
DELIBERATIVE AGENDA

LOCAL CONTROL COMMISSION
MONDAY, AUGUST 13, 2012
CONTOIS AUDITORIUM, CITY HALL
7: 12 P.M.

PRESENT: Council President Shannon; Commissioners Decelles, Dober, Bushor, Tracy, Paul, Blais, Kranichfeld, Hartnett; Mayor Weinberger

ABSENT: Commissioners Mason, Brennan, Aubin, Siegel and Adrian

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

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Dober and Blais the agenda was amended as follows: note the correct hours for agenda item 2.04. APPLICATION FOR FESTIVAL PERMIT (one day only): E & J Gallo Winery – Barefoot Wine, Northern Decadence Food & Travel Expo, Battery Park, 12 p.m. – **5 p.m.**

2. CONSENT AGENDA

On a motion by Commissioners Dober and Blais the consent agenda was adopted, as amended, thus taking the following actions as indicated:

2.01. CHANGE IN OWNERSHIP: HSDM, Inc. d/b/a Henry Street Deli, 11 Henry Street
*waive the reading, accept the communication and place it on file

2.02. APPLICATION FOR SPECIAL EVENT PERMIT (one day only):

Trapp Family Lodge, LLC, Northern Decadence Food & Travel Expo, Battery Park,
September 22, 2012, 12 p.m. to 5 p.m.

*waive the reading, accept the communication, place it on file and approve the one day only special event permit application contingent upon Fire and Police approval

2.03. APPLICATION FOR SPECIAL EVENT PERMIT (one day only):

Honora Winery & Vineyard, Shelburne Vineyard, LLC and Artesano Meadery Artesano LLC,
Northern Decadence (as part of Pride Festival), Saturday, September 22, 2012, 1 p.m. – 5 p.m.

*waive the reading, accept the communication, place it on file and approve the one day only special event permit application contingent upon Fire and Police approval

2.04. APPLICATION FOR FESTIVAL PERMIT (one day only):

E & J Gallo Winery – Barefoot Wine, Northern Decadence Food & Travel Expo, Battery Park,
12 p.m. – **5 p.m.**

*waive the reading, accept the communication, place it on file and approve the one day only festival permit contingent upon Fire and Police approval

- 2.05. COMMUNICATION: Alan Campbell, Department of Parks and Recreation, re: Pride Festival, Request to Serve Alcohol at Battery Park, September 22, 2012, Action Agenda Item for 8/28/12
*waive the reading, accept the communication and place it on file

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2012-2013):

Lam Family LLC, d/b/a Bamboo Hut, 1130 North Avenue

Commissioner Dober made a motion, seconded by Commissioner Blais, to approve the 2012-2013 First Class Restaurant Liquor License Application for Lam Family LLC, d/b/a Bamboo Hut.

The motion passed unanimously.

4. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2012-2013):

Logan's of Vermont, LLC, d/b/a Logan's of Vermont (formerly Miguels on Main), 30 Main St.

Commissioner Dober made a motion, seconded by Commissioner Blais, to approve the 2012-2013 Second Class Store Liquor License Application for Logan's of Vermont, LLC, d/b/a Logan's of Vermont.

Commissioner Dober stated this was a unique business that would sell prepared meals with the intention of having the ability to allow customers to purchase beer and wine for off premise consumption with their foods that they would purchase there.

The motion passed unanimously.

5. ADJOURNMENT

Without objection, the Local Control Commission was adjourned at 7:17 p.m.

Attest:

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

BOARD OF ABATEMENT OF TAXES
MONDAY, AUGUST 13, 2012
7:17 P.M.

PRESENT: Council President Shannon; Councilors Decelles, Dober, Bushor, Tracy, Paul, Blais, Kranichfeld, Hartnett; Brennan (via phone); Mayor Weinberger

ABSENT: Councilors Mason, Aubin, Siegel and Adrian

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Kranichfeld and Hartnett the agenda was adopted unanimously as presented.

2. REQUEST FOR ABATEMENT OF TAXES: Daniel Rocker
288 Main Street, Unit 14B

050-1-002-019

John Vickery, City Assessor, stated the condo owner, Mr. Rocker, has delinquent taxes that he was unable to pay due to illness and lack of income. He requested abatement of principal, penalty and interest abatement. The City worked out a payment plan, which was approved by the Administration. The plan allows owner time to pay principal over time but removes penalties and interest. The property owner has agreed to make payments of \$100.00/month. At the end of the term, there will be a balloon payment to complete payments. This will allow the property owner time to come up with this money.

Daniel Rocker, property owner, stated the plan is acceptable. Mathew Shagg, a friend of his, stated Mr. Rocker is seeking a full abatement. Mr. Rocker was unaware of the Homestead Declaration and income sensitivity through State. That would have significantly reduced his property taxes. He began to make good faith payments when his taxes became delinquent. The good faith payments are close to what he would have owed. Mr. Rocker is now receiving this credit to lower his taxes and will begin to make payments going forward. Mr. Rocker is a Social Security recipient and this may cause additional complications. The request is for a full abatement so that Mr. Rocker will pay only what he would have paid had he been taxed at the homestead rate.

City Council President Shannon inquired how the money flow works on the City side when the rebate is applied. Mr. Vickery stated the Homestead Declaration has to be claimed through the State to be eligible for the lower rate. There are deadlines that must be met to receive the lower rate. There is also an income sensitivity adjustment for individuals making under \$90,000. The owner did not meet these deadlines. The City followed the law. City Council President Shannon inquired how the City is reimbursed for the money. Mr. Vickery stated early in the process there is an adjustment in how much the City pays to the state in education tax dollars. They would not reimburse education funds at this point in the process. City Council President Shannon inquired if the City will have to pay to the State regardless of whether or not the abatement is granted. Mr. Vickery stated that is correct and the City would be covering the cost.

Councilor Bushor stated federal and state taxes can be amended for up to three years. She inquired if the State offers anything for Homestead Declaration. Mr. Vickery stated the door is closed for any State amendment. Councilor Bushor inquired if the committee considered the reduced dollar amount that the owner would have owed. Mr. Vickery stated in the current year, the owner filed for Homestead and his taxes have gone down. The income sensitivity adjustment has not come through yet. The current year paperwork indicates his entire annual payment for this year would be about \$260.00. Councilor Bushor stated she is concerned about past years. She inquired what the difference between the amount owed and the amount he would have owed. Mr. Vickery stated the committee did not make a recommendation but suggested working out an agreement with administration. There is no recommendation by the committee. The full committee would have to contemplate abatement. Councilor Bushor stated she would have preferred to see two options presented. She will not support the agreement because there was a justifiable reason for the tax payer to fall behind. She would have preferred an option with some middle ground. She stated she is glad there is an agreement, but the balloon payment is significant and concerning.

Councilor Dober inquired what the difference between what the taxpayer would have paid and the amount in the agreement. Mr. Vickery stated it would be about \$1496.00. The agreement required a balloon payment at end of agreement, but it is up to the sub-committee to decide what to do. The full board may contemplate what an appropriate abatement amount would be. Councilor Dober stated in September there will be more information available from the State. He inquired if they could wait until that information is available to make a decision. Interim CAO Sisson stated the Administration does not have the power to do any more than what is proposed. The Council may conclude they would like to wait until that meeting. The reason for balloon payment was to buy time without significantly impacting the property owner. Mr. Vickery stated the first payment from Mr. Rocker will be due on September 12th.

The State Tax Department download of adjustments will come on September 15th and Mr. Rocker's adjustment would come through at that time. That will only impact his current year taxes.

Councilors Dober and Bushor made a motion to postpone action on this item until the second meeting in September.

Councilor Hartnett requested a report from Councilor Brennan as Chair of Tax Abatement. Councilor Brennan stated he is opposed to the motion on the floor. Mr. Rocker has been under stress and made the agreement on his own free will. He stated he would like to proceed with the agreement as presented.

Councilor Decelles inquired about the amount of abating just the Homestead portion. Mr. Vickery stated the abatement of about \$1500 would eliminate the penalties and interest only. Councilor Decelles inquired what the difference would be. Mr. Shagg stated there is \$9500 total remaining delinquent. There was \$12,000 outstanding, and a payment of \$750.00 was made today and applied to current year tax bill. Mr. Vickery inquired if the payment was on the current taxes or the delinquencies. Kathleen Clayman, a friend of his, stated they made a payment towards this year's taxes. She stated the owner has been nervous about a possible tax sale. She stated they did not understand the Homestead Declaration. That was done as a good faith movement with the understanding there will be a refund from the homestead. Councilor Decelles inquired what number they believe would have been owed had the Homestead Declaration been in place. Mr. Shagg stated the taxes and principal for 2010-11 would be \$5400.00. There was additional penalties and interest bringing the total to \$7000.00 for that year. Councilor Decelles inquired how much his bill would have been if Mr. Rocker had applied for the Homestead Declaration and income sensitivity adjustment. Mr. Shagg stated it would be a difference of about \$3300/year. It is a significant amount for someone on SSI Income. Councilor Decelles inquired if items 1 – 14 of the payment plan would be doable. Mr. Rocker stated it is. Councilor Decelles inquired if they could lay out the payment plan, track the payment plan and revisit this before the balloon payment is due. Mr. Vickery stated they determined what would be affordable on a monthly basis and the homeowner has indicated that \$100 is manageable. The City is not a bank so short term payment plans are preferable. This allows the homeowner to come up with money for the balloon payment. This contemplates what is fair and doable. The tax abatement board agreed to approve waiving continued interest and penalties to the end of the term so long as the homeowner makes his payments.

A five minute recess was taken.

Councilor Bushor stated she will support the motion on the floor. The discussion has been challenging. She stated they will not go after his home by postponing action. The intent is to solve this problem with the existing or a new agreement. She stated she is concerned that the total dollar amount exceeds what the homeowner can afford. She stated she would prefer another option that is more reasonable based on his income.

Councilor Dober inquired what the difference between the agreement and what City will have to pay the State. He inquired if this agreement will cover the cost that the City must pay to the State. Mr. Vickery stated this abates the penalty and interest only, which is about \$1500.00. The tax amount is the entire tax amount. If there is an adjustment on the principal, the balloon payment at the end would be smaller. Councilor Dober stated he would like to know what the State was paid. The City should not have to pay for this homeowner's property taxes. The City can break even, but not pay on his behalf.

Councilor Decelles stated the proposal laid out is fair. The City does not typically do more for people for financial hardship. Items 1 – 14 are fair. This can be examined again in a year to see that the payments are made. He would like to move on this now and reexamine it next year.

Mr. Vickery stated the non-residential education amount was \$2200.00 and would have been similar the year prior. The City will not get reimbursed for that amount.

City Council President Shannon inquired if the motion to postpone action fails, would another motion be allowable. City Attorney Schatz stated it would.

The motion to postpone action until the second meeting in September failed by a vote of 4-7 with Mayor Weinberger and Councilors Bushor, Tracy, and Dober voting in favor.

Councilors Kranichfeld and Hartnett made a motion to abate the taxes as proposed in the agreement.

Councilor Bushor suggested amending the motion to revisit the agreement in August or September of 2013. Councilor Decelles inquired if the Tax Abatement Committee has that authority. He stated Mr. Rocker would have to approach the City again at that time. City Attorney Schatz stated it is appropriate to include revisiting this in the agreement, so long as both parties are amenable.

Councilors Bushor and Dober amended the motion to approve the agreement with the stipulation that this agreement plan be revisited in September of 2013 for determination of continuation or modification of the agreement.

Councilor Dober stated the motion to amend is extremely fair. He stated the City's loss is half of what the homeowner is being asked to pay.

Councilor Kranichfeld questioned whether the Council can amend an agreement without consent of the parties. He stated this is a reasonable resolution. As member of sub-committee of Board of Tax Abatement, this case was discussed extensively. The decision was made to allow the parties to reach agreement and that was done. He stated he would like to accept this tonight and does not support the amendment by Councilor Bushor. City Attorney Schatz stated any payment plan by the Board of Abatement has to be accepted by the taxpayer. The taxpayer can say yes or no.

Councilor Brennan stated he is okay with the amendment; Mr. Rocker had inconsistency in his past payments, but this agreement will allow the taxpayer to make consistent payments. Revisiting this before the balloon payment is due is acceptable fine. Mr. Rocker had the weight and jeopardy of his property in the balance and has indicated he wants to get on a regular payment plan.

Councilor Tracy inquired how the taxpayer feels about the amendment. Mr. Rocker stated the balloon payment is the problem. Any amendment that would allow revisiting the balloon payment is welcome.

The motion to amend passed by a vote of 7-5.

The motion to approve the agreement as amended passed unanimously.

3. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Board of Abatement of Taxes meeting at 8:02 p.m.

Attest:

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

CITY COUNCIL WITH MAYOR PRESIDING
MONDAY, AUGUST 13, 2012
11:06 P.M.

PRESENT: see above

MAYOR WEINBERGER PRESIDING:

1. AGENDA

Mayor Weinberger made a motion to adopt the agenda as presented.

2. CONSENT AGENDA

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

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

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

3. APPOINTMENT: Airport Commission (Term expires 6/30/15)

Councilor Bushor nominated Marc Monheimer to Airport Commission.

Councilor Dober nominated Alan Newman to Airport Commission.

Marc Monheimer received 4 votes. Alan Newman received 7 votes.

Mayor Weinberger stated an appointment requires a City Council majority for approval and held a second vote.

On a second vote, Marc Monheimer received 3 votes and Alan Newman received 8 votes.

Alan Newman was appointed to the Airport Commission.

4. ADJOURNMENT

The City Council With Mayor Presiding Meeting was adjourned at 11:11 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
MONDAY, AUGUST 13, 2012
8:02 P.M.

PRESENT: Council President Shannon; Councilors Decelles, Dober, Bushor, Tracy, Paul, Blais, Kranichfeld, Hartnett; Brennan (by phone); Mayor Weinberger

ABSENT: Councilors Mason, Aubin, Siegel and Adrian

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilor Kranichfeld the agenda was unanimously adopted as amended as follows: re-number agenda item **4**. RESOLUTION: Honoring City Attorney Kenneth A. Schatz (Full City Council) as agenda item **1.5**; add to the agenda item 2.5. COMMUNICATION: Mayor Miro Weinberger, re: Mayor's Report pertaining to the July 29th incident; note **revised** version of consent agenda item 3.11. RESOLUTION: Appointment of Acting Inspectors of Election for Wards Two, Three and Five; note consent agenda item 3.30. RESOLUTION: Strategic Plan re Fiscal Health of the City (Councilors Paul, Blais, Mason), lines 56 and 57 should now read as follows: "Clerk/Treasurer will work to produce this strategic plan by **January 7** and present said plan to the Council in a work session at the **January 28, 2013 City Council Meeting**;" add to consent agenda 3.37. COMMUNICATION: Mayor Miro Weinberger, re: Airport Strategic Planning Committee *waive the reading, accept the communication and place it on file; add to consent agenda 3.38. COMMUNICATION: Mayor Miro Weinberger, re: Diversity and Equity Ad Hoc Committee *waive the reading, accept the communication and place it on file ; remove from the agenda item 5. RESOLUTION: Moran Plant Development & Public Good (Councilors Tracy, Siegel, Bushor, Brennan) and place it on the September 10, 2012 Deliberative Agenda; note **proposed amendments** for agenda item 13. RESOLUTION: Funding Mechanisms to Implement the Bike Path Task Force Recommendations (Councilors Paul, Brennan, Aubin: Parks, Arts & Culture Committee); remove from the consent agenda item 3.29. RESOLUTION: Landlord Accountability (Councilors Paul, Bushor) and place it on the Deliberative Agenda as item 13.5; remove from agenda item 3.12 RESOLUTION: Supplemental Budget Resolution #2012-04 Authorization for Acceptance and Appropriation of 2012 Justice Assistance Grant (JAG) Funding for Crime Prevention Programs; agenda item 4. RESOLUTION: Honoring City Attorney Kenneth A. Schatz (Full City Council) was moved to agenda item 1.5.

Councilor Paul requested that agenda item 13.5 (was 3.29.) RESOLUTION: Landlord Accountability (Councilors Paul, Bushor) be moved to agenda item 6.5.

Councilor Bushor requested that consent agenda items 3.03. COMMUNICATION: Councilor Vincent Dober, Taxi Licensing Board, re: Proposed Taxi Meter Rates for 2012-2013 and 3.04. RESOLUTION: City – Wide Taxi Meter Rates for 2012-2013. (City Proper and Burlington International Airport)(Councilor Dober) be placed on the Deliberative Agenda. City Council President Shannon stated these items will be addressed as 11.5 and 11.5.01.

The agenda was adopted unanimously as amended.

1.5. (was 4.) RESOLUTION: Honoring City Attorney Kenneth A. Schatz (Full City Council)

The full Council made a motion to waive the reading and adopt the resolution.

Council President Shannon stated the full Council was sponsoring the resolution and read the resolution aloud. She presented a framed copy of the resolution to City Attorney Schatz.

City Attorney Schatz thanked the City Council and staff for the recognition.

The motion passed unanimously.

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 8:20 p.m.

Minutes, Regular City Council Meeting, August 13, 2012

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Albert Petrarca	Ward 3 Resident	Against Police Violence
Thomas Grace	Ward 1 Resident	Against Police Violence
William Oetjen	Ward 7 Resident	Against Police Violence
James Billman	Ward 2 Resident	Against Police Violence
Mikael Chan	Ward 1 Resident	Against Police Violence
Genese Grill	Ward 3 Resident	Civil Disobedience
Cathy Bughman	Ward 5 Resident	Parking on Flynn near Oakledge
Norman Williams	Ward 6 Resident	BT and Osier/Shaver
Clary Franks	Ward 2 Resident	Solar company
Alexander Saunder	Burlington Resident	Support Occupy Democracy
Jonathan Leavitt	Ward 2 Resident	Against Police Violence/ Independent review
Maura McGovern	Ward 2 Resident	Against Police Violence & Misconduct
Marni Salerano	Fed Up VT	Against Police Violence/ Independent review
Richard Jeroloman	Ward 3 Resident	Citizen Police Review Board
Keith Brenner	Ward 2 Resident	Res.12 – Protest Hydro power
Steve Moyer	Burlington Resident	Against City Hall Park Art/ nature only
Peggy Luhrs	Ward 3 Resident	Against Police Violence
Emily Eck	Ward 2 Resident	Against Police Violence/ Independent review
Jay Vos	Ward 5 Resident	Police training on Civil Disobedience
Sandy Baird	Ward 1 Resident	Arrest vs. violence/Independent review
Elliot Roberts	Winooski Resident	Against Police Violence/ Independent review
Matt Hogan	Waterbury Resident	Against Police Violence

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 9:20 p.m.

2.5. COMMUNICATION: Mayor Weinberger, re: Mayor's Report pertaining to the July 29th Incident (oral)

Mayor Weinberger stated he appreciated the opportunity to share thoughts on the events of July 29th. He stated he shared the goal shared by many that citizens can safely and confidently express their views publicly on all topics. It was important that the community can learn from the events that day so that people may be able to engage in incident free protests in the future. Tonight it was important to give an update on the review of those events. After the event, Chief Schirling and he agreed to a formal review. That review called for an after action report which was well underway and was expected to be complete in about two weeks. The preliminary report would be public and posted to the internet. Once complete, the preliminary report would be presented to the Police Commission. This was a civilian committee that oversaw the Police Department in policy. The presentation would take place at a public Commission meeting with public comment opportunities. The Commission would deliberate and take comments on the preliminary before issuing a final report. The hope was that this process would result in a full understanding of July 29th events. He stated he was committed to ensuring that Burlington remained a place that respects, encourages and celebrates freedom of speech and assembly.

3. CONSENT AGENDA

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

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

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

3.02. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, City Council, Regular Meeting, May 7, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the July 16, 2012 City Council Meeting

3.05. RESOLUTION: Authorization to Enter into License Agreement with Patagonia Burlington to Erect and Maintain a Sign Extending Over a Portion of the City's Right-of-way (Councilors Dober, Tracy, Blais: License Committee)

*waive the reading and adopt the resolution

3.06. RESOLUTION: Authorization to Enter into License Agreement with ICV Construction, Inc. to Erect and Maintain Canopies and Wall Sconces Extending Over a Portion of the City's Right-of-way (Councilors Dober, Tracy, Blais: License Committee)

*waive the reading and adopt the resolution

3.07. RESOLUTION: Authorization to Enter into License Agreement with New Moon Café to Maintain Tables and Chairs and Potted Plants on a Portion of the City's Right-of-way (Councilors Dober, Tracy, Blais: License Committee)

*waive the reading and adopt the resolution

3.08. RESOLUTION: Authorization to Enter into License Agreement with New Moon Café to Maintain 2 Additional Potted Plants on a Portion of the City's Right-of-way (Councilors Dober, Tracy, Blais: License Committee)

*waive the reading and adopt the resolution

3.09. RESOLUTION: Authorization to Accept and Enter into a Sub-grant Agreement with Vermont Department of Public Safety to Accept Federal Funds for the Purchase of Communications Infrastructure Equipment for the Burlington Police Department and Supplemental Budget Amendment #2012-03 Authorizing the Purchase (Board of Finance)

*waive the reading and adopt the resolution

3.10. RESOLUTION: Authorization to Accept and Enter into a Sub-grant Agreement with Vermont Department of Public Safety to Accept Federal Funds for the Purchase of Portable Radio Equipment for the Burlington Fire Department (Board of Finance)

*waive the reading and adopt the resolution

3.11. RESOLUTION: Appointment of Acting Inspectors of Election for Wards Two, Three and Five (Councilor Shannon) **revised version**

*waive the reading and adopt the resolution

3.12. RESOLUTION: Supplemental Budget Resolution #2012-04 Authorization for Acceptance and Appropriation of 2012 Justice Assistance Grant (JAG) Funding for Crime Prevention Programs (Board of Finance)(pending BOF approval on 8/13/12)

*waive the reading and adopt the resolution

3.13. COMMUNICATION: Mayor Miro Weinberger, re: Acceptance of 2013 JAG Grant

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

3.14. COMMUNICATION: Catherine Bughman, President, Lake Forest Homeowners Association, Re: Unsafe Situation on Flynn Avenue near Oakledge Park

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

3.15. COMMUNICATION: Rich Goodwin, Assistant Chief Administrative Officer to Senator Ann Cummings, Chair Joint Fiscal Committee, re: filing of 3rd annual Tax Increment District (TIF) report

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

3.16. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance April 16, 2012 Minutes

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

3.17. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance April 30, 2012 Minutes

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

3.18. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance May 3, 2012 Minutes

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

3.19. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance May 7, 2012 Minutes

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

3.20. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Thursday, May 10, 2012 Minutes

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

3.21. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Monday, May 14, 2012 Minutes

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

3.22. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Thursday, May 17, 2012 Minutes

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

3.23. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Monday, May 21, 2012 Minutes

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

3.24. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Annual City Council Meeting, June 4, 2012, DRAFT

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 10, 2012 City Council Meeting

3.25. COMMUNICATION: Matt Viens, President, Preservation Burlington, re: King Street Neighborhood

*waive the reading, accept the communication, place it on file and send a copy to the Transportation, Energy and Utilities Committee Members

3.26. COMMUNICATION: F. Peter Rose, re: Supportive of the Clean Air Act Resolution

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

3.27. COMMUNICATION: Gene Richards, Chair/Member, Airport Commission, re: Resignation

*waive the reading, accept the communication, place it on file, advertise the vacancy (already did) and send a letter of appreciation to Gene Richards thanking him for his years of service as the Chair/Member of the Airport Commission

3.28. COMMUNICATION: Hon. John A. Dooley, III, President and Karin Bourassa, Executive Director, International Rule of Law Consortium to Joan Shannon, President, Burlington City Council, re: Thank you

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

3.30. RESOLUTION: Strategic Plan re Fiscal Health of the City (Councilors Paul, Blais, Mason) **note changed dates**

*waive the reading and adopt the resolution

3.31. RESOLUTION: 41 Cherry Street, LLC – Amendments to Ground Lease, Notice of Lease and Master Declaration (Board of Finance)

*waive the reading and adopt the resolution

- 3.32. COMMUNICATION: Kenneth A. Schatz, Esq., City Attorney, re: PUPS Resolution
*waive the reading, accept the communication, place it on file and attach Exhibit A to the Resolution approved on July 16, 2012, entitled: "Compensation for Police Department Sergeants, Lieutenants and Deputy Chiefs – Unified Pay Scale Phase II Implementation
- 3.33. COMMUNICATION: Paul Sisson, Interim Chief Administrative Officer, re: 2012 Airport Revenue Bonds
*waive the reading, accept the communication and place it on file
- 3.34. COMMUNICATION: Frasca & Associates, L.L.C., re: Burlington International Airport Series 2012 Airport Revenue Refunding Bonds, Preliminary Draft – As of August 1, 2012
*waive the reading, accept the communication and place it on file
- 3.35. COMMUNICATION: Julie Hulburd, Human Resources Generalist and Susan Leonard, Human Resources Director, re: Recommendation – Creation of Limited Service Positions at the Burlington International Airport
*waive the reading, accept the communication and place it on file
- 3.36. RESOLUTION: Creation of Limited Service Positions – Airport Ambassador, Airport Ambassador Shift Leader, Airport Ambassador Crew Leader (Board of Finance)
*waive the reading and adopt the resolution
- 3.37. COMMUNICATION: Mayor Miro Weinberger, re: Airport Strategic Planning Committee
*waive the reading, accept the communication and place it on file
- 3.38. COMMUNICATION: Mayor Miro Weinberger, re: Diversity and Equity Ad Hoc Committee
*waive the reading, accept the communication and place it on file
4. RESOLUTION: Moran Plant Development & Public Good (Councilors Tracy, Siegel, Bushor, Brennan)

This item was removed from the agenda.

5. ORDINANCE: MINIMUM HOUSING – ADMINISTRATION AND ENFORCEMENT Penalties (Code Enforcement)(1st reading)
Proposed Action: refer to the Ordinance Committee

Councilors Kranichfeld and Blais made a motion to waive the 1st reading of this ordinance and refer to the Ordinance Committee for further review.

Bill Ward, Code Enforcement, stated they were looking to increase in fines. There have been no increases since the fines were implemented. There was a minor increase of \$25 in first offense to a \$75 waiver fee and a \$100 first time fine. Landlords often pass these fees to the tenants, so keeping these rates low avoids people taking cases to court. Many times people agree they were guilty but challenge the fines because the fee was too high. This also would add a 2nd tier to sanitation violations. There currently was no 2nd offense for sanitation offenses. If a sanitation offense was cleaned up but it happened again two weeks later; that had to be treated the same as a first offense. Every Councilor has had problems with sanitation offenses in their part of the City, especially those in high density areas. Repeat offenses were the number one problem in these areas. This was a quick tool to help clean up the City.

The motion passed unanimously.

6.5 (moved to 13.5.) (was 3.29.) RESOLUTION: Landlord Accountability (Councilors Paul, Bushor)

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

Councilor Paul stated there were issues in the City in the RH district. This resolution addressed rental properties and landlords accountability throughout the City. At the last Ordinance Committee Meeting, Brian Pine from CEDO stated there had been an increase in the number of people who relied on rental housing. This made landlord accountability all the more important. The City worked hard to correct violations, but there were property owners all over the City who do not abide by the ordinances. There were also property owners who had very good records. This resolution sought to raise the bar and have landlords held accountable by the public. Over time, there would be improvements in landlord and tenant behavior. Renters deserve the right to know who they were renting from. The public should be given the tools to make an informed decision about where they rented. The resolution asked the Director of Code Enforcement to work with the City Council's Community Development and Neighborhood Revitalization Committee to develop an objective and fair system to make renters aware of their landlord's record. The hope was this would hold landlords accountable for their properties and make the community safer for renters.

Councilor Bushor credited Councilor Paul and the Code Enforcement Office for spearheading this resolution. Renters had been looking for this accountability for a long time. There was an attempt to make this list in the past, but there were legal challenges to doing this. Having a checklist to rate landlords should be public and it would be up to property owners to comply with the City standards. This was needed to protect the renters and new members of the community.

Councilor Hartnett stated this resolution sounded good in concept, but it was dangerous. There was a tendency to go after just landlords, but the issue went further than landlords. The question was how good and bad landlords would be determined and what the checklist would look like. Many of these rules were on the books now, but were still not followed. He questioned the efficacy of the resolution and stated it should be broader.

Councilor Tracy stated this was not the panacea approach, but it was an important start to getting accountability. Many renters were concerned about their landlords and did not know the status of a property before moving in. Councilor Paul had done a lot of homework on this resolution. Code Enforcement and the Police have weighed in and this was a great first step.

Councilor Dober inquired if a majority of violations were from a small group of landlords. Code Enforcement Director Ward stated that it was a fair general characterization. Councilor Dober stated he would support this, though it was a small step. It was not the heart of the problem, but landlords did need to be held accountable.

Councilor Decelles agreed that landlords need to have a standard. This might help landlords to police themselves and might help relieve other problems further down the road.

The motion passed by a vote of 9 – 1 with Councilor Hartnett voting against.

7. APPOINTMENT: Housing Board of Review (Term expires 6/30/17)

Councilor Decelles nominated Pat Kearney to the Housing Board of Review.

Pat Kearney was appointed unanimously to the Housing Board of Review.

8. PRESENTATION: David E. White, Planning and Zoning Director, re: PlanBTV (oral)
(20 mins.)

David White, Director of Planning and Zoning, stated the purpose of this presentation was to pique interest in the PlanBTV project. The City had been working on this project for 18 months through a HUD grant. The first months were spent on public outreach and assessment of issues in the downtown area. Not everyone would support all aspects of the plan, but the hope was that people would be able to support the large vision. Many of these big ideas would take time to implement, while others would happen quickly. The plan is divided into different areas. The first was background information on parking, transportation, housing, land use, and economic analyses, as well as an overview of the public engagement process. The second part of the project focused on the recommendations for the future. It addressed themes and values that were a collection of big ideas and examples of how they might be put into action. There were seven place-based themes woven through the entire document. They came from themes and policies already adopted in the Municipal Plan and the Legacy Plan. There were two important areas surrounding choice in housing and transportation. The plan created more choices in these two areas to allowing people to seek the best options for their needs. The big ideas were to maintain and expand economic vitality throughout Downtown and the Waterfront. The plan recommended turning the Waterfront into a year round and multi-use activity center. Housing was an essential issue that needed to be addressed to secure the vitality of downtown. It was also important to incorporate housing needs with transportation issues. The creative economy was an important element in our City. Urban Agriculture had been discussed for a long time and there were a number of recommendations that worked to support more agriculture. Transportation was a tremendous issue. There were ideas incorporated to work with other plans that had been created in the past. Private property played a role in how public transportation operated. There was discussion about parking and how to better manage these resources. Connectivity between Church St. and the Waterfront was a big idea that had been discussed for a long time. Finally, there were storm water runoff strategies to manage and control storm water. The plan broke downtown into six geographic areas and illustrated how these ideas might be employed. He stated the areas were Main Street, City Hall Park, Church Street, the mall area, the South End District, North Waterfront and South Waterfront and outlined potential projects in each of these areas. The plan was released in the mid July and public comments would be taken through September. A new website was created to present the plan and collect feedback. There had also been a number of public forums and presentations to a number of City Council sub-committees. After the review period was over, a final plan would be drafted and it would be amended into the Municipal Development Plan. It would be ready for final adoption after January 1, 2013.

Council President Shannon recommended holding a City Council Work Session instead of going to all of the sub-committees. Mr. White agreed to attend a work session.

Councilor Dober stated this was an exciting plan, but inquired how all of this would be paid for. He would like to see this included in future presentations. Mr. White stated much of what was proposed would be private development. The City would make it easier for private development to occur, but most of the funding would come from that area.

Councilor Bushor stated this included a huge number of possibilities, but it would take time to prioritize the projects. She inquired if the consultant would continue to help with this after the plan was in place. Mr. White stated the consultant was helping to develop the regulation. Much of this had already occurred. Some of these projects would require follow up in the future. All expenditures and grants would come before the Council for final approval.

- 8.01. COMMUNICATION: David E. White, Director of Planning & Zoning and Sandrine Thibault, Comprehensive Planner, re: planBTV Discussion Draft (copies have already been distributed by P & Z)

Councilor Kranichfeld made a motion, seconded by Councilor Paul, to waive the reading, accept communication and place on file. The motion passed unanimously.

9. REPORT: Gene Richards III, Chair, Burlington International Airport Board of Commissioners, re: Burlington Airport Chairman's Annual Report, FY-2012

Jeff Munger, Chair of Airport Commission, stated that things were improving at the Airport. In the last two years the Airport made its debt service ratio. It was better than 1.35, and the requirement was 1.25. Reserves had been doubled. There had been monthly payments into this account. There had been challenges due to the recession and the number of available seats. The Airline industry had been consolidating and reducing the number of seats. There had been efforts to refinance the \$12 million BAN that was used for the parking garage. That would result in savings of about \$100,000. He welcome d everyone to visit the Airport and see the progress that had been made.

Councilor Blais requested an update on the dispute with South Burlington regarding financial assistance they were seeking from the City. Mr. Munger stated that was in litigation and he could not discuss anything. The FAA had received the information and was taking it under advisement. Councilor Blais inquired if there were other litigations pending. Gene Richards, Interim Aviation Director, stated there were a few regarding housing, taxes, and storm water. Efforts were being made to try to work through the challenges. There was a solution out there, but nothing had been determined yet.

Councilor Bushor stated the City Council had not been well-apprised of some of these issues. She was concerned about the tension between the Airport and South Burlington. She requested an informal meeting with both City Councils to understand the problems. She stated she worried about the emphasis on Canadian travelers. If the economy changed it might no longer be economical to come from Canada. Gene Richards stated he doubted Canadian travel would decrease in the near term. There was not a local mass large enough to support the Airport, so it was important to make flights attractive for all travelers from New York, Canada and surrounding areas.

Councilor Tracy requested an update on the Strategic Planning Committee. Mayor Weinberger stated that members of the Strategic Planning Committee had been selected. The co-chairs were Councilor Paul and Interim CAO Sisson. They would be meeting in the next few weeks. Councilor Tracy inquired if there was anything that had been surprising to Mr. Richards in his first month as Interim Aviation Director. Mr. Richards stated he was pleased with the job. There was amazing potential and he felt he was a different set of eyes to help the Airport. There was great infrastructure and staff and he did plan to run things differently. Mr. Munger complimented the professionalism and quality of the staff at the Airport.

Councilors Kranichfeld and Paul made a motion to waive the reading, accept the report and place on file. The motion passed unanimously.

10. REPORT: Ron Redmond, Executive Director, Church Street Marketplace, re: FY 12 Annual Report

Jeff Nick, Chair of the Marketplace Commission, reported that the upper block was revitalized with five new retailers. There was a 15% vacancy rate 15 months ago to less than 5%. Electrical upgrades had been ongoing without much disruption. Despite the successes, there had been challenges including competing with internet sales sales, retail theft and suburban competition. The two top issues from visitors and shoppers were parking and behavioral issues. The Police force did a tremendous job but it was still a challenge. Moving forward, the top block fountain was not working well, so that might be changed. The ballards at Church and Cherry Streets were working very well and allowing great flow. These might be

added at other intersections in the future. They were considering taking the Marketplace model and expanding it to the Business Improvement District.

Ron Redmond, Church Street Marketplace Executive Director, stated property owners off of Church Street had hired a downtown consultant to develop a plan for an expanded business district. They would determine what fees they would be willing to pay and what amenities and service would be desired. The Burlington Business Association was leading this effort.

Councilor Dober stated that the Marketplace had been doing a great job. He inquired if expanding the Marketplace would decrease the stability. Mr. Redmond stated he believed that they were ready. They have stayed out of the conversation because it was really up to property owners to decide if they would like to tax themselves. The side streets were beginning to see the benefits of having a unified downtown, a common marketing plan, and a focus on streets and sidewalks to make them more walkable. There was real interest in this expansion from property owners. Councilor Dober stated he was concerned about the issues around licensing.

Councilor Decelles stated the Marketplace model had been perfected. He had experienced people looking for a certain type of food that could be found one block off of Church Street, but tourists would not know to look there. He noted the security and safety issues exist during the off hours. During the day, you might not notice some of the safety concerns. There were legitimate concerns during the late hours. There were people who did not feel safe and he hoped there was something that could be done to address these concerns.

Councilors Kranichfeld and Paul made a motion to waive the reading, accept the report and place on file. The motion passed unanimously.

11. REPORT: Annual Report of the Burlington Conservation Board Fiscal Year 2012:
June 30 – July 1, 2012

Matt Moore, Chair of Burlington Conservation Board, stated Scott Gustin put together a report outlining the Board's activities from the past year. The Planning and Zoning department gave great support to the Board. There were a few main areas this group worked in. One was major impact development and review projects. During the past year the Board reviewed eighteen applications, an increase from the previous year. Six or Seven had to do with seawall repairs after the Spring flooding and tropical storm. Another area was implementation of Chapter 26, the Storm Water Ordinance that was passed several years ago. They had been working with DPW on how to implement that ordinance through Administrative and Conservation Board reviews. There needed to be a review project without too many hoops for property owners to jump through. So far, this ordinance had proven being effective. The other major area the Board reviewed was comprehensive planning. They had hired a consultant to update the Open Space Plan as part of the City's Development Plan. Another area was the Conservation Legacy Program. A number of years ago the City implemented a dedicated property taxes to acquire land and easements for conservation purposes and open space. It also funded a Parks and Recreation position to help with these efforts. There had been some efforts for community garden projects. They were looking forward to making progress on North 40. They would like to clean it up, make it safe, formalize recreational uses of the area, and connect it with adjacent properties up to North Avenue to enhance the Waterfront.

Councilor Bushor stated the open space protection was a key aspect of the Board. The plan identified ten parcels that the City might consider purchasing, when available, to preserve open space. With PlanBTV, there was a need to identify those parcels that should remain open. She hoped the Conservation Board would make the open space acquisition a priority and the Conservation fund was used to acquire land.

Councilors Paul and Dober made a motion to extend the meeting to recess the City Council meeting after agenda item 13; move to the City Council with Mayor Presiding Meeting, and return to the City Council meeting for the executive session. The motion passed by 9-1 with Councilor Hartnett voting against.

Councilors Kranichfeld and Blais made a motion to waive the reading, accept the report and place on file. The motion passed unanimously.

11.5 (was 3.04). RESOLUTION: City – Wide Taxi Meter Rates for 2012-2013. (City Proper and Burlington International Airport)(Councilor Dober)

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

Councilor Dober stated they had worked on the meter rates for two years. The rates currently were set by zone, but this would replace them with metered rates. There was conflict because there were meters with multiple buttons and different rates. There was concern that the City had too many different rates, so efforts were made to bring the Airport rates in line with the City rates. The only difference between the two rates would be the addition of the Airport queue surcharge.

Councilor Bushor stated she requested this to be removed from consent because it was very significant. The communication stated some taxi riders would see increases and decreases depending on the zone. She stated the rates were \$2.50 to get in the cab, a minimum charge of \$7.50, and had a rate per mile charge of \$2.20. She inquired what the range of differences could be for someone going from Burlington to the Airport. She also inquired how the Airport queue fee would affect the cost. Councilor Dober stated every cab driver would realize an increase because of the fee structure. The variable was on the Airport side. They had a nonconventional system in which there was an \$8.50 fee for getting in the cab which would last for two miles, and would increase depending on the mileage of the trip. This was more conventional and the cabs would all see an increase. He stated he did a study by taking four cab companies from Church Street to his house. The rates ranged from \$9 to \$15. Under the metered system, the cost would be \$10.50. The Airport cabs would see an increase in fares between 1-5 miles of up to 28%. This only equaled about a \$2.00 increase. There was a decrease in fares from 6 – 18 miles. After 18 miles, it continued to increase. The average rate from 0 – 20 miles did not change. Beyond 20 miles, the Airport would realize the increase when it increased from \$2 per mile to \$2.20 per mile. Most Airport fares were within 5 miles, so they would appreciate that increase. The Board had a difficult time figuring out where the baseline came from and the solution was the \$2.20 rate. Councilor Bushor stated the queue charge would be reduced from \$8.00 to \$4.00. Councilor Dober stated getting in a cab at the Airport would cost \$6.50 instead of the usual \$2.50 fee.

Councilor Decelles inquired if the City Charter superseded the Vermont Statute regarding regulations on taxis and whether changes could be made without a public referendum. City Attorney Schatz stated the City Charter authorized the City Council to promulgate taxi regulations and superseded the Vermont Statute. The City believed that the City Council had the right to amend the Taxi Ordinance without a public referendum. It might have to be clarified in court at a future date. Councilor Decelles inquired if this had been challenged in court. City Attorney Schatz stated there were a couple of other municipalities in Vermont that did have Taxi Ordinances. He was unaware of any of them being challenged. Councilor Decelles inquired if there were other examples of a City ordinance superseding a State Statute. City Attorney Schatz stated Burlington's minimum housing ordinance was one example and the street franchise fee in respect to undergrounding.

Councilor Decelles called the vote to question. The motion to call to question passed unanimously.

The motion to adopt the resolution passed unanimously.

11.5.01. (was 3.03). COMMUNICATION: Councilor Vincent Dober, Taxi Licensing Board, re:
Proposed Taxi Meter Rates for 2012-2013

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

12. RESOLUTION: Approval of Amendment No. 6 to Agreement for Joint Ownership,
Construction and Operation of the Highgate Transmission
Interconnection (Councilor Kranichfeld)

Councilors Kranichfeld and Paul made a motion to waive the reading and adopt the resolution and add to the agenda item 12.01. COMMUNICATION: Ken Nolan, BED Manager of Power Resources with the motion to waive reading, accept communication and place on file.

Councilor Kranichfeld stated this resolution would protect the interests of BED and its ratepayers in the Highgate Converter station. BED was a minority owner of the Highgate Converter station. There were five other owners, including GMP and CVPS as large owners. VELCO managed the converter station. Currently, under the management agreement, two owners could dictate budget issues. Because GMP and CVPS were merging, they would be able to make decisions that incur costs on BED without them having a say in it. BED had requested that the Public Service Board include a requirement that there must be three owners to make a decision. They have agreed, and this resolution amended City legal documents to be consistent with the Public Service Board. It would ensure budget decisions include the smaller owners in the decision making process.

The motion passed unanimously.

13. RESOLUTION: Funding Mechanisms to Implement the Bike Path Task Force
Recommendations (Councilors Paul, Brennan, Aubin: Parks, Arts &
Culture Committee)

Karen's proposed amendments:

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

Councilor Paul drew attention to three changes on page 2 of the resolution. She outlined these changes. At the last City Council Meeting, there was a presentation from the Bike Path Task Force on funding needs. The Parks, Arts & Culture Committee voted in July to support the half cent increase in meals and rooms tax with a sunset of three years and General Obligation bonding of up to \$5.5 million in improvements. The Committee expressed concerns about the timing of bond due to the City's credit rating. This asked the Council to approve the resolution which requested the Mayor and Board of Finance to consider the request and take action on bonding and maintenance funding. The Administration wanted to add capital projects to the bond, potentially.

Councilor Bushor asked Mayor Weinberger if he was satisfied with the up to \$5.5 million bonding amount. Mayor Weinberger stated he was reading the resolution as a recommendation from the committee. The Administration was aware of the recommendation and was working to be supportive of the proposal. The Administration was looking at the proposed bond in context of the City's full financial picture. Councilor Bushor asked City Attorney Schatz about the reason this could not be a dedicated tax and would instead be a tax increase. She stated she would like to ensure this tax revenue was used as intended even though it was not dedicated. City Attorney Schatz stated there was a legal restriction to go to the voters for a Charter Change for a dedicated tax. There was no restriction on increasing the tax ceiling by voting. She inquired if the residents supported a half cent increase, could a Charter Change be

made later to dedicate the tax. City Attorney Schatz stated the voters could approve an increase in the tax rate ceiling, but the Charter could not change as a result of this. Charter Changes must have the exact language in place before going to the voters. The voters could separately approve the increase to the tax rate ceiling and the Charter Change.

Councilor Dober stated he was surprised to see this resolution because he thought the funding issue was before the Board of Finance. City Council President Shannon stated it was before the Board of Finance and they would continue to work on it. However, the Parks Arts and Culture Committee wanted to be on record with their recommendations.

Councilor Hartnett inquired on what this vote was on. He suggested waiting until the Board of Finance met so the whole picture was known. It sounded like this would be tied to other projects. Councilor Paul stated when PACC met in July the resolution was different. The added capital projects were not in front of the Committee. This resolution asked the Mayor and Board of Finance to consider the Bike Path recommendation from the Committee.

The motion passed unanimously.

Council President recessed the City Council meeting at 11:05 p.m.

The meeting was reconvened at 11:11 p.m.

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

On a motion by Councilors Dober and Paul, the Council went into executive session at 11:11 p.m., premature public disclosure would place the City at a substantial disadvantage:

*** * * EXPECTED EXECUTIVE SESSION * * ***

On a motion by Councilors Bushor and Kranichfeld, the Council went out of executive session at 11:45p.m.

15. COMMITTEE REPORTS (5 mins.)

This item was not addressed at this meeting.

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

This item was not addressed at this meeting.

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

This item was not addressed at this meeting.

18. ADJOURNMENT

On a motion by Councilors Bushor and Kranichfeld, the Regular City Council Meeting voted unanimously to adjourn at 11:50 p.m.

Attest:

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