CITY OF BURLINGTON, VERMONT
CITY COUNCIL PARKS, ARTS & CULTURE COMMITTEE
c/o Community & Economic Development Office
City Hall, Room 32 • 149 Church Street • Burlington, VT 05401
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Councilor Karen Paul, Chair, Ward 6
Councilor Ed Adrian, Ward 1
Councilor Paul Decelles, Ward 7

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Minutes to the PACC meeting on 11/30/11

Committee members present: Karen Paul, Chair, (KP), Paul Decelles (PD), Ed Adrian (EA)
Staff present: Mari Steinbach (MS), Scott Schrader (SS), Interim CAO, Eugene Bergman (EB), Assistant City Attorney, Kirsten Merriman-Shapiro (KMS), Mari Steinbach, Larry Kupferman (LK)

Others: James Lockridge, Emily Kalen, Brendan Foster, Richard Simpson, Lee Buffinton, Tim Jarvis, Lea Terhune, Allison Lockwood, Carlene Raper, Gaven Wynkoop-Fischer, Leman Bronson, Phil Lavigne, JJ Simpson, Brendan Foster

Councilor Decelles called the meeting to order at 6:10 pm.

1a) Approval of the Agenda: EA moves to amend the agenda so that 1b) approval of the minutes moves to 3b. PD seconds and so moved.

2) Public Forum:
Emily Kalen, intern for the Skatepark Coalition, spoke in favor of the penny for parks allocation for the development of the new skatepark and announced the fund raising effort at Maglianero Café on 12/9.
Gaven Wynkoop-Fischer, intern for the Skatepark Coalition, spoke in favor of the penny for parks allocation for the development of the new skatepark.

EA moved to suspend Public Forum and move to #3, Information Request about BCA; PD seconded and so moved.

3) Information request about BCA

KP: asks Scott Schrader, Interim CAO about his responses to Councilor Adrian's information request regarding BCA.

SS: responded twice to Councilor Adrian and based on the broad nature, going back to 2001 and extensive time required by the Clerk Treasurer's office and the City Attorney's office to gather the information requested, he ruled against providing the requested information. Rules of Council suggest that the decision to proceed be moved forward on to City Council for its action.

EA) asked if the memorandums drafted by SS were reviewed by City Attorneys in terms of the legal requirements for archiving records.

EB: the City Attorney's office advises departments on records retention.

EA: finds it hard to believe that it will take “a week to find records” and distinguishes between state law and city conditions.

SS: budgets since 2006 are on line, but budgets previous to that will be in storage; SS described the state of the archives storage system at a site away from City Hall.

A discussion ensued regarding the state of the City archives, rules and regulations provided by the State Secretary of State’s office and efforts to adopt the state’s current rules so that the City could destroy archived records that are suitable for removal.

EA: regarding the requests for emails messages from Ms. Kraft and Ms. Katz, how does the change of email platform in 2009 affect the retention of emails before that date?

SS: his response on 9/8 explained that an estimate 16,000 emails are retrievable and that the City Attorney’s office would need to review each one. He can’t guarantee that every email can be retrieved previous to the email platform change in 2009.

EA: questions the legal standpoint of needing to review each email from a public records law point of view but is requesting that the emails be made available to him as a City Councilor. Is there a difference between a public records request and the request of a Councilor?

EB: to answer Councilor Adrian’s question directly, the answer is no; emails need to be examined so that protected information such as health or personnel matters are not inadvertently disclosed. The issue here is the time it will take to review the estimated 16,000 emails.

EA: aside from medical information contained in an email, what else needs to be reviewed?

EB: refers to the City Personnel Policy making access to personnel matters available to immediate supervisors and others per page 80 on the Policy.

EA: asks about the right of Councilors to have these records without a filter and whether the emails are considered city property.

EB: believes that the personnel policy keeps protected information from being inadvertently disclosed and that the legal dept needs to review each one to make that determination.

EA: if it is city property, the Councilors should have full access to them.

EB: he is saying that they need to be reviewed and that 16,000 will take a substantial amount of time.

PD: of these emails, how much time will it take to create a file?

SS: not much time at all to create a file but that does not relieve the requirement for a filter and/or review.

PD: would a filter reduce, focus or narrow what is made available?

SS: yes, possibly but would need to check with IT about how to do so.

KP: doesn't outlook have the filter capacity?

EA: does not like the idea of a filter to his inquiries and summarizes this issue by stating it is in the interest of City Council to access information without a filter; this is an open question.

EA: asks about question #5 from his request; how long will it take to determine how much general fund dollars has gone to BCA since 2001?

SS: thought Councilor Adrian was asking for documents rather than figures.

EA: moves that Interim CAO Schrader provide a time estimate for providing the answers to question 5-9 or answer them directly.

SS: will do that (make the estimate of time) anyway now that he is clearer about the request and asks Councilor Adrian specifically what he is looking for and why.

EA: it is not his concern to ask why and is inappropriate and irrelevant to ask.

SS: is asking to help him focus the information he has to research. Again, the city website will have information since 2006 (KP suggests that if 2006 is available then it may reflect on comparative information for the 2 previous years as well).

EA: the reason is he looking for these financial records is because at a budget meeting, former CAO Leopold and Director Kraft gave disparate answers to 2011 budget questions.

SS: offers to research the information from the city website, 2004 forward, if available.

EA: if he agrees to that, can he get an estimate of time to do so? Also, he would like to answers to question 7 and 8: how much has BCA received from the Foundation and how much has the Foundation received from donors and grants?

SS: there is an issue about city receipts vs the receipts and records of a separate and private 501-C3 corporation which makes a donation to the City to support BCA.

EA: then let him know how much money BCA has received from the Foundation since 2004.

SS: regarding the minutes of BCA Board meetings: they are in 2 bankers boxes available for Councilor Adrian to review.

EA: he will make arrangements to do so.

<u>1b) Approval of draft minutes from 9-21-11</u>

KP: there is a typo on page 3: the word "revue" should be revenue.
KP: thinks minutes should be clearly understood and follow the discussions and asks that they be more complete.

PD moves to approve the draft minutes as corrected; EA seconds and so moved.

3) return to Public Forum:

Allison Lockwood: comments on the condition of Waterfront Park, providing color photos about maintenance and overuse; too many events, too big and refers to the Act 250 permit. Asks Council to look into maintenance practices and the accountability of event management particularly the last 2 events of the season.

Lea Terhune: refers to an information request about Penny for Parks and the October Parks Commission meeting where they were not informed of the Penny for Parks allocation for the new skateboard park.

Tim Jarvis: location of the new skateboard park is a question for him; does not feel the allocation from Penny for Parks is within the boundaries of a park. Mr. Jarvis reports on his reading of various financial reports to PACC regarding the sources and uses of funds for Waterfront North and the Moran development

Lee Bronson: questions the viability of the Moran development and its business plan.

Lee Buffinton: agrees about maintenance issues on Waterfront Park, feels the waterfront is deteriorating and wonders why there is a weathered Z card hanging on the fence at Moran.

JJ Simpson: he knows about the conditions of the skatepark and knows that concrete skate parks last a long time and wear well over time.

Brendan Foster: from Maven Marketing at 151 Cherry St. describes the poor condition of the current skate park and supports and thanks council for the penny for parks allocation.

C. Rapier: wonders about the relocation of the skate park towards the sailing center and where is the money coming from for sailing center development.

P. Lavigne: thanks Councilor Adrian for his transparency.

<u>4) Moran Center development agreements and next steps:</u>

LK reports to the committee that the both development agreements are being considered by the Board of the Sailing Center and by legal team for the Ice Factor and we are waiting for responses to the most recent draft agreements offered by David G. White.

PD: if Council does not approve development agreements, he would like an estimate of any other revenues or expenses that the City would not be able to recoup or need to repay.

KP: Asks about the general state of soils within the project area or beyond.

KMS: the Corrective Action Plan, regarding excavation, storage and reuse of soils on site is available in hard copy at the CEDO and the Clerk/Treasurer's offices and can be reviewed any time by interested parties.

5) Penny for Parks-discuss memo provided to Council by Mari Steinbach

KP: attended the skatepark coalition meeting and suggests that the only way funds will be raised is transparency of overall funding for the skatepark; she applauds the motivation and enthusiasm of the people who want to see a new skatepark built, she thinks we are spinning wheels because of poor communications and the answers to questions raised by concerned residents. She wants to know where the money is coming from and to be provided with accurate and consistent answers.

KMS and LK respond:
the estimates for the skatepark are in fact estimates and a range is suitable for the project at this point. Once bids are received for the design at hand, we will all have a better understanding of the cost and how it fits into the overall budget available.

KMS passed on a memo to answer the questions about skatepark fundraising effort. The amount raised to date of the PACC meeting was $23,683.22 from grants and donations.

6) Main Street median update by John Bossange

John Bossange reported that a year ago he started an effort to best beautify the median located on Main Street from Williston Rd. Now, he reports that a solution is available via the Rotary which will buy seed from the Charlotte wild flower farm, seed the 3.5' by .5 mile long strip in the spring and coordinate with the Police Dept for safety purposes during seeding and maintenance.

7) Other

KP will provide a draft mission statement for the committee at the December meeting and requests an update on the Miller Center lease discussions as well as revenues projected for the Recreation Specialists working in the after school program.

The next PACC meeting is December 21st at 5:30 pm.

Meeting adjourned at 8:25 pm.

Minutes submitted by Larry Kupferman