decision on the 10-Year Capital Plan. There will be more data and analysis when that discussion is held. Recommendations will not be made to the Public Works Commission until City Council review and input. Mayor Weinberger said he supports in concept the suggestion about changing the authority so City Council can weigh in on the Traffic Fund. There are big decisions to make and if the revenue is given up then it will be harder to make the improvements wanted or to meet transportation goals without asking more of other sources. It is premature for City Council to weigh in with articulation of grave concerns. There will be opportunity to have debate on this important matter in the near term.**
- **Councilor Mason agreed the issue merits full discussion with testimony from Chapin Spencer and others. Councilor Mason said he feels he is not informed enough to be in a position of opposition or of concern and has not had the opportunity to do outreach to constituents to see if they have an opinion on the matter.**

- **Councilor Colburn spoke in support of the amendment, noting there has been discussion during the budget hearings and information was presented. The amendment is purely advisory so it is time to hear more from all bodies. Councilor Colburn said she is concerned about the proposed elimination of free parking on Sundays and increasing the "pay to play" implementation of parking fees in the city.**

AMENDMENT by Councilor Wright, SECOND by Councilor Roof, to further amend the language of the amendment to strike the word "oppose" and substitute "has serious concerns".

DISCUSSION ON THE AMENDED LANGUAGE: The following comments were made:

- **Councilor Roof observed there is agreement the matter is important and needs to be addressed. City Council should move through this, have further conversation and vote on the budget, and move forward with the meeting.**
- **Councilor Tracy spoke in support of the language, recalling when the parking plan was passed it was understood it would be an iterative process. The plan was bold and expansive for parking and it is no surprise some items have raised resistance and concern by City Council, members of the public, and members of the business community, to show it is truly an iterative process and to validate concerns and check assumptions.**
- **Councilor Shannon opined the language seems rather vague in some areas and specific in others. A resolution is needed to address the issue rather than through the budget process.**
- **Councilor Wright pointed out "until such time" is vague language and means it could be soon or never.**

There were no further comments on amending the language of the amendment.

VOTING on amending the language (replacing "oppose" with "has serious concern"): Councilor Bushor – aye, Councilor Tracy – aye, Councilor Giannoni – aye, Councilor Wright – aye, Councilor Mason – aye, Councilor Paul – nay, Councilor Ayres – aye, Councilor Roof – aye, Councilor Hartnett – nay, Councilor Knodell – aye, Councilor Colburn – aye, Councilor Shannon – nay (9 ayes, 3 nays); motion carried.

CONTINUED DISCUSSION ON AMENDMENT AS AMENDED: The following comments were made:

- **Councilor Shannon asked where the corollary reduction in spending comes from if the revenue from this source is decreased. Also, people coming downtown during the day to have lunch and shop have to pay the meters while those who go downtown in the evening do not if the amendment is passed.**
- **Councilor Bushor said the intent of the amendment was to target revenue by line item and expenditure by line item, but this was impossible. The language is opposing, but still supports the budget so there is no impact on expenditure because the revenue is not being eliminated.**

There were no further comments.

VOTING on amendment as amended: Councilor Bushor – aye, Councilor Tracy – aye, Councilor Giannoni – aye, Councilor Wright – aye, Councilor Mason - nay, Councilor Paul – nay, Councilor Ayres – nay, Councilor Roof – aye, Councilor Hartnett – nay, Councilor Knodell – aye, Councilor Colburn – aye, Councilor Shannon – nay (7 ayes, 5 nays); motion carried.

CONTINUED DISCUSSION ON MOTION AS AMENDED: Mayor Weinberger noted the following:

- **The budget is good and achieves progress going forward. The budget represents much hard work and offers the property owners of Burlington a modest property tax decrease. The collaborative work that was done is appreciated over the last couple of weeks to nearly double the tax decrease on top of savings as a result of progress with the pension fund and overall financial reform efforts resulting in a significant credit rating**

increase allowing the refinance of some debt.

- **The proposal put forward by the Board of Finance allows for a full penny decrease for the taxpayer at least on a one-time basis.**
- **The budget represents substantial progress with respect to public safety which is the largest area of expanded activity. The city is facing substantial public safety challenges. The heroin epidemic, the opiate epidemic continue unabated. Increased call volume into the police for mental health related calls are expected to continue.**
- **Budget highlights include body cameras on officers, more foot and bike patrols, at or near full staffing in the Police Department, community statistics operation.**
- **With the progress seen and the benefits from the new strategy it is likely expansion in future budget years will be wanted. Police Chief del Pozo is looking at new use of federal dollars to fund that expansion.**
- **The budget is good with respect to public safety, something the Administration will stay focused on going forward.**

There were no further comments.

VOTING: unanimous; motion carried.

4.05 Annual Appropriation and Budget for Regional Programs for Fiscal Year beginning July 1, 2016

Councilor Ayres recused himself.

MOTION by Councilor Paul, SECOND by Councilor Bushor, to approve the resolution for the annual appropriation and budget for regional programs for fiscal year beginning July 1, 2016 and to waive the reading.

<u>DISCUSSION</u>: Councilor Paul pointed out this is the regional programs part of the budget. There were no further comments.

VOTING: unanimous; motion carried.

4.06 Annual Tax Assessments on the Property Grand List of the City for Fiscal Year beginning July 1, 2016

MOTION by Councilor Paul, SECOND by Councilor Bushor, to approve the resolution for the annual tax assessments on the property grand list of the city for fiscal year beginning July 1, 2016 and to waive the reading.

<u>DISCUSSION</u>: Councilor Paul noted the following:

- **This is the annual tax assessment to the property grand list based on $100 of assessed value. The assessment could have been $0.7873, but will be closer to $0.77 due to the decision made by City Council to reduce the tax rate.**
- **Breakdown of the $0.77 is twenty-six cents dedicated to meeting accrued and accruing liability of the city, six cents for greenbelt improvements, a half cent for bike path maintenance, a half cent for open land conservation, a half cent for the Housing Trust Fund, one penny for parks, and a half cent for books and media for the library.**
- **The rate funds obligations for today and well into the future.**

There were no further comments.

VOTING: unanimous; motion carried.

4.07 Annual Appropriation and Budget for Capital Projects for Fiscal Year beginning July 1, 2016

MOTION by Councilor Paul, SECOND by Councilor Bushor, to approve the resolution for the annual appropriations and budget for capital projects for fiscal year beginning July 1, 2016 and to waive the reading.

DISCUSSION: Councilor Paul explained this is for the capital budget for large and long term projects. The resolve clause calls for City Council approval of the appropriation and the budget for capital projects and notes the CAO will present a more specific plan for actual expenditures from the budget in spring 2017. There were no further comments.

VOTING: unanimous; motion carried.

4.08 Temporary Loans in Anticipation of Taxes for Fiscal Year beginning July 1, 2016

4.09 Approve Grant Anticipation Notes for Airport Improvements Projects FY2017

4.10 Authorize Public Improvement Bonds FY2017

4.11 Water Division Capital Borrowing Authorization Fiscal Year beginning July 1, 2016

MOTION by Councilor Paul, SECOND by Councilor Bushor, to approve Items 4.08 through 4.11 relative to city borrowing and waive the reading.

DISCUSSION: Councilor Paul pointed out the following:

- **Item 4.08 (temporary loans in anticipation of taxes not to exceed $5 million) and Item 4.09 (grant anticipation notes not to exceed $7 million) is temporary borrowing to keep healthy reserves and maintain cash flow.**
- **Item 4.10 (public improvement bonds) is working capital for the city and BED and $2 million for the schools.**
- **Item 4.11 (Water Division capital borrowing of $382,000) is for improvements to the water system.**

There were no further comments.

VOTING: unanimous; motion carried.

4.12 Renewal of License Agreement for Bern Gallery

MOTION by Councilor Ayres, SECOND by Councilor Roof, to approve the license agreement 2016-2017 for the Bern Gallery.

DISCUSSION: The following comments were made:

- **Councilor Ayres reported the License Committee reviewed the application per the request of a city councilor and found no issues. The Bern Gallery proprietor was present at the committee meeting and prepared to address questions and comments. The license has been renewed on the Consent Agenda for the past eight**

consecutive years and the License Committee recommended approval.

- **Adam Gross, Bern Gallery, recalled the establishment was before City Council eight years ago for the hookah bar at the Bern Gallery. The establishment has an impeccable record with no complaints or incidents. The hookah bar is a great cultural experience and has been a real hit.**
- **Councilor Shannon said she expressed concerns about the application to the Chair of the License Committee. The application itself is not on the agenda nor is there an outline of the area being renewed. Typically this type of license is granted for the benefit of the streetscape, not just for one café. With Bern Gallery a smoking area will be roped off just for patrons, not the general public, so whether the space is used or not does not seem to be an enhancement for public benefit. It would seem the city would not want to encourage smoking and have an area of sidewalk roped off by the Flynn Theatre. The theatre is a benefit to the community and the city could be using the sidewalk. In the future the Bern Gallery license should not be on the Consent Agenda because discussion should continue.**
- **Councilor Mason stated given the ban on smoking in city parks and the attention City Council has focused on smoking as a public health concern and attempts to ban smoking in parks, banning smoking on the Church Street marketplace and at Fletcher Free Library it seems inconsistent to grant a license for smoking across the street from venues where smoking has been banned. It is acknowledged the license has been renewed eight years in a row and it is hoped that City Council will have a bigger policy discussion on this.**
- **Councilor Tracy pointed out the licensee has been back eight times and there have been no complaints. The licensee has followed the rules. The business is permitted so it seems a selective case is being made for banning the license. The License Committee strives to make a predictable environment for good licensees who follow the rules, have a good track record, and create fairness by enforcing the rules across the board. The license should be approved and a broader conversation held at a future date. It is requested city councilors who send items back to committees be present at the committee meeting(s) or provide feedback in writing for the committee to address.**

There were no further comments.

VOTING: Councilor Bushor – aye, Councilor Tracy – aye, Councilor Giannoni – aye, Councilor Wright – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Ayres – aye, Councilor Roof – aye, Councilor Hartnett – aye, Councilor Knodell – aye, Councilor Colburn – aye, Councilor Shannon – nay (9 ayes, 3 nays); motion carried.

5.0 COMMITTEE REPORTS

- Councilor Colburn reported the Community Development and Neighborhood Revitalization Committee has been discussing homelessness in the community, housing solutions, and what other communities have done. The next meeting is July 26, 2016.
- Councilor Hartnett reported the PAC discussed the smoking ban and agreed a survey should be done. A work session with Jesse Bridges will be held before the next City Council meeting. City councilors are urged to attend and provide input.
- Councilor Wright reported the Charter Change Committee discussed the residency requirement issue. No conclusion was reached. Party designation issue will come to City Council in July. The June 29th meeting will cover the tax appeal issue.
- Councilor Giannoni reported the Public Safety Committee will meet on 6/29/16 to discuss the upcoming year.
- Councilor Mason reported the Ordinance Committee met and will be bringing a number of ordinance changes to City Council on July 11, 2016. Major impact amendments remain under discussion. Proposed modification of the Parking Management Plan will be discussed July 18, 2016 along with the Vehicle for Hire Ordinance.

6.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Giannoni announced the Police Commission will have a panel discussion on the officer involved in the shooting on May 21, 2016.
- Councilor Hartnett apologized for the disrespectful way he delivered his position on the appointment to the Parks Commission.
- Councilor Colburn said she is eager to hear the extended terms of the MOU with UVM so the Administration and the University can continue to discuss a capital plan and possible arena facility.

7.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

City Council President Knodell announced her upcoming hip replacement surgery and the assistance by Councilor Wright and Councilor Bushor to handle the agenda for the July meetings and the downtown zoning overlay matter that will come before City Council in July.

8.0 MAYOR – GENERAL AFFAIRS

- Well wishes are extended to City Council President Knodell for a successful hip replacement operation.
- Officials from the City of Puerto Cabezas were in Burlington to view the community garden effort.
- Building Homes Together initiative by CHT, CCRPC, and Housing Vermont is consistent with the Burlington Housing Plan. The regional effort has momentum and is a broad coalition approach with over 100 organizations participating. The focus is construction of 3,500 houses over the next five years serving a range of income levels including 700 permanently affordable homes.
- 4th of July events on the waterfront will celebrate the country's independence and the community.
- Arts Riot event on July 7th will include the Mayor's book group and discussion of the book "Triumph of the City".

9.0 EXECUTIVE SESSION

9.01 Memorial Auditorium/Gateway Block/City Arena Update

Prior to convening Executive Session, Norm Baldwin and Martha Keenan, DPW, gave a brief update on the structural deterioration of Memorial Auditorium and the steps to slow down the damage and prevent failure of the structure. DPW is working to relocate the three remaining tenants in the building.

MOTION by Councilor Shannon, SECOND by Councilor Wright, to find that premature disclosure of confidential negotiations in the early stages would place the city at substantial disadvantage. VOTING: unanimous; motion carried.

MOTION by Councilor Shannon, SECOND by Councilor Giannoni, based on the finding of premature disclosure placing the city at a disadvantage to go into Executive Session to discuss confidential negotiations relative to

Memorial Auditorium, and invite the Mayor, members of the Mayor's Office and DPW staff, City Attorney, CAO, and Jeff Glassberg to attend. VOTING: unanimous; motion carried.

Executive Session was convened at 9:41 PM.

MOTION by Councilor Tracy, SECOND by Councilor Giannoni, to adjourn Executive Session. VOTING: unanimous; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 10:54 PM. No action was taken following Executive Session.

10.0 ADJOURNMENT

MOTION by Councilor Bushor, SECOND by Councilor Roof, to adjourn the meeting. VOTING: unanimous; motion carried.

The meeting was adjourned at 10:54 PM.

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