

DELIBERATIVE AGENDA

SPECIAL CITY COUNCIL WORKSESSION

MONDAY, JUNE 13, 2011

CONFERENCE ROOM 12, CITY HALL

6:26 P.M.

PRESENT: Mayor Kiss, City Council President Keogh, Councilors Mulvaney-Stanak, Wright, Bushor, Shannon, Brennan, Kranichfeld, Blais, Berezniak, and Dober; CAO Leopold; ACAOs Schrader and Goodwin, HR Director Leonard and Senior Assistant City Attorney Bergman

ABSENT: Councilors Adrian, Decelles, Paul and Hartnett

1. AGENDA
2. PRESENTATION: Jonathan P.A. Leopold, Jr. CAO, re: FY2012 Budget (oral)
3. ADJOURNMENT

The Special City Council Work-session adjourned at 7:15 p.m.

Attest:

Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary to the CAO

REGULAR MEETING, CITY COUNCIL

MONDAY, JUNE 13, 2011

CONTOIS AUDITORIUM, CITY HALL

7:25 P.M.

PRESENT: City Council President Keogh; Councilors Mulvaney-Stanak, Wright, Bushor, Shannon, Brennan, Kranichfeld, Blais, Berezniak, Adrian, Hartnett, Decelles, Dober, Paul (arrived at 7:40 p.m.) and Mayor Kiss

CITY ATTORNEY’S OFFICE: Ken Schatz

CLERK/TREASURER’S OFFICE: Scott Schrader and Rich Goodwin

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilors Shannon and Wright, the agenda was unanimously amended as follows: remove from the agenda item 10. RESOLUTION: Planning and Zoning Department Fees Schedule (Board of Finance) and place it on the consent agenda as item 3.08. with the action “to waive the reading and adopt the resolution;” add to the consent agenda item 3.09. COMMUNICATION: Chip Mason, Member, Board of Tax Appeals, re: Resignation with the action to “waive the reading, accept the communication, place it on file, advertise the vacancy (will be published in the June 15th edition of Seven Days) and send a letter of appreciation to Chip Mason thanking him for his years of service on the Board of Tax Appeals;” add to the consent agenda item 3.10. COMMUNICATION: Clerk/Treasurer’s Office, Openings Burlington City Commissions/Boards with the action to waive the reading, accept the communication and place it on file;” remove from the agenda item 5. REPORT: Mark Saba, Burlington Fire Commission Chair, re: 2011 Annual Report of the Burlington Fire Commission to the Burlington

City Council; add to the agenda item 10.5. COMMUNICATION: Joseph McNeil, Esq., re: Collective Bargaining (oral): expected Executive Session.

2. PUBLIC FORUM

City Council President Keogh opened the public forum at 7:48 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Ron Ruloff	3	City Bankruptcy
Nicholas Schieldrop	Shelburne Resident	Airport Funds

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

3. CONSENT AGENDA

On a motion by Councilors Shannon and Mulvaney-Stanak, the consent agenda was unanimously adopted, as amended, thus taking the following actions as indicated:

- 3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List
*waive the reading, accept the communication and place it on file
- 3.02. COMMUNICATION: Richard Haesler (staff) for the Ordinance Committee, re: Livable Wage Ordinance
*waive the reading, accept the communication and place it on file
- 3.03. ORDINANCE: PERSONNEL—Livable Wages (Councilors Shannon, Bushor, Kranichfeld: Ordinance Committee; Councilors Keogh, Wright, Paul, Mulvaney-Stanak: Board of Finance)
*waive the reading, suspend the rules and place in all stages of passage
- 3.04. COMMUNICATION: Donald N. Horenstein, Member, Retirement Board, re: Resignation
*waive the reading, accept the communication, place it on file, send Donald N. Horenstein a letter of appreciation thanking him for his years of service on the Board and send copies to the Ordinance Committee for consideration
- 3.05. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re: For Planning Purposes: Draft Schedule of Meetings of the City Council through 8/12
*waive the reading, accept the communication, place it on file and finalize the schedule for inclusion in the next City Council packet
- 3.06. REPORT: Ron Redmond, Executive Director, CSM, re: Year in Review (July 1, 2010 to June 30, 2011)
*waive the reading, accept the report and place it on file
- 3.07. COMMUNICATION: Harry Chen, MD, Commissioner of Health to Theodore Miles, re: Congratulations on your commission as Deputy Health Officer for Burlington
*waive the reading, accept the communication and place it on file

3.08. (was 10.) RESOLUTION: Planning and Zoning Department Fees Schedule (Board of Finance)
*waive the reading and adopt the resolution

3.09. COMMUNICATION: Chip Mason, Member, Board of Tax Appeals, re: Resignation
*waive the reading, accept the communication, place it on file, advertise the vacancy (will be published in the June 15th edition of Seven Days) and send a letter of appreciation to Chip Mason thanking him for his years of service on the Board of Tax Appeals

3.10. COMMUNICATION: Clerk/Treasurer's Office, Openings Burlington City Commissions/Boards
*waive the reading, accept the communication and place it on file

4. PUBLIC HEARING: Church Street Marketplace—Establishment of Common Area Fees
For Fiscal Year 2012

Ron Redmond, Executive Director of the Church Street Marketplace, stated this was the second of two public hearings that took place each year. The first was to establish the Common Area Fee for the Marketplace District. This hearing would address the increase of 1.75% that the Marketplace Commission was proposing. In the first hearing there was no opposition to the rate.

City Council President Keogh opened the public hearing at 7:28 p.m.

There being no one coming forward, City Council President Keogh closed the public hearing at 7:28 p.m.

4.01. RESOLUTION: Church Street Marketplace—Establishment of Common Area
Fees for Fiscal Year 2012 (Councilor Shannon)

Councilor Shannon, seconded by Councilor Bushor, made a motion to waive the reading and adopt the resolution.

The motion passed unanimously.

6. RESOLUTION: Commission/Board Annual Reporting Process (Councilors Paul,
Hartnett)

Councilor Hartnett, seconded by Decelles, made a motion to waive the reading and adopt the resolution.

Councilor Hartnett stated this would bring accountability from the Commissions and would also address the fact that some of the Chairs that were unsure if all Commissioners had read the report they had submitted.

Councilor Bushor stated the certain appointments, including the Winooski Valley Park District, Fence Viewers, CCTA, Chittenden Solid Waste District, the Board of Medical Examiners, should be excluded. It would be important to note these exclusions. She also stated that the portion of the resolution that addressed the relationship with Department Heads should be discussed in a different format. She made a friendly amendment to eliminate lines 37 and 38. Councilor Hartnett accepted the amendment as being friendly.

Councilors Berezniak and Shannon made a motion to refer the resolution to the HR Committee.

Councilors Dober and Decelles spoke against referring it to the HR Committee.

Councilor Shannon stated she would like to refer this because Chairs were unsure what to include in their reports. The list here was not the right list for every Board/Commission. For example, review boards were

very different from other commissions. There were also a number of boards which this would not apply to.

Councilor Wright stated this did not limit reports to specific items and they might choose to add further information.

Councilors Hartnett and Dober made a motion to call the question regarding referring the resolution to the HR Committee. The motion passed unanimously.

The motion to refer the resolution to the HR Committee failed by a vote of 8-6 (City Council President Keogh, Councilors Kranichfeld, Berezniak, Shannon, Blais and Paul.)

Councilor Hartnett and Wright made a motion to call the question regarding the resolution, as amended. The motion passed unanimously.

The motion to adopt the resolution as amended passed by a vote of 11-3 with City Council President Keogh and Councilors Kranichfeld and Berezniak voting against.

7. RESOLUTION: Approving the Issuance of Grant Anticipation Notes for the Costs of Certain Airport Improvement Projects (Board of Finance)

Councilor Paul made a motion, seconded by Councilor Shannon to waive the reading and adopt the resolution.

Councilor Paul stated this had been discussed at Board of Finance and ACAO Goodwin could answer questions.

Councilor Bushor inquired if the phrase “or Designee” should be included in addition to Chief Administrative Officer, as the CAO was about to leave. City Attorney Schatz stated it was not necessary because the charter allowed the ACAOs the authority of the CAO in his absence.

The motion passed unanimously.

8. RESOLUTION: Authorization to Execute Obstruction License Agreement with I.C.V. Construction, Inc. for 180-188 Battery Street Project Construction (Councilors Dober, Blais, Berezniak: License Committee)

Councilor Dober made a motion, seconded by Councilor Shannon, to waive the reading and adopt the resolution.

Councilor Dober stated this related to construction on Battery Street that had been extended. This would grant them until October 31 to use the space. Senior Assistant City Attorney Bergman was present to answer any questions.

The motion passed unanimously.

9. 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, Blais, Berezniak: License Committee)

Councilor Dober made a motion, seconded by Councilor Wright, to waive the reading and adopt the resolution.

Councilor Dober stated that the lower Church Street project was close to completion. This business did not serve alcohol and would have 11 tables and 42 chairs. The right of way would be 7 feet from the building. The table setting would be 2 feet from the street. This was the same concept that was used for the Marketplace.

Councilor Shannon spoke in favor of the resolution, but raised concerns about their ability to fit that number of tables and chairs in the designated area. Councilor Berezniak stated it was not appropriate to tell the business owners how many tables and chairs to put out, and if it was too crowded they would make adjustments accordingly. He added that the License Committee was examining the distance from the buildings on a case by case basis.

Councilor Bushor inquired about the expiration of the insurance. Cheech Kehoe, the owner, stated that the insurance would be automatically renewed and a new certificate would be forwarded to the Clerk/Treasurer's Office at that time. City Attorney Schatz stated a new certificate would be required and if it was not provided the agreement would be terminated.

The motion passed unanimously.

10.5. COMMUNICATION: Joseph McNeil, Esq., re: Collective Bargaining (oral)

On a motion by Councilors Bushor and Wright, the Council went into executive session at 8:22 p.m. Present was/were: Mayor Kiss, City Council President Keogh, Councilors Mulvaney-Stanak, Wright, Bushor, Shannon, Brennan, Kranichfeld, Blais, Berezniak, Adrian, Hartnett, Decelles, Dober and Paul, CAO Leopold; ACAOs Schrader and Goodwin; City Attorney Schatz; Joe McNeil, Esq. and Fire Chief Lasker.

On a motion by Councilors Wright and Mulvaney-Stanak, the Council went out of executive session at 8:40 p.m.

11. COMMITTEE REPORTS (5 mins.)

Councilor Paul stated there would be a Parks Arts and Culture Committee and they would be discussing an update on Moran and their Sources and Uses budget.

Councilor Shannon stated the Ordinance Committee would be meeting and would be discussing the Taxi Ordinance, the Dog Ordinance and the Downtown Smoking Committee Appointments.

Councilor Dober stated License Committee would be discussing the additional outside consumption permits that were being processed; Sky Burger's would be more unique than some others.

12. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Wright stated there was an opening at the Thayer School Development and Senator Leahy and the Mayor attended. It was a great development that was going to benefit seniors and families. He also stated the reassignment policy by the School Board had generated controversy. Many people did not realize this had happened and did not understand the impact. He stated he would advocate for the School Board to hold public hearings before moving forward with this.

Councilor Hartnett stated while he was campaigning, the common theme of what he heard was that people would like to see accountability from City Hall. This was referring to Moran and BT and not City Councilor Parking Passes. He stated he was disappointed to see that email and would prefer to focus on the big things.

Councilor Brennan stated on the Consent Agenda there was a letter from Donald Hornstein raising concerns. He would like to bring forward a resolution about it. He also stated he was excited about the housing complex in New North End, but worried that the schools are not prepared for this growth.

City Council President Keogh stated that Chief Schirling would be reissued parking permits for one year. He also encouraged Councilors to recruit people for openings on City Commissions and Boards.

13. COMMUNICATION: Mayor Kiss, re: General City Affairs (oral)(5 mins.)

Mayor Kiss stated that Dealer.com held a celebration for its expansion. There were currently about 500 employees. He also mentioned that CAO Leopold stated in an interview that Burlington Telecom was very important and would like to see Burlington's level of services expand across the state. The Special Election for the Ward 5 School Commissioner would be August 2nd. The City would provide dumpsters in the North Avenue Extension area for flood victims to remove debris and damaged household goods. There will also be dumpsters at Appletree Point. The City would be part of the recovery process. He also stated that SEABA was having its Annual Meeting and they had been a force in developing a connection to art and business in the South End.

The City Council recessed from 8:10 p.m. until 8:21p.m.

14. ADJOURNMENT

On a motion by Councilors Wright and Mulvaney-Stanak, the Regular City Council voted unanimously to adjourn at 8:40 p.m.

Attest:

Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary to the CAO