
DELIBERATIVE AGENDA
REGULAR MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
MONDAY, APRIL 15, 2013
7:00 P.M.

1. AGENDA
 2. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Hotel Vermont
 3. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Madera's
 4. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Pacific Rim
 5. PUBLIC FORUM (Time Certain: 7:30 p.m. – 8:00 p.m. unless extended by the Council President per Council Rules)
 6. CONSENT AGENDA
 7. RESOLUTION: City Redistricting Committee Makeup (Councilors Bushor, Siegel, Decelles, Aubin)
 8. RESOLUTION: Burlington City Accessibility Strategy and Plan Implementation (Councilor Bushor)
 9. COMMITTEE REPORTS (5 mins.)
 10. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)
 11. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)
 12. COMMUNICATION: Eileen Blackwood, City Attorney, re: Pending Litigation (oral)
- * * * * EXPECTED EXECUTIVE SESSION * * * ***
13. ADJOURNMENT

Members of the public may speak when recognized by the Chair, during the Public Forum (time certain: 7:30 p.m.) or during a Public Hearing. This agenda is available in alternative formats upon request. Persons with disabilities, who require assistance or special arrangements to participate in programs and activities of the Clerk/Treasurer's Office, are encouraged to contact us at 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will air live on the night of the meeting on Burlington Telecom, Channel 317. This meeting will also air on Channel 17 on April 17, 2013 at 8:00 p.m., repeating at 1 a.m., 7 a.m. and 1 p.m. the following day. For information on access, call Scott Schrader, Assistant CAO for Administration and Management (865-7140) or Lori Olberg, Licensing, Voting and Records Coordinator (865-7136) (TTY 865-7142).

CONSENT AGENDA
REGULAR MEETING, CITY COUNCIL
MONDAY, APRIL 15, 2013

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

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

6.02. ORDINANCE: BUILDINGS AND BUILDING CONSTRUCTION Appeals from Order
(Public Works Department, Public Works Commission)(1st reading)

*consider this 1st reading and refer it to the Ordinance Committee

6.03. RESOLUTION: Authorization for Execution of Municipal Inspection Agreement
Between The State and The City (Councilors Hartnett, Blais)

*waive the reading and adopt the resolution

6.04. COMMUNICATION: Inspection Agreement Between The State of Vermont and The City of
Burlington

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

6.05. RESOLUTION: Authorization to Enter into License Agreement to Install and Maintain
Railings on a Portion of The City's Right-of-way with Vermont House
Condominium Association (Councilors Tracy, Blais: 2012-2013 License
Committee)

*waive the reading and adopt the resolution

6.06. COMMUNICATION: License Agreement for Railings with Vermont House Condominium
Association 2013-2014 Season

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

6.07. COMMUNICATION: Joan Shannon, City Council President, re: Changes to Council Rules

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

6.08. RESOLUTION: Proposed Amendments to Appendix B Rules and Regulations of The
City Council (Councilor Shannon)

*waive the reading and refer it to the Charter Change Committee

6.09. RESOLUTION: Declaration of Official Intent Approving Reimbursement of Capital
Expenses for Waterfront Tax Increment Financing (TIF) District
Councilors Shannon, Bushor, Decelles and Knodell: Board of Finance,
pending BOF approval on 4/15/13)

*waive the reading and adopt the resolution

6.10. COMMUNICATION: Richard W. Haesler, Jr. – Assistant City Attorney, re: Declaration of
Official Intent Approving Reimbursement of Capital Expenses for
Waterfront Tax Increment Financing (TIF) District

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

6.11. RESOLUTION: Adoption of Revised Personnel Policy Section 5.4 Compensation Plan
- Step Placement – (Councilors Blais, Tracy and Worden: 2012-2013
Institutions & Human Resources Policy Committee)

*waive the reading and adopt the resolution

6.12. COMMUNICATION: 5.4 Compensation Plan, a. Placement

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

6.13. COMMUNICATION: Susan Leonard, Human Resources Director, Institutions and Human Resource Policy Committee, re: Policy Revisions, Section 5.4, Compensation, subsection(a) Step Placement

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

6.14. RESOLUTION: Authorization to Accept an Award from The American Library Association for The American Dream Grant to The Fletcher Free Library; and Amend the FY 2013 Budget (Councilors Shannon, Bushor, Decelles and Knodell: Board of Finance, pending BOF approval on 4/15/13)

*waive the reading and adopt the resolution

6.15. COMMUNICATION: Rubi Simon, Library Director, re: American Library Association American Dream Grant

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

6.16. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee Minutes Tuesday, December 11, 2012

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

6.17. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee Minutes Tuesday, January 8, 2013

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

6.18. COMMUNICATION: Wm. Michael Hedges, P.E., Structures Program Manager, State of Vermont, Program Development – Structures Section, re: Calendar Year 2012 Bridge Inspection Summary Reports

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

6.19. COMMUNICATION: Barry Trutor, Fence Viewer to Ms. Joan Shannon, Council President, re: Boundary Lines

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

6.20. COMMUNICATION: Kristin Jones, Taxi Administration Office, re: Mr. Mohamed

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

6.21. COMMUNICATION: Isaac Trombley, Airport Ambassador Foreman, re: Mr. Ragab Mohamed

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

6.22. COMMUNICATION: Full Authorization for S.D Taxi

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

6.23. COMMUNICATION: Ragab Mohamed to Taxi Board, re: Sticker and Registration from S.D taxi

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

6.24. COMMUNICATION: Ward 1 NPA Steering Committee on behalf of the Ward 1 NPA to Joan Shannon, City Council President, re: Communications from Ward 3 City Councilors to Ward 1 School Commissioner

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

6.25. COMMUNICATION: Kevin Stapleton, Member, Development Review Board, re: Resignation

*waive the reading, accept the communication, place it on file, advertise the vacancy (already has been in Seven Days), and send a letter of appreciation to Kevin Stapleton thanking him for his time served on the Development Review Board

6.26. COMMUNICATION: Rachel Siegel, Chair, Charter Change Committee, re: Notes from the Charter Change Committee on the Assault Weapons Ban resolution

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

6.27. COMMUNICATION: North End NPA, Ward 4 and Ward 7 Steering Committees, re: Ward 4 and Ward 2 only have 1 vote each on the Redistricting Committee

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

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

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

6.29. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned Meeting, City Council, January 28, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the April 29, 2013 City Council Meeting

6.30. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, February 11, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the April 29, 2013 City Council Meeting

6.31. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned City Council Meeting, February 19, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the April 29, 2013 City Council Meeting

6.32. COMMUNICATION: City Council President Shannon, re: City Council Standing Committees 2013-2014

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

6.33. COMMUNICATION: David A. Casey, Member, Burlington Board of Health, re: Proposed Urban Livestock Slaughter Ordinance

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

6.34. COMMUNICATION: Conservation Board, re: Downtown Parking Amendment: ZA-13-06

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



May 1, 201³~~X~~---- April 30, 201⁴~~X~~

CITY OF BURLINGTON ENTERTAINMENT PERMIT APPLICATION

☒ New ☐ Renewal
☒ Indoor ☐ Indoor
☐ Outdoor ☐ Outdoor

PART I ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name 41 Cherry St, LLC
2. D/B/A (Business Name) Hotel Vermont 3. Bus. Phone _____
4. Business Address 41 Cherry St. Burlington, VT.
5. Mailing Address Same
6. Contact person Joe Carton 7. Contact Phone 802-316-2960
8. Email contact address joe.carton@marriott.com

PART II OPERATION

1. Occupancy Load 160 2. # of Restrooms 2 3. # of Egresses 2
4. Date of last Fire/Safety Check Pending 5. Dancing by Patrons? Yes or No
6. Amplified Music? Yes or No

PART III TYPE OF ENTERTAINMENT

Please identify with a check mark the entertainment for which you are applying. Check all that apply.

- ☒ Live Instrumental Music ☒ Live Vocal Music ☐ Jukebox
☒ Disc Jockey ☐ Karaoke

***Please give additional description for any selections below on the next page (REQUIRED)

***Floor/Stage Shows

- ☐ Fashion Show/Trade Show/Exhibition
☒ Readings
☐ Stage Play/Pantomime
☒ Comedian
☐ Dance Performance
☐ Contests/Games/Amusements
☒ Movies
☐ Other

(Continued on back)

Additional description
(REQUIRED):

**PART IV
PROPOSED HOURS OF ENTERTAINMENT**

WEEKDAYS	ENTERTAINMENT HOURS
Sunday	4pm - 11 pm
Monday	4pm - 11 pm
Tuesday	4pm - 11 pm
Wednesday	4pm - 11 pm
Thursday	4pm - 11 pm
Friday	4pm - 11 pm
Saturday	4pm - 11 pm

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 2/21/13

SIGNATURE OF APPLICANT Joseph S. Carton

PRINT NAME: Joseph S. Carton

RELATIONSHIP TO BUSINESS VP of Operations

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____

At their meeting of 3/27/13, the Burlington City Council License Committee recommended
Approval X Denial _____

At their meeting of _____, the Burlington City Council _____ this entertainment permit application.



OFFICE OF THE CLERK AND TREASURER
149 CHURCH STREET
BURLINGTON, VT 05401

802-865-7131 TTY 802-865-7142

2013-2014 License Application
Entertainment Permit - ~~Outdoor~~ **INDOOR**

Corporation/Sole Proprietor Name: ROQUE'S VERMONT CORP.

D/B/A (Business Name): Madera's Restaurante Mexicano and Cantina

Business Location: ~~3 MAIN ST, SUITE #100~~

180 Battery Street

PERMIT CONDITIONS

Dancing: No

Change: _____

Amplified Music: Yes

Change: _____

No Dancing

**recommended for approval @ 3/27/13 lc mtg do*

ENTERTAINMENT HOURS AND TYPES

WEEKDAY	HOURS	DESCRIPTION OF ENTERTAINMENT	REQUESTED CHANGES
Sunday	12:00 PM - 10:30 PM	Disc Jockey, Live Instrumental Music, Live Vocal Music	_____
Monday	11:30 AM - 10:30 PM	Disc Jockey, Live Instrumental Music, Live Vocal Music	_____
Tuesday	11:30 AM - 10:30 PM	Disc Jockey, Live Instrumental Music, Live Vocal Music	_____
Wednesday	11:30 AM - 10:30 PM	Disc Jockey, Live Instrumental Music, Live Vocal Music	_____
Thursday	11:30 AM - 10:30 PM	Disc Jockey, Live Instrumental Music, Live Vocal Music	_____
Friday	11:30 AM - 10:30 PM	Disc Jockey, Live Instrumental Music, Live Vocal Music	_____
Saturday	12:00 PM - 10:30 PM	Disc Jockey, Live Instrumental Music, Live Vocal Music	_____

SIGNATURES

By signing below, I acknowledge receipt of all standard and special entertainment permit conditions including the City's food policy and crowd control protocol. I certify that I have read, understand and agree to be bound by said conditions and policies. I also understand that any changes in days, hours or types of entertainment require prior approval of City Council.

Signature of Applicant

Jeanette C Wood

Print Name

Jeanette C Wood

Date

2/11/13

*pd chkr # 4802
at 1:00 10 10 2/12/13*



May 1, 2013 ---- April 30, 2014

CITY OF BURLINGTON ENTERTAINMENT PERMIT APPLICATION

☒ New

☒ Indoor
☐ Outdoor

☐ Renewal

☐ Indoor
☐ Outdoor

PART I ORGANIZATION

All information in this section is required

1. Corporation/Sole Proprietor name Pacific Rim Cafe LLC
2. D/B/A (Business Name) Pacific Rim Asian Cafe 3. Bus. Phone _____
4. Business Address 161 Church St. Burlington, VT 05401
5. Mailing Address 49 Central Ave
~~161 Church St.~~ Burlington, VT 05401
6. Contact person Rich Brandt 7. Contact Phone 802 399-1444
8. Email contact address RBRANDT6@HOTMAIL.COM

PART II OPERATION

1. Occupancy Load 100
2. # of Restrooms 2
3. # of Egresses 2
4. Date of last Fire/Safety Check 2/14/2013
5. Dancing by Patrons? Yes or No
6. Amplified Music? Yes or No (pending)

* recommended for approval
@ 3/27/13 lc mtg lo

PART III TYPE OF ENTERTAINMENT

Please identify with a check mark the entertainment for which you are applying. Check all that apply.

☒ Live Instrumental Music
☒ Disc Jockey

☒ Live Vocal Music
☐ Karaoke

☐ Jukebox

***Please give additional description for any selections below on the next page (REQUIRED)

***Floor/Stage Shows

- ☐ Fashion Show/Trade Show/Exhibition
- ☐ Readings
- ☐ Stage Play/Pantomime
- ☐ Comedian
- ☐ Dance Performance
- ☐ Contests/Games/Amusements
- ☐ Movies
- ☐ Other

pdchk #1155
\$335.00
(Continued on back) lo
2/25/13

Additional description
(REQUIRED):

After the restaurant (Pacific Rim Asian Cafe) closes at 9:30 PM, the bar will be open with a limited bar menu until closing. If there will be any entertainment, it would start at 10:00 PM and continue until closing. Entertainment would include acoustic performers as well as small bands and occasional DJ performers. Dancing by customers will be expected with the DJ performances and is possible with live music performances. The customers will be strictly over age 21 (no exceptions) and a doorman will be monitoring capacity as well as checking ID. There may be weeks with no entertainment as we don't know the possible demand but want to PART IV apply for the flexibility to have entertainment on different days of the week except Monday.

PROPOSED HOURS OF ENTERTAINMENT

WEEKDAYS	ENTERTAINMENT HOURS
Sunday	10:00 PM - 1:30 PM
Monday	no entertainment 10:00 PM - 2 AM
Tuesday	10:00 PM - 2 AM
Wednesday	10:00 PM - 2 AM
Thursday	10:00 PM - 2 AM
Friday	10:00 PM - 2 AM
Saturday	10:00 PM - 2 AM

* 10pm-2am
everyday

to 3/27/13

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 3/20/13

SIGNATURE OF APPLICANT

PRINT NAME:

Richard Brandt

RELATIONSHIP TO BUSINESS

co-owner

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____

At their meeting of 3/27/13, the Burlington City Council License Committee recommended
Approval ☒ Denial ☐

At their meeting of _____, the Burlington City Council _____ this entertainment permit application.

CITY REDISTRICTING COMMITTEE MAKEUP

In the year Two Thousand Thirteen.....
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the reconstituted City Redistricting Committee met on April 8, 2013; and

WHEREAS the Committee is dedicated to creating equal representation within the committee
from all wards of the city; and

WHEREAS at the April 8, 2013 meeting the Committee unanimously voted to support adding one
additional representative from Ward 2 and one additional representative from Ward 4 to help balance and
make equal the representation from each of the city's wards; and

WHEREAS, the Wards 2 and 4 Neighborhood Planning Assemblies (NPAs) had previously
selected Lluvia Mulvaney-Stanak (W2) and George Gamache (W4) to be these wards' alternate
representatives to the Committee, thereby indicating who the additional representatives to the Committee
from these wards should be;

NOW, THEREFORE, BE IT RESOLVED that the City Council adds to the Redistricting
Committee Lluvia Mulvaney-Stanak as an additional representative from Ward 2 and George Gamache as
an additional representative from Ward 4 in order to create fair and balanced representation on the
Committee from each ward.

BURLINGTON CITY ACCESSIBILITY STRATEGY
AND PLAN IMPLEMENTATION

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, in October 2012 the Burlington City Council passed a resolution requesting the Mayor revitalize and make appointments to the Burlington Advisory Committee on Accessibility and members were approved by the City Council in December, 2012; and

WHEREAS, the Committee is comprised of city staff and community members who developed a strategy and plan for the city, including a process for assessing the City's accessibility needs; and

WHEREAS, the mission statement of the Committee reads, in part, as follows: "*The City recognizes that communities excel when all citizens are able to fully participate in all aspects of community life. The Advisory Committee of Accessibility shall assist and advise the Mayor, the City Council and City departments on ways to increase opportunities for people with disabilities and meet the needs of people with disabilities by encouraging full and equal participation in all aspects of life;*" and

WHEREAS, the Committee's report included a recommendation to add additional committee representatives from AARP, Burlington Parks & Recreation, Burlington School District, and Howard Center/Pathways; and

WHEREAS, the Committee's recommendations also included a number of proactive steps that will require prioritization and additional financial resources from either the city or external funding sources, such as capital investments to meet ADA compliance in municipal buildings and properties; and

WHEREAS, the Committee's report also included improving our community climate and awareness by enhancing city employees' sensitivity to the issues that create barriers for people with disabilities;

NOW, THEREFORE, BE IT RESOLVED that City Councilors will suggest to the Mayor representatives from each of the following organizations, AARP, Burlington Parks & Recreation Department, Burlington School District and Howard Center/Pathways; and

BURLINGTON CITY ACCESSIBILITY STRATEGY
AND PLAN IMPLEMENTATION

BE IT FURTHER RESOLVED that after considering the suggestions of councilors and additional representatives, the Mayor will offer a slate of representatives from these organizations for the approval by the City Council at its first meeting in May; and

BE IT FURTHER RESOLVED that the Burlington Advisory Committee on Accessibility's Strategy and Plan be referred to the Board of Finance for consideration, creation of a process for prioritization of the recommendations, and discussion of the financial implications and incorporation of these priorities into the FY 14 budget; and

BE IT FURTHER RESOLVED that the Human Resources Department and City Attorney's Office shall work with the Committee to develop a training program and report back to the Council with the details of a program that will provide for 1) the training of city employees on disability and accessibility issues as they relate to city government and each employee's job; and 2) an annual training session for elected and appointed officials – city councilors, school board members, and board and commission members - on accessibility issues.

	04/11/13 Accountability List		
Prepared by: Lori Olberg, Licensing, Voting & Records Coordinator			
Meeting Date	Type of Document	Action Requested	Return to Council
1/9/2012	Resolution: Creation of a Financial Literacy Web Page	progress report to the Council by the Interim CAO	2/13/2012
2/13/2012	Resolution: Ongoing and Future Relationship Between the City of Burlington and the University of Vermont	report due back to the Council by the Community Development and Neighborhood Revitalization Committee	3/26/2012
7/16/2012	Resolution: Appointment of Airport Strategic Planning Committee	progress report and a final report and recommendations due back to the City Council	10/29/12; on or before 1/7/13
8/13/2012	Resolution: Strategic Plan Re Fiscal Health of the City	Board of Finance and the C/T Office will work to produce a strategic plan and present said plan to the Council in a worksession	1/7/13; 1/28/13
8/13/2012	Resolution: Landlord Accountability	report due back to CD & NR Committee from the Code Enforcement Office	not-specified
11/26/2012	Resolution: Moving Urban Agriculture Issues Forward	Board of Health to report back to the Council; Planning Commission to report back to the Council	by 04/15/13; by 04/29/13
1/7/2013	Resolution: Charter Change to Prohibit Assault Weapons and High Capacity Clips	Public Safety Committee to convene a series of public hearings and work together with the BSD, BPD, Howard Services and the State Attorney's Office and other relevant organizations to make our schools and City as safe as can be	not-specified
1/28/2013	Resolution: Changes to the Composition of the Ward Redistricting Committee	report on timeline for the redistricting process	4/15/2013
3/11/2013	Resolution: Commission and Board Appointment Process	report due back from the Charter Change Committee to the Council	first meeting in November 2013
3/11/2013	Resolution: Survey to Determine if Commissions and Boards are Functioning Optimally	report due back from the Charter Change Committee to the Council	first meeting in November 2013
3/18/2013	Communication: Burlington Committee on Accessibility Strategy and Plan	future action to be taken	not-specified

Thirteen

BUILDINGS AND BUILDING CONSTRUCTION
Appeals from Order

That Chapter 8, Buildings and Building Construction, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sec. 8-8, Appeals from order, thereof to read as follows:

Sec. 8-8. - Appeals from order.

(a) Any owner of a building or structure, or any other interested person, including any official of the city, may appeal to the board of appeals any action or failure to act by a building inspector, except as provided in section 8-47 in an abatement action. A request for appeal shall be made by filing with the administrator of the department of public works within ten (10) days of receiving actual notice of the order or action complained of a notice of appeal setting forth in detail his or her grievances. The administrator of the department of public works shall notify the chairperson of the appeals board of the notice of appeal forthwith. The board shall meet upon notice of the chairperson within ~~ten (10)~~ sixty (60) days of the filing of the notice of appeal. All hearings shall be public, and all interested parties shall be given an opportunity to be heard and to present evidence and arguments.

(b) The board of appeals shall consist of the members of the public works commission and shall each have terms on the board of appeals concurrent with their individual terms as commissioners.

The board shall select one of its members to serve as secretary chairman who shall call and chair meetings and who shall keep a detailed record of all proceedings on file.

A member of the board shall not pass on any question in which that member has any fiduciary, personal, or financial interest, or which otherwise constitute a conflict of interest.

BUILDINGS AND BUILDING CONSTRUCTION
Appeals from Order

(c) ~~Three (3)~~ Four (4) members of the board must be present to constitute a quorum. That board shall affirm, modify or reverse an action appealed by a majority vote of the members present. A tie vote shall be an affirmance of the decision from which the appeal is taken. The board shall give written notice of its decision, which shall include findings of fact and all necessary orders, to all interested parties no later than thirty (30) days after the date of the hearing. The building inspector may take action in accordance with the decision of the board immediately upon the sending of the written decision to all interested parties.

(d) Any interested person may appeal a decision of the board of appeals by instituting relief in the Chittenden Superior Court under V.R.C.P. 74

* Material stricken out deleted.

** Material underlined added.

AUTHORIZATION FOR EXECUTION OF
MUNICIPAL INSPECTION AGREEMENT
BETWEEN THE STATE AND THE CITY

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City of Burlington is authorized to regulate the construction of buildings in the city pursuant to Charter § 48(11), (13), (14), and (41) and has a vigorous and comprehensive building inspection program in its departments of Public Works (DPW) and Fire (BFD) that inspects new construction and existing buildings for compliance with city and state electrical, accessibility, building safety and fire prevention codes; and

WHEREAS, the City of Burlington has entered into inspection agreements with the State of Vermont, pursuant to state statute since the early 1980s, under which DPW and BFD have been assigned responsibility to provide the plan review, permitting, inspection, and enforcement of the Vermont Fire and Building Safety Code for all new construction and alterations in new and existing public buildings, the Vermont Electrical Safety Rules for all electrical installation work in all new and existing public buildings, and the Vermont Access Rules for all new construction and alterations in existing public buildings, except for buildings in which the Commissioner of the Vermont Department of Public Safety has retained jurisdiction; and

WHEREAS, the City's current agreement with the State is expiring and in need of renewal and both the departments and the State are of the opinion that a new agreement is in the best interests of both the City and the State; and

WHEREAS, a new agreement, which has the same terms and conditions as the expiring agreement, has been reviewed by the City Attorney's Office and has the support of the Mayor, the City Council's Transportation, Energy, and Utilities Committee, the Fire Commission and Public Works Commission;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the municipal inspection agreement between the Department of Public Works and the Burlington Fire Department and the State of Vermont (attached) and authorizes these departments' respective directors to enter into said agreement.

INSPECTION AGREEMENT
BETWEEN THE STATE OF VERMONT AND
THE CITY OF BURLINGTON

I. AUTHORITY FOR AGREEMENT

1. This Agreement entered into this _____ by and between the Commissioner of the Vermont Department of Public Safety (hereinafter Commissioner), and the City of Burlington (hereinafter City), is entered into pursuant to 21 V.S.A. § 2736 and 26 V.S.A. § 898. The assignment of responsibility is designated as to the City of Burlington Department of Public Works and the City of Burlington Fire Department.¹
2. The Commissioner has reviewed the training and qualifications of the fire, electrical and building inspectors employed by the City and has determined that they have sufficient skill to perform the inspections covered by this Agreement.
3. The Commissioner has reviewed the ordinances which the City has established to enforce the rules in the course of the inspections described in this Agreement and has determined that they are sufficient to allow the City to enforce, the Vermont Fire and Building Safety Code, the Vermont Access Rules and the Vermont Electrical Safety Rules.

II. ASSIGNED RESPONSIBILITY

4. The Commissioner assigns to the Burlington Department of Public Works responsibility for plan review, permitting, inspection, and enforcement of the Vermont Fire and Building Safety Code for all new construction and alterations in new and existing public buildings (as that term is defined in 20 V.S.A. § 2730), and the Vermont Access Rules for all new construction and alterations in existing public buildings (as that term is defined in 20 V.S.A. § 2900(8)), except for those buildings listed below in paragraph III.8.
5. The Commissioner assigns to the Burlington Fire Department responsibility for plan review, permitting, inspection and enforcement of the Vermont Fire and Building Safety Code for all fire protection systems in new and existing public buildings and inspection and enforcement of the Vermont Fire and Building Safety Code for all existing public buildings (as that term is defined in 20 V.S.A. § 2730) except for those buildings listed below in paragraph III.8. The City will determine the number of routine, random or regular inspections under this assignment.
6. The Commissioner assigns to the Burlington Department of Public Works

¹ The City has a separate agreement with the Vermont Plumbers' Examining Board for plumbing safety.

responsibility for permitting, inspection and enforcement of the Vermont Electrical Safety Rules for all electrical installation work in all new and existing public buildings (as that term is defined in 20 V.S.A. § 2900(8)) except for those buildings listed below in paragraph III.8.

7. The City shall investigate all complaints alleging unsafe conditions and also conduct follow-up inspections under this assignment. The City may delegate enforcement actions under this agreement to qualified officials of the Burlington Code Enforcement Office. The Commissioner assigns to the City the responsibility to issue administrative citations and administer appeals as set forth in the Commissioner's Rules for Administrative Citations and Penalties. A final order of the City will constitute a final order of the Commissioner and shall be appealable to Superior Court. Such appeal shall also be handled by the City. Penalties shall be payable to the City of Burlington.

III. RETAINED JURISDICTION

8. The Commissioner retains sole jurisdiction over plan review, inspection and enforcement of the Vermont Fire and Building Safety Code, the Accessibility in Public Building Rules, the Vermont Elevator Safety Rules and the Vermont Electrical Safety Rules for all new and existing public buildings which are state owned buildings. The Commissioner retains sole jurisdiction over buildings that require federal certification until such time that the City has a federally certified inspector and an agreement with the Department of Aging and Independent Living to conduct such inspections, at which time the City will take responsibility to inspect federally certified buildings as with other public buildings described in paragraph 4. The Commissioner retains sole jurisdiction for the periodic testing of installed systems and reporting by technically qualified people of all fire protection systems. In addition the inspection and enforcement of the Vermont Boiler and Pressure Vessel rules pursuant to 20 V.S.A. Chapter 173, Subchapter 5 remains with the Commissioner.
9. The Commissioner retains jurisdiction to hear and determine requests for reconsideration of variances or exemptions granted or denied by the City under the Vermont Fire and Building Safety Code and the Vermont Electrical Safety Rules after the City appeal process has been completed. The Historic Variance Appeals Board retains jurisdiction to hear requests for variances for historic buildings and structures. The Access Board retains jurisdiction to hear and determine any request for variances from the Accessibility in Public Buildings Rules. The City shall provide research and recommendations concerning such requests.
10. As described in 20 V.S.A. § 2736(b), the City may establish and collect

reasonable fees for the plan review and inspection functions it has been assigned in this Agreement. The fees established shall be reasonably related to the cost associated with the plan review and inspection program.

IV. REPORTING & TRAINING REQUESTS

11. The Commissioner and the City agree to share information upon request to facilitate effective code enforcement. The City shall provide to the Commissioner a summary of the permit, plan review, inspection and enforcement activities of the Burlington Department of Public Works and the Burlington Fire Department every three months. Copies of an ad hoc sample of the more detailed paperwork prepared by the City shall be provided to the Commissioner for each area of inspection specialty every three months. The Fire Department shall provide to the Commissioner copies of “engine company” inspections as they occur under the retained jurisdiction and for buildings identified as state licensed health care facilities. The Commissioner shall provide to the City copies of permit, plan review, inspection and enforcement activities as they occur under the retained jurisdiction and a report of the periodic inspection reports for fire protection systems on an annual basis. The City shall also report fires that occur through the National Fire Incident Reporting System.
12. The City shall participate in the development of new software the purpose of which will be to compile a database system of all properties and other information related to this agreement. Once such software is in place, the City shall provide data input to the database system and provide quarterly reports of its activities pursuant to this agreement, provided that there is no cost to the City associated with the interface between the City’s and Commissioner’s systems through which the data would be input.
13. The City shall require its inspectors to participate in regular Department training programs or notify the Commissioner in advance if one or more of its inspectors will not attend a training program. The Commissioner shall provide the City inspectors with notices of all training 30 days in advance of the training to allow the City to manage its inspection programs and services and insure sufficient coverage for those programs and services. With regard to the City’s above participation and notification obligation, the City shall not be required to have its inspectors attend any training program that the Commissioner has not provided the City with the 30 days advance notification. Furthermore, the above participation requirement shall not be interpreted to mean that all City inspectors must attend a program or every program. The City shall inform the Commissioner of the training and qualifications of any additional inspectors hired to perform inspections pursuant to this Agreement and in addition the City shall report annually the time and substance of any additional training received by its inspectors.

V. Miscellaneous

14. All inspections performed by the City pursuant to this Agreement shall have the same force and effect as though conducted by inspectors of the Commissioner. In carrying out its responsibilities under this Agreement, the City shall be acting as an agent of the State.
15. The Commissioner shall provide the City with notice of all proposed state code and rule changes and other appropriate communications as provided to inspectors of the Commissioner. The City shall provide the Commissioner with notices of all proposed local code and rule changes.
16. The City shall inspect and enforce the Vermont Fire and Building Safety Code using the safety standards as adopted by the Commissioner. The City shall inspect and enforce the Vermont Electrical Safety Rules and Vermont Plumbing Rules as adopted. The City shall inspect and enforce the Accessibility in Public Building Rules as adopted by the Access Board.
17. This assignment of responsibility to Burlington shall not affect the Commissioner's authority under 20 V.S.A. Chapter 173 or Chapter 174. This Agreement shall not be construed to diminish the City's authority under other laws.

VI. TERMINATION OF ASSIGNMENT

18. The Commissioner, after 90 days notice and an opportunity for a hearing and an opportunity for the City to make such changes and/or improvements requested by the Commissioner, may revoke the assignment of responsibility for all or any subsections of this agreement.
19. The City may voluntarily terminate this assignment of responsibility by providing the Department with written notice as least 90 days in advance of any termination. In such event, the City shall cooperate in the transfer of responsibility to the Department, including providing copies of plans, and inspection reports pending prior to the termination.
20. Any modification to this agreement shall be made in writing after agreement by all parties to this agreement.

V. DURATION OF ASSIGNMENT

This shall become effective on April 1, 2013. It shall remain in effect for five (5) years unless earlier terminated as above set forth or until a successor agreement is signed.

Dated this 1st Day of April, 2013

By: _____
Steve Goodkind, Director
Burlington Department of Public Works

Date

By: _____
Seth Lasker, Chief
Burlington Fire Department

Date

By: _____
Michael E. O'Neil, Director
Vermont Division of Fire Safety,
Department of Public Safety

Date

AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT
TO INSTALL AND MAINTAIN RAILINGS ON A
PORTION OF THE CITY'S RIGHT-OF-WAY WITH
VERMONT HOUSE CONDOMINIUM ASSOCIATION

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, VERMONT HOUSE CONDOMINIUM ASSOCIATION. d/b/a VERMONT
HOUSE CONDOMINIUM of Burlington, Vermont (hereinafter VERMONT HOUSE) is an
establishment doing business in a commercial building located at 131 Main Street. in the City of
Burlington, Vermont; and

WHEREAS, VERMONT HOUSE desires to install and maintain safety railings on existing steps
resting in the public right-of-way adjacent to its establishment at 131 Main Street; and

WHEREAS, VERMONT HOUSE wishes to enter into a License Agreement with the City for
such safety railings; and

WHEREAS, the placement of the respective safety railings has been reviewed and approved by
the Department of Public Works with conditions to address public safety concerns; and

WHEREAS, the Charter of the City of Burlington, Sec. 48XLIX and the Code of Ordinances Sec.
27-32 require authorization by the City Council for such use of a public thoroughfare for periods in excess
of thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED that this City Council hereby authorizes VERMONT
HOUSE to install and maintain safety railings on existing steps covering an area of 312 sq. ft. on a
portion of the public right-of-way adjacent to its establishment at 131 Main Street. as indicated in and
pursuant to its License Agreement upon entering into the License Agreement in substantially the form
attached hereto; and

BE IT FURTHER RESOLVED that Mayor Miro Weinberger be and hereby is authorized to
execute a License Agreement, in substantially the form attached, on behalf of the City of Burlington for a
term commencing on the date of execution of the License Agreement and terminating on April 30, 2014.

LICENSE AGREEMENT FOR RAILINGS
WITH VERMONT HOUSE CONDOMINIUM ASSOCIATION
2013 -2014 SEASON

This LICENSE AGREEMENT is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (hereinafter CITY) and VERMONT HOUSE CONDOMINIUM ASSOCIATION, a business located in Burlington, Vermont which owns property located 131 Main Street (hereinafter VERMONT HOUSE or LICENSEE).

WHEREAS, the CITY owns property, including the street and sidewalk right-of-way adjacent to 131 Main Street; and

WHEREAS, VERMONT HOUSE stated on its application (attached hereto as Exhibit A) that it wishes to install railings on existing stairs on the front of the building which will rest in the public right-of-way directly in front of 131 Main Street; and

WHEREAS, VERMONT HOUSE has stated in its license application that there are no physical barriers around the railings which will cover a 312 sq. ft. area; and

WHEREAS, this application was reviewed and approved by the Department of Public Works attached hereto as Exhibit B; and

WHEREAS, such use of a public thoroughfare for periods in excess of 30 days requires approval of the City Council under Charter Sec. 48XLIX and Burlington Code of Ordinances Chap. 27, Sec. 27-32;

W I T N E S S E T H :

The CITY and VERMONT HOUSE enter into the following License Agreement:

1. TERM

The CITY grants to VERMONT HOUSE (hereinafter LICENSEE) a license to install and maintain railings on existing stairs on the front of the building which rest in the public right-of-way directly in front of 131 Main Street covering a 312 sq. ft. area as indicated above

commencing as of the date of execution of this Agreement and terminating on April 30, 2014 or sooner as provided herein.

2. LOCATION

LICENSEE may use and maintain the railings on the public right-of-way (hereinafter referred to as the premises) for safety purposes. The railings must be exactly as described and placed as approved by the Department of Public Works. A copy of the approved plan is attached hereto as Exhibit C.

3. MAINTENANCE

- a. LICENSEE shall maintain the railings in proper condition.
- b. LICENSEE shall be responsible for the maintenance and upkeep of the railings and any damage to the railings is solely the responsibility of LICENSEE. Should LICENSEE fail to maintain the railings, this License Agreement is revocable on notice by the CITY to LICENSEE of a violation of this section; however LICENSEE shall have 14 days to cure any problem if it notifies the CITY in writing within three (3) days of its intent to cure the violation.
- c. The railings shall be placed in accordance with all conditions set by the Department of Public Works and shall not impede the CITY'S ability to maintain the road, sidewalk, or greenbelt, if any.
- d. The railings shall not cause inconvenience to members of the public using the sidewalk, parking meters or street.
- e. LICENSEE shall pick up and sweep debris created by its use of the public right-of-way and remove snow and ice from the railings within 12 hours after snow ceases to fall.

4. LICENSE FEE

The CITY agrees to waive all Encumbrance Application fees for this license agreement.

5. REVOCATION

This License Agreement is immediately revocable should LICENSEE discontinue use of the railings. In any event, this Agreement is revocable by the CITY within 30 days upon sending written notice to LICENSEE. Upon revocation, LICENSEE must remove at its own expense the railings and other materials or obstructions placed on the property. If LICENSEE refuses to promptly remove such obstructions, they may be removed by the CITY and LICENSEE shall be liable for all expenses of such removal.

6. INSURANCE

- a. LICENSEE shall maintain in effect throughout the term of this Agreement comprehensive public liability insurance with an A rated insurance carrier, or better, qualified to transact business in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of rights granted pursuant to this Agreement in an amount not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. The CITY shall be named as an additional insured on such insurance policy.
- b. Prior to execution of this Agreement, LICENSEE shall furnish the CITY with a certificate of insurance and endorsement which shall include the provision that the CITY is named as an additional insured and shall be given 15 days written notification prior to any cancellation of such insurance for nonpayment of premium and 45 days

notice for any other reason.. The certificate shall be attached to this Agreement as Exhibit D and the endorsement as Exhibit E.

c. It is the responsibility of LICENSEE to ensure that a current certificate of insurance and endorsement are on file with the CITY at all times. **Failure to furnish a current certificate of insurance and endorsement shall result in immediate revocation of this license.**

7. INDEMNIFICATION

LICENSEE agrees to indemnify, defend and hold the CITY harmless and free from liability arising out of LICENSEE'S use of the CITY'S right-of-way, and LICENSEE agrees to make no claim against the CITY or any of its officers, employees, agents or representatives for any loss or damage caused by the CITY'S use or maintenance of its right-of-way.

8. PERMITS

LICENSEE shall be responsible for obtaining all necessary CITY and/or State permits including zoning permits, if required.

9. NUISANCES PROHIBITED

LICENSEE shall not, during the term hereof, on or in the premises maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City of Burlington ordinance, State or Federal statute, or controlling bylaw, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

10. ASSIGNMENT OF RIGHTS

LICENSEE shall not sell or assign its rights pursuant to this Agreement or permit the

use of the premises or any part thereof by any other entity without the express prior written consent of the CITY. Any unauthorized action in violation of this provision shall be void, and shall terminate LICENSEE'S rights pursuant to this Agreement.

11. LIMITATION OF RIGHTS

LICENSEE acknowledges that no property or other right is created other than that specifically defined and limited by this Agreement.

DATED at Burlington, Vermont this _____ day of _____,

2013.

CITY OF BURLINGTON

Witness

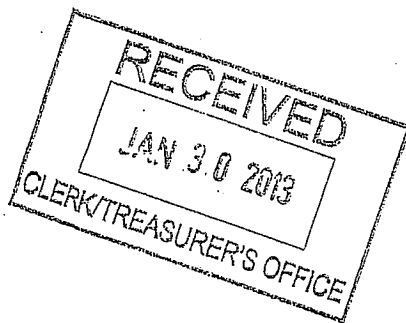
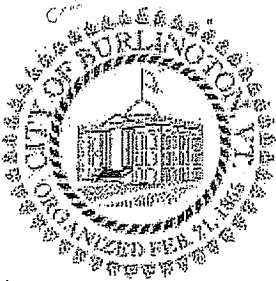
By: _____
Miro Weinberger, Mayor
Duly Authorized

VERMONT HOUSE CONDOMINIUM
ASSOCIATION

Witness

By: _____
Duly Authorized

lb/c: GM 2013/License Agree for Encumbrance -VERMONT HOUSE CONDO ASSOC., (Railing on Railings) 2013
3/29/13



OFFICE OF THE CLERK AND TREASURER
149 CHURCH STREET
BURLINGTON, VT 05401
Voice (802)865-7000
FAX (802)865-7014
TTY (802)865-7142
Amy Boyce (802)865-7019
Ron Gore (802)865-7562

MAR 27 2013

RECEIVED

Encumbrance Application / Renewal

DBA NAME: VERMONT HOUSE CONDOMINIUM
CONTACT NAME: KEITH McMANIS
MAILING ADDRESS: PO Box 3009
BURLINGTON, VT 05408

DATE: 6-2-13
PHONE: 802-868-6940
FAX: 802-865-7928
EMAIL: KEITH@APPLETREE3A.COM

DBA NAME: VERMONT HOUSE CONDOMINIUM ASSOC.

COMPANY: SAME

LOCATION OF ENCUMBRANCE: 131 MAIN STREET

Permission is requested to allow/continue the encumbrance in the following area and manner (please describe fully, including size and physical barriers around area i.e. trees, grates, parking meters, etc with photos, diagrams, blueprints; may reference prior application):

Description: Installation of railings per drawings/blueprint.

Total Square Feet (\$1.00 per SF): 312

PLEASE ATTACH:

1. Certificate of Liability Insurance with holder as the: "CITY OF BURLINGTON, CLERK/TREASURER'S OFFICE ENCUMBRANCE APPLICATION DEPT., 149 CHURCH ST., BURLINGTON, VT 05401"
2. Endorsement to Insurance Policy outlining the Cancellation Policy
3. Endorsement to Insurance Policy listing the City as Additional Insured
4. Sketch, Photo, or Blueprint of what you are proposing.
5. Check for the square feet fees (\$1 per square foot) + \$25 Application fee: _____

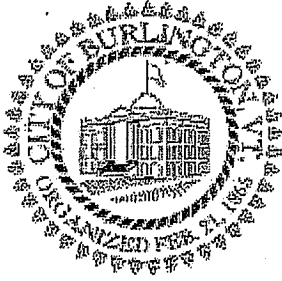
Signature: [Signature]

Date: 1-02-13

For office use only: Amount received \$ 337.00 on 2/22
Sent to DPW: 2/22 Sent to Attorney: _____

Check # 943

Exhibit A



OFFICE OF THE CLERK AND TREASURER
149 CHURCH STREET
BURLINGTON, VT 05401
Voice (802)865-7000
FAX (802)865-7014
TTY (802)865-7142
Amy Bovee (802)865-7019
Ron Gore (802)865-7562

Encumbrance DPW Approval Form

Effective 05/01/2013 - 04/30/2014

ATTENTION: RON GORE, BURLINGTON DEPARTMENT OF PUBLIC WORKS

DBA NAME: VERMONT HOUSE CONDOMINIUM

DATE: Wednesday, March 27, 2013

COMPANY: VERMONT HOUSE CONDOMINIUM

PHONE: 863-6940 863-7928

LOCATION: 131 MAIN ST.

FAX:

MAILING ADDRESS: KEITH MCMANIS
PO BOX 3009
BURLINGTON, VT 05402

RACKS / RAMPS / STAIRS / TABLES / CHAIRS ETC

1. Racks, ramps, sidewalks encumbrances should be located on private property, if possible. In the opinion of the City Building Inspector, is there an available alternative location for the ramp on private property? Yes ☐ No ☒

2. Will there be sufficient width for plows and pedestrian access if racks, ramp, sidewalk, tables & chairs encumbrances are added on the sidewalk? Yes ☒ No ☐

3. Additional Comments: RAILING PROPOSAL APPROVED PER ATTACHED DRAWINGS

4. A 312 square foot placement of INSTALLATION OF RAILINGS PER DRAWING at 131 MAIN ST.

DEPARTMENT OF PUBLIC WORKS

Approved? Yes ☒

No ☐

Explain: PER DRAWINGS - ATTACHED

Signature

Ron Gore

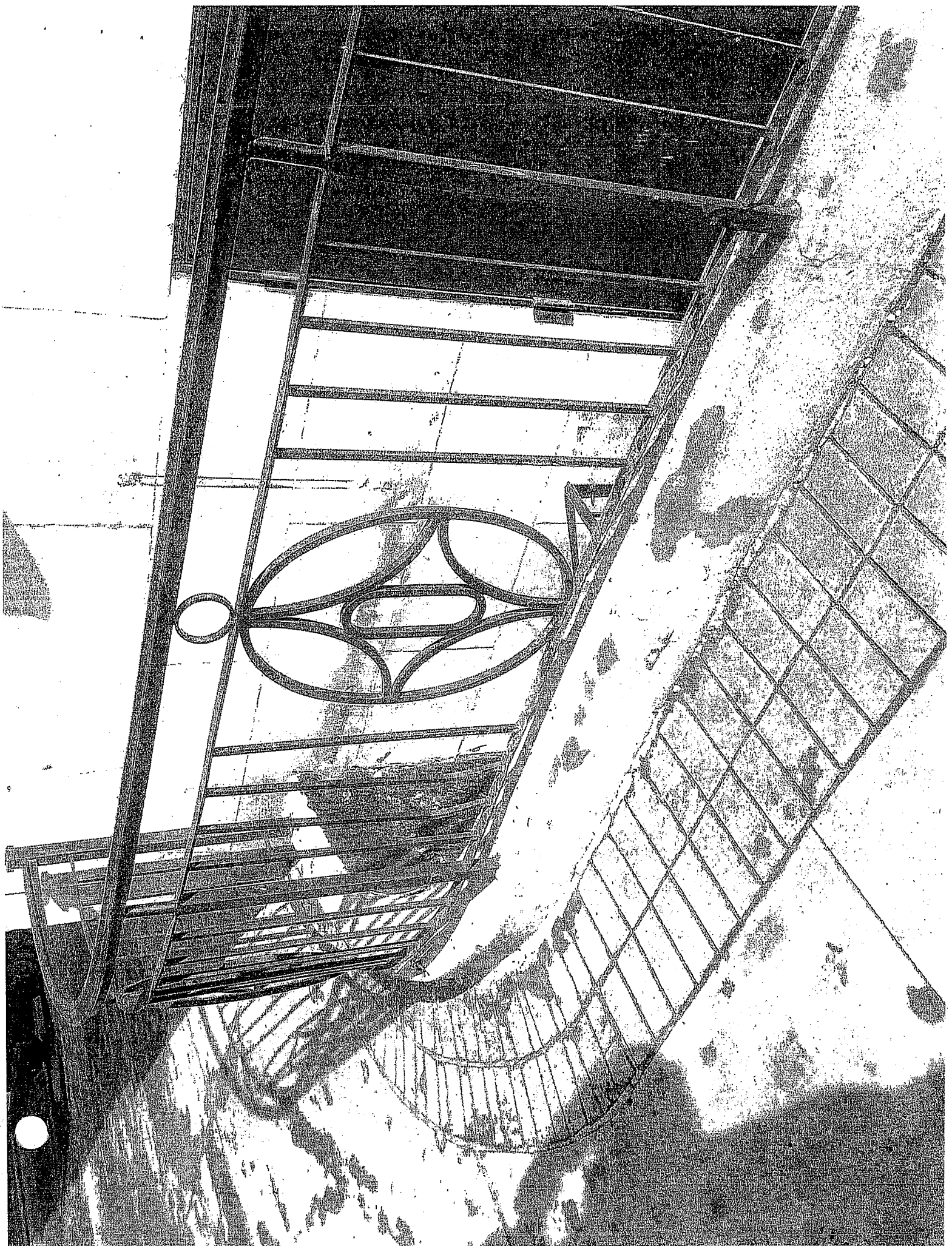
Date:

03-27-13

Exhibit B



EX-101 C





CPA/PG

MAIN ST 2815

Handing only - No to send

Chaplain Industries Inc. 2815 Main St Burlington, Vermont 05402 3

NO bottom 4 1/2 inch for



Champlain Industries Inc.
PO Box 321
Burlington, Vermont 05402

Handwritten Only Not to Scale

Wheelchair ramp

Post base

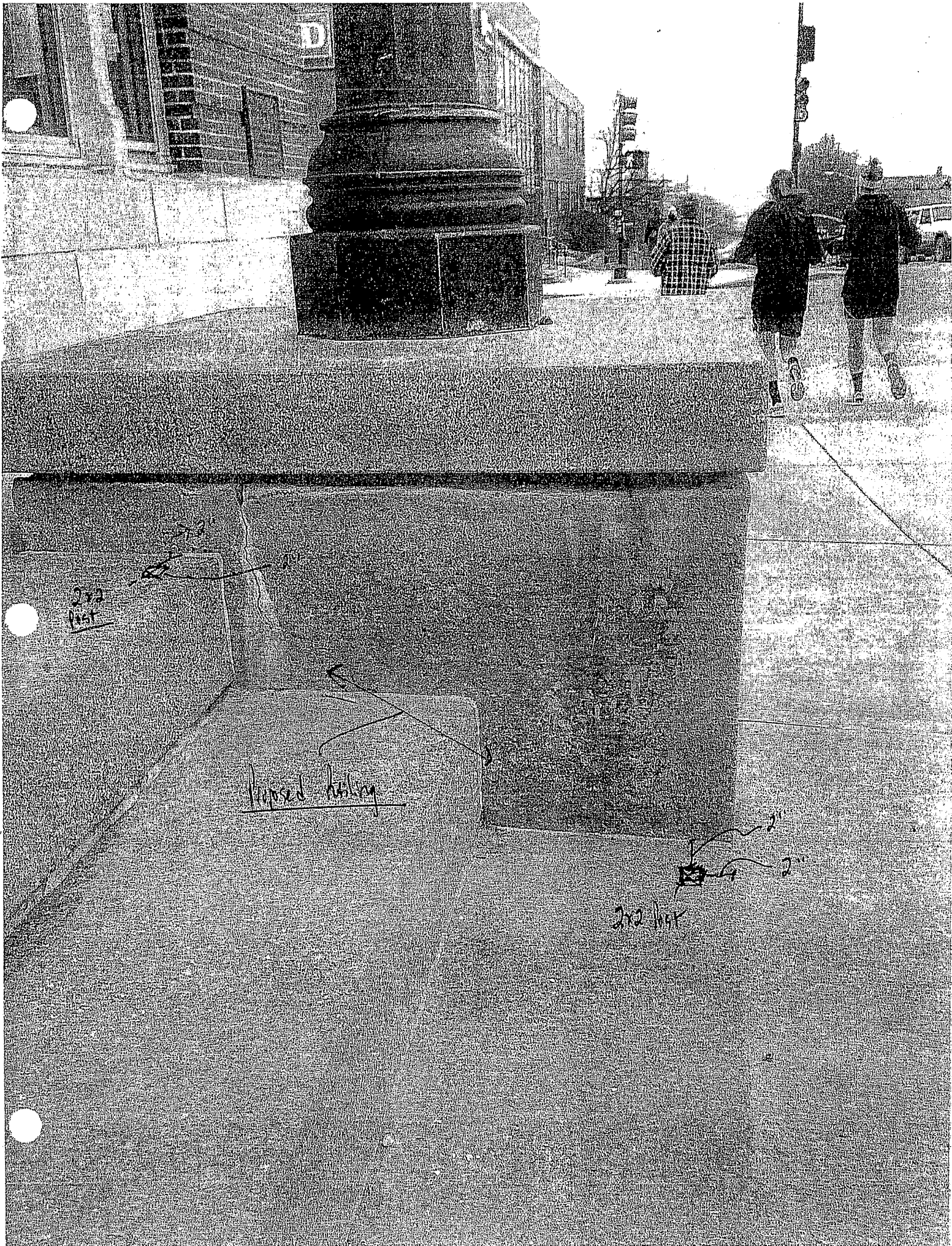
Center
Support

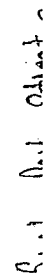
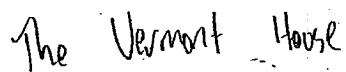
Proposed railing

Post base

24"

24"





Man. Street

306.3.4 Clearance Reduction. Between 9 inches (230 mm) and 27 inches (685 mm) above the finish floor or ground, the knee clearance shall be permitted to reduce at a rate of 1 inch (25 mm) in depth for each 6 inches (150 mm) in height.

306.3.5 Width. Knee clearance shall be 30 inches (760 mm) wide minimum.

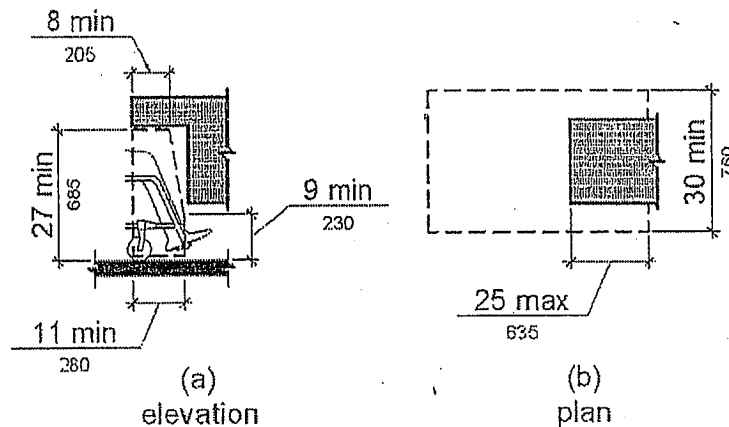


Figure 306.3
Knee Clearance

307 Protruding Objects

307.1 General. Protruding objects shall comply with 307.

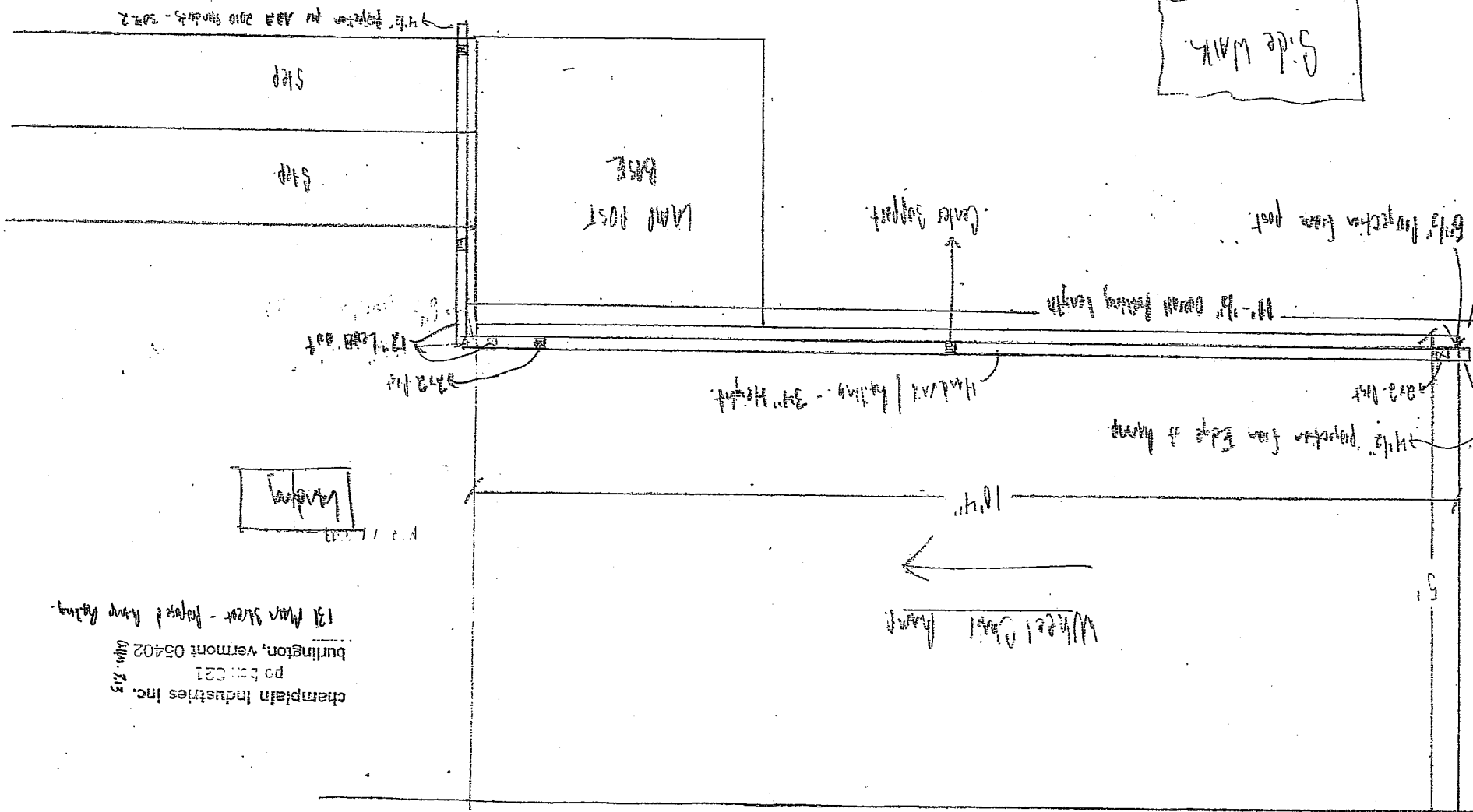
307.2 Protrusion Limits. Objects with leading edges more than 27 inches (685 mm) and not more than 80 inches (2030 mm) above the finish floor or ground shall protrude 4 inches (100 mm) maximum horizontally into the *circulation path*.

EXCEPTION: Handrails shall be permitted to protrude 4½ inches (115 mm) maximum.

Advisory 307.2 Protrusion Limits. When a cane is used and the element is in the detectable range, it gives a person sufficient time to detect the element with the cane before there is body contact. Elements located on circulation paths, including operable elements, must comply with requirements for protruding objects. For example, awnings and their supporting structures cannot reduce the minimum required vertical clearance. Similarly, casement windows, when open, cannot encroach more than 4 inches (100 mm) into circulation paths above 27 inches (685 mm).

STAIRWAY

Side Walk



Handing

121 Main Street - Proposed Ramp Raising
Burlington, Vermont 05402
PO Box 621
Champlain Industries Inc.
Burlington, VT 05402

Building



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/26/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Essex Agency, Inc. 2 Railroad Street P.O. Box 239 Essex Junction VT 05452-0239	CONTACT NAME: Lacey Burleson PHONE (A/C, No. Exl): (802) 878-5334 E-MAIL ADDRESS: lacey@essexagency.com FAX (A/C, No): (802) 288-8012 INSURER(S) AFFORDING COVERAGE INSURER A: Acadia Insurance Co INSURER B: Continental Casualty Company INSURER C: INSURER D: INSURER E: INSURER F:
INSURED Vermont House Condominium, Inc c/o Appletree Bay Proptry Mgmt PO Box 3009 Burlington VT 05408	NAIC # 31325

COVERAGES CERTIFICATE NUMBER: 13/14 Master

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> DIRECTORS & OFFICERS <input type="checkbox"/> LIABILITY GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC		CPP 0020842-28 0250909561	1/1/2013 3/17/2013	1/1/2014 3/17/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP/AGG \$ 2,000,000 DIRECTORS & OFFICERS \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	A <input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTIONS OCCUR CLAIMS-MADE		CUA 0204229-16	1/1/2013	1/1/2014	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A				WC STATUTORY LIMITS E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Property		CPP 0020842-28	1/1/2013	1/1/2014	Blanket Bldgs; Repl Cost: \$28,473,610 Spec Form \$400K Emp Dishone Ded: \$1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

MAR 29 2013

REC'D

CERTIFICATE HOLDER

CANCELLATION

City of Burlington
149 Church Street
Burlington, VT 05401

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Lacey Burleson/LACEY

Lacey M. Burleson

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

VERMONT CHANGES - CANCELLATION AND NONRENEWAL

This endorsement modifies insurance provided under the following:

CAPITAL ASSETS PROGRAM (OUTPUT POLICY) COVERAGE PART
COMMERCIAL AUTOMOBILE COVERAGE PART
COMMERCIAL GENERAL LIABILITY COVERAGE PART
COMMERCIAL INLAND MARINE COVERAGE PART
COMMERCIAL LIABILITY UMBRELLA COVERAGE PART
COMMERCIAL PROPERTY COVERAGE PART
CRIME AND FIDELITY COVERAGE PART
EMPLOYMENT-RELATED PRACTICES LIABILITY COVERAGE PART
EQUIPMENT BREAKDOWN COVERAGE PART
FARM UMBRELLA LIABILITY PART
LIQUOR LIABILITY COVERAGE PART
MEDICAL PROFESSIONAL LIABILITY COVERAGE PART
POLLUTION LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

- A. The Cancellation Common Policy Condition is replaced by the following:

CANCELLATION

1. The first Named Insured shown in the Declarations may cancel this policy by mailing or delivering to us advance written notice of cancellation.
2. Cancellation Of Policies In Effect For Less Than 60 Days.

If this policy has been in effect for less than 60 days and this policy is not a renewal of a policy we issued, we may cancel this policy by:

- a. Giving the first Named Insured at least 15 days' notice prior to the cancellation date for nonpayment of premium or substantial increase in hazard; or
- b. Mailing or delivering the first Named Insured at least 45 days' notice prior to the cancellation date for any other reason.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

3. Cancellation Of Policies In Effect For 60 Days Or More.

If this policy has been in effect for 60 days or more, or if this is a renewal of a policy we issued, we may cancel this policy only for one or more of the following reasons:

- a. Nonpayment of premium;
- b. Fraud or material misrepresentation affecting this policy or in the presentation of claims under this policy;
- c. Violation of any provisions of this policy; or
- d. Substantial increase in hazard, provided we have secured approval for the cancellation from the commissioner of insurance.

If we cancel this policy for one of the reasons specified in Paragraph 3., we will cancel only in the following manner:

- a. By giving at least 15 days' notice before the effective date of cancellation if we cancel for nonpayment of premium; or
- b. By mailing or delivering at least 45 days' notice before the effective date of cancellation if we cancel for any other reason.

Exhibit E

Written notice of cancellation, including the reason for cancellation, will be mailed or delivered to the first Named Insured at the first Named Insured's last mailing address known to us.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

4. Notice of cancellation will state the effective date of cancellation. The policy period will end on that date.
5. If this policy is cancelled, we will send the first Named Insured any premium refund due. If we cancel, the refund will be pro rata. If the first Named Insured cancels, the refund may be less than pro rata. The cancellation will be effective even if we have not made or offered a refund.
6. If notice is mailed, proof of mailing will be sufficient proof of notice.

B. Any When We Do Not Renew Condition is deleted.

The following Conditions are added:

1. WHEN WE DO NOT RENEW

- a. We may elect not to renew this policy by mailing, by certified mail, or delivering written notice of nonrenewal to the first Named Insured's last mailing address known to us. We will mail or deliver this notice at least 45 days before the:

- (1) Expiration of the policy; or

- (2) Anniversary date of this policy if this policy has been written for a term of more than one year.

b. This provision does not apply:

- (1) If we have indicated a willingness to renew;
- (2) In case of nonpayment of premium;
- (3) If you do not pay any advance premium required by us for renewal; or
- (4) If any property covered in this policy is insured under any other insurance policy.

2. RENEWAL

a. If we:

- (1) Elect to renew this policy; and
- (2) Have the necessary information to issue a renewal policy,

we will confirm in writing at least 45 days before it expires our intention to renew this policy; and the premium at which this policy will be renewed.

b. If we do not comply with the provisions of Paragraph a., you will have renewal coverage. The renewal coverage will be at the rates:

- (1) In effect under the expiring or expired policy; or
- (2) In effect on the expiration date, that have been approved by the Commissioner,

whichever are lower.

This renewal coverage will be on a pro rata basis and will continue for 45 days after we confirm renewal coverage and premium. If you accept this renewal policy, this Paragraph b. does not apply.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – STATE OR POLITICAL SUBDIVISIONS – PERMITS RELATING TO PREMISES

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

SCHEDULE*

State Or Political Subdivision:	The City of Burlington 149 Church Street Burlington, VT 05401
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*Information required to complete this Schedule, if not shown on this endorsement, will be shown in the Declarations.

The following is added to Paragraph C. Who Is An Insured in Section II – Liability:

4. Any state or political subdivision shown in the Schedule is also an insured, subject to the following additional provision:

This insurance applies only with respect to the following hazards for which the state or political subdivision has issued a permit in connection with premises you own, rent, or control and to which this insurance applies:

- a. The existence, maintenance, repair, construction, erection, or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoistaway openings, sidewalk vaults, street banners, or decoration and similar exposures;
- b. The construction, erection, or removal of elevators; or
- c. The ownership, maintenance, or use of any elevators covered by this insurance.

Burlington City Council



802/865-7136
TTY 802/865-7142

April 10, 2013

Dear Councilors,

As I have mentioned previously, it has come to my attention over the course of the last year, that our current deadlines to submit materials to both the City Attorney's office and Clerk's office is not working well for staff. In order to be an effective gatekeeper the work must flow through the gate, which does not consistently happen at this time. In addition, while Councilors have been meeting deadlines, often modifications, sponsors, and other edits are happening well after the deadline.

I met with City staff 2 weeks ago to discuss improvements to our process. The goal of the attached Resolution is to make suggestions for changes to our Council Rules that will help us work more efficiently while at the same time allowing us the flexibility that we need.

In addition to the suggested changes in the Resolution, a discussion is needed with the full Council to address our culture regarding allowing items to be amended onto the agenda. We will always need to have the ability to amend an item onto the agenda; however, giving greater scrutiny to those items might result in better efforts to meet our deadlines so that we don't have so many amendments on the night of our meeting. We should also discuss the expectations of our staff at the Clerk's office in regards to preparing our amendments. Right now, the volume of last minute amendments is very much disrupting the office workflow.

I have recommended that this Resolution be referred to the Charter Change Committee for further review and refinement. I would recommend that the Charter Change Committee consult with staff members responsible for preparing our agendas as part of their evaluation of the proposal. I would further request that the Charter Change Committee consider adopting some Council rules about amending items on to the agenda after getting feedback on the issue through our Council retreat.

Yours Sincerely,

A handwritten signature in blue ink, which appears to read "Joan Shannon".

Joan Shannon
City Council President

PROPOSED AMENDMENTS TO APPENDIX B
RULES AND REGULATIONS OF THE CITY COUNCIL

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That the Rules and Regulations of the City Council be and hereby are amended as follows:

Sec. 16. - [Agenda.]

(1)

An agenda for city council meetings shall be prepared in the city clerk's office and posted on the web, and copies thereof shall be available to members of the city council and to the general public by the close of the second business day (normally Thursday) immediately preceding each regular monthly meeting of the city council, and adjourned session thereof. An agenda for special meetings of the city council, called for a specific purpose, is not required.

(2)

All city departments, councilors, city officials and the public in general (except for materials to be submitted to the city attorney as provided below) are required to have their materials delivered to the city clerk's office not later than four o'clock in the afternoon of the third business day (normally Wednesday) preceding regular or adjourned regular meetings.

(3)

All requests for resolutions, ordinances and miscellaneous materials requiring the attention of the city attorney, to be prepared by the city attorney must be submitted to and be in the City Attorney's hands by twelve o'clock noon on the ~~fourth~~ fifth business day (normally ~~Tuesday~~ Monday) preceding a regular, or adjourned regular meeting. Any changes to the resolutions must be submitted in "track changes format" to the city attorney by twelve o'clock noon on the fourth business day (normally Tuesday) preceding a regular or adjourned regular meeting. If a deadline falls on or during the week of a city of

PROPOSED AMENDMENTS TO APPENDIX B
RULES AND REGULATIONS OF THE CITY COUNCIL

Burlington holiday, the deadlines set forth above shall be adjusted by an additional business day such that such materials must be submitted to the city attorney by twelve o'clock noon on the sixth business day (normally Friday) preceding such regular or adjourned regular meeting. All requests for resolutions, ordinances, and miscellaneous materials that do not comply with the above timeline must be submitted to the President who shall determine whether the item shall be placed on the requested agenda or on the agenda of the meeting subsequent.

The city attorney shall deliver to the office of the city clerk all resolutions or ordinances to be submitted no later than twelve o'clock noon of the second business day, (normally Thursday) preceding a regular, or adjourned regular meeting. The city attorney shall also deliver to the President a list of resolutions, ordinances, and miscellaneous materials that were submitted in compliance with the timeline set forth above and a list of any items that were not submitted in compliance with the above timeline. The President may take into account compliance with the above timeline when setting the meeting agenda.

The city clerk's office shall assemble all materials for the coming meeting into one packet for each councilor and shall mail or deliver by messenger or may electronically send each councilor's packet at the close of the second business day (normally Thursday) preceding a regular or adjourned regular meeting.

(4)

(a)

The agenda prepared by the President with input from the chief administrative officer or designee shall be divided into two parts, namely a Consent Agenda and a Deliberative Agenda. The Consent Agenda is made up of items which are deemed not controversial or are for information only. The consent agenda shall also suggest the proposed action with respect to such items. The Deliberative Agenda items are for those issues which may be controversial or are of such importance that they deserve discussion by

PROPOSED AMENDMENTS TO APPENDIX B
RULES AND REGULATIONS OF THE CITY COUNCIL

the council. It is not appropriate to move an item from the Consent to the Deliberative Agenda to provide general information. Councilors may use the Councilor Comment period to disseminate that information. All supporting documents for Resolutions and other City policies are available to the public on the City's website.

(b)

Any councilor may request that a particular item be removed from the Consent Agenda and placed upon the Deliberative Agenda. However, said item shall remain on the consent agenda upon a motion approved by two-thirds of the councilors present and voting.

(c)

A single motion shall be sufficient to act upon the items listed in the Consent Agenda in the manner suggested by the chief administrative officer. The items on the Deliberative Agenda shall be dealt with separately in accordance with the procedures otherwise specified by these rules.

(5)

No matters of business, other than those included in the agenda, and provided to councilors in the packets or electronically provided by the city clerk's office shall be introduced and considered at any regular, or adjourned regular meeting of the city council without a two-thirds affirmative vote of the councilors present and voting.

(6)

All meetings of the city council shall adjourn no later than 10:30 p.m. that same day. No vote by the city council may be taken after 10:30 p.m. except as otherwise provided. All executive sessions will commence no later than 10:30 p.m. and be concluded by 11:00 p.m. The president and chief administrative officer shall preview each agenda and endeavor to make sure that all time sensitive items are placed as close as possible to the beginning of the meeting. Prior to adjournment at 10:30 pm, the president shall call for a vote upon a disposing motion on the pending item unless a motion is made to suspend the

PROPOSED AMENDMENTS TO APPENDIX B
RULES AND REGULATIONS OF THE CITY COUNCIL

rules to allow continuation of the meeting to complete all or a part of the agenda. If such a motion is made the president shall inquire about timely matters and the motion to suspend the rules to allow continuation of the meeting may include consideration of such matters warranting action. If such a motion fails to receive approval of two-thirds of the councilors present and voting, even if after 10:30 pm, the president may entertain alternative motions to suspend the rules to allow continuation of the meeting.

DECLARATION OF OFFICIAL INTENT APPROVING
REIMBURSEMENT OF CAPITAL EXPENSES FOR
WATERFRONT TAX INCREMENT FINANCING (TIF) DISTRICT

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City Council, by resolution adopted September 10, 2012, requested, pursuant to Sec. 25 of the City Charter, that the Mayor call a Special City Meeting to be held on November 6, 2012, for a vote on the question of the issuance of general obligation bonds or notes in one or more series pursuant to the Urban Renewal Plan for the Waterfront Revitalization District in order to finance public improvements that serve the Waterfront Tax Increment Financing (TIF) district, specifically for the Waterfront Access North Project and for Bike Path improvements (the “Projects”); and

WHEREAS, at such special meeting held November 6, 2012, the voters of the City approved the issuance of such general obligation bonds or notes in an amount not to exceed \$6,050,000 for the Projects; and

WHEREAS, the City is undertaking the planning and implementation of certain of the Projects and may incur capital expenses and costs for the Projects for which it expects to be reimbursed through the proceeds of tax-exempt bonds, notes or tax exempt lease financing; and


WHEREAS, the City Council intend to declare its official intent to use proceeds from tax-exempt bonds, notes or tax exempt financing to reimburse itself for expenditures for the Projects;

NOW, THEREFORE, BE IT RESOLVED that the City may expend funds for the Projects with the expectation that the City may reimburse itself for Project expenditures from the issuance of tax-exempt bonds, notes or leases. The amount to initially be expended prior to issuance of any bonds, notes or leases shall not exceed \$1,500,000.00; and

BE IT FURTHER RESOLVED that this resolution is adopted with the purpose of establishing a declaration of official intent in compliance with the requirements of Section 1.150-2 of Treasury Regulations adopted under the Internal Revenue Code of 1986, as amended and shall be available for public inspection as with other resolutions of the City Council at City Hall, 149 Church Street, Burlington, Vermont; and

BE IT FURTHER RESOLVED that this resolution shall take effect upon passage.

MEMO

TO: Board of Finance
City Council 

FROM: Richard W. Haesler, Jr. – Assistant City Attorney

Re: Declaration of Official Intent Approving Reimbursement of Capital Expenses for Waterfront Tax Increment Financing (TIF) District

DATE: April 11, 2013

On November 6, 2012, the voters of the City approved the issuance of such general obligation bonds or notes in an amount not to exceed \$6,050,000.00 for the public improvements to be made in the Waterfront TIF District; including the bike path and Waterfront Access North projects. The City is now undertaking the planning and implementation of these projects and will need to be reimbursed through the proceeds of the tax-exempt bonds, notes or tax exempt lease financing which were authorized by the November 6, 2012 vote. In order to be properly reimbursed, therefore, the City Council must declare its official intent to use proceeds from tax-exempt bonds, notes or tax exempt financing to reimburse itself for expenditures for the Projects. We have prepared a resolution to authorize reimbursement of up to \$1,500,000.00 for costs which may be incurred prior to a bond issuance which will require further City Council approval (and which is expected to take place later this spring or this summer). That amount is expected to be sufficient to carry forward to the bond issuance, although it can be amended to a greater amount if, due to some delay in bonding, such amendment became necessary.

ADOPTION OF REVISED PERSONNEL POLICY SECTION 5.4
COMPENSATION PLAN - STEP PLACEMENT

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City Council Institutions and Human Resources Policy Committee (hereafter
“Committee”) has been engaged in a review and revision of the City of Burlington Comprehensive
Personnel Policy Section 5.4 Compensation, subsection (a) Step Placement; and

WHEREAS, the Committee has sought input from affected employees; and

WHEREAS, the Committee at its meeting on March 25, 2013, approved a revision of the language
in Section 5.4, subsection (a) of the City’s Comprehensive Personnel Policy to require approval of the
Mayor, instead of the Board of Finance, for step placements up to and including step 7 that are within the
current budgeted amount for the listed position and to require that a communication be sent to the City
Council upon placement; and

WHEREAS, the Committee recommends that the City Council approve this revision;

NOW, THEREFORE, BE IT RESOLVED that the City Council adopts the attached revised policy
as recommended by the Committee effective immediately.

5.4 COMPENSATION PLAN

a. Placement

An employee appointed to a position should normally be compensated at the minimum rate of pay assigned to the class to which the position is allocated. However, at the request of the appointing authority, subject to the approval of the [Finance Board] Mayor, and within existing budgetary approvals, original employment at a salary above the minimum step may be made on written certification by the Human Resources Director that such action is justified by exceptional qualifications of the applicant. Such a request must be made by the appointing authority at the time of the hire and shall not be granted at a later date. To the extent that previous relevant experience equals or exceeds the necessary knowledge and skills, job duties, and responsibilities of the position being sought, those specific and relevant years of experience (less the minimum number of years of experience required in the position description) may be converted to additional steps at a 2:1 ratio, up to and including a maximum of step seven (7). Prior relevant experience that does not equal or exceed necessary knowledge and skills, job duties, and responsibilities of the position being sought may be factored in at a higher ratio. Upon placement of an employee, a communication shall be sent to the City Council detailing the placement.

5.4 COMPENSATION PLAN

a. Placement

An employee appointed to a position should normally be compensated at the minimum rate of pay assigned to the class to which the position is allocated. However, at the request of the appointing authority, subject to the approval of the [Finance Board] Mayor, and within existing budgetary approvals, original employment at a salary above the minimum step may be made on written certification by the Human Resources Director that such action is justified by exceptional qualifications of the applicant. Such a request must be made by the appointing authority at the time of the hire and shall not be granted at a later date. To the extent that previous relevant experience equals or exceeds the necessary knowledge and skills, job duties, and responsibilities of the position being sought, those specific and relevant years of experience (less the minimum number of years of experience required in the position description) may be converted to additional steps at a 2:1 ratio, up to and including a maximum of step seven (7). Prior relevant experience that does not equal or exceed necessary knowledge and skills, job duties, and responsibilities of the position being sought may be factored in at a higher ratio. Upon placement of an employee, a communication shall be sent to the City Council detailing the placement.



Human Resources Department

City of Burlington

179 South Winooski Avenue, Burlington, VT 05401

Voice (802) 865-7145

Fax (802) 864-1777

Vermont Relay: call 7-1-1 or 800-253-0191

To: City Council

From: Susan Leonard, Human Resources Director, Institutions and Human Resource Policy Committee

Re: Policy Revision, Section 5.4, Compensation, subsection (a) Step Placement

Enclosed please find the revised Section 5.4, Compensation, subsection (a) Step Placement, from the City of Burlington Personnel Policy Manual. The Institutions and Human Resources Policy was presented with a request to consider changing the policy on step placement procedures. The policy was revised to not require bring forth a budgeted step placement to the Board of Finance and in place require the Mayor's approval, which includes verification the budget exists within the current fiscal years personnel listing, and upon placement require a communication be sent to the full Council. Please note, step placements that are not within the budgeted personnel listing will still require the approval of the Board of Finance. The Committee adhered to the process for policy revision considerations. The revision request was discussed by the Committee at length; a copy of the proposed revised policy was distributed to all employees with the opportunity for written comment and a public forum was hosted by the Committee to hear comments from employees. The modification to the policy was derived from both the comments received by the employees and the Committees debate.

AUTHORIZATION TO ACCEPT AN AWARD FROM THE
AMERICAN LIBRARY ASSOCIATION FOR THE
AMERICAN DREAM GRANT TO THE FLETCHER FREE LIBRARY;
AND AMEND THE FY 2013 BUDGET

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, The Fletcher Free Library has received notification of an award from American Library Association for the American Dream Grant in the amount of \$5,700 to be used for the purchase of computer equipment to facilitate digital literacy classes and a series of digital literacy classes in various languages at The Fletcher Free Library; and

WHEREAS, a budget amendment is necessary to recognize these funds and program expenses;
and

WHEREAS, the Board of Finance has approved the acceptance of these funds and has recommended acceptance of the award by the City Council as well as approval of a Mayoral sponsored budget modification to recognize these funds and project expenses;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the acceptance of the American Library Association American Dream Grant to be used for expenses such as the purchase of computer equipment to facilitate digital literacy classes, instructors for a series of digital literacy classes in various languages, publicity, and class materials; and

BE IT FURTHER RESOLVED that the City Council approves the amendment of the FY 2013 Budget on behalf of the Fletcher Free Library as follows:

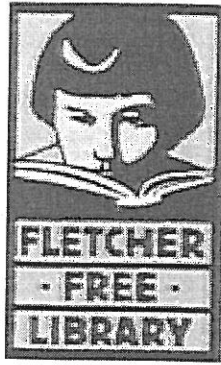
Increase:

Revenue:

101-21-062-4875-110-Grant Gen. Govt. Operating	\$5,700
--	---------

Expense:

101-21-062-6202- Printing/Copying/Paper Mgt	\$ 100
101-21-062-6010-Computer Equipment	\$2,400
101-21-062-6500-117-Consultant services instructors/lecturers	\$3,200



Date: March 25, 2013
To: Paul Sisson
From: Rubi Simon, Library Director
RE: American Library Association American Dream Grant

We are asking the Board of Finance and City Council to accept a \$5,700 from the American Library Association American Dream Grant given to The Fletcher Free Library to be used to fund three ESL instructors who will teach two 4-week laptop literacy sessions and 8 offsite trainings, printing of class materials, and fund technology equipment to support instruction of classes.

*Library Board 2007 – 2008: Michael Schultz, Chair
Philip Baruth; Sarah Cohen; Rebecca Goldberg; Laban Hill; Doug Montgomery; Jane Pearl;
Amelia Schlossberg; Linda Severance Smith; Lajiri Van Ness-Otunnu*

City of Burlington, Vermont
235 College Street, Burlington, VT 05401-8377 802.863.3403 TTY Relay 711
www.fletcherfree.org

An Equal Opportunity Employer



OFFICE OF THE CLERK/TREASURER

City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000

Fax (802) 865-7014

TTY (802) 865-7142

**REDISTRICTING COMMITTEE
TUESDAY, DECEMBER 11, 2012**

MINUTES

PRESENT: Mayor Weinberger; City Council President Shannon; Councilors Bushor, Siegel, and Decelles.

ALSO PRESENT: City Attorney Eileen Blackwood; Jay Appleton, Planning and Zoning; ACAO Scott Schrader

1. Agenda

City Council President Shannon requested that a discussion about the timeline be included in item 5.

The committee unanimously voted to adopt the agenda as presented.

2. Public Forum

Tiki Archembeau, Ward 2 Resident, stated at his NPA meeting there was a sentiment that the timeline should be slowed down.

Jane Knodell, Ward 2 Resident, spoke in favor of keeping the Old North End intact.

Kevin Worden, Ward 1 City Councilor, spoke in favor of having consistent representation and collaboration. Small wards are more likely to need to be redistricted in the future. He also expressed concerns that if wards are too large, it will be more difficult to collaborate with Councilors from other districts. He spoke in favor of staying close to the current map.

Patrick Wood, Ward 2 Resident, spoke in favor of slowing the process and keeping neighborhoods intact.

Jim Holway, Ward 4 Resident, spoke in favor of slowing the process, making a good faith effort by building consensus, creation of a non-political panel to make recommendations, and reaching out to constituents.

Kurt Wright, Ward 4 Resident, spoke in favor of slowing the process. He spoke against enlarging the Council.

Gary Dion, Ward 7 Resident, inquired why redistricting needs to be done. He stated that college

students are not residents of Burlington and should not be allowed to vote. He spoke about development in the New North End and ambulance service in the New North End. City Attorney Eileen Blackwood stated this is being done because of the 2010 census. Constitution law states that population numbers, not numbers of voters, must be used to determine voting districts. There is a chart showing population deviations and shows some wards are over- and under- represented. There is no specific deadline that the law sets. However, there needs to be a good faith effort and a good reason why it is not being done. The City is way behind because the census was done in 2010. The State has already finished their redistricting process on a much larger level. If there is not a plan for the March election, it creates a problem for the City and everyone's right to vote would be delayed for another year, which would leave the City open to a legal challenge. It is important that the City move forward to have a plan for the March election.

Councilor Siegel inquired if there has ever been a constitutional challenge based on numbers in Burlington or elsewhere and what the resulting action was. City Attorney Blackwood stated she is unsure if there has been one in Burlington or Vermont, but there are challenges all over the country in areas that are too slow in moving forward. The resulting action is that they are brought to court and forced to do it right away. The risk is an equal protection challenge. A citizen living in an underrepresented ward could bring an action saying this is a violation of the constitution and order them to redistrict now. The court could then have input in the plan.

Councilor Bushor inquired if they have begun the process but extended the timeline, would that be considered the same as if the process had not yet begun. City Attorney Blackwood stated it would not be looked at the same way. However, this process was started very late and there was an opportunity to move within a time frame that would allow voters their rights. She is unsure how that would be looked upon. Councilor Bushor stated the voters are asking for an extension to have more input in the process. The committee spoke about involving people, and citizens were not involved as soon as they could have been. Her ward is currently underrepresented, and there is new housing on campus for students. They have worked hard to get that housing built, but this is the result. Some students are represented elsewhere, but others are not. Young people are much more engaged than they were in the past. Many of them do register and vote, and they are also entitled to that representation.

City Council President Shannon stated that the timeline should be discussed at the end of the meeting. The point of the meeting is to make some progress and decide what they would like to put forward.

City Attorney Blackwood stated if they do come out with a proposal tonight, it then goes through two public hearings. It can be changed based on those public comments. If the committee moves forward tonight, the map is not set in stone.

Bram Kranichfeld, Ward 2 City Councilor, spoke against increasing the size of the Council stating that adding members would negatively impact their ability to do business. Councilor Bushor inquired how he views increasing the size as weakening the Council. Councilor Kranichfeld stated if they cannot do business or have a quality debate then it is a weaker Council.

3. Approval of the Redistricting Committee Minutes

a. November 19, 2012

City Council President Shannon noted a correction to the spelling of a name in the minutes.

City Council President Shannon and Councilor Decelles made a motion to adopt the minutes as amended. The motion passed unanimously.

4. Continued Discussion of Redistricting Alternatives

Mayor Weinberger stated they adopted principles to guide the discussion at the first meeting. They goals were that wards would be equal in size, the Council would remain roughly the same size, there would be some acceptable deviations, neighborhoods would remain intact, it would be in place for the 2014 election cycle, and the public would be engaged. Public engagement intensified during the last few meetings, but this compares well with past redistricting efforts. Materials have been available online, there have been postings on Front Porch Forum, and members of the public have been allowed to draw their own maps.

Councilor Decelles stated this process has been frustrating. When this was done for the House, they were told definitively how many seats they would have. This is different because there is grey area about how many Councilors there could be. There has not yet been one map that there is close to a consensus with. The work session was interesting in that there was not a strong consensus. People from the public did not attend meetings at first but they have been coming out now. There is not one map that will result in a unanimous vote, which will be needed to sell to the Council and the voters. The simplest would be to choose the plan closest to the existing map, but that has problems and would not pass. The eight ward map has too many Councilors and would raise problems with having at large members. There would also be questions about how Councilors are paid. Whatever is put forward, the voters will not support it if they see the Committee taking this much time. It would be better to slow the process now than to have it fail later. He hopes to defer action and figure out how to move forward. The public does need to be included because if they do not buy in, it will not pass on Town Meeting Day.

City Council President Shannon stated they should get to the business of selecting a proposal rather than debating the process. There are two feasible proposals. One is the four ward-twelve councilor model. It keeps neighborhoods intact, makes equal sized wards, keeps the Old North End and the New North End separate, and keeps the size of the Council in range. This plan falls short for the Councilors because it results in them having to campaign and knock on more doors. This would enlarge wards significantly. Serving on the City Council should be something people want to do. When people consider running, they do not seem daunted by knocking on doors, but at attending meetings. People could still be recruited under this format. This plan falls short because it is a lot of change and would be hard for people to digest. The other plan that is worth consideration is the seven ward- fourteen councilor plan. This has too much deviation in a few areas, but this was done intentionally to account for new development and to account for student neighborhoods. This plan does mix the Old North End and the New North End, but that exists today. It creates voting blocks so that someone could get elected from either area. It is an

improvement over the current system. It has worked for the legislative districts.

Councilor Bushor stated the four ward model works. She has not totally embraced it because she does have concerns about people having the resources or ability to run in those wards. They would like to continue to have a Council that is as diverse as possible. It is important to have that reflected in the Council and would not like to diminish it in any way. When the Old and New North Ends are mixed for the state legislative districts, they are representing State issues. It does not work as well for the City because Councilors represent neighborhood issues. It is important to recognize differences in lifestyle. Looking at these maps, she likes the eight ward scenario because it keeps the neighborhoods intact by using natural boundaries. She does not like the idea of sixteen Councilors, but the rest of the map meets the Committee's goals.

Councilor Siegel stated that public input is important content to the meeting. She stated she is interested in finding out more about four and eight ward models before she can say if she is willing to support them. She would like to know more about cumulative voting. She would feel very supportive of it in that format because it would not make Councilors have to knock on so many doors. If everyone were to get three votes, candidates could lobby certain neighborhoods to attract people with similar interests. It is not realistic that Councilors could be elected in large wards without having a lot of money. The 8 ward model could interest her if they had at large councilors. There could be one councilor for each ward and an additional councilor in sets of two. Eight councilors is not enough and sixteen is too many. However, this can create a complicated power dynamic. She is curious how much change will be possible if it is approved by City Council. If the public wanted a major change, it could not happen after the Council approves it. City Attorney Blackwood stated that there would have to be a justifiable reason. After the public hearing process, it would have to go to the City Council to put it on the ballot. City Council President Shannon stated that legally they would be able to make changes, but practically it would be hard to do. All previous public comment would not apply if a major change was made. People who are against the proposal are the ones who are going to come out to speak. Councilor Siegel stated there is an idea that since part of the Old North End- Lakeview Terrace- is included in the New North End, the problem would be expanded. She does not support this idea. The only plan she feels supportive of is a four ward model with cumulative voting.

Councilor Decelles stated he understands the idea behind cumulative voting. If you were to pick a ward and target a neighborhood to knock on doors, he would have concerns for the voters that may feel two of their Councilors alienated them. He believes that you should knock on every door, though doubling the size of the ward would make it nearly impossible.

City Council President Shannon stated her point was not to expand the problem with Lakeview Terrace or to limit public comment. Having lived on Lakeview Terrace, she feels she has a perception of it. It is not a matter of expanding the problem, but is an imperfect solution to the problem. With the Old North End and New North End combined, the voting place could be placed somewhere more centrally located. That would create a voting block. Her street was very politically active at that time, but everyone knew they could never get elected in that ward. The way that Ward 7 has been changed would allow someone from the Old or New North End to be elected. It is a good test to see if people who live in each section of the ward could get elected.

She does not object to cumulative voting, but does have an objection to electing all three councilors in one year. It is important to have councilors elected in each cycle because it draws people to the polls. It would put March ballot questions at risk. The people who would turn out would be those motivated to vote against ballot questions. Councilor Siegel requested the numbers of the Old North End versus the New North End in the seven ward model.

Mayor Weinberger stated he feels there are plans that the Council could support. He takes seriously the City Attorney's concerns about inaction. It is a difficult choice and there are pros and cons to each plan. They should find a way to move the conversation back to the Council. He stated he could support the least change plan and the four ward twelve councilor plan, but would have concerns about the other plans.

Jay Appleton, Planning and Zoning, stated in the proposed Ward 7 there are 1,600 people in the Old North End out of 6,005 total. Councilor Siegel stated that is a lot more people.

A member of the audience, Mr. Dion, stated it is not fair to use these numbers and allow college students to vote. Mayor Weinberger explained that the law requires them to use census numbers and they committee is taking new development into consideration.

Councilor Siegel inquired if all Councilors in the four ward model would be elected at the same time. Mayor Weinberger stated they have not decided this. The transition would have one election where everyone is elected at the same time. The terms of those elected would be staggered and so eventually they would all be three year terms. Councilor Bushor inquired if that would require another Charter Change. Mayor Weinberger stated it would. Councilor Siegel inquired if there have been situations where populations that had changed since the census have been used. If this were allowable, the additional growth in the New North End could be accounted for. City Attorney Blackwood stated if deviations are within 10%, any of those things could be considered. However, the two plans do not stay in this range and Burlington would have to argue that population growth has occurred. Councilor Siegel stated that is interesting and she would be interested in the exact numbers. Mayor Weinberger stated they have deliberated on that. City Council President Shannon stated the change is not that large. They have a rough idea of what the numbers are. She requested they project the new seven ward plan with smaller deviations. Mr. Appleton stated that the new development at the Ethan Allen Shopping Center is projected to have about 300 units. That increase would bring the deviation up to 11.2% - about 5 percentage points.

Councilor Bushor stated the conversation has focused on four wards, seven wards, or eight wards. Each one of them comes with some issues and she would like to figure out which has the least issues. The four ward model puts the educational institutions in one large district. That creates challenges and should be looked at more carefully. For her, that is a downside, although otherwise it keeps neighborhoods intact with natural boundaries. It is important to note that this brings a large portion of Ward 6 into Ward 1. She is unsure how people will feel about the changes in the Old North End, or how the South End would feel about Wards 5 and 6 being merged. It is important to know why each model is put forward beyond making the numbers work. She hopes residents will speak to this if a scenario is put forward.

City Council President Shannon stated in the four ward scenario the wards will not be homogenous, but they are not homogenous today. She stated she lives lakeside and their issues are unique to their area. Part of that neighborhood is the rail yard and there are a number of issues related to this and the Southern Connector plan. These issues really only affect this neighborhood. The City Councilor representing them at the time helped the neighborhood even though he disagreed. There will always be representatives representing opposing viewpoints. Having a broad view is a good thing.

Councilor Decelles stated he is most concerned with covering the ground in four wards, which seems nearly impossible. Anyone who wants to campaign needs to figure out where to find that money. This may make it more difficult for independents or fourth party candidates. It may mean that people with money and retirees would be on the Council. It would be difficult for a single mother to run.

Mayor Weinberger stated they presented four plans to the City Council Work Session. He inquired if the Committee is ready to narrow it down to two. Councilor Bushor stated she feels the four or eight ward model could be moved forward. Each does have issues. The drawback with the seven ward model is the Lakeview Terrace issue. Mayor Weinberger stated he does not feel that can be ruled out yet because it was supported at the work session. He inquired if anyone cares to support the thirteen councilor seven ward model. Councilor Bushor stated she does not feel that is viable.

A member of the audience, Kurt Wright, stated his least favorite model is the seven ward model that takes more of the Old North End into the New North End. It is not about whether someone could get elected. People are not happy with this arrangement for the State Legislative districts. The Old and New North Ends are as different as two areas can be. That will create a battle at the polls. He hopes they will focus on four wards. There are drawbacks to each proposal. He also suggested they consider the 8 ward model with one Councilor per ward and some at large members. There are drawbacks to that, but there are also significant upsides. He hopes that politics can stay out of line drawing as much as possible. He spoke in favor of further considering the 8 ward model more closely. Mayor Weinberger stated a number of concerns have been raised about at large members. The biggest was that with two year terms, there could be a year where no Councilors would run. Mr. Wright stated he believes that with further consideration they could determine a way to solve this issue. The Mayor's race in itself would drive interest.

A member of the audience, Mr. Hilliard, stated he would like to see a seven ward, fifteen councilor map, but understands that the variances do not allow it. He is alarmed by the suggestion of four wards and the ability of representatives to connect with neighborhoods. One ward would contain all of the institutions which get little support from the City. If the size were to increase, that part of the City would be even more underrepresented. The current configuration works well. Having eight wards with sixteen Councilors would also work well. Something like that would serve the City well and have the best chance for success. Councilor Bushor inquired how he envisioned the seven ward fifteen councilor model. Mr. Hilliard stated he has not figured it out exactly, but had hoped Ward 1 could be reduced in size to allow for two councilors and have Ward 6 with three councilors. It seems like the numbers are close to working, particularly

considering future developments in Ward 1. Councilor Bushor inquired if those numbers would work to add a Councilor. Mr. Appleton stated he has been using the New North End as a test because there are 10,000 people living there. If you divide the City's population by fifteen Councilors, there would be 2,800 per Councilor. That would only allow for 3.6 Councilors in the New North End, which probably would not work. The four and eight ward scenarios work very well to address the New North End.

Councilor Siegel stated a number of Old North End residents do not have cars and making them vote in the New North End may reduce voter turnout. With cumulative voting and three year terms, they could stagger the School Board, the Mayor, and the City Council so that at each election cycle there would be a compelling reason to vote. She is unsure if they should really plan ward redistricting based on gaining turnout for ballot questions.

City Attorney Blackwood stated the number of wards would not necessarily equal the number of polling places. If there was a ward that encompassed both the Old and New North Ends, there could be a separate polling place in each. Councilor Siegel stated that going to the polls is a great community event.

A member of the audience, Jim Holway, stated he has a number of unresolved questions that he would like to ask. There is a Charter Change question that will determine how voting will go, but it is too early to decide this while lines are still being drawn. There are a number of great ideas that will continue to come to the table. The map tool that is supposed to allow the public to interact easily with maps is difficult to use. Public engagement has been limited. He does not like the idea that the process started late so it needs to be brought to the voters quickly. There is a case in front of the Supreme Court that may resolve questions about redistricting. There have been comments that only the 2010 census can be used, but there have also been comments about including new development. He understands the Committee is working hard and is well intentioned, but would prefer to slow down the timeline for more public engagement. There are additional questions that will need to be addressed through Charter Changes. He inquired about the timing of the public hearings and if they will be dedicated to this issue. Mayor Weinberger inquired if the City Council were to move forward with one of these proposals, would there be two public hearings and then a vote, or an additional meeting after the public hearing. City Attorney Blackwood stated there would be an additional City Council meeting in early February. The first public hearing could be on January 11 and the second would be January 28.

Councilor Bushor inquired if they could have the first public hearing at the first January meeting. She does not want to move forward a proposal she does not believe in or one that is just a placeholder. She would prefer to have a good sense of how the public feels before it is moved forward. She would like there to be agreement on a proposal that has merit.

City Council President Shannon stated that the placeholder idea is not necessarily a bad idea in terms of satisfying the legal requirements. Although she is not totally comfortable with the process, putting something forward would show more of a good faith effort should they decide to hold back. It will be difficult to get consensus on this. There are hard decisions that need to be made and there is no perfect plan. She has actively been drawing plans and new ideas will have to be brought forward. They have continuously talked about the existing plans but not brought

many new ones forward. They could draw lines all day and night and still might not come up with something they could agree on. She suggested moving something forward to see what the Council supports. Many are second guessing what the New North End or Old North End will support. She attended a New North End NPA meeting and did not hear the objections that it was suggested they would have. They could have a straw poll to see if there is a plan that would have consensus and then move that forward.

Mayor Weinberger stated it is hard to know what will happen on Election Day. All of these plans have pros and cons and there is no way to project what the public will accept. That will still be the case if this is delayed a year, and they will have missed the opportunity to present something that may be acceptable. It would extend the process.

Councilor Bushor stated she would be willing to move two proposals to the Council. She still believes that if there is no agreement at the Council level, and is not interested in moving it forward for a public hearing. She is willing to move it forward with fewer choices for the Council.

Mayor Weinberger inquired if the Committee would be comfortable agreeing on two proposals and moving them forward. He inquired if that would be fulfilling the required tasks of the Committee. Councilor Siegel stated she would agree with that if they can agree on which two plans will be brought forward. Councilor Bushor stated that the last Redistricting process did not go smoothly either. There was controversy among both Councilors and citizens. There was no perfect solution but they moved something forward and the legislature made some further changes.

City Council President Shannon stated she envisions that at City Council they would put two plans forward. If the first plan failed, they would go to the second plan. Both could fail. There can be conflicting resolutions on the table. City Attorney Blackwood stated if they do not warn a public hearing tomorrow, they will not be able to get the public hearings done without adding additional City Council meetings. City Council President Shannon inquired if they can warn two plans. City Attorney Blackwood stated her inclination is to say no, but would need to do further research. Mayor Weinberger inquired if the warning needs to include the specific plan. City Attorney Blackwood stated the warning needs to include an outline of the proposed changes. There is time to do the Public Hearings, but they City Council meeting schedule would need to change. City Council President Shannon inquired if they were to warn two proposals, could they withdraw one of them. City Attorney Blackwood stated the warning would say that the Charter will be changed to one of two things. A member of the audience, Mr. Holway, stated that only five people have weighed in on this and ideas are not exhausted. He stated that looking at more options will allow public support and not just consensus among five people. He has heard suggestions that would answer some of the concerns. He would like the Committee to be representing the public and to be allowed the opportunity to weigh in. He spoke against the idea of having a place holder and stated it is not in the interests of the City. City Attorney Blackwood stated it would be difficult to warn a public hearing with two versions. City Council President Shannon suggested they see if they can support two proposals and then decide if they can settle on one.

Councilor Siegel stated that they have given the impression that inclusiveness and transparency are not part of the process. They have not had extensive discussions at NPA meetings. She hopes in the future this is not done by elected people. Even with more citizen input, there will be no perfect plan, but there will be transparency. She requested research on how minorities would be affected by larger wards. She would support the four ward model 100% if cumulative voting were used. She inquired how others feel about that. It meets the goals that the committee set.

Councilor Bushor stated she would like to understand cumulative voting better. When different types of voting have been tried, it matters how the voters feel about it and how much they understand it. She is unsure how she would function during a race with this type of voting. She does not know enough about it to determine whether or not she is on board. Mayor Weinberger stated that is a dramatic change in the way that voting is done and it is unlikely that there will be a consensus. He stated that for discussions sake, they should assume traditional voting methods would be used.

City Council President Shannon stated she was a supporter of IRV and is open to other voting methods, but does not think the majority of the voters are. That could bring down the proposal put forth to the voters.

Mayor Weinberger suggested going through the plans and doing a straw poll to see who would support each plan. He would like to narrow it down to two, which would require a change to the City Council meeting schedule. City Attorney Blackwood clarified the schedule that would be needed to accomplish this before March. City Council President Shannon noted that one of the proposed plans has a large deviation and suggested they use a revised map. Mr. Appleton stated the revised map has very small deviations. City Council President Shannon stated the lines change slightly, but the concept does not. Councilor Bushor inquired if the revision dips into the Old North End more than the previous version. City Council President Shannon stated it does.

Councilor Siegel inquired if they will consider bringing cumulative voting to the full Council. Councilor Decelles stated that outside the box thinking would be needed, but feels the voters are exhausted with different voting systems. He does not fully understand it and it would be difficult to sell this late. Councilor Bushor stated she does not know enough about it and is reluctant to bring it forward, although she does understand the point. Mayor Weinberger stated they could hold the straw poll with both traditional and cumulative voting. City Council President Shannon inquired how many proposals they can vote for. Mayor Weinberger stated in round 1 they will have unlimited votes. He inquired if the plan can be changed between the two hearings. City Attorney Blackwood stated it would have to be done at a City Council meeting, but they will not have time for major changes. Councilor Bushor stated the point of the public hearings is to hear comments from the public and potentially act on them. She cannot recall making a change between the public hearings. City Attorney Blackwood stated drafts could be presented at the next public hearing. Councilor Decelles stated this is very difficult and does not support any of them. The Committee is conflicted on how to move forward. He feels confused and that this needs to be slowed down. He does not like the concept of having a placeholder.

Councilor Siegel stated she could live with the 7 ward - 13 councilor model, but there is an idea that it would not pass in March. She is not sure how to vote on that. City Council President

Shannon suggested she vote on a plan she is willing to bring to the Council and the ballot.

Mayor Weinberger requested a straw poll on the 8 ward – 12 councilor plan. Councilor Bushor voted in favor of the plan.

Mayor Weinberger requested a straw poll on the 8 ward – 16 councilor plan. Councilor Bushor voted in favor of the plan.

Mayor Weinberger requested a straw poll of the 7 ward – 14 Councilor plan. Mayor Weinberger and City Council President Shannon voted in favor.

Mayor Weinberger requested a straw poll of the 7 ward – 13 councilor plan. No one supported this plan.

Mayor Weinberger requested a straw poll of the 4 ward – 12 councilor plan with a traditional voting mechanism. Mayor Weinberger, City Council President Shannon, and Councilor Bushor voted in favor.

Mayor Weinberger requested a straw poll of the 4 ward – 12 councilor plan with cumulative voting. Councilors Bushor and Siegel were in favor of this plan.

Councilor Bushor stated the 7 ward – 13 councilor plan had no votes and will be eliminated. The 8 ward models each received only one vote. Mayor Weinberger stated these should be eliminated leaving the 7 ward – 14 councilor plan and the two 4 ward models.

Mayor Weinberger inquired why Councilor Bushor had supported the cumulative voting. Councilor Bushor stated she does not fully understand it, but does not want to eliminate it without knowing more. She is unsure how easy it would be to understand as a voter or a candidate. The people who came to speak were not in favor of moving forward quickly.

Councilor Siegel stated one way to cumulative vote is to list the names of each candidate on the ballot and say that voters can vote three times. They can then vote for three different candidates or the same candidate three times. The voters could understand this. IRV may not have gone well, but that is different.

City Council President Shannon stated she campaigned for IRV and it passed, then was repealed. She also campaigned for the 50% requirement. She does not object to cumulative voting, but has a sense that is not what the voters are interested in.

A member of the audience, Jake Rawlings, Ward 7, stated that if a four ward scenario with twelve councilors was chosen, he would like to see one election where three people were elected all at once. They would all have different term lengths so one would be finished in a year, another in two years, and another in three years. Voters would be more comfortable using that traditional method. Those in Ward 7 he has spoken with want a traditional voting method. They would be okay having one less councilor and fewer wards, but definitely want traditional voting. He prefers more representation and smaller wards, which makes the eight ward model more

appealing to him.

Mayor Weinberger stated for the cumulative system to work all three seats would be up at the same time. Councilor Siegel stated that is correct and you would need 1/3 + 1 vote. City Council President Shannon stated the top three would win.

A member of the audience, Mr. Holway, stated there are letters that have been sent to the Committee that should be considered before a vote is taken. Councilor Decelles stated he received a letter from the Ward 4 Democratic Caucus saying they would like to slow the process. City Council President Shannon stated she would like to slow down as well, but they also need to respect the legal opinion. The Committee has an obligation to meet legal commitments and this should continue to move forward tonight. Mayor Weinberger stated they are not good at predicting what voters will do. To delay is to miss the opportunity for a vote in March and dramatically disempowers voters. If the plan does not garner consensus, it will be defeated, but the City will have made its best faith effort. It should not be assumed that the voters will not approve it and put the City at constitutional risk.

Mayor Weinberger conducted a straw poll on the 7 ward - 14 councilor model. Mayor Weinberger and City Council President Shannon voted in favor of the plan.

Mayor Weinberger conducted a straw poll on the 4 ward - 12 councilor plan with traditional voting. Mayor Weinberger, City Council President Shannon, and Councilor Bushor voted in favor of the plan.

Mayor Weinberger conducted a straw poll on the 4 ward - 12 councilor plan with cumulative voting. Councilor Siegel voted in favor of the plan.

Councilor Bushor stated some important questions were raised about the electability of minorities in larger wards and feels they need to find those answers. The only reason she is uncomfortable is because there are questions that remain unanswered. She liked the eight ward scenario best, but it was not perfect. She would like to have those answers for Monday night.

Councilor Siegel inquired how it will go over if a plan is brought to the Council by three members of the committee, while two members of the committee say they would prefer to wait. City Council President Shannon stated they need eight votes from the Council to put it on the ballot. Councilor Decelles stated when the versions are moved, there will be an opportunity as a committee member to talk about how they voted and why. After that it will just be a traditional Council vote. Councilor Siegel stated they are losing the chance to slow the process. City Council President Shannon stated there is a good chance the Council may not support the plan with eight votes. There are Democrats who do not like this plan. There is a theory that Democrats will support this because they are the largest party, but in her experience the party has not provided a significant amount of money. Councilor Siegel inquired if she had been provided with data. City Council President Shannon stated she has received lists. Councilor Siegel stated that is critical. The Democratic Party has an office and staff that the Progressives and Republicans do not. City Council President Shannon stated Democrats do not see this as easier. Councilor Siegel stated it will be easier for Democrats. City Council President Shannon stated

those advantages exist in any configuration. There will not necessarily be eight votes to pass this.

5. Committee Recommendation to City Council

City Council President Shannon and Councilor Bushor made a motion to recommend the 4 ward – 12 councilor model.

Councilor Bushor stated she does not want to change her vote and feels that this is the best plan of the worst choices. She will second the motion because she feels the Council should be allowed to weigh in.

Mayor Weinberger inquired how many people are currently living in the Old North End portion of Ward 7. Mr. Appleton stated there are 276. Mayor Weinberger inquired if the new seven ward plan would expand this to 1,600. Mr. Appleton stated it would. The reason the four or eight ward plans work well is because the numbers work well with 10,200 people living in the geographic area of the New North End.

Mayor Weinberger inquired if the Council would be precluded from overruling the committee and selecting another plan during their meeting. City Attorney Blackwood inquired if they will be warning a public hearing tomorrow on the recommendation. Councilor Siegel stated her understanding was that they were moving two plans forward to the Council and would rearrange the City Council meeting schedule for January to accommodate this. City Attorney Blackwood stated the legislative body must warn the public hearing. After City Council votes they would have to warn the public hearing. Mayor Weinberger stated it would require adding an additional City Council meeting. City Attorney Blackwood stated when it is brought to the Council, they can do whatever they want with it.

City Council President Shannon requested clarification of the changes to the meeting schedule. Mayor Weinberger stated there would need to be two meetings between the January 17 and 28.

Mayor Weinberger inquired if there is an appetite to send the 7 ward - 14 councilor model as well. Councilor Bushor stated she does not want to do that.

The motion passed by a vote of 3-2 with Councilors Siegel and Decelles voting against. Councilor Bushor requested that the communications sent to Committee members also be included in the packet for the rest of the Council. It is important that they see that.

6. Any Other Business

n/a

7. Adjournment

Without objection, Mayor Weinberger adjourned the Redistricting Committee meeting at 8:53 pm.



OFFICE OF THE CLERK/TREASURER

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**REDISTRICTING COMMITTEE
TUESDAY, JANUARY 8, 2013
CONTOIS AUDITORIUM, CITY HALL
6:00 P.M.**

PRESENT: Mayor Weinberger; City Council President Shannon, Councilors Decelles, Bushor, and Siegel

ALSO PRESENT: Interim CAO Sisson; Assistant City Attorney Bergman; Jay Appleton, Planning and Zoning

1. Agenda

City Council President Shannon and Councilor Decelles made a motion to approve the agenda.

Mayor Weinberger stated he expects they will spend some time on item 6 to talk about process issues and the timetable.

The motion passed unanimously.

2. Public Forum

Councilor Bushor stated that a member of the community sent an email with comments and felt they should be submitted into the record. She summarized the email written by Lea Terhune, who commented on the plan criteria list and felt that it is incomplete. She also felt there should be more public input. She suggested a charrette process to move forward.

Wendy Coe, Ward 2 Resident, stated she is interested in increasing citizen input in the process.

Jim Holway, Ward 4 Resident, stated he is glad they will go in a new direction. He spoke in favor of creating a new working group beyond elected officials. He suggested including NPAs in the process.

Tiki Archembeau, Ward 2 Resident, spoke in favor of involving NPAs and including more voices in the process.

3. Approval of the Redistricting Committee Minutes

a. December 11, 2012

Councilor Bushor stated she did not receive the minutes and is not ready to vote on them.

City Council President Shannon inquired if there will be another opportunity to accept the minutes. Assistant City Attorney Bergman stated they are supposed to be complete within five days of the meeting and do not actually have to be adopted.

Action was postponed on this item.

4. Discussion of Timetable for Developing New Recommendation

and

5. Discussion of Composition of Redistricting Committee and Means of Obtaining Citizen Input

Councilor Siegel inquired if this recommendation is for the formation of a new committee or the formation of a map. Mayor Weinberger stated someone will ultimately need to make a recommendation to City Council. Councilor Siegel suggested switching items 4 and 5 because they need to understand the composition of the committee first. Mayor Weinberger stated there is a notion that they work towards a special election in June, which would require a vote by April.

City Council President Shannon requested that everyone weigh in on how they are feeling about the process currently. She stated they received an email from Councilor Karen Paul who suggested moving forward with a combination of Councilors and NPA members. She felt it was important that some Councilors be on the committee. This process was set up similarly to the State Redistricting process. It makes sense to have the Mayor involved because he is elected by everyone. The proposal for the legislature was made without legislators involved. They did get the final say, but they did not make the main decisions. She said she is willing to consider a committee without Councilors and with more public involvement. She suggested that if Councilors are on it, there should be a representative from each section of the City. She also recommended having a representative from the Board for Registration of Voters.

Councilor Decelles stated if they are realistic about having a June Special Election, they should not disband and start fresh. He suggested taking what they have done and incorporating some or all of the existing committee. Some City Councilors need to be involved so that whatever the public comes up with is viable. He would like to come to a conclusion sooner rather than later.

Councilor Siegel stated that the lines could affect the political makeup of the Council which can benefit or inhibit the Mayor. City Council President Shannon stated that is the case for everybody, not just the Mayor. Councilor Siegel stated it is not just about elections but about politics. If Mayor's party has a majority it gives him an advantage. City Council President Shannon stated this process should not be about the party. Councilor Siegel stated she has heard several ideas about how the committee can be reformed. She is not attached to any of them, but feels they are worth discussing. One is a redistricting jury where twenty five people from the voter pool are picked at random. They would come together and receive a form of payment if they come to a conclusion. They would also solicit maps from the public. They would pick the

map they like the most and bring it to the Council. This idea is brilliant but random. People would be motivated to participate in the meeting by receiving a per diem. The second idea was that each member of the committee would choose two citizen members who they felt would be invested in the committee. That could be in addition to the Committee or to replace the committee. The third is to have NPAs select members. The final idea would be to have the Board of Registration of Voters or the Ward Clerks do this. She stated she is unattached to continuing to serve in her current capacity. She would prefer a facilitator to a voting chair. Going back and forth between formal and casual may have made the process more confusing. She suggested another staff member with less responsibility do the minutes and there be more attention to clerical details.

Councilor Bushor stated she has been considering the emails and comments she has received. She stated that there is a thought that smaller is better, but that may not always be true. She also spoke in favor of having a facilitator. The Mayor has done a good job, but a facilitator may be more effective in herding the group to keep it on track. When there is a large group of people, work tends to be subdivided and then put back together. She would like to see a mix of City Councilors and residents. The drawing of boundaries is a political process that has ramifications. She still has the same goals. She found it interesting that they could have a clean slate with different City Councilors. She likes that the current committee has members of each party. She stated she is not invested in hand picking members of the committee herself. Citizen involvement has been missing from this process. Many members of her NPA felt that having four wards would have them lose representation. It is important to understand this and it will be important to include citizens. She feels the current members should remain on the committee. She hopes they will vote on this again before next March because of the vulnerability.

Mayor Weinberger stated he does not have a clear sense moving forward and they should look at where they are before moving forward. Many of the suggestions would have the committee going back to the beginning and starting over. They did not meet the goal of having consensus in a plan for voters this March. They did consider fifteen or more different plans. There are some plans that they ran out of time to vet the possibilities of. Some of them may have gained consensus if they had time to figure out the rules.

Councilor Decelles stated it sounds like if there had been more input from the community, they may have been able to gain support. At this point, throwing all of the plans away out of frustration is not the answer. They are close to some solutions and are down to a wire. No one wants a judge making the decisions.

Mayor Weinberger stated part of the problem was that the community was not engaged enough. Talking to people would help the public process. Councilor Decelles stated he initially would not have supported the 8 ward – 16 councilor model, but after looking at it more closely it seemed to have some merit. With more time, they may have been able to make a model like that work.

City Council President Shannon stated this process is political for everyone involved. When she lived on Lakeview Terrace and was redistricted into the New North End, she was unhappy for reasons that had nothing to do with politics. Her street was very politically active and members of each party were upset. The 8 ward model is great in some senses because it divides

neighborhoods well. However, it also makes it complicated when thinking about how many ballots would have to be printed, how many polling places there would be and things of that nature. There is more to be considered than just the neighborhood aspect. Political interests do need to be considered. It is difficult to redistrict yourself into a ward that would be more difficult to get elected in. Bringing in other people with the interests of the City as a whole may be a priority. These people do not need to be politicians.

Mayor Weinberger inquired if the committee feels they are close to a solution or if they need to start over. City Council President Shannon stated that she could support the 8 ward model with 8 councilors. Mayor Weinberger stated that the 8 ward 12 councilor model is viable. There would be four at large councilors that would encompass two of the smaller wards. One year would elect the at large councilors and in another year they would elect the small ward councilors. This would ensure that a City Councilor would be elected each year. City Council President Shannon stated that her problem with the 8 ward model is it increases the challenges with state district ballots. She inquired if there is a way to address that problem. Having that many wards requires a number of ballots and then they need to ensure they go to the right person. Mayor Weinberger stated that he feels they could gain some consensus without a radical change.

Councilor Bushor stated that the public needs to be engaged. One issue was that the timeline was too short to have these discussions. She understands the issue with having a large number of wards. She does not know what having 16 councilors would do. There is no harm in going forward with some of the scenarios because the new committee can use them for discussion. They have not defined how those councilors would function. The at large councilors would have to cover more territory and would be unequal. It would be important to define how they are compensated and what their responsibilities would be. They can look to the community for input, but will need some guidance as to what the Council thinks. People were not so much opposed to the plan as they felt they did not have the time to weigh in.

Councilor Siegel inquired if they will be making changes before reforming the committee. Mayor Weinberger stated if the committee feels they are close to gaining consensus on a plan, they could see if NPAs and others like the proposal. If the committee feels they need a whole new approach, they could reform the committee. Councilor Siegel stated they could push forward and get something, but they should not. The public was not comfortable with the process and they will not trust it. Adding to the committee would have tremendous value.

Mayor Weinberger inquired if the Committee feels they should reform themselves. Councilor Bushor stated she feels they should. City Council President Shannon stated that they could give some guidance to the new committee and give them suggestions about things they would like them to consider. Councilor Decelles stated the timeline will be difficult. He does not see the harm in keeping this body and adding to it and would prefer that option. Councilor Bushor stated there is value in having the committee continue in some way. The NPAs have said they would like to be involved and they should not be turned away. She is unsure how large the committee should be.

A member of the audience, Mr. Holway, spoke on the composition of the committee.

A member of the audience, Ms. Coe, stated there is a sense of neighborhoods throughout the City. There are five NPAs for seven wards which could be problematic if they are combined. They do not have anything to do with the neighborhoods. The Ward Clerks and Inspectors of Elections know the neighborhoods. She differentiates between the Old North End and Center City and wants to make sure both have representation. She is used to working with a lot of different ballots at the polls. She does not like that the State Legislature dictates where the lines are drawn.

A member of the audience, Richard Hillyard, Ward 1 Resident, spoke about the composition of the Committee. He stated the public may have a hard time wrapping their head around the idea of at large members.

Councilor Decelles inquired if people feel five members of the community would be enough. A member of the audience stated that would not be enough.

Mayor Weinberger recommended keeping the existing committee and adding to it. Councilor Siegel stated she is willing to do that although is not attached to it. City Council President Shannon stated she thinks it is a bad idea. If this committee is going to continue, there is political representation on the committee. Having 100% of republicans represented on the committee but only 1 out of 7 Democrats represented does not seem fair. If politics are going to remain in this process, it is currently very unbalanced. Councilor Decelles stated he likes that there are representatives from each of the parties and there is geographic balance. A committee of five cannot have three people from one party. Keeping the political and geographic balance seems more than logical. City Council President Shannon if the Mayor is going to be removed from the Committee it is no longer balanced by having just one Democrat. Councilor Decelles stated it keeps it equal. City Council President Shannon stated there is only one republican on the Council who is also on the committee. Councilor Decelles stated if the goal is to have a body made up of all parties there should be one of each.

Councilor Bushor stated that there are politics involved in the process whether or not the members are elected officials. It is important to have representation from each major party. In the past, independents have been allowed to be part of the process. She would like to balance that. She appreciates that right now there are more Democrats on the City Council and feels it is important to find representation from each party and an independent Councilor. They will serve as a conduit to their constituents. She would like to have a different facilitator, though she is not looking to eliminate anyone from the committee. If the Mayor were to leave, she would like to see him replaced with another Democrat.

Councilor Siegel stated there are several decisions they need to make such as if the same Councilors will remain, whether the Mayor will be involved, how additional people will be selected, whether there is a facilitator or a chair, and what the timeline will be. There are other things to consider such as how public engagement will be done. It may be easier to decide these things once the group is reconvened.

City Council President Shannon stated she thinks having a facilitator is a good idea. A special election is not a good idea because this is something that will affect everyone. This was being put

out for March when turnout is high. The next best choice is next March. Assistant City Attorney Bergman stated he advocates for a special election because the longer the current status is continued the greater the risk. Ward 1 is severely underrepresented and that information is well known. Next March would not be expeditious enough. Mayor Weinberger stated there have frequently been special elections in June or November. Assistant City Attorney Bergman stated a School Budget must be passed by the end of June. The last Tuesday in June could be a good time to hold the election. Mayor Weinberger stated they would need Council approval by the end of April. Assistant City Attorney Bergman stated the proposal would need to be in place by the April 15 meeting. They would then have one day to do the warning and just meet the deadline for a public hearing. Having something done sooner would be ideal.

Councilor Siegel stated that they need to first determine who will be on the Committee. If they have NPAs choose members, that will not be selected until February and they will not have enough time to be ready for June. Their meetings are only once a month and the goal is to bring this information back to their meetings. If they are rushed the idea of forming a new group becomes moot. Mayor Weinberger stated they are discussing their options as a committee. There is also an obligation to the law and the risk is out there. That is not something to be ignored. That is a goal that the City should work towards regardless of the Committee.

Councilor Decelles stated if the NPAs could select members by February 1 that would leave them all of February and March to do their work. The Committee would need to meet more often, but they could make a decision in that time. The timeline is not unrealistic for a June deadline.

Councilor Bushor stated it will be tight to get this done. NPAs focus on ballot items and the school budget in February. She understands the legal pressures and would have liked to put something forward. She hopes that a court would realize they have been working on this but have not found a plan the public supports. She would like to hear from NPA steering committee people about how realistic it would be to have meaningful input in that time frame. After June, it is too late to hold an election because people go on summer vacations. The earliest it could be done after June would be September. Mayor Weinberger inquired if they should aspire for June. Councilor Bushor stated she would prefer to hear from NPA steering committee members. There is a lot going on this time of year.

City Council President Shannon stated this is a very real issue and they should have acted on it in time for this year's Charter Change. Mayor Weinberger stated it would not go into effect for March 2014. Assistant City Attorney Bergman stated it eliminates risk because all possible legal steps would have been taken.

A member of the audience, Jim Holway, spoke about the timeline of redistricting. He felt that a June deadline would be too soon to allow the NPAs to get proper input.

A member of the audience, Emma Mulvaney-Stanak, stated it is difficult to talk about the timeline without knowing the composition of the Committee. Everyone wants to have more public involvement. If it is too rushed it will not be possible to achieve the goals. People need time to study the map. There are pros and cons to a special election. Turnout is typically low.

Mayor Weinberger stated the City is already at risk, but there does not seem to be a strong sense that they should push for a June election. He suggested adding to the current Committee. He is not invested in remaining on the Committee.

City Council President Shannon stated she seems to be the only one who feels this group should no longer be involved. She would like to involve the NPAs. She suggested giving the new group guidance from this committee and have them report back to this committee. This committee is not functioning well, despite everyone's best efforts. The next question is who should be on the committee. Having a representative from each ward is not necessarily the best way to go. It may be better to have someone who represents more than one ward or to have multiple people representing multiple wards. The current committee members can attend their meetings to provide input if they choose to. They will do the work and make a recommendation. The Council could then choose to refer it back to the new committee, the current committee, or do something different.

Councilor Siegel stated City Council President Shannon's suggestion sounds good. She stated she is happy to have no Councilors on the Committee and it could be advantageous.

Mayor Weinberger stated each NPA will nominate two people and the combined NPAs will be allowed more people. The City will hire a facilitator to run the meetings and will give them some guidance.

Councilor Decelles stated it is critical that there is some Council representation, preferably the current members. He suggested having one member from each ward rather than two so that the size would be more manageable. It would be fine to let the NPAs choose their own representation. There are political agendas that have to be balanced. Having one from each NPA and five members of the committee would work.

Councilors Siegel and Decelles made a motion to present a resolution to the Council to change the makeup of the committee to include the current members and one member of each ward to be selected by their NPAs. They would also hire a non-voting facilitator.

Councilor Bushor stated that brings balance and would include both Board of Civil Authority members and community members. The discussion tonight has persuaded her. This group has not been able to come to a decision. Having a facilitator and community involvement is a good step. It may make sense to come to a natural conclusion and then set a timeline. They can weigh the decision of holding a special election based on the cost, the vulnerability, and whether there is something else that will be put forth to voters at that time. She will support the motion.

City Council President Shannon stated that after members are selected, the first meeting could be charged with setting the timeline. It would be important to know the members' schedules. She requested that the five members remain on the committee and inquired if there would be a chair or just a facilitator. Councilor Siegel stated a chair would be unnecessary with a facilitator. City Council President Shannon inquired who will pay for the facilitator. She suggested that they could use the City Council funds to pay for this. Councilor Bushor stated the full Council would

have to decide that, but she would be willing to speak in favor of that.

Mayor Weinberger inquired if they would need someone to lay out the procedures and rules of order. City Council President Shannon stated the group would not necessarily need to follow Robert's Rules of Order. Staff will be needed to warn the meetings, but the facilitator can take on some of those responsibilities. Councilor Siegel stated they could use City staff who are already on payroll to do some of the work. Councilor Bushor stated they could potentially hire someone who is outside of Burlington. It might be nice to have someone not immersed in Burlington politics so the facilitator would be seen as someone neutral. Mayor Weinberger stated they can explore staff and find a way to make it work. City Council President Shannon stated there have been issues about impartiality in the facilitator. There are resources within City Hall as well. She suggested leaving that piece open.

A member of the audience, Mr. Holway, spoke about the makeup within the proposal and stated he would like more people from NPAs included.

City Council President Shannon stated she appreciates the comments, but is not willing to obstruct the process. They are giving themselves plenty of time and can give citizens opportunities for comment. The timeline will allow them to educate themselves and weigh in. The committee can periodically report back to the City Council.

She offered an amendment to the motion to have fourteen NPA members on the Committee.

Councilor Siegel stated she would be happy with either option. Councilor Decelles stated that adding seven bodies to the table is a significant step to get the community to weigh in. He would not support fourteen NPA members. Councilor Bushor and Mayor Weinberger stated they prefer the original proposal.

City Council President Shannon inquired when they want the committee to report back. Councilor Decelles stated this committee has never disbanded. The work was referred back to the committee. He inquired if they need to go back to the Council to expand the committee. Assistant City Attorney Bergman stated unless there was opposition from other Councilors, it would be acceptable to just decide to expand the committee. Councilor Decelles inquired if there is a way to get information out to NPAs to start the process. City Council President Shannon stated it is important to have a resolution to inform the Council of the decision they are making. They could advise the NPAs that this is coming in advance. Assistant City Attorney Bergman stated this was referred back to their committee. They should have authority under the original resolution. City Council President Shannon stated they sent it back to a committee of five not the committee of eleven. Councilor Bushor inquired how this committee was appointed. City Council President Shannon stated they were all appointed by resolution. Mayor Weinberger stated they would be asked to appoint someone at their January meeting. Councilor Siegel stated they could do both things simultaneously. Assistant City Attorney Bergman stated if they are reconstituting the committee, they would need a resolution. However, they could still include these people and honor these votes without a resolution. Mayor Weinberger suggested they begin to communicate with NPAs and request a report back in February.

The motion passed unanimously.

6. Any Other Business

n/a

7. Adjournment

Without objection, Mayor Weinberger adjourned the Redistricting Committee meeting at 8:20pm.



State of Vermont
Program Development - Structures Section
One National Life Drive [phone] 802-828-2621
Montpelier, VT 05633-5001 [fax] 802-828-3566
www.aot.state.vt.us [ttd] 800-253-0191

Agency of Transportation

March 28, 2013

RE: Calendar Year 2012 Bridge Inspection Summary Reports

Dear Community Official:

As required by the Federal Surface Transportation Act of 1978, all bridges exceeding 20 feet in span length are inspected on a 24 month cycle. A two-member team performs these inspections with at least one member specially trained for this work. The Agency of Transportation provides these inspections as a service to the municipalities with the cost split between the Federal government (80%) and the State (20%).

Enclosed are the bridge inspection report summaries for structures located in your community which were inspected in calendar year 2012.


In an effort to reduce cost and resources, it is the intent of VTTrans to make this the final year that inspection summary reports will be mailed. In the upcoming months, for all structures on public highways, the most recent report would be available for public viewing and printing under the Agency's VTtransparency website application <http://apps.vtrans.vermont.gov/vtransparency/Default.aspx>.

With approximately 1,500 structures inspected statewide annually, the intent of these inspection summary reports is to provide an inventory of and information on the structural condition and a summary of areas of need only and not to offer an assessment regarding prioritization, preventative maintenance techniques which should be done as good practice, or specific recommendations on how to address deficiencies.

Each report represents a locally owned and maintained structure. As such, the municipality is responsible for the structure. It is recommended that these reports be shared with those individuals charged with upkeep of the structures as failure to address and/or remediate problems areas, stated within the summary section of this report, may result in additional damage or deterioration compromising public safety and/or substantially reducing the service life of the structure.

Please do not hesitate to contact this office or your local District Transportation Administrator with any questions or concerns regarding the content of these summary reports or if you are aware of any structures, exceeding 20 feet in span length, which we are not currently, and should be inspected.

Sincerely,


Wm. Michael Hedges, P.E.
Structures Program Manager

cc: Town File



STRUCTURE INSPECTION, INVENTORY and APPRAISAL SHEET

Vermont Agency of Transportation ~ Structures Section ~ Bridge Management and Inspection Unit

Inspection Report for **BURLINGTON**

bridge no.: 00001

District: 5

Located on: FAU VT127 ove N.E.C.R.R.

approx. 0.31 MI N MANHATTAN DRIVE Owner: 04 CITY-OWNED

CONDITION

Deck Rating: 7 GOOD
Superstructure Rating: 7 GOOD
Substructure Rating: 7 GOOD
Channel Rating: N NOT APPLICABLE
Culvert Rating: N NOT APPLICABLE
Federal Str. Number: 205009000104032
Federal Sufficiency Rating (April 2011): 097.6
Deficiency Status of Structure (April 2011): ND

AGE and SERVICE

Year Built: 1971 Year Reconstructed: 0000
Service On: 1 HIGHWAY
Service Under: 2 RAILROAD
Lanes On the Structure: 02
Lanes Under the Structure: 00
Bypass, Detour Length (miles): 02
ADT: 016800 % Truck ADT: 06
Year of ADT: 1997

GEOMETRIC DATA

Length of Maximum Span (ft): 0082
Structure Length (ft): 000084
Lt Curb/Sidewalk Width (ft): 0.5
Rt Curb/Sidewalk Width (ft): 0.5
Bridge Rdwy Width Curb-to-Curb (ft): 44
Deck Width Out-to-Out (ft): 49.5
Appr. Roadway Width (ft): 046
Skew: 10
Bridge Median: 0 NO MEDIAN
Min Vertical Clr Over (ft): 99 FT 99 IN
Feature Under: RAILROAD BENEATH
STRUCTURE
Min Vertical Underclr (ft): 23 FT 09 IN

STRUCTURE TYPE and MATERIALS

Bridge Type: ROLLED BEAM
Number of Approach Spans 0000 Number of Main Spans: 001
Kind of Material and/or Design: 3 STEEL
Deck Structure Type: 9 OTHER
Type of Wearing Surface: 6 BITUMINOUS
Type of Membrane 8 UNKNOWN
Deck Protection: 0 NONE

APPRAISAL *AS COMPARED TO FEDERAL STANDARDS

Bridge Railings: 1 MEETS CURRENT STANDARD
Transitions: 1 MEETS CURRENT STANDARD
Approach Guardrail 1 MEETS CURRENT STANDARD
Approach Guardrail Ends: 1 MEETS CURRENT STANDARD
Structural Evaluation: 7 BETTER THAN MINIMUM CRITERIA
Deck Geometry: 6 EQUAL TO MINIMUM CRITERIA
Underclearances Vertical and Horizontal: 7 BETTER THAN MINIMUM
CRITERIA
Waterway Adequacy: N NOT OVER WATER

Approach Roadway Alignment: 8 EQUAL TO DESIRABLE CRITERIA

Scour Critical Bridges: N NOT OVER WATERWAY

DESIGN VEHICLE, RATING, and POSTING

Load Rating Method (Inv): 1 LOAD FACTOR (LF)
Posting Status: A OPEN, NO RESTRICTION
Bridge Posting: 5 NO POSTING REQUIRED
Load Posting: 10 NO LOAD POSTING SIGNS ARE NEEDED
Posted Vehicle: POSTING NOT REQUIRED
Posted Weight (tons):
Design Load: 6 HS 20+MOD

INSPECTION and CROSS REFERENCE X-Ref. Route:

Insp. Date: 072012 Insp. Freq. (months) 24 X-Ref. BrNum:

INSPECTION SUMMARY and NEEDS

07/17/2012 - Bridge has some minor deterioration overall. Alum. bridge rail has some torn components at the northwest corner that could use replacement. Steel beams could use partial cleaning and painting to correct local areas of distress. Galv. binwalls retaining abutment slope material have some progressive deterioration and will require attention within the next 10 years. ~ MJ/DK

The fascia beams could use spot cleaning and painting. The deck is showing signs of leakage especially at the abutment ends and other random areas. The approach and bridge guardrails have some collision damage which should be repaired. 7/23/10 DCP

STRUCTURE INSPECTION, INVENTORY and APPRAISAL SHEET

Vermont Agency of Transportation ~ Structures Section ~ Bridge Management and Inspection Unit

Inspection Report for BURLINGTON

bridge no.: 00005

District: 5

Located on: FAU VT127 ove WINOOSKI RIVER

approx. 3.43 MI N MANHATTAN DRIVE Owner: 04 CITY-OWNED

CONDITION

Deck Rating: 7 GOOD

Superstructure Rating: 8 VERY GOOD

Substructure Rating: 8 VERY GOOD

Channel Rating: 8 VERY GOOD

Culvert Rating: N NOT APPLICABLE

Federal Str. Number: 205009000504032

Federal Sufficiency Rating (April 2011): 089.8

Deficiency Status of Structure (April 2011): ND

STRUCTURE TYPE and MATERIALS

Bridge Type: 3-SP CONT.HNCH PL GR

Number of Approach Spans 0000

Number of Main Spans: 003

Kind of Material and/or Design: 4 STEEL CONTINUOUS

Deck Structure Type: 1 CONCRETE CIP

Type of Wearing Surface: 6 BITUMINOUS

Type of Membrane 2 PREFORMED FABRIC

Deck Protection: 1 EPOXY COATED REBAR

AGE and SERVICE

Year Built: 1983 Year Reconstructed: 0000

Service On: 1 HIGHWAY

Service Under: 5 WATERWAY

Lanes On the Structure: 02

Lanes Under the Structure: 00

Bypass, Detour Length (miles): 09

ADT: 013800 % Truck ADT: 07

Year of ADT: 1997

APPRAISAL *AS COMPARED TO FEDERAL STANDARDS

Bridge Railings: 1 MEETS CURRENT STANDARD

Transitions: 1 MEETS CURRENT STANDARD

Approach Guardrail 1 MEETS CURRENT STANDARD

Approach Guardrail Ends: 1 MEETS CURRENT STANDARD

Structural Evaluation: 8 EQUAL TO DESIRABLE CRITERIA

Deck Geometry: 5 BETTER THAN MINIMUM TOLERABLE CRITERIA

Underclearances Vertical and Horizontal: N NOT APPLICABLE

Waterway Adequacy: 8 SLIGHT CHANCE OF OVERTOPPING ROADWAY

Approach Roadway Alignment: 8 EQUAL TO DESIRABLE CRITERIA

Scour Critical Bridges: 8 STABLE FOR SCOUR

GEOMETRIC DATA

Length of Maximum Span (ft): 0260

Structure Length (ft): 000680

Lt Curb/Sidewalk Width (ft): 0.5

Rt Curb/Sidewalk Width (ft): 8.1

Bridge Rdwy Width Curb-to-Curb (ft): 42.6

Deck Width Out-to-Out (ft): 55

Appr. Roadway Width (ft): 042

Skew: 00

Bridge Median: 0 NO MEDIAN

Min Vertical Clr Over (ft): 99 FT 99 IN

Feature Under: FEATURE NOT A HIGHWAY
OR RAILROAD

Min Vertical Underclr (ft): 00 FT 00 IN

DESIGN VEHICLE, RATING, and POSTING

Load Rating Method (Inv): 2 ALLOWABLE STRESS (AS)

Posting Status: A OPEN, NO RESTRICTION

Bridge Posting: 5 NO POSTING REQUIRED

Load Posting: 10 NO LOAD POSTING SIGNS ARE NEEDED

Posted Vehicle: POSTING NOT REQUIRED

Posted Weight (tons):

Design Load: 9 HS 25

INSPECTION and CROSS REFERENCE

X-Ref. Route:

Insp. Date: 072012

Insp. Freq. (months) 24

X-Ref. BrNum:

INSPECTION SUMMARY and NEEDS

07/17/2012 - Noted 6" to 8" drop along the west side of the bridge near and between the south pier and the south abutment (roughly the bridge quarter point) was expressed in a inspection soon after the bridge was constructed and appears to be result of deck transition elevation change. Jersey barrier bridge rail needs rehabilitation to correct multiple spalls and section loss. Box beam hand/upper rail is missing roughly 20 connection bolts in various areas. Expansion joint housing could use some concrete repair and the troughs and deck drains need flushing out. A few weeps which are causing corrosion (from their discharge) along the weathering steel superstructure need to be extended. See latest servi lift report for more information ~ MJ/DK

The galvanized bottom hand rail near abutment 2 needs to be repaired. The joints and deck drains need to be cleaned of all debris. The short weep tubes should be extended under the deck in bays 1 and 4. 9/20/10 DCP

STRUCTURE INSPECTION, INVENTORY and APPRAISAL SHEET

Vermont Agency of Transportation ~ Structures Section ~ Bridge Management and Inspection Unit

Inspection Report for BURLINGTON

bridge no.: 00015

District: 5

Located on: ETHAN ALLEN ovr E A PKY OVER VT 127 approx. 0.95 MI N JCT NORTH ST

Owner: 04 CITY-OWNED

CONDITION

Deck Rating: 8 VERY GOOD
Superstructure Rating: 8 VERY GOOD
Substructure Rating: 8 VERY GOOD
Channel Rating: N NOT APPLICABLE
Culvert Rating: N NOT APPLICABLE
Federal Str. Number: 2004030D1504031
Federal Sufficiency Rating (April 2011): 082.4
Deficiency Status of Structure (April 2011): FD

AGE and SERVICE

Year Built: 1984 Year Reconstructed: 0000
Service On: 1 HIGHWAY
Service Under: 1 HIGHWAY
Lanes On the Structure: 01
Lanes Under the Structure: 04
Bypass, Detour Length (miles): 00
ADT: 015000 % Truck ADT: 06
Year of ADT: 2008

GEOMETRIC DATA

Length of Maximum Span (ft): 0150
Structure Length (ft): 000223
Lt Curb/Sidewalk Width (ft): 0.5
Rt Curb/Sidewalk Width (ft): 0.5
Bridge Rdwy Width Curb-to-Curb (ft): 16
Deck Width Out-to-Out (ft): 17.6
Appr. Roadway Width (ft): 018
Skew: 23
Bridge Median: 0 NO MEDIAN
Min Vertical Clr Over (ft): 99 FT 99 IN
Feature Under: HIGHWAY BENEATH
STRUCTURE
Min Vertical Underclr (ft): 15 FT 01 IN

STRUCTURE TYPE and MATERIALS

Bridge Type: CONT. WELDED GIRDER
Number of Approach Spans 0000 Number of Main Spans: 003
Kind of Material and/or Design: 4 STEEL CONTINUOUS
Deck Structure Type: 1 CONCRETE CIP
Type of Wearing Surface: 0 NOT APPLICABLE
Type of Membrane 0 NONE
Deck Protection: 1 EPOXY COATED REBAR

APPRAISAL *AS COMPARED TO FEDERAL STANDARDS

Bridge Railings: 1 MEETS CURRENT STANDARD
Transitions: 1 MEETS CURRENT STANDARD
Approach Guardrail 1 MEETS CURRENT STANDARD
Approach Guardrail Ends: 1 MEETS CURRENT STANDARD
Structural Evaluation: 6 EQUAL TO MINIMUM CRITERIA
Deck Geometry: 3 INTOLERABLE, CORRECTIVE ACTION NEEDED
Underclearances Vertical and Horizontal: 8 EQUAL TO DESIRABLE CRITERIA
Waterway Adequacy: N NOT OVER WATER
Approach Roadway Alignment: 8 EQUAL TO DESIRABLE CRITERIA
Scour Critical Bridges: N NOT OVER WATERWAY

DESIGN VEHICLE, RATING, and POSTING

Load Rating Method (Inv): 1 LOAD FACTOR (LF)
Posting Status: A OPEN, NO RESTRICTION
Bridge Posting: 5 NO POSTING REQUIRED
Load Posting: 10 NO LOAD POSTING SIGNS ARE NEEDED
Posted Vehicle: POSTING NOT REQUIRED
Posted Weight (tons):
Design Load: 4 H 20

INSPECTION and CROSS REFERENCE

Insp. Date: 072012 Insp. Freq. (months) 24 X-Ref. BrNum: 00015

INSPECTION SUMMARY and NEEDS

07/19/2012 - MJ/DK

This structure is in good condition with only some minor shrinkage cracks in the soffit. 7/16/10 DCP

STRUCTURE INSPECTION, INVENTORY and APPRAISAL SHEET

Vermont Agency of Transportation ~ Structures Section ~ Bridge Management and Inspection Unit

Inspection Report for BURLINGTON

bridge no.: 00D12

District: 5

Located on: FAU TH11 ove FAU TH11 OVER VT127 approx. NORTH AVE. INTERCHANGE

Owner: 04 CITY-OWNED

CONDITION

Deck Rating: 8 VERY GOOD
Superstructure Rating: 8 VERY GOOD
Substructure Rating: 7 GOOD
Channel Rating: N NOT APPLICABLE
Culvert Rating: N NOT APPLICABLE
Federal Str. Number: 2050270D1204032
Federal Sufficiency Rating (April 2011): 096
Deficiency Status of Structure (April 2011): FD

AGE and SERVICE

Year Built: 1984 Year Reconstructed: 0000
Service On: 1 HIGHWAY
Service Under: 1 HIGHWAY
Lanes On the Structure: 02
Lanes Under the Structure: 05
Bypass, Detour Length (miles): 00
ADT: 005000 % Truck ADT: 02
Year of ADT: 2008

GEOMETRIC DATA

Length of Maximum Span (ft): 0128
Structure Length (ft): 000132
Lt Curb/Sidewalk Width (ft): 0.5
Rt Curb/Sidewalk Width (ft): 0.5
Bridge Rdwy Width Curb-to-Curb (ft): 54.7
Deck Width Out-to-Out (ft): 58.8
Appr. Roadway Width (ft): 040
Skew: 00
Bridge Median: 2 CLOSED MEDIAN (NO BAR
Min Vertical Clr Over (ft): 99 FT 99 IN
Feature Under: HIGHWAY BENEATH
STRUCTURE
Min Vertical Underclr (ft): 14 FT 09 IN

STRUCTURE TYPE and MATERIALS

Bridge Type: WELDED PLATE GIRDER
Number of Approach Spans 0000 Number of Main Spans: 001
Kind of Material and/or Design: 3 STEEL
Deck Structure Type: 1 CONCRETE CIP
Type of Wearing Surface: 6 BITUMINOUS
Type of Membrane 2 PREFORMED FABRIC
Deck Protection: 1 EPOXY COATED REBAR

APPRAISAL *AS COMPARED TO FEDERAL STANDARDS

Bridge Railings: 1 MEETS CURRENT STANDARD
Transitions: 1 MEETS CURRENT STANDARD
Approach Guardrail 1 MEETS CURRENT STANDARD
Approach Guardrail Ends: 1 MEETS CURRENT STANDARD
Structural Evaluation: 7 BETTER THAN MINIMUM CRITERIA
Deck Geometry: 9 SUPERIOR TO DESIRABLE CRITERIA
Underclearances Vertical and Horizontal: 3 INTOLERABLE, CORRECTIVE
ACTION NEEDED
Waterway Adequacy: N NOT OVER WATER
Approach Roadway Alignment: 8 EQUAL TO DESIRABLE CRITERIA
Scour Critical Bridges: N NOT OVER WATERWAY

DESIGN VEHICLE, RATING, and POSTING

Load Rating Method (Inv): 2 ALLOWABLE STRESS (AS)
Posting Status: A OPEN, NO RESTRICTION
Bridge Posting: 5 NO POSTING REQUIRED
Load Posting: 10 NO LOAD POSTING SIGNS ARE NEEDED
Posted Vehicle: POSTING NOT REQUIRED
Posted Weight (tons):
Design Load: 9 HS 25

INSPECTION and CROSS REFERENCE

X-Ref. Route: VT127

Insp. Date: 072012

Insp. Freq. (months) 24

X-Ref. BrNum: 00012

INSPECTION SUMMARY and NEEDS

07/19/2012 - Plug joints should be installed at each abutment. Leakage is contributing to early signs of abutment distress. The (10) missing box beam bridge rail bolts should be reinstalled. Settlement along the side slopes at the west abutment may require additional attention if displacement continues. ~ MJ/DK

The abutment 1 approach needs have corrective measure made to prevent any further bank erosion and undermining of the wearing surface. The deck could stand to be repaved in the near future. 7/16/10 DCP

* Stone fill and asphalt was added after this inspection on the north side of abutment 1 to help prevent further erosion on that side.

March 16, 2013

Ms. Joan Shannon
Council President
City of Burlington, Vermont
City Hall
149 Church Street
Burlington, VT 05401

RECEIVED
2013 MAR 19 P 3:06
BURLINGTON CLERK
TREASURER'S OFFICE

Dear Ms. Shannon:

On Friday afternoon March 15, 2013 Mr. Eric Kronk (865-4970) called my home and left a message related to my position as Fence Viewer. Mr. Kronk said he was directed to me by the City concerning an issue with his property.

I returned the call at approximately 6 PM and spoke to Mr. Kronk. He told me that he owned two parcels of adjoining land in Burlington, that the actual boundary lines were not known, that he was looking for someone to identify the boundary pins, and that a porch might be encroaching the lot boundary.

I told him that it was not within the roles and responsibilities of the City's fence viewers to determine a boundary line. I read him the following excerpt from the Vermont League of Cities and Towns Municipal Assistance Center (VLCT MAC):

Note, however, that fence viewers may not determine a boundary line or ownership of land, and only the selectboard can order that an owner of unimproved or unoccupied land is not responsible for building or maintaining a share of the fence. Camp v. Camp, 59 Vt. 667 (1887); Shaw v. Gilfillan, 22 Vt. 565 (1850); 24 V.S.A. § 3802.

Mr. Kronk said that he had spoken with another Fence Viewer prior to my call and that the same advice had been given by that Fence Viewer.

Please let me know if I can amplify this record or if you have further instructions.

Very truly yours,



Barry Trutor, Fence Viewer
31 Matthew Ave
Burlington, VT 05408

Cc: Ms. Meghan O'Rourke, Fence Viewer
Mr. Shay Totten, Fence Viewer

March 28, 2013

Mr. Mohamed came to the Taxi Administration Office to inquire if he could purchase the business of SD Taxi and receive a queue permit. I explained to him that there was a moratorium on queue permits and that we were not issuing any new permits. I explained this to him many times and he would not take no for an answer, so I told him to write a request to the Taxi Licensing Board to make the request. I advised him that as long as everything remained in the owner of SD Taxi's name, Samir Dervic, that he could operate with that queue permit. I honestly felt very bad for Mr. Mohamed and was attempting to help him.

On January 15, 2013, Mr. Mohamed came into the Taxi Licensing Office to change his taxi driver's license to SD Taxi. I was out of the office that day and Isaac Trombley issued him the license. We did not have a letter of employment from Mr. Dervic.

On February 6, 2013, Mr. Mohamed's request was presented to the Taxi Licensing Board. The Board denied the request because if transfers are allowed, the number of queue permits will not decrease as needed. Said request is attached.

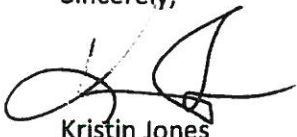
I conveyed this decision to Mr. Mohamed, again telling him if everything stayed in Mr. Dervic's name, he could still operate with his queue permit. He wanted to know if he could use the written authorization (attached) that Mr. Dervic gave him to be able to renew the application when the new licensing season commenced. I told him that I would ask the Board if that would be acceptable.

On March 14, 2013, Mr. Dervic's authorization to Mr. Mohamed to conduct business for him was presented to the Taxi Licensing Board. I advised them of the history behind the authorization and also advised them that I had been informed that Mr. Dervic was out of the country and would not be able to sign the application for renewal of the license and permit of the vehicle. Their consensus was that if Mr. Dervic was out of the country at the time of licensing season, then Mr. Mohamed could not receive a new queue permit, but could apply for a taxi vehicle license.

I asked Isaac Trombley to convey this information to Mr. Mohamed. Because Mr. Mohamed did not understand what Mr. Trombley was trying to tell him, they both came up to the Taxi Administration Office so I could try to explain it to him. I told him of the Board's decision. He became very agitated saying that we had already given him a license therefore that meant that we had given him approval. He said that Mr. Dervic was back in the country now. I told him that was good; it meant that he would be able to sign the application for renewal. He was still upset and had to be asked to keep his voice down several times. I was confused at the time why he was so agitated as I was telling him that he could continue to operate. I attempted to explain it to him in different ways so he could understand what I was trying to tell him, but he kept insisting that we gave him permission already by giving him his license. After 15 minutes of trying to explain this to him, I gave up and told him there was nothing further to discuss several times, finally telling him to please leave the office. I did raise my voice when I told him this because he was very agitated and loud. He calmed down a bit and I again told him everything would be fine because Mr. Dervic was in the country to be able to sign the application. He left the office more subdued.

I genuinely feel bad for Mr. Mohamed, which is why I was attempting to help him with his efforts. That said, at no time was he told that his request to transfer the queue permit was approved.

Sincerely,



Kristin Jones

Taxi Administration Office

RECEIVED
2013 APR - 1 A 9:21
DURLINGTON CLERK
TREASURER'S OFFICE

March 28, 2013

My account of what transpired between Mr. Ragab Mohamed and the Airport Taxi Licensing staff was that Mr. Mohamed had put in a request to the Taxi Licensing Board to transfer S.D. Taxi, previously owned by Mr. Samir Dorvic, and all of its rights to Mr. Mohamed. My understanding is that Mr. Mohamed had previously been let go from his previous employer, Youness Jamil of Star Cab, and desperately needed a vehicle to continue to further conduct business to support his family. That being said, we agreed that we could transfer the license from Star Cab to S.D. Taxi, but the Taxi Licensing Board would have to grant approval of the transfer of S.D. Taxi to Mr. Mohamed. I went ahead and transferred the license; however a few weeks later (February 6, 2013), the board denied the transfer due to a memorandum of Taxi Queue Permits. As to Ms. Kristin Jones screaming at him to "get out of my office right now", is fabricated in my opinion. At the time of that discussion, the Airport Administration staff was conducting marketing interviews and Mr. Mohamed was asked several times to lower his voice due to the circumstances. After the fourth or fifth time, Ms. Jones became irritated due to constantly requesting to respect the noise level in the office, so she asked him to please leave the office.

Isaac Trombley
Airport Ambassador Foreman



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2013 APR - 1 A 9:21
BURLINGTON CLERK
TREASURER'S OFFICE

Full authorization for S.D Taxi

Date: February 19, 2013

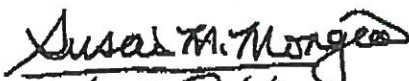
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BURLINGTON CLERK
TREASURER'S OFFICE

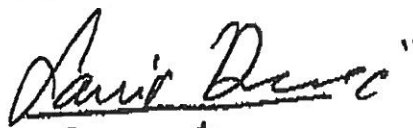

I Samir Dervic confirm that I agreed to give Mr. Ragab Mohamed full authorization to deal on my behalf with the insurance and airport and other regarding the S.D taxi for everything such as renewal, cancelling, transfer and add or remove anything so he can operate without any problem.

Name	Signature	Date
Samir Dervic		02/20/13
Ragab Mohamed		02-19-2013

ADDENDUM :

THE MOMENT #1 TAXI IS GRANTED AUTHORITY FOR A QUEUE PERMIT AT BURLINGTON INTERNATIONAL AIRPORT, S.D. TAXI WILL BE TERMINATED; ALONG WITH MR. RAGAB MOHAMEDS AUTHORITY TO CONDUCT BUSINESS ON S.D. TAXIS BEHALF.


Notary Public
Comm. Expires - 2/10/15

	02/20/13	DATE
SAMIR DERVIC		
	02-19-13	DATE
RAGAB MOHAMED		

Ragab Mohamed

36 Gilman circle

Colchester VT 05446

Telephone: (H) 802-4894-899 (C) 802-324-5566

RECEIVED
2013 APR - 1 A 9:11
BURLINGTON CLERK
TREASURER'S OFFICE

Dear Taxi board

I am writing this letter to request the moving of sticker and registration from S.D taxi of Mr. Samir Dervic to my Taxi #1 belong to me. I have been working as a taxi driver since 2001 and I never have complains, I deal very professional with customers and I have a very clean driver record. I have been working with star cab taxi and I have been following the rules and policies for the airport and ambassadors.

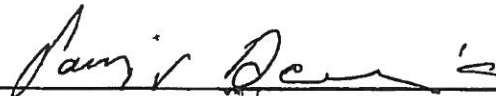
I tried registering my own company last year but unfortunately I had an emergency travel therefore could not fill out or complete the application process. I tried again to fill the application but I was told there are no more stickers available. S.D Taxi owners is moving out of the business and therefore me and Mr. Samir Dervic requesting the moving of his sticker and registration along with his car and all its features (meter, roof light etc....) under my name so I can be able to work and support my family. This is why I urge you to approve my proposal. Thank you.

Sincerely,


Ragab Mohamed;

 Ragab Mohamed

Samir Dervic;



Ambassador;

 #228 Burlington P.D

→  Mike D. Edwards



COMMUNICATION
DATE 4/1/13
AGENDA ITEM # 62

BURLINGTON CLERK
TREASURER'S OFFICE

2013 MAR 19 PM 3:06

RECEIVED

**Ward I Neighborhood Planning Assembly
March 14, 2013**

Joan Shannon, City Council President
41 Central Avenue
Burlington, VT 05401

Re: Communications from Ward 3 City Councilors to Ward 1 School Commissioner

Dear Council President,

It has come to our attention that two City Councilors contacted the recently re-elected Ward 1 School Commissioner and asked him to step down. We discussed this situation at the March 13th Ward 1 NPA and unanimously voted to voice our concerns in a letter to the City Council President. We are distressed over the lack of respect for the democratic process and the inappropriate use of influence exerted by two of our elected officials. It is our intention in writing this letter to ensure that action is taken to educate the city councilors on the inappropriate nature of their communications, to ensure that current and future city councilors know that this type of behavior is inappropriate, and to ask that any policy or procedures or codes of conduct be updated to deter this behavior from occurring in the future.

It is our understanding that after the voters went to the polls and the results were announced but before the recount, Ward 3 City Councilor, Vince Brennan, sent an email on March 6th to one of the candidates for school commissioner, Keith Pillsbury. In his email, Councilor Brennan asked Keith Pillsbury to step down, and from what we know, this email threatened public pressure if the school commissioner did not comply. He seemed to be exerting undue influence based on his role as a city councilor. It is our understanding that Ward 3 City Councilor, Rachel Siegel, also sent an email asking the school commissioner to resign.

We have no knowledge that the candidate they were supporting, Kyle Dodson, initiated or knew anything about these communications before they were sent. The re-elected school Commissioner, Keith Pillsbury, did not initiate and knew nothing of the discussion at our NPA and vote of the NPA participants and he was not present at the March 13th NPA. We are writing this letter based on our collective sense of wrongdoing, a desire to protect the democratic process, and our desire to ensure that our elected officials act professionally and appropriately in their roles.

While the tone of this letter is measured, the discussion engaged in at our NPA expressed our deep concern over the situation. The communications of the city councilors were described in terms ranging from "inappropriate" to "reprehensible."

As is customary for our NPA when a follow-up is appropriate, we will be inviting you, as City Council President, to a future NPA in order to update us on this situation. We ask that if any of our facts are incorrect, you correct us. We are also asking that you describe the follow-up actions taken by you or the appropriate persons to ensure that these behaviors do not occur in the future.

Thank you for your time and consideration.

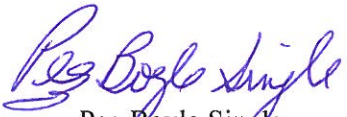
At their meeting of 4/1/13
the Burlington City Council voted to
~~waive the reading, accept this communication~~
and place it on file.

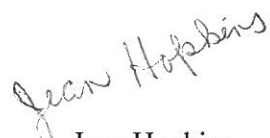
Attest:

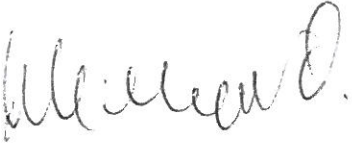
Joel Oberg
and place it on the 4/15/13 CC
agenda (per Councilor Brennan)


Sincerely,

Ward 1 NPA Steering Committee on behalf of the Ward 1 NPA


Peg Boyle Single


Jean Hopkins


Richard Hillyard


Jim Langan

Cc: Miro Weinberger, Burlington Mayor, City Hall
Sharon Bushor, Ward 1 City Councilor, 52 East Avenue
Kevin Worden, Ward 1 City Councilor, 23 Brookes Avenue
Vince Brennan, Ward 3 City Councilor, 175 Park Street
Rachel Siegel, Ward 3 City Councilor, 21 Pitkin Street
Kyle Dodson, Candidate for Ward 1 School Commissioner, 502 North Street
Keith Pillsbury, Ward 1 School Commissioner, 25 University Terrace

RECEIVED
2013 MAR 19 P 3:07
BURLINGTON CLERK
TREASURER'S OFFICE

Lori Olberg

From: Scott Gustin
Sent: Thursday, April 04, 2013 2:24 PM
To: Lori Olberg
Subject: FW: Board and Commission Process, Pilot Program

Another one resigned, but from DRB this time.

Scott Gustin, AICP, CFM
Senior Planner
Department of Planning & Zoning
149 Church Street
Burlington, VT 05401
Phone: (802) 865-7189
Fax: (802) 865-7195

RECEIVED
2013 APR -4 P 2:31
BURLINGTON CLERK
TREASURER'S OFFICE

-----Original Message-----

From: Kevin Stapleton [<mailto:Kevin.Stapleton@uvm.edu>]
Sent: Tuesday, April 02, 2013 10:24 AM
To: Scott Gustin
Cc: 'Austin Hart'; alexandra.zipparo@gmail.com; 'Bob Schwartz'; 'Brad Rabinowitz'; jimkd@blackriverdesign.com; jhstevens1@gmail.com; 'Michael Long'
Subject: Re: Board and Commission Process, Pilot Program

Hi everyone,

Unfortunately, the combined demands of a new baby at home and new job responsibilities in Montpelier have made it very challenging for me to fully engage with the DRB (as you might have noticed from my recent attendance record). I need to step down in the next few months - in a brief discussion with a couple city councilors it seemed to make sense for me to resign at the time new members are selected. I will remain on the board until a replacement is identified and available to start, which appears to be slated for about mid-June.

It's disappointing to have to step down. I've learned a tremendous amount and thoroughly enjoyed being involved. I hope to re-engage at some point in the future.

Best-
Kevin

Quoting Scott Gustin <SGustin@burlingtonvt.gov>:

- > City records show that Brad's term and Jonathan's terms are ending
- > June 30th, 2013.
- >
- > Scott Gustin, AICP, CFM
- > Senior Planner
- > Department of Planning & Zoning

Notes from the Charter Change Committee on the Assault Weapons Ban resolution
March 28, 2013

The committee met three times regarding this resolution during February and March. We realized that given the timeline to potentially put an item on the ballot for a Charter Change, we had until late fall to come to a decision to bring back to the full Council. We decided to work hard but to not hurry.

The Chief of Police attended our most recent meeting and informed us what measures he would support and suggest on a municipal level – the meeting notes from March 20th outline this. It is my hope that whoever is the chair will consider the Chief's ideas and also do the following:

1. Invite the Mayor to a future meeting to discuss his hopes regarding gun legislation in Burlington.
2. Invite Linda Waite-Simpson, Essex State Representative, to discuss her hopes for State gun safety measures and whether the City of Burlington could potentially help move those measures forward. (This is my personal recommendation – we did not discuss this at the committee.)
3. Charter Change committee members should go together or individually to a gun store (Powderhorn or Datillio's) and the rest of the Council would be recommended to do the same. This will give us the opportunity to learn more about the subject we are discussing.
4. The chair of the committee would schedule a time to visit the Police Department to see the guns that they use and the guns that they have seized. The full council will be invited to that visit. [We just learned from the Chief that seeing the seized weapons might not be possible.]

In the same resolution, there was work passed on to the Public Safety Committee which was not considered. The Charter Change Committee sincerely hopes that the Public Safety Committee will convene as soon as possible to follow through on this work.

Submitted by Rachel Siegel, Chair

RECEIVED
2013 APR - 9 P 1:53
BURLINGTON CLERK
TREASURER'S OFFICE



North End NPAs
130 Gosse Court
Burlington, VT 05408

April 5, 2013

To: All Members of City Council

Re: Ward 4 and Ward 2 only have 1 vote each on the Redistricting Committee.

Dear Councilors,

For some time now we have called to your attention the fact that Wards 4 and 2 have one vote each on the redistricting committee. The other wards have two votes each. We hope this can be rectified before the first meeting of the Redistricting Committee, April 8 at 7pm.

The committee's main responsibility is to create equal voting rights in each city ward, but the committee itself is created with unequal voting rights. Surely you see the irony in this, as well as the injustice done to people in Ward 4 and Ward 2. It's an easy fix.

We propose two easy solutions for your consideration:

1. ask elected officials (mayor, city councilors) to step aside and charge the committee with making recommendations to Council, building on the work of the previous committee
2. invite Alternates from Wards 2 and 4 to the table with full voting rights

Please act promptly so the committee can begin work as a whole body, with the trust and confidence of people in all city wards. Speaking for Ward 4 NPA, our Alternate George Gamache is ready and willing to fully participate with the support of North End NPA Steering Committees, the memberships, and Ward 4 Councilor Hartnett. Mr. Gamache has been duly elected by the membership.

Thanking you kindly and respectfully for your time and consideration,

North End NPA

Ward 4 and Ward 7 Steering Committees



North End NPAs
130 Gosse Court
Burlington, VT 05408

April 5, 2013

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Thanking you kindly and respectfully for your time and consideration,

North End NPA
Ward 4 and Ward 7 Steering Committees

Burlington City Council



802/865-7136
TTY 802/865-7142

OPENINGS BURLINGTON CITY COMMISSIONS/BOARDS ****updated****

Airport Commission	Term Expires 6/30/17	One Opening
Cemetery Commission	Term Expires 6/30/16	Two Openings
Chittenden Country Transportation Authority	Term Expires 6/30/15	One Opening
Chittenden Solid Waste District, Alternate	Term Expires 5/31/14	One Opening
Church Street Marketplace Commission	Term Expires 6/30/16	Four Openings
Conservation Board	Term Expires 6/30/16	One Opening
Conservation Board	Term Expires 6/30/17	Four Openings
Design Advisory Board	Term Expires 6/30/16	Two Openings
Development Review Board	Term Expires 6/30/15	One Opening
Development Review Board	Term Expires 6/30/17	Two Openings
Electric Light Commission	Term Expires 6/30/16	Two Openings
Fence Viewers	Term Expires 6/30/14	Three Openings
Fire Commission	Term Expires 6/30/16	Two Openings
Board of Health	Term Expires 6/30/16	Two Openings
Housing Board of Review	Term Expires 6/30/18	One Opening
Library Commission	Term Expires 6/30/16	One Opening
Parks and Recreation Commission	Term Expires 6/30/16	Two Openings
Planning Commission	Term Expires 6/30/17	Two Openings
Police Commission	Term Expires 6/30/16	Two Openings
Public Works Commission	Term Expires 6/30/16	Two Openings
Retirement Board	Term Expires 6/30/16	One Opening
Board of Tax Appeals	Term Expires 6/30/14	One Opening
Board of Tax Appeals	Term Expires 6/30/15	Two Openings
Board of Tax Appeals	Term Expires 6/30/16	Two Openings
Board for Registration of Voters	Term Expires 6/30/18	One Opening

Applications may be submitted to the Clerk/Treasurer's Office, 149 Church Street, Burlington, VT 05401 Attn: Lori beginning Monday, April 1, 2013 through Tuesday, April 23, 2013.

If you have any questions please contact Lori at (802)865-7136 or via email lolberg@burlingtonvt.gov.

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;**" add 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**

Minutes, Adjourned Meeting, City Council, January 28, 2013

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.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
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

Minutes, Adjourned Meeting, City Council, January 28, 2013

- 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

Minutes, Adjourned Meeting, City Council, January 28, 2013

*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 felt 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.

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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

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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

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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.

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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.

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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.

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- 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

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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.

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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.

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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

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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

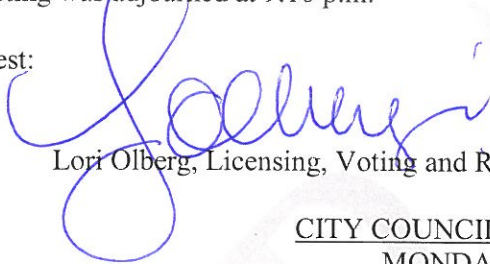
Councilor Bushor and City Council President Shannon made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

3. ADJOURNMENT

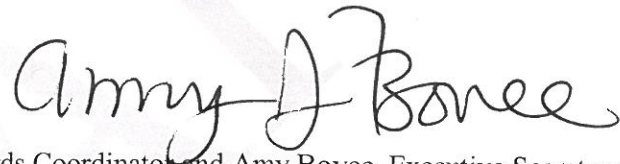
Without objection, Mayor Weinberger adjourned the Board of Civil Authority Meeting at 9:08 p.m.

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.

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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.

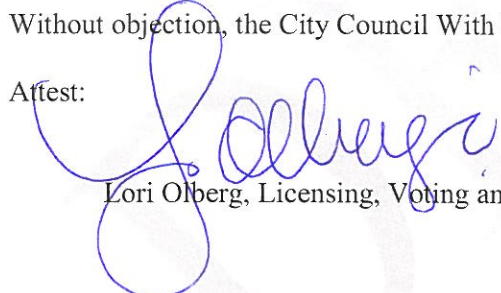
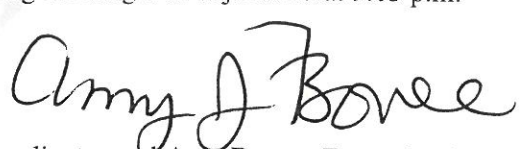
Julie Hathaway received 13 votes.

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

DELIBERATIVE AGENDA
SPECIAL CITY COUNCIL WORKSESSION
CONFERENCE ROOM 12, CITY HALL
MONDAY, FEBRUARY 11, 2013
6:00 P.M. – 7:00 P.M.

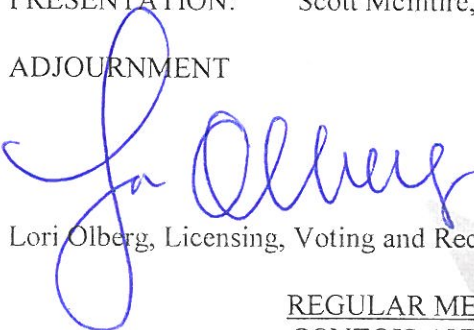

PRESENT: City Council President Shannon; Councilors Blais, Brennan, Siegel, Paul, Bushor, Tracy, Worden and Dober; Councilor Mason (6:10 p.m.), Councilor Aubin (6:25p.m.)

ABSENT: Councilors Decelles, Hartnett and Kranichfeld

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA
2. PRESENTATION: Scott McIntire, Auditor, re: Fiscal 12 Audit Reports (oral)
3. ADJOURNMENT

Attest:

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

REGULAR MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
MONDAY, FEBRUARY 11, 2013
7:20 P.M.

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

ABSENT: Councilor Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood and Gregg Meyer

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

Councilors Siegel and Bushor made a motion to remove item 3.20 from the consent agenda and add it to the Deliberative Agenda as item 4.1.

On a motion by Councilors Kranichfeld and Siegel the agenda was adopted as amended.

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:30 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
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Minutes, Regular City Council Meeting, February 11, 2013

Sandy Wynne	Ward 1 Resident	Fair Trade
Marc Sherman	Ward 7 Resident/ Outdoor Gear Exchange	In favor of Church Street Trespass Ordinance
Andy Simon	350 Vermont/Ward 5 Resident	Tar Sands Teach-in Feb 27
Jordan Redell	Ward 1 Resident	Involve Students with Quality of Life Issues
Robin Lloyd		One Billion Rising Event

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:43 p.m.

3. CONSENT AGENDA

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

- 3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List
*waive the reading, accept the communication and place it on file
- 3.02. ORDINANCE: BUILDINGS AND BUILDING CONSTRUCTION – Building Codes Adopted (Councilors Paul, Mason)
*consider this 1st reading and refer to the Ordinance Committee
- 3.03. RESOLUTION: Compensation Adjustment for Officer Kratchovil Burlington Police Department (Board of Finance)
*waive the reading and adopt the resolution
- 3.04. RESOLUTION: Approving the Pledging of the Credit of the City in Anticipation of the Receipt of Revenue From The Electric Department (Board of Finance: pending BOF approval on 02/11/13)
*waive the reading and adopt the resolution
- 3.05. COMMUNICATION: Barbara L. Grimes, General Manager, BED, re: Revenue Anticipation Note
*waive the reading, accept the communication and place it on file
- 3.06. 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 as received at the January 28, 2013 City Council Meeting
- 3.07. COMMUNICATION: Eileen M. Blackwood, Esq., City Attorney, re: Welcome to New City Employee Kimberlee J. Sturtevant, Esq.
*waive the reading, accept the communication and place it on file
- 3.08. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Draft, Minutes, Regular, City Council

Minutes, Regular City Council Meeting, February 11, 2013

Meeting, October 15, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes at the February 19, 2013 City Council Meeting

3.09. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Draft, Minutes, City Council, Regular Meeting, November 13, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes at the February 19, 2013 City Council Meeting

3.10. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Draft, Minutes, Adjourned, City Council, November 26, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes at the February 19, 2013 City Council Meeting

3.11. COMMUNICATION: Mayor Miro Weinberger, re: Re-appointment of Sheila McLaughlin-Gorski to BHA Board of Commissioners

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

3.12. COMMUNICATION: Pete French, re: ban of semiautomatic assault weapons and high capacity magazines resolution

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

3.13. COMMUNICATION: Bad4country, re: gun ban

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

3.14. COMMUNICATION: Gary, re: disregard for the U.S. Constitution

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

3.15. COMMUNICATION: Anthony, re: 2nd Amendment rights of US Citizens

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

3.16. COMMUNICATION: Gregory Epler Wood, re: Remarks to the Burlington City Council, January 28, 2013 Public Forum

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

3.17. COMMUNICATION: SeaBee Veteran, re: New Gun Legislation

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

3.18. COMMUNICATION: Mike Snyder, re: Passing Legislation on Assault Weapons

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

3.19. COMMUNICATION: Hir Burt, re: Banning guns

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

3.21. COMMUNICATION: Karen Lafayette & Erhard Mahnke, re: Burlington Legislative Update and Burlington/Chittenden Delegation & Committee Assignments

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

3.22. COMMUNICATION: Brian, re: Laws to restrict guns

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

- 3.23. COMMUNICATION: Harry Chen, MD, Commissioner of Health, Department of Health, Environmental Health, re: Deputy Health Officer Appointment of Linda Ayer

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

- 3.24. COMMUNICATION: William E. Johnson, Director, Property Valuation and Review, State of Vermont, Department of Taxes, re: Notice of Tentative Redetermination of Equalized Education Property Value and Coefficient of Dispersion

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

- 3.25. COMMUNICATION: Report to the City Council from City Attorney Eileen Blackwood & Sr. Asst. City Attorney Gene Bergman, re: Communication from Preservation Burlington to Burlington Planning Commission re: "Historic Building Materials Replacement Policy" dated October 9, 2012

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

4. ORDINANCE: OFFENSES & MISCELLANEOUS PROVISIONS – CHURCH STREET MARKETPLACE DISTRICT TRESPASS AUTHORITY (Councilors Mason, Dober, Bushor: Ordinance Committee)(2nd reading)

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

Councilor Mason stated this ordinance was initiated in the Public Safety Committee in 2011. It was referred to the full Council with a split vote of 2-1. The full Council heard it in March of 2012 and referred it to the Ordinance Committee. There were questions raised about constitutionality. The City Attorney prepared a memo to address questions that were raised. They held three public hearings. The goal was to make sure that the Marketplace was safe and secure for everyone to enjoy. It was not designed to target a specific population but manage behavior. It gave law enforcement another tool to use. They would be able to issue a civil no trespass order to anyone engaged in disorderly conduct, unlawful mischief, possession of intoxicating liquor, or possession of a regulated substance. The ability to issue a trespass order had already been extended to the Library and City Hall Park. There was a graduating penalty with one day for a first offense, 90 days for a second offense, and a year for a third offense. There was a hearing procedure included in the ordinance to address concerns of due process and fairness. The hearing panel would have one person representing the business community, one representing the social service community, and a member of the general public. Anyone in receipt of a no trespass order would have their sentence suspended until the hearing. It also provided for a potential waiver for those who work on Church Street. They received testimony at all of the hearings in support of the ordinance. He encouraged everyone to support the ordinance.

Councilor Dober stated it was a joy to work on this ordinance although it was more lenient than he would like it to be. It hit the right areas needed to give law enforcement the tools they needed to help clean up Church Street. They went through everything and included as many people as possible.

Councilor Bushor thanked those involved in the process. She came into the process with reservations that groups of people would be targeted rather than individuals' behavior. She listened to the concerns and now felt that she could support it. The Police Department and social services helped her understand why the length of times of the no trespass order would be helpful. She had concerns that they were limiting access to an entire street. With the definitions she began to understand the need for something like this to eliminate behavior that could put someone at risk. She noted that the Marketplace would determine the members of the hearing panel. They decided membership should be broader than the Marketplace Commission. She trusts the Police Department to utilize this tool appropriately.

Councilor Brennan stated that he had concerns about the ordinance. The first was that it was a significant rewrite from the first reading. He inquired if they could look at this as a first reading rather than a second reading. City Council President Shannon stated they could not do that. It went back to the Ordinance Committee after the first reading because they expected changes to be made. Councilor Brennan stated there had not been enough time for the City as a whole to look at this. City Attorney Blackwood stated there was no particular definition of first and second reading. The rules state the City Council may adopt the Ordinance at any time following the second reading. Someone could make a motion to send it back to the Ordinance Committee or to postpone action. City Council President Shannon stated it was a second reading, but they could make a motion to postpone action. Councilor Brennan stated he would like to postpone based on the significant changes. The whole City had not been able to digest what this encompassed. His biggest fear was the additional opportunities for the Police to take action. He appreciated the Police using their discretion and the inclusion of safeguards, but still had reservations.

Councilors Brennan and Tracy made a motion to postpone action until March 11.

Councilor Siegel stated she supported postponing action because she had a number of questions she would like to have answered. The terms anti-social or inappropriate behavior were very subjective and inadequate. She inquired how the addition of a street outreach worker had impacted problems. She did not want to add legislation if there was a way to boost support systems. Another problem that was mentioned was swearing on Church Street. That was not mentioned in the ordinance. It was rewritten and she was unsure how the offenses were being changed.

Councilor Mason stated he was not in favor of postponing action. The changes that were made were of a non-substantive nature. The way it was first drafted was confusing. The Committee focused on what constituted inappropriate behavior to help clarify questions. This was not a standalone provision that could be issued. There was defined conduct defined under existing law. A no trespass could not be issued unless the behavior fell into one of those categories that was defined elsewhere. This was a way to address those problems in a non-criminal way.

Councilor Bushor stated that some of the questions that have been raised were discussed. She tried to define what behaviors were included. They felt that the terms were so broad it would not be useful to include a laundry list. She understood the questions and believed that what was different was the no trespass order. The original ordinance included other forms of punishment that were intertwined. They tried to make this more clear and specific. She inquired if the request to delay action was to answer Councilor questions or to get input from the community. Councilor Brennan stated he believed that having more time would allow the community to have a clearer understanding of these vague terms. It would be a shame if a broad term ended up being abused. It would help with understanding about what they were moving towards. The Marketplace had weighed in, but the general public had not.

Councilor Bushor requested an explanation about how the Police Department would define and judge the term anti-social behavior. Police Chief Michael Schirling stated the term anti-social behavior was referenced in the legislative intent section of the ordinance but not in the definitions of what would warrant a trespass ordinance. The four things delineated there were what officers would use. The key one was disorderly conduct. There was a robust amount of case law that guided officers as to what constituted disorderly conduct. There were two categories. One was fighting that fell short of assault and the other was obstructing traffic by standing in the road. If this ordinance worked the way it had at the Library and at City Hall Park, it would reduce the need for action to be taken. There were very few arrests at the Library now because people did want to use it and therefore curtail inappropriate behavior. The same thing happened at City Hall Park in the last year. The same people who were causing problems were still present in the park but the behavior had been curtailed. In the first year, it had had the intended effect.

Councilor Hartnett requested an explanation of who will sit on the review board. He hoped that the law would be used as intended, but felt that the review board was an important component. Councilor Mason stated there would be three people designated by the Church Street Marketplace Commission. It would consist of one representative from the business community, one representative from the social services community, and one member of the general public. It was unknown how active the panel would be and membership would rotate. Councilor Hartnett inquired if the Howard Center would be the representative from the social service community. Councilor Mason stated that someone from the Howard Center or any other social service agency would be his interpretation.

Councilor Brennan inquired how many no-trespass tickets had been issued. Chief Schirling stated there had only been a couple dozen total. City Council President Shannon inquired what the time frame for that had been. Chief Schirling stated it had been about 18 months.

Councilor Tracy inquired if there had been an additional Street Outreach person in the last year. Chief Schirling stated it had been about 2.5 years since they added an evening person. There were 3.5 Street Outreach workers in the downtown area and one that worked full time out of the Police Department. Councilor Tracy stated it was important to understand what the existing tools were. He inquired what the current tools were that they use to deal with these issues. Chief Schirling stated they fit into the categories of prevention and education, outreach and intervention, alternative sanctions, and criminal prosecution. The Street Outreach team fell into the category of outreach and intervention and was most prevalent in the City core. There were some drug and alcohol outreach efforts through local social service agencies. There were many options and tools available for a community of this size. All of these areas were important to effectively deal with these issues. This was one more tool to prevent things from getting to the level of criminal prosecution. Councilor Tracy inquired if he felt that any aspects of this ordinance were geared towards restorative justice efforts. Chief Schirling stated this ordinance gave the respondent the opportunity to go through the restorative justice process to have the ticket voided and the impact mitigated.

The motion to postpone action failed by a vote of 1-12 with Councilor Brennan voting in favor.

Councilor Siegel stated she felt better having heard the discussion but there were two sticking points.

Councilors Siegel and Brennan made a motion to change the words "and inappropriate" to "unlawful behavior" and to strike clause 5 that referred to anti-social behavior.

Councilor Mason stated he was supportive of the amendment with the caveat that it did not impact the constitutionality of the ordinance. He requested an explanation from the City Attorney. Assistant City Attorney Gregg Meyer stated they would not impact the constitutionality.

Councilor Bushor requested they not strike the word behavior so the resolution read correctly. Councilor Kranichfeld stated they should renumber the items if 5 was stricken.

Councilor Dober stated he was concerned they were losing the bite of each statement. The elements of fear and intimidation needed to be included to protect any person who had those feelings going down Church Street. He was hesitant to do this on the floor because they spent a great deal of time reviewing the ordinance line by line.

Councilor Brennan stated these areas were significant for him in passing the ordinance. He wanted the Police to have the tools to address unlawful activities. He was concerned with these areas because they had the potential for an unchecked and unbalanced ability to move forward. It was important to note that there were people who might be zealous in their ability to dictate how others moved through the

community. He believed that removing these items would take care of the problems and was in favor of the amendment.

Councilor Dober inquired if removing anti-social behavior on the Marketplace would give the Police any authority to protect an individual who felt uncomfortable because of social norms. Chief Schirling stated the change would not affect enforcement capabilities but would impact the City Attorney's ability to uphold constitutional ground if there were a challenge to the ordinance. Assistant City Attorney Meyer stated there was no operational authority that came from the proposed ordinance. The only way someone could be issued a notice of trespass was if they participated in the prohibited activities listed in the ordinance. Removing those two provisions did not change that fact. Councilor Dober stated that removing those clauses did change the intent of the ordinance. He felt that the ordinance should be broad enough to help everyone in a situation where they felt uncomfortable. Assistant City Attorney Meyer stated when a Police Officer was called to a situation the individual must be violating one of the four prohibited activities to issue a notice of trespass in addition to ticketing them. The underlying concept was still expressed in the findings and purpose section even with those two portions stricken. Councilor Dober stated that his concern was that if they were challenged in Court, that portion of the reasoning would be removed. He felt they should do all they could for each situation by removing the sections about intent.

The motion to amend the ordinance passed by a vote of 11-2 with Councilors Dober and Hartnett voting against.

Councilors Dober and Siegel made a motion to call to question. The motion passed unanimously.

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

4.01. COMMUNICATION: Gregg Meyer, Assistant City Attorney, re: Proposed Marketplace District No Trespass Ordinance

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

4.1. (originally 3.20.) COMMUNICATION: Burlington Employees' Retirement System Board, re: Response to Tar Sands Resolution

Councilors Siegel and Brennan made a motion to waive the reading, accept the communication and place it on file.

Councilor Siegel stated she removed this from consent because she was looking for clarity about the next step. She was pleased to get this response in a timely manner. The original resolution requested that the Retirement Board examine pension fund investments overseas and remove investments from oil companies that profit from tar sands. It also requested they work with the State of Vermont Municipal Pension Board to find out how many municipal funds were invested in oil companies that profited from tar sands. The report was about the funds invested at the State level. She inquired what the best way to reach out to them about the funds invested at the City level. She suggested they request a meeting with VPIC to see if they consider divesting. That would be the next step and would likely require a future resolution.

Councilor Bushor stated there was a line saying that the assets controlled by BERS did not have any direct investments in tar sands oil.

Councilor Paul stated she was an alternate on the VPIC Board and attended some of their meetings. They were currently discussing removing fossil fuel stocks from their portfolio as a result of a pending bill. The

response was correct in that their contract stated they did not have control over that. There was a higher level examination at a state wide level. They would discuss this issue at their next meeting.

Councilor Siegel stated it was not clear to her if they were answering both questions. The statement that Councilor Bushor noted might be answering the first question.

Councilor Brennan stated that although Councilor Paul was not a voting member, perhaps she could bring the voice of the Council's intent to the State.

The motion passed unanimously.

5. COMMITTEE REPORTS (5 mins.)

Councilor Siegel stated that the Charter Change Committee met and looked at the two resolutions that had been referred to them regarding Commission Appointments and Guns. Action on Commission Appointments would be coming forward at the next meeting. The gun topic was moving at a slower pace and would be discussed at the next meeting. The Diversity and Equity Committee had been meeting bi-weekly. They were working on a strategic plan with an oversight body in place. They have hired a facilitator to help with the process. The Committee would be disbanding and creating another short term committee, as many of the members were expecting a short term process.

Councilor Brennan stated the Tax Abatement Subcommittee would be meeting and there were some important items that would be addressed.

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

Councilor Brennan stated that he would like to acknowledge the passing of Dan Balon. His untimely death was shocking to him. In his first year on the City Council, he served as the task force chair for the School District. He worked with Dan daily to come up with the recommended strategic plan for the Schools. He has had positive conversations with the Mayor about the status of the Schools. There was a lot of work that needed to be done to recognize what was happening in the community and to find ways to move forward to create a welcoming community. City Council President Shannon called for a moment of silence.

Councilor Siegel read a letter from Suzie Comerford about the passing of Dan Balon. She stated that the Diversity and Equity Committee had discussed holding anti-racism trainings for City Council. It was necessary to have trust to do that type of deep personal work. Being a political body with people of different political backgrounds did not promote that. She encouraged Councilors to do this type of work.

Councilor Tracy stated their NPA would be meeting and holding a candidate forum. He had spoken with a constituent who was very excited about the work happening surrounding Moran. He spoke with him a week later and he seemed disappointed. The constituent had not submitted a proposal because he felt like it was too difficult and would not be considered without having big money behind him. That was not the idea they had hoped to give members of the public when they passed the PIAP and he hoped that they could find a way to make everyone feel that it was open to everyone.

Councilor Bushor stated the Ward 1NPA would be meeting and holding a candidates' forum. They would also discuss the Burlington School Budget.

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

Minutes, Regular City Council Meeting, February 11, 2013

Mayor Weinberger acknowledged Dan Balon's tragic and untimely death. He stated he attended the wake and funeral service. The outpouring of emotion and support from the community was remarkable. He hoped and believed that his service and life in the community would have long lasting benefits for the community. He thanked Councilor Brennan for organizing a group to meet after the event.

The Public Investment Action Plan had begun after the resolution was passed at the last meeting. It was a new process and they were figuring some portions of it out as they went. The reaction that Councilor Tracy had mentioned had been reported back to CEDO. They were working to help people understand that the intention was not that big money and established teams were necessary to bring forward a concept that would be considered. They would be making sure this was clear at NPAs and other community forums.

He gave testimony in Montpelier last week on TIF legislation and districts. The House Ways and Means Committee requested that he and the Mayor of Winooski give input. They focused on questions about events past, current reforms, and extensions of the five year window to incur debt.

The monthly Department Head Meeting was held at Burlington City Arts and a presentation from the new curator from BCA occurred. He brought the "This Seat's Taken" exhibit to the City. It was an interesting discussion and was a form of anti-racism training.

Mayor Weinberger has also started having a monthly meeting with project managers throughout the City. This includes projects like the Champlain Parkway to block long sidewalk repairs. They were gathering to ensure those projects were moving forward in a coordinated way.

The Annual Report was almost complete and would be ready for Town Meeting Day. He thanked staff from his office for putting it together. This would be the first time the audited financial statements would be part of the Annual Report since 2006. This was a sign of the sustained improvement in the financial area of the City and he thanked the CAO.

His take home from the Audit was that there has been modest progress. He expects more improvement in next year's audit when the Administration has been in place longer, when New World is more in place, and when the Fiscal Stability comes through.

He invited others to attend a benefit for DJ A-Dog at Higher Ground. He has been civic minded and engaged. He led an awareness event to bring attention to the ballot items on the November ballot. He has been diagnosed with leukemia and will need a bone marrow transplant.

8. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Regular City Council Meeting at 8:53 p.m.

Attest:

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

DELIBERATIVE AGENDA

ADJOURNED MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
TUESDAY, FEBRUARY 19, 2013
7:08 P.M.

PRESENT: City Council President Shannon; Councilors Bushor, Worden, Tracy, Siegel, Aubin, Hartnett, Mason, Paul, and Blais; Councilor Dober (via phone)

ABSENT: Councilors Kranichfeld, Brennan and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood

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 Bushor the agenda was unanimously adopted as amended as follows: note **revised** version of consent agenda item 3.06. RESOLUTION: Fletcher Free Library— Authorization to Accept an Award From The ECHO Center for “We the BTV: Arrivals, Departures & the Making of Community” A Series in Collaboration with The ECHO Center Exhibit “RACE: Are We So Different?” and Amend the FY 2013 Budget (Board of Finance: pending BOF approval on 02/19/13); note **revised** version of consent agenda item 3.07. RESOLUTION: Authorization to Accept an Award from IBM to the Friends of the Library for the Fletcher Free Library and Amend the FY 2013 Budget (Board of Finance: pending BOF approval on 02/19/13); remove from the consent agenda item 3.08. RESOLUTION: Authorization to Accept an Award from Vermont Arts Council Cultural Facilities to the Fletcher Free Library and Amend the FY 2013 Budget (Board of Finance: pending BOF approval on 02/19/13); add to the consent agenda item 3.24. COMMUNICATION: Mark Saba, BFD Commission Chair, re: The Burlington Fire Commission Resolution 7.0 Review with the consent action to “waive the reading, accept the communication, place it on file and send a copy to the Charter Change Committee;” add to the consent agenda item 3.25. RESOLUTION: Authorization to Appeal Determination of Vermont Tax Department Determination of Equalized Education Property Value and Common Level of Appraisal and Ratification of Signature (Councilor Shannon) with the consent action to “waive the reading and adopt the resolution;” add to the consent agenda item 3.26. COMMUNICATION: Family of Dan Balon, re: Acknowledgement with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 3.27. RESOLUTION: Amendment of the FY 2013 Police Department Budget to Account for New Accounting Procedures and Other Line Items (Board of Finance: pending BOF approval on 02/19/13); note proposed amendments for Deliberative Agenda item 5. RESOLUTION: Alternates on the City Redistricting Committee (Councilor Siegel); remove from the consent agenda item 3.23. COMMUNICATION: Nathan Wildfire, CEDO, Assistant Director of Economic Development, Re: Communication on Public Investment Team – Waterfront TIF District (TIF) and place it on the Deliberative Agenda as agenda item 5.5; add to the Deliberative Agenda item 5.6. DISCUSSION: City Council President Shannon, re: Evaluation of First Paperless Presentation; add to the Deliberative Agenda item 8.5. COMMUNICATION: Mayor Miro Weinberger, re: Personnel Matter (oral): possible Executive Session.

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:35 p.m.

Minutes, Adjourned City Council Meeting, February 19, 2013

With no one coming forward and 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 Siegel and Bushor, the consent agenda was unanimously adopted, as amended, thus taking the following actions as indicated:

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

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

3.02. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Draft, Minutes, Regular, City Council Meeting, October 15, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the February 11, 2013 City Council Meeting

3.03. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, City Council, Regular Meeting, November 13, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the February 11, 2013 City Council Meeting

3.04. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned, City Council, November 26, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the February 11, 2013 City Council Meeting

3.05. RESOLUTION: Department of Public Works – Recognizing Insurance Reimbursement of Damage to College Street Garage Parking Equipment and Amending the FY 2013 Budget (Councilors Shannon, Bushor, Paul: Board of Finance)

*waive the reading and adopt the resolution

3.06. RESOLUTION: Fletcher Free Library – Authorization to Accept an Award from the ECHO Center for “We the BTV: Arrivals, Departures & Making of Community” A Series in Collaboration with the ECHO Center Exhibit “Race: Are We So Different?” and Amend the FY 2013 Budget (Board of Finance: pending BOF approval on 02/19/13) revised version

*waive the reading and adopt the resolution

3.07. RESOLUTION: Authorization to Accept an Award from IBM to the Friends of the Library for the Fletcher Free Library and Amend the FY 2013 Budget (Board of Finance: pending BOF approval on 02/19/13) revised version

*waive the reading and adopt the resolution

3.09. RESOLUTION: Amendments to Cooperative Agreements Re Church Street Lighting Project (Board of Finance)

*waive the reading and adopt the resolution

3.10. COMMUNICATION: Steven Goodkind, P.E., Director of Public Works, City Engineer, re:

Minutes, Adjourned City Council Meeting, February 19, 2013

Federal Earmarks 5000(19) and 5000(16) Grant Amendments

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

- 3.11. RESOLUTION: Authorization for Land Purchases and Relocation Services in Anticipation of AIP Grant Funds for Burlington International Airport (Councilors Shannon, Bushor, Paul; Board of Finance)

*waive the reading and adopt the resolution

- 3.12. COMMUNICATION: Burlington International Airport, re: Finance Board Approval Request – Purchase of 13 properties-AIP-92

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

- 3.13. COMMUNICATION: Burlington International Airport, re: Land Acquisition Program 2012A-Federal AIP-92 (Noise Part A) Attachment A

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

- 3.14. COMMUNICATION: Burlington International Airport, re: Airport Property Acquisition Plan & DNL Contour Attachment B

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

- 3.15. COMMUNICATION: Burlington International Airport, re: Summary of Land Acquisition Program

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

- 3.16. COMMUNICATION: Burlington International Airport, re: The Airport Residential Land Program

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

- 3.17. RESOLUTION: Appointment of Acting Inspectors of Election For Ward Four (Councilor Shannon)

*waive the reading and adopt the resolution

- 3.18. COMMUNICATION: Lynne Balman, re: Thank you for the passage of the CSM ordinance

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

- 3.19. COMMUNICATION: Bob Endres, re: Gun Control

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

- 3.20. COMMUNICATION: Ron Ruloff, Ward Three, re: Deportation of Mr. Miroslav Zbacnik

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

- 3.21. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (two days only):

American Flatbread at Signal Kitchen, 71 Main Street, Live Musical Performances, Dancing, 2/15/13 and 2/17/13, 7:00 p.m. - 2:00 a.m.

*waive the reading, accept the communication, place it on file and ratify the two day only special event indoor entertainment permit application for American Flatbread

- 3.22. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (three days only):

American Flatbread at Signal Kitchen, 71 Main Street, Live Musical Performances, Dancing, 2/22/13 – 2/24/13, 7:00 p.m. – 2:00 a.m.

Minutes, Adjourned City Council Meeting, February 19, 2013

*waive the reading, accept the communication, place it on file and approve the three day only special event indoor entertainment permit application for American Flatbread

- 3.23. COMMUNICATION: Nathan Wildfire, CEDO, Assistant Director of Economic Development,
Re: Communication on Public Investment Team – Waterfront TIF
District (TIF)

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

- 3.24. COMMUNICATION: Mark Saba, BFD Commission Chair, re: The Burlington Fire Commission
Resolution 7.0 Review

*waive the reading, accept the communication, place it on file and send a copy to the Charter Change Committee

- 3.25. RESOLUTION: Authorization to Appeal Determination of Vermont Tax Department
Determination of Equalized Education Property Value and Common
Level of Appraisal and Ratification of Signature (Councilor Shannon)

*waive the reading and adopt the resolution

- 3.26. COMMUNICATION: Family of Dan Balon, re: Acknowledgement

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

- 3.27. RESOLUTION: Amendment of the FY 2013 Police Department Budget to Account for New
Accounting Procedures and Other Line Items (Board of Finance: pending BOF
approval on 02/19/13)

*waive the reading and adopt the resolution

4. TOBACCO LICENSE APPLICATION(2012-2013):

DMS Industries, d/b/a Good Times, 150 Church Street

Councilors Blais and Tracy made a motion to approve the tobacco license for Good Times. The motion passed unanimously.

5. RESOLUTION: Alternates on the City Redistricting Committee (Councilor Siegel)

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

Councilor Siegel stated this came about after hearing from people in Wards 2 and 4 who were on the NPA Steering Committees. They felt there was not time between when they proposed the new Redistricting Committee and when they had to select members for them to give input on the new proposal. This resolution would allow an alternate to represent their Ward should their committee member be absent from a meeting. Because Councilors were chosen, in part, based on geographic diversity, the wards without Councilors representing them wanted to ensure that they had an alternate so there would be at least one person at the meeting representing them.

Councilor Blais stated he would be proposing an amendment to the resolution. When he first read the resolution, he was unsure if the alternate only came into play if there was a resignation from the primary delegate or if the alternate could serve in the absence of the primary delegate.

Councilors Blais and Mason made a motion to amend the resolution to replace the resolved clause with language to indicate that the alternate only would serve if the primary delegate resigned.

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Councilor Dober stated that he was unsure if the intent of the amendment was to make it so that the only time the alternate came into play was if the primary delegate resigned or was unable to serve. City Council President Shannon stated that it came into play if the primary delegate was unable to serve on a permanent basis. Councilor Dober inquired if a person were ill and could not attend a meeting, would their ward be unrepresented at that meeting. City Council President Shannon stated that was correct. Councilor Dober stated the intent of the resolution was to ensure the representation of all of the NPAs. Having an alternate proxy would allow representation of the ward if someone were out sick.

Councilor Siegel stated that she was not in favor of the amendment. The amendment was developed out of a concern that the alternate might have a different point of view than the primary. That was a legitimate concern, but the alternate would also have been elected by their NPAs. A part of what was missing during the original process was the communication back and forth to the NPAs. This new Committee might not come up with a better map, but the process would be better. If someone was sick, the NPAs would not get that back and forth or be engaged. She would not want someone to have to step down due to illness or other problems to ensure their NPAs were represented.

Councilor Bushor stated she appreciated the amendment, but felt that the generic language of the original resolution covered a scenario if someone resigned or was absent for any other reason. It allowed for an alternate under either scenario. She understood the intent but would not support the resolution.

Councilor Worden stated he served on the DRB and there were often several meetings in a row dealing with the same project. There were times when there were not enough members to cast a vote. The Council created a position of an alternate which was helpful. However, alternates had to attend every meeting and listen to the discussion so that when it became time to make a decision they were informed. There was nothing in the original resolution that would restrict a member of an NPA to report information from the meeting. Their ultimate goal was to create a body to make a decision. Their decision would then come to the Council and finally the voters. He supported the amendment.

The amendment passed by a vote of 6-5 with Councilors Dober, Siegel, Tracy, Bushor and Hartnett voting against.

Councilor Bushor stated that Ward 1 had already had a meeting this month. They selected a representative but not an alternate. The date might need to be changed based on the timing of NPA meetings.

Councilor Siegel stated she would vote against the resolution because it did not accomplish what she was trying to do. She assumed that if someone were to become ill and could no longer serve their NPA would be able to select someone else anyway.

The motion to adopt the resolution, as amended, passed by a vote 8-3 with Councilors Dober, Tracy and Siegel voting against.

5.5. (was 3.23) COMMUNICATION: Nathan Wildfire, CEDO, Assistant Director of Economic Development, Re: Communication on Public Investment Team – Waterfront TIF District (TIF)

Councilors Bushor and Siegel made a motion to waive the reading, accept the communication and place it on file.

Councilor Bushor stated that the memo read that they were working to assemble the Public Investment Team and were working with City Councilors before making final decisions. She inquired if they had a broad number of potential candidates. She had trouble coming up with names on her own, but reached out to some people and came up with a list of names. Mayor Weinberger stated they have received a large

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number of excellent suggestions, which is why they have requested more time. They will be coming back with a strong team.

The motion passed unanimously.

5.6. DISCUSSION: City Council President Shannon, re: Evaluation of First Paperless Presentation

City Council President Shannon stated there were many ways to do paperless packets and requested feedback from the Council. She also requested ideas on how to handle amendments to the agenda. They could be made available online but would only be available just before the meeting. Those who print their agendas would not have access to them without their computer.

Councilor Bushor stated it would be difficult to compare documents if amendments were online and would want to be able to see what the original and changed language. That would be the only challenge with revised resolutions that appear as part of the amended agenda. They could strikethrough the original language and add the new language.

Councilor Mason stated he had expected that they would be getting one PDF that would enable them to click to different items. Having the agenda online required internet access.

Councilor Dober stated the PDF format was used for the Taxi Licensing Board. It worked very well because he did not always have access to Wi-fi.

Councilor Worden stated one approach to amendments would be to have a digital copy of resolutions with text stricken through and new language added.

ACAO Schrader stated he understood the concept of having a PDF with clickable items. The downside of doing that was it would not be searchable without buying software. City Council President Shannon inquired if the agenda for the Taxi Board was searchable. Councilor Dober stated he had never tried searching it.

Councilor Bushor inquired how they would update an agenda with amendments and have it in front of them. City Council President Shannon stated she requested a paper copy of the agenda with amendments. They would work on that. Word documents allowed them to change language. They would continue to revise the process.

Councilor Dober stated even if they continued the current format, it would be helpful to have a single PDF online that they could download.

Councilor Siegel stated they should make sure to look to the Clerk's Office who was doing the legwork. They have insight into how to get this information out to the Council. City Council President Shannon stated they have been included in the discussion.

6. COMMITTEE REPORTS (5 mins.)

Councilor Tracy stated the TEU Committee met and discussed ways to implement the Tar Sands resolution the Council passed. They looked at how much retirement money was put into oil, cogeneration at McNeil, where fuel for the City fleet came from and how to transition towards more renewable resources. They identified some people they would need to talk to before they would be able to make any decisions. They hope to report back to the Council at a March meeting.

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Councilor Worden stated the Community Development and Neighborhood Revitalization Committee would be meeting next week.

Councilor Siegel stated the Diversity and Equity Committee would be meeting tomorrow. The Charter Change Committee will have two meetings to look at the gun resolution. The second meeting will address Boards and Commissions.

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

Councilor Bushor stated the DRB was entertaining two items in her ward. One had to do with the River Walk across from Salmon Run. There were some anticipated upgrades to stabilize that trail. The second project was a 57 unit housing project being proposed. It had come before the NPA in Ward 1. This would allow residents to come and speak about the project.

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

Mayor Weinberger stated he made a commitment when he was a candidate that he would relocate the Mayor's Office to a school for a week. They planned to be in the High School for the week of March 18. They will focus on activities to bring attention to the Partnership for Change initiative that is underway. March 18 is a City Council meeting and they have talked about conducting the City Council meeting at the High School.

The Vermont League of Cities and Towns took up gun issues and will be formally supporting the H-124 bill. This group started the conversation in Vermont and it will continue.

City Attorney Blackwood stated a decision from the Federal District Court has been made to uphold the Buffer Zone Ordinance in entirety. The decision also says the plaintiff was not able to prove that the City has discriminatorily applied that ordinance to them. It does not mean the end of the lawsuit, but does uphold the ordinance.

8.5. COMMUNICATION: Mayor Miro Weinberger, re: Personnel Matter (oral)

City Council President Shannon recessed the City Council meeting at 7:55 p.m.

City Council President Shannon reconvened the City Council meeting at 7:56 p.m.

On a motion by Councilors Bushor and Tracy the City Council went into executive session at 7:58 p.m. premature disclosure would place the City at a substantial disadvantage. Present were: see above.

On a motion by Councilors Hartnett and Siegel the City Council went out of executive session at 8:17 p.m.

9. ADJOURNMENT

On a motion by Councilors Bushor and Hartnett the Adjourned City Council Meeting unanimously adjourned at 8:15 p.m.

Attest:


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

BOARD OF CIVIL AUTHORITY
TUESDAY, FEBRUARY 19, 2013
7:55 P.M.

PRESENT: See above

MAYOR WEINBERGER PRESIDING:

1. AGENDA

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

2. CONSENT AGENDA

On a motion by Board of Civil Authority Members Tracy and Shannon the consent agenda was unanimously adopted as amended thus taking the following actions as indicated:

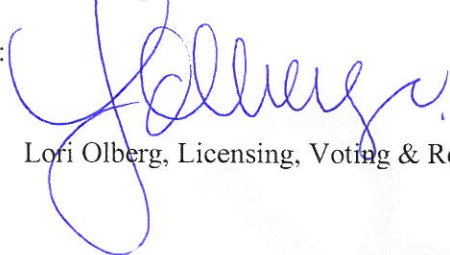
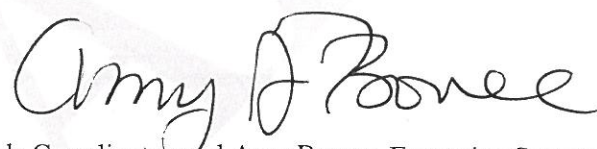
2.01. RESOLUTION: Appointment of Assistant Election Officials/Appointment of Acting Justice of the Peace (Councilor Shannon)

*waive the reading and adopt the resolution

3. ADJOURNMENT

Without objection, Mayor Weinberger adjourned the Board of Civil Authority Meeting unanimously adjourned at 7:56 p.m.

Attest:

A blue ink signature, likely of Lori Olberg, written in a cursive style.A blue ink signature, likely of Amy Bovee, written in a cursive style.

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



OFFICE OF THE CLERK/TREASURER

City of Burlington

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City Council Standing Committees 2013-14

President of the Council (Joan Shannon)
is an ex-officio member of all Committees;
she will serve as an alternate voting member
on any Committee if a conflict of interest
arises for a member of the Committee

Board of Finance

Mayor Weinberger, 865-7272
Amy Bovee, 865-7019
Joan Shannon, 860-7489
Sharon Bushor, 658-3604
Paul Decelles, 658-4367
Jane Knodell, 862-2469

Charter Change

Rachel Siegel*, 777-2627
Tom Ayres, 324-4117
Norm Blais, 863-5860
Staff Support: Eileen Blackwood, 865-7121

Community Development & Neighborhood Revitalization

Bryan Aubin*, 324-1546
Kevin Worden 343-5445
Jane Knodell, 862-2469
Staff Support: Peter Owens, 865-7174

Institutions/Human Resources

Kevin Worden*, 343-5445
Sharon Bushor, 658-3604
Max Tracy, 373-1968
Staff Support: Susan Leonard, 865-7150
Stephanie Hanker, 865-7145

License

Norm Blais*, 863-5860
Max Tracy, 373-1968
Tom Ayres, 324-4117
Staff Support: Lori Olberg, 865-7136

Ordinance

Chip Mason*, 373-8545
Sharon Bushor, 658-3604
Karen Paul, 863-3817
Staff Support: Gene Bergman, 865-7121

Parks, Arts, Culture

Karen Paul*, 863-3817
Vince Brennan, 864-0984
Bryan Aubin, 324-1546
Staff Support: TBD

Public Safety

Jane Knodell*, 862-2469
Norm Blais, 863-5860
Paul Decelles, 658-4367
Staff Support: Richard Haesler, 865-7121

Transportation/Energy/Utilities

Max Tracy*, 373-1968
Tom Ayres, 324-4117
Chip Mason, 373-8545
Staff Support: Nicole Losch, 865-5833

Tax Abatement

Vince Brennan*, 864-0984
Dave Hartnett, 864-7895
Chip Mason, 373-8545
Staff Support: Gene Bergman, 865-7121

Channel 17 Liaison

Dave Hartnett, 864-7895

* Committee Chair



**CITY OF BURLINGTON
BOARD OF HEALTH**

645 Pine Street
Post Office Box 849
Burlington, VT 05402-0849
802-863-0442
802-652-4221 FAX
802-863-0450 TTY

BOARD OF HEALTH

Austin Sumner, Chair • David Casey • Mary D. Hart • Julie Hathaway • Caroline Tassey

HEALTH ADMINISTRATOR

Linda Ayer

INTERNS

Emma Hevey Grace Hevey

HEALTH OFFICER

William Ward

Memo to: Burlington City Council
From: David A. Casey, Burlington Board of Health
Date: 04/09/2013
Regarding: Proposed Urban Livestock Slaughter Ordinance

In response to the Burlington City Council Resolution Relating to Moving Urban Agriculture Issues Forward dated 11/26/2012 asking for a report from the Burlington Board of Health by April 15, 2013, the Board is pleased to report that it is working with the City Attorney's Office on drafting language for a proposed slaughtering ordinance that addresses the issues raised in section 5.5.3.4 of the Burlington Urban Agriculture Task Force report. This slaughtering ordinance will be provided to the Council within the next couple weeks as requested in this resolution.

Currently, Article III, Section 5-26 of the City of Burlington Code of Ordinances prohibits killing of animals within the City. At the same time, however, urban livestock husbandry continues to grow in the City, and with it, presumably, the slaughter of livestock animals.

It is the belief of the Burlington Board of Health that livestock slaughter is taking place within the City in spite of the City ordinance prohibiting the killing of live animals. As such, in the interest of protecting public health, the Burlington Board of Health has decided to work to control livestock slaughter by proposing a livestock slaughter ordinance which outlines exactly how and under what circumstances this activity may take place. The Board of Health proposes an exemption to the Code of City Ordinances, Article III, Section 5-26 to allow the slaughter of livestock animals strictly for the purposes of resource production and/or humane livestock euthanasia.

Numerous issues arise when allowing this sort of activity within the City. Chief among these issues are the public health challenges arising from live animal proximity to humans, blood borne pathogen exposure, exposure to contaminated waste, water and other resource contamination by animal remains, etc. Issues such as the humane

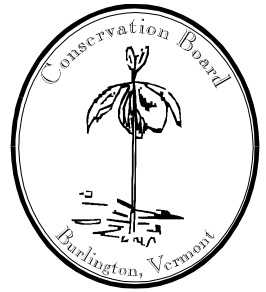
treatment of livestock; waste management of livestock remains; local disturbance and nuisance issues, etc. must be addressed as well. The proposed ordinance seeks to address these issues while not being overly encumbering for City residents, and remaining enforceable for City officials.

Pertinent Federal and State humane treatment, agricultural management, and waste management regulations were consulted as well as livestock slaughtering ordinances from other U.S. urban communities. The proposed ordinance will require all livestock slaughter, whether for commercial or personal use, to follow established Federal and State slaughter regulations. Additionally, all livestock slaughter will be required to take place out of sight and sound of other animals, tenants, neighbors, and passers-by out of respect for other and the Burlington community. We look forward to finishing our work with the City Attorney's Office and providing you an ordinance for first reading and referral to the Ordinance Committee at your April 29, 2013 meeting.

Burlington Conservation Board

149 Church Street
Burlington, VT 05401
<http://www.ci.burlington.vt.us/planning/>
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

*Matt Moore, Chair
Will Flender, Vice Chair
Scott Mapes
Don Meals
Jeff Severson
Miles Waite
Damon Lane
Zoe Richards*



To: City Council
From: Conservation Board
Date: April 2, 2013
Re: Downtown Parking Amendment: ZA-13-06

The Conservation Board supports the proposed elimination of minimum parking requirements in the downtown parking district.

The recent downtown and waterfront study showed, like others before it, that downtown parking is never fully utilized, that 27 acres of downtown land is covered by surface parking and another 8 acres by parking structures, and that 35% of spaces are vacant during peak periods. People parking downtown often use shared parking spaces and visit several destinations without moving their car, and there is a persistent shortage of housing downtown. Developers have cited the parking requirements as limiting, the Board has consistently supported applicants' requests for parking waivers, and believes developers are motivated to provide sufficient parking without a City requirement. Therefore the Conservation Board supports the proposed elimination of minimum parking requirements in the downtown parking district. Further the Board recommends the City make better use of existing parking through public and private shared parking facilities and live information systems.