
 DELIBERATIVE AGENDA

ADJOURNED MEETING, CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

MONDAY, JANUARY 25, 2010

7:11 P.M.

PRESENT: Councilors Adrian, Bushor, Berezniak, Caldwell, Davis, Ellis, Kaplan, Shannon, Keogh, Paul, Decelles, Dober and Mayor Kiss

ABSENT: Councilor Kehoe

ATTORNEY'S OFFICE: Ken Schatz, Gene Bergman (arrived 7:18 p.m.)

CLERK/TREASURER'S OFFICE: Jonathan P.A. Leopold, Jr., Ben Pacy, Lori Olberg and Sue Trainor

1. AGENDA

On a motion by Councilors Adrian and Shannon, the agenda was amended as follows: remove from the consent agenda item 3.03. RESOLUTION: Approval of 2010 Parks & Recreation Boat Slip Fees (Board of Finance); add to the consent agenda item 3.27. COMMUNICATION: Gail Champnois, Director, UVM Office of Student and Community Relations, Community Coalition Co-chair and Mike Glynne, Chair, UVM Student Government Association Committee on Legislative Action, Community Coalition Co-chair with the action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.28. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Burlington Employees Retirement System Actuarial Valuation for June 30, 2009 with the action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.29. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: General Fund Revenue and Expense Report through November 30, 2009 with the action to "waive the reading, accept the communication and place it on file;" note written material for item 6. RESOLUTION: Authorization for Ballot Question for March 2, 2010 Annual City Election Revenue Bond for Burlington International Airport (Board of Finance); remove from the consent agenda item 3.06. RESOLUTION: Authorization to Contract for Additional Services Associated with Expansion of Parking Structure at Burlington International Airport (Board of Finance) and place it on the DELIBERATIVE agenda as item 6.1.

2. PUBLIC FORUM

President Keogh opened the public forum at 7:34 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Ron Ruloff	VCAM	Vermont State's Attorney
Mike Glynne	UVM Student Govt.	Common Ground Summit
Roger Cole	3	Order Change-action items first
Peter Potts	Planning Commission	Planning Commission Updates

With no one further coming forward, President Keogh closed the public forum at 7:40 p.m.

3. CONSENT AGENDA

On a motion made by Councilors Adrian and Decelles, the consent agenda was 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. RESOLUTION: Authorization to Amend Cooperative Agreement for the Champlain Parkway Project (Board of Finance)
*waive the reading and adopt the resolution
- 3.04. RESOLUTION: Reclassification and Title Change of Burlington City Arts Marketing and Public Relations Director Position (Board of Finance)
*waive the reading and adopt the resolution
- 3.05. RESOLUTION: Authorization to Contract for Services Associated with Energy Conservation Projects at Burlington International Airport (Board of Finance)
*waive the reading and adopt the resolution
- 3.07. RESOLUTION: Authorization for Land Purchase and Relocation Services in Anticipation of AIP Grant Funds for Burlington International Airport (Board of Finance)
*waive the reading and adopt the resolution
- 3.08. RESOLUTION: Approval of Seventh Amendment to Agreement of May 5, 1983, Between City of Burlington and Shelburne Limestone Corporation (Board of Finance)
*waive the reading and adopt the resolution
- 3.09. RESOLUTION: Approval of Burlington Electric Department's Net Metered Renewable Energy Source Rider (Board of Finance)
*waive the reading and adopt the resolution
- 3.10. COMMUNICATION: Bob Kiss, Mayor to Board of Finance, re: Legislative Advocacy for CJC
*waive the reading, accept the communication and place it on file
- 3.11. RESOLUTION: Supplemental Budget Resolution #2010-06 Appropriation Changes to City Attorney's Budget (Councilors Davis, Decelles: Board of Finance)
*waive the reading and adopt the resolution
- 3.12. ORDINANCE: FIRE PROTECTION AND PREVENTION – Installation and Maintenance (Fire Department)(1st reading)
*consider first reading and refer to the Ordinance Committee
- 3.13. ORDINANCE: WASTEWATER, STORMWATER & POLLUTION CONTROL Stormwater Management (Public Works Dept. & Commission) (1st reading)
*consider first reading and refer to the Ordinance Committee
- 3.14. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance January 4, 2010 Minutes of Meeting
*waive the reading, accept the communication and place it on file
- 3.15. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance January 11, 2010 Minutes of Meeting

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

3.16. COMMUNICATION: Timothy Hamblett, re: Car Idling Ordinance

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

3.17. COMMUNICATION: Peter L. Potts, Chair, Burlington Planning Commission, re: Update on Planning Commission Activities, October – December 2009

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

3.18. COMMUNICATION: Sara Moulton, Mapping & GIS Specialist, State of Vermont, Policy and Planning Division Mapping Unit, re: 2010 Certificate of Highway Mileage

*waive the reading, accept the communication, place it on file and send to DPW Director Goodkind for completion

3.19. COMMUNICATION: Burlington Development Review Board, re: Public Hearing Notice

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

3.20. COMMUNICATION: City Council President Keogh, re: Council President Memo-Jan. 16, 2010

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

3.21. COMMUNICATION: Fletcher Free Library, re: Co-director's Report: January 2010

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

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

156 Bistro, 156 St. Paul Street, Thursday, January 28, 2010, 8 p.m. – 11 p.m., Acoustic Guitar Player Chad Hollister During Dining Hours, No Dancing

*waive the reading, accept the communication, place it on file and approve this one day only special event indoor entertainment permit application for 156 Bistro

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

Miguels on Main, 30 Main Street, Suite 100, Friday, January 29, 2010, 9 p.m. – 1:30 a.m., DJ Hector Cobeo Playing Salsa Style Music, Dancing

*waive the reading, accept the communication, place it on file and approve this one day only special event indoor entertainment permit application for Miguels on Main

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

Magnolia Bistro, One Lawson Lane, Suite 10, Friday, January 29, 2010, 8 p.m. – 12 a.m., Haitian Benefit, All proceeds will go to Partners in Health-Stand with Haiti, Dancing

*waive the reading, accept the communication, place it on file and approve this one day only special event indoor entertainment permit application for Magnolia Bistro

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

156 Bistro, 156 St. Paul Street, Thursday, February 11, 2010, 7 p.m. – 12 a.m., Seven Days Singles Night, DJ, No Dancing

*waive the reading, accept the communication, place it on file and approve this one day only special event indoor entertainment permit application for 156 Bistro

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

Miguels on Main, 30 Main Street, Suite 100, Friday, February 12, 2010, 9:30 p.m. – 1:30 a.m., DJ Hector Cobeo Playing Salsa Style Music, Dancing

*waive the reading, accept the communication, place it on file and approve this one day only special event indoor entertainment permit application for Miguels on Main

3.27. COMMUNICATION: Gail Champnois, Director, UVM Office of Student and Community Relations, Community Coalition Co-chair and Mike Glynne, Chair, UVM Student Government Association Committee on Legislative Action, Community Coalition Co-chair

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

3.28. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Burlington Employees Retirement System Actuarial Valuation for June 30, 2009

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

3.29. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: General Fund Revenue and Expense Report through November 30, 2009.

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

4. PUBLIC HEARINGS: Burlington Comprehensive Development Ordinance Proposed ZA-10-01 Parallel Sign Height Exemption and ZA-10-03 Conditional Use and Major Impact Review Exemptions

David White, Director of Planning and Zoning, provided background information on the proposed zoning ordinances.

President Keogh opened the public hearing opened at 7:17 p.m. Since no one came forward to speak to either of the following ordinances, President Keogh closed the public hearing at 7:18 p.m.

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

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

4.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—
Parallel Signs Height Exemption in E-LM #ZA 10-01
(Planning Dept.)(2nd reading)

4.03. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—
Conditional Use Exemptions #ZA 10-03 (Planning Dept.)
(2nd reading)

Councilor Shannon, seconded by Councilor Bushor, made a motion to waive the readings and adopt the two ordinances. The motion passed unanimously.

5. COMMUNICATION: Kenneth A. Schatz, Esq., City Attorney, re: Short Titles and Text for

City Attorney Schatz explained the authority the Council had in reviewing and changing the language of the ballot items. He then read the changes that would be made to the ballot text on two Charter Change items. Councilor Caldwell then asked what prompted the revised language on the ballot items. City Attorney Schatz explained that several Councilors had issues with the way the language was written and met prior to this Council meeting to revise the language. The City Attorney was comfortable with the wording that was put in place.

Councilor Caldwell was uncomfortable with a process that included only a few Councilors, rather than having the full Council work on it, as the language changed significantly. She found it offensive to the Democratic process that Councilors were excluded from the process and handpicked. Council President Keogh stated he called a meeting of six Councilors, rather than seven, which would have made it an official meeting, to agree to language. Councilor Decelles thanked President Keogh for bringing different political parties together to work on the language.

Councilor Adrian made a motion to approve the communication, seconded by Councilor Shannon.

Charter Change: Mayoral Appt. Process and Instant Runoff Voting

Councilors Bushor and Shannon both spoke to the process that took place in making the change to the language. Councilor Caldwell again stated that it was inappropriate to quickly call together a select group of Councilors that left other Council members out of the discussion. Councilor Berezniak expressed his appreciation to the process that took place. The motion then passed unanimously.

6. RESOLUTION: Authorization for Ballot Question for March 2, 2010 Annual City Meeting Revenue Bond for Burlington International Airport (Board of Finance)

Councilor Davis made a motion, seconded by Councilor Bushor, to waive the reading and adopt the resolution. CAO Leopold spoke to the fact that the Airport was continuing in their effort to receive federal funding for this project. Councilor Davis spoke of the importance of this bond and asked the entire Council to support it. The motion passed unanimously.

- 6.1. (was 3.06.) RESOLUTION: Authorization to Contract for Additional Services Associated with Expansion of Parking Structure at Burlington International Airport (Board of Finance)

Councilor Davis made a motion, seconded by Councilor Berezniak, to waive the reading and adopt the resolution. Councilor Adrian requested an update from Airport personnel: Brian Searles and Robert McEwing on the Canadian market. Rather than answer that question, Mr. McEwing explained the needs and requirements of this project. Councilor Adrian asked if the Airport was assuming the bond would pass. Both Mr. McEwing and Mr. Searles stated the project needed to be done this year or next and it was important to move forward with the design and pre-order of the materials. The motion then passed unanimously.

7. RESOLUTION: Authorization for a Request for Proposals for an Independent Budget Consultant (Councilors Keogh, Bushor, Davis)

Councilor Bushor made a motion, seconded by Councilor Davis, to waive the reading and adopt the resolution. Councilor Shannon discussed the scope of the project, explaining that she wanted to be able to review the Moran Project funds. She then made a motion to change line 42 on page 2 to read: "all City Departments and Enterprise Funds." Councilor Ellis supported the motion. This was not considered friendly to the maker or the seconder of the motion. Councilor Bushor explained that the money that was

being budgeted for this would be diluted with the expansion of the departments being reviewed.

Councilor Adrian stated his belief that the Council should have staffing and that the amount set aside currently for this effort was too small. He also noted that the entire budget needed to be reviewed and a piecemeal approach was not effective. Councilor Davis explained that the Board of Finance reviewed each section of the budget during the annual preparation of the budget and anyone could participate and question the numbers being presented during those meetings.

Councilor Kaplan offered an amendment and then withdrew it after consulting with another Councilor. Councilor Berezniak, Ellis and Paul explained their reasons for supporting the amendment offered by Councilor Shannon.

Councilor Caldwell called a recess at 8:14 p.m. to consider new language. The Councilor reconvened at 8:17 p.m. Councilor Bushor then stated that she and Councilor Davis considered the motion friendly. Further, she requested the Council consider asking to add more funds to the request through a budget amendment. Councilor Paul had many questions relative to the RFP and commented on the fact that it seemed the RFP came more from the CAO's Office rather than the Council itself. Council President Keogh noted the RFP was not being discussed; that her concerns would be more appropriately addressed to the CAO and the Council President. Councilor Shannon suggested that Councilor Paul's concerns could be added to the resolution. Therefore, a recess was called at 8:26 p.m., reconvening at 8:30 p.m. There were no further amendments proposed upon reconvening and the motion to adopt, as amended, passed unanimously.

8. RESOLUTION: Establishing Pay Level for Code Enforcement Director William Ward
(Councilors Keogh, Davis: Board of Finance)

Councilor Davis made a motion, seconded by Councilor Berezniak, to waive the reading and adopt the resolution. Councilor Davis explained that this resolution was delayed and he apologized to Mr. Ward for this item not being addressed sooner. Councilor Decelles explained that he would not be supporting the request only because he did not agree with the implementation and timing of the Sadowski Report of 2009. The motion passed by a vote of 11 to 2, with Councilors Shannon and Decelles voting against.

9. RESOLUTION: UVM's Progress in Building More Student Housing on Campus
(Councilors Adrian, Kaplan, Berezniak, Kehoe and Paul)

Councilor Adrian made a motion, seconded by Councilor Berezniak, to waive the reading and adopt the resolution. Note that Councilor Paul was added as a co-sponsor. Councilor Adrian noted that this item as well as code enforcement were the two most important items in his ward. He noted that while Champlain College had a plan in place to be able to house all of their students, UVM continued to expand their student population without regard to the impact on Burlington. This resolution requested that UVM provide a report to the City on their progress in following through on the UVM Housing MOU. Councilor Caldwell noted that UVM's housing affected the City as a whole, with people experiencing a loss of affordable housing. Councilor Bushor requested that the report be provided to the entire Council upon its arrival.

Mayor Kiss wanted to call attention to the fact that the City had developed a good working relationship with UVM and Champlain College. The report that Councilor Adrian had referenced called for a report on June 30, 2010 and dealt with McAuley Hall. He explained that agreements have been put in place, such as fee for service and housing plans by UVM. He stated there was an agreement, already signed by both parties, that the report be due on June 30th and that requesting a special report seemed unnecessary.

The motion then passed unanimously with Councilor Davis abstaining from the vote due to his employment with UVM.

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

Councilor Kaplan thanked the Clerk/Treasurer's Office staff for providing and working with the equipment that would allow the public to review the agenda and resolutions on a large screen.

Councilor Davis highlighted the activities that took place during the Martin Luther King, Jr. Holiday. He also talked about the month of February, Black History Month, and the celebration of all cultures in the City of Burlington throughout the year.

Councilor Decelles spoke of the care and consideration the Police Department employed when dealing with the family of a recently deceased Burlingtonian.

Councilor Bushor explained the origination of the Colchester Avenue Corridor Task Force in 2004, noted the reconvening of that task force on January 27th and invited residents to attend. She then noted the Unified Purchasing Policy that the City was using and hoped the School Department would become involved as well.

Councilor Ellis discussed the March 2nd voting place, outlining the locations that were being considered. At the present time, however, all the locations had significant traffic problems. The Miller Center and the Leddy Arena were too far off the bus route. Therefore, for the coming election, voting would occur at St. Mark's.

Councilor Caldwell informed the public that 400 attended the hearing at the State House on Health Care is a Human Right. She encouraged people to contact the Vermont Workers Center if they wanted to get involved. She also reminded people to register to vote in the upcoming election.

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

Mayor Kiss spoke about the annual U.S. Conference of Mayors meeting he attended. The Mayors met with the President and Vice-President, as well as Cabinet Members. Large City mayors stated they did not receive the benefits they were promised from the relief program offered by the federal government because the state governments used the money to balance their budgets. Many of the large cities had high unemployment rates. Burlington was in a much better state financially than many other cities in the country. However, the next two years could prove to be difficult as the State has to begin cutting funds from human services.

Mayor Kiss mentioned to the Council the Special City Council Meeting scheduled Friday, January 29, 2010, at noon to discuss the bond proposal regarding the purchase of two new fire trucks.

Finally, he mentioned the upcoming Winterfest which included the Penguin Plunge. He invited Councilors to join him in this fundraiser.

12. COMMITTEE REPORTS

Councilor Paul informed the public that the Parks, Arts and Culture Committee would be meeting with the two tenants: Maritime Museum and Burlington College.

Councilor Adrian informed the public that Water Fluoridation would be discussed at the next Public Safety Committee Meeting.

Councilor Shannon spoke of the Ordinance Committee activities: dealing with Modifications to the Pesticide Ordinance, No Smoking on the Marketplace and the Parks and the Livable Wage Calculation: two people in a two bedroom apartment.

Councilor Bushor, Chair of the Institutions and Human Resources Committee, informed the public and Council that the Domestic Partner Insurance policy remained in its current language-the affidavit would be reviewed. Also, the Compensation issue was being reviewed by the Committee.

Councilor Berezniak informed the public and the Council that the Community Development and Neighborhood Revitalization Committee would be discussing Laptops In Every House.

13. COMMUNICATION: Lieutenant Kristian Carlson, Unit Supervisor, Burlington Police Department, Street Crimes Unit (SCU), re: Operational Overview *Six Month Executive Summary May – October 2009*

Chief Schirling spoke to the Council regarding this report.

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

14. ADJOURNMENT

Council President adjourned the meeting at 9:23 p.m. to go into the City Council with Mayor Presiding Meeting.

Attest:

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

CITY COUNCIL WITH MAYOR PRESIDING
MONDAY, JANUARY 25, 2010
9:24 PM

Present: See above

MAYOR KISS PRESIDING:

1. AGENDA

On a motion by Councilors Decelles and Caldwell the agenda was adopted with no changes. The motion passed unanimously.

2. APPOINTMENT: Board for Registration of Voters (Term expires 6/30/12)

Councilor Dober, seconded by Councilor Keogh, nominated Danielle Kingsbury to the Board for Registration of Voters. The motion passed unanimously.

3. ADJOURNMENT

Councilor Davis made a motion, seconded by Councilor Caldwell, to adjourn the City Council With Mayor Presiding Meeting at 9:25 p.m. The motion passed unanimously.

Attest:

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