DELIBERATIVE AGENDA

BOARD OF CIVIL AUTHORITY
CONTOIS AUDITORIUM, CITY HALL
MONDAY, MARCH 11, 2013
6:15 P.M. – 7:45 P.M.

PRESENT: Mayor Weinberger; City Council President Shannon; Councilors Bushor, Decelles, Blais, Hartnett, Brennan, Paul, Aubin, Dober, Siegel, Kranichfeld and Tracy

ABSENT: Councilors Worden and Mason

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Scott Schrader

MAYOR WEINBERGER PRESIDING:

1. AGENDA

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

2. CONSENT AGENDA

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

2.01. RESOLUTION: Ratify Appointment of Assistant Election Officials for March 5, 2013 Annual City Meeting (Councilor Shannon)
*waive the reading and adopt the resolution

3. COMMUNICATION: Kyle Dodson, Write-in candidate for Ward One School Commissioner, re: Request for Recount

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

3.01. WARD ONE RECOUNT FOR SCHOOL COMMISSION RACE

The Board of Civil Authority conducted a recount.

4. ADJOURNMENT

Without objection, the Board of Civil Authority Meeting unanimously adjourned at 7:54 p.m.

Attest:

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

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, MARCH 11, 2013

7:55 P.M.

PRESENT: City Council President Shannon; Commissioners Bushor, Kranichfeld, Tracy, Siegel, Brennan, Hartnett, Aubin, Mason, Paul, Blais and Dober

ABSENT: Commissioners Worden 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 Commissioners Dober and Blais the agenda was adopted as is.

2. CONSENT AGENDA

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

2.01. 2013-2014 1st Class Hotel and 2nd Class Store Liquor License Renewals: see attached list *waive the reading, accept the communication, place it on file and approve the 2013-2013 1st Class Hotel and 2nd Class Store Liquor License Renewals with all standard conditions

3. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 7:56 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
MONDAY, MARCH 11, 2013
7:56 P.M.

PRESENT: see above, Councilor Worden (via phone)

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Kranichfeld and Bushor the agenda was unanimously adopted as amended as follows: add to the consent agenda item 4.26. RESOLUTION: Appointment of an Additional Citizen Member to the Airport Strategic Planning Committee (Councilors Paul, Dober) with the consent action to "waive the reading and adopt the resolution;" add to the consent agenda item 4.27. RESOLUTION: Fiscal Stability General Obligation Bonds (Councilors Shannon, Bushor, Paul, Decelles: Board of Finance; pending BOF approval on 3/11/13); add Councilor Siegel as a co-sponsor to agenda item 5. RESOLUTION: Ward Redistricting - Authorize Chief Administrative Officer to Enter into Contract with

Adamant Accord, Inc. for Facilitator Services (Councilors Shannon, Bushor); note proposed amendments for agenda item 5. RESOLUTION: Ward Redistricting – Authorize Chief Administrative Officer to Enter into Contract with Adamant Accord, Inc. for Facilitator Services (Councilors Shannon, Bushor, Siegel).

2. PRESENTATION: Pat Burns, Director of Operations, City Market, re: Onion River Co-op City Market Update

Pat Burns, City Market, stated he will be taking over as general manager in the coming months. City Market owns its building but leases the property from the City. When they signed the lease, they agreed to several conditions that would make it a downtown supermarket rather than a natural foods store. One requirement was that City Market will meet the needs of the low to moderate income, disabled and elderly and support Vermont agriculture. They have increased membership and now have almost 9,000 members. Growth increased at the beginning of the recession as people realized they needed to make better choices with their money and that there were opportunities to do member work to entitle them to a discount. There is also a patronage refund and the Food for All Program. 60% of owners of the co-op are Burlington residents. Their family members are also able to use their membership. They employ 205 people. 83% of employees are full time, which is the inverse of a normal grocery store. 65% of their staff lives in Burlington. Members have made it clear that they want to take care of employees. They are pleased to offer a livable wage for any employee after one year. They also pay 100% of the health care premium for full time employees and 75% for part time employees. Hickok and Boardman conducts an annual survey of benefits throughout the State and City Market always ends up in the top percentile. 3Squares redemption has increased from $290,000 in 2005 to over $1 million in 2012. They are happy to be able to serve people with food stamps, although they are not happy that so many people have to be on them. They considered starting a program which would offer a 10% discount to those receiving EBT or Social Security. When talking to those administering the plan, they found that it would have to be done for everyone throughout the State. They instead created a membership category where they waive the membership fee and offer a 10% discount on purchases if they show their card. They have gone from $590,000 in 2009 to $1,697,000 in 2012. This translates to additional buying power for those using this program. About 1,000 members use this program. There are a number of other co-ops across the country using this program as a model. As part of their lease, they had to donate $90,000 to the Chittenden Emergency Food Shelf by 2011 and they were able to meet that target. They will continue to do this and they provide opportunities for people to make donations at the store. They also allow the food shelf to order bulk food at cost which saves them money. They have an annual COTS Tree Sale where they get 650 trees dropped off in their parking lot and sell them. The money goes directly to COTS and they were able to give them a check for $10,575 this year. Donations have been nearly $80,000 in total. As part of their supermarket principles, they are looking to have over 1,000 Vermont products. They have begun working with Kimball Brook Organic Dairy Farm to help them become certified and sell their products. They now have over 2,000 Vermont products translating to $11 million in sales or 33% of the sales of the co-op. They also support the City of Burlington through taxes and fees. Last year they paid about $460,000. They also do a patronage refund program, as the intent of the co-op is to be revenue neutral. Last year, 60% of purchases were made by members. They reimburse profits to members as a refund; last year they sent out $643,000 to 7,689 people. Checks were as low as $2.50 and as high as $800 based on the members' purchases in the store. They have returned nearly $2 million to members since they opened the store.

City Council President Shannon thanked him for his presentation and for the food.

Councilor Bushor stated that she always finds this annual update inspiring and appreciates it. She still hears from residents that City Market is an upper end store and is not affordable for people. In other presentations, they have focused on comparisons with other grocery stores. She inquired if they intend to continue to support the Chittenden Emergency Food Shelf even though they have fulfilled their

requirement. Mr. Burns stated that they will. Councilor Bushor stated that both the food and the interconnection with the community are important. She inquired about the Food for All program and what categories are included in that. Mr. Burns stated EBT, WIC, or Social Security recipients are eligible.

Councilor Mason inquired if the livable wage that is being paid is based on the City's definition or if it is City Market's own definition. Mr. Burns stated it is set by the Joint Fiscal Office. They consider the cost of living in Chittenden County based on two single people living in a two bedroom. They also get credit for what they pay for health care, transportation, a food discount, and savings put into the 401k. Based on the benefits provided, the minimum is $10.31/hour.

Councilor Brennan stated there has been talk about opening another store. He conducted a survey in the Old North End and found that people were concerned about hurting the micro markets in their neighborhoods. There were also concerns about the lack of a downtown market in Winooski. He commended them for paying a livable wage; doing that gives employees dignity. It is great that assistance is available for those who need it, but having livable wage is paramount. He also stated that the co-op makes a difference in the community.

Councilor Siegel stated when she was a household of one, the worker membership did not add up for her. Now that she is part of a family of four, it is very valuable. The work that translates to a 12% discount can be done in the store or as a community volunteer. When a refund check comes, it is based on the pre-discount sale which makes it even better.

2.01. COMMUNICATION: Alison Weinhagen, re: Onion River Co-op Slideshow

Councilors Bushor and Brennan made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

3. PUBLIC FORUM

City Council President Shannon opened the public forum at 8:02 p.m.

Name	Ward/Affiliation	Subject
Ron Ruloff	Ward 3 Resident	Recent Election/Council Performance
Chapin Spencer	Ward 5 Resident/ Local Motion	In Favor of Downtown Parking Policy
Kyle Dodson	Ward 1 Resident	Ward 1 School Commissioner Recount
Erik Hoekstra	Ward 2 Resident	In Favor of Downtown Parking Policy
Jim Holway	Ward 4 Resident	More Options for Redistricting Committee Facilitator
Joseph LaRiviere	S. Burlington Resident	Concerns over Trespass Ordinance

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 8:17 p.m.

4. CONSENT AGENDA

Councilor Paul noted that there was an addition of a citizen member of the Airport Strategic Planning Committee on the consent agenda tonight. She noted that Sanford Miller was no longer employed as the City Manager of South Burlington and he had resigned from the Committee.

Councilor Bushor stated consent agenda item 4.12. had been revised.

Councilor Worden stated he will recuse himself on consent agenda item 4.06., as his firm may be proposing on a project that would receive some of that grant money.

On a motion by Councilors Bushor and Paul 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

4.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Lot Line Adjustments; Vestigial Alley ZA #13-02 (Planning Department; Planning Commission)(1st reading)
*consider this 1st reading and refer it to the Ordinance Committee

4.03. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Garage Size and Orientation ZA #13-04 (Planning Department; Planning Commission)(1st reading)
*consider this 1st reading and refer it to the Ordinance Committee

4.04. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Zoning Amendments
*waive the reading, accept the communication and place it on file

4.05. RESOLUTION: Authorization for Transfer of 48.8 Acres of Airport Land to Winooski Valley Park District (Board of Finance: pending 3/11 BOF approval)
*waive the reading and adopt the resolution

4.06. RESOLUTION: Approval of Stormwater Grants (Councilors Shannon, Bushor, Paul: Board of Finance)
*waive the reading and adopt the resolution

4.07. COMMUNICATION: Megan Moir, Burlington Stormwater Program Manager, re: Request to accept two Stormwater grants and request to accept an amendment to a previously accepted Stormwater grant
*waive the reading, accept the communication and place it on file

4.08. RESOLUTION: Acceptance of Vermont Homeland Security Grant to Purchase One Tandem Axle Enclosed Cargo Trailer to Meet Urban Search and Rescue Equipment Needs and Budget Amendment Authorizing this Purchase (Councilors Shannon, Bushor, Paul: Board of Finance)
*waive the reading and adopt the resolution

4.09. COMMUNICATION: Lise E. Veronneau, Business Manager, Burlington Fire & Police Departments, re: Vermont Department of Public Safety Grant Agreement #02140-70152-101

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

4.10. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Ken's Pizza and Pub (Councilors Dober, Blais, Tracy: License Committee)
*waive the reading and adopt the resolution

4.11. RESOLUTION: Authorization to Execute Agreement with Sovernet Fiber Corporation for Access & Use of Existing Conduit on the Winooski River (Councilors Hartnett, Tracy, Mason: Transportation, Energy, Utilities Committee)
*waive the reading and adopt the resolution

4.12. RESOLUTION: Delegation of Authority for Budget-Neutral Adjustments Within City Departments' Individual Budgets (Councilors Shannon, Bushor, Paul: Board of Finance)
*waive the reading and adopt the resolution

4.13. COMMUNICATION: Paul Sisson and Karen Paul, Co-Chairs of the Airport Strategic Planning Committee, re: Report Re: Update to the Council
*waive the reading, accept the communication and place it on file

4.14. COMMUNICATION: Peter Potts, Republican Staffperson, re: Resignation
*waive the reading, accept the communication, place it on file and send a letter of appreciation to Peter Potts thanking him for his service as the Republican Staffperson to the City Council

4.15. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

American Flatbread at Signal Kitchen, 71 Main Street, 2/28/13, 4 p.m. – 2 a.m., Dancing
*waive the reading, accept the communication, place it on file and ratify the one day only special event indoor entertainment permit application for American Flatbread

4.16. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

American Flatbread at Signal Kitchen, 71 Main Street, 3/2/13, 8 p.m. – 2 a.m., Dancing
*waive the reading, accept the communication, place it on file and ratify the one day only special event indoor entertainment permit application for American Flatbread

4.17. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

American Flatbread at Signal Kitchen, 71 Main Street, 3/9/13, 8 p.m. – 2 a.m., Dancing
*waive the reading, accept the communication, place it on file and ratify the one day only special event indoor entertainment permit application for American Flatbread

4.18. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

American Flatbread at Signal Kitchen, 71 Main Street, 3/15/13, 8 p.m. – 2 a.m., Dancing
*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for American Flatbread

4.19. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Manhattan Pizza & Pub, 167 Main Street, 3/17/13, 9:30 p.m. – 2:00 a.m., Dancing, Band

*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Manhattan Pizza & Pub

4.20. 2013-2014 TOBACCO LICENSE RENEWALS: see attached list
*waive the reading, accept the communication, place it on file and approve the 2013-2013 Tobacco License Renewals

4.21. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator & Amy Bovee, Executive Secretary, Draft Minutes, Regular City Council Meeting, January 7, 2013
*waive the reading, accept the communication, place it on file and adopt the minutes at the March 18, 2013 City Council Meeting

4.22. COMMUNICATION: Rev. Oscar Hernandez, DRB Alternate Member, re: Resignation
*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Rev. Oscar Hernandez thanking him for his time served as an Alternate Member on the Development Review Board

4.23. COMMUNICATION: Christian Belekewicz, re: City Gun Control Bill
*waive the reading, accept the communication and place it on file

4.24. COMMUNICATION: Scott Gustin, Senior Planner, Staffperson, Burlington Conservation Board, re: Open Space Protection Plan Update
*waive the reading, accept the communication and place it on file

4.25. 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

4.26. RESOLUTION: Appointment of an Additional Citizen Member to the Airport Strategic Planning Committee (Councilors Paul, Dober)
*waive the reading and adopt the resolution

4.27. RESOLUTION: Fiscal Stability General Obligation Bonds (Councilors Shannon, Bushor, Paul, Decelles: Board of Finance; pending BOF approval on 3/11/13)
*waive the reading and adopt the resolution

5. RESOLUTION: Ward Redistricting – Authorize Chief Administrative Officer to Enter Into Contract with Adamant Accord, Inc. for Facilitator Services (Councilors Shannon, Bushor and Siegel)

Councilors Bushor and Decelles made a motion to waive the reading and adopt the resolution.

Councilor Bushor stated this will continue the process they began when they decided to broaden the membership of the Redistricting Committee and hire a facilitator who would be neutral. This person does not live within City boundaries and would not weigh in on the process. This will move the Committee towards accomplishing something. This requests they move forward with selecting Cindy Cook as a facilitator. The money being allocated to pay for the facilitator is City Council monies.

City Council President Shannon stated Cindy Cook is here to meet the Council. She requested that she share her background and how she views the process going forward. Cindy Cook stated she grew up in Burlington and moved away. She now lives near Montpelier and is very familiar with Burlington, but is agnostic as to politics. For a living, she facilitates complex public policy and environmental issues. She loves projects with complex sets of facts, relational issues, and process issues, all of which apply to this situation. She is also familiar with public engagement. She would be active in providing opportunities for the general public to be involved. She would also like to speak with each Councilor individually to get an understanding of what the needs of each district are. That would be in concert with working with the Committee. It is hugely important to involve the public before making a decision. City Council President Shannon noted that they have laid out a process that will run through June. They hope to bring something to the Council at that time. If they are not ready at that point, it would involve another contract, which would also be voted on.

Councilor Dober stated he was not aware that this was coming from Council funds. He is concerned that there will be a new Council elected that he will not be a part of. He feels like he is spending someone else's money. He inquired if there are sufficient funds available so that he will not be leaving his replacement short. City Council President Shannon stated that the previous resolution did state that it would be paid through City Council funds.

Councilor Bushor stated it is important to delineate what Council money this is. There is money that Councilors are paid monthly with, there is money for staff support, and money for special projects. She requested an explanation from the Interim CAO. Interim CAO Sisson stated the total budget is $5,000 per Councilor or $70,000 per year. Spending has only been about $5,500 so far this year, leaving plenty of money for the remainder of this year.

Councilors Paul and Siegel made a motion to amend the resolution on lines 27-29 to add language to allow NPA representatives to approve the selection of the facilitator. There were some people involved with NPA Steering Committees that had concerns that the City Council is only one part of the Redistricting Committee. They were not concerned with the person being considered for the role of facilitator, but with being included in the hiring process. She offered a second amendment to add a resolved clause to change the date of the first meeting from March 19 to no later than April 1 to allow NPAs more time to select members and ensure that newly elected members are able to attend the meeting.

Councilor Mason inquired if the words 'entire Redistricting Committee' meant that unanimous consent would be required. Councilor Paul stated that was not her intention and she meant that a majority would suffice. Councilor Mason stated requiring unanimous approval would negate the point of the resolution. Removing the word entire would solve the problem.

Councilor Paul amended her amendment to read 'review by the entire and approval by the majority of the Redistricting Committee.'

City Council President Shannon stated the entire Redistricting Committee had the same information that the City Council had. They were sent the biography, resume, and resolution. Councilor Paul raised a point of information that if the Council President was referencing the resolution, she was participating in the debate. City Council President Shannon stated she was trying to clarify what had happened. She had spoken by phone or email with four of the non-Council members. The language was contingent upon the timely review of the entire Redistricting Committee and approval of the majority of the Redistricting Committee having been provided with the same information as the Council.

Councilor Hartnett stated they have been vetting this process for a long time and have not moved forward. The choice of the facilitator, her resume, and her references have been well thought out. The Council needs to show leadership and say that this is the right person for the job. If they are now requiring a

majority, it will not look good if four people buy into it and three people do not; this was a good process. They have done a lot of work with this and are ready to go. It is alright to move forward; he will not support the amendment.

Councilor Siegel inquired if everyone has been appointed to the Committee at this time. This process continues to be obtuse. There was no report back process from the NPAs to notify the Council after they chose members. They need to move forward, but thus far the process has not served constituents well. She appreciates Ms. Cook's comment that it will be important to bring the public along throughout the process. The same logic could be used for bringing the Committee along with the process. This amendment does not require a face to face voice and would allow members to vote via phone or email. She agrees that Councilors should not be on this Committee at all, but it is too late to backpedal.

Councilor Dober stated he was in favor of slowing the process and involving the NPAs. They could continue to kick the can down the road on this issue. They are making a fairly simple decision and have created a Committee that is bi-partisan. NPAs have chosen representatives. Everything needed to start the process has been done. They are debating the selection of a facilitator, but the Committee can direct the conversation any way they please. Her role is to help the group reach a goal, not to limit the conversation. He supports moving forward on this resolution tonight as presented. It is long overdue and they should not postpone action any longer.

Councilor Bushor stated the lines that talk about reaching out to the whole Committee to ensure that it is a date everyone can make is a very appropriate amendment. The date was not mentioned in Ward 1 and she is unsure if their representative can make that date. That is important to confirm. Councilor Siegel mentioned that she did not know if everyone had been appointed. They had been selected but when they passed another resolution allowing for alternates some NPAs have not selected an alternate at this time. She has heard that some Wards will have both the alternate and the member attend every meeting. She will support the amendment. She believes that the facilitator has the right skill set, but that they were remiss in getting the information out to the other members. That information is now out and City Council President Shannon has received some feedback. Mistakes have been made and she hopes they can avoid them in the future.

Councilor Decelles echoed Councilor Paul's concerns about the process. The Redistricting Committee's website has not been updated and makes no mention of the new process. He has not received a list of the new committee members. It would be helpful if everyone understood the steps that have been taken. He cannot support the amendment because he does not want to delay the date of the first meeting. This process should be expedited now, but future updates should be sent to all of the Committee members.

Ms. Cook stated she has been hired on a number of complex cases and has never been through such a complex process to be hired. She is committed to hearing all points of view. The fact that there is resistance is important and it will be necessary to find where these underlying feelings are coming from. She stated she has been involved in complex processes where not everyone involved understands the next steps. She usually creates a process map that is presented to key players. This makes it clear what is happening and keeps everyone on the same page. It can be difficult to fathom the process, who decides what, when, and what the constraints are. It will be important to be clear going forward.

Councilor Siegel inquired what Ms. Cook's point of view is about being vetted by the remainder of the Committee. Ms. Cook stated it is valuable for everyone involved to be comfortable with her. People tend to not like someone being imposed upon them. She stated they could go about it in many different ways. Councilor Siegel inquired if the amendments pass and the first meeting did not take place until April 1, would 2.5 months until the deadline allow enough time. Ms. Cook stated she is unsure and would leave that up to the Council. Running later than June could be problematic because of summer vacations. She would hate to lose the two weeks, but it is not her process. Councilor Siegel inquired about the intent of

how to get a majority agreement. It sounded like most people were comfortable with the choice the goal was just to follow an appropriate process. Councilor Paul stated she had not considered how to receive approval. If there was a way to do that without the Committee meeting, such as through email, that would be fine.

Councilor Mason raised a point of order and inquired if consent could be given in a way other than a publically warned meeting. City Attorney Blackwood stated if the resolution reads 'through approval of the Committee' it would have to happen at a public meeting.

Councilor Paul stated that this conversation had degraded to a level she did not intend. This was not about the facilitator as a person. It was about the process and the fact that people want to feel valued. She had heard that those associated with the NPAs did not feel that they were being valued as equal partners in the Committee. She is on the Airport Strategic Planning Committee where they hired a consultant to run the meetings. The committee itself agreed to hire that person. They have been working effectively with that consultant because everyone broadly agreed to it. She would like to see the Redistricting Committee do what it needs to do effectively and expeditiously. It is important to get started on the right foot. No one is looking to hold the process up. She apologizes if her amendment infers that they did not want to hire the facilitator if they did not like her after the first meeting.

Councilor Dober stated that they had four companies present to the Airport Strategic Planning Committee before they decided on the person to hire. The only way to make that process the same would be to present options to the group to decide who they like. The Council has done everything they can for transparency and community involvement and it is time to get moving.

City Council President Shannon stated she received four emails from Committee Members. She read the emails, all of which were in favor of hiring the facilitator.

Councilor Siegel inquired if there is a way to word the resolution that would not require a public meeting. City Council President Shannon stated she believes that all members have weighed in with a Councilor, even if it was not her. City Attorney Blackwood stated the term approval is problematic because it implies an action. For members to give approval, it would have to occur at a public meeting. Ms. Cook inquired if they could use a more passive word, such as concurrence. City Attorney Blackwood stated it is still an action. A public body cannot take an action without holding a public meeting.

Councilor Blais stated he finds it disturbing that in an effort to add more transparency in government, they may short circuit the process. He spoke with Andy Montroll, the Ward 6 representative to the Committee, and he is very satisfied with the choice in the facilitator. He does not feel he needs to give further input into the process.

Councilor Aubin stated he sent an email to the Ward 7 representative and he was supportive of City Council approving Ms. Cook as the facilitator.

Councilors Dober and Hartnett made a motion to call the question pertaining to the amendment. The motion passed unanimously.

Councilor Bushor requested that they divide the question.

City Council President Shannon called for a vote on the amendment to line 27 which would request approval from the Redistricting Committee. The amendment failed by a vote of 3-11 with Councilors Paul, Tracy and Brennan voting in favor.

City Council President Shannon called for a vote on the amendment to change the date of the first Redistricting Committee meeting. The amendment passed by a vote of 8-6 with Councilors Hartnett, Blais, Aubin, Kranichfeld, Decelles and Dober voting against.

Councilors Decelles and Dober made a motion to call the question. The motion passed unanimously.

The motion to adopt the resolution passed unanimously.

Ms. Cook thanked them for involving her and stated she would be welcome to hear from anyone with concerns. She hoped that everyone feels the process is open to having their concerns heard.

5.01. COMMUNICATION: Cindy Cook, Adamant Accord, Inc., re: Resume

Councilors Bushor and Dober made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

5.02. COMMUNICATION: Cindy Cook, Senior Facilitator, Adamant Accord, Inc., re: Bio

Councilors Bushor and Dober made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Downtown Parking Standards ZA #13-06 (Planning Department; Planning Commission)(1st reading)

Councilors Mason and Bushor made a motion to consider this 1st reading and refer it to the Ordinance Committee.

David White, Planning and Zoning Director, stated this amendment to the Comprehensive Development Ordinance was unanimously approved by the Planning Commission. The ordinance proposed to eliminate on-site parking requirements within the Downtown Parking District. The intent was to facilitate new in fill development. It was a flagship recommendation in PlanBTV. It will encourage more productive and valuable use of land downtown and this will improve the tax base. It will also improve the ability to maintain the urban fabric of the City, make downtown more pedestrian friendly, and make development less complicated and expensive. Creating structured parking spaces costs $20,000-$30,000 per space. It will make it easier to create more affordable housing, encouraging more transportation options and the use of public transit, and facilitate access to underutilized parking that the Downtown already has. This did not mean that there will be no more parking created downtown. It will be up to the market to determine what is appropriate for a developer to build and sell. The developer will have to determine if parking will be on-site or if it will provide transit passes to its employees, car share access, or other ideas. It did not mean downtown will become a sea of parking. There is a parking maximum requirement which caps the amount of parking that can be created through a single development. Studies show that this is one of the most useful regulating tools that a community can use.

Councilor Bushor stated this is very interesting information. She stated when she went door to door recently, she heard from Public Works Commissioners and they play a role in overseeing parking. She inquired if DPW had been included in these conversations and how this would play into on-street parking. Mr. White stated that the Planning Commission plans to hold a joint meeting with Public Works in the coming months to discuss residential parking and not parking in the downtown. They will consider how they can restructure and reorganize the residential parking program to offset the impacts associated with not providing on-site parking. The Public Works Commission is interested in having that conversation. Councilor Bushor stated that if parking is not provided and people are still wedded to their

car, they will continue to bring their car, park in a residential area and walk downtown. She is glad the conversation will be happening because it is important.

Councilor Hartnett stated in the past, they have held developers' feet to the fire to the point where some decided not to build in the City because so much parking was required. This seems like a free pass. It will be important to include developers in figuring out ways that they can benefit the City now that they are not being required to provide parking. They should be involved in helping with transportation issues.

Councilor Tracy inquired if parking demand has been rising or falling. Mr. White stated they have not measured parking utilization and demand on a consistent basis over time. As part of PlanBTV, they did a study of private and public spaces. In both areas, it was about 65%. The industry considers 85% to be optimal. This meant that the parking resources that were already in place were being underutilized. This said that there was a fair amount of parking and they needed to find ways to use it better. The demand was for mobility rather than parking. There were mechanisms other than a single automobile that they should be considering. Councilor Tracy inquired how other cities had balanced the points where people said they would not go downtown at all because they could not find parking or when people said that they would utilize another means of transportation to get downtown. Mr. White stated the University of Connecticut did a study of twelve small to medium sized cities throughout the country. About half of those cities had built more parking downtown to encourage development and economic development. The other half focused on alternative transportation to make downtowns attractive places to be. They found a difference in the urban vitality of communities who had given up on building parking. Towns with more parking were less pedestrian friendly, had fewer jobs downtown, and had lower median incomes. Those who considered alternatives were far more successful. Councilor Tracy stated he had received emails from people in the Buell/Bradley/Hungerford neighborhood who were confused about the delineation of the area included in this proposal. He hoped that they could help to clarify that. People who live in this neighborhood are concerned about people parking in their neighborhood and walking downtown.

City Council President Shannon stated this is a significant change for the Council and she felt it was important for the Ordinance Committee to hear the Council's deliberation before beginning work. She visited Boulder, CO and they had a department of the City assigned to parking management. It was incredible to see that much focus on parking in a pedestrian friendly environment. She hopes that they will consider that although studies show that there is excess parking downtown, the average shopper does not feel this way. They will need to work to connect shoppers with parking. She hopes they will consider how buildings that do not provide parking will impact the neighborhood.

The motion passed unanimously.

6.01. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Zoning Amendment

Councilors Bushor and Mason made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

7. RESOLUTION: Commission and Board Appointment Process (Charter Change Committee: Councilors Siegel, Decelles, Kranichfeld; Councilor Shannon)

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

Councilor Siegel stated this gives a set structure to the appointment process and will result in three main changes. It will give more information up front about what is needed on the Committee. This information will come from the Committee Chairs themselves. Instead of having a meet and greet, they will allow

each applicant to come before the Council and tell them about themselves. It will be more public and perhaps less political. The first step would be the application period, the second would be receiving a written communication from each chair of the Board or Commission with the expectations of members, and the third would be the work session to replace the meet and greet. They will then reconvene at a Commission Appointment Discussion Session to arrive at a slate that they would vote on. They would survey applicants in the fall to see how they feel about the process. That will be reported back to the Council in November.

Councilor Hartnett stated this has been ongoing and is needed. He hopes everyone will support the changes. It will be a step in the right direction. If it does not work, they can reevaluate.

Councilor Dober stated this puts a process in place and is a good starting point. As survey time comes near, they can adjust the process. There needs to be something in place to start to result in a really good process. This is a great start. He hopes that it will not be as political.

Councilor Worden stated he supports this. He attended one meeting of the Charter Change Committee and moves the process to a more transparent direction. This will be a great improvement.

City Council President Shannon stated this was raised at the Council retreat and there was consensus that this need to be looked at. She thanked them for the proposal.

The motion passed unanimously.

8. RESOLUTION: Survey to Determine if Commissions and Boards are Functioning Optimally (Charter Change Committee: Councilors Siegel, Decelles, Kranichfeld; Councilor Shannon)

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

Councilor Siegel stated that this calls for a different survey than the one outlined in the previous resolution. That survey would go to anyone who had applied, but this would go to anyone who is currently serving. It will be about how they think the commission will be functioning. They have not written the survey yet, but it will ask questions like: Do you think that the term length is appropriate? Should there be term limits? What can you do to be more diverse and inclusive? They hope to report the results back to the Council by November.

Councilor Dober stated he hopes the questions will be more in line of how the board performs, what they are doing rather than getting into the political questions. By continuing to mention politics, they continue to keep politics in the process. Appropriate questions might be: Do you have a charge for the board? What tools do you need? How is the board structured? The questions would have more to do with the function of the board and this will go a long way.

The motion passed unanimously.

9. RESOLUTION: No City Councilor to Serve on Commission or Board in First Year After Leaving Council (Charter Change Committee: Councilors Siegel, Decelles)

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

Councilor Siegel stated that this is not just a blanket statement. There is a caveat that a Councilor may apply for a seat within the first year if they are the only applicant. It gives a fair chance to new people who perceive that former Councilors may have an unjust advantage.

Councilor Dober stated he will be leaving his seat soon. He feels that this is a good idea. Adding the caveat is important to allow them to fill the seats. In his ward, there is a thought that there is favoritism towards former Councilors.

Councilor Blais stated he is generally opposed to any rule that sets up an artificial barrier to anyone serving in public office. One of the pleasures in his time on the Council has been working with Councilor Dober. If in the next year, he decided he wanted to come back, he would hate to think that they could not even consider his application. That does not serve the City well. He has confidence that the City Council can make a reasonable decision free of favoritism. It limits access to people who have intimate knowledge about the workings of the City.

Councilor Decelles stated he could agree with Councilor Blais' sentiment if the City Council had proven its ability to not automatically appoint former City Councilors within their first year of leaving office. It has happened a number of times. In a recent appointment to the Library Commission, Councilors had pledged their support to a former Councilor without even looking at the other applications. There was another candidate whose qualifications surpassed the former Councilor's. If members of the public know that Councilors have left, they feel that the Councilor will be appointed. Because that has not been done, it is needed.

Councilor Paul inquired if a former Councilor submits an application and then finds out that other applications were received, would they have to withdraw their name from consideration. Councilor Siegel stated they can put in an application any time they want and if they are the only candidate, they would receive the appointment. There are also people whose applications have been held on file so that if there is a mid-year opening they can be considered. Councilor Paul stated it seems like that does not work because the former Councilor would have to remove their name from the list. City Council President Shannon stated the resolution states that they could not apply. If someone else had already applied, they would be unable to do so. Councilor Siegel stated the wording does imply that, but her intention is that if they apply and other applications are received, their name would be removed from the list of applications.

Councilor Bushor stated they should not be putting the responsibility on the Councilor. Anyone can apply but it is up to the Council to understand if the application is a valid one. Applicants should not have to be watchdogging positions to see if it is alright for them to apply. The intent is that the Council will not appoint a City Councilor who has left within the last year unless there is a need that can be filled by that person as the only applicant.

Councilor Hartnett stated that there are great people serving the City. Councilors will have an opportunity for continued service after one year. If they are really dedicated to the City, having a twelve month waiting period is not unreasonable to ask. He is sure that many people will return. There are many very well qualified former Councilors, but asking them to wait sends the right message. He will support this.

Councilor Siegel stated in the case of the recent Library Commission appointment, Councilors supported a former Councilor without seeing the other applications, and even told another applicant that they could see she was more qualified, but had promised their former colleague their vote. The applicant is very soured on the process and the City may not be able to receive her service.

Councilors Bushor and Mason made a motion to amend the resolution on line 23 to read that no City Councilor who leaves office may be appointed to a seat. The motion on the amendment passed unanimously.

Councilor Worden stated he will not be supporting this. He is in the design business and they have a saying that if they are trying to fix something, they should fix one thing at a time. While this has been an issue in the past, they just passed a pilot program to change the appointment process drastically. There will be more transparency and they will hear from every applicant. If there are continued problems, they can revisit this.

The resolution passed by a vote of 9-5 with Councilors Blais, Paul, Worden, Kranichfeld and City Council President Shannon voting against.

Councilor Dober left the meeting.

10. COMMITTEE REPORTS (5 mins.)

Councilor Paul stated that the Parks Arts and Culture Committee will be meeting and will discuss the Public Investment Action Plan. They will also be meeting the new Library Director to hear her priorities for the budget for the upcoming year.

Councilor Brennan stated that the Tax Abatement Committee has been working hard. They will be coming forward with a clean slate of tax abatement activities that have occurred.

Councilor Blais stated that the Human Resources Committee will be meeting to discuss step placement policy changes that have been proposed.

Councilor Mason stated that the Ordinance Committee will be meeting to address an item to correct a conflict in the Building Code, as well as the items passed on the consent agenda at tonight's meeting.

Councilor Siegel stated that the Charter Change Committee will be meeting to discuss the gun resolution. It is contingent upon Chief Schirling's availability. The Diversity and Equity Committee has continued to work on their strategic plan and will be meeting again.

City Council President Shannon stated they are working on planning a City Council meeting at Burlington High School in conjunction with the Mayor's week in the schools. There has been a lot of work done to ensure the meeting will be ADA accessible and that it will run as it usually does.

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

Councilor Decelles stated that the Public Safety Committee will not be meeting this year. The resolution that was passed and sent to the Charter Change Committee has questions that need to be answered before it can be addressed. He hopes that next year, the City Council President ensures those meetings to take place right away. There was recently a large drug bust, and public safety continues to be a major concern among the public.

Councilor Kranichfeld stated he is aware of the issues that the Public Safety Committee needs to take care of. The issues are large enough that they will merit more than one meeting worth of work. He would prefer to wait until the new Committee is formed to allow them to finish the work. It is much easier if the same group of people consistently works on the same issues. He has a conflict of interest on the gun issue given his new position as Director of the State's Attorney's and Sheriffs. That is another obstacle to the Committee taking up that issue. It will be taken care of, but it will happen after April 1.

Councilor Bushor inquired if the Board of Finance will also be taking place at Burlington High School. The Ward 1 NPA will be meeting on Wednesday to appoint an alternate to the Redistricting Committee. The CEO of Fletcher Allen Healthcare will be attending their meeting and anyone who is interested is welcome to attend. She noted that there was a time when CEOs were invited to speak with the Council. It would be nice to put a face with the name and have them here briefly to begin to have a relationship with the new heads of institutions that have their home in Burlington.

Councilor Tracy stated that the NPA is working on collecting ideas on ways to improve parks in the Old North End. The first is happening on Thursday to discuss Dewey Park. It is a small triangle that is in need of some work. They will be having an Old North End Arts and Business meeting. They have been working with residents in the Pomeroy Park area to improve that space. He has also been hearing about needles from his residents. They have been found in parks and vacant lots. There is confusion about the proper way to dispose of them. There is a person in the Howard Center who does this for a job. They can also provide a container to be used for proper disposal. They will also be working with Parks Staff about needles in parks. This points to the need for proactive action from the Public Safety Committee.

Councilor Brennan thanked everyone who worked at the polls. He apologized for his absence at the last meeting. Guns are an issue that they need to deal with and he appreciates the Mayor's effort at the national level. Since his incident, there was an incident on Lafountain Street with an open showing of a gun. The original resolution talked about assault weapons, and what is happening at the local level is also happening at the national level. The State Legislature could be moving further than it is. They will be having a discussion open to the public.

Councilor Paul congratulated Councilors Bushor, Brennan, Shannon, Hartnett and Blais on their reelection as well as welcoming returning Councilor Jane Knodell and newly elected Tom Ayres in Ward 7. She noted that on the consent agenda there is a three page summary of the Airport Strategic Planning Committee. She hopes that people will take the time to read it. They have slated the rest of the meetings through May to present a report in June.

Councilor Blais encouraged everyone to attend the Burlington High School's Varsity Girls Basketball team. They will be playing the number 1 seed at Patrick Gym and can use support.

Councilors Hartnett and Brennan made a motion to suspend the rules to extend the meeting.

Councilor Hartnett stated that there were many great City Council races which showed that the City was moving in a good direction. It is difficult to run a campaign and those who were not elected ran great races. The Roberts' family ran a great campaign in Ward 7. He thanked everyone for running.

City Council President Shannon stated that these competitive races really add to the political discussion in Burlington. There were some active campaigns in this round and it is good for Burlington and is healthy for the City. She noted that this was the week that we celebrated our Irish heritage. There were a number of events going on around the City with the Irish Heritage Festival. She encouraged people to check it out. At the Board of Finance meeting, they approved a contract with Hudson News. They were working with the City to provide Vermont products in the Airport to make the Airport unique while providing the traveler the things they expect to be able to get in an Airport.

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

Mayor Weinberger stated there was a step forward with the efforts in Montpelier for TIF reform. The bill, which was supported by Burlington and other Vermont Mayors, would extend the life of the Waterfront TIF district for an additional five years. It would be helpful in the PIAP process. The likely route for this

to be approved would be through the State Senate. He encouraged Councilors to contact State Senators that they work with to encourage them to support the bill.

Megan Moir from Public Works and Planning Director David White made presentations on two bills being reviewed in Montpelier regarding storm water protection and shoreline protection. They represented the City well and brought forward important information. There will be a Storm Water Conference that he will be giving remarks at. His remarks will focus on sharing goals of Lake Champlain protection. Burlington has a great interest in storm water protections being done efficiently and smartly.

He attended the Mayor's Institute for City Design in New Orleans. It was a great couple of days involving eight mayors and high caliber design professionals.

He will be in Burlington High School for the Mayor's week in the schools. The main goal of going through this effort is to bring attention to the Partnership for Change and the work they are attempting to do. Not many places have attempted to remodel their education systems where education is based on sitting in a class for a certain number of hours and accumulating credits. The Partnership for Change is a way of ensuring that students have proficiencies to succeed and it should not be evaluated just through hours in the classroom. There will be a kickoff event involving the Governor and State Legislature. There will be a round table discussion to meet with business and education leaders to discuss how this change will interact with the job market. There will also be a closing ceremony.

He congratulated the re-elected and newly elected City Councilors. He feels that the poll workers did a great job on Election Day.

13. COMMUNICATION: Richard Haesler, Assistant City Attorney, re: Appointment/ Evaluation/Possible Disciplinary Action of Public Officials (oral)

Assistant City Attorney Haesler stated there has been a grievance issued against a public official through notification of the City Council. It will be up to the Council to determine if it falls into the area of grievance, appointment, or removal.

On a motion by Councilors Bushor and Siegel the Council went into executive session at 10:45 p.m. premature disclosure would place the City at a substantial disadvantage. Present were: see above.

On a motion by Councilors Decelles and Bushor the Council went out of executive session at 11:23 p.m.

14. ADJOURNMENT

On a motion by Councilors Worden and Bushor the Regular City Council Meeting unanimously adjourned at 11:23 p.m.

Attest:

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