
DELIBERATIVE AGENDA

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, APRIL 26, 2010
7:13 P.M.

PRESENT: Commissioners Wright, Dober, Paul, Berezniak, Keogh, Adrian, Kranichfeld, Bushor, Mulvaney-Stanak, Kehoe (via phone), Caldwell (via phone) and Mayor Kiss

ABSENT: Commissioners Shannon, Decelles and Kaplan

CITY ATTORNEY'S OFFICE: Ken Schatz and Richard Haesler

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

PRESIDENT KEOGH PRESIDING:

Commissioner Adrian made a motion, seconded by Commissioner Dober, the Local Control Commission voted unanimously to amend the agenda as follows: add an agenda as item 1; add a consent agenda as item 2; add to the consent agenda item 2.01. EXTENSION OF 2009-2010 LIQUOR LICENSES: see attached list, with the consent action to "waive the reading, accept the communication, place it on file and extend the 2009-2010 Liquor Licenses"; add to the consent agenda item 2.02. EXTENSION OF 2009-2010 OUTSIDE CONSUMPTION PERMITS: see attached list, with the consent action to "waive the reading, accept the communication, place it on file and extend the 2009-2010 Outside Consumption Permits"; add to the consent agenda item 2.03. FIRST CLASS CABARET, RESTAURANT AND STORE RENEWALS (2010-2011): see attached list, with the consent action to "waive the reading, accept the communication, place it on file and approve the 2010-2011 Liquor License Renewals as listed"; add to the consent agenda item 2.04. OUTSIDE CONSUMPTION PERMIT RENEWALS (2010-2011): see attached list, with the consent action to "waive the reading, accept the communication, place it on file and approve the 2010-2011 Outside Consumption Permit Renewals as listed"; add to the agenda item 3. EXTENSION OF 2009-2010 LIQUOR LICENSES (PENDING CITY ISSUES); add to the agenda item 3.001. COMMUNICATION: License Committee, Nikki A. Fuller, Esq., Assistant City Attorney, re: Liquor License Extensions with the action to "waive the reading, accept the communication, and place it on file"; add to the agenda item 3.002. COMMUNICATION: License Committee, Nikki A. Fuller, Esq., Assistant City Attorney, re: Recommendation for Additional Condition to Rasputin's 2009-2010 Liquor Licenses with the action to: "waive the reading, accept the communication and place it on file"; add to the agenda item 3.01. EXTENSION OF 2009-2010 OUTSIDE CONSUMPTION PERMITS; add to the agenda item 4. 2010-2011 LIQUOR LICENSE NON-RENEWALS: Parima; add to the agenda item 4.001. COMMUNICATION: License Committee, Nikki A. Fuller, Esq., Assistant City Attorney, re: Recommendations of Denial for Liquor License Renewals with the action to "waive the reading, accept the communication and place it on file"; add to the agenda item 4.01. 2010-2011 OUTSIDE CONSUMPTION PERMIT NON-RENEWALS: Parima; add to the agenda item 5. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2010-2011): Kitchen Cru, LLC, d/b/a Via Loma (formerly Euro Corner), 61 Main Street; add to the agenda item 5.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2010-2011): Kitchen Cru, LLC, d/b/a Via Loma (formerly Euro Corner), 61 Main Street; add agenda item 6. ADJOURNMENT. The motion passed unanimously.

1. AGENDA

See above.

2. CONSENT AGENDA

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

- 2.01. EXTENSION OF 2009-2010 LIQUOR LICENSES: see attached list
*waive the reading, accept the communication, place it on file and extend the 2009-2010 Liquor Licenses
- 2.02. EXTENSION OF 2009-2010 OUTSIDE CONSUMPTION PERMITS: see attached list
*waive the reading, accept the communication, place it on file and extend the 2009-2010 Outside Consumption Permits
- 2.03. FIRST CLASS CABARET, RESTAURANT AND STORE RENEWALS (2010-2011):
see attached list
*waive the reading, accept the communication, place it on file and approve the 2010-2011 Liquor License Renewals as listed
- 2.04. 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 as listed

3. EXTENSION OF 2009-2010 LIQUOR LICENSES (PENDING CITY ISSUES):

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the extension of the 2009-2010 Liquor Licenses of the following establishments:

Bangkok Bistro
Manhattan Pizza
Mr. Mike's Pizza
Phuong's Kitchen
Souza's
T. Rugg's Tavern

The motion passed unanimously.

3.001. COMMUNICATION: License Committee, Nikki A. Fuller, Assistant City Attorney, re: Liquor License Extensions

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to waive the reading, accept the communication and place it on file. The motion passed unanimously.

3.002. COMMUNICATION: License Committee, Nikki A. Fuller, Assistant City Attorney, re: Recommendation for Additional Condition to Rasputin's 2009-2010 Liquor Licenses

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to waive the reading, accept the communication and place it on file. The motion passed unanimously.

3.01. EXTENSION OF 2009-2010 OUTSIDE CONSUMPTION PERMITS:

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the extension of the 2009-2010 Outside Consumption Permits of the following establishments:

Bangkok Pizza
Manhattan Pizza

The motion passed unanimously.

4. 2010-2011 LIQUOR LICENSE NON-RENEWAL:

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the non-renewal of the 2010-2011 Liquor License of the following establishment:

Parima

The motion passed unanimously.

4.01. COMMUNICATION: License Committee, Nikki A. Fuller, Assistant City Attorney, re:
Recommendations of Denial for Liquor License Renewals

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to waive the reading, accept the communication and place it on file. The motion passed unanimously.

4.02. 2010-2011 OUTSIDE CONSUMPTION PERMIT NON-RENEWAL:

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the non-renewal of the 2010-2011 Liquor License of the following establishment:

Parima

Commissioner Bushor asked Assistant City Attorney Fuller for particulars about Parima as this business was consistently behind on payments to the City. Commissioner Bushor asked that it be in the record that Parima can continue to provide food, but cannot serve liquor, have entertainment or allow alcohol outside. The motion then passed unanimously.

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

Kitchen Cru, LLC, d/b/a Via Loma (formerly Euro Corner), 61 Main Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the 2010-2011 First Class Restaurant Liquor License Application for Via Loma. The motion passed unanimously.

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

Kitchen Cru, LLC, d/b/a Via Loma (formerly Euro Corner), 61 Main Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the 2010-2011 Outside Consumption Application for Via Loma. The motion passed unanimously.

6. ADJOURNMENT

On a motion by Commissioners Dober and Berezniak, the Local Control Commission voted unanimously to adjourn at 7:28 p.m.

Attest:

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

ADJOURNED MEETING, CITY COUNCIL

MONDAY, APRIL 26, 2010

7:28 P.M.

PRESENT: See above

PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilors Adrian, with no second, the Council voted unanimously to amend the agenda as follows: add to consent agenda item 3.05. RESOLUTION: Creation of Non-Classified Limited Service Position for DPW Foreman-CSO Construction Project, note the dates have been changed on the length of the position; note the written material for item 3.19. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for April 12, 2010 with the consent action to “waive the reading, accept the communication and place it on file;” note the written material for item 3.20. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for April 19, 2010 with the consent action to “waive the reading, accept the communication and place it on file;” note the written material for item 3.21. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for April 22, 2010 with the consent action to “waive the reading, accept the communication and place it on file;” note the written material for item 3.22. INDOOR ENTERTAINMENT PERMIT RENEWALS (2010-2011) with the consent action to “waive the reading, accept the communication, place it on file and approve the 2010-2011 Indoor Entertainment Permit Renewals;” note the written material for item 3.23. OUTDOOR ENTERTAINMENT PERMIT RENEWALS (2010-2011) with the consent action to “waive the reading, accept the communication, place it on file and approve the 2010-2011 Outdoor Entertainment Permit Renewals;” note the written material for item 3.24. TOBACCO LICENSE RENEWALS (2010-2011) with the consent action to “waive the reading, accept the communication, place it on file and approve the 2010-2011 Tobacco License Renewals;” note the written material for item 3.25. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only): Miguels on Main, 30 Main Street, Wednesday, May 5, 2010, Cinco de Mayo, DJ Hector, 7 p.m. – 12 a.m., No Dancing, with the consent action to “waive the reading, accept the communication, place it on file and approve the One Day Only Special Event Indoor Entertainment Permit Application for Miguels on Main;” add to the consent agenda item 3.28. RESOLUTION: Supplemental Budget Resolution #2010-11 Department of Planning & Zoning Visualize Burlington 3D Project (Board of Finance) with the consent action to “waive the reading and adopt the resolution;” add to the consent agenda item 3.29. COMMUNICATION: Lisa S. Geisweit, Burlington Telecom, re: Burlington Telecom Pricing Adjustment (this was sent out 4/14/10 to Mayor Kiss and the City Council) with the consent action to “waive the reading, accept the communication and place it on file;” add to the agenda item 4.5. EXTENSION OF 2009-2010 Indoor Entertainment Permit Renewals for Das Bierhaus, Rasputin’s and What Ales You; add to the agenda item 4.6. EXTENSION OF 2009-2010 Outdoor Entertainment Permit Renewal for Das Bierhaus; add to the agenda item 4.7. 2010-2011 INDOOR ENTERTAINMENT PERMIT NON-RENEWAL: Parima; note the written material for item 5. INDOOR ENTERTAINMENT PERMIT APPLICATION (2010-2011): Kitchen Cru, LLC, d/b/a Via Loma (formerly Euro Corner), 61 Main Street; note written material for item 6. INDOOR ENTERTAINMENT PERMIT APPLICATION (2010-2011): Saigon Bistro, 119 College Street; add to the agenda item 9.5. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Budget Requests and Projections (oral)(5 mins.); add to the agenda item 9.6. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO and Carol Weston, Project Engineer, DPW, re: City of Burlington Capital Improvement Program 2010 Annual Report (oral)(5 mins.); add to the agenda item 9.6.01. COMMUNICATION: Carol Weston, Project Engineer, DPW, re: City of Burlington Capital Improvement Program 2010 Annual Report; remove from the consent agenda item 3.06. RESOLUTION: Approval of 2010 Parks & Recreation Boat Slip Fees As Revised (Board of Finance) and place it on the DELIBERATIVE agenda as item 10.5.

Councilor Bushor asked to further amend item 3.05. RESOLUTION: Creation of Non-Classified Limited Service Position for DPW Foreman-CSO Construction Project to read “this position is being funded by

AARA.” Councilor Mulvaney-Stanak asked to remove item 3.13. ORDINANCE: OFFENSES AND MISCELLANEOUS PROVISIONS Re Fletcher Free Library Ordinance (Fletcher Free Library) (1st reading) from the consent agenda and move it to the Deliberative Agenda as item 10.6.

2. PUBLIC FORUM

President Keogh opened the public forum at 7:38 p.m.

| <u>Name</u> | <u>Affiliation/Ward</u> | <u>Subject</u> |
|-----------------|-------------------------|-----------------------------------|
| Marc Sherman | 7 | Burlington Telecom Rate Increases |
| Andrew Cliff | | World Citizenship |
| Matthew Mantone | Event Producer | Annual Earth Summit Event |

There being no one further coming forward, President Keogh closed the public forum at 7:48 p.m.

3. CONSENT AGENDA

On a motion by Councilors Adrian and Mulvaney-Stanak, 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. RESOLUTION: Appointment of William Ward as City Health Officer (Councilors Adrian, Wright, Caldwell: Public Safety Committee)

*waive the reading and adopt the resolution

3.03. COMMUNICATION: Eugene M. Bergman, Esq., Senior Assistant City Attorney to Wendy Davis, M.D., Commissioner, Vermont Department of Health, re:
Resignation as Burlington Town Health Officer

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

3.04. RESOLUTION: Recategorization of the Community and Economic Development Office’s Two Parallel Justice Specialist Positions from Limited Service To Regular Full Time (Board of Finance)

*waive the reading and adopt the resolution

3.05. RESOLUTION: Creation of Non Classified Limited Service Position Public Works Department: Foreman-CSO Reduction Project (Board of Finance)

*waive the reading and adopt the resolution

3.07. RESOLUTION: Supplemental Budget Resolution #2010-10 Eliminate the Burlington Police Department’s Animal Control Officer Position and Create a Full-time Non-classified Community Service Officer Position at Burlington Police Department (Board of Finance)

*waive the reading and adopt the resolution

3.08. RESOLUTION: Authorization for Land Purchases in Anticipation of AIP Grant Funds For Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

3.09. RESOLUTION: Authorization for Land Purchases and Contract for Relocation Services In Anticipation of AIP Grant Funds for Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

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

*waive the reading and adopt the resolution

3.11. RESOLUTION: Authorization for Bus Services Agreement at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

3.12. RESOLUTION: Authorization to Accept Grant for AIP Project Land Purchases for Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

3.14. COMMUNICATION: Peter L. Potts, Chair, Burlington Planning Commission, re: Update on Planning Commission Activities, January-March 2010

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

3.15. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Sue Trainor, Assistant to the CAO, re: Minutes, Special City Council, October 20, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes at the May 10, 2010 City Council Meeting

3.16. COMMUNICATION: Margaret Poirier, Clerk, BRV, re: Clerk's Report, April 6, 2010

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

3.17. COMMUNICATION: Bill Keogh, City Council President, re: Council President Memo – April 16, 2010

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

3.18. COMMUNICATION: Irving H. Toliver, 19 Stuyvesant Street, Huntington, NY to Jonathan Leopold, City Clerk, re: Housing Board of Review Hearing

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

3.19. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for April 12, 2010

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

3.20. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for April 19, 2010

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

3.21. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for April 22, 2010

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

3.22. 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

3.23. 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

3.24. 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

3.25. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):
Miguels on Main, 30 Main Street, Wednesday, May 5, 2010, Cinco de Mayo, DJ Hector, 7 p.m. – 12 a.m.

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

3.26. 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 as received at the April 12, 2010 City Council Meeting

3.27. 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 as received at the April 12, 2010 City Council Meeting

3.28. RESOLUTION: Supplemental Budget Resolution #2010-11 Department of Planning & Zoning Visualize Burlington 3D Project (Board of Finance)

*waive the reading and adopt the resolution

3.29. COMMUNICATION: Lisa S. Geisweit, Burlington Telecom, re: Burlington Telecom Pricing Adjustment (this was sent out 4/14/10 to Mayor Kiss and the City Council)

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

4. PUBLIC HEARING: 2010 Community Development Block Grant Proposed Allocations

Margaret Bozik from the Community and Economic Development Office explained that this public hearing was a requirement of the U.S. Department of Housing and Urban Development when receiving Community Development Block Grant monies.

President Keogh opened the public hearing at 7:50 p.m.

| <u>Name</u> | <u>Affiliation/Ward</u> | <u>Subject</u> |
|-------------------------------------|-------------------------|----------------------------|
| Women’s Rape Crisis Center Employee | | Requesting funds from CDBG |
| Peter Jacobsen | Vermont Cares | Requesting funds from CDBG |

President Keogh closed the public hearing at 7:53 p.m.

4.01. COMMUNICATION: Margaret Bozik, Assistant Director for Community Development, CEDO, re: 2010 Community Development Block

Grant Proposed Allocations Proposed 2010 Action Plan for
Housing & Community Development

Councilor Paul made a motion to accept the communication and place it on file, seconded by Councilor Berezniak. The motion passed unanimously.

4.5. EXTENSION OF 2009-2010 Indoor Entertainment Permit Renewals: Das Bierhaus, Rasputin's and
What Ales You

Councilor Dober made a motion, seconded by Councilor Berezniak, to approve the extension of the 2009-2010 Indoor Entertainment Permit Renewals. The motion passed unanimously.

4.6. EXTENSION OF 2009-2010 Outdoor Entertainment Permit Renewal: Das Bierhaus

Councilor Dober made a motion, seconded by Councilor Berezniak, to approve the extension of the 2009-2010 Outdoor Entertainment Permit Renewal. The motion passed unanimously.

4.7. 2010-2011 INDOOR ENTERTAINMENT PERMIT NON-RENEWAL: Parima

Councilor Dober made a motion, seconded by Councilor Berezniak, to approve the 2010-2011 Non-Renewal of the Indoor Entertainment Permit of Parima Restaurant. The motion passed unanimously.

5. INDOOR ENTERTAINMENT PERMIT APPLICATION (2010-2011):

Kitchen Cru, LLC, d/b/a Via Loma (formerly Euro Corner), 61 Main Street

Councilor Dober made a motion, seconded by Councilor Berezniak, to approve the 2010-2011 Indoor Entertainment Permit for Kitchen Cru, d/b/a Via Loma. The motion passed unanimously.

6. INDOOR ENTERTAINMENT PERMIT APPLICATION (2010-2011):

Saigon Bistro, 119 College Street

Councilor Dober made a motion, seconded by Councilor Berezniak, to approve the 2010-2011 Indoor Entertainment Permit for Saigon Bistro. The motion passed unanimously.

7. RESOLUTION: Council Votes on Reappointment of Department Heads (Councilors
Wright, Kaplan)

Councilor Wright made a motion to waive the reading and adopt the resolution, seconded by Councilor Dober. Councilor Wright explained that at present the reappointment of department heads by the Council was merely symbolic, as the Mayor has the authority to appoint whoever he/she wishes. He would like the Charter Change Committee to review this more formally. Councilor Bushor expressed concern the Council was blurring the line between the executive and legislative branch of government. She believed that the Mayor, having been elected by voters, should be able to choose their department head and if the voters become dissatisfied with the choice they could express their views at the polls. If Council members began making the choice of department heads, it would make it difficult for the Mayor and the residents to hold government accountable.

Councilor Berezniak noted he did not disagree with Councilor Bushor but would support the resolution as a courtesy to the sponsors. Councilor Kranichfeld asked Councilor Wright for clarification on the difference between this resolution and the recently approved resolution. Councilor Wright explained the prior resolution was vague and only asked the Charter Change Committee to look into the matter. This resolution stated that the Council supported a change being made and directed the Committee to

implement a change. Councilor Mulvaney-Stanak agreed with Councilor Bushor's remarks and expressed her concern that as the Council worked towards seemingly increasing the role of the Council in micromanaging the Mayor, the continuity of the department heads could become a problem.

Mayor Kiss expressed surprise that the language of the resolution accelerated action in the resolution itself and replaced the judgment of the Charter Change Committee. He also explained the difficulty in recruiting nationally for positions that had a short tenure or were threatened by the possibility of being removed by the Council. Councilor Adrian expressed shock that this resolution was considered to be questionable in nature.

Councilor Wright noted the Council had thought it had the right all along to vote against department heads. This resolution merely brought the Council powers back to what he believed was the intent of the charter. He said it would be used in rare circumstances. Councilor Caldwell expressed her opinion regarding the fact that this Mayor had reached out and included citizens in interview and selection processes. She noted that appointments had been held up recently and was concerned that the working relationship the Council and the Administration currently had would make things unmanageable.

Council President Keogh stated a roll call was requested. It is assumed the request came from Councilor Adrian.

Ayes: Councilors Adrian, Berezniak, Kranichfeld, Wright, Keogh, Kehoe (phone), Paul, Dober
 Nays: Councilors Bushor, Caldwell (phone), Mulvaney-Stanak
 Absent: Kaplan, Shannon, Decelles

The resolution passed by a vote of 8 to 3.

8. RESOLUTION: Appointment of a Blue Ribbon Committee to Review and Evaluate the Proposed Moran Finance Structure, and Consider Options and Alternatives (Councilors Decelles, Paul, Dober, Wright)

Councilor Paul made a motion, seconded by Councilor Dober, to waive the reading and adopt the resolution. The resolution sought to review and evaluate the financial structure of the project and to consider options and alternatives to that financial structure. Councilor Paul stated the resolution does reflect that the Council was committed to the success of the project while also being committed to insulating the residents from any financial risk. The resolution called for the Committee to return a report to the Council on May 24th and noted the resolution was not intended to get in the way of the process or of any development agreement. Councilor Dober asked to amend the resolution, adding that the deadline for returning to the Council could be extended at the recommendation of the Committee. This was friendly to the maker of the resolution.

Councilor Adrian asked who the members of the Committee would be. He then made a motion to amend the resolution in the following manner: President Keogh would appoint a Moran Blue Ribbon Committee consisting of three Councilors and no more than four citizens, removing the requirement that the Councilors be on the Parks, Arts and Culture Committee. The motion was considered friendly by the maker and the seconder of the motion.

Councilor Bushor expressed her concern that the amendment left the Committee's reporting deadline very open-ended. Despite the statement made that the Committee was not intended to slow the project down, Councilor Bushor was very concerned the tenants might feel unsure of the process if the Council did not receive a report and vote on the findings. She then proposed an amendment of a "no later than" date than the second meeting in June. She also expressed a hope that individuals who were not on the previous Blue Ribbon Committee be asked to participate in order to be more inclusive of the general public. This was not considered friendly by Councilor Paul. Councilor Mulvaney-Stanak then seconded the amendment. Councilor Bushor then asked CEDO Director Kupferman his opinion on the impact of

extending the deadline for a report back from the Committee. Mr. Kupferman agreed it would benefit the team to have a date certain as deadlines for permitting, financing, and closings were all at play. He also noted that Councilors Decelles and Paul negotiated this resolution with the City's consultant and he reminded the Council that due to the conditions of the consultant's contract and the dollars being used to pay this individual, all billing time spent with the consultant needed to go through Mr. Kupferman. Additional work and time being spent by Mr. White with these matters were directly affecting the budgeting that had been prepared by CEDO.

Councilor Paul noted that there was a date certain already within the resolution of May 24th. Secondly, she stated she did not seek out the consultant and did not feel she needed to get approval from the CEDO Director if she was approached by the consultant.

Councilor Bushor's amendment failed by a vote of 9 to 2, with Councilors Bushor and Mulvaney-Stanak voting in favor.

Councilor Mulvaney-Stanak questioned an item in the resolution which sought answers to the potential for success in fund-raising and yet no one with that experience was listed as potential participants on the Committee. She believed that an enormous amount of public involvement in this project had occurred already and her concern was that the Council may be adding another layer as well as more time to the process.

Councilor Wright stated a second opinion was needed. While there had been a vote which moved this project forward, economic times had changed and it was time to review the project again and assess any financial risks associated with moving forward. At 8:48 p.m. a recess was called to review amendment language. The Council reconvened at 8:59 p.m. Councilor Wright then offered his amendment to the resolution. The amendment was friendly to the maker and seconder of the motion.

The resolution then passed by a vote of 10 to 1 with Councilor Mulvaney-Stanak voting against.

9. ORDINANCE: FIRE PROTECTION AND PREVENTION – Installation and Maintenance (Fire Dept.; Councilors Shannon, Berezniak, Bushor: Ordinance Committee)(2nd reading)

Councilor Bushor made a motion, seconded by Councilor Berezniak, to waive the 2nd reading and adopt the ordinance and to amend the action to include the amendment that was provided earlier in the evening. The amendment involved increasing the connection fee from \$450 to \$550. This amendment would be placed in all stages of adoption. The motion passed unanimously.

- 9.5. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Budget Requests and Projections

CAO Leopold distributed a revised schedule for budget hearings. He noted that all Councilors received a copy of the draft financials last week for review. Revenues were being projected as being flat, reflective of the overall economy, and the projected property tax rate will be up 9/10th of 1%, which reflected an increase for the retirement system and a small decrease in the debt service. General Fund expenditures were projected to be flat, with level funded budgets. He added that the numbers reflected for Telecom in this draft were placeholders only. Those numbers were still being determined.

- 9.6. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO and Carol Weston, Project Engineer, DPW, re: City of Burlington Capital Improvement Program 2010 Annual Report

CAO Leopold noted the draft of capital improvements budget was being included as well as the current draft five year plan for capital improvements. The Board of Finance had reviewed this document twice

and he wanted to be sure the Council reviewed it. He hoped to have it adopted within the next few weeks so the Engineering Division of DPW could begin working on the Fiscal Year 2011 projects.

9.6.01. COMMUNICATION: Carol Weston, Project Engineer, DPW, re: City of Burlington Capital Improvement Program 2010 Annual Report

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

10. COMMUNICATION: Tom Moreau, General Manager, CSWD, re: FY 2011 Budget (oral)

Mr. Moreau explained the upcoming year's budget to the Council and outlined the fact that the composting facility will be moving from Burlington to Williston. Councilor Bushor asked if people would need to drive to Williston now to bring their yard waste and Mr. Moreau stated if it were permitted by the State there would be a drop off location at the Intervale. Councilor Bushor then asked that formal communications be put in place to inform Councilors of the status of the permitting process. There followed a discussion about carts for recycling purposes. The bins that were currently being used allow trash to blow throughout the neighborhoods.

Mayor Kiss expressed his appreciation to Mr. Moreau and CSWD for the work done at the Intervale on the flood plain issues and the Intervale Center. Mr. Moreau noted the City staff has done exceptional work to make it easy to deal with all the issues. The Mayor's Office, the City Attorney's Office, the Planning Department and CEDO all did a great deal of work to move these issues forward.

10.01. COMMUNICATION: CSWD, re: FY 2011 Budget Proposal

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

10.05 RESOLUTION: Approval of 2010 Parks and Recreation Boat Slip Fees as Revised (Board of Finance)

Assistant City Attorney Haesler explained that due to a clerical error the fee schedule that was passed by the Council was the prior year's fee schedule. The Parks Department did post the current fee schedule accurately but this resolution needed to be filed to correct the prior resolution. Councilor Mulvaney-Stanak made a motion, seconded by Councilor Paul, to waive the reading and adopt the resolution. The resolution passed by a vote of 10 in favor and 1 opposed, with Councilor Bushor voting against.

10.06. (was 3.13.)ORDINANCE: OFFENSES AND MISCELLANEOUS PROVISIONS Re Fletcher Free Library Ordinance (Fletcher Free Library)(1st reading)

Councilor Wright made a motion to consider this 1st reading and refer this ordinance to the Ordinance Committee, seconded by Councilor Bushor. Councilor Mulvaney-Stanak expressed her concern that part of this ordinance allowed for individuals to be banned from the Library and she hoped the Committee would be very thoughtful about that action. The motion passed unanimously.

11. COMMITTEE REPORTS

Councilor Berezniak informed the Council the first meeting of the Community Development Committee with new Council members would be held in the next week.

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

Councilor Bushor informed Ward 1 residents that Bill Ward, the Code Enforcement Director, spoke to the Ward 1 NPA. She encouraged all NPA's to have him speak to their groups. She also informed the Council the Community Coalition had just finished its year and outlined the actions taken over the past year. She noted that more residents from Wards One and Six were now coming to these meetings and working with college administrators, students and City administrators.

Councilor Wright informed the Council that the Governor had signed into the law the recent Charter changes approved by the City and noted that IRV would no longer be used as the method to elect the Mayor. He thanked all those for their efforts in this regard.

Councilor Berezniak reminded residents that May 1st is Green Up Day.

Councilor Mulvaney-Stanak informed the Council she had been a representative of the Council at the Parallel Justice fundraiser. She then expressed her appreciation to the Community Coalition who recently rehabbed a park on Hyde Street. She also reminded residents to attend the noon rally at the State House on Health Care on May 1st.

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

The Mayor informed the Council that Burlington had reached a 75% return rate, 3% points above the national average, on census returns. He noted participation in the census was important to the City for political and financial reasons.

He then informed the Council of a recent press conference, attended by Senator Leahy, recognizing the Parallel Justice Program in Burlington. This was the only active program in the United States and was a model for the country. It had a great track record and Burlington had done a great job with the program.

He noted the City would be holding a Wellness Day event for City employees. He noted the health plan rates have held steady because of good efforts on the part of the City to address wellness. He encouraged City employees to continue to participate as it makes a difference in their lives and the City's bottom line.

He informed the Council that on May 10th a work session of the City Council would be held to discuss the Champlain Parkway. It was anticipated that Act 250 work would begin on August 1st and he wanted the Council to be aware of the details and progress of the work being done on this project.

Finally, he outlined the many locations where residents can meet to participate in Green Up Burlington.

14. COMMUNICATION: Ken Schatz, City Attorney, re: Burlington Telecom

On a motion by Councilors Adrian and Paul, the Council voted unanimously to go into Executive Session at 9:52 p.m. to discuss contract negotiations, premature disclosure of which would place the City at a substantial disadvantage.

15. ADJOURNMENT

Council President Keogh adjourned the meeting of the City Council at 10:20 p.m.

Attest:

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