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DELIBERATIVE AGENDA  

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LOCAL CONTROL COMMISSION  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, MARCH 12, 2012  
7:19 P.M

PRESENT: Mayor Kiss, City Council President Keogh, Councilors Adrian, Bushor, Kranichfeld, Berezniak, Brennan (via phone), Mulvaney-Stanak, Wright, Hartnett, Shannon, Blais, Paul, Decelles and Dober

CITY ATTORNEY'S OFFICE: Ken Schatz and Gene Bergman

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 Local Control Commission Agenda was unanimously adopted as amended as follows: remove consent agenda item 2.01. EXPANSION OF OUTSIDE CONSUMPTION PERMIT (one day only): RiRa, 3/17/12.

2. CONSENT AGENDA

There were no consent agenda items.

3. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2011-2012): Henry Street Deli

Commissioners Dober and Blais made a motion to approve the 2<sup>nd</sup> Class Store Liquor License Application for Henry Street Deli, HSDM, Inc. The motion passed unanimously.

4. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2011-2012):

Our Neighborhood Market, 457 St. Paul Street

Commissioners Dober and Blais made a motion to approve the 2<sup>nd</sup> Class Store Liquor License Application for Our Neighborhood Market.

Commissioner Dober noted that there were additional conditions, including that property taxes must be paid prior to approval.

Commissioner Bushor stated there were incomplete pieces to the application. She inquired if everything had been completed. Commissioner Dober stated that was part of standard conditions. If they were not met, they cannot serve alcohol.

Commissioner Shannon inquired if this was the same management that was in place when their liquor license was revoked. Commissioner Dober stated the wife was still involved, and the husband was not allowed to be at the market as a condition of their license. She has joined with another young man who will be working with her.

The motion passed unanimously.

5. ADJOURNMENT

Without objection, City Council President Keogh adjourned the Local Control Commission meeting at 7:22 p.m.

Attest:

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

BOARD OF CIVIL AUTHORITY  
MONDAY, MARCH 12, 2012  
7:22 P.M.

PRESENT: see above

MAYOR KISS PRESIDING:

1. AGENDA

Mayor Kiss stated the Winooski Board of Civil Authority was also present to address the issue of sharing seats. The two boards would make separate recommendations, but they would work together to make the best possible decisions for both communities. The most recent census showed there were more people living in Burlington and based on this Burlington was slated to gain one seat. Winooski was close to having two of its own seats, but Burlington must share 250 of its voters to have the second seat.

Winooski Mayor Michael O'Brien thanked Burlington for the invitation. There was a need for 250 people from Burlington to complete the 2 member district. It was not an optimal position but they would work to come to a mutually beneficial decision.

On a motion by Board of Civil Authority Members Mulvaney-Stanak and Decelles, the agenda was unanimously amended as follows: add to the agenda item 1.5. PUBLIC FORUM; add to the agenda item 3.01. COMMUNICATION: Ken Schatz, City Attorney, re: Reapportionment; add to the agenda item 3.03. Alternative Maps; add to the agenda item 3.04. COMMUNICATION: February 6, 2012 Memo from Mayor Kiss to Burlington BCA, re: Reapportionment; add to the agenda item 3.05. COMMUNICATION: February 16, 2012 Memo from Mayor Kiss to Burlington BCA, Winooski BCA and Chittenden Legislative Delegation, re: Reapportionment; add to the agenda item 3.06. COMMUNICATION: February 21, 2012 Letter from the Champlain Housing Trust to the Burlington BCA; add to the agenda item 3.07. COMMUNICATION: March 1, 2012 letter from Burlington House Representatives Aswad, O'Sullivan, Lorber, Krowinski, Ram, Donovan & Wizowaty; add to the agenda item 3.08. COMMUNICATION: March 2, 2012 email from Councilor Adrian to the Burlington BCA Subcommittee on Reapportionment and Administration Officials; add to the agenda item 3.09. COMMUNICATION: March 5, 2012 Letter from Mayor Kiss to Clarence Davis re: UVM Census counts; add to the agenda item 3.10. COMMUNICATION: March 7, 2012 Letter from Mayor Kiss to the Winooski BCA and add to the agenda item 4.5. (was 3.02.) RESOLUTION: Reapportionment—Proposal for Division of a Burlington and Winooski Initial District (Mayor Kiss, Councilors Decelles, Mulvaney-Stanak, Paul).

1.5. PUBLIC FORUM

Mayor Kiss opened the public forum at 7:28 p.m.

| <u>Name</u> | <u>Ward/Affiliation</u> | <u>Subject</u> |
|-------------|-------------------------|----------------|
|-------------|-------------------------|----------------|

Tom Derenthal

Ward 1 Resident

Reapportionment

There being no one further coming forward, Mayor Kiss closed the public forum at 7:31 p.m.

On a motion by Board of Civil Authority Members Decelles and Mulvaney-Stanak, the consent agenda was adopted thus taking the following actions as indicated:

2. COMMUNICATION: BetsyAnn Wrask, Legislative Counsel and Michael Chernick, Legislative Counsel, State of Vermont, Office of Legislative Council, re: District Map  
\*waive the reading, accept the communication and place it on file
3. COMMUNICATION: BCA Subcommittee on Reapportionment Re: Recommendations on Reapportionment
  - 3.01. COMMUNICATION: Ken Schatz, City Attorney, re: Reapportionment.
  - 3.03. Alternative Maps
  - 3.04. COMMUNICATION: February 6, 2012 Memo from Mayor Kiss to Burlington BCA, re: Reapportionment
  - 3.05. COMMUNICATION: February 16, 2012 Memo from Mayor Kiss to Burlington BCA, Winooski BCA and Chittenden Legislative Delegation, re: Reapportionment
  - 3.06. COMMUNICATION: February 21, 2012 Letter from the Champlain Housing Trust to the Burlington BCA
  - 3.07. COMMUNICATION: March 1, 2012 letter from Burlington House Representatives Aswad, O'Sullivan, Lorber, Krowinski, Ra, Donovan & Wizowaty
  - 3.08. COMMUNICATION: March 2, 2012 email from Councilor Adrian to the Burlington BCA Subcommittee on Reapportionment and Administration Officials
  - 3.09. COMMUNICATION: March 5, 2012 Letter from Mayor Kiss to Clarence Davis re: UVM Census counts
  - 3.10. COMMUNICATION: March 7, 2012 Letter from Mayor Kiss to the Winooski BCA
4. BCA Recommendation on Reapportionment
  - 4.5. (was 3.02.) RESOLUTION: Reapportionment—Proposal for Division of a Burlington and Winooski Initial District (Mayor Kiss, Councilors Decelles, Mulvaney-Stanak, Paul)

Mayor Kiss stated that Burlington could put forward their proposal and Winooski could then respond and differences could then be addressed.

Board of Civil Authority Member Decelles stated that District 3-01 needed to grow. There was a portion that was formerly in District 3-02 that was the closest fit to the rest of that district. It was often confusing for people to have one Councilor and two representatives. All of their children go to the same school and there were many common interests. It was in the acceptable margin to make that change.

Board of Civil Authority Member Mulvaney-Stanak stated that the largest population was in districts 3-01 and 3-02, so they needed to be expanded. The districts in the New North End had to extend further into the Old North End. 3-01 was a 2 seat district, and 3-02 was a 1 seat district. To make the numbers work, the sub-board included two changes that would impact Districts 3-02 and 3-03. The first thing to consider was the Roosevelt Park neighborhood and the Lakeview/Front Street Neighborhood. In the past, Roosevelt Park had been in 3-02, but had no direct connection to the New North End. It was near the H.O. Wheeler School and had many low to moderate income residents. In 3-03 were streets like Lakeview, Front Street, and Battery Street. The committee had suggested swapping the two, because it made more sense to connect along North Avenue. This also aligned better with where students go to school. Roosevelt Park neighborhood would be moved to 3-03 instead. There was one incumbent who would not be affected and it fell within deviation numbers.

Board of Civil Authority Member Mulvaney-Stanak stated the 3-04 District included the UVM area and affected 800 UVM students who were counted, but the block of 3,000 students should be shared between 3-04 and 3-new. There had been assurances from the University that the needed information be provided soon. This assumed that the documentation would allow the allocation of those students more appropriately than they were by the census. These districts would be within an allowable percentage. Board of Civil Authority Member Adrian introduced Bill Morris, the cartographer, who volunteered to help with computer software. Mayor Kiss stated there were 3,100 people in 3-04; 800 of those should be shifted into 3-new. That would bring the deviation to the amount it needed to be. Chittenden 3-05 remained a 2 seat district in a straightforward way. The final issue was to share 251 Burlington residents with Winooski. There were 3 census blocks, one on the river with 25 people, another block that captured half of Nash Place and then 98 others. There was previously a much larger sharing. This moved the sharing more directly to Winooski's shores without breaking any census blocks.

Board of Civil Authority Member Bushor stated that dividing Nash Place, a small dead end street, was not consistent with the recommendations. She inquired where the 251 residents would come from that join with Winooski to make their districts whole. Mayor Kiss stated along the river, there were 25 people. There was a small block with 98 people, and another block with 136 including half of Nash Place and Colchester Ave and they connected with the Winooski bridge. It was the smallest number that could be put together in census blocks to share with Winooski; they identified with Winooski. Board of Civil Authority Member Bushor inquired how many residents were in the half of Nash Place going to Winooski. Mayor Kiss stated there were 136 residents in that census block which included half of Nash Place. She stated that it was important to understand how many people live there because it did not make sense to split a neighborhood and if there was a better way to draw the line. Mr. Morris stated there were 6 or 7 houses. Mayor Kiss stated they worked with census blocks and there were 136 residents in that block which included half of Nash Place. Blocks were supposed to be kept whole. Board of Civil Authority Member Bushor stated she understood breaking blocks was not recommended but it could be done. The criteria were preservation of existing political subdivision lines, recognition and maintenance of patterns of geography, social interaction, trade, political ties and common interest, use of compact and contiguous territory and incumbencies. There were portions of this that spoke to neighborhood integrity.

Board of Civil Authority Member Adrian stated he had originally proposed breaking a census block that was part of River Watch Condominiums, as they were more similar to development in Winooski. Their issues were similar to those that were identified in Salmon Run. He stated he posted on Front Porch Forum about the issue and he did not hear from anyone in Riverside or Chase Mill about it. Knowing that the lines needed to be drawn, he stated he compromised by allowing Nash Place to be part of Winooski. The standard deviation in 3-04 was one of the highest, meaning that people were underrepresented per legislator.

Board of Civil Authority Member Berezniak inquired about the changes to 3-02 and stated that swapping one neighborhood for another did not accomplish anything. That violated the first rule which was

preservation of existing subdivision lines. 3-02 was fine as it was and swapping sections did not make sense. Mayor Kiss stated the Roosevelt neighborhood was more congruent with the 3-03 area and the same was true with the Lakeview area. The subcommittee supported that. Board of Civil Authority Member Berezniak stated it only shifted the problem and that was not the goal. Board of Civil Authority Member Mulvaney-Stanak inquired if discussions should focus on only areas involving Winooski. Mayor Kiss stated that made sense. Board of Civil Authority Member Berezniak stated he did not want to see compromises made without considering the entire map.

Board of Civil Authority Member Shannon stated she used to live on Lakeview Terrace and they were redistricted into the New North End. She found it shocking to be represented outside of the neighborhood they were once a part of. Looking at 3-04, there were two alternative options and it was important to consider if people living in those areas could get elected in that district. She stated she was unsure why the portion of Burlington that was chosen was. Board of Civil Authority Member Adrian stated that the Winooski/Burlington split was only accurately reflected in the proposed maps, the alternatives were not up to date. Board of Civil Authority Member Shannon inquired if both maps gave sections of Nash Place to Winooski. Mayor Kiss stated they did.

Robert Millar, Chair of Winooski BCA, stated Winooski BCA felt that whatever recommendation was made to the Legislature, they planned to ask once more to use the river as a line to make the cities whole. That was problematic, and unlikely, but everyone thought that was the best recommendation. If that was not an option, the Salmon Run idea seemed more compact and straightforward rather than splitting Nash Place. There was no final decision, but that was the focus of the discussion.

Board of Civil Authority Member Adrian stated the problem was not splitting Salmon Run except for the fact that the Champlain Housing Trust felt that would cause problems for a socioeconomically disadvantaged group. Sarah Robinson, Winooski BCA member, stated that there was an important historical attention to be paid to low to moderate income housing being carved out of a neighborhood. However, this seemed to make the most logical sense and did not seem to lead to any major disadvantage for Salmon Run residents. The geographic compactness would allow their representatives to reach out to them more easily than scattered neighborhoods that would be split off. Winooski representatives were very familiar with low income housing needs.

Board of Civil Authority Member Bushor stated she did not know how to evaluate the letter from Champlain Housing Trust. Winooski should not feel that Burlington did not want to be a part of Winooski, but residents did want to be part of Burlington. There was a process for challenging the census and she inquired the status of that challenge. There did need to be a determination by March 15 so it might be too late for that. She stated that having different recommendations from the two groups would be tossing the fate to Montpelier. She inquired if both groups could support one proposal.

Mayor Kiss stated each BCA would make a separate recommendation. He stated he was against breaking Salmon Run out of a census tract and 80% of its residents were low income. Burlington was better represented by having its neighborhoods be part of the match. Pulling out Salmon Run affected a group of people that should be able to be included in Burlington representation. It was not fair to them. It was a good sharing, and the ultimate recommendation should come from Burlington because it was our residents who were sharing to make Winooski whole.

Mayor O'Brien stated they wrote a letter to the Census Bureau and they responded they would look at it, but it would probably take a couple of years. He stated they intended to come to an agreement. It would be preferable to be whole without having to borrow people. Winooski's representatives would serve those coming to Winooski well. It was also important to consider how Winooski's representatives can best reach out to those they represent. He stated he had only seen the recommended map and stated he would be curious to see the alternatives.

Mayor Kiss stated that they never had a map based on Salmon Run because it would break a census tract. There were enough people in Salmon Run to hit that number, but that had not been discussed at length. Mayor O'Brien stated he understood and would like to come to an agreement.

Ms. Robinson stated when discussing options, practically speaking, Salmon Run would make sense for people on the ground and candidates. They then focused on census blocks and numbers. Mayor O'Brien thanked the BCA subcommittee.

Board of Civil Authority Member Bushor stated she needed to understand the issue regarding Salmon Run. Some of what Winooski said makes sense. She inquired why the 5 people living along the river on Riverside Avenue were not problematic, as they were low and middle income people as well. There was more continuity with Salmon Run than there was using 25 houses along the river. Mayor Kiss stated the income of the 25 people living along Riverside Ave was unknown, but 80% of the people living at Salmon Run lived at 60% or less of the median income of Burlington. That was clearly a low income neighborhood, where the others were just supposed to be low income. They were representative of Burlington's neighborhoods. The other thing was not to break the census district. These people had already been represented by Winooski members for 10 years. This had resulted in extra representatives paying attention to Burlington's interests. Ideally there would be different representatives for both towns. He suggested recommending the proposal put forth by the Burlington subcommittee. That sharing met all of the rules and would not raise issues in Montpelier.

Michael Mahoney, Winooski BCA, stated he understood concerns about the residents of Salmon Run and the income sensitivity issue. That was true for many portions of Winooski, which was known as being low income and blue collar. A number of agencies, such as Champlain Housing Trust, had programs in Winooski. The income issue was not that troublesome. Champlain Housing Trust supported projects in both communities which indicated they should be willing to have those communities' interests shared by a representative. Regardless of their income level, approximately 3% of Burlington's residents would be being represented by Winooski. Those who were not in Salmon Run were not that different from those in Salmon Run. Those who lived on Riverside Avenue did not have the financial capacity that those on Nash Place had, based on the value of the properties. The intent of Winooski in designing these districts was to look at commonality. There was more commonality between Riverside Ave residents and Winooski residents. There was also a fluid line that could connect the residents to Winooski directly. It was valid to say that those living on Colchester Avenue had more association with Burlington than those on Riverside Ave. Income and proximity were more important. With the increase in Winooski's population, the number of citizens had dropped drastically. As Winooski continued to grow, this problem would hopefully be eliminated.

Board of Civil Authority Member Mulvaney-Stanak requested a 5 minute recess. The Board of Civil Authority recessed.

Board of Civil Authority Member Adrian requested a straw poll on Winooski's solution from the Burlington members. Mayor Kiss inquired if that would be appropriate. City Attorney Schatz stated that it would not be a vote on the full resolution, but would determine Burlington's intent; that would be appropriate. Board of Civil Authority Member Mulvaney-Stanak stated the arguments made by Winooski were compelling.

Board of Civil Authority Member Mulvaney-Stanak made a motion to conduct a straw poll of Burlington members on approving the three sub-blocks as presented by the BCA subcommittee.

Board of Civil Authority Member Adrian inquired if straw polls could be taken under Robert's Rules of Order. City Attorney Schatz stated technically not, but this was an unusual circumstance with the two boards.

8 were in favor of the proposal. 7 were opposed to the proposal.

Mayor O'Brien stated they were in favor of the Salmon Run proposal. He stated there was also census block of Grove Street, an area that was more physically cut off from Burlington. Mayor Kiss stated that would result in more sharing than necessary. Mayor O'Brien stated it was simply a proposal and it would address the Nash Place issue.

Board of Civil Authority Member Adrian inquired if Winooski BCA had unanimously agreed to the Salmon Run proposal. Mayor O'Brien stated there were 10 board members present and that vote was unanimous. Board of Civil Authority Member Adrian stated he had concerns about the Chase Street neighborhood. If there were more votes for the Salmon Run proposal, that recommendation should be sent to the Legislature and the rest of the Burlington members should respect that proposal.

Board of Civil Authority Member Decelles inquired about the legality of Board of Civil Authority Member Adrian's proposal, as there were two separate BCAs, though the Legislature had allowed the joint meeting. City Attorney Schatz stated that each BCA had one vote. Reporting the numbers was legitimate, but the Burlington BCA would need to vote on the final proposal separately.

Mayor Kiss stated that using Salmon Run would break a census block, which was frowned upon. It was identified as a potential site, but it also could be seen as targeting a low income area. There were liabilities with that site. It seemed like the only argument was that it was easy to campaign in, but that was not an objective of reapportionment. He stated he felt including neighborhoods was the best way to move forward.

Board of Civil Authority Member Adrian stated this could be debated for a long time, but the sides had made their opinions clear. Board of Civil Authority Member Adrian made a motion to adjourn the joint meeting and commence the Burlington only meeting. Mayor O'Brien stated they did not have quorum, so they would have to meet again. He stated he had hoped for a consensus. Burlington's 8-7 vote skewed what the best way to move forward was. Winooski BCA would have to determine which proposal they would like to put forward.

Board of Civil Authority Member Adrian inquired if a straw poll could be taken to determine who in Burlington would be willing to split the Salmon Run census block as proposed by the Winooski BCA. City Attorney Schatz stated the question would be for the chair as to whether or not there would be reconsideration. The vote was to approve the recommendation of the Burlington BCA Subcommittee. This question would be the same. Mayor Kiss stated that was already voted on and there was a vote of 8-7. Councilor Adrian stated there was just a poll, not a vote, and it would give more information to the Winooski BCA. He requested the poll.

Board of Civil Authority Member Paul stated that before the straw poll was taken, it was unknown what Winooski's opinion was. She stated she would have liked to know that.

Board of Civil Authority Members Adrian and Shannon made a motion to take a straw poll approving the Winooski proposal and taking breaking the Salmon Run census tract.

Mr. Morris stated the census bureau did not typically carve off numbers of people for purposes like this. They frown upon the idea of targeted splitting of census blocks. They look for broader ways of subdividing. If they were willing to split the block, they would likely split it into 2-3 equally sized pieces, rather than a certain number that was being sought. Councilor Adrian stated Salmon Run was a contiguous

unit that was an intact development. He inquired if that would be respected. Mr. Morris stated that it was possible but not something they were likely to consider.

Mayor Kiss stated using Salmon Run would be a bad course for policy when there was a proposal that broke no rules at all and fairly represented Burlington. Focus on Salmon Run was misplaced and it was important to not break census blocks.

Board of Civil Authority Member Mulvaney-Stanak stated this had been discussed in the subcommittee at great length. She stated there might be a technicality with counting the people in this block. She inquired if there would be enough time to meet the March 15 deadline if this proposal was used. City Attorney Schatz stated the March 15 date was set by the Legislature. Breaking of census blocks was disfavored but could be done. The letter from Champlain Housing Trust indicated 262 people lived in that area. However, there was no date, so it was important to make sure this coincided with the count at the time that the census was done. When a census block was broken, the risk of challenge was increased.

Board of Civil Authority Member Mulvaney-Stanak requested a 2 minute recess. Mayor Kiss stated Champlain Housing Trust had concerns, as they owned the project and could control how many people live there. They did not want to be in that role. The Council took a 2 minute recess.

Board of Civil Authority Members Adrian and Shannon made a motion to take a straw poll to determine if the BCA would like to approve Winooski's proposal by moving Salmon Run into the Winooski district.

Board of Civil Authority Member Decelles requested to see the numbers on the map. Councilor Paul requested clarification on the vote. Board of Civil Authority Member Adrian restated the proposal.

The straw poll showed that 11 people were in favor of the proposal, and 4 were not.

Board of Civil Authority Member Paul inquired if there was a resolution on that issue and inquired if that would be voted on after discussions regarding the rest of Burlington. Mayor Kiss stated that was correct.

City Council President Keogh stated this was a significant straw vote and inquired when a full vote would be; Mayor Kiss stated tonight.

Mr. Millar stated the full Winooski BCA meeting would take place on Wednesday at 7:00 p.m. Mayor O'Brien inquired if the Winooski question would be put in with the entire redistricting of Burlington; Mayor Kiss stated it would. Mayor O'Brien thanked Burlington for the discussion.

Mayor Kiss stated this was a series of recommendations for all districts in Burlington. Based on the straw vote, there was a pending resolution for the Winooski sharing.

Board of Civil Authority Members Mulvaney-Stanak and Decelles made a motion to adopt the maps and resolution as presented by the subcommittee with the inclusion of the straw poll amendment.

Board of Civil Authority Members Berezniak and Adrian made a motion to amend the resolution to allow the Roosevelt Park neighborhood to remain in District 3-02 and Lakeview Terrace to remain in District 3-03.

Board of Civil Authority Member Decelles stated the UVM/Ward 1 area had too many people, which forced a shift. 3-01 had to grow, which forced 3-02 to shift. If this was amended, the whole map would need to be adjusted.

Board of Civil Authority Member Mulvaney-Stanak stated there was a rundown of the districts and how much they grew. The major problem was that 3-01 and 3-02 needed more people. Additional population was needed in the Old North End to stay within the standard deviations.

Board of Civil Authority Member Berezniak stated 3-02 did need to grow, but it did not make sense to cut part of 3-02 and then add another neighborhood. It would be better to leave it intact and add from another area. It did not make sense because it did not follow 3 of the 4 criteria. It only addressed compact and contiguous areas.

Board of Civil Authority Member Dober stated it was a shame that this was being done at the last minute. A lot of work had gone into this. The area in question, Lakeview Terrace, attended the Wards 4 and 7 NPAs. It made more sense, politically, that they would have ties to their state representatives.

Board of Civil Authority Member Shannon stated she appreciated the work that had gone into this. However, there was not full agreement and it was good that there were discussions taking place with the full board. Looking at the two sets of maps, it was unclear why the recommendation met the criteria better than the alternative maps. The deviations and keeping neighborhoods whole seemed to be met better by the alternative maps. She suggested using the alternative map to replace the recommended maps. It was difficult to take the maps piece by piece.

Board of Civil Authority Member Berezniak made a motion to accept the alternative maps instead of the recommended maps.

Board of Civil Authority Members Dober and Decelles made a motion to call to question. The motion failed by a vote of 9-6.

Board of Civil Authority Member Bushor stated looking at Roosevelt Park, she understood the existing lines, but this was not about who did a good job representing the area. It was important to draw lines to fit with neighborhoods. Roosevelt Park fit better with the recommended subcommittee's map than with the proposed change. She stated she would not support it.

Board of Civil Authority Member Adrian stated that was only one of the four criteria to consider. The Legislature did not weigh one over another. The first was preservation of existing political sub-division lines; the alternative map did that better. Recognition and maintenance of geography, social interaction, trade, political ties and common interests might be better represented with the proposed map. The use of compact and contiguous territory was equal in both maps. Incumbencies had not been discussed. There was a letter from the sitting majority of incumbents. 7 of the 9 incumbents preferred the alternative maps. All things being equal, 2 of the 4 were clearly served better by the alternative maps, 1 was unclear, and 1 might be better with the proposed maps. He recommended using the alternative maps.

Board of Civil Authority Member Mulvaney-Stanak stated that when she lived in Ward 2, she put out a post in Front Porch Forum to see how residents felt. About half a dozen people thought that it would make sense to remain in the legislative district that represented most of Ward 2. In the heart of that neighborhood there was a farmer's market in the summer. They had a vegetable truck that delivered in that neighborhood which was a great example of trade connections. This was an opportunity to correct and fix the issue in a logical way.

Board of Civil Authority Member Decelles stated incumbencies were more than protected and preserved, and the fact that several incumbents wrote a letter preferring one recommendation was not a reflection of that. Those on Lakeview Terrace were more in line with Wards 4 & 7. The change needed to happen in that area.

Board of Civil Authority Member Shannon stated when she lived on Lakeview Terrace and was redistricted they only found out when they had a new polling place. Most of those people did not go to the New North End NPA. That section had more than 200 people that were shifted into 3-02 in the recommended maps. They had complained about not being connected with the area they were represented by. She stated that living there felt like being part of the Old North End and she stated she would support the alternative proposal.

Board of Civil Authority Member Dober stated the proposal recommended by the BCA made sense. Right now, Lakeview Terrace would have to go to the Miller Center to vote. In November, they would have to go elsewhere. By doing this, they would always vote at the Miller Center.

Board of Civil Authority Member Berezniak stated the people living in his neighborhood had been happy with their representation. Those living in Lakeview Terrace had complained about not being more connected to the New North End. If the numbers in 3-02 were going to be increased, it did not make sense to cut one neighborhood out to add another.

Board of Civil Authority Member Adrian that the Ward lines would likely be radically changed. There had been discussions about how things might potentially change and this decision should not be based on existing wards.

City Council President Keogh requested a roll call.

The motion failed by a vote of 6-9.

AYES: City Council President Keogh, Board of Civil Authority Members Adrian, Berezniak, Blais, Kranichfeld and Shannon

NAYS: Mayor Kiss, Board of Civil Authority Members Brennan, Bushor, Decelles, Dober, Hartnett, Mulvaney-Stanak, Paul and Wright

Board of Civil Authority Members Decelles and Dober made a motion to call to question. The motion passed unanimously.

Mayor Kiss requested a roll call on the original resolution with the Winooski alternative.

The motion passed by a vote of 9-6.

AYES: Mayor Kiss, Board of Civil Authority Members Brennan, Bushor, Decelles, Dober, Hartnett, Mulvaney-Stanak, Paul and Wright

NAYS: City Council President Keogh, Board of Civil Authority Members Adrian, Berezniak, Blais, Kranichfeld and Shannon

## 5. ADJOURNMENT

On a motion by Board of Civil Authority Members Dober and Decelles, the Board of Civil Authority Meeting voted unanimously to adjourn at 9:29 p.m.

Attest:

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

CITY COUNCIL WITH MAYOR PRESIDING

MONDAY, MARCH 12, 2012  
9:30 P.M.

PRESENT: see above

MAYOR KISS PRESIDING:

1. AGENDA

On a motion by Councilors Dober and City Council President Keogh the agenda was adopted as presented.

2. CONSENT AGENDA

On a motion by Councilor Mulvaney-Stanak and City Council President Keogh the consent agenda was unanimously adopted thus taking the following actions as indicated:

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

3. APPOINTMENT: Library Commission (Term expires 6/30/12)

Councilor Mulvaney-Stanak nominated Oliver Kranichfeld.

Councilor Kranichfeld stated he would recuse himself from the vote because he was related to the nominee.

Oliver Kranichfeld was appointed to the Library Commission.

4. ADJOURNMENT

On a motion by Councilors Decelles and Dober, the City Council with Mayor Presiding Meeting voted unanimously to adjourn at 9:31 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL  
MONDAY, MARCH 12, 2012  
9:32 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilor Shannon with no second the agenda was unanimously adopted as amended as follows: remove consent agenda item 4.02. RESOLUTION: Authorization for Easement at Cherry Street Parking Facility (Board of Finance); amend the action for consent agenda item 4.09.

COMMUNICATION: What Other College Communities Have Done from Caryn Long to “\*waive the reading, accept the communication, place it on file, send copies to the Ordinance Committee, Planning Commission Members, Planning and Zoning Department and the City Attorney’s Office so all can review

these recommendations and come back to the City Council with any recommended new ideas that would make our Community more livable; note written material for consent agenda item 4.19.

COMMUNICATION: Interim CAO Schrader, re: Declaration of Election Results Questions on the Ballot Annual City Election – March 6, 2012 with the consent action to “waive the reading, accept the communication and place it on file;” note written material for consent agenda item 4.20.

COMMUNICATION: Interim CAO Schrader, re: Declaration of Elected Candidates Annual City Election – March 6, 2012 with the consent action to “waive the reading, accept the communication and place it on file; add to the consent agenda item 4.22. COMMUNICATION: Nicole Losch, Transportation Planner, Public Works and Kirsten Merriman Shapiro, Special Projects Manager, CEDO, re: Resolution to apply for a grant from the Downtown Program Accessibility Improvements Program with the consent action to “waive the reading, accept the communication and place it on file; ” add to the consent agenda item 4.23.

RESOLUTION: Authorization to Apply to Downtown Accessibility Improvement Assistance Program (Councilor Keogh) with the consent action to “waive the reading and adopt the resolution; add to the consent agenda item 4.24. COMMUNICATION: William E. Johnson, Director, Property Valuation and Review, State of Vermont, Department of Taxes, re: Notice of Redetermination of Equalized Education Property Tax Grand List, Common Level of Appraisal and Coefficient of Dispersion for the City of Burlington with the consent action to “waive the reading, accept the communication and place it on file;” add to the deliberative agenda item 9.5 Update on BT (expected executive session).

2. PUBLIC FORUM

City Council President Keogh opened the public forum at 9:40 p.m.

| <u>Name</u>            | <u>Ward/Affiliation</u> | <u>Subject</u>                       |
|------------------------|-------------------------|--------------------------------------|
| Matt Chabot, Applicant |                         | Church Street Marketplace Commission |

There being no one further coming forward and no objection from the remaining Council, City Council President Keogh closed the public forum at 9:42 p.m.

3. PRESENTATION: Sister City Programs (Burlington-Bethlehem-Arad, Yaroslaval and Puerto Cabezas), re: Update (20 mins.)

Mayor Kiss stated there were three representatives from the Sister Cities. Burlington had benefited from 20 years of Sister City-ship. He introduced Tina Escaja from Puerto Cabezas, Mousa Ishaq from Arad-Bethlehem and Larry Stevens representing Yaroslaval.

Mousa Ishaq stated he chairs the Bethlehem-Arad Sister City. There were monthly meetings of a core group of people that have been active from the beginning of the program. It was founded in 1991 with the belief that citizens can help bring peace by working together across the borders of the Palestinian/Israeli conflict. It helps people understand each other by fostering ties between the cities. Burlington became the first U.S. city to recognize a Palestinian City and the first to establish a tripod agreement between Israeli, Palestinian and U.S. citizens. Burlington won the sister city international award in 2003 for best overall program for a city of its size. One program was the creation of a special academic and training program in hotel and restaurant management for students from Bethlehem. It was successful because of Burlington College, the Sheraton Hotel, Marriot Food Services, and the University of Vermont. Other initiatives have been hosting Israeli and Palestinian speakers and visitors, supporting people to people exchanges, sponsoring educational activities, and contributing to the education and humanitarian needs of the Sister Cities. The most recent meetings have been to prioritize forthcoming projects.

Larry Stevens who represents Yaroslaval stated there are about 70,000 in the City. It is located 150 miles northeast of Moscow on the Volga River. The relationship began in 1988 when the Soviet Union still

existed and has operated continuously since then. There are 6 committee members and others who support the program as needed. Yaroslaval has a small international relations department which funds international events and maintains relationships with Sister City programs. Burlington is the only U.S. Sister City. There is a good relationship with the Yaroslaval city administration. There have been exchanges with sports teams, business people, doctors, entertainers, and administration officials to increase mutual education, understanding and respect for different cultures. There is a group of doctors and officials that have met regarding education in the area of HIV/AIDS. Ophthalmologists have attended conferences. Jazz Musicians have performed in the jazz festivals of each City. Business people have attended conventions together. In 2010, Yaroslaval celebrated its 1,000 year anniversary. A Skype connection began between Burlington High School and School #4 in Yaraslaval. Students from BHS spent time with students they met via Skype. Days of American Culture were created. There are plans for exchanges for the next 3 years. An agreement will be signed during an official Burlington delegation visit to Yaraslaval in the fall. The participants will include medical professionals, journalists, jazz musicians, police officers, business people, a youth hockey team, and social service providers. There will be continued connections through American Culture Day and the Skype connections with the high schools. There will be space in both cities to provide information about the program.

Tina Escaja stated she is a UVM professor and on the Board of the Sister Cities Program for Puerto Cabezas. There have been programs and activities and person to person connections for the past 25 years. She stated she had visited Puerto Cabezas with the Burlington delegation. She witnessed a gift of 3,000 laptops with internet connection being given to students. That technology can be used to create connections with students in Burlington. There are also videos that have been created in that area. They worked to build bookcases for the school. There is a wheelchair project that will send lightweight plastic wheelchairs to Nicaragua. Other projects included submission of a video to the international film festival about the Sister Cities Program. There are projects to create more opportunities for people there and here through the UVM Latin American studies program.

Councilor Bushor thanked the members for their involvement in the Sister Cities Programs. It has helped people and enriched Burlington. People who have been to those cities have gained valuable experience. There are opportunities to be involved in the program. There is a need for exchange of ideas, peace, and materials. It is important.

Mayor Kiss stated he was able to visit Yaraslaval for their 1000<sup>th</sup> anniversary. There are people in the two cities in the 20 years of the program who have interacted and gained experience. He stated when he was sworn in he was introduced to the Yaraslaval Sister City delegation the next day and it has been enriching. There is a City in France that there will likely be a connection with through the program. This program has made it possible to enjoy the company of others across the world.

#### 4. 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:

4.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:  
Accountability List

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

4.03. RESOLUTION: Authorization for Execution and Delivery of Lease Purchase Agreements  
for Equipment (Board of Finance)

\*waive the reading and adopt the resolution

4.04. COMMUNICATION: Mayor Bob Kiss, re: Climate Action Plan Update

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

4.05. COMMUNICATION: Gene Richards, III to Michael and Caryn Long, re: Code Enforcement Complaints

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

4.06. COMMUNICATION: Caryn Long, Henry Street, re: Extending the No More Than Four Unrelated to RH Ordinance

\*waive the reading, accept the communication, place it on file and send copies to the Ordinance Committee and Planning Commission Members

4.07. COMMUNICATION: Chief Michael Schirling, BPD, re: Landlord Tenant Proposals/Ideas

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

4.08. COMMUNICATION: Michael Long, re: RH Ordinance

\*waive the reading, accept the communication, place it on file and send copies to the Ordinance Committee and Planning Commission Members

4.09. COMMUNICATION: What Other College Communities Have Done from Caryn Long

\*waive the reading, accept the communication, place it on file, send copies to the Ordinance Committee, Planning Commission Members, Planning and Zoning Department and the City Attorney's Office so all can review these recommendations and come back to the City Council with any recommended new ideas that would make our Community more livable

4.10. COMMUNICATION: William E. Johnson, Director, Property Valuation and Review, State of Vermont, Department of Taxes, re: Notice of Tentative Redetermination of Equalized Education Property Value and Coefficient of Dispersion

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

4.11. COMMUNICATION: Mayor Bob Kiss, re: VETO of Resolution 2.0/March 6, 2012 Annual City Meeting – Removal of Downtown Tax Increment Financing (TIF) District Ballot Question

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

4.12. COMMUNICATION: William A. Mason, IV, Member, Retirement Board, re: Resignation as Trustee from Burlington Employee Retirement System

\*waive the reading, accept the communication, place it on file, advertise the vacancy, send a letter of appreciation to William A. Mason, IV thanking him for his time served on the Board and extend congratulations and best wishes for his new role as Ward Five City Councilor

4.13. COMMUNICATION: Bill Keogh, City Council President, Council President Memo – Mar. 9, 2012

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

4.14. COMMUNICATION: Clerk Treasurer's Office, re: Management Letter for the year ended June 30, 2011

\*waive the reading, accept the communication, place it on file and note that this will be on a future City Council Agenda along with the Audit for discussion

4.15. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance Minutes for January 23, 2012

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

4.16. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: City Council Minutes for December 19, 2011

\*waive the reading, accept the communication, place it on file and adopt the minutes at the March 26, 2012 City Council Meeting

4.17. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, re: Minutes, Regular Meeting, City Council, January 9, 2012

\*waive the reading, accept the communication, place it on file and adopt the minutes at the March 26, 2012 City Council Meeting

4.18. COMMUNICATION: Mayor Bob Kiss, re: Resolution 8/Relating to The Ongoing and Future Relationship Between the City of Burlington and the University of Vermont/introduced 2/13/12

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

4.19. COMMUNICATION: Interim CAO Schrader, re: Declaration of Election Results Questions on the Ballot Annual City Election – March 6, 2012

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

4.20. COMMUNICATION: Interim CAO Schrader, re: Declaration of Elected Candidates Annual City Election – March 6, 2012

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

4.21. COMMUNICATION: Mayor Bob Kiss, re: Transition

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

4.22. COMMUNICATION: Nicole Losch, Transportation Planner, Public Works and Kirsten Merriman Shapiro, Special Projects Manager, CEDO, re: Resolution to apply for a grant from the Downtown Program Accessibility Improvements Program

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

4.23. RESOLUTION: Authorization to Apply to Downtown Accessibility Improvement Assistance Program (Councilor Keogh)

\*waive the reading and adopt the resolution

4.24. COMMUNICATION: William E. Johnson, Director, Property Valuation and Review, State of Vermont, Department of Taxes, re: Notice of Redetermination of Equalized Education Property Tax Grand List, Common Level of Appraisal and Coefficient of Dispersion for the City of Burlington

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

5. FINDINGS AND CONCLUSIONS, PROPOSAL FOR DECISION:

Hearing regarding Entertainment Permit Revocation/Suspension--Lift, 165 Church Street

Councilors Dober and Berezniak made a motion to adopt the findings, conclusions and decision.

Councilor Dober stated there had been a large number of instances. There were recommendations from both Law Enforcement and DLC for a decision. The License Committee agreed that due to the failure of management in the establishment, this was the proper protocol to get the business on track.

Councilor Decelles inquired if they could continue to operate as long as they follow the criteria outlined which included stopping entertainment by 1:00 am and music stopping by 2:00 a.m. He inquired if the criteria were met, will business go back to normal. Senior Assistant City Attorney Bergman stated this happened very quickly because the number of incidents was disturbing. This only suspended the entertainment permit, not the liquor license. This got to the driving force behind the incident which was the lack of management over the entertainment. There was a provision that they could not serve alcohol at under 21 events until May 1. If all of the changes were implemented quickly, they would still be prohibited from serving alcohol at those events. These were sensible public safety actions that the bar needed to take. This protected the patrons and the general public in the area.

Councilor Mulvaney-Stanak stated she received a lot of noise complaints from that block. She inquired if that is considered during hearings such as this. Appropriate levels of music were one of the conditions and she inquired if there was a definition of that. Senior Assistant City Attorney Bergman stated this was for inside noise, as officers go up to do checks and the noise is so loud they cannot hear people speaking. It was a dangerous situation. This did not take into account the noise on the street. The violence aspect was what really brought this forward. Councilor Mulvaney-Stanak stated she hoped that an unintended effect is that it helped with noise as a vibrant nightlife is important, but people need to be able to live there as well.

Councilor Berezniak stated they could only look at the entertainment permit. The actions were at the request of police officers that respond to incidents. Most were so dangerous to the officers that two or three had been injured at this place because of how it was run. There were several alcohol violations that were being dealt with by the State.

City Attorney Schatz stated there should be a chance for comment from the licensee. City Council President Keogh allowed the opportunity for comments. No one came forward.

The motion passed unanimously.

6. **TOBACCO LICENSE APPLICATION (2011-2012):** Henry Street Deli

Councilors Dober and Blais made a motion to approve the Tobacco License Application for Henry Street Deli.

The motion passed unanimously.

7. **TOBACCO LICENSE APPLICATION (2011-2012):** Our Neighborhood Market

Councilors Dober and Blais made a motion to approve the Tobacco License Application, with the conditions outlined, for Our Neighborhood Market.

The motion passed unanimously.

8. **APPOINTMENT:** Church Street Marketplace Commission (Term expires 6/30/14)

Councilors Dober and Shannon nominated Matt Chabot.

Matt Chabot was appointed to the Church Street Marketplace Commission.

9. APPOINTMENT: Telecommunications Advisory Committee (Term expires 6/30/13)

Councilor Mulvaney-Stanak nominated Jason Baker.

Jason Baker was appointed to the Telecommunications Advisory Committee.

9.5. Update on Burlington Telecom (Expected Executive Session)

City Attorney Schatz stated there would be a hearing in Federal Court for the Citi Bank lawsuit. It was a hearing for their motion for preliminary injunction that would occur Friday. There had been settlement discussions going on.

On a motion by Councilors Bushor and Dober, the Council went into executive session at 10:07 p.m. premature disclosure would place the City at a substantial disadvantage. Present were: see above and Thomas Melloni, Esq.

On a motion by Councilors Bushor and Mulvaney-Stanak, the Council went out of executive session at 10:40 p.m.

10. COMMITTEE REPORTS (5 mins.)

Councilor Kranichfeld stated the Public Safety Committee met to address the fluoride issue. Having examined the issue, the Committee recommended eliminating fluoride from the water. It was a 2-1 vote with Councilor Blais voting against it. It will come as a communication and the Council can determine what to do with the recommendations. There will be a meeting to address Fire Station Consolidation and the proposed Panhandling ban.

Councilor Shannon stated the Ordinance Committee had a pending item regarding the composition of the Retirement Board. The conclusion was referred to the Retirement Board for review. Thinking further, it was determined that may not have been the right decision. The Committee had been waiting for an opinion letter before a meeting next week. There could be a recommendation though the issue may not be completed.

Councilor Paul stated there would be a Parks Arts and Culture Committee meeting at the Police Station. There will be an update from Kate Neubauer, the executive director of the Community Sailing Center and Moran will be discussed.

Councilor Bushor stated the HR Committee would meet to discuss compensation for department heads. The Sadowski report that came to the Council was referred to the HR Committee and Board of Finance. There were a few positions selectively chosen to compensate with a modified pay scale. There were remaining department heads outstanding and there was a desire to bring a recommendation back to the Board of Finance before the end of their term.

City Council President Keogh stated there would be a work session with the Auditor to go over the Management Letter.

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

Councilor Dober stated the Ward 4&7 NPA Meeting was upcoming.

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

Mayor Kiss stated the Champlain Housing Trust had been an affordable housing partner to the City for 20 years. The CDBG funding has been provided to the Champlain Housing Trust to further affordable housing. Margaret Bozik has administered CDBG for 13 years and has now been offered a position with Champlain Housing Trust. The position presents a conflict of interest under HUD rules. He stated he will ask for an exemption to allow the City to continue to provide funds while Margaret moves forward into her new position. This is consistent with other requests that have been approved in the past. Part of the requirements for the request is a public announcement.

He thanked voters for the approval of all 7 ballot items. It was an optimistic statement that will keep the City moving forward.

13. ADJOURNMENT

Without objection, City Council President Keogh adjourned the Regular City Council Meeting at 10:48 p.m.

Attest:

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