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DELIBERATIVE AGENDA  
SPECIAL CITY COUNCIL WORKSESSION  
CONFERENCE ROOM 12, CITY HALL  
MONDAY, JUNE 24, 2013  
6:08 P.M. TO 6:57 P.M.

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PRESENT: City Council President Shannon, Councilors Ayres, Mason, Bushor, Siegel, Paul, Tracy, Decelles, Worden, Knodell, Aubin, Blais, Hartnett and Brennan

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

The agenda was adopted as is.

2. COMMUNICATION: Burlington Redistricting Committee, re: Report to City Council, June 8, 2013

- 2.01. WARD REDISTRICTING 4 WARDS 12 COUNCILORS MAP
- 2.02. WARD REDISTRICTING 6 WARDS 13 COUNCILORS MAP
- 2.03. WARD REDISTRICTING 8 WARDS 16 COUNCILORS MAP

3. ADJOURNMENT

The Special City Council Work session adjourned at 6:57 p.m.

Attest:

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

LOCAL CONTROL COMMISSION  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, JUNE 24, 2013  
7:07 P.M.

PRESENT: City Council President Shannon, Commissioners Bushor, Worden, Knodell, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Blais, Paul, Ayres and Decelles

CITY ATTORNEY'S OFFICE: City Attorney Blackwood

CLERK/TREASURER'S OFFICE: Bob Rusten, Scott Schrader and Rich Goodwin

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Blais and Ayres the agenda was unanimously adopted as is.

2. CONSENT AGENDA

On a motion by Commissioners Blais and Ayres the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. APPLICATION FOR SPECIAL EVENT PERMIT (two days only): VT Brewers Festival  
\*waive the reading, accept the communication, place it on file and approve the application for special event permit for the VT Brewers Festival for July 19<sup>th</sup> and July 20<sup>th</sup>, 2013 at the Burlington Waterfront Park

2.02. REQUEST FOR ADDITIONAL INDOOR SEATING/HOURS OF OPERATION:

Skinny Pancake, 60 Lake Street, Suite 1A

\*waive the reading, accept the communication, place it on file and approve the request for additional indoor seating contingent upon Fire Marshal approval and the request for additional hours of operation for the Skinny Pancake

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

Hen of the Wood – Burlington, LLC, 55 Cherry Street

Commissioners Blais and Ayres made a motion to approve the first class restaurant liquor license application for Hen of the Wood – Burlington, LLC. The motion passed unanimously.

4. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

Ramen, 131 Main Street

Commissioners Blais and Ayres made a motion to approve the first class restaurant liquor license application for Ramen. The motion passed unanimously.

5. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):

AS LLC, d/b/a Junior's Downtown, 176 Main Street

Commissioners Blais and Ayres made a motion to approve the outside consumption permit application for Junior's Downtown. The motion passed unanimously.

6. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 7:11 p.m.

Attest:

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

ADJOURNED MEETING, CITY COUNCIL

MONDAY, JUNE 24, 2013

7:12 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Mason the agenda was unanimously adopted as follows: add to the consent agenda item 5.16.1. COMMUNICATION: Ryan Betcher, Burlington International Airport, re: City Council Approval Request – TSA Terminal Lease Space Renewal with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.18.1. COMMUNICATION: Heather Kendrew, Burlington International Airport, re: Finance Board Approval Request – Canoe Portage Easement for GMP Corporation with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.19.1. COMMUNICATION: Patrick Buteau, Asst. Director DPW, re: Security Services for Downtown Parking Garages with the consent action to “waive the reading, accept the communication and place it on file;” note that consent agenda item 5.29. is a RESOLUTION not a COMMUNICATION; add to the consent agenda item 5.65. RESOLUTION: Authorization to Enter into Agreement with Blue Cross and Blue Shield of Vermont as FY 2014-16 Health Insurance Program Administrator Provider (Councilors Aubin, Bushor, Knodell, Shannon: Board of Finance, pending BOF approval) with the consent action to “waive the reading and adopt the resolution;” add to the consent agenda item 5.66. COMMUNICATION: Susan Leonard, Director of Human Resources, re: Employee Benefits’ Agreements; Health Care with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.67. COMMUNICATION: Joan Shannon, City Council President, re: F-35 DEIS response to Council questions with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.68. RESOLUTION: Friendship Agreement Between the City of Burlington and the City of Honfleur, Lower Normandy, France (Councilor Blais) with the consent action to “waive the reading and adopt the resolution;” add Councilor Bushor as a co-sponsor for agenda item 14. RESOLUTION: Creating Greater Efficiencies Through Centralized Purchasing (Councilors Brennan and Paul); add to the Deliberative Agenda item 15.01.01. APPOINTMENT: CCRPC, Alternate (Term expires 6/30/15); remove from the consent agenda item 5.41. COMMUNICATION: John L. Franco, Jr., Law Office of John L. Franco, Jr., re: Church Street Marketplace District Trespass Authority Ordinance Opinion Supplement and place it on the Deliberative Agenda as item 16.02; remove from the consent agenda item 5.42. COMMUNICATION: City Attorney Blackwood, re: Livable Wage Rates for FY 2014 and place it on the Deliberative Agenda as item 16.5.; add to the consent agenda item 5.68 RESOLUTION: Friendship Agreement between the City of Burlington and Honfleur, Lower Normandy, France (Councilor Blais) with the consent action to “waive the reading and adopt the resolution”.

Councilor Siegel requested that consent agenda item 5.40. COMMUNICATION: Susan A. Comerford, On Behalf of Diversity Now to Mayor Weinberger, re: Diversity and City Hiring Process be removed from the consent agenda and placed on the deliberative agenda as agenda item 16.6.

Councilor Brennan requested that consent agenda item 5.57. COMMUNICATION: Mayor Miro Weinberger, re: Re-Organization of Mayor’s Office be removed from the consent agenda and placed on the deliberative agenda as agenda item 16.7.

2. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014):

Hen of the Wood – Burlington, LLC 55 Cherry Street

Councilors Blais and Ayres made a motion to approve the indoor entertainment permit application for Hen of the Wood – Burlington, LLC. The motion passed unanimously.

3. PUBLIC HEARING: Church Street Marketplace – Establishment of Common Area Fees for Fiscal Year 2014

Ron Redmond, Church Street Marketplace Director, stated that this was the second step of a two phase process. This will approve the common area fee increase. The proposed increase is 2.5%. The Marketplace Commission held a public hearing and property owners were present. Tonight there will be

an additional public hearing if anyone would like to speak to the Council. They will then vote to approve the proposed common area fees.

City Council President Shannon opened the public hearing at 7:24 p.m.

No one came forward to speak.

City Council President Shannon closed the public hearing at 7:24 p.m.

3.01. RESOLUTION: Church Street Marketplace – Establishment of Common Area Fees for Fiscal Year 2014 (Councilors Shannon, Blais)

Councilors Bushor and Blais made a motion to waive the reading and adopt the resolution. The motion passed unanimously.

3.02. COMMUNICATION: Clerk/Treasurer's Office, re: Notice of Public Hearing, Monday, June 24, 2013, Church Street Marketplace District, City of Burlington

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

4. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:25 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Robert Pettersen	Ward 5 Resident	Conservation Board Applicant
Tom Torti	Lake Champlain Regional Chamber of Commerce	Support Appointment of DPW Director
The Council took a two minute recess.		
Charles Giannoni	Ward 3 Resident	Redistricting, Public Works Appointment
Hilary Martin	Ward 2 Resident	Conservation Board Applicant
Thomas Grace	Ward 1 Resident	Transparency – Church Street
Kelly Devine	Burlington Business Association	Support Appointment of DPW Director
Alex Buckingham	Ward 3 Resident	Against Trespass Ordinance
Kurt Wright	Ward 4 Resident	Trespass Ordinance
Mark Porter	Public Works Commission	Resident Only Parking
Israel Smith	Ward 3 Resident	Development Review Board Alternate Applicant

Stephanie Young	Ward 7 Resident	Conservation Board Applicant
July Sanders	Ward 3 Resident	CSWD Alternate Applicant
Ernie Pomerleau & Lise Veronneau	Honfleur Sister City Committee	Honfleur Friendship Agreement

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:59 p.m.

5. CONSENT AGENDA

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

- 5.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List  
\*waive the reading, accept the communication and place it on file
- 5.02. RESOLUTION: Authorization to Enter into License Agreement with Engineers Construction, Inc. to Encumber Sidewalk and Greenbelt and Occupy Six Metered Parking Spaces on a Portion of the City’s Right-of-way (Councilors Blais, Tracy, Ayres: License Committee)  
\*waive the reading and adopt the resolution
- 5.03. COMMUNICATION: Norman Baldwin, PE, Assistant Director – Technical Services and Ronald Gore, Excavation Inspector, DPW, re: 101 Main Street  
\*waive the reading, accept the communication and place it on file
- 5.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City’s Right-of-way with Das Bierhaus (Councilors Blais, Tracy, Ayres: License Committee)  
\*waive the reading and adopt the resolution
- 5.05. RESOLUTION: Amended Budget – Stormwater (Councilors Shannon, Bushor, Knodell, Aubin: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.06. RESOLUTION: Extension of Delegation of Authority for Budget-Neutral Adjustments Within City Departments’ Individual Budgets (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.07. RESOLUTION: Municipal Authorization for Deposit and Withdrawal of City of Burlington Funds and Other Banking Procedures (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.08. RESOLUTION: Adoption of FY 2014 Parks and Recreation Comprehensive Fees Policy (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution

- 5.09. RESOLUTION: Authorization to Execute Contract for Leddy Arena Locker Room Improvements with Neagley & Chase (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.10. RESOLUTION: Authorization to Execute Lease Renewal with Hangar Condo Association at Burlington International Airport (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.11. COMMUNICATION: Ryan Betcher, Burlington International Airport to the Board of Finance; City Council, re: Finance Board Approval Request – Hangar Condominium Association Lease Renewal  
\*waive the reading, accept the communication and place it on file
- 5.12. RESOLUTION: Authorization to Accept Grant and to Contract for Reconstruction of a Portion of the Cargo Apron (Phase I) at Burlington International Airport (AIP-96) (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.13. RESOLUTION: Authorization to Accept Grant and to Contract for Reconstruction of Taxiway B and Construction of Sewage Receiving Station at Burlington International Airport (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.14. RESOLUTION: Authorization to Accept Grant (AIP-98), Purchase Property, and Award Contract at Burlington International Airport (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.15. RESOLUTION: Authorization to Accept Grant and to Contract for Design of Upgrade to Airport Security System at Burlington International Airport (AIP-97) (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.16. RESOLUTION: Authorization to Execute Lease Renewal with Transportation Security Administration at Burlington International Airport (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.16.1. COMMUNICATION: Ryan Betcher, Burlington International Airport, re: City Council Approval Request – TSA Terminal Lease Space Renewal  
\*waive the reading, accept the communication and place it on file
- 5.17. RESOLUTION: Approval of License Agreement Between Encore BTV Schools Solar II, LLC and the Burlington School District (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.18. RESOLUTION: Authorization to Grant Easement to Green Mountain Power Corporation (Councilors Shannon, Bushor, Aubin, Knodell: Board of

Finance)

\*waive the reading and adopt the resolution

5.18.1. COMMUNICATION: Heather Kendrew, Burlington International Airport, re: Finance Board Approval Request – Canoe Portage Easement for GMP Corporation

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

5.19. RESOLUTION: Authorization to Execute Contract for Downtown Parking Garages Security Services to Green Mountain Concert Services (Councilors Shannon, Bushor, Aubin: Board of Finance)

\*waive the reading and adopt the resolution

5.19.1. COMMUNICATION: Patrick Buteau, Asst. Director DPW, re: Security Services for Downtown Parking Garages

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

5.20. RESOLUTION: Department of Parks and Recreation FY 2013 Budget Amendment Requests Related to Calahan Park Field of Dreams Fund Balance Carryover (Board of Finance)

\*waive the reading and adopt the resolution

5.21. RESOLUTION: Authorization to Enter into Amendment to License Agreement with Mansfield Professional Building, LLC to Reduce the Fee Paid to Occupy One Metered Parking Space on a Portion of the City's Right-of-way (Councilors Blais, Tracy, Ayres: License Committee)

\*waive the reading and adopt the resolution

5.22. RESOLUTION: Authorization for FY 2013 Budget Amendment Related to Memorial Auditorium (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

5.23. RESOLUTION: Authorization re 2013 Justice Assistance Grant (JAG) Funding for Crime Prevention Programs (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

5.24. COMMUNICATION: Mayor Miro Weinberger, re: 2013 Justice Assistance Grant (JAG)

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

5.25. RESOLUTION: Authorization for Acceptance of Safer Communities Grant Amendment From Vermont Department of Corrections (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

5.26. COMMUNICATION: Karen Vastine, Community Justice Center Coordinator, Burlington Community Justice Center, re: Department of Corrections Grant Amendment: "Safer Communities" (Grant #03520-1285)

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

5.27. RESOLUTION: Authorization to Execute Memorandum of Understanding with US Ignite (Councilors Shannon, Paul)

\*waive the reading and adopt the resolution

- 5.28. COMMUNICATION: Ed Antczak, CEDO, re: What is US Ignite?  
\*waive the reading, accept the communication and place it on file
- 5.29. RESOLUTION: Authorization to Submit 2013 Burlington Consolidated Plan and One-Year Action Plan (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.30. COMMUNICATION: Peter Owens, CEDO Director and Marcy Krumbine, Assistant Director for Community Development, re: 2013 Five Year Consolidated Plan Community Development Block Grant Proposed Allocations 2013 Action Plan for Housing & Community Development Resolution  
\*waive the reading, accept the communication and place it on file
- 5.31. COMMUNICATION: Marcy Krumbine, Assistant Director for Community Development, CEDO, re: 2013 Consolidated Plan for Housing & Community Development  
\*waive the reading, accept the communication and place it on file
- 5.32. COMMUNICATION: Marcy Krumbine, Assistant Director for Community Development, CEDO, re: 2013 Action Plan for Housing & Community Development  
\*waive the reading, accept the communication and place it on file
- 5.33. COMMUNICATION: CEDO, re: 2013 Revised Development Project Board Recommendations for Council  
\*waive the reading, accept the communication and place it on file
- 5.34. COMMUNICATION: CEDO, re: 2013 Revised Public Service Board Recommendations for Council  
\*waive the reading, accept the communication and place it on file
- 5.35. COMMUNICATION: Steve Goodkind, DPW Director to Mayor Miro Weinberger, re: CCSW Budget  
\*waive the reading, accept the communication, place it on file and recommend approval of the CCSW budget
- 5.36. COMMUNICATION: Burlington Redistricting Committee, re: Report to the City Council June 8, 2013  
\*waive the reading, accept the communication and place it on file
- 5.37. COMMUNICATION: Burlington Police Department, re: Information Release  
\*waive the reading, accept the communication and place it on file
- 5.38. COMMUNICATION: Harry Chen, MD, Commissioner of Health to William Ward, re: Town Health Officer Re-appointment  
\*waive the reading, accept the communication and place it on file
- 5.39. COMMUNICATION: Matthew Bushey, DAB, Alternate, re: Resignation  
\*waive the reading, accept the communication, place it on file, advertise the vacancy and congratulate Matthew Bushey for his DAB appointment as a Full Member
- 5.43. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re:



Schedule of Meetings of the City Council through August, 2014  
A=Adjourned; R=Regular; S=Special; T=Tentative

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

5.44. SPECIAL EVENT PERMIT APPLICATION (three days only): Radio Bean Coffeehouse  
\*waive the reading, accept the communication, place it on file and approve the special event permit application for July 26 through July 28, 2013 for Radio Bean Coffeehouse at Burlington College, 351 North Avenue, outside, live music, dancing, with EMS detail for periods of time when more than 900 people are present, evacuation plan

5.45. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Pizza Barrio  
\*waive the reading, accept the communication, place it on file and approve the 2013-20134 Indoor Entertainment Permit Application for Pizza Barrio

5.46. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (July):

Monkey House, SEABA Parking lot, Community Food Truck Stop, 7/5, 7/12, 7/19, 7/26  
\*waive the reading, accept the communication, place it on file and approve the special event outdoor entertainment permit application for Monkey House for the four Fridays of July, 4 p.m. – 9 p.m.

5.47. COMMUNICATION: Benjy Adler, Co-owner, Skinny Pancake, re: Request for Additional Hours Re: Indoor Entertainment Permit

\*waive the reading, accept the communication, place it on file and grant the request for additional hours for indoor entertainment

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

Pacific Rim, 161 Church Street, Friday and Saturday: June 28<sup>th</sup> and June 29<sup>th</sup>, Dancing, Amplified Music  
\*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for two days only for Pacific Rim

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

Pacific Rim, 161 Church Street, Friday and Saturday: July 5<sup>th</sup> and July 6<sup>th</sup>, Dancing, Amplified Music  
\*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for two days only for Pacific Rim

5.50. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Skinny Pancake, 60 Lake Street, Suite 1A, Saturday, July 6<sup>th</sup>, 8 p.m. – 2 a.m, Grand Re-opening  
\*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Skinny Pancake

5.51. RESOLUTION: Budget Amendment for Equipment Maintenance (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

5.52. COMMUNICATION: Patrick Buteau, Asst. Director, DPW to the Board of Finance & City Council, re: Equipment Maintenance Line Item Transfers

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

- 5.53. RESOLUTION: Authorization to Enter into Agreement with Northeast Delta Dental as FY 2014-2016 Dental Insurance Program Administrator/Provider (Councilors Shannon, Bushor, Aubin, Knodell: pending approval on 6/24/13)  
\*waive the reading and adopt the resolution
- 5.54. RESOLUTION: Authorization to Enter into Agreement with the Standard as FY 2014-15 Life and AD&D Insurance Program Administrator/Provider (Councilors Shannon, Bushor, Aubin, Knodell: pending approval on 6/24/13)  
\*waive the reading and adopt the resolution
- 5.55. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain Awnings Extending Over a Portion of the City's Right-of-way with Stacks Sandwiches (Councilors Blais, Tracy, Ayres: License Committee)  
\*waive the reading and adopt the resolution
- 5.56. RESOLUTION: Re-organization of the Office of the Mayor; Elimination of the Assistant to the Mayor for Operations and Communications, Elimination of the Assistant to the Mayor for Open Government, Innovation and Mayoral Initiatives, Creation of Staff, Creation of Mayoral Projects Coordinator (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)  
\*waive the reading and adopt the resolution
- 5.58. COMMUNICATION: Susan Leonard, Human Resources Director to the City Council, Board of Finance and the Institutions and Human Resources Policy Committee, re: Recommendation: Mayor's Office Reorganization: Elimination of both Assistant to the Mayor Positions; Creation of Chief of Staff and Mayoral Projects Coordinator Positions  
\*waive the reading, accept the communication and place it on file
- 5.59. COMMUNICATION: City of Burlington Mayor's Office Organizational Chart  
\*waive the reading, accept the communication and place it on file
- 5.60. COMMUNICATION: Proposed City of Burlington Mayor's Office Organizational Chart  
\*waive the reading, accept the communication and place it on file
- 5.61. COMMUNICATION: City of Burlington Job Description, Chief of Staff, Mayor's Office  
\*waive the reading, accept the communication and place it on file
- 5.62. COMMUNICATION: City of Burlington Job Description, Mayoral Projects Coordinator, Mayor's Office  
\*waive the reading, accept the communication and place it on file
- 5.63. COMMUNICATION: City of Burlington Job Description, Office Assistant II, Mayor's Office  
\*waive the reading, accept the communication and place it on file
- 5.64. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain a Canopy and Lamp Extending Over a Portion of the City's Right-of-way With Computers for Change (Councilors Blais, Tracy, Ayres)  
\*waive the reading and adopt the resolution
- 5.65. RESOLUTION: Authorization to Enter into Agreement with Blue Cross and Blue Shield of Vermont as FY 2014-16 Health Insurance Program Administrator

Provider (Councilors Aubin, Bushor, Knodell, Shannon: Board of Finance, pending BOF approval)

\*waive the reading and adopt the resolution

5.66. COMMUNICATION: Susan Leonard, Director of Human Resources, re: Employee Benefits' Agreements; Health Care

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

5.67. COMMUNICATION: Joan Shannon, City Council President, re: F-35 DEIS response to Council questions

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

5.68. RESOLUTION: Friendship Agreement Between the City of Burlington and the City of Honfleur, Lower Normandy, France (Councilor Blais)

\*waive the reading and adopt the resolution

6. APPOINTMENT: Department of Public Works Director

Mayor Weinberger stated he is excited to have made a decision on his appointment of the next Department of Public Works Director. He sees DPW as a unique department which on one hand provides for the most basic municipal needs. It also is important in moving the City forward in high aspirations of having a clean lake, being safe to walk and bike, and being greener. Chapin Spencer is uniquely capable of leading a department that is responsible for such a vast array of activities. He has proven himself to be a dynamic and effective leader and manager. The root of that success comes from his strong communication skills and ability to work with others to get things done. He will partner with the same agencies and individuals that he currently works with outside of City government. He has proven himself to be an able project manager of large public projects. He will move the City forward to achieve its long term goals and has a passionate commitment to the community. Much of his passion and commitment has been focused on Burlington public infrastructure projects. When he was introduced to the Public Works Commission, the longest serving member of that Commission reacted positively and favorably. He noted that as a City Councilor, Chapin worked harder than anyone to make sure that voters approved a street capital bond. This is the seventh department head he has appointed since taking office, and he feels positive about all of them. None of his other appointments have generated as much enthusiasm as this one. They have an opportunity to make a personnel decision that will impact the future of the City in a profound way.

Councilors Paul and Ayres made a motion to appoint Chapin Spencer as the Director of the Department of Public Works.

Councilor Bushor stated that she had the opportunity of working with Chapin as a co-councilor in Ward 1. It was at a difficult time while Fletcher Allen was growing and they tried to balance their needs with the quality of life needs of the surrounding neighborhoods. There were many meetings of people who had very different viewpoints, and Chapin is very skilled at bringing people with different viewpoints together and moving forward with a plan that works. He is a skilled mediator and will do a very good job. The one thing that was pointed out is that he is not an engineer. They can address that by looking at the number of engineers that they have now. They will have a director with a different skill set. She will be supporting him and looks forward to seeing what DPW can do for the community. He is the right person for this time in Burlington because of their desire to become more bike and pedestrian friendly. Having that leadership will offer a new direction.

Councilor Siegel stated that she is disturbed by the proposed appointment of Chapin Spencer. This is not because of who Chapin is. She agrees that he is uniquely qualified. She is disturbed because the Mayor has stated he is committed to work for diversity and equity, but has not followed through with actions. He

has the right to appoint whoever he chooses and is not mandated to conduct a search. However, if he is committed to equity that is what he needs to do. Without a thorough search, they lose the ability to see if there are other uniquely qualified candidates that would also fulfill the Mayor's commitment to diversifying City leadership. They also do a disservice to Chapin himself for not allowing him to make a case for his appointment in a competitive way. She is a fan of Chapin and looks forward to working with him, but she will be voting against his appointment to voice her concerns with the Mayor's process.

Councilor Brennan stated this is painful for him. Chapin has been on the Council and has been an upstanding member of the community. The accolades he has received are well deserved. He will also not be supporting his appointment because of the process that the Mayor has chosen. He spoke to the Mayor in great length about creating diversity and equity. The community is changing and they have to create opportunity. This is a historic day with the Supreme Court ruling of Fisher v. University of Texas, which narrows how they go about seeking diversity. Strict scrutiny is being asked. They need to cast a wider net to create that opportunity. When the appointment of the Parks and Recreation Director came into play, he expressed that it would have been nice to see a larger pool of candidates. At the time of the appointment of the Airport Director, he had understood that Mr. Richards was being appointed for the interim and it would not become permanent. He did vote for that permanent appointment reluctantly. It is difficult when candidates are brought forward who are part of the community, are like us, and do a good job. They have another key role who will be appointed without a search. They need to be deliberate if they want diversity. They live in a community where individuals may rise to the top, but there is still inequity. When he worked on diversity issues on the School Board, one of the most disturbing comments that he heard was when an African American teacher came forward. He expressed that on his first day at Edmunds Middle School, the children in the classroom could not believe he was the teacher and not the custodian. That is what they need to fight against. He says this is not to imply that the Mayor is intentionally doing this, it is likely totally unintentional, but they have to be deliberate to move forward in a way that allows real change to happen. He would love to see Chapin in the position, but he also sees that they are not creating opportunities for others who may be equally deserving.

Councilor Worden stated twelve years ago he ran into Chapin, his City Councilor at the time, and asked him how the process would work to be on a Committee or Board. He chatted at length about the opportunities and supported him as he began his service on the Design Advisory Board. Since then, he has done some amazing things in the City. He has unified a diverse group of folks around issues. When they heard of Director Goodkind's retirement, he was at a loss to who could fill his shoes. He thanked Director Goodkind for his many years of dedicated service. He had not thought of Chapin's name, but when it was brought forward he saw someone who can fill the role that the City needs when charting a course for what the City needs. He will support the nomination and vote for him tonight.

Councilor Tracy stated he is excited that Chapin has been put before them today. He shares his colleagues concerns about the process, and will make sure that they do not have a similar process in the future. When he heard the name, he was very excited because he walks and bikes in the City. He views Chapin as an advocate for people like him. It will be challenging because he will be speaking to a broader public with different concerns. He has heard two broad camps. The first are those who expressed concern over his lack of engineering degree and experience in management of an organization with more employees and a broader prevue. He inquired how he will manage that transition. Chapin Spencer, Public Works Director Candidate, stated he understands how demanding this job will be. He is not an engineer, but the City Engineer position has not always been combined with the Public Works Director position. Under Steve Goodkind, the position was conjoined. They are moving forward a model where it will not be. They will need to select a City Engineer to do that job. He believes a \$32 million department with 100 employees dealing with a diverse scope of work needs someone at the top looking at strategic direction, policy, and allocating resources to get work done. He does not have the technical day to day expertise, but he believes that will help him rise to the level the City needs to tackle a number of issues they face. Councilor Tracy stated the other camp is people who are very excited for the potential for expansion of bike and pedestrian infrastructure. When talking about the appointment, they said when there have been opportunities for bike

lanes or funding, they have taken them. The larger question is about difficult battles they will be facing, such as the sidewalk work that needs to be done, the bike path, or developing a north south corridor for bikers. He inquired how he will balance his passion for biking and walking issues with the other issues the City is facing. Mr. Spencer stated it will be a balance. He will first get his feet on the ground with day to day services. Public Works provides critical services through water, wastewater, and snow plowing. There are some policy opportunities that are very complex and will require extensive public process and conversations with a number of stakeholders. There are currently conversations about residential parking, downtown parking districts, and storm water regulations that are hot button issues they need to stay on top of. They just passed planBTV which is a roadmap for how to move forward. He is excited to work to implement key pieces there. They will turn the department into a highly performing, customer service oriented organization.

Councilor Mason stated he will enthusiastically support Chapin. One thing he has learned as a City Councilor is the importance of Public Works. He had a long conversation with Chapin and came away feeling very enthusiastic about his candidacy. He seems well-versed but willing to accept his limitations. He has shown his ability to lead and foster an engaged public. That skill set will serve him well.

Mr. Spencer stated it is a pleasure to be here and acknowledged the good work that Director Goodkind has done in his decades of service. He has been gracious in his offer to assist in the transition. He was motivated to consider this opportunity because of the talented staff that DPW has. There are four very talented Assistant Directors and a staff he is getting to know. Burlington has high standards and there will be many calls. That passion for the City and the desire to elevate the quality of life is shared. He has been proud to dedicate his life toward working for the City. They have engaged citizens, an engaged business community, and a political process that engages people. While it is an asset, it is also a challenge in moving public policy through the system. He is ready to work within that environment to move Burlington forward. There is tremendous opportunity and he is honored by the Mayor's support. The conversations around diversity and equity are not ones he shies away from. He is passionate about these issues. He believes he can make an impact on those issues through day to day management of the Department. They must include the community on decision making and personnel hires and he is ready to make that step.

Councilor Hartnett stated they all know that Chapin is well qualified. He thinks about national searches that they have had for Department Heads in the past. There were no diversity candidates found in those searches. Just because they put something out to a nationwide search does not mean they will get diversity or the right person for the job. The Administration has showed a commitment to the City of Burlington by hiring local people who are well qualified and committed to the success of the City. That is important. The directors of the Airport and Parks are committed to seeing Burlington succeed, and Chapin has that same commitment. He is glad they are looking here first and not spending money to bring candidates in to decide if they like Burlington. These candidates are here for the right reasons. He believes they have picked the right person for the job.

Mayor Weinberger stated he applauds the commitment to diversity and feels he has shown through his actions that he shares that commitment. They have created a committee that is creating a Strategic Plan for Diversity and Equity issues. They have conducted five searches for the six other department heads he has appointed. Those have been productive searches that resulted in significant victories in progress towards diverse leadership in the City. They have the first woman of color ever to lead a City Department at the Library. They have Eileen Blackwood as the first woman to serve as City Attorney. They have a community engagement specialist who is a woman of color. They have pushed Department Heads for greater awareness on diversity issues. Many Department Heads are participating in the We All Belong Program. They held a Department Head meeting to discuss the ECHO Race exhibit. Many Department Heads brought employees back to that exhibit. Next year, they have the ability for the Human Resources Department to provide cultural competency training to every employee. This is a record that needs to go farther and will continue in the years ahead.

Councilor Paul stated it is a pleasure to support and vote for Chapin Spencer for the next Director of Public Works. She has known him for a long time. She got to know him well when they travelled to Boulder and learned about their downtown. She came to understand why he will be a great DPW Director. He has the ability to be a tireless worker, which is incredibly important for DPW. He has the temperament to deal with people who are unhappy with the Department because of issues of snow plowing, sidewalks, and street paving. When looking around the room, she thinks about the article that was recently published about the Mayor. Her understanding was that there was pretty unanimous support for the Department Head appointments this Mayor has made. They are a group of dedicated, creative, tireless people with a lot of energy. She is happy to support a local person and him for the position.

The motion passed by a vote of 12-2 with Councilors Siegel and Brennan voting against.

6.01. COMMUNICATION: Mayor Miro Weinberger, re: Appointment of Public Works Director

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

6.02. COMMUNICATION: S. Chapin Spencer, re: Resume

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

7. RESOLUTION: Annual Appropriation and Budget for Fiscal Year Beginning July 1, 2013 (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

And

8. RESOLUTION: Annual Appropriation and Budget for Regional Programs for Fiscal Year Beginning July 1, 2013 (Councilors Shannon, Bushor, Knodell, Aubin: Board of Finance)

And

9. RESOLUTION: Temporary Loans in Anticipation of Taxes for the Fiscal Year Beginning July 1, 2013 (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

And

10. RESOLUTION: Annual Tax Assessments on the Property Grand List of the City for the Purposes Therein Set Forth for the Fiscal Year Beginning July 1, 2013 (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

Councilors Knodell and Bushor made a motion to waive the readings and adopt the resolutions.

Councilor Aubin stated that these will be some of the most important resolutions that they will vote on all year. They relate to the FY14 budget, tax rate and financial tools to continue them on a path that was set in motion to right the City's financial ship. Per the City Charter, the Council must approve the Mayor's Recommended Annual Budget. It holds the line on general property taxes while maintaining services that citizens have come to expect. Given the City's contractual obligations and the bike path and fiscal stability bond considerations, the Administration began the budget process with a \$1.5 million budget

gap. The Mayor and Administration were able to bridge that gap without impacting City services. There will be an overall increase in property taxes due to ballot items, the fee paid to CCTA and pension costs. They are increasing liquidity and continuing on the road to fiscal stability. The fee structures for parking, water, wastewater, recycling, and street closure rates are listed. This is the result of collaboration between the Mayor, CAO's Office, Department Heads, and the Board of Finance. They will be voting for the Regional Programs budget separately, as Councilor Ayres is involved in First Night. He supports the budget and the Board of Finance approved it unanimously.

Councilor Ayres stated he is the executive director of First Night Burlington. There is an item in the City's community programs budget that supports First Night. He will recuse himself from that resolution.

Councilor Bushor stated that agenda item 8 acknowledges the conflict that Councilor Ayres has and inquired why it needs to be voted on separately. City Attorney Blackwood stated because he has a conflict of interest, Councilor Ayres should not vote on the Regional Programs budget. Councilor Bushor inquired if it would have been appropriate to divide the question and vote on the Regional Programs budget separately. City Attorney Blackwood stated that is what she suggested. City Council President Shannon stated she plans to hold a vote on each resolution separately but they were moved as a slate. Councilor Bushor inquired if the purpose of the resolution is to acknowledge the conflict of interest. City Council President Shannon stated that is correct and they will take the vote separately. Councilor Bushor stated she agrees this is the most important night of the year because they are taking what they hear from their constituents and making it come alive in the budget. As City Councilors, they try to advise the Mayor and Administration on the priorities that they have identified. There are some fee increases that were referenced. She is a little concerned about affordability as fees increase. She worries about those who might be faced with increased fees. In the Parks and Recreation budget, there was a bus that transports students that would be eliminated. There was no plan she heard to address transportation for students. She looks forward to making sure that comes back to the Council to ensure that students who need to access programs can. As a working parent, that type of transportation is absolutely paramount. There were increases that they had no control over, such as CCTA and County Tax. They continue to have to invest in the retirement system and it is a large amount of money. They need to figure out what they can do to deal with that. She will support the budget and feels it is balanced and delivers services that are expected.

Councilor Knodell stated that her spouse is employed by Champlain Valley Office of Economic Opportunity which receives funding from the City. She was told in a conversation with the City Attorney that disclosing that information was adequate. City Attorney Blackwood stated there is no specific line item in the Budget for CVOEO, which makes it different from Councilor Ayres' situation with First Night. Bill Ward, Code Enforcement Director, stated the line item relates to specific contracts that they have with the Vermont Apartment's Association and CVOEO. It is not specific to CVOEO but is a contractual obligation. Councilor Knodell stated this budget does a decent job of protecting core City services and managing expenses. The growth in the operating budget is kept to 3.3%. They are looking forward to a discussion of the process for next year. The process this year was rushed at the end and did not allow time to engage the public or make any amendments. When adding all of the new City taxes, there is about \$1.8 million. When looking at how those new taxes are used, they can look at increased payments into TIF, debt service, payments into BERS, the total is \$1.9 million. This is why they had to look at fees. It was extremely difficult for departments to put together a budget in which they had to absorb personnel increases in order to maintain that constant City tax rate. They need to be realistic about what it costs to deliver services. Some costs will be covered through increased fees and dedicated taxes. Half of the increase in property taxes was approved by voters in November. When looking at new taxes, they are for financial uses, which are important but do not help cover the cost of delivering basic services.

Councilor Tracy stated that the budget has been an interesting and informative process. They held a number of work sessions and Department Heads did a good job explaining their budgets and the preview of their department. He thanked them for coming and sharing information with the Council. In any

budget, they have to choose to prioritize things based on the challenges the City is facing. He inquired what things they chose to prioritize and why. Mayor Weinberger stated there were some guiding principles that anchored their thinking. There was a desire to avoid further increases to the property taxes beyond those that were voted on in November. It is a focus to be able to move the City forward with respect to a number of capital projects. There is progress with capital infrastructure. They will continue their efforts to complete \$1 million of Penny for Parks projects. There will be 42 projects in parks around the City with upgrades and enhancements. That will be joined by enhancements and investments in the City's capital assets. They will invest in facilities such as the Library and crosswalk signalization. They decided to make new investments in the City's storm water infrastructure. The City has been a leader in that area and is one of two storm water utilities in Vermont. Funding for that utility has not kept up with the initial projections on monthly bills. There is a belief that the lake needs to be clean and the investments need to be made smartly and efficiently. Fully funding that will make them major players in this discussion about how to keep Lake Champlain clean and will allow Burlington to remain a leader. Councilor Tracy stated there is no general fund tax increase as the result of strong work by the CAO's Office. It does not seem they will be able to continue to find efficiencies and inquired if there will have to be an increase to the general fund tax rate at some point. Mayor Weinberger stated he appreciates the hard work done by Department Heads and the CAO. The work around efficiencies is work to be proud of. The City Attorney's Office has brought some major functions in house that were previously done by outside counsel. That will save tens of thousands of dollars and will enhance services in the City Attorney's Office. They will have a system of contract management in place which will log contracts and improve oversight of things like the livable wage ordinance. Good thinking can save money and improve services, such as the Library's examination of when the Library is busiest and reallocating staff hours. He is unsure yet how they will continue to look at increased efficiencies. They will not be waiting until next spring to continue these discussions. Budget work will continue through the first quarter to see if they can find additional savings. They will be in a better position to answer that question in 90 days.

Councilor Aubin thanked Councilor Knodell for moving this forward as a slate. He hoped to discuss the importance of each resolution. He requested that the resolutions be moved forward separately. City Council President Shannon stated all of the resolutions have been moved. Once discussion is closed, they will vote on each. Now is the opportunity to speak on any of the resolutions. Councilor Aubin stated the regional programs budget devotes a section of the budget to regional programs that support their quality of life. First Night is one of those programs, so they removed this item from the slate due to Councilor Ayres conflict of interest. He hopes that everyone will support the resolution unanimously. Agenda item 9 authorized pledging of the City's credit with temporary loans in an amount not to exceed 25% of the taxes assessed upon the grand list. The loan will be repaid within the next tax payment. It allows for short term loans in anticipation of tax receipts. The aggregate amount will not exceed \$10 million. It will allow the City to function efficiently and will allow the City to repay any loans when taxes are received. Agenda item 10 formally adopts the tax assessment on the grand list. The Council will vote on the tax rate. The tax rate is broken up into several categories. He outlined each of the categories. This rate is higher mainly due to ballot items, CCTA fees, and pension costs. He will support this.

Councilor Worden stated that the work sessions that were conducted were well received and very informative. He consulted with City Attorney Blackwood about his need to recuse himself on items related to the Waterfront North Project. His firm is a sub-consultant on that project. There is a change so that capital projects are wrapped into the budget. Only the general City-wide decision to move forward on the budget is included, so he has been advised that he does not need to recuse himself.

Agenda items 7, 9 and 10 passed unanimously by a vote of 13-0. Councilor Hartnett was not at the table.

Agenda item 8 passed unanimously by a vote of 12-0 with Councilor Ayres abstaining. Councilor Hartnett was not at the table.



11. RESOLUTION: Authorization for Public Improvement Bonds for Fiscal Year 2014  
(Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

Councilors Aubin and Ayres made a motion to waive the reading and adopt the resolution.

Councilor Aubin stated that this resolution authorizes the City to borrow money on the credit of the City for an amount not to exceed \$2 million for working capital. It also authorizes the City to borrow money in an amount not to exceed \$3 million for the needs of the Burlington Electric Department. It also authorizes the City to borrow an amount not to exceed \$2 million for the School Department. These not to exceed amounts are authorized by the Charter and must be voted on each year.

Councilor Bushor stated there is a missing component to the resolution. The resolution does not read that the School Board authorized them to move forward with the borrowing.

Councilors Bushor made an amendment to add language that states the School Board voted to recommend the borrowing. Councilors Aubin and Ayres accepted the amendment as friendly.

The motion passed unanimously as amended.

Councilor Hartnett stated he stepped away from the table for the vote on the budget, but stated he overwhelmingly supports it and would have voted yes.

12. RESOLUTION: Approving the Pledging of the Credit of the City in Anticipation of the Receipt of Revenue from the Airport Department (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

And

13. RESOLUTION: Approving the Issuance of Grant Anticipation Notes for the Costs of Certain Airport Improvement Projects (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

Councilors Aubin and Paul made a motion to waive the readings and adopt the resolutions.

Councilor Aubin stated that these resolutions authorize short term borrowing for the Airport. The first authorizes the City to borrow up to \$3 million in Revenue Anticipation Notes. These notes secure revenue anticipated to be received by the Airport. This allows them to borrow for regular business expenses should the revenue be anticipated but not yet received. The second allows borrowing of up to \$3 million in Grant Anticipation Notes. These borrowings are allowed in the amount of a grant to be received from the FAA. There is often a delay in getting that money and this money is spent in anticipation.

The motion passed unanimously.

14. RESOLUTION: Creating Greater Efficiencies Through Centralized Purchasing  
(Councilors Brennan, Paul & Bushor)

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

Councilor Brennan stated that this resolution spoke to finding efficiencies, as the Mayor referenced. It also will create more accountability through the process in the many departments that the City has.

Councilor Bushor stated that this resolution is near and dear to her heart and she has worked over the years to get the City and School Department to do joint purchasing to save some money. This resolution

identifies that they can do much better within the City's own limits. It is surprising sometimes that it takes a while to come to these moments. There should be a purchasing department. Offering that to one key person will allow this to grow. Someday New World may make this easier. This is where they can save some money.

Councilor Paul stated she and Councilor Brennan have been working on this for some time. They have been working to find a way to centralize some purchasing. There is a need for efficiencies and this is not mainly operational. It could really help the budget. They can find ways to save money. When Paul Sisson was the Interim CAO he was supportive of the resolution. The new CAO is also supportive. She does not know what the amount will be, but they will do the best that they can.

CAO Rusten thanked them for the resolution and involving the CAO's office in the development of it. He thanked the Assistant CAOs for their work on the budget and the work they will be doing through this resolution.

The motion passed unanimously by a vote of 13-0. Councilor Decelles was not at the table.

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

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

15.01. APPOINTMENT: CCRPC (Term expires 6/30/15)

Councilor Knodell nominated Andy Montroll.

Andy Montroll was re-appointed to the CCRPC.

15.01.01. APPOINTMENT : CCRPC, Alternate (Term expires 6/30/15)

Councilor Siegel nominated Infinite Culcleasure. She stated she did not realize that Andy Montroll was intending to reapply and gave Infinite misinformation. She asked him if he would instead be interested in the alternate position and he said he would be. He attends a many meetings, is interested in policy, and is committed.

Councilor Worden stated he is in favor of the nomination. Infinite has attended so many meetings that he was unsure what his interests are, as they seem to be very broad. He has a lot of knowledge about policy issues facing the City. When he saw the two applicants for this position, he was challenged to think about who he would like to represent them regionally. This will allow them both to serve.

Councilor Ayres echoed Councilors Siegel and Worden's comments. He knew Infinite when he was a UVM student and have followed his engagement in the community since then. He is articulate and engaged in the community. He will bring an important voice. He is engaged with the New American community which is an invaluable voice to have at the table.

Infinite Culcleasure was appointed to the CCRPC, as the Alternate.

15.02. APPOINTMENT: CSWD, Alternate (Term expires 5/31/14)

Councilors Bushor and Brennan made a motion to postpone action on the appointment until July 15.

Councilor Bushor stated she recalls that they have appointed a member of the Department of Public Works to be the Alternate. Typically the Director is the representative, and a member of the Department is the alternate. There is rationale for that, as these are budgetary decisions that impact the Department of Public Works and the City. There is no Charter mandate about this. She would like to give the Director an opportunity to discuss this and determine if they agree that it should be someone from the Department. She feels badly about the people who have put their names forward, but does not feel good about moving forward on this.

Councilor Mason stated he respects the logic behind that motion, but he feels uncomfortable with it, as it is not in the Charter. It would take some time to modify the Charter. These were applicants who applied for a position. While historically it has been held for a DPW employee, they are getting ahead of themselves if they put aside two applicants who applied on time.

Councilor Siegel stated one applicant said he reached out to the Department and was told that it could be a member of the Community.

Councilor Ayres stated he has an issue with creating the public impression that they are encouraging people to apply for these positions. They have two capable candidates who have stepped up for the position. They would then say their historical precedent is to appoint someone from the Department of Public Works. It does a disservice to those who stepped forward and are capable of filling this role.

Councilor Bushor stated she is not looking for a Charter Change. This position gets to go into Executive Sessions and make decisions about fees. The person who has served in this role is not the Director of the Department. In the past they filled it with someone who had applied and the Department came back and said they felt it should be someone affiliated with the Department because of the fiduciary responsibility. She feels the Department should make some kind of comment on this before they fill the position.

Councilor Hartnett inquired what the Director of Public Works thinks. Chapin Spencer, DPW Director, stated he is not prepared to answer this question until he has more information. Councilor Hartnett stated he will support the motion to postpone.

Councilor Worden stated he agrees that they have two good members before them and would hate for them to lose interest, but they would like to get input from the Department.

The motion to postpone action passed by a vote of 12-2 with Councilors Ayres and Mason opposed.

#### 15.03. APPOINTMENT: Conservation Board (Term expires 6/30/16)

Councilor Ayres nominated Stephanie Young.

Councilor Tracy nominated Hilary Martin.

Councilor Siegel stated the third applicant's application came in late and is not eligible for consideration. She will support Hilary Martin. She has been involved in the community and has been organically farming in the Intervale. The Intervale is a vital part of the City. It is a great opportunity to have her local agricultural background on the Conservation Board. She also has skill and experience in outreach and gathering public input.

Councilor Tracy stated he will support Stephanie Young. She brings a diverse background as an environmental lawyer and a marine biologist. The City is on the shores of what many have called the sixth Great Lake. She will be able to bring her perspective as a marine biologist to Conservation Board decisions. She has a stellar career as an environmental lawyer and advocate. She can now bring the

perspective of young family members in the community, as she is now a stay at home mom caring for her child.

Councilor Bushor stated she received communications from both applicants. She has rarely seen two more qualified people. She tried to look at what else could help her make a decision. She found that Ward 2 is not represented and has made her choice based on location. She is glad that Stephanie Young is involved in the community because she has great qualifications. She will be supporting Hilary Martin.

Stephanie Young received 8 votes from City Council President Shannon, Councilors Hartnett, Worden, Paul, Blais, Ayres, Aubin and Mason.

Stephanie Young was appointed to the Conservation Board.

15.04. APPOINTMENT: Development Review Board, Alternate (Term expires 6/30/15)

Councilor Knodell nominated Israel Smith.

Israel Smith was appointed to the DRB, as an Alternate.

15.05. APPOINTMENT: Fence Viewer (Term expires 6/30/14)

Councilor Knodell nominated Megan O'Rourke for Fence Viewer.

Megan O'Rourke was re-appointed as a Fence Viewer.

16. RECONSIDERATION OF CITY ATTORNEY CONSTITUTIONAL ANALYSIS OF NO TRESPASS ORDINANCE FOR CHURCH STREET MARKETPLACE JUNE 12, 2012 (COUNCILORS SIEGEL, TRACY, BRENNAN)

Councilors Decelles and Knodell made a motion to reconsider the City Attorney Constitutional Analysis of No Trespass Ordinance for Church Street Marketplace June 12, 2012.

Councilor Decelles stated that last week he felt he had cast the right vote. He did not have the communication in front of him so he voted no because he did not have the information. A day later he received the communication and read it. He came to the conclusion that this is a policy issue. Any time the City passes a policy related issue that governs people in the community, it is important to release that information to them. They need to have a clear understanding of the policies and the City Attorney's view on them.

The motion passed by a vote of 12-2 with Councilors Blais and Mason voting against.

16.01. PROPOSED AMENDED RESOLUTION PER COUNCILOR DECELLES:  
City Attorney Constitutional Analysis of No Trespass Ordinance for  
Church Street Marketplace June 12, 2012 (Councilors Siegel, Tracy,  
Brennan, as amended by Councilor Decelles)

Councilors Decelles and Tracy made a motion to amend the resolution to waive attorney-client privilege and send it to the Ordinance Committee for further review.

Councilor Decelles stated he is pleased with Councilor Blais' amendments to the previous resolution. Tonight is not the time to discuss the merits of the ordinance that is in effect. This is a matter of a policy recommendation from the City Attorney's Office that should be released.

Councilor Ayres made a motion to amend the Ordinance Committee's report back date from September to October.

Councilor Ayres stated he will support the amendment. He knows that the Ordinance Committee has a lot on their plates, and he does not want this to be rushed.

Councilor Decelles inquired if that would make the Committee's life easier in doing thorough work on this issue. Councilor Mason stated it would. They would not be able to get it done by September with the backlog of other issues. They will address it sooner if possible.

Councilor Decelles and Tracy accepted the amendment as friendly.

Councilor Hartnett stated he believes this should be addressed as soon as possible. It has been a hot button topic and he hopes they can address it and move on.

Councilor Decelles inquired what the Mayor thinks about this issue and if his office would be willing to release the document sooner. Mayor Weinberger stated he understands that this issue is about whether the City Council wants to waive its attorney-client privilege and make the document public. He supports the release of the memo. He wants to correct inaccurate reports that he is unwilling to release the memo. He shares the thinking that the debate over the memo's release has become a needless distraction from discussing valid points about the merits of the ordinance. He believes it can be released quickly once the vote has been held.

Councilor Blais stated it is regrettable that the discussion about this matter has suggested that there is something to hide. There has never been anything to hide, but there is something to protect. It is clear that the memo will be released and they will see that there has never been anything to hide. What there has been is a duty to protect their ability to converse in a confidential manner with the attorneys. They should be able to give their opinion on whatever is before them. Sometimes that will require them to play devil's advocate. The duty of the lawyer is to give the client the opposing view to consider as well. They should demand lawyers give them that opposing view. The lawyers who staff their committees are going to realize that if they give their opinion on a matter of controversy, there is a good chance it could be subject to public scrutiny. That is regrettable, because as humans, they will be less likely to give forthright opinions knowing that it might appear in the press. Some will see this vote as a victory for transparency. There was nothing ever to hide in that memo. This will result in the loss of the ability to have candid forthright discussions with their Attorneys.

Councilor Mason stated he approaches this issue much like Councilor Blais. He is a practicing attorney and understands the importance of attorney-client privilege. He will not support the amendment because they will be responding to public pressure. The process will be the same as it would be had they not released the memo. The amendment was responsive to the public cries about a discussion about the constitutionality. He believes that is an important policy discussion to have, but does not believe that they need to set a precedent of releasing privileged information because someone is upset with a policy decision. The process is one that was put in place last week. Attorney Franco's memo was referred to the Ordinance Committee, the City Attorney's Office has been asked to respond to the memo, and they will now be referring a supplementary memo from Attorney Franco. He is concerned that they are engaged in a trial by public information. He believes this is a question of interpretation, and the Council should not be put in a role of judging. There could be a challenge in Federal District Court, as was done with the buffer zone. That is the process that is supposed to take place. He feels they are trying to judge at the Council level. He will not support this because it establishes a bad precedent.

Councilor Tracy stated this is a matter of going along with a long held tradition of releasing information on policy matters. Every City Attorney for the last 50 years has done that. The precedent is being forthright about the citizens of Burlington about how they are making decisions.

Councilor Worden stated he feels there will be multi-partisan support for this. He understands the reservations. The original resolution included no provision for addressing the no-trespass ordinance. He voted for the amendment because it referred it back to the Ordinance Committee. This resolution does that and includes waiving of the attorney-client privilege. The issue he is concerned about is their responsibility of being a proactive force on behalf of the City. The Council has been reactive in situations where they had an opportunity to be proactive. There was an issue tonight about the process of appointing a Department Head. Instead of raising issues up front, they let the process unfold and then talked about the dislike of the process. This was supported unanimously. They asked last minute questions just before the vote, even though it had been before the Council and the Ordinance Committee for six years. If there are issues that are important, it is important to get in front of it and communicate with constituents. They can be debated in the forums that have been set up to address the issues. He will support the resolution.

Councilor Bushor stated she felt she was proactive as a member of the Ordinance Committee. She asked for the City Attorney's opinion and was very hesitant through the whole process. There has been an evolution of Library, then City Hall Park, and then Church Street. She felt Church Street was very different and based her decision on the City Attorney's opinion. In light of new information, she has to think about what she should do. She will have to decide how to deal with conflicting information. They do the best they can to make a decision with the information available.

Councilor Hartnett stated this process weakens the original resolution, especially with the way it has been received. There have been other cases in front of them where something like this comes up. It is inexcusable that the Council voted 14-0 on this initially and that they have spent so much time on it now. It has been a distraction. The sooner this can be put to bed, the better off they will be.

Councilor Aubin stated that he is curious about the origin of the idea that policy decisions brought by the City Attorney have always been public.

Councilor Knodell stated they are doing a good thing by releasing this memo for the public to see. The way to get to a good decision is through vigorous debate and coming to a decision based on various views. It is not the case that they should never waive attorney-client privilege. This case involves basic civil liberties of people in the community, and they need as much public information as possible on these issues. Her direct experience was that previous City Attorneys almost never had privileged information. This memo predates the current City Attorney.

Councilor Paul stated she attended the press conference this morning. One person who attended was John Franco, who stated there were stacks of policy memos dating back to a time before he was City Attorney. That is where the comment came from, though she does not know if it is true or not.

The motion to adopt the resolution as amended passed by a vote of 11-3 with Councilors Hartnett, Mason and Blais voting against.

16.02. (was 5.41.) COMMUNICATION: John L. Franco, Jr. Law Office of John L. Franco, Jr.,  
re: Church Street Marketplace District Trespass  
Authority

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication, place it on file and refer it to the Ordinance Committee. The motion passed unanimously.

Councilor Decelles left the meeting.

16.5. (was 5.42.) COMMUNICATION: City Attorney Blackwood, re: Livable Wage Rates for FY 2014

Councilor Mason stated that he had requested this be pulled off of the Consent Agenda because it was an issue that is of importance to the City. When items are on consent agenda, it is not seen by viewers on Channel 17. He requested a brief explanation of the memo from the City Attorney. City Attorney Blackwood stated this was intended to be a communication from the CAO, as required by the ordinance. Former CAO Sisson had a calculation of livable wage rates done based on the City's Ordinance and his understanding of a number of economic factors. The rate he came up with is lower than what is seen in the memo as the livable wage rate. The City's Ordinance has a floor so that they cannot go lower than the 2010 rates. This year they will use the same rates as were used in 2010.

Councilor Bushor requested they refer this to the Ordinance Committee.

Councilors Mason and Bushor made a motion to waive the reading, accept the communication, place it on file and refer the communication to the Ordinance Committee. The motion passed unanimously.

16.6 (was 5.40.) COMMUNICATION: Susan A. Comerford, On Behalf of Diversity Now to Mayor Weinberger, re: Diversity and City Hiring Process

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 the Consent Agenda because it was an important issue and is well articulated. It is a letter from Diversity Now to the Mayor regarding the appointment of the Department of Public Works. She read the letter aloud.

Mayor Weinberger stated his office responded to the inquiry within a half hour and they will be having a meeting.

The motion passed unanimously.

16.7 (was 5.57.) COMMUNICATION: Mayor Miro Weinberger, re: Re-Organization of Mayor's Office

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

#### 17. COMMITTEE REPORTS (5 mins.)

Councilor Knodell stated that the Public Safety Committee will be meeting in the Community Room at the Police Department. They will be joining the Neighborhood Safety Initiative. It is open to the public and they will be launching a door to door survey about public safety. The purpose is to understand the unique issues across the City and to develop strategies with the Police Department.

Councilor Tracy stated that there will be a Transportation, Energy and Utilities meeting to discuss CCTA hours and schedules and the North Avenue Corridor Study.

Councilor Mason stated that the Ordinance Committee will be meeting to have its second hearing on the Livable Wage Ordinance. They have invited Doug Hoffer, Gene Richards and Jesse Bridges.

Councilor Worden stated that the Community Development and Neighborhood Revitalization Committee met and discussed neighborhood revitalization between the Downtown and the Institutions. Folks from Champlain College, UVM, CEDO and the Planning Office were in attendance.

Councilor Siegel stated that the Charter Change Committee will be meeting to discuss a number of gun safety measures they may bring to the Council. She is a member of the Diversity and Equity Committee

and they will be holding their last meeting. There will be a presentation of the Strategic Plan at their next Council meeting.

City Council President Shannon stated that they held their Council retreat and there was a request to have a work session to discuss Council priorities. She sent a communication that she created from the draft EIS with the answers to questions they had raised about the F-35s. If there is any further action that the Council wants to take, they have until July 18 to make submissions for the final EIS.

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

Councilor Brennan stated that he wanted to speak to the change of staff in the Mayor's Office. He does not have a problem with the Mayor structuring his Administration in the way he chooses. He felt it was important to note how they can move down a path of looking towards things that are familiar. The Mayor had two positions of equal pay status. One was occupied by a woman and the other by a man. For unrelated reasons, the woman has moved on and the restructuring took place. Now the individual who is a man is moving to a higher pay grade. They need to be mindful of the power that they possess and recognizing that the City is diverse.

Councilor Tracy stated that he and Councilor Knodell will be at Barrio Bakery to hear from constituents.

Councilor Hartnett stated that it was good to be back attending meetings and he appreciates the support given to him and his family. His household is in a pretty good place now and he hopes that continues. The outpouring of support from the Council, community and the Mayor's Office has been touching and he thanked them. There will be a softball game put on by the Wounded Warriors. They are a team that travels across the country. All proceeds go to the Wounded Warrior Fund. The program was put together by a Rice High School graduate. They are competitive and it is amazing to watch them play with missing arms and legs. The Mayor will be participating on the opposing team. He hopes people will attend.

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

Mayor Weinberger stated that it was great to have Councilor Hartnett back and his thoughts will continue to be with him and his family.

The Administration received a ruling from the arbitrator of the IBEW negotiations last week. City Attorney Blackwood will prepare a summary and distribute the full decision by the end of the week.

He visited the Library on the opening day of their summer reading program. They do outreach throughout the School System and it generates an enormous amount of participation from the community's children. Nearly half of the children in the School system sign up and commit to read a certain number of books each week. They earn rewards for completing their commitments. It is great to see and children can join throughout the summer.

He visited BHS for graduation day. It was a wonderful celebration. He checked up with students as a follow up to his week in the high school. It was satisfying to report some ongoing involvement between the Schools and City that resulted from that week. Next year there will be a Youth Advisory Committee that high school students will be able to sign up for. They will get credit for participating in that Committee throughout the year. They will be encouraging participation in the Youth on Boards program. They have had a difficult time keeping positions of that program filled. They will be tasked with outreach. They have their first set of interns in City Hall from Burlington High School as part of an initiative that Kesha Ram has been doing in her position. The first round was just college students, but this group brings high school students. They add to the capacity in City Hall to do research and proactively look at problems.



The Year End Study (YES) Program that is part of the Partnership for Change was successful. It was an activity that high school students committed themselves to in the last two weeks of school. One group looked at the Moran project and did an extensive set of interviews with a number of stakeholders on the Waterfront. They have given an excellent concluding report. The program will continue in future years. He celebrated the partnership at the Intervale last week and brought attention to the year of transformative work he and his Administration have done.

Councilors Bushor and Knodell made a motion to suspend the rules and extend the meeting. The motion passed unanimously.

20. ADJOURNMENT

Without objection, City Council President adjourned the Adjourned City Council Meeting at 10:35 p.m.

Attest:

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

CITY COUNCIL WITH MAYOR PRESIDING  
MONDAY, JUNE 24, 2013  
10:35 P.M.

PRESENT: see above

MAYOR WEINBERGER PRESIDING:

1. AGENDA

On a motion by Councilors Hartnett and Aubin the agenda was unanimously adopted as is.

2. APPOINTMENT: Cemetery Commission (Term expires 6/30/16)

Councilor Ayres nominated Barry Trutor to the Cemetery Commission.

Barry Trutor was appointed to the Cemetery Commission unanimously.

3. APPOINTMENT: Design Advisory Board (Term expires 6/30/16)

Councilor Tracy nominated Jeremy Gates.

City Council President Shannon nominated Ron Wanamaker.

Councilor Worden stated that he does not know the first nominee. He has worked with Ron Wanamaker on the Design Advisory Board. He will vote for him and feels he has done a lot of good work. He is an active community member and knows historic buildings inside and out.

Councilor Knodell stated Jeremy Gates attended a Ward 2/3 NPA meeting. He is an architect on a project on North Winooski Ave and did a nice job. This is an opportunity for someone who has not served the City a chance to serve.

Councilor Aubin inquired what the precedent is for appointing someone who does not live in the City. Councilor Worden stated in his experience, there have been those with a specialty in this area that have

served. Typically they work within the City and have related experience, which this candidate does. City Attorney Blackwood stated there is nothing specific that requires the person to live in the City.

Councilor Paul stated she does not know the first applicant. She does know Ron Wanamaker very well. He has been on the Design Advisory Board and has been a valuable contributor to that Board. She will support him.

Councilor Worden stated in addition to his local presence, Ron Wanamaker is a contractor. Most of the people on the board are architects, so he brings a diverse and different experience to the Board.

City Council President Shannon stated that she is worried about them using her guidance about whether or not someone has to be a City resident. The Church Street Marketplace Commission is another example where there are members who are not residents. The Design Advisory Board does not specifically say that you do not have to be a resident. She takes comfort in knowing that this has happened in the past.

Jeremy Gates received 6 votes from Councilors Hartnett, Siegel, Brennan, Tracy, Knodell and Bushor.

Ron Wanamaker received 8 votes from Councilors Aubin, Paul, Blais, Ayres, Worden, Shannon and Mason.

Ron Wanamaker was appointed to the Design Advisory Board.

4. APPOINTMENT: Fire Commission (Term expires 6/30/16)

City Council President Shannon nominated Scot Sweeney.

Scot Sweeney was unanimously appointed to the Fire Commission.

5. ADJOURNMENT

Without objection, Mayor Weinberger adjourned the City Council With Mayor Presiding Meeting at 10:47 p.m.

Attest:

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