

**** CITY COUNCIL WORKSESSION ****
CITY HALL, CONFERENCE ROOM 12
MONDAY, JULY 13, 2009
6:05 P.M.

PRESENT: Councilors Decelles, Kehoe, Ellis, Shannon, Keogh, Paul, Adrian, Kaplan, Bushor,
Mulvaney-Stanak, Davis, Caldwell

ABSENT: Councilors Dober and Berezniak

OFFICE OF THE CITY ATTORNEY: Ken Schatz

OFFICE OF THE CLERK/TREASURER'S OFFICE: Jonathan P.A. Leopold, Jr., Ben Pacy

OTHERS PRESENT: Mayor Bob Kiss, Joe Reinert, Director of Aviation Brian Searles, Police Chief
Mike Schirling, Kate Charles, CEDO Director Larry Kupferman, BED Manager
Barbara Grimes, Deputy Fire Chief Steve Bourgeois

1. AGENDA

No changes to the agenda.

2. COMMUNICATION: Joseph E. McNeil, Esq. and Bargaining Team Members, re: Update on
Labor Negotiations (oral)

Councilor Bushor made a motion, seconded by Councilor Davis, to go into executive session to discuss matters, premature disclosure of which could place the City at a substantial disadvantage. The motion passed unanimously and the Council went into executive session at 6:05 p.m. The Council came out of executive session at 7:14 p.m.

3. ADJOURNMENT

On a motion by Councilors Decelles and Shannon, the Council voted unanimously to adjourn at 7:14 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Sue Trainor, Assistant to the CAO

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, JULY 13, 2009
7:25 P.M.

PRESENT: Commissioners Decelles, Dober, Berezniak, Kehoe (departed at 11:27 p.m.), Ellis, Shannon,
Keogh, Paul, Adrian, Kaplan, Bushor, Mulvaney-Stanak, Davis, Caldwell. Mayor Kiss

ABSENT: None

OFFICE OF THE CITY ATTORNEY: Ken Schatz, Nikki Fuller (departed at 8:27 p.m.), Richard
Haesler, Jr. (departed at 11:33 p.m.)

OFFICE OF THE CLERK/TREASURER'S OFFICE: Jonathan P.A. Leopold, Jr. (arrived at 7:40 p.m.),
Ben Pacy, Lori Olberg

PRESIDENT KEOGH PRESIDING:

1. AGENDA

There were no changes to the agenda.

2. CONSENT AGENDA

On a motion by Commissioners Davis and Berezniak, the Local Control Commission voted unanimously to adopt the consent agenda thus taking the indicated actions as follows:

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

Boyden Valley Winery, City Market Specialty Foods Fair, Saturday, July 11, 2009,
8:30 a.m. – 2:00 p.m., City Hall Park

*waive the reading, accept the communication, place it on file and ratify the one day only permit for Boyden Valley Winery

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

Eden Ice Cider Company, Shelburne Vineyard and Neshobe River Winery, City Market
Specialty Foods Fair, Saturday, July 11, 2009, 8:30 a.m. – 2:00 p.m., City Hall Park

*waive the reading, accept the communication, place it on file and ratify the one day only permit for Eden Ice Cider Company, Shelburne Vineyard and Neshobe River Winery

3. ORDER, FINDINGS AND PROPOSAL FOR DECISION:

Euro Corner, LLC, d/b/a Euro Corner, 61 Main Street

Commissioner Davis made a motion, seconded by Commissioner Dober, to accept the findings and proposal of the Hearing Panel. The motion passed unanimously.

4. ADJOURNMENT

On a motion by Commissioners Davis and Dober, the Local Control Commission voted unanimously to adjourn at 7:30 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Sue Trainor, Assistant to the CAO

REGULAR MEETING, CITY COUNCIL
MONDAY, JULY 13, 2009
7:30 P.M

PRESENT: See above

PRESIDENT KEOGH PRESIDING

1. AGENDA

On a motion by Councilors Adrian and Shannon, the Council voted unanimously to amend the agenda as follows: note written material for consent agenda item 6.11. RESOLUTION: Reclassification and Title

Change of Clerk/Treasurer's Administrative Secretary Position; note **written** material for consent agenda item 6.12. RESOLUTION: Reclassification and Title Change of Clerk/Treasurer's Executive Secretary Position; note **written** material for consent agenda item 6.13. RESOLUTION: Creation of a Classified, Full-Time Regular Service Position – Clerk/Treasurer's—Senior Programmer/Analyst; note **written** material for consent agenda item 6.14. RESOLUTION: Reorganization of the Manager Customer Service and Manager Technical Operations at Burlington Telecom to Division Manager of Marketing and Customer Service and Division Manager of Network Operations; note **written** material for consent agenda item 6.15. RESOLUTION: Authorization for Revenue Supported General Obligation Bonds for Burlington Electric Department; add to the consent agenda item 6.33. RESOLUTION: Authorization to Execute Lease Agreement with Telephone Operating Company of Vermont, LLC (Fairpoint) for Telecommunication Cabinet in Calahan Park (Board of Finance) with the action to “waive the reading and adopt the resolution;” add to the agenda item 15.001. COMMUNICATION: Richard W. Haesler, Esq., Assistant City Attorney, re: Civil Ticketing Ordinances – Amendment; remove from the consent agenda item 6.05. COMMUNICATION: Larry Kupferman, CEDO Director, re: Moran Center Architectural & Engineering Contract Amendment and place it on the DELIBERATIVE agenda as item 15.5; remove from the consent agenda item 6.06. RESOLUTION: Authorization to Amend Contract for Architect & Engineering Services For The Moran Redevelopment Project (Board of Finance) and place it on the DELIBERATIVE agenda as item 15.6.; remove from the consent agenda item 6.14. RESOLUTION: Reorganization of the Manager Customer Service and Manager Technical Operations at Burlington Telecom to Division Manager of Marketing and Customer Service and Division Manager of Network Operations (Board of Finance) and place it on the DELIBERATIVE agenda as item 15.7. Councilor Mulvaney-Stanak added her name as a sponsor to Item 13: Hiring Competing and Duplicative Legal Counsel (Councilors Decelles, Dober, Mulvaney-Stanak)

2. PUBLIC FORUM

President Keogh opened the public forum at 7:33 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Ellie Blais	7	Opposes Management Raises
Linda Tierney, Lakeview Terrace Neighbors	7	Opposes Assessment
Sandy Wynne	1	Fair Trade Town
Melinda Haselton		Fair Trade Town Benefits
Courtney Lang, City Market		Criteria for Fair Trade Town
Richard Kemp	5	VT Community Loan Fund

There being no one further coming forward, President Keogh closed the public forum at 7:47 p.m.

3. COMMUNICATION: City Councilors, re: General City Affairs

Councilor Bushor expressed her appreciation for the organization of the Quadricentennial. She then noted that the Fair Trade Resolution will be on the August 10th City Council Agenda and asked for additional sponsors. Also, after reviewing the Environmental Purchasing Policy, Councilor Bushor asked if the School Department was following the policy as well.

Councilor Mulvaney-Stanak expressed her appreciation to the Police Department for the opportunity to ride along with an officer in the Old North End and found it very informative. She informed the

Councilors that she and Councilor Adrian would be working at the Chittenden County Food Bank and invited others to participate as well.

Councilor Paul expressed thanks and congratulations for the Quadricentennial event. Work is continuing on the Shelburne Road Rotary by VTRANS and federal money is expected for the project in October of 2009. She then spoke about the 50/50 Downtown Development issue.

Councilor Shannon noted her appreciation to the Administration and the Board of Finance for their support of the Quadricentennial. She believed it was an investment on the part of the City and that it was well worth it. Area businesses believed it really made a difference to their businesses.

Councilor Dober reminded residents of the upcoming Ward 4/7 NPA meeting.

4. COMMUNICATION: Mayor Kiss, re: General City Affairs

Mayor Kiss read off the names of the residents who were selected to be part of the interview process for the Code Enforcement Director position. He informed the public that This Old House selected the Hill Section of Burlington as one of the Best Old House Neighborhoods of 2009. It was selected for this special recognition due to its astonishing selection of great homes and the community spirit that supports them. He also noted the success of recognizing Samuel de Champlain throughout the Quadricentennial and noted the unity that developed with the various states and countries through organizing this event.

5. COMMITTEE REPORTS

Councilor Paul noted the upcoming Transportation, Energy and Utilities Committee meeting will be reviewing the second installment of the 2007 Transportation Plan, Monday, July 20, 2009, at 7:00 p.m., at DPW.

6. CONSENT AGENDA

On a motion by Councilors Adrian and Shannon, the Council voted unanimously to adopt the consent agenda, as amended, thus taking the indicated actions as follows:

6.01. RESOLUTION: Reclassification of the Public Works Department Parking Operations Shift Leader Position (Board of Finance)

*waive the reading and adopt the resolution

6.02. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with LI2VT LLC d/b/a Junior's Downtown (Councilors Davis, Dober, Berezniak: License Committee)

*waive the reading and adopt the resolution

6.03. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: FY2010 Dept. of Planning & Zoning Application and Permit Fees

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

6.04. RESOLUTION: Department of Planning and Zoning FY 2010 Fee Schedule (Board of Finance)

*waive the reading and adopt the resolution

6.07. RESOLUTION: Extension of All Taxi-Related Licenses and Permits to August 31, 2009 (Councilor Davis)

*waive the reading and adopt the resolution

- 6.08. RESOLUTION: Authorization to Apply for a Vermont Neighborhood Stabilization Program Grant (Councilor Davis)
*waive the reading and adopt the resolution
- 6.09. RESOLUTION: Authorization for Execution of Contract for Carrier Ramp Repair at Burlington International Airport (Board of Finance)
*waive the reading and adopt the resolution
- 6.10. RESOLUTION: Authorization of Execution and Delivery of a Master Lease Purchase Agreement for Fiscal Year 2009 (Board of Finance)
*waive the reading and adopt the resolution
- 6.11. RESOLUTION: Reclassification and Title Change of Clerk/Treasurer's Administrative Secretary Position (Board of Finance)
*waive the reading and adopt the resolution
- 6.12. RESOLUTION: Reclassification and Title Change of Clerk/Treasurer's Executive Secretary Position (Board of Finance)
*waive the reading and adopt the resolution
- 6.13. RESOLUTION: Creation of a Classified, Full-Time Regular Service Position – Clerk/Treasurer's – Senior Programmer/Analyst (Board of Finance)
*waive the reading and adopt the resolution
- 6.15. RESOLUTION: Resolution Relating to Authorization for Revenue Supported General Obligation Bonds for Burlington Electric Department (Board of Finance)
*waive the reading and adopt the resolution
- 6.16. REPORT: John Vickery, City Assessor, Board of Assessors Commission Report
*waive the reading, accept the report and place it on file
- 6.17. REPORT: Jennifer Ely, Director, Winooski Valley Park District, re: Winooski Valley Park District Annual Report for Year ending June 30, 2008
*waive the reading, accept the report and place it on file
- 6.18. COMMUNICATION: Sue Trainor, Executive Secretary to the CAO, re: Minutes, Emergency Meeting, Board of Civil Authority, March 10, 2009
*waive the reading, accept the communication, place it on file and adopt the minutes at the August 10, 2009 City Council Meeting
- 6.19. COMMUNICATION: Lori Olberg, Administrative Assistant and Sue Trainor, Executive Secretary to the CAO, re: Minutes, Special City Council for March 30, 2009
*waive the reading, accept the communication, place it on file and adopt the minutes at the August 10, 2009 City Council Meeting
- 6.20. COMMUNICATION: Lori Olberg, Administrative Assistant and Sue Trainor, Executive Secretary to the CAO, re: Minutes, Organization Day, April 6, 2009
*waive the reading, accept the communication, place it on file and adopt the minutes at the August 10, 2009 City Council Meeting

6.21. COMMUNICATION: Lori Olberg, Administrative Assistant and Sue Trainor, Executive Secretary to the CAO, re: Minutes, Regular City Council Meeting, April 13, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes at the August 10, 2009 City Council Meeting

6.22. COMMUNICATION: Bruce Seifer, Assistant Director for Economic Development, CEDO, Re: Burlington Economic Summit Report

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

6.23. COMMUNICATION: Mayor Bob Kiss, re: Environmental Preferred Purchasing (EPP) Policy

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

6.24. COMMUNICATION: Kenneth A. Schatz, Esq., City Attorney, re: Mayoral Appointments

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

6.25. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, Board of Finance Minutes for June 22, 2009

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

6.26. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for June 29, 2009

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

6.27. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for July 6, 2009

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

6.28. COMMUNICATION: Lori Olberg, Administrative Assistant and Sue Trainor, Executive Secretary to the CAO, re: Minutes, City Council, February 9, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the June 22, 2009 City Council Meeting

6.29. COMMUNICATION: Lori Olberg, Administrative Assistant and Sue Trainor, Executive Secretary to the CAO, re: Minutes, City Council, February 23, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the June 22, 2009 City Council Meeting

6.30. COMMUNICATION: Lori Olberg, Administrative Assistant and Sue Trainor, Executive Secretary to the CAO, re: City Council Minutes for March 9, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the June 22, 2009 City Council Meeting

6.31. COMMUNICATION: Lori Olberg, Administrative Assistant and Sue Trainor, Executive Secretary to the CAO, re: Special City Council Minutes for March 12, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the June 22, 2009 City Council Meeting

6.32. COMMUNICATION: Lori Olberg, Administrative Assistant and Sue Trainor, Executive Secretary to the CAO, re: Minutes, Special City Council for March 23, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the June 22, 2009 City Council Meeting

- 6.33. RESOLUTION: Authorization to Execute Lease Agreement with Telephone Operating Company of Vermont, LLC (Fairpoint) for Telecommunications Cabinet in Calahan Park (Board of Finance)

*waive the reading and adopt the resolution

7. RESOLUTION: Extending a Big Chew Chew Thank You! (Full City Council)

Councilor Shannon made a motion, seconded by Councilor Decelles, to waive the reading and adopt the resolution. Councilor Shannon, noting the full Council's support, read the resolution into the record and thanked Rick Norcross for his years of dedication to this event. Mr. Norcross followed with remarks. A signed certified copy will be mailed to him. The motion passed unanimously.

8. PRESENTATION: Will Belongia, Executive Director, Vermont Community Loan Fund, re: Overview of the activities of the Vermont Community Loan Fund

Will Belongia, in his presentation to the Council, noted that the Loan Fund's hope would be that the City of Burlington would become an investor in this program. He outlined the variety of organizations throughout Burlington that are benefiting from this organization's lending.

- 8.01. COMMUNICATION: Vermont Community Loan Fund, re: 2008 Annual Report

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

9. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Zoning Amendments: ZA-09-08 Parking Lot Shading; ZA-09-16 Stormwater Performance Standards; ZA-09-17 Street-Facing Garage Wall Design Standards; ZA-09-18 Downtown Use

With no objection from the remaining Council, President Keogh made a motion to waive the reading, accept the communication and place it on file.

- 9.01. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE – Parking Lot 30% Shading Requirement #ZA 09-08 (Planning Dept.) (1st reading)

Councilor Shannon made a motion to waive the reading and refer it to the Ordinance Committee. The motion was seconded by Councilor Kehoe. The motion passed unanimously.

- 9.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE – Stormwater Performance Standards #ZA 09-16 (Planning Dept.) (1st reading)

Councilor Bushor discussed the necessity of having a lead-in paragraph that stated the objectives of this ordinance. Councilor Shannon noted the potential of the Comprehensive Stormwater Program to have conflicting information within its ordinance. Councilor Shannon made a motion, seconded by Councilor Kehoe, to waive the reading, warn a public hearing and refer it to the Ordinance Committee. The motion passed unanimously.

- 9.03. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE – Street-Facing Garage Wall Design Standards #ZA 09-17 (Planning Dept.) (1st reading)

Councilor Shannon made a motion to waive the reading and refer it to the Ordinance Committee. The motion was seconded by Councilor Kehoe. The motion passed unanimously.

9.04. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE – Downtown Mixed Use Districts #ZA 09-18 (Planning Dept.) (1st reading)

Following a question from Councilor Caldwell, Planning and Zoning Director David White explained that this ordinance allows residential use on the street level only on the back side of a building. Following a second question from Councilor Caldwell, it was noted that there was still a lot of work to be done on this ordinance. Councilor Shannon made a motion to waive the reading and refer it to the Ordinance Committee; the motion was seconded by Councilor Paul. Councilor Shannon expressed her opinion that she believed there was more work to be done on this ordinance as she and Councilor Paul felt the Planning Commission did not go far enough in the ordinance. However, Councilor Decelles stated he would prefer to act on the ordinance at this meeting. Councilor Bushor and Councilor Berezniak stated the Planning Commission felt there was urgency in acting on this ordinance. The motion passed by a vote of 13 in favor and 1 opposed, with Councilor Decelles voting against.

10. REPORT: Burlington International Airport Board of Commissioners through Brian R. Searles, Director of Aviation, re: Commission Annual Report, FY-2009

Brian Searles, Director of Aviation and Gene Richards, Chair of the Airport Commission, were present for the reporting. Mr. Searles noted the Airport's concerns that since January, business at the Airport had dropped 5% with a precipitous drop of 14% in June. He did note, however, that there were many positive signs, such as the exchange rate of the Canadian/U.S. dollar which continues to bring Canadian customers to the Airport. He then outlined the number of ways the Airport was working toward fiscal and energy efficiency. Gene Richards noted they continued to review the budgets very carefully while also planning and investing in the future. Councilors Bushor and Caldwell followed up with questions.

11. REPORT: Mark Saba, Burlington Fire Commission Chair, re: 2009 Annual Report of the Burlington Fire Commission to the Burlington City Council

Chair Mark Saba and Deputy Chief Steve Bourgeois were present for the annual reporting to the Council. Mr. Saba noted there was a 6% increase in emergency calls throughout this year. He also noted that Burlington was selected as one of seven cities in the U.S. to take part in an Integrated Emergency Management course this fall. It would involve 60 people from throughout the City (City departments as well as the hospital and residents of the City) to participate in disaster training for a week. This effort was being paid for by FEMA. Deputy Chief Bourgeois reassured the Council that the administration for the Department continued to work very hard to stay within budget and to come up with new cost-saving ideas.

In response to Councilor Bushor's questions, Deputy Chief Bourgeois noted that an outside study had been done on the number of fire stations needed within the City of Burlington which should be available to the Council within the next several weeks. Councilor Mulvaney-Stanak asked about the recruitment of women for positions at the Fire Department. The Chair replied that not many women apply for the positions. She then followed up by asking that the Fire Department use similar methods as the Police Department in their recruitment effort as their numbers of women were increasing within the force.

Councilor Caldwell asked about specifics on the recruiting. Chair Saba stated that the caliber of applicants was a problem and the starting salaries were low. After the recruits were trained, they would move to positions with higher salaries in other areas of the country. Councilor Ellis asked if the continued increase in calls was of concern. The Chair stated that calls for emergency vehicles sometimes were not actually necessary.

12. REPORT: Jerome F. O'Neill, Chair, Burlington Police Commission, re: Annual Report of the Burlington Police Commission to the Burlington City Council June 2008 through May 2009

Chair Jerome O'Neill and Police Chief Mike Schirling were present for the annual reporting to the City Council. Chair O'Neill outlined the community based policing system that was in full operation. He praised the efforts of the current Police Chief for his flexibility and creative problem solving. He discussed the recruitment and retention issues of the department, reflecting on the federal agencies and departments from other states that offer higher salaries or better benefits. He noted that once the recession is over, this particular situation would only worsen. Councilor Mulvaney-Stanak noted her appreciation of the liaison within the department that her constituents can contact. It had made the department and city government more accessible. Councilor Davis stated his hope that the department will look at the recruitment of minority officers.

Councilor Adrian made a motion, seconded by Councilor Shannon, to waive the readings, accept items 10 through 12 and place them on file. The motion passed unanimously.

13. RESOLUTION: Hiring Competing and Duplicative Legal Counsel (Councilors Decelles, Dober, Mulvaney-Stanak)

Councilor Decelles made a motion, seconded by Councilor Dober, to waive the reading and adopt the resolution. Councilor Decelles then made an amendment to his resolution, striking all the "Whereas" clauses except the last one (on page three.); seconded by Councilor Dober. He hoped a work session would be called to discuss this issue further. Due to the dramatic revision to the resolution, Councilor Shannon requested a five minute recess at 9:25 p.m. Upon reconvening at 9:35 p.m., Councilor Shannon made another amendment to the resolution: strike the next two resolve clauses and replace the last resolve with: "The City Council requests President Keogh to schedule a work session to discuss the use of \$21,000 of City Council funds for Councilor staff support. We request the meeting date to be set by the August meeting for a meeting in September or October." Councilor Decelles considered the amendment friendly. Further, the title of the resolution was changed to: "Request for Council Work Session on Use of Council Funds." This too was considered friendly by Councilor Decelles.

Councilor Mulvaney-Stanak was concerned that the history of the issue was removed from the resolution through the amendments and her hope was that when the time came to discuss this issue in the work session that people would remember the need for a budget consultant to help Councilors understand the complicated matter of the budget.

Councilor Bushor was concerned that there was no restriction on spending the monies and by the time the work session was convened the money could be spent. She felt that if the Council was serious, language should be added stating these funds should be set aside. Councilor Decelles noted his appreciation for Councilor Bushor's remarks and hoped that after these discussions the money would not be spent.

The resolution passed by a vote of 12 to 2, with Councilors Bushor and Davis voting against.

14. PRESENTATION: Jonathan P.A. Leopold, Jr., CAO and Frank Sadowski, SPHR, Gallagher Flynn Human Resource Services, LLC, re: A Market Analysis of the Salaries and Benefits of the Non-Union Positions in the City of Burlington

CAO Leopold outlined the three different compensation systems that are being used by the City – the Winters system used by BED, the Willis system which covered approximately 55% to 60% of the non-BED employees and, finally, market-based compensation. These systems were now having trouble keeping up with the recruitment and retention of qualified personnel in certain critical areas of the City.

The City now needed to address this issue in order to keep the functions of the City running smoothly. The CAO outlined his concern and gave specifics about the positions in the City that would not have replacements without increases in pay. The compensation currently being offered does not attract applicants of the caliber that are required to run the particular functions. He stated it was up to the Council now to address this serious issue facing the City.

Frank Sadowski spoke of his extensive experience in recruiting and compensation. He noted that he does more compensation work than anyone else in Vermont. Mr. Sadowski outlined the data he used and the methodology employed in his review of the City positions.

Councilor Shannon asked if benefits were considered in the compensation study. Mr. Sadowski stated that while health insurance was very important to applicants, benefits were generally more important in the retention of employees. Councilor Bushor noted that while this was an unfortunate time to be dealing with this issue, it was something that needed to be dealt with. Her suggestion was that the ranges that were noted in the study be modified so as not to be so broad. Not dealing with the issue ultimately would cost the City more money.

CAO Leopold addressed questions from Councilor Mulvaney-Stanak about the cost of turnover and benefits. He also addressed the cost of the City's aging management team. He mentioned again the cost that could be incurred if engineers were not found to run the McNeil Generating Plant. Councilor Caldwell asked for information on management/leadership training for the future. CAO Leopold explained that there was a pool from within the City in many departments from which to promote leadership. However, the employees did not want the positions. Salaries compared to the work required of management teams were disproportionate.

Councilor Paul asked for the Mayor's position on this issue to which he replied that it was not a wage increase for every manager, but a careful assessment on case by case basis, making positions competitive. He thought it was a worthy effort to ensure City government pays qualified employees a competitive salary.

14.01. REPORT: Frank Sadowski, SPHR, Gallagher Flynn Human Resource Services, LLC, re: A Market Analysis of the Salaries and Benefits of the Non-Union Positions in the City of Burlington

With no objection from the remaining Council, President Keogh made a motion to waive the reading, accept the report and place it on file.

14.02. RESOLUTION: Market Analysis of Non-Union Salaries (Councilors Keogh, Davis, Decelles: Board of Finance; Bushor, Kaplan, Dober: Institutions/ Human Resource Committee)

Councilor Bushor made a motion to waive the reading and adopt the resolution, seconded by Councilor Mulvaney-Stanak. Councilor Bushor then made a motion to amend the resolution, "to continue to discuss this report and report back to the City Council with recommended salary adjustments for specific positions identified with non-competitive salaries." Additionally, the last paragraph was changed to reflect that recommendations be provided to the Council for review no later than the first meeting in September of 2009. The amendments were considered friendly by the seconder.

Councilor Ellis, while noting the persuasive arguments for this resolution, did not believe the City was politically ready to decide on this matter. He suggested an educational effort be made to the NPA's about this issue. Councilor Davis agreed that politically this was being presented at a very bad time and agreed with Councilor Bushor's amendment, stating that careful review of this matter must be undertaken by

both the Board of Finance and the Institutions/Human Resource Committee in order to ensure that the financial needs of the City, as well as the taxpayers, were being addressed.

Councilor Shannon noted this was an issue that has been discussed over the last six years at the Council level and asked the Administration to make the case to taxpayers. She felt it was important that the public know the cost of not acting on this issue. However, she also felt that bringing all positions up to the appropriate level was not something that the City could afford.

Councilor Shannon made a motion, seconded by Councilor Ellis, to suspend the rules and continue the meeting at 10:30 p.m. The motion passed unanimously.

Councilor Paul cautioned against not dealing with this issue now. Voting against the resolution would in effect mean the Council was ignoring their responsibility.

CAO Leopold stated that this resolution dealt with the retirement issue and not acting on at least that portion of the resolution would cost the City a substantial amount of money in the long run.

Councilor Kehoe stated that State government is closing courts to deal with their budget problems, which has effectively erased any salary increases for longstanding State employees. She did not believe she could have the conversation responsibly for that reason. Councilor Berezniak stated he did not believe the positions noted in the resolution would become vacant anytime soon and he would not be able to support this resolution. He asked the Administration to bring forth a realistic list of positions that have not been filled due to the compensation issue. He insisted the list of vacancies should be a short one due to the economy. Councilor Caldwell confirmed with CAO Leopold that there were vacant positions that needed to be filled and it was imprudent for the Council to ignore their fiduciary responsibility. Her desire was to see the Administration, Board of Finance and Institutions/Human Resources Committee meet to move this item along.

Councilor Kaplan noted that with the economy the way it is, we should expand our recruitment efforts to other regions as it was possible there were people out of work who would be willing to take the salaries being offered. She also stated that the Administration needed to mount the public education campaign on this issue.

The motion, as amended, passed by a vote of 11 in favor; 3 opposed: Councilors Adrian, Berezniak and Kehoe voted against.

15. COMMUNICATION: Michael Schirling, Chief of Police, Karen Vastine, Community Justice Center Coordinator and Richard W. Haesler, Esq., Assistant City Attorney, re: Civil Ticketing Ordinances

With no objection from the remaining Council, President Keogh made a motion to waive the reading, accept the communication and place it on file.

- 15.001. COMMUNICATION: Richard W. Haesler, Esq., Assistant City Attorney, re: Civil Ticketing Ordinances – Amendment

Councilor Shannon noted that due to the backlog in the court system, the following ordinances and one resolution were being recommended to deal with the smaller offenses. They would be viewed as a pilot program for the next 12 to 18 months. Police Chief Schirling explained further that this was part of a larger crime prevention program. Councilor Shannon then made a motion, seconded by Councilor Mulvaney-Stanak, to adopt items 15.01 through 15.04.

- 15.01. ORDINANCE: OFFENSES AND MISCELLANEOUS PROVISIONS Re Disorderly Conduct Ordinance (Police Dept., Community Justice Ctr.; Shannon, Mulvaney-Stanak, Bushor: Ordinance Committee) (2nd reading)
- 15.02. ORDINANCE: OFFENSES AND MISCELLANEOUS PROVISIONS Re Unlawful Mischief Ordinance (Police Dept., Community Justice Ctr.; Shannon, Mulvaney-Stanak, Bushor: Ordinance Committee) (2nd reading)
- 15.03. ORDINANCE: OFFENSE AND MISCELLANEOUS PROVISIONS Re Unlawful Trespass Ordinance (Police Dept., Community Justice Ctr.; Shannon, Mulvaney-Stanak, Bushor: Ordinance Committee) (2nd reading)
- 15.04. RESOLUTION: Proposed Pilot Program for City Ticketing of Nuisance Offenses Councilors Shannon, Mulvaney-Stanak, Bushor: Ordinance Committee)

Councilor Kehoe made an amendment to items 15.01 through 15.03 to use language that Assistant City Attorney Haesler (item 15.001) recommended immediately prior to the Council meeting. The amendments were friendly to the maker and the seconder of the motion.

The motion to waive the readings, adopt the three ordinances and one resolution were approved unanimously.

- 15.5 (was 6.05.) COMMUNICATION: Larry Kupferman, CEDO Director, re: Moran Center Architectural & Engineering Contract Amendment

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

- 15.6 (was 6.06.) RESOLUTION: Authorization to Amend Contract for Architect & Engineering Services For The Moran Redevelopment Project (Board of Finance)

Councilor Bushor made a motion, seconded by Councilor Davis, to waive the reading and adopt the resolution. Councilor Berezniak then stated that he had reviewed the 2003 resolution on funding the Moran Plant and asked how monies were being spent in relation to that resolution. Councilor Decelles called a point of order, asking what relevance the 2003 resolution had to this item. President Keogh stated that Councilor Decelles point of order was not well taken.

Councilor Berezniak noted it appeared the design work was being done specifically for the ice climbing wall. CEDO Director Kupferman stated that this work was the next phase of the work and it was not dedicated specifically to any tenant.

Councilor Davis called a point of order, stating that these questions could have been put in writing and presented to CEDO and the CAO for a more thoughtful response rather than at 11:30 p.m. President Keogh stated that Councilor Davis' point of order was not well taken. Councilor Adrian then proposed an amendment to the resolution: "Be It Further Resolved that the CEDO Office issue a special report and provide it to the Council no later than the August 10, 2009 meeting specifically addressing the issue of General Fund money." The amendment was considered friendly by the maker and seconder of the motion. The motion passed unanimously.

- 15.7 (was 6.14.) RESOLUTION: Reorganization of the Manager Customer Service and Manager Technical Operations at Burlington Telecom to Division Manager of Marketing and Customer Service and Division Manager of Network

Operations (Board of Finance)

Councilor Bushor made a motion, seconded by Councilor Davis, to waive the reading and adopt the resolution. The motion passed unanimously.

16. ADJOURNMENT

On a motion by Councilors Kaplan and Mulvaney-Stanak, the Council voted unanimously to adjourn at 11:35 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Sue Trainor, Assistant to the CAO