
DELIBERATIVE AGENDA
LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, FEBRUARY 6, 2012
7:05 P.M

PRESENT: Mayor Kiss, City Council President Keogh, Commissioners Adrian, Bushor, Berezniak, Kranichfeld, Brennan, Mulvaney-Stanak, Hartnett, Wright, Blais, Paul, Decelles and Dober (arrived at 7:07 pm)

ABSENT: Commissioner Shannon

CITY ATTORNEY'S OFFICE: Ken Schatz

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

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

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

2. CONSENT AGENDA

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

2.01. USAGE OF OUTSIDE CONSUMPTION PERMIT (**2 days only**): RiRa, Winter Festival
*waive the reading, accept the communication, place it on file and ratify the Usage of RiRa's Outside Consumption Permit for the Winter Festival on February 3rd and February 4th, 2012

2.02. EXPANSION OF LIQUOR LICENSE FOR RIRA'S, THE IRISH PUB
*waive the reading, accept the communication, place it on file and approve the expansion for RiRa's, The Irish Pub

3. ADJOURNMENT

On a motion by Commissioners Blais and Berezniak, the Local Control Commission voted unanimously to adjourn at 7:07 p.m.

Attest:

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

BOARD OF CIVIL AUTHORITY
MONDAY, FEBRUARY 6, 2012
7:09 P.M.

MAYOR KISS PRESIDING:

1. AGENDA

On a motion by BCA Members Bushor and Decelles, the agenda was adopted as amended: note written material for agenda item 2.0. COMMUNICATION: Mayor Bob Kiss, re: Reapportionment.

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

Mayor Kiss stated the legislature had designated 12 seats for Burlington and Winooski with 10 being designated to Burlington and 2 to Winooski. This would require 251 Burlington residents shifting to Winooski. Efforts were being made to designate the appropriate districts within Burlington.

Councilor Adrian stated there had been meetings with State Representatives requesting they assist in this issue.

Mayor Kiss stated the BCAs of Burlington and Winooski would have to determine how to move forward before March 15th.

3. BCA Recommendation on Reapportionment

Mayor Kiss stated there would be further work on this in the coming weeks.

4. ADJOURNMENT

On a motion by BCA Members Decelles and Paul, the Board of Civil Authority voted unanimously to adjourn at 7:12 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
MONDAY, FEBRUARY 6, 2012
7:07 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilors Berezniak, the agenda was unanimously adopted as amended as follows: add to the consent agenda item 3.10. COMMUNICATION: Scott Schrader, Interim Chief Administrative Officer to Thomas M. Salmon, State Auditor, re: Preliminary Review with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 3.11. COMMUNICATION: Thomas M. Salmon, CPA, CFE to Mr. Bill Keogh, re; Request for a Completed Financial Management Checklist and Certification—response due by February 15th with the consent action to “waive the reading, accept the communication and place it on file” and add to the agenda item 7.01. COMMUNICATION: The Sidewalk System: Planning, Funding and Implementation.

City Council President Keogh made a motion to recess the City Council meeting and convene the Board of Civil Authority Meeting at 7:09 p.m.

The City Council meeting was reconvened at 7:12 p.m.

2. PUBLIC FORUM

Councilor Decelles welcomed Boy Scout Troop 650 who attended the meeting to learn about City Government.

City Council President Keogh opened the public forum at 7:44 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Harrison Shulman	Ward 3 Resident	Need for Public Bulletin Boards
James Lockridge	Big Heavy World	Need for Public Bulletin Boards
Peter Dwyer	Big Heavy World	Need for Public Bulletin Boards
Phinn Sonin	Ward 3 Resident	Need for Public Bulletin Boards
Mike Wilhide	Vermont Resident	Need for Public Bulletin Boards
Patricia Braine	Ward 4 Resident	Need for Public Bulletin Boards
Matt Kimball	Ward 3 Resident	Need for Public Bulletin Boards
Greg Epler Wood	Ward 6 Resident	BT adding Free Speech TV
Jan Schultz	Ward 6 Resident	BT adding Free Speech TV

There being no one further coming forward and no objection from the remaining Council, City Council President Keogh closed the public forum at 8:01 p.m.

3. CONSENT AGENDA

On a motion by Councilor Berezniak with no second, the consent agenda was unanimously adopted, as amended, thus taking the following action 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. RESOLUTION: Eliminate One Records Clerk Position at the Burlington Police Department and Create One Limited Service Full-time Assistant to the Officer in Charge Position at Burlington Police Department (Board of Finance)
*waive the reading and adopt the resolution
- 3.03. RESOLUTION: The Need for Public Bulletin Boards to Promote the Visual and Performing Arts (Councilors Adrian, Paul)
*waive the reading and adopt the resolution
- 3.04. COMMUNICATION: Mayor Bob Kiss, re: Resolution 3.06 Creation of a Financial Literacy Web Page

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

3.05. COMMUNICATION: Mayor Bob Kiss, re: Mayor's Comments Regarding Resolution 5.0 Process and Criteria for Use of Penny for Parks Funds

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

3.06. COMMUNICATION: Steve McIntyre, Member, Telecommunications Advisory Committee, re: Resignation

*waive the reading, accept the communication, place it on file, advertise the vacancy (already did in the 2/1/12 Seven Days' edition) and send a letter of appreciation to Steve McIntyre thanking him for his time served on the Telecommunications Advisory Committee

3.07. COMMUNICATION: Margaret Bozik, Assistant Director for Community Development and Interim Legacy Coordinator, re: Celebrate Burlington

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

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

Three Needs, 185 Pearl Street, Full Moon Party, DJ, Dancing, Tuesday, February 7, 2012, 9:00 p.m. – 2:00 a.m.

*waive the reading, accept the communication, place it on file and approve the One Day Only Special Event Indoor Entertainment Permit Application for Three Needs

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

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the January 23, 2012 City Council Meeting

3.10. COMMUNICATION: Scott Schrader, Interim Chief Administrative Officer to Thomas M. Salmon, State Auditor, re: Preliminary Review

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

3.11. COMMUNICATION: Thomas M. Salmon, CPA, CFE to Mr. Bill Keogh, re: Request for a Completed Financial Management Checklist and Certification—response due by February 15th

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

4. PUBLIC HEARINGS RE: PROPOSED AMENDMENTS TO THE CITY CHARTER:

- § 62. - Council, school board; not to pledge credit of city; exceptions.
- § 63. - Council may pledge credit of city when authorized by voters to do so.
- § 81. - Tax classification; repeal of inventory tax.

City Attorney Schatz stated the Charter Changes were required to have public hearings by state law. The proposed amendment to §62 increased the City's borrowing capacity for capital improvements from \$1 million to \$2 million. The amendment to §63 would increase Burlington Electric Department's annual borrowing authority from \$1 million to \$3 million. The amendment to §81 would increase the exemption for personal property tax from \$2,500 to \$45,000.

City Council President Keogh opened the public hearings at 7:15 p.m. There being no one coming forward, City Council President Keogh closed the public hearings at 7:15 p.m.

5. PRESENTATION: Brian Pine, Assistant Director for Housing, CEDO and Matt Young, Street Outreach Worker, Howard Center and Jane Helmstetter, Vermont Agency of Human Services Field Director, Burlington District Office, re: Emergency Housing Options (oral)

Brian Pine, Assistant Director for Housing, CEDO, stated they would provide an update to the Council following recent deaths due to cold winter weather. It was important to offer warm places in the community for people to stay. This was part of the continuum of care which was a coalition that supported a vision of an affordable, safe and stable home for all people and worked to end homelessness. The continuum gathered and disseminated stories about homelessness and worked to move forward to address the problem. Tragedy often created an opportunity to work together. Even if there was a great system in place there would be people that would not utilize it. There would be a change at the State level to provide more emergency housing on cold nights.

Jane Helmstetter, Vermont Agency of Human Services Field Director, stated there was a cold weather exemption for emergency housing. There was emergency housing available to people who met certain criteria that would expand during cold weather.

Matt Young, Street Outreach Worker, Howard Center, stated they work to help people access these systems. Any initiatives to provide services would not guarantee the safety of the target population. There would be more efforts to build flexibility into systems to help people on cold nights. One option might be developing a wet shelter while still adhering to a Burlington standard. There were 20 individuals who would be the target population. When surveyed, they all said that they would use it if it were within Burlington. 75% said they would consider using a shelter outside of Burlington if there were transportation. Potential barriers were safety concerns and financial concerns. Existing community shelters were at capacity and everyone was in need of more financial resources. Limiting admission to the target population was another concern. People came from other parts of the state or country to use the shelter which limited availability to those who were residents. Location would be important and legal liability issues would be large. In many situations, the faith based community had been able to offer a few beds for individuals. There were few options for people using drugs and alcohol who could not utilize COTS.

Mr. Pine stated the challenges with mental health and drug and alcohol issues were important but the main focus was on having warm housing.

Councilor Bushor inquired how the emergency assistance program impacted agencies and how more space could be made available to house people. Ms. Helmstetter stated that people would go to the shelter if there was room, and if not, they would be given a voucher for a motel. A lot of motel rooms were utilized for emergency shelter in Vermont. Councilor Bushor inquired how issues with identification were addressed. Ms. Helmstetter stated, depending on the weather, they would be given shelter with or without identification.

Councilor Mulvaney-Stanak stated that in light of the recent deaths she felt it was necessary to update people in the community. She inquired how cuts in social services had impacted services at a local level. Mr. Young stated there had been spikes in people coming from outside of Burlington. It had been possible to get some people housed. Ms. Helmstetter stated that the number of people needing assistance had not changed, but many of the people had much more complex issues to handle, particularly with the increase in refugees. People got stuck in shelters because there was such a low vacancy rate. What was available was unaffordable without a subsidy.

Councilor Adrian stated there was often a strong mental health component involved. There was emergency housing available in Burlington, but not if there were alcohol problems or mental illness because the

individual would be thrown out. Mr. Young stated there was major mental illness with psychotic behavior, but more commonly there was mental illness where people had trouble being around others. Counseling was available, but many people were not interested in addressing their issues and considered it part of who they were. People should be housed no matter what shape they were in. Councilor Adrian stated it was a serious challenge to help people with mental health issues to make good choices. Mr. Young stated they were available 365 days a year, but there was a small window for most people.

Councilor Decelles inquired how many beds were available in Burlington. Mr. Pine stated the number of beds was close to 100, serving a few more than that because some were families. Councilor Decelles inquired how many were actually needed. Ms. Helmstetter stated on average 100 people a week came in for emergency shelter. Councilor Decelles inquired if breathalyzers were used or how that judgment was made. Mr. Young stated there was a drug testing facility on Pearl Street. COTS had built in more flexibility in the winter months for people who were under the influence. There was a mission to build sober housing to help others who were there. There had been debate about how to address these issues.

Councilor Hartnett inquired where the nearest wet housing was. Ms. Helmstetter stated in Brattleboro there was a low barrier one in the winter months. There was a process in concert with the churches and the shelter. They were flexible with who they let in and it was based on behavior. It was seasonal and relied on volunteers. Councilor Decelles inquired if anyone had visited a wet shelter; Mr. Young stated he did in Portland, Maine. There were mats put down for people to sleep on. Councilor Hartnett stated it was the right thing to do and that should trump any other factors. He stated he would have an interest in visiting one. There were a lot of hurdles, but a wet shelter needed to exist.

Councilor Berezniak stated that a small population was not accessing counseling to make housing less of a struggle. One problem was panhandling to fund substance abuse problems. Mr. Young stated people panhandle for different reasons.

City Council President Keogh thanked them for their presentation and commended Mr. Young for his work.

6. PRESENTATION: Clem Nilan, General Manager, City Market/Onion River Co-op, re:
Update

Clem Nilan, City Market, stated the store opened 10 years ago and there were concerns that it would not meet the needs of the community. The Supermarket Principles were drafted between the City and City Market. The City owned the land and the co-op owned the building. The major concerns were how the needs of low and moderate income community members and how local farmers were supported. The nation had faced a recession, but co-ops had flourished. Membership had increased to over 7,000. There were usually 2.5 people per membership; most living in Burlington. City Market employees were nearly 80% full time and most lived within the City. All employees who had worked for a year made a livable wage. 100% of the health insurance premium for full time employees was paid for. 401ks were matched and there were several other benefits that made these good jobs. Food stamps were used to keep track of how the needs of the community were met. When the recession hit, it was estimated that there would be about \$1.6 million needed in food stamps. Those most in need, on food stamps, received a 10% discount. This helped the children of Burlington. 1 in 7 children in Vermont went to bed hungry. There was an agreement that the food shelf would receive \$90,000. That was completed, which fulfilled the legal requirement, but would be continued. Another program was the COTS sale of Christmas trees which had raised over \$69,000. The target was to sell 1,000 Vermont products, but there were actually about 2,000, amounting to about 1/3 of City Market's business. Buying local food allowed money to recirculate through the community and it was good for the local economy. Payments to the City had increased. The Burlington Police Department had been very supportive and there had been 75 trespassers in the last year. Profits were refunded to members and the average refund check in the last year was \$98.

Councilor Brennan thanked the co-op for their work. He stated he had heard discussions about adding a new location on Archibald Street and spoke in favor of that idea. It would place the store within walking distance for a lot more people.

Councilor Bushor stated this showed the success of a project that was a big chance. It was an important part of the mission of the City of Burlington and it was great that so many people received benefits.

Councilor Mulvaney-Stanak stated it had been great to see the success and the benefits to the community. It was nice to see a local employer paying livable wages and providing health insurance. It had been difficult but it was important and served as a role model. People in the Old North End of Burlington would like to see a grocery store beyond the bodegas. That was the thing most needed in that part of town. It was a struggle to find parking, but the Old North End had a significant need.

Councilor Adrian thanked Mr. Nilan and stated he appreciated the check.

Councilor Berezniak stated that a store in the Old North End might alleviate traffic at the South Winooski Avenue store.

6.01. COMMUNICATION: City Market/Onion River Co-op, re: Update

Without objection, City Council President Keogh waived the reading, accepted the communication and placed it on file.

7. COMMUNICATION: Steve Goodkind, Director of Public Works et al., re: Sidewalk Strategic Plan and Sidewalk Funding

Steve Goodkind, DPW, stated the first three years of street paving had been completed and goals were exceeded. That was just one part, and sidewalks were important. There were many calls from citizens regarding sidewalks. It took about eight years from the beginning of thinking about streets to complete the work and have the money for it. Sidewalks might take a long time and planning should start now.

Nicole Losch, DPW, stated in the last three years the accelerated pavement plan increased the paving standard. An inventory of every street was taken and assessed. The sidewalks would go through a similar process. Planning was needed and the highest value and impact projects would be addressed. There needed to be adequate financing in place which would require time and support. The planning process began in 2008 with the development of the sidewalk strategic plan. Alternative funding could be used for new sidewalks. This would be more proactive and not rely only on responding to complaints. An inventory of the sidewalks was taken. There were 150 miles of sidewalk and about 2/3 were deficient. Methodology was used to prioritize projects. Those in the worst condition that were the most heavily travelled would be highest priority. The sidewalk deficiency index was used to assess them. A pedestrian potential index was created by having residents assign values. This combined with deficiencies would create the sidewalk condition index. \$2.3 million had been spent. 80% of the annual budget was devoted to long run repairs that were more cost effective than patches. Curb and green belt projects also received some money. The downtown side street projects had addressed some sidewalks. There had also been grants for new sidewalks. The rest of the sidewalks that needed repair would require about \$33-\$45 million. Continued evaluation was needed and deficiencies needed to be ranked. Future planning would involve new inventory, identifying target conditions and funding.

Councilor Bushor stated in the past there were discussions about funding streets and sidewalks with a big bond. A priority would be places within .25 miles of schools, community, medical and social services. A lot of employees that work at entry level pay grades lived in Winooski and walked to work. People access the hospital by sidewalks. This plan did not address the hospital, and it was important for people to have access

to health services. She inquired if the repair of curbs and sidewalks could be examined separately and different scenarios would be presented. She inquired how long it would take to complete projects if all the money was in place and inquired who would be doing the work under the \$33 million. Mr. Goodkind stated that \$33 million was a good estimate regardless of who did the work. The work could probably be done in a year if the whole amount was spent at once, but at the current rate of spending it would take about 72 years. The hospital would get a lot of attention being near a school and high traffic. This system was being invented. Unlike roads, there was no system in place. A curb could look bad and do its job, but a sidewalk needed to look good to function well. Curbs were low priority unless they were not doing their jobs of directing water and keeping cars off the sidewalk. Councilor Bushor inquired if there could be different scenarios and inquired if sidewalks had to be concrete or if they could be asphalt. Mr. Goodkind stated concrete was the preferred material, but asphalt would not perform better. Most sidewalks in Burlington were over 50 years old and frost heaves and tree roots were the biggest problems. Sidewalks needed to be completely rebuilt when they were fixed. The list could be refined and the best way to approach it could be determined. This was a push to get the sidewalk repairs moving. They would need to be replaced and were not getting better.

Councilor Dober stated the curbs on Faith Street were up off the ground 12-18 inches and there was no money to fix them. That new street would have to be ripped up to put in a curb. Every road that had been worked on would need to be torn up. There was no curb in front of the house, and there was water everywhere. Before paving the street, the problem should be fixed so it would not have to be touched again. Mr. Goodkind stated in many cases the greenbelt served as a curb and even when curbs did not look nice they still worked. It had been important to focus on the paving program and that cycle would continue indefinitely. Most curbs would not be replaced before the next cycle of street repaving. Curbs were expensive and there just was not enough money. Councilor Dober inquired if there was a process to determine if there was a need for concrete work before repaving. Roads that needed to be paved and needed sidewalks and curb money should be higher priority. Mr. Goodkind stated there was not money in place for curbs and sidewalks.

Councilor Brennan stated that the streets were improved and thanked them for their work. He inquired if the sidewalk plan would include traffic lights and signage and improvements. Mr. Goodkind stated that was separate from the pavement program. Some intersections needed to be looked at as a whole.

Councilor Berezniak inquired if a citizen could contract with the City to replace sidewalk slabs in front of their house. Mr. Goodkind stated it was a possibility. Grant funded sidewalks were replaced first. In a situation like that short runs were done first because there were more of them. If it was bad, it would be done and the citizen would not be asked to pay for it.

7.01. COMMUNICATION: The Sidewalk System: Planning, Funding and Implementation

Without objection, City Council President Keogh waived the reading, accepted the communication and placed it on file.

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

Councilor Adrian nominated Paul Schmidt.

Paul Schmidt was unanimously appointed to Fence Viewer.

9. COMMITTEE REPORTS (5 mins.)

Councilor Hartnett stated that Channel 17 would like to give a presentation at a future meeting.

Councilor Bushor stated that the Ordinance Committee met and discussed four-unrelated in the RH Zone. The committee voted unanimously to bring that issue forward.

Councilor Kranichfeld stated the Public Safety Committee addressed a recommendation on the level of fluoride. That discussion would be continued and a recommendation would be reached. There would also be discussions about Fire Station consolidation and the proposed regulations to deal with bad behavior on the Marketplace.

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

Councilor Brennan thanked those who attended the special meeting. The Mayor gave a challenge and TIF would be on the ballot. He stated he would like all voters to support the downtown TIF.

City Council President Keogh stated he will be working with Interim CAO Schrader for the Council to go paperless.

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

Mayor Kiss stated 1,400 people jumped in the lake for the Penguin Plunge and raised \$400,000. It was a nice day with blue sky, bright sun and a dusting of snow as part of Burlington's Waterfront Festival.

Team Vermont won the national snow sculpting contest in Lake Geneva. The title of the sculpture was "Inner Peace."

There would be a speaker, Amy Seidel, at the Library on city adaptation in the face of climate change. It was clear that there had been changes, as it was in the 40's in the middle of February. There were robins already here for spring. It was time to be aware of adapting and planning the future.

UVM and the Burlington Police Department had been addressing issues of noise on the streets in the evenings. There was an agreement to add 6 officers for 8 weekends in the fall and spring to address the peak times with noise on the streets. The University would pay for these officers and if it was effective the University was willing to expand their investment in this. It was a new effort in the relationship between the University and the City.

Bulletin boards were being repaired and were coming and going. A woman who helped maintain them stated they were still there and it was a great outlet to get information about events in the City out. They should be in good repair and tonight's comments should be responded to.

12. ADJOURNMENT

Without objection, City Council President Keogh adjourned the Regular City Council Meeting at 8:58 p.m.

Attest:

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