DELIBERATIVE AGENDA

SPECIAL CITY COUNCIL WORKSESSION
CONFERENCE ROOM 12, CITY HALL
MONDAY, JANUARY 28, 2013
6:00 P.M. TO 7:00 P.M.

1. AGENDA

2. DISCUSSION: Paul Sisson, Interim CAO, re: Pension (oral)

3. ADJOURNMENT

ADJOURNED MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
MONDAY, JANUARY 28, 2013
7:19 P.M

PRESENT: City Council President Shannon, Councilors Worden, Bushor, Tracy, Brennan, Siegel, Aubin, Mason, Blais, Paul, Dober, and Decelles; Councilor Kranichfeld (at 7:23p.m.); Councilor Hartnett (at 7:25p.m.)

CITY ATTORNEY'S OFFICE: Eileen Blackwood and Richard Haesler

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Siegel and Brennan the agenda was unanimously adopted as amended as follows: note **revised** version of consent agenda item 3.05. RESOLUTION: Budgetary Funds of $8,400 for Appraisal of Two Taxable Student Apartment Complexes on the UVM Campus (Councilors Shannon, Bushor, Paul: Board of Finance); amend the action for consent agenda item 3.16. COMMUNICATION: Linda Ayer, Health Administrator, City of Burlington Board of Health, F-35 Joint Strike Fighter Resolution with the consent action to "waive the reading, accept the communication, place it on file **and refer to the Public Safety Committee to determine the next steps, if any;" a**dd to the consent agenda item 3.26. COMMUNICATION: Happy Tree, re: Gun Control with the consent action to "waive the reading, accept the communication and place it on file;"add to the consent agenda item 3.27. COMMUNICATION: David Ridge, re: Gun Ban with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.28. COMMUNICATION: Vance Wright, re: Gun Control with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.29. COMMUNICATION: ????, re: Gun Control with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.30. COMMUNICATION: John Smith, re: "Gun Control" laws at the city level with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.31. COMMUNICATION: Lissa Barnes, re: Gun Control with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.32. COMMUNICATION: James Ryan, re: Gun Control Legislation with the consent action to "waive the reading, accept the communication and place it on file;" note **proposed** amendments for agenda item 6. RESOLUTION: Changes to the Composition of the Ward Redistricting Committee (Councilors Shannon, Decelles, Bushor, Siegel); note **proposed** amendments for agenda item 7. RESOLUTION: Commission and Board Appointment Process (Councilors Siegel, Decelles, Hartnett, Paul); note **revised**

version of agenda item 8. RESOLUTION: Approval of Burlington International Airport Reorganizational Plan (Councilors Shannon, Bushor, Paul: Board of Finance).

Councilors Siegel requested that consent agenda items 3.02. RESOLUTION: Accepting Private and Corporate Funding for Church Street Marketplace Initiatives and Amending the FY 2013 Budget in Relation Thereto (Councilors Shannon, Bushor, Paul: Board of Finance) and 3.03. RESOLUTION: Acceptance of State of Vermont Grant from Department of Public Safety To Purchase License Plate Reader Equipment Councilors Shannon, Bushor, Paul: Board of Finance) be removed from the consent agenda and added to the Deliberative Agenda. City Council President Shannon stated they would be numbered as agenda items 7.01. and 7.02.

Councilor Bushor requested that the action for consent agenda item 3.25 needed to be changed. The current action was to refer to the Ordinance Committee, but she would prefer it go to the Planning Commission before the Ordinance Committee. They were the ones that made the proposed changes and there would be questions to the Planning Commission from Preservation Burlington. City Council President Shannon stated she would prefer to remove it from consent and put it on deliberative to debate the action. Councilor Bushor requested it be added as agenda item 7.03.

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:28 p.m.

Name	Ward/Affiliation	Subject
Greg Epler-Wood	Ward 6 Resident	Burlington Telecom Co-op
Alan Matson	Ward 6 Resident	Burlington Telecom Co-op
Julie Hathaway	Ward 7 Resident	Board of Health Applicant

There being no one further coming forward and with no objection from the remaining Council, City Council President Shannon closed the public forum at 7:35 p.m.

3. CONSENT AGENDA

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

Councilor Mason stated that he was recusing himself from consent agenda item 3.17. because of a conflict with his law firm.

Councilor Worden stated that he was recusing himself from consent agenda item 3.08. because his firm was doing engineering work on the project.

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

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

3.04. RESOLUTION: Approval of Eighth Amendment to Agreement of May 5, 1983, Between City of Burlington and Shelburne Limestone Corporation (Board of Finance)

*waive the reading and adopt the resolution

3.05. RESOLUTION: Budgetary Funds of $8,400 for Appraisal of Two Taxable Student Apartment Complexes on the UVM Campus (Councilors Shannon, Bushor: Board of Finance)
*waive the reading and adopt the resolution

3.06. RESOLUTION: Authorization to Contract for Garage Revenue Equipment at Burlington International Airport (Board of Finance)
*waive the reading and adopt the resolution

3.07. COMMUNICATION: Gene Richards, Burlington International Airport, re: Finance Board Approval Request – Garage Revenue Equipment Upgrade
*waive the reading, accept the communication and place it on file

3.08. RESOLUTION: Waterfront Access North Project (Councilors Shannon, Bushor, Paul: Board of Finance)
*waive the reading and adopt the resolution

3.09. COMMUNICATION: Steve Goodkind, Director Public Works and Peter Owens, CEDO Director, re: Request to appropriate funds to complete final design for the Waterfront Access North project
*waive the reading, accept the communication and place it on file

3.10. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (2 days only):

Courtyard Burlington Harbor, 25 Cherry Street, Feb 1 and 2, 2013, 6 p.m. to 9 p.m., DJ
*waive the reading, accept the communication, place it on file and approve the two day special event outdoor entertainment permit application for Courtyard Burlington Harbor

3.11. COMMUNICATION: Doug Morin, Member, Conservation Board, re: Resignation
*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Doug Morin thanking him for his time served on the Conservation Board

3.12. COMMUNICATION: Robert Boivin II, Chairman of the Board, Lamoille Valley Fish and Game Club, Inc., re: City Firearms Ban Agenda
*waive the reading, accept the communication and place it on file

3.13. COMMUNICATION: John Vickery, City Assessor, re: Final 411 Form to State Tax Department
*waive the reading, accept the communication and place it on file

3.14. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned City Council, September 24, 2012
*waive the reading, accept the communication, place it on file and adopt the minutes at the February 11, 2013 City Council Meeting

3.15. COMMUNICATION: William E. Johnson, Director, Property Valuation and Review, State of Vermont, Department of Taxes, re: Acknowledgement
*waive the reading, accept the communication and place it on file

3.16. COMMUNICATION: Linda Ayer, Health Administrator, City of Burlington Board of Health, F-35 Joint Strike Fighter Resolution

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

3.17. COMMUNICATION: Chad Farrell, Principal, Encore Redevelopment to the Vermont Public Service Board, re: Proposed 146 k W Roof Mounted Solar Array at Flynn School, 1645 North Avenue, Burlington, VT
*waive the reading, accept the communication and place it on file

3.18. COMMUNICATION: Peter DuBois, re: 2nd Amendment
*waive the reading, accept the communication and place it on file

3.19. COMMUNICATION: VMCTA Executive Board, re: Membership
*waive the reading, accept the communication, place it on file and send a copy to the Board of Finance for consideration

3.20. COMMUNICATION: Eddie Cutler, Legislative Director for the Gun Owners of Vermont, re: Opposition to the proposed semi-auto firearms ban in Burlington
*waive the reading, accept the communication and place it on file

3.21. COMMUNICATION: Larry Correia, re: Monster Hunter Nation, an opinion on gun control
*waive the reading, accept the communication and place it on file

3.22. COMMUNICATION: Fox News Article, re: Georgia mom home alone with kids shoots ex-con intruder
*waive the reading, accept the communication and place it on file

3.23. COMMUNICATION: Anonymous, re: Charter change proposal
*waive the reading, accept the communication and place it on file

3.24. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator to Julia Curry, Ward Three Ward Clerk, re: Resignation
*waive the reading, accept the communication, place it on file, place this vacancy on the March 5, 2013 Annual City Election ballot and send Julia Curry a letter of appreciation thanking her for her time served as Ward Three Ward Clerk

3.26. COMMUNICATION: Happy Tree, re: Gun Control
*waive the reading, accept the communication and place it on file

3.27. COMMUNICATION: David Ridge, re: Gun Ban
*waive the reading, accept the communication and place it on file

3.28. COMMUNICATION: Vance Wright, re: Gun Control
*waive the reading, accept the communication and place it on file

3.29. COMMUNICATION: ????, re: Gun Control
*waive the reading, accept the communication and place it on file

3.30. COMMUNICATION: John Smith, re: "Gun Control" laws at the city level
*waive the reading, accept the communication and place it on file

3.31. COMMUNICATION: Lissa Barnes, re: Gun Control
*waive the reading, accept the communication and place it on file

3.32. COMMUNICATION: James Ryan, re: Gun Control Legislation
*waive the reading, accept the communication and place it on file

4. INDOOR ENTERTAINMENT PERMIT APPLICATION (2012-2013):

Crepemont LLC, d/b/a Mr. Crepe, 144 Church Street

Councilors Dober and Blais made a motion to approve the 2012-2013 Indoor Entertainment Permit Application for Mr. Crepe. The motion passed unanimously.

5. RESOLUTION: Waterfront and Downtown Public Investment Action Plan (PIAP) (Councilors Aubin, Paul, Brennan: Parks, Arts & Culture Committee; Councilors Bushor, Shannon)

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

Peter Owens, CEDO, stated that the resolution was to endorse and adopt the Public Investment Action Plan. It was designed to create a process for strategic and competitive ideas and proposals for public improvements in the Waterfront TIF district. It would be a two phased process with a 60 day concept period and a more detailed proposal period for finalists. It would advance through the Council and the Mayor's Office for a slate of public improvements to appear on the March 2014 ballot. There would be a five member Public Investment team that the Council would help to appoint.

Councilor Brennan stated that the Parks Arts and Culture Committee had been engaged in this process. It was an ambitious process and there had been a lot of work done in the past. He hoped the panel would keep that in mind. He hoped to engage in the process to create a vibrant Waterfront. He hoped that they would utilize work that had been done if it was possible. Construction documents were 90% completed and they had gone through design work. He was not committed to any tenants and cleaning up the Waterfront was key. The timeline was ambitious and they would need to work together. A 6th grade class from Hunt Middle School had contacted him and they hoped to be involved in the process. They had a lot of good ideas.

Councilor Tracy stated the process had been collaborative so far. He did have concerns about the timeline, but felts that the process would be open and would allow for public input. His continued concern involved ownership of the property and noted none of the documents specify ownership. Although that was not the intent at this point of the process, he hoped that consideration was not taken lightly. Public ownership and access were important.

Councilor Bushor stated that she felt good about the process. She noted a line in the resolution that discussed public engagement and felt that was very important. She reiterated Councilor Tracy's comments about accessibility, affordability, and public control of the structure. She liked the global approach of the entire Waterfront rather than just Moran. She did not want the Waterfront to become a parking lot. She hoped that both Church Street and the Waterfront could be grown and linked in a positive way. She inquired about a portion of the resolution noting that a similar process would be used for the Downtown TIF project and inquired if that process would be simultaneously. She also inquired about the ability to implement projects within the TIF timeline. Those submitting ideas would need to know that information. Mr. Owens stated the two TIF districts had different time frames. The Waterfront TIF was more pressing. They were obligated to incur debt to build the public improvements by the end of December of 2014. The slate of projects for Waterfront TIF would be on the ballot for March 2014. The Downtown TIF had an additional year and three months. They anticipated that the voters would weigh in on another slate of improvements at a different time for Downtown. Councilor Bushor stated that this was a tight time frame and she hoped that they could give themselves more breathing room for Downtown.

She inquired about the ability to implement the projects in the TIF timeline. Mr. Owens stated they needed to incur debt, have projects far enough advanced that they knew what the cost was and obtain voter approval. Councilor Bushor inquired if permitting would have to be complete. Mr. Owens stated it would.

Councilor Siegel stated that there was precedent for extending the debt accrual period for a TIF and that Burlington might be applying for an extension. Mr. Owens stated there were discussions happening in the Legislature. There were six other municipalities running into the same problem. The time to incur debt encouraged municipalities to act recklessly. They would make an argument to the Legislature to have more flexibility. Councilor Siegel stated she had a concern about the recapture period if they extend the date where they accrued debt. Mr. Owens stated that any growth in tax increment would happen whether debt was incurred or not. Extending the period to incur debt would leave them one less year to pay back the debt. The load each year on the increment would be greater. It was still in their best interest to move forward as quickly as possible to maximize the benefit from the district. Councilor Siegel inquired if there was a way to request an extension of the recapture period. Mr. Owens stated that they had not specifically addressed that and it was all up to the Legislature. Mayor Weinberger stated it was possible to ask for anything. TIF reform was a controversial topic. The precedent had been to extend the accrual rather than extend the life of the TIF district. The Waterfront TIF district was more pressing because millions of dollars of funds for public investment had already been accrued. An extension of the period to incur the debt would give them the ability to go through the process and come to thoughtful decisions. Nathan Wildfire, CEDO, stated nationally, there were formats where a new investment in a TIF district started a new clock. In other cases, like Vermont, it did not. Having the ability to extend the timeline to incur debt was key. Councilor Siegel inquired how the Public Investment Team would be selected. She inquired what input the Council would be giving and what the criteria would be used to choose these members. She inquired about including a diverse group of people in the team. Mr. Owens stated that they would be looking for people with development and investment backgrounds. They would like to choose a group with Burlington's interests at heart. They should be able to rise above partisan issues and use the criteria laid out to make intelligent and thoughtful choices about what was in the best interests of the City. Councilor Siegel stated she appreciated that and there was a line about being representative of the community. There was a large portion of the community that did not get represented. Mr. Owens stated they would love help in identifying candidates that would bridge that gap. However, they needed to be able to make major financial recommendations.

Councilor Worden stated there had been a year of work on plans through PlanBTV with involvement of people throughout the City. It was good to have a plan in hand to move forward. This would be a venue to implement many of these ideas. Mr. Owens stated they had been thinking about how to move forward and this was an opportunity to use the PlanBTV blueprint.

Councilor Brennan stated that the Downtown TIF area cuts off before the Pine Street corridor being used for the Champlain Parkway. There had been conversations about expanding the horizons of the TIF to include more geographic area. Mr. Owens stated it was possible. The City said it wanted to use dollars in the broadest way possible and that the Legislature said it should be limited to things that were really necessary. Small changes could be made, but it might not be possible to expand it to the Railyard Enterprise Project. Councilor Brennan inquired if members of the Public Investment Team would be excluded from putting forward projects. Mr. Owens stated that they would be and there would be conflict of interest requirements.

Councilor Bushor stated that each Councilor could put forward names of people for the team. It was hard to find people with both skill sets. Some had great ideas about planning without the financial background and vice versa. She would like to encourage them to submit their names to let the Administration decide. She was unsure what the depth of the financial background needed to be. Mr. Owens stated it was going to require a balance. Some might have strengths in certain areas, but they needed to be able to converse in

financial matters. Councilor Bushor inquired who names should be submitted to. Mr. Owens stated he would take any names.

City Council President Shannon stated she also had concerns about finding people. She had been trying to think of someone with the right mix of skills and hoped they did not have a group of all like-minded people. Including people with vision and an in-depth feel for Burlington was very important.

Councilor Hartnett stated that this was a great process and there would be plenty of time to vet this issue. He suggested Councilors put forth the names of any people they think would be good and let the process play itself out.

City Council President Shannon inquired if the Council and community would have opportunity to submit names, but the Administration would be selecting the team. Mr. Owens stated that was correct.

The motion passed unanimously.

5.01. COMMUNICATION: Peter Owens, CEDO Director, re: Request to approve Waterfront and Downtown Public Investment Action Plan (PIAP) process

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

6. RESOLUTION: Changes to the Composition of the Ward Redistricting Committee (Councilors Shannon, Decelles, Bushor, Siegel)

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

Councilor Bushor stated they brought a proposal forward to the Council and ended up sending it back to Committee for further debate. This addressed the citizens' desire for involvement in the process. Citizens also wanted more time. This resolution broadened the makeup of the Committee by adding members from each NPA, keeping the existing committee intact, and hiring the facilitator to lead the process. It did not please everyone. There had been discussions about whether or not City Councilors should be involved and how many citizens should be involved. This was what they settled on.

Councilors Blais and Hartnett made a motion to amend the resolution to make it clear the citizen member be elected by the NPA not simply appointed.

Councilor Blais stated he was sure that the makers of the resolution intended that citizens be chosen by election, but wanted to ensure it. The Ward 6 NPA had already selected its member by election, and that was the best way to do it.

The motion to amend the resolution passed unanimously.

The motion to adopt the resolution, as amended, passed unanimously.

7. RESOLUTION: Commission and Board Appointment Process (Councilors Siegel, Decelles, Hartnett, Paul)

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

Councilor Decelles stated in his time on the Council, there had been a status quo about how to move forward with Commission appointments. There were bargaining teams that met privately. It was not a

perfect scenario. This could be done better and differently, as well as being more open. This would be referred to the Charter Change Committee. He welcomed ideas about how to make this better for the public.

City Council President Shannon inquired if this would be referred to the Charter Change Committee with a report due back date of December 2013. Councilor Siegel stated she would put forth an amendment. Part would be to refer it to the Charter Change Committee to look at the broader structure of Commissions and Boards.

Councilors Siegel and Brennan made a motion to amend the resolution to revise the language in the resolution regarding political affiliation on the application to add clarity. She also added language to the resolution to clarify the process. There would be two work sessions. One would be for Department Heads to outline the mission of their Commissions and any special skills they were looking for. Candidates would also be able to talk to the Council. They would then hold a second work session during which they select the slate.

Councilor Hartnett inquired if this had to go to the Charter Change Committee. City Council President Shannon stated during the Council retreat, they agreed to discuss the issue in the Charter Change Committee. This resolution had a resolved clause that referred a portion to the Charter Change Committee. Councilor Siegel stated this would institute a pilot project. The Charter Change Committee would be responsible for evaluating the process and functionality of the Commissions.

Councilor Mason raised a point of order and stated there was a portion of the ordinance that required party affiliation be asked for on the application. He inquired if they could make this change without going through an ordinance change. City Attorney Blackwood stated that it would raise problems. There was a portion of the Charter that said that there should never be more than 2/3 of members of a single board from the same political party.

Councilor Hartnett stated he did not support this amendment. He was glad they were addressing this problem. It made no sense not to support the amendment if they had to send it to the Charter Change Committee. City Council President Shannon stated that sending it to the Charter Change Committee would require a motion.

Councilor Mason made a motion to send the resolution to the Charter Change Committee. He stated this merits a public discussion to address several issues that were brought up during the Council Retreat. Councilor Mason withdrew his amendment.

Councilor Dober inquired if this could be implemented before it went through a Charter Change. City Council President Shannon stated that there had not been a full review of this proposal under the Charter.

Councilor Bushor stated some of this involved the Charter and some did not. She stated she could not support the amendment as proposed because of the information provided by the City Attorney. If this amendment failed she would like to come back to the process regarding Commissions and Boards.

Councilor Siegel stated she hoped that they could pass a portion of the resolution and refer the rest to the Charter Change Committee, but was unsure what the process would be to do that.

Councilor Brennan stated that number 1 in the resolution was in conflict. He suggested they divide the question and move all items except number 1. Councilor Siegel withdrew her portion of the amendment that addressed item 1.

City Council President Shannon stated she had concerns with designating the first two work sessions in May. There were times when things came up and they needed to have work sessions for other things. There might also be budget discussions at that time.

Councilor Brennan stated it was vital to have these work sessions. Everyone who served on commissions spend hours waiting to be confirmed and then serving the City. Creating a better process in appointing these individuals to give everyone a fair opportunity was vital. That was the intent of the resolution.

Councilor Decelles stated he recognized the concerns, but it was difficult to meet all of the candidates and remember them. There could be special work sessions called to handle this. He felt that this was a worthy goal.

Councilor Dober stated that his understanding was that Councilor Siegel wanted to send item 1 to the Charter Change Committee and have items 2-4 to be implemented immediately. City Council President Shannon stated there were amendments to items 1, 3, and 4. Because there were concerns about item 1, Councilor Siegel withdrew that amendment. The vote would only be on amendments to items 3 and 4.

Councilor Mason stated that this probably would not work. They deal with Commission appointments all year long. This only addressed annual appointments. He was in favor of reform, but felt that this was rushed. He would not support this because it was only half of the plan.

Councilor Hartnett stated the frustration about this process had been there for a long time. Half a plan was better than no plan at all. There were individual appointments during the year and there was no proposal to change that plan. Sending this to the Charter Change Committee to make a plan would be a good thing. They needed to do something about this and he did not want this to wait another year.

The motion to amend the resolution passed by a vote of 12-2 with City Council President Shannon and Councilor Mason voting against.

Councilor Worden stated he had served on Boards and Commissions for a number of years and had never felt clear on the process. He would like to see some changes and would love to expedite something with more inclusive input. He supported the idea behind this. It felt like a rushed process as applications come in throughout the year. It might make sense to have a longer process to get to know the candidates better. This would result in a more clear and transparent process for those participating.

Councilors Mason and Hartnett made a motion to refer the resolution to the Charter Change Committee with a report due back date of March 11.

Councilor Bushor stated she would support the motion. She hoped the Charter Change Committee would bring back the one year pilot appointment process in time for the next commission appointment process.

City Council President Shannon stated she hoped there would be discussion about when the work sessions would take place.

Councilor Siegel stated she would support this move and noted there was a meeting scheduled next week. She suggested Councilors bring forward any ideas they have as soon as possible.

Councilor Blais stated the Charter Change Committee should feel free to address issues beyond the scope of the resolution.

Councilor Dober stated the idea of term limits made him cringe. There was an incredible amount of talent in Burlington and some committees had an extreme amount of history. Historical knowledge could help make change in the future.

Councilor Decelles suggested that Councilors send questions to the Charter Change Committee so it would become a part of their packet.

Councilors Decelles and Hartnett amended their motion to refer the entire resolution to the Charter Change Committee.

City Council President Shannon requested this resolution be sent to all Commissioners to let them know it would be discussed in the Charter Change Committee.

The motion passed unanimously.

7.01. RESOLUTION (originally 3.02.): Accepting Private and Corporate Funding for Church Street Marketplace Initiatives and Amending the FY 2013 Budget In Relation Thereto (Councilors Shannon, Bushor, Paul: Board of Finance)

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

Councilor Siegel stated she supported the resolution but was disgusted when she saw Fairpoint signs projected on buildings during the Winter Tree Lighting Festival. She did not want public space to be commercialized to that extent. This resolution just adjusted the budget to accept money that was already received. It was a difficult balance to find money to support public spaces and commercial enterprises, but that type of corporate commercialization was not the Burlington she wanted to live in.

The motion passed unanimously.

7.02. RESOLUTION (originally 3.03.): Acceptance of State of Vermont Grant from Department of Public Safety To Purchase License Plate Reader Equipment (Councilors Shannon, Bushor, Paul: Board of Finance)

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

Councilor Siegel inquired about the Police Department following established State-wide privacy and Civil Rights policies. She spoke with Chief Schirling about these policies. He stated that all LPRs were connected to a State System. Burlington did not maintain those records. They could only be accessed for law enforcement activities and investigations. There were electronic audit trails showing who had logged onto the system, when, and what they accessed. The Legislature was working on a legal framework for records and retention. She stated that she found this helpful and that they were statewide policies.

Councilors Brennan and Siegel made a motion to table the resolution to allow for further discussion. The motion failed by a vote of 10-4 with Councilors Brennan, Tracy, Siegel, and Worden voting in favor.

Councilor Bushor stated they had license plate reader equipment in place. This was an additional piece of equipment and not a new addition to the Police Force. The policies about civil rights were germane to conversations surrounding this.

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

7.03. COMMUNICATION: (originally 3.25): Mathew Viens, President, Preservation Burlington to Yves Bradley, Chair, Burlington Planning Commission, re: Historic Building Materials Replacement Policy

Councilor Bushor stated she had a process issue. When she had discussed the amendment to the action, City Council President Shannon had referenced a desire to keep the action as written in the agenda. She requested an explanation of the reasoning for this. City Council President Shannon stated she had sent this item to the City Attorney's Office. She wanted the Ordinance Committee to oversee the process. It was addressed to the Planning Commission. This was directed by the Planning Commission to the Development Review Board. She did not object to changing the Ordinance, but she was concerned that they had made a change that had not been considered by the Ordinance Committee. She recommended that they invite the Chair of the Planning Commission.

Councilor Mason stated it appeared this was a policy of the Planning Commission that was in conflict with an existing ordinance. That was a legal issue that should be addressed by the City Attorney's Office. City Attorney Blackwood stated this issue had been referred to her office. They were nearly prepared to discuss it. There were a number of Boards involved. She was not yet sure what the best process to resolve this would be.

City Council President Shannon inquired if a motion to refer to the City Attorney's Office would be appropriate.

Councilors Bushor and Dober made a motion to refer the communication to the City Attorney's Office for a report due back to the City Council at the February 11, 2013 Meeting. The motion passed unanimously.

On a motion by Councilors Dober and Hartnett, the City Council meeting was recessed at 8:55 p.m. to address the City Council with Mayor Presiding Meeting.

The meeting was reconvened at 9:10 p.m.

City Council President Shannon noted that they had failed to act on a technical correction to agenda item 5 and that the date in the resolution would need to be changed.

8. RESOLUTION: Approval of Burlington International Airport Reorganizational Plan (Councilors Shannon, Bushor: Board of Finance)

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

Councilor Bushor requested that the Airport speak to the rationale and vision behind this reorganization.

Councilor Hartnett inquired if they expected to have the executive session. City Council President Shannon stated the majority of the discussion would take place in open session.

Gene Richards, Interim Aviation Director, stated that this was one of his biggest initiatives at the Airport and would have the best long term results. This would make checks and balances different. The first was at the finance end. The Director of Finance and Administration position would be shifted to have a CPA level person working more closely with City Hall. It would make it easier for everyone to understand the Airport. The process was rather simple but had been made harder over the years. As an Airport Commissioner, he felt he was never able to understand Airport Finance, and this would improve that by putting everything into one set of books. It would result in potential savings. They were also bringing marketing to the Airport. They were not marketing themselves well and would need to put resources into

this area. He would be returning during budget time, but this was the first step. Other positions included in this were vacant positions. The major pieces were better accountability in finance and marketing.

Mayor Weinberger stated the Airport had brought Delta service to Atlanta back. This would be the first increase in air service since the beginning of the recession. It would also be a larger service with a 140 seat jet. Mr. Richards stated they had one year to take advantage of this opportunity.

Councilor Brennan stated he appreciated their efforts and saw a shifting of responsibilities at City Hall. He inquired how that extra burden would be absorbed by the Clerk/Treasurer's Office. Interim CAO Sisson stated that they had the capacity to handle this work and have always supported them. They had a new senior accountant who was a CPA. She would be re-tasked with helping the Airport, which would free up time for the person who used to do this work. With New World implementation being mostly complete, they were finding they did have the capacity to do more for the Airport. The Airport was also handling things that it did not used to do. Both Departments are satisfied with the division of labor.

Councilor Dober stated the presentation and level of detail in the new system was much better.

The motion passed unanimously.

8.01. COMMUNICATION: Gene Richards, Interim Director of Aviation, re: Finance Board Approval Request – Reorganization

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

8.02. COMMUNICATION: Julie Hulburd, Human Resources Generalist and Susan Leonard, Human Resources Director, re: Reorganization of the Burlington International Airport Personnel

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

City Council President Shannon stated the expected executive session would address a contract issue with a current City employee.

Councilors Paul and Blais made a motion to address agenda items 9-11 before entering executive session. The motion passed unanimously.

On a motion by Councilors Bushor and Dober the City Council went into executive session at 9:37 p.m., premature disclosure would place the City at a substantial disadvantage. Present were: all Councilors, Mayor Weinberger; Mike Kanarick, Mayor's Office; Susan Leonard, HR; Gene Richards, Heather Kendrew, Airport; Interim CAO Sisson; ACAO Schrader; ACAO Goodwin; City Attorney Blackwood

*** * * * EXPECTED EXECUTIVE SESSION * * * ***

On a motion by Councilors Bushor and Dober the City Council went out of executive session at 9:55 p.m.

9. COMMITTEE REPORTS (5 mins.)

Councilor Worden stated the CDNR Committee held a meeting to organize themselves. They intended to meet on a monthly basis.

City Council President Shannon stated that the Auditor would be attending a work session to discuss the audit. The City Council would be going paperless at the next meeting and would not receive a paper packet. The Clerk's Office has ordered laptops and they should arrive next week. She suggested Councilors download the materials before the meeting in case there were problems with the wireless connection. Councilor Dober inquired if individual agenda items were going to be clickable or if they would use a continuous PDF. ACAO Schrader stated they would be clickable. Councilor Dober stated that the Airport uses the hotspot on a continuous PDF and it worked well.

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

Councilor Bushor stated there was a comment at the Retirement Work Session about a need to generate more money. Ward 1 has a number of new housing projects that would be completed in the next few years. One is on Grove Street with 288 housing units, another is on Colchester Avenue, and a third on Riverside Avenue with 58 units. This was challenging as the Redistricting Committee start to think about where to draw ward lines. It is an exciting and challenging time in Ward 1.

Councilor Hartnett stated he had a conversation with a *Seven Days* reporter where he was asked about Councilor Bushor's Council race. He made a comment that was meant to be tongue in cheek, but it came across as very disrespectful. He apologized for his remarks.

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

Mayor Weinberger stated that there were a number of events taking place including the 18th Annual Penguin Plunge. There would be a conversation with the Burlington Schools hosted by the Partnership for Change. This would focus on what knowledge high school students should be graduating with in this era. Additionally, there was an exciting initiative led by CEDO called Popup Moran. It would include hot chocolate, a bonfire with s'mores, live music, art exhibits and an outdoor skating rink. The idea was to use the Northern Waterfront in a new way in anticipation of the changes they were hopeful would be coming soon. The next step would be to start the Request for Comment period.

The Airport had added one additional flight to Atlanta and back. It was estimated that this would increase enplanements at the Airport by about 30,000. That was a significant number. At the Airport's height, it had about 800,000 enplanements, but that had dropped to about 680,000 since the beginning of the recession. This was the first substantial increase in service since that time. Things were turning around at the Airport in significant ways.

Mayor Weinberger had been involved in the creation of a Vermont Mayor's Coalition which included the seven other Mayors in Vermont. They would be meeting monthly throughout the legislative session. They support TIF reform and several public safety initiatives. They were also looking at reforming the way that State Tax Credits work. He would be meeting with the woman who had submitted a bill to change the way license plate information was stored and Chief Schirling would be giving input.

Mayor Weinberger attended the winter meeting of the U.S. Conference of Mayors and the Mayors' Innovation Project; past Mayors had been involved in this group. They had been focused on the threat to tax exempt bonding authority for municipalities that is at stake. With current interest rates, it would likely reduce their bonding ability by about 25%.

The Department of Public Works had been making progress on repairing potholes. The SeeClickFix effort had started to take hold and was an important tool for making City government more effective. They were pushing to include other departments in this effort. Burlington Electric, Parks and Recreation, and the Airport would be working to use this program.

Mayor Weinberger stated that the audit would be finished tomorrow. Interim CAO Sisson has led a long effort and they were able to include the financial statements included in the annual report for the first time in many years. With everything the CAO's Office has faced, it had been a strong push and was an important milestone.

Brian Pine, a CEDO employee, was honored with the Tim McKenzie award at the Champlain Housing Trust to honor his lifelong commitment to perpetual affordability. The Mayor congratulated Brian.

12. ADJOURNMENT

Without objection, City Council President Shannon adjourned the City Council meeting at 9:55p.m.

Attest:

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

BOARD OF CIVIL AUTHORITY
MONDAY, JANUARY 28, 2013
9:03 P.M.

PRESENT: see above

MAYOR WEINBERGER PRESIDING:

1. AGENDA

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

2. REQUEST FOR REVIEW OF BOARD OF TAX APPEAL DECISION:

Burlington Town Center Office Building – 044-4-004-001, 101 Cherry Street

Councilor Bushor and City Council President Shannon made a motion to deny the request.

Councilor Dober requested that the City Assessor explain the situation. John Vickery, City Assessor, stated this request came from the taxpayer. The Board of Civil Authority created the Board of Tax Appeals to hold hearings. The Board of Tax Appeals holds a hearing and the applicant is then allowed to go to Court or appeal to the State Tax Appeal Board. There is also a provision that the Board of Civil Authority may consider hearing the appeal again at the local level, although it is uncommon. If there is a feeling that the Board was unfair in its proceedings, the Board of Civil Authority may choose to hold a hearing.

Councilor Bushor inquired if her motion to deny must be based on some criteria. Assistant City Attorney Haesler stated that no reason was needed. The Board of Civil Authority might grant or deny a review. In this case, the vote was not unanimous, so the request was made under the Charter Provisions. It was there as a safeguard for fairness, but an underlying reason was not required. Councilor Bushor stated her motion to deny was based on the information provided in the packet.

The motion passed unanimously.

2.01. COMMUNICATION: P. Michael Majury, Property Tax Manager, GGP, re:
Burlington Town Center Office Building – 044-4-004-001
101 Cherry Street

Councilor Bushor and City Council President Shannon made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

2.02. COMMUNICATION: Richard W. Haesler, Esq., Asst. City Attorney, re: Request for Hearing

Councilor Bushor and City Council President Shannon made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

2.03. COMMUNICATION: John Vickery, City Assessor, re: Assessor's response to Burlington Town Centers request for a hearing before the Board of Civil Authority

Councilor Bushor and City Council President Shannon made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

3. ADJOURNMENT

Without objection, Mayor Weinberger adjourned the Board of Civil Authority Meeting at 9:08 p.m.

The Board of Civil Authority Meeting was reconvened at 9:10 p.m. to accept the communications. The meeting was adjourned at 9:10 p.m.

Attest:

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

CITY COUNCIL WITH MAYOR PRESIDING
MONDAY, JANUARY 28, 2013
8:55 P.M.

PRESENT: see above

MAYOR WEINBERGER PRESIDING:

1. AGENDA

On a motion by Councilors Tracy and Dober the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Councilors Tracy and Dober the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. COMMUNICATION: Clerk/Treasurer's Office, re: Openings, Burlington City Commissions/Boards
*waive the reading, accept the communication and place it on file

3. APPOINTMENT: Board of Health (Term expires 6/30/13)

Councilor Decelles nominated Julie Hathaway.

Councilor Siegel nominated Rebecca Lee.

Councilor Worden nominated Benjamin Chichanowski.

City Council President Shannon stated this was an incredible pool of applicants. She thanked everyone who applied and stated it would be a difficult decision for everybody.

Kristin Stephenson, Board of Health Applicant, stated it sounded like they had a number of qualified applicants and she appreciated the chance to address the Council even though she was not nominated.

Councilor Siegel stated she had conversations with both Julie Hathaway and Rebecca Lee. She would support Julie, though she told Rebecca she would nominate her. One thing they needed to make clear in the process was that applicants needed to find someone to nominate them in advance. Nominating someone did not mean that you would vote for them. It might help them get to the table. Julie was the best qualified in her experience and ability to work in a group.

Councilor Hartnett stated that he was glad they have had a chance to talk about how confusing the process was. Someone who had not been nominated came to speak to the Council. This showed that they have not done a good job describing the process to the public. He looked forward to this issue being addressed.

Councilor Worden stated this illustrated that it was important to get input from Chairs or staff people of Committees about what qualities were needed based on the makeup of the group. He was pleased so many people volunteered their time.

Julie Hathaway received 13 votes.

Julie Hathaway was appointed to the Board of Health.

4. ADJOURNMENT

Without objection, the City Council With Mayor Presiding meeting was adjourned at 9:03 p.m.

Attest:

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