

DELIBERATIVE AGENDA

CITY COUNCIL WORKSESSION
CONFERENCE ROOM 12, CITY HALL
MONDAY, MAY 24, 2010
6:00 P.M. – 7:00 P.M.

- 1. AGENDA
- 2. COMMUNICATION: Bill Ellis, Esq., re: BT Update (oral)
* * * * **EXPECTED EXECUTIVE SESSION** * * * *
- 3. COMMUNICATION: Joseph E. McNeil, Esq., re: Collective Bargaining (oral)
* * * * **EXPECTED EXECUTIVE SESSION** * * * *
- 4. ADJOURNMENT

Attest:

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

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, MAY 24, 2010
7:20 P.M.

PRESENT: Commissioners Dober, Berezniak, Kehoe, Shannon, Keogh, Adrian, Kranichfeld, Kaplan, Bushor, Mulvaney-Stanak, Wright (arrived at 7:30 p.m.), Paul (arrived at 7:35 p.m.), Caldwell and Mayor Kiss

ABSENT: Commissioner Decelles

CITY ATTORNEY’S OFFICE: Ken Schatz, Gene Bergman and Nikki Fuller

CLERK/TREASURER’S OFFICE: Jonathan P.A. Leopold, Jr., CAO, Ben Pacy and Sue Trainor

PRESIDENT KEOGH PRESIDING:

- 1. AGENDA

On a motion by Commissioner Dober, with no second, the Local Control Commission voted unanimously to amend the agenda as follows: add to the agenda item 5.001. COMMUNICATION: Deborah Osmond Frankel, re; Stellar Restaurant Group, Incorporated d/b/a BOLOCO, 92 Church Street, Warner Block Building; add to the agenda item 5.002. COMMUNICATION: Judy Shea, Owner, 92 Church Street, re: In Favor of Boloco; add to the agenda item 5.003. COMMUNICATION: Deborah Osmond Frankel, re: Boloco.

- 2. CONSENT AGENDA

There were no consent agenda items on the Local Control Commission Agenda.

- 3. PROPOSAL FOR DECISION, STIPULATED PROPOSED FINDINGS, CONCLUSIONS OF LAW & ORDER: Dodge-n-Luck, Inc., d/b/a Rasputins

Commissioner Dober made a motion to accept the recommendation of the Local Control Sub-Committee and to adopt the recommendation for suspension for Rasputin's, seconded by Commissioner Berezniak. The motion passed unanimously.

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

Kehoe Inc., d/b/a Big Daddy's, 177 Church Street

4.01. **OUTSIDE CONSUMPTION PERMIT APPLICATION (2010-2011):**

Kehoe Inc., d/b/a Big Daddy's, 177 Church Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve both the First Class Restaurant Liquor License Application and the Outside Consumption Permit Application for Kehoe, Inc., d/b/a Big Daddy's. The motion passed unanimously.

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

Stellar Restaurant Group, Inc., d/b/a Boloco, 92 Church Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the First Class Liquor License Application for Stellar Restaurant Group, Inc., d/b/a Boloco. The motion passed unanimously.

5.001. **COMMUNICATION:** Deborah Osmond Frankel, re; Stellar Restaurant Group, Incorporated d/b/a BOLOCO, 92 Church Street, Warner Block Building

5.002. **COMMUNICATION:** Judy Shea, Owner, 92 Church Street, re: In Favor of Boloco

5.003. **COMMUNICATION:** Debora Osmond Frankel, re: Boloco

With no objection from the remaining Council, President Keogh made a motion to waive the readings, accept the communications noted above and place them on file.

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

Stellar Restaurant Group, Inc., d/b/a Boloco, 92 Church Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the Outside Consumption Permit Application for Stellar Restaurant Group, Inc., d/b/a Boloco. The motion passed unanimously.

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

Church Holdings, Inc., d/b/a Church & Main, 156B Church Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the First Class Liquor License Application for Church Holdings, Inc., d/b/a Church and Main. The motion passed unanimously.

6.01. **OUTSIDE CONSUMPTION PERMIT APPLICATION (2010-2011):**

Church Holdings, Inc., d/b/a Church & Main, 156B Church Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the Outside Consumption Permit for Church Holdings, Inc., d/b/a Church and Main. The motion passed unanimously.

7. ADJOURNMENT

On a motion by Commissioners Dober and Berezniak, the Local Control Commission adjourned at 7:30 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
MONDAY, MAY 24, 2010
7:30 P.M.

PRESENT: See above

1. AGENDA

On a motion by Councilors Adrian and Shannon, the Council voted unanimously to amend the agenda as follows: note the attachments for consent agenda item 3.09. RESOLUTION: Approval of Gross Receipts Overpayment Refund, remove completely from the agenda item 6.0. RESOLUTION: Designation of Polling Place for Ward 3 (Councilors Mulvaney-Stanak, Caldwell).

2. PUBLIC FORUM

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

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Richard Kemp	5	Puerto Cabezas, Nicaragua
Thomas DeSisto	3	Opposes Sitting Downtown Ban

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

3. CONSENT AGENDA

On a motion by Councilors Adrian and Shannon, 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 Ward 3 Inspector of Elections (Councilor Mulvaney-Stanak)

*waive the reading and adopt the resolution

3.03. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Bueno Y Sano (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Junior's Downtown (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.05. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Big Fatty's BBQ (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.06. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Pho Hong Restaurant (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.07. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Big Daddy's Restaurants (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.08. RESOLUTION: Approval of Establishment of Gross Receipts Tax for Taxpayers Who Have Failed to File a Return (Board of Finance)

*waive the reading and adopt the resolution

3.09. RESOLUTION: Approval of Gross Receipts Overpayment Refund (Board of Finance)

*waive the reading and adopt the resolution

3.10. RESOLUTION: Authorization to Contract for Services Associated with Cooling System Upgrade at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

3.11. REPORT: Mark Saba, Burlington Fire Commission, Chair, re: 2010 Annual Report of the Burlington Fire Commission to the Burlington City Council

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

3.12. REPORT: Lisa Jones, Board Clerk, Burlington Housing Board of Review, re: Annual Report for 2009

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

3.13. COMMUNICATION: Bill Keogh, Council President, re: Memo – May 19, 2010

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

3.14. COMMUNICATION: Mayor Bob Kiss, re: 2010 Justice Assistance Grant (JAG)

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

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

Juniors Pizza, Firehouse Gallery, 135 Church Street, Birthday Party, DJ, Dancing, May 30, 2010, 5:30 p.m. – 12:00 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 Junior's Pizza

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

The Spot, 210 Shelburne Road, Burlington Community Sailing Center Benefit, Invite only, Band, Dancing, May 29, 2010, 5:00 p.m. – 10:00 p.m.

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

3.17. UMBRELLA ENTERTAINMENT PERMIT APPLICATION (**June 4-13, 2010**):

Burlington Discover Jazz Festival, Various City Entities, June 4 through June 13, 2010

*waive the reading, accept the communication, place it on file and approve the Umbrella Entertainment Permit Application for Burlington Discover Jazz Festival, June 4 through June 13, 2010

3.18. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (**June 4th-13th**):

Leunig's Bistro, 115 Church Street, Jazzfest Venues, June 4 through June 13, 2010

*waive the reading, accept the communication, place it on file and approve the Special Event Outdoor Entertainment Permit Application for Leunig's Bistro for June 4 through June 13, 2010

3.19. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (**one day only**):

Leunig's Bistro, 115 Church Street, Monday, September 13, 2010, 5 p.m. – 10 p.m., Fashion Show

*waive the reading, accept the communication, place it on file and approve the Special Event Outdoor Entertainment Permit Application for Leunig's Bistro for Monday, September 13, 2010

3.20. COMMUNICATION: Ben Pacy, Asst. CAO (reviewed by CAO Leopold), re: Board of Finance Minutes for May 3, 2010

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

3.21. COMMUNICATION: Ben Pacy, Asst. CAO (reviewed by CAO Leopold), re: Board of Finance Minutes for May 6, 2010

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

3.22. COMMUNICATION: Ben Pacy, Asst. CAO (reviewed by CAO Leopold), re: Board of Finance Minutes for May 10, 2010

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

3.23. COMMUNICATION: Ben Pacy, Asst. CAO (reviewed by CAO Leopold), re: Board of Finance Minutes for May 13, 2010

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

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

August First, Selling baked goods on a bicycle with an enclosed basket

Councilor Dober made a motion, seconded by Councilor Mulvaney-Stanak, to approve the Peddler License for August First. Councilor Dober explained that August First would not pedal or sell inside the commercial district. The motion passed unanimously.

5. RESOLUTION: Memorial Day (Councilors Caldwell, Mulvaney-Stanak, Bushor)

Councilor Caldwell made a motion, seconded by Councilor Mulvaney-Stanak, to waive the reading and the resolution. This resolution asked for a moment of silence to honor those who lost their lives in service to the country. The motion passed unanimously. Consistent with the resolution, there followed a moment of silence.

7. RESOLUTION: Authorization for School Department Bonds (Board of Finance)

Councilor Wright made a motion, seconded by Councilor Paul, to waive the reading and adopt the resolution. CAO Leopold explained that this resolution was at the behest of the School Commission and was for the purpose of issuing the \$9.7 million bond authorized in 2009 for capital improvements to school facilities. The motion passed unanimously.

8. RESOLUTION: Authorization for Public Improvement and Street Repaving Bonds For Fiscal Year 2011 (Board of Finance)

Councilor Wright made a motion, seconded by Councilor Paul, to waive the reading and adopt the resolution. CAO Leopold explained the amended resolution provided to the Council at the beginning of the meeting was what was being asked to be authorized. The motion passed unanimously.

9. COMMUNICATION: Gail Moreau, Executive Director, Heineberg Senior Center and Holly Sullivan, Executive Director, Champlain Senior Center, re: Mission and Programs

Gail Moreau, Holly Sullivan, Suzanne Whyte, Helen Simons, Marcia Mason and Beverly LaPointe each individually outlined the activities and programs offered by the two Senior Centers. Meals, transportation to and from the centers, exercise programs, outreach to seniors, and arts and crafts programs were just a few items outlined as benefits of these centers for the seniors in Burlington.

10. REPORT: Mari Steinbach, Parks & Recreation Director, re: Department Annual Report

Councilor Adrian made a motion, seconded by Councilor Shannon, to accept the report and place it on file. Director Steinbach summarized her report to the Council with several Councilors asking follow up questions. The motion then passed unanimously.

11. REPORT: Burlington Employees' Retirement System, re: City Council Report for July 2009

Councilor Adrian made a motion, seconded by Councilor Kaplan, to accept the report and place it on file. James Strouse, Chair of the Burlington Employees' Retirement Board and Marina Collins, Retirement Administrator, were available to speak to the Council members. Mr. Strouse noted that he submitted the previous year's report and then updated the information during this meeting's review. He noted that the fund had now moved from the 97th percentile of public fund rankings up to the 44th percentile of public fund rankings. He explained there was currently being work done on an ordinance change relative to breaks in service.

Councilor Kehoe asked for an explanation on the percentile ranking. Mr. Strouse explained the consultant reviewed a variety of plans and the performance of those funds. The performance of the funds the City has invested in have done well compared to other funds. The motion to accept the report was approved unanimously.

12. REPORT: Peter L. Potts, Chair, Burlington Planning Commission, re: Annual Report of the Burlington Planning Commission, Fiscal Year 2010 (July 1, 2009 – June 30, 2010)

Councilor Adrian made a motion, seconded by Councilor Shannon, to accept the report and place it on file. Mr. Potts was available to answer questions of the Council members. Councilor Bushor asked for clarification on waterfront zoning. Councilor Shannon referenced her commitment to LEAD Standards. Mayor Kiss commented on the positive comments provided by the Commission on David White's leadership of the Department. The motion to accept the report passed unanimously.

13. COMMITTEE REPORTS

Councilors Paul, Bushor, Adrian, Shannon and Kaplan announced upcoming Committee meetings. Councilor Kehoe announced the second meeting of the Ad Hoc Committee on Labor Negotiations and Pensions; a report from this Committee would be due in August. Councilor Mulvaney-Stanak noted the first meeting of the Moran Community Task Force.

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

Councilor Paul spoke about her recent trip to Boulder and Denver, Colorado. Councilor Caldwell reminded residents of Wards 2 and 3 about the Neighborhood Planning Assembly meetings.

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

Mayor Kiss explained there would be meetings held throughout the City on the Champlain Parkway; they would address various topics and he urged residents to attend. He also informed the Council of the dedication of the Big Joe Burrell statue during the upcoming Discover Jazz Festival.

16. ADJOURNMENT

On a motion by Council President Keogh, the Council voted unanimously to adjourn at 8:59 p.m.

Attest:

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