
DELIBERATIVE AGENDA

LOCAL CONTROL COMMISSION
MONDAY, JUNE 4, 2012
CONTOIS AUDITORIUM, CITY HALL
7:18 P.M.

PRESENT: Mayor Weinberger; City Council President Shannon; Commissioners Adrian, Bushor, Kranichfeld, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Blais, Paul and Decelles

ABSENT: Commissioner Dober

CITY ATTORNEY'S OFFICE: Ken Schatz and Gene Bergman

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

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

2. CONSENT AGENDA

Commissioner Bushor inquired if only beer and wine and not liquor would be served at the VFW event: Commissioner Blais stated that was correct.

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

2.01. EXPANSION OF OUTSIDE CONSUMPTION PERMIT (one day only)

VFW, 176 South Winooski Avenue, Sunday, August 5, 2012, 12:00 p.m. – 5:00 p.m.,
Parking area-rear of building-Membership BBQ-

*waive the reading, accept the communication, place it on file and approve the one day only expansion of outside consumption permit for VFW

3. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission voted at 7:20 p.m.

Attest:

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

ANNUAL MEETING, CITY COUNCIL
MONDAY, JUNE 4, 2012
7:21 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Adrian and Decelles the agenda was unanimously adopted as amended as follows: add to the consent agenda item 3.16. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re: Schedule of Meetings of the City Council through August, 2013 (updated-note Monday, November 26th) and add to the consent agenda item 3.17. COMMUNICATION: Ed Adrian, Member, Negotiating Team, re: Board and Commission Appointments (as a slate).

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:38 p.m.

| <u>Name</u> | <u>Ward/Affiliation</u> | <u>Subject</u> |
|-----------------|-------------------------|-------------------------------------|
| Martha Lang | Ward 1 Resident | Against the F-35 |
| Kevin Worden | Ward 1 Resident | DPW Commission Applicant |
| Mark Stephenson | Ward 6 Resident | Electric Light Commission Applicant |
| Phil Merrick | Ward 1 Resident | Marketplace Commission |

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

3. CONSENT AGENDA

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

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

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

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

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 21, 2012 City Council Meeting

3.03. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Organization Day, April 2, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 21, 2012 City Council Meeting

3.04. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Regular, City Council for April 16, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 21, 2012 City Council Meeting

- 3.05. RESOLUTION: Recommendation of Deborah Dalton, Ita Meno & Kimberly Ianelli for Appointment as City Deputy Health Officers (Councilor Kranichfeld)
*waive the reading and adopt the resolution
- 3.06. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Saint Nicholas, LLC d/b/a Sky Burgers (Councilors Dober, Tracy, Blais: License Committee)
*waive the reading and adopt the resolution
- 3.07. RESOLUTION: Authorization to Enter into License Agreement to Maintain a Bike Rack and Tent on a Portion of the City's Right-of-way with the Ski Rack (Councilors Dober, Tracy, Blais: License Committee)
*waive the reading and adopt the resolution
- 3.08. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Bueno Y Sano (Councilors Dober, Tracy, Blais: License Committee)
*waive the reading and adopt the resolution
- 3.09. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain a Sign Extending Over a Portion of the City's Right-of-way with Box 77, LLC (Councilors Dober, Tracy, Blais: License Committee)
*waive the reading and adopt the resolution
- 3.10. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain a Sign Extending Over a Portion of the City's Right-of-way with Livery Barn, LLC (Councilors Dober, Tracy, Blais: License Committee)
*waive the reading and adopt the resolution
- 3.11. RESOLUTION: Authorization to Execute Obstruction License Agreement with DEW Construction Corporation for 247 Pearl Street Construction Project (Councilors Dober, Blais, Tracy: License Committee)
*waive the reading and adopt the resolution
- 3.12. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):
Manhattan Pizza and Pub, 167 Main Street, July 3, 2012, 9:30 p.m. – 2:00 a.m., Extra hour of indoor entertainment and dancing
*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Manhattan Pizza and Pub
- 3.13. REPORT: Lisa Jones, Board Clerk, Burlington Housing Board of Review, re: Annual Report for 2011
*waive the reading, accept the report and place it on file
- 3.14. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator & Amy Bovee, Executive Secretary, re: Minutes, Adjourned City Council, Draft, April 30, 2012
*waive the reading, accept the communication, place it on file and adopt the minutes at the June 18, 2012 City Council Meeting
- 3.15. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re: Schedule of

Meetings of the City Council through August 2013

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

3.16. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re: Schedule of Meetings of the City Council through August, 2013 (updated-note Monday, November 26th)

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

3.17. COMMUNICATION: Ed Adrian, Member, Negotiating Team, re: Board and Commission Appointments (as a slate)

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

4. PRESENTATION: Peter Delaney, Executive Director, RunVermont and Tom Torti, President, Lake Champlain Regional of Commerce, re: Overview of the USA Triathlon National Championships (10 mins.)

Peter Delaney, RunVermont, stated this would be the second year that the USA Triathlon National Championships would be hosted in Burlington, South Burlington and Shelburne. This year it will be August 18-19. USA Triathlon is the national governing body for the Olympic Triathlon sport. There are competitions at several different distances. This will be the age group national championships for the Olympic distance race. The sprint national championships will also take place on that weekend. He outlined the schedule of events and the routes. He stated there were interruptions for residents and businesses because of rolling road closures. This year, they would be moving from a one day to a two day schedule, which will result in a shorter impact time, particularly for residents on Pine Street. He outlined the closures that will result from the triathlon. A study of participants from the previous year indicated that they spent about \$4.3 million, mostly on lodging and restaurants.

City Council President Shannon thanked him for his presentation and stated Burlington is lucky to have the triathlon here. She stated last year she received some complaints and was glad that they have been addressed in the new plan.

Councilor Bushor stated she heard there were challenges for businesses because of road closures. She stated she was not sure how to evaluate the downsides versus the benefits. She inquired if the money being spent on lodging and restaurants was in Burlington only or in the region as a whole. Mr. Delaney stated he could provide those figures; he estimated that approximately 60% of that number was directly related to Burlington. Councilor Bushor stated that changing from a one day event to a two day event was the result of feedback they had received from businesses. Mr. Delaney stated that was part of the reason, but it also was because of the wishes of USA Triathlon. Having a two day event expanded the economic opportunity for the region. He stated they were instituting a new program to provide advertising for businesses that were impacted by road closures to help mitigate some of the impact. Councilor Bushor stated she supported events like this happening in Burlington and was glad that the downsides were being addressed.

Councilor Mason stated that each site was used for two years. He inquired how long a site would need to wait until they can be used again. Mr. Delaney stated USA Triathlon awarded this by a bid process. They can and would return to host cities at any time. They hosted several other events including collegiate and youth events. Burlington was eligible to pursue those events at any time. This particular event would move for certain for at least a two year period.

Mayor Weinberger thanked Mr. Delaney and RunVermont for their work on the Marathon. It was a great thing to be a part of. He stated he was excited to see this upcoming event.

City Council President Shannon stated it takes great leadership and organization to attract this kind of event to the community. She thanked him for his work and his presentation.

4.01. COMMUNICATION: USA Triathlon – 2012 National Championships, Burlington City Council Review – 6/4/12

City Council President Shannon waived the reading, accepted the communication and placed it on file.

5. PUBLIC HEARINGS: Burlington Comprehensive Development Ordinances

- ZA-12-04-Zoning Complainants
- ZA-12-05-Major Impact-Neighborhood Meeting
- ZA-12-06-NAC Minimum Building Height
- ZA-12-07-Official Zoning Map Revision
- ZA-12-09-NAC Ground Floor Use Restriction

David White, Planning and Zoning, stated there were five zoning amendments subject to public hearing. The first was ZA-12-04-Zoning Complainants which removed language about confidentiality of written complaints. This was being done on the advice of the City Attorney. The second item was ZA-12-05-Major Impact-Neighborhood Meeting. This made a minor clarification to projects that were subject to major impact review. The bulk of the amendment related to instituting a policy that required a neighborhood meeting be held prior to submitting an application for a project that would be subject to major impact review. This would allow public input earlier in the process so projects could better fit within the neighborhood. The third item was ZA-12-06-NAC Minimum Building Height. This removed a requirement in the Ordinance that development within mixed use districts must be two stories. The real estate market for commercial development could not support this. The fourth item was ZA-12-07-Official Zoning Map Revision which re-zoned the southwest corner of the TD Bank block. It was zoned high density residential. Due to developments in the last few years, most of those boundaries had changed. This cleaned that up and more accurately reflected that district. The final item was ZA-12-09-NAC Ground Floor Use Restrictions in mixed use districts. There was a prohibition on residential use on the ground floor. This would allow that use as long as it was set back 25 feet from the right of way. It would also allow non-residential development to be placed in front residential to help activate the street.

City Council President Shannon opened the public hearings at 7:52 p.m.

| <u>Name</u> | <u>Zoning Ordinance Number</u> | <u>In favor/not</u> |
|-------------|--------------------------------|---------------------|
|-------------|--------------------------------|---------------------|

No members of the public came forward to speak on this issue.

City Council President Shannon inquired about the zoning complaints. The police have worked so that someone's identity could be protected when they were reporting a crime. With zoning issues, the identity of the person reporting a zoning violation was protected. If someone were walking down the street and saw a historic porch being removed and tried to report it, their identity would be protected. She inquired if this would remove that protection. She stated there were cases where people were being harassed with constant complaints about things that may not be valid violations. She inquired how his office would respond and how public record would fit in with that. Mr. White stated the name of the person submitting a complaint was not required, though it was helpful; being able to contact the person facilitated follow up. Senior Assistant City Attorney Bergman stated that the public records law exempted disclosure for criminal investigations, but it did not apply to civil violations. The City Attorney's Office felt that it would not be defensible in court to defend this under the Public Information Law. City Council President Shannon inquired if people would know their complaint was public. Bill Ward, Code Enforcement Director, stated that would depend on whether or not they ask the question. If they asked, staff would tell

them that the information was available to the public. When investigating a complaint, they did not say who complained. The inspector does not know who submitted the complaint when the conduct their inspection. This allowed them to say honestly that they do not know who made the complaint. If the person being investigated were to file a Freedom of Information Request, that information would be provided.

Councilor Adrian inquired if an anonymous letter would be followed up on; Mr. Ward stated it would. Councilor Adrian stated the Ordinance read it had to be a signed letter. Mr. Ward stated he based his decision on whether or not it was a reasonable request. If there was a legitimate complaint, it would be investigated whether it was anonymous or not. When the inspector arrived, they could see whether or not an issue existed. He stated he uses his discretion in determining which complaints to investigate.

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearings at 8:00 p.m.

- 5.01. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Zoning
Complainants ZA 12-04 (Planning Department, Planning Commission;
Councilors Mason, Dober, Bushor: Ordinance Committee)
(2nd reading)

Councilors Mason and Bushor made a motion to waive the 2nd reading and adopt the ordinance.

Councilor Mason stated all of these were adopted by the Ordinance Committee without objection.

The motion passed unanimously.

- 5.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Major Impact,
Neighborhood Meeting ZA 12-05 (Planning Department, Planning
Commission; Councilors Mason, Dober, Bushor: Ordinance Committee)
(2nd reading)

Councilors Mason and Bushor made a motion to waive the 2nd reading and adopt the ordinance.

Councilor Bushor stated this had been a long time coming, and thanked the Planning Commission, the NPAs, and the City Attorney's Office. They worked to find a way to link projects with major impact to get public input. She stated she supported this, but did have reservations that have been noted in the minutes of the Ordinance Committee. One concern related to site improvements for projects 50 or more parking spaces. In her neighborhood, there was a project that came forward that was approved administratively for 10 spaces, but it impacted her neighborhood significantly. Setting the threshold at 50 might be too high. She also stated the other was for projects that would create five or more dwellings or adaptive reuse of 10 or more units. She stated in small neighborhoods, bringing that number up to 10 might be too high. She stated she hoped they would examine this to determine if these were the right thresholds. This would potentially reduce the number of appeals and result in better projects.

The motion passed unanimously.

- 5.03. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Neighborhood
Mixed Use Districts ZA 12-06 (Planning Department, Planning
Commission; Councilors Mason, Dober, Bushor: Ordinance Committee)
(2nd reading)

Councilors Mason and Bushor made a motion to waive the 2nd reading and adopt the ordinance. The motion passed unanimously.

- 5.04. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Official Zoning Map Revision ZA 12-07 (Planning Department, Planning Commission; Councilors Mason, Dober, Bushor: Ordinance Committee) (2nd reading)

Councilors Mason and Bushor made a motion to waive the 2nd reading and adopt the ordinance. The motion passed unanimously.

- 5.05. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Ground Floor Residential Uses Restrictions ZA 12-09 (Planning Department, Planning Commission; Councilors Mason, Dober, Bushor: Ordinance Committee) (2nd reading)

Councilors Mason and Bushor made a motion to waive the 2nd reading and adopt the ordinance. The motion passed unanimously.

- 5.06. COMMUNICATION: Clerk/Treasurer's Office, re: Public Hearing Notice Burlington Comprehensive Development Ordinance

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

6. PUBLIC HEARING: Allocation Method and Standards for Common Area Fees of the Church Street Marketplace for Fiscal Year 2013

City Council President Shannon opened the public hearing at 8:06 p.m.

| <u>Name</u> | <u>Establishment</u> | <u>In favor/not</u> |
|-------------|----------------------|---------------------|
|-------------|----------------------|---------------------|

No one came forward to speak on this issue.

City Attorney Schatz stated each year there was a two part process for the Church Street Marketplace. This would allocate the Church Street Marketplace common area fees after the public hearing. Those fees were set forth in the resolution. This would approve and review that standard. There would then be another public hearing regarding the actual fees, followed by approval of the fees themselves.

City Council President Shannon inquired if the resolution on the table tonight was to be adopted. City Attorney Schatz stated it would approve the allocation standards.

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 8:06 p.m.

- 6.01. RESOLUTION: Allocation Method and Standards for Common Area Fees of the Church Street Marketplace for Fiscal Year 2013 (Councilor Shannon)

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

6.02. COMMUNICATION: Clerk/Treasurer's Office, re: Public Hearing Notice

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

City Council Appointments

On a motion by Councilors Adrian and Decelles agenda items 7 through 14 were read into the record and adopted as a slate.

Councilor Adrian stated Councilors received an email regarding the appointments. He stated that traditionally, there was a negotiating committee set up with a representative from each caucus and independent councilors. The slate that was sent out was agreed to by the delegate from each caucus and Councilors speaking on behalf of parts of the City they lived in. The tradition had been to respect that process and adopt the slate. He stated he would move the City Council appointments as a slate.

Councilor Adrian made a motion to approve appointments 7 through 14. The motion passed unanimously.

7. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/15)

Robert Fuller was re-appointed to the Church Street Marketplace Commission.

8. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/15)

Phillip Merrick was appointed to the Church Street Marketplace Commission.

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

Douglas Morin was appointed to the Conservation Board.

10. APPOINTMENT: Fence Viewer (Term expires 6/30/13)

Meghan O'Rourke was re-appointed as Fence Viewer.

11. APPOINTMENT: Fence Viewer (Term expires 6/30/13)

Shay Totten was re-appointed as Fence Viewer.

12. APPOINTMENT: Fence Viewer (Term expires 6/30/13)

Barry Trutor was appointed as Fence Viewer.

13. APPOINTMENT: Telecommunications Advisory Committee (Term expires 6/30/15)

Nina Parris was re-appointed to the Telecommunications Advisory Committee.

14. APPOINTMENT: Winooski Valley Park District (Term expires 6/30/15)

Roger Marshall was re-appointed to the Winooski Valley Park District.

15. PRESENTATION: Tom Moreau, General Manager, CSWD, re: FY 13 Budget (20 mins.)

Councilor Bushor stated the presenters were not planning to arrive before 9:15 pm. She suggested recessing the meeting to move to the next agenda and returning to this at a later time. City Council President Shannon stated they would return to this issue. She moved to agenda item 17.

City Council President Shannon inquired what the Council would like to do, as the presenter had not arrived. Councilor Bushor stated she would like to recess until the presenter arrives. Steve Goodkind, DPW, stated the presenter knew that he was slated to be on the agenda at 9:15 p.m.

City Council President Shannon recessed the meeting and reconvened it at 9:15 p.m.

The presentation did not occur.

- 15.01. COMMUNICATION: Amy Jewell, Administrative Manager, re: CSWD Proposed FY 13 Budget

No action was taken on this item.

16. PRESENTATION: Tom Moreau, General Manager, CSWD and Steve Goodkind, DPW Director, re: Franchising Solid Waste Collection Study (10 mins.)(oral) (Questions and Answers: 20 mins.)

The presentation did not occur.

- 16.01. COMMUNICATION: DSM Environmental Services, Inc. with GBB – January 2012, re: Analysis of Consolidated Collection Systems for the Chittenden Solid Waste District SUMMARY OF STUDY & REMAINING ISSUES

No action was taken on this item.

17. COMMITTEE REPORTS (5 mins.)

Councilor Bushor stated the Ordinance Committee had set a meeting date for the 4 Unrelated Ordinance.

Councilor Paul stated the Parks Arts and Culture Committee had set a meeting date. They would be doing a field trip to the Skate Park and Waterfront North to get an idea of what was going on down there. She stated they would meet formally afterwards.

Councilor Hartnett stated there would be a Complete Streets Workshop at the Fletcher Free Library.

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

Councilor Bushor stated in the past there had been a slate announcing which department heads would be appointed at the first meeting in June. She inquired if there would be a communication about this and requested an update from the Mayor. City Council President Shannon stated the Mayor was planning to send an email communication to addressing that and he would mention it during his comments.

Councilor Hartnett announced the time of the next Transportation, Energy and Utilities Committee meeting.

Councilor Brennan stated there would be a community meeting at the Police Community Center addressing the use of drugs in the Old North End.

Councilor Decelles stated there was a fire at the shopping center in the New North End. There was also a tragic event at a home on Farrington Parkway which people from Malletts' Bay responded to first. He stated he did not know why this happened, or if it was a fluke incident, but neighbors were concerned about this issue.

Councilor Siegel stated she was uncomfortable with the process of Board and Commission appointments. She would like to increase clarity about whether or not people were automatically reappointed and whether or not there were actual rules. That would be helpful information in talking to citizens who would like to be engaged. She stated she would like to make the descriptions clear. There could be questions on the application about whether or not they have served as a chair. There could be clarity about which boards needed people with specialization versus which ones just need citizens. She would like to see a more transparent process that would foster civic engagement.

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

Mayor Weinberger stated late May and early June were a great time in the City with the Marathon and Jazz Fest. He encouraged people to get out and experience the Jazz Festival. There was a broader array of opportunities for films and recording sessions than ever before.

The Mayor's Office had been busy moving towards the June 30 deadline of appointees beginning their service. He stated that instead of rushing the process of issuing the new slate, the letter would be issued next week, as there were two more Council meetings in June.

The budget process continued to be significant. As the Council knew, work sessions had continued and had been productive. The focus was on the deadline of delivering a budget no later than the 15th of June. The Council would have until June 30 to approve that budget. He stated they would release the budget earlier if they could, but there were challenges given the constraints of changing software. These sessions had helped work out problems in the budget and had generated some good conversations. He recommended watching the presentations that had been made on CCTV and asking department heads questions.

The Moran Plant was a focus of the administration; there was a July 1 deadline for that. Discussions about Moran raised questions about the Waterfront and TIF investment.

The Parks and Recreation staff made a presentation at the Work Session to catch up on the backlog of Penny for Park investments. About \$350,000 a year was dedicated for parks enhancements. For the past three years, only about \$100,000 had been spent. This year's budget called for 31 projects totaling about \$1 million to catch up in FY13 and FY14. It would be posted on the website.

He stated that it was interesting that the Champlain Parkway would be part of the triathlon route. That may be the only use it has gotten in years. He stated he was supportive of the Champlain Parkway moving forward. There had been concerns raised by Councilors and he stated he was aware of them and was considering possible responses to them. There would be more details to add to the conversation soon.

City Council President Shannon recessed the City Council meeting at 8:30 p.m.

City Council President Shannon reconvened the meeting at 9:08 p.m. and moved to agenda item 15.

20. ADJOURNMENT

Councilors Brennan and Paul made a motion to adjourn the meeting.

Councilor Bushor stated they need to act on the CSWD budget by June 15, and there were no more meetings before then. She stated if the budget was not acted on, it was automatically passed. She stated any comments needed to be written and forwarded to them. She stated she would not support the motion to adjourn.

Mr. Goodkind stated each town gets one vote and the majority had probably already passed it. He stated if there were questions or concerns, they could be addressed. He stated there had been times in the past where he had been opposed to this budget, but he was in favor of this one. The district had been doing a good job, especially with recycling. He stated even if the Council did nothing, it would probably pass anyway.

The motion to adjourn passed by a vote of 12-2 with Councilors Decelles and Bushor voting against.

Attest:

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

CITY COUNCIL WITH MAYOR PRESIDING
MONDAY, JUNE 4, 2012
8:30 P.M.

PRESENT: see above

On a request from Councilor Adrian, the Council took a 5 minute recess.

MAYOR WEINBERGER PRESIDING:

1. AGENDA

Councilor Hartnett inquired if the plan was to vote as a slate. He stated if that was the plan, he would like to address agenda item 15 separately. City Council President Shannon stated that motion would be appropriate when there was a slate.

On a motion by Councilor Bushor and City Council President Shannon the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Councilor Bushor and City Council President Shannon, the consent agenda was unanimously adopted thus taking the following actions as indicated:

- 2.01. COMMUNICATION: Jillian Bogert, Office Assistant II, Burlington Fire Department,
re: Listing of Fire Wardens to be appointed at the June meeting
of the City Council

*waive the reading, accept the communication, place it on file and appoint the list of Fire Wardens, terms expiring 2013

On a motion by Councilors Decelles and Paul agenda items 3 through 14 and 16 through 18 were read into the record and adopted as a slate by a vote of 14-1 with Councilor Hartnett voting against.

Councilor Hartnett stated he would like to remove agenda item 15 from the slate.

City Council President Shannon stated there were three positions open on the Public Works Commission. She inquired if there was a nomination for agenda item 15. Mayor Weinberger stated there was. Councilor Decelles stated there was a nomination for agenda item 15. Mayor Weinberger stated Councilor Hartnett's request separated agenda item 15, appointment of Matt Conger to the Public Works Commission.

3. APPOINTMENT: Airport Commission (Term expires 6/30/16)

Jeff Schulman was re-appointed to the Airport Commission.

4. APPOINTMENT: Cemetery Commission (Term expires 6/30/15)

Jane Ewing was re-appointed to the Cemetery Commission.

5. APPOINTMENT: Design Advisory Board (Term expires 6/30/15)

Todd Thomas was re-appointed to the Design Advisory Board.

6. APPOINTMENT: Electric Light Commission (Term expires 6/30/15)

Mark Stephenson was appointed to the Electric Light Commission.

7. APPOINTMENT: Fire Commission (Term expires 6/30/15)

Jake Perkinson was re-appointed to the Fire Commission.

8. APPOINTMENT: Board of Health (Term expires 6/30/15)

Caroline Tassej was appointed to the Board of Health.

9. APPOINTMENT: Library Commission (Term expires 6/30/15)

Peg Boyle Single was re-appointed to the Library Commission.

10. APPOINTMENT: Parks and Recreation Commission (Term expires 6/30/15)

Chris Pearson was re-appointed to the Parks and Recreation Commission.

11. APPOINTMENT: Planning Commission (Term expires 6/30/16)

Lee Buffinton was re-appointed to the Planning Commission.

12. APPOINTMENT: Police Commission (Term expires 6/30/15)

Jerry O'Neill was re-appointed to the Police Commission.

13. APPOINTMENT: Public Works Commission (Term expires 6/30/15)

Asa Hopkins was appointed to the Public Works Commission.

14. APPOINTMENT: Public Works Commission (Term expires 6/30/15)

Kevin Worden was appointed to the Public Works Commission.

15. APPOINTMENT: Public Works Commission (Term expires 6/30/15)

Councilor Adrian nominated Matt Conger to the Public Works Commission.

Councilor Bushor stated nominations could be entertained for this one slot.

Councilor Hartnett nominated Bob Alberry to the Public Works Commission.

Councilor Hartnett stated Bob had served on the Public Works Commission for a long time and had done a good job. City employees had high opinions of him. He inquired how the committee determined they would not put him back on the commission. Councilor Adrian stated that although he could not speak for the committee as a whole, he could share his opinion. He felt that Bob had served for a period of time and been chair, and had done a good job. However, he felt it was time for a new perspective. Councilor Hartnett stated he voted against the slate because this was not a good process. There were no good reasons to pull him off of this committee. He stated the Retirement Board only had one person apply for that position. The applicant was contacted and told that his position would be re-advertised if he would not step down as the chair of that committee. Councilors should not be getting that involved in these decisions. If the only reason was because it was time for a change, there should be a lot more changes tonight. He stated he was disappointed in the committee and the process.

Councilor Brennan stated he was on the committee that created this slate. He felt that the process was fair. He was in favor of bringing in new blood to have fresh ideas on committees. Looking towards the Public Works Commission, Matt Conger has worked at the University and has new and fresh ideas that would enhance transportation and knowledge of what the City needs. There were others that he wanted on the slate and it did not happen. There are a lot of applicants and not everyone gets a seat. He stated he appreciated everyone that applies.

Councilor Adrian stated it is was not a perfect process. He stated he worked with Councilor Hartnett to change the process but that was rejected. Appointing Council committee members required going through the same process. This was a good democratic process. There does need to be new blood and there needs to be a way to move that forward. He stated he understood the concerns, but all voices were considered in the negotiating process. Someone having served 21 years was a good reason to allow someone else a chance.

Councilor Aubin stated he supported Bob Alberry in the process that he was part of. He stated he did not feel that he could support him for this vote, because he agreed to be part of the process. He stated he would support Matt Conger as the original appointee.

Councilor Bushor stated she was represented by others in this meeting. She stated she did not find the slate that had everyone she wanted on it. She stated she would like to look at this process again, and there had been some discussions. The process did need to improve. She stated the people who negotiated reached out to the incumbents and informed them. That had always been part of the process before. That was part of being a good citizen. She stated she liked Bob Alberry and had known him for a long time, but the negotiating team wanted to appoint someone else. She supported the process and has been through it, and will support the negotiating team's recommendation.

Councilor Hartnett stated approving the slate the way it was would allow for three people from Ward 2 and two people from Ward 1 on a seven person panel. He did not like the way Bob Alberry was being treated. He stated if there was dissatisfaction with the Retirement Board, people should not be strong armed. Re-advertising was the way to address that, not calling them and threatening them.

City Council President Shannon stated she did not get everything she wanted in this slate of candidates, but that was part of the deal. No party had a majority on this Council, so working together to reach an agreement was necessary. She thanked the committee and stated that overall, they did a great job. She stated all of the appointees for Public Works were excellent candidates and she would have been comfortable with any of them. She stated Bob Alberry had served the City well for 21 years. There were times when the same person was reappointed repetitively because the Council felt good about his/her service. This was an opportunity to make changes. She stated she hoped Mr. Alberry would consider applying to another board. She stated she would support the slate as presented.

Councilor Decelles stated he understood Councilor Hartnett's concerns. However, as a member of the negotiating team, it took about 25 minutes on this candidate, and that had to be done for each position. He stated the process needs to be tweaked. Although he does not believe in term limits, this was an opportunity to replace an incumbent that arose. This should be fixed to allow consistency and so that people in the public understand what to expect.

Councilor Mason stated he will support Matt Conger because he has known him for many years. He is a very smart guy and he does not know Bob. There are too many people applying for too few vacancies. Not everyone can get appointed.

Mayor Weinberger stated he knows Matt Conger as well and can speak to him as an individual and his interest in these issues.

Matt Conger was appointed to the Public Works Commission by a vote of 13-1 with Councilor Hartnett voting against.

16. APPOINTMENT: Retirement Board (Term expires 6/30/15)

James Strouse was re-appointed to the Retirement Board.

17. APPOINTMENT: Board for Registration of Voters (Term expires 6/30/17)

Janet Hicks was re-appointed to the Board for Registration of Voters.

18. APPOINTMENT: Board for Registration of Voters (Term expires 6/30/17)

Helen Rock was appointed to the Board for Registration of Voters.

19. ADJOURNMENT

Without objection, Mayor Weinberger adjourned the City Council With Mayor Presiding Meeting at 9:08 p.m.

Attest:

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