
DELIBERATIVE AGENDA

LOCAL CONTROL COMMISSION
MONDAY, DECEMBER 5, 2011
CONTOIS AUDITORIUM, CITY HALL
7:06 P.M.

PRESENT: Mayor Kiss, City Council President Keogh, Commissioners Adrian, Bushor, Berezniak, Kranichfeld, Mulvaney-Stanak, Hartnett, Wright, Shannon, Blais, Paul, Decelles, and Dober

ABSENT: Commissioner Brennan

CITY ATTORNEY'S OFFICE: Gene Bergman, Gregg Meyer and Richard Haesler

CLERK/TREASURER'S OFFICE: Scott Schrader, Rich Goodwin and Lori Olberg

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Commissioners Dober and Blais the agenda was adopted as is.

2. CONSENT AGENDA

Commissioner Bushor inquired if the sub-committee would report back about Under 21Events. Commissioner Dober stated there was supposed to be a meeting with the Police Department, but it was postponed. A report would be provided after that meeting.

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

- 2.01. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re:
Local Control Sub-committee/City Council License Committee
Minutes for November 1, 2011

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

3. ADJOURNMENT

On a motion by Commissioners Dober and Blais the Local Control Commission unanimously adjourned at 7:08 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
MONDAY, DECEMBER 5, 2011
7:08 P.M.

PRESENT: see above

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CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilors Shannon and Bushor, the agenda was unanimously adopted, as amended as follows: amend the action for consent agenda item 3.11. COMMUNICATION: Mayor Bob Kiss, re: Fluoride Information and Up-date to “waive the reading, accept the communication, place it on file and refer this communication and the attachments (links) to the Public Safety Committee for further consideration with a report back to the Council determining if Fluoride should still be added to our water supply” and remove from the agenda item 6. RESOLUTION: March 6, 2012 Annual City Meeting— Advisory Referendum Re Voting Rights of Non-Citizens (Councilor Brennan) and place it on the December 19, 2011 City Council Deliberative Agenda.

Councilors Dober and Decelles made a motion to suspend the rules and begin the Public Forum. The motion passed unanimously.

2. PUBLIC FORUM

City Council President Keogh opened the public forum at 7:13 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Gene Richards	Chair, Airport Commission	Parking Garage, S. Burlington Taxes
Phil Lavigne	Ward 7 Resident	Applicant to Police Commission
David Greenberg	Lake Street Condominiums	Development Rushed, Little Public Input
Alison Lockwood	Ward 3 Resident	Public Trust, Suspend Moran Spending
Jared Wood	Ward 1 Resident	25mph Speed Limit, Police Commission
Ron Ruloff	Ward 3 Resident	CVOEO Issues
Ivan Goldstein (Read by Alison Lockwood)	Ward 7 Resident	Against TIF
David Alofsin	S. Burlington Resident	Skate Park Funding Options
Jake Steth	Ward 2 Resident	Pro-Skate Park
Josh Eichen	Ward 1 Resident	Pro-Skate Park
Holly Forbes	Ward 5 Resident	Pro-Skate Park
Zach Hibbs	Ward 5 Resident	Pro-Skate Park
Doug Clark	S. Burlington Resident	Pro-Skate Park
Ralph Montefusco	Ward 4 Resident	American with Disabilities Act
Kiona Heath	Ward 3 Resident	Applicant to Police Commission

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Nicole Driscoll	Ward 3 Resident	Pro-Skate Park
Rob Williams	Ward 2 Resident	Pro-Skate Park
Curt Gurry	Ward 5 Resident	Pro-Skate Park
Christine McConnell	Ward 5 Resident	Pro-Skate Park
Brendan Foster	Ward 3 Resident/ Local Business Owner	Pro-Skate Park
Jason Boyd	Ward 7 Resident	Pro-Skate Park
Ryan Mitofsky	Burlington Partnership for a Healthy Community	Pro-Skate Park
Erin Blaisdell	Ward 6 Resident	Pro-Skate Park
Rory Waterman	Ward 3 Resident	Against use of Pennies for Parks
Sam Cooke	Ward 2 Resident	Pro-Skate Park
Devin Connor	Burlington Skate Park Coalition/ Ward 2 Resident	Pro-Skate Park
Emily Kalen		Pro-Skate Park
Seth Neary	Ward 5 Resident	Pro-Skate Park
Trina Zide	Ward 3 Resident/ Local Business Owner	Pro-Skate Park
Adam Morse	Ward 5 Resident	Pro-Skate Park
Jimmy Goodwin	Ward 2 Resident	Pro-Skate Park
Richard Bowen	Vermont Resident	Pro-Skate Park

There being no one further coming forward and no objection from the remaining Council, City Council President Keogh closed the public forum at 8:03 p.m.

3. CONSENT AGENDA

On a motion by Councilors Shannon and Bushor, 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. RESOLUTION: Approval of Purchase Power Agreements with HV PV1, LLC (Board of Finance)

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

3.03. COMMUNICATION: William F. Ellis, Esq., re: Georgia Mountain Community Wind, LLC,
*waive the reading, accept the communication and place it on file

3.04. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance August 1, 2011
Minutes

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

3.05. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy
Bovee, Executive Secretary, re: Minutes, Adjourned City Council for
September 26, 2011

*waive the reading, accept the communication, place it on file and adopt the minutes at the December 19,
2011 City Council Meeting

3.06. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy
Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting,
October 3, 2011

*waive the reading, accept the communication, place it on file and adopt the minutes at the December 19,
2011 City Council Meeting

3.07. COMMUNICATION: Amy Bovee, Executive Secretary and Lori Olberg, Licensing, Voting and
Records Coordinator, re: Minutes, Adjourned City Council, October 17,
2011

*waive the reading, accept the communication, place it on file and adopt the minutes at the December 19,
2011 City Council Meeting

3.08. COMMUNICATION: Kenneth Kaliski, P.E., INCE Bd. Cert., Resource Systems Group, Inc. to
L. David Keelty, re: Noise impact of the sealing of the FAHC cooling
tower louvers

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

3.09. COMMUNICATION: Lobsang Nyandak, Representative of His Holiness the Dalai Lama to the
Americas to Mayor Bob Kiss, re: Thank you for your support

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

3.10. COMMUNICATION: Chittenden County Assistant Judges to the Members of the Legislative
Bodies of the Towns and Cities in Chittenden County, re: Pre-Budget
Meeting

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

3.11. COMMUNICATION: Mayor Bob Kiss, re: Fluoride Information and Up-date

*waive the reading, accept the communication, place it on file and refer this communication along with
the attachments (links) to the Public Safety Committee for further consideration with a report due back to
the Council determining if Fluoride should still be added to our water supply

4. RESOLUTION: Skate Park Funding Options (Councilors Hartnett, Wright, Decelles,
Dober)

Councilors Hartnett and Wright made a motion to waive the reading and adopt the resolution.

Councilor Hartnett stated that the Appletree tennis courts were also denied Pennies for Parks funding, not
just the Skate Park. The City had so many needs for Park maintenance. None of the other allocations were

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for more than \$50,000. The Skate Park would use almost half of the Pennies for Parks budget on one project. The funds could be used in many other areas. A previous ballot item on Moran stated the project would not go back to the voters unless it affected property taxes, which Pennies for Parks did. Everyone in Burlington knows a new Skate Park was needed, but alternative funding sources should be examined.

Councilor Adrian stated he was glad to see so many young people turning out to speak. He also stated that people could use their voices by voting and hoped to see the organization that arose to support the Skate Park promote their issues in elections. He stated he would vote against the resolution, as a Skate Park was needed and the money was in place. The project was approved provided general fund taxes were not affected. This came from a designated tax that remained static.

Councilor Wright stated the current Skate Park was outdated and dilapidated. The resolution stated that City Council did support the project. It simply asked the ACAO Goodwin to look for another funding source. Other residents had stated they had concerns, and those concerns should be considered. The Free Press also laid out concerns that citizens had. It was important to represent those viewpoints, and that was what this resolution was about.

Councilor Dober stated he was an advocate of the Skate Park and it was interesting to watch the activity there. The resolution was not about getting rid of the Skate Park. The allocation of Pennies for Parks was not meant for this type of project. It was not a bad idea, but it was important for constituents that all possible sources were considered. They want to know what projects would be neglected in order to spend money on the Skate Park.

Councilor Mulvaney-Stanak spoke against the resolution stating there was a debate regarding Parks and Rec during the budget process. When Pennies for Parks was implemented there was language regarding upgrades to existing parks. One of the sponsors of the resolution was actually on the Board of Finance. The process for Pennies for Parks had already happened; it was an existing park. Showing that you were an advocate for the Skate Park would be best done by being consistent. There might need to be a better process for Pennies for Parks. There had been public fundraising efforts regarding this project. This was now a debate about support for the skate park. There were always a dozen people using the park. It would be a shame to not fund it this fiscal year. The Waterfront North project was separate from Moran and the use of funds was appropriate; they were physically connected but separate projects.

Councilor Blais stated construction of the Skate Park fell within the spirit and the letter of Pennies for Parks. The formula to approve this funding was followed. It was puzzling that this debate was going on. Voter confidence was enhanced by remaining consistent with previous votes. Because of this, there was no reason to change the decision.

Councilor Kranichfeld stated he supported the Skate Park and using Pennies for Parks if necessary, but there was nothing wrong with investigating other funding sources. This would not jeopardize the project and might result in a better funding source. He stated he did not think that the City Council had the authority to ask a specific staff member to investigate this, and there should be an option to reject the requirement to use the alternate funding source. Councilors Berezniak and Hartnett made a motion to amend the resolution as such. Councilor Wright accepted the amendment as friendly.

Councilor Bushor thanked Councilor Blais and stated she would have liked to have input from Steve Allen from the Parks and Recreation Commission. She stated she got an email from a constituent that contained information that needed clarification, as there was a lot of misinformation circulating about this issue. One piece was that Pennies for Parks must match \$27 for every \$1. Linking that to a TIGER Grant and saying it was a requirement was a misstatement. The money could leverage additional dollars. She requested clarification. Larry Kupferman, CEDO, stated that members of the public had been critical of that calculation. The TIGER Grant came with no match requirements. Leverage was a calculation of public money for Waterfront North and all of the other funding. TIGER would not cover the entire cost of

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the project. The calculation was used to emphasize the use of the dollars compared with all other funding sources. The State required a \$100,000 match. Going forward, it would be important to note public investment as well. Councilor Bushor stated that it had been confusing for members of the public and it needed to be clear so people understand. She stated the person who worked to build the original Skate Park represented a person who needed another way to express himself at a time when skateboarding was really new. It was important to support youth. It was harder to find a niche that engaged middle school and teenagers. People in their 20s and 30s had continued with the sport. It was important to provide activities for people of all ages and for there to be points of interest on the Waterfront. The process for allocating Pennies for Parks needed to be more transparent and involve the public more. She stated she would not support the resolution. The funding should stay as it was approved and the process should change in the future.

Councilor Shannon stated she received an email from Tim Jarvis that stated there was an effort for Democrats to block voting against this resolution for political purposes. She stated no Democrat had asked her about her vote and she was unaware of any block voting effort. The Parks and Recreation Commissioners should be engaged in this process and there should be further discussion about how Pennies for Parks would be allocated in the future. Using these funds for the Skate Park was completely legitimate. She also stated she liked the amended resolution. This was an effort to please the public, but there would unlikely be another revenue source. The Pennies for Parks process did need to be changed, but this would not do it.

Councilor Decelles stated he agreed with the interpretation of the ballot question, but it would have been better to have maintained the Skate Park. He stated he would prefer an alternative funding source if it existed. There were tennis courts in a wealthy neighborhood that need resurfacing, but there were other parks that needed funding too. The whole budget should be reopened and tweaked to address these issues. It was clear that everyone supported the Skate Park. This only asked for 14 days, which would not delay the project.

Councilor Berezniak stated he liked the idea of the Skate Park and it was difficult for project managers to keep it on track. Financing should not be an obstacle. Even if this was examined for another two weeks, there probably would not be a new source. It would be nice to have the tennis courts repaved at Roosevelt Park, but that may have to wait until next year. The staff at the Department of Parks and Recreation would have to look at the needs of all parks. This project had a timeline and needed to be done. He stated he would not support the resolution, and thanked Councilor Kranichfeld for his amendments.

Councilor Paul thanked those who spoke on behalf of the Skate Park and thanked Councilor Kranichfeld for his amendment. She stated she has three children and all have used the Park. There was a misinterpretation that looking to other funding sources was anti-Skate Park. She stated there was no problem looking at other sources. Pennies for Parks was intended for specific uses, and there were other places in the budget where the Skate Park could receive funding that other projects would not be eligible for. The Capital Budget could be used for the Skate Park, potentially. Two weeks would not really hold up the project. If there were no other funding sources, she would still support the allocation as it stood now.

Mayor Kiss stated this would be a good investment for the City. Funding it through Pennies for Parks was appropriate. Looking for funding from other sources was difficult because there were other projects that could not be paid through Pennies for Parks. Making this extra effort was not in the City's best interest.

City Council President Keogh requested a roll call.

Councilor Hartnett stated it was interesting that the Mayor was in favor of this, as he campaigned against Pennies for Parks. Continuing to use Pennies for Parks as seed money and using \$150,000 at a time for projects such as this would result in the Parks remaining behind in maintenance. Other revenue sources,

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such as Park Impact Fees, could be used to fund projects like these. There might be \$95,000 in Park Impact Fees. This had nothing to do with not wanting to build a Skate Park, but it was about taking care of all parks. It should at least be examined.

Councilor Wright stated that regardless of the funding source outcome, he would support the Skate Park. This would not be a delay. Many residents were concerned and the process was not good. There was a lot of misleading information that came before the Parks Committees. He inquired if there might be other sources available. ACAO Goodwin stated there could be other sources. Councilor Wright proposed an amendment to the resolution to read 'request that the Mayor propose a new revenue source for the Council to consider'. This would not require the Council to act on the new funding source. Councilor Hartnett accepted the amendment as friendly.

Councilor Dober stated in a previous year the Old North End of the Bike Path needed repair and this was what it took to find a good solution.

Councilor Adrian inquired if amending the budget required a 2/3 vote from the Council or if it must start with the Mayor. Senior Assistant City Attorney Bergman stated it would have to come from the Mayor. Councilor Adrian stated that since the Mayor had already expressed his support for the use of Pennies for Parks, this debate had been a waste of time. He stated he would vote against the resolution.

Councilor Berezniak stated looking at other sources was not a waste of time. Councilors Dober, Paul, and Hartnett made some interesting points and two weeks would not slow this down. He stated he would now support it.

Councilor Shannon inquired if the Mayor had any intention of opening the budget under any circumstances. Mayor Kiss stated he did not plan to open the budget. He stated he would talk with the ACAO Goodwin but there were other needs in City budget, such as the heating system at the Heineberg Senior Center. Even if that money was found, it would be hard to move money away from another project to the Skate Park that was already appropriately funding. He stated it was unlikely he would make that recommendation. Councilor Shannon inquired if there was any other source in mind to fund the Skate Park. ACAO Goodwin stated he could look, but had not yet identified a source. Interim CAO Schrader stated there were always other uses of monies. To answer the question, there were no sources that were not already allocated. This would require reevaluating what was required in the budget.

Councilor Bushor thanked Councilor Wright for supporting the language change. This sounded like robbing Peter to pay Paul and the Mayor had stated he was unlikely to reopen the budget. She stated there was a funding source and it should be used.

Councilor Berezniak stated Interim CAO Schrader convinced him to remain where he was.

Councilor Hartnett inquired about Park Impact Fees. Interim CAO Schrader stated he believed those had been allocated to Parks Operations and he would be surprised if there was \$95,000 of unallocated money. Councilor Hartnett inquired if that money did exist, would the Skate Park be an appropriate use. Interim CAO Schrader stated it would. Councilor Hartnett stated that should warrant looking into it. Councilor Hartnett made a motion to call to question. The motion passed unanimously.

The motion passed by a vote of 7-6.

AYES: City Council President Keogh, Councilors Decelles, Dober, Hartnett, Kranichfeld, Paul and Wright

NAYS: Councilors Adrian, Berezniak, Blais, Bushor, Mulvaney-Stanak and Shannon

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ABSENT: Councilor Brennan

5. RESOLUTION: March 6, 2012 Annual City Meeting—Downtown TIF District—Finance Public Improvements by Pledging Credit of the City (Councilors Berezniak, Mulvaney-Stanak, Wright: Community Development & Neighborhood Revitalization Committee)

Councilors Berezniak and Mulvaney-Stanak made a motion to waive the reading and adopt the resolution.

Councilor Berezniak stated this would authorize putting a question on the ballot to establish a downtown TIF district with the requirement that regardless of whether the revenue generated enough for repayment, the City would still be liable for the amount. That was required to initiate the TIF district and ensured voters know what was required for the City. It was important for the City to develop downtown.

Larry Kupferman, CEDO, stated that there was language that clearly stated that this did not establish debt, but future Council could use it to develop infrastructure. Brian Pine, CEDO, stated the team had been working on this proposal for two years and they had appreciated the Council's support. There was a confusing comment about this TIF and how it related to Waterfront TIF. That TIF was enacted under very different state statute. The new TIF was completely different. Under this set of rules, infrastructure was not built with the hope private developers would come, as it was necessary to prove that they would come. There would be due diligence on each project. The Council would be asked for approval before moving forward on anything. The process would be very different.

Councilor Bushor stated she would support this and it was important for voters to know that further authorization was required. People might see \$10 million and think that the City could not handle that amount of debt. She stated she hoped everyone can work through the language and understand the aspects of the project. She stated she hoped people were able to understand the question.

Councilor Wright inquired how this would be sold to the public, and that the language might cause concerns. Mr. Pine stated unanimous Council approval would help. Telling the public that the City was liable was required by State law to ensure that if something unexpected happened that the City was there. He stated that due diligence and full disclosure would take on every project. Voter approval might be required on some bond issuances. Councilor Wright inquired what would happen if a project fell apart partway through. Mr. Pine stated they hope that never happened. An example would be the Parking Garage that was built for Filene's. They could not move forward without the other. Assistant City Attorney Haesler stated that voters should know each project went through its own analysis. This allowed the potential for \$10 million of development to occur. Without doing that, it cancelled the ability to look at future projects. If this was approved with the support of all three parties, it would be important to go to voters and indicate that this was not a vote to incur \$10 million of debt; it just allowed the tool to be used.

The motion passed unanimously.

- 5.01. COMMUNICATION: Larry Kupferman, CEDO Director, re: Burlington Downtown TIF – Preparation for a March Vote

Councilors Berezniak and Mulvaney-Stanak made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6. RESOLUTION: March 6, 2012 Annual City Meeting—Advisory Referendum Re Voting Rights of Non-Citizens (Councilor Brennan)

This item was removed and would be on the December 19, 2011 City Council Deliberative Agenda.

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7. RESOLUTION: March 6, 2012 Annual City Meeting—Proposed Charter Change Re Exemption from Personal Property Tax for Businesses with Appraised Values Under \$45,000 (Councilors Adrian, Decelles, Shannon: Charter Change Committee)

Councilors Adrian and Paul made a motion to waive the reading and adopt the resolution.

Councilor Adrian stated that City Attorney Schatz drafted the resolution and it was straightforward. This was an idea that made sense.

Councilor Blais stated he would abstain on the vote.

Councilor Shannon stated last time this was on the agenda she voted against it because there was no explanation on how this revenue would be replaced in the budget. Since that time, the City Assessor explained that it would free up staff time to pursue things like assessing improvements on homes and things that were of higher value. This made sense and she stated she would support it.

Councilor Bushor inquired about properties that made payments in lieu of taxes. Senior Assistant City Attorney Bergman stated this meant that properties that made payments in lieu of taxes were also subject to this. Councilor Bushor stated it was phrased oddly. She inquired if this was difficult for the Attorneys to interpret correctly. Senior Assistant City Attorney Bergman stated that as long as they had less than \$45,000 they were exempt.

The motion passed unanimously with Councilor Blais abstaining.

8. PRESENTATION: Nicole Losch, Bicycle, Pedestrian & Environmental Planner and Steve Goodkind, Director, Department of Public Works, re: 25 mph citywide Speed limit effective November 30, 2011

Nicole Losch, DPW, stated that in 2000 there was a resolution directing DPW and Police to look at this. It was discussed again in 2006 in the pedestrian summit and transportation plan. In 2007, it was in the transportation plan. The City Council officially approved the change in 2011. This would create a safer pedestrian environment. The policies that relate to this were State Statutes that allow municipalities to establish speed limits. This had some caveats with upper and lower limits. This had been reviewed by transportation engineers. The Transportation Plan identified streets to include in this. The principles behind it were that complete streets should undergo complete planning. The recommendation was that the arterial segments outside of downtown should remain 30 mph until further studies were completed. The other concept was the design scale of streets. Traffic speeds increase in relation to the width of the street. The wider it was, the higher the speed. Complete streets look to design for scale to set an appropriate speed. The faster you were going, the less you take in on a street. The faster a car was going, the more likely a pedestrian would be killed in a crash. At 30 mph it was a 40% chance, where at 20 mph it was about 15%. Other benefits with lower speeds were increased safety and reduced emissions and noise. The changes were approved by the Public Works Commission and they applied to all City streets except North Avenue along the 127 entrance, Plattsburg Avenue, and Shelburne Street between Locust and Ledge and the South Burlington line. The Northern Connector, Church Street and Lake Street also remained the same. The Transportation, Energy and Utilities Committee, Fire and Police Department were in favor. There were also public comments and hearings.

Councilor Dober stated that he recently saw four cars pulled over on Riverside Ave. for speed. He inquired if there was value to this for Burlington specifically. Ms. Losch stated they examined traffic data from Burlington streets. The average speed was around 30. Engineering practices state speed limits should be set within 5 mph of the 85th percentile of the speed people drive. 25 mph fit in that range. In an urban environment, people typically did not travel more than 25 mph. The safety benefits and public

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interest pushed this proposal. The public comments were overwhelmingly in favor. DPW Director Goodkind stated this started about 11 years ago and had a long history. Councilor Dober stated he had not actually seen speed or transportation as an issue. He inquired if this would result in an evaluation and potential reduction in the amount of speed bumps. Mr. Goodkind stated that would be evaluated over time. Many of the streets with speed bumps already had 25 mph speed bumps. There would still be people who would go faster. People usually go faster on streets that look like it was ok to go faster. The speed bumps made uncomfortable to go faster. 25 mph was the limit people felt comfortable going. Councilor Dober stated that was what he had been seeing anyway. The City now had to replace signs and law enforcement would have to spend more time on enforcement for something that was not really an issue. Mr. Goodkind stated that Riverside Ave. had been 25 mph for a while.

Councilor Bushor stated that some of the comments showed reservations about how this would be implemented. She stated if she was a tourist it would not be clear what the speed limit was. This would not serve Burlington well. Mr. Goodkind stated all areas would be posted if they were different from 25 mph. Councilor Bushor inquired about Main Street where it changed from Williston Road. Mr. Goodkind stated it was already 25 and had been for a long time. There were signs saying what the City speed limit in addition to the existing 25 mph signs. He stated this was less confusing, as previously it was a checkerboard of speed limits. There were now only 2 corridors that were not 25 mph. Councilor Bushor stated it took a moment to adjust speed coming off the highway and was curious as to how the police would enforce this. The Police Department had said they would not spend extra time enforcing this. Mr. Goodkind stated that was correct and all speed limits would be 25 mph. It was uniform and less confusing. Councilor Bushor stated that despite the exceptions she was glad to hear this was happening to make the community safer. She stated the intersections should be a future project.

Councilor Shannon stated she had heard a lot of complaints about speeding cars. A lot of the reason was cars cutting through neighborhoods to get from Shelburne Road to Pine Street. Neighborhoods were taxed by the volume and speed of cars. She stated that she was not sure this would solve these problems. Public Works always stated that people read the road and not the posted speed limit. Pine Street was an example of a place that drivers would read as much faster than 25 mph when it was clear. Mr. Goodkind stated this was not the answer to all problems, just one piece of it. People would still go fast late at night. Removing speed bumps was ineffective because people would not slow down just because the signs said 25 mph.

Councilor Hartnett stated that there was a debate about whether or not to change Pine Street to 25. It might need to be looked at in the future. He stated he supported this and it was a step in the right direction. It sent the message that safe neighborhoods were important. He stated that he did not expect an increase in Police enforcement and it would be interesting to track.

Councilor Adrian thanked Jared Wood, a constituent, who had advocated for this for years. His diligence helped this move forward. Mr. Goodkind stated he Jared Wood is a Public Works Commissioner that had advocated for this.

Councilor Decelles stated there were two places in Winooski and South Burlington where the Police always pulled people over. People know how much over the speed limit they could go and get away with it.

City Council President Keogh stated he was skeptical of this. He did surveys of City streets with a radar gun, and most cars were going 2-4 mph over the speed limit. It would be hard to enforce an even lower speed limit. He also stated he agreed that people read the road and go the speed they felt they could drive safely. It was difficult to determine how much a person was speeding without a trained eye. Many times people thought speeding occurred because they heard the noise of big engines or revving engines going uphill. There were many places where people go much faster than the speed limit. Mr. Goodkind stated that 85% of drivers in Burlington go around 30 mph. Setting the limit at 25 mph was within the range at which it should be set. It would hopefully make a difference somewhere and would hopefully help over

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time. City Council President Keogh inquired if fines were going to increase because they were adjusted to the number of mph over the speed limit you were going. Mr. Goodkind stated the threshold for a higher fine was 15 mph over the speed limit.

Without objection, City Council President Keogh, waived the reading, accepted the communication and placed it on file.

- 8.01. COMMUNICATION: Department of Public Works Office of Planning, Nicole Losch, Norm Baldwin & Steve Goodkind, re: 25 mph Citywide Speed Limit, unless otherwise posted

Without objection, City Council President Keogh waived the reading, accepted the communication and placed it on file.

9. COMMITTEE REPORTS (5 mins.)

Councilor Paul stated the Parks Arts and Culture Committee met and discussed a request from Councilor Adrian for materials regarding Burlington City Arts. This included annual budgets from 2001 onward. The budgets prior to 2006 were not available on premises and the Committee was told it could take up to a week to retrieve those records. She stated she contacted Interim CAO Schrader and went to the storage area to look at it. This called attention to the fact that something drastic needed to be done with the records that the City had. There were stacks of boxes in disarray. The boxes were labeled, but it was unclear if they were correct. Boxes in the halls in City Hall were eventually carted to the storage area. There was no way to know for sure what was where. There was also an area with voting records and licenses going back to the 1930s, but there was no climate control to preserve them. There was water damage in one area of the facility. The CAO had done a good job with the Financial Software, but more work should be done with that storage area to protect the contents.

Councilor Mulvaney-Stanak stated the sub-board of Tax Abatement would meet and planned to meet more regularly.

Councilor Hartnett stated Channel 17 was important to the community and new equipment was recently purchased. This would make life better there. They were working to put bigger emphasis on big events, such as the Democratic Caucus. There needed to be prioritization of what events were covered. Everybody was interested in different things and it was difficult to cover everything. There were volunteers from the community that had taken a course and had learned to tape meetings. There would be more community outreach.

Councilor Berezniak stated the Community Development and Neighborhood Revitalization Committee would meet to discuss the Community Development Block Grant Program and a presentation from the Echo Center would occur with the hope to use TIF money to expand.

Councilor Shannon stated the Ordinance Committee met in the basement of the Library and it was difficult to get into the building. The next meeting would also be in the Library. The Committee voted to forward the Downtown Smoking Ordinance to the Council which would come to the next meeting. This would be a first reading and more changes could be made. A citizen emailed the Council stating the Fire Ordinance had been amended to require hardwire smoke detectors in single family homes. This went a step further than State law. It was not the Council's intention to take that step. Senior Assistant City Attorney Bergman had drafted an ordinance that mirrored that State one. The State did not require hardwire smoke detectors in single family homes that were rented and Burlington would have to decide if they want to do that.

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

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Councilor Hartnett stated tonight's process was good and thanked everyone who came out. It was never a waste of time to go back and look at things that might have not been done right the first time. There was no political motive behind a Skate Park. There was a lot of work put into this. People in the community cared about the process and it was the right discussion to have.

Councilor Bushor stated a member of the Public pointed out there was no ADA Coordinator. There used to be one in Public Works and there was an ADA Committee. She requested the CAO, Mayor and Attorneys bring some information back. She also requested cleaning up the accountability list to help clean up the overall process. Senior Assistant City Attorney Bergman stated the City had an ADA Coordinator in Human Resources; it had never been dropped. There had been discussions about changing that person to an ACAO. The existing program was still in place. There were supposed to be department coordinators and there were regular check-ins. The City successfully complied with all conditions of ADA settlement agreement and it should be posted. It was always an ongoing process.

Councilor Shannon stated there were comments about the food shelf during Public Forum. She stated she went to the food shelf on a trip with her daughter's class and she felt it was wrong for a person to make disparaging remarks because of a personal issue. A child in the class had attended the meeting to speak about the Skate Park and was confused by the comments. It was hard to explain to people and she felt it was important to donate to the food shelf. It was always a struggle for them to meet their goals and they provide an important service to the community. She also stated that the Board of Finance approved the towing policy. Many people whose cars had been towed liked the policy of towing to nearby streets because it was easier to get their cars. People who live on streets that cars were moved to disliked the policy. Cars were dropped off in front of people's homes and plowing on that street became inadequate. It also impaired vision for drivers who followed the rules. She stated the policy was to first tow to a City street, second to tow to a parking lot. She stated that should be reversed so as to keep the roads clear and have less impact on people's streets.

City Council President Keogh stated the food shelf provided a great service and encouraged donating to them. He also stated that the process of moving cars around was explained at the Board of Finance.

Councilor Wright stated he was at the food shelf and they were concerned that an individual came there and told people not to give.

Councilor Mulvaney-Stanak stated that former City policy was to have cars towed to lots but was reversed because it took longer to plow when they had to move cars farther to parking lots. She stated Councilor Brennan would be bringing forward a resolution about voting rights for non-U.S. citizens and it was something the Council should consider.

City Council President Keogh stated there were a lot of minutes from Committee meetings that should be forwarded to City Council because it was important to know what was going on. The minutes did not have to be approved before they were made available to the public.

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

Mayor Kiss stated West Lake Condominiums got their Certificate of Occupancy. The process was long but they paid \$300,000 to the housing trust fund because of affordable housing. This served the best interest of the City of Burlington.

At the Board of Finance a policy about public forum was created. Members of the public would be allowed to address items that were on the agenda. No one took advantage of it tonight but it would probably happen in the future.

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There was a communication on the consent agenda regarding Reapportionment for Board of Civil Authority. Mayor Kiss proposed that a 5 member committee be created with one Councilor from each division. Something would have to be worked out for the Independents. Each political subdivision could recommend someone. It was being worked on in the Legislature, and there would be a House Operations Committee meeting in Burlington to discuss the process.

Mayor Kiss stated he never supported Pennies for Parks but he did support that after four years \$250,000 was freed up. He stated he was supportive of the fact that money should be used before adding a cent to the property tax. The people of Burlington supported that and he appreciated it. Since it was passed, it should be used as a resource to the City. How best to use it could be debated.

12. ADJOURNMENT

Without objection, City Council President Keogh adjourned the Regular City Council Meeting at 10:17 p.m.

Attest:

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

BOARD OF CIVIL AUTHORITY
MONDAY, DECEMBER 5, 2011
10:17 P.M.

PRESENT: see above

MAYOR KISS PRESIDING:

1. AGENDA

Councilors Adrian and Berezniak proposed amending the agenda by moving item 2.01. from the consent agenda to the Deliberative agenda. The motion passed unanimously. The agenda was adopted as amended.

2. DELIBERATIVE AGENDA

2.01. COMMUNICATION: Bob Kiss, Mayor, re: Legislative Reapportionment
*waive the reading, accept the communication and place it on file

Councilor Adrian inquired about the timeline of the Reapportionment process and how Ward redistricting would play into this. Mayor Kiss stated the first State Legislature meeting would be December 15 to begin the process and invited communities to participate. There would be recommendations by the end of their session in April or May. The Ad Hoc Committee and the Board of Civil Authority would want to weigh in. Now was the time to begin the process. There was a software package that was being used and might be useful to have a copy of that to help think about our Wards. Councilor Adrian inquired if the redistricting had to be done by the end of May. Mayor Kiss stated it would. Councilor Adrian inquired if re-drawing Wards would happen after that process. Senior Assistant City Attorney Bergman stated that was how it had been done historically. This required a Charter Change, so there was no legal link to what the Legislature did. Councilor Adrian stated that ideally we would look at what the Legislature did and have proposals in place for March of 2013. Senior Assistant City Attorney Bergman stated anything that fits within the Elections schedule would be allowable.

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Interim CAO Schrader stated that it would be prudent for the City to have a role in the discussion about the State redistricting because it would have an impact on our own redistricting. It might be unworkable when administering Elections if input was not provided.

Councilor Bushor stated there was a proposal for single district representation. When reapportioning wards, the number of people was examined separately from the districts of the state. The City should weigh in on both, as there were some odd boundaries in the middle of streets that made no sense. The Council and the community should weigh in and have the right boundaries. They do not have to go hand in hand and it would be wise to begin the Ward discussion. Mayor Kiss stated the Ad Hoc Committee should be created to attend the meeting of Government Operations. There were currently 10 seats proposed in the Legislature, and it could be very complicated in terms of voting machines to make that work.

Board of Civil Authority Members Wright and Mulvaney-Stanak made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

3. ADJOURNMENT

On a motion by Board of Civil Authority Members Wright and Mulvaney-Stanak, the Board of Civil Authority Meeting unanimously adjourned at 10:25 p.m.

Attest:

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

CITY COUNCIL WITH MAYOR PRESIDING
MONDAY, DECEMBER 5, 2011
10:25 P.M.

PRESENT: see above

MAYOR KISS PRESIDING:

1. AGENDA

On a motion by Councilors Paul and Mulvaney-Stanak the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Councilors Hartnett and Bushor the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City
Commissions/Boards

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

3. APPOINTMENT: Police Commission (Term expires 6/30/13)

Councilor Mulvaney-Stanak nominated Kiona Heath. She stated the candidate worked for the Hope Works, formerly the Women's Rape Crisis Center and had a very impressive resume.

Councilor Decelles nominated Phil LaVigne. He stated the candidate was always involved in the community and attended meetings. His track record, being a retired Police Officer, would be an asset to the Commission.

Minutes, City Council for December 5, 2011

Councilor Shannon stated that both candidates were highly qualified in different ways. It was important to consider a balance of things. In this case, it had been difficult to attract women to the Commission, and Kiona Heath, as a female applicant was qualified. Being young, she was part of the future of Burlington.

Councilor Decelles stated it was important not to decide based on age, race and gender of the candidates and choose based on their qualifications.

Councilor Wright stated it was not just that Kiona was a woman but that she had knowledge of domestic violence, a huge issue of Burlington. Phil would represent the Ward the previous candidate stepped down from. Both candidates had great qualifications.

Councilor Adrian stated he had a conversation with Kiona and she had a great future. He stated he would support Phil because he graciously stepped down when a long standing Police Commissioner had forgotten to apply for his position. He had a tremendous amount of experience. It was always difficult to gain experience when first starting out, but the perspective of the former Women's Rape Crisis Center was already represented, while there were currently no retired police officers.

Councilor Bushor stated there was another application from a person who served on the Board of Voter Registration and the Board of Health and had applied every time there was an opening on the Police Commissioner. His service was valued. Kiona did not serve on the same agency as the other Police Commissioner. It was difficult to decide, but she would support Kiona.

Councilor Paul stated she would support Phil LaVigne for the same reasons as Councilor Adrian. She stated she once served as the only woman on the Police Commission and it would be nice to have another. She encouraged Kiona to keep applying if the vote did not go in her favor.

Councilor Adrian apologized for misstating information about Kiona's application.

Phil LaVigne was appointed to the Police Commission by a vote of 9-5.

4. ADJOURNMENT

On a motion by Councilors Decelles and Dober the City Council with Mayor Presiding Meeting unanimously adjourned at 10:35 p.m.

Attest:

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