
DELIBERATIVE AGENDA
SPECIAL CITY COUNCIL WORKSESSION
CONFERENCE ROOM 12, CITY HALL
MONDAY, JANUARY 23, 2012
6:45 P.M.

PRESENT: Mayor Kiss; City Council President Keogh, Councilors Paul, Wright, Brennan, Bushor, Adrian, Blais, Kranichfeld, Decelles, Mulvaney-Stanak and Dober

ABSENT: Councilors Berezniak, Hartnett and Shannon

1. AGENDA

On a motion by Councilors Mulvaney-Stanak and Bushor the Council voted unanimously to go into executive session at 6:49 p.m., premature disclosure would place the City at a substantial disadvantage: Present were: : Interim CAO Schrader; ACAO Goodwin; City Attorney Schatz; Barbara Grimes, BED; Joe Reinert, Mayor's Office; Joe McNeil, McNeil, Leddy & Sheahan

2. COMMUNICATION: Joseph McNeil, Esq., re: Collective Bargaining (oral)

* * * * EXECUTIVE SESSION * * * *

On a motion by Councilors Wright and Bushor, the Council voted unanimously to go out of executive session at 7:25 p.m.

3. ADJOURNMENT

On a motion by Councilors Wright and Bushor, the Special City Council Work session voted unanimously to adjourn at 7:25 p.m.

Attest:

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

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, JANUARY 23, 2012
7:21 P.M

PRESENT: All Commissioners (Mayor Kiss arrived at 7:23 p.m.)

CITY ATTORNEY'S OFFICE: Attorney Schatz

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

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Commissioners Dober and Berezniak the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Commissioners Dober and Berezniak the Local Control Commission voted unanimously to adopt the consent agenda thus taking the following actions as indicated:

2.01. 2012-2013 LIQUOR LICENSE RENEWALS: see attached list
*waive the reading, accept the communication and approve the 2012-2013 Liquor License Renewals with all standard conditions and Fire Marshal approval

2.02. 2012-2013 OUTSIDE CONSUMPTION PERMIT RENEWALS: see attached list
*waive the reading, accept the communication and approve the 2012-2013 Outside Consumption Permit Renewals with all standard conditions and Fire Marshal approval

3. ORDER, AMENDED PROPOSAL FOR DECISION (DRAFT), FINDINGS: Akes' Place

Commissioners Dober and Berezniak made a motion to approve the order.

Commissioner Dober stated there was a hearing to address the issue of overcrowding. This was the second occurrence and an agreement was reached. Hopefully this would resolve the problem.

Councilor Bushor inquired if the number of days for suspensions were applied consistently. Councilor Dober stated it was very consistent. This was the worst violation that could happen and it was taken extremely seriously.

City Attorney Schatz stated the licensee should be allowed to make a statement. The licensee declined to comment.

The motion passed unanimously.

4. ADJOURNMENT

On a motion by Commissioners Dober and Berezniak, the Local Control Commission voted unanimously to adjourn at 7:27 p.m.

Attest:

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

BOARD OF CIVIL AUTHORITY
MONDAY, JANUARY 23, 2012
7:27 P.M.

PRESENT: see above

MAYOR KISS PRESIDING:

1. AGENDA

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

2. COMMUNICATION: BCA Subcommittee on Reapportionment Re: Recommendations on Reapportionment

2.01. Proposed Legislative District Boundaries based on 2010 Census

3. BCA Recommendation to House Government Operations Committee

Mayor Kiss stated there was a proposal for a subcommittee. There had been an ongoing discussion about how a ten seat district would look. Councilor Adrian submitted a second version. There had not yet been a decision moving forward.

Councilor Adrian stated there was a proposal in the packet that the subcommittee was considering. There were several versions being considered. He stated he was concerned that the legislature wanted to move this quickly. He spoke with one of the lobbyists who believed that Burlington would get ten seats. He stated that his biggest concern was having 10 seats for Burlington only, rather than sharing 12 seats between Burlington and Winooski. That would be problematic for Ward 1 who had felt disenfranchised. He hoped that there would be a proposal with some consensus and that there would be 10 seats.

Mayor Kiss proposed drafting a letter from the BCA thanking the committee for their commitment to 10 seats for Burlington and to acknowledge that the map would be given to them as soon as possible. By the end of next week there should be a map with some consensus to be submitted.

Councilors Adrian and Decelles made a motion to authorize the Mayor to send a letter to the House Government Operations Committee stating that Burlington was invested in having 10 unique seats because Burlington was unique and more complex than other parts of the state and requested more time to reach consensus.

Councilor Shannon inquired if that committed Burlington to having single member districts. Councilor Adrian stated that was not necessarily true, it just requested that Burlington have 10 seats that were not shared with other towns. Councilor Shannon stated that was alright, but there should be discussion about concerns with the current proposal. Councilor Adrian stated that it was early to have that conversation. Councilor Shannon inquired if there would be another opportunity to weigh in. Mayor Kiss stated there would be another sub-committee meeting and the full Council would have a chance to weigh in before a decision was reached.

Councilor Mulvaney-Stanak stated the subcommittee had not yet had a chance to review a new proposal. Until the subcommittee could work out more details, having a discussion with the full Board was not necessary. She suggested taking the word 'special' out to acknowledge that Burlington has had a population growth and not to suggest that Burlington was separate from Vermont. Population growth made the City unique.

Councilor Decelles stated that once the subcommittee decided when the meeting was, Councilors should try to attend that meeting to save some time.

Councilor Adrian suggested Councilors consult with their caucus representative on the subcommittee.

Councilor Paul inquired if the Council could set a date tonight. Mayor Kiss proposed a poll of the Council to have a BCA meeting to approve a map to submit to the legislature.

Councilor Bushor stated that there was no City Council meeting on Monday, and people might be able to meet. That would potentially be at a time where more people could go.

Councilor Decelles stated that it was difficult to watch the Council debate setting a meeting time. Councilor Bushor stated that was just a suggestion for a committee meeting.

The motion passed unanimously.

4. ADJOURNMENT

On a motion by Board of Civil Authority Members Wright and Decelles, the Board of Civil Authority voted unanimously to adjourn at 7:38 p.m.

Attest:

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

ADJOURNED MEETING, CITY COUNCIL
MONDAY, JANUARY 23, 2012
7:38 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilors Shannon the agenda was unanimously adopted as amended as follows: amend the action for consent agenda item 3.11. COMMUNICATION: Mari Steinbach, Director, Department of Parks and Recreation, re: Waterfront Park to “waive the reading, accept the communication, place it on file and request that any proposed new policies or revised policies regarding activities on the Waterfront or around usage at the Skate Park come to the City Council for input before adoption;” amend the action for consent agenda item 3.12. COMMUNICATION: Ron Redmond, Church Street Marketplace, re: 2011 Street Outreach Team Evaluation Report to “waive the reading, accept the communication, place it on file and please send letters of appreciation to each member to acknowledge their skills and recognize the valuable work they do for our City;” add to the consent agenda item 3.20. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, City Council for December 5, 2011, Draft with the action to “waive the reading, accept the communication, place it on file and adopt the minutes at the February 6, 2012 City Council Meeting;” add to the consent agenda item 3.21. COMMUNICATION: Gavin Blumenthal, Member, Library Commission, re: Resignation with the action to “waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Gavin Blumenthal thanking him for his time served on the Library Commission;” add to the consent agenda item 3.22. COMMUNICATION: City Council President Keogh, re: Council President Memo – January 13, 2012 with the action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 3.23. COMMUNICATION: Burlington Board of Health (BOH), re: Chair’s Semi-Annual Report (July 1, 2011 to December 31, 2011) with the action to “waive the reading, accept the communication and place it on file; note the added language to be inserted at the end of agenda item 4. RESOLUTION: Approving the Pledging of the Credit of the City in Anticipation of the Receipt of Revenue from the Electric Department (Board of Finance) “subject to the prior review and approval of the City Attorney;” remove from the consent agenda item 3.07. RESOLUTION: Authorization for Transfer of Land—Cherry Street Parking Garage to the Deliberative Agenda as item 5.5; remove from the consent agenda item 3.08. RESOLUTION: Authorization to Enter into License Agreement with the Shoeless Konstruktion to Construct and Maintain a Roofline Cornice Overhanging a Portion of the City’s Right-of-way (Clerk-Treasurer’s Office)(Councilors Dober, Blais, Berezniak: License Committee) to the Deliberative Agenda as item 5.6.

2. PUBLIC FORUM

City Council President Keogh opened the public forum at 7:41 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Ron Ruloff	Ward 3 Resident	Independent Candidate for City Council
Greg Epler Wood	Ward 6 Resident	Burlington Telecom

There being no one further coming forward and no objection from the remaining Council, the City Council President Keogh closed the public forum at 7:45 p.m.

3. CONSENT AGENDA

On a motion by Councilors Shannon and Bushor the consent action 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: Minutes, City Council, November 7, 2011

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the January 9, 2012 City Council Meeting

3.03. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, City Council, November 14, 2011

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the January 9, 2012 City Council Meeting

3.04. RESOLUTION: Authorization to Contract for Janitorial Services at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

3.05. RESOLUTION: Authorization to Execute Amendment to Sublease at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

3.06. RESOLUTION: Resolution for Approval of Amendment to Security Agreement with T.B. Lincoln Logger, Inc. (Board of Finance)

*waive the reading and adopt the resolution

3.07. RESOLUTION: Authorization for Transfer of Land—Cherry Street Parking Garage (Board of Finance)

*waive the reading and adopt the resolution

3.08. RESOLUTION: Authorization to Enter into License Agreement with the Shoeless Konstruktion to Construct and Maintain a Roofline Cornice Overhanging a Portion of the City's Right-of-way (Clerk-Treasurer's Office)(Councilors Dober, Blais, Berezniak: License Committee)

*waive the reading and adopt the resolution

3.09. 2012-2013 ENTERTAINMENT PERMIT AND TOBACCO RENEWALS: see attached list
*waive the reading, accept the communication, place it on file and approve the 2012-2013 Entertainment Permit and Tobacco Renewals noting that both the Indoor and Outdoor Entertainment Hours have not changed from last year

3.10. COMMUNICATION: Karen Lafayette & Erhard Mahnke, re: 2011 Burlington Legislative Review

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

3.11. COMMUNICATION: Mari Steinbach, Director, Department of Parks and Recreation, re: Waterfront Park

*waive the reading, accept the communication, place it on file and request that any proposed new policies or revised policies regarding activities on the Waterfront or around usage at the Skate Park come to the City Council for input before adoption

3.12. COMMUNICATION: Ron Redmond, Church Street Marketplace, re: 2011 Street Outreach Team Evaluation Report

*waive the reading, accept the communication, place it on file and please send letters of appreciation to each member to acknowledge their skills and recognize the valuable work they do for our City

3.13. COMMUNICATION: Marina Collins, Retirement Administrator, re: Retirement Board Attendance Record

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

3.14. COMMUNICATION: Betty Little-Royer, re: Smoking Ordinance

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

3.15. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance September 12, 2011 Minutes

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

3.16. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance October 17, 2011 Minutes

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

3.17. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance October 31, 2011 Minutes

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

3.18. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance November 7, 2011 Minutes

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

3.19. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance November 14, 2011

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

3.20. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, City Council for December, 5, 2011 Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the February 6, 2012 City Council Meeting

3.21. COMMUNICATION: Gavin Blumenthal, Member, Library Commission, re: Resignation
*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Gavin Blumenthal thanking him for his time served on the Library Commission

3.22. COMMUNICATION: City Council President Keogh, re: Council President Memo – January 13, 2012

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

3.23. COMMUNICATION: Burlington Board of Health (BOH), re: Chair's Semi-Annual Report
(July 1, 2011 to December 31, 2011)

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

4. RESOLUTION: Approving the Pledging of the Credit of the City in Anticipation of the Receipt of Revenue from the Electric Department (Board of Finance)

Councilors Mulvaney-Stanak and Wright made a motion to waive the reading and adopt the resolution.

Councilor Mulvaney-Stanak stated the Board of Finance supported this proposal. It would be a better deal for Burlington to move to a line of credit with a better interest rate and improve the City's cash balance.

The motion passed unanimously.

5. COMMUNICATION: Kenneth A. Schatz, Esq., City Attorney, re: Utilization of short titles; short form questions for proposed charter changes
Proposed action: approve the use of short form titles, short form questions and text for proposed charter changes and approve the revised advisory ballot question

Councilors Decelles and Shannon made a motion to approve the use of short form titles, short form questions and text for proposed charter changes and approve the revised advisory ballot question.

Councilor Paul stated that people would be confused about the section on personal property tax exemption and requested that the word business be added. Constituents do not always understand abbreviations that the Council uses. City Attorney Schatz stated adding the word business was a good idea.

Councilors Paul and Dober made a motion to amend the communication to add the word business before all instances that 'personal property tax' was used. The motion passed unanimously.

The motion passed unanimously.

5.5. (was 3.07.) RESOLUTION: Authorization for Transfer of Land—Cherry Street Parking Garage
(Board of Finance)

Councilors Mulvaney-Stanak and Paul made a motion to waive the reading and adopt the resolution.

Councilor Mulvaney-Stanak stated this was the end of a 20 year process of transferring the property below the Cherry Street parking garage to the property owners of Burlington Town Center. It is a year early because the company wanted to expedite the process. They have paid money through the agreement to own the land.

Councilor Shannon stated that this was the finalization of an agreement that was made 20 years ago and there was no other legal option for the City. City Attorney Schatz stated that was correct. The agreement

was made 20 years ago and provided the lessee the right to purchase the property once their payments were complete.

Councilor Dober inquired if this is one year early. City Attorney Schatz stated that the lessee had the right to exercise the option before the end of the 20 year period so long as payments of the full amount were paid in advance. The City would receive approximately \$76,000 before transferring the deed. Councilor Dober inquired if the new owner was being taxed. City Attorney Schatz stated once they acquire it, it will become taxable.

The motion passed unanimously.

5.6. (was 3.08.) RESOLUTION: Authorization to Enter into License Agreement with the Shoeless Konstruktion to Construct and Maintain a Roofline Cornice Overhanging a Portion of the City's Right-of-way (Clerk-Treasurer's Office)(Councilors Dober, Blais, Berezniak: License Committee)

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

Councilor Shannon stated she had concerns with this. First, the building had already been built and they were now asking for a license to use the public space. She inquired what the precedents were for this. It was part of the building and it would be permanent. It was an odd approach to ask for a license like this. The second concern was about drainage and if water would drip onto the sidewalk. She also raised concerns about the fee that was being charged to use this right of way. City Attorney Schatz stated that the project went through the permit process and the drainage issue had been addressed. This was a property that was destroyed by fire and this was a reconstruction project to move forward and replace the structure. The drainage was arguably improved. The space that obstructed the City right of way was a cornice. It respected an architectural piece that was consistent with the neighborhood. From Planning and Zoning's perspective, it was an important piece to maintain. Regarding the timing, City Attorney Schatz stated he was unsure how this happened. The license agreement should have come before the Council before construction started. It was the City's property rights, and there was precedent to give license agreements, but it was the Council's authority. He stated he was unsure if it fell between the cracks between Planning and Zoning, the Department of Public Works, and the owner. Finally, the fee that was charged, \$1 per square foot, was historic. In the past, the City had not tried to make money off of people asking for license agreements; it just made clear that the City received some compensation. The more important issue had to do with insurance to ensure that the City was covered. The fee was at the Council's discretion. Councilor Shannon stated that a cornice and a low fee would not be a big money maker for the City. The Battery and King Street building was looking to use the City right of way and there needed to be discussion about compensation, before the project came forward. This was not the case to draw the line and say no. There was a fire, but this was a new owner and they were building something new. She suggested having a resolution addressing these concerns and inquired if City Attorney Schatz had any recommendations. City Attorney Schatz stated the fee suggestion was legitimate. It would be appropriate to ask the License Committee or Board of Finance to look at this and make recommendations about the fees.

Councilor Bushor stated she found it odd that a permanent structure would have an annual license renewal. Once it was built, nothing was going to change. She thought situations like this need a different process. Insurance would be addressed and there could be an extended license for ten years. Renewing a license for a roof each year was a waste of time. No one was going to tell the owner to take the roof off. Eventually, having an extended contract or license would save time. City Attorney Schatz stated in cases of structural encroachments that did make sense.

Councilor Dober stated this project did not come before the License Committee. He stated he agreed that this was different than charging for tables and chairs. He inquired what the next step should be. City

Attorney Schatz stated there was no objection to the agreement which allowed the cornice. He recommended approving this and having the Planning Commission consider fees and duration and in the future projects could be revisited. Councilor Dober inquired if there should be an amendment requesting the Planning Commission visit this issue. City Attorney Schatz stated it could be done separately.

Councilor Berezniak stated he did not have a problem with the encroachment, just that it came forward after the project started.

Councilor Decelles stated the building would extend over the sidewalk 12 inches 3 stories high and the drainage would not go onto the sidewalk.

The motion passed unanimously.

Councilors Shannon and Bushor made a motion to request the Planning Commission to address the issue of fees, agreements, and process for encroachments in the City right of way, looking specifically at the examples of the buildings on North and North Champlain Streets and the recently constructed building on Battery and King Streets.

Councilor Bushor requested the minutes be sent to Planning and request notification when the issue would be taken up.

Councilor Dober stated that both projects were very different. One was a fee for construction, the other an annual license on a set structure. Both should be encompassed.

Councilor Shannon stated the request was to look at where there were encroachments on the city right of way associated with construction. There needed to be a process, as these issues came up now and then and were treated differently; there should be an established process.

The motion passed unanimously.

6. RESOLUTION: March 6, 2012 Annual City Meeting—Authorization for Increase in Maximum Tax Rate for Police and Fire Department Purposes (Councilors Adrian, Bushor, Mulvaney-Stanak)

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

Councilor Adrian stated this would allow the maximum tax rate to rise 2 cents for the general fund. This would give the incoming administration the option to use it or not. It gave them leeway so they did not have to rush after being elected.

Councilor Decelles raised a point of order that there should be a motion.

Councilors Adrian and Mulvaney-Stanak made a motion to amend the resolution to eliminate mentions of Police and Fire.

City Attorney Schatz stated that a question of raising the general city tax by a maximum of two cents was appropriate. The charter number given here was inaccurate based on the way the budget was broken out. Councilor Adrian stated he would like to correct the charter number. City Attorney Schatz stated voters were allowed to increase the tax rate and the entire charter was not amended because of it. Councilor Adrian stated he could not find the section that dealt with the general fund. City Attorney Schatz stated there was no section. City Council President Keogh stated if this passed the numbers could be corrected. Councilor Adrian stated he thought the numbers from the last resolution should be accurate. Councilor

Decelles raised a point of order that there was no point debating this until the numbers were accurate. City Council President Keogh stated the Council should debate the issue generally. Councilor Adrian stated that the general fund number had not been raised since this was voted on previously and inquired how it could have changed. Interim CAO Schrader stated there were four components to the tax rate. One was a general city tax rate; the others were open space, housing trust and 2.5 cents for parks. Dedicated for general City purposes it was .2329 and the general City tax rate was .2687 with all components. Councilor Adrian inquired if the numbers were correct. Interim CAO Schrader stated that they were correct for general city purposes, though the language would need more work. The copied language might or might not be accurate. City Council President Keogh stated the debate should continue and staff would make sure the numbers were accurate if it passed.

Councilor Adrian stated a 2 cent tax rate on a house valued at \$200,000 equated to an increase of \$40 a year, a \$300,000 house would be an increase of \$60 a year, and a \$400,000 house would be an increase of \$80. This was only about \$5 a month. The new administration could choose to use the money or not. Having a special election that was not well attended was problematic. Doing this for general City purposes, rather than Police and Fire, makes discussion more open and honest instead of using fear. Any administration should not have their hands tied so they do not have to go to the voters right away to ask for an increase. The full financial picture of the City was difficult and the new administration should have time to digest that. It was difficult to segregate out a specific sector of the City workforce. These were the types of services that preserve life, but other departments sustain life and enrich life. It was not fair to choose one over the other. A person who taught someone how to integrate art into their lives was just as important as someone who came to put out a fire. They should not be pitted against each other. Looking at those numbers, they were not extreme, and it would not necessarily be used. This would allow the people of the city to decide if they trusted the new administration.

Councilor Bushor inquired if there was any new information from the second quarter regarding sales tax or rooms and meals tax. Interim CAO Schrader stated no. Councilor Bushor inquired when that could be anticipated. Interim CAO Schrader stated the second week in February. Councilor Bushor stated the amendment was put forward to the sponsors of the resolution and it was not accepted because voters like to link tax increases to specific needs and would be more supportive. The original language was linked to Police and Fire, where the majority of the monetary need was. There were other unmet needs and she stated she would support a 2 cent increase whether it was dedicated or not. The mayoral candidates were deciding to wait and see. She stated she was trying to do what was best for the City. It was forecasted last year that it would not be possible to bridge the gap. It was not fair to residents to wait and have a rushed process with a new administration. She stated that financial experts who work for the City might feel offended when people say they do not trust City Hall. They were hired for their expertise and they know their job. The information provided was from the financial experts that were hired and they make recommendations to the Mayor and City Council. Nothing was going to change in the next few months. The School Department did it, so why cannot the City say there was an unmet need here? The tax would not be used unless there was need. That was not problematic, it was financially responsible. The need had been made clear.

Councilor Decelles stated that he had reservations about putting the first question on the ballot and the amended version was worse. The School Department was proposing an 11.5% increase. Going to the voters would be more palatable if it was for Police and Fire. Telling them it might or might not be needed would make them wonder why they were being asked. Just because someone lived in a \$300,000 or \$400,000 house did not make them rich. He stated he paid almost \$4,000 a year in taxes, and any increase was significant to anyone. He stated not everyone in society deserved a trophy. Employees were valued, but the ones that go into burning buildings or may not make it home at night were a little different. He would not support the amendment.

Councilor Mulvaney-Stanak stated she agreed with most of Councilor Bushor's comments. It was better to put the question in front of the voters as amended. There were real needs in the City Departments to meet the services that community members want. It was tricky when you valued certain portions of City departments more than others. She stated if she were a mayoral candidate, she would want to be able to build a budget that would meet the desired needs of the City. The Council used the language "up to" often, and this would allow voters to do the same. The time between inauguration and the deadline for a June city-wide election would be difficult for the new mayor. This would allow them to build a responsible budget.

Councilor Shannon stated she asked Interim CAO Schrader to prepare some information about the budget to see what portions were used for Fire and Police. It was hard to extract that information. It was helpful for the conversation to see that the Police and Fire portion of the general fund was about 50%. Going to the voters to ask for an increase was justified. There was no possibility that Police and Fire would not be cut based on the reality of the budget. Other things were not optional, like fringe benefits. Voters were generally not comfortable being asked for more money without specifics, but we did not have them at this point. There had been discussions about trying to solve the timing problem. Without mayoral candidates coming forward and saying they supported this, it had no chance of passing. The next mayor would be in a position with a tax increase having been voted down and then having to build a budget. Constituents have said they want this to be the next mayor's budget. That would be difficult given the timeline. This information was helpful with the flexibility. She stated she would support the proposal.

Councilor Kranichfeld stated the process was flawed. The administration was using scare tactics by saying raise taxes or risk public safety. It would be better to look at a third approach where Police and Fire were not cut and taxes were not raised. Even considering raising taxes should not be done until a holistic look was taken at the whole budget. To make all departments as whole as possible, why not go higher? It was the Council's job to take a look at the budget and decide what was best for the City and taxpayers. He stated he did not support the amendment or the ballot item. He stated he hoped for a third choice with more information.

Councilor Blais stated the supporters of the resolution were assuming that the candidates would not be looking at the budget between now and their inauguration. They were not going to wait to look at the budget to decide how to address it. The time constraints were unfortunate, but that should not be the guiding principle. The Council should use the information they have to address voters. He stated he was against it.

Councilors Berezniak and Hartnett made a motion to call the question with a roll call. The motion passed unanimously.

The amendment failed by a vote of 10-4.

AYES: City Council President Keogh, Councilors Adrian, Brennan and Mulvaney-Stanak

NAYS: Councilors Berezniak, Blais, Bushor, Decelles, Dober, Hartnett, Kranichfeld, Paul, Shannon and Wright

Councilor Adrian stated that he would withdraw his name as a sponsor because he did not support this version.

Councilors Dober and Paul made a motion to call to the question. The motion passed by a vote of 13-1 with Councilor Mulvaney-Stanak voting against.

City Council President Keogh requested a roll call.

The motion failed by a vote of 3-11.

AYES: Councilors Brennan, Bushor and Mulvaney-Stanak

NAYS: City Council President Keogh, Councilors Adrian, Berezniak, Blais, Decelles, Dober, Hartnett, Kranichfeld, Paul, Shannon and Wright

7. COMMUNICATION: Mayor Bob Kiss, re: VETO MESSAGE Ordinance 9.0

There was no motion on this item. The communication was placed on file.

8. COMMITTEE REPORTS (5 mins.)

Councilor Shannon stated the Ordinance Committee would be referring the 4 unrelated adults ordinance to the residential high density district.

Councilor Kranichfeld stated the Public Safety Committee would be discussing the fluoride issue and refer a recommendation to the Council. Councilor Shannon inquired if the discussion would be about the amount of fluoride or whether or not to fluoridate. Councilor Kranichfeld stated the recommendation was supposed to be on the amount. Councilor Shannon stated that both issues could be addressed. Councilor Kranichfeld stated if they were considering the amount then one possibility could be zero.

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

Councilor Adrian stated he had concerns about the transition of the City website. He stated he had looked for information that was no longer there. He stated it was a huge concern. There had been times when the website was being serviced and it was shutdown. All of the previous information should be on the new website. This should be restored as quickly as possible.

Councilor Shannon stated that in discussions with the Mayor, he indicated he was open to a smoking ban, he just did not like the particular version that was approved by the Council. She stated she would like to have a conversation about what a more appropriate version would be. She hoped it happens in the future; second hand smoke is a carcinogen and a health hazard.

Councilor Bushor stated she received three responses after the smoking ban vote. One questioned the logic, another was against it and another wanted more explanation. She stated she wishes there was a more complete synopsis to the public. People with asthma are impacted by this even more than the risk for lung cancer. The signage component was important. In the future she hopes that the information can be distributed better. She stated there was a communication from Ron Redmond about the 2011 street outreach program. She stated it was important to know who is making the street better. It was difficult to get positive information into the paper and she stated she hoped the Free Press would report on this program.

Councilor Berezniak thanked the Councilors who supported the Smoking Ban and hoped others would support it in the future.

Councilor Paul stated she had lunch with Councilor Decelles and others at the Champlain Housing Trust. There were opportunities to hear about affordable housing and how much it was needed. They have a bi-monthly get together and she encouraged people to attend. She stated Jenny Davis, who wrote the neighborhood buzz and kept the NPAs going left CEDO on Friday. She was an incredibly amazing person to work with. She stated she wished that there had been a resolution to thank her.

Councilor Brennan stated the resolution for non-citizen voting rights had not come to the floor yet. Many people have been talking about it and not everyone is up to speed on the issue. He stated he will keep the Council informed.

City Council President Keogh thanked Councilor Mulvaney-Stanak for serving as Acting City Council President at the previous meeting. Her perspective was good and the job is more challenging than it appears.

10. COMMUNICATION: Mayor Kiss, re: General City Affairs (oral)(5 mins.)

Mayor Kiss stated at Main Street Landing there would be a dedication ceremony for the quadricentennial time capsule. There would be an unveiling that would follow. It assumed that in 100 years someone would open it to celebrate another hundred years since the arrival of Samuel de Champlain.

There would be a design charette as part of the Planning and Zoning sustainability grant that was won from HUD. This will be held at 1 Church Street. All were invited to participate; they will be designing the downtown and waterfront plan. Anyone could give ideas about how they would like to see Burlington develop.

There was room for some policy that addressed the Marketplace for outdoor smoking. Parks and Recreation came up with a plan that allowed for smoking for individuals but not where there were people congregating. That compromise worked. Some recommendation for the Marketplace will exist and support all efforts.

He requested that Interim CAO Schrader address the City Website. Interim CAO Schrader stated moving to the new website was a necessity. The old website was compromised by a hacker and the database was corrupted. The information was being transferred from the old website to the new. That was taking some time. It was hopeful that it would be brought back as quickly as possible. If there was information that was thought to be more of a priority, that could be focused on. Everything was being done to bring the new website up to speed.

11. ADJOURNMENT

Without objection, City Council President Keogh Adjourned the City Council Meeting at 9:03 p.m.

Attest:

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