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**DELIBERATIVE AGENDA**  
**CITY COUNCIL WORKSESSION**  
**CONFERENCE ROOM 12, CITY HALL**  
**MONDAY, APRIL 12, 2010**  
**6:00 P.M. – 7:00 P.M.**

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1. AGENDA
  
2. DISCUSSION: Moran Plant Negotiations

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

3. ADJOURNMENT

**LOCAL CONTROL COMMISSION**  
**CONTOIS AUDITORIUM, CITY HALL**  
**MONDAY, APRIL 12, 2010**  
**7:40 P.M.**

PRESENT: Commissioners Shannon, Kehoe, Mulvaney-Stanak, Kranichfeld, Wright, Caldwell, Dober, Adrian, Paul, Decelles, Berezniak, Kaplan, Bushor, Keogh. Mayor Kiss.

ABSENT: Commissioner Wright

OFFICE OF THE CITY ATTORNEY: City Attorney Ken Schatz

OFFICE OF THE CLERK/TREASURER: Jonathan Leopold, CAO, Ben Pacy, Assistant CAO, Sue Trainor

1. AGENDA

On a motion made by Councilor Dober, seconded by Councilor Decelles, the Local Control Commission voted unanimously to accept the agenda.

2. CONSENT AGENDA

Councilor Dober made a motion, seconded by Councilor Berezniak, to accept the consent agenda. The motion passed unanimously.

- 2.01. FIRST CLASS CABARET, CLUB, RESTAURANT AND STORE RENEWALS (2010-2011): see attached list

\*waive the reading, accept the communication, place it on file and approve the 2010-2011 First Class Cabaret, Club, Restaurant and Store Renewals for all listed

- 2.02. OUTSIDE CONSUMPTION PERMIT RENEWALS (2010-2011): see attached list

\*waive the reading, accept the communication, place it on file and approve the 2010-2011 Outside Consumption Permit Renewals for all listed

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2010-2011):

Hathaway Foods Inc., d/b/a New World Tortilla, 696 Pine Street

Councilor Dober made a motion to approve the First Class Restaurant Liquor License Application for New World Tortilla. The motion was seconded by Councilor Berezniak. The motion passed unanimously.

4. OUTSIDE CONSUMPTION PERMIT APPLICATION (2010-2011):

August First Inc., d/b/a August First, 149 South Champlain Street

Councilor Dober made a motion to approve the Outside Consumption Permit for August First. The motion was seconded by Councilor Paul and the motion passed unanimously.

5. ADJOURNMENT

Councilor Dober made a motion to adjourn, seconded by Councilor Decelles. The meeting was adjourned at 7:44 p.m.

**REGULAR MEETING, CITY COUNCIL**  
**MONDAY, APRIL 12, 2010**

PRESENT: See above.

**PRESIDENT KEOGH PRESIDING:**

1. AGENDA

On a motion made by Councilor Adrian, with no second, the agenda was amended as follows: add to consent agenda item 3.22 COMMUNCIATION: City Council Committee Assignments (Keogh) with the consent action to waive the reading, accept the communication and place it on file; remove from the consent agenda item 3.05. RESOLUTION: Vermonters for Economic Health "Town Meeting Forum" (Councilor Paul); remove from the consent agenda item 3.08. RESOLUTION: Approve of Increase in Burlington Electric Department's Miscellaneous Rates and Fees (Board of Finance) and place on the Deliberative Agenda as item 8.6. (per Councilor Kaplan); note that item 7. RESOLUTION: Recall of Electric Officials (Councilors Shannon, Wright) on the Deliberative Agenda was previously Item 8.; note that Item 8: RESOLUTION: Polices for the Budget and Audit (Councilors Paul, Kaplan, Kehoe) on the Deliberative Agenda was previously Item 7; add agenda item 8.7: RESOLUTION: Labor and Pension Committee to the Deliberative Agenda (Councilors Kehoe, Shannon, Paul).; add item 8.8: RESOLUTION: Budget Analyst; remove from the consent agenda item 3.17. COMMUNICATION: Erin Demers, Street Capital Program Manager, DPW, Calendar Year 2010 Street Reconstruction Program and add to the Deliberative Agenda as item 8.9 (per Councilor Bushor); add on the Deliberative Agenda as item 5.5: RESOLUTION: To Consider the Use of Tax Increment Financing as Part of the Financing for the Moran Redevelopment Project.

Councilor Bushor asked that the agenda be divided, with item 8.7: RESOLUTION: Labor and Pension Committee to the Deliberate Agenda, be voted on separately. The Chair agreed. The amended agenda, minus item 8.7 RESOLUTION: Labor and Pension Committee to the Deliberative Agenda to the Deliberate Agenda, passed unanimously.

Item 8.7 RESOLUTION: Labor and Pension Committee (Councilors Keogh, Wright, Shannon, Paul) was then voted on. The motion to amend the agenda to include this resolution passed by a vote of 10 to 4, with Councilors Bushor, Keogh, Mulvaney-Stanak and Caldwell voted against.

2. PUBLIC FORUM

President Keogh opened the public forum at 7:55 p.m.

<u>Name</u>	<u>Ward</u>	<u>Subject</u>
Juliet Buck	South Burlington	Airport Commission/Noise Mitigation
Meaghan Emery	So. Burlington Councilor	Airport Noise Mitigation
George Maille, Jr.	South Burlington	Personal Impact of Airport
Jared Wood	DPW Commission	Shelburne Road Rotary/Airport/

There being no one further coming forward, President Keogh closed the public forum at 8:01 p.m.

### 3. CONSENT AGENDA

On a motion made by Councilors Adrian and Bushor, the Council voted unanimously to adopt the consent agenda, 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 Sue Trainor, Assistant to the CAO, re: City Council Minutes, September 21, 2009

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 22, 2010 City Council Meeting

3.03. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Special Meeting, City Council Minutes, January 29, 2010

\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the March 22, 2010 City Council Meeting

3.04. RESOLUTION: Authorization for Execution of Application for 2010 Municipal Planning Grant Program from the Vermont Department of Economic, Housing and Community Development (Councilor Paul)

\*waive the reading and adopt the resolution

3.05. RESOLUTION: Vermonters for Economic Health "Town Meeting Forum" (Councilor Paul)

This item was removed from Consent.

3.06. RESOLUTION: The CCMPO Blue Ribbon Commission on Innovative Finance Recommendations of June 17, 2009 (Councilors Paul, Keogh, Caldwell: Transportation, Energy & Utilities Committee)

\*waive the reading and adopt the resolution

3.07. RESOLUTION: Amendment to the City of Burlington Personnel Policy – Sections 6.1, 6.4 and 6.12. Leaves (Councilors Bushor, Kaplan, Dober: Institutions & Human Resources Policy Committee)

\*waive the reading and adopt the resolution

- 3.08. RESOLUTION: Approval of Increase in Burlington Electric Department's Miscellaneous Rates and Fees (Board of Finance)

This item was removed from Consent and put on Deliberative.

- 3.09. RESOLUTION: Approval of Amendment to Burlington Electric Department's Street Lighting Tariff (Board of Finance)

\*waive the reading and adopt the resolution

- 3.10. APPOINTMENT: Town Service Officer (Term expires 4/15/11)

\*waive the reading, accept the application, place it on file and re-appoint M. Jean Erno as Town Service Officer, term expiring 4/15/11

- 3.11. INDOOR ENTERTAINMENT PERMIT RENEWALS (2010-2011): see attached list

\*waive the reading, accept the communication, place it on file and approve the 2010-2011 Indoor Entertainment Permit Renewals

- 3.12. OUTDOOR ENTERTAINMENT PERMIT RENEWALS (2010-2011): see attached list

\*waive the reading, accept the communication, place it on file and approve the 2010-2011 Outdoor Entertainment Permit Renewals

- 3.13. TOBACCO LICENSE RENEWALS (2010-2011): see attached list

\*waive the reading, accept the communication, place it on file and approve the 2010-2011 Tobacco License Renewals

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

Scuffer Steak and Ale House, at Memorial Auditorium, Saturday, April 17, 2010, 5 p.m. – 11 p.m., Dance-a-thon, Burlington City Arts, 4 DJs, dancing

\*waive the reading, accept the communication, place it on file and approve the One Day Only Special Event Indoor Entertainment Permit Application for Scuffer Steak and Ale House

- 3.15. COMMUNICATION: Russian Life Magazine, re: Yaroslavl A City turns 1000

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

- 3.16. COMMUNICATION: Bram Kranichfeld, Member, Electric Light Commission, re: Resignation

\*waive the reading, accept the communication, place it on file, advertise the vacancy and send Bram Kranichfeld a letter of appreciation thanking him for his time served on the Electric Light Commission

- 3.17. COMMUNICATION: Erin Demers, Street Capital Program Manager, DPW, re: Calendar Year 2010 Street Reconstruction Program

This item was removed from Consent Agenda and placed on the Deliberative Agenda.

- 3.18. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re: Schedule of Regular, Adjourned and Special Meetings of the City Council through August 8, 2011

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

- 3.19. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council for October 5,

2009

\*waive the reading, accept the communication, place it on file and adopt the minutes at the April 26, 2010 City Council Meeting

3.20. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council for October 22, 2009

\*waive the reading, accept the communication, place it on file and adopt the minutes at the April 26, 2010 City Council Meeting

3.21. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for March 22, 2010 (**material to be sent under separate cover**)

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

4. PEDDLER LICENSE APPLICATION (**2010-2011**):

Digger's Mirth Collective Farm, Selling vegetables in the Old North End using a stepvan

Councilor Dober made a motion to approve the Peddler License Application for Digger's Mirth Collective Farm, seconded by Councilor Berezniak. Approval of this application allows the farm to sell vegetables from a van similar to an ice cream truck. Councilor Mulvaney-Stanak expressed her support of this item, noting that many residents of the Old North End don't have access to vehicles.

Councilor Decelles asked about health codes and inspections. Councilor Berezniak stated Digger's Mirth has an excellent track record selling produce. Attorney Schatz stated that the City granting a permit does not supersede any State requirements and those requirements would need to be followed. The motion passed unanimously.

5. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Financial Report

CAO Leopold reported on the updated financial status, through February of 2010, of the City. Notwithstanding the difficult financial climate of the country, the General Fund currently was in good condition. Revenues and expenses were tracking well with the budget. The City had been doing extremely well with the collection of property taxes. Local Options Sale Tax experienced an 8% decline, however Gross Receipts was tracking with the budget. He noted that despite level funding of the employee benefits, the expenses continue to be within budget.

Councilor Decelles asked if the forensic audit would be available before the adoption of the FY 2011 budget. City Attorney Schatz stated there was no information from the State as to when that would be done.

5.5. RESOLUTION: To Consider the Use of Tax Increment Financing as Part of the Financing for the Moran Redevelopment Project

Councilor Adrian made a motion, seconded by Councilor Bushor, to approve the resolution. Councilor Adrian noted that, following a work session on the Moran Project, it was decided that a permanent record was needed to reflect how councilors felt on this issue. He believed this resolution provided CEDO some more tools to work with as far as financing and he hoped it would move forward.

A recess was called at 8:13 p.m. in order for Councilor Decelles to speak with the City Attorney about information that had been discussed in executive session. At 8:17 p.m. the Council reconvened, at which point Councilor Decelles stated he was not in support of the resolution. He stated the Blue Ribbon Committee process with Burlington Telecom was helpful and he felt this was needed for the Moran Project.

Councilor Caldwell asked CEDO how long the TIF financing had been part of the discussion with Moran. CEDO Director Kupferman noted that it had always been discussed as a potential but due to various State regulations it was not viable at the beginning of the project. Due to the fact that the State Legislature had just approved changes to the TIF financing structure it was now a reasonable economic development option for the City. Following another question from Councilor Caldwell, Director Kupferman noted that six projects have been completed using TIF Financing: the Lake Street Extension and fishing pier being two of them.

In relating the process of the Moran Project to a Blue Ribbon Committee, Councilor Caldwell asked for information on the number of individuals and groups that have been involved in this project. CEDO Director Kupferman outlined the number of groups involved in the public process and the wide range of professional expertise. Councilor Berezniak called a point of order asking if the information being provided was relevant to the resolution. The Council President stated it was.

Councilor Wright noted he could not explain his vote because information obtained in executive session could not be discussed. He found this to be a very awkward process. Councilor Shannon stated that delaying a vote on this was not necessary and if other councilors wanted a Blue Ribbon Committee it could have been brought forward in resolution form. She did, however, believe a Blue Ribbon Committee was a valuable suggestion.

Councilor Berezniak stated he would not be supporting the motion. Councilor Bushor noted there was strong support and enthusiasm for moving forward with this project. She believed due diligence was required, but councilors were also elected to get a job done and she hoped that people would work to move this project forward. Councilor Paul stated there was a resolution coming forward at the next Council meeting calling for a Blue Ribbon Committee for Moran.

Councilor Wright made a motion to table this resolution in order to have more information to provide to the public. The motion was seconded by Councilor Paul. The motion failed by a vote of 10 to 4, with Councilors Decelles, Wright, Paul, and Berezniak voting in favor of tabling the resolution.

Councilor Adrian explained that the resolution dealt with tax increment financing and that vehicle for financing was something that could be explained to the public. Councilor Mulvaney-Stanak felt it important to mention that the executive session that Councilor Wright and Decelles were referring to dealt with contract negotiations with a proposed partner. She stated her strong support for moving forward with the resolution as well as the Moran Project. Councilor Decelles stated that deferring this resolution for a few weeks would be a wise decision.

The motion passed by a vote of 9 in favor and 5 opposed with Councilors Decelles, Wright, Paul, Berezniak, Kranichfeld voting against.

6. RESOLUTION: Impeachment or Forfeiture Process for Mayor and City Councilors  
(Councilors Dober, Decelles, Kaplan, Shannon, Wright)

Councilor Dober made a motion, seconded by Councilor Kehoe, to approve the resolution. Councilor Dober noted there was no provision in the City Charter to impeach or remove from office, upon conviction of an illegal act, a Mayor or City Councilor. This resolution asks the Charter Change Committee to research this matter.

Councilor Bushor asked the City Attorney if the City Charter were silent on this matter, would the State's practice control the matter. City Attorney Schatz stated the way it could occur if there were a State law that addressed impeachment and if it were clear that the State provision would supercede the City's charter but he was unaware of any such provision. Councilor Bushor then stated her opinion this was an item for the State Legislature to take up and that it was important to have a uniform policy throughout the

State. She was also concerned about how the Council would define the word “crime”. She believed removal of a councilor was the voters’ choice rather than the Council.

Councilors Decelles and Kehoe outlined their reasons for supporting the resolution as being that months into a position, a public official could commit an egregious crime and still remain in their position. She agreed, though, that the range of crimes in the resolution were quite broad. In addressing Councilor Bushor’s concerns, Councilor Wright noted that if the Council were to vote to impeach, it would be under extraordinary circumstances.

Councilor Mulvaney-Stanak noted her concern with the Charter Change reviewing this item, considering the diligence and level of discussion that would be required and the amount of work the Council is currently involved in. With the activist nature of Burlington, the Councilor was concerned that civil disobedience might be considered a crime. She hoped that the Council would wait to address this issue until there was more time to responsibly review and discuss the issue.

The resolution then passed by a vote of 11 to 3, with Councilors Berezniak, Adrian and Bushor voting against.

7. RESOLUTION: Recall of Elected Officials (Councilors Shannon, Wright)

Councilor Shannon made a motion, seconded by Councilor Kehoe, to adopt the resolution. Councilor Shannon then made an amendment to the resolution, eliminating the last Be It Further Resolved clause. The amendment was friendly to the seconder.

Councilor Adrian noted his support for this resolution due to the fact that a recall was best done by the voters who put the public official in their position rather than Council members. Councilor Wright noted there was widespread support for this in his ward. Both he and Councilor Shannon stated they would not necessarily support this if the final product from the Charter Change Committee was not well thought out and well crafted and would only be used in rare circumstances.

Councilor Berezniak stated he would not support the resolution. He agreed with the concerns raised by Councilor Bushor during the discussion of the previous resolution. Councilor Mulvaney-Stanak was concerned about different standards for different councilors. Further, a recall is much different than impeachment. Councilor Kaplan noted her support of the resolution, stating a process should be in place in the event a situation occurred which necessitated such action. Councilor Dober noted this resolution enabled residents to initiate action rather than a legislative body and for that reason it was important to support the review of the Charter.

Mayor Kiss expressed his concern, noting that impeachment is a legal process while recall is a political device which was an important distinction. Since the City was chartered in 1865, neither impeachment or recall has been needed. He urged the Council to reject this concept as a suitable tool. Councilor Bushor was concerned and desired a more thought out legitimate cause for recall. She was concerned a recall could be politically motivated and funded.

Councilor Wright requested a roll call. The vote was as follows:

Aye: Councilors Adrian, Kaplan, Wright, Keogh, Shannon, Kehoe, Paul, Decelles, Dober.

Nay: Councilors Bushor, Berezniak, Kranichfeld, Caldwell, Mulvaney-Stanak

The resolution was adopted by a vote of 9 in favor and 5 opposed.

8. RESOLUTION: Policies for the Budget and Audit (Councilors Paul, Kaplan, Kehoe)

Councilor Paul made a motion, seconded by Councilor Dober, to adopt the resolution. Councilor Dober explained that he served on the Ad Hoc Budget and Audit Committee on BT and a number of the items on this resolution were put in as a result of that Committee's findings. Councilor Caldwell expressed her concern about language in the resolution that potentially requires remedies to all items in the management letter when in fact the City may decline to make a change for a valid reason. Following a discussion, at 9:20 p.m. Councilor Caldwell asked for a 2 minute recess. The Council reconvened at 9:22 p.m. and Councilor Paul read amendments into the record which dealt with Councilor Caldwell's concerns. These changes were friendly to the maker and seconder of the motion. The amended resolution then passed unanimously.

8.6 RESOLUTION: Approval of Increase in Burlington Electric Department's Miscellaneous Rates and Fees (Board of Finance)

Councilor Kaplan made a motion to adopt the resolution, seconded by Councilor Shannon. Councilor Kaplan explained she removed this item from the Consent Agenda as it involved raising rates/fees on miscellaneous items such as returned checks, connect and reconnect fees. She believed it was important to hear from the Department on the matter. General Manager Barbara Grimes noted these rates had not been reviewed for thirteen years. The resolution passed unanimously.

8.7 RESOLUTION: Labor and Pension Committee (Kehoe, Shannon, Paul)

Councilor Kehoe made a motion, seconded by Councilor Paul, to approve the resolution. Councilor Kehoe explained that other issues that were being addressed by the Council were overshadowing these two important issues. Councilor Kehoe's hope was this committee would serve as a catalyst for pushing negotiations forward as it appeared the process was stalled. It was not the intent of the resolution to be involved in the negotiation process but rather to be educated and informed.

Councilor Caldwell asked City Attorney Schatz if any transfer of decision making power would result from this resolution. He stated it would not. Councilor Caldwell stated that the full Council should be updated on negotiations but felt this was an unnecessary layer being added. She would support labor negotiations being a regular item on the agenda rather than a committee of three.

Following a question from Councilor Mulvaney-Stanak, Attorney Joe McNeil, Chief Negotiator, explained that on occasion in the past committees were formed to be updated on the progress of negotiations. He outlined the variety of structures that he works under with other municipalities/schools that he negotiates for. Attorney McNeil did note that wording in the resolution regarding public reporting of negotiations was a problem as ground rules set up early on in negotiations state otherwise. Attorney McNeil then stated there have been no updates recently on the progress of negotiations because there has been no change in status. The negotiating team has adhered to the propositions the Council has asked the City team to advance and the unions are not in agreement with those proposals. Councilor Mulvaney-Stanak noted the Board of Finance seemed to be the body that would be updated on negotiations and another committee seemed unnecessary. Councilor Mulvaney-Stanak then offered an amendment which would eliminate the public reporting of negotiations. The amendment was friendly to the maker and the seconder of the motion.

Councilor Wright asked for confirmation that this resolution did not put City councilors at the negotiating table. Councilor Kehoe stated it was not the intent of the resolution. The intent was to push negotiations forward and keep the Council informed. Councilor Bushor expressed her concern that this Committee would remove the Council from being fully informed. Councilor Decelles agreed with Councilor Bushor.

The resolution then passed by a vote of 11 to 3 with Councilors Decelles, Bushor and Caldwell voting against.



8.8 RESOLUTION: AUTHORIZATION TO ENTER INTO CONTRACT WITH GEORGE CROSS FOR BUDGET CONSULTING SERVICES FOR CITY COUNCIL (Bushor, Shannon)

Councilor Shannon made a motion to adopt the resolution, seconded by Councilor Bushor. Councilor Shannon explained that payment for this contract would be accomplished by accessing up to \$1,000 of each Councilor's budget. No funds would be used of those councilors who did not vote in favor of this resolution. Discussion ensued as to the fact that new councilors' funds were limited. Councilor Adrian questioned CAO Leopold on the funds of the prior councilors and asked why those weren't available. The CAO explained the funds were set up and being tracked by the term of the councilor's office. Otherwise, new councilors, in office for a few months in the fiscal year, would have access to more funds than someone serving a full year. This process has been in place since the 1980's and the CAO noted the Council could change that policy for next year's budget if they wanted to vote on it.

Councilor Adrian then made a motion to amend the resolution, directing the CAO to release any funds remaining from prior councilors' accounts. Councilor Shannon asked City Attorney Schatz whether a budget amendment would be required. City Attorney Schatz explained it may be required as it could result in councilors having an unequal amount of funds available to them. The motion was not considered friendly by Councilor Shannon. The amendment was then seconded by Councilor Berezniak.

Councilor Caldwell stated this would be a break in past practice as she was told upon taking her seat that she would not have the full amount available. She believed this needed to be discussed in greater detail and not changed through an amendment. Councilor Dober wondered where the money went that wasn't used by a prior councilor and that the money should be provided to the new councilors.

Councilor Wright called for a point of order, stating that this resolution would need to pass by two-thirds vote. City Attorney Schatz explained that to increase an appropriation a budget amendment would be needed which would require a two-thirds vote. Councilor Decelles called the question. The motion passed unanimously. The amendment failed by a vote of 12 to 2 with Councilors Adrian and Berezniak voting for the amendment.

Councilor Wright then noted his support for the resolution. Councilor Berezniak proposed an amendment allowing \$750, rather than \$1,000, to be used from the new councilors' accounts. This was not friendly to the maker or seconder of the resolution. Councilor Paul seconded the motion. Councilor Paul then noted that the total amount due for this contract was supposed to be approximately \$9,000 and there should be enough money available through the current resolution. Councilor Dober then called the question, seconded by Councilor Kaplan. The motion passed by a vote of 13 to 1, with Councilor Paul voting against.

The vote to change the allocated amount in the resolution from \$1,000 to \$750 failed by a vote of 11 to 3. Councilor Keogh then asked for a roll call:

Aye: Councilors Adrian, Berezniak, Paul

Nay: Councilors Bushor, Kranichfeld, Caldwell, Mulvaney-Stanak, Kaplan, Wright, Keogh, Shannon, Kehoe, Decelles, Dober

Councilor Bushor then called the question. Without a second, the Council voted unanimously to call the question. Councilor Shannon requested a roll call. All councilors voted in the affirmative and the resolution passed unanimously.

8.9 COMMUNICATION: Erin Demers, Street Capital Program Manager, DPW, re: Calendar Year 2010 Street Reconstruction Program

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

Councilor Bushor explained that she thought this program deserved more explanation. She thought the paving program was ambitious and significantly less than expected cost. Erin Demers addressed the Council explaining that 50 streets had been paved last year and 53 would be paved this year. This 3 year program will bring the streets from a poor to a normal condition and will place the City at a 72 PCI. Subsequent years will see that number rise to 80.

At 10:28 p.m. Councilor Wright made a motion to suspend the rules and continue the meeting until the completion of this agenda item. The motion was seconded by Councilor Kehoe. The motion passed by a vote of 13 to 1 with Councilor Kaplan voting against.

Councilor Dober questioned Ms. Demers about curbing. Councilor Paul encouraged Public Works to spend more money this year if the slated work is finished by the end of September. Councilor Caldwell agreed with Councilor Paul and was concerned about the fact that the contract was significantly less than expected, possibly resulting in less than satisfactory results. Councilor Caldwell also asked about coordination with Burlington Telecom when digging up the streets. Councilor Bushor made a motion to accept the communication and place it on file, seconded by Councilor Adrian. The motion passed unanimously.

At this point Councilor Paul noted there was one councilor who did not vote to adjourn who had wanted to address the Council. What the councilor had wanted to address was timely and important and Councilor Paul asked the Council to allow that person to speak. Councilor Wright asked for a point of order, stating the Council had voted on this matter and the meeting was officially adjourned. Councilor Decelles asked the Council President if he could reconsider his vote. Council President Keogh did not respond.

At 10:43 p.m. the meeting of the City Council was adjourned.

9. COMMITTEE REPORTS
10. COMMUNICATION: City Councilors, re: General City
11. COMMUNICATION: Mayor Kiss, re: General City Affairs
12. ADJOURNMENT

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### **CONSENT AGENDA**

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### **REGULAR MEETING, CITY COUNCIL** **MONDAY, APRIL 12, 2010**

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

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March 22, 2010 City Council Meeting

3.03. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue  
Trainor, Assistant to the CAO, re: Special Meeting, City Council  
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\*waive the reading, accept the communication, place it on file and adopt the minutes at the April 26, 2010 City Council Meeting

3.20. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council for October 22, 2009

\*waive the reading, accept the communication, place it on file and adopt the minutes at the April 26, 2010 City Council Meeting

3.21. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for March 22, 2010 (**material to be sent under separate cover**)

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

3.22 COMMUNICATION: City Council Committee Assignments