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AGENDA

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SPECIAL CITY COUNCIL MEETING

FRIDAY, FEBRUARY 3, 2012

CONTOIS AUDITORIUM, CITY HALL

12:05 P.M.

PRESENT: Mayor Kiss; City Council President Keogh; Councilors Adrian (via phone), Berezniak, Blais, Brennan, Hartnett, Kranichfeld (via phone), Mulvaney-Stanak, Shannon, Paul (via phone) and Wright

ABSENT: Councilors Bushor, Decelles and Dober

CITY ATTORNEY'S OFFICE: Ken Schatz, Gene Bergman and Richard Haesler, Jr.

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

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

0.5. PUBLIC FORUM

City Council President Keogh opened the public forum at 12:05 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Lea Terhune	Burlington Resident	In favor of removing ballot item
Jeff Nick	Shelburne Resident/ Marketplace Commission	In favor of waiting on ballot item
Kelly Devine	Burlington Business Assoc.	In favor of removing ballot item
Erik Hoekstra	Redstone Developer	In favor of removing ballot item

City Council President Keogh closed the public forum at 12:12 p.m.

1. AGENDA

Councilors Shannon and Wright made a motion to adopt the agenda as is. The motion passed unanimously.

2. DISCUSSION: Ballot Item Relating to a TIF District

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

Councilor Shannon read the resolution. She stated the Council was supportive of putting this on the ballot. There was still support for the TIF District, but voters have a lot of questions on this item. It was very important to the future of the City, so taking a small step back to provide more information was a good idea. This had been a team effort to put this forward and she hoped that everyone would do the same with removing the item.

Councilor Wright stated he had been talking about removing this item and thanked fellow Councilors for their efforts. He stated he believed the Council would remove the item, and that the Mayor would support that action. The business community agreed with this course of action. The language on the ballot would make it difficult to convince voters at a time when there were so many other financial issues.

Additionally, the Milton issue and the audit on the existing TIF district put a cloud over it. The Mayor not supporting this would be short sighted. People who support TIF have stated that if you support TIF, it should be removed from the ballot now. If it failed by a narrow margin, it could be brought back. The issue would go down in flames if the Mayor did not take action on this resolution. He urged the Council and the Mayor to remove the item from the ballot.

Councilor Brennan stated he was a big TIF supporter and it will make a difference in the City's future. On this particular ballot, there was a lot of misinformation that would cloud the issue for voters. The School was asking for a large amount of money in their budget. With the misinformation, it would create a situation where this would be voted down and could not be brought back. Knowledge and information can be provided to the voters in a short period of time. He inquired if a motion could be taken to place this item on the November ballot. City Attorney Schatz stated it could be amended to that effect. He stated he was hesitant because there would be a new City Council and Mayor in April that could change that outcome. It would only be a statement of intent that would be subject to further review. Councilors Brennan and Mulvaney-Stanak made an amendment to add 'be it further resolved that the City Council and the Administration work towards putting the Burlington Downtown TIF on the November, 2012 ballot.'

Councilor Shannon stated she would like to hear from the Mayor about the amendment. She stated he has had some hesitations and inquired if that would affect his support of the initiative. Mayor Kiss stated the amendment had no effect on his stance.

Councilor Hartnett stated it was difficult to put a time on this. It was more important to get this right, and if that was November that would be great, and if not it would be a mistake.

Councilor Berezniak inquired if the amendment would make the resolution something he would be willing to sign. Mayor Kiss stated he was against removing the TIF question from the ballot. There was unanimous support from the Council and there should be an opportunity for the people to vote as is. There was time between now and March to address differences between this TIF and the Waterfront TIF. Amendments to the resolution will not make him support it.

Councilor Paul stated she did not agree with putting a specific date on this item. If it took another year, that was alright, as long as it was ready. She stated she could only be on the phone for five more minutes.

The amendment failed by a vote of 8-3.

Councilor Wright urged the Mayor to follow the lead of the Council, the public, and the Business Community on this. Doing this would hurt TIF, as it would go down by a significant vote. This would be a good thing to do before leaving office.

Councilor Hartnett stated this was an example of the Council all working together. It was put on the ballot together, and now it was clear there were issues, so it should be removed with everyone working together.

Councilor Berezniak stated he was disheartened by this action as he had worked hard with others to put it on the ballot. Hearing that NPA members were still confused, it should not be on the ballot. He requested the Mayor respect the Council's vote. It would fail without support from Councilors, and stated Councilor Wright could have spoken up at that NPA meeting. He stated he would support removing it from the ballot.

Councilor Adrian stated it should have been recognized as an issue before now. He stated he has raised issues with accounting practices in the past. This was the reason more questions needed to be asked before moving forward. This was not done and now the entire Council thought it should be removed. This should be investigated further.

Mayor Kiss stated the details of the process were clear. This had been put together for years. It was different from the Waterfront agreement. It had been reviewed and required approval from VEPC for each project. This was a long and difficult process to be approved for TIF. Although separate, the Waterfront TIF had been tremendously successful. People would benefit from Mayoral debate. There was unanimity that TIF is vital for the future of Burlington. It was ill advised for the Council to withdraw this item at the last minute. It was in the best interest for Burlington and voters to be allowed to make a decision. Councilors Wright and Shannon made a motion to call to question with a roll call. The motion passed by a vote of 8-2.

The motion passed unanimously by a vote of 10-0.

AYES: City Council President Keogh, Councilors Adrian, Berezniak, Blais, Brennan, Hartnett, Kranichfeld, Mulvaney-Stanak, Shannon and Wright

ABSENT: Councilors Bushor, Decelles, Dober and Paul

### 3. ADJOURNMENT

Councilors Wright and Shannon made a motion to adjourn. The motion passed unanimously and the meeting was adjourned at 12:37 p.m.

Attest:

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