DELIBERATIVE AGENDA

ADJOURNED MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
TUESDAY, FEBRUARY 19, 2013
7:08 P.M.

PRESENT: City Council President Shannon; Councilors Bushor, Worden, Tracy, Siegel, Aubin, Hartnett, Mason, Paul, and Blais; Councilor Dober (via phone)

ABSENT: Councilors Kranichfeld, Brennan and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Siegel and Bushor the agenda was unanimously adopted as amended as follows: note **revised** version of consent agenda item 3.06. RESOLUTION: Fletcher Free Library—Authorization to Accept an Award From The ECHO Center for "We the BTV: Arrivals, Departures & the Making of Community" A Series in Collaboration with The ECHO Center Exhibit "RACE: Are We So Different?" and Amend the FY 2013 Budget (Board of Finance: pending BOF approval on 02/19/13); note **revised** version of consent agenda item 3.07. RESOLUTION: Authorization to Accept an Award from IBM to the Friends of the Library for the Fletcher Free Library and Amend the FY 2013 Budget (Board of Finance: pending BOF approval on 02/19/13); remove from the consent agenda item 3.08. RESOLUTION: Authorization to Accept an Award from Vermont Arts Council Cultural Facilities to the Fletcher Free Library and Amend the FY 2013 Budget (Board of Finance: pending BOF approval on 02/19/13); add to the consent agenda item 3.24. COMMUNICATION: Mark Saba, BFD Commission Chair, re: The Burlington Fire Commission Resolution 7.0 Review with the consent action to "waive the reading, accept the communication, place it on file and send a copy to the Charter Change Committee;" add to the consent agenda item 3.25. RESOLUTION: Authorization to Appeal Determination of Vermont Tax Department Determination of Equalized Education Property Value and Common Level of Appraisal and Ratification of Signature (Councilor Shannon) with the consent action to "waive the reading and adopt the resolution;" add to the consent agenda item 3.26. COMMUNICATION: Family of Dan Balon, re: Acknowledgement with the consent action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.27. RESOLUTION: Amendment of the FY 2013 Police Department Budget to Account for New Accounting Procedures and Other Line Items (Board of Finance: pending BOF approval on 02/19/13); note proposed amendments for Deliberative Agenda item 5. RESOLUTION: Alternates on the City Redistricting Committee (Councilor Siegel); remove from the consent agenda item 3.23. COMMUNICATION: Nathan Wildfire, CEDO, Assistant Director of Economic Development, Re: Communication on Public Investment Team – Waterfront TIF District (TIF) and place it on the Deliberative Agenda as agenda item 5.5; add to the Deliberative Agenda item 5.6. DISCUSSION: City Council President Shannon, re: Evaluation of First Paperless Presentation; add to the Deliberative Agenda item 8.5. COMMUNICATION: Mayor Miro Weinberger, re: Personnel Matter (oral): possible Executive Session.

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:35 p.m.

With no one coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:35 p.m.

3. CONSENT AGENDA

On a motion by Councilors Siegel 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. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Draft, Minutes, Regular, City Council Meeting, October 15, 2012
*waive the reading, accept the communication, place it on file and adopt the minutes as received at the February 11, 2013 City Council Meeting

3.03. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, City Council, Regular Meeting, November 13, 2012
*waive the reading, accept the communication, place it on file and adopt the minutes as received at the February 11, 2013 City Council Meeting

3.04. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned, City Council, November 26, 2012
*waive the reading, accept the communication, place it on file and adopt the minutes as received at the February 11, 2013 City Council Meeting

3.05. RESOLUTION: Department of Public Works – Recognizing Insurance Reimbursement of Damage to College Street Garage Parking Equipment and Amending the FY 2013 Budget (Councilors Shannon, Bushor, Paul: Board of Finance)
*waive the reading and adopt the resolution

3.06. RESOLUTION: Fletcher Free Library – Authorization to Accept an Award from the ECHO Center for "We the BTV: Arrivals, Departures & Making of Community" A Series in Collaboration with the ECHO Center Exhibit "Race: Are We So Different?" and Amend the FY 2013 Budget (Board of Finance: pending BOF approval on 02/19/13) revised version
*waive the reading and adopt the resolution

3.07. RESOLUTION: Authorization to Accept an Award from IBM to the Friends of the Library for the Fletcher Free Library and Amend the FY 2013 Budget (Board of Finance: pending BOF approval on 02/19/13) revised version
*waive the reading and adopt the resolution

3.09. RESOLUTION: Amendments to Cooperative Agreements Re Church Street Lighting Project (Board of Finance)
*waive the reading and adopt the resolution

3.10. COMMUNICATION: Steven Goodkind, P.E., Director of Public Works, City Engineer, re:

Federal Earmarks 5000(19) and 5000(16) Grant Amendments
*waive the reading, accept the communication and place it on file

3.11. RESOLUTION: Authorization for Land Purchases and Relocation Services in Anticipation of AIP Grant Funds for Burlington International Airport (Councilors Shannon, Bushor, Paul: Board of Finance)
*waive the reading and adopt the resolution

3.12. COMMUNICATION: Burlington International Airport, re: Finance Board Approval Request – Purchase of 13 properties-AIP-92
*waive the reading, accept the communication and place it on file

3.13. COMMUNICATION: Burlington International Airport, re: Land Acquisition Program 2012A-Federal AIP-92 (Noise Part A) Attachment A
*waive the reading, accept the communication and place it on file

3.14. COMMUNICATION: Burlington International Airport, re: Airport Property Acquisition Plan & DNL Contour Attachment B
*waive the reading, accept the communication and place it on file

3.15. COMMUNICATION: Burlington International Airport, re: Summary of Land Acquisition Program
*waive the reading, accept the communication and place it on file

3.16. COMMUNICATION: Burlington International Airport, re: The Airport Residential Land Program
*waive the reading, accept the communication and place it on file

3.17. RESOLUTION: Appointment of Acting Inspectors of Election For Ward Four (Councilor Shannon)
*waive the reading and adopt the resolution

3.18. COMMUNICATION: Lynne Balman, re: Thank you for the passage of the CSM ordinance
*waive the reading, accept the communication and place it on file

3.19. COMMUNICATION: Bob Endres, re: Gun Control
*waive the reading, accept the communication and place it on file

3.20. COMMUNICATION: Ron Ruloff, Ward Three, re: Deportation of Mr. Miroslav Zbacnik
*waive the reading, accept the communication and place it on file

3.21. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (two days only):

American Flatbread at Signal Kitchen, 71 Main Street, Live Musical Performances, Dancing, 2/15/13 and 2/17/13, 7:00 p.m. - 2:00 a.m.
*waive the reading, accept the communication, place it on file and ratify the two day only special event indoor entertainment permit application for American Flatbread

3.22. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (three days only):

American Flatbread at Signal Kitchen, 71 Main Street, Live Musical Performances, Dancing, 2/22/13 – 2/24/13, 7:00 p.m. – 2:00 a.m.

*waive the reading, accept the communication, place it on file and approve the three day only special event indoor entertainment permit application for American Flatbread

3.23. COMMUNICATION: Nathan Wildfire, CEDO, Assistant Director of Economic Development, Re: Communication on Public Investment Team – Waterfront TIF District (TIF)
*waive the reading, accept the communication and place it on file

3.24. COMMUNICATION: Mark Saba, BFD Commission Chair, re: The Burlington Fire Commission Resolution 7.0 Review
*waive the reading, accept the communication, place it on file and send a copy to the Charter Change Committee

3.25. RESOLUTION: Authorization to Appeal Determination of Vermont Tax Department Determination of Equalized Education Property Value and Common Level of Appraisal and Ratification of Signature (Councilor Shannon)
*waive the reading and adopt the resolution

3.26. COMMUNICATION: Family of Dan Balon, re: Acknowledgement
*waive the reading, accept the communication and place it on file

3.27. RESOLUTION: Amendment of the FY 2013 Police Department Budget to Account for New Accounting Procedures and Other Line Items (Board of Finance: pending BOF approval on 02/19/13)
*waive the reading and adopt the resolution

4. TOBACCO LICENSE APPLICATION(2012-2013):

DMS Industries, d/b/a Good Times, 150 Church Street

Councilors Blais and Tracy made a motion to approve the tobacco license for Good Times. The motion passed unanimously.

5. RESOLUTION: Alternates on the City Redistricting Committee (Councilor Siegel)

Councilors Siegel and Tracy made a motion to waive the reading and adopt the resolution.

Councilor Siegel stated this came about after hearing from people in Wards 2 and 4 who were on the NPA Steering Committees. They felt there was not time between when they proposed the new Redistricting Committee and when they had to select members for them to give input on the new proposal. This resolution would allow an alternate to represent their Ward should their committee member be absent from a meeting. Because Councilors were chosen, in part, based on geographic diversity, the wards without Councilors representing them wanted to ensure that they had an alternate so there would be at least one person at the meeting representing them.

Councilor Blais stated he would be proposing an amendment to the resolution. When he first read the resolution, he was unsure if the alternate only came into play if there was a resignation from the primary delegate or if the alternate could serve in the absence of the primary delegate.

Councilors Blais and Mason made a motion to amend the resolution to replace the resolved clause with language to indicate that the alternate only would serve if the primary delegate resigned.

Councilor Dober stated that he was unsure if the intent of the amendment was to make it so that the only time the alternate came into play was if the primary delegate resigned or was unable to serve. City Council President Shannon stated that it came into play if the primary delegate was unable to serve on a permanent basis. Councilor Dober inquired if a person were ill and could not attend a meeting, would their ward be unrepresented at that meeting. City Council President Shannon stated that was correct. Councilor Dober stated the intent of the resolution was to ensure the representation of all of the NPAs. Having an alternate proxy would allow representation of the ward if someone were out sick.

Councilor Siegel stated that she was not in favor of the amendment. The amendment was developed out of a concern that the alternate might have a different point of view than the primary. That was a legitimate concern, but the alternate would also have been elected by their NPAs. A part of what was missing during the original process was the communication back and forth to the NPAs. This new Committee might not come up with a better map, but the process would be better. If someone was sick, the NPAs would not get that back and forth or be engaged. She would not want someone to have to step down due to illness or other problems to ensure their NPAs were represented.

Councilor Bushor stated she appreciated the amendment, but felt that the generic language of the original resolution covered a scenario if someone resigned or was absent for any other reason. It allowed for an alternate under either scenario. She understood the intent but would not support the resolution.

Councilor Worden stated he served on the DRB and there were often several meetings in a row dealing with the same project. There were times when there were not enough members to cast a vote. The Council created a position of an alternate which was helpful. However, alternates had to attend every meeting and listen to the discussion so that when it became time to make a decision they were informed. There was nothing in the original resolution that would restrict a member of an NPA to report information from the meeting. Their ultimate goal was to create a body to make a decision. Their decision would then come to the Council and finally the voters. He supported the amendment.

The amendment passed by a vote of 6-5 with Councilors Dober, Siegel, Tracy, Bushor and Hartnett voting against.

Councilor Bushor stated that Ward 1 had already had a meeting this month. They selected a representative but not an alternate. The date might need to be changed based on the timing of NPA meetings.

Councilor Siegel stated she would vote against the resolution because it did not accomplish what she was trying to do. She assumed that if someone were to become ill and could no longer serve their NPA would be able to select someone else anyway.

The motion to adopt the resolution, as amended, passed by a vote 8-3 with Councilors Dober, Tracy and Siegel voting against.

5.5. (was 3.23) COMMUNICATION: Nathan Wildfire, CEDO, Assistant Director of Economic Development, Re: Communication on Public Investment Team – Waterfront TIF District (TIF)

Councilors Bushor and Siegel made a motion to waive the reading, accept the communication and place it on file.

Councilor Bushor stated that the memo read that they were working to assemble the Public Investment Team and were working with City Councilors before making final decisions. She inquired if they had a broad number of potential candidates. She had trouble coming up with names on her own, but reached out to some people and came up with a list of names. Mayor Weinberger stated they have received a large

number of excellent suggestions, which is why they have requested more time. They will be coming back with a strong team.

The motion passed unanimously.

5.6. DISCUSSION: City Council President Shannon, re: Evaluation of First Paperless Presentation

City Council President Shannon stated there were many ways to do paperless packets and requested feedback from the Council. She also requested ideas on how to handle amendments to the agenda. They could be made available online but would only be available just before the meeting. Those who print their agendas would not have access to them without their computer.

Councilor Bushor stated it would be difficult to compare documents if amendments were online and would want to be able to see what the original and changed language. That would be the only challenge with revised resolutions that appear as part of the amended agenda. They could strikethrough the original language and add the new language.

Councilor Mason stated he had expected that they would be getting one PDF that would enable them to click to different items. Having the agenda online required internet access.

Councilor Dober stated the PDF format was used for the Taxi Licensing Board. It worked very well because he did not always have access to Wi-fi.

Councilor Worden stated one approach to amendments would be to have a digital copy of resolutions with text stricken through and new language added.

ACAO Schrader stated he understood the concept of having a PDF with clickable items. The downside of doing that was it would not be searchable without buying software. City Council President Shannon inquired if the agenda for the Taxi Board was searchable. Councilor Dober stated he had never tried searching it.

Councilor Bushor inquired how they would update an agenda with amendments and have it in front of them. City Council President Shannon stated she requested a paper copy of the agenda with amendments. They would work on that. Word documents allowed them to change language. They would continue to revise the process.

Councilor Dober stated even if they continued the current format, it would be helpful to have a single PDF online that they could download.

Councilor Siegel stated they should make sure to look to the Clerk's Office who was doing the legwork. They have insight into how to get this information out to the Council. City Council President Shannon stated they have been included in the discussion.

6. COMMITTEE REPORTS (5 mins.)

Councilor Tracy stated the TEU Committee met and discussed ways to implement the Tar Sands resolution the Council passed. They looked at how much retirement money was put into oil, cogeneration at McNeil, where fuel for the City fleet came from and how to transition towards more renewable resources. They identified some people they would need to talk to before they would be able to make any decisions. They hope to report back to the Council at a March meeting.

Councilor Worden stated the Community Development and Neighborhood Revitalization Committee would be meeting next week.

Councilor Siegel stated the Diversity and Equity Committee would be meeting tomorrow. The Charter Change Committee will have two meetings to look at the gun resolution. The second meeting will address Boards and Commissions.

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

Councilor Bushor stated the DRB was entertaining two items in her ward. One had to do with the River Walk across from Salmon Run. There were some anticipated upgrades to stabilize that trail. The second project was a 57 unit housing project being proposed. It had come before the NPA in Ward 1. This would allow residents to come and speak about the project.

8. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated he made a commitment when he was a candidate that he would relocate the Mayor's Office to a school for a week. They planned to be in the High School for the week of March 18. They will focus on activities to bring attention to the Partnership for Change initiative that is underway. March 18 is a City Council meeting and they have talked about conducting the City Council meeting at the High School.

The Vermont League of Cities and Towns took up gun issues and will be formally supporting the H-124 bill. This group started the conversation in Vermont and it will continue.

City Attorney Blackwood stated a decision from the Federal District Court has been made to uphold the Buffer Zone Ordinance in entirety. The decision also says the plaintiff was not able to prove that the City has discriminatorily applied that ordinance to them. It does not mean the end of the lawsuit, but does uphold the ordinance.

8.5. COMMUNICATION: Mayor Miro Weinberger, re: Personnel Matter (oral)

City Council President Shannon recessed the City Council meeting at 7:55 p.m.

City Council President Shannon reconvened the City Council meeting at 7:56 p.m.

On a motion by Councilors Bushor and Tracy the City Council went into executive session at 7:58 p.m. premature disclosure would place the City at a substantial disadvantage. Present were: see above.

On a motion by Councilors Hartnett and Siegel the City Council went out of executive session at 8:17 p.m.

9. ADJOURNMENT

On a motion by Councilors Bushor and Hartnett the Adjourned City Council Meeting unanimously adjourned at 8:15 p.m.

Attest:

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

BOARD OF CIVIL AUTHORITY
TUESDAY, FEBRUARY 19, 2013
7:55 P.M.

PRESENT: See above

MAYOR WEINBERGER PRESIDING:

1. AGENDA

On a motion by Board of Civil Authority Members Bushor and Shannon the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Board of Civil Authority Members Tracy and Shannon the consent agenda was unanimously adopted as amended thus taking the following actions as indicated:

2.01. RESOLUTION: Appointment of Assistant Election Officials/Appointment of Acting Justice of the Peace (Councilor Shannon)
*waive the reading and adopt the resolution

3. ADJOURNMENT

Without objection, Mayor Weinberger adjourned the Board of Civil Authority Meeting unanimously adjourned at 7:56 p.m.

Attest:

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