
DELIBERATIVE AGENDA

SPECIAL CITY COUNCIL WORKSESSION

MAY 2, 2011

5:30 P.M. – 7:30 P.M.

PRESENT: Councilors Kranichfeld, Paul, Mulvaney-Stanak, Dober, Bushor, Adrian (Phone), Blais, Berezniak, Brennan, Shannon, Keogh, Wright, Hartnett, Decelles (7:25) Mayor Kiss, ACAO Goodwin, ACAO Schrader, Joe Reinert

1. AGENDA
2. DISCUSSION: Jonathan P.A. Leopold, Jr., CAO, re: Review of General Fund Fiscal Year 2012 Budget (oral)
3. ADJOURNMENT

On a motion by Councilor Bushor, seconded by Shannon, the Council voted to end the Special City Council Work Session at 7:37 pm.

LOCAL CONTROL COMMISSION

MAY 2, 2011

7:30 P.M.

PRESENT: Councilors Kranichfeld, Paul, Mulvaney-Stanak, Dober, Bushor, Adrian (Phone), Blais, Berezniak, Brennan, Shannon, Keogh, Harnett, Decelles, Wright. Mayor Kiss.

CITY ATTORNEY'S OFFICE: Ken Schatz

CLERK/TREASURER'S OFFICE: Scott Schrader

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Commissioners Dober and Bushor, the agenda was amended as follows: add to the agenda item 2.5. **FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2011-2012):** Blue Cat Café and Wine Bar; add to the agenda item 2.5.01. **OUTSIDE CONSUMPTION PERMIT APPLICATION (2011-2012):** Blue Cat Café and Wine Bar.

2. CONSENT AGENDA

On a motion by Commissioners Dober and Berezniak, the consent agenda was unanimously adopted, thus taking the following actions as indicated:

2.01. 2010-2011 FIRST CLASS CABARET LICENSE EXTENSION: see attached list
*waive the reading, accept the communication, place it on file and grant the 2010-2011 First Class Cabaret Liquor License Extension

2.02. 2010-2011 FIRST CLASS RESTAURANT LICENSE EXTENSIONS: see attached list
*waive the reading, accept the communication, place it on file and grant the 2010-2011 First Class Restaurant Liquor License Extensions

2.03. 2010-2011 OUTSIDE CONSUMPTION PERMIT EXTENSIONS: see attached list

*waive the reading, accept the communication, place it on file and grant the 2010-2011 Outside Consumption Permit Extensions

2.04. 2011-2012 FIRST CLASS CABARET LICENSE RENEWAL: see attached list

*waive the reading, accept the communication, place it on file and approve the 2011-2012 First Class Cabaret Liquor License Renewal with all standard conditions

2.05. 2011-2012 FIRST CLASS RESTAURANT LICENSE RENEWALS: see attached list

*waive the reading, accept the communication, place it on file and approve the 2011-2012 First Class Restaurant Liquor License Renewals. The Blue Cat Café and Wine Bar 2011-2012 First Class Restaurant Liquor License Renewals was approved with all standard conditions along with three special conditions: clean background checks, file their gross receipts on a monthly basis, fire marshal approval.

2.06. 2011-2012 OUTSIDE CONSUMPTION PERMIT RENEWALS: see attached list

*waive the reading, accept the communication, place it on file and approve the 2011-2012 Outside Consumption Permit Renewals. The Blue Cat Café and Wine Bar 2011-2012 First Class Restaurant Liquor License Renewals was approved with all standard conditions along with three special conditions: clean background checks, file their gross receipts on a monthly basis, fire marshal approval.

3. ADJOURNMENT

On a motion by Commissioners Dober and Berezniak, the Local Control Commission voted unanimously to adjourn at 7:52 p.m.

Attest: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

REGULAR MEETING, CITY COUNCIL

MAY 2, 2011

7:53 P.M.

1. AGENDA

On a motion by Councilors Shannon and, the agenda was amended as follows: note corrected second page for agenda item 6. ORDINANCE: PERSONNEL – Livable Wages (Councilors Shannon, Bushor, Kranichfeld: Ordinance Committee; Councilors Wright, Paul, Mulvaney-Stanak: Board of Finance); note proposed written amendment for agenda item 7. RESOLUTION: Monthly and Special Meetings of Department Heads and Appointed Officials (Councilors Adrian, Berezniak, Blais).

On a motion by Councilor Mulvaney-Stanak, the agenda was amended as follows: add items 4.01 and 4.02 Resolution Regarding Revenue Increase relating to the General Fund.

On a motion by Councilor Paul, the agenda was amended as follows: remove consent agenda 3.11 and invite Shawn McKenzie, Chair of the Design Advisory Board, to the next meeting to present his annual report.

On a motion by Councilor Keogh, the agenda was approved unanimously.

2. PUBLIC FORUM

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

Name

Ward/Affiliation

Subject

Margaret Zabrieski	Ward 4, League of Women Voters	Board of Registration of Voters
Nancy Ellis	Ward 4, League of Women Voters	Board of Registration of Voters
Linda Chagnon	Ward 4, League of Women Voters	Board of Registration of Voters
Lea Terhune		2012 Budget Offsets
Art Demarhis		Parking Ban/Ticket
Gail Moreau		Heineberg Senior Center
Phil Lavine		Clerk's Attitude When Voting

There being no one further coming forward, City Council President Keogh closed the public forum at 8:22 p.m.

3. CONSENT AGENDA

On a motion by Councilors Shannon 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. RESOLUTION: Authorizing Lease of 179 South Winooski Avenue by the Human Resources Department, the Community Justice Center & the Payroll Division of the Clerk/Treasurer's Office (Councilors Keogh, Wright, Paul, Mulvaney-Stanak: Board of Finance)

*waive the reading and adopt the resolution

3.03. COMMUNICATION: Larry Kupferman, CEDO Director, re: Resolution authorizing the Mayor and the Council President to sign the CCRPC Steering Committee Agreement

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

3.04. RESOLUTION: Authorization to Sign a Steering Committee Agreement to Join Regional Consortium of Municipalities & Planning Organizations re the HUD Sustainable Communities Regional Planning Grant (Councilor Keogh)

*waive the reading and adopt the resolution

3.05. COMMUNICATION: Office of the Clerk/Treasurer, re: Budget Schedule

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

3.06. COMMUNICATION: Fred Duplessis, CPA, Sullivan, Powers & Company, re: Non-renewal of Audit Contract with the City of Burlington

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

3.07. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Sue Trainor, Assistant to the CAO, re: Draft Minutes, City Council, February 7, 2011

*waive the reading, accept the communication, place it on file and adopt the minutes at the May 16, 2011 City Council Meeting

3.08. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Sue Trainor, Assistant to the CAO, re: Minutes, City Council, December 13, 2010

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the April 25, 2011 City Council Meeting

3.09. 2010-2011 INDOOR ENTERTAINMENT PERMIT EXTENSIONS: see attached list

*waive the reading, accept the communication, place it on file and grant the 2010-2011 Indoor Entertainment Permit Extensions

3.10. 2011-2012 INDOOR ENTERTAINMENT PERMIT RENEWALS: see attached list

*waive the reading, accept the communication, place it on file and approve the 2011-2012 Indoor Entertainment Permit Renewals

4. INDOOR ENTERTAINMENT PERMIT APPLICATION (2011-2012):

156 Bistro, 156 St. Paul Street

On a motion by Councilor Dober, seconded by Councilor Berezniak, the motion passed unanimously.

4.01 TWO CENT GENERAL TAX INCREASE

Councilor Mulvaney-Stanak, seconded by Councilor Brennan, made a motion to consider a two cent general tax increase.

Councilor Mulvaney-Stanak stated this had been discussed in a larger work session and the budget gap is \$760,000. The voters previously rejected a four cent increase. It had been explained that the ways proposed to fill the budget gap would be to cut costs; however, this could not be done without cutting services. The other option would be to go to the voters with a request for a two cent increase. Again, it had been explained to the councilors that increasing the tax now would carry over into the FY13 budget and keep the City moving forward.

Councilor Wright stated that he would not support the increase. He did not believe there was buy-in from the Council about this increase and the Administration would not put it to a vote without the active participation and support from the councilors. Councilor Wright stated it was his understanding that safety services would not be affected in FY12 and that in effect the Council was being asked to support a tax increase this year for next year.

Councilor Paul expressed frustration with this way in which this proposed tax increase had been handled. She stated that asking first for a four cent increase and then a two cent increase was frustrating for voters and city councilors.

Both Councilors Kranichfeld and Berezniak felt that a tax increase should be a last resort and the focus should be on budget cuts.

Councilor Bushor stated that residents had the right to continue to expect the level of service they were accustomed to and due to the fact there was not likely to be a great infusion of money in the next year it was acceptable to ask the voters for additional funds to help balance the budget. Voters with whom she spoke expressed frustration and felt there was a lack of clarity about where collected money goes. She noted that the Board of Finance had been informed in December of potential shortfalls and that was reflected in the minutes of the Board. She stated that the budget cuts that the Administration and

department heads had come up with to offset the budget gap would negatively affect the level and quality of services and provided examples of services that were proposed as being eliminated.

Mayor Kiss agreed with Councilors Mulvaney-Stanak and Bushor. He explained that when the 4 cent increase was proposed, the anticipated budget gap had been \$1.4 million and a 2 cent increase would have been insufficient to close the gap. Now that more information was available and the gap would be \$760,000, a 2 cent increase would be sufficient. He stated that the City should be concerned about the future of the General Fund and not only Police and Fire Services.

Councilor Adrian stated he felt this was being done for political purposes with the mayoral election on the horizon. He felt that a gradual increase over time would have been more favorable to voters than trying to raise the tax rate by a large amount all at once.

Councilor Hartnett stated that voters in Burlington had lost confidence and trust in the administration. Therefore, he felt the administration has lost the right to ask for tax increases.

Councilor Brennan stated that he was supportive of the resolution and believed that maintaining services was important.

Councilor Mulvaney-Stanak stated she was fearful of delaying this debate and that it would be irresponsible to wait until next year to have this discussion. At that time the City could potentially have to come forward with a much larger increase. In response to Councilor Adrian's comments, she stated she felt it was irresponsible to abdicate this Council's responsibility for the budget.

Councilor Wright stated that the Council shouldn't pass this unless they want to go to voters and promote this increase, especially as it does not affect safety services. He said that after voters had been asked for a 4 cent increase and then learned that a 2 cent increase would be sufficient, they lost confidence and trust in the Administration and were not likely to support this increase.

Councilor Berezniak stated that voting against putting a tax increase on the ballot would not be irresponsible. He stated that he didn't agree with all of the proposed cuts, yet didn't think raising taxes was the right answer either. He believed waiting until next year to evaluate needs would be a more responsible course of action.

Councilor Adrian noted that there were no department heads present at the meeting to advocate for this increase. In the past, department heads have attended meetings and this may be indicative that there is no need for this increase.

Mayor Kiss stated there was a \$1.1 million increase in the cost of Fire and Police services and it would make sense for people to realize that the \$710,000 raised by a two cent increase would help with this cost increase. He stated that Burlington needs to continue to build resources and revenue to continue to provide services. He reminded councilors that the Administration has been following the recommendations of the Super-Committee report issued in 2006, building lean budgets and providing continuity in government which would put the City in a good position for the future. Without this increase it will be much more difficult to build a budget next year. He reminded the Council that there had not been a general fund tax increase since 2004.

Councilor Brennan noted the Council's support of the recent Police Union contract and reminded the councilors of the need to support the methods necessary to pay for the contract.

A roll call was requested. The vote was as follows:

Ayes: Councilors Brennan, Bushor, Mulvaney-Stanak

Nays: Councilors Adrian, Berezniak, Blais, Decelles, Dober, Hartnett, Kranichfeld, Paul, Shannon, Wright, and Keogh.

The resolution failed by a vote of 3 in favor and 11 opposed.

4.02 TWO CENT TAX INCREASE FOR POLICE AND FIRE

Councilor Mulvaney-Stanak, seconded by Councilor Brennan, made a motion to consider a two cent tax increase dedicated to Police and Fire.

Councilor Adrian called for a point of order and asked Attorney Schatz whether this was an effort to put money into the Police and Fire budgets in order to move funds into the General Fund. Ultimately the Attorney stated it was the Council's decisions on how to use the funds once the question passed.

Councilor Shannon stated that she felt this approach should have been taken from the start. However, she felt that it would be unlikely to pass if put on the ballot. She noted her support of the budget cuts proposed by the Administration. She felt the reduction in services would be accepted by voters. She stated that in the next year, tax increases will likely be necessary and this will play an important role in the mayoral race.

Mayor Kiss expressed disappointment that the Council would not be supporting the tax increase. He stated that information came to the Council as it was available. He reiterated that the increase was necessary to continue the progress being made by the City.

Councilor Dober motioned to call the question. That motion was approved by a vote of 10 to 4, with Councilors Brennan, Mulvaney-Stanak, Bushor and Adrian voting against.

A roll call was requested. The vote was as follows:

Ayes: Councilors Brennan, Bushor, Mulvaney-Stanak

Nays: Councilors Adrian, Berezniak, Blais, Decelles, Dober, Hartnett, Kranichfeld, Paul, Shannon, Wright, and Keogh.

The resolution failed by a vote of 3 in favor and 11 opposed.

5. PUBLIC HEARING: Community Development Block Grant Applications-Proposed 2011 Action Plan for Housing & Community Development

City Council President Keogh opened the public hearing at 9:05 p.m.

There being no one coming forward, City Council President Keogh closed the public hearing at 9:07 p.m.

5.01. COMMUNICATION: Margaret Bozik, Assistant Director for Community Development, re: Community Development Block Grant Applications-Proposed 2011 Action Plan for Housing & Community Development

Margaret Bozik, Assistant Director for Community Development spoke to the Council about the Housing and Community Development Needs recommendations.

Councilor Bushor inquired as to where funding would come from for communities that did not receive as much as they needed. Margaret Bozik stated that this varied based on resources available. She also stated

that different communities spend differently. She thought it would require difficult discussions to determine how to handle this.

Councilor Bushor raised concerns about different wards lacking the ability to express their needs, whereas agencies seem to find this easier.

Councilor Mulvaney-Stanak commented that rural areas, such as New England states, lacked private funding sources. She inquired as to what role Vermont's congressional delegation was playing in obtaining federal funding. Margaret Bozik stated the Congressional Delegation had been very supportive.

Councilor Shannon stated that the Council defers to their allocation process but requested that it be more clear what the process is and who is involved. Margaret Bozik stated that there is a list of people who serve on their website.

Mayor Kiss thanked the Committee for their work. He also stated that mayors across the country tried to promote CDBG funding, but were unsuccessful with the Republican Congress.

Councilor Wright stated that the cuts on the Congressional level were made in a bi-partisan manner and there are trillions of dollars of deficit. He inquired about the North Street War of 1812 Burials and Scenic Bi-Ways. Margaret Bozik stated that the memorial arose from the North Street Revitalization Project when bodies were uncovered during construction. State and Federal Grants, as well as a small portion of the CDBG grant, were being used to fund this project.

Councilor Wright raised concerns that a constituent from the Heineberg Senior Center requested a larger sum of money than she really needed and ended up receiving none. Margaret Bozik stated that the Senior Center has done well by going to a bigger development pool, but there may have been a miscommunication. The Board was under the impression that the Senior Center wanted \$125,000 or nothing. Councilor Wright inquired about the Mayor's involvement in the process. Margaret Bozik stated that the Mayor welcomes the Advisory Board and provides general advice. This year the Mayor asked for specific funding for CEDO because of potential staff layoffs. The Board partially honored this request and served as an advisory board to the Mayor. All recommendations require approval from both the Mayor and City Council.

Councilor Berezniak thanked the Board for their work.

Councilor Hartnett asked how much money went to CEDO. Margaret Bozik stated that \$374,636 went to CEDO, as it is funded primarily through CDBG.

Councilor Shannon asked if applicants appear in person to present proposals or if it is a paper process. Ms. Bozik stated it is a paper process. Because of the number of applicants, there is not enough time to have everyone physically present their proposals to the Board. Board members can ask questions through written communication. Councilor Shannon suggested that in the future they consider having some face to face interactions to prevent miscommunication.

Councilor Berezniak stated that he thought the process in place was a good system.

There being no objection, the Council accepted the communication and placed it on file.

6. ORDINANCE: PERSONNEL – Livable Wages (Councilors Shannon, Bushor, Kranichfeld: Ordinance Committee; Councilors Keogh, Wright, Paul, Mulvaney-Stanak: Board of Finance) **(Proposed action: suspend the rules and place in all stages of passage)**

Councilor Bushor, seconded by Councilor Mulvaney-Stanak, made a motion to adopt the ordinance in all stages of passage.

Councilor Bushor stated that historically the ordinance was based on the cost of a single person living in a one bedroom apartment. In time, that became unaffordable and they began to look toward a model with two people living in one bedroom. She said the Ordinance Committee looked to have two people sharing living quarters, but not necessarily a bedroom. Employees were concerned about what this would mean if the wage were decreased. She stated that the intent was to freeze the wage increases until the city catches up to this level, not to decrease wages. She also noted that changes would be implemented July 1.

City Attorney Ken Schatz pointed out a typo and clarified that July should be added and March should be stricken.

Councilor Mulvaney-Stanak explained that the Livable Wage was designed so that workers can meet their basic needs and hopes the City continues to value this principle.

The motion passed unanimously.

6.01. COMMUNICATION: Richard W. Haesler, Jr., Esq. (staff) for the City Council
Ordinance Committee, re: Livable Wage Ordinance

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

The motion passed unanimously.

7. RESOLUTION: Monthly and Special Meetings of Department Heads and Appointed
Officials (Councilors Adrian, Berezniak, Blais)

Councilor Adrian, seconded by Councilor Berezniak, made a motion to adopt the resolution as amended.

Councilor Adrian requested that Attorney Schatz recuse himself, as he has a conflict of interest in choosing between the Mayor who appoints him and a City Council body who does not. Attorney Schatz responded that this is not a conflict of interest, as he is charged with acting on behalf of the Municipal Corporation of the City of Burlington.

Councilor Adrian stated that City Councilors, particularly the City Council President who is first in the line of the succession for mayor, should be as familiar as possible with the work of Department Heads. Doing so would aid the Council in setting the policy for the City. The Resolution requests that the City Council President be allowed to attend monthly staff meetings that the Mayor holds with Department Heads.

Councilor Wright spoke against the resolution and stated that there should be a separation between the Administration and the Council.

Councilor Kranichfeld spoke against the resolution and stated that it confused the role of the legislative versus executive branches of government. If there were a problem with department heads or the Mayor's management, it would be up to the voters to monitor this.

Councilor Decelles spoke against the resolution and stated that it is inappropriate to micromanage.

Councilor Mulvaney-Stanak spoke against the resolution and stated that the City Council was a citizen legislature. Involving the City Council President would take away from that and make the position less

accessible. She concluded by saying that questions for department heads should be addressed during City Council or Committee Meetings.

Councilor Berezniak stated that he supported the resolution because it promoted teamwork and collaboration.

Councilor Bushor stated these meetings would be valuable if done in a more informal manner between the Mayor and the Council President. She explained that when she served as Acting Mayor the department heads were able to bring her up to speed very quickly.

Councilor Shannon thanked the City Attorney, stating that he had always provided impartial advice and that he was very dedicated to the City of Burlington. She then followed by stating her support of the resolution. She believed it would be valuable to the Mayor to include councilors in the decision making process.

Councilor Decelles asked the Council to consider how they would feel if the Mayor attended each of their caucus meetings. He then made a motion to call the question.

The motion to call the question failed by a vote of 7 to 7 with Councilors Decelles, Wright, Dober, Paul, Mulvaney-Stanak, Bushor and Brennan voting in favor.

Councilor Adrian expressed his disappointment with the fact that Republican Councilors did not support transparency in city government and stated he would report this fact through social media. He also stated this decision could be overturned by future Councils should they disagree. Department heads are there to work with the Council and Councilors are not able to keep up with all of them individually. He also stated that one meeting a month does not qualify as micromanagement.

Councilor Brennan spoke against the resolution, stating he believed there was spite involved in offering this resolution. He then made a motion to call the question. That motion passed.

A roll call was requested. The vote was as follows:

Ayes: Councilors Adrian, Berezniak, Blais, Shannon and President Keogh

Nays: Councilors Brennan, Bushor, Decelles, Dober, Hartnett, Kranichfeld, Mulvaney-Stanak, Paul, and Wright

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

8. COMMITTEE REPORTS

Councilor Shannon reported that the Ordinance Committee would hold two meetings in May, scheduled for May 3 and May 31. The Taxi Ordinance and the Smoking Restrictions were scheduled for the May 3rd meeting.

Councilor Dober thanked Councilors Berezniak and Mulvaney-Stanak, past members of the License Committee, for their work on the committee in the last year.

Councilor Paul reported that the Parks, Art and Culture Meeting would meet on May 25th. At that meeting there would be an update on Moran Plant. David White and representatives from CEDO would be in attendance.

Councilor Adrian stated that the Charter Change Committee scheduled two meetings to discuss the Recall Resolution for May 10th and May 19th.

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

Councilor Mulvaney-Stanak stated that Saturday would be Green Up Day. Saturday would also be the opening of the Farmer's Market in City Hall Park. The Parallel Justice Program would be the beneficiary of a fundraiser at the Bluebird Tavern on May 11 and she encouraged all to attend.

Councilor Wright requested a moment of silence for the people who lost their lives on September 11 in light of Osama bin Laden's death. He also stated that some community members experienced flooding in their basements due to a burst in a city line and would like to see some coverage come from the City's insurance carrier. A person who was evacuated was upset that there had been no contact from the city to check in on them and would like to see this happen. He also requested that Councilors not lash out at one another if they lose a vote in the future.

Councilor Shannon noted that the Champlain Parkway was going to Act 250. The hearing would be May 19 at the Department of Public Works. Those looking for party status will need to attend that meeting.

Councilor Hartnett stated that residents in Ward 4 had suffered from flooding and it was amazing to see the community come together in support. However, he would like the city to reach out to those people more.

Councilor Dober stated that Burlington High School students and Alumni would be sponsoring a cleanup of the North 40 and encouraged anyone to attend on May 7.

Councilor Berezniak stated he would appreciate if Councilors would only speak to their own opinions and not make assumptions about his reasons for supporting or not supporting resolutions.

Councilor Paul announced that the upcoming Ward 6 NPA meeting would include discussion of campus construction projects, the city budget, move out day at UVM, and a storm water update.

President Keogh stated there would be a City Council retreat in the following week to discuss procedures and issues in the upcoming year.

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

Mayor Kiss said he did visit some residents affected by flooding. He thanked the American Red Cross for providing shelter to those affected. He noted that the city and state are almost out of sandbags and this may be something that may need to be better planned for in the future.

11. ADJOURNMENT

Without objection, the Regular City Council Meeting unanimously adjourned at 10:21 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary