
DELIBERATIVE AGENDA

SPECIAL CITY COUNCIL WORKSESSION
MONDAY, MARCH 26, 2012
CONFERENCE ROOM 12, CITY HALL
6:00 P.M.

1. AGENDA
2. DISCUSSION: Scott McIntire, Independent Auditor, re: Audited Financial Statement and Management Letter
3. ADJOURNMENT

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, MARCH 26, 2012
7:13 P.M.

PRESENT: City Council President Keogh, Commissioners Bushor, Kranichfeld, Brennan, Mulvaney-Stanak, Hartnett, Wright, Shannon, Blais, Paul, Dober and Decelles

ABSENT: Commissioners Adrian and Berezniak

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

CLERK/TREASURER'S OFFICE: Scott Schrader, Rich Goodwin and Sue Trainor

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Commissioners Dober and Blais, the Local Control Commission Agenda was unanimously adopted as amended as follows: add Vermont Pub and Brewery to consent agenda item 2.04. FIRST CLASS RESTAURANT LIQUOR LICENSE RENEWALS (2012-2013).

2. CONSENT AGENDA

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

- 2.01. FIRST CLASS CABARET LIQUOR LICENSE RENEWALS (2012-2013):

see attached list

*waive the reading, accept the communication, place it on file and approve the 2012-2013 First Class Cabaret Liquor License Renewals with all standard conditions

- 2.02. FIRST CLASS CLUB LIQUOR LICENSE RENEWALS (2012-2013):

see attached list

*waive the reading, accept the communication, place it on file and approve the 2012-2013 First Class Club Liquor License Renewals with all standard conditions

2.03. FIRST CLASS HOTEL LIQUOR LICENSE RENEWAL (2012-2013):

see attached list

*waive the reading, accept the communication, place it on file and approve the 2012-2013 First Class Hotel Liquor License Renewal with all standard conditions

2.04. FIRST CLASS RESTAURANT LIQUOR LICENSE RENEWALS (2012-2013):

see attached list

*waive the reading, accept the communication, place it on file and approve the 2012-2013 First Class Restaurant Liquor License Renewals with all standard conditions

2.05. OUTSIDE CONSUMPTION PERMIT RENEWALS (2012-2013):

see attached list

*waive the reading, accept the communication, place it on file and approve the 2012-2013 Outside Consumption Permit Renewals with all standard conditions

2.06. SECOND CLASS STORE LIQUOR LICENSE RENEWALS (2012-2013):

see attached list

*waive the reading, accept the communication, place it on file and approve the 2012-2013 Second Class Store Liquor License Renewals with all standard conditions

3. OUTSIDE CONSUMPTION PERMIT APPLICATION (2011-2012):

Bluebird Tavern, 86 St. Paul Street

Commissioners Dober and Blais made a motion to approve the outside consumption permit application for Bluebird Tavern. The motion passed unanimously.

4. ADJOURNMENT

Without objection, City Council President Keogh adjourned the Local Control Commission at 7:16 p.m.

Attest:

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

ADJOURNED MEETING, CITY COUNCIL
MONDAY, MARCH 26, 2012
7:16 P.M.

PRESENT: see above, to now include Councilor Adrian

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilors Shannon and Bushor the agenda was unanimously adopted as amended as follows: amend the action for consent agenda item 3.18. COMMUNICATION: Public Safety Committee, re: Fluoridation Referral from December 5, 2011 to "waive the reading, accept the

communication, place it on file and request a resolution be drafted for the April 16, 2012 City Council Meeting that reflects the recommendation of the Public Safety Committee to remove Fluoride from the water supply;" note the written material and title change for consent agenda item 3.19. RESOLUTION: Authorization to Execute Construction Contract for Church Street Marketplace Electrical and Street Lighting Improvements (Board of Finance); note the correct title for consent agenda item 3.20. COMMUNICATION: City Council Ordinance Committee, re: Retirement Board **Composition**; add to the consent agenda item 3.32. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re: Openings Burlington City Commissions/Boards with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.33. COMMUNICATION: Bill Keogh, City Council President to Jan Demers, Executive Director, Champlain Valley Office of Economic Opportunity, re: Donation in the name of departing Burlington Mayor Bob Kiss with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.34. COMMUNICATION: Peter Jewett, TAC Chair, re: Resignation from Geoff Wyman dated 6/27/11 (see consent agenda item 3.23.) with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.35. COMMUNICATION: Joel Fleming, Project Manager, Department of Public Works, re: Church Street marketplace Electrical & Street Lighting Improvements STP 5000 (16) Bid Results and Contract Award with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.36. RESOLUTION: Authorization to Execute Construction Subcontracts for Church Street Marketplace Electrical & Street Lighting Improvements (Board of Finance) with the consent action to "waive the reading and adopt the resolution." Councilor Dober requested removing consent agenda item 3.17 RESOLUTION: Outreach to Water Users in Burlington re: Fluoride (Councilors Kranichfeld, Blais, Mulvaney-Stanak: Public Safety Committee) to the deliberative agenda as agenda item 8.01. Councilors Adrian and Hartnett made a motion to remove consent agenda item 3.17 to the deliberative agenda as agenda item 8.01: the motion passed by a vote of 9-5.

2. PUBLIC FORUM

City Council President Keogh opened the public forum at 7:30 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Steve Arthur	Health Department	In favor of Fluoridation
Austin Sumner	Chair of Board of Health	In favor of Fluoridation
Matt Young	Street Outreach Team/ Ward 5 Resident	Trespassing Ordinance
Jeffrey Berkowitz	Dentist/VT State Dental Society	In favor of Fluoridation
Charles Bookwalter	Pediatric Dentist	In favor of Fluoridation
Joseph Frank	Church St. Business Owner	In favor of Trespassing Ordinance
Jason Maring	City Market	In favor of Trespassing Ordinance
Paul Feiner	City Market	In favor of Trespassing Ordinance
Bob Conlan	Leunig's	In favor of Trespassing Ordinance
Sam Handy	Scuffer Steak and Ale House	In favor of Trespassing Ordinance

Phillip Bosen	Von Bargaen's	In favor of Trespassing Ordinance
Brian Wade	Outdoor Gear Exchange	In favor of Trespassing Ordinance
Kelly Devine	Burlington Business Assoc.	In favor of Trespassing Ordinance
Rob Backus	Ward 5 Resident/Former City Councilor	Thanks for Bill Keogh's Service

With no one further coming and no objection from the remaining Council, City Council President Keogh closed the public forum at 7:55 p.m.

3. CONSENT AGENDA

Councilor Kranichfeld inquired which items were removed from the consent agenda and placed on the deliberative agenda. City Council President Keogh stated only item 3.17 was removed. Councilor Kranichfeld stated that Councilor Bushor's amendment changed the action to waive the reading, accept the communication and request a resolution be drafted reflecting the recommendation of the Public Safety Committee. He inquired who would be requested to create the resolution. City Attorney Schatz stated it could be a directive from the City Attorney's Office and then circulated to see if one Councilor would like to sponsor it. With the transition, the Public Safety Committee would no longer exist. Councilor Shannon raised a point of information that the Fluoride issue was not part of the agenda item 3.17 (now 8.01).

On a motion by Councilors Shannon and Bushor 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: City Council Minutes for December 19, 2011

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 12, 2012 City Council Meeting

3.03. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, re: Minutes, Regular Meeting, City Council, January 9, 2012

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 12, 2012 City Council Meeting

3.04. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Zoning Amendments

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

3.05. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Zoning complainants ZA 12-04 (Planning Department, Planning Commission)(1st reading)

*consider this 1st reading and refer to the Ordinance Committee

3.06. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Major Impact, Neighborhood Meeting ZA 12-05 (Planning Department, Planning Commission)

*consider this 1st reading and refer to the Ordinance Committee

- 3.07. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Neighborhood Mixed Use Districts ZA 12-06 (Planning Department, Planning Commission)(1st reading)
*consider this 1st reading and refer to the Ordinance Committee
- 3.08. RESOLUTION: Authorization to Execute Lease Renewal with Shelburne Limestone Corporation for Space Located at Alert Hangar Building at Burlington International Airport (Board of Finance)
*waive the reading and adopt the resolution
- 3.09. RESOLUTION: Authorization to Execute Lease Renewal with Aerodyme Corporation for Space Located at Alert Hangar Building at Burlington International Airport (Board of Finance)
*waive the reading and adopt the resolution
- 3.10. RESOLUITON: Authorization to Execute Construction Contract for Pearl Street Improvements Project –Phase II (Board of Finance)
*waive the reading and adopt the resolution
- 3.11. RESOLUTION: Authorization for Land Purchase in Anticipation of AIP Grant Funds for Burlington International Airport (Board of Finance)
*waive the reading and adopt the resolution
- 3.12. RESOLUTION: Appointment of City ADA Coordinator and Amendment of Grievance Procedure for Americans with Disabilities Act (Councilors Bushor, Dober, Hartnett: Institutions & Human Resources Policy Committee)
*waive the reading and adopt the resolution
- 3.13. RESOLUTION: Authorization for License at Cherry Street Parking Facility (Board of Finance)
*waive the reading and adopt the resolution
- 3.14. RESOLUTION: Re-categorization of One Limited Service Non-classified City Arts Office Assistant Position to a Regular Full-time Classified City Arts Office Assistant Position (Board of Finance)
*waive the reading and adopt the resolution
- 3.15. RESOLUTION: Department of Public Works Capital Equipment Purchases for FY 2012 (Board of Finance)
*waive the reading and adopt the resolution
- 3.16. RESOLUTION: Authorization to Accept a Vermont Division for a Certified Local Government Historic Preservation Grant; and Amending the FY 2012 Budget (Board of Finance)
*waive the reading and adopt the resolution
- 3.18. COMMUNICATION: City Council Ordinance Committee, re: Retirement Board Composition
*waive the reading, accept the communication and place it on file
- 3.19. COMMUNICATION: Miro Weinberger, Member, Airport Commission, re: Resignation
*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Miro Weinberger thanking him for his years of service on the Airport Commission

- 3.20. INDOOR AND OUTDOOR ENTERTAINMENT AND TOBACCO RENEWALS (2012-2013):
see attached list
*waive the reading, accept the communication, place it on file and approve the 2012-2013 Indoor and Outdoor Entertainment and Tobacco Renewals with all standard conditions
- 3.21. COMMUNICATION: Amber Thibeault, BT, re: Geoff Wyman, TAC Member
*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Geoff Wyman thanking for his time served on the Telecommunications Advisory Committee
- 3.22. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator & Amy Bovee, Executive Secretary, re: Special City Council Meeting/Work session on the FY13 Budget Draft Minutes, January 17, 2012
*waive the reading, accept the communication, place it on file and adopt the minutes at the April 16, 2012 City Council Meeting
- 3.23. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, City Council, January 23, 2012
*waive the reading, accept the communication, place it on file and adopt the minutes at the April 16, 2012 City Council Meeting
- 3.24. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Special City Council Meeting, February 3, 2012
*waive the reading, accept the communication, place it on file and adopt the minutes at the April 16, 2012 City Council Meeting
- 3.25. COMMUNICATION: Mayor Bob Kiss, re: Worker's Memorial Day Commemoration
*waive the reading, accept the communication and place it on file
- 3.26. COMMUNICATION: Public Safety Committee, re: Fire Station Consolidation
*waive the reading, accept the communication and place it on file
- 3.27. COMMUNICATION: Audrey E. Robinson, 21 Laurel Hill Drive, South Burlington, VT 05403, re: Notice of Defect in Roadway and Notice of Claim for Property Damage
*waive the reading, accept the communication and place it on file
- 3.28. COMMUNICATION: Christopher P. Noun, International Advisor, Hattie Harris Good Spirits Club International (HHGSCI), re: National Thank You day for Elected Officials in the United States of America
*waive the reading, accept the communication and place it on file
- 3.29. COMMUNICATION: Maxwell Tracy, Member, Public Works Commission, re: Resignation
*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Max Tracy thanking him for his time served on the Public Works Commission
- 3.30. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re: Openings Burlington Boards/Commissions
*waive the reading, accept the communication and place it on file

3.31. COMMUNICATION: Bill Keogh, City Council President Keogh to Jan Demers, Executive Director, Champlain Valley Office of Economic Opportunity, re: Donation in the name of departing Burlington Mayor Bob Kiss

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

3.32. COMMUNICATION: Peter Jewett, TAC Chair, re: Resignation from Geoff Wyman dated 6/27/11 (see consent agenda item 3.23.)

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

3.33. COMMUNICATION: Joel Fleming, Project Manager, Department of Public Works, re: Church Street marketplace Electrical & Street Lighting Improvements STP 5000 (16) Bid Results and Contract Award

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

3.34. COMMUNICATION: Peter Jewett, TAC Chair, re: Resignation from Geoff Wyman dated 6/27/11 (see consent agenda item 3.23.)

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

3.35. COMMUNICATION: Joel Fleming, Project Manager, Department of Public Works, re: Church Street marketplace Electrical & Street Lighting Improvements STP 5000 (16) Bid Results and Contract Award

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

3.36. RESOLUTION: Authorization to Execute Construction Subcontracts for Church Street Marketplace Electrical & Street Lighting Improvements (Board of Finance)

*waive the reading and adopt the resolution

4. TOBACCO LICENSE APPLICATION (2011-2012): Burlington Country Club

Councilors Dober and Blais made a motion to approve the tobacco license application for the Burlington Country Club. The motion passed unanimously.

5. TOBACCO LICENSE APPLICATION (2011-2012): Das Bierhaus

Councilors Dober and Blais made a motion to approve the tobacco license application for Das Bierhaus. The motion passed unanimously.

6. ORDINANCE: OFFENSES AND MISCELLANEOUS PROVISIONS—Church Street Marketplace District (Councilors Kranichfeld & Blais: Public Safety Committee)(1st reading)(Proposed action: consider this 1st reading and refer to the Ordinance Committee)

Councilors Kranichfeld and Decelles made a motion to consider this 1st reading and refer to the Ordinance Committee.

Councilor Kranichfeld stated most people would agree that there is a problem with behavior on the Marketplace with drugs, alcohol, and disorderly conduct.

City Council President Keogh inquired if the Council wanted to deal with the substance of this issue or just refer it to the Ordinance Committee. Councilor Shannon stated she would like to hear the reasoning and

work that came from the Public Safety Committee. Councilor Mulvaney-Stanak stated the vote was not unanimous and she would appreciate the chance to discuss where the dissent came from.

Councilor Kranichfeld stated this was a partial solution to the problem. The Council and the Public Safety Committee had discussed a number of ways to deal with the issue. It was not a backdoor way to eliminate a group of undesirable people out of the space. It would provide an additional way to hold people accountable for their behavior on the Marketplace. It would extend what had already been implemented in City Hall Park and the Library. For the first offense, the person received a warning. If they did it again, they would not be allowed on the Marketplace for 3 months. If it happened a third time, the person could not enter for a year. This was a more equitable way to deal with behavior on Church Street because it focused on behavior. It sent a message that if public space could not be respected there would be a consequence. He stated he would like to see this vetted for constitutionality before the whole Council passed it. There was a clause for people who lived on the Marketplace to contest their trespass. Before this comes out of the Ordinance Committee, there should be a memorandum from the City Attorney's Office discussing constitutionality.

Councilor Dober thanked the Committee and stated this was long overdue.

Councilor Mulvaney-Stanak stated the Committee voted for this 2-1 with her voting against it. The wording had changed slightly in the last clause to set up a hearing panel. She inquired about the hearing option for those issued trespassing tickets. She inquired what would happen if they were banned for three months but worked or lived on Church Street and how the problem would be addressed in the time between the ticket being issued and their hearing date. Assistant City Attorney Haesler stated there was some confusion about the language at the Public Safety Committee. He stated that the Marketplace would be told if someone wanted to have a hearing. Because the problem of people that worked or lived on Church Street did need to be addressed, by calling for that hearing, the trespass would be lifted until the hearing; the sponsors agreed that should be added. He stated he also told the Marketplace Office that it had been added. He stated it needed further vetting and should go in front of the Ordinance Committee because the due process clause was important to have in place. Councilor Mulvaney-Stanak stated despite the showing at Public Forum, there was a room full of people with the opposing viewpoint in Committee. She stated she agreed there were problems with behavior downtown, but there were laws that already existed. There was a blanket trespass rule that applied to many businesses. There should be a larger discussion around tools that existed like interventions and a community based approach rather than adding restrictions, fines, and charges for people. There were references to having a fourth street outreach team member being added; that would make a better longer term impact on the Marketplace. There would be difficulties with consistent enforcement the way this was written. This needed more work and she would not be supportive of it being sent to the Ordinance Committee at this time.

Mayor Kiss stated this ordinance was a call for respect and civility and was about behavior, not presence, which he supported. He stated he appreciated the call for caution in regards to constitutionality, as there might be problems there. Expanding the trespassing zone beyond the Library and City Hall Park for up to a year would not work. This should proceed with caution.

Councilor Bushor stated she had concerns about some aspects of this. She would support moving it forward. She stated it was difficult to make a judgment call about what constituted bad language or excessive noise. When looking at the whole Marketplace, it was unenforceable. It would be hard to know who had first and second offenses. She inquired if access to someone's home could really be legally restricted. Those were serious legal issues that need to be explored. She inquired if there was a hearing that would occur if someone took issue with the first offense. She inquired what options a person would have if they felt they were wronged, even if access to home or livelihood were not restricted. Assistant City Attorney Haesler stated like any ticket, it could be appealed, but it might take time to have a hearing. The extra review panel would remedy the problem of getting to work or their home and would address this

immediately; this allowed two tiers of redress. Councilor Bushor inquired if it would be similar to a traffic ticket. Assistant City Attorney Haesler stated that it would.

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

7. RESOLUTION: Time of Sale Inspection Fee (Board of Finance)

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

Battalion Chief Terry Francis stated this was a request to add a fee to Time of Sale Fire inspections. The fee would be \$125, the same as the State charges. The inspections were voluntary, but a large number of realtors and attorneys had been requesting them before sales. It ensured that the property being transferred was up to current fire and safety codes. There were about 325 inspections a year; it took about two thirds of the time of one staff member.

Councilor Dober inquired what was provided by the inspections. BC Francis stated that there was an inspection form with 26 items that was given to the agent or owner of the property indicating what violations there were and what corrective actions needed to be taken. The time it took to correct violations depended on the type of problem. There were 6 common violations such as handrails, fire extinguishers, egress window sizing, electrical issues near wet areas, and smoke/carbon monoxide detectors. Window sizing issues could take 90-120 days to resolve. Of the inspections that have been conducted in the past two years, the Fire Department has never held up the sale because of non-compliance. Most issues were resolved within 27 days. Councilor Dober inquired what the inspection meant to the seller. BC Francis stated if it was completely compliant, all required items were in place at the time of inspections. There was nothing to prevent non-compliance after the fact. Councilor Dober stated he was concerned. He was a certified home inspector and once he charges money, he requires special insurance for errors and omissions. He inquired what the liability would be if the Fire Department staff sign these certificates. BC Francis stated there was no more liability than when the Fire Department goes to a commercial structure, finds there are mistakes made or changes were made afterwards. Councilor Dober inquired if that is mandatory on commercial properties. BC Francis stated it was not mandatory but had become a more frequent request. Councilor Dober inquired if this would take more staffing. BC Francis stated that the three employees in the Fire Marshal's Office respond to more than 10,000 requests per year. The Fire Inspector spends about two thirds of his time conducting time of sale inspections. Councilor Dober inquired if it was within the current manpower; BC Francis stated that it was.

Councilor Shannon stated they already conducted these inspections, they just did not charge for them. The State provided this service in most other towns. Burlington happened to do the work itself and would begin to charge a fee that was comparable to the State.

Councilor Bushor inquired if there was a check on radon. Mr. Francis stated that there was not, as it was more of a health concern than a life safety concern. Councilor Bushor stated in other communities that was part of the time of sale inspection.

The motion passed unanimously.

7.01. COMMUNICATION: Lise E. Veronneau, Business Manager, Burlington Fire & Police Departments, re: Time of Sale Inspection Fee

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

8. RESOLUTION: Compensation Adjustment for Mayor (Board of Finance)

Councilor Wright and Paul made a motion to postpone action on this item. The motion passed unanimously.

8.1. (was agenda item 3.17) RESOLUTION: Outreach to Water Users in Burlington re: Fluoride (Councilors Kranichfeld, Blais, Mulvaney-Stanak: Public Safety Committee)

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

Councilor Dober stated that many medical professionals had addressed the issue. Councilors Dober and Wright made a motion to amend a portion of the resolution that stated infants were a vulnerable population.

Councilor Dober stated he had talked with professionals on both sides of the issue and had found no documentation that this was a scientific fact. He stated only factual information should be moved forward.

Councilor Bushor stated she had been on the Council and the topic has been discussed at length. She worked with the Department of Health to go out to OB and Pediatric Offices to distribute pamphlets recommending that fluoride not be added to baby formula. There have been mixed views from experts on this subject and there is no clear conclusion. She stated she will not support the removal of the language, but will support the overall resolution regardless.

Councilor Mulvaney-Stanak stated the Vermont Department of Health has recommended that infants not be fed formula that is mixed with fluoridated water. That is why this was included.

Councilor Brennan stated there is evidence out there that there are vulnerable populations that are susceptible to problems with fluoride. There is a body burden that occurs over time, so the elderly will likely begin to feel the effects of this as people live longer. This line is just informational and it should not be excluded.

Councilor Shannon stated if there were a factual inaccuracy, it should be corrected. However, the Council has been told that fluoride is not safe for infants and the information is accurate.

Councilor Kranichfeld stated this was an additional recommendation based on findings at the committee level. Not everyone will agree with the facts, but the committee heard many presentations. The information was presented in a fair and balanced manner. It was not arbitrarily added to the recommendation.

Councilors Decelles and Wright made a motion to call to question. The motion passed by a vote of 12-2.

City Council President Keogh requested a roll call on the amendment.

The amendment passed by a vote of 8-5-1.

AYES: City Council President Keogh, Councilor Adrian, Blais, Decelles, Dober, Hartnett, Paul, and Wright

NAYS: Councilors Brennan, Bushor, Kranichfeld, Mulvaney-Stanak and Shannon

ABSENT: Councilor Berezniak

The resolution was passed unanimously.

9. COMMITTEE REPORTS (5 mins.)

Councilor Shannon stated the Ordinance Committee had been discussing the composition of the Retirement Board but there was delay because of legal problems. The original resolution requested the Ordinance Committee determine what the composition should be and referenced the letter written by Donald Hornstein. The Charter designated a certain composition, while the ordinance differed. There has been a lot of change in the Retirement Board over time. The Committee agreed that adding a member to the Board would have some benefits. There were concerns about how disability cases were reviewed by the entire board. That meant a lot of people on the Retirement Board would then know people's detailed medical information. There may be a more appropriate way to review disability retirement.

Councilor Kranichfeld stated the Public Safety Committee wanted to get a lot of things done by the end of this term. There were recommendations on Fire Station Consolidation, Trespassing and Fluoride. He thanked the members of the Committee for their work.

10. DEPARTING REMARKS FROM DEPARTING COUNCILORS:

David Berezniak, Emma Mulvaney-Stanak, Kurt Wright and Bill Keogh

Councilor Mulvaney-Stanak stated she has served on the Council for about three years. She thanked her constituents from Wards 2 and 3 and stated it has been eye opening door knocking in the Old North End. She stated she came on to the Council in the middle of Burlington Telecom discussions and meetings went until 2:00 a.m. The Council has become more alert and actively involved in City finances and decisions as a result. The body had not always worked together very well, but it needed to work for the people in the future. She has been proud to bring working people issues forward in a community based way. This has included labor standards around projects that use City money, dialogue around community standards with partnerships, and livable wages. Everything discussed has a global impact and vice versa. She stated she was proud that the Council listened to people and came to a conclusion when they debated the immigration issue in Arizona. She hopes the Council will be kind to the novices from the Old North End. This Council has been pushed to the 21st century by engaging technology and reducing use of paper. Citizens can be engaged better using technology in the future.

Councilor Wright stated it has been an honor to serve on the Council at varying times since 1995. He just finished a difficult race for Mayor and requested Mayor Elect Miro Weinberger come forward. He congratulated Mayor Elect Weinberger on a good campaign. It was based on the issues and he was happy with the way the campaign went, if not the results. He is looking forward to seeing the fresh start in the future. He stated he looks forward to the gateway entrance to Burlington being developed, the decision on the Moran plant, 10% efficiencies occurring, and solving retirement problems. He wished all remaining Councilors and the Mayor elect luck. He thanked Department Heads for their work, particularly City Attorney Ken Schatz. He stated City Attorney Schatz has performed admirably and conducted himself in a positive way. He has done a great job balancing the interests of the Council, Mayor, and Citizens and serving the City as a whole; he wished him luck. He thanked all former City Councilors in the audience. He thanked Jane Knodell, one of the brightest, toughest people he has known and thanked her for her service to the City. He thanked Councilor Bushor for all of her dedication to her constituents and she has served for 25 years, an incredible amount of time and dedication to the City. He thanked City Council President Keogh and appreciates him as a friend and a City Councilor; he wished him luck. He stated he has had disagreements with Mayor Kiss, but they agreed at least 473 times on the Board of Finance and he congratulated him. He stated he has loved serving on the Council and will miss it. The Council has done a lot of good things together and he wished them all luck.

City Council President Keogh thanked the Council and his constituents. He thanked the people who support the Council and its operations, Lori Olberg in the Clerk/Treasurer's Office and Linda Blanchard in the City Attorney's Office. He thanked Committee Chairs for their extra work. He thanked those who served on ad hoc committees. The Council has gone through a stressful period with Burlington Telecom challenges. He thanked everyone for their understanding, help, and cooperation in presiding over the Council. Despite shortcomings, there is a strong sense of hope in the new Council and administration that the City will continue to be as great as it is.

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

Councilor Shannon stated she wanted to give the outgoing Councilors a token of appreciation. She stated Dave Berezniak has the biggest heart of any Councilor and is extremely generous. He has served his community and will continue to do so. She presented him with a box shaped like a heart. She stated Councilor Mulvaney-Stanak is the most thoughtful person she has met and has learned a lot about the process of decision making from her. She gave her a book about a similarly thoughtful person. Councilor Mulvaney-Stanak read the note written inside of the book and stated she will pass the book along. Councilor Shannon told Councilor Wright that running for office in Burlington as a Republican takes a lot of courage and he had done it with bravery and integrity. His political viewpoint may not be aligned with the constituents, but there is a lot of thought put into how he represents them while remaining true to himself. Every vote has been in the best interest in Burlington. She also stated she appreciates his sense of humor. She presented him with a Burlington Bravery Badge. She read a resolution honoring City Council President Keogh. She gave him a track suit so he would be prepared if he ever decided to run again.

Councilor Decelles thanked City Council President Keogh for saying his name correctly. He stated an interested party wrote a letter thanking Bill Keogh and read it aloud. He stated the letter was from John Briggs of the Burlington Free Press. Councilor Decelles stated he considers himself lucky to have been born and raised in Burlington. There have been many faces that have remained over the years on the Council. It is an honor to serve with these people. He stated he first met Councilor Wright when he was campaigning. He then helped him with his City Council race which was helpful in some ways, but everyone they talked to knew and loved him. Even now, people always ask about him. His view has always been what is best for the City, not his party. He stated he was elected at the same time as Mayor Kiss. It has been rough at times, but as a person, he felt the Mayor has been remarkable. He has always fought for what he believed in with passion. He wished him luck moving forward. He also thanked Councilor Wright's wife, Kim, and gave him a gift certificate to take her to dinner with.

Councilor Kranichfeld told the outgoing Councilors that it was an honor to work with them. He learned a lot from them and they will be missed.

Councilor Bushor stated it was difficult when people choose to move on. She stated it fills her with sadness and appreciation. She stated before running for office she had never done anything like that. It is difficult to put yourself out there to be judged. She thanked them all for deciding to run. They have all been different and important voices. The Council has the greatest value when it is diverse. She thanked Councilor Mulvaney-Stanak and stated she has enjoyed sitting with her. She stated she is insightful, gets to the heart of the issue, has a sense of fairness, and speaks for the people who did not have the time to come forward. She stated she did not get to serve as closely with Councilor Berezniak. She stated he is passionate in his beliefs, stubborn, and will be missed. He offered an important perspective. She stated she has known City Council President Keogh for a long time and he has evolved from someone who came to the Council. He has always done what is right for the City. He has used the Council's expertise in the best way possible and formed ad hoc committees that involved past presidents of the Council. His decisions were well thought out. Councilor Wright was always able to relieve tension with humor. He has a strong and fair voice and listened to all sides before making a determination. He is the most un-republican Republican she knows. He has his principles but understands Burlington. She stated she hopes all outgoing

members stay engaged. She stated she has a long history with the Mayor. He was supportive of her in her first run for Council. She then supported him when he ran for the Legislature and Mayor. He came into the City at a time when the budget was tenuous. There was little money in reserve and that was corrected. There were citizen groups which allowed them to give input in budget processes. That gave citizens a way to have their ideas heard. It allowed them to communicate their idea. There were trying times with Burlington Telecom that were difficult. Burlington is now on the right track.

Councilor Mulvaney-Stanak thanked the Mayor for his number of years of service as Mayor and State Representative. It was an unforgiving world working in public office. It has been unforgiving at times, but the Mayor has shown he can handle things with a cool, level headed approach. He has been consistent and principled. She presented him with Michael Moore's book *Here Comes Trouble* as a gift.

Councilor Brennan thanked the outgoing Councilors and stated he has learned a lot. He thanked Councilor Mulvaney-Stanak and stated it has been a privilege working with her. The City needed more individuals like her and he hoped she will serve in some way in the future. She has always found ways to compromise without compromising her principles. He presented Councilor Mulvaney-Stanak with a book.

Councilor Dober stated he has only served with two of the outgoing members in committee. He stated Councilors Berezniak and Mulvaney-Stanak have been instrumental in the Taxi Ordinance. He thanked both of them for their success in that area. He stated Councilor Mulvaney-Stanak thinks about everyone and everything and Councilor Berezniak has a big heart. He stated City Council President Keogh made an excellent president. He stated Councilor Wright knows everyone and it has been an honor to serve with everyone. He stated he respects the Mayor and he will be missed.

Councilor Wright thanked Councilor Berezniak for his service. He stated that he appreciates people doing what they believe in. He stated the New North End is in good hands with Councilors Dober, Decelles and Hartnett. He congratulated the newly elected City Councilors and wished them luck.

Councilor Paul stated that she met Councilor Berezniak in 2008 before coming into Contois Auditorium on Organization Day. They were the two people who started on the Council. He is incredibly kind and did a great job for his constituents, especially with his work on the bike path. She stated she is now the only one that was first elected in 2008 and she will miss him. There are few people who she has campaigned with but she has campaigned with Councilor Mulvaney-Stanak. They had a great time going door to door together. She appreciated the issues she brought forward, including the Lockheed Martin issue. She stated Councilor Wright is a big reason she ran for City Council and she will miss him. She stated she respects City Council President Keogh and he has always been kind.

Councilor Berezniak, via phone, stated he was sorry he could not be there. It had been a pleasure serving with everyone. City Council President Keogh had done a great job serving as president; he would be missed. He wished everyone remaining on the Council the best of luck. He stated he looked forward to seeing what happens in Burlington in the future. He stated Mayor Kiss will be missed and wished him luck.

Councilor Adrian stated Councilor Mulvaney-Stanak is the best shot for bringing Progressives and Democrats together and thanked her. He told Councilor Wright they have not always seen eye to eye, but he has learned from him. He thanked him for serving on the Council. He stated he will miss meetings at City Council President Keogh's house and that he has appreciated his mentoring. He thanked Councilor Berezniak and stated he is one of his closest friends. He stated Councilor Berezniak is one of few introverts in politics and he has been able to represent folks who need to hear their voices heard more.

City Council President Keogh stated the Council has given a donation to a charity in Mayor Kiss' honor and presented him with a plaque.

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

Mayor Kiss stated it was important for the outgoing Councilors to be recognized by something tangible. On behalf of himself and the administration, he presented Councilor Mulvaney-Stanak with flowers and a plaque thanking her for all the time she spent working for the City of Burlington. He presented a plaque to Councilor Wright who has served as a City Councilor and ran for Mayor. He also represents Burlington in Montpelier. He stated he also has a plaque for Councilor Berezniak and thanked him for his work. The entrance way of the Bike Path at Route 127 will always be one of his contributions as a City Councilor. He stated he played basketball with City Council President Keogh as the referee. He stated he has matured and moved a lot of political issues forward. He gave him a plaque and gavel to thank him for his leadership. City Council President Keogh stated one of his highlights was the time he got to play with the Vermont Frost Heaves in Mayor Kiss' place. Mayor Kiss stated he played with them once and a fight broke out and they were all kicked off the court. He stated he has enjoyed being the 35th Mayor of the City of Burlington. He has always argued for 2 year terms, but was glad he had a 3 year term. That was beneficial for getting things done. The process of government is a slow one, but that is good because the end product is what was hoped for. The Mayor's Office and the administration put a team together to make sure the City of Burlington meets people's needs. He stated he has always had different groups of people voting together to shape government and is not purely driven by party politics. He stated he is confident they will make it through Burlington Telecom's challenges. There are worthy projects like the Champlain Parkway and the Moran project that are all valuable.

13. ADJOURNMENT

Without objection, City Council President Keogh adjourned the Adjourned City Council Meeting at 9:50 p.m.

Attest:

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