
DELIBERATIVE AGENDA
CITY COUNCIL PUBLIC FORUM
MONDAY, SEPTEMBER 23, 2013
CONTOIS AUDITORIUM, CITY HALL
RE: LIVABLE WAGE ORDINANCE
6:00 P.M. – 7:00 P.M.

ADJOURNED MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
MONDAY, SEPTEMBER 23, 2013
7:00 P.M.

1. AGENDA
2. PUBLIC HEARING: Consolidated Annual Performance & Evaluation Report
 - 2.01. REPORT: Marcy Krumbine, CEDO, re: 2012 Consolidated Annual Performance & Evaluation Report City of Burlington, Vermont *Draft*
 - 2.02. COMMUNICATION: Marcy Krumbine, Assistant Director for Community Development, re: Consolidated Annual Performance & Evaluation Report
 - 2.03. COMMUNICATION: Public Hearing Notice re: CAPER
3. PUBLIC FORUM **(Time Certain: 7:30 p.m. – 8:00 p.m. unless extended by the Council President per Council Rules)**
4. CONSENT AGENDA
5. RESOLUTION: Burlington Ward Redistricting Plan (Councilor Shannon)
 - 5.01. COMMUNICATION: 4 Wards, 12 City Councilors, referred by Redistricting Committee
 - 5.02. COMMUNICATION: 6 Wards, 13 City Councilors, referred by Redistricting Committee
 - 5.03. COMMUNICATION: 8 Wards, 16 City Councilors, referred by Redistricting Committee
 - 5.04. COMMUNICATION: 7 Wards, 14 City Councilors, submitted by Councilor Blais
 - 5.05. COMMUNICATION: 8 Wards, 4 Precincts, 12 City Councilors, submitted by Councilors Ayres, Hartnett, Knodell, Tracy, Brennan, Decelles and Aubin
 - 5.06. COMMUNICATION: 7 Wards, 13 City Councilors, submitted by Councilor Siegel
6. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Residential Side/Rear Yard Setback Encroachments ZA 14-01 (Planning Commission; Planning Department)(1st reading)(Proposed action: consider 1st reading and refer to the Ordinance Committee)

7. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Conditional Uses in Mixed Use Districts ZA 14-03 (Planning Department; Planning Commission) (1st reading)(Proposed action: consider 1st reading and refer to the Ordinance Committee)
 8. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Downtown Transition District Expansion ZA 14-04 (Planning Department; Planning Commission)(1st reading)(Proposed action: consider 1st reading and refer to the Ordinance Committee)
 9. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Zoning Amendments
 10. ORDINANCE: HOUSING – Sanitation (Code Enforcement, Councilor Tracy; Councilors Mason, Bushor, Paul: Ordinance Committee)(2nd reading)
 11. ORDINANCE: OFFENSES & MISCELLANEOUS PROVISIONS – Livable Wages Required (Councilors Mason, Bushor, Paul: Ordinance Committee)(1st reading)
 - 11.01. COMMUNICATION: Red-lined copy of Ordinance: Offenses & Miscellaneous Provisions – Livable Wages Required
 - 11.02. COMMUNICATION: Jesse Bridges, Director of Parks and Recreation, re: Proposed Ordinance Revision Livable Wage 21-81
 12. REPORT: Andy Montroll, Representative, Chittenden County RPC re: FY 2013 Annual Report to the City of Burlington
 13. REPORT: Yumiko Jakobcic, Executive Director, Winooski Valley Park District, re: Annual Report: July 1, 2012 – June 30, 2013
 14. RESOLUTION: Finalize A Strategic Plan for Diversity, Equity and Inclusion for the The City of Burlington (Councilors Siegel, Brennan)
 - 14.01. COMMUNICATION: Office of Mayor Miro Weinberger, City of Burlington, re: Strategic Planning Services for Diversity & Equity Plan Completion
 15. RESOLUTION: In Favor of Renewable Energy Sources and Opposed to Fracking (Councilors Siegel, Tracy, Brennan)
 16. COMMITTEE REPORTS (5 mins.)
 17. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)
 18. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)
 19. COMMUNICATION: Eileen Blackwood, City Attorney, re: Burlington Telecom update (oral)
- * * * * **EXPECTED EXECUTIVE SESSION** * * * *
20. ADJOURNMENT

ADJOURNED MEETING, CITY COUNCIL
MONDAY, SEPTEMBER 23, 2013

- 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. RESOLUTION: Authorization for Execution of Application for 2014 Municipal Planning Grant from the Vermont Department of Economic Housing and Community Development (Councilors Mason, Paul, Shannon)
*waive the reading and adopt the resolution
- 4.03. COMMUNICATION: Sandrine Thibault, AICP, Comprehensive Planner, Department of Planning and Zoning, re: Municipal Planning Grant Authorization to apply
*waive the reading, accept the communication and place it on file
- 4.04. COMMUNICATION: Kimberlee J. Sturtevant, Assistant City Attorney, re: Municipal Planning Grant Authorization to Apply Resolution
*waive the reading, accept the communication and place it on file
- 4.05. RESOLUTION: Approval of Fletcher Free Library Reorganization Plan (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 4.06. COMMUNICATION: Julie Hulburd, Human Resources Generalist and Susan Leonard, Human Resources Director, re: Reorganization of the Fletcher Free Library Personnel
*waive the reading, accept the communication and place it on file
- 4.07. RESOLUTION: Creation of Regular Full Time Customer Service Specialist Position and Elimination of Customer Service Field Representative Position – Burlington Electric Department (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 4.08. COMMUNICATION: Benjamin Pacy, Human Resources Generalist and Susan Leonard, Human Resources Director, re: Burlington Electric Department – Creation of Regular, Full Time Customer Service Specialist Position and Elimination of one of the two Customer Service Field Representative Positions
*waive the reading, accept the communication and place it on file
- 4.09. RESOLUTION: Authorization to Execute Contract with Travelers Insurance Company (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 4.10. COMMUNICATION: Susan Leonard, Director of Human Resources, re: Recommendation to City Council for Approval of Worker’s Compensation Contract with Traveler’s Insurance Company
*waive the reading, accept the communication and place it on file
- 4.11. RESOLUTION: Authorization to Enter into License Agreement to Maintain Table, Chairs, Awning and Lights on a Portion of the City’s Right-of-way with

Guild Fine Meats (Councilors Blais, Tracy, Ayres: License Committee)

*waive the reading and adopt the resolution

4.12. RESOLUTION: Creation of Limited Service Full Time Capital Improvement Program Manager Position – Department of Public Works (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

4.13. COMMUNICATION: Stephanie Reid, Interim Human Resources Generalist and Susan Leonard, Human Resources Director, re: Department of Public Works – Creation of Limited Service, Full Time Capital Improvement Program Manager Position

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

4.14. RESOLUTION: Acceptance of Americorps Competitive Grant for “We All Belong Americorps State Program” (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

4.15. COMMUNICATION: Peter Owens, CEDO Director, re: AmeriCorps Competitive Grant Agreement #03400-13ACHVT001

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

4.16. RESOLUTION: Acceptance of 2013 Victims of Crime Act (VOCA) Victim Assistance Grant: 02160-13VOCA16 (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

4.17. COMMUNICATION: Karen Vastine, Community Justice Center Coordinator, Burlington Community Justice Center, re: 2013 Victims of Crime Act Victim Assistance Grant: 02160-13VOCA16

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

4.18. RESOLUTION: Approval of the Act 80 Settlement of Disputes Over Amounts Identified in June 4, 2012 Report of the Office of the State Auditor (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

4.19. COMMUNICATION: Act 80, Tax Increment Financing Legislation

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

4.20. COMMUNICATION: Mayor Miro Weinberger, re: S.37, Tax Increment Financing Legislation Re: City Council Ratification

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

4.21. RESOLUTION: Appoint A Voting Delegate to Vote for the City of Burlington for the Vermont League of Cities and Towns Annual Meeting (Councilor Shannon)

*waive the reading and adopt the resolution

4.22. RESOLUTION: Final Adoption of Outstanding Internal Service and Capital Budgets (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

- 4.23. COMMUNICATION: Martha R. Lang, Ward One Resident, re: Champlain College (9/9/13 cc handout)
*waive the reading, accept the communication and place it on file
- 4.24. COMMUNICATION: Benjamin Pacy, Human Resources Generalist and Susan Leonard, Human Resources Director, re: Communication – Step placement for Jeremy Patrie, Division Manager of Technical Operations and Commercial Sales – Burlington Telecom
*waive the reading, accept the communication and place it on file
- 4.25. COMMUNICATION: Clerk/Treasurer’s Office, re: Openings Burlington City Commissions/ Boards
*waive the reading, accept the communication and place it on file
- 4.26. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, June 10, 2013, Draft
*waive the reading, accept the communication, place it on file and adopt the minutes at the October 7, 2013 City Council Meeting
- 4.27. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Minutes, Adjourned Meeting, City Council for June 24, 2013, Draft
*waive the reading, accept the communication, place it on file and adopt the minutes at the October 7, 2013 City Council Meeting
- 4.28. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Organization Day, April 1, 2013
*waive the reading, accept the communication, place it on file adopt the minutes as received at the September 9, 2013 City Council Meeting
- 4.29. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Recessed Organization Day Meeting, City Council, April 8, 2013
*waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 9, 2013 City Council Meeting
- 4.30. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Regular City Council Meeting, April 15, 2013
*waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 9, 2013 City Council Meeting
- 4.31. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned City Council Meeting, April 29, 2013
*waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 9, 2013 City Council Meeting
- 4.32. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Regular City Council Meeting, May 6, 2013
*waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 9, 2013 City Council Meeting

4.33. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned City Council, May 20, 2013

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 9, 2013 City Council Meeting

4.34. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Draft Minutes, Annual City Council Meeting, June 3, 2013

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the September 9, 2013 City Council Meeting

4.35. COMMUNICATION: Louis Mannie Lionni, re: Redistricting public feedback

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

4.36. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Arts Riot, 400 Pine Street parking lot, 09/27/13, 4:30 p.m. – 9:00 p.m., Community Food Truck Stop, amplified music

*waive the reading, accept the communication, place it on file and approve the one day only special event outdoor entertainment permit application for Arts Riot

4.37. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (October):

Arts Riot, 400 Pine Street parking lot, 10/4, 10/11, 10/18, 10/25, 4:30 p.m. – 9:00 p.m., Community Food Truck Stop, amplified music

*waive the reading, accept the communication, place it on file and approve the four day only (Fridays in October) special event outdoor entertainment permit application for Arts Riot

4.38. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (October):

Pacific Rim, 161 Church Street, 10:00 p.m. – 2:00 a.m., DJ, dancing, amplified music, 10/2, 10/3, 10/4, 10/5, 10/9, 10/10, 10/11, 10/12, 10/16, 10/17, 10/18, 10/19, 10/23, 10/24, 10/25, 10/26, 10/30 and 10/31

*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for Pacific Rim for the above-mentioned dates in October only

4.39. COMMUNICATION: Sue Alenick, Ward Clerk, Ward One, re: Leo Yandow's Resignation

*waive the reading, accept the communication, place it on file, place the vacancy on the March 2014 Annual City Election ballot and send a letter of appreciation to Leo Yandow in care of Norma Yandow, his wife and an election worker as well, thanking Leo for years of service as an Inspector of Election for Ward One

4.40. COMMUNICATION: Bob Rusten, Chief Administrative Officer and Rich Goodwin, Assistant Chief Administrative Officer of Finance, re: Overview of Investment Policy and Standard Operating Procedures for Investments

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

Members of the public may speak when recognized by the Chair, during the Public Forum (time certain: 7:30 p.m.) or during a Public Hearing. This agenda is available in alternative formats upon request. Persons with disabilities, who require assistance or special arrangements to participate in programs and activities of the Clerk/Treasurer's Office, are encouraged to contact us at 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will air live on the night of the meeting on Burlington Telecom, Channel 317. This meeting will also air on Channel 17 on September 25, 2013 at 8:00 p.m.,

repeating at 1 a.m., 7 a.m. and 1 p.m. the following day. For information on access, call Scott Schrader, Assistant CAO for Administration and Management (865-7140) or Lori Olberg, Licensing, Voting and Records Coordinator (865-7136) (TTY 865-7142).

The City's Community & Economic Development Office regularly prepares three major plans and reports about housing and community development. First, there is the City's Consolidated Plan for Housing & Community Development. The Consolidated Plan covers a five-year time period; provides detailed information about city demographics, the local housing market and the local economy; and outlines housing and community development needs and priorities.

Second, the City prepares an Action Plan each year to address the Consolidated Plan priorities. The Action Plan is a budget for spending the Community Development Block Grant (CDBG) and HOME Investment Partnership program (HOME) resources that the City receives from the U.S. Department of Housing & Urban Development (HUD). Each annual Action Plan details how the City plans to spend CDBG and HOME resources on specific activities and outlines other actions the City will take to meet Consolidated Plan priorities. It must be submitted to HUD each year by May 15.

Third, after the close of each program year, the City prepares a Consolidated Annual Performance & Evaluation Report to report on progress and on CDBG and HOME expenditures during the year. The City is required to prepare the Consolidated Plan, annual Action Plans and annual Performance Reports in order to receive funding under the CDBG and HOME programs.

This Performance Report covers the fifth year of the five-year period covered by the City's 2008 Consolidated Plan for Housing & Community Development. It contains information on all CDBG and HOME projects that were funded, underway and/or completed during the program year beginning July 1, 2012 and ending June 30, 2013 (referred to as Program Year 2012). It also contains other information that may be of interest to the community, such as community indicators and partner activities that contribute to the goals of the Consolidated Plan. The Report is due to HUD by September 30.

A Public Hearing will be held before the Burlington City Council on September 23, 2013, concerning this Report. Comments will be accepted at the Public Hearing as well as at the Community & Economic Development Office through September 25, 2013. We continue to solicit the input of our citizens about the effective allocation and expenditure of our CDBG and HOME resources as well as on housing and community development needs generally.

Table of Contents

Executive Summary	1
Summary of Resources, Leveraging and Geographic Distribution of Funds	4
TABLE 1: Available and Expended Formula Funds	4
Expenditures, Accomplishments and Progress on Five-Year Objectives	7
TABLE 2: Proposed v. Actual Outcomes	11
TABLE 3: Cumulative Assessment of Progress	13
TABLE 4: Summary of Annual Objectives	23
TABLE 5: Annual Housing, Homeless and Special Needs Objectives	28
TABLE 6: Expenditure by Priority Level	32
Program Evaluation	37
Community Indicators	37
Decent Housing	38
Economic Opportunity	42
Suitable Living Environment	50
Barriers to Progress	500
Addressing Homelessness	511
Affirmatively Furthering Fair Housing	53
Progress on Other Commitments	566
Neighborhood Revitalization Strategies	59
Monitoring	611
HOME Program Requirements	62
On-Site Inspections	622
Affirmative Marketing	63
Outreach to Minority- and Women-Owned Businesses	63
Citizen Comment	65
 Appendix: Financial Summary IDIS Reports PR03, PR06, PR23, PR83, PR84, and PR85	

Executive Summary

Federal Requirements: Provide a brief overview that includes major initiatives and highlights how activities undertaken during the program year addressed strategic plan objectives and areas of high priority identified in the consolidated plan.

The City's highest overall priority under its Consolidated Plan is affordable housing. Major initiatives this year included:

- The Thayer Commons / Avenue Apartments project was divided into three phases. The final phase, completed this year by Cathedral Square, resulted in 36 units for seniors.
- Champlain Housing Trust purchased South Meadow in the fall of 2012. The property was developed in 1987 using a \$3.5 million federal Housing Development Action Grant (HoDAG) that HUD awarded to CEDO. There were originally 40 HoDAG units with rent restrictions and those were at risk if the property was sold to the private sector. Within three years of the acquisition, the property will undergo these changes:
 - 64 affordable apartments, using Low Income Housing Tax Credit (LIHTC)
 - 52 “market rate” apartments.
 - 32 condos for homeownership, some “market rate” and some permanently affordable with resale restrictions through CHT’s signature shared equity program
- Work was completed on the City Neighborhoods project, which includes refinancing and major rehabilitation of 40 scattered site affordable rental units. Construction was completed and all units are occupied by income-qualified households.
- The City, working with HUD, the Burlington Housing Authority, the Vermont Housing Finance Agency, Housing Vermont and the property owner, succeeded in ensuring the continued affordability of 37 units housing low-income persons with disabilities at Wharf Lane and 51 low-income families at Bobbin Mill. Renovations at Wharf Lane are complete and a BHA/Housing Vermont partnership acquired Bobbin Mill this past year.
- The Burlington Lead Program completed testing for Lead-Based Paint hazards on 60 housing units; performed Lead Hazard Control activities on 48 housing units; trained 341 individuals on the VT Essential Maintenance Practices Lead Law (EMP); trained 7 low income Section 3

individuals as lead workers, trained 3 program staff in lead Inspector/Risk Assessors and 1 staff member in lead Project Designer; and conducted 86 Outreach and Education events that reached over 1106 individuals.

- Utility assistance, home sharing, home- and center-based senior services, and other housing retention assistance helped almost 2,500 residents remain housed and living independently.

Economic opportunity is the City's next highest overall priority. Major initiatives this year included:

- CEDO provided technical assistance to 171 business owners and entrepreneurs, resulting in the start-up of 3 new businesses, the expansion of 2 businesses and the creation of 28 new permanent FTE jobs.
- CEDO's technical assistance also helped one local business, the Vermont Flight Academy formally receive 501 c 3 status from the IRS and develop and implement an accredited 4-year degree program in Pilot Training Program through Vermont Technical College. A total of 8.5 full time job equivalents were created and/or retained.
- The Intervale Center provided technical assistance, equipment rental, business planning and marketing assistance for Intervale farmers. A total of ten farms, with 55 workers, added 2.5 positions this year. The farms grossed over \$1.3 million with 110 acres in production.
- Mercy Connections provided entrepreneurial training for 21 women interested in starting a Burlington business and 7 new businesses were started and 4 businesses expanded.
- Four agencies provided high quality early care and education for 113 children from working families.
- Free tax services helped over 1,150 low-income working Burlington taxpayers access tax credits and rebates while saving almost \$110,000 in fees, and credit and budgeting education for 153 residents to help them to improve their credit, decrease debt and reduce spending.

A suitable living environment is the City's third overall priority. Major initiatives this year included:

- CDBG-funded agencies provided shelter and services to 2,231 homeless residents; groceries and meals for 5,201 residents; afterschool and summer programming for over 500 city youth, including academic and summer English Language services; crisis and support services for

almost 700 victims of sexual assault as well as prevention education for students and clients of other agencies.

- Renovations were completed to the Champlain Senior Center and the Heineberg Senior Center. In addition, the Sustainability Garden was completed.
- The Moran Plant project was placed on hold by the new Mayor while new tenants were located for the project. Moran is now part of the “Public Investment Action Plan” process, whereby Tax Increment Financing will be used to support projects in the Waterfront TIF District. An intensive public process and technical review is underway, culminating in a vote on specific proposals on Town Meeting Day 2014.
- CDBG was part of the match for public facility/infrastructure improvements. The Waterfront Access North project leveraged an additional \$210,000 in grants. Phase 1 of this project is out to bid and construction is scheduled to begin this fall. Work continues on the update to the Byways plan.
- CDBG also served as the match for an American Battlefield Protection Program grant. These funds have helped address the 1812 burial ground that lies beneath the Old North End. During this program year, this project developed three additional historic interpretive brochures. The Archeological Management Plan for Burlington’s War of 1812 archeological resources will be completed by January 2014.

The City’s economy, while recovering, continues to be affected by the recession. The unemployment rate is running four points below the national rate and two points below the state rate. Local job growth from 2009 to 2010 was tepid. The number of home sales has dropped by about 50% since 2006. However, home sale prices, while not showing any significant appreciation since 2005, are stable. The number of foreclosure filings – always low by national standards – is dropping. The rental market remains extremely tight, with market rents continuing to be unaffordable for many residents.

Summary of Resources, Leveraging and Geographic Distribution of Funds

Federal Requirements: For each formula grant program, identify the total amount of funds available (including estimated program income), the total amount of funds committed during the reporting period, the total amount expended during the reporting period, and the geographic distribution and location of expenditures. Jurisdictions are encouraged to include maps in describing the geographic distribution and location of investment (including areas of low-income and minority concentration). The geographic distribution and expenditure requirement may be satisfied by specifying the census tracts where expenditures were concentrated and the percentage of funds expended in target areas.

Identify progress in obtaining other public and private resources that address needs identified in the plan, how Federal resources from HUD leveraged other public and private resources, and how matching requirements were satisfied.

Available CDBG and HOME funds, and expenditures, are shown below.

TABLE 1: AVAILABLE AND EXPENDED FORMULA FUNDS Program Year 2012				
Fund Source	Budgeted Available	Actual Available	Committed	Expended
CDBG Entitlement Allocation	\$ 626,689	\$626,689	\$ 626,689	\$ 429,167
CDBG Prior Year Funds	472,916	472,916	472,916	252,776
CDBG Program Income	20,081	20,081	20,081	0
CDBG-R	0	21,039	21,039	21,039
CDBG-R Program Income	0	0	0	0
Section 108	2,091,000	2,091,000	2,091,000	0
CDBG TOTAL	\$ 3,210,686	\$ 3,231,725	\$ 3,231,725	\$ 702,982
HOME Entitlement Allocation	340,710	340,710	340,710	104,201
HOME Prior Year Funds	0	247,785	247,785	247,785
HOME Program Income	1,620	1,620	1,620	1,525
HOME TOTAL	\$ 342,330	\$ 590,115	\$ 590,115	\$ 353,511

In general, the Burlington targets its CDBG and HOME funds to the City's Neighborhood Revitalization Strategy Area. The Neighborhood Revitalization Strategy Area (NRSA) includes census tracts 3, 4, 5, 6 and 10 – roughly, the Old North End, downtown and the waterfront, Ward One including the Riverside Avenue corridor, and the area west of Pine Street down to Flynn Avenue. The NRSA is shaded in purple on the map below.



Of total non-administrative CDBG, CDBG-R and HOME expenditures, \$759,312 – or 72% was spent on programs / projects located in the NRSA this year. (Programs located outside the NRSA, such as the Champlain Valley Agency on Aging’s Case Management for Seniors program, serve a number of NRSA residents. So the dollar amount of NRSA expenditures is an estimate, not an exact number, of funds benefitting NRSA residents.) More information about NRSA activities is available at pp. 59-61.

The City leveraged \$18,298,767 of other public and private resources to meet identified needs through activities completed this year. These are other funds that the City and its subgrantees raised for their completed CDBG- and HOME-funded activities as well as funds invested by outside entities. The sources of leveraged funds are summarized below:

PUBLIC SERVICES	\$6,042,660
Federal	\$1,190,964
HUD (Other)	\$170,849
FEMA	\$30,431
Health & Human Services (HHS)	\$303,452
Department of Justice	\$546,932
USDA	\$47,906
Other	\$91,394
State	\$1,236,771
AHS	\$804,260
Other	\$432,511
Municipal	\$130,250
Burlington Housing Trust Fund	\$7,500
General Fund	\$122,750
Private	\$3,006,570
United Way	\$604,387
Other (Foundations, Fundraising, etc.)	\$2,402,183
Other	\$477,925
Fees	\$370,820
Rent, Interest, Misc.	\$107,105
HOUSING	\$12,147,007
Federal	\$622,007
HUD (Lead Paint)	\$382,007
HUD (Other)	\$240,000
Weatherization	\$0
State	\$1,350,000
Vermont Housing & Conservation Board	\$1,350,000
Municipal	\$35,000
Burlington Housing Trust Fund	\$35,000
Private	\$10,140,000
Low Income Housing Tax Credit	\$5,000,000
Owner	\$5,140,000
ECONOMIC DEVELOPMENT	\$109,100
Private	\$109,100
Foundations	\$7,800
Other (Development / Owner Investment)	\$65,000
Program Revenues	\$36,300
PUBLIC FACILITIES & INFRASTRUCTURE	\$0

Leveraged funds are also shown on Tables 3 and 5 (beginning on pp. 13 and 28, respectively) as they relate to specific program objectives.

HOME match requirements were satisfied by the carryover of surplus match from the previous fiscal year. Sources of HOME matching funds include, but are not limited to, Vermont Housing and Conservation Trust Fund (permanent contribution of state funds), the Burlington Housing Trust Fund (permanent contribution of City funds) and waiver of impact fees (permanent contribution of City funds).

Expenditures, Accomplishments and Progress on Five-Year Objectives

Federal Requirements:

- a. *Describe the accomplishments in attaining the goals and objectives for the reporting period. This should be summary information so that HUD and citizens can easily assess progress made toward meeting longer-term goals. Include a comparison of the proposed versus actual outcomes of each outcome measure submitted with the consolidated plan.*
- b. *Provide a breakdown of the CPD formula grant funds spent in attaining the goals and objectives.*
 - o *Assess the use of CDBG and HOME funds in relation to the priorities, needs, goals, and specific objectives in the consolidated plan, particularly the highest priority activities.*
 - o *Evaluate progress toward meeting the goals of providing affordable housing using CDBG and HOME funds, including the number and types of households served.*
 - o *Indicate the extent to which CDBG and HOME funds were used for activities that benefited extremely low-income, low-income, and moderate-income persons.*
- c. *Evaluate progress in meeting specific affordable housing objectives, including:*
 - o *Comparison of proposed numeric goals (from the consolidated plan and annual action plan) with the actual number of extremely low income, low income, and moderate income renter and owner households assisted during the reporting period.*
 - o *Report the number of households served meeting the Section 215 requirements of affordable housing (essentially meeting the definitions in 24 CFR 92.252 and 92.254 for renters and owners, respectively).*
 - o *Describe efforts to address worst case needs (defined as low-income renters with severe cost burden, in substandard housing, or involuntarily displaced).*
 - o *Describe efforts to address the accessibility needs of persons with disabilities.*
- d. *If applicable, explain why progress was not made towards meeting the goals and objectives.*

Table 2, which begins on page 11, compares proposed versus actual outcomes under each of the nine national HUD programmatic outcome measures. Table 2 is a snapshot of overall progress. This Table includes only the performance indicators used nationally by HUD. It includes only completed activities, and

not those that are underway, but does include activities with non-formula funding.

Table 3 gives a fuller picture of overall progress towards meeting the City’s five-year goals and objectives. This Table, which begins on page 13, shows the results of activities funded with CDBG and HOME as well as those of partner activities that contribute towards the City’s goals and objectives but are not funded with CDBG or HOME. It includes activities that are underway as well as those that are completed. It includes local performance indicators of interest to the City as well as the national HUD performance indicators. HUD outcomes are abbreviated on Table 3 according to the following:

	Availability / Accessibility	Affordability	Sustainability
Decent Housing	DH-1	DH-2	DH-3
Suitable Living Environment	SL-1	SL-2	SL-3
Economic Opportunity	EO-1	EO-2	EO-3

Table 4, which begins on page 23, shows CDBG and HOME expenditures for the program year and compares proposed and actual accomplishments for each CDBG and HOME funded activity. It also identifies how these expenditures fit with the subgoals of HUD’s 2010–2015 Strategic Framework.

Table 5, which begins on page 28, shows progress on affordable housing objectives, broken out by income level and tenure (renter and owner). As the chart shows, efforts to address worst case needs include the renovation of rental units occupied by low-income renters and the creation of new affordable units for low-income renters as part of mixed-income housing developments.

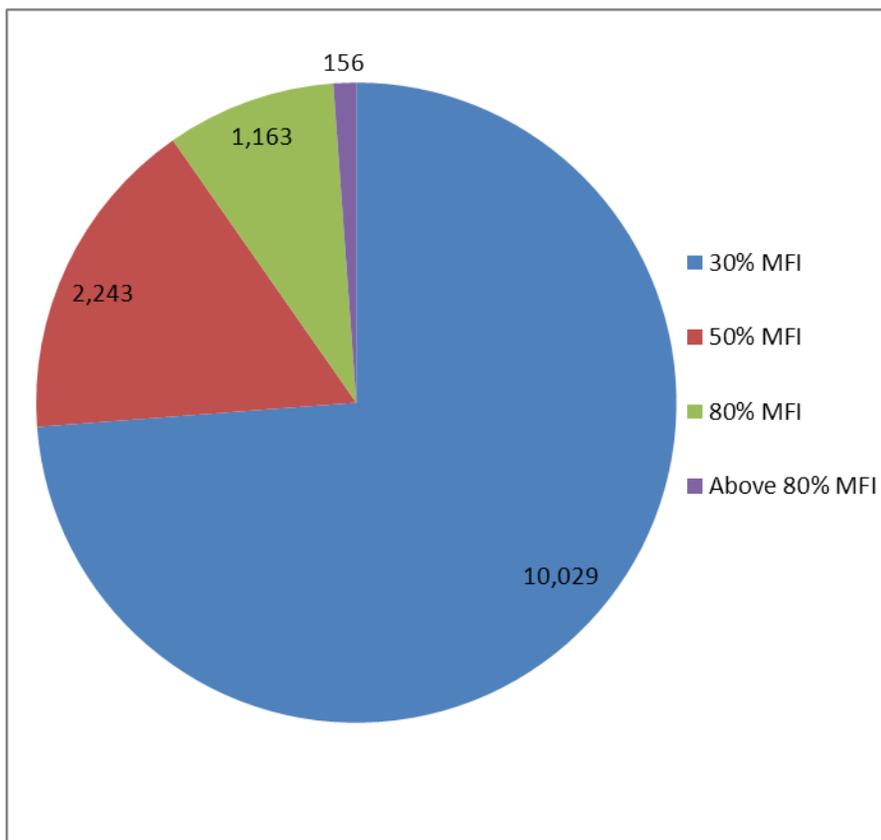
Staff members also continue to provide technical assistance to Burlington residents and work with the Vermont Center for Independent Living to bring that agency’s resources to residents in need of access modifications. New construction and substantial rehab are subject to federal requirements (Section 504, etc.) which are monitored during the predevelopment and development phases of the project.

Table 6, which begins on page 32, shows information on expenditures by priority level. The City is spending 96% of its CDBG and HOME on high priority activities and 4% on medium priority activities.

The City’s CDBG expenditures continue to be focused on those at the lowest income levels. The chart below shows CDBG expenditures by income level for this program year for all completed programs / projects except:

- Those producing and retaining jobs, where income is presumed to be at the low and moderate level if the jobs are located in the Neighborhood Revitalization Strategy Area and no further breakdown of income levels is done.
- Those with an area benefit (rather than a benefit to specific individuals), where Census information on resident income levels within the area is used to show that low- and moderate-income residents are benefitting from the activity.
- Those where the income level is measured by participation in other programs (such as Free/Reduced Lunch) with income restrictions that are more restrictive than CDBG, but that don't directly translate to the CDBG income categories.

CDBG Beneficiaries by Income Category



Information on the income levels of beneficiaries for each funded activity is contained in the PR03 Report in the Appendix.

Overall, the City is achieving (or exceeding) progress towards its five-year goals, with these exceptions:

- Housing goals for new affordable units, for homebuyer assistance and new permanent supportive housing units will not be met, because of the recession and its impact on funding and the housing market. The five-year goal for preservation of units with expiring subsidies will not be met. However, this does not mean that units will be lost; instead, refinancing is proceeding over a longer period of time.
- The number of brownfields projects completed – and the associated number of acres remediated – did not meet the five-year goal, as several projects have encountered setbacks due to very complex environmental conditions, property owner intransigence and/or planning delays, and changes in anticipated use for subject properties.

TABLE 2: Proposed v. Actual Outcomes														
Completed Activities														
Outcome: Increase the availability of / access to decent housing														
By	Performance Indicator	5-Year Goal	PY08		PY09		PY10		PY11		PY12		Total Completed to Date / Percent of Goal Achieved	
			Projected	Actual										
Creating new transitional housing	# of Housing Units	36	11	11	0	5	37	36	0	0	0	0	52	144%
Creating new permanent supportive housing	# of Housing Units	88	0	0	0	17	12	21	0	0	40	36	74	84%
Reducing lead hazards	# of Housing Units	180	87	31	70	100	60	52	40	23	45	48	254	141%
Outcome: Increase the affordability of decent housing														
By	Performance Indicator	5-Year Goal	PY08		PY09		PY10		PY11		PY12		Total Completed to Date / Percent of Goal Achieved	
			Projected	Actual										
Creating new affordable units	# of Housing Units	169	18	21	6	1	7	5	4	35	38	5	67	40%
Providing homebuyer assistance	# of Households	120	24	16	42	11	8	11	11	19	7	23	80	67%
Outcome: Increase the sustainability of decent housing														
By	Performance Indicator	5-Year Goal	PY08		PY09		PY10		PY11		PY12		Total Completed to Date / Percent of Goal Achieved	
			Projected	Actual										
Acquiring & renovating expiring subsidy units	# of Housing Units	427	7	7	80	0	100	11	0	58	37	37	113	26%
Rehabbing other housing	# of Housing Units	107	36	7	179	8	180	127	59	34	8	17	193	180%
Funding services and facilities that help to keep people housed	# of People Served	3,585 annually	3,331	6,028	4,400	5,106	3,739	3,331	3,149	2,544	3,315	2,489	3,900 average annually	109%
Outcome: Increase the availability of / access to economic opportunity														
By	Performance Indicator	5-Year Goal	PY08		PY09		PY10		PY11		PY12		Total Completed to Date / Percent of Goal Achieved	
			Projected	Actual										
Creating / retaining jobs	# of Jobs	265	59	468	77	850	57	185	158	115	25	37.5	1,656	625%
Providing entrepreneurial training and technical assistance	# of People Served	166 annually	193	418	241	372	155	296	440	214	166	247	309 average annually	186%
Outcome: Increase the affordability of economic opportunity														
By	Performance Indicator	5-Year Goal	PY08		PY09		PY10		PY11		PY12		Total Completed to Date / Percent of Goal Achieved	
			Projected	Actual										
No activities	None	None	0	0	0	0	0	0	0				0	N/A

Outcome: Increase the sustainability of economic opportunity														
By	Performance Indicator	5-Year Goal	PY08		PY09		PY10		PY11		PY12		Total Completed to Date / Percent of Goal Achieved	
			Projected	Actual										
Supporting childcare opportunities	# of People Served	75 annually	118	124	142	119	112	126	115	123	120	113	121 average annually	161%
Providing literacy services, financial education and access to public benefits	# of People Served	50 annually	174	193	350	504	1,371	1,707	1,445	1,313	834	1,389	1,021 average annually	2,042%
Outcome: Increase the availability of / access to a suitable living environment														
By	Performance Indicator	5-Year Goal	PY08		PY09		PY10		PY11		PY12		Total Completed to Date / Percent of Goal Achieved	
			Projected	Actual										
Funding shelter & services for the homeless	# of People Served	880 annually	1,843	1,860	1,503	1,911	1,720	2,214	1,570	2,705	1,508	2,231	2,184 average annually	248%
Funding youth services	# of People Served	400 annually	620	763	500	819	1,013	951	1,042	760	645	510	761 average annually	191%
Funding food programs	# of People Served	2,000 annually	5,616	5,602	6,951	5,178	5,579	4,635	5,811	5,082	5,601	5,140	5,124 average annually	257%
Funding health and public safety programs	# of People Served	400 annually	624	566	3,355	1,403	345	1,981	3,300	821	300	697	1,094 average annually	273%
Creating new public facilities	# of Facilities	4	0	1	0	0	1	1	3	1	1	1	4	100%
Outcome: Increase the affordability of a suitable living environment														
By	Performance Indicator	5-Year Goal	PY08		PY09		PY10		PY11		PY12		Total Completed to Date / Percent of Goal Achieved	
			Projected	Actual										
No activities	None	None	0	0	0	0	0		0				0	N/A
Outcome: Increase the sustainability of a suitable living environment														
By	Performance Indicator	5-Year Goal	PY08		PY09		PY10		PY11		PY12		Total Completed to Date / Percent of Goal Achieved	
			Projected	Actual										
Renovating public facilities	# of Facilities	10	3	6	6	4	11	11	2	5	1	1	27	270%
Improving public infrastructure	# of People Served	39,815	0	0	0	39,815	39,815	0	39,815	39,815	39,815	0	39,815	100%
Redeveloping brownfields	Acres Remediated	61.2	2.3	2.3	0	0	4.05	1.47	7.8	5.18	58.6	6.05	13.25	22%

TABLE 3: CUMULATIVE ASSESSMENT OF PROGRESS	Performance Indicators												Funding Sources (Cumulative Expended / Committed)							
	HUD Deliverables						Local Indicators													
GOAL: DECENT HOUSING	Housing Units	People / Households Served	Jobs Created (FTE)	Jobs Retained (FTE)	New Public Facilities	Renovated Public Facilities	Acres Remediated	New Businesses	Businesses Retained / Expanded	New Commercial Space (sq. ft.)	Renovated Commercial Space (sq. ft.)	Estimated Construction Jobs	New Property Tax Collected	CDBG	HOME	Section 108	BEDI / EDI	Housing Trust Fund	General / Capital Fund	Other
STRATEGY: PRODUCE NEW AFFORDABLE RENTAL HOUSING																				
Objective DH-2.1: Develop 128 new units of affordable rental housing over the next five years																				
PY 2008	21					2.3						192	\$62,000	\$137,546	\$412,882	\$0	\$0	\$67,375	\$0	\$4,675,046
PY 2009	0*					0						0	0	\$32,263	\$6,455	\$0	\$0	\$0	\$0	\$0
PY 2010	0					0						0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PY 2011	33					6						448	\$38,000	\$22,222	\$344,254	\$0	\$0	\$0	\$0	\$7,705,000
PY 2012	4					6.05						19	\$3,000	\$0	\$241,492	\$0	\$0	\$0	\$0	\$165,000
TOTAL COMPLETED TO DATE	58					8.3						659	\$103,000	\$408,300	\$1,005,156	\$0	\$150,000	\$72,375	\$0	\$12,545,046
88 King Street	20					2.3						192	\$62,000	\$364,409**	\$380,279	\$0	\$0	\$67,375	\$0	\$4,675,046
468 North Avenue	1												\$0	\$0	\$39,131	\$0	\$0	\$0	\$0	\$0
Thayer School – Family Units	33					6						448	\$38,000	\$43,891	\$585,746	\$0	\$150,000	\$0	\$0	\$7,705,000
Inclusionary Zoning	4											19	\$3,000	\$0	\$0	\$0	\$0	\$5,000	\$0	\$165,000
UNDERWAY	24					0						TBD	TBD	\$6,923	\$0	\$0	\$0	\$0	\$0	\$0
South Meadow	24					0								\$6,923	\$0	\$0	\$0	\$0	\$0	\$0
PREDEVELOPMENT	75					2.78						240	\$30,000	\$45,317	\$0	\$0	\$0	\$50,000	\$0	\$667,263
Browns Court	20					0.5						240	\$30,000	\$6,026	\$0	\$0	\$0	\$0	\$0	\$0
114 Archibald/39-47 Bright	30					1.12						TBD	TBD	\$39,291	\$0	\$0	\$0	\$50,000	\$0	\$667,263
Bushey Auto – 246 N. Winooski	25(5)					.48														
DQ 237 N.Winooski	25(5)					.43								\$0	\$0	\$0	\$0			
Abe's Corner	6(1)					.25								\$0	\$0	\$0	\$0			
IZ – 187 St. Paul	5													\$0	\$0	\$0	\$0			
IZ – 237 North	4													\$0	\$0	\$0	\$0			
STRATEGY: PROMOTE HOMEOWNERSHIP																				
Objective DH-2.2: Develop 41 new units of affordable owner housing over the next five years																				
PY 2008	0											0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
PY 2009	1											12	\$3,000	\$0	\$0	\$0	\$0	\$0	\$0	\$120,000
PY 2010	5											0	\$0	\$10,235	\$39,149	\$0	\$0	\$15,000	\$0	\$1,136,977
PY 2011	2											21	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$677,000
PY 2012	1																			\$333,700
TOTAL COMPLETED TO DATE	9											12	\$3,000	\$10,235	\$39,149	\$0	\$0	\$15,000	\$0	\$2,267,677
Inclusionary Zoning	1											12	\$3,000	\$0	\$0	\$0	\$0	\$0	\$0	\$165,000
NSP Acquisition	7													\$0	\$0	\$0	\$0	\$0	\$0	\$1,949,677
219 Elmwood Avenue	1													\$10,235	\$39,149	\$0	\$0	\$15,000	\$0	\$153,000
UNDERWAY	37											77	\$15,000	\$0	\$0	\$0	\$0	\$10,000	\$0	\$825,000
South Meadows	32													\$0	\$0	\$0	\$0	\$0	\$0	\$0
Inclusionary Zoning	5											77	\$15,000	\$0	\$0	\$0	\$0	\$10,000	\$0	\$825,000
*King Street units counted in PY08. ** Expenditures include all program year expenditures (including those prior to PY08) on King Street project.																				

TABLE 3: CUMULATIVE ASSESSMENT OF PROGRESS	Performance Indicators												Funding Sources (Cumulative Expended / Committed)							
	HUD Deliverables						Local Indicators						CDBG	HOME	Section 108	BEDI / EDI	Housing Trust Fund	General / Capital Fund	Other	
GOAL: DECENT HOUSING	Housing Units	People / Households Served	Jobs Created (FTE)	Jobs Retained (FTE)	New Public Facilities	Renovated Public Facilities	Acres Remediated	New Businesses	Businesses Retained / Expanded	New Commercial Space (sq. ft.)	Renovated Commercial Space (sq. ft.)	Estimated Construction Jobs								New Property Tax Collected
STRATEGY: PROMOTE HOMEOWNERSHIP , cont'd																				
Objective DH-2.3: Help 120 low- and moderate-income residents purchase a home over the next five years																				
PY 2008		16												\$5,593	\$0	\$0	\$0	\$0	\$0	\$2,447,500
PY 2009		11												\$0	\$0	\$0	\$23,253	\$0	\$0	\$724,164
PY 2010		11												\$0	\$0	\$0	\$0	\$0	\$0	\$1,833,500
PY 2011		19												\$0	\$0	\$0	\$0	\$0	\$0	\$1,810,000
PY 2012		23												\$0	\$0	\$0	\$0	\$0	\$0	\$2,475,850
TOTAL COMPLETED TO DATE		80												\$5,593	\$0	\$0	\$23,253	\$0	\$0	\$9,291,014
East Avenue Co-Housing		0*												\$5,593	\$0	\$0	\$0	\$0	\$0	\$0
Homeownership Center		62												\$0	\$0	\$0	\$0	\$0	\$0	\$7,243,350
Section 8 Homeownership		16												\$0	\$0	\$0	\$0	\$0	\$0	\$1,285,000
CEDO Downpayment Assist		2												\$0	\$0	\$0	\$23,253	\$0	\$0	\$482,664
NSP Buyers		3***												\$0	\$0	\$0	\$0	\$0	\$0	\$280,000
STRATEGY: PRESERVE AND UPGRADE EXISTING HOUSING																				
Objective DH-3.1: Preserve 427 units of affordable housing with expiring subsidies over the next five years																				
PY 2008	7													\$0	\$0	\$0	\$0	\$0	\$0	\$0
PY 2009	0													\$0	\$0	\$0	\$0	\$0	\$0	\$0
PY 2010	11													\$0	\$0	\$0	\$0	\$0	\$0	\$150,000
PY 2011	58													\$143,656	\$316,667	\$0	\$0	\$2,750,000	\$0	\$9,571,358
PY 2012	37						0.75							\$157	\$517,334	\$0	\$0	\$0	\$0	\$4,750,000
TOTAL COMPLETED TO DATE	113													\$143,813	\$834,001	\$0	\$0	\$2,750,000	\$0	\$14,471,358
Howard Group Home	7													\$0	\$0	\$0	\$0	\$0	\$0	\$0**
KSNRC Maple Street	11													\$0	\$0	\$0	\$0	\$0	\$0	\$150,000
Salmon Run	58											176		\$143,656	\$316,667	\$0	\$0	\$2,750,000	\$0	\$9,571,358
Wharf Lane	37													\$157	\$517,334	\$0	\$0	\$0	\$0	\$4,750,000
UNDERWAY	194											419		\$16,374	\$0	\$0	\$0	\$0	\$0	\$6,770,456
Bobbin Mill	51						TBD					140		\$0	\$0	\$0	TBD	TBD	\$0	\$6,300,000
ONE	19						TBD					77		\$0	\$0	\$0	\$0	\$0	\$0	\$0
BRHIP	33						TBD					82		\$4,117	\$0	\$0	\$0	\$0	\$0	\$0
South Meadow	40						TBD					120		\$6,923	\$0	\$0	\$0	\$0	\$0	\$0
Rose Street Co-op	12						TBD							\$4,117						\$0
Housing for Homeless	39						TBD							\$1,217						\$470,456

* Units were counted under last Consolidated Plan
*** Units also counted under Homeownership Ctr.

** Preserved through renewal of HUD Section 8 contract without additional funding

TABLE 3: CUMULATIVE ASSESSMENT OF PROGRESS	Performance Indicators												Funding Sources (Cumulative Expended / Committed)							
	HUD Deliverables						Local Indicators						CDBG	HOME	Section 108	BEDI / EDI	Housing Trust Fund	General / Capital Fund	Other	
GOAL: DECENT HOUSING	Housing Units	People / Households Served	Jobs Created (FTE)	Jobs Retained (FTE)	New Public Facilities	Renovated Public Facilities	Acres Remediated	New Businesses	Businesses Retained / Expanded	New Commercial Space (sq. ft.)	Renovated Commercial Space (sq. ft.)	Estimated Construction Jobs								New Property Tax Collected
STRATEGY: PRESERVE AND UPGRADE EXISTING HOUSING, cont'd																				
Objective DH-3-2: Rehab 74 units of rental housing over the next five years																				
PY 2008	2													\$48	\$39,131	\$0	\$0	\$0	\$0	\$0
PY 2009	2													\$875	\$0	\$0	\$0	\$0	\$0	\$3505
PY 2010	114													\$90,408	\$252,374	\$0	\$0	\$15,000	\$0	\$484,844
PY 2011	30													\$67,856	\$445,949	\$0	\$0	\$0	\$0	\$4,820,894
PY 2012	14													\$21,950	\$108,358			\$93,000		\$2,334,442
TOTAL COMPLETED TO DATE	162											379		\$181,137	\$845,812	\$0	\$0	\$108,000	\$0	\$7,643,685
Free Paint	13													\$2,708	\$0	\$0	\$0	\$0	\$0	\$3,505
Major Rehab	109											379		\$92,610	\$291,505	\$0	\$0	\$15,000	\$0	\$484,844
City Neighborhoods	40													\$144,506	\$554,607	\$	\$0	\$93,000	\$0	\$7,155,336
UNDERWAY	35						2.18					80		\$91,496	\$548,000	\$0	\$0	\$77,000	\$0	\$11,717,837
Major Rehab	31						2.18					80		\$90,539	\$548,000	\$0	\$0	\$77,000	\$0	\$11,717,837
Emergency Repairs	1													\$122	\$0	\$0	\$0	\$0	\$0	\$0
Free Paint	0													\$835	\$0	\$0	\$0	\$0	\$0	\$0
Objective DH-3.3: Rehab 33 units of owner housing over the next five years																				
PY 2008	5													\$941	\$39,131	\$0	\$0	\$0	\$0	\$2,800
PY 2009	6													\$27,239	\$108,381	\$0	\$0	\$15,000	\$0	\$271,249
PY 2010	13													\$25,316	\$40,339	\$0	\$0	\$0	\$0	\$113,918
PY 2011	4													\$5,517	\$5,724	\$0	\$0	\$0	\$0	\$2,815
PY 2012	3													\$46,078	\$40,371					
TOTAL COMPLETED TO DATE	31													\$105,091	\$233,946	\$0	\$0	\$15,000	\$0	\$390,782
Major Rehab	7													\$40,180	\$233,946	\$0	\$0	\$15,000	\$0	\$274,064
NSP Rehab	4													\$0	\$0	\$0	\$0	\$0	\$0	\$56,009
Free Paint	17													\$5,975	\$0	\$0	\$0	\$0	\$0	\$8,005
Weatherization	3													\$58,936	\$0	\$0	\$0	\$0	\$0	\$52,704
UNDERWAY	4													\$0	\$42,564	\$0	\$0	\$0	\$0	\$154,645
Major Rehab	1													\$0	\$42,564	\$0	\$0	\$0	\$0	\$137,435

TABLE 3: CUMULATIVE ASSESSMENT OF PROGRESS	Performance Indicators												Funding Sources (Cumulative Expended / Committed)							
	HUD Deliverables						Local Indicators						CDBG	HOME	Section 108	BEDI / EDI	Housing Trust Fund	General / Capital Fund	Other	
GOAL: DECENT HOUSING	Housing Units	People / Households Served	Jobs Created (FTE)	Jobs Retained (FTE)	New Public Facilities	Renovated Public Facilities	Acres Remediated	New Businesses	Businesses Retained / Expanded	New Commercial Space (sq. ft.)	Renovated Commercial Space (sq. ft.)	Estimated Construction Jobs								New Property Tax Collected
STRATEGY: PROTECT THE VULNERABLE																				
Objective DH-3.4: Help 3,585 residents each year over the next five years to remain housed and living independently																				
PY 2008		6,028												\$46,150	\$0	\$0	\$0	\$7,500	\$87,000	\$710,216
PY 2009		5,106												\$42,900	\$0	\$0	\$0	\$7,500	\$87,000	\$536,316
PY 2010	5	3,331												\$71,568	\$0	\$0	\$0	\$7,500	\$87,000	\$649,578
PY 2011	2	2,544												\$49,950	\$0	\$0	\$0	\$7,500	\$87,000	\$1,004,278
PY 2012		2,489												\$20,844	\$0	\$0	\$0	\$7,500	\$87,000	\$1,256,111
ANNUAL AVERAGE COMPLETED TO DATE		3,900												\$231,412	\$0	\$0	\$0	\$37,500	\$435,000	\$4,156,499
Housing Retention Services		357												\$35,359	\$0	\$0	\$0	\$0	\$0	\$120,502
Utility Assistance		1,790												\$24,622	\$0	\$0	\$0	\$0	\$0	\$176,158
Homesharing		123												\$25,474	\$0	\$0	\$0	\$37,500	\$0	\$493,087
Senior Center Services		443												\$12,943	\$0	\$0	\$0	\$0	\$435,000	\$174,002
Other Senior Services (Benefits Counseling, Case Mgmt)		403												\$39,555	\$0	\$0	\$0	\$0	\$0	\$264,161
Group Homes		32												\$59,561	\$0	\$0	\$0	\$0	\$0	\$6,750
Access Modifications	2	2												\$33,898	\$0	\$0	\$0	\$0	\$0	\$21,451
Objective SL-1.1: Provide 880 homeless residents with shelter and services each year over the next five years																				
PY 2008		1,860												\$40,400	\$0	\$0	\$0	\$15,000	\$7,000	\$1,890,460
PY 2009		1,911												\$39,000	\$0	\$0	\$0	\$15,000	\$7,000	\$1,660,490
PY 2010		2,214												\$41,000	\$0	\$0	\$0	\$15,000	\$7,000	\$1,779,250
PY 2011		3,015												\$33,330	\$0	\$0	\$0	\$15,000	\$7,000	\$2,115,860
PY 2012		2,000												\$24,266	\$0	\$0	\$0	\$0	\$15,500	\$1,630,515
ANNUAL AVERAGE COMPLETED TO DATE		2,200												\$177,996	\$0	\$0	\$0	\$60,000	\$43,500	\$9,076,545
# Receiving services		1,875																		
# Receiving shelter / emergency housing		884																	\$43,500	
# Placed into transitional / permanent housing		261																		

TABLE 3: CUMULATIVE ASSESSMENT OF PROGRESS	Performance Indicators												Funding Sources (Cumulative Expended / Committed)							
	HUD Deliverables						Local Indicators						CDBG	HOME	Section 108	BEDI / EDI	Housing Trust Fund	General / Capital Fund	Other	
GOAL: DECENT HOUSING	Housing Units	People / Households Served	Jobs Created (FTE)	Jobs Retained (FTE)	New Public Facilities	Renovated Public Facilities	Acres Remediated	New Businesses	Businesses Retained / Expanded	New Commercial Space (sq. ft.)	Renovated Commercial Space (sq. ft.)	Estimated Construction Jobs								New Property Tax Collected
STRATEGY: PROTECT THE VULNERABLE, cont'd																				
Objective DH-1.1: Produce 36 new units of transitional housing over the next five years to help homeless residents move towards permanent housing																				
PY 2008	11											70		\$0	\$291,616	\$0	\$0	\$5,000	\$0	\$1,879,115
PY 2009	0													\$0	\$0	\$0	\$0	\$0	\$0	\$0
PY 2010	36													\$0	\$0	\$0	\$0	\$0	\$0	\$3,857,000
PY 2011	0													\$0	\$0	\$0	\$0	\$0	\$0	\$0
PY 2012	0													\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL COMPLETED TO DATE	47											70		\$0	\$291,616	\$0	\$0	\$5,000	\$0	\$5,736,115
Sophie's Place	11											70		\$0	\$291,616	\$0	\$0	\$5,000	\$0	\$1,879,115
Veterans Housing - Families	16													\$0	\$0	\$0	\$0	\$0	\$0	\$3,000,000
Phoenix House	20													\$0	\$0	\$0	\$0	\$0	\$0	\$857,000
Objective DH-1.2: Develop 88 new units of permanent supportive / special needs housing over the next five years																				
PY 2008	0													\$0	\$0	\$0	\$0	\$0	\$0	\$0
PY 2009	17													\$0	\$0	\$0	\$0	\$0	\$0	\$400,000
PY 2010	21													\$0	\$0	\$0	\$0	\$0	\$0	\$2,611,765
PY 2011	33													\$0	\$0	\$0	\$0	\$280,000	\$0	\$6,616,822
PY 2012	36													\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL COMPLETED TO DATE	107						6					747	\$66,000	\$0	\$0	\$0	\$0	\$280,000	\$0	\$9,628,587
Pathways	26													\$0	\$0	\$0	\$0	\$0	\$0	\$611,765
Veterans - Single Adults	12													\$0	\$0	\$0	\$0	\$0	\$0	\$2,400,000
Thayer Senior Housing	69						6					747	\$66,000	\$0	\$0	\$0	\$0	\$280,000	\$0	\$6,616,822
Underway	16						TBD					TBD		\$0	\$0	\$0	\$0	TBD	\$0	\$2,625,000
30-42 King St.	16						TBD					TBD		\$0	\$0	\$0	\$0	TBD	\$0	\$2,625,000
Objective DH-1.3: Reduce lead hazards in 180 housing units over the next three years																				
PY 2008	31											7		\$0	\$0	\$0	\$0	\$0	\$0	\$630,875
PY 2009	100							1				12		\$0	\$0	\$0	\$0	\$0	\$0	\$956,990
PY 2010	52											12		\$0	\$0	\$0	\$0	\$0	\$0	\$644,081
PY 2011	23											13		\$0	\$0	\$0	\$0	\$0	\$0	\$681,964
PY 2012	48													\$0	\$0	\$0	\$0	\$0	\$0	\$382,007
TOTAL COMPLETED TO DATE	254							1				44		\$0	\$0	\$0	\$0	\$0	\$0	\$3,295,917

TABLE 3: CUMULATIVE ASSESSMENT OF PROGRESS	Performance Indicators												Funding Sources (Cumulative Expended / Committed)							
	HUD Deliverables						Local Indicators						CDBG	HOME	Section 108	BEDI / EDI	Housing Trust Fund	General / Capital Fund	Other	
GOAL: ECONOMIC OPPORTUNITY	Housing Units	People / Households Served	Jobs Created (FTE)	Jobs Retained (FTE)	New Public Facilities	Renovated Public Facilities	Acres Remediated	New Businesses	Businesses Retained / Expanded	New Commercial Space (sq. ft.)	Renovated Commercial Space (sq. ft.)	Estimated Construction Jobs								New Property Tax Collected
STRATEGY: RETAIN AND INCREASE THE NUMBER OF BUSINESSES AND JOBS IN BURLINGTON BY PROVIDING TECHNICAL ASSISTANCE, ENTREPRENEURIAL TRAINING AND BUSINESS LOANS																				
Objective EO-1.1: Support the start-up of 60 new businesses, the retention/expansion of 60 businesses, the creation of 190 new jobs and the retention of 75 jobs over the next five years by providing technical and financial assistance, information and training to 166 customers each year																				
PY 2008		418	457	11	1			34	23					\$263,910	\$0	\$800,000	\$0	\$0	\$0	\$17,683,525
PY 2009		372	365	485				30	18					\$266,360	\$0	\$0	\$0	\$0	\$0	\$46,005,630
PY 2010		296	182	3				15	16					\$360,086	\$0	\$0	\$0	\$0	\$0	\$20,990,931
PY 2011		240	33	82				8	16					\$286,027	\$0	\$0	\$0	\$0	\$0	\$6,049,091
PY 2012		247	33	6				3	12					\$229,940	\$0	\$0	\$0	\$0	\$0	\$104,552
TOTAL COMPLETED TO DATE		1,573	1,069	593	1			90	85					\$1,406,323	\$0	\$800,000	\$0	\$0	\$0	\$90,833,729
Entrepreneurial Training		396	35	0				20	23					\$155,629	\$0	\$0	\$0	\$0	\$0	\$570,327
Technical Assistance		1,174	1,034	593				69	61					\$1,180,794	\$0	\$0	\$0	\$0	\$0	\$84,944,440
Loans		3			1			1	1					\$69,900	\$0	\$800,000	\$0	\$0	\$0	\$5,318,962
STRATEGY: ENHANCE COMMERCIAL INFRASTRUCTURE TO INCREASE BUSINESS OPPORTUNITIES AND THE CITY'S TAX BASE																				
Objective EO-1.2: Support the development of 50,000 new sq. ft. and the retention/renovation of 150,000 sq. ft. of commercial space, the improvement of public infrastructure facilitating business development, and the collection of \$500,000 additional nonresidential property tax dollars over the next five years, with 1,750 associated construction jobs																				
PY 2008			3						***	51,948	84,878	812	\$343,063	\$22,500	\$0	\$0	\$0	\$0	\$0	\$27,980,177
PY 2009			***						***	49,170	169,290	916	\$297,293	***	\$0	\$0	\$0	\$0	\$0	***
PY 2010										10,800	61,500		\$12,528	***	\$0	\$0	\$0	\$0	\$0	***
PY 2011			1							60,000	4,500	8	\$138,000							
PY 2012			0							0	0	0	0	0	0	0	0	0	00	0
TOTAL COMPLETED TO DATE			3						***	171,918	321,968	1,738	\$778,356	\$22,500	\$0	\$0	\$0	\$0	\$0	\$27,980,177
Technical Assistance			***						***	171,918	320,168	1,736	\$778,356	***	\$0	\$0	\$0	\$0	\$0	\$27,943,600
Grants			3								1,800	2	0	\$22,500	\$0	\$0	\$0	\$0	\$0	\$36,577
STRATEGY: REDUCE BARRIERS TO ECONOMIC OPPORTUNITIES																				
Objective EO-3.1: Help families access quality childcare/early education for 75 children each year over the next five years																				
PY 2008		124												\$24,000	\$0	\$0	\$0	\$0	\$0	\$1,416,447
PY 2009		119												\$25,000	\$0	\$0	\$0	\$0	\$0	\$1,253,698
PY 2010		126												\$24,500	\$0	\$0	\$0	\$0	\$0	\$1,560,259
PY 2011		123												\$21,052	\$0	\$0	\$0	\$0	\$0	\$934,677
PY 2012		113												\$23,250	\$0	\$0	\$0	\$0	\$0	\$1,075,942
ANNUAL AVERAGE COMPLETED TO DATE		121												\$117,802	\$0	\$0	\$0	\$0	\$0	\$6,241,023
*** Counted above under Objective EO-1.1																				

TABLE 3: CUMULATIVE ASSESSMENT OF PROGRESS	Performance Indicators												Funding Sources (Cumulative Expended / Committed)							
	HUD Deliverables						Local Indicators						CDBG	HOME	Section 108	BEDI / EDI	Housing Trust Fund	General / Capital Fund	Other	
GOAL: ECONOMIC OPPORTUNITY	Housing Units	People / Households Served	Jobs Created (FTE)	Jobs Retained (FTE)	New Public Facilities	Renovated Public Facilities	Acres Remediated	New Businesses	Businesses Retained / Expanded	New Commercial Space (sq. ft.)	Renovated Commercial Space (sq. ft.)	Estimated Construction Jobs								New Property Tax Collected
STRATEGY: REDUCE BARRIERS TO ECONOMIC OPPORTUNITIES, cont'd																				
Objective EO-1.3: Help 50 residents with improved access to economic opportunity each year over the next five years																				
PY 2008		193												\$5,500	\$0	\$0	\$0	\$0	\$3,250	\$948
PY 2009		504												\$10,912	\$0	\$0	\$0	\$0	\$1,238	\$124,267
PY 2010		1,707												\$6,500	\$0	\$0	\$0	\$0	\$0	\$26,618
PY 2011		1,313												\$9,648	\$0	\$0	\$0	\$0	\$0	\$68,915
PY 2012		1,388												\$9,000	\$0	\$0	\$0	\$0	\$0	\$34,823
ANNUAL AVERAGE COMPLETED TO DATE		1,021												\$41,560	\$0	\$0	\$0	\$0	\$4,488	\$253,571
Financial Education		157												\$11,693	\$0	\$0	\$0	\$0	\$0	\$3,500
Refugee Services		87												\$19,859	\$0	\$0	\$0	\$0	\$4,488	\$92,093
Free Tax Preparation		1,121												\$10,008	\$0	\$0	\$0	\$0	\$0	\$20,834
GOAL: SUITABLE LIVING ENVIRONMENT																				
STRATEGY: PROVIDE ACCESS TO SERVICES TO STABILIZE LIVING SITUATIONS; ENHANCE HEALTH, SAFETY AND QUALITY OF LIFE; AND IMPROVE YOUTH DEVELOPMENT																				
Objective SL-1.2: Help 2,000 residents access nutritious food each year over the next five years																				
PY 2008		5,602												\$12,000	\$0	\$0	\$0	\$0	\$0	\$804,260
PY 2009		5,178												\$11,500	\$0	\$0	\$0	\$0	\$0	\$827,624
PY 2010		4,635												\$12,000	\$0	\$0	\$0	\$0	\$0	\$1,065,033
PY 2011		5,082												\$9,209	\$0	\$0	\$0	\$0	\$0	\$969,421
PY 2012		5,202												\$5,242	\$0	\$0	\$0	\$0	\$0	\$825,540
ANNUAL AVERAGE COMPLETED TO DATE		5,140												\$44,709	\$0	\$0	\$0	\$0	\$0	\$4,491,878
Objective SL-1.3: Help 400 youth access after school and summer recreational and educational opportunities each year over the next five years																				
PY 2008		763												\$14,186	\$0	\$0	\$0	\$0	\$15,000	\$280,564
PY 2009		819												\$12,886	\$0	\$0	\$0	\$0	\$15,000	\$284,629
PY 2010		951												\$17,250	\$0	\$0	\$0	\$0	\$15,000	\$507,400
PY 2011		760												\$9,648	\$0	\$0	\$0	\$0	\$15,000	\$346,352
PY 2012		510												\$10,000	\$0	\$0	\$0	\$0	\$15,000	\$236,500
ANNUAL AVERAGE COMPLETED TO DATE		761												\$63,970	\$0	\$0	\$0	\$0	\$75,000	\$1,655,445

TABLE 3: CUMULATIVE ASSESSMENT OF PROGRESS	Performance Indicators												Funding Sources (Cumulative Expended / Committed)							
	HUD Deliverables						Local Indicators						CDBG	HOME	Section 108	BEDI / EDI	Housing Trust Fund	General / Capital Fund	Other	
GOAL: SUITABLE LIVING ENVIRONMENT	Housing Units	People / Households Served	Jobs Created (FTE)	Jobs Retained (FTE)	New Public Facilities	Renovated Public Facilities	Acres Remediated	New Businesses	Businesses Retained / Expanded	New Commercial Space (sq. ft.)	Renovated Commercial Space (sq. ft.)	Estimated Construction Jobs								New Property Tax Collected
STRATEGY: PROVIDE ACCESS TO SERVICES TO STABILIZE LIVING SITUATIONS; ENHANCE HEALTH, SAFETY AND QUALITY OF LIFE; AND IMPROVE YOUTH DEVELOPMENT, cont'd																				
Objective SL-1.4: Help 400 residents access health and public safety services each year over the next five years																				
PY 2008		566												\$7,500	\$0	\$0	\$0	\$0	\$10,000	\$400,210
PY 2009		1,403												\$6,000	\$0	\$0	\$0	\$0	\$10,000	\$558,387
PY 2010		1,981												\$9,277	\$0	\$0	\$0	\$0	\$10,000	\$1,260,779
PY 2011		821												\$2,631	\$0	\$0	\$0	\$0	\$10,000	\$511,793
PY 2012		697												\$2,000	\$0	\$0	\$0	\$0	\$10,000	\$525,553
ANNUAL AVERAGE COMPLETED TO DATE		1,094												\$27,408	\$0	\$0	\$0	\$0	\$50,000	\$3,256,722
Sexual Violence Prevention and Victim Support		697												\$13,131	\$0	\$0	\$0	\$0	\$50,000	\$525,553
Prescription Assistance		220												\$11,777	\$0	\$0	\$0	\$0	\$0	\$103,126
HIV/AIDS Services		29												\$2,500	\$0	\$0	\$0	\$0	\$0	\$742,450
STRATEGY: IMPROVE PUBLIC FACILITIES AND PUBLIC INFRASTRUCTURE TO FOSTER LIVABLE NEIGHBORHOODS AND ACCESS TO PUBLIC AMENITIES																				
Objective SL-3.1: Improve 10 public facilities over the next five years																				
PY 2008		39,815			1	6								\$49,642	\$0	\$800,000	\$0	\$0	\$56,500	\$4,418,713
PY 2009		17,382				4								\$8,443	\$0	\$0	\$0	\$0	\$0	\$6,503
PY 2010		39,815				10								\$45,132	\$0	\$0	\$0	\$0	\$0	\$18,500
PY 2011		39,815			1	6								\$5,826	\$0	\$0	\$0	\$0	\$0	\$0
PY 2012		5,862			2	1								\$5,243	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL COMPLETED TO DATE		39,815			2	27								\$131,174	\$0	\$800,000	\$0	\$0	\$56,500	\$4,443,716
Parks		39,815				5								\$34,739	\$0	\$0	\$0	\$0	\$56,500	\$398,503
Senior Centers		1,206				3								\$19,957	\$0	\$0	\$0	\$0	\$0	\$19,203
Shelters		1,225				1								\$7,000	\$0	\$0	\$0	\$0	\$0	\$13,723
Homeownership Center		3,305			1									\$0	\$0	\$800,000	\$0	\$0	\$0	\$4,003,287
Community Gardens		39,815			3	8								\$26,361	\$0	\$0	\$0	\$0	\$0	\$0
Neighborhood Clean-Ups		1,560				3								\$5,073	\$0	\$0	\$0	\$0	\$0	\$0
Playgrounds		780				2								\$11,500	\$0	\$0	\$0	\$0	\$0	\$9,000
Schools		5,052				3								\$22,500	\$0	\$0	\$0	\$0	\$0	\$0
Other Non-Profit Facilities		85				2								\$4,044	\$0	\$0	\$0	\$0	\$0	\$0

TABLE 3: CUMULATIVE ASSESSMENT OF PROGRESS	Performance Indicators											Funding Sources (Cumulative Expended / Committed)									
	HUD Deliverables						Local Indicators					CDBG	HOME	Section 108	BEDI / EDI	Housing Trust Fund	General / Capital Fund	Other			
GOAL: SUITABLE LIVING ENVIRONMENT	Housing Units	People / Households Served	Jobs Created (FTE)	Jobs Retained (FTE)	New Public Facilities	Renovated Public Facilities	Acres Remediated	New Businesses	Businesses Retained / Expanded	New Commercial Space (sq. ft.)	Renovated Commercial Space (sq. ft.)								Estimated Construction Jobs	New Property Tax Collected	
STRATEGY: IMPROVE PUBLIC FACILITIES AND PUBLIC INFRASTRUCTURE TO FOSTER LIVABLE NEIGHBORHOODS AND ACCESS TO PUBLIC AMENITIES, cont'd																					
Objective SL-3.1: Improve 10 public facilities over the next five years, cont'd																					
UNDERWAY		39,815			1									\$3,282	\$0	\$0	\$0	\$0	\$0	\$134,726	
War of 1812 Memorial		39,815			1									\$3,282	\$0	\$0	\$0	\$0	\$0	\$134,726	
Objective SL-3.2: Improve the public infrastructure serving 39,815 residents over the next five years																					
PY 2008		0										0		\$0*	\$0	\$0	\$0	\$0	\$0	\$0	
PY 2009		39,815										115		\$0*	\$0	\$0	\$0	\$0	\$570,000**	\$3,800,000	
PY 2010		0																			
PY 2011		0																			
PY 2012		1,908				1								\$138	\$0	\$0	\$0	\$0	\$0	\$0	
TOTAL COMPLETED TO DATE		39,815										115		\$138*	\$0	\$0	\$0	\$0	\$0	\$570,000**	\$3,800,000
College Street Improvements																					
UNDERWAY		39,815										179		\$198,256*	\$0	\$0	\$0	\$0	\$0	\$400,000**	\$3,784,726
Waterfront North and Side Street Improvements		39,815										179		\$195,780	\$0	\$0	\$0	\$0	\$0	\$400,000**	\$3,650,000
Scenic Byways		39,815												\$2,476	\$0	\$0	\$0	\$0	\$0	\$0	\$134,726
														* All CDBG expenditures included in single number				** Total local match			

TABLE 3: CUMULATIVE ASSESSMENT OF PROGRESS	Performance Indicators												Funding Sources (Cumulative Expended / Committed)							
	HUD Deliverables						Local Indicators						CDBG	HOME	Section 108	BEDI / EDI	Housing Trust Fund	General / Capital Fund	Other	
GOAL: SUITABLE LIVING ENVIRONMENT	Housing Units	People / Households Served	Jobs Created (FTE)	Jobs Retained (FTE)	New Public Facilities	Renovated Public Facilities	Acres Remediated	New Businesses	Businesses Retained / Expanded	New Commercial Space (sq. ft.)	Renovated Commercial Space (sq. ft.)	Estimated Construction Jobs								New Property Tax Collected
STRATEGY: REDEVELOP BROWNFIELDS INTO PRODUCTIVE USE																				
Objective SL-3.3: Redevelop 61.2 acres of contaminated sites into 4 new/renovated public facilities, 61 new units of affordable housing and 8 new/renovated commercial spaces over the next five years																				
PY 2008	20	3,305	0	0	1		2.3	0	0	7,953	0	192	\$45,000	\$339,108	\$373,824	\$800,000	\$0	\$67,375	\$0	\$8,828,333
PY 2009	0	0	0	0	0		0	0	0	0	0	0	\$0	\$32,263	\$6,455	\$0	\$0	\$0	\$0	\$0
PY 2010	1	39,815	80	5	1		1.47	8	0	40,000	0	100	\$80,000	\$34,174	\$39,149	\$0	\$166,250	\$15,000	\$950,000	\$463,000
PY 2011	77	24	0	0	0		3.43	0	0	0	0	0	\$0	\$56,912	\$690,000	\$0	\$0	\$77,000	\$0	\$4,761,199
PY 2012	188	270		1			6.05	0	1	0	0	0	\$356,000	\$42	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL COMPLETED TO DATE	198	39,815	80	6	2	0	13.25	8	1	47,953	0	292	\$481,000	\$497,225	\$1,109,428	\$800,000	\$166,250	\$159,375	\$950,000	\$14,052,532
88 King Street****	20	3,305			1	0	2.3			7,953		192	\$45,000	\$371,371	\$380,279	\$800,000	\$0	\$67,375	\$0	\$8,828,333
Gosse Court Armory		39,815			1	0	0.5							\$9,012	\$0	\$0	\$166,250	\$0	\$950,000	\$250,000
102 Archibald Street				5			0.47		1					\$14,927	\$0	\$0	\$0	\$0	\$0	\$60,000
219 Elmwood Avenue****	1						0.5							\$10,235	\$39,149	\$0	\$0	\$15,000	\$0	\$153,000
ICV King and Maple			80				0.5	8		40,000		100	\$80,000	\$157	\$0	\$0	\$0	\$0	\$0	\$10,000
City Neighborhoods****	40						2.18							\$91,324	\$440,000	\$0	\$0	\$77,000	\$0	\$11,199
Wharf Lane****	37						0.75							\$157	\$250,000	\$0	\$0	\$0	\$0	\$4,750,000
134 Archibald Street Bannister****				1			0.05		1		4,000	20	\$6,000	\$16,773	\$0	\$0	\$0	\$0	\$0	\$134,000
Thayer School (DMV)****	188	270					6					800	\$350,000	\$21,669	\$510,000	\$0	\$0	\$0	\$0	\$300,000
UNDERWAY		39,815	49	8	3	0	64.2	2	2	63,235	4,000	1,767	\$199,200	\$425,865	\$510,000	\$2,340,860	\$1,191,051	\$0	\$0	\$12,868,692
Moran Plant		39,815	44		1		3			23,000		650	\$31,200**	\$293,343	\$0	\$2,340,860	\$1,191,051	\$0	\$0	\$12,041,505
Browns Court****	30						0.35					240	\$30,000	\$6,026	\$0	\$0	\$0	\$0	\$0	\$85,000
South End Transit Center		39,815			1		2.5					20		\$8,943	\$0	\$0	\$0	\$0	\$0	\$0
Urban Reserve		39,815			1		40					5		\$9,558	\$0	\$0	\$0	\$0	\$0	\$125,000
151-157 So. Champlain	8						2					32	\$32,000	\$30,983	\$0	\$0	\$0	\$0	\$0	\$181,491
Food Enterprise Center			5				4.3	2		40,235				\$9,744	\$0	\$0	\$0	\$0	\$0	\$1,696
453/501 Pine Street			TBD				6		1					\$37,442	\$0	\$0	\$0	\$0	\$0	\$0
****Projects and their associated information also appear under other objectives													** Gross receipts							

TABLE 4: SUMMARY OF ANNUAL OBJECTIVES FUNDED ACTIVITIES: PROGRAM YEAR 2012	HUD Sub- Goal	Performance Indicators (Projected / Actual)				Completion Date (Program Year)		Formula Grant Funds Expended in PY2012		
		Indicator	Projected	Actual	% of Goal Achieved	Projected	Actual	CDBG	CDBG-R	HOME
GOAL: DECENT HOUSING										
STRATEGY: PRODUCE NEW AFFORDABLE RENTAL HOUSING										
Objective DH-2.1: Develop 128 new units of affordable rental housing over the next five years										
TOTAL COMPLETED IN 2012		Housing Units	0	0	N/A	0	0	\$0	\$0	\$0
Inclusionary Zoning	2B	Housing Units	5	4	100%	2012	2012	\$0	\$0	\$0
STRATEGY: PROMOTE HOMEOWNERSHIP										
Objective DH-2.2: Develop 41 new units of affordable owner housing over the next five years										
TOTAL COMPLETED IN 2012		Housing Units	1*	1*	100%			\$0	\$0	\$0
Acquisition of Foreclosed Properties/CHT and CEDO		Housing Units	1	1	100%	2012	2012	\$0	\$0	\$0
Objective DH-2.3: Help 120 low- and moderate-income residents purchase a home over the next five years										
TOTAL COMPLETED IN 2012			7	23	327%	0	0	\$0	\$0	\$0
HomeOwnership Center (includes NSP purchased homes)			5	19	380%			\$0	\$0	\$0
Section 8 Homeownership Program			2	4	200%			\$0	\$0	\$0
STRATEGY: PRESERVE AND UPGRADE EXISTING HOUSING										
Objective DH-3.1: Preserve 427 units of affordable housing with expiring subsidies over the next five years										
TOTAL COMPLETED IN 2012			80 (58*)	128 (58*)	100%			\$0	\$0	
Wharf Lane	2C	Housing Units	37	37		2014	2012	\$0	\$0	\$102,153
Objective DH-3.2: Rehab 74 units of rental housing over the next five years										
TOTAL COMPLETED IN 2012		Housing Units	59 (31*)	36	61%			\$21,950	\$0	\$108,358
Activity / Entity:										
City Neighborhoods / CHT and CEDO	2C	Housing Units	31 (31*)	40	100%	2009	2012	\$21,950	\$0	\$108,358
Objective DH-3.3: Rehab 33 units of owner housing over the next five years										
TOTAL COMPLETED IN 2012		Housing Units	4	3	75%			\$46,078	\$0	\$40,371
Activity / Entity:										
30 Hayward Street/CEDO	1C	Housing Units	1	1		2012	2012	\$11,078	\$0	\$0
48 Oak Street / CEDO	1C	Housing Units	1	1		2011	2012	\$0	\$0	\$40,371
ReSource Weatherization	1C	Housing Units	1	1		2012	2012	\$35,000	\$0	\$0

* Meet the Section 215 criteria

TABLE 4: SUMMARY OF ANNUAL OBJECTIVES FUNDED ACTIVITIES: PROGRAM YEAR 2012		HUD Sub-Goal	Performance Indicators (Projected / Actual)				Completion Date (Program Year)		Formula Grant Funds Expended in PY2012		
GOAL: DECENT HOUSING			Indicator	Projected	Actual	% of Goal Achieved	Projected	Actual	CDBG	CDBG-R	HOME
STRATEGY: PROTECT THE VULNERABLE											
Objective DH-3.4: Help 3,585 residents each year over the next five years to remain housed and living independently											
TOTAL COMPLETED IN 2012			People Served/Housing Units	3,315	2,489	75%			\$20,844	\$0	\$0
Activity / Entity											
WARMTH Program / CVOEO		2A	People Served	1,850	1,121	61%	2012	2012	\$2,859	\$0	\$0
Housing Assistance Program / CVOEO		2A	People Served	575	205	36%	2012	2012	\$4,750	\$0	\$0
Homesharing and Caregiving / HomeShare Vermont		3D	People Served	110	114	104%	2012	2012	\$4,386	\$0	\$0
Heineberg Senior Center Services / CCSCA		3D	People Served	230	173	75%	2012	2012	\$2,000	\$0	\$0
Case Management for Seniors / CVAA		3D	People Served	150	376	251%	2012	2012	\$6,250	\$0	\$0
MultiGenerational Ctr./Champlain Sr Ctr			People Served	400	500	125%	2012	2012	\$599	\$0	\$0
Objective SL-1.1: Provide 880 homeless residents with shelter and services each year over the next five years											
TOTAL COMPLETED IN 2012			People Served	2,307	2,000	87%			\$24,266	\$0	\$0
Activity / Entity											
Waystation / COTS		2A	People Served	300**	253**	84%	2012	2012	\$5,000	\$0	\$0
Daystation / COTS		2A	People Served	800**	939**	117%	2012	2012	\$3,750	\$0	\$0
Families in Transition / COTS		2A	People Served	550	544	99%	2012	2012	\$5,000	\$0	\$0
Housing Assistance Program / CVOEO		2A	People Served	Not Projected	22	N/A	2012	2012	***	\$0	\$0
Safe Tonight / WHBW		2A	People Served	957	495	52%	2012	2012	\$10,516	\$0	\$0
Objective DH-1.1: Produce 36 new units of transitional housing over the next five years to help homeless residents move towards permanent housing											
TOTAL COMPLETED IN 2012			Housing Units	0	0	N/A			\$0	\$0	\$0
Objective DH-1.2: Develop 88 new units of permanent supportive / special needs housing over the next five years											
TOTAL COMPLETED IN 2012			Housing Units	50	36	72%			\$0	\$0	\$75,746
Thayer School (DMV) Senior Housing			Housing Units	36	36	100%	2012	2012	\$0	\$0	\$0
Underway - 30-42 King Street			Housing Units	14			2012	2013			
Objective DH-1.3: Reduce lead hazards in 180 housing units over the next three years											
TOTAL COMPLETED IN 2012			Housing Units	45	48	107%	2012	2012	\$0	\$0	\$0

Total numbers are counted to eliminate possible duplication, i.e., those served at the Waystation are also likely to be served at the Daystation *Expenditures and accomplishments counted under previous Objective.

TABLE 4: SUMMARY OF ANNUAL OBJECTIVES FUNDED ACTIVITIES: PROGRAM YEAR 2012		HUD Sub-Goal	Performance Indicators (Projected / Actual)				Completion Date (Program Year)		Formula Grant Funds Expended in PY2012		
GOAL: ECONOMIC OPPORTUNITY			Indicator	Projected	Actual	% of Goal Achieved	Projected	Actual	CDBG	CDBG-R	HOME
STRATEGY: RETAIN AND INCREASE THE NUMBER OF BUSINESSES AND JOBS IN BURLINGTON BY PROVIDING TECHNICAL ASSISTANCE, ENTREPRENEURIAL TRAINING AND BUSINESS LOANS											
Objective EO-1.1: Support the start-up of 60 new businesses, the retention/expansion of 60 businesses, the creation of 190 new jobs and the retention of 75 jobs over the next five years by providing technical and financial assistance, information and training to 166 customers each year											
TOTAL COMPLETED IN 2012			See below	103	68.5	67%			\$229,940	\$21,039	\$0
Activity / Entity											
Entrepreneurial Training										\$0	\$0
Women's Small Business Program / Mercy Connections		4A	People Served	18	21	117%	2012	2012	\$6,000	\$0	\$0
Technical Assistance and Loans			Businesses Assisted	1	3	300%	2012	2012		\$21,039	\$0
Business Financing & Technical Assistance / CEDO		4A	Jobs Created	50	28	56%	2012	2012	\$79,492	\$0	\$0
Farms Program / Intervale Center		4A	Microbusinesses Assisted	10	10	100%	2012	2012	\$5,450	\$0	\$0
Sustainable Economic Development / CEDO		4A	Jobs Created/Retained	25	9.5	38%	2012	2012	\$138,998	\$0	\$0
STRATEGY: ENHANCE COMMERCIAL INFRASTRUCTURE TO INCREASE BUSINESS OPPORTUNITIES AND THE CITY'S TAX BASE											
Objective EO-1.2: Support the development of 50,000 new sq. ft. and the retention/renovation of 150,000 sq. ft. of commercial space, the improvement of public infrastructure facilitating business development, and the collection of \$500,000 additional nonresidential property tax dollars over the next five years, with 1,750 associated construction jobs											
TOTAL COMPLETED IN 2012				150,000	60,000	***			***	\$0	\$0
Activity / Entity											
Sustainable Economic Development / CEDO		4A		150,000	0	0%			***	\$0	\$0
Business Financing & Technical Assistance / CEDO		4A		***		***			***	\$0	\$0
STRATEGY: REDUCE BARRIERS TO ECONOMIC OPPORTUNITIES											
Objective EO-3.1: Help families access quality childcare/early education for 75 children each year over the next five years											
TOTAL COMPLETED IN 2012			People Served	120	113	94%			\$23,250	\$0	\$0
Activity / Entity											
Parent Sliding Tuition Scale / Burlington Children's Space		3A	People Served	42	40	95%	2012	2012	\$5,750	\$0	\$0
Preschool Program / King Street Youth Center		3A	People Served	25	19	76%	2012	2012	\$6,500	\$0	\$0
Early Care Program / Lund Family Center		3A	People Served	38	40	105%	2012	2012	\$5,000	\$0	\$0
Preschool Program / Sara Holbrook		3A	People Served	15	14	93%	2012	2012	\$6,000	\$0	\$0

***Expenditures and accomplishments counted under previous Objective.

TABLE 4: SUMMARY OF ANNUAL OBJECTIVES FUNDED ACTIVITIES: PROGRAM YEAR 2012		HUD Sub-Goal	Performance Indicators (Projected / Actual)				Completion Date (Program Year)		Formula Grant Funds Expended in PY2012		
GOAL: ECONOMIC OPPORTUNITY			Indicator	Projected	Actual	% of Goal Achieved	Projected	Actual	CDBG	CDBG-R	HOME
STRATEGY: REDUCE BARRIERS TO ECONOMIC OPPORTUNITIES, cont'd											
Objective EO-1.3: Help 50 residents with improved access to economic opportunity each year over the next five years											
TOTAL COMPLETED IN 2012			People Served	786	1,389	166%			\$9,000	\$0	\$0
Activity / Entity											
Free Tax Preparation / CVOEO		3C	People Served	700	1,154	165%	2012	2012	\$2,500	\$0	\$0
Financial Education / CVOEO		3C	People Served	62	152	245%	2012	2012	\$2,000	\$0	\$0
Project Integration/Assn. of Africans Living in VT		3C	People Served	24	83	345%	2012	2012	\$4,500	\$0	\$0
GOAL: SUITABLE LIVING ENVIRONMENT											
STRATEGY: PROVIDE ACCESS TO SERVICES TO STABILIZE LIVING SITUATIONS; ENHANCE HEALTH, SAFETY AND QUALITY OF LIFE; AND IMPROVE YOUTH DEVELOPMENT											
Objective SL-1.2: Help 2,000 residents access nutritious food each over the next five years											
TOTAL COMPLETED IN 2012			People Served	5,601	5,202	93%			\$5,242	\$0	\$0
Activity / Entity											
Chittenden Emergency Food Shelf / CVOEO		3C	People Served	5,601	5,202	93%	2012	2012	\$5,242	\$0	\$0
Objective SL-1.3: Help 400 youth access after school and summer recreational and educational opportunities each year over the next five years											
TOTAL COMPLETED IN 2012			People Served	560	510	91%			\$10,000	\$0	\$0
Activity / Entity											
Youth Services Providers Collaborative / Sara Holbrook		3A	People Served	500	450	90%	2012	2012	\$5,000	\$0	\$0
Summer English Language Learners / Sara Holbrook Center		3A	People Served	60	60	113%	2012	2012	\$5,000	\$0	\$0
Objective SL-1.4: Help 400 residents access health and public safety services each year over the next five years											
TOTAL COMPLETED IN 2012			People Served	3,300	821	25%			\$2,631	\$0	\$0
Activity / Entity											
Support Srvcs & Community Education re. Sexual Assault / WRCC		3E	People Served	700	697	99.5%	2012	2012	\$2,000	\$0	\$0
STRATEGY: IMPROVE PUBLIC FACILITIES AND PUBLIC INFRASTRUCTURE TO FOSTER LIVABLE NEIGHBORHOODS AND ACCESS TO PUBLIC AMENITIES											
Objective SL-3.1: Improve 10 public facilities over the next five years											
TOTAL COMPLETED IN 2012			Public Facilities	6	6	100%			\$4,344	\$0	\$0
Activity / Entity											
Sustainable Academy at Barnes		4B	Public Facilities Improved	1	1	100%	2011	2012	\$3,722	\$0	\$0
Heineberg Senior Center / Chittenden County Senior Alliance		4B	Public Facilities Improved	1	1	100%	2011	2012	\$599	\$0	
Riverside Garden		4B	Public Facilities Improved	1	1	100%	2010	2012	\$784	\$0	\$0
Rose Street Dumpster		4B	Public Infrastructure	1	1	100%	2012	2012	\$138		

TABLE 4: SUMMARY OF ANNUAL OBJECTIVES FUNDED ACTIVITIES: PROGRAM YEAR 2012		HUD Sub-Goal	Performance Indicators (Projected / Actual)				Completion Date (Program Year)		Formula Grant Funds Expended in PY2011		
GOAL: SUITABLE LIVING ENVIRONMENT			Indicator	Projected	Actual	% of Goal Achieved	Projected	Actual	CDBG	CDBG-R	HOME
STRATEGY: IMPROVE PUBLIC FACILITIES AND PUBLIC INFRASTRUCTURE TO FOSTER LIVABLE NEIGHBORHOODS AND ACCESS TO PUBLIC AMENITIES, cont'd											
Objective SL-3.1: Improve 10 public facilities over the next five years, cont'd											
TOTAL COMPLETED IN 2012			Public Facilities	6					\$3,400	\$0	\$0
Neighborhood Revitalization - Facilities		4B	Public Facilities Improved	1					\$12,491		\$0
Neighborhood Revitalization - War of 1812 Memorial / CEDO		4B	New Public Facilities	1			2009		\$60	\$0	\$0
Burlington Skateboarding Park		4B	Public Facilities Improved	1			2011		\$0	\$0	\$0
Objective SL-3.2: Improve the public infrastructure serving 39,815 residents over the next five years											
TOTAL COMPLETED IN 2012				39,815	0				0%	\$0	\$0
UNDERWAY:										\$0	\$0
Activity / Entity											
Neighborhood Revitalization - Scenic Byways / CEDO		4A	People Served	39,815	0		2012		\$236	\$0	\$0
Neighborhood Revitalization - Waterfront Access North/CEDO		4A	People Served	39,815	0	100%	2012		\$34,439	\$0	\$0
Neighborhood Revitalization - Streets		4A							\$17,898		
STRATEGY: REDEVELOP BROWNFIELDS INTO PRODUCTIVE USE											
Objective SL-3.3: Redevelop 61.2 acres of contaminated sites into 4 new/renovated public facilities, 61 new units of affordable housing and 8 new/renovated commercial spaces over the next five years											
TOTAL COMPLETED IN 2012			Acres Remediated						\$55,417	\$446,296	\$0
Activity / Entity											
Brownfields Program / CEDO		4A	Acres Remediated	58.6	6.05	10%	2008-2010	2012	\$42	\$0	\$0
Thayer		4A	Housing Units	100	188	100%		2012	Reported under housing	\$0	\$0
134 Archibald (Bannister)		4A	Jobs Created/Retained	1	1	100%		2012		\$0	\$0
UNDERWAY:											
Activity / Entity											
Neighborhood Revitalization - Moran / CEDO		4A	New Public Facilities	1			2011		\$47,135	\$0	\$0
Brownfields Program / CEDO		4A	Acres Remediated	67.63			2011-2013		\$21,883	\$0	\$0

TABLE 5: ANNUAL HOUSING, HOMELESS AND SPECIAL NEEDS OBJECTIVES	Projected / Actual Year of Completion	0 - 30% MFI	31 - 50% MFI	51 - 80% MFI	80-95% MFI	> 95% MFI	TOTAL	CDBG	HOME	EDI	Housing Trust Fund	Lead Paint	NSP	Other Funds
STRATEGY: PRODUCE NEW AFFORDABLE RENTAL HOUSING														
OBJECTIVE DH-2.1 New Rental Units	5-Year Target	39	40	49	0	0	128	\$256,000	\$542,500	\$0	TBD	\$0	\$0	\$22,620,000
COMPLETED:		6	19	26	7	0	58	\$419,240	\$763,684	\$150,000	\$67,375	\$0	\$0	\$16,313,486
88 King Street (17*)	2008 / 2008	5	11	2	2	0	20	\$371,371	\$380,279	\$0	\$67,375	\$0	\$0	\$9,628,333
468 North Avenue (1*)	2008 / 2008	0	1	0	0	0	1	\$0	\$39,151	\$0	\$0	\$0	\$0	\$0
Thayer School (DMV) Site – Family Housing (28*)	2012 / 2011	1	7	20	5	0	33	\$47,869	\$344,254	\$150,000	\$0	\$0	\$0	\$6,685,153
Inclusionary Zoning	2012/2012	0	0	4	0	0	4	\$0	\$0	\$0	\$0	\$0	\$0	\$0
UNDERWAY:							24	\$6,923	\$0	\$0	\$0	\$0	\$0	\$165,000
South Meadow	2013/2014						24	\$6,923						
PREDEVELOPMENT:		7	7	56	51	5	126	\$25,841	\$0	\$0	\$15,000	\$0	\$0	\$460,702
Browns Court (20*)	2013 /	7	7	6	5	5	30	\$11,026	\$0	\$0	\$0	\$0	\$0	\$0
Bushey Auto – 246 N. Winoski	2013			5	20		25							
114 Archibald/39-47 Bright	2014 /			30			30	\$14,815	\$0	\$0	\$15,000	\$0	\$0	\$326,702
DQ 237 N. Winooski	2013/			5	20		25							
Abe’s Corner	2014/			1	6		7							
IZ 187 St. Paul	2013/			5			5							
IZ 237 North	2013/			4			4							
STRATEGY: PROMOTE HOMEOWNERSHIP														
OBJECTIVE DH-2.2 New Owner Units	5-Year Target	2	9	30	33	91	165	\$3,000	\$225,000	\$0	TBD	\$0	\$0	\$38,762,000
COMPLETED:		0	1	4	0	2	9	\$10,235	\$39,149	\$0	\$15,000	\$0	\$1,277,477	\$1,403,559
Inclusionary Zoning (1*)	2009 / 2009	0	0	1	0	0	1	\$0	\$0	\$0	\$0	\$0	\$0	\$120,000
219 Elmwood Avenue (1*)	2010 / 2010	0	1	0	0	0	1	\$10,235	\$39,149	\$0	\$15,000	\$0	\$0	\$140,659
NSP Acquisition (4*)	2010 / 2010	0	0	2	0	2	4	\$0	\$0	\$0	\$0	\$0	\$938,977	\$560,000
NSP Acquisition	2011 / 2011	0	0	0	0	0	2	\$0	\$0	\$0	\$0	\$0	\$338,500	\$420,000
NSP Acquisition (2*)	2012 / 2012	0	0	1	0	0	1	\$0	\$0	\$0	\$0	\$0	\$0	\$162,900
UNDERWAY:		0	0	5	0	0	37	\$0	\$0	\$0	\$10,000	\$0	\$0	\$0
Inclusionary Zoning (5*)	2012 /	0	0	5	0	0	5	\$0	\$0	\$0	\$10,000	\$0	\$0	\$0
South Meadows - townhomes	2015						32	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OBJECTIVE DH-2.3 Buyer Assist	5-Year Target	15	40	65	115	0	235	\$12,000	\$100,000	TBD	\$0	\$0	\$0	\$48,250,000
COMPLETED:		6	20	49	15	10	100	\$5,593	\$0	\$23,253	\$0	\$0	\$310,000	\$10,637,514
Homeownership Center (10*)	2008 / 2008	0	4	6	5	1	16	\$593	\$0	\$0	\$0	\$0	\$0	\$1,600,000
Section 8 Homeownership (5*)	2008 / 2008	0	4	1	0	0	5	\$0	\$0	\$0	\$0	\$0	\$0	\$600,000
HIP Downpayment (1*)	2008 / 2008	0	0	1	0	0	1	\$5,000	\$0	\$0	\$0	\$0	\$0	\$247,500
Homeownership Center (8*)	2009 / 2009	1	1	6	2	4	14	\$0	\$0	\$0	\$0	\$0	\$0	\$224,000
Section 8 Homeownership (2*)	2009 / 2009	0	0	2	0	0	2	\$0	\$0	\$0	\$0	\$0	\$0	\$265,000
HIP Downpayment (1*)	2009 / 2009	0	0	1	0	0	1	\$0	\$0	\$23,253	\$0	\$0	\$0	\$235,164

TABLE 5: ANNUAL HOUSING, HOMELESS AND SPECIAL NEEDS OBJECTIVES	Projected / Actual Year of Completion	0 - 30% MFI	31 - 50% MFI	51 - 80% MFI	80-95% MFI	> 95% MFI	TOTAL	CDBG	HOME	EDI	Housing Trust Fund	Lead Paint	NSP	Other Funds
STRATEGY: PROMOTE HOMEOWNERSHIP , cont'd														
OBJECTIVE DH-2.3 Buyer Assist, cont'd														
Homeownership Center (*)	2010 / 2010	1	2	3	5	1	12	\$0	\$0	\$0	\$0	\$0	\$0	\$1,680,000
Section 8 Homeownership (*)	2010 / 2010	1	1	1	0	0	3	\$0	\$0	\$0	\$0	\$0	\$0	\$420,000
NSP Buyers (4*)	2010 /2010	0	0	2	0	2	4	\$0	\$0	\$0	\$0	\$0	\$310,000	\$557,000
Section 8 Homeownership (*)	2011 / 2011	0	1	1	0	0	2	\$0	\$0	\$0	\$0	\$0	\$0	\$420,000
Homeownership Center	2011 / 2011	1	1	11	3	1	17	\$0	\$0	\$0	\$0	\$0	\$0	\$1,810,000
Section 8 Homeownership	2012/2012	2	1	1	0	0	4	\$0	\$0	\$0	\$0	\$0	\$0	\$103,000
Homeownership Center	2012/2012	0	5	13	0	1	19	\$0	\$0	\$0	\$0	\$0	\$0	\$2,475,850
*Meet the Section 215 criteria														
STRATEGY: PRESERVE AND UPGRADE EXISTING HOUSING														
OBJECTIVE DH-3.1 Acquisition & Rehab of Expiring Subsidy Units	5-Year Target	7	185	235	108	0	535	\$675,000	\$950,000	\$0	\$0	\$0	\$0	\$80,100,000
COMPLETED:		74	28	30	3	0	135	\$0	\$298,951	\$0	\$0	\$0	\$0	\$14,471,358
Howard Group (7*)	2008 / 2008	7	0	0	0	0	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0
KSNRC Maple Street (11*)	2011 / 2010	6	5	0	0	0	11	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000
Salmon Run (58*)	2009 / 2011	32	17	28	3	0	80	\$0	\$31,667	TBD	\$0	\$0	\$0	\$9,571,358
Wharf Lane (37*)	2011 / 2012	29	6	2	0	0	37	\$0	\$267,384	\$0	\$0	\$0	\$0	\$4,750,000
UNDERWAY:							195	\$16,374	\$0	TBD	\$0	\$0	\$0	\$14,250,000
South Meadow	2013/						40	\$6,923						
Rose Co-op	2013/						12	\$4,117						
ONE (20*)	2011 /	0	5	15	0	0	20	\$0	\$0	\$0	\$0	\$0	\$0	\$3,000,000
Housing for Homeless	2013/						39	\$1,217						
BRHIP (33*)	2011 /	0	8	25	0	0	33	\$4,117	\$0	\$0	\$0	\$0	\$0	\$4,950,000
Bobbin Mill (51*)	2013 /	0	13	38	0	0	51	\$0	\$0	TBD	TBD	\$0	\$0	\$6,300,000
OBJECTIVE DH-3.2 Rehab Rental Units	5-Year Target	20	29	25	0	0	74	\$98,470	\$0	\$0	TBD	\$0	\$0	\$4,362,000
COMPLETED:		102	33	28	2	1	168	\$148,100	\$360,732	\$0	\$35,000	\$0	\$0	\$8,435,798
Free Paint	2008 / 2008	0	1	1	0	0	2	\$48	\$0	\$0	\$0	\$0	\$0	\$0
Free Paint	2009 / 2009	0	0	1	0	1	2	\$875	\$0	\$0	\$0	\$0	\$0	\$0
Free Paint	2010 / 2010	1	1	3	0	0	6**	\$408	\$0	\$0	\$0	\$0	\$0	\$3,505
Three Cathedral Square (100*)	2009 / 2010	68	23	17	0	0	108	\$90,000	\$252,374	\$0	\$15,000	\$0	\$0	\$484,844
27 Washington (1*)	2011 / 2011	1	0	0	0	0	1	\$2,610	\$0	\$0	\$0	\$0	\$0	\$0
Free Paint	2011 / 2011	1	0	2	0	0	3	\$1,377	\$0	\$0	\$0	\$0	\$0	\$0
ReSource Weatherization	2011/2011	6	0	0	0		6	\$30,832	\$0	\$0	\$0	\$0		\$0
City Neighborhoods	2009 /2012	26	8	4	2	0	40	\$21,950	\$108,358	0	\$20,000	0	0	\$7,947,449
UNDERWAY:		0	0	0	0	0	14							
OBJECTIVE DH-3.3 Rehab Owner Units	5-Year Target	10	15	8	0	0	33	\$232,653	\$125,000	\$0	TBD	\$0	\$0	\$40,000
COMPLETED:		5	6	12	1	7	31	\$100,989	\$228,242	\$0	\$15,000	\$52,790	\$56,009	\$296,510
468 North Avenue (1*)	2008 / 2008	0	1	0	0	0	1	\$0	\$39,151	\$0	\$0	\$0	\$0	\$0

*Meet the Section 215 criteria

** One unit vacant

TABLE 5: ANNUAL HOUSING, HOMELESS AND SPECIAL NEEDS OBJECTIVES	Projected / Actual Year of Completion	0 - 30% MFI	31 - 50% MFI	51 - 80% MFI	80-95% MFI	> 95% MFI	TOTAL	CDBG	HOME	EDI	Housing Trust Fund	Lead Paint	NSP	Other Funds
STRATEGY: PRESERVE AND UPGRADE EXISTING HOUSING , cont'd														
OBJECTIVE DH-3.3 Rehab Owner Units, Cont'd	5-Year Target	10	15	8	0	0	33	\$232,653	\$125,000	\$0	TBD	\$0	\$0	\$40,000
Free Paint	2008 / 2008	0	0	2	0	2	4	\$941	\$0	\$0	\$0	\$0	\$0	\$2,800
Free Paint	2009 / 2009	1	1	2	0	0	4	\$2,239	\$0	\$0	\$0	\$0	\$0	\$0
Free Paint	2010 / 2010	0	0	4	0	2	6	\$1,380	\$0	\$0	\$0	\$0	\$0	\$5,205
34 Peru Street (1*)	2009 / 2009	1	0	0	0	0	1	\$0	\$77,056	\$0	\$0	\$18,005	\$0	\$30,000
124 Park Street (1*)	2009 / 2009	0	0	1	0	0	1	\$25,000	\$31,325	\$0	\$15,000	\$17,575	\$0	\$205,669
1464 North Avenue (1*)	2009 / 2010	0	1	0	0	0	1	\$0	\$40,339	\$0	\$0	\$17,210	\$0	\$7,935
Weatherization	2010 / 2010	2	0	0	0	0	2	\$23,936	\$0	\$0	\$0	\$0	\$0	\$44,901
NSP Rehab (4*)	2010 / 2010	0	0	2	0	2	4	\$0	\$0	\$0	\$0	\$0	\$56,009	\$0
27 Washington (1*)	2011 / 2011	0	0	0	0	1	1	*	\$0	\$0	\$0	\$0	\$0	\$0
Free Paint	2011 / 2011	0	2	0	1	0	3	\$1,415	\$0	\$0	\$0	\$0	\$0	\$0
30 Hayward	2012/2012	0	0	1	0	0	1	\$11,078	\$0	\$0	\$0	\$0	\$0	\$0
Weatherization	2012/2012	1	0	0	0	0	1	\$35,000	\$0	\$0	\$0	\$0	\$0	\$0
48 Oak Street / CEDO	2011/2012	0	1	0	0	0	1	\$0	\$40,371	\$0	\$0	\$0	\$0	\$0
UNDERWAY:		0	1	3	0	3	7	\$0	\$0	\$0	\$0	\$0	\$0	\$0
245 North Street/CEDO	2012/2013	0	0	1	0	0	1	\$11,880	\$0	\$0	\$0	\$0	\$0	\$0
NSP Rehab (3*)	2012 /	0	0	3	0	0	3	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STRATEGY: PROTECT THE VULNERABLE														
OBJECTIVE DH-3.4: Housing Retention	Annual Target	0	0	0	0	0	2,543	\$0	\$0	\$0		\$0	\$0	\$0
COMPLETED:	2012	1,287	867	290	55	0	2,499	\$20,844	\$0	\$0	\$7,500	\$0	\$0	\$1,165,321
Emergency, Heating and Other Housing Retention Assistance	2012/ 2012	1,189	90	48	9	0	1,336	\$7,609	\$0	\$0	\$0	\$0	\$0	\$377,315
Services for Seniors and Persons with Disabilities	2012 / 2012	38	753	229	29		1,049	\$8,849	\$0	\$0	\$0	\$0	\$0	\$384,470
Homesharing	2012 / 2012	60	24	13	17	0	114	\$4,386	\$0	\$0	\$7,500	\$0	\$0	\$403,536
OBJECTIVE SL-1.1: Homeless Shelter and Services	Annual Target	880	0	0	0	0	880	\$24,266	\$0	\$0	TBD	\$0	\$0	\$1,450,000
COMPLETED:	2012	3,354	0	0	0	0	3,684	\$24,266	\$0	\$0		\$0	\$0	\$1,630,515
Homeless Single Adults	2012 / 2012							\$8,750	\$0	\$0		\$0	\$0	\$204,673
# Receiving Services		939	0	0	0	0	939							
# Receiving Shelter / Emergency Housing		253	0	0	0	0	253							
# Placed in Transitional / Permanent Housing		36	0	0	0	0	36							
Homeless Families	2012 / 2012							\$5,000	\$0	\$0	\$0	\$0	\$0	\$147,239
# Receiving Services		544	0	0	0	0	544							
# Receiving Shelter / Emergency Housing		176	0	0	0	0	176							
# Placed in Transitional / Permanent Housing		21	0	0	0	0	21							
Victims of Domestic Violence	2011 / 2011							\$10,516	\$0	\$0	\$0	\$0	\$0	\$1,278,603
# Receiving Services		754	0	0	0	0	754							
# Receiving Shelter / Emergency Housing		462	0	0	0	0	462							
# Placed in Transitional / Permanent Housing		169	0	0	0	0	169							
*Meet the Section 215 criteria ** One unit vacant														

TABLE 5: ANNUAL HOUSING, HOMELESS AND SPECIAL NEEDS OBJECTIVES	Projected / Actual Year of Completion	0 - 30% MFI	31 - 50% MFI	51 - 80% MFI	80-95% MFI	> 95% MFI	TOTAL	CDBG	HOME	EDI	Housing Trust Fund	Lead Paint	NSP	Other Funds
STRATEGY: PROTECT THE VULNERABLE , cont'd														
OBJECTIVE DH-1.1 New Transitional Housing	5-Year Target	36	0	0	0	0	36	\$0	\$230,000	\$0	\$0	\$0	\$0	\$6,757,000
COMPLETED:		47	0	0	0	0	47	\$0	\$291,616	\$0	\$0	\$0	\$0	\$5,754,115
Victims of Domestic Violence (Sophie's Place) (11*)	2008 / 2008	11	0	0	0	0	11	\$0	\$291,616	\$0	\$0	\$0	\$0	\$1,879,115
Veterans - Families (Winooski) (16*)	2010 / 2010	16	0	0	0	0	16	\$0	\$0	\$0	\$0	\$0	\$0	\$3,000,000
Phoenix House (20*)	2010 / 2010	20	0	0	0	0	20	\$0	\$0	\$0	\$0	\$0	\$0	\$875,000
OBJECTIVE DH-1.2 New Permanent Supportive / Special Needs Housing	5-Year Target	53	15	15	5	0	88	\$75,000	\$80,000	\$0	\$0	\$0	TBD	\$12,600,000
COMPLETED:		38	72	38	10	10	168	\$0	\$75,746	\$283,000	\$240,555	\$0	\$300,000	\$9,039,805
Pathways (17*)	2009 / 2009	17	0	0	0	0	17	\$0	\$0	\$0	\$0	\$0	\$0	\$400,000
Pathways (9*)	2010 / 2010	9	0	0	0	0	9	\$0	\$0	\$0	\$0	\$0	\$0	\$211,765
Veterans- Single Individuals (Winooski) (12*)	2010 / 2010	12	0	0	0	0	12	\$0	\$0	\$0	\$0	\$0	\$0	\$2,400,000
Thayer School (DMV) -Senior Housing (40*)	2012 / 2011	0	36	19	5	5	65	\$0	\$0	\$283,000	\$240,555	\$0	\$300,000	\$6,028,040
Thayer School (DMV) - Phase 2 - Senior Housing (39*)	2012 / 2012	0	36	19	5	5	65	\$0	\$75,746	\$0	\$0	\$0	\$0	TBD
Underway		16	0	0	0	0	16	\$0	\$0	\$0	\$40,000	\$0	\$0	\$2,625,000
30-42 King St. (14*)		16	0	0	0	0	16	\$0	\$0	\$0	\$40,000	\$0	\$0	\$2,625,000
OBJECTIVE DH-1.3 Lead Hazard Reduction	5-Year Target	0	80	100	0	0	180	\$0	\$0	\$0	\$0	\$2,800,000	\$0	\$360,000
COMPLETED TO DATE:								\$0	\$0	\$0	\$0	\$3,295,917	\$0	\$0
COMPLETED 2012	48	0	29	19			48					\$382,007		

*Meet the Section 215 criteria

The priority levels for the activities shown in Table 6 were established in the City’s 2008 Consolidated Plan. “High” priority means that activities to address this need will be funded by the City with its CDBG and/or HOME funds, either alone or in conjunction with other public or private funds. “Medium” priority means that if CDBG and/or HOME funds are available, activities to address this need may be funded; also, the City will take other actions to help this group locate other sources of funds (i.e., letters of support, facilitation of group applications, etc.). “Low” priority means that the City will not fund activities to address this need with CDBG entitlement or HOME funds, but will consider certifications of consistency for other entities’ applications for federal assistance and/or meet the need through other resources. (For example, residential lead hazard testing and abatement needs are addressed through the City’s Lead Hazard Control grant.) “No need” means either that no need exists or that this need is already substantially addressed.

TABLE 6: Expenditure by Priority Level	Expenditures					
	PY12	PY11	PY10	PY09	PY08	Cumulative
HIGH PRIORITY ACTIVITIES	\$1,016,976	\$934,182	\$1,127,965	\$904,034	\$1,123,068	\$5,116,225
ACQUISITION	\$15,451	\$24,589	\$82,065	\$56,904	\$38,905	\$217,914
01 Acquisition of Real Property 570.201(a)	\$0	\$0	\$1,000	\$9,000	\$0	\$10,000
04A Clean-up of Contaminated Sites 570.201(d)	\$15,451	\$24,589	\$81,065	\$47,904	\$38,905	\$207,914
HOUSING	\$379,643	\$158,397	\$142,152	\$85,710	\$283,805	\$1,049,707
14A Rehab; Single-Unit Residential 570.202	\$60,230	\$13,004	\$7,360	\$1,739	\$25,457	\$107,790
14B Rehab; Multi-Unit Residential 570.202	\$232,462	\$67,856	\$68,201	\$26,555	\$19,469	\$414,543
16A Residential Historic Preservation 570.202(d)*	\$0	\$0	\$0	\$0	\$0	\$0
05R Homeownership Assistance (not direct) 570.204	\$0	\$0	\$0	\$0	\$593	\$593
14H Rehabilitation Administration 570.202	\$86,957	\$77,537	\$66,591	\$57,416	\$238,286	\$526,787
ECONOMIC DEVELOPMENT	\$250,979	\$286,027	\$360,086	\$266,360	\$286,410	\$1,449,862
16B Non-Residential Historic Preservation 570.202(d)*	\$0	\$0	\$0	\$0	\$0	\$0
14E Rehab; Publicly or Privately- Owned Commercial/Industrial 570.202	\$0	\$0	\$0	\$0	\$0	\$0
17B CI Infrastructure Development 570.203(a)	\$0	\$0	\$0	\$0	\$0	\$0
17C CI Building Acquisition, Construction, Rehabilitation 570.203(a)	\$0	\$0	\$0	\$0	\$22,500	\$22,500
18A ED Direct Financial Assistance to For-Profits 570.203(b)	\$21,039	\$0	\$69,900	\$0	\$111,014	\$201,953
18B ED Technical Assistance 570.203(b)	\$138,998	\$253,340	\$270,186	\$246,360	\$130,896	\$1,039,780

City of Burlington, Vermont
2012 Consolidated Annual Performance & Evaluation Report

TABLE 6: Expenditure by Priority Level	Expenditures					
	PY12	PY11	PY10	PY09	PY08	Cumulative
18C Micro-Enterprise Assistance 570.201(o)	\$90,042	\$32,687	\$20,000	\$20,000	\$22,000	\$184,729
PUBLIC FACILITIES AND INFRASTRUCTURE	\$89,319	\$89,973	\$139,087	\$71,584	\$83,629	\$473,592
03 Public Facilities and Improvements (General) 570.201(c)	\$16,433	\$56,641	\$44,436	\$48,585	\$38,050	\$204,145
03A Senior Centers 570.201(c)	\$20,313	\$0	\$66,286	\$0	\$19,957	\$106,556
03K Street Improvements 570.201(c) and 03L Sidewalks 570.201(c)	\$52,573	\$33,332	\$28,365	\$22,999	\$25,622	\$162,891
PUBLIC SERVICES	\$94,003	\$114,245	\$148,729	\$133,698	\$131,986	\$622,661
03T Operating Costs of Homeless/AIDS Patients Programs	\$13,750	\$21,050	\$34,500	\$24,500	\$25,800	\$119,600
05 Public Services (General) 570.201(e)	\$21,851	\$30,510	\$31,750	\$36,412	\$28,000	\$148,253
05A Senior Services 570.201(e) and 05B Handicapped Services 570.201(e)	\$12,636	\$17,104	\$18,952	\$14,400	\$14,900	\$77,992
05D Youth Services 570.201(e)	\$10,000	\$9,648	\$17,250	\$12,886	\$17,186	\$66,970
05G Battered and Abused Spouses 570.201(e)	\$10,516	\$12,250	\$15,000	\$14,500	\$14,600	\$66,866
05I Crime Awareness 570.201(e)	\$2,000	\$2,631	\$3,000	\$2,000	\$3,500	\$13,131
05L Child Care Services 570.201(e)	\$23,250	\$21,052	\$24,500	\$25,000	\$24,000	\$117,802
05M Health Services 570.201(e)	\$0	\$0	\$3,777	\$4,000	\$4,000	\$11,777
PLANNING AND ADMINISTRATION	\$187,581	\$260,951	\$284,023	\$289,778	\$298,333	\$1,320,666
20 Planning 570.205 and 21A General Program Administration 570.206	\$129,354	\$178,236	\$202,324	\$209,948	\$196,352	\$916,214
21H HOME Admin/Planning Costs of PJ (subject to 10% cap)	\$34,233	\$55,482	\$54,466	\$55,342	\$52,706	\$252,229
21I HOME CHDO Operating Expenses (subject to 10% cap)	\$23,994	\$27,233	\$27,233	\$24,488	\$49,275	\$152,223
MEDIUM PRIORITY ACTIVITIES	\$39,644	\$19,159	\$82,719	\$59,792	\$95,828	\$292,498
ACQUISITION	\$0	\$0	\$0	\$0	\$0	\$0
02 Disposition 570.201(b)	\$0	\$0	\$0	\$0	\$0	\$0
04 Clearance and Demolition 570.201(d)	\$0	\$0	\$0	\$0	\$0	\$0
HOUSING		\$14,815	\$41,644	\$46,941	\$66,464	\$169,864
14F Energy Efficiency Improvements 570.202	\$35,000	\$0	\$23,936	\$0	\$0	\$58,936
14G Acquisition - for Rehabilitation 570.202	\$0	\$14,815	\$17,708	\$46,941	\$66,464	\$145,928
ECONOMIC DEVELOPMENT	\$0	\$0	\$0	\$0	\$0	\$0
17A CI Land Acquisition/Disposition 570.203(a)	\$0	\$0	\$0	\$0	\$0	\$0
17D Other Commercial/Industrial Improvements 570.203(a)	\$0	\$0	\$0	\$0	\$0	\$0

City of Burlington, Vermont
2012 Consolidated Annual Performance & Evaluation Report

TABLE 6: Expenditure by Priority Level	Expenditures					
	PY12	PY11	PY10	PY09	PY08	Cumulative
PUBLIC FACILITIES AND INFRASTRUCTURE	\$4,644	\$4,344	\$40,786	\$12,251	\$29,364	\$86,745
03C Homeless Facilities (not operating costs) 570.201(c)	\$0	\$0	\$0	\$0	\$7,000	\$7,000
03D Youth Centers 570.201(c)	\$0	\$0	\$0	\$0	\$0	\$0
03E Neighborhood Facilities 570.201(c)	\$4,644	\$4,344	\$17,387	\$4,876	\$0	\$31,251
03F Parks, Recreational Facilities 570.201(c)	\$0	\$0	\$23,399	\$7,375	\$22,364	\$53,138
03G Parking Facilities 570.201(c)	\$0	\$0	\$0	\$0	\$0	\$0
03M Child Care Centers 570.201(c)	\$0	\$0	\$0	\$0	\$0	\$0
03N Tree Planting 570.201(c)*****	\$0	\$0	\$0	\$0	\$0	\$0
03R Asbestos Removal 570.201(c)*	\$0	\$0	\$0	\$0	\$0	\$0
PUBLIC SERVICES	\$0	\$0	\$0	\$0	\$0	\$0
05E Transportation Services 570.201(e)	\$0	\$0	\$0	\$0	\$0	\$0
05F Substance Abuse Services 570.201(e)	\$0	\$0	\$0	\$0	\$0	\$0
05H Employment Training 570.201(e)	\$0	\$0	\$0	\$0	\$0	\$0
05K Tenant/Landlord Counseling 570.201(e)	\$0	\$0	\$0	\$0	\$0	\$0
05N Abused and Neglected Children 570.201(e)	\$0	\$0	\$0	\$0	\$0	\$0
05O Mental Health Services 570.201(e)	\$0	\$0	\$0	\$0	\$0	\$0
05S Rental Housing Subsidies (if HOME, not part of 10% admin cap) 570.204	\$0	\$0	\$0	\$0	\$0	\$0
PLANNING AND ADMINISTRATION	\$0	\$0	\$0	\$0	\$0	\$0
21D Fair Housing Activities (subject to 20% Admin cap) 570.206****	\$0	\$0	\$0	\$0	\$0	\$0
21E Submissions or Applications for Federal Programs 570.206****	\$0	\$0	\$0	\$0	\$0	\$0
OTHER	\$0	\$0	\$289	\$600	\$0	\$889
06 Interim Assistance 570.201(f)	\$0	\$0	\$289	\$600	\$0	\$889
10 Removal of Architectural Barriers 570.201(k)	\$0	\$0	\$0	\$0	\$0	\$0
13 Direct Homeownership Assistance 570.201(n)	\$0	\$0	\$0	\$0	\$0	\$0
19F Planned Repayment of Section 108 Loan Principal	\$0	\$0	\$0	\$0	\$0	\$0
HOUSING	\$0	\$0	\$0	\$0	\$0	\$0
14I Lead-Based/Lead Hazard Test/Abate 570.202	\$0	\$0	\$0	\$0	\$0	\$0
05P Screening for Lead-Based Paint/Lead Hazards Poison 570.201(e)	\$0	\$0	\$0	\$0	\$0	\$0

City of Burlington, Vermont
2012 Consolidated Annual Performance & Evaluation Report

TABLE 6: Expenditure by Priority Level	Expenditures					
	PY12	PY11	PY10	PY09	PY08	Cumulative
05T Security Deposits (if HOME, not part of 10% admin cap)	\$0	\$0	\$0	\$0	\$0	\$0
PUBLIC FACILITIES AND INFRASTRUCTURE	\$0	\$0	\$0	\$0	\$0	\$0
03B Handicapped Centers 570.201(c)	\$0	\$0	\$0	\$0	\$0	\$0
03I Flood Drain Improvements 570.201(c)	\$0	\$0	\$0	\$0	\$0	\$0
03J Water/Sewer Improvements 570.201(c)	\$0	\$0	\$0	\$0	\$0	\$0
03O Fire Stations/Equipment 570.201(c)	\$0	\$0	\$0	\$0	\$0	\$0
03P Health Facilities 570.201(c)	\$0	\$0	\$0	\$0	\$0	\$0
PUBLIC SERVICES		\$0	\$0	\$0	\$0	\$0
05C Legal Services 570.201(e)	\$0	\$0	\$0	\$0	\$0	\$0
05J Fair Housing Activities (if CDBG, then subject to the 15% public service cap)	\$0	\$0	\$0	\$0	\$0	\$0
OTHER	\$0	\$0	\$0	\$0	\$0	\$0
08 Relocation 570.201(i)	\$0	\$0	\$0	\$0	\$0	\$0
15 Code Enforcement 570.202(c)	\$0	\$0	\$0	\$0	\$0	\$0
NON-PRIORITY ACTIVITIES	\$0	\$0	\$0	\$0	\$0	\$0
HOUSING	\$0	\$0	\$0	\$0	\$0	\$0
14C Public Housing Modernization 570.202	\$0	\$0	\$0	\$0	\$0	\$0
14D Rehab; Other Publicly-Owned Residential Buildings 570.202	\$0	\$0	\$0	\$0	\$0	\$0
12 Construction of Housing 570.201(m)	\$0	\$0	\$0	\$0	\$0	\$0
PUBLIC FACILITIES AND INFRASTRUCTURE	\$0	\$0	\$0	\$0	\$0	\$0
03H Solid Waste Disposal Improvements 570.201(c)	\$0	\$0	\$0	\$0	\$0	\$0
03Q Abused and Neglected Children Facilities 570.201(c)	\$0	\$0	\$0	\$0	\$0	\$0
03S Facilities for AIDS Patients (not operating costs) 570.201(c)	\$0	\$0	\$0	\$0	\$0	\$0
OTHER	\$0	\$0	\$0	\$0	\$0	\$0
05Q Subsistence Payments 570.204	\$0	\$0	\$0	\$0	\$0	\$0
07 Urban Renewal Completion 570.201(h)	\$0	\$0	\$0	\$0	\$0	\$0
09 Loss of Rental Income 570.201(j)	\$0	\$0	\$0	\$0	\$0	\$0
11 Privately Owned Utilities 570.201(l)	\$0	\$0	\$0	\$0	\$0	\$0
19C CDBG Non-profit Organization Capacity Building 570.201(p)	\$0	\$0	\$0	\$0	\$0	\$0

TABLE 6: Expenditure by Priority Level	Expenditures					
	PY12	PY11	PY10	PY09	PY08	Cumulative
19D CDBG Assistance to Institutes of Higher Education 570.201(q)	\$0	\$0	\$0	\$0	\$0	\$0
19E CDBG Operation and Repair of Foreclosed Property	\$0	\$0	\$0	\$0	\$0	\$0
19G Unplanned Repayment of Section 108 Loan Principal	\$0	\$0	\$0	\$0	\$0	\$0
21B Indirect Costs 570.206	\$0	\$0	\$0	\$0	\$0	\$0
22 Unprogrammed Funds	\$0	\$0	\$0	\$0	\$0	\$0

- * Spending on historic preservation and asbestos removal is in conjunction with rehabilitation.
- ** Spending on sidewalks is in conjunction with streets projects and is not separately expensed.
- ***Spending on persons with disabilities is in conjunction with senior services.
- ****Spending on planning, fair housing and grant writing is in conjunction with general administration
- *****Spending on tree planting is in conjunction with public facility/infrastructure projects.

Program Evaluation

Federal Requirements:

- a. *What is the status of your grant programs?*
 - *Are any activities or strategies falling behind schedule?*
 - *Are grant disbursements timely?*
 - *Do actual expenditures differ from letter of credit disbursements?*
- b. *Are activities and strategies having an impact on identified needs? What indicators would best describe overall results? Are major goals on target?*
- c. *What barriers may have a negative impact on fulfilling strategies and achieving the overall vision?*
- d. *Based on this evaluation, what adjustments or improvements to strategies and activities might help meet the identified needs more effectively?*
- e. *Identify the nature of and reasons for any changes in program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.*

In general, grant strategies and activities have been on schedule. There are brownfields projects that present various challenges which can take many years to resolve. The CDBG Advisory Board continues to be sensitive to funding only activities that are ready to proceed.

Subrecipient contracts are reviewed and completed prior to disbursements (usually at the beginning of each fiscal year), and grant disbursements are usually made within three weeks of a subrecipient's request for funds. The City continues to meet HUD's timeliness requirements for expenditures. All expenditures incurred in the program year are drawn down in time for preparation of the annual Performance Report.

Funded activities are meeting the major goals outlined in the City's Consolidated Plan, except as mentioned previously, and there were no changes in the program strategies or objectives.

Community Indicators

The City tracks a number of community indicators to measure overall progress towards its housing and community development goals and to see if changes in program strategies, objectives or activities are warranted.

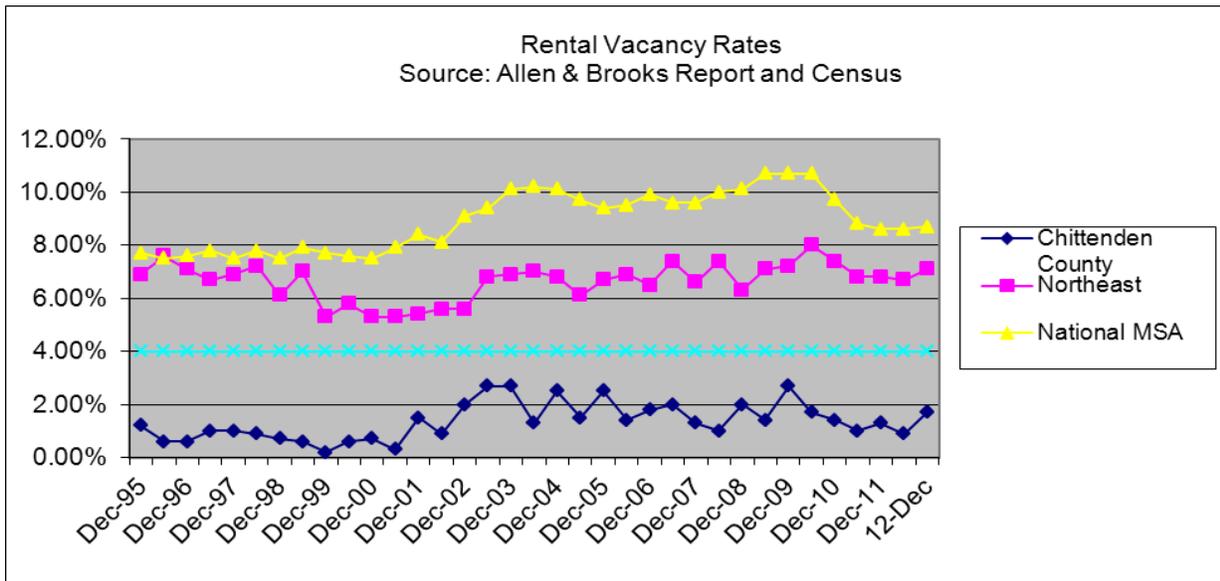
Decent Housing

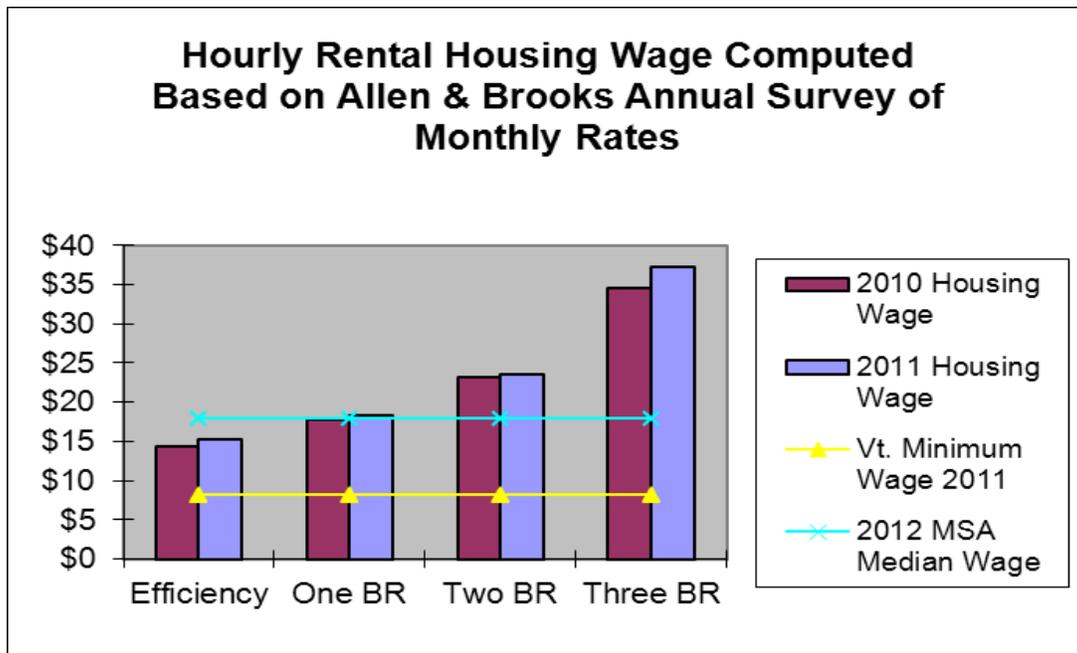
The City’s goal is that all Burlington residents have a range of housing options that offer them safe, decent, appropriate, secure and affordable housing. Indicators tracked in this area include:

Rental Vacancy Rate and Rental Affordability

A rental vacancy rate between 3% and 5% is generally considered by most experts to be “balanced.” When it falls below that level, a lack of supply will lead to escalating rents, leave people unable to find housing, and limit economic growth.

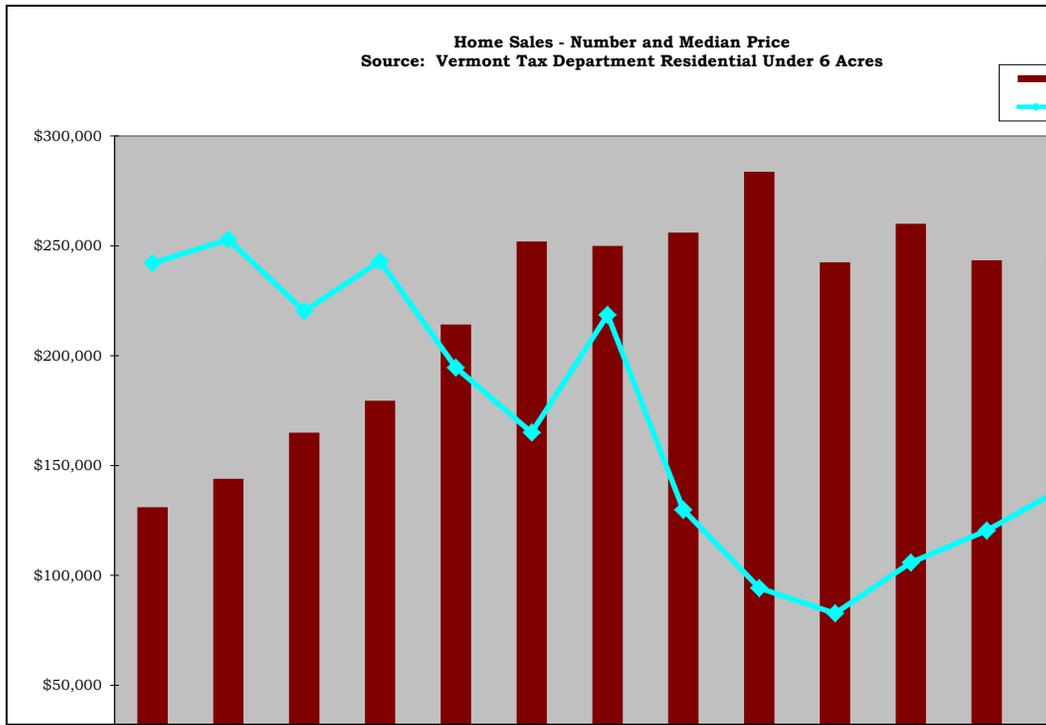
The local rental vacancy rate, measured twice a year by the Allen & Brooks Report®, is running at 1.70%; however over the long term, the rate is 1.4%. Rental affordability, measured by a “housing wage” that allows a tenant to pay no more than 30% of income for housing and utilities, continues to be out of reach for lower-income residents. Both indicators show a continuing high need for the production of new affordable rental units.



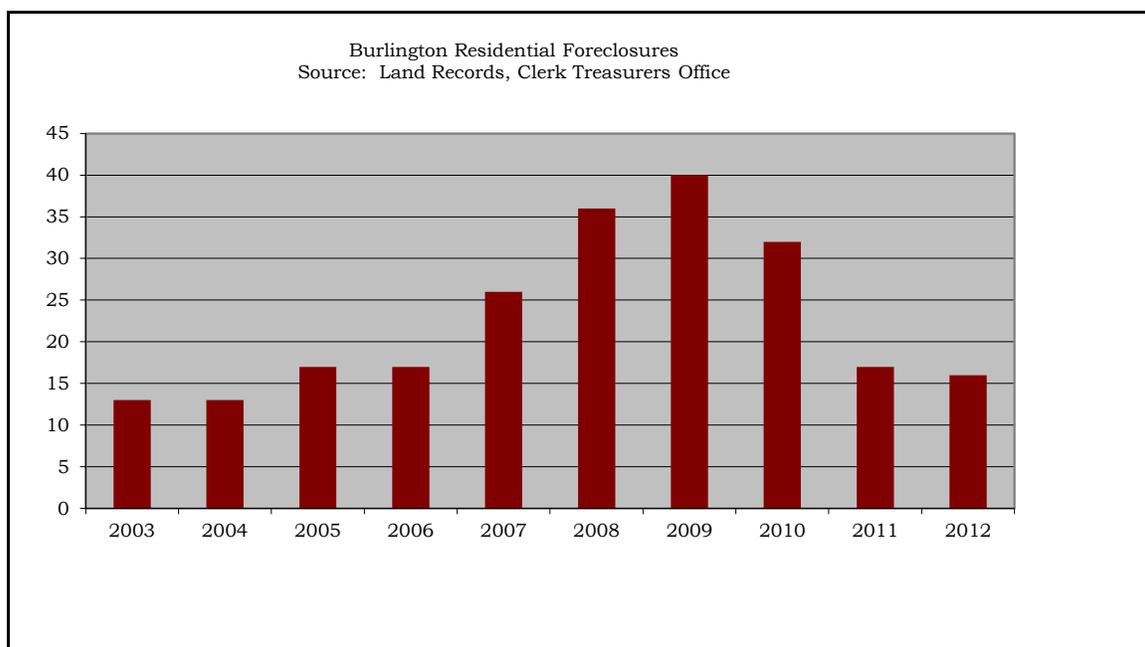


Median Home Sales Price, Number of Home Sales and Number of Foreclosure Filings

Home prices leveled off from 2005 to 2007, and then began fluctuating and decreasing to reflect the housing downturn experienced in most of the United States. To afford a home purchase at the 2012 median price of \$245,000, a Burlington buyer would have needed an annual income of \$73,500. That is well above the median family income in the Burlington Metropolitan Statistical Area as estimated by the 2009-11 American Community Survey (\$60,229) as well as the City of Burlington median household income (\$40,511).



The number of homes sold showed a dramatic decline from 2006 to 2009, with that trend appearing to reverse in 2010 with slow but increasing sales since then. Burlington has escaped the kind of foreclosure crisis experienced by other cities, but foreclosure filings did begin rising in 2007 – with escalating numbers continuing in 2008 and 2009 – before apparently beginning to abate in the first part of 2010. This trend has continued through 2012.



These indicators show a continuing need for support of affordable homeownership. The City will continue to monitor foreclosure levels, but the current foreclosure prevention programs of the two federal housing counseling agencies located in Burlington – Opportunities Credit Union and the HomeOwnership Center of the Champlain Housing Trust – appear to be sufficient to meet the level of need.

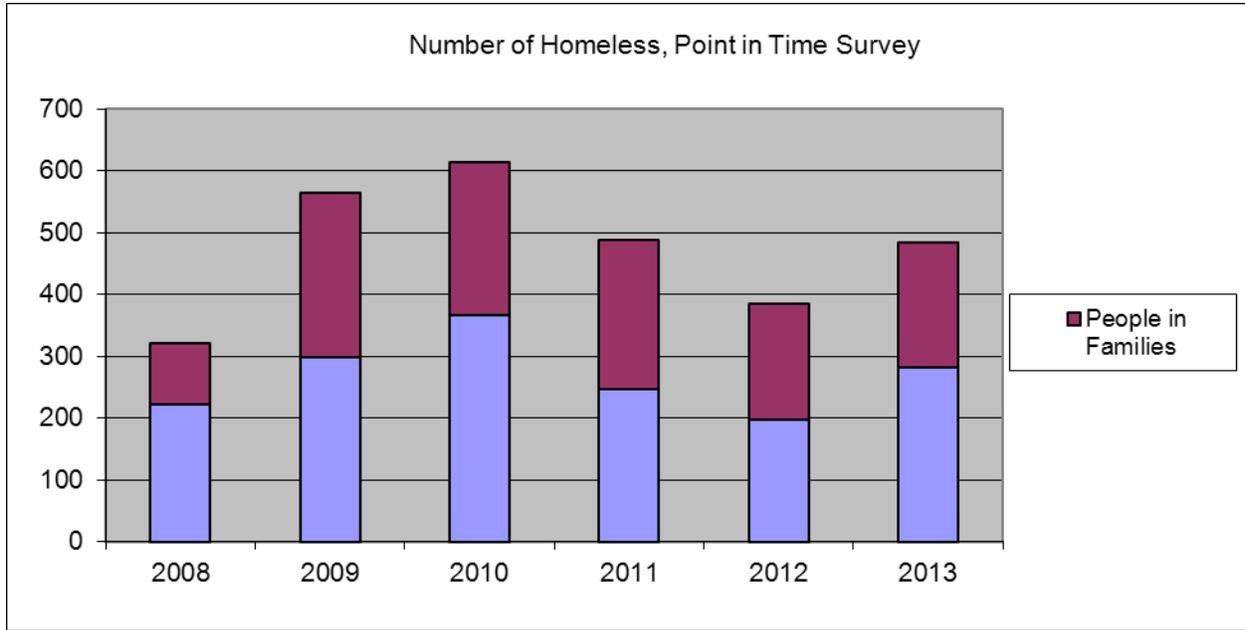
Number of Homeless

Each January, local homeless and housing providers count the number of people in Chittenden County (primarily in Burlington) who are without permanent housing on a given night – including those in shelters and state-paid motels, those in transitional housing and those living in places unfit for human habitation.

The total homeless population is represented by the graph **Number of Homeless Point-In-Time Survey**. The homeless population in Chittenden County experienced an overall 15% decrease since 2009. The highest number of homeless was counted in 2010 and the lowest number in 2012. The downward trend could be attributed to the influx of Federal and State resources for homeless prevention and rapid re-housing during that same timeframe.

Please note the downward trend of those accessing emergency shelter with the lowest point in 2012 and then the sharp increase of 56% in 2013 due to the Emergency Assistance Motel Voucher Program. Cold weather exemptions and

relaxed standards led to increased usage. It is not clear as to whether this represents an actual increase in literal homelessness in Burlington.

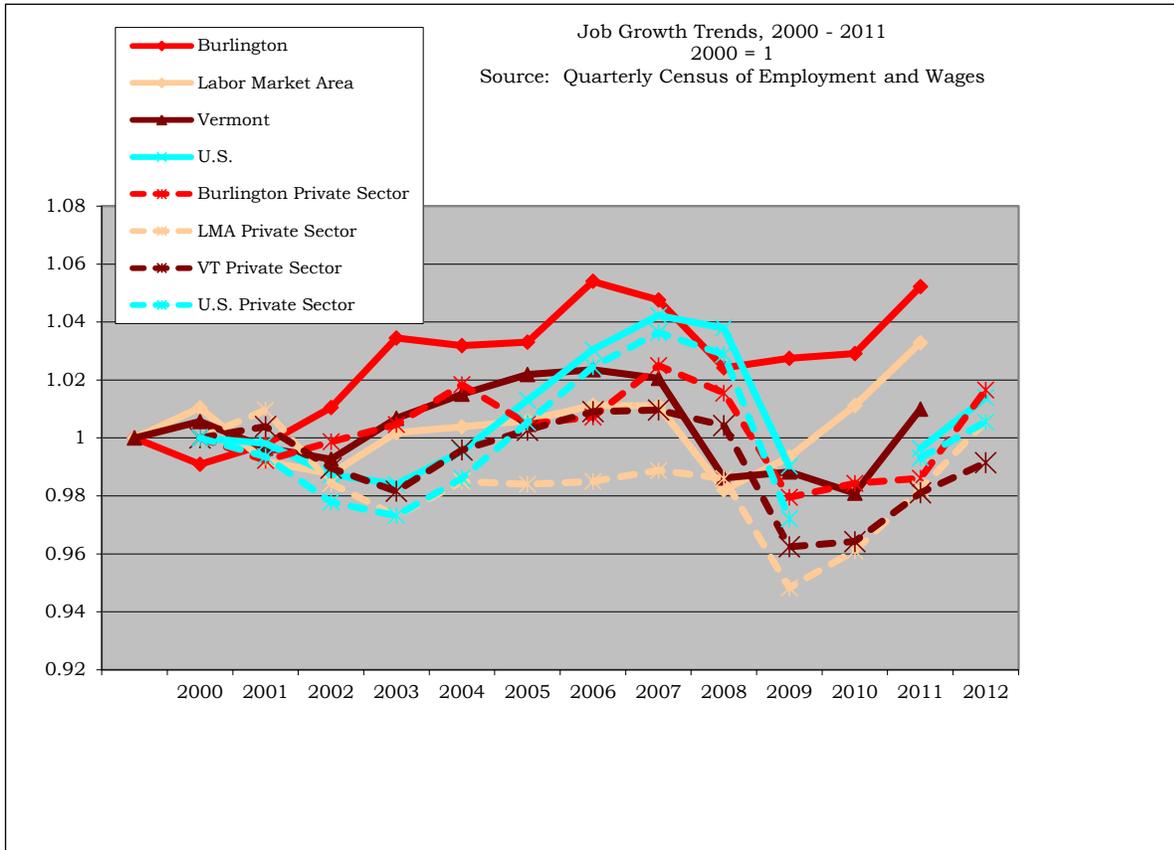
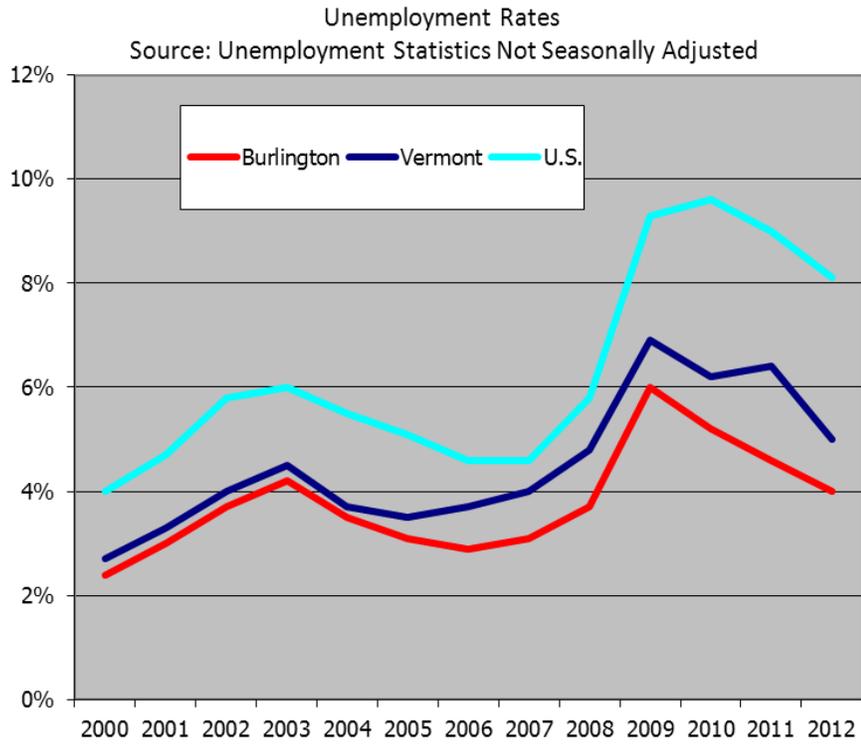


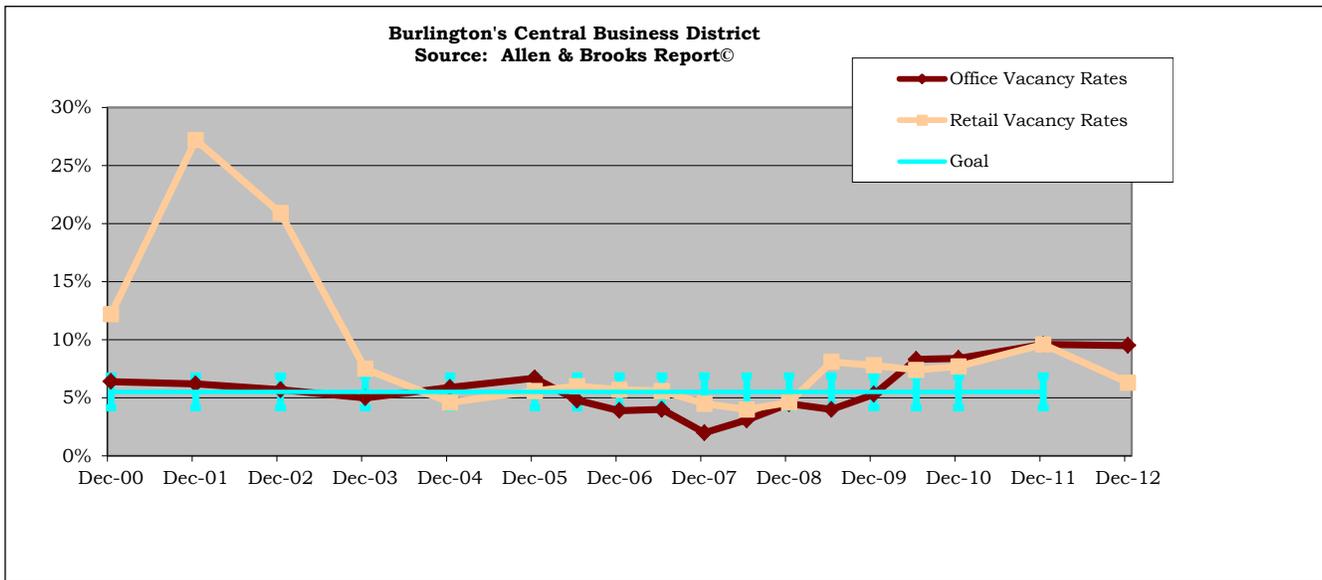
Economic Opportunity

The City's goal is that a prosperous Burlington economy provides all Burlington residents with access to livable wage jobs, to the education and training that qualify them for those jobs, to business ownership opportunities, and to the supports necessary to access those opportunities. The indicators which we track in this area include:

Job Growth and Unemployment

Burlington's unemployment rate continues to track state and national rates, but at a lower level. Job growth in the City and in the Labor Market Area (LMA), which is based on commuting patterns, declined sharply between 2008 and 2009. Employment, however, did appear to be following national trends with an increase in jobs in the LMA, including those in the private sector.



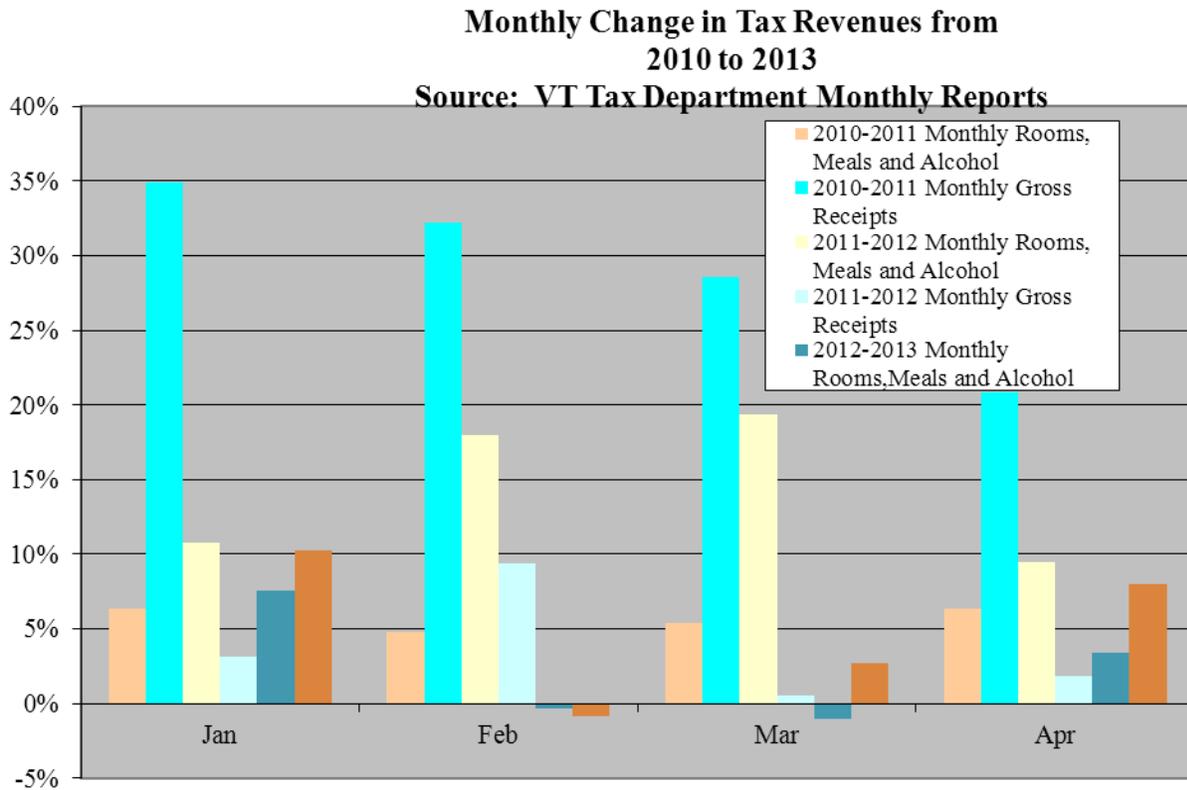


Commercial Vacancy Rates

The downtown retail vacancy rate jumped upwards in June 2008 and leveled out for several years. The rate then decreased in 2012. Office vacancy rates are also higher than historical norms.

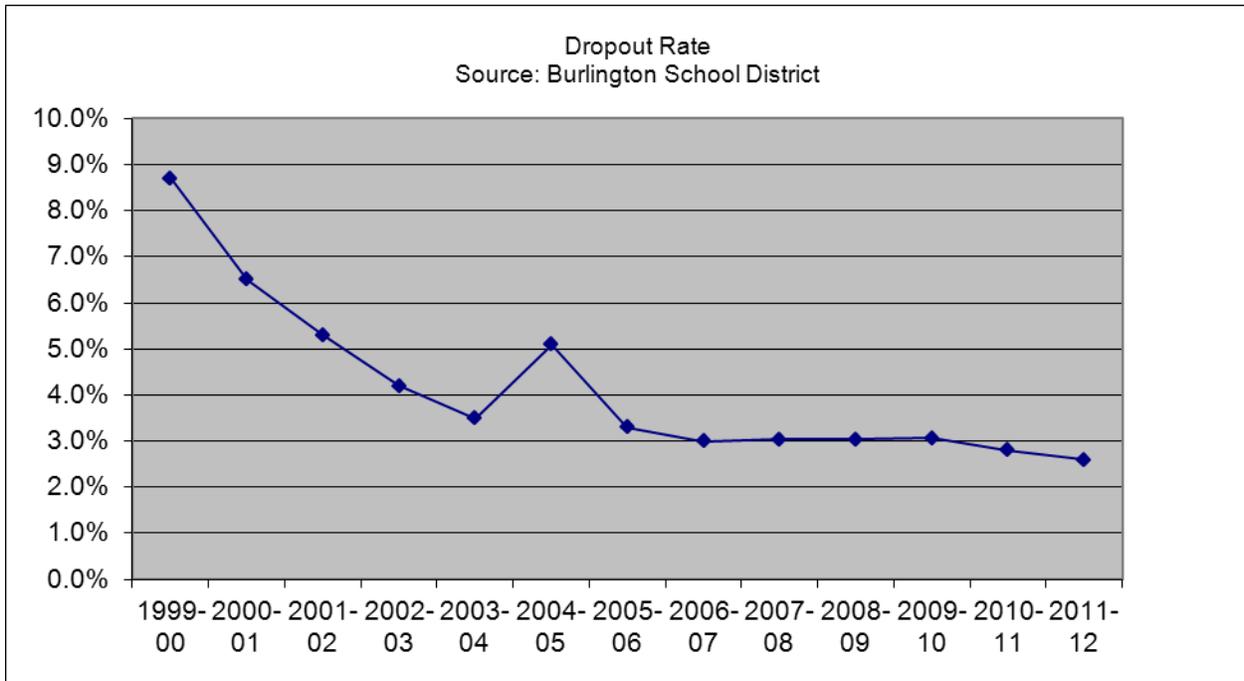
Sales and Entertainment Revenues

There was a rise in the rooms, meals and alcohol tax receipts between 2010 and 2011 and the rise continued significantly in the first four months of 2012. Burlington gross sales receipts, which dropped from 2006 to 2008, leveled off from 2008 to 2010. The first months of 2012 saw increases in January and February, however in the first four months of 2013, there was an increase in January and April but a decrease in February and March.

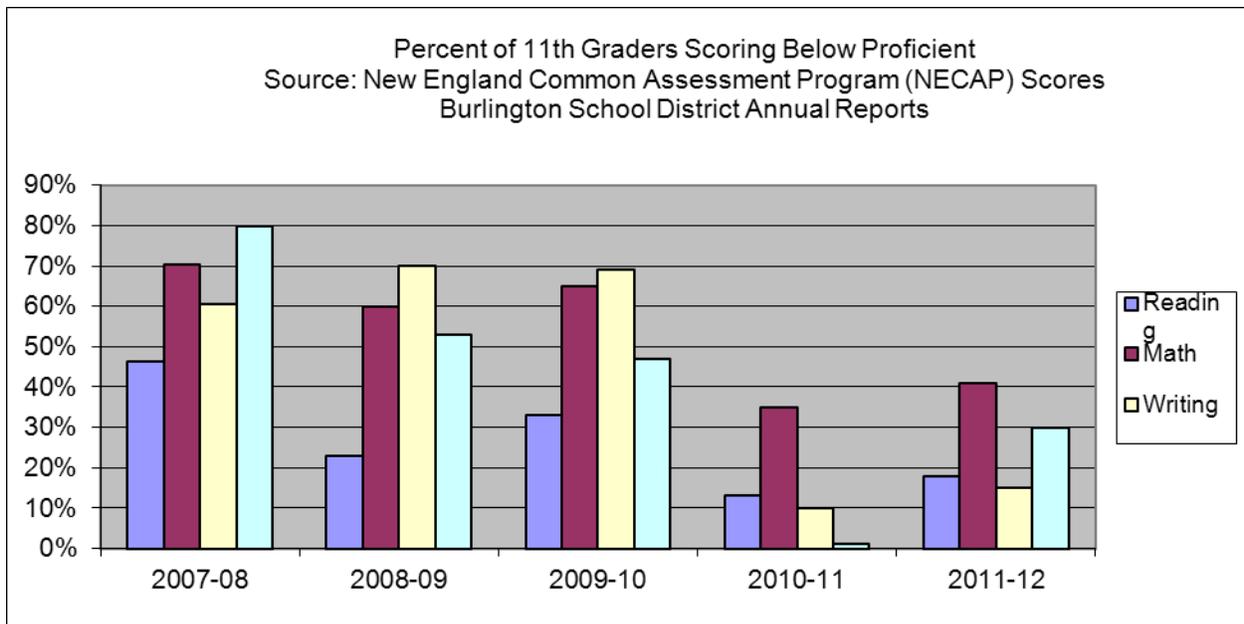
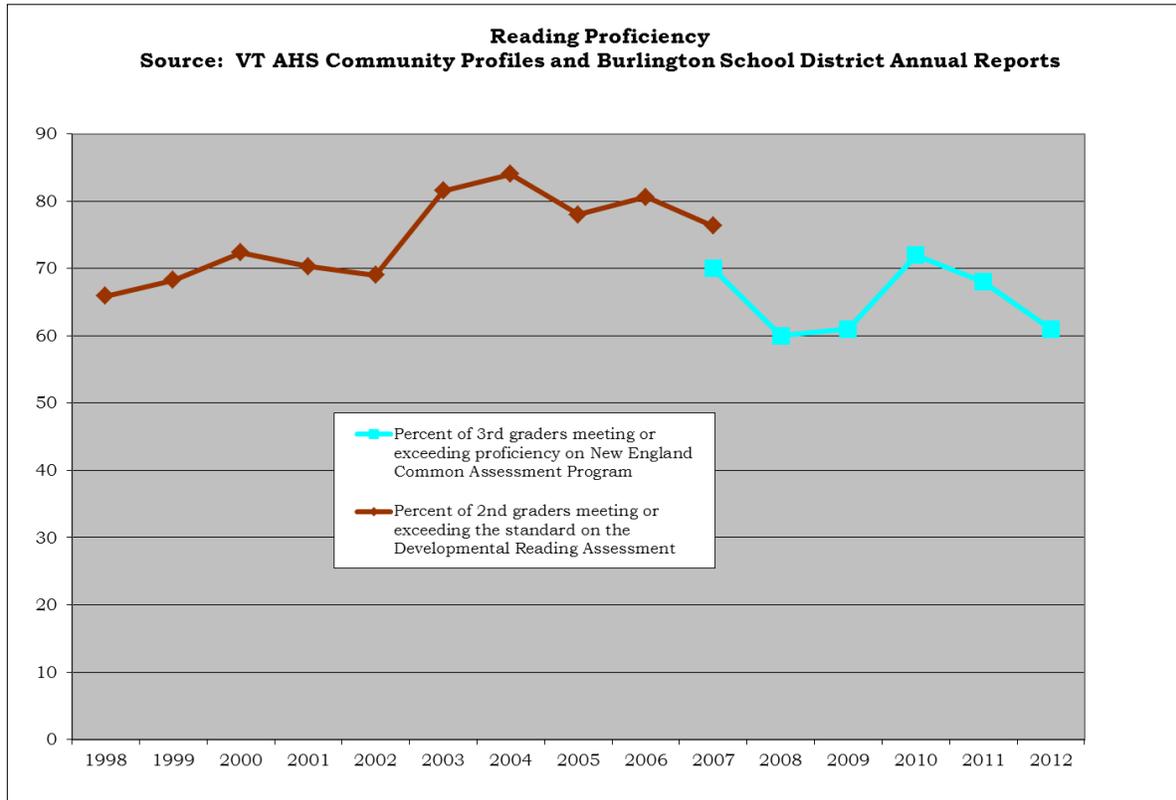


Educational Success

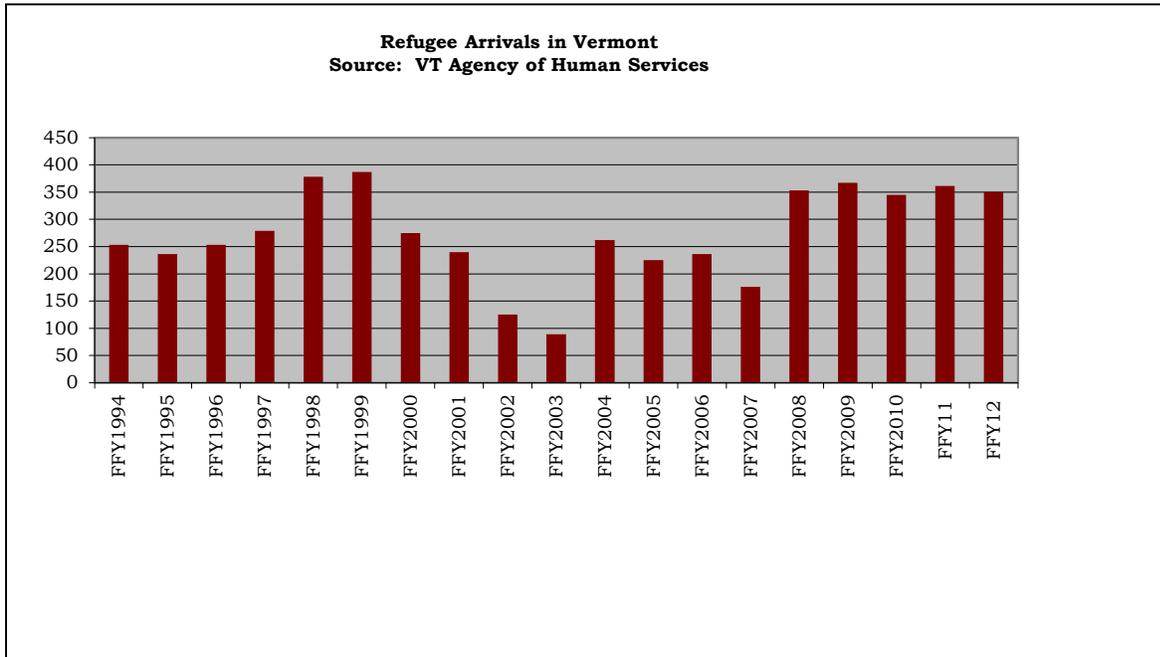
Progress made on the drop-out rate through the Burlington Truancy Project has been sustained. On the other hand, substantial numbers of 11th-graders are not demonstrating proficiency in reading, math, writing and science.



Progress in increased early reading skills has been mitigated by increasing numbers of children with limited English proficiency. The 2nd grade Development Reading Assessment tool was discontinued after 2007; results from the 3rd grade New England Common Assessments Program reading scores are shown for later years.



Refugee Arrivals



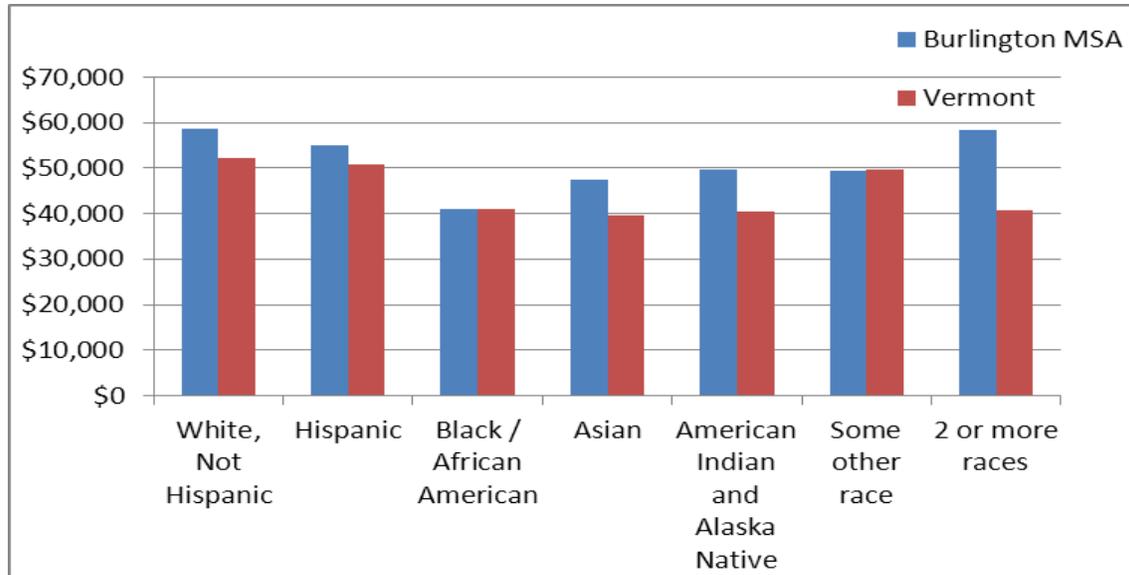
Refugees coming to Vermont are principally resettled in Burlington and neighboring Winooski. Projections for new arrivals show a continued need for English as a Second Language and other community integration services. The principal refugee groups in the upcoming year are anticipated to be Bhutanese, Somali and Iraqi.

Equity

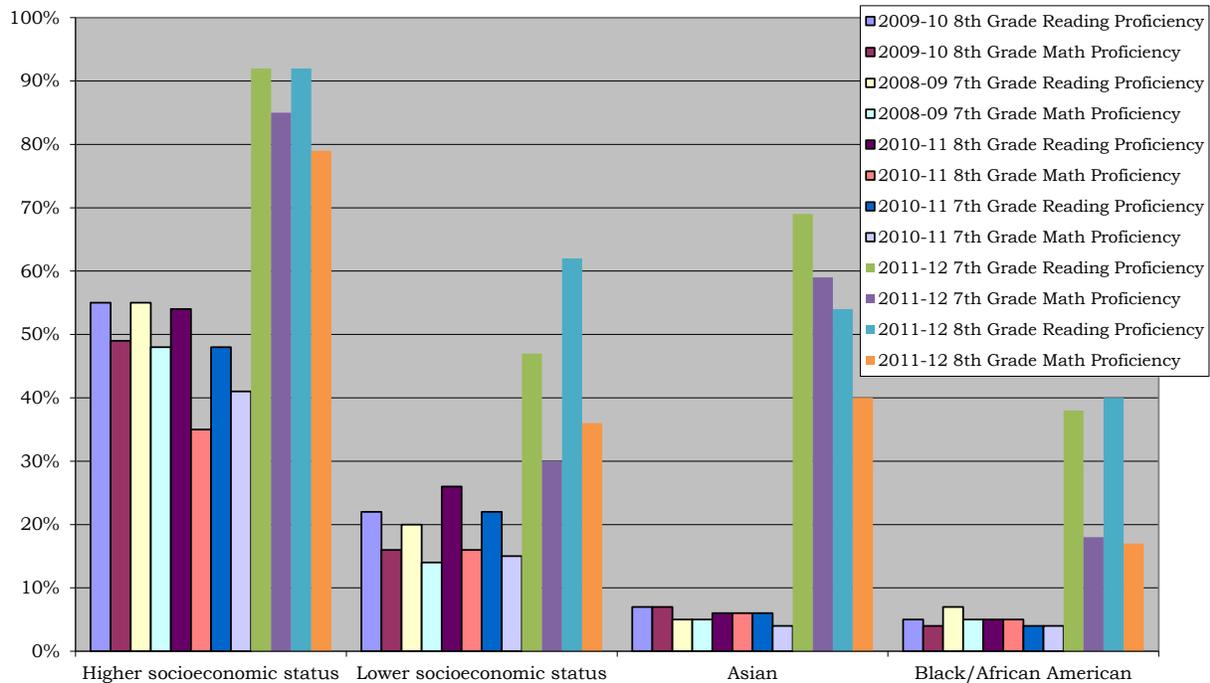
The most recent data on median income demonstrates that some minority residents consistently lag behind white residents on the local and state level. While there is limited information on educational proficiency outcome measures by race because of low minority student numbers, the data most recent data shows more success in math and reading proficiency than previous years.

Median Household Income by Race/Ethnicity, Burlington MSA

Source: 2006 – 2010 American Community Survey



Percent of Student Showing Proficiency in Reading and Math
 Source: New England Common Assessment Program (NECAP) Results
 Burlington School District Annual Reports



Suitable Living Environment

The City's goal is that all Burlington residents enjoy livable, attractive neighborhoods, are assured of safety and quality of life in their neighborhoods and in their homes, and have the necessary community supports to thrive. The indicator tracked in this area includes:

Crime

Overall, there has been a decline in the number of crime incidents in several important areas since 2000. The most recently published 2010 Vermont Crime Report, released by the Vermont Criminal Information Center at the Department of Public Safety, Vermont saw a decrease of crimes against property by 10.4%, and against persons by 8.5%. The total Crime Index in 2010 was 14,649, down from 15,737 in 2009.

Barriers to Progress

First, and most obviously, the ongoing recession, coupled with cuts in federal funding and sequestration, continues to be a barrier to progress on the City's goals and objectives. It affects the resources and opportunities available to individuals, businesses, nonprofit partners and the City itself. Continuing cuts will make it impossible to achieve future Consolidated Plan goals and may require major changes to program structure.

Benefits "cliffs" continue to be a disincentive to higher earnings. The loss of a child care subsidy, for example, can mean that parents actually have less ability to pay for care when they get a raise at work.

The City and its partner agencies continue to struggle with appropriate strategies for the "hard to house" – those whose substance abuse, mental health, criminal records and/or poor credit histories, coupled with resistance to treatment or change, make permanent housing a substantial challenge. In addition, the Burlington Housing Authority faces a number of challenges in the upcoming year, including:

- BHA currently has 1629 authorized 'regular' vouchers. The 1629 regular vouchers are currently affected by sequestration. At current average Housing Assistance Payment levels, BHA is receiving funding adequate to support 1512 'regular' vouchers, 117 less than the authorized level. BHA

needs to reduce their program size by 41 households in the coming year to achieve a sustainable program level.

- BHA serves extremely low income households, over fifty percent of whom have a disabled head of household as well as a very high number of refugee families. The service needs of program participants continue to grow at a time when HUD is proposing funding reductions for resident service programs (such as ROSS) and the State of Vermont is reducing social service expenditures.

Addressing Homelessness

Federal Requirements:

- a. Identify actions taken to address the needs of homeless persons and persons with special needs who are not homeless but require supportive housing (including persons with HIV/AIDS). This description must include actions taken to implement a continuum of care strategy for homeless and new Federal resources obtained during the year (including new Federal resources obtained from the Homeless SuperNOFA).*
- b. Identify actions taken to prevent homelessness and to help homeless persons make the transition to permanent housing and independent living.*

Beginning in early 2012, the City was unanimously chosen to serve as the Lead Agency for the Chittenden County Continuum of Care. The City's Assistant Director for Housing co-chairs the monthly meetings of the Chittenden County Continuum of Care. The Continuum is receiving technical assistance to evaluate and revamp its Homeless Information Management System, to be completed over the course of the next year. In addition, through our CPD Representative, HUD is providing the City with Technical Assistance in support of its new role as CoC Lead Agency. The City and its Continuum partners are currently reviewing and establishing their long-range planning goals to better align with HUD's priorities and the needs of the local CoC.

The Continuum received \$930,617 in renewal funding in the most recent round of HUD's Homeless SuperNOFA. As shown in Tables 3, 4 and 5 in pages 13-31, the City funds a number of homeless service and housing retention programs with CDBG and the City's Housing Trust Fund, and supports affordable housing with CDBG, HOME and Housing Trust Fund resources.

In December of 2012, Governor Shumlin signed the State's Strategic Plan to End Homelessness. The Chittenden Continuum of Care voted to adopt the Plan as part of our local plan to end homelessness in the County.

The State of Vermont released funds for two new grant programs to serve the homeless in our region. The Family Supportive Housing grant is designed to provide 24 months of care coordination for homeless families. The Burlington partnership is led by the Committee on Temporary Shelter (COTS) and includes the HowardCenter and Champlain Housing Trust. In the first year, 12 families will be placed into supportive housing with intensive case management and service coordination. It is expected by the 3rd year in the program families will be able to transition in place and assume full responsibility for housing costs. The Community Housing Grant, to be implemented in this coming year, is designed to develop and implement coordinated community responses to prevent and address homelessness of individuals and families in our region. With a partnership of four Continuum agencies, a projected 220 households will be rapidly re-housed and 165 households will receive assist to prevent homelessness. The group has created a common intake and assessment tool to lead this coordinated effort to end homelessness in the County.

The Burlington Housing Authority is completing construction on 16 efficiency units at 30-42 King Street which will become new permanent supportive housing for the homeless or those at risk of homelessness.

The Vermont Department for Children and Families spent in excess of \$4 million this year to temporarily house homeless individuals and families. The majority of these funds are spent on emergency housing in 2012-2013 in Chittenden County alone. Most of this money is spent on local motel rooms. While this is a strategy that may be necessary to meet crisis needs, motel rooms are not adequate, especially for families, for more than a few days. For many families it takes much longer than that to secure a safe and affordable rental unit. During the 2013 Point in Time survey, 219 people were staying in motels with emergency housing assistance. As a result of this increase in usage and expenditures, the Legislature adopted new rules for emergency housing that took effect in August, 2013. It is imperative for the State and local organizations to understand and quantify who is seeking emergency housing, their specific needs and resources available.

Affirmatively Furthering Fair Housing

Federal Requirements:

- a. Identify actions taken to affirmatively further fair housing.*
- b. Provide a summary of impediments to fair housing choice.*
- c. Identify actions taken to overcome effects of impediments identified.*

The local Fair Housing Working Group, of which the City is a member, met several times during this reporting period to review progress with implementation of the 2010 Analysis of Impediments to Fair Housing Choice. The impediments identified were:

Impediment 1: High rental and homeownership prices, as well as limited land and public resources have a disparate impact on people in protected classes who have low income by limiting their housing options.

Actions taken this year to address this impediment included:

- o The City is sharing best practices and data, answering questions and advocating regionally for a wide range of housing policies that promote housing development that will benefit people in protected classes through its participation in the Chittenden County Sustainable Communities Regional Planning Grant stakeholders group.
- o The City helped to provide sufficient resources for the Champlain Housing Trust and Cathedral Square Corporation to create new affordable housing at the Thayer School (Avenue Apartments) site. The City advocated for local Section 8 properties which were at risk of contract expirations or conversions to market rate housing, worked with property owners and potential buyers to ensure that existing tenants' homes were protected and rents remain stable, and/or helped to find sufficient resources (including dedicating HOME and CDBG) to preserve the affordable units at Wharf Lane, Bobbin Mill, Monroe Street Apartments (privately owned) and CHT's redevelopment plans for the Archibald and Bright Street project.
- o The City renegotiated its agreement with the University of Vermont (UVM) on student housing and is in regular communication with both UVM and Champlain College upcoming enrollment plans, housing development plans, and other creative housing options, to increase the supply of affordable rental housing available to non-student renters in protected classes. UVM added over 400 student beds on campus and Champlain has added nearly 300 beds with another 400 beds in the planning stage.

Impediment 2: Some housing professionals' policies and practices limit housing options for protected classes.

Actions taken this year to address this impediment included:

- o The City's Code Enforcement Office continues to hand out Fair Housing booklets to landlords on its inspections of registered rental property owners, with around one-third of all city rental properties routinely inspected annually.
- o The Champlain Housing Trust's Homeownership Center is providing interpreters for its eight-hour homeownership classes.
- o CHT established Ready Set Rent, a program designed to remove credit and other barriers to renting an apartment. The program serves rental applicants who have been denied a CHT apartment because of poor credit or no credit history. Applicants are provided with a "golden ticket" which is an invitation to attend an orientation and enroll in the program. An applicant can become eligible to rent an apartment after they enroll in the program, complete their education, mentoring and develop an action plan to address their credit. When they demonstrate success by achieving their goals, CHT applies \$100 towards one month's rent.

Impediment 3: Discrimination against people in protected classes by real estate and other housing professionals may go undetected and unaddressed if not adequately monitored and enforced. Considering the growing number of residents in protected classes, there is greater need for fair housing awareness, education and enforcement opportunities.

Actions taken this year to address this impediment included:

- o The City provided Certifications of Consistency for two local HUD Fair Housing applications, only one of which was successful in the most recent funding cycle.
- o The City held a Realtor Luncheon with a panel that included a representative from the CVOEO Fair Housing Project to educate Realtors about their Fair Housing obligations. The City continues to participate in the Fair Housing Working Group by sharing data and discussing trends on the number of fair housing complaints, investigations, and suits filed.

Impediment 4: Burlington's lack of enough housing units designed to accommodate people with disabilities who need accessibility modifications, frail elders and larger families limits the housing choices of these protected classes.

Actions taken this year to address this impediment included:

- o The Thayer School project received HOME, NSP and Housing Trust Fund grants. The CHT building includes three 3-bedroom apartments and a mix of 2 and 1-bedroom units. The Cathedral Square Corp. (CSC) building includes 33 service-enriched apartments for seniors with a new program - Support and Services at Home (SASH) - offered through a care partnership between Cathedral Square, the VNA of Chittenden and Grand Isle Counties, Champlain Valley Agency on Aging, and the PACE program. During this reporting period, CSC developed another 36 units with the help of a HUD 202 grant. These units are fully accessible.
- o CEDO continues to operate an accessibility modification program for both rental and owner-occupied housing. In an effort to increase accessibility in Burlington, CEDO is collaborating with the Vermont Center for Independent Living and leveraging CDBG funds to modify single family homes and apartments. CEDO has reached out to non-profit partners such as the Champlain Housing Trust and Northgate Apartments to improve accessibility. At Northgate, CEDO has partnered with the Northgate Resident Ownership Corporation to convert ground-floor units into fully accessible units with the use of CDBG funding.
- o At the City's request, the nonprofit housing development organizations have include some 3 bedroom units in plans for new rental developments.

Impediment 5: Housing development and occupancy policies run the risk of limiting the number of affordable housing units most needed by protected classes.

Actions taken this year to address this impediment included:

- o CEDO continues to advocate for Fair Housing in discussions about expanding the limit on the number of unrelated adults to the Residential High Density zoning district. When the City Council expanded the 4-person limitation on the number "Unrelated Adults" living in a housing unit, they grandfathered all existing properties where more than 4 unrelated adults are living.

Other actions to affirmatively further fair housing are discussed on page 63 under the HOME Affirmative Marketing section.

Progress on Other Commitments

Federal Requirements: Describe other actions taken as described in its consolidated plan and annual action plans, including actions to:

- a. Address obstacles to meeting underserved needs.*
- b. Foster and maintain affordable housing.*
- c. Eliminate barriers to affordable housing.*
- d. Overcome gaps in institutional structure and enhance coordination.*
- e. Improve public housing and resident initiatives.*
- f. Evaluate and reduce lead-based paint hazards.*
- g. Ensure compliance with program and comprehensive planning requirements.*
- h. Reduce the number of persons living below the poverty level.*

The grantee may satisfy these requirements by indicating that the actions described in consolidated plan and annual action plan were taken. If actions were not taken, explain why.

The City took the actions described. Of particular note, or in addition to the actions previously described:

- a. The City worked successfully with HUD, the Burlington Housing Authority, the Vermont Housing Finance Agency, Housing Vermont and the property owner to ensure the continued affordability of 37 units housing low-income persons with disabilities at Wharf Lane and of 51 units housing low-income families at Bobbin Mill when the Section 8 Housing Assistance Payment contract (project-based subsidy) expires on those properties.
- b. The Planning Commission continues to review the City's policies restricting the use of replacement materials on historic properties. The final objective of this process will be policy guidance, and possibly ordinance language if necessary, that will help to clarify priorities among inter-related and often competing City polices regarding historic preservation, affordable housing, lead and fire safety, and energy efficiency.
- c. The City runs the We All Belong Program which works with Burlington area non-profits, schools and City departments to create more inclusive workplaces and effectively serve our diversifying community. Over the last year, the program partnered with 15 organizations, schools and City departments providing 24 hours of professional development to 100 leaders from the participating agencies and 12 full and part-time AmeriCorps members serving in these agencies to support their equity work. The City has been successful in recruiting State members from marginalized

populations served in order to promote leadership and to create solutions directly from the beneficiary communities.

- d. The Burlington Housing Authority (BHA) continues to be a designated "High Performer" for the Section 8 Housing Choice Voucher Program. BHA supports an affiliate nonprofit organization, Burlington Supportive Housing Initiatives, Inc. (BSHI), which has 501(c)(3) status. The purpose of this nonprofit is to develop affordable supportive housing initiatives and to expand the resident service programs of the BHA. The Community & Economic Development Office's Assistant Director for Housing has been appointed as the City's representative on the founding BSHI Board and presently serves as the board president. In FY2009, BSHI became the fiduciary for the HELP Fund, a community partnership serving people who are homeless or at risk of homelessness.

Highlights of BHA's accomplishments for the year ending June 30, 2013 include:

- Maintained its status as a HIGH PERFORMER for both the Public Housing and Section 8 Housing Choice Voucher program.
- Maintained 99% lease-up rate at its public housing properties.
- Began the difficult process of a sequestration forced reduction in the number of households served through the Section 8 Voucher program.
- Worked with over 100 households seeking to achieve financial self-sufficiency through the Family Self-Sufficiency program, with over 30% of these families building savings accounts for homeownership or other goals.
- Expanded participation in the SASH program, creating two Hubs which complement the existing Wellness Programs in all three of its high rises.
- Continued the DREAM program, a collaboration with students from Saint Michael's College and UVM, providing mentoring services to children at Franklin Square Apartments and Riverside Apartments.
- Completed the acquisition and renovation of Wharf Lane Apartments, assuring the perpetual affordability of this Section 8 project-based development.
- Acquired Bobbin Mill Apartments, another Section 8 project-based development at risk of conversion to market rate housing.
- Completed a 14 unit supportive housing development serving non-elderly disabled homeless individuals.
- Expanded its program activities assisting individuals returning to the community from incarceration.
- Continued a Housing Retention Program with funding from the Vermont Agency of Human Services.

- f. Burlington Lead Program continued to make homes of low-income households safe from lead-based paint hazards. Implementation of Lead grant into the City of Burlington Building Permit process has been initiated (via the Lead Safety Ordinance). BLP continued to provide outreach and education to community members and staff regarding this element of the ordinance. The new grant also includes a Healthy Homes initiative and BLP provided training for staff and partners to help address this additional component.

During this reporting period, BLP accomplished the following:

- o Completed testing for Lead-Based Paint hazards in 60 housing units
 - o Performed Lead Hazard Control activities on 48 housing units
 - o Trained 341 individuals on the VT Essential Maintenance Practices Lead Law (EMP)
 - o Trained 122 individuals on the EPA Renovation, Repair and Painting Rule (RRP)
 - o Trained 11 individuals (program staff and partners) as lead workers
 - o Conducted 86 Outreach and Education events that reached over 1106 individuals.
- g. In 2012, HOME and CDBG staff attended the following off-site trainings: Environmental Review, e-Con Planning Suite, We All Belong – Cultural Competency, National Community Development Association Winter Conference and Annual Conference and Training.
- h. CEDO's Burlington Community Justice Center (CJC) provides a community-based response to crime and conflict utilizing the principles of restorative justice to mend the harm crime and conflict causes to victims, the community and offenders.

Its role is to work with and along-side its partners of the criminal justice system accomplishing the following this past year:

- Provided 355 victims of crime with direct services and support through a national demonstration project entitled, Parallel Justice for Victims of Crime.
- Provided 385 low-level offenders with an alternative way to be held accountable for their actions by participating in Restorative Justice Panels. Participants met with a group of community volunteers, the victim (or victim's proxy) of their crime and made amends for their actions.
- Developed workforce opportunities to gain soft and marketable skills for 190 offenders returning to the community following their incarceration

by partnering with VABIR (Vermont Association for Business Industry and Rehabilitation). Eighty-five enrolled in intensive training programs developed in collaboration with our program and community partners and 25 already have jobs.

- Remediated graffiti as quickly as possible to avoid more occurring in the same location with volunteers and City staff by cleaning tags this past year. This three year program has seen a marked decrease in graffiti vandalism in Burlington.

Neighborhood Revitalization Strategies

Federal Requirements: Grantees with HUD-approved neighborhood revitalization strategies must describe progress against benchmarks for the program year.

The implementation strategies for the Burlington Neighborhood Revitalization Strategy Area is outlined below, together with the actions that the City proposed to take in Program Year 2012 with its CDBG and HOME resources:

- A. Stimulate and support business growth/development on Riverside Ave., Pine Street area, North Street area and downtown.

Funded Projects/Programs:

- Sustainable Economic Development Strategies
- Business Financing & Technical Assistance
- Intervale Center Farms Program
- Brownfields Program

Annual Benchmarks:

<u>Projected</u>	<u>Actual</u>
34 new business start-ups assisted in the Target Area	7 new business start-ups
19 businesses retained/expanded in the Target Area	13 businesses expanded
65 jobs created / retained in the Target Area	84 new jobs created / jobs retained

- B. Support workforce development and asset building opportunities for low - and moderate-income residents.

Funded Projects/Programs:

- YouthBuild Burlington
- Women’s Small Business Program
- Low Income Credit Action Project
- Volunteer Income Tax Assistance
- Intervale Center Farms Program

Annual Benchmarks:

<u>Projected</u>	<u>Actual</u>
1 job training program serving Target Area residents	YouthBuild Burlington trained 17 residents in weatherization
2 entrepreneurial training programs serving Target Area residents	Intervale served 10/55 workers farms in the Target Area. Mercy Connections served 11 Target Area residents.
2 programs providing Target Area residents with access to tax refunds and associated savings opportunities and/or credit education/repair programs	Volunteer Income Tax Assistance program and Low-Income Credit Action program both operated in the Target Area
1 new farm start-ups in the Target Area	2 new businesses

C. Create and preserve decent, safe and affordable housing in the Target Area.

Funded Projects/Programs:

- Champlain Housing Trust
- Housing Initiatives Program
- YouthBuild Burlington

Annual Benchmarks:

<u>Projected</u>	<u>Actual</u>
86 units of rehabbed housing in the Target Area	17 units rehabbed
37 units with expiring subsidies	37 units preserved

D. Enhance a suitable living environment in Target Area neighborhoods through infrastructure improvements and public safety and quality of life organizing efforts.

Funded Programs/Projects:

- Neighborhood Revitalization

Annual Benchmarks:

<u>Projected</u>	<u>Actual</u>
Improvements moving forward on Waterfront North	Waterfront Access North project leveraged an additional \$210,000 in grants. Phase 1 is out to bid and construction is scheduled for the fall.

Monitoring

Federal Requirements: Describe how and the frequency with which you monitored your activities.

All CDBG subrecipient activities are monitored through program reports submitted by subgrantees with each request for funds. In addition, staff make onsite monitoring visits to selected subrecipients each year based on factors such as whether the subrecipient is a new organization or a new CDBG grantee; how long it has been since the last onsite monitoring visit; whether there were problems revealed during the last monitoring visit; whether the program reports indicate a need for onsite monitoring; whether there have been significant changes in subrecipient staff; and the size of the grant. This year, program staff made onsite visits to the Burlington Children’s Space, Champlain Valley Office of Economic Opportunity, Heineberg Senior Center, HOPE Works and ReSource,

HOME subgrantee activities are monitored through annual project reports submitted by subgrantees and through onsite visits. The purpose of the project reports is to ensure that (a) for rental housing, all HOME-assisted housing units meet federal regulations for rent and income levels as well as compliance with Housing Quality Standards (HQS) and other federal requirements; and (b) for homebuyer projects, all HOME-assisted housing units are owner occupied and in compliance with other federal requirements. This year, program staff performed a desk review (including receipt of inspection reports) for all nonprofit recipients of HOME funds. Program staff did onsite monitoring of all nonprofit recipients of HOME funds and made onsite inspections of selected units owned by the Champlain Housing Trust.

HOME Program Requirements

Federal Requirements:

- a. *Detail results of on-site inspections of rental housing.*
- b. *Describe the HOME jurisdiction's affirmative marketing actions.*
- c. *Describe outreach to minority- and women-owned businesses.*

On-Site Inspections

The City ensures that HOME-funded housing units are in compliance with City code and with the Community & Economic Development Office (CEDO)'s HOME Property Standards. Four tests must be met before a unit is understood to pass CEDO's HOME Property Standards:

1. All units must pass Housing Quality Standards (HQS) at unit completion; and
2. All units must have installed hardwired interconnected smoke detectors per the standards required by the City of Burlington Minimum Housing Code. Further, all bathrooms must have mechanical ventilation through an exhaust fan vented to the exterior; and
3. At the project completion, all new work must meet the applicable Building, Plumbing, Mechanical, and Electrical Code as evidenced by the permit closeout by the City of Burlington Building Inspector. All existing conditions must meet the safety requirements of the applicable Building, Plumbing, Mechanical, and Electrical Code. On projects where an architect is overseeing the work, compliance with the above may be evidenced by a certificate from the architect that the unit meets code; and
4. For rehabilitation projects, units must comply with City of Burlington Rehabilitation Project Standards.

Following project completion, all HOME-assisted rental units housing Section 8 tenants and/or managed by one of our non-profit partners are inspected on a periodic basis by the Burlington Housing Authority (BHA). In addition, all rental units in the City of Burlington are inspected annually by the inspectors from the city's Code Enforcement Office. Pursuant to a Memorandum of Understanding between the city and BHA, the City's minimum housing code is considered to be substantially equivalent to HQS. HOME-assisted units in private homes which are not occupied by Section 8 voucher holders are inspected by CEDO housing staff. As these private properties are invariably less than five-unit buildings, they are inspected every three years.

The results of non-CEDO on-site inspections are gleaned from BHA's quarterly inspection reports which contain the tenant name, address, unit #, move-in date, inspection date, landlord and Pass/Fail determination of almost every unit managed by one of our HOME landlords. Any units with a status of "Annual Fail" are routinely found to pass upon re-examination. The "Re-exam Pass" status most often appears in the same quarterly report as the "Annual Fail." In those few instances where it doesn't, our experience has been that it appears in the next report. This office receives the report via e-mail every quarter directly from BHA.

This year, CEDO inspected or confirmed inspection of 336 rental HOME-assisted rental units. All were found to be in compliance with the standards above.

Affirmative Marketing

The Community & Economic Development Office actively encourages affirmative marketing of HOME-funded units. Recipients of HOME funds must try to provide information to and otherwise attract eligible persons from all racial, ethnic and gender groups in the housing market area. Housing borrowers, grantees or property management agents must display the fair housing poster in areas that are accessible to the public. All correspondence, notices and advertisements related to HOME funds must contain either the Equal Housing Opportunity logotype or slogan. Participants in the HOME program are required to use affirmative fair housing marketing practices in soliciting renters or buyers, determining their eligibility, and concluding all transactions. In addition, owners of HOME-assisted housing must comply with the following procedures:

- Any advertising of vacant units must include the equal housing opportunity logo or statement. Advertising media may include newspapers, radio, television, brochures, leaflets or be simply a sign in a window;
- Outreach is expected to community organizations, employment centers, housing agencies, social service agencies, medical centers, schools and municipalities. Grantees receiving HOME funds are required to contact one or more of the following agencies before filling vacancies during the HOME affordability period as stated in the HOME Program Loan/Grant agreement: local or State Housing Authority, Community Action agencies, area Mental Health and Mental Retardation agencies, area Office on Aging agency, area homeless shelters, the Department of Social Welfare, Committee on Temporary Shelter, Vermont Center for Independent Living or any state-wide handicapped accessibility clearing house, area AIDS service organizations, medical centers, schools, municipalities and any other social service agencies;

- Owners or their management agents must maintain a file containing a record of all marketing efforts, e.g., copies of newspaper ads, copies of letters, etc.

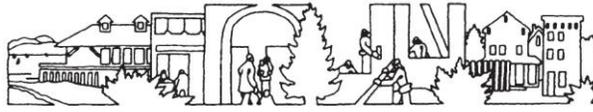
Outreach to Minority- and Women-Owned Businesses

CEDO has developed a web-based registry of self-certified Disadvantaged Business Enterprises and does outreach to local businesses to make them aware that the registry can help them access contracting opportunities. This registry, together with the state's online DBE registry, is available to City departments and to subrecipients for their procurement processes. Periodically CEDO publishes a public notice soliciting MBE, DBE, and Section 3 contractors for inclusion on the online registry. Further, CEDO's Housing Division works closely with the Economic Development team to reach out to known MBE, DBE and Section 3 contractors to include on the list. Finally, HOME recipients are required in the written agreements to, using the CEDO and State of Vermont registries, make the HOME-assisted project bidding opportunity available to MBE, DBE and Section 3 contractors.

Citizen Comment

Federal Requirements: Provide a summary of citizen comments it receives regarding the programs covered by its consolidated plan and the disposition of those comments.

Comment period is open from September 11 through September 25, 2013.



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

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MEMORANDUM

TO: Mayor Miro Weinberger and City Council
FROM: Marcy Krumbine, Assistant Director for Community Development
DATE: September 18, 2013
RE: Consolidated Annual Performance & Evaluation Report

The enclosed Consolidated Annual Performance & Evaluation Report (CAPER) describes what was accomplished with expenditures of \$1,056,493 during the past fiscal year of federal funds received from the U.S. Department of Housing & Urban Development (HUD) through the Community Development Block Grant (CDBG), HOME Investment Partnership Act and Lead Hazard Reduction programs as well as Burlington Housing Trust Fund monies. The Appendix to the Report is not included, but is available upon request.

The Council authorized submission of the annual Action Plan on May 7, 2012 for program year beginning July 1, 2012 through June 30, 2013. The CAPER reports on the accomplishments during those months. The report is due to HUD ninety days after the program year is complete.

There will be a Public Hearing on this Report at your meeting on September 23, 2013. The Report has been posted online for public review and comment. Highlights of the Report are described below:

Highest overall priority of affordable housing:

- The Thayer Commons / Avenue Apartments project was divided into three phases. The final phase, completed this year by Cathedral Square, resulted in 36 units for seniors.
- Champlain Housing Trust purchased South Meadow in the fall of 2012. Within three years of the acquisition, the property will undergo these changes:
 - 64 affordable apartments, using Low Income Housing Tax Credit (LIHTC)
 - 52 “market rate” apartments.
 - 32 condos for homeownership, some “market rate” and some permanently affordable with resale restrictions through CHT’s signature shared equity program
- Work was completed on the City Neighborhoods project, which includes refinancing and major rehabilitation of 40 scattered site affordable rental units. All units are occupied by income-qualified households.
- The City, working with HUD, the Burlington Housing Authority, the Vermont Housing Finance Agency, Housing Vermont and the property owner, succeeded in ensuring the continued affordability of 37 units housing low-income persons with disabilities at Wharf Lane and 51 low-income families at Bobbin Mill. Renovations at Wharf Lane are complete and a BHA/Housing Vermont partnership acquired Bobbin Mill this past year.

- The Burlington Lead Program completed testing for Lead-Based Paint hazards on 60 housing units; performed Lead Hazard Control activities on 48 housing units; trained 341 individuals on the VT Essential Maintenance Practices Lead Law (EMP); trained 7 low income Section 3 individuals as lead workers, trained 3 program staff in lead Inspector/Risk Assessors and 1 staff member in lead Project Designer; and conducted 86 Outreach and Education events that reached over 1106 individuals.
- Utility assistance, home sharing, home- and center-based senior services, and other housing retention assistance helped almost 2,500 residents remain housed and living independently.

Second overall priority of economic opportunities:

- CEDO provided technical assistance to 171 business owners and entrepreneurs, resulting in the start-up of 3 new businesses, the expansion of 2 businesses and the creation of 28 new permanent FTE jobs.
- CEDO's technical assistance also helped one local business, the Vermont Flight Academy formally receive 501 c 3 status from the IRS and develop and implement an accredited 4-year degree program in Pilot Training Program through Vermont Technical College. A total of 8.5 full time job equivalents were created and/or retained.
- The Intervale Center provided technical assistance, equipment rental, business planning and marketing assistance for Intervale farmers. A total of ten farms, with 55 workers, added 2.5 positions this year. The farms grossed over \$1.3 million with 110 acres in production.
- Mercy Connections provided entrepreneurial training for 21 women interested in starting a Burlington business and 7 new businesses were started and 4 businesses expanded.
- Four agencies provided high quality early care and education for 113 children from working families.
- Free tax services helped over 1,150 low-income working Burlington taxpayers access tax credits and rebates while saving almost \$110,000 in fees, and credit and budgeting education for 153 residents to help them to improve their credit, decrease debt and reduce spending.

Third overall priority creating a suitable living environment:

- CDBG-funded agencies provided shelter and services to 2,231 homeless residents; groceries and meals for 5,201 residents; afterschool and summer programming for over 500 city youth, including academic and summer English Language services; crisis and support services for almost 700 victims of sexual assault as well as prevention education for students and clients of other agencies.
- Renovations were completed to the Champlain Senior Center and the Heineberg Senior Center. In addition, the Sustainability Garden was completed.
- The Moran Plant project was placed on hold by the new Mayor while new tenants were located for the project. Moran is now part of the "Public Investment Action Plan" process, whereby Tax Increment Financing will be used to support projects in the Waterfront TIF District. An intensive public process and technical review is underway, culminating in a vote on specific proposals on Town Meeting Day 2014.
- CDBG was part of the match for public facility/infrastructure improvements. The Waterfront Access North project leveraged an additional \$210,000 in grants. Phase 1 of this project is out to bid and construction is scheduled to begin this fall. Work continues on the update to the Byways plan.

This past year, CEDO managed 24 CDBG subgrants to community nonprofits, five CDBG-funded CEDO programs and 3 neighborhood projects. We continue to refine our CDBG application and allocation process to manage the reduced funding effectively and efficiently.



[CONTINUED]

to Jason Pappas by Warranty Deed of Mary Houghton dated June 25, 2010, and of record in Book 100, Page 728 of the Town of Huntington Land Records. (Parcel ID #002080)

PROPERTY 5: Being a 29.31-acre parcel of land, together with a dwelling located thereon, owned by Nils E. Smith and Jennifer A. Doucet-Baer, and being Lot #1 as depicted on a plat of survey of record in Map Slide 305A, located at 1125 Bert White Road, Huntington, Vermont. Being all and the same land and premises conveyed to Nils E. Smith and Jennifer A. Doucet-Baer by Quitclaim Deed of Nils E. Smith dated November 22, 2006, and of record in Book 92, Page 437 of the Town of Huntington

Land Records. Reference is also made to a Quitclaim Deed from Markley E. Smith and Marijke Irene Smith to Nils E. Smith and Jennifer A. Doucet-Baer dated July 2, 2009, and of record in Book 99, Page 141 of the aforesaid land records, executed as part of a boundary adjustment. Excepted from said property are those lands and premises conveyed to Cassandra A. Wilday by Warranty Deed of Markley E. Smith, Marijke Irene Smith, Nils E. Smith and Jennifer A. Doucet-Baer dated July 2, 2009, and of record in Book 99, Page 135 of the aforesaid land records. (Parcel ID #016078)

PROPERTY 6: Being a 0.12-acre parcel of land, together with two apartments located thereon, owned by Nils E. Smith and Jennifer A. Baer located at 2225 Main Road, Huntington, Vermont. Being all and the same land and premises conveyed to Nils E. Smith and Jennifer A. Baer by Warranty Deed of Robin A. Muir dated July 2, 2004, and of record in Book 83, Page 177 of the Town of Huntington

Land Records. (Parcel ID #090410)

PROPERTY 7: Being a 2.2-acre parcel of land, together with a 1997 27 x 44' 5-room mobile home located thereon, owned by Leon Stokes and Colleen Stokes, located at 9283 Main Road, Huntington, Vermont. Being all and the same land and premises conveyed to Leon S. Stokes and Colleen A. Stokes by Warranty Deed of Archie W. Stokes and Maggie H. Stokes dated July 1, 1987, and of record in Book 36, Page 361 of the Town of Huntington Land Records. (Parcel ID #070330)

Information regarding the amount of taxes due may be obtained through Joseph D. Fallon, Esq., Attorney for the Collector of Delinquent Taxes, Brent Lamoureux, at 802-482-2137.

DATED at Huntington, Vermont, this 12th day of August, 2013.

s/ Brent Lamoureux
BRENT LAMOUREUX,
Collector of Delinquent
Taxes for the Town of
Huntington

NOTICE TO PUBLIC OF INTENT TO REQUEST RELEASE OF FUNDS CATEGORICALLY EXCLUDED ACTIVITIES TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

The purpose of this Notice is to identify actions to be taken by the Town of Huntington.

On or about 9/19/2013 the above named municipality will request that the Vermont Agency of Commerce and Community Development (hereinafter Agency) to release of funds under Title I of the Housing and Community Development Act of 1974, as amended (PL93-383) to be used for the following project:

Project Title: Increasing Huntington Town Hall Access

Nature of Project: Accessibility modifications to the Huntington Town Hall. The proposed project is to make the building handicap accessible.

Physical Location of

Project: 4839 Main Road, Huntington Vt 05462
Estimated Cost of Project: \$105,000

Project Summary: Installation of an ADA compliant bathroom. Regrade and landscape parking area and develop a common entrance. Construct shaftway at rear of the building and install platform lift to provide access to the second floor. Reconstruct rear fire exit. Install Interior Handrails and fire rated doors.

Finding of Categorical Exclusion
An environmental review for the project has been made by the Town of Huntington and is available for public examination and copying at the municipal offices during normal business hours. Based on this review, the Town of Huntington has determined said project(s) to be Categorically Excluded under the provisions of the National Environmental Policy Act of 1969 (PL 91-910).

Public Comments on Finding

All interested agencies, groups and persons disagreeing with this decision are invited to submit written comments for consideration by the Town of Huntington no later than 9/19/2013. All comments must clearly specify which decision they object to - the Finding of Categorical Exclusion or the Request for Release of Funds. All comments so received will be considered by the Town of Huntington prior to its taking any administrative action or requesting release of funds on the date listed immediately above.

Request for Release of Funds
The Town of Huntington is certifying to the Agency that the Town of Huntington and Barbara Elliott, in his/her official capacity of Town Administrator, consent to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied under the National Environmental Policy Act of 1969 and other environmental responsibilities listed in 24 CFR Part 58.

Objections to Release of Funds

The agency will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases:

(a) that the certification was not in fact executed by the Certifying Officer approved by the Agency;

(b) that the Town of Huntington's environmental review record for the project(s) indicated omission of a required decision, finding, or step applicable to the project(s) in the environmental review process;

(c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or

(d) any other reason allowed under 24 CFR Part 58 Section 58.75

PUBLIC HEARING NOTICE

The City of Burlington is submitting its Conated Plan Annual Performance and Evaluation Report on the expenditure of Community Development Block Grant and HOME Investment Partnership Act funds for the program year ending June 30, 2013 to the U.S. Department of Housing & Urban Development.

Copies of the Report will be available beginning September 11, 2013, at the Community & Economic Development Office, 149 Church Street, Burlington, VT 05401 and online at www.burlingtonvt.gov/cedo. The public is encouraged to review the Report and to comment through September 25, 2013. A Public Hearing on the Report will be held at the City Council meeting of Monday, September 23, 2013, in Contois Auditorium, City Hall. Comments will be heard at the Public Hearing on the Report and on

commercialworks

ATTENTION REALTORS: LIST YOUR PROPERTIES HERE FOR ONLY \$35 (INCLUDE 40 WORDS + PHOTO).
SUBMIT TO: ASHLEY@SEVENDAYSVT.COM BY MONDAYS AT NOON.

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Turnkey opportunity. 39 years continuous operation. Ready for business. Seats +/- 100. Beautiful outside deck seats additional 40+/- Fully equipped, fully operational, excellent condition. Licensed, permitted, liquor, food, live entertainment. Brokers protected. For information contact Montpelier Property Management 802.223.3166 or centralvtrentals@gmail.com

housing and community development needs. Comments can also be submitted directly to the Community & Economic Development Office at 149 Church Street, Room 32, Burlington, VT 05401 or by e-mail to mkrumbine@burlingtonvt.gov.

For more information, or information on alternative access, contact Marcy Krumbine, Community & Economic Development Office, at 865-7171.

PUBLIC NOTICE:

The Vermont Judicial Bureau Waiver Penalty Panel will hold a public hearing at the White River Jct. courthouse at 10:00 a.m. on Wednesday, September 25, 2013. The purpose of the hearing is to receive comments pertaining to waiver penalties established pursuant to 4 V.S.A. § 1102(d). All interested persons are welcome to attend. Written comments may be filed prior to the hearing. Written comments may be mailed to: Judicial Bureau, Waiver Penalty Panel, P.O.B. 607, White River Jct., VT 05001. The Panel will consider waiver penalties for conduct subject to the Waiver Penalty Schedule Addendum issued July 1, 2013.

STATE OF VERMONT SUPERIOR COURT CHITTENDEN UNIT CIVIL DIVISION DOCKET NO. 1454-12-12 CNCV
PEOPLE'S UNITED BANK f/k/a Chittenden Trust Company d/b/a Chittenden Bank. Plaintiff

v. PAUL A. CARLSON; STATE OF VERMONT DEPARTMENT OF TAXES; and UNITED STATES OF AMERICA Defendants.

NOTICE OF SALE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Paul Carlson to Chittenden Bank, n/k/a People's United Bank, dated November 30, 2006 and recorded in Book 412 at Pages 85-93 of the Williston Land Records, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises will be sold all and singular as a whole at Public Auction at 3:00 PM on October 9, 2013 at 50 Chad Lane, Unit #3 Williston, Vermont.

To Wit:
Being all and the same land and premises conveyed to Paul Alan Carlson by Warranty Deed of



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CLASSIFIEDS

Home > Housing > For Sale

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Newest Properties

\$394,000 - Essex

Bed: 4
Bath: 3
Fin. Sqft Above: 1,816
Fin. Sqft Below: 452
Acres: 0.41
Year Built: 1978
List Date: Jun 30 2013

\$239,900 - South Burlington

SEVENDAYSVT.COM

09.11.13-09.18.13

SEVEN DAYS

C-8 CLASSIFIEDS

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BURLINGTON WARD REDISTRICTING PLAN

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the 14th Amendment to the U. S. Constitution requires municipal electoral districts to comply with the “One Person One Vote” Doctrine by having a substantial equality of populations among the City’s electoral districts; and

WHEREAS, because the law considers no more than a 10% difference between the most populated and least populated districts (viewed in relation to the optimally sized district) to be the deviation for which a municipality does not have to justify the constitutionality of the difference; and

WHEREAS, a review of the City’s seven (7) municipal electoral districts (“wards”) shows an overall deviation of 41.5% between the highest populated district (Ward 1) and lowest populated district (Ward 4), thereby placing the City well outside of the legally acceptable 10% deviation; and

WHEREAS, the City Attorney has advised that a charter change adopting a redistricting plan that redresses the deviation should be voted on at the next annual meeting, March 5, 2013, to bring the City back into constitutional conformity; and

WHEREAS, on June 4, 2013, the City Council’s Special Committee on Ward Redistricting referred three plans back to the full council that are within the acceptable deviation limits: (A) four (4) wards, 12 councilors, 7.3% deviation; (B) six (6) wards, 13 councilors, 6.6% deviation; and (C) eight (8) wards, 16 councilors, 8,8% deviation; and

WHEREAS, whichever plan is acceptable to the Council will require fine tuning and changes to the following charter sections in order to effectuate the redistricting: § 2 (Wards described); § 3 (Elections of mayor and city councilors); § 4 (Election of school commissioners); § 10 (Ward officers specified; selection); § 125 (Terms of Office, Mayor, city councilors, ward and precinct officers); § 163 (School Commissioners, Composition); and § 164 (School Commissioners, Terms, elections); and

WHEREAS, regardless of the plan adopted, it is advisable to have a special council implementation committee work on and oversee the continuing work needed to bring these charter changes before the voters;

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BURLINGTON WARD REDISTRICTING PLAN

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the ____ ward, ____ councilor plan and requests the Charter Change Committee to review this plan and work with the City Attorney’s Office, other City staff, and the public to recommend to the full Council no later than its November 18, 2013 meeting the final details of a plan and language for the Council to present to the voters (i.e. final boundaries, terms of office, staggering of terms, etc.) at the March 5, 2013 Annual Meeting.

Ward Redistricting 4 Wards 12 Councilors

Referred to City Council

Ward (# Councilors):

1 (3)

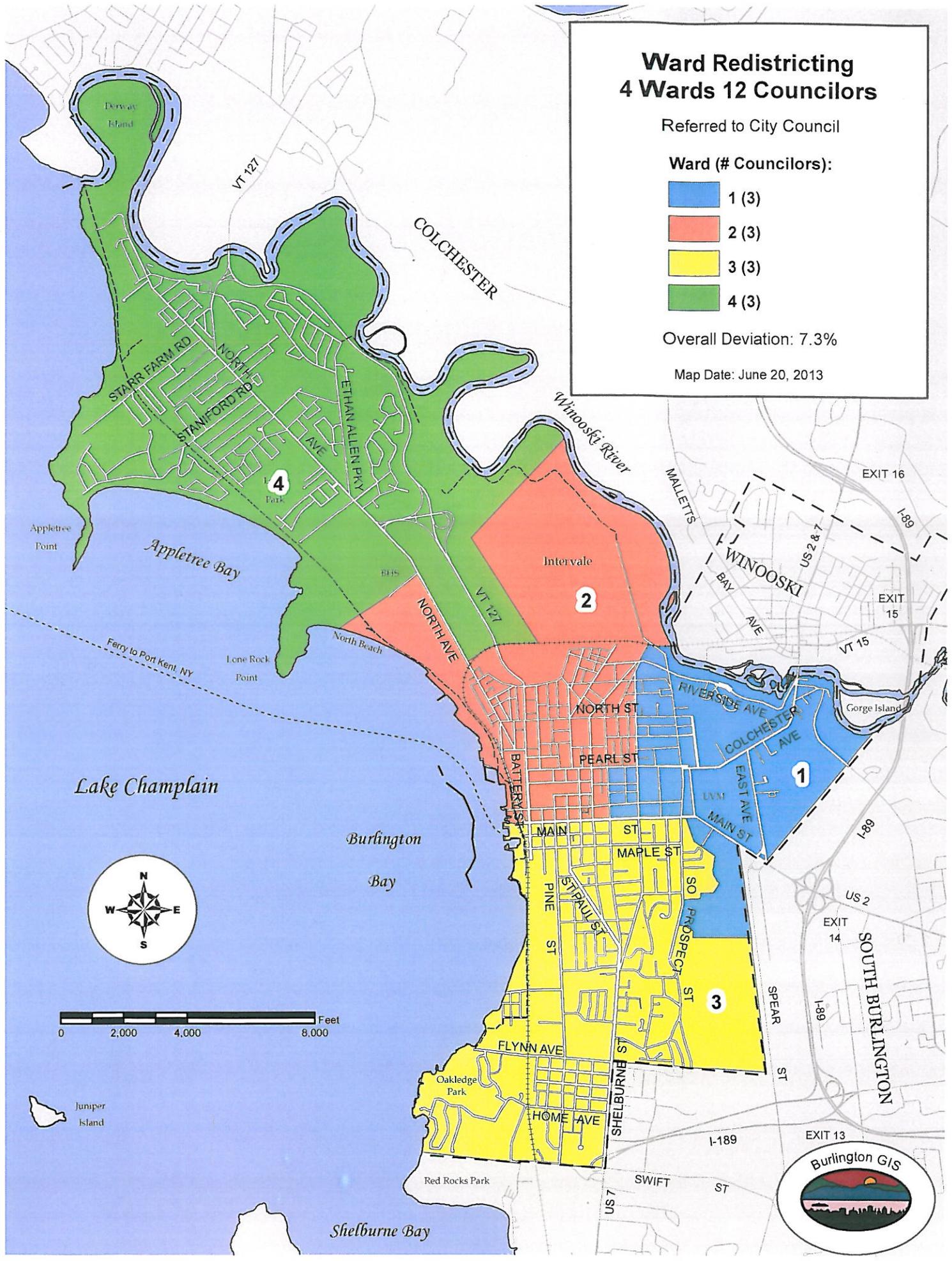
2 (3)

3 (3)

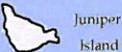
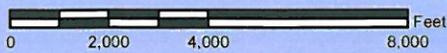
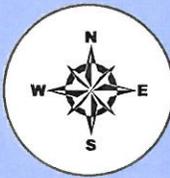
4 (3)

Overall Deviation: 7.3%

Map Date: June 20, 2013



Lake Champlain



Ward Redistricting 6 Wards 13 Councilors

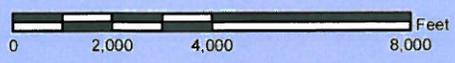
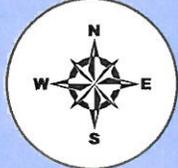
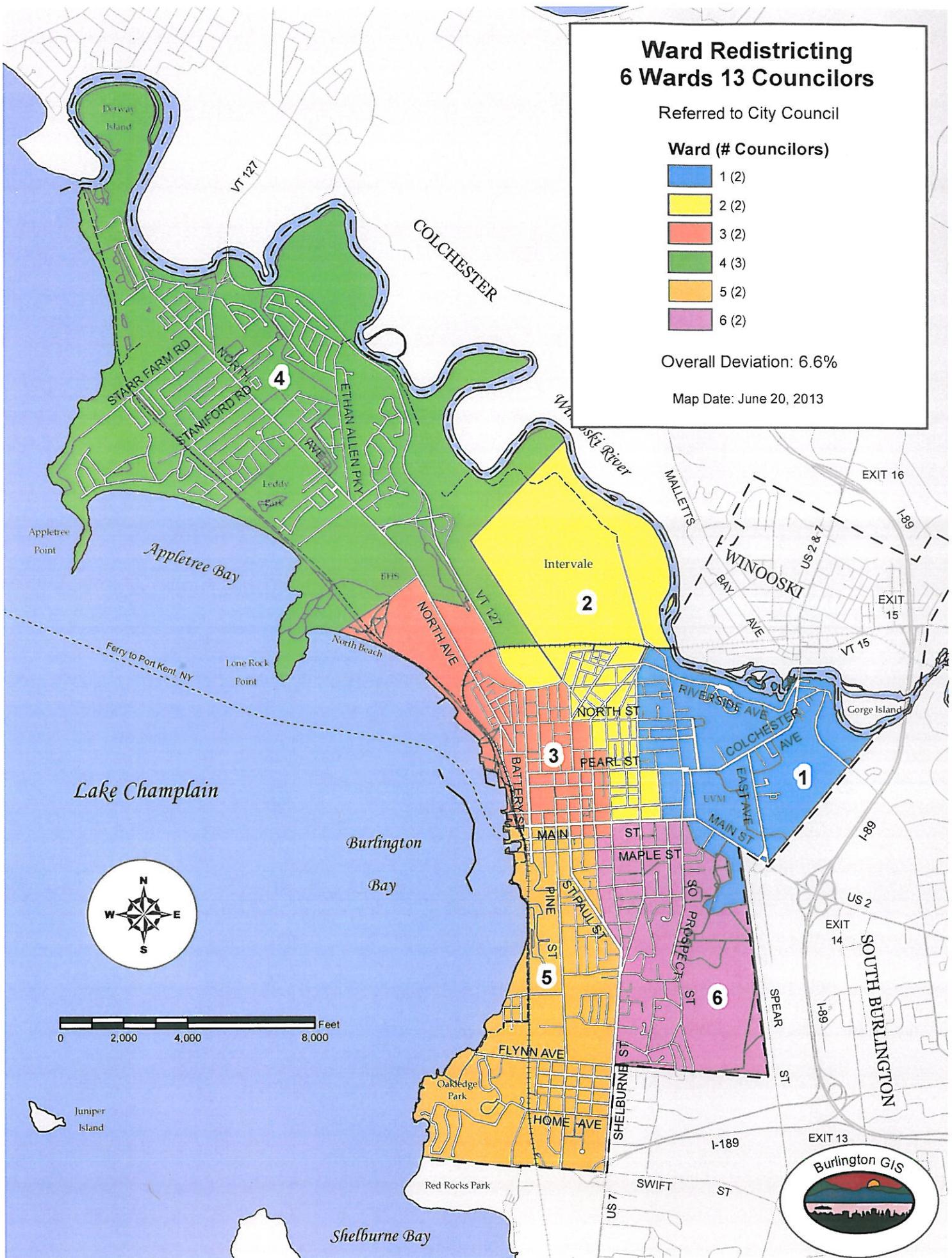
Referred to City Council

Ward (# Councilors)

- 1 (2)
- 2 (2)
- 3 (2)
- 4 (3)
- 5 (2)
- 6 (2)

Overall Deviation: 6.6%

Map Date: June 20, 2013



Ward Redistricting 8 Wards 16 Councilors

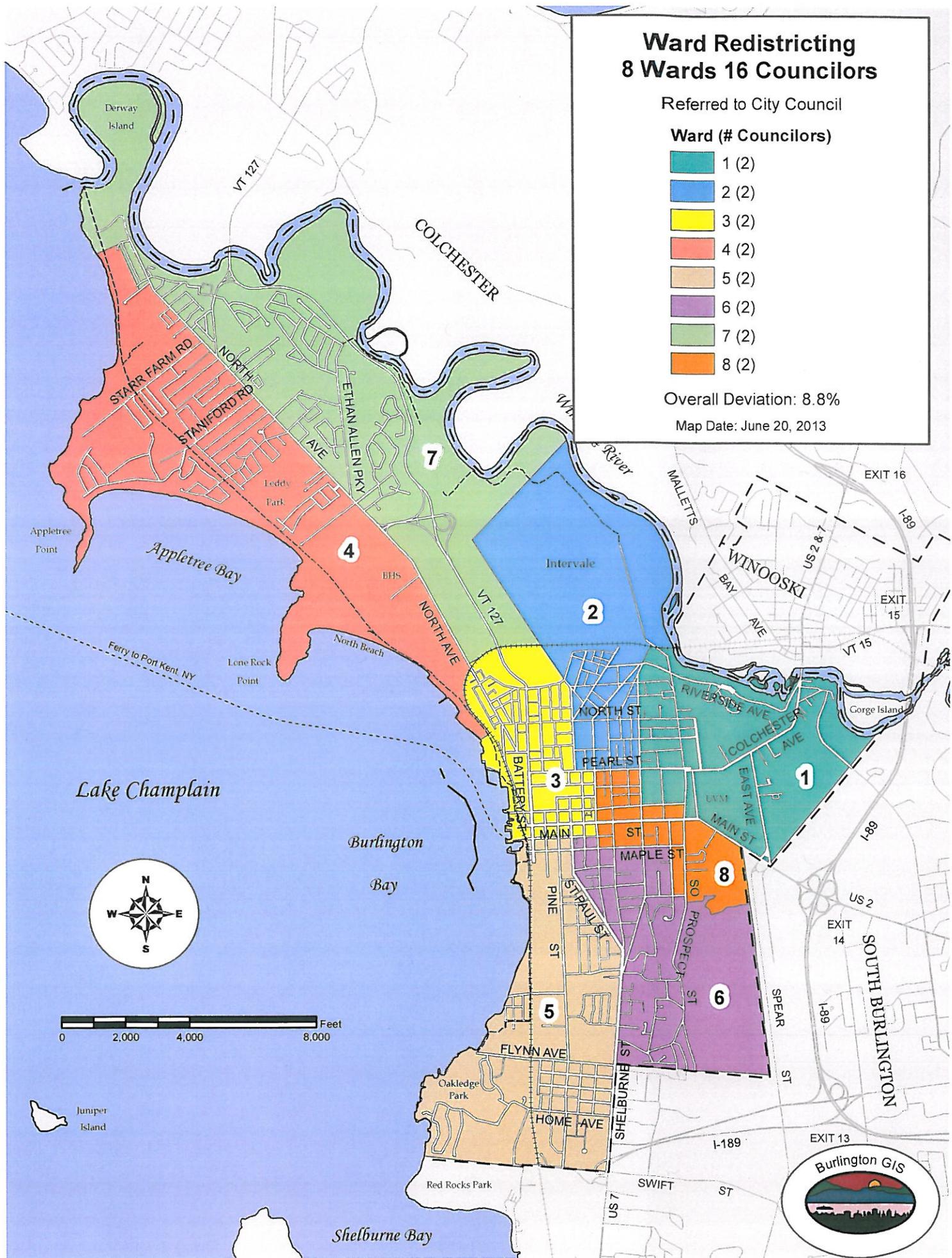
Referred to City Council

Ward (# Councilors)

- 1 (2)
- 2 (2)
- 3 (2)
- 4 (2)
- 5 (2)
- 6 (2)
- 7 (2)
- 8 (2)

Overall Deviation: 8.8%

Map Date: June 20, 2013



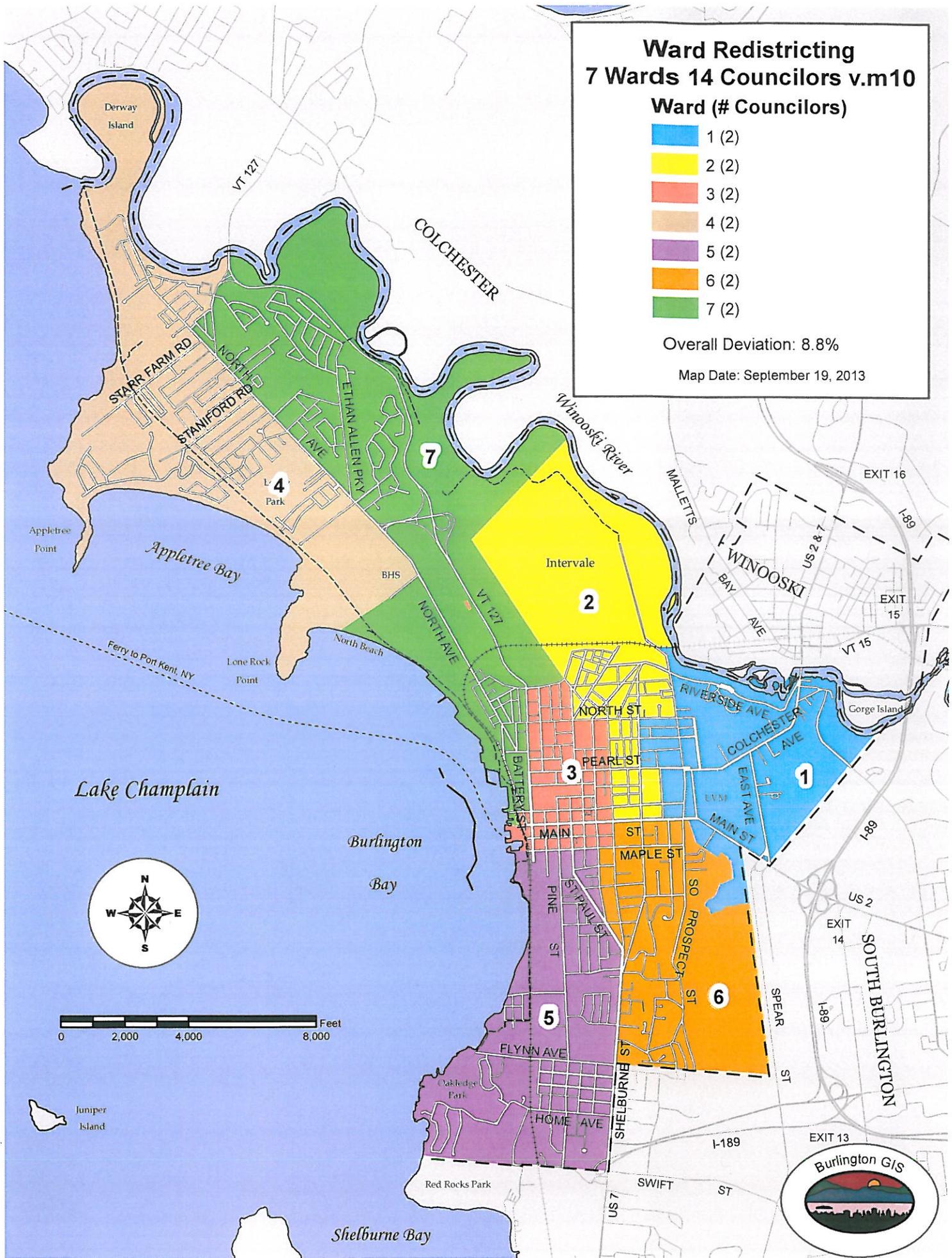
Ward Redistricting 7 Wards 14 Councilors v.m10

Ward (# Councilors)

- 1 (2)
- 2 (2)
- 3 (2)
- 4 (2)
- 5 (2)
- 6 (2)
- 7 (2)

Overall Deviation: 8.8%

Map Date: September 19, 2013



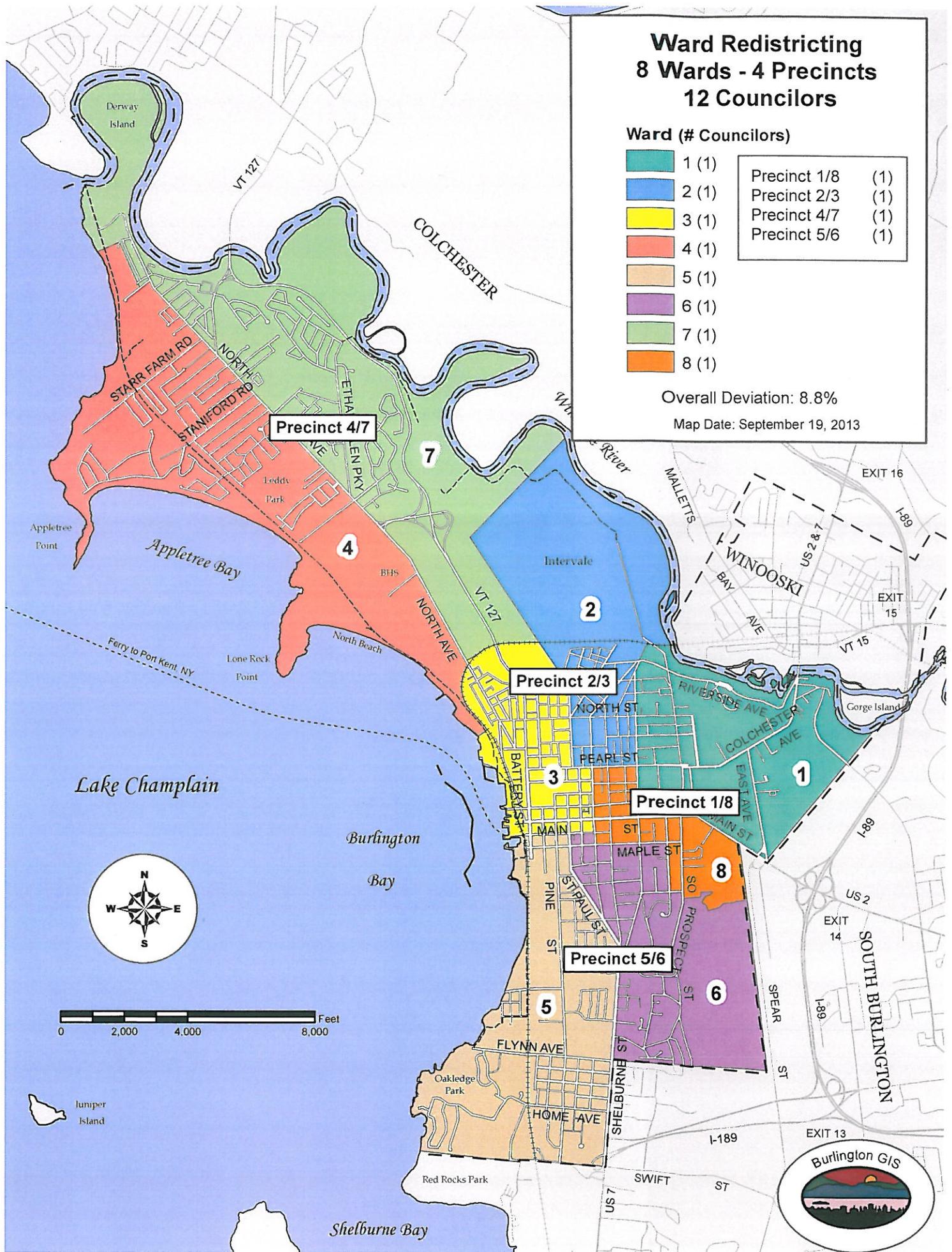
Ward Redistricting 8 Wards - 4 Precincts 12 Councilors

Ward (# Councilors)

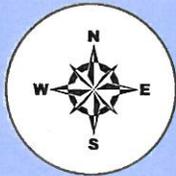
1 (1)	Precinct 1/8 (1)
2 (1)	Precinct 2/3 (1)
3 (1)	Precinct 4/7 (1)
4 (1)	Precinct 5/6 (1)
5 (1)	
6 (1)	
7 (1)	
8 (1)	

Overall Deviation: 8.8%

Map Date: September 19, 2013



Lake Champlain



0 2,000 4,000 8,000 Feet

Juniper Island

Shelburne Bay



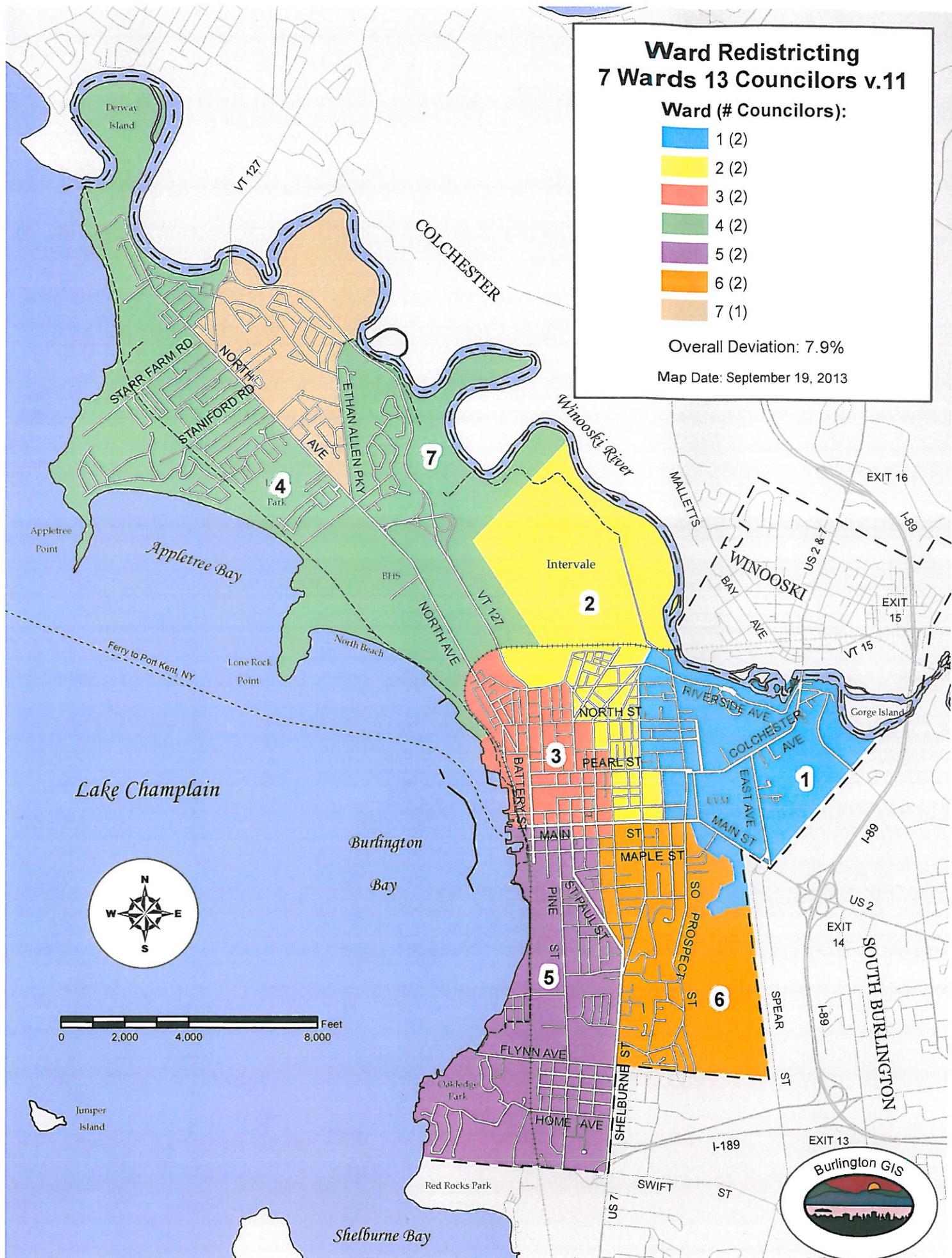
Ward Redistricting 7 Wards 13 Councilors v.11

Ward (# Councilors):

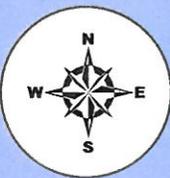
- 1 (2)
- 2 (2)
- 3 (2)
- 4 (2)
- 5 (2)
- 6 (2)
- 7 (1)

Overall Deviation: 7.9%

Map Date: September 19, 2013



Lake Champlain



0 2,000 4,000 8,000 Feet

Juniper Island



COMPREHENSIVE DEVELOPMENT ORDINANCE—
Residential Side/Rear Yard Setback Encroachments
ZA 14-01

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Section 5.3.5, Nonconforming Structures, thereof to read as follows:

Sec. 5.3.5 Nonconforming Structures

(a) Changes and Modifications:

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

Within the residential districts, and subject to Development Review Board approval, existing nonconforming ~~single family homes and community centers (existing enclosed spaces only)~~ structures that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

COMPREHENSIVE DEVELOPMENT ORDINANCE—
Residential Side/Rear Yard Setback Encroachments
ZA 14-01

- i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);
- ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,
- iii) Be compatible with the character and scale of surrounding structures.

Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

Balance of 5.3.5 as written.

* Material stricken out deleted.

** Material underlined added.

COMPREHENSIVE DEVELOPMENT ORDINANCE—
 Conditional Uses in Mixed Use Districts
 ZA 14-03

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending the Downtown and Neighborhood Mixed Use Sections (DT, BST, NMU, NAC and NAC-RC) of Appendix A-Use Table-All Zoning Districts with respect to the Non-Residential Uses of Automobile/Vehicle Repair, Food Processing and Machine/Woodworking Shop, thereof to read as follows:

Appendix A-Use Table – All Zoning Districts

USES	Downtown Mixed Use					Neighborhood Mixed Use		
	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC
NON-RESIDENTIAL USES	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC
Automobile/Vehicle Repair ^{10,11}	N	N	N	N	N	NCU ^{9,12,14}	YCU ^{14,9,12,14}	YCU ¹⁴
Food Processing	N	N	N	NCU	NCU	NCU	NCU	CU
Machine/Woodworking Shop	N	N	N	NCU	NCU	NCU	NCU	YCU

- 9. Automobile sales not permitted as an accessory use.
- 10. Exterior storage and display not permitted.
- 11. All repairs must be contained within an enclosed structure.
- 12. No fuel pumps shall be allowed as an accessory use.

- 14. Such uses not to exceed ten thousand (10,000) square feet per establishment.

Balance of Appendix A-Use Table – All Zoning Districts As written.

- * Material stricken out deleted.
- ** Material underlined added.

Thirteen

COMPREHENSIVE DEVELOPMENT ORDINANCE—
Downtown Transition District Expansion
ZA 14-04

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Map 4.3.1-1, Base Zoning Districts, 4.4.1-1 Mixed Use Downtown Districts, 4.4.5-1 Residential Zoning Districts, 4.4.1-3 Side Street Building Height Setback and 8.1.3-1 Parking Districts to expand the Downtown Transition District boundary along the west side of South Champlain Street, straightening the boundary line and changing the zoning district for 151 and 157-159 South Champlain Street (Parcel ID numbers 049-1-005-000 and 049-1-004-000 respectively) from Residential High Density to Downtown Transition.

See attached Map excerpts for changes.

Balance of Maps 4.3.1-1, Base Zoning Districts, 4.4.1-1 Mixed Use Downtown Districts, 4.4.5-1 Residential Zoning Districts, 4.4.1-3 Side Street Building Height Setback and 8.1.3-1 Parking Districts As written.

* Material stricken out deleted.

** Material underlined added.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

www.burlingtonVT.gov/pz

David E. White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, Senior IT/GIS Programmer
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Planning & Zoning Clerk
Elsie Tillotson, Administrative Assistant



MEMORANDUM

TO: Joan Shannon, City Council President
Burlington City Councilors
Mayor Miro Weinberger

FROM: David E. White, AICP, Director of Planning & Zoning

DATE: Friday, September 13, 2013

RE: Proposed Zoning Amendments

For your consideration you will please find attached 3 proposed amendments to the *Burlington Comprehensive Development Ordinance* for your consideration and adoption as recommended by the Burlington Planning Commission.

The proposed amendments are as follows:

- **ZA-14-01** - allows for a pre-existing encroachment into a side or rear yard residential district setback to be expanded vertically (up) provided it does not increase the horizontal encroachment.
- **ZA-14-03** - enable a greater variety of non-residential uses within mixed use districts that support small and emerging entrepreneurs, artisans, mobile food carts and trucks, and value-added urban agriculture.
- **ZA-14-04** – rezone two properties from High Density Residential to Downtown Transition along South Champlain Street to allow for more flexibility in the development of those parcels.

Upon receiving these proposed amendments, the Council may decide to:

- refer to a City Council Committee for further review; or,
- waive the Council's rules and direct the Clerk's Office to warn a Public Hearing for the next available meeting after a 15-day public notice.

Adoption of these amendments will require the Council to hold one or more public hearings in accordance with 24 VSA § 4442 and §4444 before they can be adopted and become effective.

For your information, once a zoning amendment is warned for a Public Hearing by the City Council, the Dept. of Planning and Zoning is required by statute to begin implementing the amendment as warned until it is adopted, amended, or withdrawn for a period not to exceed 150-days (24 VSA 4449(d)).

Planning staff is available to answer any questions you may have, as well as to make a public presentation regarding these proposed amendments at your public hearing(s).

Thank you for your consideration.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-14-01 Residential side/Rear Yard Setback Encroachments

As approved by the Planning Commission on September 10, 2013

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This proposed amendment to the Comprehensive Development Ordinance allows for a pre-existing encroachment into a side or rear yard residential district setback to be expanded vertically (up) provided it does not increase the horizontal encroachment.

Sec. 5.3.5 Nonconforming Structures

(a) Changes and Modifications:

Nothing in this Part shall be deemed to prevent normal maintenance and repair or structural repair, or moving of a non-complying structure pursuant to any applicable provisions of this Ordinance.

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.

Within the residential districts, and subject to Development Review Board approval, existing nonconforming ~~single family homes and community centers (existing enclosed spaces only)~~ structures that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

- i) Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development);
- ii) Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks; and,
- iii) Be compatible with the character and scale of surrounding structures.

Existing accessory buildings of 15 feet in height or less shall not exceed 15 feet tall as expanded.

Balance of 5.3.5 as written.

* Material ~~stricken-out~~ to be deleted.

* Material underlined added.

Burlington Comprehensive Development Ordinance

PROPOSED ZA-14-03 – Conditional Uses in Mixed Use Districts

As approved by the Planning Commission on September 10, 2013

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This proposed amendment to the Comprehensive Development Ordinance is to enable a greater variety of non-residential uses that support small and emerging entrepreneurs, artisans, mobile food carts and trucks, and value-added urban agriculture within mixed use districts.

Appendix A-Use Table – All Zoning Districts

USES	Downtown Mixed Use					Neighborhood Mixed Use		
	D	DW	DW-PT ¹⁶	DT	BST	NMU	NAC	NAC-RC
NON-RESIDENTIAL USES	D	DW	DW-PT¹⁶	DT	BST	NMU	NAC	NAC-RC
Automobile/Vehicle Repair ^{10, 11}	N	N	N	N	N	NCU ^{9, 12} ₁₃	CUY ^{9, 11} _{2, 14}	CUY ¹⁴
Food Processing	N	N	N	NCU	CUN	CUN	CUN	CU
Machine/Woodworking Shop	N	N	N	CUN	CUN	CUN	CUN	CUY

9. Automobile sales not permitted as an accessory use.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed as an accessory use.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

www.burlingtonVT.gov/pz

David E. White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, Senior IT/GIS Programmer
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Planning & Zoning Clerk
Elsie Tillotson, Administrative Assistant



MEMORANDUM

TO: Planning Commission

CC: David Hauke
Peter Owens, CEDO Director
Jesse Bridges, Parks and Recreation Director
Howard Dolan
Max Tracy, Ward 2 City Councilor

FROM: David E. White, AICP, Director of Planning & Zoning

DATE: August 1, 2013

RE: Proposed Zoning Amendment – Mixed Use Districts

Recent communications to the Commission, and conversations with staff here in the office, have involved requests to amend the CDO to enable a greater variety of non-residential uses within our mixed use districts. More specifically, these requests include Community Kitchens and “Makers Spaces” in Downtown and Neighborhood Mixed Use Districts, and Automobile Repair in Neighborhood Mixed Use Districts.

Staff would recommend enabling the following:

- **Community Kitchens**: Such spaces are an important element in supporting small and emerging entrepreneurs, mobile food carts and trucks, and value-added urban agriculture in the community by creating spaces where commercial-grade kitchen equipment (ovens, refrigeration, mixers, etc) is available. Such facilities are really no different in use and impact as “Food Processing” which is allowed as a Conditional Use in the NAC-R district.

In support of a request from CEDO, Planning staff is recommending “Food Processing” be allowed in all Neighborhood Mixed Use Districts (NAC-R, NAC and NMU) and the Downtown Transition and Battery Street Transition districts. Given the potential for noise, odors and other nuisance-type impacts on neighboring property from such activities, staff feels that Conditional Use review for any such proposals is appropriate.

- **Makers Spaces**: Such spaces are an important element in supporting small and emerging entrepreneurs and artisans in the community by creating spaces where commercial-grade manufacturing equipment is available (grinders, saws, presses, drills, lathes, etc). Such facilities are really no different in use and impact as a “Machine/Woodworking Shop” which is allowed as a Conditional Use in the NAC-R district.

In support of the request from David Hauke, CEDO and Parks and Recreation, Planning staff is recommending that “Machine/Woodworking Shop” be allowed as a Conditional Use in all Neighborhood Mixed Use Districts (NAC-R, NAC and NMU) and

the Downtown Transition and Battery Street Transition districts. Given the potential for noise, odors and other nuisance-type impacts on neighboring property from such activities, staff feels that Conditional Use review for any such proposals is appropriate.

- **Automobile Repair:** Along with the neighborhood grocery, pub, church, school and post office, there is no other use more common and neighborhood-serving than the local auto repair shop. However, the CDO only allows such uses as a Permitted Use in the NAC and NAC-R districts with some specific restrictions.

In support of a request from Dolan's Auto on No. Winooski Ave and Councilor Max Tracy, Planning staff is recommending that "Automobile/Vehicle Repair" be allowed as a Conditional Use in all Neighborhood Mixed Use Districts (NAC-R, NAC and NMU). Given the potential for noise, odors and other nuisance-type impacts on neighboring property from such activities, staff feels that Conditional Use review for any such proposals is appropriate as well as specific restrictions to include:

- Automobile sales not permitted as an accessory use (Footnote #9)
- Exterior storage and display not permitted (Footnote #10)
- All repairs must be contained within an enclosed structure (Footnote #11)
- No fuel pumps shall be allowed ((Footnote #12)
- Such uses not to exceed ten thousand (10,000) square feet per establishment (Footnote #14)

Thank you for your consideration.

Burlington Comprehensive Development Ordinance

PROPOSED ZA-14-04 –Downtown Transition District Expansion

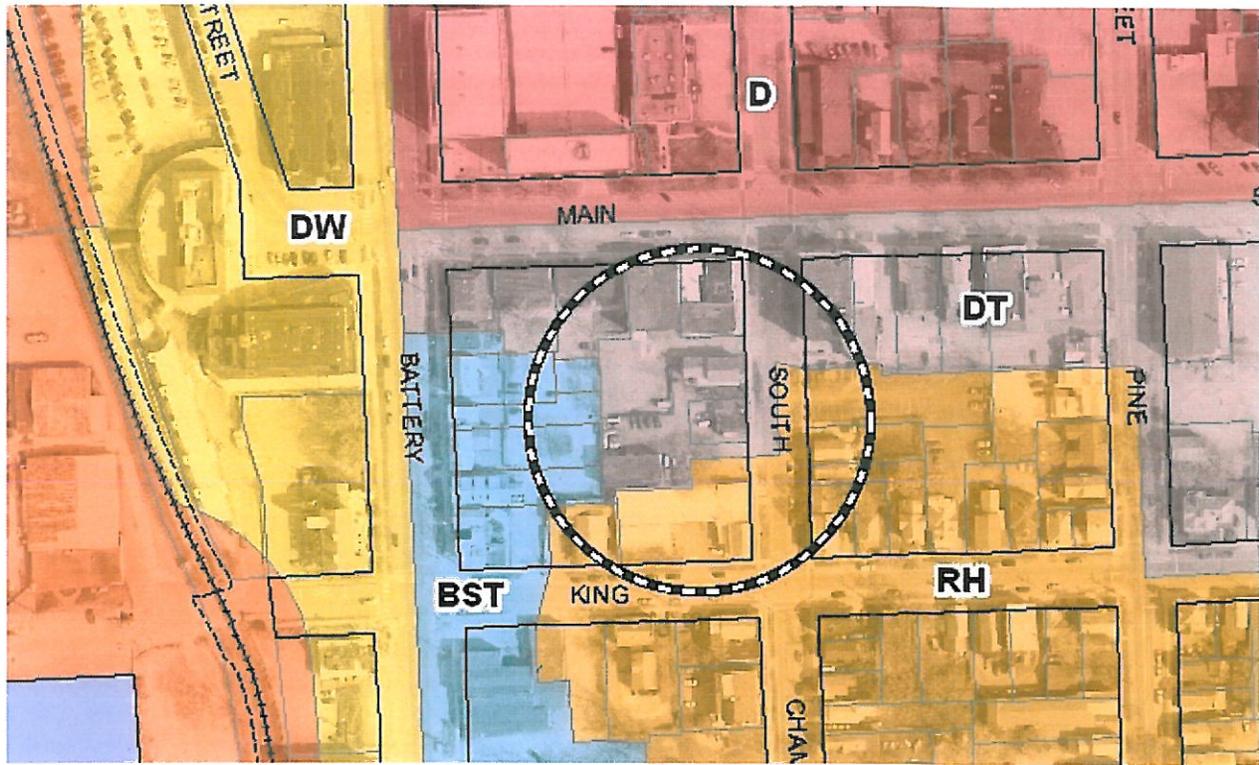
As approved by the Planning Commission on September 10, 2013

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

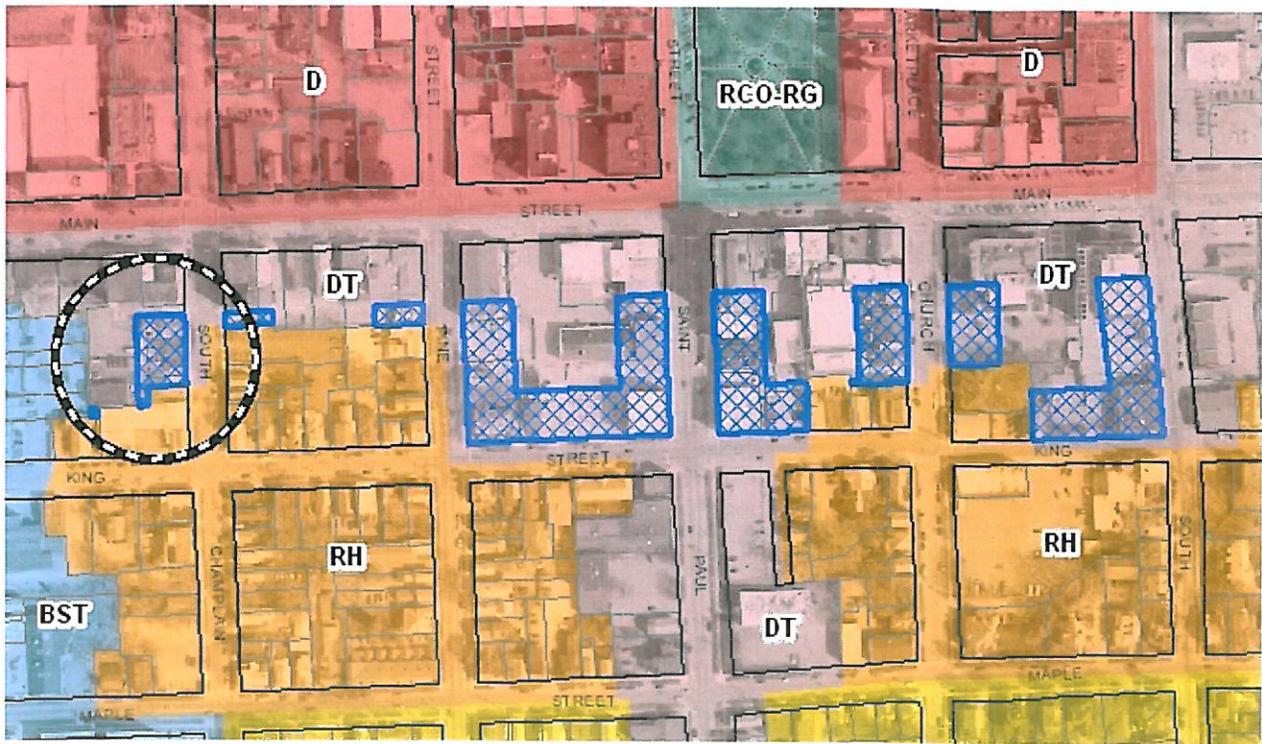
Purpose: This proposed amendment to the Comprehensive Development Ordinance is to expand the Downtown Transition district boundary along the west side of South Champlain Street to straighten boundary lines while providing more development flexibility on affected parcels.

Maps to be amended

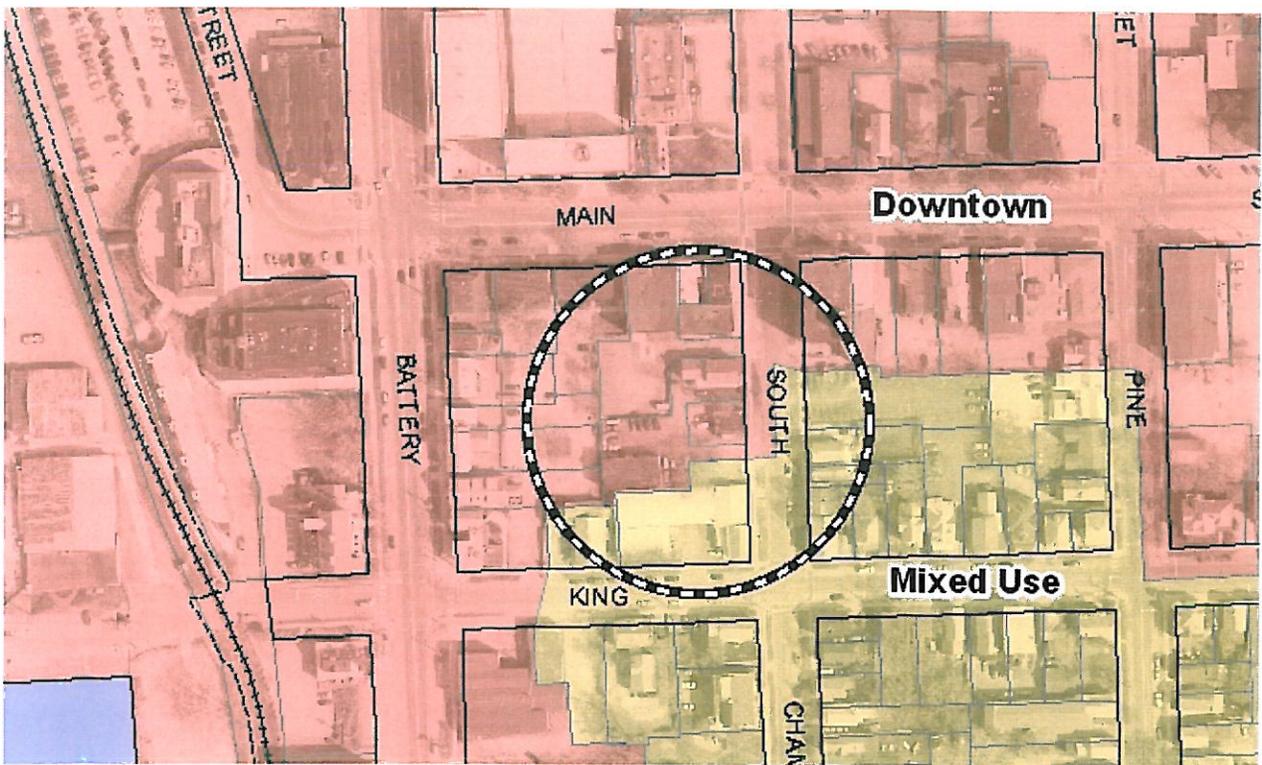
- 4.3.1-1 Base Zoning Districts
- 4.4.1-1 Mixed Use Downtown Districts
- 4.4.5-1 Residential Zoning Districts



4.4.1-3 Side Street Building Height Setback



8.1.3-1 Parking Districts



S2 ARCHITECTURE

July 22, 2013

Mr. David E. White, AICP
Director of Planning & Zoning
Burlington Department of Planning & Zoning
City Hall, 149 Church Street
Burlington, VT 05401

Dear Mr. White:

I am writing on behalf of the owner of the property at 151 South Champlain Street, South River LLC, to request the re-zoning of a portion of the property to "Downtown Transitional" (DT). We are currently working on redevelopment plans for the property which include restoration of the historic Blinn House for residential use and new construction of an apartment building on the rear portion of the property. The property is currently zoned partially in the DT zone and partially in the High Density Residential zone (RH) as you can see on the attached site diagrams. The pocket of RH zone currently on the property also places that portion of the site in the Neighborhood Parking District.

We are requesting that the entire property at 151 South Champlain Street be re-zoned as DT to provide one zone for the property and to allow the property to be consolidated with the adjacent DT zone properties which run along the south side of Main Street. This change to DT zone will allow our plans for the redevelopment of the entire property to comply with DT zoning requirements and Downtown parking district requirements.

The primary reason we are requesting re-zoning of the property is so that the parking district can be changed from Neighborhood (2 spaces per dwelling unit) to Downtown (1 space per dwelling unit). As you can see on the attached site diagrams, the buildable area will not change. Our current redevelopment plans will provide the one parking space per new dwelling unit, but to provide two spaces per unit for the existing Blinn House – which is currently in the Neighborhood Parking District - severely reduces the feasibility of the project due to the limitations of this downtown site to provide this number of parking spaces.

The property at 157 South Champlain Street could also be considered for re-zoning to DT, but that property is under different ownership.

We have reviewed the project with Scott Gustin and he recommended that we submit this request for re-zoning to your attention. Please contact me if we can provide any additional information or clarifications and thank you for considering this request.

Sincerely,



Steven Schenker, AIA, LEED AP
Project Architect for the redevelopment of 151 S. Champlain Street

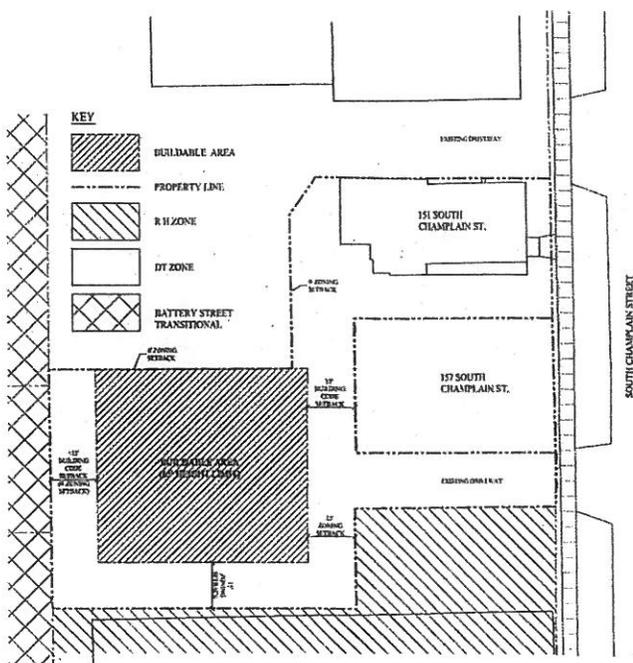
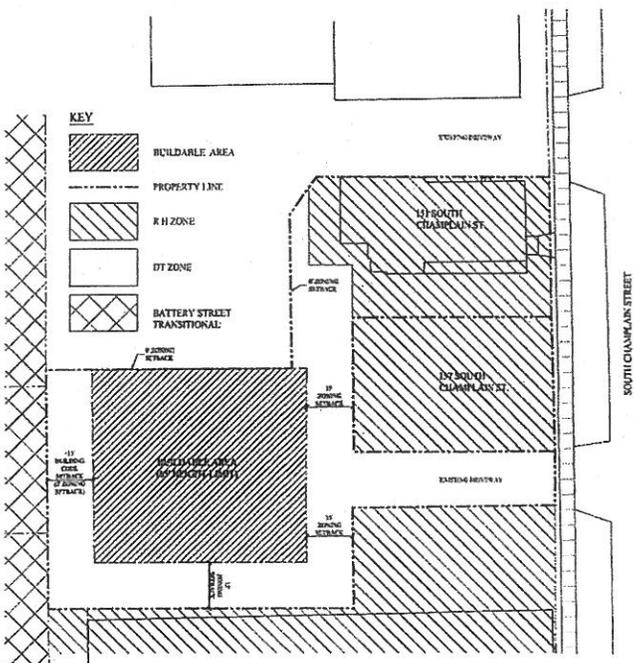
Cc: South River LLC, David Shlansky, Manager
Scott Gustin, Burlington Department of Planning & Zoning

151 SOUTH CHAMPLAIN ST.

Rutledge, VT 05601

OWNER:
Sunk Row, LLC
44 Green Street, Suite 2
Vermont, VT 05405
Phone: (802) 975-6775

ARCHITECT:
32 Saddlebrook
3724 Shelburne Rd.
Shelburne, VT 05482
Phone: (802) 975-1575



PARKING REQUIREMENTS

- PARKING REQUIREMENTS FOR "DT" PORTION OF PROPERTY (DOWNTOWN PARKING) - 1 SPACE PER UNIT
- PARKING REQUIREMENTS FOR "RH" PORTION OF PROPERTY (NEIGHBORHOOD PARKING) - 2 SPACES PER UNIT

1 EXISTING ZONING
SCALE: 1" = 30'

PARKING REQUIREMENTS

- PARKING REQUIREMENTS FOR "DT" PORTION OF PROPERTY (DOWNTOWN PARKING) - 1 SPACE PER UNIT

2 REQUESTED RE-ZONING
SCALE: 1" = 30'

DATE: 7.22.13

REVISIONS

REQUEST FOR RE-ZONING

A1



- KEY**
- DOWNTOWN ZONE (D)
 - DOWNTOWN TRANSITION ZONE (DT)
 - DOWNTOWN WATERFRONT (DW)
 - BATTERY STREET TRANSITION ZONE (BST)
 - HIGH DENSITY RESIDENTIAL ZONE (RH)

151 SOUTH CHAMPLAIN ST.

Burlington, VT 05401

OWNER:
South River, LLC
80 Green Street, Suite 2
Wilmington, VT 05390
Phone: (802) 271-2124

ARCHITECT:
S.J. Landrum
220 Shelburne Rd.
Shelburne, VT 05482
Phone: (802) 961-1286

DATE: 7.22.13

REVISIONS

REQUEST FOR RE-ZONING

A2



HOUSING -
Sanitation

That Chapter 18, Housing, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sec. 18-105, thereof to read as follows:

Sec. 18-105. - Sanitation.

(a)

Every occupant of a dwelling unit shall dispose of all rubbish, ashes, garbage and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities.

(b)

Every owner or his or her agent of a dwelling unit or units shall provide common storage or disposal facilities for garbage and rubbish. Said common facilities shall be properly sized to eliminate overloading and improper disposal and properly covered and isolated from the general environment so as not to be a public nuisance or hazard and properly maintained. Owners or their agents shall be further responsible for placing out for collection all common garbage and rubbish containers. Owners shall be responsible for providing for and paying the cost of the collection of all refuse on a not less than weekly basis.

(c)

In the case of a single-family house, the occupants are responsible for the provision and proper maintenance of required garbage storage and disposal facilities.

HOUSING - Sanitation

(d)

In addition to the above requirements, owners of rental property with 10 or more units on the property shall provide to the occupants of each unit covered, wheeled recycling containers with a capacity of at least 20 gallons per unit, or an alternative receptacle that is approved by the director of code enforcement, for the purpose of collecting and properly disposing of the solid waste that is required to be recycled pursuant to chapter 14 of this code of ordinances. The effective date of this subsection shall be December 1, 2013.

* Material underlined added.

lb/emb /c: Ordinances 2013/Housing – Sanitation, Sec. 18-105 [mandatory wheeled, covered recycling containers or toters]
7/11/13; 9/16/13

**OFFENSES & MISCELLANEOUS PROVISIONS –
ARTICLE VI. LIVABLE WAGES**

That Chapter 21, Offenses & Miscellaneous Provisions, of the Code of Ordinances of the City of Burlington, Article VI. Livable Wages be and hereby is amended by amending Sections 21-80 through 21-89 thereto to read as follows:

Sec. 21-80. - Findings and purpose.

In enacting this article, the city council states the following findings and purposes:

- (a) Income from full-time work should be sufficient to meet an individual's basic needs;
- (b) The City of Burlington is committed to ensuring that its employees have an opportunity for a decent quality of life and are compensated such that they are not dependent on public assistance, to meet their basic needs;
- (c) The City of Burlington is committed, through its contracts with vendors and provision of financial assistance, to encourage the private sector to pay its employees a livable wage and contribute to employee health care benefits;
- (d) The creation of jobs that pay livable wages promotes the prosperity and general welfare of the City of Burlington and its residents, increases consumer spending with local businesses, improves the economic welfare and security of affected employees and reduces expenditures for public assistance;
- (e) It is the intention of the city council in passing this article to provide a minimum level of compensation for employees of the City of Burlington and employees of entities that enter into service contracts or receive financial assistance from the City of Burlington.

Sec. 21-81. - Definitions.

As used in this article, the following terms shall be defined as follows:

(a) Contractor or vendor is a person or entity that has a service contract with the City of Burlington where the total amount of the service contract or service contracts exceeds fifteen thousand dollars (\$15,000.00) for any twelve-month period, including any subcontractors of such contractor or vendor.

(b) Grantee is a person or entity that is the recipient of financial assistance from the City of Burlington in the form of grants, including any contractors or subgrantees of the grantee that exceed fifteen thousand dollars (\$15,000.00) for any twelve-month period.

(c) Covered employer means the City of Burlington, a contractor or vendor or a grantee as defined above. The primary contractor, vendor, or grantee shall be responsible for the compliance of each of its subcontractors (or of each subgrantee) that is a covered employer.

(d) Covered employee means an "employee" as defined below, who is employed by a "covered employer," subject to the following:

(1) An employee who is employed by a contractor or vendor is a "covered employee" during the period of time he or she expends on furnishing services under a service contract with the City of Burlington, notwithstanding that the employee may be a temporary or seasonal employee;

(2) An employee who is employed by a grantee who expends at least half of his or her time on activities funded by the City of Burlington is a "covered employee."

(e) Designated accountability monitor shall mean a nonprofit corporation which has established and maintains valid nonprofit status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and that is independent of the parties it is monitoring.

(f) Employee means a person who is employed on a full-time or part-time regular basis. In addition, a seasonal or temporary employee of the City of Burlington who works ten (10) or more hours per week and has been employed by the City of Burlington for a period of two years shall be considered a covered employee commencing in the third year of employment. . "Employee" shall not refer to volunteers working without pay or for a nominal stipend, persons working in an approved apprenticeship program, persons who are hired through youth employment programs or student workers or interns participating in established educational internship programs.

(g) Employer-assisted health care means health care benefits provided by employers for employees (or employees and their dependents) at the employer's cost or at an employer contribution

OFFENSES & MISCELLANEOUS PROVISIONS –
ARTICLE VI. LIVABLE WAGES

towards the purchase of such health care benefits, provided that the employer cost or contribution consists of at least one dollar and twenty cents (\$1.20) per hour. (Said amount shall be adjusted every two (2) years for inflation, by the chief administrative officer of the city.)

(h) Livable wage has the meaning set forth in section 21-82.

(i) Retaliation shall mean the denial of any right guaranteed under this article, and any threat, discipline, discharge, demotion, suspension, reduction of hours, or any other adverse action against an employee for exercising any right guaranteed under this article. Retaliation shall also include coercion, intimidation, threat, harassment, or interference in any manner with any investigation, proceeding, or hearing under this article.

(j) Service contract means a contract primarily for the furnishing of services to the City of Burlington (as opposed to the purchasing or leasing of goods or property). A contract involving the furnishing of financial products, insurance products, or software, even if that contract also includes some support or other services related to the provision of the products, shall not be considered a service contract.

Sec. 21-82. - Livable wages required.

(a) Every covered employer shall pay each and every covered employee at least a livable wage (“Livable Wage”) no less than:

(1) For a covered employer that provides employer assisted health care, the livable wage shall be at least thirteen dollars and ninety four cents (\$13.94) per hour on the effective date of the amendments to this article.

(2) For a covered employer that does not provide employer assisted health care, the livable wage shall be at least fifteen dollars and eighty three cents (\$15.83) per hour on the effective date of the amendments to this article.

(3) Covered employees whose wage compensation consists of more or other than hourly wages, including, but not limited to, tips, commissions, flat fees or bonuses, shall be paid so that the total of all wage compensation, will at least equal the livable wage as established under this article.

(b) The amount of the livable wage established in this section shall be adjusted by the chief administrative officer of the city, as of July 1st of each year based upon a report of the Joint Fiscal Office of the State of Vermont that describes the basic needs budget for a single person but utilizes a model of two (2) adults residing in a two-bedroom living unit in an urban area with the moderate cost food plan. Should there

OFFENSES & MISCELLANEOUS PROVISIONS –
ARTICLE VI. LIVABLE WAGES

be no such report from the joint fiscal office, the chief administrative officer shall obtain and utilize a basic needs budget that applies a similar methodology. The livable wage rates derived from utilizing a model of two (2) adults residing in a two-bedroom living unit in an urban area with a moderate cost food plan shall not become effective until rates meet or exceed the 2010 posted livable wage rates. Prior to the first day of May preceding any such adjustment and prior to the first day of May of each calendar year thereafter, the chief administrative officer will provide public notice of this adjustment by posting a written notice in a prominent place in City Hall, by sending written notice to the city council and, in the case of covered employers that have requested individual notice and provided contact information to the chief administrative officer, by notice to each such covered employer. However, once a livable wage rate is applied to an individual employee, no reduction in that employee's pay rate is permissible due to this annual adjustment.

(c) Covered employers shall provide at least twelve (12) compensated days off per year for full-time covered employees, and a proportionate amount for part-time covered employees, for sick leave, vacation, personal, or combined time off leave.

Sec. 21-83. - Applicability.

(a) This article shall apply to any service contract or grant, as provided by this article that is awarded or entered into after the effective date of the article. After the effective date of the article, entering into any agreement or an extension, renewal or amendment of any contract or grant as defined herein shall be subject to compliance with this article.

(b) The requirements of this article shall apply during the term of any service contract subject to the article. Covered employers who receive grants shall comply with this article during the period of time the funds awarded by the City of Burlington are being expended by the covered employer.

Sec. 21-84. - Enforcement.

(a) Each service contract or grant covered by this article shall contain provisions requiring that the covered employer or grantee submit a written certification, under oath, during each year during the term of the service contract or grant, that the covered employer or grantee (including all of its subcontractors and subgrantees, if any) is in compliance with this article. The failure of a contract to contain such provisions does not excuse a covered employer from its obligations under this ordinance. The covered employer shall agree to post a notice regarding the applicability of this section in any workplace or other location where

OFFENSES & MISCELLANEOUS PROVISIONS –
ARTICLE VI. LIVABLE WAGES

employees or other persons contracted for employment are working. The covered employer shall agree to provide payroll records or other documentation for itself and any subcontractors or subgrantees, as deemed necessary by the chief administrative officer of the City of Burlington within ten (10) business days from receipt of the City of Burlington's request.

(b) The chief administrative officer of the City of Burlington may require that a covered employer submit proof of compliance with this article at any time, including but not limited to

- (1) verification of an individual employee's compensation,
- (2) production of payroll, health insurance enrollment records, or other relevant documentation, or
- (3) evidence of proper posting of notice.

If a covered employer is not able to provide that information within ten (10) business days of the request, the chief administrative officer may turn the matter over to the city attorney's office for further enforcement proceedings.

(c) The City of Burlington shall appoint a designated accountability monitor that shall have the authority:

- (1) To inform and educate employees of all applicable provisions of this article and other applicable laws, codes, and regulations;
- (2) To create a telephonic and electronic accountability system under this article that shall be available at all times to receive complaints under this article;
- (3) To establish and implement a system for processing employees' complaints under this article, including a system for investigating complaints and determining their initial credibility; and
- (4) To refer credible complaints to the City Attorney's office for potential enforcement action under this article.

The designated accountability monitor shall forward to the City of Burlington all credible complaints of violations within 10 days of their receipt.

(d) Any covered employee who believes his or her covered employer is not complying with this article may file a complaint in writing with the City Attorney's office within one (1) year after the alleged violation. The City Attorney's office shall conduct an investigation of the complaint, during which it may require from the covered employer evidence such as may be required to determine whether the covered

employer has been compliant, and shall make a finding of compliance or noncompliance within a reasonable time, but no later than ninety (90) days after receiving the complaint. Prior to ordering any penalty provided in subsections (e), (f), or (g) below, the City Attorney's office shall give notice to the covered employer. The covered employer may request a hearing within thirty (30) days of receipt of such notice. The hearing shall be conducted by a hearing officer appointed by the City Attorney's office, who shall affirm or reverse the finding or the penalty based upon evidence presented by the City Attorney's office and the covered employer.

(e) The City of Burlington shall have the right to modify, terminate and/or seek specific performance of any contract or grant with a covered employer from any court of competent jurisdiction, if the covered employer has not complied with this article.

(f) Any covered employer who violates this article may be barred from receiving a contract or grant from the city for a period up to two (2) years from the date of the finding of violation.

(g) A violation of this article shall be a civil offense subject to a civil penalty of from two hundred dollars (\$200.00) to five hundred dollars (\$500.00). All law enforcement officers and any other duly authorized municipal officials are authorized to issue a municipal complaint for a violation of this article. Each day any covered employee is not compensated as required by this article shall constitute a separate violation.

(h) If a complaint is received that implicates any City of Burlington employee in a possible violation of this ordinance, that complaint will be handled through the City's personnel procedures, not through the process outlined in this ordinance.

(i) Any covered employee aggrieved by a violation of this article may bring a civil action in a court of competent jurisdiction against the covered employer within two (2) years after discovery of the alleged violation. The court may award any covered employee who files suit pursuant to this section, as to the relevant period of time, the following:

- (1) The difference between the livable wage required under this article and the amount actually paid to the covered employee;
- (2) Equitable payment for any compensated days off that were unlawfully denied or were not properly compensated;
- (3) Liquidated damages in an amount equal to the amount of back wages and/or compensated days off unlawfully withheld, or \$50 for each employee or person whose rights under this

OFFENSES & MISCELLANEOUS PROVISIONS –
ARTICLE VI. LIVABLE WAGES

article were violated for each day that the violation occurred or continued, whichever is greater;

(4) Reinstatement in employment and/or injunctive relief; and

(5) Reasonable attorneys' fees and costs.

(j) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this article. No person shall engage in retaliation against an employee or threaten to do so because such employee has exercised rights or is planning to exercise rights protected under this article or has cooperated in any investigation conducted pursuant to this article.

Sec. 21-85. - Other provisions.

(a) No covered employer shall reduce the compensation, wages, fringe benefits or leave available to any covered employee in order to pay the livable wage required by this article. Any action in violation of this paragraph shall be deemed a violation of this article subject to the remedies of section 21-84.

(b) No covered employer with a current contract, as of the effective date of this provision, with the City of Burlington for the use of property located at the Burlington International Airport may reduce, during the term of that contract, the wages of a covered employee below the Livable Wage as a result of amendments to this ordinance.

(c) Where pursuant to a contract for services with the city, the contractor or subcontractor incurs a contractual obligation to pay its employees certain wage rates, in no case except as stated in subsection 21-85(d), shall the wage rates paid pursuant to that contract be less than the minimum livable wage paid pursuant to this article.

(d) Notwithstanding subsection 21-85(c), where employees are represented by a bargaining unit or labor union pursuant to rights conferred by state or federal law and a collective bargaining labor agreement is in effect governing the terms and conditions of employment of those employees, this chapter shall not apply to those employees, and the collective bargaining labor agreement shall control.

(e) Covered employers shall inform employees making less than twelve dollars (\$12.00) per hour of their possible right to the Earned Income Tax Credit under federal and state law.

(f) The chief administrative officer of the city shall have the authority to promulgate rules as necessary to administer the provisions of this article, which shall become effective upon approval by the city council.

Sec. 21-86. - Exemptions.

An exemption from any requirement of this article may be requested for a period not to exceed two (2) years:

(a) By a covered employer where payment of the livable wage would cause substantial economic hardship; or

(b) By the City of Burlington where application of this article to a particular contract or grant is found to violate specific state or federal statutory, regulatory or constitutional provisions or where granting the exemption would be in the best interests of the City.

A covered employer or grantee granted an exemption under this Section 21-86 may reapply for an exemption upon the expiration of the exemption. Requests for exemption may be granted by majority vote of the City Council. All requests for exemption shall be submitted to the chief administrative officer. The finance committee of the City of Burlington shall first consider such request and make a recommendation to the City Council. The decision of the City Council shall be final.

Sec. 21-87. - Severability.

If any part or parts or application of any part of this article is held invalid, such holding shall not affect the validity of the remaining parts of this article.

Section 21-88. Annual Reporting.

On or before April 15th of each year, the City Attorney's office shall submit a report to the City Council that provides the following information:

(a) a list of all covered employers broken down by department;

(b) a list of all covered employers whose service contract did not contain the language required by this article; and

(c) all complaints filed and investigated by the City Attorney's office and the results of such investigation.

Sec. 21-89. Reserved.

lb/EBlackwood/c: Ordinances 2013/Offenses & Misc. Provisions – Livable Wages Required, Sections 21-80 thru 21-88
9/20/13

Sec. 21-80. - Findings and purpose.

In enacting this article, the city council states the following findings and purposes:

- (a) Income from full-time work should be sufficient to meet an individual's basic needs;
- (b) The City of Burlington is committed to ensuring that its ~~year-round~~ employees ~~(full and part time)~~ have an opportunity for a decent quality of life and are compensated such that they are, and not dependent on public assistance, to meet their basic needs;
- (c) The ~~city~~ City of Burlington is committed, through its contracts with vendors and provision of financial assistance, to encourage the private sector to pay its employees a livable wage and contribute to employee health care benefits;
- (d) The creation of jobs that pay livable wages promotes the prosperity and general welfare of the ~~city~~ City of Burlington and its residents, increases consumer spending with local businesses, improves the economic welfare and security of affected employees and reduces expenditures for public assistance;
- (e) It is the intention of the city council in passing this article to provide a minimum level of compensation for ~~city~~ employees of the City of Burlington and employees of entities that enter into service contracts or receive financial assistance from the City of Burlington.

(Ord. of 11-19-01; Ord. of _____)

Sec. 21-81. - Definitions.

As used in this article, the following terms shall be defined as follows:

- (a) Contractor or vendor is a person or entity that has a service contract with the City of ~~Burlington primarily for the furnishing of services (as opposed to the purchasing of goods) where Burlington where~~ the total amount of the service contract or service contracts exceeds fifteen thousand dollars (\$15,000.00) for any twelve-month period, including any subcontractors of such contractor or vendor. ~~A person or entity that has a contract with the City of Burlington for the use of property under the jurisdiction of the board of airport commissioners, or any person or entity that has a sublease or other agreement to perform services on such property, shall also be considered a contractor under this article.~~
- (b) Grantee is a person or entity that is the recipient of financial assistance from the City of Burlington in the form of grants ~~administered by the city~~, including any contractors or sub~~contractor~~ grantees of the grantee, that exceeds fifteen thousand dollars (\$15,000.00) for any twelve-month period.
- (c) Covered employer means the City of Burlington ~~(except that the Burlington School Department shall not be considered a covered employer)~~, a contractor or vendor or a

grantee as defined above. The primary contractor, vendor, or grantee shall be responsible for the compliance of each of its subcontractors (or of each subgrantee) that is a covered employer.

(d) Covered employee means an "employee" as defined below, who is employed by a "covered employer," subject to the following:

(1) An employee who is employed by a contractor or vendor is a "covered employee" during the period of time he or she expends on furnishing services under a service contract with the City of Burlington funded by the city, notwithstanding that the employee may be a temporary or seasonal employee;

(2) An employee who is employed by a grantee who expends at least half of his or her time on activities funded by the ~~city~~ City of Burlington is a "covered employee."

(e) Designated accountability monitor shall mean a nonprofit corporation which has established and maintains valid nonprofit status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and that is independent of the parties it is monitoring.

(ef) Employee means a person who is employed on a full-time or part-time regular basis. In addition, ~~(i.e., a seasonal or temporary employee of the City of Burlington who works ten (10) or more hours per week and has been employed by the City of Burlington for a period of two years shall be considered a covered employee commencing in the third year of employment, nonseasonal)~~. "Employee" shall not refer to volunteers working without pay or for a nominal stipend, persons working in an approved apprenticeship program, persons who are hired through youth employment programs or student workers or interns participating in established educational internship programs.

(fg) Employer--assisted health care means health care benefits provided by employers for employees (or employees and their dependents) at the employer's cost or at an employer contribution towards the purchase of such health care benefits, provided that the employer cost or contribution consists of at least one dollar and twenty cents (\$1.20) per hour. (Said amount shall be adjusted every two (2) years for inflation, by the chief administrative officer of the city.)

(gh) Livable wage has the meaning set forth in section 21-82.

(i) Retaliation shall mean the denial of any right guaranteed under this article, and any threat, discipline, discharge, demotion, suspension, reduction of hours, or any other adverse action against an employee for exercising any right guaranteed under this article. Retaliation shall also include coercion, intimidation, threat, harassment, or interference in any manner with any investigation, proceeding, or hearing under this article.

(j) Service contract means a contract primarily for the furnishing of services to the City of Burlington (as opposed to the purchasing or leasing of goods or property) A contract involving the furnishing of financial products, insurance products, ~~and~~ or software, even if that

contract also includes some support or other services related to the provision of the products, shall not be considered a service contract.

(Ord. of 11-19-01; Ord. of _____)

Sec. 21-82. - Livable wages required.

(a) Every covered employer shall pay each and every covered employee at least a livable wage (“Livable Wage”) ~~as established under this article. no less than:~~

(1) For a covered employer that provides employer assisted health care, the livable wage shall be at least ~~nine dollars and ninety cents~~thirteen dollars and ninety four cents (\$~~13.949.90~~) per hour on the effective date of the amendments is to this article [~~Dec. 19, 2001~~].

(2) For a covered employer that does not provide employer assisted health care, the livable wage shall be at least ~~eleven dollars and sixty eight cents~~fifteen dollars and eighty three cents (\$~~15.8344.68~~) per hour on the effective date of the amendments to this article [~~Dec. 19, 2001~~].

(3) ~~Tipped covered employees and other ec~~covered employees whose wage compensation consists of more or other than hourly wages, including, but not limited to, tips, commissions, flat fees or bonuses, shall be paid so that the total of all wage an ~~hourly wage which, when combined with the other~~ compensation, will at least equal the livable wage as established under this article.

(b) The amount of the livable wage established in this section shall be adjusted by the chief administrative officer of the city, as of July ~~1st~~first of each year based upon a report of the Joint Fiscal Office of the State of Vermont that describes the basic needs budget for a single person but utilizes a model of two (2) adults residing in a two-bedroom living unit in an urban area with the moderate cost food plan. Should there be no such report from the joint fiscal office, the chief administrative officer shall obtain and utilize a basic needs budget that applies a similar methodology. The livable wage rates derived from utilizing a model of two (2) adults residing in a two-bedroom living unit in an urban area with a moderate cost food plan shall not become effective until rates meet or exceed the 2010 posted livable wage rates. Prior to the first day of May preceding any such adjustment and prior to the first day of May of each calendar year thereafter, the chief administrative officer will provide public notice of this adjustment by ~~publishing a notice in a newspaper of general circulation, by~~ posting a written notice in a prominent place in City Hall, by sending written notice to the city council and, in the case of covered employers that have requested individual notice and provided contact information an ~~address of record~~ to the chief administrative officer, by notice written letter to each such covered employer. However, once a livable wage rate is applied to an individual employee, no reduction in that employee’s pay rate is permissible due to this annual adjustment.

(c) Covered employers shall provide at least twelve (12) compensated days off per year for full-time covered employees, and a proportionate amount for part-time covered employees, for sick leave, vacation, ~~or~~ personal, or combined time off leave.

(Ord. of 11-19-01; Ord. of 5-2-11; Ord. of 6-13-11; Ord. of _____)

Sec. 21-83. - Applicability.

(a) This article shall apply to any service contract or grant, as provided by this article that is awarded or entered into after the effective date of the article ~~[Dec. 19, 2001]~~. After the effective date of the article, entering into any agreement or an extension, renewal or amendment of any contract or grant as defined herein shall be subject to compliance with this article.

(b) The requirements of this article shall apply during the term of any service contract subject to the article. Covered employers who receive grants shall comply with this article during the period of time the city's funds awarded by the City of Burlington are being expended by the covered employer.

(Ord. of 11-19-01; Ord. of _____)

Sec. 21-84. - Enforcement.

(a) ~~The City of Burlington shall require, as a condition of any~~ Each service contract or grant covered by this ~~article section, shall contain provisions requiring~~ that the ~~affected~~-covered employer or grantee submit a written certification, under oath, during each year during the term of the service contract or grant, that the covered employer or grantee (including all of its subcontractors and subgrantees, if any) is in compliance with this article. The failure of a contract to contain such provisions does not excuse a covered employer from its obligations under this ordinance. -confirming payment of a livable wage as a condition of entering into said contract or grant. The ~~affected~~-covered employer shall agree to post a notice regarding the applicability of this section in any workplace or other location where employees or other persons contracted for employment are working. The ~~affected~~-covered employer shall agree to provide payroll records or other documentation for itself and any subcontractors or subgrantees, as deemed necessary by the chief administrative officer of the City of Burlington within ten (10) business days from receipt of the City of Burlington~~city's~~ request.

(b) The chief administrative officer of the City of Burlington may require that a covered employer submit proof of compliance with this article at any time, including but not limited to (i) verification of an individual employee's compensation, (ii) production of payroll, health insurance enrollment records, or other relevant documentation, or (iii) evidence of proper posting of notice. If a covered employer is not able to provide that information within ten (10) business days of the request, the chief administrative officer may turn the matter over to the city attorney's office for further enforcement proceedings.

(bc) The City of Burlington shall appoint a designated accountability monitor that shall have the authority:

- (1) To inform and educate employees of all applicable provisions of this article and other applicable laws, codes, and regulations;
- (2) To create a telephonic and electronic accountability system under this article that shall be available at all times to receive complaints under this article;
- (3) To establish and implement a system for processing employees' complaints under this article, including a system for investigating complaints and determining their legitimacy; and
- (4) To refer credible complaints to the City Attorney's office for potential enforcement action under this article.

The designated accountability monitor shall forward to the City of Burlington all credible complaints of violations within 10 days of their receipt.

(ed) Any covered employee who believes his or her covered employer is not complying with this article may file a complaint in writing with the City Attorney's office within one (1) year after the alleged violation. The City Attorney's office shall conduct an investigation of the complaint, during which it may require from the covered employer evidence such as may be required to determine whether the covered employer has been compliant, and shall make a finding of compliance or noncompliance within a reasonable time, but no later than ninety (90) days after receiving the complaint. Prior to ordering any penalty provided in subsections (d), (e), or (f) below, the City Attorney's office shall give notice to the covered employer. The covered employer may request a hearing within thirty (30) days of receipt of such notice. The hearing shall be conducted by a hearing officer appointed by the City Attorney's office, who shall affirm or reverse the finding or the penalty based upon evidence presented by the City Attorney's office and the covered employer.

(eeb) The City of Burlington shall have the right to modify, terminate and/or seek specific performance of any contract or grant with an affected covered employer from any court of competent jurisdiction, if the affected covered employer has not complied with this article.

(dfee) Any covered employer who violates this article may be barred from receiving a contract or grant from the city for a period up to two (2) years from the date of the finding of violation.

(edg) A violation of this article shall be a civil offense subject to a civil penalty of from two hundred dollars (\$200.00) to five hundred dollars (\$500.00). All law enforcement officers and any other duly authorized municipal officials are authorized to issue a municipal complaint for a violation of this article. Each day any covered employee is not compensated as required by this article shall constitute a separate violation.

(h) If a complaint is received that implicates any City of Burlington employee in a possible violation of this ordinance, that complaint will be handled through the City's personnel procedures, not through the process outlined in this ordinance.

(fi) Any covered employee aggrieved by a violation of this article may bring a civil action in a court of competent jurisdiction against the covered employer within two (2) years after discovery of the alleged violation. The court may award any covered employee who files suit pursuant to this section, as to the relevant period of time, the following:

- (1) The difference between the livable wage required under this article and the amount actually paid to the covered employee;
- (2) Equitable payment for any compensated days off that were unlawfully denied or were not properly compensated;
- (3) Liquidated damages in an amount equal to the amount of back wages and/or compensated days off unlawfully withheld or of \$50 for each employee or person whose rights under this article were violated for each day that the violation occurred or continued, whichever is greater;
- (4) Reinstatement in employment and/or injunctive relief; and
- (5) Reasonable attorneys' fees and costs.

(gj) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this article. No person shall engage in retaliation against an employee or threaten to do so because such employee has exercised rights or is planning to exercise rights protected under this article or has cooperated in any investigation conducted pursuant to this article.

(Ord. of 11-19-01; Ord. of 2-17-04; Ord. of 5-2-11; Ord. of _____)

Sec. 21-85. - Other provisions.

(a) No ~~affected~~ covered employer shall reduce the compensation, wages, fringe benefits or leave available to any covered employee in order to pay the livable wage required by this article. Any action in violation of this paragraph shall be deemed a violation of this article subject to the remedies of section 21-84

(b) No covered employer with a current contract, as of the effective date of this provision, with the City of Burlington for the use of property located at the Burlington International Airport may reduce, during the term of that contract, the wages of a covered employee below the Livable Wage as a result of amendments to this ordinance.

(c) Where pursuant to a contract for services with the city, the contractor or subcontractor incurs a contractual obligation to pay its employees certain wage rates, in no case except as stated in subsection 21-85(c), shall the wage rates paid pursuant to that contract be less than the minimum livable wage paid pursuant to this article.

(ed) Notwithstanding subsection 21-85(b), where employees are represented by a bargaining unit or labor union pursuant to rights conferred by state or federal law and a collective bargaining labor agreement is in effect governing the terms and conditions of employment of those employees, this chapter shall not apply to those employees, and the collective bargaining labor agreement shall control.

(de) Covered employers shall inform employees making less than twelve dollars (\$12.00) per hour of their possible right to the Earned Income Tax Credit under federal and state law.

(ef) The chief administrative officer of the city shall have the authority to promulgate rules as necessary to administer the provisions of this article, which shall become effective upon approval by the city council.

(Ord. of 11-19-01; Ord. of _____)

Sec. 21-86. - Exemptions.

An partial or complete exemption from the any requirement of this article may be requested for a period not to exceed two (2) years:

(a) By a covered employer where payment of the livable wage authorized based upon a determination that compliance with the livable wage requirement would cause substantial economic hardship; and/or

(b) By the City of Burlington -where application of this article to a particular contract or grant is found to violate specific state or federal statutory, regulatory or constitutional provision or provisions or where granting the exemption would be in the best interests of the City.

A covered employer or grantee granted an exemption under this Section 21-86 may reapply for an exemption upon the expiration of the exemption.

Requests for exemption may be granted by majority vote of the City Council. All requests for exemption shall be submitted to the chief administrative officer. The finance committee board of the city-City of Burlington shall first consider such request and make a recommendation to the City Council. The decision of the City Council shall be final. shall consider the request for exemption with prior notice provided to the city council. A unanimous decision by the finance board shall be final. A split decision by the finance board is reviewable by the city council not later than the next meeting of the city council which occurs after the date of the finance board decision.

(Ord. of 11-19-01; Ord. of _____)

Sec. 21-87. - Severability.

If any part or parts or application of any part of this article is held invalid, such holding shall not affect the validity of the remaining parts of this article.

(Ord. of 11-19-01)

Section 21-88. Annual Reporting.

On or before April 15th of each year, the City Attorney's office shall submit a report to the City Council that provides the following information:

- (a) a list of all covered employers broken down by department;
- (b) a list of all covered employers whose service contract did not contain the language required by this article; and
- (c) all complaints filed and investigated by the City Attorney's office and the results of such investigation.

(Ord. of _____)



MEMO

Date: September 20, 2013
To: City Council, Mayor Miro Weinberger, CAO Bob Rusten
From: Jesse Bridges, Director Parks and Recreation
Re: Proposed Ordinance Revision Livable Wage 21-81

The proposed revision of the livable wage ordinance will have a financial impact on the Department of Parks and Recreation. More than any other City department we rely on seasonal staff to accomplish our work which is inherently limited by season. The specific item of impact is:

21-81 (f) *"In addition, a seasonal or temporary employee of the City of Burlington who works ten (10) or more hours per week and has been employed by the City of Burlington for a period of two years shall be considered a covered employee commencing in the third year of employment."*

Staffing

Almost 100% Recreation staff works ten (10) or more hours in a one week time period. This includes camp counselors who work as little as one week of camp per year. Programs or classes that occur over a few weeks/months require preparation time on a weekly basis generally pushing those employees over the ten hour mark at some point in the buildup of the program schedule. All seasonal waterfront and parks staff work more than ten (10) hours in a week over the course of the primary season May to September.

Demographic (These are averaged as this can change by a few percentage points year to year)

- 60% are college students
- 17% are teachers
- 7% are high school students
- 16% are in another other category (predominantly recent graduates and retirees)

Financial Impact

The Department has a total budget of just over \$5 million. Approx. \$1.5 million is from the general fund and approximately 70% is generated internally through fees, rentals, programs and grants.

Just over 50% of the employees for Parks have been employed by the City for a period of [at least] two years (3+) making the financial impact for Parks and Recreation approximately \$183,000-\$200,000. By comparison 25% of the employees have been employed for (4+) years and 15% are (5+).

To arrive at this figure we took the previous figure provided to council for impact of Livable Wage on all seasonal staff (\$366,000+) and applied the rule as proposed in the draft ordinance providing a range to account for the increased hours our longer tenured staff work (i.e. Waterfront Division). This equates to a 3.5-4.5% increase in our overall budget or a 12-15% increase in our general fund allocation to keep pace with our current seasonal staffing level.

To accommodate this budget impact Parks and Recreation has three options available:

- Program or Service Reductions including overall staff reductions
- Increased Fees for Programs and Rentals
- Dedicated Tax Increase



**FY2013 ANNUAL REPORT
 to the
 CITY of BURLINGTON**

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The Chittenden County Regional Planning Commission (CCRPC) is a 29-member board consisting of one delegate from each of the County's 19 municipalities; four at-large members representing the interests of agriculture, environmental conservation, business, housing/socio-economic; and representatives from the Vermont Agency of Transportation (VTrans), Chittenden County Transportation Authority (CCTA), Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Burlington International Airport (BIA) and a rail representative. The CCRPC appreciates the opportunity to work with its municipal members to plan appropriately for the region's future to protect the special quality of life that is shared throughout Chittenden County.

The CCRPC is a cooperative regional forum for the development of policies, plans and programs that address regional planning issues and opportunities in Chittenden County. The CCRPC serves as the region's federally designated metropolitan planning organization and is responsible to all citizens of the region to ensure the implementation of the best transportation plan for Chittenden County. The CCRPC also provides technical and planning assistance to its member municipalities and VTrans.

The FY14 CCRPC Unified Planning Work Program (UPWP) will invest more than \$4 million dollars in regional land use, transportation, emergency management, energy, water quality, natural resource, economic development, governance, education and outreach planning and technical assistance. The program leverages \$240,000 in municipal dues and local match contributions of \$80,000 to invest \$3.7 million in planning and technical resources in preparing for future projects in Chittenden County—a 10:1 return on investment.

The CCRPC serves its 19 member municipalities by working on both regional and municipal level projects. The next pages are divided into two sections: Regional activities and City of Burlington activities.

REGIONAL ACTIVITIES

- **ECOS Project** – With support from all Chittenden County municipalities, state agencies and 40 other partner organizations, the CCRPC adopted the ECOS Plan in July 2013 as the combined Regional Plan, Transportation Plan, and Economic Development Plan for Chittenden County (ecosproject.com).
- **Emergency Management** – CCRPC assists all municipalities with updating basic emergency operations plans (<http://www.ccrpcvt.org/em/>) and staffs Local Emergency Planning Committee 1 (LEPC 1) which consists of representatives from businesses, local government, emergency response organizations and citizen groups of Chittenden County municipalities

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<http://www.ccrpcvt.org/em/lepc/>.

- **Regional Climate Action Planning** – CCRPC completed the Climate Action Evaluation Matrix, the Emissions Inventory and incorporated transportation-related data and recommendations. A final plan is expected to be released in early 2014.
- CCRPC hosted a **Regional Energy Forum** in FY13 for municipal energy committees (<http://www.ccrpcvt.org/energy/>).
- **Transportation Improvement Program** – The Federal Fiscal Year TIP for 2014 through 2017 was adopted by the CCRPC in July 2013 (<http://www.ccrpcvt.org/tip>). The TIP is a prioritized, multi-year list of transportation projects in Chittenden County. To receive federal funds, each transportation project, program or operation must be authorized through the TIP. The FY14-FY17 TIP includes more than \$181 million in federal dollars for transportation projects within the county.
- **CIRC Highway Alternatives Task Force** – Upon Governor Shumlin’s announcement that the Circumferential Highway—as originally conceived—would not be built, the CCRPC has been leading CIRC Highway Alternatives Task Force (<http://www.circtaskforce.org/>). CCRPC staff, VTrans and the “CIRC Communities” (Colchester, Essex, Essex Junction, and Williston) are working on a series of projects and planning activities which will aid in meeting the original Purpose and Need of the CIRC Highway Project, which broadly stated are mobility, congestion, transportation demand, safety, livability, and economic development.
- **Transportation Demand Management** – The CCRPC, along with regional and state partners, launched **Go! Chittenden County**, a one-stop-shop for information and advice about our region’s transportation resources (www.gochittendencounty.org). The CCRPC participated in the 10th annual **Way to Go! Commuter Challenge** (www.waytogovt.org) the week of May 13-17 to encourage alternative transportation (non-single occupant vehicle travel) and demonstrate the environmental and financial benefits. Work also began on updating the regional **Intelligent Transportation System Plan** which describes how to best use telecommunications and computing technology to boost the efficiency of roadway, transit and emergency and maintenance vehicle response systems, and provide timely information on travel options.
- **Diversity & Equity Training** – CCRPC staff participated in “We All Belong,” a program of the City of Burlington’s Community & Economic Development Office, to help us create a more inclusive workplace and to more effectively serve Chittenden County’s ever diversifying community. Our Americorps Vista staff developed and hosted “Leadership for People of Color,” a leadership development program designed to prepare participants to become more actively involved in the decisions that impact our community.
- **Regional Technical Assistance** – Includes GIS mapping, model municipal plans, bylaw and ordinance revisions, Act 250 application reviews, grant administration, build-out analyses, orthoimagery acquisition, and improving the VT Online Bridge and Culvert Inventory Tool (<http://www.vtculverts.org/>). We also provide Transportation Technical Assistance, Scoping and Corridor Study programs to help individual communities address their transportation issues. Regionally significant projects in 2013 included: the Railyard Enterprise Project and North Avenue Corridor Study (Burlington); I-89 Exit 17 (Colchester); Exit 12/Grid Streets and VT

2A/Industrial Avenue to James Brown Drive (Williston); VT 116 Corridor Study (Hinesburg) and Park & Ride Planning in Williston, Essex, Jericho, Underhill and Colchester.

- Completed the **Chittenden County Truck Freight Network Analysis** which examined current and emerging truck movement patterns and problems across the county and developed a plan for phased improvements to facilitate the safe and efficient movement of goods, management and operations into the future.
- Assisted municipalities with implementation of **Lake Champlain Byways** program and facilities.
- Completed an **Electric Vehicle Charging Station Planning Analysis** to determine the most appropriate locations for future EV charging facilities.
- **Education & Training** – The CCRPC continued hosting meetings and online webinars open to municipalities and regional partners covering topics such as Trenching & Excavation Safety Training, Confined Spaces Training, Complete Streets presentations, Town Road & Bridge Standards, ICS/EOC Interface course, ICS 300 course, federal Transportation Alternatives program, Planning Ethics and Law Review, Experimentation for Advancing Best Practices, and Economic Benefits of Walkable and Bike Friendly Communities.

CITY OF BURLINGTON ACTIVITIES

In FY2013, the CCRPC provided the following general assistance to Burlington:

- Centennial Brook Flow Restoration Plan (Burlington/South Burlington)
- Centennial Brook Watershed Build Out Project (Burlington/South Burlington)
- Continued assisting with soils management activities related to redevelopment of Moran/Waterfront North. This work is coordinated with CEDO and is being funded by CCRPC's Brownfields Assessment grant.
- Continued work on gap analysis of previous environmental site assessments of the Urban Reserve ("North Forty"). This work is coordinated with CEDO and is being funded by CCRPC's Brownfields Assessment grant.
- Continued Phase 2 environmental site assessment of a Champlain Housing Trust property on Bright St. This work is being funded by CCRPC's Brownfields Assessment Grant.
- Reviewed Burlington's PlanBTV for conformance with regional ECOS Plan.
- Included City on all pertinent emergency planning, training and grant opportunities.
- Provided ongoing staff support to the Chittenden County Stream Team (ccstreamteam.org) and Chittenden County Regional Stormwater Education Program (<http://www.smartwaterways.org>) to facilitate multi-municipal cooperation to comply with EPA stormwater permit requirements for Public Participation and Involvement.

The CCRPC provided the following transportation assistance to Burlington:

- Island Line project coordination (Burlington/Colchester)
- Champlain Elementary Safe Routes to School Feasibility Study

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- Downtown Improvement District Transportation Study
- Waterfront Bikepath Intersection Analysis – Project underway
- Bike Path reconstruction project consultant review and selection
- Traffic Counts
 - Intersections: <http://www.ccrpcvt.org/data/traffic.php?town=BURLINGTON&yrs=N&year=2011&count=TM>
 - Roadways (AADT): <http://www.ccrpc.us/data/traffic.php?town=BURLINGTON&yrs=N&year=2011&count=ATR>
 - Bicycle & Pedestrian: <http://www.ccmpto.us/data/bikeped/>

Transportation Improvement Program (TIP – projects included in the State’s Four Year Construction Program)

- Burlington Waterfront Bike Path Realignment
 - \$125,000 Transportation Enhancement award in 2010 to realign and improve the bike path near the Moran Plant.
- Burlington Waterfront Transportation Improvements
 - \$4 million in Federal Highway and Federal Transit funds for transportation improvements on Burlington’s waterfront.
- Burlington Wayfinding Improvements
 - \$375,000 for fabrication and installation of city-wide wayfinding signs.
- Champlain Parkway
 - \$24 million construction project to begin in Federal fiscal year 2014
- Church Street Improvements Phase 4
 - \$974,000 to complete electrical upgrades as part of \$7 million in Federal Highway funds for improvements to the Church Street Marketplace.
- Main Street Mid-Block Crosswalk improvements
 - \$136,000 for mid-block crossings between Willard and Union streets using 2009 Transportation Enhancement award
- Shelburne Street Roundabout
 - \$2.9 million for roundabout to be constructed at Shelburne St/South Willard St/St. Paul St

Scoping

- Railyard Enterprise Project – Project underway
- Prospect Street/Pearl Street/Colchester Ave
- I-89 Exit 14 Slip Lane & Intermodal Facility Scoping Study (South Burlington/Burlington)

Corridor Studies

- North Avenue Corridor Study (from North Street to Plattsburg Avenue) – Project underway
- South Winooski Ave and Main Street Circulation Studies – Project underway

Transportation Demand Management

- Regional Transportation Demand Management pilot project (Go! Chittenden County) with local and regional transportation partners including:

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- Park It Pledge hosted by CarShare Vermont – Project underway
- Employee Transit Pass Pilot Project for three Burlington employers (CCTA) – Project underway
- Planning for Regional Multi-modal Transportation Hub at Price Chopper shopping center on Route 7 featuring CCTA transit stop, CarShare VT pod, and bicycle lockers – Project underway

Bicycle/Pedestrian

- Specific projects noted previously
- Staff maintains working relationship with Burlington Walk/Bike Council

City of Burlington Representatives to CCRPC

- CCRPC representative and current Vice Chair – Andy Montroll, *past* City Council member
- Transportation Advisory Committee (TAC) – Nicole Losch, Department of Public Works
- Planning Advisory Committee (PAC) – Harris Roen
- UPWP (Work Plan) Development Committee – Andy Montroll
- Bicycle/Pedestrian Committee – Nicole Losch

For further information about the CCRPC please visit <http://www.ccrpcvt.org/> or contact CCRPC Executive Director, Charlie Baker, cbaker@ccrpcvt.org, 802-846-4490 x23.

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Winooski Valley Park District

Ethan Allen Homestead
Burlington, Vermont 05408

Tel: (802) 863-5744 Email: info@wvpd.org www.WVPD.org Fax: (802) 865-0647



Visit the WVPD's Parks:

*Colchester Pond
Natural Area*

Delta Park

*Derway Island
Nature Preserve*

Donohue Sea Caves

Essex Overlook Park

Ethan Allen Homestead

Heineberg Wetlands

Macrae Farm Park

Mayes Landing

Muddy Brook Park

*Muddy Brook
Wetland Reserve*

Old Mill Park

Riverwalk Trail

Salmon Hole Park

Winooski Gorge

*Wolcott Family
Natural Area*

Woodside Park

Valley Ridge

Winooski Valley Park District
Annual Report: July 1, 2012 – June 30, 2013

Yumiko Jakobcic
Executive Director

The Winooski Valley Park District's mission is to plan, acquire, and manage lands and waters within the boundaries of its member municipalities for purposes of conservation, preservation of natural areas, establishment of parks, and resource-based education and recreation. The WVPD's system of natural areas offers over 13 miles of shoreline and 25 miles of trails throughout the Winooski River Valley. In Burlington, this includes Derway Island, Donohue Sea Caves, Ethan Allen Homestead, Heineberg Wetlands, Mayes Landing, and Salmon Hole-Riverwalk Park. The City of Burlington has been a supporting member for 41 years, and Roger Marshall is Burlington's representative. Please visit www.wvpd.org for trail maps and to learn more, or stop by the WVPD's headquarters at the Ethan Allen Homestead in Burlington.

Here are a few highlights from the past year:

- Park Acquisitions and Improvements:** The WVPD is happy to report that it acquired two new parks this year: The Muddy Brook Wetland Reserve in South Burlington and Williston, and the Wolcott Family Natural Area in Colchester. The WVPD is currently planning the trail systems for both parks and looks forward to welcoming visitors soon. In addition, many improvements were made to the WVPD's other parks. A new bridge was installed on the Riverwalk Trail, a culvert was replaced at Macrae Farm Park, puncheon was replaced at Colchester Pond, a railing was installed at Donohue Sea Caves, and over 200 trees were planted in riparian buffer zones at the Ethan Allen Homestead and Mayes Landing.
- Environmental Education:** The WVPD's educator met with 1,426 children and 381 adults (including people from all of the WVPD's member towns), hosted numerous new events including a Woodside Wildlife Walk, a Full Moon Hike at Macrae, an Invasive Species 101 Workshop, and several snowshoe hikes. The WVPD's "Halloween at the Homestead" attracted 70 visitors in its second year! The WVPD also had 297 students at Conservation Field Day and a record number of workshops available.

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TREASURER'S OFFICE

- Financial Sustainability:** The WVPD staff worked hard to bring in additional funding to help keep costs low for member towns. This year, the WVPD received a \$15,000 grant from the Vermont Recreation Trails Program to replace the bridge at Riverwalk, received grant to put bike racks at Colchester Pond and Macrae, received grant from the Department of Environmental Conservation to hire a greeter at Colchester Pond, received a \$500 grant from IBM to purchase educational supplies, and received grant from the Vermont League of Cities and Towns to cover 50% of the costs for updating the alarm system in the education center. The WVPD staff also increased their advertising efforts for the picnic shelter and exceeded their rental revenue goals for the year.
- Activities for Residents and Tourists:** The WVPD's 18 regional parks offer nature trails, scenic overlooks, picnic facilities, cross-country skiing trails, canoe and kayak launches, fishing access, and public garden plots. Sign-in sheets located at the WVPD's parks have shown that visitors come from all of the WVPD's member towns and even from across the country. The Ethan Allen Homestead Museum – one of the WVPD's partner organizations – provided tours of Ethan and Fanny Allen's 1787 restored farmhouse to 3,942 children and adults.
- Programs Offered by Others at WVPD Parks:** The WVPD provides a fantastic location for local groups to offer outdoor programs. Many school groups, summer camps, and scouts visit the WVPD's parks as part of their curriculum. The Burlington Area Community Gardens and the Colchester Land Trust offer community gardens at two of the WVPD's parks. The Vermont Community Garden Network and New Farms for New Americans lead educational gardening programs at the WVPD's Ethan Allen Homestead. The WVPD was also happy to host part of the Muck It Up adventure race at Macrae Farm Park in cooperation with the Colchester Parks and Recreation Department, and part of the Amazing Parks Challenge in cooperation with Essex Parks and Recreation.

Children need natural areas to stay in touch with the local landscapes that sustain them. In turn, natural areas need management to assure people and wildlife can peacefully coexist. The WVPD offers 18 natural areas embedded within the most developed county in Vermont. Each year Burlington's support makes it possible for thousands of Vermonters and tourists to explore our ecologically-diverse system of natural areas. Thank you.



Students from Burlington High School participate in a service learning project at Colchester Pond.



The WVPD's educator meets with Burlington preschool students at the Ethan Allen Homestead.

Lori Olberg

From: Roger Marshall <rmaia@smorgans.net>
Sent: Friday, July 05, 2013 7:56 PM
To: yumi@wvdpd.org
Cc: Lori Olberg
Subject: Re: annual report to the CC

Yumi,

The aggregate total of visitors to the Museum was 4,209.

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FINALIZE A STRATEGIC PLAN FOR DIVERSITY,
EQUITY AND INCLUSION FOR THE CITY OF BURLINGTON

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City Council, by resolution on September 26, 2011, affirmed its unanimous support for the development of a measurable action-oriented Diversity and Equity Strategic Plan; and

WHEREAS, the City Council, by resolution on July 16, 2012, affirmed its unanimous support for the Formation of a Diversity, Equity and Inclusion Committee to develop a Strategic Plan; and

WHEREAS, the mayoral-appointed committee worked on recommendations for such plan but did not come forward with a finalized recommended strategic plan; and

WHEREAS, Mayor Weinberger announced on Thursday, September 12, 2013, that Burlington will join a coalition of U.S. cities against racism and discrimination;

NOW, THEREFORE, BE IT RESOLVED that the City Council reaffirms its declaration that racism is unjust, advocates equal rights and opportunity for all, and affirms the City's commitment to equity, diversity and inclusion; and

BE IT FURTHER RESOLVED that the City Council reaffirms its commitment to removing barriers and eliminating discrimination in all aspects of City government; and

BE IT FURTHER RESOLVED that the City Council requests that the Administration seek a proposal from a consulting firm or person to complete the strategic plan on diversity, equity and inclusion, in accordance with the attached Request for Proposals; and

BE IT FURTHER RESOLVED that the committee to select the consultant shall consist of the Mayor, the Co-chairs of the Diversity and Equity Ad Hoc Committee (or their designees), Human Resources Director Susan Leonard and Community Engagement Specialist Kesha Ram.



Office of Mayor Miro Weinberger

REQUEST FOR PROPOSALS (RFP)

Date: September 20, 2013

To: Open Invitation to Strategic Planning Consultants

From: Office of Mayor Miro Weinberger, City of Burlington

Re: Strategic Planning Services for Diversity & Equity Plan Completion

I. GENERAL INFORMATION & SCHEDULE

This Request for Proposals invites responses from qualified and experienced strategic planning consultants to work with the Ad Hoc Diversity & Equity Committee appointed by the Mayor and the Mayor's Equity Team to complete a Diversity & Equity Strategic Plan for the City of Burlington. Questions concerning this RFP must be made in writing and received via email or regular mail by the timeframe outlined below.

Issue date:	Friday, September 20, 2013 at 4:00 PM
Questions due:	Wednesday, October 2, 2013 by 12:00 PM
Proposals due:	Friday, October 11, 2013 by 12:00 PM
Anticipated finalist interviews:	October 17-18, 2013
Anticipated award date:	Week of October 21, 2013

Inquiries/submissions to:	Office of Mayor Miro Weinberger City of Burlington 149 Church Street Burlington, VT 05401 Attn: Jennifer Kaulius jennifer@burlingtonvt.gov 802.865.7272
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Requirements

Additional requirements are as follows:

- Proposers are solely responsible for ensuring that proposals arrive on time.
- All responses to this RFP shall be received in sealed envelopes, clearly marked "RFP: Burlington Diversity & Equity Strategic Plan."
- Late replies WILL NOT be considered.

II. PROJECT DESCRIPTION

The purpose of the project is to complete the City's Diversity & Equity Strategic Plan and advise on its public dissemination and internal implementation through the Mayor's Office. The plan will provide recommendations and benchmarks to eliminate race-based disparities in City operations and services.

A committee comprised of City staff and citizen volunteers created a draft strategic plan between July 2012 and July 2013. The draft plan, and its "Diversity & Equity Goals Grid," is attached for reference.

The City is seeking a consultant or team to finalize the document for adoption by the Administration and City Council at the January 27, 2014 City Council meeting. Using the working draft, the consultant will identify and analyze race-based disparities within City government and the broader Burlington community, research best-practices among peer cities for addressing comparable disparities, work with the City to identify and articulate initiatives for addressing the disparities, add benchmarks for these initiatives, collect and incorporate past City history and data, review phrasing, complete graphs and layout, and outline the assessment tool(s) to measure the City's progress in meeting benchmarks annually. Where appropriate, the final plan should include implementation recommendations for the plan's initiatives based on best-practices from other municipalities and organizations.

A detailed project scope description is listed below in Section III.

To meet these goals, the City seeks a consultant with the following attributes:

- Experience researching and writing strategic plans
- Experience working on racial diversity issues
- Familiarity with best practice models related to municipal employment, engagement of communities of color, and assessing and auditing progress in these areas
- Availability to accommodate the City's timeline
- Excellent facilitation skills
- Experience working with a wide range of stakeholder groups
- Experience navigating and making change in municipal systems
- Ability to present complex ideas and data in compelling graphic representation
- Ability to define achievable benchmarks and assist in mapping path to meeting them

The plan will be developed with support of the Ad Hoc Diversity & Equity Committee and Mayor's Equity Team, and will culminate with a presentation to the City Council and greater Burlington community early in 2014.

Existing supporting documents include:

- Diversity & Equity Resolutions (July 16, 2012)
- Draft Diversity & Equity Plan (Summer 2013)

Documents are available on the Committee's shared Google Drive folder:

<https://drive.google.com/?tab=co&authuser=0#folders/0Bz2QUhospZyDSVpwUTN3djlPOW8>.

III. PROJECT SCOPE, SCHEDULE & COST

Project Scope

The selected consultant will provide the City with professional services to realize the successful completion of a Diversity & Equity Strategic Plan.

The Plan must research, analyze, and make recommendations with respect to each of the three draft plan goals:

Goal 1: Eliminate race-based disparities across all City departments

- All substantial existing municipal disparities should be identified and documented. Specifically, consultant must work with Human Resources Department to document racial disparities between the workforce and the population served by the City.
- The draft plan includes the statement that “The City budget reflects a commitment to support diversity and equity goals”. Consultant will:
 - Review municipal operations (specifically the HR Department, “We All Belong” Program, and the Public Engagement Specialist), advise on ways in which Burlington is not meeting best-practice standards, and advise what new or enhanced duties could be performed by a new Diversity & Equity position
 - Review current municipal Diversity & Equity training and advise on any recommended changes
 - Estimate budget implications of any operational recommendations
- The draft plan recommends the creation of a Burlington Office of Equity and Civil Rights. Consultant will document other cities (particularly of similar size and/or demographics as Burlington) that have comparable offices, the duties of those offices, and the budget implications of such offices, as well as advise on the potential duties of a Burlington Office of Equity and Civil Rights with respect to the current activities of the existing State of Vermont Human Rights Commission. Further, consultant will include cities that, in lieu of a stand-alone Office of Equity and Civil Rights, have staff charged with supporting diversity and equity issues within their human resources or other departments.
- The draft plan recommends the creation of a Burlington Inclusion and Racial Equity Commission, perhaps enabled by a voter-endorsed amendment to the City’s municipal charter. Consultant will document other cities (particularly of similar size and/or demographics as Burlington) that have comparable commissions, the duties of those commissions, and the budget implications of such commissions, as well as advise on the potential duties of a Burlington Inclusion and Racial Equity Commission with respect to the current activities of the existing State of Vermont Human Rights Commission.
- Consultant will review Diversity & Equity Goals Grid and take other appropriate steps necessary to finalize the plan with respect to this goal.

Goal 2: Promote inclusion and engagement of all community members

- Over the past year, the City has restructured its Public Engagement Specialist position to be an advisor to all municipal departments on inclusive public engagement of underrepresented populations. Consultant will review these efforts and advise on further enhancements of these efforts based on best practices in other municipalities.

- Consultant will review City contracting and grant-making practices and advise on new protocols consistent with municipal best practices that would further the City's inclusion goals. (This work will be used to apply to Goal 3 as well.)
- Consultant will advise on actions the City should take to broaden its message of inclusion, including: (i) the addition of an inclusion statement to website and other documents, (ii) steps the City should take to improve affirmative marketing in all Burlington promotional materials (including Parks & Recreation seasonal brochures, airport marketing publications, Chamber of Commerce marketing publications, etc.), and (iii) any new steps the City should take with respect to housing (consultant should review the Oak Park Regional Housing Center and advise on any lessons for Burlington from this unusual office).
- Consultant will review Diversity & Equity Goals Grid and take other appropriate steps necessary to finalize the plan with respect to this goal.

Goal 3: Eliminate race-based disparities in the greater Burlington community

- Draft plan includes some data and information about race-based disparities in the broader community. Consultant will augment, refine, and illustrate professionally these and other documented disparities.
- In recent years, a broad consensus has developed indicating that public investment in early childhood education is critical for addressing poverty and its related race-based disparities. New policies for improved early childhood education currently are being developed and implemented at the State and National level. Consultant will review these policies, review actions being taken by progressive municipalities in this area, and make recommendations for what strategic steps the City should take to better ensure that all Burlington children receive high-quality early childhood education.
- Consultant will review Diversity & Equity Goals Grid and take other appropriate steps necessary to finalize the plan with respect to this goal.

Project Schedule

The City anticipates the selection of the consultant the week of October 21, 2013, with work commencing with a kick-off meeting as soon as possible thereafter.

RFP responses should detail how consultant plans to approach the scope of work, including the anticipated meeting schedule. The Mayor's Office will ensure that City personnel will collaborate closely with consultant and supply all needed and available information to consultant in a timely manner.

Consultant will submit a draft plan to the City by December 2. City will issue coordinated feedback by December 9.

Final plan is due by January 17 with anticipation that the City Council will consider adoption at their January 27, 2014 meeting.

Notwithstanding the deadlines for the final report, Consultant will work closely with the City to make recommendations with respect to a new Burlington Inclusion and Racial Equity Commission on a timeline that allows the Burlington City Council to consider a Charter Change to create such a Commission on the March 2014 ballot (which would require official actions by the Council in December 2013 and January 2014).

Project Cost

Cost for completing the scope of this contract, including all reimbursable expenses, is capped at \$20,000.

IV. PROCESS OVERVIEW, SUBMITTAL CONTENTS & REQUIREMENTS

Selection Process Overview

This process begins with the receipt of proposal submittals in response to the RFP outlined herein. Applicants will receive a confirmation email once their submittal is received. Proposals will be evaluated, and invitations will be made to the top-ranked consultants to participate in an interview conducted by a selection committee.

Consultants not selected for an interview will be notified of the selection outcome.

Submittal Contents

The City seeks qualified consultants with the attributes set forth above in Section II. Proposals that commit to completing the project scope at lower cost than the contract cap are desired and will be viewed favorably.

Submittals should be limited to no more than 5 pages and contain:

- A. **Cover letter** highlighting relevant skills and experience, explaining the applicant's understanding of the project and planned approach
- B. **Cost proposal for services**
- C. **Resume and references** (for each individual if applying as a team)
- D. **Supplemental electronic links** to other similar documents or projects undertaken

V. EVALUATION CRITERIA

Submittals will be evaluated by the hiring sub-committee of the Diversity & Equity Committee using the following criteria as a measure of the applicant's ability to successfully complete the project scope of work. Consultants will be scored up to a maximum of 100 points based on the following:

1. **Experience & Qualifications** (25 pts)
2. **Depth of Skills** related to strategic planning and facilitation (25 pts)
3. **Level of Understanding** of the project, goals, issues, and local need (15 pts)
4. **Ability to Meet Budget/Value/Schedule** (20 pts)
5. **Quality, Clarity, and Completeness of Submittal Package** (15 pts)

VI. TERMS & CONDITIONS

Communications

It is extremely important that all respondents are given clear and consistent information. Therefore, all respondents are required to submit any questions related to this project or RFP process in writing so answers can be distributed to all potential respondents. Questions must be received by the time frame outlined in Section I.

Respondents should not communicate with any City department or employee about the submission during the process, except as described above. In addition, no communications should be initiated by a respondent to any City official or person(s) involved in evaluating or considering the statement of

qualifications. Communication with any parties other than those expressly described herein may cause a respondent to be disqualified from participating.

Other terms

Costs for preparing the proposal in response to this request are solely the responsibility of the respondent. The Ad Hoc Diversity & Equity Committee, the hiring committee, and the City of Burlington reserve the right to accept or reject any or all proposals, with or without cause, and to waive immaterial defects and minor irregularities in responses. All decisions related to this solicitation by the City will be final. The City reserves the right to request clarification of information submitted and to request additional information from one or more respondents. All materials submitted in response to this RFP will become the property of the City upon delivery. This solicitation in no way obligates the City of Burlington to award a contract.

Equal Opportunity

The selection of a consultant shall be made without regard to race, color, sex, age, religion, national origin, or political affiliation. The City of Burlington is an Equal Opportunity Employer and encourages proposals from qualified minority- and women-owned businesses.

It will be necessary for responding parties to comply fully with the terms and conditions outlined in this document if they are to be considered. A letter attesting that the respondent has read, understands, and followed all procedures is a part of this RFP and must be included as part of the final submittal (see Attachment A).

ATTACHMENT A

Understanding of RFP Procedure, Terms, and Conditions
This page to be returned with qualifications submission

I acknowledge that I have read and understand all procedures and requirements of the above-referenced RFP and have complied fully with the general terms and conditions outlined in the RFP.

Consultant's Name: _____

Company Name: _____

Representative's Signature: _____

Date: _____

Goal 1: Eliminate race-based disparities across all City departments.

Objective	Actions	Leads	Measurements & Accountability
<p>1. City leadership sets direction and charts a clear course, establishing high expectations using data to track progress and hold all City employees accountable for performance and contribution toward diversity and equity goals.</p>	<p>a) City leadership highlights equity and inclusion goals as top City priorities, and speaks to them often.</p> <p>b) The City budget reflects a sustaining commitment to support diversity and equity goals, will be assessed with an equity lens, and will provide funding for:</p> <ul style="list-style-type: none"> • Diversity & Equity position • City employee diversity and equity training • Interpreter Services • Other resources as identified <p>c) A Core D&E Team comprised of City Leaders is created to implement, monitor assess and report progress of strategic plan.</p> <p>d) Departmental D&E working groups to identify, monitor and track inequities within departments. Come up with strategic plan with actions on how to address disparities.</p> <p>e) City leadership and department directors receive mandatory executive level diversity and equity training.</p>	<p>Mayor</p> <p>Mayor CAO HR CEDO</p> <p>Mayor &Core Team</p> <p>Mayor Dept. Heads</p> <p>CAO/HR</p>	<p>State of the City, City Council meetings, Department Head meetings, public presence at community events, etc.</p> <p>FY15 Budget contains line items that reflect these initiatives and priorities; tools are developed to measure equity in budget</p> <p>Team comprised of at least HR Director, CAO, Chief of Staff, CEDO Director & City Attorney formed & meets regularly</p> <p>Department specific plans in place by June 2014; built in to performance review</p> <p>Training takes place annually; coaching available as needed</p>

<p>2. City workforce reflects the City's diverse population and values and demonstrates a commitment to diversity and equity in their work for the City.</p>	<ul style="list-style-type: none"> a) HR will provide a report outlining demographics of new hires, promotions and turnover highlighting areas of underutilization/underrepresentation. b) Each department working in conjunction with City HR, develops strategies to address underutilization demonstrating commitment to equal employment opportunity and nondiscrimination policies c) Every hiring decision goes through an assessment to determine that underutilized populations, particularly ethnically diverse populations, are at least proportionally represented at all positional levels in the City workforce. d) The City's commitment to diversity and equity is clearly communicated during new employee orientation and all current and new employees will be required to complete on-line diversity training e) All employees are evaluated, during the annual performance evaluation process, on the outcomes of recruitment, retention and promotion efforts, making program changes where desirable or necessary. f) Existing policies and procedures will be reviewed and updated on an ongoing basis. 	<p>HR/CEDO</p> <p>HR/CAO</p> <p>HR</p> <p>HR</p> <p>HR</p> <p>HR</p> <p>HR</p> <p>HR</p>	<p>Annually assess demographics of City workforce</p> <p>Department-specific plans in place by June 2014; built in to performance review</p> <p>Progress assessed and reported on every six months</p> <p>Documentation of training will be kept in personnel files</p> <p>Documented in performance evaluations Kept in personnel files</p> <p>Scheduled along with biennial policy review</p>
<p>3. Increase active representation on City Boards and Commissions to reflect diversity of community.</p>	<ul style="list-style-type: none"> a) Assess demographics of all City Boards and Commissions annually. b) Actively recruit a more diverse applicant pool for all vacancies to serve on boards and commissions. 	<p>C/T Office</p> <p>City Council</p>	<p>Report made to City Council in March</p> <p>City Council policy statement</p>

	<p>c) Provide training to commissions and boards regarding City priority for diversity and equity.</p> <p>d) Messaging on each web page encouraging diverse pool of applicants</p>	C/T Office	Annual fall training established
	<p>a) Community members can report bias incidents and civil rights violations that occurred with a City employee or program and receive advocacy and support.</p> <p>b) Independent Compliance Officer can use data to establish and advocate for best practices in City government.</p>	C/T	Reviewed and updated
4. Creation of Office of Equity and Civil Rights.		CAO & City Attorney	Database established to track incidents and follow-up; goal to reduce number of incidents is set

Goal 2: Promote inclusion and engagement of all community members.

Objective	Actions	Leads	Metrics & Accountability
1. Each department is trained in best practices for meaningful community engagement and can demonstrate how they will outreach and provide inclusive, equitable services.	City-wide guidelines and principles are established to ensure that outreach and services are inclusive and reach diverse populations.	Dept. Heads & CEDO	Effectiveness evaluated and updated annually. with community input
2. The City provides key service information that is widely available to diverse populations in print and on the City website in the most popular languages.	Each Dept. D&E working group will identify the most critical information that needs to be translated and interpreters will be compensated for services.	Dept. Heads & Clerk/Treasurer's Office	Community resources will be checked and refreshed annually
3. Public engagement includes targeting underrepresented populations.	Each Dept. D&E working group will identify projects that require public input for targeted public engagement, including budgeting for interpreters and supports for attendance at public meetings.	Dept. Heads & CEDO	Effectiveness evaluated and updated annually with community input

<p>4. City contracts reflect the City's commitment to diversity and equity.</p>	<p>All new City contracts and grants made with businesses and organizations will require their anti-discrimination policy to be on file with the City. If such a policy does not exist, the City will ask that one be created before entering into a contract or grant with the other party that includes at least the following protected classes: race, color, sex, age, national origin, religion, ancestry, place of birth, sexual orientation, gender identity, physical or mental condition and HIV status.</p>	<p>CAO & Dept. Purchasing Authorities</p>
<p>5. Free trainings are provided in various languages about how the City works and the services it provides.</p>	<p>In consultation with large underrepresented populations, public engagement specialist determines frequency and location of trainings. Short 1-2 page booklet on City services is provided in main spoken languages.</p>	<p>CEDO & Clerk/Treasurer's Office</p>

Goal 3: Eliminate race-based disparities in the greater Burlington community.

Objective	Actions	Lead	Metrics & Accountability
<p>1. City guidelines established for partner organizations, agencies and departments receiving funds and support from the City to meet diversity and equity goals.</p>	<p>a) Stakeholder group convened by the City creates guidelines to promote equity and inclusion in partner organizations, agencies, and departments.</p>	<p>CAO & CEDO</p>	<p>Partner organizations, agencies, and departments are evaluated annually to determine future funding and support</p>
<p>2. City promotes organizations, agencies and departments making notable progress in achieving equity.</p>	<p>a) Special recognition at City events and online.</p>	<p>CEDO & Dept. Heads</p>	

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IN FAVOR OF RENEWABLE ENERGY SOURCES
AND OPPOSED TO FRACKING

In the year Two Thousand Thirteen.....
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, carbon pollution from fossil fuels has had and will continue to have severe economic and environmental impacts on U.S. cities and the world in the coming decades; and

WHEREAS, the production and burning of any type of fossil fuel generates more carbon pollution than non-fossil fueled transportation; and

WHEREAS, natural gas is a fossil fuel with greenhouse emissions that may be similar to conventional oil when extracted using hydraulic fracturing; and

WHEREAS, hydraulic fracturing, or fracking, is an unconventional technique used to release natural gas from the earth by creating fractures from a wellbore drilled into the reservoir rock formations. The energy from the injection of a high pressure hydraulic fracturing fluid (water, sand, and chemicals) creates new fractures in the rock and releases the gas (www.stopthevermontgaspipeline.org); and

WHEREAS, this controversial technique has a large impact in the communities where it is practiced. Leaks and spills lead to contamination of water supplies. Gas fumes and smog from the industry's associated infrastructure machinery pollute the air, contribute to asthma and lung disease, and devastate the local landscape in gas-producing communities (www.stopthevermontgaspipeline.org); and

WHEREAS, Vermont Gas Systems (VGS) is in the planning and permitting stages of a major natural gas transmission pipeline expansion. The current pipeline extends from Canada to Colchester, Vermont. The expansion would extend the pipeline into Addison County. There are longer term plans to build pipelines to Rutland and to connect to the US transmission lines in New York State; and

WHEREAS, this pipeline would be used to transport fracked gas purchased from Enbridge, Inc.; and

WHEREAS, the Public Service Board (PSB) is being asked for a certificate of public good by VGS; and

WHEREAS, the PSB is in the process of public and technical hearings; and

WHEREAS, VGS plans to apply for permits in November, 2013 and is currently performing site tests, talking to select boards and hosting public meetings in various possible route locations; and

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IN FAVOR OF RENEWABLE ENERGY
SOURCES AND OPPOSED TO FRACKING

WHEREAS, the State of Vermont banned fracking in May, 2012 (H.464) and was the first state to do so and is currently the only state to have done so; and

WHEREAS, the pipeline expansion is at odds with Vermont's stated goal of using 90% renewables by 2050; and

WHEREAS, Burlington residents and City Departments depend on natural gas among other sources to meet their energy needs; and

WHEREAS, Burlington's Legacy Project and Chittenden County's ECOS Project are both committed to a sustainable future and agree that we need to be environmentally sound in order to be a sustainable community; and

WHEREAS, Burlington Electric Department follows an Integrated Resource Plan that states that BED's strategy has been to maintain diversity in its power supply portfolio while securing long term renewable resources; and

WHEREAS, if we oppose the use of fracked gas in Burlington, we can guide the conversation toward renewable energy sources rather than continue the use of fossil fuels; and

WHEREAS, the pipeline expansion is estimated to create 20 new jobs per year, in contrast to the 800 new jobs that could be created if the same amount of money were put into home weatherization;

NOW, THEREFORE, BE IT RESOLVED that the City Council expresses its strong preference for renewable energy sources; and

BE IT FURTHER RESOLVED that the City Council expresses opposition to the transport of fracked gas through any region of the State of Vermont; and

BE IT FURTHER RESOLVED that the City Council will notify the Public Service Board of its opposition to this project before the final decision is made in October, 2013; and

BE IT FURTHER RESOLVED that the City Council discourages the State of Vermont and VGS from purchasing natural gas from companies that use hydraulic fracking; and

BE IT FURTHER RESOLVED that the City Council Transportation, Energy and Utilities Committee (TEUC) and the Electric Light Commission report back to the City Council as to what extent it is practical, as a pre-condition for doing business with Burlington, for BED to require every power supply company who they contract with to provide complete and current lists of the sources of origin for all gas the vendor sells, and thereby direct the City's purchases as much as possible toward vendors whose sources do not use any material derived from hydraulic fracturing; and

BE IT FURTHER RESOLVED that the City Council requests that the City Retirement Board

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IN FAVOR OF RENEWABLE ENERGY
SOURCES AND OPPOSED TO FRACKING

examine the portion of pension fund investments it oversees and remove money from investments for natural gas companies that profit from hydraulic fracturing; and

BE IT FURTHER RESOLVED that the City Council requests that the City Retirement Board inquire with the State of Vermont municipal pension investment board as to how much of the municipal pension funds are invested in natural gas companies who utilize hydraulic fracturing; and

BE IT FURTHER RESOLVED that the City Council requests that the Retirement Board, the Electric Commission and the TUEC report back to the Council on these items no later than January 15, 2014; and

BE IT FURTHER RESOLVED that the City Council encourages Vermont Gas Systems to invest in renewable energy projects.

		9/19/2013	
Prepared by: Lori Olberg, Licensing, Voting & Records Coordinator			
Meeting Date	Type of Document	Action Requested	Return to Council
1/9/2012	Resolution: Creation of a Financial Literacy Web Page	progress report to the Council by the Interim CAO	2/13/2012
2/13/2012	Resolution: Ongoing and Future Relationship Between the City of Burlington and the University of Vermont	report due back to the Council by the Community Development and Neighborhood Revitalization Committee	3/26/2012
8/13/2012	Resolution: Strategic Plan Re Fiscal Health of the City	Board of Finance and the C/T Office will work to produce a strategic plan and present said plan to the Council in a worksession	1/7/13; 1/28/13
8/13/2012	Resolution: Landlord Accountability	report due back to CD & NR Committee from the Code Enforcement Office	not-specified
11/26/2012	Resolution: Moving Urban Agriculture Issues Forward	Board of Health to report back to the Council; Planning Commission to report back to the Council	6/24/2013
1/7/2013	Resolution: Charter Change to Prohibit Assault Weapons and High Capacity Clips	Public Safety Committee to convene a series of public hearings and work together with the BSD, BPD, Howard Services and the State Attorney's Office and other relevant organizations to make our schools and City as safe as can be	not-specified
3/11/2013	Resolution: Commission and Board Appointment Process	report due back from the Charter Change Committee to the Council	first meeting in November 2013
3/11/2013	Resolution: Survey to Determine if Commissions and Boards are Functioning Optimally	report due back from the Charter Change Committee to the Council	first meeting in November 2013
3/18/2013	Communication: Burlington Committee on Accessibility Strategy and Plan	future action to be taken	not-specified
4/15/2013	Resolution: Proposed Amendments to Appendix B Rules and Regulations of The City Council	postpone action for now	post City Council Retreat
6/10/2013	Resolution: City Attorney Constitutional Analysis of No Trespass Ordinance for Church Street Marketplace June 12, 2012	have the Ordinance Committee review Attorney John Franco's issues	not-specified
6/24/2013	Communication: John L. Franco, Jr., re: CSM Trespass Authority Ordinance Opinion Supplement	referred to the Ordinance Committee	not-specified
6/24/2013	Communication: City Attorney Blackwood, re: Livable Wage Rates for FY 2014	referred to the Ordinance Committee	not-specified
7/15/2013	Communication: UVM Housing Master Plan	referred to the Institution/Human Resources Committee	not-specified
7/15/2013	Communication: Richard Cate, UVM, re: COB and UVM MOU re: Zoning Amendments	referred to the Institution/Human Resources Committee	not-specified
8/12/2013	Ordinance: CDO Adaptive Reuse and Residential Bonuses ZA 13-11	referred to the Ordinance Committee	not-specified
8/12/2013	Communication: P & Z Director White, re: Proposed Zoning Amendment 13-11	referred to the Ordinance Committee	not-specified
8/12/2013	Ordinance: CDO Historic Building Materials ZA 13-12	referred to the Ordinance Committee	not-specified
8/12/2013	Communication: P & Z Director White, re: Proposed Zoning Amendment 13-12	referred to the Ordinance Committee	not-specified
8/12/2013	Resolution: Adoption of Council Priorities for 2013 - 2014 Council Year	report back from the "Priorities Committee"	9/23/2013

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6 AUTHORIZATION FOR EXECUTION OF APPLICATION
7 FOR 2014 MUNICIPAL PLANNING GRANT FROM THE
8 VERMONT DEPARTMENT OF ECONOMIC,
9 HOUSING AND COMMUNITY DEVELOPMENT
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14 In the year Two Thousand Thirteen.....
15 Resolved by the City Council of the City of Burlington, as follows:
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17 That WHEREAS, the City of Burlington is applying, through its Planning and Zoning Department, for
18 funding as provided for in the State of Vermont’s FY 2014 Budget Act and may receive an award of
19 funds under said provisions; and

20 WHEREAS, City Council approval is required for the application, which has a deadline of
21 September 30, 2013; and

22 WHEREAS, the Vermont Department of Economic, Housing and Community Development
23 (DEHCD) may offer a Grant Agreement to the City of Burlington of said funding for an amount up to
24 \$20,000; and

25 WHEREAS, the City of Burlington is maintaining its efforts to provide local funds for municipal
26 and regional planning purposes; and

27 WHEREAS, the Burlington Planning Commission has indicated its unanimous support for such an
28 application;

29 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the filing of an
30 application with the Vermont Department of Economic, Housing and Community Development for a
31 local planning grant to promote community revitalization and development activities that maintain
32 Vermont’s land use goal of compact settlement separated by rural lands; and

33 BE IT FURTHER RESOLVED that should the grant funds be awarded to the City of Burlington
34 as requested:

- 35 1. the Mayor is hereby designated to serve as the Authorizing Official for the Grants Management
36 On-Line System, Intellgrants, and to execute the Grant Agreement and other such Documents as
37 may be necessary to secure this funding subject to the prior review of the City Attorney;
38 2. the City’s Comprehensive Planner, Sandrine Thibault, subject to the supervision of the Planning &
39 Zoning Director, is hereby designated as the Grant Administrator, the person with the overall

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AUTHORIZATION FOR EXECUTION OF
APPLICATION FOR 2014 MUNICIPAL PLANNING
GRANT FROM THE VERMONT DEPARTMENT OF
ECONOMIC, HOUSING AND COMMUNITY
DEVELOPMENT

Administrative responsibility for Municipal Planning Grant program activities related to the application, and any subsequent Grant Agreement provisions.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)
www.burlingtonVT.gov/pz

David E. White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, Senior IT/GIS Programmer
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Planning & Zoning Clerk
Elsie Tillotson, Administrative Assistant



MEMORANDUM

TO: Joan Shannon, City Council President
Burlington City Councilors
Mayor Miro Weinberger

FROM: Sandrine Thibault, AICP, Comprehensive Planner

DATE: Monday, September 16, 2013

RE: Municipal Planning Grant Authorization to apply

Please find attached a resolution authorizing the Department of Planning & Zoning to apply for a Municipal Planning Grant from the Vermont Department of Economic, Housing and Community Development (DEHCD). The application deadline is September 30, 2013.

This application will seek funding for a planBTV-South End planning process, which is anticipated to be similar to the downtown & waterfront plan process recently completed by the city. Working with businesses and residents, the City wishes to develop a detailed master plan that outlines future development, infrastructure, greenspace, and circulation needs and opportunities for this portion of the city.

Several activities are already taking place in the South End and staff strongly believes there is a need for a concerted planning effort and community dialogue.

The planning process will place an emphasis on a community conversation to find ways to promote and improve mixed uses and quality urban design, affordable and workforce housing, transportation and parking management, and the quality and capacity of public infrastructure. The project is intended to address the following problems and barriers to success:

- lack of a coherent and shared vision for the development of the south end district
- lack of available information/education regarding economic impact of the south end – particularly for local property owners/tax-payers
- lack of available information/education regarding the state and needs of public infrastructure necessary to support existing and future development
- lack of specificity of development regulations with regard to urban design objectives and standards which facilitates public opposition to new development and appeals of local regulatory decisions.
- risk of flight of expanding business to suburbs in search of larger spaces, lower costs and easier access.
- lack of workforce housing opportunities for young professionals, singles, couples and empty-nesters
- extremely tight and expensive real estate market
- limited available supply of parking
- traffic congestion through very limited access points into and out of the area

A scope of work and budget are currently being developed by staff and we anticipate sharing it with the City Council later this fall. Planning staff is available to answer any questions you may have.

Thank you for your consideration.

EILEEN M. BLACKWOOD, ESQ.
City Attorney
EUGENE M. BERGMAN, ESQ.
Sr. Assistant City Attorney
RICHARD W. HAESLER, JR., ESQ.
Assistant City Attorney
GREGG M. MEYER, ESQ.
Assistant City Attorney
KIMBERLEE J. STURTEVANT, ESQ.
Assistant City Attorney



149 Church St., Room 11
Burlington, VT 05401-8489
Phone: (802) 865-7121
Fax: (802) 865-7123
TTY: (802) 865-7142

CITY OF BURLINGTON, VERMONT
OFFICE OF
THE CITY ATTORNEY
AND
CORPORATION COUNSEL

MEMORANDUM

TO: Joan Shannon, City Council President
Burlington City Councilors
Mayor Miro Weinberger

FROM: Kimberlee J. Sturtevant, Assistant City Attorney *KJS*

DATE: Wednesday, September 18, 2013

RE: Municipal Planning Grant Authorization to Apply Resolution

This communication is in anticipation of questions regarding the process for the Resolution for Authorization for Execution of Application for 2014 Municipal Planning Grant from the Vermont Department of Economic, Housing and Community Development. Generally, authority is not required from the City Council to apply for a grant. However, this particular grant requires prior City Council authority to apply.

This request has not gone before the Board of Finance. If the grant is awarded, it will go before the Board of Finance because it has a matching fund component that was not included in the Planning and Zoning budget.

A sample Municipal Planning Grant application from the Vermont Department of Housing and Community Development is attached for your information.

SAMPLE MPG APPLICATION FORMS:

Application Summary

Applicant Municipality:
(or lead applicant if applying as a consortium)

What is your most recent town plan adoption date?

Has your municipality been confirmed by your Regional Planning Commission?

If not, is your municipality in the process of being confirmed on or before the application deadline?

If not, is this application for a plan that will be submitted to the regional planning commission for approval?

Is this a consortium project?

If Yes, please select the Participating Municipalities <dropdown menu>
(All participating municipalities must be confirmed by the application due date.)

Authorizing Official: <dropdown menu>

Grant Administrator: <dropdown menu>

Project Type:

<Dropdown options>

- Municipal Plan or Update
- Zoning and Subdivision Bylaw or Update
- Planning for Designation
- Infrastructure Planning
- Natural Resource Planning
- Other

If other, specify:

Project Description

- 1(a). **Project Title.** Name the project as concisely as possible. Examples: Unified Bylaw Update, Village Master Plan, Sewer Line Mapping. (80 character limit)
- 1(b). **What does the project accomplish?** Provide a very brief summary of what the project will accomplish and produce.

Example used in Village Growth Study: Hire consultant to evaluate constraints and opportunities for infill development and conduct a public outreach program to engage residents in the village planning process.

Example used in Form Based Codes Project: Marble City will draft a form-based code for the downtown area to replace the current zoning and more effectively implement our smart growth goals in the designated downtown.

(250 character limit)

2. **Why is the project important?** Describe the context, purpose, and timeliness of the project, providing any relevant background information such as past or present planning activities, current issues within the community and the status of your municipal plan and bylaws. If you received an MPG last year, discuss any relationship to this application and your capacity to simultaneously complete both grant projects. (4,000 character limit)

3. **How does the project meet the competitive criteria?**

- a) *Explain how the project implements the ideas and actions set forth within the municipal plan. Insert municipal plan excerpts that demonstrate the linkage between the project and the plan. (For consortium projects provide municipal plan linkage information, including excerpts, for all member towns. If extra space is needed, please upload your response to this question as an attachment, but do not attach the municipal plan itself.)*

For a municipal plan or update project, describe any pressing community planning concerns that the proposed plan or update will address. Cite specific policies in the current plan that need revision and explain why a plan update is more important than pursuing implementation of the previously adopted plan. Explain why a minor re-adoption of the Town Plan is not adequate at this time.

(4,000 character limit)

- b) *Describe what kind of citizen participation activities and outreach intended to educate and involve the public in planning will be conducted as part of this project as well as any coordination and cooperation with relevant local and/or regional organizations.*

(4,000 character limit)

- c) Discuss whether and how your project furthers any of the following statewide priorities:
- Bylaw updates intended to correct clear conflicts with the municipal plan, and bylaw updates that address one or more of the smart growth principles in 24 V.S.A. § 2791 (13).
 - Infrastructure planning in support of compact centers and smart growth. Projects could include but are not limited to: Capital Improvement Planning (structured to implement the municipal plan and further smart growth principles); facility inventory, mapping and needs identification; conceptual design/visioning; and developing policies relating to sewer, water, storm water, energy, transportation, green infrastructure and/or communications infrastructure.
 - Updating or amending a Municipal Plan for the purpose of addressing the smart growth principles and/or to address inconsistencies with statewide planning goals or the Regional Plan. (A recently expired plan or pending expiration of a plan alone is not considered a priority.)
 - Planning and implementation for achieving greater flood resiliency. Updating a municipal plan to meet the new statutory requirement for flood resilience element integrated with river corridor and hazard mitigation planning. See 24 V.S.A. § 4382. Projects that implement the flood resilience recommendations of the plan are also priorities.

If none of these priorities apply to your project, please indicate "not applicable."
(4,000 character limit)

- d) How does your project relate to any existing designated Downtown, Village Center, New Town Center or Growth Center? If no designated areas exist in the municipality, indicate "not applicable."
(2,000 character limit)

Use this document to review the application questions and to prepare your response. These Sample Application forms cannot be used to submit your grant application. Only applications submitted through the online Grants Management System can be accepted.

Work Plan and Budget

Fill out one page for each task.

Include costs that will be paid for by the MPG and match funds (if applicable).

All <automatic calculations> below are performed when data is entered and saved into online grants management system.

Task Number:

Task Name:

Description of Task:
(max 250 characters)

Responsibility:

Paid Personnel:

If other, specify:

Hours:

Hourly Rate:

Personnel Cost: <automatic calculation>

Material Description:

Material Cost:

Total Cost: <automatic calculation>

Use this document to review the application questions and to prepare your response. These Sample Application forms cannot be used to submit your grant application. Only applications submitted through the online Grants Management System can be accepted.

Budget Totals

Single applications requesting over \$8,000 require a match. Consortia applications requesting over \$15,000 require a match.

Total Project Cost: <Automatic calculation adding all totals from Work Plan and Budget pages>

(state funds + any match funds)

State Funds – (Grant Amount Requested) <Automatic calculation>

Match Funds: <Automatic calculation>

Describe source(s) of match funds: (If match is required)

Contribution of municipal staff or volunteer's time **cannot** be offered as a match. Other contributions, while not required, may be documented here as well.

(500 character limit)

Budget Documentation: <uploaded or mailed>

Describe how you arrived at realistic budget estimates for the work plan.

(500 character limit)

Upload or mail supporting documents that show the work plan and budget is based on realistic information. If your project involves hiring a consultant (including regional planning commission staff), provide a letter or other documentation from a consultant with cost estimates for tasks, including hourly rate.

APPROVAL OF FLETCHER FREE LIBRARY
REORGANIZATION PLAN

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City of Burlington's Comprehensive Personnel Policy, Section 5.4(d) permits reorganization of the personnel functions of City Departments upon approval of this City Council following analysis and advice from the Human Resources Department (HRD) and the Chief Administrative Officer (CAO); and

WHEREAS, the Fletcher Free Library (FFL) Director, after extensive review of Library staffing structure and goals, has identified areas for improvement as they relate to development, financial planning, and customer service; and

WHEREAS, the FFL Director and the HRD and CAO have considered the matter and have recommended a reorganization; and

WHEREAS, the reorganization calls for the creation of one Part-time Regular, 20 Hour per week, Development Coordinator, placed at Grade 14 in the Willis Classification System; and

WHEREAS, the FFL will also create one Part-time 20 hour per week, Financial Assistant, placed at Grade 15 in the Willis Classification System; and

WHEREAS, the reorganization will eliminate one Part-time, 20 hour per week, Library Assistant I position, previously placed at Grade 12 in the Willis Classification System; and

WHEREAS, two Library Page positions will be reclassified from Grade 10, to two Library Assistant I positions, Grade 12; and

WHEREAS, it is estimated that the proposed reorganization will result in an increase in FY14 salaries for the FFL of \$22,252.61; and

WHEREAS, the reorganization has been considered and approved by the Library Commission, and by the Board of Finance on September 16, 2013;

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APPROVAL OF FLETCHER FREE LIBRARY
REORGANIZATION PLAN

NOW, THEREFORE, BE IT RESOLVED that this City Council hereby officially approves and authorizes the immediate implementation of the reorganization plan above referenced in accordance with usual and customary protocols, including protocols set forth in the Comprehensive Personnel Policy.

lb/EBlackwood/c: Resolutions 2013/HR – Approval of Fletcher Free Library Reorganization Plan (create positions; eliminate & reclassify others)
9/16/13



HUMAN RESOURCES DEPARTMENT

City of Burlington

179 South Winooski Avenue, STE 100, Burlington, VT 05401

Voice (802) 865-7145

Fax (802) 864-1777

Vermont Relay: 7-1-1 or 800-253-0191

To: Board of Finance

From: Julie Hulburd, Human Resources Generalist
Susan Leonard, Human Resources Director

Date: September 11, 2013

Re: Reorganization of the Fletcher Free Library Personnel

We respectfully recommend the approval of the reorganization of personnel at the Fletcher Free Library as requested by Director Rubi Simon. CAO Rusten has also reviewed these requests and is in agreement.

As Director Simon notes in her request, the library completed an extensive review of its organizational structure. In the course of that review the following needs were identified:

- Need for a position to assist the Library Director in identifying and carrying out development and fundraising opportunities.
- A position within the library structure to assist the director in the tracking of finances and budgetary items.
- A need to reclassify two Library Page positions to allow for flexibility in scheduling and coverage of the library's public service desk.

Based on these identified needs Library Director Rubi Simon submits the following proposed changes to the Library's organizational structure:

Elimination of the following position:

- Library Assistant I, AFSCME RPT 20 hour per week, Grade 12

Creation of the following positions:

- Development Coordinator, RPT 20 hour per week, Grade 14
- Financial Assistant, AFSCME RPT 20 hour per week, Grade 15

The reclassification of the following positions:

- Reclassification of two RPT 20 hour per week, Library Page positions, Grade 10,
 - Proposed to be reclassified to two RPT 20 hours per week Library Assistant I positions, Grade 12.

The rationale for the proposed changes is as follows:

Elimination of the currently vacant Library Assistant I Grade 12:

Currently there is a vacant Library Assistant I, AFSCME RPT 20 hour per week, grade 12 position at the Fletcher Free Library. This position became vacant in November of 2012, following the retirement of the individual who was an employee of the Library for seventeen years. The salary for this position at the time of the vacancy was grade 12, step 14, which currently equates to an annual salary of \$20,944.18 (according to the FY14 AFSCME pay scale)

Creation of a Development Coordinator, Grade 14 Non-Union RPT 20 position:

The City of Burlington does not discriminate on the basis of political or religious affiliation, race, color, national origin, age, sex, sexual orientation, marital status, veteran status or disability.

The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.



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Director Simon has requested the creation of a regular part-time twenty (20) hour per week Development Coordinator to assist in the creation of a consistent fundraising plan for the Fletcher Free Library. As Director Simon notes in her memo, these tasks had been largely outsourced in previous years. Review of the proposed job duties resulted in a Grade 14 ranking in the modified Willis Classification System. The FY14 annual salary amount for Grade 12, step 1 position, based on a 20 hour work week is \$19,692.87. This salary and associated benefit costs would be added to the Library's budget, and also offset by funds raised.

Creation of a Financial Assistant, Grade 15 AFSCME RPT 20 position:

Additionally, Director Simon has requested the creation of a regular part-time twenty (20) hour per week Financial Assistant to centralize and better coordinate budgeting tasks as well as assist in identifying cost saving measures. Review of the proposed job duties resulted in a Grade 15 ranking in the modified Willis Classification System. This is consistent other Financial Assistant positions within the City of Burlington. The FY14 annual salary amount for Grade 15, step 1 position, based on a 20 hour work week is \$20,977.58. This salary and associated benefit costs would be added to the Library's budget, and offset by the elimination of the Library Assistant I Grade 12.

Reclassification of two part-time Library Page positions to Part-Time Library Assistant I positions:

Also included in Director Simon's request is a reclassification of two part-time Library Page positions to two part-time Library Assistant I positions. Currently there are two Library Pages, whose job descriptions limit their ability to assist in covering the Fletcher Free Library's public service desk. Reclassifying these positions will allow the Library greater flexibility covering this important aspect of customer service. At the present time the Library Page is a Grade 10 position within the Willis Classification System. One Library Page position is a 20 hour per week position, and the incumbent is a Grade 10, step 10 which is an annual salary of \$18,424.43. The second Library Page position is a 23 hour per week position and the incumbent is a Grade 10, step 1 which is an approximate salary of \$18,575.31.

The Library Assistant I position is a Grade 12 position, upon reclassification the incumbent for the first Library Assistant position, working 20 hours per week, would be placed at a Grade 12, step 5 equating to an annual salary of \$19,101.16. The incumbent for the second Library Assistant I position, working 23 hours per week would be placed at a Grade 12, step 1, equating to a salary of \$20,424.92. Step placements in for each of these employees is based on Section 9.2(d) of the AFSMCE contract, which states "if an employee is promoted or is in a position that has been reclassified to a higher grade, the employee will enter that higher grade at the lowest step which ensures at least a five (5) percent increase over his or her current rate." These two reclassifications equate to an increase of \$2526.34. Benefits classifications for these employees would not change.

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The table below demonstrates the net financial effect of the reorganization for the Fletcher Free Library:

FFL Regoranzation Financial Impact to Salaries									
FY14									
New Positions									
Title			Grade/Step						Change in Salary Costs
Development Coordinator	RPT	20	14/1	\$19,692.87					\$ 19,692.87
Financial Assistant			15/1	\$20,977.58					\$ 20,977.58
Positions Changing									
Title		hrs/wk	Grade/Step		Change to	hrs/wk	Grade/Step	Salary	
Page	RPT	23	10/1	\$18,424.43	Library Assistant I	RPT	23	12/1	\$19,101.16 \$ 676.73
Page	RPT	20	10/10	\$18,575.31	Library Assistant I	RPT	20	12/5	\$20,424.92 \$ 1,849.61
Eliminated Position									
Library Assistant I	RPT	20	12/14	\$20,944.18					\$ (20,944.18)
Total Impact to Salaries									\$ 22,252.61

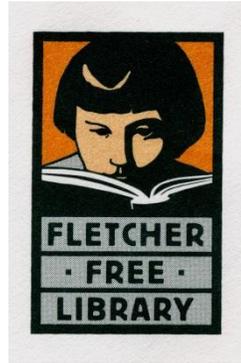
Current and proposed organizational charts and associated job descriptions are attached for your ease of reference. If approved, the reorganization will become effective following City Council approval and upon Mayoral signature on the resolution.

Attached please find supporting documentation for the above requests. If approved, the above reorganization will be effective following Board of Finance, City Council, and Mayoral approval.

Thank you for your consideration.

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To: Board of Finance
From: Rubi Simon, Library Director
Date: September 9, 2013
RE: Request for Library Positions

The Fletcher Free library is evaluating the organizational financial structure and staffing needs necessary for the ongoing growth and success of the public library. Under the new restructuring plan the library requests Finance Board approval for the creation of two financial positions. The positions include a part-time Financial Assistant, part-time Development Position and the upgrade of two Library Page positions as discussed during the budget process for FY14.

The Financial Assistant position was to be funded through a vacancy that was in FY13 for the amount of \$29,321.85. The development position and the library assistant upgrades were to be partially funded by reducing the library's sub budget by \$12,000 that had been allocated for an AmeriCorps position. There were also other minimal reductions throughout our operating budget lines and a request of an increase of the budget for the remaining amount of \$18,143.11. It is the library's understanding that the positions had been approved, but are not currently reflected in the FY 14 budget. The reductions, as well as the removal of the vacancy are reflected in the FY14 budget. The library is respectfully requesting to have these positions currently funded through the contingency fund. The total amount requested is \$59,464.96.

After a historic review of the library's staffing structure at the Fletcher Free, it is clear there has not been any financial staffing model in place to assist in the administration of the library's budget of \$1.3 million.

Without an internal financial position, the library's fiscal responsibilities to manage funds efficiently, take on new initiatives, as well as allowing the assessment of effective staffing structure, makes it difficult to ensure that we are thriving and meeting the needs of the community.

The Financial Assistant would directly support the Director in streamlining and evaluating budget management and all revenues, allowing the ability to properly appropriate and manage cost saving opportunities and allocation of funds. This position would allow the Director to seek new funding prospects, grants and creative opportunities to build the fiscal strength of the library.

The current operating procedures at the Fletcher Free library have various staff members managing several aspects of the budget. Keep in mind, this work is not related to their current

job descriptions or expertise. The current structure makes it difficult to appropriate public library service responsibilities and manage funding procedures effectively. The new position's primary responsibilities will include maintaining library financial records by accurately processing financial transactions including operating budget, payroll, fundraising accounts, grants and other related duties.

The library's request for the creation of the development position is to establish a consistent fundraising model to help offset the cost of the growing public library needs. There are various models and opportunities of fundraising that the library has not been able to establish consistently. It is critical that the library have a position whose expertise is to constantly identify new sources of revenue and opportunities both local and national. The Fletcher Free for the past four years has contracted a development consultant for a total of 160 hours a year. While helpful, this effort is not enough to sustain a library serving a population of 42,000. Other comparable libraries of our size have established formidable fundraising models that ensure consistent fundraising efforts to help offset their tax support and allow them to grow their public library staffing and service needs.

Lastly, we would like to request the upgrade of two Library Page positions to Library assistants in order to allow more flexibility in coverage of public service departments. We are consistently in need of coverage for the various public service desks which include the computer center, youth department, and the main circulation area. The Library Pages are restricted by the current job description to only support shelving needs continuously upgrading them to cover staff shortages.

We see these positions as a critical component to the operations of the Fletcher Free Library for it to continue to thrive and be able to function as a self-sufficient department of the city.

The attached documentation from HR documents the changes for each position being requested. Thank you for your consideration of these important changes.

March 26, 2004
Library Asst. I

City of Burlington Job Description

Position Title: Library Assistant I

Department: Library

Reports to: Circulation Chief /Youth Services Librarian/Acquisitions Librarian

Pay Grade: 12

Job Code: 214

Exempt/Non-Exempt: Non-Exempt

Union: AFSCME

General Purpose: This position is responsible for performing patron service and general clerical work at the circulation, and the Acquisitions Department of the Library.

Essential Job Functions:

- Greet and respond to patron requests for information and materials and assistance in person, by telephone or via the Vermont Automated Library System.
- Provide general patron orientation to Library collections and use of the Library
- Direct patrons to appropriate public service desks or other library staff as needed to best meet the patron needs.
- Maintain decorum for the library per library policies and procedures.
- Provide a variety of patron services using a fully integrated automated library system, including but not limited to; entering patron data, such as name and address and issuing library cards; recording changes of address/name and using the notes field to record special circumstances, charging library materials in-and-out.
- Processing overdue notices and bills to meet deadlines set forth by library systems administrator; including but not limited to; telephoning delinquent accounts.
- Receiving fines and donations and crediting patron accounts.
- Searching the automated card catalog to place holds; and process reserves and patron requests for information; renewing library books and materials for patrons in-house or over the telephone.
- Perform voter registrations.
- Answer phone calls, phone requests, take and distribute messages.
- Research, receive order and expend and process library books and materials including tracking of periodical in a computer program called "Tracker".
- Responsible for assisting administrative department with processing weekly payroll, statistical tracking for grant writing.
- Responsible for ordering supplies for the library including but not limited to; processing vouchers, receive and verify supply orders with co-director for approval of associated costs and develop and maintain ordering supply forms with required data needed to complete orders.
- Check in and distribute incoming mail, and collect, seal and stamp outgoing mail.
- Handle cash receipts and keep records of disbursements and balance cash on hand at the

end of day.

- Research and process requests for interlibrary loans; maintain a record of all loan activity per VALS (VT. Automated Library System) procedures.
- Assist pages in shelving library materials - alphabetically or numerically - in stacks as needed
- Conduct basic bibliographic research for patrons and displays.
- Prepare materials for circulation; ie put carts in order, check in.
- Research and prepare order form for patron requests and provide correct information for Selectors or inter-library loan department.
- Schedule conferences rooms.
- Responsible for opening and closing procedure for library
- Maintain and create book displays and Bulletin boards.
- Report violations of library rules or other conduct effecting library security to supervisor.

Qualifications/Basic Job Requirements:

- High School diploma or equivalent required.
- Two years in public service setting in an office environment required.
- Associates degree and two years work experience in office setting, accounting experience preferred.
- Ability to interact with co-workers and public in a professional and courtesy manner.
- Ability to learn and use fully integrated automated library system.
- Ability to file alphabetically, numerically and to learn the Dewey Decimal filing system.
- Ability to type 40 wpm.
- Familiarity with computers, word processing, accounting software and automated library systems, and standard office equipment.
- Demonstrated knowledge of including but not limited to Microsoft, word, excels.
- Knowledge of Internet usage and email and standard office equipment.
- Ability to obtain a working knowledge of all department operations and procedures and relevant City policies.
- Ability to learn and interpret department polices and procedures.
- Ability to communicate to co-workers and general public orally effectively.
- Work is performed in a public service library setting, which will require some evening and weekend work.
- Able to handle volatile or potentially dangerous individuals and situations following library procedures.
- Work does require standing for long periods.
- Work requires the ability to lift, stretch and bend.
- Demonstrated commitment to diversity and cultural competency.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position. Upon request for a reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation.

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| <input checked="" type="checkbox"/> seeing | <input checked="" type="checkbox"/> ability to move distances within and between warehouses/offices | <input checked="" type="checkbox"/> lifting (specify) 25 pounds |
| <input checked="" type="checkbox"/> color perception (Red, green, amber) | <input type="checkbox"/> climbing | <input checked="" type="checkbox"/> carrying (specify) 25 pounds |
| <input checked="" type="checkbox"/> hearing/listening | <input type="checkbox"/> ability to mount and dismount forklift/truck | <input type="checkbox"/> driving (local/over the road) |
| <input checked="" type="checkbox"/> clear speech | <input checked="" type="checkbox"/> pushing/pulling | |
| <input type="checkbox"/> touching | | |
| <input checked="" type="checkbox"/> dexterity | | |
| <input checked="" type="checkbox"/> hand | | |
| <input checked="" type="checkbox"/> finger | | |
| <input type="checkbox"/> reading - basic | <input checked="" type="checkbox"/> math skills - basic | <input checked="" type="checkbox"/> analysis/comprehension |
| <input checked="" type="checkbox"/> reading - complex | <input checked="" type="checkbox"/> math skills - complex | <input checked="" type="checkbox"/> judgment/decision making |
| <input checked="" type="checkbox"/> writing - basic | <input checked="" type="checkbox"/> clerical | |
| <input type="checkbox"/> writing - complex | <input type="checkbox"/> outside | <input type="checkbox"/> pressurized equipment |
| <input checked="" type="checkbox"/> shift work | <input type="checkbox"/> extreme heat | <input checked="" type="checkbox"/> moving objects |
| <input checked="" type="checkbox"/> works alone | <input type="checkbox"/> extreme cold | <input type="checkbox"/> high places |
| <input checked="" type="checkbox"/> works with others | <input checked="" type="checkbox"/> noise | <input checked="" type="checkbox"/> fumes/odors |
| <input checked="" type="checkbox"/> verbal contact w/others | <input type="checkbox"/> mechanical equipment | <input type="checkbox"/> hazardous materials |
| <input checked="" type="checkbox"/> face-to-face contact | <input type="checkbox"/> electrical equipment | <input checked="" type="checkbox"/> dirt/dust |
| <input checked="" type="checkbox"/> inside | | |

Supervision:

Directly Supervises: _____ Indirectly Supervises: _____

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

Library Assistant I

Page 4 of 4

negotiate with AFSCME regarding changes in position descriptions. The City's provision of revised position descriptions is in no way an admission of any obligation to negotiate or voluntary commitment to negotiate changes in position descriptions.

Library Page Grade 10 Payscale

AFSCME
With 2.0 Increase from FY13

TABLE 32 for FY 14

	Step 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Grade	10														
Annual	32304.97	32910.66	33516.83	34122.52	34728.22	35334.15	35939.84	36242.92	36546.01	36848.85	37151.7	37454.55	37757.39	38060.48	38363.32
Weekly	621.2494	632.8973	644.5544	656.2023	667.8503	679.5028	691.1507	696.9793	702.8078	708.6318	714.4558	720.2797	726.1037	731.9322	737.7562
Hourly	15.53123	15.82243	16.11386	16.40506	16.69626	16.98757	17.27877	17.42448	17.5702	17.71579	17.86139	18.00699	18.15259	18.29831	18.44391

Library Assistant I Grade 12 Payscale

AFSCME
With 2.0 Increase from FY13

TABLE 32 for FY 14

	Step 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Grade	12														
Annual	35521.7	36192.05	36861.93	37532.52	38202.39	38944.06	39542.86	39882.79	40212.97	40547.91	40883.08	41221.11	41553.19	41888.37	42223.55
Weekly	683.1096	696.001	708.8832	721.7792	734.6614	748.9242	760.4395	766.9766	773.3263	779.7674	786.2131	792.7136	799.0999	805.5456	811.9913
Hourly	17.07774	17.40003	17.72208	18.04448	18.36653	18.7231	19.01099	19.17442	19.33316	19.49419	19.65533	19.81784	19.9775	20.13864	20.29978

City of Burlington Job Description

Position Title: Development Coordinator

Department: Fletcher Free Library

Reports to: Director, Fletcher Free Library

Pay Grade: 14

Job Code:

Exempt/Non-Exempt: Non-Exempt

Union: Non-Union

General Purpose:

The Development Coordinator provides administrative support and is responsible for direct fund raising and development related events and tasks. The Coordinator reports directly to the Library Director and works closely with the library's development committee. The Coordinator assists with fund raising activities including fund drives, major gifts program, donor relations, fund raising events, and other fund development activities. Position provides administrative support for donor database, mailings, acknowledgments, and recognition. Position assists with donor recruitment, cultivation, retention, stewardship and appreciation. The Coordinator also assists with messaging and communications strategies, including marketing, public relations and social media related to development fund raising efforts.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The related job requirements and physical, mental and reasoning requirements outlined in the next two sections state the underlying requirements that an employee must meet in order to perform these essential functions. The three sections together describe the essential functions of this position)

- Create monthly written development activity and fund raising report and other database reports as needed. Research appropriate benchmarks and metrics and report on new donors, donor retention, attrition, donation amounts and other appropriate information needed to assess fund development goal and objective accomplishment.
- Implement and oversee approved annual plan including annual membership campaign, corporate solicitations, grant writing and special events.
- Research corporations, foundations and government agencies that provide resources to the arts. Conducts regular and extensive research on potential contributors, reaches out to other fund-raisers to gather ideas and share experiences; writes proposals.
- Recruit, coordinate, and oversee volunteers for fund development and fund raising activities.
- Network with the business community to pursue financial and in-kind support.
- Work with Library Director and Board to design any collateral materials needed for development activities.
- Manage and oversee grant proposals, coordinate materials to be included in proposals, and ensure that deadlines are met.
- Develop and maintain direct solicitation lists, call lists, etc and acknowledge *every* donation in writing in a timely manner.

- Maintains fundraising files, database(s) and tracks donations.

Qualifications/Basic Job Requirements:

- Bachelor's degree in related field and 3 years' experience in development, sales or fundraising required.
- Experience working with donor database software.
- Flexible schedule, will be required to work evening events.
- Ability to write clearly for various purposes, from thank you letters to grant proposals to formal gift acknowledgement.
- Proficiency in keyboarding and intermediate computer skills.
- Strong organizational and time management skills.
- Familiarity with local donor community is preferred.
- Ability to work in PC format with knowledge of Microsoft Office software (Word, Excel, and PowerPoint) Strong communication skills, both verbal and written, required.
- Ability to professionally represent the Fletcher Free Library and the City of Burlington inside and outside of City Hall.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position. Upon request for a reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> seeing | <input type="checkbox"/> ability to move distances within and between warehouses/offices | <input type="checkbox"/> lifting (specify) _____ pounds |
| <input type="checkbox"/> color perception (red, green, amber) | <input type="checkbox"/> climbing | <input type="checkbox"/> carrying (specify) _____ pounds |
| <input checked="" type="checkbox"/> hearing/listening | <input type="checkbox"/> ability to mount and dismount forklift/truck | <input type="checkbox"/> driving (local/over the road) |
| <input checked="" type="checkbox"/> clear speech | <input type="checkbox"/> pushing/pulling | |
| <input checked="" type="checkbox"/> touching | | |
| <input checked="" type="checkbox"/> dexterity | | |
| <input checked="" type="checkbox"/> hand | | |
| <input checked="" type="checkbox"/> finger | | |
| <input type="checkbox"/> reading - basic | <input type="checkbox"/> math skills - basic | <input checked="" type="checkbox"/> analysis/comprehension |
| <input checked="" type="checkbox"/> reading - complex | <input checked="" type="checkbox"/> math skills - complex | <input checked="" type="checkbox"/> judgment/decision making |
| <input type="checkbox"/> writing - basic | <input checked="" type="checkbox"/> clerical | |
| <input checked="" type="checkbox"/> writing - complex | | |
| <input type="checkbox"/> shift work | <input type="checkbox"/> outside | <input type="checkbox"/> pressurized equipment |
| <input checked="" type="checkbox"/> works alone | <input type="checkbox"/> extreme heat | <input type="checkbox"/> moving objects |
| <input checked="" type="checkbox"/> works with others | <input type="checkbox"/> extreme cold | <input type="checkbox"/> high places |
| <input checked="" type="checkbox"/> verbal contact w/others | <input type="checkbox"/> noise | <input type="checkbox"/> fumes/odors |

face-to-face contact
 inside

mechanical equipment
 electrical equipment

hazardous materials
 dirt/dust

Supervision:

Directly Supervises: _____

Indirectly Supervises: 2-3

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

(created 03/90; revised 11/94; revised 4/2000; 08/2002; revised 06/2006; revised 03/07)

DRAFT

Development Coordinator Grade 14 Payscale

Non-Union
With 1.0% Increase from FY13

TABLE 32NU for FY 14

	Step 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Grade	14														
Annual	39385.75	40133.46	40880.69	41628.64	42376.1	43123.81	43871.28	44245.13	44618.99	44992.84	45366.46	45740.07	46114.16	46487.78	46861.63
Weekly	757.4183	771.7973	786.1672	800.5507	814.9251	829.3041	843.6785	850.868	858.0574	865.2469	872.4319	879.6168	886.8108	893.9958	901.1852
Hourly	18.93546	19.29493	19.65418	20.01377	20.37313	20.7326	21.09196	21.2717	21.45144	21.63117	21.8108	21.99042	22.17027	22.34989	22.52963

Classification Scores
June 2013

Development Coordinator			
Knowladge & Skills	D1X		122
Mental Demands	D3H		35
Accountablity	C1S		61
Working Conditions	L1B		6
			224
Total			
Classification	Regular Part-Time Grade 14		

City of Burlington

Job Description

Position Title: Financial Assistant

Department: Library

Reports to: Library Director

Pay Grade: 15

Job Code:

Exempt/Non-Exempt: Non-Exempt

Union: AFSCME

General Purpose: This position is responsible for maintaining library financial records by accurately processing financial transactions including operating budget, payroll, fundraising accounts, and grants and other related duties.

Essential Job Functions:

- Assist Library Director with budget preparation
- Interface with departments regarding and processing administering accounts receivable and accounts payable; including purchase orders, invoices, and payroll
- Run monthly financial reports for distribution and prepare analysis of accounts as requested
- Collect, confirm and process timesheets and overtime
- Prepare and coordinate deposit activities and perform all necessary account, bank and other reconciliations
- Responsible for maintaining fundraising and grant database and accounts with the assistance of the Development Coordinator
- Find and use accounting data to resolve accounting problems and discrepancies
- Interface with other departments/customers/vendors
- Responsible for managing statistical tracking for the library
- Update, verify and maintain accounting journals and ledgers and other financial records
- Responsible for ordering supplies for the library including but not limited to; processing vouchers, receive and verify supply orders with Library Director's approval of associated costs and develop and maintain ordering supply forms with required data needed to complete orders.
- Check in and distribute incoming mail, and collect, seal and stamp outgoing mail
- Perform filing and general administrative tasks
- Report violations of library rules or other conduct effecting library security to supervisor

Qualifications/Basic Job Requirements:

- High school diploma
- Associated Degree in Accounting/Bookkeeping or related degree highly preferred.
- Must have three years relevant experience in accounting and full-charge bookkeeping.
- Two years in public service setting in an office environment required.
- Accounting and computer experience required.

- Ability to interact with co-workers and public in a professional and courteous manner.
- Ability to learn and use fully integrated automated library system.
- Strong working knowledge of computers, word processing, accounting software and automated library systems, and standard office equipment.
- Strong working knowledge of including but not limited to Microsoft, word, excel.
- Knowledge of Internet usage and email and standard office equipment.
- Ability to obtain a working knowledge of all department operations and procedures and relevant City policies.
- Ability to learn and interpret department polices and procedures.
- Ability to obtain working knowledge of all library departments, services, programs and of public library work.
- Ability to communicate to co-workers and general public effectively.
- Attention to detail and accuracy.
- Able to handle volatile or potentially dangerous individuals and situations following library procedures.
- Ability to sit and use computer workstation for extended periods of time.
- Demonstrated commitment to diversity and cultural competency.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position. Upon request for a reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> seeing | <input checked="" type="checkbox"/> ability to move distances within and between warehouses/offices | <input checked="" type="checkbox"/> lifting (specify)
25 pounds |
| <input checked="" type="checkbox"/> color perception (Red, green, amber) | <input type="checkbox"/> climbing | <input checked="" type="checkbox"/> carrying (specify)
25 pounds |
| <input checked="" type="checkbox"/> hearing/listening | <input type="checkbox"/> ability to mount and dismount forklift/truck | <input type="checkbox"/> driving (local/over the road) |
| <input checked="" type="checkbox"/> clear speech | <input checked="" type="checkbox"/> pushing/pulling | |
| <input checked="" type="checkbox"/> touching | | |
| <input checked="" type="checkbox"/> dexterity | | |
| <input checked="" type="checkbox"/> hand | | |
| <input checked="" type="checkbox"/> finger | | |
| <input checked="" type="checkbox"/> reading - basic | <input checked="" type="checkbox"/> math skills - basic | <input checked="" type="checkbox"/> analysis/comprehension |
| <input checked="" type="checkbox"/> reading - complex | <input checked="" type="checkbox"/> math skills - complex | <input checked="" type="checkbox"/> judgment/decision making |
| <input checked="" type="checkbox"/> writing - basic | <input checked="" type="checkbox"/> clerical | |
| <input type="checkbox"/> writing - complex | | |
| <input checked="" type="checkbox"/> shift work | <input type="checkbox"/> outside | <input type="checkbox"/> pressurized equipment |
| <input checked="" type="checkbox"/> works alone | <input type="checkbox"/> extreme heat | <input checked="" type="checkbox"/> moving objects |
| <input checked="" type="checkbox"/> works with others | <input type="checkbox"/> extreme cold | <input type="checkbox"/> high places |

verbal contact w/others noise fumes/odors
 face-to-face contact mechanical equipment hazardous materials
 inside electrical equipment dirt/dust

Supervision:

Directly Supervises: 0 Indirectly Supervises: 0

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____
Human Resources: _____ Date: _____

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Created September 2013

Financial Assistant Grade 15 Payscale

AFSCME

TABLE 32 for FY 14

With 2.0 Increase from FY13

	Step 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Grade	15														
Annual	41955.17	42754.12	43552.84	44351.79	45150.27	45949.22	46747.94	47147.53	47546.89	47946.49	48346.32	48745.2	49144.56	49544.16	49943.52
Weekly	806.8301	822.1946	837.5546	852.9191	868.2744	883.6389	898.9988	906.6833	914.3633	922.0478	929.7369	937.4078	945.0877	952.7723	960.4522
Hourly	20.17075	20.55487	20.93886	21.32298	21.70686	22.09097	22.47497	22.66708	22.85908	23.0512	23.24342	23.43519	23.62719	23.81931	24.01131

Classification Scores
June 2013

Financial Assistant			
Knowledge & Skills	D1N		140
Mental Demands	D3I		46
Accountability	D1S		53
Working Conditions	L1B		6
			245
Total			
Classification	Regular Part-Time Grade 15		

City of Burlington Job Description

Position Title: Library Page

Department: Fletcher Free Library

Reports to: Circulation Chief

Pay Grade: 10

Job Code: 230

Exempt/Non-Exempt: Non-Exempt

Union: AFSCME

General Purpose: Under direct supervision this position is responsible for maintaining the orderly placement of the library books, collections and materials; the general cleaning of the library public areas; referring patrons to the appropriate library department; and assisting patrons in the public access computer center

Essential Job Functions:

- Clear library reading tables of used materials and re-shelve; straighten tables and chairs and dispose of litter.
- Greets and responds to public inquiries for information in a courteous manner, referring patrons to appropriate public service desks as needed to best meet needs of patrons.
- Provides patrons with a call back form on Sundays for in-depth research questions.
- Assists in opening and closing the library.
- Assists in weeding periodicals and researching overdue material lists.
- Arrange materials on book carts in alphabetic or numeric order in preparation for shelving.
- Shelve library books and other materials in their proper location in the Library according to the Dewey Decimal or other local filing systems.
- Provides a variety of patron services using a fully automated library system, various software applications and the Internet.
- Provides general computer and equipment maintenance, including but not limited to, adding paper and toner, ensuring equipment is cleaned properly, etc.
- Maintains decorum for the library according to established policies and procedures, reporting violations of library rules or other conduct effecting security to supervisors.
- Provide basic computer instruction to patrons including but not limited to; Microsoft Word, Internet Explorer, Email Basics.
- Provide computer center statistics.

Non-Essential Job functions:

- Perform all other duties as assigned

Qualifications/Basic Job Requirements:

- High School diploma or equivalent required
- Two years of experience in public contact work required.
- Ability to adequately utilize automated library catalog and circulation systems.
- Ability to assess volatile and potentially dangerous situations with patrons in accordance with library procedures.
- Ability to follow written and oral instructions required.
- Ability to interact with co-workers and the public in a courtesy and professional manner.
- Ability to file accurately, both alphabetically and numerically.
- Ability to bend, reaches, and stands for long periods of time.
- Ability to work some nights and weekends required.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position. Upon request for a reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> seeing | <input checked="" type="checkbox"/> ability to move distances within and between warehouses/offices | <input checked="" type="checkbox"/> lifting (specify) 25 pounds |
| <input checked="" type="checkbox"/> color perception (red, green, amber) | <input checked="" type="checkbox"/> climbing | <input checked="" type="checkbox"/> carrying (specify) 20 pounds |
| <input checked="" type="checkbox"/> hearing/listening | <input type="checkbox"/> ability to mount and dismount forklift/truck | <input type="checkbox"/> driving (local/over the road) |
| <input checked="" type="checkbox"/> clear speech | <input checked="" type="checkbox"/> pushing/pulling | |
| <input checked="" type="checkbox"/> touching | | |
| <input checked="" type="checkbox"/> dexterity | | |
| <input checked="" type="checkbox"/> hand | | |
| <input checked="" type="checkbox"/> finger | | |
| <input checked="" type="checkbox"/> reading - basic | <input checked="" type="checkbox"/> math skills - basic | <input checked="" type="checkbox"/> analysis/comprehension |
| <input type="checkbox"/> reading - complex | <input type="checkbox"/> math skills - complex | <input checked="" type="checkbox"/> judgment/decision making |
| <input checked="" type="checkbox"/> writing - basic | <input checked="" type="checkbox"/> clerical | |
| <input type="checkbox"/> writing - complex | <input type="checkbox"/> outside | <input type="checkbox"/> pressurized equipment |
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| <input checked="" type="checkbox"/> verbal contact w/others | <input type="checkbox"/> mechanical equipment | <input type="checkbox"/> hazardous materials |
| <input checked="" type="checkbox"/> face-to-face contact | <input type="checkbox"/> electrical equipment | <input checked="" type="checkbox"/> dirt/dust |
| <input checked="" type="checkbox"/> inside | | |

Supervision:

Directly Supervises: __0__ Indirectly Supervises: __0__

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

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(revised 8/17/2011)

Fletcher Free Library
 City of Burlington
 August 2013

Library Board of
 Commissioners

Rubi Simon
 Director of Library
 Grade 24

Robert Coleburn
 Librarian I
 Grade 18

Annie D'Alton
 Systems Support
 Specialist
 Grade 13 50%

Christine Webb
 Librarian I
 Grade 18

Nga Pham
 Library Technical
 Assistant
 Grade 12

Susan Bevins
 Acquisitions
 Manager
 Grade 15

Doug Chamberlain
 Library Assistant I
 Grade 12

Vacant
 Library Assistant I
 Grade 12 50%

Vacant
 Custodian I
 Grade 8

Robert Resnik
 Librarian I
 Grade 18

Toni Taginski
 Circulation Chief
 Grade 16

Emer Pond Feeney
 Library Assistant I
 Grade 12

Tenzin Dhondup
 Library Assistant I
 Grade 12

Susan Fensch
 Page
 Grade 10 50%

Barbara Shatara
 Librarian I
 Grade 18

Kathleen Bouton
 Library Assistant I
 Grade 12

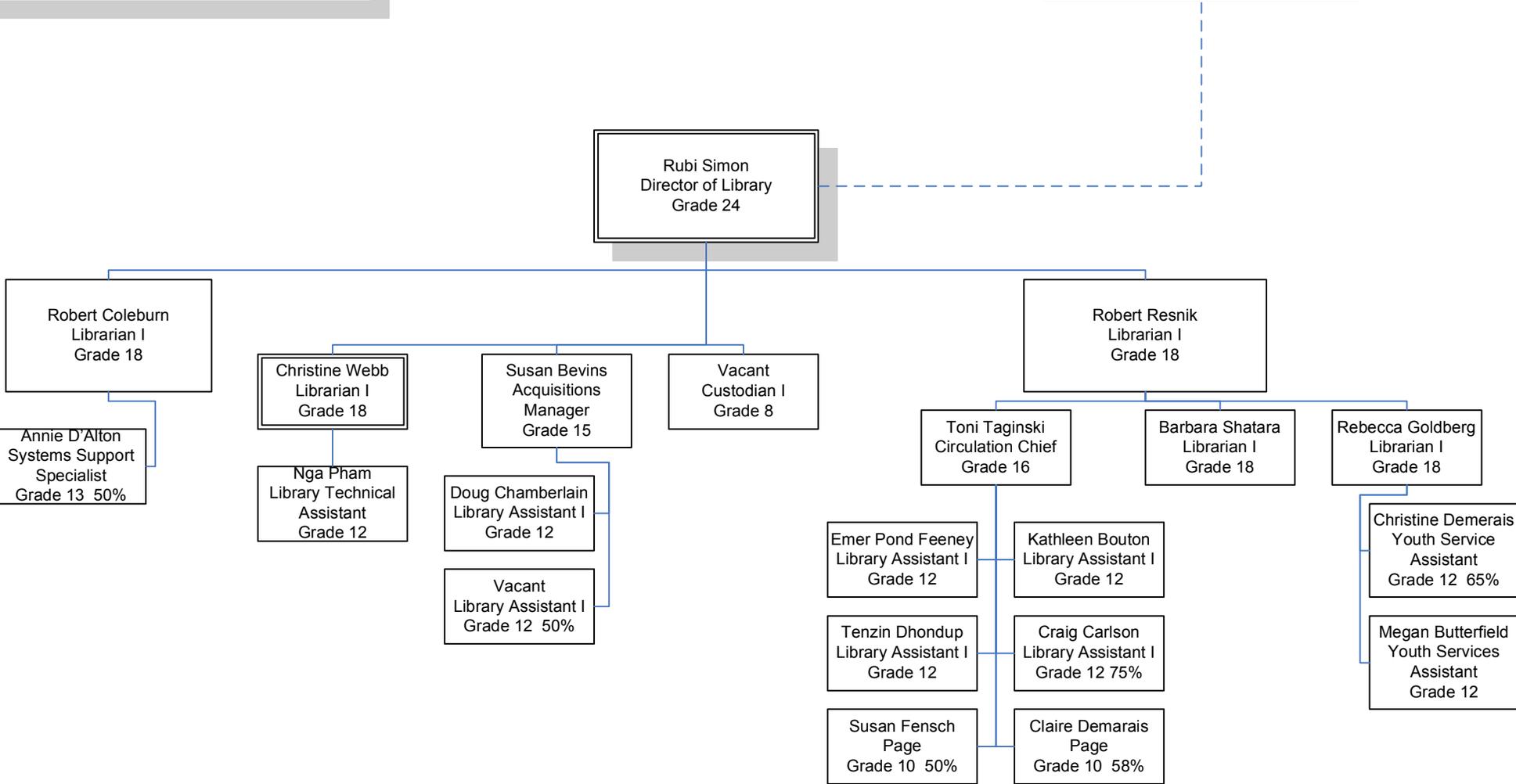
Craig Carlson
 Library Assistant I
 Grade 12 75%

Claire Demarais
 Page
 Grade 10 58%

Rebecca Goldberg
 Librarian I
 Grade 18

Christine Demerais
 Youth Service
 Assistant
 Grade 12 65%

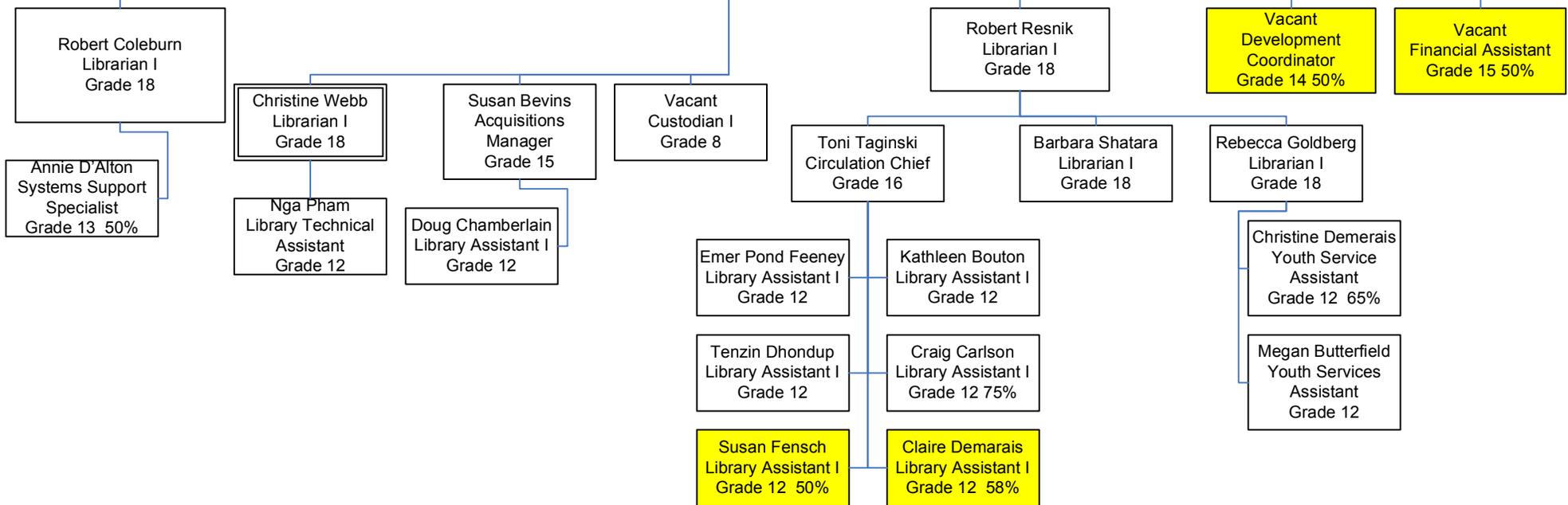
Megan Butterfield
 Youth Services
 Assistant
 Grade 12



Fletcher Free Library
 City of Burlington
 PROPOSED
 September 2013

Library Board of
 Commissioners

Rubi Simon
 Director of Library
 Grade 24



CREATION OF REGULAR FULL TIME CUSTOMER SERVICE SPECIALIST POSITION
AND ELIMINATION OF CUSTOMER SERVICE FIELD REPRESENTATIVE POSITION –
BURLINGTON ELECTRIC DEPARTMENT

In the year Two Thousand Thirteen.....
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the General Manager of the Burlington Electric Department has recommended creation of a Customer Service Specialist Position and elimination of one of two Customer Service Field Representative Positions due to the changes in demands as a result of the Smart Grid Project; and

WHEREAS, Human Resources Director has used the Modified Winters Classification Plan to determine a recommended pay scale for this position; and

WHEREAS, this request has been approved by the Human Resources Director and Finance Board; and

WHEREAS, this position will be funded through the revenues generated by the Burlington Electric Department; and

NOW THEREFORE, BE IT RESOLVED that the creation of a classified, regular, full-time position of Customer Service Specialist Position and the elimination of one of the two Customer Service Field Representative Positions for the Burlington Electric Department shall be approved and shall be placed at a Grade 10 within the Burlington Electric Non-exempt Union Wage Table. The position shall be created upon date of City Council approval and the Mayor's signature.

DRAFT



**HUMAN RESOURCES
DEPARTMENT**
City of Burlington

179 South Winooski Avenue, Burlington, VT 05401

Voice (802) 865-7145
Fax (802) 864-1777
TTY (802) 865-7142

To: City Council

From: Benjamin Pacy, Human Resources Generalist
Susan Leonard, Human Resources Director

Date: September 12, 2013

Re: Burlington Electric Department – Creation of Regular, Full Time Customer Service Specialist Position and Elimination of one of the two Customer Service Field Representative Positions.

As detailed in the attached memo and job description, the General Manager of Burlington Electric has requested the creation of a Customer Service Specialist position and the elimination of one of the two Customer Service Field Representative Positions. This change is being requested to address the continued changes resulting from the implementation of the Smart Grid systems.

The position, which will report to the Supervisor of Customer Service at Burlington Electric, as shown on the attached existing and proposed organization charts, was classified and scored using the Modified Winters Classification System. The resulting classification is a non-exempt union grade 10 with a corresponding hourly wage range \$17.78 to \$29.64 (the Customer Service Field Representative position classification is a non-exempt union grade 8 with an hourly wage range of \$17.47 to \$28.64). Creation of this position will not result in an addition to headcount funded by BED. However, there will likely be a small increase in salary expense, with a maximum of \$1600 for the balance of FY14. It is expected that one of the two existing Customer Service Field Representatives will fill the newly created Customer Service Specialist position.

We respectfully recommend your approval of the General Manager of Burlington Electric Department's request to create a Customer Service Specialist position and eliminate one of the two Customer Service Field Representative positions.

This position will become effective following City Council approval and the Mayor's signature upon the resolution, of which a draft is attached.

Thank you.



585 Pine Street • Burlington, VT 05401-4891
802/658-0300 • 802/865-7386 (TTY/Voice) • Fax: 802/865-7400

To: Burlington Board of Finance & City Council
From: Tom Buckley, BED Manager of Customer & Energy Services
Date : September 10, 2013
Subject: Creation of new position in the BED customer service area

With the majority of the "smart grid" system now up and running, the remote electric service connect/disconnect feature built into the automated metering system has eliminated a large portion of field work and truck driving that a customer service field representative has performed up until now. While there is still some manual service disconnection that will remain, it is only about 20% of that portion of this job compared with past requirements.

This gives us an opportunity to combine some of the customer service tasks that are currently handled by the Energy Services Specialists (freeing them to focus on recently expanded energy efficiency program goals), as well as a variety of underserved administrative roles in the customer service area into a single new position we propose to name "Customer Service Specialist" (description attached). This position would focus on enhanced billing procedures including new service offerings such as net metering, enhance the commercial customer service process, and provide enhanced liaison to the distribution area. The position would continue to address the remaining customer service field requirements, so there would be no loss of function or shift of those responsibilities. The remaining Customer Service Field Representative would continue to provide back-up to those duties of the new position.

The creation of this new position along with the elimination of one of two Field Representative positions would result in no change in the overall number of employees. Any new labor costs would be small and more than compensated by savings in overtime routinely required in the past for field representative activities, so the net effect on the budget is expected to be neutral to slightly positive.

Thank you for your consideration of this proposal.



City of Burlington Job Description

DEPARTMENT: Burlington Electric Department
POSITION TITLE: Customer Service Specialist
CLASSIFICATION: Grade 10
POSITION NUMBER: TBD
REPORTS TO: Customer Service Supervisor
UNION: IBEW
EXEMPT STATUS: Non-Exempt, Regular Full Time

JOB OBJECTIVES/SUMMARY:

Responsible for the communication and delivery of B.E.D.'s customer services to residential and commercial customers. Initiates and maintains ongoing positive relationships through daily contacts with customers and their representatives. Serves as a primary point of contact for commercial customers to: coordinate their customer service requests within B.E.D., facilitate timely resolution of customer concerns and issues, forward concerns as needed to appropriate departmental staff in order to continually improve B.E.D. customer services.

ESSENTIAL FUNCTIONS:

- Communicates as needed with customers concerning B.E.D. services, programs, rates, policies, planned outages and related customer service issues.
- Performs or facilitates billing analysis as needed for commercial and industrial customers.
- Communicates with customers regarding their delinquent accounts; establishes and maintains customer repayment agreements, particularly for commercial and industrial customers.
- Responds to customer inquiries or complaints concerning BED or utility-related issues in a timely fashion, including real-time assistance to commercial and industrial customers during power outages.
- Promotes the delivery of all BED customer service offerings including energy efficiency program options, power quality, demand response and others as they evolve; particularly to commercial and industrial customers.
- Supports customer participation in BED demand response offerings.
- Coordinates with other Department areas to facilitate resolutions or responses to customer problems or concerns in a timely manner.
- Assists with communication and coordination of services for new construction projects including line extension needs, distribution system alterations and the delivery of energy efficiency options.
- Represents BED in dealings with other City departments to integrate customer programs with other City department operations, policies and regulations.
- Assists the Energy Services team in the identification of opportunities for and

- incorporation of new electro-technologies into existing and new customer facilities.
- Performs disconnects and re-energizing electrical meters where required and obtains accurate final readings in a timely manner.
- Inspects, reseals, and reports on possible faulty meter installations or conditions.
- Processes all Customer Service Requests including, but not limited to work orders, title searches, energy audits, budget payment plans, and consumption history information.
- Processes customer payments received at drive up, walk-in and in the field including checks, debit, and credit cards and other electronic payments.
- Provides back-up to the Billing Coordinator position.
- Represent BED's programs and services at exhibitions, conferences and City functions.

NON-ESSENTIAL FUNCTIONS:

- Performs other duties as required.

MINIMUM QUALIFICATIONS AND/OR EXPERIENCE:

- An Associate's Degree and five years of combined utility customer service/metering services experience serving a broad range of customers is required. Seven years of relevant utility experience may be substituted for the educational requirement.
- Must be self-motivated and able to work independently and as part of a team.
- Must be proficient at using word processing and spreadsheet software and at assembling customer communications from these formats.
- Must have excellent verbal and written communication skills with a strong customer service orientation and the ability to interact effectively with co-workers is essential.
- Must have excellent organizational and project management skills.
- Must be able to adhere to safety procedures, including wearing safety and protective equipment when conducting electrical field work.
- Must have demonstrated accurate arithmetic skills. Must have a valid driver's license and experience driving light fleet vehicles.
- Must be flexible about changes in assignment and able to handle multiple tasks concurrently.

NUMBER SUPERVISED: DIRECTLY: 0 INDIRECTLY: 0

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> seeing | <input checked="" type="checkbox"/> ability to move distances | <input checked="" type="checkbox"/> lifting (specify) |
| <input checked="" type="checkbox"/> color perception | within and between | 10-20 pounds |
| (red, green, amber) | warehouses/offices | <input checked="" type="checkbox"/> carrying (specify) |
| <input checked="" type="checkbox"/> hearing/listening | climbing | 10-20 pounds |

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|---|---|--|
| <input checked="" type="checkbox"/> clear speech | <input checked="" type="checkbox"/> ability to mount and
dismount forklift/truck | <input checked="" type="checkbox"/> driving (local/over
the road) |
| <input checked="" type="checkbox"/> touching | <input checked="" type="checkbox"/> pushing/pulling | |
| <input checked="" type="checkbox"/> dexterity | | |
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| <input checked="" type="checkbox"/> finger | | |
| <input checked="" type="checkbox"/> reading - basic | <input checked="" type="checkbox"/> math skills - basic | <input checked="" type="checkbox"/> analysis/comprehension |
| <input type="checkbox"/> reading - complex | <input type="checkbox"/> math skills - complex | <input checked="" type="checkbox"/> judgment/decision
making |
| <input checked="" type="checkbox"/> writing - basic | <input checked="" type="checkbox"/> clerical | |
| <input type="checkbox"/> writing - complex | | |
| <input type="checkbox"/> shift work | <input checked="" type="checkbox"/> outside | <input type="checkbox"/> pressurized equipment |
| <input checked="" type="checkbox"/> works alone | <input checked="" type="checkbox"/> extreme heat | <input checked="" type="checkbox"/> moving objects |
| <input checked="" type="checkbox"/> works with others | <input checked="" type="checkbox"/> extreme cold | <input type="checkbox"/> high places |
| <input checked="" type="checkbox"/> verbal contact w/others | <input checked="" type="checkbox"/> noise | <input type="checkbox"/> fumes/odors |
| <input checked="" type="checkbox"/> face-to-face contact | <input checked="" type="checkbox"/> mechanical equipment | <input type="checkbox"/> hazardous materials |
| <input checked="" type="checkbox"/> inside | <input checked="" type="checkbox"/> electrical equipment | <input checked="" type="checkbox"/> dirt/dust |

Description of Working Conditions:

The specialist works within a very busy, customer-contact oriented office environment. Extensive use of a personal computer is required. A substantial portion of time will involve traveling and meeting with customers at their property. The job may involve some statewide travel. Hours of work are consistent with normal business hours, but may vary depending on work load or special projects as assigned.

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees in this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

APPROVALS:

Supervisor

Manager

Human Resources

City of Burlington Job Description

Position Title: Customer Service Field Representative

Department: Burlington Electric Department

Reports to: Supervisor of Customer Service

Pay Grade: 8

Job Code: 740

Exempt/Non-Exempt: Non-Exempt

Union: IBEW

General Purpose:

This position is responsible for taking final readings, collecting delinquent accounts, disconnecting customers with delinquent accounts, investigating low and high meter readings and providing courteous and accurate responses to all customer inquiries. This position is also responsible for communicating information concerning B.E.D.'s policies, programs and services, and for relaying customer information to appropriate Departmental Staff.

Essential Job Functions: (This section outlines the fundamental job functions that must be performed in this position. The "Qualifications/Basic Job Requirements" and the "Physical and Mental/Reasoning Requirements and Work Environment" state the underlying requirements that an employee must meet in order to perform these essential functions. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to qualified individuals with disabilities to perform the essential functions of the position.)

- Performs disconnects and re-energizing electrical meters where required.
- Inspects, reseals, reports on possible faulty meter installations or conditions.
- Serves as a liaison between the customer and the full range of BED services.
- Communicates with customers regarding their delinquent accounts.
- Obtains accurate final readings in a timely manner.
- Processes all Customer Service Requests including, but not limited to service orders, title searches, energy audits, budget payment plans, and consumption history information.
- Works with Departmental staff to provide BED customers necessary information concerning BED's programs, rates, services and policies.
- Responds to customer inquiries or complaints concerning BED or utility-related issues in a timely fashion, including power outages.
- Negotiates repayment agreements in person and by telephone.
- Processes customer payments received at drive up, walk-in and in the field.
- Maintains active delinquency accounts.
- Provides services that promote BED energy efficiency programs to residential and small commercial customers.
- Represent BED's programs and services at exhibitions, conferences and City functions.
- Process electronic payments including checks, debit, and credit cards.

Deleted: for the Neighborsave and Smartlight

Non-Essential Job Functions:

- Provides back-up coverage for ~~Cashier, Messenger and Business Center Operator functions.~~
- Performs other duties as required.

Deleted: Mailroom Clerk/Cashier

Minimum Qualifications/Basic Job Requirements:

- Associates Degree and two years of combined customer service/metering services experience serving a broad range of customers required. At least four years of relevant experience may be substituted for the educational requirements.
- Must have or be able to acquire a working knowledge of Burlington street locations.
- Must have demonstrated knowledge of electrical metering equipment.
- Must be able to adhere to safety procedures, including wearing safety and protective equipment when conducting electrical field work.
- Must be able to work in various weather conditions.
- Must have excellent organization skills and be able to communicate effectively with customers both verbally and in writing.
- Must have accurate arithmetic skills with legible handwriting.
- Must be able to work as a team player with other department personnel.
- Must be flexible about changes in assignment and able to handle multiple tasks concurrently.
- Must be able to post data using a 10-key calculator with speed and accuracy.
- Must be able to work in a Windows-based computing environment with database, spreadsheet and word processing software.
- Must possess and maintain a valid Vermont driver's license.
- Experience with AS400 or other mainframe computing preferred.

Physical & Mental/Reasoning Requirements; Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position.

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> seeing | <input checked="" type="checkbox"/> ability to move distances within and between warehouses/offices | <input checked="" type="checkbox"/> lifting (specify) <u>10-20</u> pounds |
| <input checked="" type="checkbox"/> color perception (red, green, amber) | <input type="checkbox"/> climbing | <input checked="" type="checkbox"/> carrying (specify) <u>10-20</u> pounds |
| <input checked="" type="checkbox"/> hearing/listening | <input checked="" type="checkbox"/> ability to mount and dismount forklift/truck | <input checked="" type="checkbox"/> driving (local/over the road) |
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| <input checked="" type="checkbox"/> writing - basic | <input checked="" type="checkbox"/> clerical | |
| <input type="checkbox"/> writing - complex | | |
| <input type="checkbox"/> shift work | <input checked="" type="checkbox"/> outside | <input type="checkbox"/> pressurized equipment |
| <input checked="" type="checkbox"/> works alone | <input checked="" type="checkbox"/> extreme heat | <input checked="" type="checkbox"/> moving objects |

Customer Service Field Representative

Page 3 of 3

<input checked="" type="checkbox"/> works with others	<input checked="" type="checkbox"/> extreme cold	<input type="checkbox"/> high places
<input checked="" type="checkbox"/> verbal contact w/others	<input checked="" type="checkbox"/> noise	<input type="checkbox"/> fumes/odors
<input checked="" type="checkbox"/> face-to-face contact	<input checked="" type="checkbox"/> mechanical equipment	<input type="checkbox"/> hazardous materials
<input checked="" type="checkbox"/> inside	<input checked="" type="checkbox"/> electrical equipment	<input checked="" type="checkbox"/> dirt/dust

Supervision:

Directly Supervises: _____ Indirectly Supervises: _____

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees to this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

(revised May 6, 2005; sent to union May 6, 2005; final May 20, 2005)
(revised 02 07; sent to union February 21, 2007; final March 9, 2007)
(revised 05 11, sent to union June 10, 2011, final June 22, 2011)

Non-Exempt Position Classification Form

Position Title: Burlington Electric Department
 Supervisor/Manager: Customer Service Specialist
 Person(s) Completing Classification: Ben Key & Daryl Sawfern
 Date of Classification: 8-21-2013
 Reason For Classification: Revision to Existing Position New Position Other (Explain):
Customer Service Specialist

Instructions:

First, assign a degree (1st, 2nd, etc.) for each compensation factor to which the position description & requirements most closely matches. Then assign a point value to each degree from the Non-Exempt Compensation Factor Point Value sheet. Total the points to determine the classification level.

-45
-60

Compensation Factor:	Degree:	Points
1. Knowledge & Experience	4th	130
2. Job Complexity	2nd	50
3. Leadership Responsibility	N/A	-
4. Decision Making	4th	100
5. Impact of Decision	3rd	100
6. Supervision Received	2nd	30
7. Contact with Customers/Public	2nd	50
8. Interaction with Others	2nd	25
9. Responsibility for Assets	1st	10
10. Responsibility for Records	2nd	25
11. Physical Demands	2nd	20
12. Working Conditions/Hazards	2nd	25
Total Points		565

Classification Level 10

Internal Equity Review:

YES NO

- Are there positions in BED with similar responsibilities & qualifications to this one? YES NO
- If yes, what are the positions (you need to list only one or two)? Customer Service Field Reps, Customer Service Reps
- Do the total points and classification for this position equal the classification for the similar positions listed above? NO
- Is this position union or non-union ? If non-union what criteria were used to determine its non-union status? --> Professional ; Confidential ; Supervisory
- If the answer to question #3 is "Yes", then the classification process is complete. If the answer is "No" then review the classification factors for this position in conjunction with factors for comparable positions and make changes where appropriate.

Energy Services Specialist

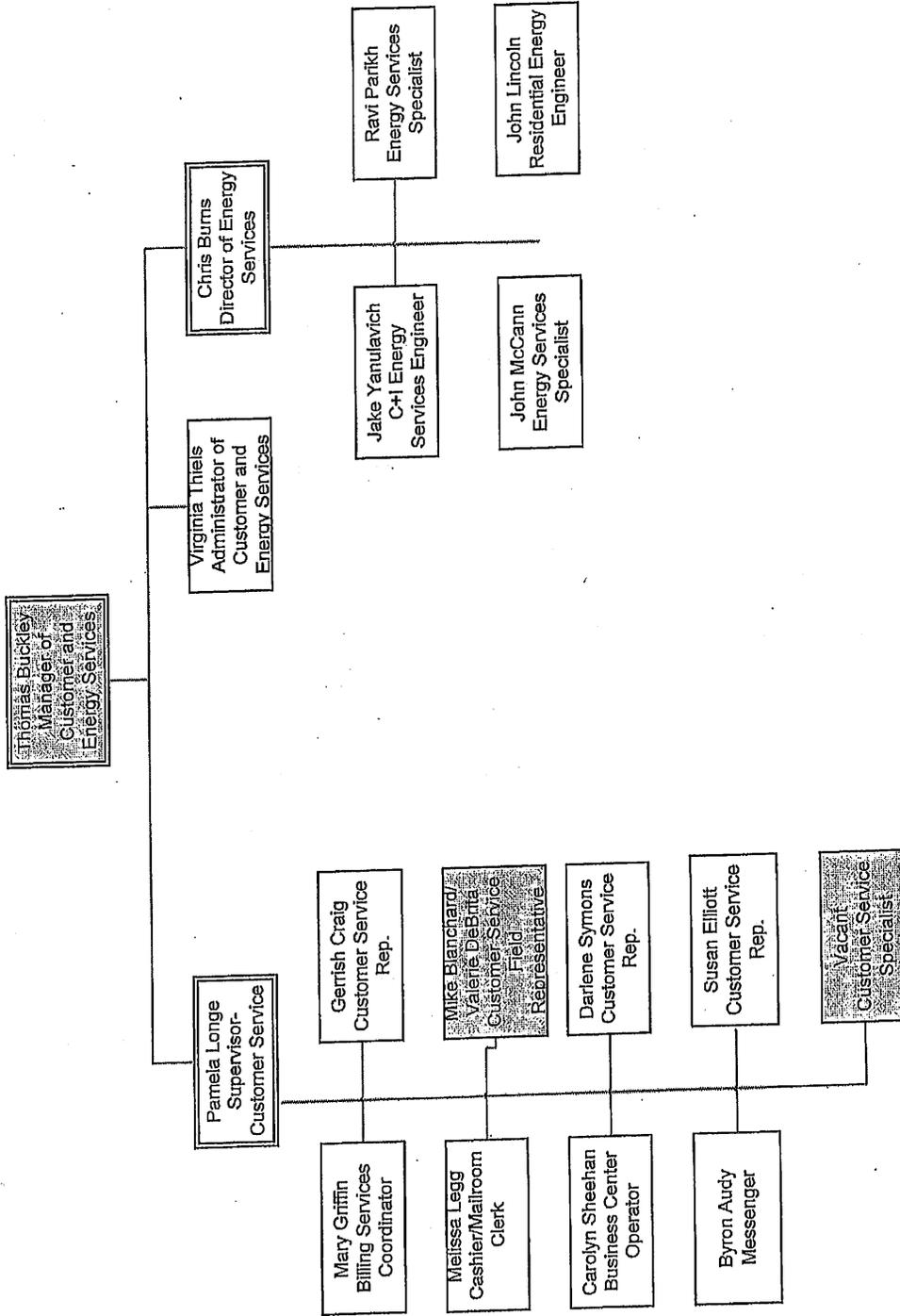
Final Approvals:	Date:
Area Manager: _____	_____
General Manager: _____	_____
Human Resources: _____	_____

Proposed
September

2013

Customer & Energy Services

Burlington Electric Department



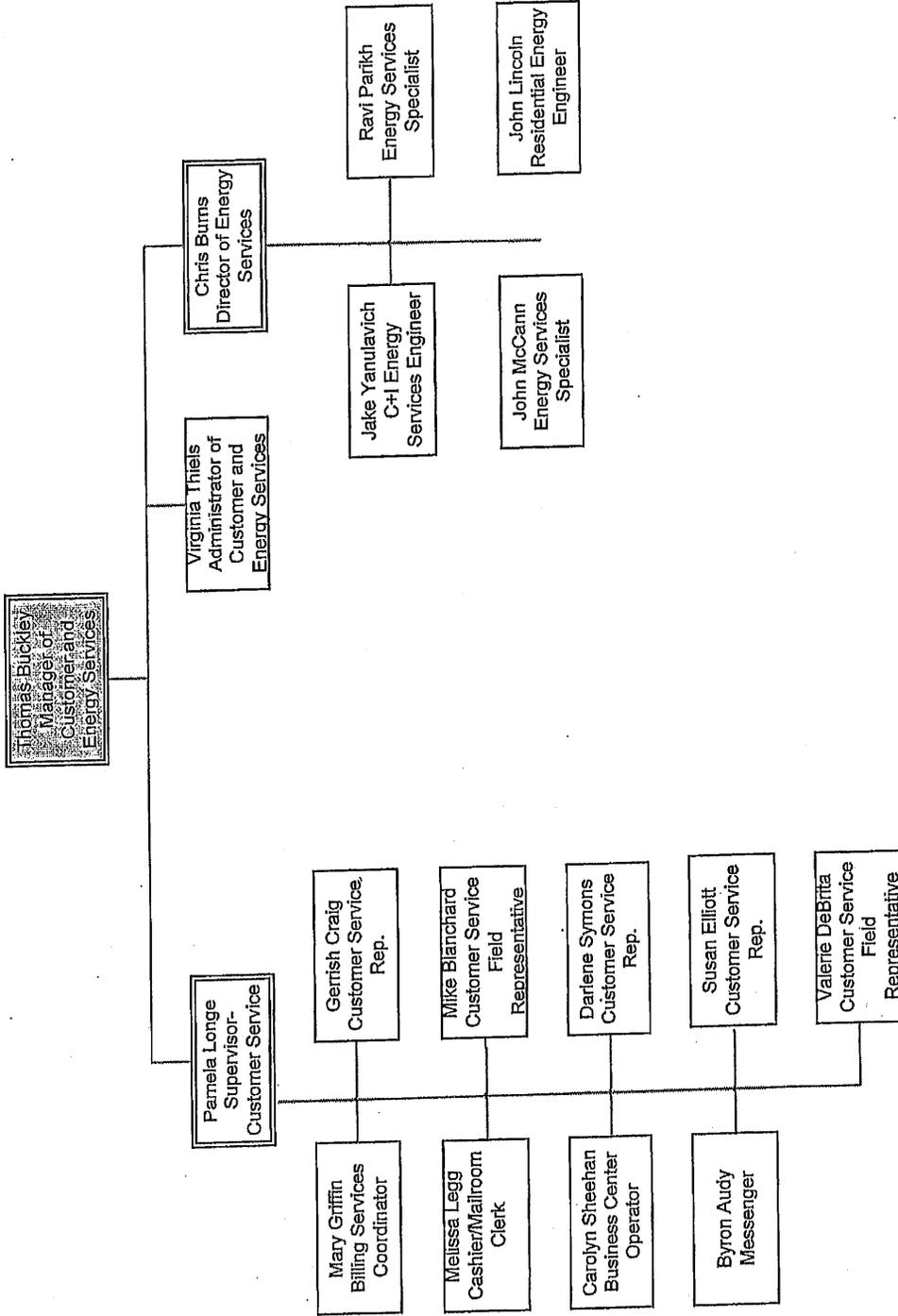
Existing

September

2013

Customer & Energy Services

Burlington Electric Department



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AUTHORIZATION TO EXECUTE CONTRACT
WITH TRAVELERS INSURANCE COMPANY

In the year Two Thousand Thirteen.....
Resolved by the City Council of the City of Burlington, as follows:

WHEREAS, in January of 2007, the City Council approved the authorization to work
with Hickok and Boardman and Travelers Insurance Company to manage the workers’
compensation program; and

WHEREAS, the claims service provided by Hickok and Boardman and Travelers
Insurance including support, risk management, reporting and claims adjudication, have helped to
improve service to our employees, while managing to control and reduce injuries and costs; and

WHEREAS, over the last five years the City, through the combined efforts of Travelers,
Hickok and Boardman, and City staff, have seen the costs of workers’ compensation premiums
and claim dollars reduced by just over 50%; and

WHEREAS, the insurance premium cost for these services in Fiscal Year 2014 will be
\$555,788; and

WHEREAS, the Board of Finance and the City Attorney have reviewed this contract and
are recommending approval of the contract to the City Council;

NOW, THEREFORE, BE IT RESOLVED that the Honorable Mayor Miro Weinberger
and Director of Human Resources Susan Leonard are hereby authorized to execute the contract
between the City and Traveler’s Insurance Company for the insurance premium related to the
Workers’ Compensation Insurance Program.



**HUMAN RESOURCES
DEPARTMENT**
City of Burlington

179 South Winooski Avenue, Burlington, VT 05401

Voice (802) 865-7145
Fax (802) 864-1777
Vermont Relay: call 711
or 800-253-0191

To: City Council

From: Susan Leonard, Director of Human Resources

Date: September 18, 2013

Re: Recommendation to City Council for Approval of Workers' Compensation Contract with Traveler's Insurance Company

I am recommending approval of a contract with Traveler's Insurance Company to partner with the City and Hickok and Boardman to manage the City's Workers' Compensation Insurance Program. While Traveler's Insurance Company provides many services to the City of Burlington in concert with Hickok and Boardman, the Human Resources Department has been charged with managing the Workers' Compensation Program. The Workers' Compensation related expenses are approximately \$1,500,000. The contract and supporting materials are attached.

The premium for the Fiscal Year 2014 is \$555,788, which represents an 11.6% increase from Fiscal Year 2013. This increase is due to the increases in our payroll and the rates being charged by Traveler's. Attached is the Workers' Compensation expenses and select information for the past several years.

Traveler's Insurance Company has been contracted to provide these services since 2007. In that time, the City's Expenditures on Workers' Compensation has been reduced by millions of dollars. A request to Traveler's Insurance Company to comply with the Livable Wage Ordinance, through authorized signing of a Certificate of Compliance, was denied earlier this year. Please see the attached communication from Traveler's regarding compliance with the Livable Wage Ordinance. I believe this satisfies the requirements under the current Ordinance.

The contract has been reviewed by City Attorney Blackwood and the Board of Finance voted to recommend approval of this contract to the City Council at their September 16, 2013 meeting.

A resolution has been forwarded for your deliberation.

I look forward to answering any questions you may have.

WORKERS' COMPENSATION PROGRAM COST

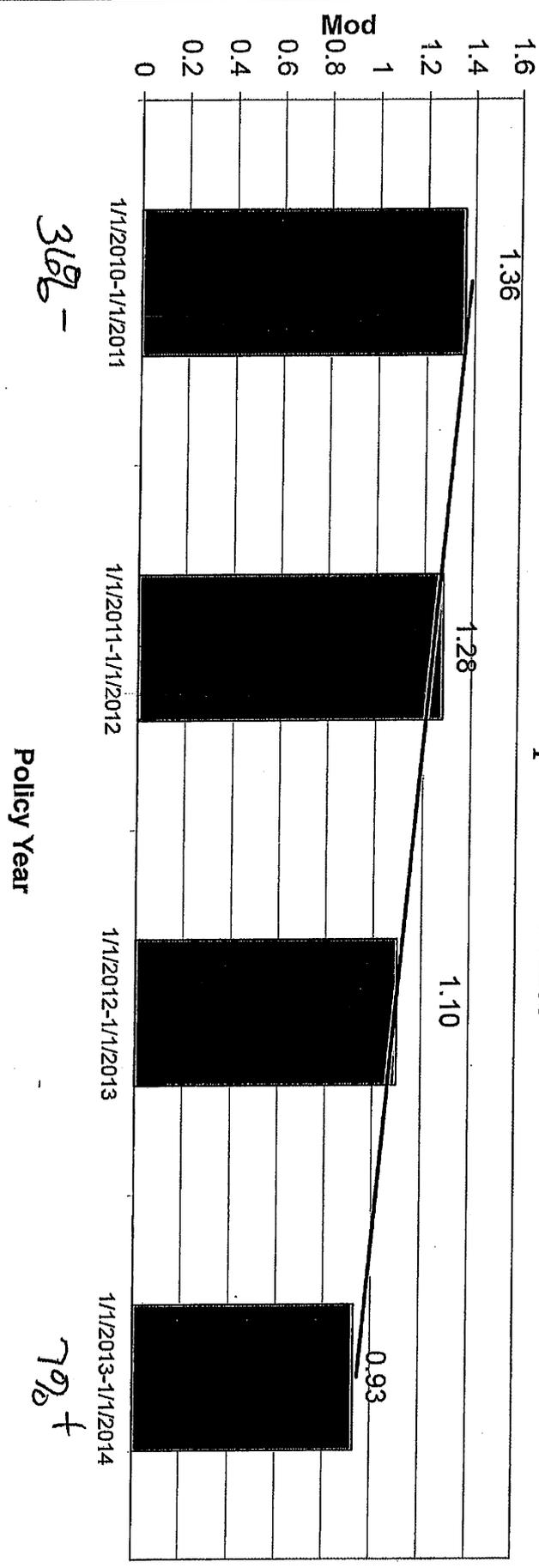
Policy Year	Aggregate Payroll	Premium	Paid Claims (incl claim admin expenses)	Reserved Claims (incl claim admin expenses)	Total Cost
2013	44,604,524	550,788	46,252.00	7,607.06	604,647.06
2012	43,305,363	497,912	414,278.25	535,236.01	1,447,426.26
2011	42,565,321	459,502	714,341.41	91,493.41	1,265,336.82
2010	40,859,127	459,502	1,052,580.43	0.00	1,512,082.43
2010 without the Loss of Life Claim		459,502	680,077.06	0.00	1,139,579.06
2009	39,451,902	654,936	612,898.71	0.00	1,267,834.71
2008	38,356,650	595,231	1,142,359.65	20,730.30	1,758,320.95
2007	32,597,153	505,863	1,229,238.75	21,103.29	1,756,205.05

Premium = (Payroll/100) x Rate {Payroll is subject to audit at policy expiration}

Paid & Reserved Claim estimates are valued as of 09.05.2013

Total Cost = Premium + Paid Claims+ Reserved Claims

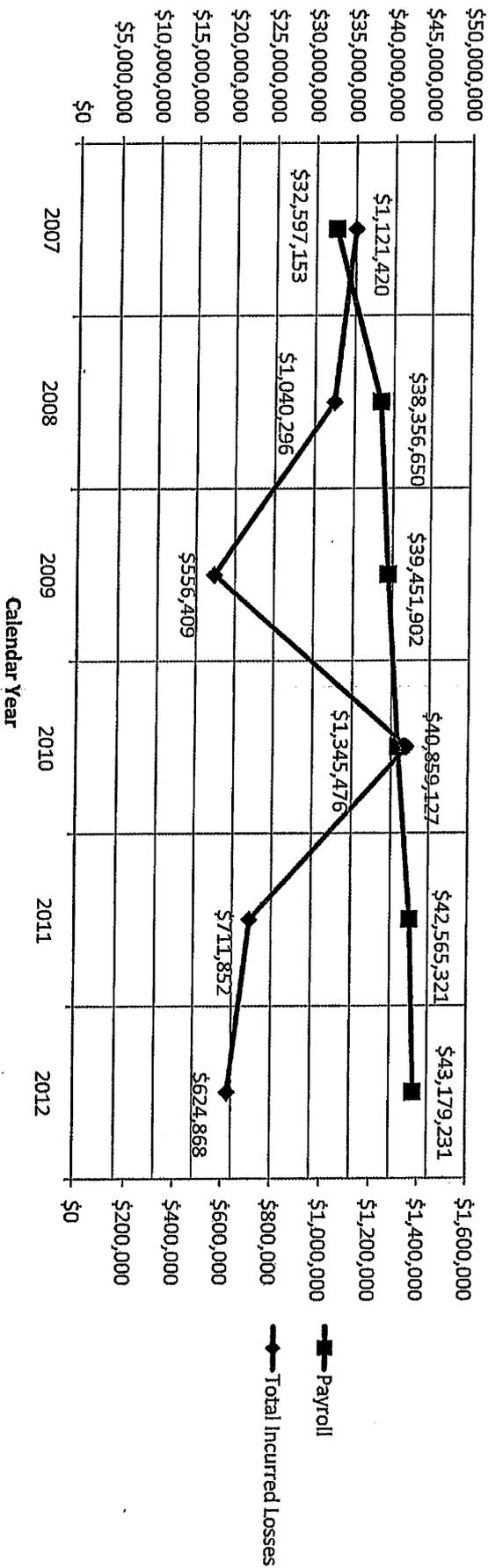
**City of Burlington
NCCI Experience Modifier**



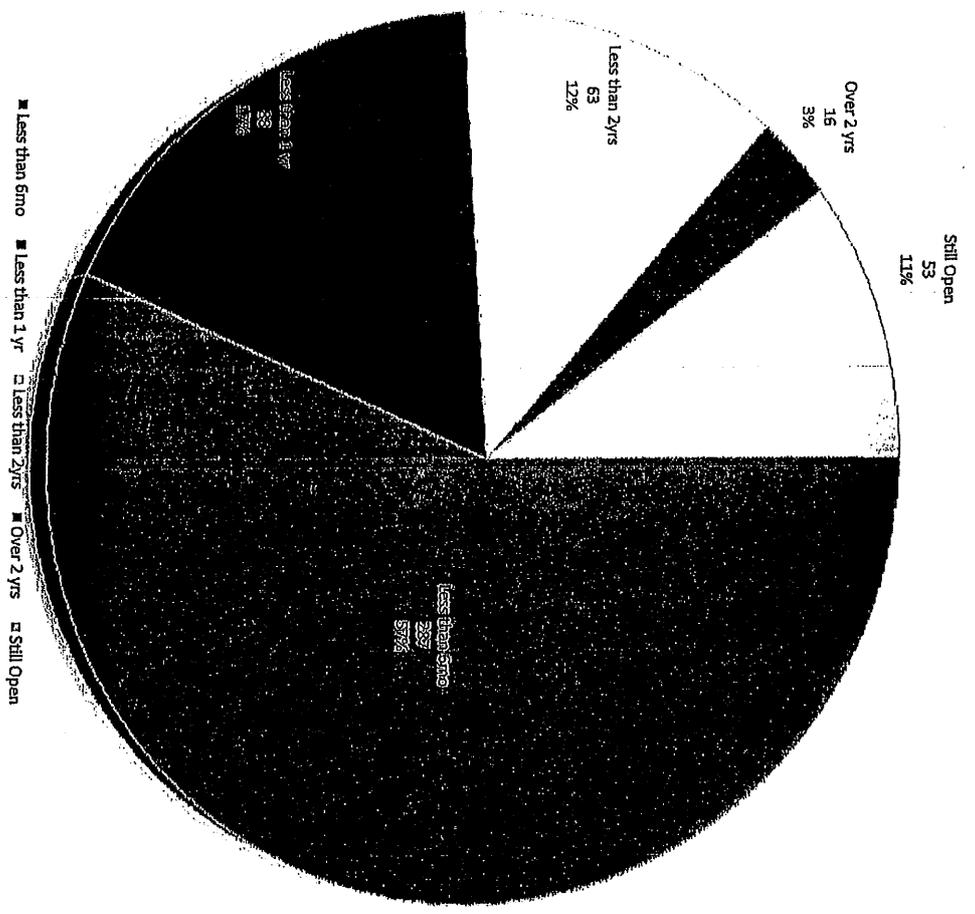
WHAT IS AN EXPERIENCE MODIFICATION FACTOR (EXPERIENCE MOD)?

An experience mod is a factor that is calculated for each employer who qualifies (typically premium in excess of \$10,000 or a 3 year average premium of \$5,000, depending on the state). The mod factor is a value that compares the claim profile of the employer to the claim profile that would be expected of an employer of similar size (payroll) in the same industry (Class codes).
 A value of 1.00 is average, meaning the frequency and severity of actual losses equaled the expected losses. A mod factor greater than 1.00 means the employer experienced worse than expected losses during the rating period, and a mod of less than 1.00 indicates the employer's losses were better than expected for the rating period.

City of Burlington Workers' Compensation Payroll and Total Incurred Losses

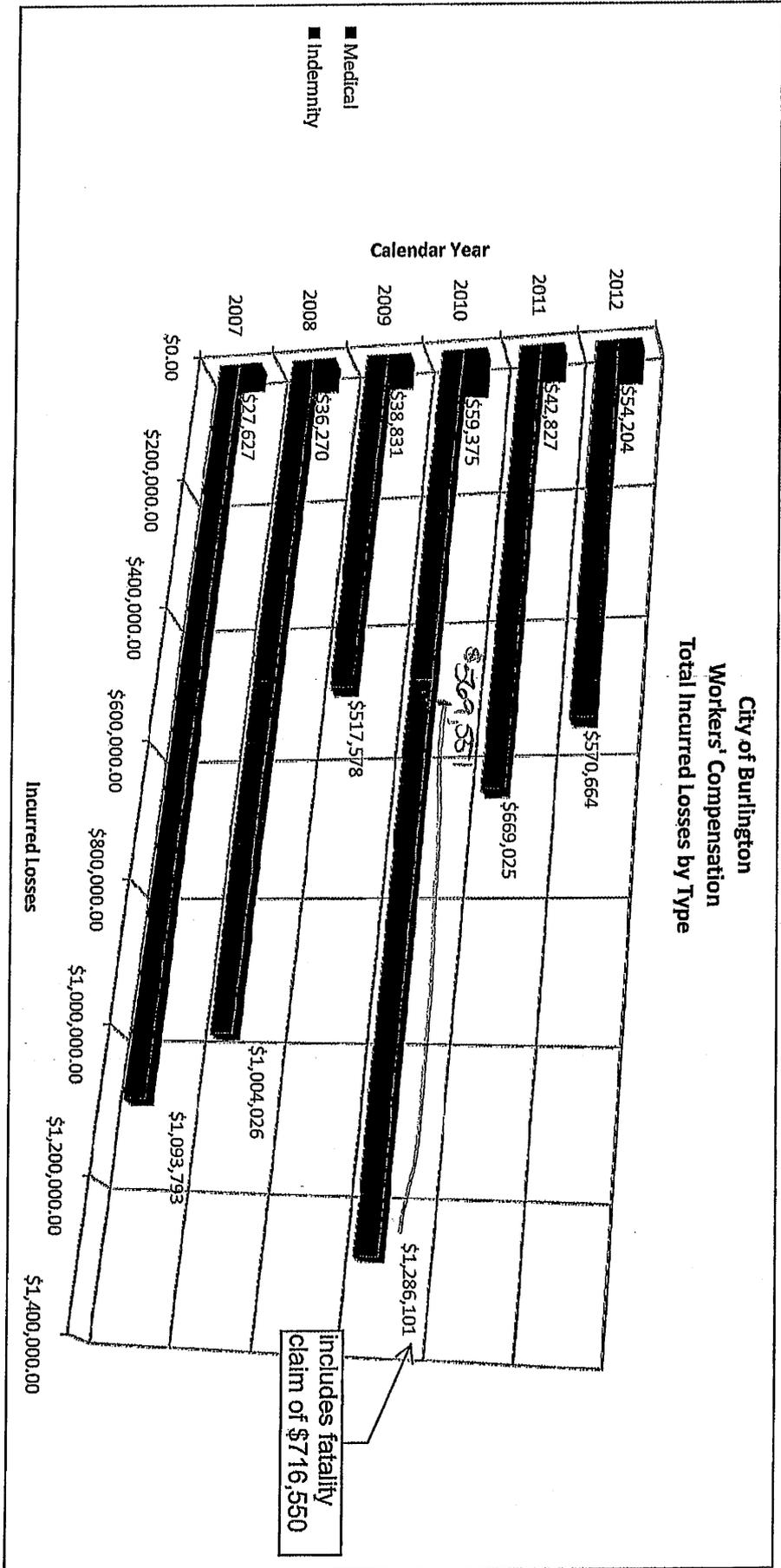


**City of Burlington's
Workers' Compensation
Claim Closing %
All Claims
2007-2012**



■ Less than 6mo ■ Less than 1 yr □ Less than 2yrs ■ Over 2 yrs □ Still Open

**City of Burlington
Workers' Compensation
Total Incurred Losses by Type**



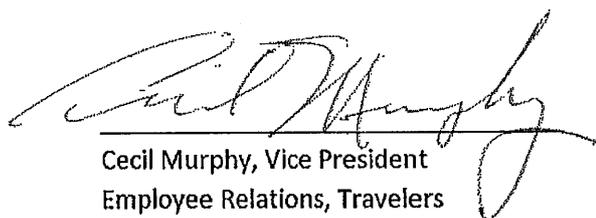
To Whom It May Concern:

The Travelers Indemnity Company has received your request to provide information that supports that its employees working on the City of Burlington workers compensation program satisfy the Livable Wage Ordinance. In support of our compliance, we submit the following information:

- We have identified all employees who currently have any involvement in producing this workers compensation program and can confirm that the lowest paid employee among them earns a salary equivalent to more than \$27 per hour.
- We have identified all those employees who now handle or might handle claims in the future for this workers compensation program and can confirm that the lowest paid among them earns a salary equivalent to more than \$24 per hour.
- All of these employees are eligible for our employee benefits package, which includes health insurance, as per the enclosed materials from our website which can also be found at www.travelers.com/about-us/careers/life-at-travelers/compensation.aspx.

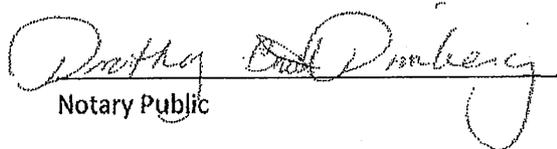
The foregoing information is provided after a diligent search of our Company records and is true and accurate to the best of my knowledge.

Dated at Hartford, Connecticut on this 6th day of September 2013.


Cecil Murphy, Vice President
Employee Relations, Travelers

CERTIFICATION

Subscribed and Sworn to me on this 6th day of September 2013 in the County of Hartford, State of Connecticut.


Notary Public

D. BRETT DIMBERG
NOTARY PUBLIC
MY COMMISSION EXPIRES JAN. 31, 2017



Insurance Program Agreement

For

CITY OF BURLINGTON, VT

Period:

July 01, 2013 to July 01, 2014

TRAVELERS  **J**

July 15, 2013

TABLE OF CONTENTS

	PAGE
PROGRAM SUMMARY	1
DEFINITIONS SECTION	7
RATING PLAN(S) COMPUTATION SECTION.....	10
MISCELLANEOUS CHARGES SECTION.....	12
PAYMENT SECTION.....	13
COLLATERAL AND REMEDIES SECTION	15
GENERAL CONDITIONS SECTION	17
DEFINITION OF WORKERS COMPENSATION MEDICAL ONLY ("CM") AND ("CB") CLAIMS EXHIBIT.....	23
DEFINITION OF CM-PLUS EXHIBIT.....	24
FRAUD STATEMENT.....	25
LOSS FUNDING EXHIBIT	27
MEDICAL COST CONTAINMENT EXPENSE COMPONENT OF ALAE EXHIBIT	28
MISCELLANEOUS CHARGES EXHIBIT	29
POLICY EXHIBIT	33
TERRORISM EXHIBIT	34

Insurance Program Agreement

Program Summary

NAMED INSURED: CITY OF BURLINGTON, VT

PROGRAM EFFECTIVE DATE: From July 01, 2013 to July 01, 2014

RATING PLAN(S)

The following rating plan formulas apply for your insurance program;

LOSS RESPONSIVE RATING PLAN(S)

Deductible Plan Computation Formula

Deductible Plan Losses + Deductible Plan Claims Handling Reimbursement Charges + Administrative Expense Reimbursement = Deductible Plan Charges

subject to a

Maximum Loss Content Formula(s)

Maximum Loss Content Rate x Exposure Base, but in no event less than the Minimum Maximum Loss Content Amount shown in the Maximum Loss Content and Minimum Program Cost part of the Program Summary
and a

Minimum Program Cost Formula

Minimum Program Cost Rate x Exposure Base, but in no event less than the sum of the minimum amounts shown in other parts of the Program Summary.

How we charge for the medical cost containment expense component of ALAE is set forth in the Rating Plan(s) Computation Section.

NON-LOSS RESPONSIVE RATING PLAN

Non-Loss Responsive Premium Formula (other than Guaranteed Cost Policies):

Non-Loss Responsive Rate(s) x Corresponding Exposure Base(s), but in no event less than any stated Minimum Non-Loss Responsive Premium shown in the Non-Loss Responsive Premiums part of the Program Summary

Miscellaneous Charges are exclusive of, and in addition to, your Rating Plans. Your premium and premium tax amounts will include any residual market charges which may be assessed by the various states.

CITY OF BURLINGTON, VT

Insurance Program Agreement

Program Summary

AMOUNTS RETAINED BY YOU

The following retentions apply:

Deductible Plan Amount(s)
 Workers Compensation & Employers Liability Loss including ALAE \$350,000

Workers Compensation and Employers Liability Losses including Allocated Loss Adjustment Expenses (ALAE) arising out of a single accident shall be limited to the amount indicated above. For Occupational Disease Claims, this limitation shall apply to each employee.

EXPENSES

	Minimum Amount	Estimated Amount
Administrative Expense Reimbursement <i>\$0.2642 Per \$100 of Audited Total WC Payroll Excluding Monopolistic States Payroll</i>	\$117,850	\$117,850
Total Expenses included in the Installment Schedule		\$117,850

CLAIM HANDLING CHARGES

	Basis	Rate
Deductible Plan Claims Handling Reimbursement Charges		
Workers Compensation & Employers Liability		
Files Designated CM	Per Claim	\$155
Files Designated CM - Plus	Per Claim Plus Nurse Charges @ Prevailing Rate	\$155
Files Designated CB	Per Claim	\$1,250
Per Incident	Per Incident	\$75

The Per Claim Charges are lifetime charges. The Per Claim Charges are multiplied by the applicable Claim Count beginning on the commencement date and according to the billing basis and billing frequency noted in the Key Dates part of this Program Summary.

An "Incident-Only" Claim is a report of an accident or occurrence to the claim handler for "reporting purposes only" or an accident or occurrence which does not require claim management due to inactive medical treatment. There is no financial activity on Incident-Only Claims and no claim adjusting beyond the entry of up to three case manager-entered file notes.

CM and CB Claims are defined in the Definition of Workers Compensation Medical Only ("CM") and ("CB") Claims Exhibit attached hereto and incorporated herein by reference.

CITY OF BURLINGTON, VT

Insurance Program Agreement

Program Summary

NON-LOSS RESPONSIVE PREMIUM

	Minimum Amount	Estimated Amount
Workers Compensation Deductible Premium \$0.9566 Per \$100 of Audited Total WC Payroll Excluding Monopolistic States Payroll	\$426,687	\$426,687
Total Estimated Non-Loss Responsive Premium		\$426,687

Your premium amounts referenced above will include any residual market charges which may be assessed by the various states.

You will pay premium tax in accordance with individual state regulations.

MAXIMUM LOSS CONTENT AND MINIMUM PROGRAM COST

Amount

Your Loss Responsive Rating Plan is subject to the following maximum and minimums:

Estimated Maximum Loss Content Amount	\$3,229,500
Minimum Maximum Loss Content Amount	\$3,229,500
Rating Plan Components Subject to Maximum Loss Content: WC Deductible Plan Losses	

Maximum Loss Content Rate: \$7.2403 Per \$100 of Audited Total WC Payroll Excluding Monopolistic States Payroll

Estimated Minimum Program Cost Amount	\$544,537
Rating Plan Components Subject to the Minimum Program Cost: Administrative Expense Reimbursement Workers Compensation Deductible Premium	

Minimum Program Cost Rate: \$1.2208 Per \$100 of Audited Total WC Payroll Excluding Monopolistic States Payroll, but in no event less than the sum of the minimum amounts shown in other parts of the Program Summary

All other rating plan components are NOT subject to the Maximum Loss Content or the Minimum Program Cost.

MISCELLANEOUS CHARGES - SURCHARGES AND ASSESSMENTS

Deposit/Estimated Amount

Estimated and/or Deposit Surcharges - Refer to Miscellaneous Charges Exhibit	\$6,251
Miscellaneous Charges - Surcharges and Assessments included in the Installment Schedule:	\$6,251

CITY OF BURLINGTON, VT

Insurance Program Agreement

Program Summary

LOSS FUNDS	Amount
Deductible Plan Deposit	
Amount Required for ALL Policy Years (Historical and Current)	\$24,620
Currently Holding for Historical Policy Years	\$19,620
Additional or (Return) Amount Due	\$5,000
Total Loss Funds Due or (Return)	\$5,000

INSTALLMENT SCHEDULE	Amount Due
Payments Begin: July 15, 2013	
Rating Plan Obligations:	\$544,537
Payable in 12 equal installments, beginning July 15, 2013 and the 1st day of each succeeding month thereafter.	
Surcharges and Assessments:	\$6,251
Payable in 12 equal installments, beginning July 15, 2013 and the 1st day of each succeeding month thereafter.	
Loss Fund:	\$5,000
Due with first installment	
Installments Payment: Remit to Agent/Broker	
Paid Loss Payment: Remit to Agent/Broker	
Plan Adjustment Payment: Remit to Agent/Broker	

CITY OF BURLINGTON, VT

Insurance Program Agreement

Program Summary

KEY DATES

	Commencement Date	Billing Frequency	Billing Basis
Deductible Plan Deductible Plan Losses	July 01, 2013	DB-Weekly Issued	Paid
Deductible Plan Claims Handling Reimbursement Charges Workers Compensation	July 01, 2013	Monthly	Claim Count
Administrative Expense Reimbursement Adjustment Administrative Expense Reimbursement Adjustment	January 01, 2015	Annually	As per Expenses Part of Program Summary
Non-Loss Responsive Premium(s) Non-Loss Responsive Premium(s) Adjustment	January 01, 2015	Annually	As per Non-Loss Responsive Premium part of the Program Summary
Miscellaneous Charges Assessments/Surcharges	As of January 01, 2015	Annually	See Misc Chrgs Exhibit

- Paid Basis means the amount of each loss actually paid within your plan layer. Claim Count is the actual number of claims within your plan layer.

Insurance Program Agreement

Program Summary

COLLATERAL REQUIREMENT

	Letter Of Credit
Amount Required for All Policy Years	\$1,850,000
Currently Holding	\$1,500,000
Additional or (Return) Amount Due	\$350,000
 Collateral Schedule	
Amount Available July 01, 2013	\$200,000
Amount Available January 01, 2014	\$350,000

ESTIMATED EXPOSURES

Estimated
Exposure
Amount

EXPOSURES APPLICABLE TO OTHER THAN GUARANTEED COST POLICIES:

WC Payroll Deductible Plan States VT	\$44,604,525
Total WC Payroll Excluding Monopolistic States	\$44,604,525
 WC Payroll Deductible Plan Monopolistic States ND, OH, PR, WA, WY	\$0
Total WC Payroll Including Monopolistic States	\$44,604,525

NOTICES

INSURED:

CITY OF BURLINGTON, VT
149 CHURCH ST
BURLINGTON, VT 05401
Attention: Susan Leonard
sleonard@burlington.vt.gov

THE TRAVELERS INDEMNITY COMPANY:

The Travelers Indemnity Company
60 South Street, Suite 900, Two Financial Center
Boston, MA 02111
Attention: Katherine Brown
KEBROWN2@travelers.com

EXHIBITS

1. Definition of Workers Compensation Medical Only ("CM") and ("CB") Claims Exhibit
2. Definition of CM-Plus Exhibit
3. Fraud Statement
4. Loss Funding Exhibit
5. Medical Cost Containment Expense Component of ALAE Exhibit
6. Miscellaneous Charges Exhibit
7. Policy Exhibit
8. Terrorism Exhibit

Insurance Program Agreement

Definitions Section

This Insurance Program Agreement is made as of the Program Effective Date, referenced on the Program Summary, between the Named Insured referenced on the Program Summary and The Travelers Indemnity Company and such other company(ies) issuing any of the Policies listed in the Policy Exhibit ("Policy(ies)") attached hereto and incorporated herein by reference. As used in this Agreement the words "we", "us", "our" and "Travelers" mean The Travelers Indemnity Company and each of its property casualty insurance and service subsidiaries and affiliates, but only to the extent such companies have issued Policies or are performing services for you under this Agreement, as well as St. Paul Fire and Marine Insurance Company and each of its property casualty insurance subsidiaries and affiliates, but only to the extent such companies have issued Policies or are performing services for you under this Agreement. The words "you" and "your" mean and include the Named Insured referenced on the Program Summary and each of its predecessors and successors and each of its affiliates, divisions, subsidiaries, general partners and/or limited partners who are named insureds on any of the Policies and with respect to workers compensation insurance, who are employers referenced in Item 1. of the Information Pages of the workers compensation Policies.

If you request and we agree that Collateral to secure all or a portion of your Obligations will be provided by one of your successors, or by one of your affiliates, divisions or subsidiaries which is a named insured on any of the Policies listed on the Policy Exhibit of this Agreement, any past Agreements or any renewal Agreements or Amendments, and the Collateral is in fact so provided, you agree that the entity providing the Collateral is bound by all of the terms and conditions of this Agreement, including but not limited to the provisions that the Collateral provided secures all Obligations under this Agreement and under all of the Policies (regardless of the amount of Collateral provided by that entity) and that the duties and Obligations of that entity and you and your other successors and affiliates, divisions and subsidiaries are joint and several.

You agree that your duties and Obligations are joint and several in nature. "The parties" refers to you and us collectively. This Agreement represents the agreement the parties have reached whereby we will provide to you certain insurance coverages and services for the Policies we have issued pursuant to this Agreement, which Policies are incorporated herein by reference, in consideration of your payment of the Obligations described in the Sections and Exhibits comprising this Agreement.

In consideration of the mutual promises contained in this Agreement, the parties agree as follows:

DEFINITIONS SECTION

In addition to the terms defined in the preceding paragraphs, the following terms have special meaning in this Agreement. All defined terms should be equally applicable to both the singular and plural.

"Administrative Expense Reimbursement" is the amount we charge for our non-risk bearing expenses for policies subject to a Deductible Plan.

"Allocated Loss Adjustment Expense" or "ALAE" has the same meaning as "Allocated Loss Adjustment Expense" or "ALAE" or "claim expense" in the applicable Policy or, if the Policy contains no such definition, means the following costs which can be directly allocated to a particular claim:

1. Fees of attorneys or other authorized representatives where permitted for legal services, whether by outside or staff representatives.
2. Court, Alternate Dispute Resolution and other specific items of expense whether incurred by an outside vendor or by one of our employees, including but not limited to:
 - Medical examinations of a claimant to determine the extent of our liability, degree of permanency or length of disability;
 - Expert medical or other testimony;
 - Autopsy;

Insurance Program Agreement

Definitions Section

- Witnesses and summonses;
 - Copies of documents such as birth and death certificates and medical treatment records;
 - Arbitration fees;
 - Fees or costs for surveillance or other professional investigations which are conducted as part of the handling of a Claim;
 - Fees or costs for Risk Control personnel and fees or costs for rehabilitation nurses or other nurses, if the cost of such nurses is not included in losses, for services which are conducted as part of the handling of a Claim;
 - Appeal bond costs and appeal filing fees;
 - All reasonable expenses incurred by you in the investigation or defense of a Claim.
3. Medical cost containment expenses incurred with respect to a particular Claim, whether by an outside vendor or done internally by an employee for the purpose of controlling losses, to ensure that only reasonable and necessary costs of services are paid. The expenses include but are not limited to:
- Bill auditing expenses for any medical or vocational services rendered, including hospital bills (inpatient or outpatient), nursing home bills, physician bills, chiropractic bills, medical equipment charges, pharmacy charges, physical therapy bills, medical or vocational rehabilitation vendor bills.
 - Hospital and other treatment utilization reviews, including pre-certification/pre-admission, concurrent or retrospective reviews.
 - Preferred Provider Network/Organization expenses.
 - Medical fee review panel expenses.
4. Expense(s) not defined as losses which are directly related to and directly allocated to the handling of a particular Claim and are required to be performed by statute or regulation.
5. Supplementary Payments, as defined in those Policies which have a Supplementary Payments provision, except for salaries, overhead and traveling expenses of carrier employees who are not doing activities previously listed as allocated expenses.
6. Defense Costs, as defined in those Policies which have a Defense Cost provision, except for salaries, overhead and traveling expense of carrier employees who are not doing activities previously listed as allocated expenses.

The following shall not be included as "Allocated Loss Adjustment Expense":

1. Salaries, overhead and traveling expenses of carrier employees, except for employees while doing activities previously listed as allocated expenses.
2. Fees paid to independent Claims professionals or attorneys (hired to perform the function of Claim investigation normally performed by Claim adjusters) for developing and investigating a Claim so that a determination can be made of the cause, extent or responsibility for the injury, disease, or damage, including evaluation and settlement of covered Claims.
3. Expenses which are defined as either an indemnity or medical loss.

"Claim" shall be any request or demand for consideration of payment or investigation of a Deductible Plan Loss with respect to the Policies.

Insurance Program Agreement

Definitions Section

"Collateral" means security for your Obligations which you are required to provide to us pursuant to this Agreement and which is acceptable to us in form, content, issuer and amount.

"Deductible Plan Loss" or **"Deductible Loss"** shall mean all losses actually paid within the Deductible Plan layer applicable to any Policy. For each line of insurance, the Amounts Retained By You part of the Program Summary denotes whether Allocated Loss Adjustment Expense is included in or in addition to Deductible Plan Loss.

"Incurred Loss" means all losses actually paid, the reserves for unpaid losses as estimated by us, and all actual and estimated Allocated Loss Adjustment Expenses attributed to the Deductible Plan Policies but only for purposes of calculating the surcharge and assessment bases referenced in the Miscellaneous Charges Section and the Miscellaneous Charges Exhibit.

"Maximum Loss Content" is, subject to the formula listed in the Maximum Loss Content and Minimum Program Cost part of the Program Summary, the most we will charge you for losses listed therein. Claims Handling Charges and Premium Tax associated with these losses are not part of the Maximum Loss Content and will continue to be billed and payable until the Maximum Loss Content is reached. Surcharges and Assessments associated with these losses are not part of the Maximum Loss Content but will continue to be billed and payable after the Maximum Loss Content is reached.

"Minimum Program Cost" is, subject to the formula listed in the Maximum Loss Content and Minimum Program Cost part of the Program Summary, the least we will charge you for the Policies.

"Modified Tariff Premium" is, for the purpose of calculating your surcharge and assessment liability, manual premium after application of experience modification, but prior to application of any deductible credit.

"Modified Discounted Tariff Premium" is, for the purpose of calculating your surcharge and assessment liability, manual premium after application of experience modification and premium discount, but prior to application of any deductible credit.

"Obligations" means any indebtedness or liability of any kind owed or owing by you to us, whether direct or indirect, joint or several, now existing or hereafter arising in connection with this Agreement, the Policies, any past or future agreement letters or insurance program agreements, any agreements incorporated herein by reference, and any other similar agreements, including, but not limited to, any indemnity or self-funded retention agreements between you and United States Fidelity and Guaranty Company, Discover Property & Casualty Insurance Company or any of our other affiliates, and all costs and expenses, including, but not limited to, attorneys' fees incurred by us in enforcing your Obligations to us.

"Paid Loss" means losses and Allocated Loss Adjustment Expenses actually paid by us attributed to the Deductible Plan Policies but only for purposes of calculating the surcharge and assessment bases referenced in the Miscellaneous Charges Section and the Miscellaneous Charges Exhibit.

"Written Premium" is, for the purpose of calculating your surcharge and assessment liability, earned loss responsive premium plus Non-Loss Responsive Premium.

Insurance Program Agreement Rating Plan(s) Computation Section

RATING PLAN(S) COMPUTATION SECTION

Certain of your Policies are subject to a Deductible Plan. This Section describes certain additional Obligations, terms and conditions associated with such Policies. We issue such Policy(ies) based upon your compliance with the terms and conditions set forth in this Section. All formulas, capitalized terms, rates, exposure bases, and charges associated therewith which are referenced in the following subsections are set forth in the applicable part of the Program Summary.

A. Deductible Plan Computation

The total deductible Obligation for the Policies subject to a Deductible Plan shall be calculated using the Deductible Plan Computation Formula, which is subject to the following additional terms, conditions, limitations, adjustments and rates:

1. Deductible Plan Losses

Deductible Plan Losses are subject to the Deductible Plan Amounts as set forth in the Amounts Retained By You part of the Program Summary.

2. Deductible Plan Claims Handling Reimbursement Charges

Your Deductible Plan Claims Handling Reimbursement Charges are set forth in the Claim Handling Charges part of the Program Summary.

3. Administrative Expense Reimbursement

Your Administrative Expense Reimbursement amount is calculated using the Administrative Expense Reimbursement rate and the estimated exposure base as set forth in the applicable part of the Program Summary.

4. Reimbursement

You are required to reimburse us for all amounts you owe us pursuant to the application of the Deductible Plan Computation Formula and all other amounts for which you have agreed to indemnify and hold us harmless pursuant to the provisions of this Rating Plan(s) Computation Section. We will also require a deposit of a portion of your Deductible Plan Losses. That amount is set forth in the Loss Funds part of the Program Summary. The exact nature of how you must pay the Obligations calculated under this Deductible Plan Computation Section is set forth in the Payment Section.

B. Maximum Loss Content and Minimum Program Cost

Your estimated Maximum Loss Content, and rating plan components subject to your Maximum Loss Content, are stated in the Maximum Loss Content and Minimum Program Cost part of the Program Summary. These amounts will be calculated using the Maximum Loss Content Formula as set forth in the Maximum Loss Content and Minimum Program Cost part of the Program Summary.

Your estimated Minimum Program Cost, and rating plan components subject to your Minimum Program Cost, are stated in the Maximum Loss Content and Minimum Program Cost part of the Program Summary. Your Minimum Program Cost will be calculated using the Minimum Program Cost Formula as set forth in the Maximum Loss Content and Minimum Program Cost part of the Program Summary.

Insurance Program Agreement Rating Plan(s) Computation Section

C. Non-Loss Responsive Premium(s) Computation

The total Non-Loss Responsive Premium Obligations for the Non-Loss Responsive Premium components of the Policies shall be calculated using the various Non-Loss Responsive Premium Computation Formulas which are subject to the following additional terms, conditions, limitations, adjustments and rates:

1. Workers Compensation Deductible Plan Premium

Your Workers Compensation Deductible Plan Premium is developed pursuant to any Workers Compensation Deductible Plan endorsements attached to those Policies which are subject to a Workers Compensation Deductible Plan.

Your estimated Workers Compensation Deductible Plan Premium is stated in the Non-Loss Responsive Premium(s) part of the Program Summary.

D. Audit(s)

We will adjust or audit your records on either a physical or statement basis, at our option or as required by law, to determine your actual exposure base and calculate those charges on the Program Summary which are subject to audit. In no event will any of those charges be less than any applicable minimums set forth in the Program Summary. That amount, and the exact nature of how you must pay, is set forth in the Payment Section.

E. Hold Harmless

1. You may be required to provide evidence of insurance to interested persons, boards, bureaus, lessors or other organizations. Your agent or broker will provide such evidence of insurance.
2. You agree to indemnify and hold us harmless against any and all claims, settlements, lawsuits, payments, penalties, administrative proceedings, judgments, damages, interest charges, costs or expenses, including attorneys' fees, resulting from or arising out of or in connection with the issuance of the evidence of insurance referenced in 1. above.
3. We will bill you for any sums due pursuant to your requirement to indemnify and hold us harmless pursuant to this sub-section and you agree to pay us in accordance with the terms of that bill. These hold harmless provisions survive termination of this Agreement.

F. Medical Cost Containment Expense Component of ALAE

The pricing structure for this component of your program is set forth in the Medical Cost Containment Expense Component of ALAE Exhibit attached to this Agreement and incorporated herein by reference.

MISCELLANEOUS CHARGES SECTION

A. Special Taxes, Assessments and Surcharges

Certain premium taxes, special taxes, assessments and other surcharges are collected in addition to the premium for the Policies. These charges are considered Miscellaneous Charges and are identified and listed in the Miscellaneous Charges Exhibit attached hereto and incorporated herein by reference. This list is not intended to be an exclusive listing of these charges.

The Miscellaneous Charges amounts are estimates only, and your ultimate Obligation may change to reflect actual changes in the exposure base, changes in the definition of the surcharge or assessment basis or change in rate used in calculating such charges.

We will bill you for any increases in such Obligations, and you will pay us the full amount of any such bill as indicated on our invoice to you. The exact nature of how you will pay the Obligations calculated under this Section is set forth in the Payment Section.

B. New, Uncollected or Uncontemplated Taxes, Assessments or Surcharges

In the event that a state or other jurisdiction, in accordance with existing or future law, determines that we are liable for payment of any taxes, assessments, or surcharges (other than taxes solely based upon our net income) with respect to any aspect of this Agreement, you agree to reimburse us for the amount of any such taxes, assessments or surcharges, any interest expense assessed against or incurred by us before or after payments of such amounts, and any other charges, penalties or fines in connection therewith, including, but not limited to, attorneys' fees that we may sustain in connection with such amounts. Any such amount shall be due and payable in accordance with our invoice.

We shall have sole discretion in determining whether any claim or assessment for taxes, assessments and surcharges shall be paid, compromised, litigated or appealed and as to all matters of procedure, compromise, defense or appeal or any other aspects of any claim or assessments concerning our liability.

In the event that a state or other jurisdiction, in accordance with existing or future law, imposes upon us the duty to act as agent for collection of any tax, assessment or surcharge imposed on you with respect to any aspect of the Agreement, you will pay any such amounts to us in accordance with our invoice.

In the event that a state or other jurisdiction, in accordance with its laws returns to us an amount you paid to us under this Section, we will refund such amount to you, less a reasonable charge for expenses incurred in obtaining that refund. We will also return to you an amount of interest on such returned amount, to the extent interest has been refunded to us by the state or other jurisdiction. We will credit you with any such returned amount and any interest received, by including it in the calculation of the next Miscellaneous Charges adjustment which is performed after the interest is collected.

PAYMENT SECTION

This Section sets forth the manner in which certain of your Obligations will be paid. All of the dates and frequencies referenced herein are set forth in the Key Dates part of the Program Summary. The parties have agreed that these Obligations will be paid as follows:

A. Loss Fund(s)

1. Deductible Plan Deposit

We shall require a Deductible Plan Deposit in the amount set forth in the Loss Funds part of the Program Summary.

The Loss Fund amount as set forth in the Loss Funds part of the Program Summary is to be deposited with us on or prior to the inception date of this Agreement. We reserve the right to increase or decrease the amount of this Loss Fund or to change the item it represents at any time to include, among other things, our actuarial estimates of potential losses. You shall make additional deposits as may be required by us as indicated in our notice to you that additional funds are required. The Deductible Plan Deposit will also secure the Obligations.

B. Installments

You will pay to us the Installment amounts as set forth in the Installment Schedule part of the Program Summary.

You will pay any additional amount or we will credit any overpayment of the aforesaid charges as may be subsequently determined by audit and/or other adjustment at the time of such audit and/or other adjustment as provided for in this Agreement.

C. Billing and Adjustment Terms and Conditions for Payment of Losses and Claims Handling Charges

1. Payment of Deductible Plan Losses and Deductible Plan Claims Handling Reimbursement Charges associated with your Policies subject to a Deductible Plan Amount

Commencing on the Deductible Plan Losses commencement date, we will bill you according to the Deductible Plan Losses billing frequency and billing basis, for an amount equal to the total Deductible Plan Losses.

Commencing on the Deductible Plan Claims Handling Reimbursement Charges commencement date, we will bill you according to the Deductible Plan Claims Handling Reimbursement Charges billing frequency and billing basis, for an amount equal to the total Deductible Plan Claims Handling Reimbursement Charges.

2. Paid Loss Funding Arrangement

The parameters of the Paid Loss Funding Arrangement are attached to this Agreement as an Exhibit.

D. Plan Adjustments

1. Administrative Expense Reimbursement Adjustment

In accordance with the Rating Plan(s) Computation Section, and subject to any minimum Administrative Expense Reimbursement amount as set forth in the Expenses part of the Program

Insurance Program Agreement

Payment Section

Summary, we will compare your adjusted Administrative Expense Reimbursement amount with the amount paid to us as your estimated Administrative Expense Reimbursement amount. This calculation shall occur as of the Administrative Expense Reimbursement Adjustment Commencement Date as set forth in the Key Dates part of the Program Summary.

2. Non-Loss Responsive Premium(s) Adjustment

In accordance with the Rating Plan(s) Computation Section, and subject to any minimum Non-Loss Responsive Premium(s) as set forth in the Non-Loss Responsive Premium part of the Program Summary, we will compare your audited Non-Loss Responsive Premium(s) with the amount paid to us as your estimated Non-Loss Responsive Premium(s). This calculation shall occur as of the Non-Loss Responsive Premium Adjustment Date as set forth in the Key Dates part of the Program Summary.

3. Miscellaneous Charges Adjustment

In accordance with the Miscellaneous Charges Exhibit and the Key Dates part of the Program Summary, we will compare your actual Miscellaneous Charges with the amount paid to us as your estimated Miscellaneous Charges.

4. Applicable to All Adjustments

For all the aforementioned plan adjustments, we will either return or credit against other sums due from you any overpayments of such amounts or bill you for any deficiencies in such payments. Any such plan adjustment bill shall be payable as indicated on our invoice to you. In the event of a default as defined in the Collateral and Remedies Section of the Agreement, we may hold overpayments as security for the payment or performance of any of your Obligations to us. Any return or credit of such amounts shall not be an admission that all Obligations have been paid or performed.

E. Payment Terms

You agree to pay each bill or invoice which is submitted to you in accordance with the payment terms set forth in such bill or invoice. If no payment terms are stated on such bill or invoice, payment shall be due within thirty (30) days of the date of such bill or invoice.

F. Right of Offset

We and you may offset any balance due between ourselves under this Agreement or any other such agreement or other property-casualty agreements heretofore or hereafter entered into between ourselves.

G. Collection Costs and Damages

Within five (5) days of our demand, you shall reimburse us for any and all costs and expenses, including, but not limited to, attorneys' fees, incurred by us in connection with the collection or enforcement of any of your Obligations to us. In addition, with respect to any of your Obligations that remain outstanding beyond the due date, you agree that we may charge you interest on that Obligation. If we choose to exercise this option, interest shall accrue daily, at the prime rate of interest plus 200 basis points in effect daily at **J.P. MORGAN CHASE & CO., 270 PARK AVENUE, NEW YORK CITY, NEW YORK 10017-2070**, not to exceed the highest rate allowed by law, from the due date on the bill or invoice until the date we receive payment.

COLLATERAL AND REMEDIES SECTION

All references to type of Collateral are equally applicable to both the singular and plural of the type of Collateral referenced herein.

A. Letters of Credit

Pursuant to the schedule in the Collateral Requirement part of the Program Summary, you shall deliver to us and continue to maintain a clean, irrevocable, unconditional and automatically renewing Letter of Credit in form and content and issuer satisfactory to us. The Letter of Credit will be in the total amount set forth in the Collateral Requirement part of the Program Summary.

Such Letter of Credit will be used to assure payment and performance of your Obligations to us. You shall be obligated to maintain a Letter of Credit which meets all the requirements prescribed herein until we determine all of your Obligations to us are final or until we, in our sole discretion, decide that we no longer need the Collateral.

The parties shall in good faith attempt to agree upon each calculation of Collateral. In the absence of mutual agreement of the parties as to any such calculation, our calculation of Collateral shall be binding and conclusive for purposes of this Agreement, absent bad faith or manifest error.

B. Letters of Credit Renewal or Replacement

At least sixty (60) days prior to the expiration of any Letters of Credit delivered to us, you shall deliver to us renewal or replacement Letters of Credit in form, issuer, and content satisfactory to us. The aggregate amount of such renewal or replacement Letters of Credit shall be the same amount as the expiring Letters of Credit, unless we tell you in writing of such other amount as we have deemed necessary in the exercise of our good faith business judgment to secure all of your Obligations to us.

C. Amended Letters of Credit

We may require, at any time, changes in the form, content, amount and/or issuer of the Letters of Credit which we deem necessary in the exercise of our good faith business judgment to secure your Obligations to us. You shall provide such amended Letters of Credit within fifteen (15) days after your receipt of our notice for the need for any such changes.

D. Change in Regulatory Requirements

In the event an insurance regulatory authority promulgates a change in law or regulation which requires a change to the form of, or an increase in the total amount of, Collateral we hold, in order to comply with the law/regulation or in order for us to obtain a benefit under the law/regulation, you agree to provide such alternative form of Collateral (or increased amount of Collateral) within fifteen (15) days after your receipt of our notice of the need for any such changes.

E. Defaults and Remedies

1. You will be in default if you:
 - a. fail to pay any amount to us when due, or
 - b. fail to perform any Obligation or to satisfy any requirements under any Agreement Letters, any agreements incorporated herein by reference or other similar agreement(s) with us, or

Insurance Program Agreement

Collateral and Remedies Section

- c. fail to deliver to us within the time period specified or fail to continue to maintain any Letter of Credit or any renewal, replacement or amendment thereof required by this Agreement, or
 - d. become insolvent or unable to pay your debts as they become due or are declared bankrupt or insolvent, or if a debtor relief proceeding has been brought by or against you, or
 - e. make misrepresentations to us or breach any representations you have made to us, either orally or in writing.
2. If you are in default, then we will be entitled to immediately terminate some or all of your rights to defer payment of your Obligations, as such rights are set forth in this Agreement and we shall be entitled to immediately:
- a. consider due and payable all of your Obligations to us including, but not limited to, those Obligations accruing in the future, and/or
 - b. satisfy amounts due us by drawing up to the full amount of any Letters of Credit held by us (whether pursuant to this Agreement or otherwise) and applying the proceeds to these amounts due and/or by continuing to hold the proceeds of the Letters of Credit until such time as we have determined your Obligations to us to be final, and/or bill you for all amounts that remain outstanding, and/or
 - c. terminate your insurance program or any insurance Policy issued thereunder and cancel or non-renew any certificates of insurance or financial responsibility filings made on your behalf, and/or
 - d. subject to the terms and conditions of the applicable Deductible Plan insurance policies cease administering future Deductible Plan Losses within the Deductible Plan Amount applicable to any insurance coverage issued by us to you, and/or
 - e. pursue any and all other legal and equitable rights and remedies available to us under applicable law, including, but not limited to, the seeking of injunctive relief for your failure to provide us with Letters of Credit pursuant to the terms of this Agreement.
3. After any default, at such time or such intervals of time as we determine, we may recalculate your Obligations pursuant to the terms of this Agreement and exercise at such time, or successively at such intervals, any of our rights and remedies described in this Agreement until we determine that your Obligations are final.

You agree that any credit or return due to you pursuant to the terms of this Agreement will be held by us as security for payment of any future Obligations that may develop. We may hold the proceeds of the Letters of Credit, and we may, from time to time, apply such Letter of Credit proceeds to any of your Obligations to us. We will return any Letters of Credit or proceeds therefrom we have not applied to Obligations to the issuing bank, when we deem that all Obligations finally developed have been paid, or when we, in our sole discretion, decide that we no longer need Collateral.

4. If you are in default of this Agreement and we decide to exercise our right to draw on the Letters of Credit, you acknowledge and agree that whatever Travelers company is named as beneficiary in any Letters of Credit issued pursuant to the requirements of this Agreement has the authority and ability to draw on the Letters of Credit as an agent for any and all Travelers company(ies).

GENERAL CONDITIONS SECTION

A. Failure of Enforcement

Our failure to enforce at any time any of the provisions of this Agreement, or to exercise any option which is herein provided, or to require at any time performance by you of any of the provisions hereof shall in no way be construed to be a waiver of such provisions, nor in any way to affect the validity of this Agreement or any part thereof, or our right to thereafter enforce each and every provision of this Agreement or to exercise any right or remedy available to us under applicable law.

B. Cancellation of Insurance Policies

1. If, pursuant to the conditions of any Policy, such Policy is canceled by either party prior to its expiration, for the purpose of calculating your Maximum Loss Content, the audited Exposure Base for that Policy shall be calculated by adding the audited Exposure Base from the beginning of the Policy period to the date of cancellation and the estimated Exposure Base for the balance of the original Policy period, subject to your Minimum Maximum Loss Content. If such Policy is canceled by either party, your Minimum Program Cost will be calculated using the Minimum Program Cost Formula as set forth in the Maximum Loss Content and Minimum Program Cost part of the Program Summary.
2. If, pursuant to the conditions of any Policy, such Policy is canceled prior to expiration, your audited Non-Loss Responsive Premium(s), to the extent not included in the Minimum Program Cost, will be calculated by using your audited exposure base from the beginning of the Policy period to the date of cancellation subject to any minimum Non-Loss Responsive Premiums set forth in the Non-Loss Responsive Premium part of the Program Summary.
3. If, pursuant to the conditions of any Policy, such Policy is canceled prior to expiration, your audited Expense(s), to the extent not included in the Minimum Program Cost, will be calculated by using your audited exposure base from the beginning of the Policy period to the date of cancellation subject to any minimum Expense(s) set forth in the Expenses part of the Program Summary.

C. Executory Duties

The parties agree that, due to the unique rating features of this program, future performance of the terms of this Agreement by both parties is necessary and material to the accomplishment of the goals of this Agreement and that the parties have exchanged valuable consideration and will exchange consideration in the future. In support of these goals, the parties further agree, subject to applicable state and federal law, that the parties have unperformed material duties which are executory, including, but not limited to,:

1. Payment of Obligations; and
2. Cooperation in the furnishing of information regarding Claims pursuant to the terms and conditions of the Policies; and
3. Cooperation with us in the defense of Claims pursuant to the terms and conditions of the Policies; and
4. Investigation, administration and payment of Claims against you pursuant to the terms and conditions of the Policies.

The parties agree that this program affords benefits to you by virtue of the unique rating feature. Such benefits include, but are not limited to, protection from casualty loss, disruption of business, interruption of cash flow and diminution of your assets.

D. Binding Authority

You warrant and represent that the person who signs this Agreement has been duly authorized to execute the Agreement for and on behalf of you and those of your affiliates, divisions and subsidiaries, general partners and/or limited partners which are named Insureds under the Policies and with respect to workers compensation insurance, who are employers referenced in Item 1. of the Information Pages of the workers compensation Policies, and that he or she has the authority to bind you and those affiliates, divisions and subsidiaries, general partners and/or limited partners jointly and severally to the terms hereof.

E. Agreement to Arbitrate

1. The parties recognize that disputes may arise between them, and in some instances involving non-parties as well, about the parties' rights and duties relative to payment of premium and other charges under this Agreement and the Policies. In addition, disputes may arise regarding whether and how much our claims handling practices (e.g., investigation, administration, payments in connection with any claims under the Policies) may impact the amount of premium and other charges which you may owe to us under this Agreement and the Policies. The parties will attempt to resolve those disputes without resort to formal procedures. However, in the event such a dispute is not resolved, either party shall submit the matter to arbitration and the other party shall be bound by such submission, provided that you shall not submit to arbitration any matter seeking to restrict our right to draw upon the Collateral or which would have the effect of restricting our right to draw upon the Collateral.
2. Neither party shall submit to arbitration (i) any coverage disputes which arise under or in connection with claims or suits brought against the Policies; and/or (ii) claims by or against you and other Travelers policyholders with respect to other insurance programs with Travelers; and/or (iii) claims by or against you and other policyholders of any other commercial lines property casualty insurer(s), including but not limited to any claim under (ii) or (iii) which you purport to arbitrate as a representative or member of a class or as a private attorney general.
3. In the context of workers compensation coverage, neither party shall submit to arbitration any dispute the resolution of which has been committed to the exclusive jurisdiction of any state or federal governmental entity.
4. The arbitrator(s) has no authority, and is not empowered, to consolidate or direct class-action arbitration as to any disputes between the parties to this Agreement with other disputes between Travelers and any other of its policyholders or other third parties. Nor shall the arbitrator(s) have authority or be empowered to consolidate or direct disputes brought by you as a private attorney general. Any determination by the arbitrator(s) to so consolidate or direct class-action arbitration or to consolidate or direct disputes brought by you as a private attorney general shall be beyond the arbitrator's authority and jurisdiction and shall accordingly, be void. Any dispute regarding these prohibitions against consolidation of class-action arbitrations and against disputes brought by you as a private attorney general shall be heard and resolved by a court having jurisdiction over the parties as provided in the Consent to Jurisdiction provision below, not the arbitrator(s).
5. The parties agree that your insurance program with us is deemed made in the State of Connecticut and involves interstate commerce. Accordingly, we and you agree that any arbitration proceeding arising out of or related to this Agreement shall be governed by the Federal Arbitration Act ("FAA") and, to the extent not inconsistent with the FAA, Connecticut arbitration law.
6. Arbitration Procedures
 - a. All such disputes shall be submitted for decision to a panel of arbitrators composed of two party-appointed arbitrators and an umpire (the "Arbitration Panel"). Each member of the Arbitration Panel shall be a disinterested, active or retired judge, or executive officer of a property-casualty insurance company or property-casualty broker authorized to transact business in the United

Insurance Program Agreement

General Conditions Section

States. The arbitration proceedings shall take place in Hartford, Connecticut unless otherwise agreed by the parties.

- b. The party demanding arbitration ("Claimant") shall appoint its arbitrator first. The other party ("Respondent") shall appoint its arbitrator no later than two weeks after the date on which Respondent receives notice from Claimant of Claimant's appointment of its arbitrator. If the Respondent fails to appoint its arbitrator within such two week-period, then Claimant shall appoint the second arbitrator and Respondent shall forfeit any right to name the second arbitrator. The two arbitrators shall select an umpire within twenty one (21) days after both arbitrators have been appointed. If the two arbitrators fail to agree on an umpire within the twenty one (21) day period, each arbitrator shall name three umpire candidates, of whom the other arbitrator shall strike two and the decision shall be made from the remaining two umpire candidates by drawing lots.
- c. Notwithstanding anything in this 'Agreement to Arbitrate' Section to the contrary, if the amount claimed by the Claimant in its demand for arbitration is less than \$250,000, the parties agree that an abbreviated, streamlined arbitration procedure ("Streamlined Arbitration") will be followed. In such a case, the parties agree to submit the dispute to an Arbitration Panel comprised of a sole arbitrator. The sole arbitrator shall be a disinterested, active or retired judge, or executive officer of a property-casualty insurance company or property-casualty broker authorized to transact business in the United States. Within fourteen (14) days of the date the arbitration demand is served on Respondent, Claimant and Respondent shall each name three candidates. If a candidate appears on both lists of candidates, then that candidate shall be named the sole arbitrator to resolve the dispute. If there is no match on the lists, each party shall strike two names from the other's list and the sole arbitrator shall be selected from the remaining two candidates by drawing lots.

All Streamlined Arbitration proceedings shall be subject to the following rules:

- i. Each party will be permitted a maximum of three depositions.
- ii. The parties agree that time is of the essence and that the final hearing shall commence no later than six months from the date of the arbitration demand. The parties further agree that no continuances or extensions of time with respect to that six month period shall be granted unless both parties agree.
- iii. The sole arbitrator shall have the authority, in his/her discretion to decide the case without a formal hearing and based upon the written materials submitted by the parties.
- d. The Arbitration Panel is relieved from all judicial formalities and may abstain from following the strict rule of law. At the hearing, evidence may be introduced without following the strict rules of evidence, but cross examination and rebuttal shall be allowed.
- e. The Arbitration Panel shall issue its decision within fourteen (14) days following the conclusion of the hearings or, if the case is submitted on the briefs, within fourteen (14) days of the submission of the final briefs.
- f. The Arbitration Panel shall issue its decision in writing, identifying the reasons and rationale for the decision and, if the arbitration panel feels it is necessary, setting forth the findings of fact with respect to its decision.
- g. The decision of the majority of the Arbitration Panel shall be final and binding upon all parties to the proceeding. Judgment may be entered upon the award in any court having jurisdiction.
- h. The Arbitration Panel shall have authority to award pre-judgment interest, post-judgment interest, interim relief, pre-hearing security, and summary judgment.

Insurance Program Agreement

General Conditions Section

- i. Each party shall bear the expense of its own arbitrator and shall jointly and equally bear with the other party all expenses of the umpire and of the arbitration. Unless otherwise required by statute, each party shall be responsible for its own attorneys' fees and costs.

F. Consent to Jurisdiction

Subject to the terms and conditions of this Agreement, in the event any suit is commenced to enforce any right hereunder, the non-suing party hereby irrevocably submits to, consents to and waives any objection to the jurisdiction of the courts of the State of Connecticut, including the United States District Court for the State of Connecticut. In connection with any such action, process may be served within or outside of the State of Connecticut by personal service or by registered mail, return receipt requested, addressed to the address set forth in the Notices part of the Program Summary, or such other address as the non-suing party may hereafter designate in writing. The parties agree and consent that the exclusive venue (subject to the applicable rules of the courts concerning the assignment or transfer of cases) for any such action shall lie in the County of Hartford in the State of Connecticut.

G. Large Risk Alternative Rating Option; Consent to Rate

Your Obligations under this Agreement are rated and priced in accordance with the Travelers Large Deductible equivalent of the National Council on Compensation Insurance ("NCCI") Large Risk Alternative Rating Option (Filing Memorandum R-1295) or any amendments thereto, incorporated herein by reference. You acknowledge that you are paying certain rates and charges for your Obligations that may be more or less than the sum of charges that would be part of filed and approved rating plans for the underlying insurance coverages. You further acknowledge that you have negotiated and consented to the prices and rates set forth in this Agreement.

H. Notice

Any notices or communications required to be given hereunder shall be in writing and sent by (i) overnight mail via a commercial courier who will provide evidence of delivery or (ii) electronic mail to the other party at the address set forth in the Notices part of the Program Summary. Such notices shall be deemed delivered when sent.

I. Assignment

This agreement is not assignable by any party, without the prior written consent of all parties.

J. Financial Information - Other Books and Records

You will furnish us with such financial information and other books and records as we may request from time to time, including but not limited to certified financial statements on an annual basis.

K. Termination of Agreement

This Agreement shall terminate when both parties agree that all Obligations finally developed hereunder have been paid and/or otherwise performed unless terminated earlier pursuant to the Collateral and Remedies Section.

L. Legal Agreement

Nothing in this Agreement shall be construed to require the commission of any act contrary to law. In the event of a conflict between any provision of this Agreement and any law or regulation contrary to which the parties have no legal right to contract, the latter shall prevail; provided however, that in such event, the provision so affected shall be limited only to the extent necessary to permit compliance with the minimum legal requirement, and all other provisions of this Agreement shall continue in full force and effect.

In the event of a conflict between any provision of this Agreement and any provision of any Policy, the Policy shall control.

The parties have read this Agreement and they have had a full opportunity to evaluate this Agreement along with all transactions and other matters contemplated by this Agreement. The parties have had the opportunity to consult with, and have consulted with, business advisors and counselors of their choice in connection with this Agreement. If any provision of this Agreement is found ambiguous by a court or arbitration panel, such provision shall not be construed against either party based on that party's alleged drafting of such provision.

M. Choice of Law

This Agreement shall be governed by the internal laws of the State of Connecticut, without regard to Connecticut's rules regarding conflict of laws. This choice of law provision applies to this Agreement and not to coverage disputes which may arise in connection with Claims or suits brought against the Policies.

N. Acceptance - Entire Agreement

This Agreement and the Program Summary, including the Exhibits referenced in the Exhibits part of the Program Summary, and including any Integrated Agreements referenced in the Integrated Agreements part of the Program Summary and any Policies or other documents incorporated herein by reference, constitute the entire, integrated agreement of the parties with respect to the subject matter hereof and may not be amended or modified except pursuant to a written agreement executed by authorized officers of both parties; however, except as set forth below, neither this Agreement nor any other Collateral delivered hereunder releases or supersedes any Collateral which you have provided or are obligated to provide as security for your Obligations to us, and all such Collateral shall remain in full force and effect until expressly released by us in writing pursuant to the terms of the agreement(s) under which it was provided.

Notwithstanding the foregoing, you agree that, at our option, any Collateral you have provided us prior to the date of this Agreement in connection with insurance programs shall be subject to all the terms of this Agreement. This shall include, but is not limited to the provisions of this Agreement, whereby the proceeds of such Collateral may be used to satisfy your Obligations to us. If, for any reason, such Collateral may not be subject to the terms of this Agreement, then such Collateral shall remain subject to the terms of the agreement(s) under which it was provided to us.

CITY OF BURLINGTON, VT

Insurance Program Agreement

General Conditions Section

Please acknowledge your understanding of and agreement with this Agreement by signing one copy of the Agreement and returning it to us.

CITY OF BURLINGTON, VT

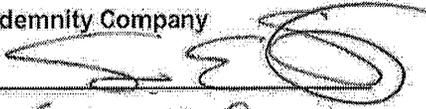
Accepted by: _____

Name (print): _____

Title: _____

Date: _____

The Travelers Indemnity Company

Accepted by: _____ 

Name (print): Susan E. Smawley

Title: Managing Director

Date: July 15, 2013

***Definition of Workers Compensation Medical Only ("CM") and ("CB")
Claims Exhibit***

Workers Compensation Claims are categorized as **CM** or **CB**. To assist you in distinguishing the two categories of Claims, Travelers offers the following definitions of each Claim.

A '**CM**' loss designator denotes a Workers Compensation Claim which involves medical treatment only, no 24 hour voice-to-voice contact is necessary with the injured employee, employer or provider of medical services and in which:

- There is no issue requiring Investigation for compensability, offsets or subrogation.
- Lost work days do not exceed the applicable statutory waiting period but may involve a return to work under modified duty for a period of less than 90 days.
- There are no payments or reserves for categories other than medical or expense.
- No reserve advisory or status reports, customer meetings or pre-settlement concurrence review are requested.
- Injury does not require medical treatment beyond 180 days.
- Anticipated medical treatment is less than or equal to \$5,000.00.
- Injured employee is not represented by an attorney.
- There are no issues of causal relationship or excessive medical treatment.
- No issues of permanency or scarring are involved.

A '**CB**' loss designator denotes a Workers Compensation Claim that does not fall within any of the above criteria for a CM designator, provided that the Travelers Claim Unit Manager may, in the good faith exercise of his or her Claim handling judgment, classify a Claim as either a 'CB' or a 'CM', if he or she believes that the Claim can be handled as he or she has classified it, without compromising the effectiveness of the Claim handling.

These definitions may change to conform with our claim department classifications.

Definition of CM-Plus Exhibit

A "CM-Plus" level indicator denotes a Workers Compensation Claim which meets the criteria for Claims with a CM loss designator and which also meets a combination of the following Nature of Injury, Cause of Accident & Part of Body Codes. The parties agree that costs for Claim Services provided by **Travelers** which are associated with CM-Plus Claims are billed to the Claim file as Allocated Loss Adjustment Expenses (in that these are fees or costs for nurses which are incurred as part of the handling of a Claim) at **Travelers** prevailing rates at the time the activity is performed.

Nature of Injury: Inflammation, sprain, strain, video display terminal diseases, carpal tunnel syndrome, fractures, dislocation and all other cumulative injury NOC (Not Otherwise Classified).

The Nature of Injury codes amputation, concussion, enucleation, heat prostration and hernia are recommended to be **CBs** in the **CM/CB** determination logic, however if one of these Claims is given a loss designator of a **CM**, it will become a "**CM-Plus**" Claim.

Note: *Claims involving all Nature of Injury codes related to occupational disease, will be considered a **CB**, rather than a "**CM-Plus**" Claim.*

Cause of Accident: Category # 6: Strain or Injury By: continual noise, twisting, jumping, holding or carrying, lifting, pushing or pulling, reaching, using tool or machinery, welding or throwing, or repetitive motion. Category # 7: Struck or Injured By: Repetitive motion, rubbed or abraded, Not Otherwise Classified [NOC], cumulative, all other NOC.

Part of Body: Multiple neck injury, vertebrae, disc (neck & back), spinal cord, multiple upper extremities, upper & lower arm, elbow, wrist, hand, shoulder, multiple trunk, upper & lower back, spinal cord and knee.

Additional criteria that may prompt the Claim supervisor or adjuster to designate a Claim as "**CM-Plus**" include:

- ⇒ Modified Duty longer than 5 days
- ⇒ Physical Therapy or Chiropractic treatment exceeding 4 weeks or 12 visits
- ⇒ Medical bill payments greater than \$1,500.00
- ⇒ Claims assigned the following ICD-9 codes, generally after the first bill is received:
 - L 722 – Intervertebral Disc Disorders
 - L 836 – Knee Dislocations
 - L 354 – Carpal Tunnel
 - L 717 – Internal Derangement of the Knee
 - L V57 – Care Involving Use of Rehab procedures (PT/Chiro)

"**CM Plus**" **does not** include Claims that meet the definition of the "**CB**" loss designator. Claims that do not meet the above criteria will be reviewed by the supervisor and be considered for assignment of the "**CB**" loss designator or remain as a "**CM**" claim.

CITY OF BURLINGTON, VT

Fraud Statement

ARKANSAS, LOUISIANA, NEW MEXICO, VERMONT AND WEST VIRGINIA: Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

CALIFORNIA: Auto: Any person who knowingly makes an application for motor vehicle insurance coverage containing any statement that the applicant resides or is domiciled in this state when, in fact, that applicant resides or is domiciled in a state other than this state, is subject to criminal and civil penalties. Other Than Auto: The "All Other States" statement applies to lines of business other than auto.

COLORADO: It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

DISTRICT OF COLUMBIA: WARNING: It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant.

FLORIDA: Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony of the third degree.

HAWAII: For your protection, Hawaii law requires you to be informed that presenting a fraudulent claim for payment of a loss or benefit is a crime punishable by fines or imprisonment, or both.

KENTUCKY: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime.

MAINE, TENNESSEE, VIRGINIA AND WASHINGTON: It is a crime to knowingly provide false, incomplete, or misleading information to an insurance company for the purpose of defrauding the company. Penalties may include imprisonment, fines, and denial of insurance benefits.

MARYLAND: Any person who knowingly and willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly and willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

MASSACHUSETTS: Auto: If you or someone else on your behalf gives us false, deceptive, misleading, or incomplete information that increases our risk of loss, we may refuse to pay claims under any or all of the Optional Insurance Parts and we may cancel your Policy. Such information includes the description and the place of garaging of the vehicle(s) to be insured, the names of operators required to be listed and the answers to questions in this application about all listed operators. Check to make certain that you have correctly listed all operators and the completeness of their previous driving records. The Merit Rating Board may verify the accuracy of the previous driving records of all listed operators, including that of the applicant for this insurance. Other Than Auto: The "Kentucky" statement applies to lines of business other than auto.

NEW JERSEY: Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

CITY OF BURLINGTON, VT

Fraud Statement

NEW YORK: Auto: Any person who knowingly and with intent to defraud any insurance company or other person files an application for commercial insurance or a statement of claim for any commercial or personal insurance benefits containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, and any person who in connection with such application or claim, knowingly makes or knowingly assists, abets, solicits or conspires with another to make a false report of the theft, destruction, damage or conversion of any motor vehicle to a law enforcement agency, the Department of Motor Vehicles or an insurance company, commits a fraudulent insurance act, which is a crime, and shall also be subject to a civil penalty not to exceed five thousand dollars and the value of the subject motor vehicle or stated claim for each violation. Other Than Auto: Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation.

OHIO: Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

OKLAHOMA: WARNING: Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance Policy containing any false, incomplete or misleading information is guilty of a felony.

OREGON: Any person who knowingly and with intent to defraud or solicit another to defraud an insurer: (1) by submitting an application, or (2) by filing a claim containing a false statement as to any material fact, may be violating state law.

PENNSYLVANIA: Auto: Any person who knowingly and with intent to injure or defraud any insurer files an application or claim containing any false, incomplete or misleading information shall, upon conviction, be subject to imprisonment for up to seven years and payment of a fine of up to \$15,000. Other Than Auto: The "Kentucky" statement applies to lines of business other than auto.

PUERTO RICO: Any person who knowingly and with the intent to defraud, presents false information in an insurance request form, or who presents, helps or has presented a fraudulent claim for the payment of a loss or other benefit, or presents more than one claim for the same damage or loss, will incur a felony, and upon conviction will be penalized for each violation with a fine of no less than five thousands dollars (\$5,000) nor more than ten thousands dollars (\$10,000); or imprisonment for a fixed term of three (3) years, or both penalties. If aggravated circumstances prevail, the fixed established imprisonment may be increased to a maximum of five (5) years; if attenuating circumstances prevail, it may be reduced to a minimum of two (2) years.

UTAH: Any person who knowingly presents false or fraudulent underwriting information, files or causes to be filed a false or fraudulent claim for disability compensation or medical benefits, or submits a false or fraudulent report or billing for health care fees or other professional services is guilty of a crime and may be subject to fines and confinement in state prison.

ALL OTHER STATES: Any person who knowingly and with intent to defraud any insurance company or another person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects the person to criminal and civil penalties.

Loss Funding Exhibit

TRAVELERS LOSS FUNDING PROGRAM

The following is a description of the terms and procedures under which Travelers Loss Funding Program with you is established and operated.

Travelers will make Deductible Loss (hereinafter referred to as "Loss(es)") and Allocated Loss Adjustment Expense payments on your behalf under your Insurance program utilizing checks drawn against a bank account of The Travelers Indemnity Co. or one of its Affiliates.

The billing and payment of Per Claim Claim Handling Charges are set forth in the Claim Handling Charges and Key Dates parts of the Program Summary, and in the Rating Plan(s) Computation and Payment Sections of the Agreement.

In order to facilitate the funding transactions, you will specify a bank and account ("Source Account") against which weekly Automated Clearing House ("ACH") debits will be drawn by Travelers in payment of your Losses and Allocated Loss Adjustment Expenses. You will provide Travelers with the necessary documentation noted below authorizing Bank of America to make weekly charges and reimbursements at the direction of Travelers. We will provide you with a sample authorization letter to be signed by you, which authorizes Travelers to direct Bank of America to draw ACH debits against your Source Account. We will also provide you with an example of the banking industry form to be provided by you to identify the Source Account codes and the Source Account's bank ABA code.

Each week Travelers will be notified of the total Losses and Allocated Loss Adjustment Expense payments which have been issued. Travelers Loss systems will also generate (as applicable) costs for Allocated Loss Adjustment Expenses as well as corrections as a result of edits on each Loss payment. Once determined, this amount will be sent electronically to Bank of America with instructions to draw an ACH debit on your Source Account. All of these payments will be processed through our billing system to determine the resulting charge for the week based upon your Insurance with us.

Reports identifying Loss(es) and Allocated Loss Adjustment Expense payments must be accessed electronically by you via e-TRACER reporting. These reports identify the Loss payments and a premium tax, if applicable for your program with Travelers.

For the Loss Funding Program we require that you deposit with Travelers the amount noted in the Loss Funds part of the Program Summary. Periodically we will perform an analysis of Loss and Allocated Loss Adjustment Expense activity, based upon data from the billing system, in order to determine the adequacy of the deposit amount. In the event that any such analysis indicates that an increase in the deposit is required, we will provide you with documentation of the analysis and notification of the amount of increase in the deposit.

Once determined, Travelers will send you an invoice for the total amount due. Upon receipt, you will pay the amount due on or before the date set forth on the invoice, which amount will be added to your Funding Deposit balance.

If your Insurance program is renewed, we may also automatically continue the Loss Funding Program and adjust the deposit balance as necessary using the same analysis, notification and procedures described above. Furthermore, if your Insurance program is not renewed, we reserve the right to adjust your deposit balance as necessary using the same analysis, notification and procedures described above. If TRACER is discontinued, Travelers will revert the Loss Funding Program to a monthly billed, and each month after TRACER is discontinued, Travelers will send you an invoice for the total amount of Losses and Allocated Loss Adjustment Expense payments due. Upon receipt, you will pay the amount due on or before the date set forth on the invoice.

Medical Cost Containment Expense Component of ALAE Exhibit

Your pricing structure consists of the following components, which apply to Workers Compensation Claims with a date of accident beginning with the Program Effective Date set forth on the Program Summary:

- 1.a. There is a 27% charge applied to any Savings resulting from the following medical bill repricing, pharmacy bill repricing and hospital bill audit activity:
 - Application of Preferred Provider Network discounts to physicians' bills, hospital bills and pharmacy bills
 - Repricing as a result of negotiation of out-of-network physicians' bills, pharmacy bills and hospital bills
 - Repricing of medical bills, pharmacy bills and hospital bills by reviewing the bills and applying state rules/edits and proprietary rules/edits
 - Repricing of medical bills, pharmacy bills and hospital bills by manual bill review by our medical review team
 - Repricing to any applicable state-mandated schedule.

- b. Savings realized from medical bill, pharmacy bill and hospital bill review to which the 27% charge is not applied are:
 - Savings realized from the detection and elimination of duplicate bills
 - Savings achieved by the Claim case manager, i.e. bills containing unrelated/unauthorized treatment
 - Savings achieved by the medical case manager, i.e. bills containing unapproved medical treatment
 - Savings realized from the elimination of non-compensable bills.

For purposes of this Exhibit, the term "Savings" shall refer to the difference between the amount billed by physician, hospital, pharmacy and other medical providers and the amount we ultimately paid. We adhere to state-mandated fee schedules and/or usual and customary pricing for certain procedures, may contract with preferred provider networks which have contractual arrangements with certain of those providers to perform certain procedures at pre-determined rates (which may be below fee schedule), and may utilize other fee negotiation resources we determine are necessary and appropriate to determine the amount that we should pay on any given medical bill.

2. The 27% charge will be capped at \$10,000 per bill and is charged to the Claim file as an Allocated Loss Adjustment Expense, unless we are required by state law to charge it to the Claim file as a different component of the applicable rating plan. The \$10,000 per bill cap applies to bills with a date of service beginning with the Program Effective Date set forth on the Program Summary.

3. Certain items are still charged separately to the Claim file as Allocated Loss Adjustment Expenses. These items include but are not limited to:
 - Utilization Review [pre-certification and concurrent review] services charged on a per activity basis
 - Independent medical examinations*
 - Second opinions by a physician*
 - Chiropractic reviews
 - Physician advisor programs.

*unless ordered by an industrial board or state equivalent, in which case it is treated as Medical.

CITY OF BURLINGTON, VT

Miscellaneous Charges Exhibit

1. Workers Compensation Assessments Applicable to the following States:

State	Fund	Assessment Basis	Estimated Rate	Line of Insurance	Estimated Assessment Deposit
DC	Dept. Labor Spec Fnd/Admn Fund	Unlimited Paid Losses (Excluding ALAE)	15.73%	WC	\$0
GA	Second Injury Fund	Unlimited Paid Losses (Excluding ALAE)	7.75%	WC	\$0
KS	Admin. Fund/WC Fund	Unlimited Paid Losses (Excluding ALAE)	3.67%	WC	\$0
SC	Second Injury Fund	Unlimited Paid Losses (Excluding ALAE)	13.44%	WC	\$0

Notes Applicable to 1. Above:

- i. These Assessments apply to all Paid Losses and to Deductible Plan Losses.
- ii. These Assessments will be levied on the basis of unlimited Paid Losses and Deductible Plan Losses (excluding ALAE) for D.C. and the States of Georgia, Kansas, and South Carolina. We have, however, agreed that the maximum Assessment amount that we will charge you on any one loss will be \$250,000. This is a cap on the amount of the Assessment that we will charge you for any one loss. It is not a cap on the loss amount used to calculate the Assessment, nor is it a cap on the total Assessment amount which you owe for all losses.
- iii. For each of these states, we will collect a deposit amount which is calculated by multiplying the estimated rates displayed in 1. above times our estimate of your Paid Losses and Deductible Plan Losses paid at eighteen (18) months after Policy inception for the indicated Assessment basis noted above.
- iv. As of eighteen (18) months after the effective dates of the Policies, and annually thereafter, we will adjust the amounts which you owe for the Assessments:
 - Actual Assessment rates of loss, as promulgated by these states, will be applied to your Paid Losses and Deductible Plan Losses in the same manner and for time periods corresponding to the Assessment periods to which the actual state rates apply.
 - For Paid Loss and Deductible Plan Loss Assessment periods for which the actual Assessment rate(s) has not yet been determined by the state(s) as of the time of our first eighteen (18) months and/or subsequent annual adjustment, we will apply the latest known rate(s) to arrive at an estimated Assessment amount for that period. At the time of the next adjustment, this estimated rate will be replaced by the actual rate applicable to that Assessment period, and we will recompute the Assessment amount for that period.

2. Surcharges

CITY OF BURLINGTON, VT

Miscellaneous Charges Exhibit

State	Fund	Surcharge Basis	Rate	Line of Insurance	Estimated Surcharge Liability
AK	Insurance Guaranty Fund(AIGA)	Written Premium**	0.65%	WC	\$0
CA	User Tax	Modified Tariff Premium	1.37%	WC	\$0
CA	Fraud Assessment	Modified Tariff Premium	0.39%	WC	\$0
CA	Subsequent Injury Fund	Modified Tariff Premium	0.17%	WC	\$0
CA	Insurance Guaranty Fund(CIGA)	Written Premium**	2.00%	WC	\$0
CA	CIGA All Other	Written Premium	0.00%	GL	\$0
CA	Uninsured Empl. Fund	Modified Tariff Premium	0.34%	WC	\$0
CA	OSHA Fund Surcharge	Modified Tariff Premium	0.29%	WC	\$0
CA	LECF Surcharge	Modified Tariff Premium	0.27%	WC	\$0
CT	Admin. Fund	Incurred Losses@ \$250,000#	1.84%	WC	\$0
CT	Second Injury Fund	Modified Tariff Premium	2.75%	WC	\$0
DC	Second Injury Fund	Written Premium**	0.00%	WC	\$0
FL	Cat Fund Emergency Assessment	Written Premium	1.30%	AL	\$0
FL	Cat Fund Emergency Assessment	Written Premium	1.30%	APD	\$0
FL	Cat Fund Emergency Assessment	Written Premium	1.30%	GL	\$0
FL	Guar Fund Surcharge	Written Premium	0.00%	GL	\$0
FL	Guar Fund Emerg Surch	Written Premium	0.00%	GL	\$0
FL	2007 Guar Fund	Written Premium	0.00%	GL	\$0
FL	2008 FL Guaranty Fund	Written Premium	0.00%	GL	\$0
FL	2011 Guar Fund	Written Premium	0.00%	GL	\$0
GA	Insolvency Pool Surcharge	Written Premium**	0.00%	WC	\$0
IA	Second Injury Fund (IASIFS)	Written Premium**	0.00%	WC	\$0
IL	Industrial Commission Op Fund	Written Premium**	1.01%	WC	\$0
IN	Second Injury Fund	Written Premium**	0.78%	WC	\$0
KY	Special Fund	Modified Tariff Premium	6.28%	WC	\$0
KY	Premium Surcharge	Written Premium	1.80%	AL	\$0
KY	Premium Surcharge	Written Premium	1.80%	APD	\$0
KY	Premium Surcharge	Written Premium	1.80%	GL	\$0
MA	Special/Trust Fund	Modified Tariff Premium*	5.60%	WC	\$0
ME	Fresh Start Surcharge	Modified Tariff Premium	0.00%	WC	\$0
ME	Board Funds	Modified Tariff Premium	2.54%	WC	\$0

CITY OF BURLINGTON, VT

Miscellaneous Charges Exhibit

ME	Supplemental Benefits	Modified Tariff Premium	0.00%	WC	\$0
MN	Special Fund	Modified Tariff Premium	6.10%	WC	\$0
MN	WCRA Assessment	Modified Tariff Premium	1.15%	WC	\$0
MO	Second Injury Fund (MOSIFS)	Modified Tariff Premium	3.00%	WC	\$0
MO	Administrative Surcharge	Modified Tariff Premium less Written Premium**	1.00%	WC	\$0
MT	Subsequent Injury Fund	Modified Tariff Premium	0.34%	WC	\$0
MT	Regulatory Assessment	Modified Tariff Premium	1.93%	WC	\$0
MT	SAW/RTW ASST. FUND	Modified Tariff Premium	0.00%	WC	\$0
NJ	Second Injury Fund (NJSIFS)	Modified Tariff Premium	6.76%	WC	\$0
NJ	Guaranty Assn.	Written Premium	0.90%	AL	\$0
NJ	Guaranty Assn.	Written Premium	0.90%	APD	\$0
NJ	Guaranty Assn.	Written Premium	0.90%	GL	\$0
NJ	Uninsured Empl. Fund	Modified Tariff Premium	0.00%	WC	\$0
NY	Enforcement Fee	Number of Vehicles	\$10.00	AL	\$0
NY	NY Boards Funds Surcharge	Modified Tariff Premium	18.80%	WC	\$0
NY	NY Security Fund	Written Premium** plus NY Boards Funds Surcharge	0.00%	WC	\$0
OR	Admin. Fund	Modified Tariff Premium	6.20%	WC	\$0
OR	Guar. Fund Recoupment	Written Premium	0.00%	AL	\$0
OR	Guar. Fund Recoupment	Written Premium	0.00%	APD	\$0
OR	Guar. Fund Recoupment	Written Premium	0.00%	GL	\$0
OR	Guar. Fund Recoupment	Written Premium	0.00%	WC	\$0
PA	Supersedeas/2nd Inj/Admin Fund	Modified Tariff Premium	2.62%	WC	\$0
TX	TX Auto Theft Prevention Auth.	Number of Vehicles	\$2.00	AL	\$0
VT	Admin. Fund	Written Premium**	1.75%	WC	\$6,251
WV	Surcharge	Written Premium	0.55%	AL	\$0
WV	Surcharge	Written Premium	0.55%	APD	\$0
WV	Surcharge	Written Premium	0.55%	GL	\$0
WV	Surcharge	Written Premium	0.55%	WC	\$0
WV	Regulatory Surcharge	Modified Tariff Premium	5.00%	WC	\$0
WV	WC Debt Reduction Surcharge	Modified Tariff Premium	9.00%	WC	\$0

3. Assessments - Other than those Assessments which are listed in 1. above

CITY OF BURLINGTON, VT

Miscellaneous Charges Exhibit

State	Fund	Assessment Basis	Rate	Line of Insurance	Estimated Assessment Liability
AL	DIA Fund	Incurred Losses@ \$250,000#	0.65%	WC	\$0
AR	WC Comm Fund et al	Modified Tariff Premium	3.20%	WC	\$0
CO	Various	Modified Tariff Premium	1.79%	WC	\$0
FL	Admin. Fund	Modified Tariff Premium	1.75%	WC	\$0
FL	Guaranty Fund	Modified Tariff Premium	0.00%	WC	\$0
ID	Industrial Admin. Fund	Modified Tariff Premium	2.07%	WC	\$0
MI	Various	Modified Tariff Premium	1.11%	WC	\$0
MI	Catastrophic Claims Assn. Asst	Written Premium	5.00%	AL	\$0
NE	2nd Injury & Voc. Rehab.	Incurred Losses@ \$250,000#	0.00%	WC	\$0
NJ	Unsatisfied Claim Judgmt. Fund	Written Premium	1.60%	AL	\$0
NM	Uninsured Empl. Fund	Incurred Losses@ \$250,000#	0.00%	WC	\$0
RI	Admin. Fund/WC Fund	Modified Tariff Premium	7.50%	WC	\$0
TX	Maint. Tax/Guaranty Fund	Modified Tariff Premium	1.87%	WC	\$0
US	USL&H Second Injury Fund	Incurred Losses@ \$250,000#	13.72%	WC	\$0

Notes Applicable to 2. and 3. Preceding:

- i. Those Surcharges and Assessments which are levied on the basis of Incurred Loss are calculated based on a loss limit of \$250,000. This means that the Assessment or Surcharge is based on the first \$250,000 of each loss. A charge has been made in the Assessment or Surcharge rate for the loss limitation and the rates for Assessments include the applicable state premium tax rate. Further, with respect to Surcharge and Assessment Basis, # means all Incurred Losses and Deductible Losses are included.

- ii. For those Surcharges and Assessments which are levied on the basis of premium, the following definitions shall apply:

*Massachusetts: Modified Tariff Premium excluding ARAP (All Risks Adjustment Program) and before application of premium discount and deductible credit.

**For Deductible Plan Policies in these states, Written Premium means Modified Discounted Tariff Premium after application of deductible credit.

CITY OF BURLINGTON, VT

Policy Exhibit

1. Insurance Policies

Policy Number	Type of Coverage	States and Territories	Plan Type	Company
TC2E-UB-101D2040-13	Workers Compensation and Employers Liability	VT	Deductible	TCT

The Policies shown above are issued in one or more of the following Travelers companies:

ACJ	Travelers Casualty Insurance Company of America
ACR	Travelers Casualty and Surety Company
ACT	Travelers Casualty Company of Connecticut
AFC	Farmington Casualty Company
ASA	The Travelers Casualty and Surety Company of America
ASF	The Standard Fire Insurance Company
COF	The Charter Oak Fire Insurance Company
IND	The Travelers Indemnity Company
INS	The Travelers Insurance Company
PHX	The Phoenix Insurance Company
SPF	St. Paul Fire and Marine Insurance Company
SPG	St. Paul Guardian Insurance Company
SPM	St. Paul Mercury Insurance Company
TCT	The Travelers Indemnity Company of Connecticut
TIA	The Travelers Indemnity Company of America
TIL	Travelers Property Casualty Company of America
TLC	The Travelers Lloyds Insurance Company
TMO	Travelers Commercial Casualty Company

The above companies have an address of One Tower Square, Hartford, CT 06183-7312, except for St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company which have an address of 385 Washington Street, St. Paul, Minnesota 55102, and St. Paul Fire and Marine Insurance Company, which has an address of 385 Washington Street, St. Paul, Minnesota 55102, and Suite 300, 20 Queen St. West, Toronto, Ontario M5H 3R3.

The omission of any Policy from this Policy Exhibit, or the incorrect reference to any Policy or Policy Number, shall not relieve you of any of your duties or Obligations under this Agreement or under the Policies.

Terrorism Exhibit

Terrorism Risk Insurance Act of 2002 Disclosure

On December 26, 2007, the President of the United States signed into law amendments to the Terrorism Risk Insurance Act of 2002 (the "Act"), which, among other things, extend the Act and expand its scope. The Act establishes a program under which the Federal Government may partially reimburse "Insured Losses" (as defined in the Act) caused by "acts of terrorism". An "act of terrorism" is defined in Section 102(l) of the Act to mean any act that is certified by the Secretary of the Treasury – in concurrence with the Secretary of State and the Attorney General of the United States – to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States Mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

The federal government's share of compensation for Insured Losses is 85% of the amount of Insured Losses in excess of each Insurer's statutorily established deductible, subject to the "Program Trigger", (as defined in the Act). In no event, however, will the federal government or any Insurer be required to pay any portion of the amount of aggregate Insured Losses occurring in any one year that exceeds \$100,000,000,000, provided that such Insurer has met its deductible. If aggregate Insured Losses exceed \$100,000,000,000 in any one year, your coverage may therefore be reduced.

The charge for Insured Losses is included in the total premium for each coverage indicated in this Agreement. The charge that has been included for each coverage is indicated below and does not include any charges for the portion of losses covered by the federal government under the Act.

Coverage	Included Charge For Insured Losses
Workers' Compensation	<p>Exposures in states other than Alaska, Florida and North Carolina: 4% of the total Workers Compensation premium. Deductible and guaranteed cost Policies (if any) will be subject to any applicable adjustments or audits. For retrospective Policies (if any), the charge will be a flat charge which is charged at policy inception, not subject to any retrospective premium adjustments or audits.</p> <p>Exposures in Alaska, Florida and North Carolina: The rate used to develop your premium is 0.01 per \$100 of state remuneration.</p> <p>Note: The foregoing rates are subject to change at any time based upon state regulatory action.</p>

1
2 **Resolution Relating to**

RESOLUTION
Sponsor(s): Councilors Blais,
Tracy, Ayres; License Com.

3
4
5 AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT
6 TO MAINTAIN TABLE, CHAIRS, AWNING AND LIGHTS ON A
7 PORTION OF THE CITY’S RIGHT-OF-WAY WITH
8 GUILD FINE MEATS

Introduced: _____
Referred to: _____
Action: _____
Date: _____
Signed by Mayor: _____

9
10
11
12 **CITY OF BURLINGTON**

13 In the year Two Thousand Thirteen.....

14 Resolved by the City Council of the City of Burlington, as follows:

15
16 That WHEREAS, GUILD FINE MEATS, LLC d/b/a GUILD FINE MEATS of Burlington, Vermont
17 (hereinafter GUILD) is an establishment doing business in a commercial building located at 111 St. Paul
18 Street in the City of Burlington, Vermont; and

19 WHEREAS, GUILD desires to place 1 table and 2 chairs in the public right-of-way adjacent to its
20 establishment at 111 St. Paul Street; and

21 WHEREAS, GUILD also desires to install an awning and lights over the entry area overhanging
22 the public right-of-way adjacent to its establishment at 111 St. Paul Street; and

23 WHEREAS, GUILD wishes to enter into a License Agreement with the City for such table and
24 chairs and awning and lights; and

25 WHEREAS, the placement of the respective table and chairs and awning and lights has been
26 reviewed and approved by the Department of Public Works with conditions to address public safety
27 concerns; and

28 WHEREAS, the Charter of the City of Burlington, Sec. 48XLIX and the Code of Ordinances Sec.
29 27-32 require authorization by the City Council for such use of a public thoroughfare for periods in excess
30 of thirty (30) days;

31 NOW, THEREFORE, BE IT RESOLVED that this City Council hereby authorizes GUILD to
32 place 1 table and 2 chairs and an awning and lights covering an area of 65 sq. ft. on a portion of the public
33 right-of-way adjacent to its establishment at 111 St. Paul Street as indicated in and pursuant to its License
34 Agreement upon entering into the License Agreement in substantially the form attached hereto; and

35 BE IT FURTHER RESOLVED that Mayor Miro Weinberger be and hereby is authorized to
36 execute a License Agreement, in substantially the form attached, on behalf of the City of Burlington for a
37 term commencing on the date of execution of the License Agreement and terminating on April 30, 2014.

LICENSE AGREEMENT FOR TABLE AND CHAIRS, AWNING AND LIGHTS
WITH GUILD FINE MEATS
2013-2014 SEASON

This LICENSE AGREEMENT is made by and between the City of Burlington, a municipal corporation organized and validly existing under the laws of the State of Vermont (hereinafter CITY) and GUILD FINE MEATS, LLC d/b/a GUILD FINE MEATS, a commercial establishment located at 111 St. Paul Street, Burlington, Vermont (hereinafter GUILD or LICENSEE).

WHEREAS, the CITY owns property, including the street and sidewalk right-of-way adjacent to 111 St. Paul Street; and

WHEREAS, GUILD stated on its application (attached hereto as Exhibit A) that it wishes to place 1 table and 2 chairs on the sidewalk area in front of the building at 111 St. Paul Street in the the public right-of-way; and

WHEREAS, GUILD also stated on its application (attached hereto as Exhibit A) that it wishes to install an awning and lights on the front of the building above the entry area overhanging the public right-of-way; and

WHEREAS, GUILD has stated in its permit application that there will be no physical barriers around the awning and lights or the table and chairs and they will cover a 65 sq. ft. area; and

WHEREAS, this application was reviewed and approved by the Department of Public Works attached hereto as Exhibit B; and

WHEREAS, such use of a public thoroughfare for periods in excess of 30 days requires approval of the City Council under Charter Sec. 48XLIX and Burlington Code of

Ordinances Chap. 27, Sec. 27-32;

W I T N E S S E T H :

The CITY and GUILD enter into the following License Agreement:

1. TERM

The CITY grants to GUILD (hereinafter LICENSEE) a license to place 1 table and 2 chairs in front of the building in the public right-of-way and to install and maintain an awning and lights on the front of the building overhanging the public right-of-way covering an area of 65 sq. ft. at 111 St. Paul Street, for a term commencing as of the date of execution of this Agreement and terminating on April 30, 2014 or sooner as provided herein.

2. LOCATION

LICENSEE may use and maintain table and chairs and an awning and lights on and over the public right-of-way (hereinafter referred to as the premises) for the consumption of food and beverages and for advertising purposes. Licensee must ensure that the sidewalk area is kept clear and at all times there is a 5 ft. right-of-way for pedestrian traffic. The table and chairs and awning and lights are to be placed as approved by the Department of Public Works.

A copy of the approved plan is attached hereto as Exhibit C.

3. MAINTENANCE

- a. LICENSEE shall maintain the table and chairs and awning and lights in proper condition.
- b. LICENSEE shall be responsible for the maintenance and upkeep of the table and chairs and awning and lights and any damage to the table and chairs and awning and lights is solely the responsibility of LICENSEE. Should LICENSEE fail to maintain

the table and chairs and awning and lights, this License Agreement is revocable on notice by the CITY to LICENSEE of a violation of this section; however LICENSEE shall have 14 days to cure any problem if it notifies the CITY in writing within three (3) days of its intent to cure the violation.

c. The table and chairs and awning and lights shall be placed in accordance with all conditions set by the Department of Public Works and shall not impede the CITY'S ability to maintain the road, sidewalk, parking meters or greenbelt.

d. The table and chairs and awning and lights shall not cause an obstruction or inconvenience to members of the public using the sidewalk, parking meters or street.

e. LICENSEE shall pick up and sweep debris created by its use of the public right-of-way.

4. LICENSE FEE

There shall be a fee for this license equal to the encumbrance application fee and the square foot use fee. This fee shall be payable immediately to the Burlington City Clerk's Office. **Failure to pay the annual fee shall result in the immediate revocation of the license.**

5. REVOCATION

This License Agreement is immediately revocable should LICENSEE discontinue use of the table and chairs and awning and lights. In any event, this Agreement is revocable by the CITY within 30 days upon sending written notice to LICENSEE. Upon revocation, LICENSEE must remove at its own expense the table and chairs and awning and lights and other materials or obstructions placed on the property. If LICENSEE refuses to promptly

remove such obstructions, they may be removed by the CITY and LICENSEE shall be liable for all expenses of such removal.

6. INSURANCE

a. LICENSEE shall maintain in effect throughout the term of this Agreement comprehensive public liability insurance with an A rated insurance carrier, or better, qualified to transact business in the State of Vermont, insuring against all legal liability for injuries or damages suffered as a result of the exercise of rights granted pursuant to this Agreement in an amount not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. The CITY shall be named as an additional insured on such insurance policy.

b. Prior to execution of this Agreement, LICENSEE shall furnish the CITY with a certificate of insurance and endorsement which shall include the provision that the CITY is named as an additional insured and shall be given 15 days written notification prior to cancellation of such insurance for nonpayment of premium and 45 days notice for any other reason. The certificate shall be attached to this Agreement as Exhibit D and the endorsement shall be attached as Exhibit E.

c. The certificate of insurance shall be provided annually on or before its stated expiration. It is the responsibility of LICENSEE to ensure that a current certificate of insurance is on file with the CITY at all times. **Failure to furnish a current certificate of insurance will result in immediate revocation of this license.**

7. INDEMNIFICATION

LICENSEE agrees to indemnify, defend and hold the CITY harmless and free from

liability arising out of LICENSEE'S use of the CITY'S right-of-way, and LICENSEE agrees to make no claim against the CITY or any of its officers, employees, agents or representatives for any loss or damage caused by the CITY'S use or maintenance of its right-of-way.

8. PERMITS

LICENSEE shall be responsible for obtaining all necessary CITY and/or State permits including zoning permits, prior to placement of the table and chairs and awning and lights.

9. NUISANCES PROHIBITED

LICENSEE shall not, during the term hereof, on or in the premises maintain, commit, or permit the maintenance or commission of any nuisance or violation of any applicable City of Burlington ordinance, State or Federal statute, or controlling bylaw, regulation, or condition imposed whether existing at the time of commencement of this Agreement or enacted, amended, or otherwise put into effect during the term of this Agreement.

10. ASSIGNMENT OF RIGHTS

LICENSEE shall not sell or assign its rights pursuant to this Agreement or permit the use of the premises or any part thereof by any other entity without the express prior written consent of the CITY. Any unauthorized action in violation of this provision shall be void, and shall terminate LICENSEE'S rights pursuant to this Agreement.

11. LIMITATION OF RIGHTS

LICENSEE acknowledges that no property or other right is created other than that specifically defined and limited by this Agreement.

12. This License Agreement supersedes all other License Agreements executed for this

location.

DATED at Burlington, Vermont this _____ day of _____,

2013.

CITY OF BURLINGTON

Witness

By: _____
Miro Weinberger, Mayor
Duly Authorized

GUILD FINE MEATS, LLC
d/b/a GUILD FINE MEATS

Witness

By: _____
Duly Authorized

l/c: GM 2013/License Agree for Encumbrance – GUILD FINE MEATS, 139 Bank St. (Table & Chairs & Awning) 2013
9/13/13



OFFICE OF THE CLERK AND TREASURER
 149 CHURCH STREET
 BURLINGTON, VT 05401
 Voice (802)865-7000
 FAX (802)865-7014
 TTY (802)865-7142
 Amy Bovee (802)865-7019
 Ron Gore (802)865-7562

CITY ATTORNEY'S OFFICE
 SEP 11 2013
 RECEIVED

Encumbrance Application / Renewal

DBA NAME: Guild Fine Meats LLC DATE: 5/6/13
 CONTACT NAME: Jed Davis PHONE: 802 999 1440
 MAILING ADDRESS: 139 Bank St - FAX: _____
Burlington VT 05401 EMAIL: gd0407@gmail.com

DBA NAME: Guild Fine Meats
 COMPANY: _____

LOCATION OF ENCUMBRANCE: 111 Saint Paul St.

Permission is requested to allow/continue the encumbrance in the following area and manner (please describe fully, including size and physical barriers around area i.e. trees, grates, parking meters, etc with photos, diagrams, blueprints; may reference prior application):

Description: install new awning on front of building
located at 111 Saint Paul Street
one table and two chairs on sidewalk

Total Square Feet (\$1.00 per SF): 18 40 65

PLEASE ATTACH:

1. Certificate of Liability Insurance with holder as the: "CITY OF BURLINGTON, CLERK/TREASURER'S OFFICE ENCUMBRANCE APPLICATION DEPT., 149 CHURCH ST., BURLINGTON, VT 05401" with a 30 DAY NOTICE FOR CANCELLATION EFFECTIVE MAY 1 TO APRIL 30 OF THE CURRENT YEAR in the amount of \$2 million for the general aggregate and \$1 million for each occurrence. Your insurance agent can fax the certificate to this office at the above number.
2. Sketch, Photo, or Blueprint of what you are proposing.
3. Check for the square feet fees (\$1 per square foot) + \$25 Application fee: \$43

Signature: [Signature] Date: 5/6/13

For office use only: Amount received \$ 37 on 9/9 Check # 1127
 Sent to DPW: 8/8 Sent to Attorney: 9/10 7014
Exhibit A



OFFICE OF THE CLERK AND TREASURER
 149 CHURCH STREET
 BURLINGTON, VT 05401
 Voice (802)865-7000
 FAX (802)865-7014
 TTY (802)865-7142
 Amy Bovee (802)865-7019
 Ron Gore (802)865-7562

Encumbrance DPW Approval Form

Effective 05/01/2013 - 04/30/2014

ATTENTION: RON GORE, BURLINGTON DEPARTMENT OF PUBLIC WORKS

DBA NAME: Guild Fine Meats DATE: Monday, September 9, 2013
 COMPANY: Guild Fine Meats LLC PHONE: 999-1440
 LOCATION: 111 St. Paul Street FAX:
 MAILING ADDRESS: Jed Davis
 139 Bank Street

RACKS / RAMPS / STAIRS / TABLES / CHAIRS ETC

1. Racks, ramps, sidewalks encumbrances should be located on private property, if possible. In the opinion of the City Building Inspector, is there an available alternative location for the ramp on private property? Yes No

2. Will there be sufficient width for plows and pedestrian access if racks, ramp, sidewalk, tables & chairs encumbrances are added on the sidewalk? Yes No

3. Additional Comments: SINGLE TABLE / 2 CHAIRS PLACED NEXT TO BUILDING

4. A 65 square foot placement of Install a new awning on front of building located at 111 St. Paul St. One table and 2 Chairs on sidewalk. at 111 St. Paul Street

DEPARTMENT OF PUBLIC WORKS

Approved? Yes
 No

Explain: ALLOW PEDESTRIAN RIGHT OF WAY

Signature Ron Gore

Date: 09/11/13

Exhibit B

Sign lighting →

Sign "A" →

Sign "B" →

notes	#1177
	GUILD FINE MEATS EXTERIOR ENTRANCE DETAIL
	OPTION 5
client	JED DAVIS
scale	1/2" = 1 FOOT
file name	GUILD ELEVATION 7
date	04/25/13
drawing	GMD

**SPARKY POTTER
DESIGN GROUP**

WOOD & WOOD
DESIGN • SIGN SYSTEMS
INTERIORS • DECORATIVE ARTS
98 CARROLL ROAD
WATSFIELD, VERMONT 05673

W&W

802-496-3000
802-496-7916 FAX
woodwood@madriver.com



COPY SIZE = 8 1/2'

FONT: EUROSTYLE BOLD

Annotations →

window graphics →

sunbrella[™]

Signature Series
COOPER BLACK
4988-0000

Available in:
46" (116.8 cm)
3.75" (9.5 cm) repeat

made with 100% rella acrylic

page 82

Exhibit C



CERTIFICATE OF LIABILITY INSURANCE

GUILFIN-01

RWF

DATE (MM/DD/YYYY)

8/9/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hickok & Boardman, Inc. - BUR 346 Shelburne Road PO Box 1064 Burlington, VT 05402-1064	(802) 658-3500	CONTACT NAME: Robin W Faraone
		PHONE (A/C, No, Ext): (802) 383-1663
		FAX (A/C, No): (802) 658-0541
		E-MAIL ADDRESS: rfaraone@hbinsurance.com
		INSURER(S) AFFORDING COVERAGE
		INSURER A : Patriot Insurance Company
		INSURER B : Technology Ins Co Inc
		INSURER C :
		INSURER D :
		INSURER E :
		INSURER F :

INSURED
Guild Fine Meats LLC
c/o Catamount Restaurant Management
139 Bank St, 2nd Floor
Burlington, VT 05401-

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X		BOP6204980	8/2/2013	8/2/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			BA6204980	8/2/2013	8/2/2014	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			BOP6204980	8/2/2013	8/2/2014	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
B	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	TWC3372237	8/2/2013	8/2/2014	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Liquor Liability			BOP6204980	8/2/2013	8/2/2014	\$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Table and Chairs and Awning overhanging sidewalk in front of 111 St. Paul St. Certificate holder is included as additional insured for general liability coverage. The standard notice of cancellation form applies to this policy stating 15 days for non-payment or 45 days for any other reason.

CERTIFICATE HOLDER	CANCELLATION
City of Burlington Attn: Encumbrance Department 149 Church St Burlington, VT 05401-	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 

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INSURER: FRANKENMUTH MUTUAL INSURANCE COMPANY

NAMED INSURED
GUILD FINE MEATS, LLC

POLICY NO.
BOP6204980

POLICY TERM
08/02/2013 to 08/02/2014

AGENT NO.
0440059

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**Additional Insured -- Designated
Person Or Organization**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	
	CITY OF BURLINGTON ATTN: ENCUMBRANCE DEPARTMENT 149 CHURCH ST BURLINGTON, VT 05401-8429 15 DAYS FOR NP/45 DAYS OTHER
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

The following is added to Paragraph C. **Who Is An Insured in Section II -- Liability:**

- Any person(s) or organization(s) shown in the Schedule is also an additional insured, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf in the performance of your ongoing operations or in connection with your premises owned by or rented to you.

Exhibit E

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

Vermont Changes -- Cancellation And Nonrenewal

This endorsement modifies insurance provided under the following:

CAPITAL ASSETS PROGRAM (OUTPUT POLICY) COVERAGE PART
COMMERCIAL AUTOMOBILE COVERAGE PART
COMMERCIAL GENERAL LIABILITY COVERAGE PART
COMMERCIAL INLAND MARINE COVERAGE PART
COMMERCIAL LIABILITY UMBRELLA COVERAGE PART
COMMERCIAL PROPERTY COVERAGE PART
CRIME AND FIDELITY COVERAGE PART
EMPLOYMENT-RELATED PRACTICES LIABILITY COVERAGE PART
EQUIPMENT BREAKDOWN COVERAGE PART
FARM UMBRELLA LIABILITY POLICY
LIQUOR LIABILITY COVERAGE PART
MEDICAL PROFESSIONAL LIABILITY COVERAGE PART
POLLUTION LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

- A. The **Cancellation** Common Policy Condition is replaced by the following:

CANCELLATION

1. The first Named Insured shown in the Declarations may cancel this policy by mailing or delivering to us advance written notice of cancellation.

2. Cancellation of Policies in Effect for Less than 60 Days.

If this policy has been in effect for less than 60 days and this policy is not a renewal of a policy we issued, we may cancel this policy by:

- a. Giving the first Named Insured at least 15 days' notice prior to the cancellation date for nonpayment of premium or substantial increase in hazard; or
- b. Mailing or delivering the first Named Insured at least 45 days' notice prior to the cancellation date for any other reason.

If cancellation is for nonpayment of premium, written notice may be sent by certificate of mailing or certified mail. If cancellation is for any reason other than nonpayment of premium, written notice must be sent by certified mail.

3. Cancellation of Policies in Effect For 60 Days or More

If this policy has been in effect for 60 days or more, or if this is a renewal of a policy we issued, we may cancel this policy only for one or more of the following reasons:

- a. Nonpayment of premium;
- b. Fraud or material misrepresentation affecting this policy or in the presentation of claims under this policy;
- c. Violation of any provisions of this policy; or
- d. Substantial increase in hazard, provided we have secured approval for the cancellation from the commissioner of insurance.

If we cancel this policy for one of the reasons specified in Paragraph 3., we will cancel only in the following manner:

- a. By giving at least 15 days' notice before the effective date of cancellation if we cancel for nonpayment of premium; or
- b. By mailing or delivering at least 45 days' notice before the effective date of cancellation if we cancel for any other reason.

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5
6 CREATION OF LIMITED SERVICE FULL TIME
7 CAPITAL IMPROVEMENT PROGRAM MANAGER POSITION –
8 DEPARTMENT OF PUBLIC WORKS
9
10
11
12
13

14 In the year Two Thousand Thirteen.....
15 Resolved by the City Council of the City of Burlington, as follows:

16
17 That WHEREAS, the Assistant Director of Public Works-Technical Services has recommended
18 creation of an additional Capital Improvement Program Manager Position; and

19 WHEREAS, these services are needed to address the increasing demands of the City’s Capital
20 Improvement Program; and

21 WHEREAS, the Human Resources Director used the Willis Classification System to determine a
22 recommended pay scale for this position; and

23 WHEREAS, this request has been approved by the Human Resources Director, and on
24 September 11, 2013, the Board of Finance recommended approval; and

25 WHEREAS, this position will be funded through the Department’s FY14 CIP fees for services;

26 NOW, THEREFORE, BE IT RESOLVED that the creation of an exempt, non-union, limited
27 service, full-time Capital Improvement Program Manager position for the Department of Public Works is
28 approved and shall be placed at a Non-Union Salary Grade 19 within the Fiscal Year 2014 Non-Union
29 Salary Table. The position shall be created following City Council approval and signature of the Mayor.



HUMAN RESOURCES DEPARTMENT
City of Burlington

179 South Winooski Avenue, Suite 100, Burlington, VT 05401

Voice (802) 865-7145

Fax (802) 864-1777

Vermont Relay: 7-1-1 or 800-253-0191

To: Board of Finance

From: Stephanie Reid, Interim Human Resources Generalist
Susan Leonard, Human Resources Director

Date: September 9, 2013

Re: Department of Public Works – Creation of Limited Service, Full Time Capital Improvement
Program Manager Position

As detailed in the attached memo and job description, the Assistant Director of Public Works-Technical Services has requested the creation of a Capital Improvement Program Manager position necessary to address the increasing demands of managing the City Improvement Program and its impacts on the City.

The position, which will report to the Assistant Director of Public Works-Technical Services at the Department of Public Works, as shown on the attached existing and proposed organization charts, was classified and scored using the Willis Classification System. The resulting classification is a non-union exempt grade 19 with a corresponding salary range \$54,908.59 to \$65,488.94 from the FY14 non-union Willis salary table. Creation of this position will result in an addition to headcount and will be funded through the Departments FY14 CIP fees for services as understood from the attached memo.

We respectfully recommend your approval of the Assistant Director of Public Works-Technical Services request to create a Capital Improvement Program Manager position.

This position will become effective following City Council approval and signature of the Mayor.

Thank you.



MEMORANDUM

September 9, 2013

TO: Finance Board

FROM: Norman J. Baldwin, P.E., City Engineer
Assistant Director-Technical Services

RE: Request to fill newly classified position of Capital Improvement Program Project Manager

Since taking on the responsibility of managing the City Improvement Program(CIP) the Department of Public Works has had a change in staff assigned to manage the CIP starting with Carol Weston and now Steve Roy has been assigned as the CIP Program Manager, following Carol's departure nearly two years ago.

Given we have been tasked with this work within the existing staff structure, it has been a challenge to make CIP our highest priority and see to it that the long list of projects get completed in a timely fashion. We recognize the importance of making investment in our Public Facilities, and the only way to effectively achieve that goal is to create a position who's sole purpose is to advance CIP Projects. .

Committed to that belief the department is proposing a newly described limited service position entitled Capital Improvement Program Project Manager. The proposed position of Capital Improvement Program Project Manager was classified by the Human Resources Department as a Grade 19. Assuming the position would be filled with a person with a number of years experience with the opportunity for step considerations at a Grade 19, Step 7, the city would assume an total additional expense of \$ 64,936.49

ITEM	EXPENSE
Wages	\$ 61,501.60
Health	\$ 19,243.20
Dental	\$ 1,036.32
Life	\$ 96.00
FICA	\$ 4,704.87
A.SUBTOTAL ANNUALLY	\$ 86,581.99
TOTAL EXPENSE FOR BALANCE OF FY14(Oct 1, 2013-June 30,2014) A. x(9/12)	\$ 64,936.49

Built within the FY14 CIP plan the Department of Public Works has allocated \$100,000 in fees for service to manage the CIP Program.

Given that, the Department of Public Works is seeking the Finance Boards support and authorization to:

- Fill the proposed Capital Improvement Program Project Manager position.

- Amend the CIP budget to provision the wage and benefit line items necessary to fund the position of CIP Project Manager.

We feel strongly this is the most prudent approach in seeking to advance CIP Projects; we are looking for your vote of support, please feel to call me if you have any further questions.

Thank you in advance.

CREATION OF LIMITED SERVICE FULL TIME CAPITAL IMPROVEMENT PROGRAM
MANAGER POSITION- DEPARTMENT OF PUBLIC WORKS

In the year Two Thousand thirteen.....
Resolved by the City Council of the City of Burlington as follows:

That WHEREAS, the Assistant Director of Public Works-Technical Services has recommended creation of an additional Capital Improvement Program Manager Position; and

WHEREAS, these services are needed to address the increasing demands of the City Improvement Program; and

WHEREAS, the Human Resources Director used the Willis Classification System to determine a recommended pay scale for this position; and

WHEREAS, this request has been approved by the Human Resources Director, and on September 11, 2013, the Board of Finance has recommended approval; and

WHEREAS, this position will be funded through the Departments FY14 CIP fees for services; and

NOW THEREFORE, BE IT RESOLVED that the creation of an exempt, non-union limited service full-time Capital Improvement Program Manager position for the Department of Public Works is approved and shall be placed at a Non-Union Salary Grade 19 within the Fiscal Year 2014 Non-Union Salary Table. The position shall be created following City Council approval and signature of the Mayor.

City of Burlington Job Description

Position Title: Capital Improvement Program Project Manager

Department: Public Works (DPW)

Reports to: Assistant Director for Technical Services

Pay Grade: 19 Limited Service FT

Job Code: XXXX

Exempt/Non-Exempt: Exempt

Union: Non-Union

General Purpose: This position is responsible for the development of the Annual CIP (Capital Investment Program). The Annual CIP is intended to make the highest and best use of public funds for the capital reinvestment of public facilities, by scoring and rank ordering projects according to the city council approved prioritization metrics. Once the CIP Project Manager has an approved Annual CIP Plan it will be the CIP Project Manager's duty to advance the individual CIP projects through the various stages of project development to final completion. Projects must be advanced in a manner that is consistent with the core values of the city described within the various city procurement policies and ordinances.

Essential Job Functions:

- Manage the City's annual Capital Improvement Program that annually invests on average \$2 million dollars in the City's Public Infrastructure.
- Coordinate the development of the CIP budget with the Assistant Director, incorporating all relevant projects.
- Use professional judgment to direct and independently complete defined CIP Projects.
- Proactively identify technical, schedule or financial issues and seeks resolution from the Assistant Director and/or the client, as appropriate to the situation.
- Independently communicate on technical matters with the construction contractors.
- Bring definition to a project by preparing a project scope, project schedule and project budget.
- Identify the professional consulting services needed in support of the project, services that typically require design services, resident engineering services, contract administration.
- Follow the City's procurement procedures procure construction contractors, designers and resident engineering support services.
- Review and approve contractor pay requisitions.
- Manage the professional services contractors in support of the project. Work tasks include: the review of project plans and specifications, prepare and review bid documents, and review/comment on design elements through duration of project.
- Organize, facilitate the project team meetings.
- Document and record progress, through project meeting minutes, project schedules in order to effectively communicate to any and all stakeholders. Stakeholders could include the Mayor, relevant department Commissions, Council Committees, Board of Finance and City Council.
- Work collaboratively with the City's accounting department to develop proper accounting systems needed in support of the project.

- Provide technical support on all financial and budget related matters, including budgetary reviews.
- Prepare budget statements and reports as needed.
- Coordinate all Local, State, and Federal permit review processes within the project schedule so as to not negatively impact the schedule.
- Coordinate Capital Improvement projects with City staff to ensure the programmatic needs of the beneficiary departments are being reasonably met and not having an unreasonable impact on their ability to continue their mission in the delivery of their services.
- Ensure the appropriate Quality Assurance controls are in place so that work is completed according to our specifications and original design intent.
- Coordinate improvement and planning updates to the general public; perform and coordinate outreach support through mapping (GIS/AutoCAD/Google Earth), graphic design, media updates (website, Facebook, Twitter), or other technical demonstration.

Qualifications/Basic Job Requirements:

- Associate Degree in Construction Management, Architecture, Landscape Architecture or related field; and five years of experience in facilities and construction trades with minimum of three years direct experience in construction management and project implementation.
- Knowledge of sustainable design and environmental practices preferred.
- Experience working with zoning ordinances and engineering design standards preferred.
- Knowledge of City objectives and functions in area of assignment: principles and practices of construction management, design and inspection, ordinances, statutes, and regulations.
- Must have a strong interest in municipal/city engineering and project development.
- Possession of strong written and verbal communication skills.
- Demonstrated experience in project organization, managing business practices, and resource management.
- Knowledge of budget development and administration required.
- Knowledge of cost accounting system in a public sector environment preferred. Ability to plan, develop, implement procedures and make decisions on priority and scheduling of work.
- High level of proficiency with Microsoft Outlook, Word and Excel; experience with Adobe Suite/GIS/AutoCAD/Google Earth/social media preferred.
- Ability to prepare comprehensive reports, make recommendations, and communicate effectively.
- Ability to establish/maintain effective working relationships and clearly communicate project details to consultants, City staff, and the general public.
- Ability to mediate conflicts related to projects needs and goals.
- Ability to respond to requests for information, complaints and suggestions from the public, staff, administration, elected officials and special interest groups in a professional manner.
- Ability to learn and understand applicable federal, state, and local rules, regulations and laws related to construction on public lands.
- Ability to complete multiple projects and meet deadlines required.
- Ability to work both independently and as part of a team.
- Ability to understand and comply with City standards, safety rules and personnel policies.
- Possession of a valid driver's license.

Physical and Mental/Reasoning Requirements and Work Environment:

These are the physical and mental/reasoning requirements of the position as it is typically performed. Inability to meet one or more of these physical or mental/reasoning requirements will not automatically disqualify a candidate or employee from the position. Upon request for a reasonable accommodation, the City may be able to adjust or excuse one or more of these requirements, depending on the requirement, the essential function to which it relates, and the proposed accommodation.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> seeing | <input checked="" type="checkbox"/> ability to move distances within and between warehouses/offices | <input checked="" type="checkbox"/> lifting (specify) <u>10</u> pounds |
| <input checked="" type="checkbox"/> color perception (red, green, amber) | <input checked="" type="checkbox"/> climbing | <input checked="" type="checkbox"/> carrying (specify) <u>10</u> pounds |
| <input checked="" type="checkbox"/> hearing/listening | <input type="checkbox"/> ability to mount/dismount forklift/truck | <input checked="" type="checkbox"/> driving (local/over the road) |
| <input checked="" type="checkbox"/> clear speech | <input type="checkbox"/> pushing/pulling | |
| <input checked="" type="checkbox"/> touching | | |
| <input checked="" type="checkbox"/> dexterity | | |
| <input checked="" type="checkbox"/> hand | | |
| <input checked="" type="checkbox"/> finger | | |
| <input checked="" type="checkbox"/> reading - basic | <input checked="" type="checkbox"/> math skills - basic | <input checked="" type="checkbox"/> analysis/comprehension |
| <input checked="" type="checkbox"/> reading - complex | <input checked="" type="checkbox"/> math skills - complex | <input checked="" type="checkbox"/> judgment/decision making |
| <input checked="" type="checkbox"/> writing - basic | <input checked="" type="checkbox"/> clerical | |
| <input checked="" type="checkbox"/> writing - complex | | |
| <input checked="" type="checkbox"/> shift work | <input checked="" type="checkbox"/> outside | <input type="checkbox"/> pressurized equipment |
| <input checked="" type="checkbox"/> works alone | <input checked="" type="checkbox"/> extreme heat | <input checked="" type="checkbox"/> moving objects |
| <input checked="" type="checkbox"/> works with others | <input checked="" type="checkbox"/> extreme cold | <input checked="" type="checkbox"/> high places |
| <input checked="" type="checkbox"/> verbal contact w/others | <input checked="" type="checkbox"/> noise | <input checked="" type="checkbox"/> fumes/odors |
| <input checked="" type="checkbox"/> face-to-face contact | <input checked="" type="checkbox"/> mechanical equipment | <input type="checkbox"/> hazardous materials |
| <input checked="" type="checkbox"/> inside | <input checked="" type="checkbox"/> electrical equipment | <input checked="" type="checkbox"/> dirt/dust |

Supervision:

Directly Supervises: 0 Indirectly supervises: 0

Disclaimer:

The above statements are intended to describe the general nature and level of work being performed by employees in this classification. They are not intended to be construed as an exhaustive list of all responsibilities, duties and/or skills required of all personnel so classified.

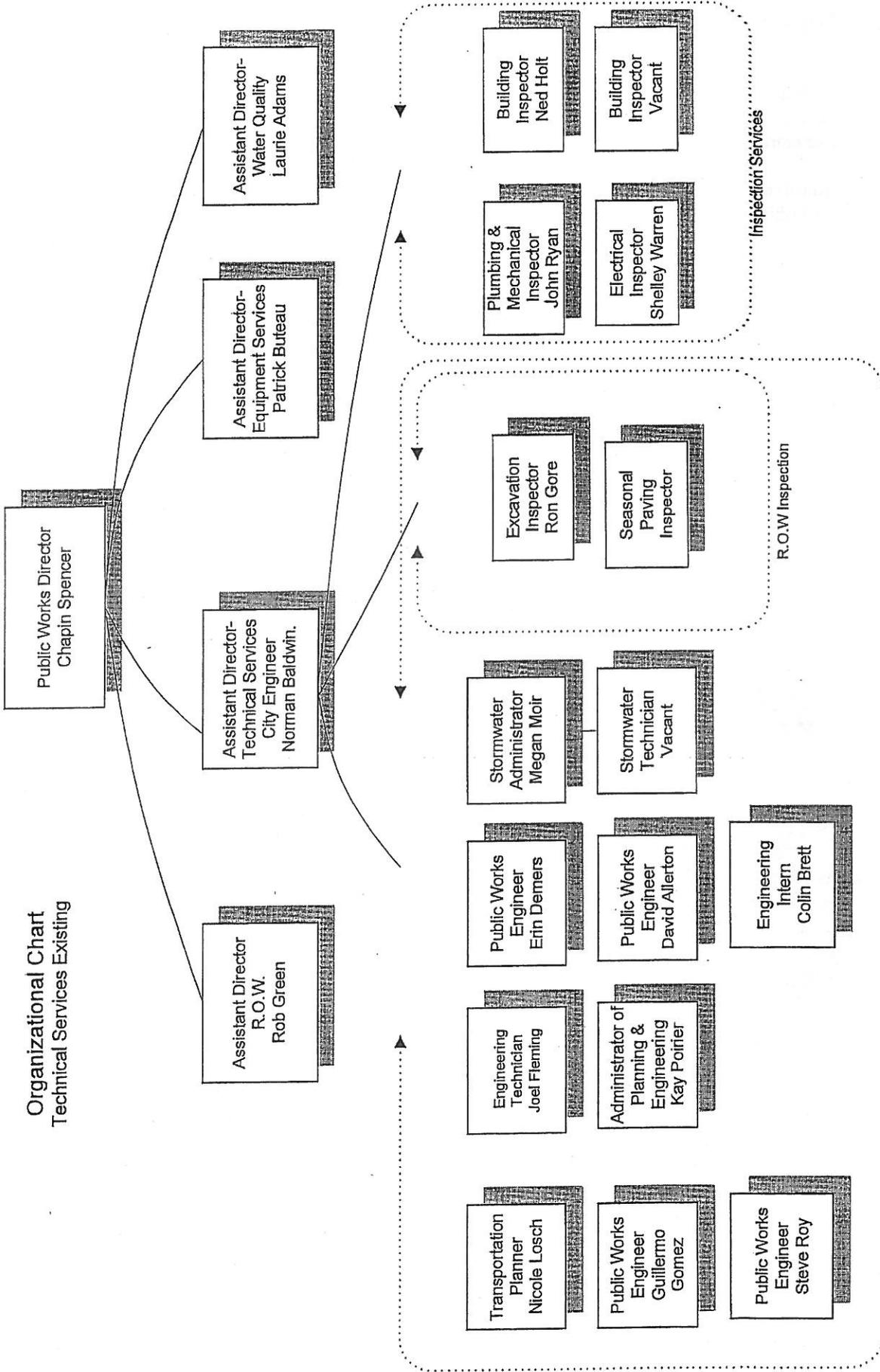
Approvals:

Department Head: _____ Date: _____

Human Resources: _____ Date: _____

(Draft 9/9/13)

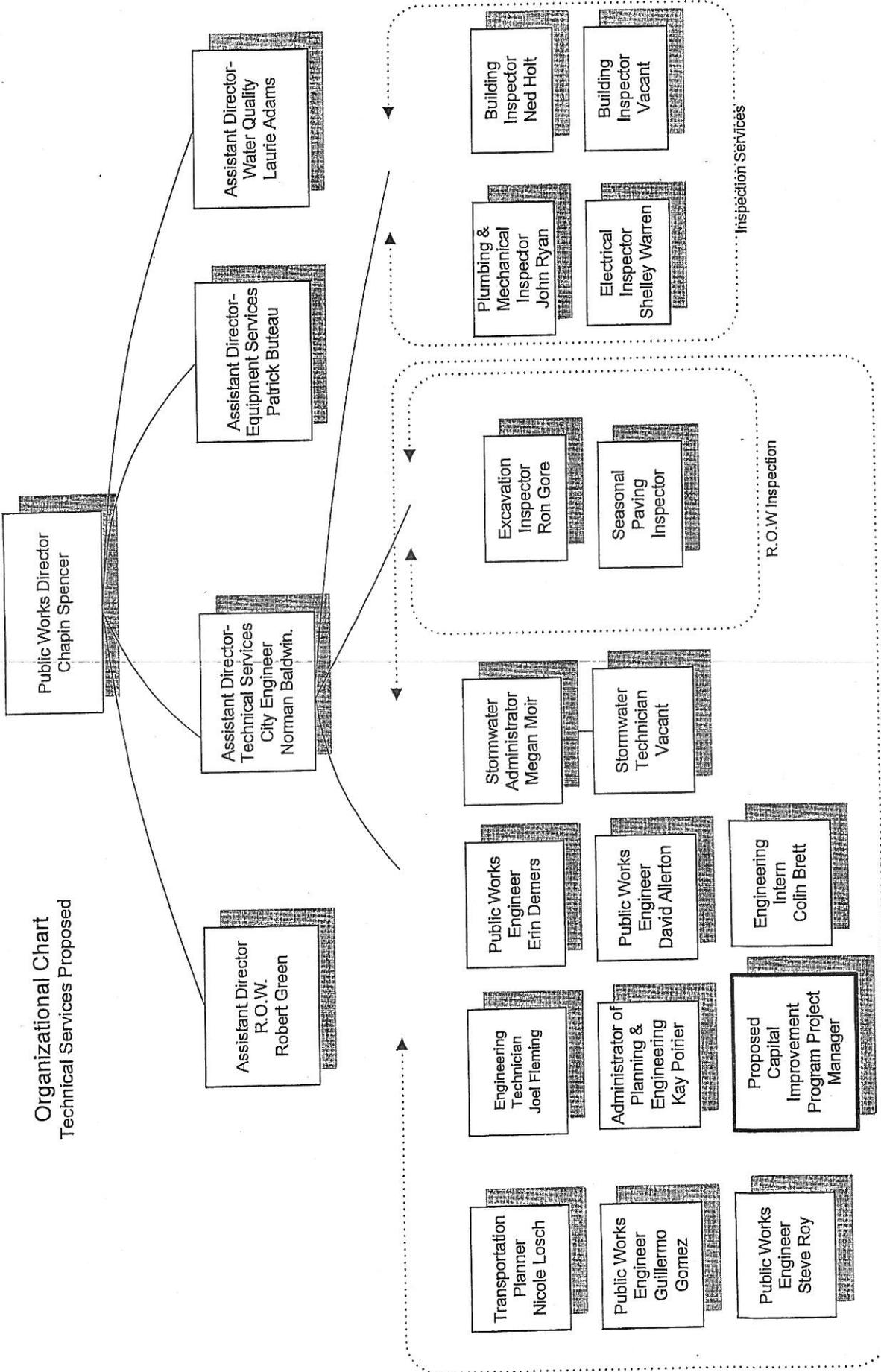
Organizational Chart
 Technical Services Existing



Office of Planning
 Planning & Engineering

Organizational Chart

Technical Services Proposed



Office of Planning
Engineering
Planning & Engineering

ACCEPTANCE OF AMERICORPS COMPETITIVE GRANT
FOR “WE ALL BELONG AMERICORPS STATE PROGRAM”

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the City of Burlington has hosted the WAB AmeriCorps program since 2008; and

WHEREAS, the WAB program provides training, coaching, and AmeriCorps members to participating organizations to create a more diverse and equitable community; and

WHEREAS, the Community and Economic Development Office (CEDO) has been awarded funds from The Corporation for National and Community Service through SerVermont; and

WHEREAS, CEDO has been awarded an AmeriCorps Competitive Grant of \$251,809 to support the WAB program for the period of September 1, 2013 through August 31, 2014; and

WHEREAS, the Board of Finance, at its meeting on September 16, 2013, reviewed and recommended City Council authorize acceptance of the AmeriCorps Competitive Grant and all necessary budget amendments to reflect same;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize Peter Owens, CEDO Director, or his designee, to execute the AmeriCorps Competitive Grant and all documents necessary to accept this funding, subject to the review and approval of the City Attorney; and

BE IT FURTHER RESOLVED that, in order to reflect the above grant acceptance, the City Council hereby authorizes that CEDO’s FY 2014 budget be amended as follows:

INCREASE:

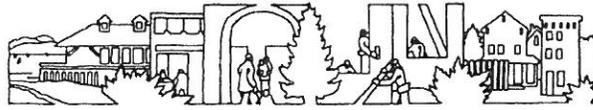
Revenue:

301-31-301-302-2014-4875_165 (Grants Other Operating) \$251,809

Expense:

301-31-301-302-2014-5000 (Salaries and Wages) \$ 10,000

301-31-301-302-2014-6500_161 (Prof & Cons Members) \$241,809



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

Celebrating 30 Years ~ 1983-2013

TO: Board of Finance and City Council
FROM: Peter Owens, CEDO Director
DATE: September 11, 2013
RE: AmeriCorps Competitive Grant
Agreement #03400-13ACHVT001

This is a request from the Community & Economic Development Office to the Board of Finance and City Council to accept this grant to provide up to 26 AmeriCorps members to participating organizations and administer the We All Belong training program.

Grant begins on September 1, 2013 through August 31, 2014.

Match requirement is a minimum of 24% of the grant. CEDO has identified sources for these matching funds. A future budget amendment will be put forward when the expenditure becomes necessary.

A resolution has been drafted and forward to the City Attorney to accept the grant and associated budget amendments including the following budget change:

INCREASE:

Revenue:		
301-31-301-302-2014-4875_165 (Grants Other Operating)		\$251,809
Expense:		
301-31-301-302-2014-5000 (Salaries and Wages)	\$ 10,000	
301-31-301-302-2014-6500_161 (Prof & Cons Members)	241,809	

Attached is the grant document.

Please contact Darlene Kehoe at 865-7175 or dkehoe@burlingtonvt.gov if you have any questions. Thank you.



State of Vermont
Agency of Human Services
Office of the Secretary
208 Hurricane Lane, Suite 103
Williston, VT 05495
www.humanservices.vermont.gov

Douglas A. Racine, Secretary

[phone] 802-871-3009
[fax] 802-871-3001

Dear Grantee:

Enclosed is your grant award or award letter which requires the following items:

- Enclose copy of you or your agencies certificate of insurance (see Attachment C in your grant, Customary State Grant Provisions, Item #7).
- Sign the grant or award letter.

Please return the original award or award letter, all attachments, and certificate of insurance to:

Judy Morse
Financial Administrator III
AHS – Central Office
208 Hurricane Lane, Suite 103
Williston, VT 05495

We will mail you a fully signed copy of the grant award or award letter.

Thank you.

1. Parties: This is a Grant Agreement between the State of Vermont, Agency of Human Services (hereinafter called "State"), and City of Burlington, Community and Economic Development Office with principal place of business in Burlington, VT (hereinafter called "Subrecipient"). Subrecipient is required by law to have a Business Account Number from the Vermont Department of Taxes.
2. Subject Matter: The subject matter of this Grant Agreement is for the Community and Economic Development Office's "We All Belong AmeriCorps State Program" to provide reports on projected target and measured outcome objectives as outlined by the National Performance Measures as described more extensively in Attachment A.
3. Maximum Amount: In consideration of the services to be performed by Subrecipient, the State agrees to pay Sub-recipient, in accordance with the payment provisions specified in Attachment B, a sum not to exceed \$251,809.
4. Grant Term: The period of Subrecipient's performance shall begin on September 1, 2013 and end on August 31, 2014.
5. Source of Funds: Federal
6. CFDA Title: AmeriCorps Recovery; CFDA Number: 94.006; Award Name: AmeriCorps Competitive; Award Number: 13ACHVT001; Award Year: FY'14; Federal Granting Agency: Corporation for National and Community Service; Research and Development Grant? No
7. Amendment: No changes, modifications, or amendments in the terms and conditions of this Grant Agreement shall be effective unless reduced to writing, numbered, and signed by the duly authorized representative of the State and Subrecipient.
8. Cancellation: This Subrecipient Grant Agreement may be terminated by the State at any time if: (a) The Subrecipient defaults in performance of this Subrecipient Grant Agreement by failing to meet the terms of this agreement. Included in performance default would be the Subrecipient's failure to make reasonable progress in the implementation of work for which it is responsible according to the program proposal, and fails to remedy the default within a period of thirty (30) days after receipt of a written notice from the State; or (b) the funding source for any reason terminates its funding to the State.
9. Contact persons: The Subrecipient's contact person for this award is: Name: Beth Truzansky; Telephone Number: 802-865-7155; E-mail address: btruzansky@ci.burlington.vt.us
10. Fiscal Year: The Subrecipient's fiscal year starts July 1 and ends June 30.

Attachments: This Grant consists of 16 pages including the following attachments that are incorporated herein:

- Attachment A - Scope of Work to be Performed
- Attachment B - Payment Provisions
- Attachment C - Customary State Grant Provisions
- Attachment E - Business Associates Agreement -N/A
- Attachment F - Other AHS Grant Provisions

WE, THE UNDERSIGNED PARTIES, AGREE TO BE BOUND BY THIS GRANT AGREEMENT.

*(You must sign in **BLUE** ink!)*

STATE OF VERMONT

By: _____
Douglas A. Racine, Secretary
Agency of Human Services

Date: _____

SUBRECIPIENT

By: _____
Beth Truzansky
Program Director

Date: _____

Community and Economic Development Office's
"We All Belong AmeriCorps State Program"

FISCAL AGENT

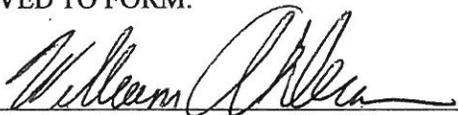
By: _____
Peter Owens

Date: _____

City of Burlington
Community and Economic Development Office
City Hall, Room 32
149 Church Street
Burlington, VT 05401

ER ID # (EIN): 03-6000410
DUNS #: 06053606

APPROVED TO FORM:

By: 
Assistant Attorney General's Office

Date: 8/29/13

**ATTACHMENT A
SPECIFICATIONS OF WORK TO BE PERFORMED**

A. PROGRAM RESPONSIBILITIES/COMPLIANCE

The Subrecipient shall:

1. Assign a staff person as the program director responsible for the day-to-day management and administration of this program.
2. Have representation from program staff at all VT AmeriCorps program director meetings, technical assistance workshops, trainings, and events sponsored by the Vermont Agency of Human Service.
3. Comply with all programmatic and fiscal requirements set forth in this Subrecipient Grant Agreement. Subrecipient must consent to two site monitoring visits per program year. The Subrecipient will be responsible for any findings or recommendations, including recovery of grant funds, resulting from noncompliance as determined by the State's federal funding source, The Corporation for National and Community Service (hereinafter "CNCS").

The Subrecipient will complete and submit monthly status reports via electronic mail to the SerVermont Program Officer and Executive Director. Updates must be on file with SerVermont by the 10th day of the month following the month the activity took place. Reports must be concise and to the satisfaction of SerVermont. Failure to submit a concise and satisfactory report on time will result in the withholding of reimbursements.

The Monthly Status Report will include:

- Update on any outstanding background checks (FBI, NSOPR, or VT State Elder Abuse)
- Update on timesheet monitoring including:
 - Certification that timesheets have been reviewed for:
 - Timely member submission
 - Timely site supervisor approval
 - Certification that timesheets:
 - Correctly identify activities as training or service hours
 - Have specific and detailed activity descriptions
 - Certification that members:
 - Are serving the correct number of hours per week needed to complete their term of service within the contracted timeframe
 - Are not participating in prohibited activities
 - Outstanding timesheet issues, including a corrective action plan which results in compliance within 30 days.

4. Complete the work and Performance Measures (see Section C2 below) as outlined in the original proposal submission and revisions including program goals and objectives. Perform the work described in Section D below.
5. Complete quarterly financial expenditure reports and progress reports as required.

6. Submit request for payments to the State on program letterhead (attach a copy of quarterly periodic expense report and aggregated financial report as outlined in Attachment B)

B. BUDGET AND PROGRAMMATIC CHANGES

1. Programmatic Changes

The Subrecipient **must obtain prior written approval** from the State executive director before making the following changes in the approved program:

- a) Changes in the scope, objectives or goals of the program whether or not they involve budgetary changes;
- b) Entering into additional sub-grants or contracts for AmeriCorps activities funded by the grant, but not identified or included in the approved application and grant budget.

2. Budgetary Changes

The Subrecipient **must obtain prior written approval** from the State executive director before deviating from the approved budget in any of the following ways:

- a) Specific costs requiring prior approval before incurrence under OMB Circulars A-21, A-87 or A-122.
- b) Purchases of equipment over \$5,000.
- c) Unless the Corporation share of the award is \$100,000 or less, changes to cumulative and/or aggregate budget line items that amount to 10 percent or more of the total budget must be approved in writing in advance by the Corporation. The total budget includes both the Corporation and grantee shares. Grantees may transfer funds among approved direct cost categories when the cumulative amount of such transfers does not exceed 10 percent of the total budget.

C. REPORTING REQUIREMENTS

1. Subrecipient will submit performance measure progress reports and financial reports to the State in OnCorps, the approved web-based reporting system, or as directed by the State. Subrecipient will mail a payment request on program letterhead to the State and attach a copy of the Periodic Expense Report and Aggregated Financial Report.

Progress Reporting Dates:

April 20, 2014 for the period ending March 31, 2014

October 20, 2014 for the period ending September 30, 2014

Financial Reporting Dates:

January 20, 2014 for the period ending December 31, 2013

April 20, 2014 for the period ending March 31, 2014 (no payments will be made for this period unless the corresponding Progress Report is received and accepted)

July 20, 2014 for the period ending June 30, 2014

October 20, 2014 for the period ending September 30, 2014 (no payments will be made for this period unless the corresponding Progress Report is received and accepted)

2. Performance Measures

Performance Measure: Diverse and Inclusive Organizations

Focus Area: Capacity Building

Objective: Capacity Building & Leverage

No of MSY's: 20

No of Slots: 26

Problem Statement: Burlington's demographics have changed drastically in the last 20 years bringing many different ethnic and cultural groups; mostly through refugee resettlement. At the same time, schools, city services and nonprofits have not kept pace with these changes. Staff are still primarily white and service delivery has changed little. We All Belong provides training, coaching, and AmeriCorps members to help agencies create more inclusive workplaces and more effectively achieve their mission.

Selected Interventions:

Capacity Building Activity
Training

Describe Interventions: The We All Belong program provides a unique package of capacity building assistance to participating agencies. This includes 24 hours of training to an agency 'change team' plus coaching and an AmeriCorps member. Interventions target institutional assessment and change to create more inclusive workplaces and better serve the diversifying community.

Trainings are delivered in 6 half-day sessions and 90 minute group coaching sessions. The curriculum is progressive and teams are expected to attend the whole series.

AmeriCorps members are selected from the diverse community to help agencies identify areas they need to change to be more accessible and improve efficiency in delivering their mission.

G3-3.4 Output: G3-3.4: Number of organizations that received capacity building services

Target: 15 Organizations

Measured By: Capacity Building Activity; Other

Describe Instrument: Participating agencies commit a team of staff, board and volunteers to participate in the cultural competency training and coaching program. An MOU is signed to ensure compliance and understanding with the program requirements. Capacity building training is provided through a series of trainings and coaching. Participants sign attendance records to confirm service has been received and complete an end of year report summarizing the impact of the capacity building services.

G3-3.5 Output: G3-3.5: Number of staff and community volunteers that received training (of one or more types)

Target: 80 Staff and Community Volunteers

Measured By: Attendance Log

Described Instrument: Participants sign an attendance sheet at each training. Each agency team is composed of the Agency Director, Board member, and staff from across the agency. This target does not include ACM and is unduplicated. Participants are only counted if they attend 80% of the training offered.

G3-3.11 Outcome: G3-3.11: Number of new systems/business processes or enhancements put in place.

Target: 30 Systems, Business Processes or Enhancements

Problem Statement: Burlington's demographics have changed drastically in the last 20 years bringing many different ethnic and cultural groups; mostly through refugee resettlement. At the same time, schools, city services and non-profits have not kept pace with these changes. Staff are still primarily white and service delivery has changed little. We All Belong provides training, coaching, and AmeriCorps members to help agencies create more inclusive workplaces and more effectively achieve their mission.

Selective Interventions:
Capacity Building Activity
Training

Target: 30 Systems, Business Processes or Enhancements

Measured By: Activity Log

Described Instrument: Agencies report on progress through mid and end of year reports. They will make at least two enhancements each. This can include policy change to include cultural competency in staff orientation, creation of a diversity statement, and improved outreach strategy (translation of documents, use of in-person outreach as compared to direct mail, etc.) One change constitutes an improvement for inclusion in this measure.

G3-304 Output: G3-3.4: Number of organizations that received capacity building services.

Target: 15 Organizations

Measured By: Other

Described Instrument: Participating agencies commit a team of staff, board and volunteers to participate in the cultural competency training and coaching program. An MOU is signed to ensure compliance and understanding with the program requirements. Capacity building training is provided through a series of trainings and coaching. Participants sign attendance records to confirm service has been received and complete at end of year report summarizing the impact of the capacity building services.

G3-3.10 Outcome: G3-3.10: Number of organizations reporting that capacity building helped make them more effective

Target: 15 Organizations

Measured By: Pre-Post Organizational Assessment Tool

Described Instrument: We conduct an organization assessment using the Global Diversity and Inclusion Benchmark tool: [Http://qedconsulting.com/files/GDIB_2011.pdf](http://qedconsulting.com/files/GDIB_2011.pdf). Agencies conduct and pre and post assessment where they use the tool to set goals at the beginning of the program year, before any capacity building services are

provided and again mark progress at the end of the program year. This includes goal setting and end of year reporting on effectiveness and improvements program delivery.

C. ACCEPTANCE

By accepting funds under this Grant, the Subrecipient agrees to comply with all requirements of the Grant award. This includes the terms and conditions of the Grant Award, AmeriCorps regulations 45 CFR Parts 2541 and 2543, all assurances and certifications made in the Application For Federal Assistance, and all applicable federal statutes, regulations, and guidelines. Resources to manage grants and projects are located at the Corporation for National and Community Service website at <http://www.nationalservice.gov>. The Subrecipient agrees to administer the funded program in accordance with the approved Application For Federal Assistance and budget(s), supporting documents, and other representations made in support of the approved Application For Federal Assistance.

**ATTACHMENT B
PAYMENT PROVISION**

The maximum dollar amount payable under this agreement is not intended as any form of a guaranteed amount. The Contractor will be paid for products or services specified in Attachment A, or services actually performed, up to the maximum allowable amount specified in this agreement. The payment schedule for delivered products, or rates for services performed, and any additional reimbursements, are included in this attachment. The following provisions specifying payments are:

Subrecipient will submit performance measure progress reports and financial reports to the State in OnCorps, the approved web-based reporting system, or as directed by the State. Progress will be measured toward the performance goal of planning an AmeriCorps program and gaining capacity to apply successfully for an AmeriCorps operational grant. Subrecipient will mail a payment request of actual expenditures per financial period (listed below) on program letterhead to the State and attach a copy of the Periodic Expense Report and Aggregated Financial Report.

Progress Reporting Dates:

April 20, 2014 for the period ending March 31, 2014

October 20, 2014 for the period ending September 30, 2014

Financial Reporting Dates:

January 20, 2014 for the period ending December 31, 2013

April 20, 2014 for the period ending March 31, 2014 (no payments will be made for this period unless the corresponding Progress Report is received and accepted)

July 20, 2014 for the period ending June 30, 2014

October 20, 2014 for the period ending September 30, 2014 (no payments will be made for this period unless the corresponding Progress Report is received and accepted)

Compliance/Funding

When reviewing applications for continued funding, the SerVermont Commission Board and Staff will take repeated compliance problems into consideration when making funding decisions.

Penalty for Late Reporting:

A penalty of .25% of the period request for payment, up to a maximum of \$50 per day, will be withheld for each day that the Subrecipient fails to submit performance measure progress reports and financial reports to the State as outlined above. In the event the online reporting system is not functioning, hard copy versions of the reports will be accepted, as long as they are postmarked by the due date and sent to the address below.

Submit Financial Payment Requests To:

Executive Director
SerVermont
Agency of Human Services, Secretary's Office
208 Hurricane Lane, Suite 102
Williston, VT 05495

The Subrecipient must retain the financial and program records for seven (7) years after the final program disbursement. The Subrecipient shall keep a systematic and detailed record of all expenditures that relate to this grant. Provision of funds is based upon successful completion of grant requirements and information/reporting requests from the State.

**ATTACHMENT C
CUSTOMARY PROVISIONS FOR CONTRACTS AND GRANTS**

1. **Entire Agreement.** This Agreement, whether in the form of a Contract, State Funded Grant, or Federally Funded Grant, represents the entire agreement between the parties on the subject matter. All prior agreements, representations, statements, negotiations, and understandings shall have no effect.
2. **Applicable Law.** This Agreement will be governed by the laws of the State of Vermont.
3. **Definitions:** For purposes of this Attachment, "Party" shall mean the Contractor, Grantee or Subrecipient, with whom the State of Vermont is executing this Agreement and consistent with the form of the Agreement.
4. **Appropriations:** If appropriations are insufficient to support this Agreement, the State may cancel on a date agreed to by the parties or upon the expiration or reduction of existing appropriation authority. In the case that this Agreement is funded in whole or in part by federal or other non-State funds, and in the event those funds become unavailable or reduced, the State may suspend or cancel this Agreement immediately, and the State shall have no obligation to fund this Agreement from State revenues.
5. **No Employee Benefits For Party:** The Party understands that the State will not provide any individual retirement benefits, group life insurance, group health and dental insurance, vacation or sick leave, workers compensation or other benefits or services available to State employees, nor will the state withhold any state or federal taxes except as required under applicable tax laws, which shall be determined in advance of execution of the Agreement. The Party understands that all tax returns required by the Internal Revenue Code and the State of Vermont, including but not limited to income, withholding, sales and use, and rooms and meals, must be filed by the Party, and information as to Agreement income will be provided by the State of Vermont to the Internal Revenue Service and the Vermont Department of Taxes.
6. **Independence, Liability:** The Party will act in an independent capacity and not as officers or employees of the State.

The Party shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Party or of any agent of the Party. The State shall notify the Party in the event of any such claim or suit, and the Party shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit. The Party shall notify its insurance company and the State within 10 days of receiving any claim for damages, notice of claims, pre-claims, or service of judgments or claims, for any act or omissions in the performance of this Agreement.

After a final judgment or settlement the Party may request recoupment of specific defense costs and may file suit in Washington Superior Court requesting recoupment. The Party shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Party.

The Party shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Party.
7. **Insurance:** Before commencing work on this Agreement the Party must provide certificates of insurance to show that the following minimum coverage is in effect. It is the responsibility of the Party to maintain current certificates of insurance on file with the state through the term of the Agreement. No warranty is made that the coverage and limits listed herein are adequate to cover and protect the interests of the Party for the Party's operations. These are solely minimums that have been established to protect the interests of the State.

Workers Compensation: With respect to all operations performed, the Party shall carry workers' compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the Agreement, the Party shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations
Products and Completed Operations
Personal Injury Liability
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$1,000,000 Per Occurrence
\$1,000,000 General Aggregate
\$1,000,000 Products/Completed Operations Aggregate
\$ 50,000 Fire/ Legal/Liability

Party shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Agreement.

Automotive Liability: The Party shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Agreement. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Party shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Agreement.

Professional Liability: Before commencing work on this Agreement and throughout the term of this Agreement, the Party shall procure and maintain professional liability insurance for any and all services performed under this Agreement, with minimum coverage of \$ n/a per occurrence, and \$ n/a aggregate.

8. **Reliance by the State on Representations:** All payments by the State under this Agreement will be made in reliance upon the accuracy of all prior representations by the Party, including but not limited to bills, invoices, progress reports and other proofs of work.
9. **Requirement to Have a Single Audit:** In the case that this Agreement is a Grant that is funded in whole or in part by federal funds, the Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or not a single audit is required for the prior fiscal year. If a single audit is required, the Subrecipient will submit a copy of the audit report to the granting Party within 9 months. If a single audit is not required, only the Subrecipient Annual Report is required.

A single audit is required if the subrecipient expends \$500,000 or more in federal assistance during its fiscal year and must be conducted in accordance with OMB Circular A-133. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a single audit is required.
10. **Records Available for Audit:** The Party will maintain all books, documents, payroll papers, accounting records and other evidence pertaining to costs incurred under this agreement and make them available at reasonable times during the period of the Agreement and for three years thereafter for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the three year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved. The State, by any authorized representative, shall have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this Agreement.
11. **Fair Employment Practices and Americans with Disabilities Act:** Party agrees to comply with the requirement of Title 21V.S.A. Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable. Party shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, as amended, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Party under this Agreement. Party further agrees to include this provision in all subcontracts.

12. **Set Off:** The State may set off any sums which the Party owes the State against any sums due the Party under this Agreement; provided, however, that any set off of amounts due the State of Vermont as taxes shall be in accordance with the procedures more specifically provided hereinafter.

13. **Taxes Due to the State:**

- a. Party understands and acknowledges responsibility, if applicable, for compliance with State tax laws, including income tax withholding for employees performing services within the State, payment of use tax on property used within the State, corporate and/or personal income tax on income earned within the State.
- b. Party certifies under the pains and penalties of perjury that, as of the date the Agreement is signed, the Party is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.
- c. Party understands that final payment under this Agreement may be withheld if the Commissioner of Taxes determines that the Party is not in good standing with respect to or in full compliance with a plan to pay any and all taxes due to the State of Vermont.
- d. Party also understands the State may set off taxes (and related penalties, interest and fees) due to the State of Vermont, but only if the Party has failed to make an appeal within the time allowed by law, or an appeal has been taken and finally determined and the Party has no further legal recourse to contest the amounts due.

14. **Child Support:** (Applicable if the Party is a natural person, not a corporation or partnership.) Party states that, as of the date the Agreement is signed, he/she:

- a. is not under any obligation to pay child support; or
- b. is under such an obligation and is in good standing with respect to that obligation; or
- c. has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan.

Party makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Party is a resident of Vermont, Party makes this statement with regard to support owed to any and all children residing in any other state or territory of the United States.

15. **Sub-Agreements:** Party shall not assign, subcontract or subgrant the performance of his Agreement or any portion thereof to any other Party without the prior written approval of the State. Party also agrees to include in subcontract or subgrant agreements a tax certification in accordance with paragraph 13 above.

Notwithstanding the foregoing, the State agrees that the Party may assign this agreement, including all of the Party's rights and obligations hereunder, to any successor in interest to the Party arising out of the sale of or reorganization of the Party.

16. **No Gifts or Gratuities:** Party shall not give title or possession of any thing of substantial value (including property, currency, travel and/or education programs) to any officer or employee of the State during the term of this Agreement.

17. **Copies:** All written reports prepared under this Agreement will be printed using both sides of the paper.

18. **Certification Regarding Debarment:** Party certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, neither Party nor Party's principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in federal programs, or programs supported in whole or in part by federal funds.

Party further certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, Party is not presently debarred, suspended, nor named on the State's debarment list at: <http://bgs.vermont.gov/purchasing/debarment>

- 19. Certification Regarding Use of State Funds:** In the case that Party is an employer and this Agreement is a State Funded Grant in excess of \$1,001, Party certifies that none of these State funds will be used to interfere with or restrain the exercise of Party's employee's rights with respect to unionization.

ATTACHMENT F
AGENCY OF HUMAN SERVICES' CUSTOMARY GRANT PROVISIONS

1. **Agency of Human Services – Field Services Directors** will share oversight with the department (or field office) that is a party to the grant for provider performance using outcomes, processes, terms and conditions agreed to under this grant.
2. **2-1-1 Data Base:** The Grantee providing a health or human services within Vermont, or near the border that is readily accessible to residents of Vermont, will provide relevant descriptive information regarding its agency, programs and/or contact and will adhere to the "Inclusion/Exclusion" policy of Vermont's United Way/Vermont 211. If included, the Grantee will provide accurate and up to date information to their data base as needed. The "Inclusion/Exclusion" policy can be found at www.vermont211.org

3. **Medicaid Program Grantees:**

Inspection of Records: Any grants accessing payments for services through the Global Commitment to Health Waiver and Vermont Medicaid program must fulfill state and federal legal requirements to enable the Agency of Human Services (AHS), the United States Department of Health and Human Services (DHHS) and the Government Accounting Office (GAO) to:

Evaluate through inspection or other means the quality, appropriateness, and timeliness of services performed; and

Inspect and audit any financial records of such Grantee or subgrantee.

Subcontracting for Medicaid Services: Having a subcontract does not terminate the Grantee, receiving funds under Vermont's Medicaid program, from its responsibility to ensure that all activities under this agreement are carried out. Subcontracts must specify the activities and reporting responsibilities of the Grantee or subgrantee and provide for revoking delegation or imposing other sanctions if the Grantee or subgrantee's performance is inadequate. The Grantee agrees to make available upon request to the Agency of Human Services; the Department of Vermont Health Access; the Department of Disabilities, Aging and Independent Living; and the Center for Medicare and Medicaid Services (CMS) all grants and subgrants between the Grantee and service providers.

Medicaid Notification of Termination Requirements: Any Grantee accessing payments for services under the Global Commitment to Health Waiver and Medicaid programs who terminates their practice will follow the Department of Vermont Health Access, Managed Care Organization enrollee notification requirements.

Encounter Data: Any Grantee accessing payments for services through the Global Commitment to Health Waiver and Vermont Medicaid programs must provide encounter data to the Agency of Human Services and/or its departments and ensure that it can be linked to enrollee eligibility files maintained by the State.

Federal Medicaid System Security Requirements Compliance: All Grantees and subcontractors must provide a security plan, risk assessment, and security controls review document within three months of the start date of this agreement (and update it annually thereafter) to support audit compliance with 45CFR95.621 subpart F, *ADP (Automated Data Processing) System Security Requirements and Review Process*.

4. **Non-discrimination Based on National Origin as evidenced by Limited English Proficiency.** The Grantee agrees to comply with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d, et seq., and with the federal guidelines promulgated pursuant to Executive Order 13166 of 2000, which require that Grantees and subgrantees receiving federal funds must assure that persons with limited English proficiency can meaningfully access services. To the extent the Grantee provides assistance to individuals with limited English proficiency through the use of oral or written translation or interpretive services in compliance with this requirement, such individuals cannot be required to pay for such services.

5. **Voter Registration.** When designated by the Secretary of State, the Grantee agrees to become a voter registration agency as defined by 17 V.S.A. §2103 (41), and to comply with the requirements of state and federal law pertaining to such agencies.
6. **Drug Free Workplace Act.** The Grantee will assure a drug-free workplace in accordance with 45 CFR Part 76.
7. **Privacy and Security Standards.**

Protected Health Information: The Grantee shall maintain the privacy and security of all individually identifiable health information acquired by or provided to it as a part of the performance of this grant. The Grantee shall follow federal and state law relating to privacy and security of individually identifiable health information as applicable, including the Health Insurance Portability and Accountability Act (HIPAA) and its federal-regulations.

Substance Abuse Treatment Information: The confidentiality of any alcohol and drug abuse treatment information acquired by or provided to the Grantee or subgrantee shall be maintained in compliance with any applicable state or federal laws or regulations and specifically set out in 42 CFR Part 2.

Other Confidential Consumer Information: The Grantee agrees to comply with the requirements of AHS Rule No. 08-048 concerning access to information. The Grantee agrees to comply with any applicable Vermont State Statute, including but not limited to 12 VSA §1612 and any applicable Board of Health confidentiality regulations. The Grantee shall ensure that all of its employees and subgrantees performing services under this agreement understand the sensitive nature of the information that they may have access to and sign an affirmation of understanding regarding the information's confidential and non-public nature.

Social Security numbers: The Grantee agrees to comply with all applicable Vermont State Statutes to assure protection and security of personal information, including protection from identity theft as outlined in Title 9, Vermont Statutes Annotated, Ch. 62.

8. **Abuse Registry.** The Grantee agrees not to employ any individual, use any volunteer, or otherwise provide reimbursement to any individual in the performance of services connected with this agreement, who provides care, custody, treatment, transportation, or supervision to children or vulnerable adults if there is a substantiation of abuse or neglect or exploitation against that individual. The Grantee will check the Adult Abuse Registry in the Department of Disabilities, Aging and Independent Living. Unless the Grantee holds a valid child care license or registration from the Division of Child Development, Department for Children and Families, the Grantee shall also check the central Child Protection Registry. (See 33 V.S.A. §4919(a)(3) & 33 V.S.A. §6911(c)(3)).
9. **Reporting of Abuse, Neglect, or Exploitation.** Consistent with provisions of 33 V.S.A. §4913(a) and §6903, any agent or employee of a Grantee who, in the performance of services connected with this agreement, has contact with clients or is a caregiver and who has reasonable cause to believe that a child or vulnerable adult has been abused or neglected as defined in Chapter 49 or abused, neglected, or exploited as defined in Chapter 69 of Title 33 V.S.A. shall make a report involving children to the Commissioner of the Department for Children and Families within 24 hours or a report involving vulnerable adults to the Division of Licensing and Protection at the Department of Disabilities, Aging, and Independent Living within 48 hours. This requirement applies except in those instances where particular roles and functions are exempt from reporting under state and federal law. Reports involving children shall contain the information required by 33 V.S.A. §4914. Reports involving vulnerable adults shall contain the information required by 33 V.S.A. §6904. The Grantee will ensure that its agents or employees receive training on the reporting of abuse or neglect to children and abuse, neglect or exploitation of vulnerable adults.
10. **Intellectual Property/Work Product Ownership.** All data, technical information, materials first gathered, originated, developed, prepared, or obtained as a condition of this agreement and used in the performance of this agreement - including, but not limited to all reports, surveys, plans, charts, literature, brochures, mailings, recordings (video or audio), pictures, drawings, analyses, graphic representations, software computer programs and accompanying documentation and printouts, notes and memoranda, written procedures and documents, which are

prepared for or obtained specifically for this agreement - or are a result of the services required under this grant - shall be considered "work for hire" and remain the property of the State of Vermont, regardless of the state of completion - unless otherwise specified in this agreement. Such items shall be delivered to the State of Vermont upon 30 days notice by the State. With respect to software computer programs and / or source codes first developed for the State, all the work shall be considered "work for hire," i.e., the State, not the Grantee or subgrantee, shall have full and complete ownership of all software computer programs, documentation and/or source codes developed.

The Grantee shall not sell or copyright a work product or item produced under this agreement without explicit permission from the State.

If the Grantee is operating a system or application on behalf of the State of Vermont, then the Grantee shall not make information entered into the system or application available for uses by any other party than the State of Vermont, without prior authorization by the State. Nothing herein shall entitle the State to pre-existing Grantee's materials.

11. **Security and Data Transfers.** The State shall work with the Grantee to ensure compliance with all applicable State and Agency of Human Services' policies and standards, especially those related to privacy and security. The State will advise the Grantee of any new policies, procedures, or protocols developed during the term of this agreement as they are issued and will work with the Grantee to implement any required.

The Grantee will ensure the physical and data security associated with computer equipment - including desktops, notebooks, and other portable devices - used in connection with this agreement. The Grantee will also assure that any media or mechanism used to store or transfer data to or from the State includes industry standard security mechanisms such as continually up-to-date malware protection and encryption. The Grantee will make every reasonable effort to ensure media or data files transferred to the State are virus and spyware free. At the conclusion of this agreement and after successful delivery of the data to the State, the Grantee shall securely delete data (including archival backups) from the Grantee's equipment that contains individually identifiable records, in accordance with standards adopted by the Agency of Human Services.

12. **Computing and Communication:** The Grantee shall select, in consultation with the Agency of Human Services' Information Technology unit, one of the approved methods for secure access to the State's systems and data, if required. Approved methods are based on the type of work performed by the Grantee as part of this agreement. Options include, but are not limited to:

1. Grantee's provision of certified computing equipment, peripherals and mobile devices, on a separate Grantee's network with separate internet access. The Agency of Human Services' accounts may or may not be provided.
2. State supplied and managed equipment and accounts to access state applications and data, including State issued active directory accounts and application specific accounts, which follow the National Institutes of Standards and Technology (NIST) security and the Health Insurance Portability & Accountability Act (HIPAA) standards.

The State will not supply e-mail accounts to the Grantee.

13. **Lobbying.** No federal funds under this agreement may be used to influence or attempt to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, continuation, renewal, amendments other than federal appropriated funds.
14. **Non-discrimination.** The Grantee will prohibit discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under Title IX of the Education Amendments of 1972, or on the basis of race, color or national origin under Title VI of the Civil Rights Act of 1964. No person shall on the grounds of sex (including, in the case of a woman, on the grounds that the woman is pregnant) or on the grounds of religion, be excluded from participation in, be denied the benefits of, or be subjected to discrimination, to include sexual harassment, under any program or activity supported by state and/or federal funds.

The grantee will also not refuse, withhold from or deny to any person the benefit of services, facilities, goods, privileges, advantages, or benefits of public accommodation on the basis of disability, race, creed, color, national origin, marital status, sex, sexual orientation or gender identity under Title 9 V.S.A. Chapter 139.

15. **Environmental Tobacco Smoke**. Public Law 103-227, also known as the Pro-children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, child care, early childhood development services, education or library services to children under the age of 18, if the services are funded by federal programs either directly or through state or local governments, by federal grant, contract, loan or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds.

The law does not apply to children's services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable federal funds is Medicare or Medicaid; or facilities where Women, Infants, & Children (WIC) coupons are redeemed.

Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

Grantees are prohibited from promoting the use of tobacco products for all clients. Facilities supported by state and federal funds are prohibited from making tobacco products available to minors.

ACCEPTANCE OF 2013 VICTIMS OF CRIME ACT (VOCA)
VICTIM ASSISTANCE GRANT: 02160-13VOCA16

In the year Two Thousand Thirteen.....
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, WHEREAS, the City of Burlington co-created the Community Justice Center’s
Parallel Justice for Victims of Crime in 2006; and

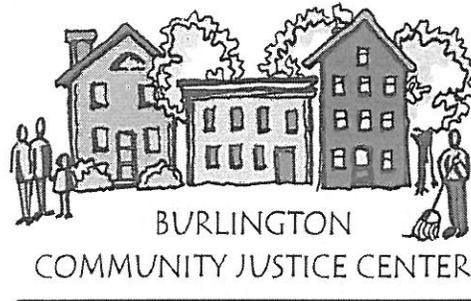
WHEREAS, the Parallel Justice for Victims of Crime is a national demonstration project that
assists victims in innovative ways regardless of whether their offender is caught or prosecuted; and

WHEREAS, the Community Justice Center, a division of the Community and Economic
Development Office (CEDO), has been awarded funds from the VT Center for Crime Victim Services;
and

WHEREAS, CEDO has been awarded a VOCA grant of \$117,000 to support the Parallel Justice
for Victims of Crime Project for the period of July 1, 2013 through June 30, 2014; and

WHEREAS, the Board of Finance, at its meeting on September 16, 2013, reviewed and
recommended City Council authorize acceptance of the VOCA Grant and all necessary budget
amendments to reflect same;

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize Peter
Owens, CEDO Director, or his designee, to execute the VOCA Grant and all documents necessary to
accept this funding, subject to the review and approval of the City Attorney.



TO: Members of City Council

FROM: Karen Vastine, Community Justice Center Coordinator

DATE: September 12, 2013

RE: 2013 Victims of Crime Act Victim Assistance Grant: 02160-13VOCA16

This is a request from CEDO's Community Justice Center (CJC) that the City of Burlington accepts the 2013 Victims of Crime Act Victim Assistance Grant in the amount of \$117,000 to be expended between July 1, 2013 and June 30, 2014 on its behalf. This grant provides the base funding for the CJC's Parallel Justice for Victims of Crime Project. Parallel Justice is a national demonstration project that assists victims of crime in Burlington regardless of whether the offender is caught or prosecuted.

Other CJC grants, staff time and volunteer hours comprise the match required with this grant.

Copies of the entire grant award available upon request.

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6 APPROVAL OF THE ACT 80 SETTLEMENT OF DISPUTES
7 OVER AMOUNTS IDENTIFIED IN JUNE 4, 2012 REPORT
8 OF THE OFFICE OF THE STATE AUDITOR
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14 In the year Two Thousand Thirteen.....
15 Resolved by the City Council of the City of Burlington, as follows:

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17 That WHEREAS, the City of Burlington created its Waterfront TIF District in 1996 and has maintain
18 that District at all times since; and

19 WHEREAS, the success of the Waterfront TIF District is self-evident and Burlington’s Waterfront
20 has developed into one of the jewels of the State over the past two decades; and

21 WHEREAS, the grand list value of the District has tripled since 1996; growing from an assessed
22 value of \$42 million in 1996 to over \$120 million currently; and

23 WHEREAS, the Vermont State Auditor’s Office conducted audits of existing TIF Districts over
24 the past few years and the resulting reports alleged significant “underpayments” to the State Education
25 Fund by the audited municipalities, including Burlington; and

26 WHEREAS, the audited communities, including Burlington, disputed the allegations of
27 underpayment made by the State Auditor’s Office; and

28 WHEREAS, the City of Burlington was specifically alleged in the June 4, 2012 Audit Report
29 completed by the State Auditor’s Office to have retained \$1 million of State Education Fund money as its
30 alleged “underpayment;” and

31 WHEREAS, as a part of this year’s TIF legislative reform, which the City of Burlington
32 supported, the legislature passed legislation which resolved a number of ambiguous issues, including
33 clarification of municipal tax increment calculation, which had been a point of contention for the city of
34 Burlington in the State Auditor’s report, and which now clearly authorizes that notwithstanding any

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APPROVAL OF THE ACT 80 SETTLEMENT OF
DISPUTES OVER AMOUNTS IDENTIFIED IN JUNE 4,
2012 REPORT OF THE OFFICE OF THE STATE
AUDITOR

charter provision or other provision, all property taxes assessed within a district shall be included in the municipal tax increment calculation; and

WHEREAS, as a part of this year’s TIF legislative reform, which the City of Burlington supported, the legislature included statutory provisions which, subject to certain conditions, settled all of the outstanding allegations of underpayment by audited municipalities including those pertaining to the City of Burlington; and

WHEREAS, Burlington’s settlement, pursuant to subsection (c) of Section 1 of Act 80 of the 2013 -2014 Legislative Session, states that subject to the approval of its legislative body, the City of Burlington “shall remit the amount of \$200,000.00 to the Education Fund in equal installments over a five-year period beginning December 15, 2013 from incremental revenues not otherwise dedicated to the repayment of the district’s debt obligations;” and

WHEREAS, Section 1 of Act 80 of the 2013 – 2014 Legislative Session further declares that “[i]f the legislative body of a municipality with an active tax increment financing district that was audited by the State Auditor in 2012 does not approve the payments described in subsection (c) of this section, then the General Assembly shall consider any amounts identified as owed to the Education Fund during the period covered by the 2012 Auditor’s Report’s to be outstanding”; and

WHEREAS, it is in the best interest of the City of Burlington to resolve all outstanding allegations of underpayment raised by the June 4, 2012 report of the Office of the State Auditor in the manner as set out in Section 1 of Act 80 as referenced above; and

WHEREAS, the Board of Finance, at its September 16, 2013 meeting, reviewed and recommended City Council approve and ratify the City of Burlington’s agreement with the General

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APPROVAL OF THE ACT 80 SETTLEMENT OF
DISPUTES OVER AMOUNTS IDENTIFIED IN JUNE 4,
2012 REPORT OF THE OFFICE OF THE STATE
AUDITOR

71 Assembly of the State of Vermont as set out in subsection (c) of Section 1 of Act 80 of the 2013 – 2014
72 Legislative Session;

73 NOW, THEREFORE BE IT RESOLVED that the City Council does hereby approve, and now
74 ratifies, the City of Burlington’s agreement with the General Assembly of the State of Vermont as set out
75 in subsection (c) of Section 1 of Act 80 of the 2013 – 2014 Legislative Session and agrees to remit the
76 payments scheduled therein.

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78 lb/RWH/c: Resolutions 2013/Tax Increment Financing – Settlement of Disputes per Act 80 of 2013-14 General Assembly re Outstanding
79 Payments to Education Fund (TIF)
80 9/17/13

Act 80, Tax Increment Financing Legislation

Complex tax increment financing (TIF) district statutes have resulted in much confusion over many years. Act 80 addresses uncertainty around the administration and implementation of TIF districts in Vermont. That uncertainty arose as the result of many years of piecemeal amendments to the statutes enabling TIFs, and most recently as a result of the former State Auditor's office performing audits of TIFs in four municipalities; Burlington, Milton, Winooski and Newport. The legislation also provides new oversight and reporting, and establishes a process and remedies going forward for all TIF districts once rules are adopted. As adopted, Act 80:

Section 1. Provides that based upon individual agreements for each of the disputing municipalities, the state will not seek to recover amounts *identified* as "underpayments" to the Education Fund by the 2011 and 2012 Reports of the State Auditor. (These findings were vigorously disputed by the municipalities of Burlington, Winooski and Milton on qualitative and legal grounds.) If the rules that are established identify practices that result in future underpayment and those practices continue thereafter, those amounts of underpayments shall start to accumulate upon the date that rules are enacted and be payable to the state.

Section 2. Clarifies the definitions of "improvements," "related costs," and "financing" so that going forward TIF municipalities, the legislature, and administering agencies have the same understanding of those terms. As well, "original taxable value" would be defined as the value of property in the district on the date the TIF was created, and that original taxable value would not be changed throughout the life of the district.

Section 3. Provides for creation and administration of TIFs to include no more than those listed and (at Section 17) South Burlington.

Sections 4 (and 9). Establishes how and for how long education tax increments may be used in the TIF district. A municipality will have five years in which to incur its first debt. If no debt is incurred in the first five years, the municipality must be reapproved for a new five year period of debt incurrence eligibility. If, however, first debt is incurred within the first five years, the municipality thereafter the TIF district could use up to 75 percent of the new education property taxes generated and at least an equivalent amount of municipal property taxes to repay debt incurred to finance improvements such as streetscapes, transportation improvements or wastewater treatment upgrades. The new education property taxes generated in the district could be used to repay debt for up to 20 years.

A municipality's voters will need to authorize each instance of debt incurred in the TIF district.

Sections 5 and 6. Clarifies listers' obligation to establish the "original taxable value" of property in the TIF district and how new taxes generated shall be accounted for and expended at the local level.

Section 8. Amends the statute that authorizes a municipality to issue bonds.

Section 10. Establishes information, data, and reporting requirements for TIF districts to the Department of Taxes and the Vermont Economic Progress Council.

Section 11. Establishes that "nonresidential property" will exclude that portion of a property's new incremental value that is dedicated to repayment of debt incurred in the TIF district for up to 20 years.

Section 12. Provides that new education property tax increment within the district is available to repay TIF debt for up to 20 years.

Section 13. Establishes the Department of Taxes and Vermont Economic Progress Council reporting requirements to the legislature.

Section 14. Authorizes the Vermont Economic Progress Council to adopt rules to clarify the TIF statutes. A single rule will be adopted for all TIF districts that will include a process for distributing excess increments to the Education Fund. The rule will specify which of its provisions are written to address which pre-existing TIF. The Secretary of the Agency of Commerce and Community Development is authorized to issue decisions regarding administration of TIFs upon VEPC's recommendation. Appeals of decisions will go first before a hearing officer at the agency as a contested case, and then to the superior court. If non-compliance is found and repayments need to be made to the Education Fund, the State Treasurer is to bill for those amounts.

Section 16 Establishes a schedule for the state auditor to conduct performance audits of TIF districts.

Section 17 As mentioned in Section 3, adds a TIF district for South Burlington. The South Burlington and Barre City TIF applications were submitted at the same time to the Vermont Economic Progress Council, and only one of them could be approved because the statute restricts new TIF districts to six.

Section 18. Extend the Burlington waterfront's time to incur debt in the existing TIF district for five years, beginning January 15, 2015.

With the passage of Act 80 and the subsequent adoption of rules to implement the new law, municipalities, VEPC, and the Tax Department should find it far easier to implement TIF districts and establish what expenditures may be paid for with new education property taxes generated within the district. This has been at the heart of disagreements over the years. Finally, Vermont may have a workable TIF program on which all can agree.



Office of Mayor Miro Weinberger

MEMORANDUM

To: City Councilors
From: Mayor Miro Weinberger
Date: September 18, 2013
Re: S. 37, Tax Increment Financing Legislation re: City Council Ratification

As you will recall from past communications, the 2013 State Legislative Session resulted in the passage of a Tax Increment Financing (TIF) reform bill that included the settlement of an outstanding multi-year dispute between Burlington, Newport, Winooski, and Milton and the Office of the State Auditor, in which the auditor alleged significant underpayments by municipalities to the State Education Fund. I am writing to respectfully request your ratification of that settlement. The Board of Finance unanimously recommended approval of this settlement at its September 16, 2013 meeting.

The basic terms of the settlement with respect to Burlington are that the State will drop any potential claim concerning the alleged \$1 million past underpayment in return for Burlington's agreement to forgo \$40,000 of TIF increment during each of the next five years. These payments will be paid out of the City's TIF revenues and will have no impact on the General Fund. Further, while the City's ability to make investment in public infrastructure is reduced by these \$200,000 of cumulative payments, the City's overall ability to make catalytic public investments is dramatically enhanced by other provisions of the bill (most notably that the City has an additional five years to identify and make public investments in both the Waterfront and Downtown TIFs). Underlying ambiguities in the TIF statutes that led to the dispute either have been resolved in the legislation or will be resolved in the legislative rule making process during the upcoming Legislative Session. The Administration believes the settlement represents a favorable resolution to the complex legal dispute that contained significant financial risk for Burlington.

These provisions and other elements of the TIF reform bill are described in the attached summary. We were pleased to join with the other municipalities, the Office of the State Auditor, the Tax Department, and the Agency of Commerce in supporting Governor Shumlin's call for this new TIF legislation that provides clarification of ambiguous provisions along with oversight, reporting, and enforcement provisions going forward for all TIF districts.

My office would welcome any questions you might have about this matter.

Thank you.

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**APPOINT A VOTING DELEGATE TO VOTE FOR THE
CITY OF BURLINGTON FOR THE VERMONT LEAGUE OF CITIES
AND TOWNS ANNUAL MEETING**

In the year Two Thousand Thirteen.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the Vermont League of Cities and Towns (VLCT) holds an annual business meeting every year in October and this year on Thursday, October 3, 2013; and

WHEREAS, the City of Burlington should be properly represented and able to participate in the adoption of the 2014 Vermont Municipal Policy (the legislative platform of the VLCT); and

WHEREAS, the City Council, as the City of Burlington’s legislative body, should designate one official from the City of Burlington as a voting delegate for the meeting; and

WHEREAS the Mayor of the City of Burlington is an official representative of the City of Burlington and a member of the VLCT Board required to attend the VLCT annual business meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council appoints the Mayor as the voting delegate representing the City of Burlington at the VLCT annual business meeting on October 3, 2013; and

BE IT FURTHER RESOLVED that the Mayor will continue to serve as the voting delegate representing the City of Burlington every year at the VLCT annual business meeting unless the Council decides otherwise.

1
2 **Resolution Relating to**

RESOLUTION _____
Sponsor(s): Councilors Shannon,
Bushor, Aubin, Knodell: Bd. of Finance

Introduced: _____

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

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6 FINAL ADOPTION OF OUTSTANDING
7 INTERNAL SERVICE AND CAPITAL BUDGETS

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12 **CITY OF BURLINGTON**

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14 In the year Two Thousand Thirteen.....

15 Resolved by the City Council of the City of Burlington, as follows:

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17 That WHEREAS, the FY 2014 Budget was passed this summer at a point in time when certain City
18 funds had not finalized calculations and tabulations for said funds; and

19 WHEREAS, it was represented at that time, that these outstanding budgets would be submitted
20 for City Council approval with final calculations and tabulations when complete; and

21 WHEREAS, the Airport Capital Projects fund; the Waterfront TIF District fund; the Capital
22 Improvements Project fund; the Liability Insurance and Workers Compensation fund; the Self Insurance
23 fund; and the Penny for Parks fund budgets are now complete; and

24 WHEREAS, at its meeting on September 16, 2013, the Board of Finance reviewed the attached
25 Budget Worksheet reports presenting the final FY 2014 Budget for each of the above-referenced funds
26 and unanimously recommended City Council approval of same;

27 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the final FY
28 2014 Budgets as referenced above.

* * * * *

ORIGINAL

DISTRIBUTION:

RESOLUTION RELATING TO

I hereby certify that this resolution
has been sent to the following
department(s) on

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.....
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Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

Vol. Page

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Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	150	Self Insurance			
Revenue		Human Resources			
Department	08	Health and Dental Insurance			
Division	035				
Intergovernmental Revenues					
4800_100	Insurance Reimbursements Dental Insurance	\$0.00	\$0.00	\$0.00	\$0.00
4800_110	Insurance Reimbursements Health Insurance	\$0.00	\$225.69	\$0.00	\$0.00
4900_125	Participant Charges General Fund -Health (A)	\$0.00	\$0.00	\$0.00	\$0.00
4900_135	Participant Charges General Fund - Health	\$3,992,702.00	\$33,752.60	\$4,471,338.00	\$4,471,338.00
4900_140	Participant Charges Spec. Rev. & Enterprise - Health	\$3,550,243.00	\$3,806,555.17	\$4,060,379.00	\$4,060,379.00
4900_145	Participant Charges General Fund - Dental	\$296,442.00	\$172,711.10	\$298,116.00	\$298,116.00
4900_150	Participant Charges Spec. Rev. & Enterprise - Dental	\$210,000.00	\$209,029.09	\$223,293.00	\$223,293.00
	Total: Intergovernmental Revenues	\$8,049,387.00	\$4,222,273.65	\$9,053,126.00	\$9,053,126.00
Charges for Services					
4935	Retiree Contributions	\$300,000.00	\$7,850.43	\$300,000.00	\$300,000.00
	Total: Charges for Services	\$300,000.00	\$7,850.43	\$300,000.00	\$300,000.00
Other Revenue					
4900_165	Participant Charges Life Insurance	\$0.00	\$147,281.52	\$0.00	\$0.00
4930	Employee Contributions	\$883,555.00	\$0.00	\$965,251.00	\$965,251.00
4930_115	Employee Contributions Dental	\$0.00	\$1,057.67	\$0.00	\$0.00
4930_120	Employee Contributions Health Insurance	\$0.00	\$429,717.73	\$0.00	\$0.00
4930_125	Employee Contributions Supplemental Life Insurance	\$0.00	\$0.00	\$0.00	\$0.00
4950	Donations	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
	Total: Other Revenue	\$913,555.00	\$608,056.92	\$995,251.00	\$995,251.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	150				
	Self Insurance				
Department	08				
	Human Resources				
Division	035				
	Health and Dental Insurance				
<u>Miscellaneous</u>					
4720	Carryover	\$0.00	\$0.00	\$0.00	\$0.00
	Total: Miscellaneous	\$0.00	\$0.00	\$0.00	\$0.00
	Division Total: Health and Dental Insurance	\$9,262,942.00	\$4,838,181.00	\$10,348,377.00	\$10,348,377.00
	Department Total: Human Resources	\$9,262,942.00	\$4,838,181.00	\$10,348,377.00	\$10,348,377.00
	Revenue Totals				
	Expenses				
Department	08				
	Human Resources				
Division	035				
	Health and Dental Insurance				
<u>Personal Services</u>					
5400_100	Employee Benefits FICA	\$0.00	\$110.51	\$0.00	\$0.00
5400_130	Employee Benefits Dental Insurance	\$0.00	\$23.55	\$0.00	\$0.00
5400_135	Employee Benefits Life Insurance	\$0.00	\$10.14	\$0.00	\$0.00
	Total: Personal Services	\$0.00	\$144.20	\$0.00	\$0.00
<u>General Operating</u>					
6200	Medical Fees And Supplies	\$0.00	\$0.00	\$0.00	\$0.00
6500_104	Professional and Consultant Services Third Party Admin. - Health	\$350,000.00	\$379,204.68	\$460,000.00	\$460,000.00
6500_105	Professional and Consultant Services Third Party Admin. - Dental	\$34,360.00	\$25,229.50	\$28,225.00	\$28,225.00
6500_118	Professional and Consultant Services Contractual Services	\$0.00	\$0.00	\$0.00	\$0.00
6500_119	Professional and Consultant Services Health and Wellness	\$30,000.00	\$22,780.05	\$30,000.00	\$30,000.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	150	Self Insurance			
Department	08	Human Resources			
Division	035	Health and Dental Insurance			
6700_110	Travel & Training Travel Expense	\$500.00	\$0.00	\$500.00	\$500.00
6850	Health Insurance Buyout	\$27,500.00	\$0.00	\$27,500.00	\$27,500.00
6860	State Health Insurance Tax	\$70,000.00	\$58,270.96	\$70,000.00	\$70,000.00
6900_110	Claims and Benefits Health Insurance Claims	\$7,775,000.00	\$8,131,409.26	\$8,800,000.00	\$8,800,000.00
6900_130	Claims and Benefits Dental Claims	\$472,082.00	\$470,461.67	\$472,082.00	\$472,082.00
7230	Insurance	\$525,000.00	\$600,184.31	\$385,070.00	\$385,070.00
7303	Regulatory and Bank Fees	\$3,500.00	\$0.00	\$0.00	\$0.00
Total: General Operating		\$9,287,942.00	\$9,688,540.43	\$10,273,377.00	\$10,273,377.00
Interfund					
8015	Indirect Fees	\$0.00	\$157.00	\$0.00	\$75,000.00
Total: Interfund		\$0.00	\$157.00	\$0.00	\$75,000.00
Division Total: Health and Dental Insurance		\$9,287,942.00	\$9,688,841.63	\$10,273,377.00	\$10,348,377.00
Department Total: Human Resources		\$9,287,942.00	\$9,688,841.63	\$10,273,377.00	\$10,348,377.00
Revenue Totals:		\$9,287,942.00	\$4,838,181.00	\$10,348,377.00	\$10,348,377.00
Expense Totals		\$9,287,942.00	\$9,688,841.63	\$10,273,377.00	\$10,348,377.00
Fund Total: Self Insurance		(\$25,000.00)	(\$4,850,660.63)	\$75,000.00	\$0.00
Revenue Grand Totals:		\$9,287,942.00	\$4,838,181.00	\$10,348,377.00	\$10,348,377.00
Expense Grand Totals:		\$9,287,942.00	\$9,688,841.63	\$10,273,377.00	\$10,348,377.00
Net Grand Totals:		(\$25,000.00)	(\$4,850,660.63)	\$75,000.00	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	175	Liability Ins. & Workers Comp.			
Revenue					
Department	00	Non-Departmental			
Division	013	Liability Insurance			
Intergovernmental Revenues					
4800_105	Insurance Reimbursements General Liability	\$325,000.00	\$453,494.94	\$0.00	\$0.00
4800_120	Insurance Reimbursements Unemployment	\$0.00	\$0.00	\$0.00	\$0.00
4825_210	Interdepartmental Life Insurance	\$52,000.00	\$0.00	\$52,000.00	\$52,000.00
4825_215	Interdepartmental Property / Casualty Insurance	\$0.00	\$0.00	\$0.00	\$0.00
4825_217	Interdepartmental Insurance Reserve	\$157,500.00	\$0.00	\$0.00	\$0.00
4825_220	Interdepartmental Unemployment Claims	\$0.00	\$32,335.79	\$0.00	\$0.00
4825_225	Interdepartmental Workers' Compensation	\$0.00	\$0.00	\$0.00	\$0.00
4990_100	Interfund Transfer Proceeds General Fund	\$0.00	\$0.00	\$753,585.00	\$753,585.00
4990_110	Interfund Transfer Proceeds Enterprise/Special Revenue	\$0.00	\$0.00	\$863,480.00	\$863,480.00
Total Intergovernmental Revenues		\$534,500.00	\$485,830.73	\$1,669,065.00	\$1,669,065.00
Other Revenue					
4930_125	Employee Contributions Supplemental Life Insurance	\$0.00	\$1,596.42	\$0.00	\$0.00
Total Other Revenue		\$0.00	\$1,596.42	\$0.00	\$0.00
Division Total: Liability Insurance		\$534,500.00	\$487,427.15	\$1,669,065.00	\$1,669,065.00
Workers Compensation					
015					
Intergovernmental Revenues					
4800_125	Insurance Reimbursements Workers Comp claims	\$0.00	\$10,176.70	\$0.00	\$0.00
4900	Participant Charges	\$0.00	\$0.00	\$0.00	\$0.00
4900_155	Participant Charges Spec. Rev. & Ent - Workers' Comp.	\$665,000.00	\$139,617.88	\$812,500.00	\$812,500.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	175	Liability Ins. & Workers Comp.			
Department	00	Non-Departmental			
Division	015	Workers Compensation			
4900_160	Participant Charges General Fund - Workers' Comp.	\$670,000.00	\$0.00	\$717,500.00	\$717,500.00
<u>Total: Intergovernmental Revenues</u>		\$1,355,000.00	\$149,794.58	\$1,530,000.00	\$1,530,000.00
<u>Investment Income</u>					
4700	Interest / Investment Income	\$0.00	\$0.00	\$0.00	\$0.00
<u>Total: Investment Income</u>		\$0.00	\$0.00	\$0.00	\$0.00
Division Total: Workers Compensation		\$1,355,000.00	\$149,794.58	\$1,530,000.00	\$1,530,000.00
Department Total: Non-Departmental		\$1,889,500.00	\$637,221.73	\$3,199,065.00	\$3,199,065.00
Revenue Totals		\$1,889,500.00	\$637,221.73	\$3,199,065.00	\$3,199,065.00
Expenses					
Department	00	Non-Departmental			
Division	013	Liability Insurance			
<u>General Operating</u>					
6500_118	Professional and Consultant Services Contractual Services	\$99,000.00	\$49,500.00	\$99,000.00	\$99,000.00
6900_150	Claims and Benefits Life Insurance Benefit Payment	\$0.00	\$0.00	\$0.00	\$0.00
6900_155	Claims and Benefits Unemployment	\$60,000.00	\$126,207.90	\$60,000.00	\$60,000.00
7000	Bad Debt Expense	\$0.00	\$0.00	\$0.00	\$0.00
7230_100	Insurance Vehicle	\$155,000.00	\$151,329.00	\$197,877.00	\$197,877.00
7230_105	Insurance General	\$462,345.00	\$511,759.50	\$604,446.00	\$604,446.00
7230_107	Insurance Property	\$190,000.00	\$189,939.00	\$232,647.00	\$232,647.00
7230_109	Insurance Inland Marine	\$21,000.00	\$20,940.00	\$27,095.00	\$27,095.00
7230_112	Insurance Pollution	\$2,000.00	\$1,511.77	\$2,000.00	\$2,000.00
7230_115	Insurance Claims and Expenses	\$335,655.00	\$205,361.55	\$350,000.00	\$350,000.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	175				
	Liability Ins. & Workers Comp.				
Department	00				
	Non-Departmental				
Division	013				
	Liability Insurance				
7230_120	Insurance Life Insurance	\$96,000.00	\$89,799.05	\$96,000.00	\$96,000.00
<u>Total: General Operating</u>		\$1,421,000.00	\$1,346,347.77	\$1,669,065.00	\$1,669,065.00
Division Total: Liability Insurance		\$1,421,000.00	\$1,346,347.77	\$1,669,065.00	\$1,669,065.00
	Workers Compensation				
015					
General Operating					
6200	Medical Fees And Supplies	\$75,000.00	\$48,312.99	\$75,000.00	\$75,000.00
6500_118	Professional and Consultant Services Contractual Services	\$40,000.00	\$20,631.00	\$40,000.00	\$40,000.00
6900	Claims and Benefits	\$0.00	\$0.00	\$0.00	\$0.00
6900_140	Claims and Benefits Workers' Comp	\$650,000.00	\$1,147,660.14	\$750,000.00	\$750,000.00
6900_145	Claims and Benefits Workers' Comp - VCLT	\$125,000.00	\$41,122.00	\$125,000.00	\$125,000.00
7230	Insurance	\$540,000.00	\$423,429.00	\$540,000.00	\$540,000.00
<u>Total: General Operating</u>		\$1,430,000.00	\$1,681,155.13	\$1,530,000.00	\$1,530,000.00
Division Total: Workers Compensation		\$1,430,000.00	\$1,681,155.13	\$1,530,000.00	\$1,530,000.00
Department Total: Non-Departmental		\$2,851,000.00	\$3,027,502.90	\$3,199,065.00	\$3,199,065.00
Revenue Totals:		\$1,889,500.00	\$637,221.73	\$3,199,065.00	\$3,199,065.00
Expense Totals		\$2,851,000.00	\$3,027,502.90	\$3,199,065.00	\$3,199,065.00
Fund Total: Liability Ins. & Workers Comp.		(\$961,500.00)	(\$2,390,281.17)	\$0.00	\$0.00
Revenue Grand Totals:		\$1,889,500.00	\$637,221.73	\$3,199,065.00	\$3,199,065.00
Expense Grand Totals:		\$2,851,000.00	\$3,027,502.90	\$3,199,065.00	\$3,199,065.00
Net Grand Totals:		(\$961,500.00)	(\$2,390,281.17)	\$0.00	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	235	Tax Increment Financing (TIF)			
Revenue					
Department	04	Clerk/Treasurer			
Division	005	Waterfront TIF			
Taxes					
4015	Tax Increment Financing	\$1,655,000.00	\$0.00	\$0.00	\$0.00
Total: Taxes		\$1,655,000.00	\$0.00	\$0.00	\$0.00
Intergovernmental Revenues					
4990	Interfund Transfer Proceeds	\$0.00	\$1,684,932.00	\$2,289,497.00	\$2,289,497.00
Total: Intergovernmental Revenues		\$0.00	\$1,684,932.00	\$2,289,497.00	\$2,289,497.00
Division Total: Waterfront TIF		\$1,655,000.00	\$1,684,932.00	\$2,289,497.00	\$2,289,497.00
Department Total: Clerk/Treasurer		\$1,655,000.00	\$1,684,932.00	\$2,289,497.00	\$2,289,497.00
Revenue Totals		\$1,655,000.00	\$1,684,932.00	\$2,289,497.00	\$2,289,497.00
Expenses					
Department	04	Clerk/Treasurer			
Division	005	Waterfront TIF			
General Operating					
6500_118	Professional and Consultant Services Contractual Services	\$139,500.00	\$1,124.52	\$350,000.00	\$350,000.00
6600_185	Fees for Services TIF	\$17,400.00	\$3,751.00	\$20,000.00	\$20,000.00
7200_115	Rent/Lease Equipment	\$78,446.00	\$83,446.88	\$80,000.00	\$80,000.00
7303	Regulatory and Bank Fees	\$3,500.00	\$3,000.00	\$5,000.00	\$5,000.00
7350	Payment to State - TIF 2	\$33,000.00	\$0.00	\$40,000.00	\$40,000.00
Total: General Operating		\$271,846.00	\$91,322.40	\$495,000.00	\$495,000.00
Debt Service					
7400_130	Debt Service Principal Sec 108 - Loan	\$50,000.00	\$0.00	\$85,000.00	\$85,000.00
7400_135	Debt Service Principal COPS	\$690,357.00	\$690,356.50	\$1,100,000.00	\$1,100,000.00
7450_230	Debt Service Interest Sec 108 Loan	\$45,067.00	\$0.00	\$50,103.00	\$50,103.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	235	Tax Increment Financing (TIF)			
Department	04	Clerk/Treasurer			
Division	005	Waterfront TIF			
7450_235	Debt Service Interest COPS	\$381,934.00	\$381,933.62	\$472,639.00	\$472,639.00
Total: Debt Service		\$1,167,358.00	\$1,072,290.12	\$1,707,742.00	\$1,707,742.00
Interfund					
8015	Indirect Fees	\$0.00	\$0.00	\$86,755.00	\$86,755.00
Total: Interfund		\$0.00	\$0.00	\$86,755.00	\$86,755.00
Division Total: Waterfront TIF		\$1,439,204.00	\$1,163,612.52	\$2,289,497.00	\$2,289,497.00
006	Downtown TIF				
General Operating					
6500_118	Professional and Consultant Services Contractual Services	\$0.00	\$2,500.00	\$0.00	\$0.00
6800_125	Fees for Services Fees & Permits	\$0.00	\$0.00	\$0.00	\$0.00
6800_170	Fees for Services Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00
Total: General Operating		\$0.00	\$2,500.00	\$0.00	\$0.00
Division Total: Downtown TIF		\$0.00	\$2,500.00	\$0.00	\$0.00
Department Total: Clerk/Treasurer		\$1,439,204.00	\$1,166,112.52	\$2,289,497.00	\$2,289,497.00
Revenue Totals:		\$1,655,000.00	\$1,684,932.00	\$2,289,497.00	\$2,289,497.00
Expense Totals		\$1,439,204.00	\$1,166,112.52	\$2,289,497.00	\$2,289,497.00
Fund Total: Tax Increment Financing (TIF)		\$215,796.00	\$518,819.48	\$0.00	\$0.00
Revenue Grand Totals:		\$1,655,000.00	\$1,684,932.00	\$2,289,497.00	\$2,289,497.00
Expense Grand Totals:		\$1,439,204.00	\$1,166,112.52	\$2,289,497.00	\$2,289,497.00
Net Grand Totals:		\$215,796.00	\$518,819.48	\$0.00	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	404	AIP 87 - Land Acq 2011			
Revenue					
Department	35	Airport			
Division	700	Capital Projects			
<u>Intergovernmental Revenues</u>					
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$697,558.00
4875_125	Grant Federal Capital Direct	\$674,095.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$35,479.00	\$0.00	\$0.00	\$0.00
<u>Total: Intergovernmental Revenues</u>		\$709,574.00	\$0.00	\$0.00	\$697,558.00
Division Total: Capital Projects		\$709,574.00	\$0.00	\$0.00	\$697,558.00
Department Total: Airport		\$709,574.00	\$0.00	\$0.00	\$697,558.00
Revenue Totals		\$709,574.00	\$0.00	\$0.00	\$697,558.00
Expenses					
Department	35	Airport			
Division	700	Capital Projects			
<u>Capital Equipment</u>					
9500_110	Capital Outlay Capital Expenditures	\$709,574.00	\$12,015.56	\$697,558.00	\$697,558.00
<u>Total: Capital Equipment</u>		\$709,574.00	\$12,015.56	\$697,558.00	\$697,558.00
Division Total: Capital Projects		\$709,574.00	\$12,015.56	\$697,558.00	\$697,558.00
Department Total: Airport		\$709,574.00	\$12,015.56	\$697,558.00	\$697,558.00
Revenue Totals:		\$709,574.00	\$0.00	\$0.00	\$697,558.00
Expense Totals		\$709,574.00	\$12,015.56	\$697,558.00	\$697,558.00
Fund Total: AIP 87 - Land Acq 2011		\$0.00	(\$12,015.56)	(\$697,558.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	405	AIP 84 - LAND 2010 PHASE 2			
Revenue					
Department	35				
Division	700				
<u>Intergovernmental Revenues</u>					
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$582,372.00
4875_125	Grant Federal Capital Direct	\$558,324.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$29,385.00	\$0.00	\$0.00	\$0.00
Total Intergovernmental Revenues		\$587,709.00	\$0.00	\$0.00	\$582,372.00
Division Total: Capital Projects		\$587,709.00	\$0.00	\$0.00	\$582,372.00
Department Total: Airport		\$587,709.00	\$0.00	\$0.00	\$582,372.00
Revenue Totals		\$587,709.00	\$0.00	\$0.00	\$582,372.00
Expenses					
Department	35				
Division	700				
<u>Capital Equipment</u>					
9500_110	Capital Outlay Capital Expenditures	\$587,709.00	\$5,336.05	\$582,372.00	\$582,372.00
Total Capital Equipment		\$587,709.00	\$5,336.05	\$582,372.00	\$582,372.00
Division Total: Capital Projects		\$587,709.00	\$5,336.05	\$582,372.00	\$582,372.00
Department Total: Airport		\$587,709.00	\$5,336.05	\$582,372.00	\$582,372.00
Revenue Totals:		\$587,709.00	\$0.00	\$0.00	\$582,372.00
Expense Totals		\$587,709.00	\$5,336.05	\$582,372.00	\$582,372.00
Fund Total: AIP 84 - LAND 2010 PHASE 2		\$0.00	(\$5,336.05)	(\$582,372.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	406	AIP89-2012 Development			
Revenue					
Department	35	Airport			
Division	700	Capital Projects			
<u>Intergovernmental Revenues</u>					
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$4,000.00
4875_125	Grant Federal Capital Direct	\$646,290.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$71,810.00	\$0.00	\$0.00	\$0.00
Total: Intergovernmental Revenues		\$718,100.00	\$0.00	\$0.00	\$4,000.00
Division Total: Capital Projects		\$718,100.00	\$0.00	\$0.00	\$4,000.00
Department Total: Airport		\$718,100.00	\$0.00	\$0.00	\$4,000.00
Revenue Totals		\$718,100.00	\$0.00	\$0.00	\$4,000.00
Expenses					
Department	35	Airport			
Division	700	Capital Projects			
<u>Capital Equipment</u>					
9500_110	Capital Outlay Capital Expenditures	\$718,100.00	\$20,590.54	\$4,000.00	\$4,000.00
Total: Capital Equipment		\$718,100.00	\$20,590.54	\$4,000.00	\$4,000.00
Division Total: Capital Projects		\$718,100.00	\$20,590.54	\$4,000.00	\$4,000.00
Department Total: Airport		\$718,100.00	\$20,590.54	\$4,000.00	\$4,000.00
Revenue Totals:		\$718,100.00	\$0.00	\$0.00	\$4,000.00
Expense Totals		\$718,100.00	\$20,590.54	\$4,000.00	\$4,000.00
Fund Total: AIP89-2012 Development		\$0.00	(\$20,590.54)	(\$4,000.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	407	AIP88 - LAND 2011B			
Revenue					
Department	35				
Division	700				
	Capital Projects				
	Intergovernmental Revenues				
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$729,261.00
4875_125	Grant Federal Capital Direct	\$770,109.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$40,532.00	\$0.00	\$0.00	\$0.00
	Total: Intergovernmental Revenues	\$810,641.00	\$0.00	\$0.00	\$729,261.00
	Division Total: Capital Projects	\$810,641.00	\$0.00	\$0.00	\$729,261.00
	Department Total: Airport	\$810,641.00	\$0.00	\$0.00	\$729,261.00
	Revenue Totals	\$810,641.00	\$0.00	\$0.00	\$729,261.00
	Expenses				
Department	35				
Division	700				
	Airport				
	Capital Projects				
	Capital Equipment				
9500_110	Capital Outlay Capital Expenditures	\$810,641.00	\$81,379.79	\$729,261.00	\$729,261.00
	Total: Capital Equipment	\$810,641.00	\$81,379.79	\$729,261.00	\$729,261.00
	Division Total: Capital Projects	\$810,641.00	\$81,379.79	\$729,261.00	\$729,261.00
	Department Total: Airport	\$810,641.00	\$81,379.79	\$729,261.00	\$729,261.00
	Revenue Totals:	\$810,641.00	\$0.00	\$0.00	\$729,261.00
	Expense Totals	\$810,641.00	\$81,379.79	\$729,261.00	\$729,261.00
	Fund Total: AIP88 - LAND 2011B	\$0.00	(\$81,379.79)	(\$729,261.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	409	AIP 81 - LAND 2010 PROPERTIES			
Revenue					
Department	35	Airport			
Division	700	Capital Projects			
<u>Intergovernmental Revenues</u>					
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$918,852.00
4875_125	Grant Federal Capital Direct	\$874,690.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$46,036.00	\$0.00	\$0.00	\$0.00
Total: Intergovernmental Revenues		\$920,726.00	\$0.00	\$0.00	\$918,852.00
Division Total: Capital Projects		\$920,726.00	\$0.00	\$0.00	\$918,852.00
Department Total: Airport		\$920,726.00	\$0.00	\$0.00	\$918,852.00
Revenue Totals		\$920,726.00	\$0.00	\$0.00	\$918,852.00
Expenses					
Department	35	Airport			
Division	700	Capital Projects			
<u>Capital Equipment</u>					
9500_110	Capital Outlay Capital Expenditures	\$920,726.00	\$1,873.97	\$918,852.00	\$918,852.00
Total: Capital Equipment		\$920,726.00	\$1,873.97	\$918,852.00	\$918,852.00
Division Total: Capital Projects		\$920,726.00	\$1,873.97	\$918,852.00	\$918,852.00
Department Total: Airport		\$920,726.00	\$0.00	\$0.00	\$918,852.00
Revenue Totals:		\$920,726.00	\$0.00	\$0.00	\$918,852.00
Expense Totals		\$920,726.00	\$1,873.97	\$918,852.00	\$918,852.00
Fund Total: AIP 81 - LAND 2010 PROPERTIES		\$0.00	(\$1,873.97)	(\$918,852.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	421	AIP 74 - LAND 09 NOISE			
Revenue					
Department	35				
Division	700				
<u>Intergovernmental Revenues</u>					
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$468,395.00
4875_125	Grant Federal Capital Direct	\$444,975.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$23,420.00	\$0.00	\$0.00	\$0.00
Total Intergovernmental Revenues		\$468,395.00	\$0.00	\$0.00	\$468,395.00
Division Total: Capital Projects		\$468,395.00	\$0.00	\$0.00	\$468,395.00
Department Total: Airport		\$468,395.00	\$0.00	\$0.00	\$468,395.00
Revenue Totals		\$468,395.00	\$0.00	\$0.00	\$468,395.00
Expenses					
Department	35				
Division	700				
<u>Capital Equipment</u>					
9500_110	Capital Outlay Capital Expenditures	\$468,395.00	\$0.00	\$468,395.00	\$468,395.00
Total Capital Equipment		\$468,395.00	\$0.00	\$468,395.00	\$468,395.00
Division Total: Capital Projects		\$468,395.00	\$0.00	\$468,395.00	\$468,395.00
Department Total: Airport		\$468,395.00	\$0.00	\$0.00	\$468,395.00
Revenue Totals:		\$468,395.00	\$0.00	\$0.00	\$468,395.00
Expense Totals		\$468,395.00	\$0.00	\$468,395.00	\$468,395.00
Fund Total: AIP 74 - LAND 09 NOISE		\$0.00	\$0.00	(\$468,395.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	426	AIP 78 - Land 2010 Noise			
Revenue					
Department	35	Airport			
Division	700	Capital Projects			
<u>Intergovernmental Revenues</u>					
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$304,326.00
4875_125	Grant Federal Capital Direct	\$295,196.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$9,130.00	\$0.00	\$0.00	\$0.00
<u>Total: Intergovernmental Revenues</u>		\$304,326.00	\$0.00	\$0.00	\$304,326.00
Division Total: Capital Projects		\$304,326.00	\$0.00	\$0.00	\$304,326.00
Department Total: Airport		\$304,326.00	\$0.00	\$0.00	\$304,326.00
Revenue Totals		\$304,326.00	\$0.00	\$0.00	\$304,326.00
Expenses					
Department	35	Airport			
Division	700	Capital Projects			
<u>Capital Equipment</u>					
9500_110	Capital Outlay Capital Expenditures	\$304,326.00	\$0.00	\$304,326.00	\$304,326.00
<u>Total: Capital Equipment</u>		\$304,326.00	\$0.00	\$304,326.00	\$304,326.00
Division Total: Capital Projects		\$304,326.00	\$0.00	\$304,326.00	\$304,326.00
Department Total: Airport		\$304,326.00	\$0.00	\$0.00	\$304,326.00
Revenue Totals:		\$304,326.00	\$0.00	\$0.00	\$304,326.00
Expense Totals		\$304,326.00	\$0.00	\$304,326.00	\$304,326.00
Fund Total: AIP 78 - Land 2010 Noise		\$0.00	\$0.00	(\$304,326.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	429	AIP90- Engineering Design Servic			
Revenue					
Department	35	Airport			
Division	700	Capital Projects			
<u>Intergovernmental Revenues</u>					
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$109,653.00
4875_125	Grant Federal Capital Direct	\$279,525.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$31,058.00	\$0.00	\$0.00	\$0.00
Total: Intergovernmental Revenues		\$310,583.00	\$0.00	\$0.00	\$109,653.00
Division Total: Capital Projects		\$310,583.00	\$0.00	\$0.00	\$109,653.00
Department Total: Airport		\$310,583.00	\$0.00	\$0.00	\$109,653.00
Revenue Totals		\$310,583.00	\$0.00	\$0.00	\$109,653.00
Expenses					
Department	35	Airport			
Division	700	Capital Projects			
<u>Capital Equipment</u>					
9500_110	Capital Outlay Capital Expenditures	\$310,583.00	\$296,362.47	\$109,653.00	\$109,653.00
Total: Capital Equipment		\$310,583.00	\$296,362.47	\$109,653.00	\$109,653.00
Division Total: Capital Projects		\$310,583.00	\$296,362.47	\$109,653.00	\$109,653.00
Department Total: Airport		\$310,583.00	\$296,362.47	\$109,653.00	\$109,653.00
Revenue Totals:		\$310,583.00	\$0.00	\$0.00	\$109,653.00
Expense Totals		\$310,583.00	\$296,362.47	\$109,653.00	\$109,653.00
Fund Total: AIP90- Engineering Design Servic		\$0.00	(\$296,362.47)	(\$109,653.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	430	AIP91-Part150 NEM Update			
Revenue					
Department	35				
Division	700				
	<u>Intergovernmental Revenues</u>				
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$146,755.00
4875_125	Grant Federal Capital Direct	\$163,980.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$18,220.00	\$0.00	\$0.00	\$0.00
	<u>Total Intergovernmental Revenues</u>	\$182,200.00	\$0.00	\$0.00	\$146,755.00
	Division Total: Capital Projects	\$182,200.00	\$0.00	\$0.00	\$146,755.00
	Department Total: Airport	\$182,200.00	\$0.00	\$0.00	\$146,755.00
	Revenue Totals	\$182,200.00	\$0.00	\$0.00	\$146,755.00
	Expenses				
Department	35				
Division	700				
	<u>Capital Equipment</u>				
9500_110	Capital Outlay Capital Expenditures	\$182,200.00	\$177,758.58	\$146,755.00	\$146,755.00
	<u>Total Capital Equipment</u>	\$182,200.00	\$177,758.58	\$146,755.00	\$146,755.00
	Division Total: Capital Projects	\$182,200.00	\$177,758.58	\$146,755.00	\$146,755.00
	Department Total: Airport	\$182,200.00	\$177,758.58	\$146,755.00	\$146,755.00
	Revenue Totals:	\$182,200.00	\$0.00	\$0.00	\$146,755.00
	Expense Totals	\$182,200.00	\$177,758.58	\$146,755.00	\$146,755.00
	Fund Total: AIP91-Part150 NEM Update	\$0.00	(\$177,758.58)	(\$146,755.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	431	AIP 93- Glycol Treatment Plan			
Revenue					
Department	35				
Division	700				
	<u>Intergovernmental Revenues</u>				
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$64,142.00
4875_125	Grant Federal Capital Direct	\$1,913,040.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$212,560.00	\$0.00	\$0.00	\$0.00
	<u>Total: Intergovernmental Revenues</u>	\$2,125,600.00	\$0.00	\$0.00	\$64,142.00
	Division Total: Capital Projects	\$2,125,600.00	\$0.00	\$0.00	\$64,142.00
	Department Total: Airport	\$2,125,600.00	\$0.00	\$0.00	\$64,142.00
	Revenue Totals	\$2,125,600.00	\$0.00	\$0.00	\$64,142.00
Expenses					
Department	35				
Division	700				
	<u>Capital Equipment</u>				
9500_110	Capital Outlay Capital Expenditures	\$2,125,600.00	\$1,452,269.74	\$64,142.00	\$64,142.00
	<u>Total: Capital Equipment</u>	\$2,125,600.00	\$1,452,269.74	\$64,142.00	\$64,142.00
	Division Total: Capital Projects	\$2,125,600.00	\$1,452,269.74	\$64,142.00	\$64,142.00
	Department Total: Airport	\$2,125,600.00	\$1,452,269.74	\$64,142.00	\$64,142.00
	Revenue Totals:	\$2,125,600.00	\$0.00	\$0.00	\$64,142.00
	Expense Totals	\$2,125,600.00	\$1,452,269.74	\$64,142.00	\$64,142.00
	Fund Total: AIP 93- Glycol Treatment Plan	\$0.00	(\$1,452,269.74)	(\$64,142.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	432	AIP - 92 LAND- 2012 A NOISE			
Revenue					
Department	35	Airport			
Division	700	Capital Projects			
<u>Intergovernmental Revenues</u>					
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$2,096,789.00
4875_125	Grant Federal Capital Direct	\$4,599,000.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$511,000.00	\$0.00	\$0.00	\$0.00
Total: Intergovernmental Revenues		\$5,110,000.00	\$0.00	\$0.00	\$2,096,789.00
Division Total: Capital Projects		\$5,110,000.00	\$0.00	\$0.00	\$2,096,789.00
Department Total: Airport		\$5,110,000.00	\$0.00	\$0.00	\$2,096,789.00
Revenue Totals		\$5,110,000.00	\$0.00	\$0.00	\$2,096,789.00
Expenses					
Department	35	Airport			
Division	700	Capital Projects			
<u>Capital Equipment</u>					
9500_110	Capital Outlay Capital Expenditures	\$5,110,000.00	\$3,020,422.69	\$2,096,789.00	\$2,096,789.00
Total: Capital Equipment		\$5,110,000.00	\$3,020,422.69	\$2,096,789.00	\$2,096,789.00
Division Total: Capital Projects		\$5,110,000.00	\$3,020,422.69	\$2,096,789.00	\$2,096,789.00
Department Total: Airport		\$5,110,000.00	\$3,020,422.69	\$2,096,789.00	\$2,096,789.00
Revenue Totals:		\$5,110,000.00	\$0.00	\$0.00	\$2,096,789.00
Expense Totals		\$5,110,000.00	\$3,020,422.69	\$2,096,789.00	\$2,096,789.00
Fund Total: AIP - 92 LAND- 2012 A NOISE		\$0.00	(\$3,020,422.69)	(\$2,096,789.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	433	AIP - 94 LAND-2012 B NOISE			
Revenue					
Department	35				
Division	700				
<u>Intergovernmental Revenues</u>					
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$5,554,976.00
4875_125	Grant Federal Capital Direct	\$5,000,000.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$555,556.00	\$0.00	\$0.00	\$0.00
	<u>Total: Intergovernmental Revenues</u>	\$5,555,556.00	\$0.00	\$0.00	\$5,554,976.00
	Division Total: Capital Projects	\$5,555,556.00	\$0.00	\$0.00	\$5,554,976.00
	Department Total: Airport	\$5,555,556.00	\$0.00	\$0.00	\$5,554,976.00
	Revenue Totals	\$5,555,556.00	\$0.00	\$0.00	\$5,554,976.00
	Expenses				
Department	35				
Division	700				
<u>Capital Equipment</u>					
9500_110	Capital Outlay Capital Expenditures	\$5,555,556.00	\$579.10	\$5,554,976.00	\$5,554,976.00
	<u>Total: Capital Equipment</u>	\$5,555,556.00	\$579.10	\$5,554,976.00	\$5,554,976.00
	Division Total: Capital Projects	\$5,555,556.00	\$579.10	\$5,554,976.00	\$5,554,976.00
	Department Total: Airport	\$5,555,556.00	\$579.10	\$5,554,976.00	\$5,554,976.00
	Revenue Totals:	\$5,555,556.00	\$0.00	\$0.00	\$5,554,976.00
	Expense Totals	\$5,555,556.00	\$579.10	\$5,554,976.00	\$5,554,976.00
	Fund Total: AIP - 94 LAND-2012 B NOISE	\$0.00	(\$579.10)	(\$5,554,976.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	434	AIP-95 Taxiway B Recon / Sewage			
Revenue					
Department	35	Airport			
Division	700	Capital Projects			
<u>Intergovernmental Revenues</u>					
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$2,785,685.00
4875_125	Grant Federal Capital Direct	\$0.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$0.00	\$0.00	\$0.00	\$0.00
<u>Total: Intergovernmental Revenues</u>		\$0.00	\$0.00	\$0.00	\$2,785,685.00
Division Total: Capital Projects		\$0.00	\$0.00	\$0.00	\$2,785,685.00
Department Total: Airport		\$0.00	\$0.00	\$0.00	\$2,785,685.00
Revenue Totals		\$0.00	\$0.00	\$0.00	\$2,785,685.00
Expenses					
Department	35	Airport			
Division	700	Capital Projects			
<u>Capital Equipment</u>					
9500_110	Capital Outlay Capital Expenditures	\$0.00	\$1,645.31	\$2,785,685.00	\$2,785,685.00
<u>Total: Capital Equipment</u>		\$0.00	\$1,645.31	\$2,785,685.00	\$2,785,685.00
Division Total: Capital Projects		\$0.00	\$1,645.31	\$2,785,685.00	\$2,785,685.00
Department Total: Airport		\$0.00	\$0.00	\$0.00	\$2,785,685.00
Revenue Totals:		\$0.00	\$0.00	\$0.00	\$2,785,685.00
Expense Totals		\$0.00	\$1,645.31	\$2,785,685.00	\$2,785,685.00
Fund Total: AIP-95 Taxiway B Recon / Sewage		\$0.00	(\$1,645.31)	(\$2,785,685.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	435	AIP -96 Cargo apron rehab			
Revenue					
Department	35				
Division	700				
<u>Intergovernmental Revenues</u>					
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$1,190,000.00
4875_125	Grant Federal Capital Direct	\$0.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$0.00	\$0.00	\$0.00	\$0.00
<u>Total: Intergovernmental Revenues</u>		\$0.00	\$0.00	\$0.00	\$1,190,000.00
Division Total: Capital Projects		\$0.00	\$0.00	\$0.00	\$1,190,000.00
Department Total: Airport		\$0.00	\$0.00	\$0.00	\$1,190,000.00
Revenue Totals		\$0.00	\$0.00	\$0.00	\$1,190,000.00
Expenses					
Department	35				
Division	700				
<u>Capital Equipment</u>					
9500_110	Capital Outlay Capital Expenditures	\$0.00	\$0.00	\$1,190,000.00	\$1,190,000.00
<u>Total: Capital Equipment</u>		\$0.00	\$0.00	\$1,190,000.00	\$1,190,000.00
Division Total: Capital Projects		\$0.00	\$0.00	\$1,190,000.00	\$1,190,000.00
Department Total: Airport		\$0.00	\$0.00	\$0.00	\$1,190,000.00
Revenue Totals:		\$0.00	\$0.00	\$0.00	\$1,190,000.00
Expense Totals		\$0.00	\$0.00	\$1,190,000.00	\$1,190,000.00
Fund Total: AIP -96 Cargo apron rehab		\$0.00	\$0.00	(\$1,190,000.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	436	AIP-97 Design Update Security			
Revenue					
Department	35	Airport			
Division	700	Capital Projects			
<u>Intergovernmental Revenues</u>					
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$203,000.00
4875_125	Grant Federal Capital Direct	\$0.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$0.00	\$0.00	\$0.00	\$0.00
Total: Intergovernmental Revenues		\$0.00	\$0.00	\$0.00	\$203,000.00
Division Total: Capital Projects		\$0.00	\$0.00	\$0.00	\$203,000.00
Department Total: Airport		\$0.00	\$0.00	\$0.00	\$203,000.00
Revenue Totals		\$0.00	\$0.00	\$0.00	\$203,000.00
Expenses					
Department	35	Airport			
Division	700	Capital Projects			
<u>Capital Equipment</u>					
9500_110	Capital Outlay Capital Expenditures	\$0.00	\$0.00	\$203,000.00	\$203,000.00
Total: Capital Equipment		\$0.00	\$0.00	\$203,000.00	\$203,000.00
Division Total: Capital Projects		\$0.00	\$0.00	\$203,000.00	\$203,000.00
Department Total: Airport		\$0.00	\$0.00	\$203,000.00	\$203,000.00
Revenue Totals:		\$0.00	\$0.00	\$0.00	\$203,000.00
Expense Totals		\$0.00	\$0.00	\$203,000.00	\$203,000.00
Fund Total: AIP-97 Design Update Security		\$0.00	\$0.00	(\$203,000.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	437	AIP-98 Land Acq. - 4 Parcels			
Revenue					
Department	35				
Division	700				
	Capital Projects				
	<u>Intergovernmental Revenues</u>				
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$1,309,835.00
4875_125	Grant Federal Capital Direct	\$0.00	\$0.00	\$0.00	\$0.00
4875_135	Grant State Capital	\$0.00	\$0.00	\$0.00	\$0.00
	<u>Total: Intergovernmental Revenues</u>	\$0.00	\$0.00	\$0.00	\$1,309,835.00
	Division Total: Capital Projects	\$0.00	\$0.00	\$0.00	\$1,309,835.00
	Department Total: Airport	\$0.00	\$0.00	\$0.00	\$1,309,835.00
	Revenue Totals	\$0.00	\$0.00	\$0.00	\$1,309,835.00
	Expenses				
Department	35				
Division	700				
	Capital Projects				
	<u>Capital Equipment</u>				
9500_110	Capital Outlay Capital Expenditures	\$0.00	\$0.00	\$1,309,835.00	\$1,309,835.00
	<u>Total: Capital Equipment</u>	\$0.00	\$0.00	\$1,309,835.00	\$1,309,835.00
	Division Total: Capital Projects	\$0.00	\$0.00	\$1,309,835.00	\$1,309,835.00
	Department Total: Airport	\$0.00	\$0.00	\$1,309,835.00	\$1,309,835.00
	Revenue Totals:	\$0.00	\$0.00	\$0.00	\$1,309,835.00
	Expense Totals	\$0.00	\$0.00	\$1,309,835.00	\$1,309,835.00
	Fund Total: AIP-98 Land Acq. - 4 Parcels	\$0.00	\$0.00	(\$1,309,835.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	450				
	PFC				
Revenue					
Department	35				
Division	700				
	Airport				
	Capital Projects				
	Intergovernmental Revenues				
4875_000	Grant Proceeds	\$0.00	\$0.00	\$0.00	\$890,795.00
Total: Intergovernmental Revenues		\$0.00	\$0.00	\$0.00	\$890,795.00
Division Total: Capital Projects		\$0.00	\$0.00	\$0.00	\$890,795.00
Department Total: Airport		\$0.00	\$0.00	\$0.00	\$890,795.00
Revenue Totals		\$0.00	\$0.00	\$0.00	\$890,795.00
Expenses					
Department	35				
Division	700				
	Airport				
	Capital Projects				
	Capital Equipment				
9500_110	Capital Outlay Capital Expenditures	\$2,448,102.00	\$1,562,302.98	\$890,795.00	\$890,795.00
Total: Capital Equipment		\$2,448,102.00	\$1,562,302.98	\$890,795.00	\$890,795.00
Division Total: Capital Projects		\$2,448,102.00	\$1,562,302.98	\$890,795.00	\$890,795.00
Department Total: Airport		\$2,448,102.00	\$1,562,302.98	\$890,795.00	\$890,795.00
Revenue Totals:		\$0.00	\$0.00	\$0.00	\$890,795.00
Expense Totals		\$2,448,102.00	\$1,562,302.98	\$890,795.00	\$890,795.00
Fund Total: PFC		(\$2,448,102.00)	(\$1,562,302.98)	(\$890,795.00)	\$0.00
Revenue Grand Totals:		\$17,803,410.00	\$0.00	\$0.00	\$18,056,394.00
Expense Grand Totals:		\$20,251,512.00	\$6,632,536.78	\$18,056,394.00	\$18,056,394.00
Net Grand Totals:		(\$2,448,102.00)	(\$6,632,536.78)	(\$18,056,394.00)	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	700	Capital Fund - General			
Revenue					
Department	04	Clerk/Treasurer			
Division	700	Capital Projects			
Intergovernmental Revenues					
4875_125	Grant Federal Capital Direct	\$148,055.00	\$662.50	\$0.00	\$0.00
4875_135	Grant State Capital	\$57,332.00	\$0.00	\$0.00	\$0.00
Total: Intergovernmental Revenues		\$205,387.00	\$662.50	\$0.00	\$0.00
Other Revenue					
4925_100	Proceeds Bank/Bond Note	\$1,000,000.00	\$0.00	\$0.00	\$0.00
Total: Other Revenue		\$1,000,000.00	\$0.00	\$0.00	\$0.00
Miscellaneous					
4720	Carryover	\$46,757.00	\$0.00	\$0.00	\$0.00
Total: Miscellaneous		\$46,757.00	\$0.00	\$0.00	\$0.00
Division Total: Capital Projects		\$1,252,144.00	\$662.50	\$0.00	\$0.00
Department Total: Clerk/Treasurer		\$1,252,144.00	\$662.50	\$0.00	\$0.00
Revenue Totals					
		\$1,252,144.00	\$662.50	\$0.00	\$0.00
Expenses					
Department	04	Clerk/Treasurer			
Division	700	Capital Projects			
Capital Equipment					
9500_110	Capital Outlay Capital Expenditures	\$536,144.00	\$28,370.43	\$400,000.00	\$400,000.00
9500_150	Capital Outlay Software	\$670,000.00	\$357,989.88	\$0.00	\$0.00
Total: Capital Equipment		\$1,206,144.00	\$386,360.31	\$400,000.00	\$400,000.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	700	Capital Fund - General			
Department	04	Clerk/Treasurer			
Division	700	Capital Projects			
General Operating					
7200_115	Rent/Lease Equipment	\$16,000.00	\$6,144.69	\$0.00	\$0.00
Total: General Operating		\$16,000.00	\$6,144.69	\$0.00	\$0.00
Debt Service					
7475_130	Debt Paying Agent Fees Bond Issue Costs	\$30,000.00	\$21,200.00	\$0.00	\$0.00
Total: Debt Service		\$30,000.00	\$21,200.00	\$0.00	\$0.00
Division Total: Capital Projects		\$1,252,144.00	\$413,705.00	\$400,000.00	\$400,000.00
Department Total: Clerk/Treasurer		\$1,252,144.00	\$413,705.00	\$400,000.00	\$400,000.00
Revenue Totals:					
		\$1,252,144.00	\$862.50	\$0.00	\$0.00
Expense Totals					
		\$1,252,144.00	\$413,705.00	\$400,000.00	\$400,000.00
Fund Total: Capital Fund - General		\$0.00	(\$412,842.50)	(\$400,000.00)	(\$400,000.00)
Fund	709	Capital - DPW Projects			
Revenue					
Department	19	Public Works			
Division	700	Capital Projects			
Intergovernmental Revenues					
4875_130	Grant Federal Capital Indirect	\$0.00	\$0.00	\$0.00	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	709	Capital - DPW Projects			
Department	19	Public Works			
Division	700	Capital Projects			
4875_135	Grant State Capital	\$0.00	\$0.00	\$0.00	\$0.00
4900_130	Participant Charges Operating Transfer - Capital	\$0.00	\$0.00	\$0.00	\$0.00
Total: Intergovernmental Revenues		\$0.00	\$0.00	\$0.00	\$0.00
Other Revenue					
4925_100	Proceeds Bank/Bond Note	\$1,000,000.00	\$0.00	\$2,000,000.00	\$2,000,000.00
Total: Other Revenue		\$1,000,000.00	\$0.00	\$2,000,000.00	\$2,000,000.00
Division Total: Capital Projects		\$1,000,000.00	\$0.00	\$2,000,000.00	\$2,000,000.00
Department Total: Public Works		\$1,000,000.00	\$0.00	\$2,000,000.00	\$2,000,000.00
Revenue Totals		\$1,000,000.00	\$0.00	\$2,000,000.00	\$2,000,000.00
Expenses					
Department	19	Public Works			
Division	700	Capital Projects			
Capital Equipment					
9500_110	Capital Outlay Capital Expenditures	\$1,000,000.00	\$561,987.83	\$2,681,000.00	\$2,681,000.00
Total: Capital Equipment		\$1,000,000.00	\$561,987.83	\$2,681,000.00	\$2,681,000.00
General Operating					
6500_118	Professional and Consultant Services Contractual Services	\$0.00	\$0.00	\$0.00	\$0.00
Total: General Operating		\$0.00	\$0.00	\$0.00	\$0.00
Division Total: Capital Projects		\$1,000,000.00	\$561,987.83	\$2,681,000.00	\$2,681,000.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	709				
	Capital - DPW Projects				
	Department Total: Public Works	\$1,000,000.00	\$561,987.83	\$2,681,000.00	\$2,681,000.00
	Revenue Totals:	\$1,000,000.00	\$0.00	\$2,000,000.00	\$2,000,000.00
	Expense Totals	\$1,000,000.00	\$561,987.83	\$2,681,000.00	\$2,681,000.00
	Fund Total: Capital - DPW Projects	\$0.00	(\$561,987.83)	(\$681,000.00)	(\$681,000.00)
	Revenue Grand Totals:	\$2,252,144.00	\$862.50	\$2,000,000.00	\$2,000,000.00
	Expense Grand Totals:	\$2,252,144.00	\$975,692.83	\$3,081,000.00	\$3,081,000.00
	Net Grand Totals:	\$0.00	(\$974,830.33)	(\$1,081,000.00)	(\$1,081,000.00)

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	700	Capital Fund - General			
Revenue					
Department	23				
Division	000				
Program	701				
Taxes					
4000_160	Property Taxes Parks	\$373,392.00	\$0.00	\$0.00	\$0.00
Total: Taxes		\$373,392.00	\$0.00	\$0.00	\$0.00
Intergovernmental Revenues					
4990	Interfund Transfer Proceeds	\$0.00	\$357,751.00	\$349,654.00	\$349,654.00
Total: Intergovernmental Revenues		\$0.00	\$357,751.00	\$349,654.00	\$349,654.00
Investment Income					
4700	Interest / Investment Income	\$0.00	\$0.00	\$0.00	\$0.00
Total: Investment Income		\$0.00	\$0.00	\$0.00	\$0.00
Other Revenue					
4950	Donations	\$0.00	\$50,000.00	\$0.00	\$0.00
Total: Other Revenue		\$0.00	\$50,000.00	\$0.00	\$0.00
Miscellaneous					
4720	Carryover	\$680,828.00	\$0.00	\$0.00	\$0.00
Total: Miscellaneous		\$680,828.00	\$0.00	\$0.00	\$0.00
Program Total: Pennies for Parks		\$1,054,220.00	\$407,751.00	\$349,654.00	\$349,654.00
Division Total: Admin		\$1,054,220.00	\$407,751.00	\$349,654.00	\$349,654.00
Department Total: Parks and Recreation		\$1,054,220.00	\$407,751.00	\$349,654.00	\$349,654.00
Revenue Totals		\$1,054,220.00	\$407,751.00	\$349,654.00	\$349,654.00
Expenses					
Department	23				
Division	000				
Program	701				
Personal Services					
5000_100	Salaries and Wages Regular, Full Time	\$0.00	\$23,462.92	\$0.00	\$0.00

Budget Worksheet Report

Account Number	Description	2013 Amended Budget	2013 Actual Amount	2014 Department Requested	2014 Mayors Recommended
Fund	700	Capital Fund - General			
Department	23	Parks and Recreation			
Division	000	Admin			
Program	701	Pennies for Parks			
5000_105	Salaries and Wages Limited Service	\$0.00	\$12,633.88	\$0.00	\$0.00
5000_115	Salaries and Wages Seasonal/Temporary	\$0.00	\$0.00	\$0.00	\$0.00
5200_115	Other Personal Services Other Compensation	\$0.00	\$25.00	\$0.00	\$0.00
5400_100	Employee Benefits FICA	\$0.00	\$1,713.98	\$0.00	\$0.00
5400_105	Employee Benefits Unemployment Insurance	\$0.00	\$0.00	\$0.00	\$0.00
5400_130	Employee Benefits Dental Insurance	\$0.00	\$518.18	\$0.00	\$0.00
5400_135	Employee Benefits Life Insurance	\$0.00	\$90.00	\$0.00	\$0.00
Total: Personal Services		\$0.00	\$38,443.96	\$0.00	\$0.00
Capital Equipment					
9500_110	Capital Outlay Capital Expenditures	\$1,041,828.00	\$587,035.01	\$349,654.00	\$349,654.00
Total: Capital Equipment		\$1,041,828.00	\$587,035.01	\$349,654.00	\$349,654.00
General Operating					
7303	Regulatory and Bank Fees	\$0.00	(\$1,955.32)	\$0.00	\$0.00
Total: General Operating		\$0.00	(\$1,955.32)	\$0.00	\$0.00
Program Total: Pennies for Parks		\$1,041,828.00	\$623,523.65	\$349,654.00	\$349,654.00
Division Total: Admin		\$1,041,828.00	\$623,523.65	\$349,654.00	\$349,654.00
Department Total: Parks and Recreation		\$1,041,828.00	\$623,523.65	\$349,654.00	\$349,654.00
Revenue Totals:		\$1,054,220.00	\$407,751.00	\$349,654.00	\$349,654.00
Expense Totals		\$1,041,828.00	\$623,523.65	\$349,654.00	\$349,654.00
Fund Total: Capital Fund - General		\$12,392.00	(\$215,772.65)	\$0.00	\$0.00
Revenue Grand Totals:		\$1,054,220.00	\$407,751.00	\$349,654.00	\$349,654.00
Expense Grand Totals:		\$1,041,828.00	\$623,523.65	\$349,654.00	\$349,654.00
Net Grand Totals:		\$12,392.00	(\$215,772.65)	\$0.00	\$0.00

MARTHA R. LANG, PH.D.
138 COLCHESTER AVENUE
BURLINGTON, VERMONT 05401
802-862-1094

9/9/13
cc handout

September 9, 2013

President Shannon and
Burlington City Councilors
City Hall
149 Main Street
Burlington, VT 05401

Re: Champlain College

Dear President Shannon and Burlington City Councilors:

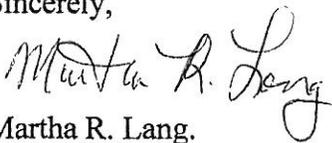
I am concerned that the word student in line twenty-nine of the Proposed Champlain College Purchase of the Browns Court Parking Lot Site violates the Federal Fair Housing Law. You cannot rent to only students. You must rent these apartments to families, the elderly, and so forth. Yet, this proposal gives the city's approval for Champlain College to discriminate. These are apartments, not dorms, and they must be made available to all citizens.

Why is Champlain College willing to pay four times the assessed value for this land? In order for this parking lot to be worth \$1M (the appraised value) it would have to have a building on it, which it doesn't, but the appraisal did not take that into consideration. I went to city hall and studied the appraisal.

I hope that there is no connection between CEDO trying to get the city council to approve of a discriminatory housing agreement and Champlain College's \$1M payment.

Thank you.

Sincerely,


Martha R. Lang.



HUMAN RESOURCES DEPARTMENT

City of Burlington

179 South Winooski Avenue, Suite 100, Burlington, VT 05401

Voice (802) 865-7145
Fax (802) 864-1777

Vermont Relay: 7-1-1 or 800-253-0191

TO: City Council

FROM: Benjamin Pacy, Human Resources Generalist
Susan Leonard, Human Resources Director 

DATE: September 9, 2013

RE: Communication – Step placement for Jeremy Patrie, Division Manager of Technical Operations and Commercial Sales – Burlington Telecom

We respectfully bring forth a communication acknowledging approval of Step placement for Jeremy Patrie. This communication is pursuant to the City of Burlington Comprehensive Personnel Policy, Section 5.4 Compensation Plan, subsection a. Placement, which states: “An employee appointed to a position should normally be compensated at the minimum rate of pay assigned to the class to which the position is allocated. However, at the request of the appointing authority, subject to the approval of the Mayor, and within existing budgetary approvals, original employment at a salary above the minimum step may be made on written certification by the Human Resources Director that such action is justified by exceptional qualifications of the applicant. Such a request must be made by the appointing authority at the time of the hire and shall not be granted at a later date. To the extent that previous relevant experience equals or exceeds the necessary knowledge and skills, job duties and responsibilities of the position being sought, those specific and relevant years of experience (less the minimum number of years of experienced required in the position description) may be converted to additional steps at a 2:1 ration, up to a maximum of step seven (7)”.

The required minimum qualifications for the position are Bachelor’s degree in Engineering or Business or related field or a minimum of 5 years demonstrable experience in a position of similar responsibility and seniority; Minimum of 10 years experience working in relevant position(s) with experience working in network engineering and/or operations within a telecommunications company. As represented in his resume, Mr. Patrie demonstrates more than 15 years’ experience, including 7+ years at Burlington Telecom.

Based on these qualifications, pursuant to Section 5.4(a) of the City of Burlington’s Comprehensive Personnel Policy Manual, Mr. Patrie is eligible for placement at a step three (3). This equates to a salary of \$105,677 per year. This annual amount is derived from the FY14 Telecom Salary Table.

The funding of this position is being accomplished through a reorganization that was reviewed by the Board of Finance on August 5th and approved by the City Council on August 12th.

Mr. Patrie has been approved by the Human Resources Director and the Mayor for placement at a step three (3), grade twenty (20) of the Telecom Salary Table, to take effect on Mr. Patrie’s date of hire.

Burlington City Council



802/865-7136
TTY 802/865-7142

OPENINGS BURLINGTON CITY COMMISSIONS/BOARDS

On Monday, September 23, 2013, the Burlington City Council will fill vacancies on the following City Commissions/Boards:

Fence Viewer	Term expires 6/30/14	One Opening
Public Works Commission	Term expires 6/30/15	One Opening
Board of Tax Appeals	Term expires 6/30/14	One Opening
Board of Tax Appeals	Term expires 6/30/15	One Opening

Applications may be submitted to the Clerk/Treasurer's Office, 149 Church Street, Burlington, VT 05401 Attn: Lori with the deadline date for submission being Wednesday, September 18, 2013, no later than 4:30 p.m.

If you have any questions please contact Lori at (802)865-7136 or via email lolberg@burlingtonvt.gov.

Non-Discrimination

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.

DELIBERATIVE AGENDA
LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, JUNE 10, 2013
7:06 P.M.

PRESENT: City Council President Shannon, Commissioners Bushor, Worden, Knodell, Tracy, Brennan, Siegel, Aubin, Mason, Blais, Paul, Ayres and Decelles

ABSENT: Commissioner Hartnett

CITY ATTORNEY'S OFFICE: Eileen Blackwood

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

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

2. CONSENT AGENDA

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

2.01. OUTSIDE CONSUMPTION PERMIT, PARKING AREA (one day only):

VFW, 176 South Winooski Avenue, Sunday, August 4, 2013, 12:00 p.m. – 5:00 p.m.

*waive the reading, accept the communication, place it on file and approve the one day only outside consumption permit application for VFW to include the parking area, rear of the building for a membership BBQ, Sunday, August 4, 2013, 12 p.m. – 5 p.m.

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

Luna61VT.Inc., d/b/a Revolution Kitchen (formerly Levity), 9 Center Street

Commissioners Blais and Ayres made a motion to approve the First Class Restaurant Liquor License Application for Luna61VT.Inc., d/b/a Revolution Kitchen. The motion passed unanimously.

3.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):

Luna61VT.Inc., d/b/a Revolution Kitchen (formerly Levity), 9 Center Street

Commissioners Blais and Ayres made a motion to approve the Outside Consumption Permit Application for Luna61VT.Inc., d/b/a Revolution Kitchen. The motion passed unanimously.

4. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):

RiRa Irish Pub, The Whiskey Room, College Street side

Commissioners Blais and Ayres made a motion to approve the Outside Consumption Permit Application for RiRa Irish Pub, The Whiskey Room. The motion passed unanimously.

5. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission meeting at 7:08 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
MONDAY, JUNE 10, 2013
7:08 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Mason and Bushor the agenda was unanimously adopted as amended as follows: note title change for agenda item 2. PRESENTATION: Airport Strategic Plan, Adam Whiteman, Managing Director, Frasca & Associates, LLC, consultant to the Airport Strategic Planning Committee and Karen Paul, Co-Chair, Airport Strategic Planning Committee, additional comments on the Plan by community members of the Committee Ed Colodny, Ann Beland, Louise Stoll and Ernie Pomerleau; add to the agenda item 2.01. COMMUNICATION: Burlington International Airport, Airport Strategic Planning Committee Recommendations, June 10, 2013; re-number agenda item 9. RESOLUTION: Endorsement of IATSE Collective Bargaining Agreement 2012-2015 (Councilors Shannon, Knodell, Bushor, Aubin: pending BOF approval) as agenda item 3.5; add Councilor Ayres as a co-sponsor for agenda item 5.01. RESOLUTION: Amendment and Re-adoption of the Burlington Municipal Development Plan (Councilors Paul, Blais, Knodell, Decelles, Worden, Bushor, Siegel, Mason, Brennan, Shannon, Aubin, Tracy); note proposed amendment for agenda item 10. RESOLUTION: City Attorney Constitutional Analysis of No Trespass Ordinance for Church Street Marketplace June 12, 2012 (Councilors Siegel, Tracy, Brennan); suspension of the Council rules to change the public forum time certain to 7:45 p.m.

Councilor Paul stated that the planBTV resolution will have two additional co-sponsors with Councilor Ayres and Hartnett.

2. PRESENTATION: Airport Strategic Plan, Adam Whiteman, Managing Director, Frasca & Associates, LLC, consultant to the Airport Strategic Planning Committee and Karen Paul, Co-Chair, Airport Strategic Planning Committee, additional comments on the Plan by community members of the Committee Ed Colodny, Ann Beland, Louise Stoll and Ernie Pomerleau

Councilor Paul stated that the City Council passed a resolution to create the Airport Strategic Planning Committee. The need for a strategic plan coincided with the appointment of Gene Richards as the Director of Aviation and the Mayor's vision for a financially strong and stable Airport positioned for the

next decade. It is an economic driver for Burlington and the region for commerce, business and tourism. The Committee was tasked with creating a plan for long term financial strength, increasing airline service, expanding the number of travelers, an operations plan, a consideration of regional role and benefits, and the Airport Commissions' role in governance. The Committee was made up of 11 individuals and met 14 times to craft this plan. Representatives from South Burlington and Winooski City Councils were also involved.

Adam Whiteman, Frasca and Associates, stated that the Committee approached their task as a three step process. They gathered information to define the issue, then developed a mission statement and core values, and finally made recommendations to respond to the Committee charge. They invited a number of speakers to talk about what is happening in the Airport and airline industries, Airport governance models, and Airport privatization. After each of these presentations, the City performed a SWOT analysis. They were asked to view the Airport in terms of Strengths, Weaknesses, Opportunities, and Threats. They used the results to identify key issues and challenges the Airport faces. They identified Airport infrastructure as a strength but the credit rating as a weakness. There were opportunities for targeted marketing, crafting a new relationship with Airlines, and in the Canadian market. Threats were identified as competition from other regional airports, inflexibility in finances, slowing population growth, noise, and reductions in Canadian airport charges. Committee members then focused on specific areas of concern. These were used to craft recommendations. They spent a lot of time discussing financial issues at the Airport. The goal is to create the lowest cost to Airlines while providing financial flexibility for the Airport. Weak reserves, low credit ratings, passenger declines, and industry dynamics to keep prices low were all identified. They discussed maintaining and increasing air service options, airline consolidation, and competition with other regional airports. They discussed that BTV staffing should be structured in such a way that they can implement recommendations. There was discussion that the existing governance structure could limit the implementation of the strategic plan. The Committee felt it was important for the Airport to have a mission and vision statement articulated in one place. It was developed by staff to serve as a guide. The core values are integrity, safety, teamwork, accountability, and customer service. The Committee crafted recommendations and action steps. Some were straightforward, such as redefining the relationship with the airlines by crafting a new airline use agreement. Another was to develop a multi-year financial plan to improve the Airport's liquidity position. The Committee was concerned with maintaining and increasing air service through relations with airlines and marketing. The Committee felt that accomplishing recommendations will rely on appropriate staffing levels and they will be reviewing current staff. They want to ensure that BTV is an economic driver. They raised concerns about the current governance structure and the airports ability to meet its goals. They are recommending expanding the role of the Airport Commission so it is similar to how the Burlington Electric Commission has operated. The Commission would be responsible for all business agreements. They would report to the City Council and would be subject to a veto if the contract is over \$200,000 or longer than two years of duration. They would also require advance City Council approval for setting employee wages and salaries, acquiring any property by eminent domain, and authorizing revenue bonds and other debt obligations. They also recommended creating a seat on the Airport Commission for a Winooski City Council appointee, considering having a Director of Aviation selected by a list of three candidates that the Airport Commission would recommend, and exploring the advantages and disadvantages of converting to a regional airport form of governance.

Councilor Paul stated they were lucky to have Joe McNeil serve on the Committee as Secretary. He was the main crafter of the recommendations. They will also be presented in resolution format at a future date. She thanked those who contributed to the plan.

Louise Stoll, ASPC, outlined her history of working on large transportation projects. She found working on this committee interesting. Their consultant was great and always found answers to their questions and offered knowledge about the aviation industry. There were some issues with the recommendation. She felt the amount of money that airport governance would handle on their own was too low. She feels they need

Airport Commissioners who commit themselves to that job. The Airport will get bigger and should be more independent. She thinks they have come up with a good plan.

Ed Colodny, ASPC, thanked the Council and the Mayor for allowing him to serve on the Committee. He outlined his history of working in Airports and travelling in them and thanked those who served on the Committee. There are things that they would like to look different, but many of them are operational, such as split security lines. It would be nice to start from scratch and build an Airport designed for today's security, but that may not be feasible. The runway is terrific, operations are good, customer amenities are being improved. They need to ensure they are keeping airlines happy. He commended the Airport staff for new service to Atlanta. He does not feel this Airport is in crisis and feels they can address the issues that they have. One issue is governance. As long as the City of Burlington is a financial backer of the Airport, they will have the last word. Whatever governance changes may be reasonable have to accommodate the fact that the City has the fiduciary responsibility.

Ernie Pomerleau, ASPC, stated the Airport is Burlington's top economic stimulator. They have the beginning of a plan and have already started to launch it. The business community brought in a consultant and found that the Airport was very crucial and they felt they could help bring ideas to it. It spawned this program. Many large businesses are located here because of the Airport. This is a great Airport and there are huge opportunities.

Councilor Paul thanked the Committee. The creation of the Airport Strategic Planning Committee was done at the urging of the Mayor and she thanked him for that vision and allowing her to serve as co-chair.

City Council President Shannon thanked the Committee for their work. There will be a resolution to move this forward at the next meeting. She inquired if the Council has further questions. Councilor Bushor stated she would prefer to recess this item, go to public forum, and then return to this item to allow them to ask questions while members of the committee are present. City Council President Shannon agreed.

Councilor Bushor inquired where they could find more information about the topics. Joe McNeil, ASPC, recommended they review the minutes from the meetings which include details about the discussion. Councilor Bushor inquired if she could see the changes between the draft and final reports. Mr. McNeil stated she could. Councilor Bushor stated they mentioned empowering the Airport Commission in a way similar to the Burlington Electric Commission operated formerly. They have changed how the Electric Commission is operating and inquired what iteration of operation they should be looking to. She inquired if it was more important just to look at the list of recommendations. Mr. McNeil stated she can look at the list of recommendations which is how the Burlington Electric Commission once operated with a few modifications. The modification was to the amount and period of contracts because of the passage of time. Councilor Bushor stated they mentioned the acquisition of property through eminent domain. She inquired if an outright purchase would require the City to be involved. Mr. McNeil stated if the purchase contract were for less than \$200,000, the City would not be involved. Councilor Bushor inquired if the Committee is recommending that they examine the Charter in the long term. The short term recommendation was that normal business operations up to a magnitude should be within the authority of the Commission. Purchase or sale of land would not offend that concept. Eminent domain is in a different category altogether. They could put the buying or selling of land on that list, it could be done and be consistent with normal business affairs. Councilor Bushor stated the core values are wonderful and suggested they remove the word should. Those values should be adhered to completely. She read the draft and cares a lot about the success of the Airport. It is valuable to the community, region and State. She thanked the Committee for their work and thanked Ed Colodny for his service.

Councilor Tracy stated a portion of the report listed that the livable wage requirements as a potential threat. He inquired what the rationale behind that statement was and feels that paying a livable wage makes the community stronger. Mr. Whiteman stated it was raised by committee members because they

need to be able to compete with other concessioners. Councilor Tracy stated they included a section on the community impact and he feels the F-35 is one of the biggest community impacts. He inquired how they chose to deal with that issue and inquired if new information from the Air Force influenced that. Mr. McNeil stated the Committee looked to the passenger and fixed based operator side of the Airport. They did not spend a lot of time on the military side. They invited members of the Air National Guard to be part of the Committee, but they did not routinely attend. The committee focused on the business-side of the Airport. Councilor Tracy stated this plan has recommendations and everything listed in the plan will have to be dealt with individually.

Councilor Brennan stated they had discussed new flights to Toronto and Atlanta. He inquired if they have looked to market for potential employees in those areas, as they are both diverse and multicultural. Mr. McNeil stated that is a critical point that the committee felt was important. Their first goal is to not lose customers. Within the existing market, they will promote the Airport. They have heard stories about people flying or not flying out of Burlington for business purposes. They hope to be aggressive in marketing the value of the Airport to the existing customer base so they will use it to the greatest degree possible. Councilor Brennan stated it was noted during the public comment period that the City has an aggressive lead based paint program. There are planes at the Airport that use fuel that is leaded. The EPA has recognized that and has not made any movement yet. He does not see that in the SWOT analysis and does not feel using a fuel with lead is the best thing. Mr. McNeil stated they did not look at that. They went through hundreds of potential items but they did not discuss that one. Councilor Brennan stated he appreciates their work and hopes they will work on this in the future.

Councilor Worden stated each department has to focus on issues that pertaining to them and do not always see what issues will affect other departments. The Planning and Zoning side talks about housing preservation and replacement. That relates to housing in Burlington, but he hopes they will consider that as a guiding principle for development at the Airport.

Councilor Decelles inquired if the committee quantified what would happen if Burlington International Airport were located elsewhere. Mr. McNeil stated the Airport is the largest economic driver in the State of Vermont. The sustained good economy here is largely because of this facility. Their view was that Burlington would be nowhere near the community it now is without this jump.

Councilor Siegel stated she was shocked to see the livable wage listed under “threats” in the SWOT analysis. She can see arguments for including livable wage in any of the categories, but finds it disheartening that it is only listed under threats. She hopes that people will recognize that the livable wage ordinance is an asset to the community and is a strength and opportunity. Mr. McNeil stated one committee member argued that the fact that they are not meeting livable wage requirements is a threat to the Airport.

Councilor Mason thanked the Committee for their work.

Mayor Weinberger thanked those who served on the Committee. They have conveyed the importance of this institution to the community and that it must be an asset that is cultivated and cared for over time.

2.01. COMMUNICATION: Burlington International Airport, Airport Strategic Planning Committee Recommendations, June 10, 2013

Councilors Mason and Paul 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 7:54 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Ron Ruloff	Ward 3 Resident	Client Advisory Group, Chittenden Emergency Food Shelf, Drug Problems
Christian Jordan	Ward 3 Resident	Zoning Residential in Downtown Burlington
Bea Bookchin	Ward 6 Resident	Against No-Trespass Ordinance
Sandy Baird	Ward 1 Resident	Against No-Trespass Ordinance
Robert Bristow-Johnson	Ward 7 Resident	Ward Redistricting
Charlie Giannoni	Ward 3 Resident	CSWD and Redistricting
Genese Grill	Ward 3 Resident	Against No-Trespass Ordinance
Lee Burch	Ward 4 Resident	Against No-Trespass Ordinance
Kelly Devine	Burlington Business Association	In favor of planBTV
Charles Simpson	Ward 6 Resident	Against Airport Strategic Plan

Mayor Weinberger honored Interim CAO Paul Sisson for his service and presented him with a plaque.

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 8:19 p.m.

3.5. (was 9.) RESOLUTION: Endorsement of IATSE Collective Bargaining Agreement 2012-2015
(Councilors Shannon, Knodell, Bushor, Aubin: pending BOF approval)

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

City Council President Shannon stated that the Board of Finance decided not to vote on this and wanted to bring it directly to the Council.

Joe McNeil, Esq., McNeil, Leddy, and Sheahan, stated this was an outlier of the collective bargaining agreements that the City deals with. It does not involve a direct expenditure of City funds. It was a pass through. These were part-time employees who worked for the City at Memorial Auditorium and Contois Auditorium when there were public, ticketed shows. They did staging, rigging, lighting and preparation of sets for the show. The City has recognized this organization as the certified bargaining representative of this class of employees since the 1980s. They negotiate contracts periodically. ITASE desired to expand their jurisdiction and the City desired to contain it to its existing limits. ITASE wanted its scope of coverage to include shows at the Waterfront or Oakledge Park. The Parks and Recreation Department was not comfortable with that level of expansion. They decided to roll the existing contract over for another three year period. Compensation and coverage will remain the same. This does not involve a payment of City money, but collection of revenues and payment of a portion of those revenues to those setting up performances.

Councilor Knodell inquired if the terms of employment are comparable to the terms of employment of similar employees in the rest of the City. Mr. McNeil stated they are with the exception of the CPI. It is 2.25% to 4.25%, which is not outrageously different than other contracts. They attempted to bring the numbers down, but since they were agreeing to a rollover, they allowed them to remain the same.

Councilor Blais inquired if the terms of this agreement would have a positive or negative impact on upcoming negotiations. Mr. McNeil stated he does not believe that it would.

The motion passed unanimously.

4. PUBLIC HEARING: Corrective Action Plan for Environmental Remediation of 151 South Champlain Street – Requirement for Vermont Brownfield Revitalization Loan Fund Application

Brian Pine, CEDO, stated that this hearing was required by the EPA to use funds to clean up contaminated sites. The developer of the project was seeking a Brownfield Loan to clean up a property in the South End on South Champlain Street. It has been the subject of work since 2002. They have done site assessments. It was a significant enough barrier to moving ahead with the development that the partners opted not to move forward. This is the culmination of many years of effort and a significant investment of environmental assessment funds.

Steve LaRosa, Weston and Sampson Engineers, stated he has done a number of investigations and has written a corrective action plan. The subject site is at 151 South Champlain Street. There is a historic building on the street called The Blinn House. During the 1950s, there was a cleaning establishment which released dry cleaning solvents into the subsurface. This was discovered in 2002 when they began investigating the property. They determined that contaminant has migrated with the ground water to the edge of the lake. The level of contamination is above drinking water standards but below the standards needed for an aggressive cleanup. It is an old plume that has been established for over 60 years. They have determined that the best method to address this residual contamination is to make sure that people are not coming into contact with it. They developed a corrective action plan with three phases. They installed mitigation systems in three buildings on Battery Street, which prevent fumes from entering their basements. They have been operating since 2009 and are monitored to ensure they are capturing the soil gas. The second phase was to look at other buildings in the area where people may be exposed to the contamination. They identified only two buildings in the neighborhood with the potential to be contaminated. They recommended continued monitoring of the two buildings. The third phase is to continue monitoring levels and ensure their mitigation systems are working. They are also keeping people who own these buildings informed of what they find. The only step they have not taken is to install a mitigation system in The Blinn House. The building is vacant and has been for many years. Now that there is interest in developing the property, they need to install a mitigation before people can inhabit that space. This will complete their mitigation process.

David Schlansky stated he became involved with this property about a year and a half ago. He is an attorney and has worked with Brownfield Development for fifteen of the twenty years he has been practicing. This is a classic in-fill opportunity in that the downtown area is fairly dense but there is a gap at this location. There is a vacant building and vacant space, but there is also contamination. He has received a lot of help from the City and the State because there are people who care about what happens to this property. They hope to oversee the remedial work. This loan is important to implementing that. The loan will help put remediation efforts into The Blinn House and allow them to adaptively re-use that building. They have created plans for how they would like to rehab the property and have received National Parks Services approval to do so. They are still in the early stages of what they would like to do with that space, but they hope to develop something positive for the City.

Mr. Pine stated that this was a 30 day comment period. Technical questions or comments regarding the corrective action plan should be directed to the Vermont Department of Environmental Conservation.

City Council President Shannon thanked them for their efforts on this project.

City Council President Shannon opened the public hearing at 8:40 p.m.

Councilor Bushor stated that there was a comment that overall, City staff is supportive of the project. She inquired if there are some reservations. Mr. Pine stated they are totally supportive.

Councilor Brennan thanked them and feels this project will have a positive outcome for the City. He inquired why the individual needed to answer technical questions is not at this meeting. Mr. Pine stated Mr. LaRosa can answer technical questions. The process requires that the State be the repository for comments for the public hearing questions. City Council President Shannon requested any questions that cannot be answered tonight be relayed to the State. Mr. Pine stated he will do that. Councilor Brennan stated the memo talks about contamination and inquired what those contaminations are. It also referenced clean water standards, and inquired what those contaminants are. Mr. LaRosa stated they are derivatives from dry cleaning solvent used in the 1950s. It was called Perc or Perchloroethylene. It is a chlorinated organic substance that is very volatile. It is being phased out of operation because it is a carcinogen, is volatile, and is persistent in the environment. They also found some petroleum compounds in the groundwater that are not sourced from this site. However, they are not at a level that requires mitigation. Perchloroethylene is the primary contaminant in both the ground and the water. These compounds are very persistent. The last time the chemicals were released on the site was 1958, but the contaminants are still there. The State requires them to monitor the site for 70 more years. The amount of vapor being generated is decreasing along with the levels in the groundwater, but they expect they will need to have these ventilation systems in place for 70 years. Councilor Brennan inquired if there will be a monitoring of the system itself to ensure that it is working. Mr. Larosa stated there are alarms on the systems in the building. If the fan stops operating, an alarm will sound and there are notes telling them how to handle it. They monitor the concentrations annually, but he hopes they can decrease them in the future. They have seen that regardless of weather conditions and operations in the buildings, the contaminants are not getting in.

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 9:08 p.m.

- 4.01. COMMUNICATION: Nick Warner and Brian Pine, CEDO, re: Public Hearing on Corrective Action Plan for Environmental Remediation of 151 South Champlain Street – Requirement for Vermont Brownfield Revitalization Loan Fund Application

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

5. PUBLIC HEARING: Proposed Municipal Development Plan Amendment – **planBTV: Downtown and Waterfront Master Plan**

David White, Planning and Zoning Director, thanked the Council and the community for their work on this project. The Downtown and Waterfront Master Plan has been award the 2013 Plan of the Year from the Vermont Planners Association. Sandrine Thibault has also been recognized as the Planner of the Year by the Vermont Planners' Association.

City Council President Shannon opened the public hearing at 9:10 p.m.

Rolf Kielman, a local architect, spoke in favor of planBTV.

Peter Owens, CEDO Director and Ward 3 Resident, spoke in favor of planBTV.

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 9:16 p.m.

- 5.01. RESOLUTION: Amendment and Re-adoption of the Burlington Municipal Development Plan (Councilors Paul, Blais, Knodell, Decelles, Worden, Bushor, Siegel, Mason, Brennan, Shannon, Aubin, Tracy, Ayres and Hartnett)

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

Councilor Paul stated this represents both the beginning and the end of a journey. In 2009, the idea and vision for planBTV first became a reality. She looked at the resolution that was passed then, and found that everything in it happened. They applied for and received a HUD grant through the work of many City Departments. The plan is a cohesive vision of what the community wants for the future of Burlington. It is the first time that they will link the Downtown and the Waterfront in an effective and sustainable way. The resolution is co-sponsored by every member of the Council and it will adopt the plan and requests they make every effort to implement it.

Councilor Knodell stated there is a Waterfront Revitalization Plan which will remain in place alongside planBTV. Both are contained within the Municipal Development Plan. The Public Trust Doctrine says the lands have to be used in a way consistent with the public good, and that is still in place. They also have past policy statement that the future of the Urban Reserve is yet to be determined. That remains in place, as the area covered by planBTV ends where the Urban Reserve begins.

Councilor Brennan thanked them all for their work. He hopes they recognize the key piece of affordable housing put forth in this plan. It is greatly needed and duly noted. He looks forward to activities that will come forward to make the City even more livable.

City Council President Shannon stated when this started in 2009 Councilors were torn on issues regarding zoning. They worked together to develop this resolution to move forward. They kept the 50/50 Ordinance that required half of the downtown to be commercial. It was a holding place to ensure there was both residential and commercial development continued. The idea was that they could keep that holding place and then move forward to find better solutions. They got the money to ensure that happened. She has never seen a process like this that engaged the community and found a way to utilize that feedback. She is pleased to hear this was recognized by the planning community.

The motion passed unanimously.

- 5.02. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Municipal Development Plan Amendment – planBTV: Downtown and Waterfront Master Plan

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

6. COMMUNICATION: Amy Jewell, Administrative Manager, CSWD, re: Proposed FY 14 Budget

Tom Moreau, CSWD General Manager, stated that he was there to request support for the CSWD FY14 Budget. The good news was that the budget was down 2.7% or \$240,000. The bad news was that revenues were down even more. One reason is because they had a problem with compost that cost them nearly \$800,000. A persistent herbicide contaminated it and they did not receive that revenue. The other reason revenue is down is because they have a fee on trash. Chittenden County's trash is at the lowest point it has been in the last 14 years. They are down to below 3 pounds per person per day, which is less than the national average of 3.7 pounds. They hope that Burlington's bio-solids will be down \$4 per ton. There is an increase at the drop off center of 2 cents per pound.

Councilor Bushor stated she always looks to see if their representative is present and supportive of the budget. She inquired if the vote on the budget in May was unanimously. Mr. Moreau stated it did pass unanimously, although Burlington's representative was not present. That was the same night that there was significant flooding in Burlington. The City can vote for the budget, against it with a written reason, or not vote which is counted as a yes. Councilor Bushor inquired if all members were present with the exception of Burlington. Mr. Moreau stated Winooski was also not present. Councilor Bushor stated there was a public forum speaker who touched on some of the things in the budget. There was a reference to cutting back on the ability to take tires and appliances. Mr. Moreau stated that they will still take tires and appliances, but they can no longer take them for free. The compost issue represented about 10% of their budget, so they have had to make some cuts this year. There used to be a weekend where people could drop off tires and appliances for free. There is a concern in rural communities that tires and appliances will accumulate on the side of the road. If that becomes an issue they may reconsider. Councilor Bushor stated the resident who spoke was hoping that this would only be for one year because he felt it would hurt low income people. She inquired if they hope this will only be for this year. Mr. Moreau stated he does not yet see it as permanent. Their population has increased for the last fourteen years, as have wages and fuel. They have also been able to cut their budget by nearly half a million dollars. They are seeing soft recycling markets and are being paid 15-20% less than they were 15 years ago. They will have to continue to look at global markets in the coming years when making decisions. Councilor Bushor inquired if the recycled paint program will be continued. Mr. Moreau stated it was going to be cut, but the Legislature passed a paint bill. When a person buys paint, a fee will be incorporated into the price. The American Coatings Association will recycle that paint. They were asked to be the recycler, so it will likely stay. Councilor Bushor inquired if anyone in the Administration reviews the budget and if they have a position on the budget. Mayor Weinberger stated he does not have a formal position on the budget. Councilor Bushor stated she will not hold the budget up unless other Councilors have concerns. City Council President Shannon suggested they could postpone action at this meeting and place it on the consent agenda at the next meeting.

Councilors Ayres and Paul made a motion to waive the reading, accept the communication and place it on file and postpone action on the budget until the next City Council meeting. The motion passed unanimously.

6.01. COMMUNICATION: FY 2014 BUDGET PROPOSAL, CSWD

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

7. PUBLIC HEARING: Burlington Comprehensive Development Ordinances:

- Proposed Amendment ZA-13-02-Lot Line Adjustment – Vestigial Alleys
- Proposed Amendment ZA-13-04-Garage Size and Orientation

David White, Planning and Zoning Director, stated that these have been reviewed by the Planning Commission and Ordinance Committee. The first is 13-02-Lot Line Adjustment for Vestigial Alleys.

There are a few situations in the City where the vestiges of alleyways are along property lines. Over the years some of the alleyways have been assumed by the properties on one side or the other and are no longer continuous. When a property owner wishes to assume that portion of the property, it is a laborious process to go through a full-fledged subdivision. The proposal is to address them as lot line adjustments. The second is 13-04-Garage Size and Orientation, which has to do with design standards where the proportion of the street facing garage face to the rest of the structure is regulated. In more modern residential subdivisions, the streetscape is often characterized by a number of large garage doors. That is not Burlington's character, which is why it is regulated in that way. This makes front doors and houses the dominant feature as a person walks down the street. This does not accommodate smaller lots. The standards will be amended to allow the garage face to be up to 50% of the street face of the building rather than 30%. This will accommodate development on smaller lots which will be less land consumptive. Creation of more housing allows for greater affordability of that development.

City Council President Shannon opened the public hearing at 9:39 p.m.

Councilor Blais stated the notion of the alleyways is interesting to him as an attorney. He inquired if that is similar to adverse possession, which happens when an owner of a piece of property uses and adjacent piece of land for an extended period of time and then absorbs it. Mr. White stated they do not recognize whether the adverse possession has taken place or not. That alleyway is owned by someone, so if a neighbor approaches them to purchase the land, this facilitates that property.

Councilor Mason stated when this happens a person still has to purchase the land, but this deals with the administrative side and allows them to avoid going through a formal sub-division process. Both of these were heard at the Ordinance Committee and were passed unanimously.

Councilor Siegel inquired about a portion of the ordinance that says the number of stalls in a garage shall be limited to the number of bedrooms that there are in the accessory dwelling. She stated she finds it horrifying that there would be a need for that many garage bays. This speaks to their car culture and she hopes someday this will be limited to one bay per household.

City Council President Shannon closed the Public Hearing at 9:43p.m.

- 7.01. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE – Lot Line Adjustments; Vestigial Alley ZA #13-02 (Planning Department, Planning Commission; Councilors Mason, Bushor, Paul: Ordinance Committee)(2nd reading)

Councilors Mason and Bushor made a motion to waive the 2nd reading and adopt the ordinance. The motion passed unanimously.

- 7.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE – Garage Size and Orientation ZA #13-04 (Planning Department, Planning Commission; Councilors Mason, Bushor, Paul: Ordinance Committee) (2nd reading)

Councilors Mason and Bushor made a motion to waive the 2nd reading and adopt the ordinance.

City Council President Shannon stated she will not support this ordinance. It was originally created to eliminate the dominance of cars in their built environment. She appreciates the comment that the existing ordinance does not accommodate smaller lots, but she feels it really does not accommodate larger garages on smaller lots. She shares concerns about allowing as many car bays as there are bedrooms. It seems excessive and not reflective of their values.

The motion passed by a vote of 9-4 with City Council President Shannon, Councilors Tracy, Brennan, and Siegel voting against.

- 7.03. COMMUNICATION: Clerk/Treasurer's Office, re: Public Hearing Notice, Burlington Comprehensive Development Ordinance, Proposed Amendment ZA-13-02-Lot Line Adjustment – Vestigial Alleys and Proposed Amendment ZA-13-04 – Garage Size and Orientation

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

8. CONSENT AGENDA

Councilor Worden stated he will recuse himself regarding consent agenda items 8.02.through 8.05. since his firm is an engineering sub-consultant.

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

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

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

- 8.02. RESOLUTION: Authorization to Execute Memorandum of Agreement with Correction Re: Waterfront Access North Project – BED Easement (Councilor Shannon)

*waive the reading and adopt the resolution

- 8.03. COMMUNICATION: Resolution relating to Authorization to Execute Memorandum of Agreement Re: Waterfront Access North Project –BED Easement] (Councilors Shannon, Bushor, Paul: Board of Finance)

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

- 8.04. COMMUNICATION: Memorandum of Agreement Between the City of Burlington and the City Of Burlington Electric Department

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

- 8.05. COMMUNICATION: Diagram of Easement

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

- 8.06. RESOLUTION: Approval of and Authorization to Execute Agreements with the Chittenden County Regional Planning Commission (CCRPC) for Consultant Planning Services for the Railyard Enterprise Project and North Avenue Corridor Study Project (Councilors Shannon, Bushor, Knodell, Aubin: Board of Finance)

*waive the reading and adopt the resolution

- 8.07. COMMUNICATION: Agreement to Provide Local Match for Special Planning/Project Development Project Between the City of Burlington Public Works Dept. and Chittenden County Regional Planning Commission in Association with CCRPC's Agreement with Parsons Brinckerhoff (PL 2013-16)

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

8.08. COMMUNICATION: Agreement to Provide Local Match for Special Planning/Project Development Project Between the City of Burlington Public Works Dept. and Chittenden County Regional Planning Commission in Association with CCRPC's Agreement with Resources Systems Group, Inc. (PL 2013-18)

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

8.09. COMMUNICATION: Nicole Losch, Transportation Planner, Office of Planning, DPW, re: Authorization to Enter Agreements to Provide Local Match

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

8.10. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Junior's Downtown (Councilors Blais, Tracy, Ayres: License Committee)

*waive the reading and adopt the resolution

8.11. COMMUNICATION: License Agreement for Tables and Chairs Junior's Downtown 2013-2014 Season

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

8.12. RESOLUTION: Authorization to Enter into License Agreement to Maintain a Sign Extending Over a Portion of the City's Right-of-way with Livery Barn, LLC (Councilors Blais, Tracy, Ayres: License Committee)

*waive the reading and adopt the resolution

8.13. COMMUNICATION: License Agreement for Sign with Livery Barn 2013-2014 Season

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

8.14. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Nunyuns Bakery & Café (Councilors Blais, Tracy, Ayres: License Committee)

*waive the reading and adopt the resolution

8.15. COMMUNICATION: License Agreement for Tables & Chairs with Nunyuns Bakery & Café 2013-2014 Season

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

8.16. RESOLUTION: Authorization to Enter into License Agreement to Maintain Whiskey Barrels and Stools on a Portion of the City's Right-of-way with RiRa Irish Pub (Councilors Blais, Tracy, Ayres: License Committee)

*waive the reading and adopt the resolution

8.17. COMMUNICATION: License Agreement for Whiskey Barrels, Stools and Stanchions with Chains with RiRa Irish Pub 2013-2014 Season

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

8.18. COMMUNICATION: Paul Sisson, re: Budget Amendments Report – May 2013

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

8.19. COMMUNICATION: Budget Amendments Report From Date: 5/1/2013 – To Date: 5/31/2013

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

8.20. COMMUNICATION: Jeff Nick, Nick and Morrissey Development, re: Request for an additional four (4) weeks for meter bags at 29 Church Street (on the Cherry Street side)

*waive the reading, accept the communication, place it on file and approve the request for an additional 4 weeks for meter bags at 29 Church Street (on the Cherry Street side)

8.21. COMMUNICATION: Michael Schirling, Chief of Police, TJ Donovan, State's Attorney, William Sorrell, Attorney General and Tristram Coffin, United States Attorney, re: Community Impact Teams and other information

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

8.22. COMMUNICATION: Tony Redington, 20 North Winooski Avenue, Apt. 2, re: Comments Before The Burlington City Council, June 3, 2013 Regarding Burlington PlanBTV

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

8.23. COMMUNICATION: Jean Poulin, Customer Service Associate, Clerk/Treasurer's Office, re: Dogs Not Registered for 2013 6/3/2013

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

8.24. COMMUNICATION: Lori Olberg, Licensing, Voting and Record Coordinator, re: Schedule of Meetings of the City Council through August, 2014 A=Adjourned; R=Regular; S=Special; T=Tentative DRAFT

*waive the reading, accept the communication, place it on file, review and send any changes to Lori Olberg no later than Wednesday, June 19, 2013 with the plan being to adopt the final schedule at the June 24, 2013 City Council Meeting

8.25. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, May 13, 2013 Minutes

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

8.26. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Thursday, May 23, 2013 Minutes

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

8.27. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee, Monday, April 8, 2013 Minutes

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

8.28. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee, Tuesday, April 16, 2013 Minutes

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

10. RESOLUTION: City Attorney Constitutional Analysis of No Trespass Ordinance for Church Street Marketplace June 12, 2012 (Councilors Siegel, Tracy, Brennan)

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

Councilor Siegel stated after they passed the Church Street No-Trespass Ordinance, she heard repeatedly from people asking her to reconsider her decision. She sought more information, much of which is

summarized in Attorney Franco's memo. She believes they should not discuss the content of the memo until they can also discuss the City Attorney's Memo from last spring. If they wish to uphold the Administration's commitment to transparency, they must waive the attorney-client privilege and make the document public. People are asking to know what is in the memo, and it should not be discussed in a secret executive session. They can then discuss all of the information and decide if they stand by their previous decision.

Councilor Brennan stated he is in favor of everything that is presented tonight. They should be open and transparent in this process. He hopes the Council as a whole will see this as a process that they are open about. They are a body of the people and this is important. Some may want to frame this question as something other than what they are trying to do, but they cannot have a full discussion without this information.

Councilor Decelles stated he was unable to find that email communication. It is difficult for him to make a decision without having that communication in front of him. He wants to ensure that the entire City Council has the three documents in front of them.

Councilors Decelles and Knodell made a motion to postpone action on this agenda item until the next meeting.

Councilor Bushor stated she will support the motion to postpone. She feels this has been controversial ever since it was adopted. She supports facing this issue, but feels people need to be prepared for that discussion.

Councilor Blais requested a 2 minutes recess. The Council recessed.

Councilor Siegel inquired if it is possible to hold the ordinance so that the Police cannot use it until they can discuss it further. City Council President Shannon stated that they cannot.

The motion to postpone action failed by a vote of 5-8 with Councilors Knodell, Bushor, Decelles, Brennan and Siegel voting in favor.

Councilors Blais and Ayres made a motion to amend the resolution to send the ordinance back to the Ordinance Committee.

Councilor Blais stated that they would be ill advised to waive the attorney-client privilege as it relates to any activity they have already moved. It is not a question of transparency and there are very sound reasons for having privileged communications with their attorney. What is happening is that there is politician's remorse on behalf of some of the Councilors who voted for this ordinance. Political concern over policy matters should not cause them to waive that privilege. There is more behind this than just the disclosure of the past City Attorney's opinion. The current City Attorney has agreed to present a current opinion taking Attorney Franco's opinions into consideration and it would be disseminated publically. It would set forth her current understanding of the constitutionality of the ordinance. He understands that the makers of the resolution were not satisfied with that offer. If they wish to determine the present understanding of the issue, they will have that. If this were ever challenged in court, the City Attorney would have to defend them. The disclosure being sought would put them in a position of needing to decide whether their own attorney or Attorney Franco has a more sound opinion. He does not feel they should act in that capacity. The amendment would send the matter back to the Ordinance Committee so they could take all viewpoints into consideration and decide if there should be a revision.

Councilor Bushor stated as a member of the Ordinance Committee, she feels the issues pertain to the entire Council. The City Attorney is here to serve the Council and offer them advice. They are not

obligated to take that advice. She would prefer they had not brought the political commentary into this. There is a difference of opinion and a concern about the legality of something that they passed. She is conflicted about how to proceed. She would like another chance for the City Attorney to speak to them now that they have the opinion from John Franco. She met with the City Attorney to understand the attorney-client privilege and understand why it is so guarded. She does not support the amendment, but does not want the conversation or issue to die. The public has been consistently concerned about the implementation of this, infringement of people's rights, and whether or not the street belongs to the City. For the benefit of Burlingtonians they need to collectively address this issue. She does not want to send it to a Committee. She will not support the amendment.

Councilor Brennan stated he is taken back by some of Councilor Blais' comments that are political in nature. He was conflicted when they voted on this. He tried not to vote on it, but reluctantly voted for it. He values the intent, which is to try to address a problem, but he feels it is the wrong tool. He will not support the amendment.

Councilor Mason stated he will be supporting the amendment because he feels that relinquishing their attorney-client privilege is the wrong tool. He understands the desire to have a fuller discussion on the constitutionality on the ordinance. The sanctity of attorney-client privilege should not be waived. The amendment is a way to reconsider the ordinance. He is frustrated because they held a number of public hearings on this issue. These issues should have been vetted. He wished that they had conversations about constitutionality at the executive session at one of those meetings. He will support the amendment to allow the Ordinance Committee to determine if revision is necessary.

Councilor Tracy stated he is also displeased by Councilor Blais' comments about politician's remorse. He was asked earlier in the day for his opinion on the matter. None of his comments were at all related to politics, but were about constitutionality. He feels that amending the resolution casts a shadow of doubt over the City Attorney's Office and the Council, and feels like they are trying to hide something.

Councilor Ayres stated he is an ardent advocate for civil liberties across the political spectrum and shares the concerns that have been voiced by constituents. He did not serve on the Council when this first came forward. He has concerns about the constitutionality of the ordinance. He will support the amendment to refer this ordinance because concerns about constitutionality should not trump attorney-client privilege. They need to respect that tradition while still giving this issue a thorough re-airing.

Councilor Worden stated when they voted for the resolution, they were voting for the job that they were hoping to get done. Now that they have determined this might not be the right tool, he would like to expedite the process of revisiting this and revising it if necessary. He is not in favor of delaying the process or of the original resolution which called for more discussion. He will support Councilor Blais' amendment, as it is the quickest way to begin the process of review. Civil liberties are very important to him and he wants to make sure they have this right.

Councilor Knodell inquired if the City Attorney feels they should never waive attorney-client privilege no matter what. City Attorney Blackwood stated she does not. The City Council has the right to waive privilege when they deem that it is in the best interest of the City. There are times that they give the City Council advice, but they may choose to reveal that. Councilor Knodell stated she believes that it would be in their best interest to go back to the original resolution and waive attorney-client privilege. It shows that they have nothing to hide, and it will promote an open discussion of constitutionality issues. She would like to hear the City Attorney's interpretation of the Franco memo. It will be an educational opportunity for the community. She worries that if it is sent to the Ordinance Committee, it will not get the airing that it needs. She will not support the amendment.

Councilor Siegel stated she appreciates the comment that they do not always have to hold the privilege. Her understanding was that in the past, privileged items that were not personnel related were often made public. She does not have a strong opinion about whether this should take place at the Council level or Ordinance Committee level. She is more concerned about making the memo public, as it looks very suspicious if they do not. If the document is sound, there is nothing to hide. If there is something suspect, they need to get it out. There is no reason to keep it secret.

Councilor Bushor requested that if this is referred back to the Ordinance Committee, she would like to request that they televise that meeting.

Councilor Decelles inquired if the amendment fails and the resolution is passed, the Mayor would have fourteen days or two meetings to sign the resolution before they would be able to release the document. City Attorney Blackwood stated she does not know the answer to that. Councilor Decelles stated he was not at that meeting. They all recognized that something needed to be done downtown, and this was a way to rectify it. They are recognizing that people are not happy with this and the outcome it has produced. He would have voted for it. He does not have that document in front of him. He has to vote no on the resolution. He will support the amendment because he does not have the document.

The amendment passed by a vote of 8-5 with Councilors Bushor, Knodell, Tracy, Brennan and Siegel voting against.

The motion to adopt the resolution as amended passed unanimously.

10.01. COMMUNICATION: John L. Franco, Jr., Law Offices of John L. Franco, Jr., re:
Church Street Marketplace District Trespass Authority
Ordinance

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

11. COMMITTEE REPORTS (5 mins.)

Councilor Paul stated that the Parks Arts and Culture Committee will be meeting to discuss the Public Investment Action Plan which has now completed phase 1. The PIAP team had three meetings and advanced some projects to the next phase. They will also have the master planners for the Parks Master Plan attending the meeting.

Councilor Worden stated that the Community Development and Neighborhood Revitalization Committee will be meeting.

Councilor Mason stated that the Ordinance Committee will be meeting to discuss the livable wage. They will also address three of the Zoning Amendments in the RH District.

City Council President Shannon stated that she has shifted some of the Committee assignments based on the change of membership of the Board of Finance. Councilor Decelles will be serving on the North Avenue Project that Councilor Aubin previously served on. Councilor Worden will be the Chair of the CD Committee. There will be a work session on BT. There will also be an executive session on negotiations. They are planning a work session on redistricting. The Committee had its last meeting and voted to advance three plans to the City Council. She feels they would benefit from discussion before attempting to come to a consensus on a plan. The Council will be holding its retreat. The EIS for the F-35s is out and she has been working on a communication to the Council. She is cutting and pasting relevant pieces and is trying to determine the best way to create a more condensed document.

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

Councilor Bushor stated that the Ward 1 NPA will be meeting. The Mayor will be highlighting the budget for them. She recently visited the Airport to see the first flight of Delta take off. This was a new flight so they had the plane fly under an arch of water. The highlight for her was the Mayor's daughter who watched this.

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

This item was not addressed at this meeting.

14. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Regular City Council Meeting at 10:31 p.m.

Attest:

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

DRAFT

DELIBERATIVE AGENDA
SPECIAL CITY COUNCIL WORKSESSION
CONFERENCE ROOM 12, CITY HALL
MONDAY, JUNE 24, 2013
6:08 P.M. TO 6:57 P.M.

PRESENT: City Council President Shannon, Councilors Ayres, Mason, Bushor, Siegel, Paul, Tracy, Decelles, Worden, Knodell, Aubin, Blais, Hartnett and Brennan

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

The agenda was adopted as is.

2. COMMUNICATION: Burlington Redistricting Committee, re: Report to City Council, June 8, 2013

- 2.01. WARD REDISTRICTING 4 WARDS 12 COUNCILORS MAP
- 2.02. WARD REDISTRICTING 6 WARDS 13 COUNCILORS MAP
- 2.03. WARD REDISTRICTING 8 WARDS 16 COUNCILORS MAP

3. ADJOURNMENT

The Special City Council Work session adjourned at 6:57 p.m.

Attest:

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

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, JUNE 24, 2013
7:07 P.M.

PRESENT: City Council President Shannon, Commissioners Bushor, Worden, Knodell, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Blais, Paul, Ayres and Decelles

CITY ATTORNEY'S OFFICE: City Attorney Blackwood

CLERK/TREASURER'S OFFICE: Bob Rusten, Scott Schrader and Rich Goodwin

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

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

2. CONSENT AGENDA

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

2.01. APPLICATION FOR SPECIAL EVENT PERMIT (two days only): VT Brewers Festival
*waive the reading, accept the communication, place it on file and approve the application for special event permit for the VT Brewers Festival for July 19th and July 20th, 2013 at the Burlington Waterfront Park

2.02. REQUEST FOR ADDITIONAL INDOOR SEATING/HOURS OF OPERATION:

Skinny Pancake, 60 Lake Street, Suite 1A

*waive the reading, accept the communication, place it on file and approve the request for additional indoor seating contingent upon Fire Marshal approval and the request for additional hours of operation for the Skinny Pancake

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

Hen of the Wood – Burlington, LLC, 55 Cherry Street

Commissioners Blais and Ayres made a motion to approve the first class restaurant liquor license application for Hen of the Wood – Burlington, LLC. The motion passed unanimously.

4. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

Ramen, 131 Main Street

Commissioners Blais and Ayres made a motion to approve the first class restaurant liquor license application for Ramen. The motion passed unanimously.

5. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):

AS LLC, d/b/a Junior's Downtown, 176 Main Street

Commissioners Blais and Ayres made a motion to approve the outside consumption permit application for Junior's Downtown. The motion passed unanimously.

6. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 7:11 p.m.

Attest:

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

ADJOURNED MEETING, CITY COUNCIL
MONDAY, JUNE 24, 2013
7:12 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Mason the agenda was unanimously adopted as follows: add to the consent agenda item 5.16.1. COMMUNICATION: Ryan Betcher, Burlington International Airport, re: City Council Approval Request – TSA Terminal Lease Space Renewal with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.18.1. COMMUNICATION: Heather Kendrew, Burlington International Airport, re: Finance Board Approval Request – Canoe Portage Easement for GMP Corporation with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.19.1. COMMUNICATION: Patrick Buteau, Asst. Director DPW, re: Security Services for Downtown Parking Garages with the consent action to “waive the reading, accept the communication and place it on file;” note that consent agenda item 5.29. is a RESOLUTION not a COMMUNICATION; add to the consent agenda item 5.65. RESOLUTION: Authorization to Enter into Agreement with Blue Cross and Blue Shield of Vermont as FY 2014-16 Health Insurance Program Administrator Provider (Councilors Aubin, Bushor, Knodell, Shannon: Board of Finance, pending BOF approval) with the consent action to “waive the reading and adopt the resolution;” add to the consent agenda item 5.66. COMMUNICATION: Susan Leonard, Director of Human Resources, re: Employee Benefits’ Agreements; Health Care with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.67. COMMUNICATION: Joan Shannon, City Council President, re: F-35 DEIS response to Council questions with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 5.68. RESOLUTION: Friendship Agreement Between the City of Burlington and the City of Honfleur, Lower Normandy, France (Councilor Blais) with the consent action to “waive the reading and adopt the resolution;” add Councilor Bushor as a co-sponsor for agenda item 14. RESOLUTION: Creating Greater Efficiencies Through Centralized Purchasing (Councilors Brennan and Paul); add to the Deliberative Agenda item 15.01.01. APPOINTMENT: CCRPC, Alternate (Term expires 6/30/15); remove from the consent agenda item 5.41. COMMUNICATION: John L. Franco, Jr., Law Office of John L. Franco, Jr., re: Church Street Marketplace District Trespass Authority Ordinance Opinion Supplement and place it on the Deliberative Agenda as item 16.02; remove from the consent agenda item 5.42. COMMUNICATION: City Attorney Blackwood, re: Livable Wage Rates for FY 2014 and place it on the Deliberative Agenda as item 16.5.; add to the consent agenda item 5.68 RESOLUTION: Friendship Agreement between the City of Burlington and Honfleur, Lower Normandy, France (Councilor Blais) with the consent action to “waive the reading and adopt the resolution”.

Councilor Siegel requested that consent agenda item 5.40. COMMUNICATION: Susan A. Comerford, On Behalf of Diversity Now to Mayor Weinberger, re: Diversity and City Hiring Process be removed from the consent agenda and placed on the deliberative agenda as agenda item 16.6.

Councilor Brennan requested that consent agenda item 5.57. COMMUNICATION: Mayor Miro Weinberger, re: Re-Organization of Mayor’s Office be removed from the consent agenda and placed on the deliberative agenda as agenda item 16.7.

2. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014):

Hen of the Wood – Burlington, LLC 55 Cherry Street

Councilors Blais and Ayres made a motion to approve the indoor entertainment permit application for Hen of the Wood – Burlington, LLC. The motion passed unanimously.

3. PUBLIC HEARING: Church Street Marketplace – Establishment of Common Area Fees for Fiscal Year 2014

Ron Redmond, Church Street Marketplace Director, stated that this was the second step of a two phase process. This will approve the common area fee increase. The proposed increase is 2.5%. The Marketplace Commission held a public hearing and property owners were present. Tonight there will be

an additional public hearing if anyone would like to speak to the Council. They will then vote to approve the proposed common area fees.

City Council President Shannon opened the public hearing at 7:24 p.m.

No one came forward to speak.

City Council President Shannon closed the public hearing at 7:24 p.m.

3.01. RESOLUTION: Church Street Marketplace – Establishment of Common Area Fees for Fiscal Year 2014 (Councilors Shannon, Blais)

Councilors Bushor and Blais made a motion to waive the reading and adopt the resolution. The motion passed unanimously.

3.02. COMMUNICATION: Clerk/Treasurer's Office, re: Notice of Public Hearing, Monday, June 24, 2013, Church Street Marketplace District, City of Burlington

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

4. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:25 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Robert Pettersen	Ward 5 Resident	Conservation Board Applicant
Tom Torti	Lake Champlain Regional Chamber of Commerce	Support Appointment of DPW Director
The Council took a two minute recess.		
Charles Giannoni	Ward 3 Resident	Redistricting, Public Works Appointment
Hilary Martin	Ward 2 Resident	Conservation Board Applicant
Thomas Grace	Ward 1 Resident	Transparency – Church Street
Kelly Devine	Burlington Business Association	Support Appointment of DPW Director
Alex Buckingham	Ward 3 Resident	Against Trespass Ordinance
Kurt Wright	Ward 4 Resident	Trespass Ordinance
Mark Porter	Public Works Commission	Resident Only Parking
Israel Smith	Ward 3 Resident	Development Review Board Alternate Applicant

Stephanie Young	Ward 7 Resident	Conservation Board Applicant
July Sanders	Ward 3 Resident	CSWD Alternate Applicant
Ernie Pomerleau & Lise Veronneau	Honfleur Sister City Committee	Honfleur Friendship Agreement

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:59 p.m.

5. CONSENT AGENDA

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

- 5.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List
*waive the reading, accept the communication and place it on file
- 5.02. RESOLUTION: Authorization to Enter into License Agreement with Engineers Construction, Inc. to Encumber Sidewalk and Greenbelt and Occupy Six Metered Parking Spaces on a Portion of the City’s Right-of-way (Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 5.03. COMMUNICATION: Norman Baldwin, PE, Assistant Director – Technical Services and Ronald Gore, Excavation Inspector, DPW, re: 101 Main Street
*waive the reading, accept the communication and place it on file
- 5.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City’s Right-of-way with Das Bierhaus (Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 5.05. RESOLUTION: Amended Budget – Stormwater (Councilors Shannon, Bushor, Knodell, Aubin: Board of Finance)
*waive the reading and adopt the resolution
- 5.06. RESOLUTION: Extension of Delegation of Authority for Budget-Neutral Adjustments Within City Departments’ Individual Budgets (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 5.07. RESOLUTION: Municipal Authorization for Deposit and Withdrawal of City of Burlington Funds and Other Banking Procedures (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 5.08. RESOLUTION: Adoption of FY 2014 Parks and Recreation Comprehensive Fees Policy (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution

- 5.09. RESOLUTION: Authorization to Execute Contract for Leddy Arena Locker Room Improvements with Neagley & Chase (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 5.10. RESOLUTION: Authorization to Execute Lease Renewal with Hangar Condo Association at Burlington International Airport (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 5.11. COMMUNICATION: Ryan Betcher, Burlington International Airport to the Board of Finance; City Council, re: Finance Board Approval Request – Hangar Condominium Association Lease Renewal
*waive the reading, accept the communication and place it on file
- 5.12. RESOLUTION: Authorization to Accept Grant and to Contract for Reconstruction of a Portion of the Cargo Apron (Phase I) at Burlington International Airport (AIP-96) (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 5.13. RESOLUTION: Authorization to Accept Grant and to Contract for Reconstruction of Taxiway B and Construction of Sewage Receiving Station at Burlington International Airport (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 5.14. RESOLUTION: Authorization to Accept Grant (AIP-98), Purchase Property, and Award Contract at Burlington International Airport (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 5.15. RESOLUTION: Authorization to Accept Grant and to Contract for Design of Upgrade to Airport Security System at Burlington International Airport (AIP-97) (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 5.16. RESOLUTION: Authorization to Execute Lease Renewal with Transportation Security Administration at Burlington International Airport (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 5.16.1. COMMUNICATION: Ryan Betcher, Burlington International Airport, re: City Council Approval Request – TSA Terminal Lease Space Renewal
*waive the reading, accept the communication and place it on file
- 5.17. RESOLUTION: Approval of License Agreement Between Encore BTV Schools Solar II, LLC and the Burlington School District (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 5.18. RESOLUTION: Authorization to Grant Easement to Green Mountain Power Corporation (Councilors Shannon, Bushor, Aubin, Knodell: Board of

Finance)

*waive the reading and adopt the resolution

5.18.1. COMMUNICATION: Heather Kendrew, Burlington International Airport, re: Finance Board Approval Request – Canoe Portage Easement for GMP Corporation

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

5.19. RESOLUTION: Authorization to Execute Contract for Downtown Parking Garages Security Services to Green Mountain Concert Services (Councilors Shannon, Bushor, Aubin: Board of Finance)

*waive the reading and adopt the resolution

5.19.1. COMMUNICATION: Patrick Buteau, Asst. Director DPW, re: Security Services for Downtown Parking Garages

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

5.20. RESOLUTION: Department of Parks and Recreation FY 2013 Budget Amendment Requests Related to Calahan Park Field of Dreams Fund Balance Carryover (Board of Finance)

*waive the reading and adopt the resolution

5.21. RESOLUTION: Authorization to Enter into Amendment to License Agreement with Mansfield Professional Building, LLC to Reduce the Fee Paid to Occupy One Metered Parking Space on a Portion of the City's Right-of-way (Councilors Blais, Tracy, Ayres: License Committee)

*waive the reading and adopt the resolution

5.22. RESOLUTION: Authorization for FY 2013 Budget Amendment Related to Memorial Auditorium (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

5.23. RESOLUTION: Authorization re 2013 Justice Assistance Grant (JAG) Funding for Crime Prevention Programs (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

5.24. COMMUNICATION: Mayor Miro Weinberger, re: 2013 Justice Assistance Grant (JAG)

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

5.25. RESOLUTION: Authorization for Acceptance of Safer Communities Grant Amendment From Vermont Department of Corrections (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

5.26. COMMUNICATION: Karen Vastine, Community Justice Center Coordinator, Burlington Community Justice Center, re: Department of Corrections Grant Amendment: "Safer Communities" (Grant #03520-1285)

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

5.27. RESOLUTION: Authorization to Execute Memorandum of Understanding with US Ignite (Councilors Shannon, Paul)

*waive the reading and adopt the resolution

- 5.28. COMMUNICATION: Ed Antczak, CEDO, re: What is US Ignite?
*waive the reading, accept the communication and place it on file
- 5.29. RESOLUTION: Authorization to Submit 2013 Burlington Consolidated Plan and One-Year Action Plan (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 5.30. COMMUNICATION: Peter Owens, CEDO Director and Marcy Krumbine, Assistant Director for Community Development, re: 2013 Five Year Consolidated Plan Community Development Block Grant Proposed Allocations 2013 Action Plan for Housing & Community Development Resolution
*waive the reading, accept the communication and place it on file
- 5.31. COMMUNICATION: Marcy Krumbine, Assistant Director for Community Development, CEDO, re: 2013 Consolidated Plan for Housing & Community Development
*waive the reading, accept the communication and place it on file
- 5.32. COMMUNICATION: Marcy Krumbine, Assistant Director for Community Development, CEDO, re: 2013 Action Plan for Housing & Community Development
*waive the reading, accept the communication and place it on file
- 5.33. COMMUNICATION: CEDO, re: 2013 Revised Development Project Board Recommendations for Council
*waive the reading, accept the communication and place it on file
- 5.34. COMMUNICATION: CEDO, re: 2013 Revised Public Service Board Recommendations for Council
*waive the reading, accept the communication and place it on file
- 5.35. COMMUNICATION: Steve Goodkind, DPW Director to Mayor Miro Weinberger, re: CCSW Budget
*waive the reading, accept the communication, place it on file and recommend approval of the CCSW budget
- 5.36. COMMUNICATION: Burlington Redistricting Committee, re: Report to the City Council June 8, 2013
*waive the reading, accept the communication and place it on file
- 5.37. COMMUNICATION: Burlington Police Department, re: Information Release
*waive the reading, accept the communication and place it on file
- 5.38. COMMUNICATION: Harry Chen, MD, Commissioner of Health to William Ward, re: Town Health Officer Re-appointment
*waive the reading, accept the communication and place it on file
- 5.39. COMMUNICATION: Matthew Bushey, DAB, Alternate, re: Resignation
*waive the reading, accept the communication, place it on file, advertise the vacancy and congratulate Matthew Bushey for his DAB appointment as a Full Member
- 5.43. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re:

Schedule of Meetings of the City Council through August, 2014
A=Adjourned; R=Regular; S=Special; T=Tentative

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

5.44. SPECIAL EVENT PERMIT APPLICATION (three days only): Radio Bean Coffeehouse
*waive the reading, accept the communication, place it on file and approve the special event permit application for July 26 through July 28, 2013 for Radio Bean Coffeehouse at Burlington College, 351 North Avenue, outside, live music, dancing, with EMS detail for periods of time when more than 900 people are present, evacuation plan

5.45. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Pizza Barrio
*waive the reading, accept the communication, place it on file and approve the 2013-2014 Indoor Entertainment Permit Application for Pizza Barrio

5.46. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (July):

Monkey House, SEABA Parking lot, Community Food Truck Stop, 7/5, 7/12, 7/19, 7/26
*waive the reading, accept the communication, place it on file and approve the special event outdoor entertainment permit application for Monkey House for the four Fridays of July, 4 p.m. – 9 p.m.

5.47. COMMUNICATION: Benjy Adler, Co-owner, Skinny Pancake, re: Request for Additional Hours Re: Indoor Entertainment Permit

*waive the reading, accept the communication, place it on file and grant the request for additional hours for indoor entertainment

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

Pacific Rim, 161 Church Street, Friday and Saturday: June 28th and June 29th, Dancing, Amplified Music
*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for two days only for Pacific Rim

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

Pacific Rim, 161 Church Street, Friday and Saturday: July 5th and July 6th, Dancing, Amplified Music
*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for two days only for Pacific Rim

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

Skinny Pancake, 60 Lake Street, Suite 1A, Saturday, July 6th, 8 p.m. – 2 a.m, Grand Re-opening
*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Skinny Pancake

5.51. RESOLUTION: Budget Amendment for Equipment Maintenance (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

*waive the reading and adopt the resolution

5.52. COMMUNICATION: Patrick Buteau, Asst. Director, DPW to the Board of Finance & City Council, re: Equipment Maintenance Line Item Transfers

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

- 5.53. RESOLUTION: Authorization to Enter into Agreement with Northeast Delta Dental as FY 2014-2016 Dental Insurance Program Administrator/Provider (Councilors Shannon, Bushor, Aubin, Knodell: pending approval on 6/24/13)
*waive the reading and adopt the resolution
- 5.54. RESOLUTION: Authorization to Enter into Agreement with the Standard as FY 2014-15 Life and AD&D Insurance Program Administrator/Provider (Councilors Shannon, Bushor, Aubin, Knodell: pending approval on 6/24/13)
*waive the reading and adopt the resolution
- 5.55. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain Awnings Extending Over a Portion of the City's Right-of-way with Stacks Sandwiches (Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 5.56. RESOLUTION: Re-organization of the Office of the Mayor; Elimination of the Assistant to the Mayor for Operations and Communications, Elimination of the Assistant to the Mayor for Open Government, Innovation and Mayoral Initiatives, Creation of Staff, Creation of Mayoral Projects Coordinator (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)
*waive the reading and adopt the resolution
- 5.58. COMMUNICATION: Susan Leonard, Human Resources Director to the City Council, Board of Finance and the Institutions and Human Resources Policy Committee, re: Recommendation: Mayor's Office Reorganization: Elimination of both Assistant to the Mayor Positions; Creation of Chief of Staff and Mayoral Projects Coordinator Positions
*waive the reading, accept the communication and place it on file
- 5.59. COMMUNICATION: City of Burlington Mayor's Office Organizational Chart
*waive the reading, accept the communication and place it on file
- 5.60. COMMUNICATION: Proposed City of Burlington Mayor's Office Organizational Chart
*waive the reading, accept the communication and place it on file
- 5.61. COMMUNICATION: City of Burlington Job Description, Chief of Staff, Mayor's Office
*waive the reading, accept the communication and place it on file
- 5.62. COMMUNICATION: City of Burlington Job Description, Mayoral Projects Coordinator, Mayor's Office
*waive the reading, accept the communication and place it on file
- 5.63. COMMUNICATION: City of Burlington Job Description, Office Assistant II, Mayor's Office
*waive the reading, accept the communication and place it on file
- 5.64. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain a Canopy and Lamp Extending Over a Portion of the City's Right-of-way With Computers for Change (Councilors Blais, Tracy, Ayres)
*waive the reading and adopt the resolution
- 5.65. RESOLUTION: Authorization to Enter into Agreement with Blue Cross and Blue Shield of Vermont as FY 2014-16 Health Insurance Program Administrator

Provider (Councilors Aubin, Bushor, Knodell, Shannon: Board of Finance, pending BOF approval)

*waive the reading and adopt the resolution

5.66. COMMUNICATION: Susan Leonard, Director of Human Resources, re: Employee Benefits' Agreements; Health Care

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

5.67. COMMUNICATION: Joan Shannon, City Council President, re: F-35 DEIS response to Council questions

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

5.68. RESOLUTION: Friendship Agreement Between the City of Burlington and the City of Honfleur, Lower Normandy, France (Councilor Blais)

*waive the reading and adopt the resolution

6. APPOINTMENT: Department of Public Works Director

Mayor Weinberger stated he is excited to have made a decision on his appointment of the next Department of Public Works Director. He sees DPW as a unique department which on one hand provides for the most basic municipal needs. It also is important in moving the City forward in high aspirations of having a clean lake, being safe to walk and bike, and being greener. Chapin Spencer is uniquely capable of leading a department that is responsible for such a vast array of activities. He has proven himself to be a dynamic and effective leader and manager. The root of that success comes from his strong communication skills and ability to work with others to get things done. He will partner with the same agencies and individuals that he currently works with outside of City government. He has proven himself to be an able project manager of large public projects. He will move the City forward to achieve its long term goals and has a passionate commitment to the community. Much of his passion and commitment has been focused on Burlington public infrastructure projects. When he was introduced to the Public Works Commission, the longest serving member of that Commission reacted positively and favorably. He noted that as a City Councilor, Chapin worked harder than anyone to make sure that voters approved a street capital bond. This is the seventh department head he has appointed since taking office, and he feels positive about all of them. None of his other appointments have generated as much enthusiasm as this one. They have an opportunity to make a personnel decision that will impact the future of the City in a profound way.

Councilors Paul and Ayres made a motion to appoint Chapin Spencer as the Director of the Department of Public Works.

Councilor Bushor stated that she had the opportunity of working with Chapin as a co-councilor in Ward 1. It was at a difficult time while Fletcher Allen was growing and they tried to balance their needs with the quality of life needs of the surrounding neighborhoods. There were many meetings of people who had very different viewpoints, and Chapin is very skilled at bringing people with different viewpoints together and moving forward with a plan that works. He is a skilled mediator and will do a very good job. The one thing that was pointed out is that he is not an engineer. They can address that by looking at the number of engineers that they have now. They will have a director with a different skill set. She will be supporting him and looks forward to seeing what DPW can do for the community. He is the right person for this time in Burlington because of their desire to become more bike and pedestrian friendly. Having that leadership will offer a new direction.

Councilor Siegel stated that she is disturbed by the proposed appointment of Chapin Spencer. This is not because of who Chapin is. She agrees that he is uniquely qualified. She is disturbed because the Mayor has stated he is committed to work for diversity and equity, but has not followed through with actions. He

has the right to appoint whoever he chooses and is not mandated to conduct a search. However, if he is committed to equity that is what he needs to do. Without a thorough search, they lose the ability to see if there are other uniquely qualified candidates that would also fulfill the Mayor's commitment to diversifying City leadership. They also do a disservice to Chapin himself for not allowing him to make a case for his appointment in a competitive way. She is a fan of Chapin and looks forward to working with him, but she will be voting against his appointment to voice her concerns with the Mayor's process.

Councilor Brennan stated this is painful for him. Chapin has been on the Council and has been an upstanding member of the community. The accolades he has received are well deserved. He will also not be supporting his appointment because of the process that the Mayor has chosen. He spoke to the Mayor in great length about creating diversity and equity. The community is changing and they have to create opportunity. This is a historic day with the Supreme Court ruling of Fisher v. University of Texas, which narrows how they go about seeking diversity. Strict scrutiny is being asked. They need to cast a wider net to create that opportunity. When the appointment of the Parks and Recreation Director came into play, he expressed that it would have been nice to see a larger pool of candidates. At the time of the appointment of the Airport Director, he had understood that Mr. Richards was being appointed for the interim and it would not become permanent. He did vote for that permanent appointment reluctantly. It is difficult when candidates are brought forward who are part of the community, are like us, and do a good job. They have another key role who will be appointed without a search. They need to be deliberate if they want diversity. They live in a community where individuals may rise to the top, but there is still inequity. When he worked on diversity issues on the School Board, one of the most disturbing comments that he heard was when an African American teacher came forward. He expressed that on his first day at Edmunds Middle School, the children in the classroom could not believe he was the teacher and not the custodian. That is what they need to fight against. He says this is not to imply that the Mayor is intentionally doing this, it is likely totally unintentional, but they have to be deliberate to move forward in a way that allows real change to happen. He would love to see Chapin in the position, but he also sees that they are not creating opportunities for others who may be equally deserving.

Councilor Worden stated twelve years ago he ran into Chapin, his City Councilor at the time, and asked him how the process would work to be on a Committee or Board. He chatted at length about the opportunities and supported him as he began his service on the Design Advisory Board. Since then, he has done some amazing things in the City. He has unified a diverse group of folks around issues. When they heard of Director Goodkind's retirement, he was at a loss to who could fill his shoes. He thanked Director Goodkind for his many years of dedicated service. He had not thought of Chapin's name, but when it was brought forward he saw someone who can fill the role that the City needs when charting a course for what the City needs. He will support the nomination and vote for him tonight.

Councilor Tracy stated he is excited that Chapin has been put before them today. He shares his colleagues concerns about the process, and will make sure that they do not have a similar process in the future. When he heard the name, he was very excited because he walks and bikes in the City. He views Chapin as an advocate for people like him. It will be challenging because he will be speaking to a broader public with different concerns. He has heard two broad camps. The first are those who expressed concern over his lack of engineering degree and experience in management of an organization with more employees and a broader prevue. He inquired how he will manage that transition. Chapin Spencer, Public Works Director Candidate, stated he understands how demanding this job will be. He is not an engineer, but the City Engineer position has not always been combined with the Public Works Director position. Under Steve Goodkind, the position was conjoined. They are moving forward a model where it will not be. They will need to select a City Engineer to do that job. He believes a \$32 million department with 100 employees dealing with a diverse scope of work needs someone at the top looking at strategic direction, policy, and allocating resources to get work done. He does not have the technical day to day expertise, but he believes that will help him rise to the level the City needs to tackle a number of issues they face. Councilor Tracy stated the other camp is people who are very excited for the potential for expansion of bike and pedestrian infrastructure. When talking about the appointment, they said when there have been opportunities for bike

lanes or funding, they have taken them. The larger question is about difficult battles they will be facing, such as the sidewalk work that needs to be done, the bike path, or developing a north south corridor for bikers. He inquired how he will balance his passion for biking and walking issues with the other issues the City is facing. Mr. Spencer stated it will be a balance. He will first get his feet on the ground with day to day services. Public Works provides critical services through water, wastewater, and snow plowing. There are some policy opportunities that are very complex and will require extensive public process and conversations with a number of stakeholders. There are currently conversations about residential parking, downtown parking districts, and storm water regulations that are hot button issues they need to stay on top of. They just passed planBTV which is a roadmap for how to move forward. He is excited to work to implement key pieces there. They will turn the department into a highly performing, customer service oriented organization.

Councilor Mason stated he will enthusiastically support Chapin. One thing he has learned as a City Councilor is the importance of Public Works. He had a long conversation with Chapin and came away feeling very enthusiastic about his candidacy. He seems well-versed but willing to accept his limitations. He has shown his ability to lead and foster an engaged public. That skill set will serve him well.

Mr. Spencer stated it is a pleasure to be here and acknowledged the good work that Director Goodkind has done in his decades of service. He has been gracious in his offer to assist in the transition. He was motivated to consider this opportunity because of the talented staff that DPW has. There are four very talented Assistant Directors and a staff he is getting to know. Burlington has high standards and there will be many calls. That passion for the City and the desire to elevate the quality of life is shared. He has been proud to dedicate his life toward working for the City. They have engaged citizens, an engaged business community, and a political process that engages people. While it is an asset, it is also a challenge in moving public policy through the system. He is ready to work within that environment to move Burlington forward. There is tremendous opportunity and he is honored by the Mayor's support. The conversations around diversity and equity are not ones he shies away from. He is passionate about these issues. He believes he can make an impact on those issues through day to day management of the Department. They must include the community on decision making and personnel hires and he is ready to make that step.

Councilor Hartnett stated they all know that Chapin is well qualified. He thinks about national searches that they have had for Department Heads in the past. There were no diversity candidates found in those searches. Just because they put something out to a nationwide search does not mean they will get diversity or the right person for the job. The Administration has showed a commitment to the City of Burlington by hiring local people who are well qualified and committed to the success of the City. That is important. The directors of the Airport and Parks are committed to seeing Burlington succeed, and Chapin has that same commitment. He is glad they are looking here first and not spending money to bring candidates in to decide if they like Burlington. These candidates are here for the right reasons. He believes they have picked the right person for the job.

Mayor Weinberger stated he applauds the commitment to diversity and feels he has shown through his actions that he shares that commitment. They have created a committee that is creating a Strategic Plan for Diversity and Equity issues. They have conducted five searches for the six other department heads he has appointed. Those have been productive searches that resulted in significant victories in progress towards diverse leadership in the City. They have the first woman of color ever to lead a City Department at the Library. They have Eileen Blackwood as the first woman to serve as City Attorney. They have a community engagement specialist who is a woman of color. They have pushed Department Heads for greater awareness on diversity issues. Many Department Heads are participating in the We All Belong Program. They held a Department Head meeting to discuss the ECHO Race exhibit. Many Department Heads brought employees back to that exhibit. Next year, they have the ability for the Human Resources Department to provide cultural competency training to every employee. This is a record that needs to go farther and will continue in the years ahead.

Councilor Paul stated it is a pleasure to support and vote for Chapin Spencer for the next Director of Public Works. She has known him for a long time. She got to know him well when they travelled to Boulder and learned about their downtown. She came to understand why he will be a great DPW Director. He has the ability to be a tireless worker, which is incredibly important for DPW. He has the temperament to deal with people who are unhappy with the Department because of issues of snow plowing, sidewalks, and street paving. When looking around the room, she thinks about the article that was recently published about the Mayor. Her understanding was that there was pretty unanimous support for the Department Head appointments this Mayor has made. They are a group of dedicated, creative, tireless people with a lot of energy. She is happy to support a local person and him for the position.

The motion passed by a vote of 12-2 with Councilors Siegel and Brennan voting against.

- 6.01. COMMUNICATION: Mayor Miro Weinberger, re: Appointment of Public Works Director

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

- 6.02. COMMUNICATION: S. Chapin Spencer, re: Resume

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

7. RESOLUTION: Annual Appropriation and Budget for Fiscal Year Beginning July 1, 2013 (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

And

8. RESOLUTION: Annual Appropriation and Budget for Regional Programs for Fiscal Year Beginning July 1, 2013 (Councilors Shannon, Bushor, Knodell, Aubin: Board of Finance)

And

9. RESOLUTION: Temporary Loans in Anticipation of Taxes for the Fiscal Year Beginning July 1, 2013 (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

And

10. RESOLUTION: Annual Tax Assessments on the Property Grand List of the City for the Purposes Therein Set Forth for the Fiscal Year Beginning July 1, 2013 (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

Councilors Knodell and Bushor made a motion to waive the readings and adopt the resolutions.

Councilor Aubin stated that these will be some of the most important resolutions that they will vote on all year. They relate to the FY14 budget, tax rate and financial tools to continue them on a path that was set in motion to right the City's financial ship. Per the City Charter, the Council must approve the Mayor's Recommended Annual Budget. It holds the line on general property taxes while maintaining services that citizens have come to expect. Given the City's contractual obligations and the bike path and fiscal stability bond considerations, the Administration began the budget process with a \$1.5 million budget

gap. The Mayor and Administration were able to bridge that gap without impacting City services. There will be an overall increase in property taxes due to ballot items, the fee paid to CCTA and pension costs. They are increasing liquidity and continuing on the road to fiscal stability. The fee structures for parking, water, wastewater, recycling, and street closure rates are listed. This is the result of collaboration between the Mayor, CAO's Office, Department Heads, and the Board of Finance. They will be voting for the Regional Programs budget separately, as Councilor Ayres is involved in First Night. He supports the budget and the Board of Finance approved it unanimously.

Councilor Ayres stated he is the executive director of First Night Burlington. There is an item in the City's community programs budget that supports First Night. He will recuse himself from that resolution.

Councilor Bushor stated that agenda item 8 acknowledges the conflict that Councilor Ayres has and inquired why it needs to be voted on separately. City Attorney Blackwood stated because he has a conflict of interest, Councilor Ayres should not vote on the Regional Programs budget. Councilor Bushor inquired if it would have been appropriate to divide the question and vote on the Regional Programs budget separately. City Attorney Blackwood stated that is what she suggested. City Council President Shannon stated she plans to hold a vote on each resolution separately but they were moved as a slate. Councilor Bushor inquired if the purpose of the resolution is to acknowledge the conflict of interest. City Council President Shannon stated that is correct and they will take the vote separately. Councilor Bushor stated she agrees this is the most important night of the year because they are taking what they hear from their constituents and making it come alive in the budget. As City Councilors, they try to advise the Mayor and Administration on the priorities that they have identified. There are some fee increases that were referenced. She is a little concerned about affordability as fees increase. She worries about those who might be faced with increased fees. In the Parks and Recreation budget, there was a bus that transports students that would be eliminated. There was no plan she heard to address transportation for students. She looks forward to making sure that comes back to the Council to ensure that students who need to access programs can. As a working parent, that type of transportation is absolutely paramount. There were increases that they had no control over, such as CCTA and County Tax. They continue to have to invest in the retirement system and it is a large amount of money. They need to figure out what they can do to deal with that. She will support the budget and feels it is balanced and delivers services that are expected.

Councilor Knodell stated that her spouse is employed by Champlain Valley Office of Economic Opportunity which receives funding from the City. She was told in a conversation with the City Attorney that disclosing that information was adequate. City Attorney Blackwood stated there is no specific line item in the Budget for CVOEO, which makes it different from Councilor Ayres' situation with First Night. Bill Ward, Code Enforcement Director, stated the line item relates to specific contracts that they have with the Vermont Apartment's Association and CVOEO. It is not specific to CVOEO but is a contractual obligation. Councilor Knodell stated this budget does a decent job of protecting core City services and managing expenses. The growth in the operating budget is kept to 3.3%. They are looking forward to a discussion of the process for next year. The process this year was rushed at the end and did not allow time to engage the public or make any amendments. When adding all of the new City taxes, there is about \$1.8 million. When looking at how those new taxes are used, they can look at increased payments into TIF, debt service, payments into BERS, the total is \$1.9 million. This is why they had to look at fees. It was extremely difficult for departments to put together a budget in which they had to absorb personnel increases in order to maintain that constant City tax rate. They need to be realistic about what it costs to deliver services. Some costs will be covered through increased fees and dedicated taxes. Half of the increase in property taxes was approved by voters in November. When looking at new taxes, they are for financial uses, which are important but do not help cover the cost of delivering basic services.

Councilor Tracy stated that the budget has been an interesting and informative process. They held a number of work sessions and Department Heads did a good job explaining their budgets and the preview of their department. He thanked them for coming and sharing information with the Council. In any

budget, they have to choose to prioritize things based on the challenges the City is facing. He inquired what things they chose to prioritize and why. Mayor Weinberger stated there were some guiding principles that anchored their thinking. There was a desire to avoid further increases to the property taxes beyond those that were voted on in November. It is a focus to be able to move the City forward with respect to a number of capital projects. There is progress with capital infrastructure. They will continue their efforts to complete \$1 million of Penny for Parks projects. There will be 42 projects in parks around the City with upgrades and enhancements. That will be joined by enhancements and investments in the City's capital assets. They will invest in facilities such as the Library and crosswalk signalization. They decided to make new investments in the City's storm water infrastructure. The City has been a leader in that area and is one of two storm water utilities in Vermont. Funding for that utility has not kept up with the initial projections on monthly bills. There is a belief that the lake needs to be clean and the investments need to be made smartly and efficiently. Fully funding that will make them major players in this discussion about how to keep Lake Champlain clean and will allow Burlington to remain a leader. Councilor Tracy stated there is no general fund tax increase as the result of strong work by the CAO's Office. It does not seem they will be able to continue to find efficiencies and inquired if there will have to be an increase to the general fund tax rate at some point. Mayor Weinberger stated he appreciates the hard work done by Department Heads and the CAO. The work around efficiencies is work to be proud of. The City Attorney's Office has brought some major functions in house that were previously done by outside counsel. That will save tens of thousands of dollars and will enhance services in the City Attorney's Office. They will have a system of contract management in place which will log contracts and improve oversight of things like the livable wage ordinance. Good thinking can save money and improve services, such as the Library's examination of when the Library is busiest and reallocating staff hours. He is unsure yet how they will continue to look at increased efficiencies. They will not be waiting until next spring to continue these discussions. Budget work will continue through the first quarter to see if they can find additional savings. They will be in a better position to answer that question in 90 days.

Councilor Aubin thanked Councilor Knodell for moving this forward as a slate. He hoped to discuss the importance of each resolution. He requested that the resolutions be moved forward separately. City Council President Shannon stated all of the resolutions have been moved. Once discussion is closed, they will vote on each. Now is the opportunity to speak on any of the resolutions. Councilor Aubin stated the regional programs budget devotes a section of the budget to regional programs that support their quality of life. First Night is one of those programs, so they removed this item from the slate due to Councilor Ayres conflict of interest. He hopes that everyone will support the resolution unanimously. Agenda item 9 authorized pledging of the City's credit with temporary loans in an amount not to exceed 25% of the taxes assessed upon the grand list. The loan will be repaid within the next tax payment. It allows for short term loans in anticipation of tax receipts. The aggregate amount will not exceed \$10 million. It will allow the City to function efficiently and will allow the City to repay any loans when taxes are received. Agenda item 10 formally adopts the tax assessment on the grand list. The Council will vote on the tax rate. The tax rate is broken up into several categories. He outlined each of the categories. This rate is higher mainly due to ballot items, CCTA fees, and pension costs. He will support this.

Councilor Worden stated that the work sessions that were conducted were well received and very informative. He consulted with City Attorney Blackwood about his need to recuse himself on items related to the Waterfront North Project. His firm is a sub-consultant on that project. There is a change so that capital projects are wrapped into the budget. Only the general City-wide decision to move forward on the budget is included, so he has been advised that he does not need to recuse himself.

Agenda items 7, 9 and 10 passed unanimously by a vote of 13-0. Councilor Hartnett was not at the table.

Agenda item 8 passed unanimously by a vote of 12-0 with Councilor Ayres abstaining. Councilor Hartnett was not at the table.

11. RESOLUTION: Authorization for Public Improvement Bonds for Fiscal Year 2014
(Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

Councilors Aubin and Ayres made a motion to waive the reading and adopt the resolution.

Councilor Aubin stated that this resolution authorizes the City to borrow money on the credit of the City for an amount not to exceed \$2 million for working capital. It also authorizes the City to borrow money in an amount not to exceed \$3 million for the needs of the Burlington Electric Department. It also authorizes the City to borrow an amount not to exceed \$2 million for the School Department. These not to exceed amounts are authorized by the Charter and must be voted on each year.

Councilor Bushor stated there is a missing component to the resolution. The resolution does not read that the School Board authorized them to move forward with the borrowing.

Councilors Bushor made an amendment to add language that states the School Board voted to recommend the borrowing. Councilors Aubin and Ayres accepted the amendment as friendly.

The motion passed unanimously as amended.

Councilor Hartnett stated he stepped away from the table for the vote on the budget, but stated he overwhelmingly supports it and would have voted yes.

12. RESOLUTION: Approving the Pledging of the Credit of the City in Anticipation of the Receipt of Revenue from the Airport Department (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

And

13. RESOLUTION: Approving the Issuance of Grant Anticipation Notes for the Costs of Certain Airport Improvement Projects (Councilors Shannon, Bushor, Aubin, Knodell: Board of Finance)

Councilors Aubin and Paul made a motion to waive the readings and adopt the resolutions.

Councilor Aubin stated that these resolutions authorize short term borrowing for the Airport. The first authorizes the City to borrow up to \$3 million in Revenue Anticipation Notes. These notes secure revenue anticipated to be received by the Airport. This allows them to borrow for regular business expenses should the revenue be anticipated but not yet received. The second allows borrowing of up to \$3 million in Grant Anticipation Notes. These borrowings are allowed in the amount of a grant to be received from the FAA. There is often a delay in getting that money and this money is spent in anticipation.

The motion passed unanimously.

14. RESOLUTION: Creating Greater Efficiencies Through Centralized Purchasing
(Councilors Brennan, Paul & Bushor)

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

Councilor Brennan stated that this resolution spoke to finding efficiencies, as the Mayor referenced. It also will create more accountability through the process in the many departments that the City has.

Councilor Bushor stated that this resolution is near and dear to her heart and she has worked over the years to get the City and School Department to do joint purchasing to save some money. This resolution

identifies that they can do much better within the City's own limits. It is surprising sometimes that it takes a while to come to these moments. There should be a purchasing department. Offering that to one key person will allow this to grow. Someday New World may make this easier. This is where they can save some money.

Councilor Paul stated she and Councilor Brennan have been working on this for some time. They have been working to find a way to centralize some purchasing. There is a need for efficiencies and this is not mainly operational. It could really help the budget. They can find ways to save money. When Paul Sisson was the Interim CAO he was supportive of the resolution. The new CAO is also supportive. She does not know what the amount will be, but they will do the best that they can.

CAO Rusten thanked them for the resolution and involving the CAO's office in the development of it. He thanked the Assistant CAOs for their work on the budget and the work they will be doing through this resolution.

The motion passed unanimously by a vote of 13-0. Councilor Decelles was not at the table.

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

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

15.01. APPOINTMENT: CCRPC (Term expires 6/30/15)

Councilor Knodell nominated Andy Montroll.

Andy Montroll was re-appointed to the CCRPC.

15.01.01. APPOINTMENT : CCRPC, Alternate (Term expires 6/30/15)

Councilor Siegel nominated Infinite Culcleasure. She stated she did not realize that Andy Montroll was intending to reapply and gave Infinite misinformation. She asked him if he would instead be interested in the alternate position and he said he would be. He attends a many meetings, is interested in policy, and is committed.

Councilor Worden stated he is in favor of the nomination. Infinite has attended so many meetings that he was unsure what his interests are, as they seem to be very broad. He has a lot of knowledge about policy issues facing the City. When he saw the two applicants for this position, he was challenged to think about who he would like to represent them regionally. This will allow them both to serve.

Councilor Ayres echoed Councilors Siegel and Worden's comments. He knew Infinite when he was a UVM student and have followed his engagement in the community since then. He is articulate and engaged in the community. He will bring an important voice. He is engaged with the New American community which is an invaluable voice to have at the table.

Infinite Culcleasure was appointed to the CCRPC, as the Alternate.

15.02. APPOINTMENT: CSWD, Alternate (Term expires 5/31/14)

Councilors Bushor and Brennan made a motion to postpone action on the appointment until July 15.

Councilor Bushor stated she recalls that they have appointed a member of the Department of Public Works to be the Alternate. Typically the Director is the representative, and a member of the Department is the alternate. There is rationale for that, as these are budgetary decisions that impact the Department of Public Works and the City. There is no Charter mandate about this. She would like to give the Director an opportunity to discuss this and determine if they agree that it should be someone from the Department. She feels badly about the people who have put their names forward, but does not feel good about moving forward on this.

Councilor Mason stated he respects the logic behind that motion, but he feels uncomfortable with it, as it is not in the Charter. It would take some time to modify the Charter. These were applicants who applied for a position. While historically it has been held for a DPW employee, they are getting ahead of themselves if they put aside two applicants who applied on time.

Councilor Siegel stated one applicant said he reached out to the Department and was told that it could be a member of the Community.

Councilor Ayres stated he has an issue with creating the public impression that they are encouraging people to apply for these positions. They have two capable candidates who have stepped up for the position. They would then say their historical precedent is to appoint someone from the Department of Public Works. It does a disservice to those who stepped forward and are capable of filling this role.

Councilor Bushor stated she is not looking for a Charter Change. This position gets to go into Executive Sessions and make decisions about fees. The person who has served in this role is not the Director of the Department. In the past they filled it with someone who had applied and the Department came back and said they felt it should be someone affiliated with the Department because of the fiduciary responsibility. She feels the Department should make some kind of comment on this before they fill the position.

Councilor Hartnett inquired what the Director of Public Works thinks. Chapin Spencer, DPW Director, stated he is not prepared to answer this question until he has more information. Councilor Hartnett stated he will support the motion to postpone.

Councilor Worden stated he agrees that they have two good members before them and would hate for them to lose interest, but they would like to get input from the Department.

The motion to postpone action passed by a vote of 12-2 with Councilors Ayres and Mason opposed.

15.03. APPOINTMENT: Conservation Board (Term expires 6/30/16)

Councilor Ayres nominated Stephanie Young.

Councilor Tracy nominated Hilary Martin.

Councilor Siegel stated the third applicant's application came in late and is not eligible for consideration. She will support Hilary Martin. She has been involved in the community and has been organically farming in the Intervale. The Intervale is a vital part of the City. It is a great opportunity to have her local agricultural background on the Conservation Board. She also has skill and experience in outreach and gathering public input.

Councilor Tracy stated he will support Stephanie Young. She brings a diverse background as an environmental lawyer and a marine biologist. The City is on the shores of what many have called the sixth Great Lake. She will be able to bring her perspective as a marine biologist to Conservation Board decisions. She has a stellar career as an environmental lawyer and advocate. She can now bring the

perspective of young family members in the community, as she is now a stay at home mom caring for her child.

Councilor Bushor stated she received communications from both applicants. She has rarely seen two more qualified people. She tried to look at what else could help her make a decision. She found that Ward 2 is not represented and has made her choice based on location. She is glad that Stephanie Young is involved in the community because she has great qualifications. She will be supporting Hilary Martin.

Stephanie Young received 8 votes from City Council President Shannon, Councilors Hartnett, Worden, Paul, Blais, Ayres, Aubin and Mason.

Stephanie Young was appointed to the Conservation Board.

15.04. APPOINTMENT: Development Review Board, Alternate (Term expires 6/30/15)

Councilor Knodell nominated Israel Smith.

Israel Smith was appointed to the DRB, as an Alternate.

15.05. APPOINTMENT: Fence Viewer (Term expires 6/30/14)

Councilor Knodell nominated Megan O'Rourke for Fence Viewer.

Megan O'Rourke was re-appointed as a Fence Viewer.

16. RECONSIDERATION OF CITY ATTORNEY CONSTITUTIONAL ANALYSIS OF NO TRESPASS ORDINANCE FOR CHURCH STREET MARKETPLACE JUNE 12, 2012 (COUNCILORS SIEGEL, TRACY, BRENNAN)

Councilors Decelles and Knodell made a motion to reconsider the City Attorney Constitutional Analysis of No Trespass Ordinance for Church Street Marketplace June 12, 2012.

Councilor Decelles stated that last week he felt he had cast the right vote. He did not have the communication in front of him so he voted no because he did not have the information. A day later he received the communication and read it. He came to the conclusion that this is a policy issue. Any time the City passes a policy related issue that governs people in the community, it is important to release that information to them. They need to have a clear understanding of the policies and the City Attorney's view on them.

The motion passed by a vote of 12-2 with Councilors Blais and Mason voting against.

16.01. PROPOSED AMENDED RESOLUTION PER COUNCILOR DECELLES:
City Attorney Constitutional Analysis of No Trespass Ordinance for
Church Street Marketplace June 12, 2012 (Councilors Siegel, Tracy,
Brennan, as amended by Councilor Decelles)

Councilors Decelles and Tracy made a motion to amend the resolution to waive attorney-client privilege and send it to the Ordinance Committee for further review.

Councilor Decelles stated he is pleased with Councilor Blais' amendments to the previous resolution. Tonight is not the time to discuss the merits of the ordinance that is in effect. This is a matter of a policy recommendation from the City Attorney's Office that should be released.

Councilor Ayres made a motion to amend the Ordinance Committee's report back date from September to October.

Councilor Ayres stated he will support the amendment. He knows that the Ordinance Committee has a lot on their plates, and he does not want this to be rushed.

Councilor Decelles inquired if that would make the Committee's life easier in doing thorough work on this issue. Councilor Mason stated it would. They would not be able to get it done by September with the backlog of other issues. They will address it sooner if possible.

Councilor Decelles and Tracy accepted the amendment as friendly.

Councilor Hartnett stated he believes this should be addressed as soon as possible. It has been a hot button topic and he hopes they can address it and move on.

Councilor Decelles inquired what the Mayor thinks about this issue and if his office would be willing to release the document sooner. Mayor Weinberger stated he understands that this issue is about whether the City Council wants to waive its attorney-client privilege and make the document public. He supports the release of the memo. He wants to correct inaccurate reports that he is unwilling to release the memo. He shares the thinking that the debate over the memo's release has become a needless distraction from discussing valid points about the merits of the ordinance. He believes it can be released quickly once the vote has been held.

Councilor Blais stated it is regrettable that the discussion about this matter has suggested that there is something to hide. There has never been anything to hide, but there is something to protect. It is clear that the memo will be released and they will see that there has never been anything to hide. What there has been is a duty to protect their ability to converse in a confidential manner with the attorneys. They should be able to give their opinion on whatever is before them. Sometimes that will require them to play devil's advocate. The duty of the lawyer is to give the client the opposing view to consider as well. They should demand lawyers give them that opposing view. The lawyers who staff their committees are going to realize that if they give their opinion on a matter of controversy, there is a good chance it could be subject to public scrutiny. That is regrettable, because as humans, they will be less likely to give forthright opinions knowing that it might appear in the press. Some will see this vote as a victory for transparency. There was nothing ever to hide in that memo. This will result in the loss of the ability to have candid forthright discussions with their Attorneys.

Councilor Mason stated he approaches this issue much like Councilor Blais. He is a practicing attorney and understands the importance of attorney-client privilege. He will not support the amendment because they will be responding to public pressure. The process will be the same as it would be had they not released the memo. The amendment was responsive to the public cries about a discussion about the constitutionality. He believes that is an important policy discussion to have, but does not believe that they need to set a precedent of releasing privileged information because someone is upset with a policy decision. The process is one that was put in place last week. Attorney Franco's memo was referred to the Ordinance Committee, the City Attorney's Office has been asked to respond to the memo, and they will now be referring a supplementary memo from Attorney Franco. He is concerned that they are engaged in a trial by public information. He believes this is a question of interpretation, and the Council should not be put in a role of judging. There could be a challenge in Federal District Court, as was done with the buffer zone. That is the process that is supposed to take place. He feels they are trying to judge at the Council level. He will not support this because it establishes a bad precedent.

Councilor Tracy stated this is a matter of going along with a long held tradition of releasing information on policy matters. Every City Attorney for the last 50 years has done that. The precedent is being forthright about the citizens of Burlington about how they are making decisions.

Councilor Worden stated he feels there will be multi-partisan support for this. He understands the reservations. The original resolution included no provision for addressing the no-trespass ordinance. He voted for the amendment because it referred it back to the Ordinance Committee. This resolution does that and includes waiving of the attorney-client privilege. The issue he is concerned about is their responsibility of being a proactive force on behalf of the City. The Council has been reactive in situations where they had an opportunity to be proactive. There was an issue tonight about the process of appointing a Department Head. Instead of raising issues up front, they let the process unfold and then talked about the dislike of the process. This was supported unanimously. They asked last minute questions just before the vote, even though it had been before the Council and the Ordinance Committee for six years. If there are issues that are important, it is important to get in front of it and communicate with constituents. They can be debated in the forums that have been set up to address the issues. He will support the resolution.

Councilor Bushor stated she felt she was proactive as a member of the Ordinance Committee. She asked for the City Attorney's opinion and was very hesitant through the whole process. There has been an evolution of Library, then City Hall Park, and then Church Street. She felt Church Street was very different and based her decision on the City Attorney's opinion. In light of new information, she has to think about what she should do. She will have to decide how to deal with conflicting information. They do the best they can to make a decision with the information available.

Councilor Hartnett stated this process weakens the original resolution, especially with the way it has been received. There have been other cases in front of them where something like this comes up. It is inexcusable that the Council voted 14-0 on this initially and that they have spent so much time on it now. It has been a distraction. The sooner this can be put to bed, the better off they will be.

Councilor Aubin stated that he is curious about the origin of the idea that policy decisions brought by the City Attorney have always been public.

Councilor Knodell stated they are doing a good thing by releasing this memo for the public to see. The way to get to a good decision is through vigorous debate and coming to a decision based on various views. It is not the case that they should never waive attorney-client privilege. This case involves basic civil liberties of people in the community, and they need as much public information as possible on these issues. Her direct experience was that previous City Attorneys almost never had privileged information. This memo predates the current City Attorney.

Councilor Paul stated she attended the press conference this morning. One person who attended was John Franco, who stated there were stacks of policy memos dating back to a time before he was City Attorney. That is where the comment came from, though she does not know if it is true or not.

The motion to adopt the resolution as amended passed by a vote of 11-3 with Councilors Hartnett, Mason and Blais voting against.

16.02. (was 5.41.) COMMUNICATION: John L. Franco, Jr. Law Office of John L. Franco, Jr.,
re: Church Street Marketplace District Trespass
Authority

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

Councilor Decelles left the meeting.

16.5. (was 5.42.) COMMUNICATION: City Attorney Blackwood, re: Livable Wage Rates for FY 2014

Councilor Mason stated that he had requested this be pulled off of the Consent Agenda because it was an issue that is of importance to the City. When items are on consent agenda, it is not seen by viewers on Channel 17. He requested a brief explanation of the memo from the City Attorney. City Attorney Blackwood stated this was intended to be a communication from the CAO, as required by the ordinance. Former CAO Sisson had a calculation of livable wage rates done based on the City's Ordinance and his understanding of a number of economic factors. The rate he came up with is lower than what is seen in the memo as the livable wage rate. The City's Ordinance has a floor so that they cannot go lower than the 2010 rates. This year they will use the same rates as were used in 2010.

Councilor Bushor requested they refer this to the Ordinance Committee.

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

16.6 (was 5.40.) COMMUNICATION: Susan A. Comerford, On Behalf of Diversity Now to Mayor Weinberger, re: Diversity and City Hiring Process

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

Councilor Siegel stated she removed this from the Consent Agenda because it was an important issue and is well articulated. It is a letter from Diversity Now to the Mayor regarding the appointment of the Department of Public Works. She read the letter aloud.

Mayor Weinberger stated his office responded to the inquiry within a half hour and they will be having a meeting.

The motion passed unanimously.

16.7 (was 5.57.) COMMUNICATION: Mayor Miro Weinberger, re: Re-Organization of Mayor's Office

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

17. COMMITTEE REPORTS (5 mins.)

Councilor Knodell stated that the Public Safety Committee will be meeting in the Community Room at the Police Department. They will be joining the Neighborhood Safety Initiative. It is open to the public and they will be launching a door to door survey about public safety. The purpose is to understand the unique issues across the City and to develop strategies with the Police Department.

Councilor Tracy stated that there will be a Transportation, Energy and Utilities meeting to discuss CCTA hours and schedules and the North Avenue Corridor Study.

Councilor Mason stated that the Ordinance Committee will be meeting to have its second hearing on the Livable Wage Ordinance. They have invited Doug Hoffer, Gene Richards and Jesse Bridges.

Councilor Worden stated that the Community Development and Neighborhood Revitalization Committee met and discussed neighborhood revitalization between the Downtown and the Institutions. Folks from Champlain College, UVM, CEDO and the Planning Office were in attendance.

Councilor Siegel stated that the Charter Change Committee will be meeting to discuss a number of gun safety measures they may bring to the Council. She is a member of the Diversity and Equity Committee

and they will be holding their last meeting. There will be a presentation of the Strategic Plan at their next Council meeting.

City Council President Shannon stated that they held their Council retreat and there was a request to have a work session to discuss Council priorities. She sent a communication that she created from the draft EIS with the answers to questions they had raised about the F-35s. If there is any further action that the Council wants to take, they have until July 18 to make submissions for the final EIS.

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

Councilor Brennan stated that he wanted to speak to the change of staff in the Mayor's Office. He does not have a problem with the Mayor structuring his Administration in the way he chooses. He felt it was important to note how they can move down a path of looking towards things that are familiar. The Mayor had two positions of equal pay status. One was occupied by a woman and the other by a man. For unrelated reasons, the woman has moved on and the restructuring took place. Now the individual who is a man is moving to a higher pay grade. They need to be mindful of the power that they possess and recognizing that the City is diverse.

Councilor Tracy stated that he and Councilor Knodell will be at Barrio Bakery to hear from constituents.

Councilor Hartnett stated that it was good to be back attending meetings and he appreciates the support given to him and his family. His household is in a pretty good place now and he hopes that continues. The outpouring of support from the Council, community and the Mayor's Office has been touching and he thanked them. There will be a softball game put on by the Wounded Warriors. They are a team that travels across the country. All proceeds go to the Wounded Warrior Fund. The program was put together by a Rice High School graduate. They are competitive and it is amazing to watch them play with missing arms and legs. The Mayor will be participating on the opposing team. He hopes people will attend.

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

Mayor Weinberger stated that it was great to have Councilor Hartnett back and his thoughts will continue to be with him and his family.

The Administration received a ruling from the arbitrator of the IBEW negotiations last week. City Attorney Blackwood will prepare a summary and distribute the full decision by the end of the week.

He visited the Library on the opening day of their summer reading program. They do outreach throughout the School System and it generates an enormous amount of participation from the community's children. Nearly half of the children in the School system sign up and commit to read a certain number of books each week. They earn rewards for completing their commitments. It is great to see and children can join throughout the summer.

He visited BHS for graduation day. It was a wonderful celebration. He checked up with students as a follow up to his week in the high school. It was satisfying to report some ongoing involvement between the Schools and City that resulted from that week. Next year there will be a Youth Advisory Committee that high school students will be able to sign up for. They will get credit for participating in that Committee throughout the year. They will be encouraging participation in the Youth on Boards program. They have had a difficult time keeping positions of that program filled. They will be tasked with outreach. They have their first set of interns in City Hall from Burlington High School as part of an initiative that Kesha Ram has been doing in her position. The first round was just college students, but this group brings high school students. They add to the capacity in City Hall to do research and proactively look at problems.

The Year End Study (YES) Program that is part of the Partnership for Change was successful. It was an activity that high school students committed themselves to in the last two weeks of school. One group looked at the Moran project and did an extensive set of interviews with a number of stakeholders on the Waterfront. They have given an excellent concluding report. The program will continue in future years. He celebrated the partnership at the Intervale last week and brought attention to the year of transformative work he and his Administration have done.

Councilors Bushor and Knodell made a motion to suspend the rules and extend the meeting. The motion passed unanimously.

20. ADJOURNMENT

Without objection, City Council President adjourned the Adjourned City Council Meeting at 10:35 p.m.

Attest:

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

CITY COUNCIL WITH MAYOR PRESIDING
MONDAY, JUNE 24, 2013
10:35 P.M.

PRESENT: see above

MAYOR WEINBERGER PRESIDING:

1. AGENDA

On a motion by Councilors Hartnett and Aubin the agenda was unanimously adopted as is.

2. APPOINTMENT: Cemetery Commission (Term expires 6/30/16)

Councilor Ayres nominated Barry Trutor to the Cemetery Commission.

Barry Trutor was appointed to the Cemetery Commission unanimously.

3. APPOINTMENT: Design Advisory Board (Term expires 6/30/16)

Councilor Tracy nominated Jeremy Gates.

City Council President Shannon nominated Ron Wanamaker.

Councilor Worden stated that he does not know the first nominee. He has worked with Ron Wanamaker on the Design Advisory Board. He will vote for him and feels he has done a lot of good work. He is an active community member and knows historic buildings inside and out.

Councilor Knodell stated Jeremy Gates attended a Ward 2/3 NPA meeting. He is an architect on a project on North Winooski Ave and did a nice job. This is an opportunity for someone who has not served the City a chance to serve.

Councilor Aubin inquired what the precedent is for appointing someone who does not live in the City. Councilor Worden stated in his experience, there have been those with a specialty in this area that have

served. Typically they work within the City and have related experience, which this candidate does. City Attorney Blackwood stated there is nothing specific that requires the person to live in the City.

Councilor Paul stated she does not know the first applicant. She does know Ron Wanamaker very well. He has been on the Design Advisory Board and has been a valuable contributor to that Board. She will support him.

Councilor Worden stated in addition to his local presence, Ron Wanamaker is a contractor. Most of the people on the board are architects, so he brings a diverse and different experience to the Board.

City Council President Shannon stated that she is worried about them using her guidance about whether or not someone has to be a City resident. The Church Street Marketplace Commission is another example where there are members who are not residents. The Design Advisory Board does not specifically say that you do not have to be a resident. She takes comfort in knowing that this has happened in the past.

Jeremy Gates received 6 votes from Councilors Hartnett, Siegel, Brennan, Tracy, Knodell and Bushor.

Ron Wanamaker received 8 votes from Councilors Aubin, Paul, Blais, Ayres, Worden, Shannon and Mason.

Ron Wanamaker was appointed to the Design Advisory Board.

4. APPOINTMENT: Fire Commission (Term expires 6/30/16)

City Council President Shannon nominated Scot Sweeney.

Scot Sweeney was unanimously appointed to the Fire Commission.

5. ADJOURNMENT

Without objection, Mayor Weinberger adjourned the City Council With Mayor Presiding Meeting at 10:47 p.m.

Attest:

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

* * * **DELIBERATIVE AGENDA** * * *

ORGANIZATION DAY, CITY COUNCIL
MONDAY, APRIL 1, 2013
CONTOIS AUDITORIUM, CITY HALL
7:00 P.M.

PRESENT: Councilors Bushor, Worden, Knodell, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Shannon, Blais, Paul, Ayres and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood and Gene Bergman

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

INTERIM CAO SISSON PRESIDING:

1. AGENDA

On a motion by Councilors Shannon and Bushor the agenda was unanimously adopted as amended as follows: amend the action for consent agenda item 6.14. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Municipal Development Plan Amendment – **plan BTV: Downtown and Waterfront Master Plan** to “waive the reading, accept the communication, place it on file **and schedule a presentation no later than the first public hearing which is slated for the April 29, 2013 City Council Meeting;**” amend the action for consent agenda item 6.20. COMMUNICATION: Mohamed Ragab, Taxi Driver, re: License Issue to “waive the reading, accept the communication, place it on file, send a copy to the Airport Taxi Licensing Board for review **with a report due back to the City Council as soon as possible.**”

Councilor Brennan requested that consent agenda item 3.12. COMMUNICATION: Ward 1 NPA Steering Committee on behalf of the Ward 1 NPA, re: Communications from Ward 3 City Councilors to Ward 1 School Commissioner be removed and added to the next City Council Agenda.

2. MAYOR'S STATE OF THE CITY ADDRESS

Mayor Weinberger delivered his State of the City Address.

3. OATH OF OFFICE-NEWLY ELECTED AND RE-ELECTED COUNCILORS

Interim CAO Sisson swore in the newly elected City Councilors.

4. ELECTION OF CITY COUNCIL PRESIDENT

Councilor Hartnett nominated Councilor Shannon.

Councilor Hartnett stated a year ago that they had faced this same decision. It was a difficult decision so he turned to other Councilors for advice on who would best lead them. He ultimately decided to support Councilor Shannon, which was the right decision. She has done a remarkable job as Council President. When considering who would best serve as City Council President, you want someone with leadership, someone who will run meetings smoothly, and someone who treats everyone with respect. This was her first year as Council President, with a new administration, and a young City Council, and she did a remarkable job. There were some very difficult issues that came before them. Many meetings with high passions have gotten out of hand in the past, but that did not happen this year. She has shown great leadership and it has been a great year. He hopes the rest of the Council will support her for a second term.

Councilor Bushor nominated Councilor Paul.

Councilor Bushor stated Councilor Paul has deep roots in the community going back three generations. She is all about community and is a parent with children in Burlington Schools, a business owner, a volunteer, and a community leader. The words 'invested' and 'involved' help define her. Prior to her time on the Council, she was Chair of the Electric Commission and served on the Retirement Task Force. She has a financial background which has helped the community. When she was elected to Council, she was chair of the TEU Committee and now she serves as Chair of the PACC Committee. She also co-chairs the Airport Strategic Planning Committee. She also serves on the Y Board, the Lund Board, the CCTV Board, the State Environmental Board, and as an alternate to the State Pension Investment Board. That involvement speaks strongly to her ability to form partnerships and work well with diverse groups. She has reached out and collaborated with both new and veteran Councilors. She reached out to the Council to express her interest in serving as City Council President and by telling them what she envisioned the President would do under her leadership. She met with almost every member of the Council. She discussed Committee assignments with a focus on fairness and political balance, as well as expertise. She talked about the importance of communication. She has demonstrated these qualities over her past years as a City Councilor. She has the right qualities to make her an excellent City Council President. She hopes the Council will elect her as the next president.

Councilor Shannon received 7 votes from Councilors Hartnett, Blais, Mason, Aubin, Worden, Shannon and Ayres.

Councilor Paul received 7 votes from Councilors Paul, Knodell, Decelles, Bushor, Siegel, Tracy and Brennan.

Interim CAO Sisson conducted a second vote.

Councilor Shannon received 7 votes from Councilors Hartnett, Blais, Mason, Aubin, Worden, Shannon and Ayres.

Councilor Paul received 7 votes from Councilors Paul, Knodell, Decelles, Bushor, Siegel, Tracy and Brennan.

Interim CAO Sisson conducted a third vote.

Councilor Shannon received 7 votes from Councilors Hartnett, Blais, Mason, Aubin, Worden, Shannon and Ayres.

Councilor Paul received 7 votes from Councilors Paul, Knodell, Decelles, Bushor, Siegel, Tracy and Brennan.

Councilor Hartnett requested a five minute recess. The meeting reconvened at 7:53 p.m.

Councilors Bushor and Hartnett made a motion to defer action on agenda items 4 and 5 and resume the meeting at agenda item 6. The motion passed unanimously.

5. ELECTION OF BOARD OF FINANCE MEMBERS

Action on this item was postponed.

6. CONSENT AGENDA

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

6.01. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re:
Accountability List

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

6.02. RESOLUTION: Acceptance of Vermont Homeland Security (HSU) Grant for Urban

Search and Rescue (USAR) Training Opportunities and Budget
Amendment (Councilors Shannon, Bushor)

*waive the reading and adopt the resolution

6.03. COMMUNICATION: Lise E. Veronneau, Business Manager, Burlington Fire & Police
Departments, re: Vermont Department of Public Safety Grant
AGREEMENT #02140-70132-202

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

6.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Sign
Extending Over A Portion of The City's Right-of-way with Penny
Cluse (Councilors Tracy, Blais: 2012-2013 License Committee)

*waive the reading and adopt the resolution

6.05. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables
And Chairs on A Portion of The City's Right-of-way with El Gato
Cantina (Councilors Tracy, Blais: 2012-2013 License Committee)

*waive the reading and adopt the resolution

6.06. RESOLUTION: Authorization to Enter into License Agreement with ICV Construction,
Inc. to Use and Maintain Canopies and Wall Sconces Extending Over A
Portion of The City's Right-of-way (Councilors Tracy, Blais: 2012-2013
License Committee)

*waive the reading and adopt the resolution

6.07. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain A
Sign Extending Over A Portion of The City's Right-of-way with Finnigan's
Pub (Councilors Tracy, Blais: 2012-2013 License Committee)

*waive the reading and adopt the resolution

6.08. RESOLUTION: Authorization to Enter into License Agreement to Maintain An Awning
Extending Over A Portion of The City's Right-of-way with Dobra Tea
(Councilors Tracy, Blais: 2012-2013 License Committee)

*waive the reading and adopt the resolution

6.09. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and
Chairs on A Portion of The City's Right-of-way with Dobra Tea
(Councilors Tracy, Blais: 2012-2013 License Committee)

*waive the reading and adopt the resolution

6.10. RESOLUTION: Authorization to Contract with Alstom Power, Inc. for Maintenance of
The McNeil Station Turbine Generator (Councilors Shannon, Decelles,
Paul, Bushor: Board of Finance)

*waive the reading and adopt the resolution

6.11. COMMUNICATION: John Irving, Burlington Electric Department, re: Turbine Maintenance
Contract for Years 2013-2015

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

6.13. COMMUNICATION: Robert Cameron, re: Changing City's name

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

Minutes, Organization Day, April 1, 2013

6.14. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Municipal Development Plan Amendment – **planBTV: Downtown and Waterfront Master Plan**

*waive the reading, accept the communication, place it on file and schedule a presentation no later than the first public hearing which is slated for the April 29, 2013 City Council Meeting

6.15. COMMUNICATION: Burlington Municipal Development Plan, re: I. LAND USE PLAN

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

6.16. COMMUNICATION: Paul R. Sisson, Interim CAO, re: Fiscal 2014 Budget Preparation Schedule

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

6.17. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, February 19, 2013 Minutes

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

6.18. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, March 11, 2013 Minutes

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

6.19. INDOOR, OUTDOOR ENTERTAINMENT PERMIT AND TOBACCO LICENSE RENEWALS (2013-2014): see attached list

*waive the reading, accept the communication, place it on file and approve the 2013-2014 Indoor, Outdoor Entertainment Permit and Tobacco License Renewals with all standard conditions

6.20. COMMUNICATION: Mohamed Ragab, Taxi Driver, re: License Issue

*waive the reading, accept the communication, place it on file and send a copy to the Airport Taxi Licensing Board for review with report due back to the City Council as soon as possible

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

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

7. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014):

41 Cherry Street LLC, d/b/a Hotel Vermont, 41 Cherry Street

This item was not addressed at this meeting.

8. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Madera's, 180 Battery Street

This item was not addressed at this meeting.

9. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014):

Pacific Rim Café, LLC, d/b/a Pacific Rim Asian Cafe, 161 Church Street

This item was not addressed at this meeting.

10. ADJOURNMENT

Minutes, Organization Day, April 1, 2013

Councilors Tracy and Bushor made a motion to adjourn the meeting and resume the agenda April 8 at 5:30 p.m. to address agenda items 4 and 5.

Councilor Tracy stated that he wanted to ensure they have the ability to move City business forward in a timely manner. He hoped that they could talk more and come out with an agreeable resolution in the next week.

Councilor Decelles made a motion to amend the start time to 6:00 p.m. Councilor Shannon stated there was a conflicting Redistricting Committee Meeting at 7:00 p.m. at the High School. The idea was to hold the City Council Meeting early in the evening to allow people to attend the Redistricting Committee Meeting.

Councilor Bushor inquired if they could have the next City Council Meeting at the High School. It was important that everyone attend both the next City Council Meeting and the next Redistricting Committee Meeting.

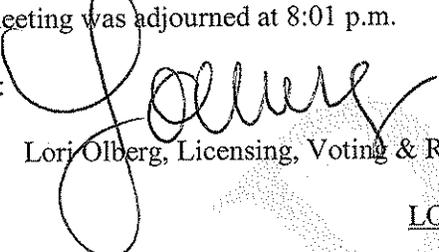
Councilor Hartnett stated electing a Council President and Board of Finance was far more important than a Redistricting Committee Meeting. The next Council President should be selected at City Hall. If the timeline was a problem for Councilors, he would recommend they have a regular meeting at City Hall.

Councilor Decelles withdrew his amendment.

Councilor Mason inquired what happens to Committees going forward pending the selection of a Council President. City Attorney Blackwood stated other than the Board of Finance none of the Committees have a formal ending date for appointments. Therefore, the appointments to date are still in effect.

The motion to adjourn the Organization Day Meeting passed by a vote of 13-1 with Councilor Hartnett voting against. The meeting was adjourned at 8:01 p.m.

Attest:


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

LOCAL CONTROL COMMISSION
MONDAY, APRIL 1, 2013
CONTOIS AUDITORIUM, CITY HALL
8:01 P.M.

PRESENT: See above

INTERIM CAO SISSON PRESIDING:

1. AGENDA

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

2. CONSENT AGENDA

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

2.01. 2013-2014 CABARET, CLUB, HOTEL, RESTAURANT AND STORE LIQUOR LICENSE RENEWALS : see attached list

*waive the reading, accept the communication, place it on file and approve the 2013-2014 Cabaret, Club, Hotel, Restaurant and Store Liquor License Renewals with all standard conditions

Minutes, Organization Day, April 1, 2013

2.02. 2013-2014 OUTSIDE CONSUMPTION PERMIT RENEWALS: see attached list
*waive the reading, accept the communication, place it on file and approve the 2013-2014 Outside Consumption Permit Renewals

3. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):

Courtyard by Marriott, 25 Cherry Street

Commissioners Blais and Shannon made a motion to approve the Outside Consumption Permit Application for the Courtyard by Marriott. The motion passed unanimously.

4. FIRST CLASS HOTEL LIQUOR LICENSE APPLICATION (2013-2014): Hotel Vermont, 41 Cherry St.

Commissioners Blais and Shannon made a motion to approve the First Class Hotel Liquor License Application for Hotel Vermont. The motion passed unanimously.

4.01. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2013-2014): Hotel Vermont

Commissioners Blais and Shannon made a motion to approve the Second Class Liquor License Application for Hotel Vermont. The motion passed unanimously.

4.02. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014): Hotel Vermont

Commissioners Blais and Shannon made a motion to approve the Outside Consumption Permit Application for Hotel Vermont. The motion passed unanimously.

5. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

Pacific Rim Café LLC, d/b/a Pacific Rim Asian Café, 161 Church Street

Commissioners Blais and Shannon made a motion to approve the First Class Restaurant Liquor License Application for Pacific Rim Asian Cafe. The motion passed unanimously.

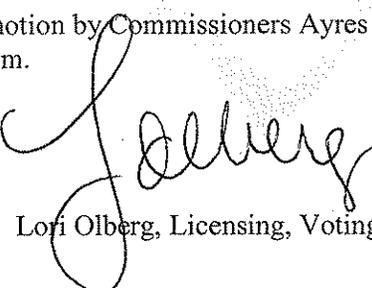
5.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014): Pacific Rim

Commissioners Blais and Shannon made a motion to approve the Outside Consumption Permit Application for Pacific Rim. The motion passed unanimously.

6. ADJOURNMENT

On a motion by Commissioners Ayres and Aubin, the Local Control Commission voted unanimously to adjourn at 8:04 p.m.

Attest:

 a. 

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

* * * DELIBERATIVE AGENDA * * *

RECESSED ORGANIZATION DAY MEETING, CITY COUNCIL

MONDAY, APRIL 8, 2013

CONTOIS AUDITORIUM, CITY HALL

5:35 P.M.

PRESENT: Councilors Bushor, Worden, Knodell, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Shannon, Blais, Paul, Ayres and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood

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

INTERIM CAO SISSON PRESIDING:

1. AGENDA

On a motion by Councilors Decelles and Hartnett the agenda was adopted as is.

2. ELECTION OF CITY COUNCIL PRESIDENT

Councilor Hartnett nominated Councilor Shannon.

Councilor Bushor nominated Councilor Paul.

Councilor Bushor stated she chose the words "involved" and "invested" in the community to refer to Councilor Paul. Her involvement in a number of non-profits and with the Council spoke to the qualities and skills she would bring if she were elected President. She hoped that the Council would support Councilor Paul.

Councilor Shannon received 7 votes from Councilors Blais, Hartnett, Shannon, Aubin, Worden, Ayres and Mason.

Councilor Paul received 7 votes from Councilors Decelles, Paul, Knodell, Bushor, Brennan, Siegel and Tracy.

Interim CAO Sisson conducted a second vote.

Councilor Shannon received 7 votes from Councilors Blais, Hartnett, Shannon, Aubin, Worden, Ayres and Mason.

Councilor Paul received 7 votes from Councilors Decelles, Paul, Knodell, Bushor, Brennan, Siegel and Tracy.

Councilors Decelles and Worden made a motion to recess the meeting for five minutes at 5:38 p.m. The meeting reconvened at 5:45 p.m.

Councilor Blais stated working with Councilor Paul has been pleasurable and educational. Through her work, she has put the interests of the City before her personal desires.

Councilor Paul stated that the Council has been deadlocked in their decision for Council President, which is not in the best interests of the City. They must place the City's interests above all else. Sometimes, one person must step aside to protect that interest. She withdrew her name from consideration for Council President. She stated that she was blessed and fortunate to have grown up in Burlington and thanked her family for their support. She thanked the Councilors who supported her. She looked forward to working for her constituents to advance the issues of financial stability, pension reform, transportation and neighborhood quality of life.

Councilor Hartnett requested that they explain the deal the Council had come to so that it was transparent. Councilor Shannon stated these challenges were painful because everyone was dedicated to the City. She appreciated the withdrawal to allow the City to move forward and to prevent the Council from remaining at a stalemate. There had been discussion over the past week about the challenges of a 7-7 vote for City Council President. They have agreed that if there is a stalemate next year, the Democrats will step down to work with the other side to select a non-democrat City Council President. When appointing Committees, they will work towards parity, which should be reflected in Committee assignments. She appreciated the spirit of compromise on the City Council. She thanked the City Council for the privilege of continuing to serve as City Council President for the next year.

Councilor Knodell stated that there were two outstanding candidates for City Council President which had added to the difficulty of choosing one. The City Council put each candidate through the paces. Each candidate met with Council members multiple times. The compromise was very fair. She was a proud supporter of Councilor Paul but it was time to let the business of the City move forward.

Councilor Shannon was unanimously elected City Council President.

City Council President Shannon thanked everyone for their support.

3. ELECTION OF BOARD OF FINANCE MEMBERS

Councilor Tracy nominated Councilors Decelles, Knodell and Bushor to the Board of Finance.

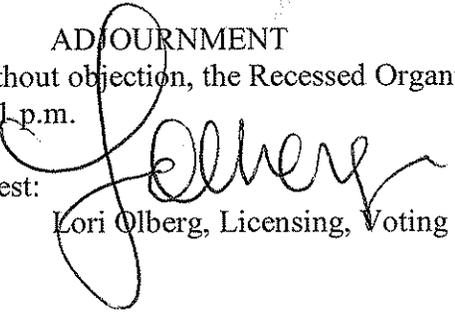
Councilor Hartnett stated that they discussed membership of the Board of Finance. Councilor Decelles' name came up as the lone Republican on the Council. He felt it was very important to have that voice on the Board of Finance and was glad that there were other Democratic Councilors who agreed. He hoped that the message was that they are all willing to put party politics aside and work for what is best for Burlington.

The Board of Finance Members were elected unanimously.

4. ADJOURNMENT

Without objection, the Recessed Organization Day Meeting of the City Council unanimously adjourned at 6:01 p.m.

Attest:

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

DELIBERATIVE AGENDA

REGULAR MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
MONDAY, APRIL 15, 2013
7:04 P.M.

PRESENT: City Council President Shannon; Councilors Mason, Siegel, Brennan, Ayres, Blais, Bushor, Tracy, Knodell, Decelles, Hartnett, Aubin and Councilor Worden (via phone)

ABSENT: Councilor Paul

CITY ATTORNEY'S OFFICE: Eileen Blackwood

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

City Council President Shannon held a moment of silence to honor the victims of the Boston Marathon Bombing.

On a motion by Councilors Mason and Bushor the agenda was adopted as amended as follows: add to the consent agenda item 6.35. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only): Skinny Pancake, 60 Lake Street, Suite 1A, Wednesday, April 24, 2013, 8 p.m. – 12 a.m., Amplified Music, Dancing, with the consent action to “waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Skinny Pancake and to the consent agenda item 6.36. RESOLUTION: Appointment of Chief Administrative Officer as Trustee of Burlington Electric Department 457 Plans (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance; pending BOF approval on 4/15/13) and note **proposed** amendment for agenda item RESOLUTION: City Redistricting Committee Makeup (Councilors Bushor, Siegel, Decelles, Aubin)

Councilor Bushor requested that they amend the action on consent agenda item 6.18.COMMUNICATION: Wm. Michael Hedges, P.E., Structures Program Manager, State of Vermont, Program Development – Structures Section, re: Calendar Year 2012 Bridge Inspection Summary Reports to waive the reading, accept the communication, place it on file “and send a copy to the Department of Public Works.” She requested that they remove consent agenda item 6.08. RESOLUTION: Proposed Amendments to Appendix B Rules and Regulations of The City Council (Councilor Shannon) and place it on the Deliberative Agenda as agenda item 8.5. She requested that they add consent agenda item 6.37. RESOLUTION: Authorization for Purchase of Passenger Boarding Bridge for Burlington International Airport (Councilors Shannon, Bushor, Decelles and Knodell: Board of Finance) with the action to “waive the reading and adopt the resolution.” This item was taken up by the Board of Finance and there was a time sensitivity issue. This will be needed to accommodate larger planes that will be arriving.

2. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Hotel Vermont

Councilors Blais and Tracy made a motion to approve the Indoor Entertainment Permit Application for Hotel Vermont. The motion passed unanimously.

3. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Madera's

Minutes, Regular City Council Meeting, April 15, 2013

Councilors Blais and Tracy made a motion to approve the Indoor Entertainment Permit Application for Madera's. The motion passed unanimously.

4. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Pacific Rim

Councilors Blais and Tracy made a motion to approve the Indoor Entertainment Permit Application for Pacific Rim. The motion passed unanimously.

5. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:34 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Greg Roy	Ward 4 Resident	Redistricting Committee Makeup
Ben Aleshire	Ward 3 Resident	Against Church St No-Trespass & F-35s
Sandy Baird	Ward 1 Resident	Against Church St. No-Trespass
Genese Grill	Ward 3 Resident	Against Church St. No-Trespass
Jennifer Dumas	Ward 3 Resident	Against Church St. No-Trespass
Jen Berger	Ward 2 Resident	Against Church St. No-Trespass
David Lustgarten	Ward 4 Resident	Thanks to Parks and Recreation
Phil Lavigne	Ward 4 Resident	Trash Containers

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:56 p.m.

6. CONSENT AGENDA

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

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

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

6.02. ORDINANCE: BUILDINGS AND BUILDING CONSTRUCTION Appeals from Order
(Public Works Department, Public Works Commission)(1st reading)

*consider this 1st reading and refer it to the Ordinance Committee

6.03. RESOLUTION: Authorization for Execution of Municipal Inspection Agreement
Between The State and The City (Councilors Hartnett, Blais)

*waive the reading and adopt the resolution

6.04. COMMUNICATION: Inspection Agreement Between The State of Vermont and The City of
Burlington

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

Minutes, Regular City Council Meeting, April 15, 2013

- 6.05. RESOLUTION: Authorization to Enter into License Agreement to Install and Maintain Railings on a Portion of The City's Right-of-way with Vermont House Condominium Association (Councilors Tracy, Blais: 2012-2013 License Committee)
*waive the reading and adopt the resolution
- 6.06. COMMUNICATION: License Agreement for Railings with Vermont House Condominium Association 2013-2014 Season
*waive the reading, accept the communication and place it on file
- 6.07. COMMUNICATION: Joan Shannon, City Council President, re: Changes to Council Rules
*waive the reading, accept the communication and place it on file
- 6.09. RESOLUTION: Declaration of Official Intent Approving Reimbursement of Capital Expenses for Waterfront Tax Increment Financing (TIF) District Councilors Shannon, Bushor, Decelles and Knodell: Board of Finance, pending BOF approval on 4/15/13)
*waive the reading and adopt the resolution
- 6.10. COMMUNICATION: Richard W. Haesler, Jr. – Assistant City Attorney, re: Declaration of Official Intent Approving Reimbursement of Capital Expenses for Waterfront Tax Increment Financing (TIF) District
*waive the reading, accept the communication and place it on file
- 6.11. RESOLUTION: Adoption of Revised Personnel Policy Section 5.4 Compensation Plan - Step Placement – (Councilors Blais, Tracy and Worden: 2012-2013 Institutions & Human Resources Policy Committee)
*waive the reading and adopt the resolution
- 6.12. COMMUNICATION: 5.4 Compensation Plan, a. Placement
*waive the reading, accept the communication and place it on file
- 6.13. COMMUNICATION: Susan Leonard, Human Resources Director, Institutions and Human Resource Policy Committee, re: Policy Revisions, Section 5.4, Compensation, subsection(a) Step Placement
*waive the reading, accept the communication and place it on file
- 6.14. RESOLUTION: Authorization to Accept an Award from The American Library Association for The American Dream Grant to The Fletcher Free Library; and Amend the FY 2013 Budget (Councilors Shannon, Bushor, Decelles and Knodell: Board of Finance, pending BOF approval on 4/15/13)
*waive the reading and adopt the resolution
- 6.15. COMMUNICATION: Rubi Simon, Library Director, re: American Library Association American Dream Grant
*waive the reading, accept the communication and place it on file
- 6.16. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee Minutes Tuesday, December 11, 2012
*waive the reading, accept the communication and place it on file
- 6.17. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee Minutes

Minutes, Regular City Council Meeting, April 15, 2013

Tuesday, January 8, 2013

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

6.18. COMMUNICATION: Wm. Michael Hedges, P.E., Structures Program Manager, State of Vermont, Program Development – Structures Section, re: Calendar Year 2012 Bridge Inspection Summary Reports

*waive the reading, accept the communication and place it on file and send a copy to the Department of Public Works

6.19. COMMUNICATION: Barry Trutor, Fence Viewer to Ms. Joan Shannon, Council President, re: Boundary Lines

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

6.20. COMMUNICATION: Kristin Jones, Taxi Administration Office, re: Mr. Mohamed

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

6.21. COMMUNICATION: Isaac Trombley, Airport Ambassador Foreman, re: Mr. Ragab Mohamed

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

6.22. COMMUNICATION: Full Authorization for S.D Taxi

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

6.23. COMMUNICATION: Ragab Mohamed to Taxi Board, re: Sticker and Registration from S.D taxi

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

6.24. COMMUNICATION: Ward 1 NPA Steering Committee on behalf of the Ward 1 NPA to Joan Shannon, City Council President, re: Communications from Ward 3 City Councilors to Ward 1 School Commissioner

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

6.25. COMMUNICATION: Kevin Stapleton, Member, Development Review Board, re: Resignation
*waive the reading, accept the communication, place it on file, advertise the vacancy (already has been in Seven Days), and send a letter of appreciation to Kevin Stapleton thanking him for his time served on the Development Review Board

6.26. COMMUNICATION: Rachel Siegel, Chair, Charter Change Committee, re: Notes from the Charter Change Committee on the Assault Weapons Ban resolution

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

6.27. COMMUNICATION: North End NPA, Ward 4 and Ward 7 Steering Committees, re: Ward 4 and Ward 2 only have 1 vote each on the Redistricting Committee

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

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

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

6.29. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned Meeting, City Council, January 28, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the April 29, 2013 City Council Meeting

Minutes, Regular City Council Meeting, April 15, 2013

6.30. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, February 11, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the April 29, 2013 City Council Meeting

6.31. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned City Council Meeting, February 19, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the April 29, 2013 City Council Meeting

6.32. COMMUNICATION: City Council President Shannon, re: City Council Standing Committees 2013-2014

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

6.33. COMMUNICATION: David A. Casey, Member, Burlington Board of Health, re: Proposed Urban Livestock Slaughter Ordinance

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

6.34. COMMUNICATION: Conservation Board, re: Downtown Parking Amendment: ZA-13-06

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

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

Skinny Pancake, 60 Lake Street Suite 1A, Wednesday, April 24, 2013, 8 p.m. – 12 a.m., Amplified Music, Dancing

*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Skinny Pancake

6.36. RESOLUTION: Appointment of Chief Administrative Officer as Trustee of Burlington Electric Department 457 Plans (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance; pending BOF approval on 4/15/13)

*waive the reading and adopt the resolution

6.37. RESOLUTION: Authorization for Purchase of Passenger Boarding Bridge for Burlington International Airport (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

*waive the reading and adopt the resolution

7. RESOLUTION: City Redistricting Committee Makeup (Councilors Bushor, Siegel, Decelles, Aubin)

Councilor Siegel stated that this resolution addressed a concern that they have heard about the lack of balance on the Redistricting Committee. This would add an additional member from Wards 2 and 4. She read an amendment to the resolution which allowed for the Mayor's resignation and the addition of a representative from Ward 6.

Councilors Siegel and Bushor made a motion to waive the reading and adopt the resolution as amended. The motion passed unanimously.

8. RESOLUTION: Burlington City Accessibility Strategy and Plan Implementation (Councilor Bushor)

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

Councilors Bushor and Decelles made a motion to amend the resolution to end on line 49.

Councilor Bushor stated she felt that because there were concerns about the final whereas clauses, they should remove them from the resolution. This keeps with the recommendation from the Accessibility Committee and their involvement in prioritizing the needs within the City. It also gives more consideration to the training program for employees and elected officials. They hope to address those two items in a separate resolution.

The motion to amend the resolution passed unanimously.

The motion to adopt the resolution as amended passed unanimously.

8.5 (was 6.08.) RESOLUTION: Proposed Amendments to Appendix B Rules and Regulations of
The City Council (Councilor Shannon)

Councilor Bushor stated that the reason she removed this from the consent agenda was because she would have preferred to postpone action on this item until after their retreat.

Councilors Bushor and Decelles made a motion to postpone action until after the retreat.

City Council President Shannon inquired if it would be acceptable to refer the resolution to the Charter Change Committee and request that they hold action until after the Council retreat.

Councilor Bushor stated she was not totally in agreement with that. There was a portion that referred to the timeliness of resolutions. The Administration did not typically attend retreats, but it may be helpful if the City Attorney's Office came for a part of it. She was concerned how tight this would make it for Councilors to get things done. She would prefer the discussion come back when this has been modified after the retreat.

Councilor Knodell inquired if this was time sensitive or if it could wait. City Council President Shannon stated that there was a high level of stress amongst staff, in part because things were being submitted by the deadline but continuing to change afterwards. The new deadlines were intended to give a window where an item would be submitted to the City Attorney's Office at an earlier time but changes could continue to be made. Currently, there was one deadline but Councilors continue to make changes after that date. It has been a long time, but it could wait. She requested that the Council at least be aware that the Tuesday deadline for the City Attorney's Office needed to be a more firm deadline. She hoped to discuss this further at the retreat and address how they handle amendments on the floor. She did not object to delaying action until after the retreat.

Councilor Blais stated he had reservations about having a retreat. He hoped that they could discuss substantive issues at the retreat.

The motion passed unanimously.

9. COMMITTEE REPORTS (5 mins.)

Councilor Siegel stated the Redistricting Committee met with the reconstituted Committee. They now have a timeline for their work and will be meeting once more in April, twice in May, and once in June. That will bring them to the end of the time with their facilitator. They hope that people will come to speak at public forum to express what they would like to see in the process and results. The Charter Change Committee has reorganized and had a good first meeting. They will be meeting every other Monday and

Minutes, Regular City Council Meeting, April 15, 2013

will continue to look at the assault weapons ban. The Diversity and Equity Committee is planning to end in June. They are working to print the Strategic Plan for the public. They hope to have a Diversity and Equity Commission and are working to determine the staffing for that.

Councilor Tracy stated the TEU Committee has been working to answer questions regarding Tar Sands Fuel. They have determined that the City's fuel does not come from fracked sources. It mostly comes from Venezuela and is sourced through Albany. Tar Sands sources would come mostly from the Portland facility, but they do not receive fuel from that site. They have asked the Fleet Manager to provide a certification from the supplies to be absolutely certain. The other portion of the resolution referred to switching to renewable energy sources. This will be more challenging and complicated. There is not much room in the budget for the purchase of this type of vehicle to add to the fleet, as hybrids cost about 15% more than the market rate. There is a move towards natural gas fueled vehicles, which opens up issues related to fracking. It will require continued follow up moving to the future.

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

Councilor Knodell stated that Lauren-Glenn Davitian, the Director of CCTV, received a Lifetime Achievement Award from the major national organization that brings together the non-profit technology network. In her speech, she talked about utilizing network building and digital resources to open the doors for social change. She congratulated her. She stated the Mayor has proclaimed April as Fair Housing Month to recognize the signing of the Civil Rights Act of 1968. The Act prohibits discrimination to access to safe rental housing. The State of Vermont law adds additional protected categories. It is important to keep in mind that everyone deserves access to housing and should not suffer discrimination.

Councilor Decelles stated he has become involved in a program called AAU. This is a league that children play in on the weekends that can be very expensive. This group decided to start a program meant to enable any child who wanted to play the opportunity to do so at a discounted rate or for free. There is a tournament this weekend to allow children to play and he encouraged people to attend.

Councilor Hartnett stated April is National Child Abuse Awareness Month. They sometimes lose focus on that during Organization time. There are blue and silver pinwheels at local banks and stores being sold for \$1; donations go to the Child Abuse Fund. He encouraged people to participate because it does happen here in Burlington. It is a serious issue and they lose focus of that sometimes.

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

Mayor Weinberger stated that City Councilors should have received a communication regarding the rating from Moody's. The City's credit rating is remaining unchanged at this point. There was an acknowledgement of the efforts that have been taken over the last year to stabilize the City's General Fund and the Fiscal Stability Bond.

There will be a report from the IBM Global Team on the Smarter Cities Challenge Grant. There have been a number of meetings over the course of the last two weeks and it has been an exciting process. There are six thoughtful and talented people on a mission to evaluate how the City can reduce its impact on climate change. They have spoken with a number of stakeholders in the City and he is optimistic that they will come out with something positive.

Budget season has begun and they will begin to hold Work Sessions to work through the budget. The CAOs Office has published a schedule of meetings that will run through May. The meetings will be videotaped and posted on the Channel 17 website.

12. COMMUNICATION: Eileen Blackwood, City Attorney, re: Pending Litigation (oral)

Minutes, Regular City Council Meeting, April 15, 2013

On a motion by Councilors Brennan and Ayres, the City Council voted unanimously to go into executive session at 9:02 p.m. as premature disclosure would place the City at a substantial disadvantage. Present were: see above

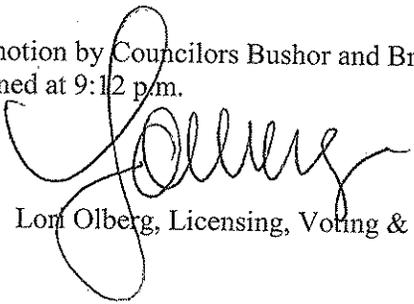
*** EXPECTED EXECUTIVE SESSION ***

On a motion by Councilors Bushor and Brennan, the City Council voted unanimously to go out of executive session at 9:12 p.m.

13. ADJOURNMENT

On a motion by Councilors Bushor and Brennan, the Regular City Council Meeting unanimously adjourned at 9:12 p.m.

Attest:

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

DRAFT

DELIBERATIVE AGENDA

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, APRIL 29, 2013

7:05 P.M.

PRESENT: City Council President Shannon, Commissioners Hartnett, Aubin, Blais, Paul, Ayres, Worden, Siegel, Brennan, Tracy, Bushor, Knodell and Decelles

ABSENT: *Commissioner do 9/4/13*
Councillor Mason

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Paul Sisson, Rich Goodwin and Lon Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Worden and Bushor the agenda was adopted as is.

2. CONSENT AGENDA

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

2.01. 2013-2014 CABARET, RESTAURANT AND STORE LIQUOR LICENSE RENEWALS:
see attached list

*waive the reading, accept the communication, place it on file and approve the 2013-2014 Cabaret, Restaurant and Store Liquor License Renewals with all standard conditions

2.02. 2013-2014 OUTSIDE CONSUMPTION PERMIT RENEWALS: see attached list
*waive the reading, accept the communication, place it on file and approve the 2013-2014 Outside Consumption Permit Renewals

3. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2013-2014):

Aso Inc., d/b/a Bento, 197 College Street

Commissioners Blais and Worden made a motion to approve the Second Class Liquor License Application for Bento. The motion passed unanimously.

4. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission Meeting at 7:08 p.m.

Attest:

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

ADJOURNED MEETING, CITY COUNCIL
MONDAY, APRIL 29, 2013

7:08 P.M.

PRESENT: see above; Councilor Mason (arrived at 7:10 p.m.)

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Worden the agenda was unanimously adopted as amended as follows: add to the consent agenda item 3.12.5. COMMUNICATION: Erin Demers, E.I.T., Public Works Engineer, Street Capital Program Manager, Office of Plangineering, DPW, re: FY'14 Street Reconstruction Program: Bid Results with the consent action to "waive the reading, accept the communication and place it on file;" add to the agenda item 10.02. COMMUNICATION: Phil Hammerslough, Isham Street, re: Recycle Totes for Burlington.

Councilor Siegel requested that consent agenda item 3.28. COMMUNICATION: Eileen M. Blackwood, Esq., with the assistance of Eugene Bergman, Esq., Richard Haesler, Esq., Gregg Meyer, Esq., Kim Sturtevant, Esq., and Linda Blanchard to Mayor Miro Weinberger, re: Report on Current Implementation of City of Burlington's Livable Wage Ordinance be removed and placed on the Deliberative Agenda as agenda item 10.1; City Council President Shannon made it agenda item 10.5.

Councilor Bushor stated agenda items 5-9 were listed as first reading but were not referred anywhere. She would like to refer them to the Ordinance Committee. City Council President Shannon stated that that was what would happen.

City Council President Shannon moved agenda item 4. PUBLIC HEARING: MDP -13-01 – DRAFT PlanBTV – Downtown & Waterfront Master Plan to agenda item 1.5.

1.5. (Formerly item 4) PUBLIC HEARING: MDP -13-01 – DRAFT planBTV – Downtown & Waterfront Master Plan

David White, Planning and Zoning Director, stated that they have embarked on a journey to fulfill a vision. This vision was first expressed in the 1996 Municipal Development Plan. It has involved the most comprehensive, energetic, creative, inclusive and responsive planning effort Burlington has ever seen. They have engaged and been responsive to thousands of people. The result is a community based vision for the future of the Downtown and Waterfront that respects the past and sets a path for the future. The plan was largely underwritten by the Federal Partnership for Sustainable Communities. The plan is the result of collaboration between several different departments and members of the community. It is a compilation of many other plans developed over the years. Burlington has undergone a transformation between the 1970s and today because of creative actions taken to transform the Downtown and Waterfront. When embarking on this project, they considered the City within a regional context. Development that happens here helps stimulate the economic engine in the City and the region, but also helps preserve farm and forest lands that are essential to the landscape of the State. There are more than 10,000 jobs in the downtown, but the regional advantage has been slipping. There have been declining retail sales and office space. The Downtown Improvement District is only 2% of the total acreage of land but pays 22% of the City's taxes. Development grows the City's tax base and ensures lower tax rates in residential areas in other parts of the City. There are only 2,400 housing units in the downtown, which is on par with some of the low density residential neighborhoods, while it is the most densely developed part of downtown. There is also a desperately low vacancy rate. The country and economy are in the midst of a change in demographics, expanding creative and green economies, and a thirst for what is experiential. The community is poised to ride this wave because it fits closely with what is valued in the community. They considered seven place based themes to build a long held vision for the community.

They considered other plans that have been used in Burlington to determine what these themes should be. They centered the effort on increasing the economic vitality of the core of the City and collected big ideas that would be crucial to creating this vision. They followed urban design principles to illustrate how ideas might be put into action. The recommendations in the plan encourage new infill and adaptive reuses through new development regulations. They will expand economic diversity and competitiveness by cultivating community assets, expanding the creative economy and broadening retail and hospitality. They will significantly expand housing opportunities and choices in and around downtown to create job opportunities, sustain retail and entertainment, and reduce driving congestion and parking demand. They will support a diversity of transportation choices to reduce reliance on driving. They activated the streetscape along connections between the Marketplace and Waterfront by creating opportunities for retail and hospitality, street vendors and entertainers, and improved walkability and storm water management. Strategic expansions of the street grid will improve connectivity and create opportunities for infill development. They will manage parking resources more efficiently to make spaces easier to find and more convenient to use. New parking facilities will be on the periphery of downtown. They will incorporate state of the art storm water management to protect the lake and adapt to the changing climate. They will vitalize the Waterfront year round, add 300 new slips for boaters and expand the amenities that will support this additional harbor traffic.

Sandrine Thibault, a Planning and Zoning Planner, stated this plan was created by the people of Burlington with a public outreach process. There were over thirteen steps for outreach and engagement. They had a website, used social media, had a speaker series, and communication through email. The engagement process was unprecedented for Burlington. They visited NPAs, held stakeholder meetings, and met with underrepresented populations in the community. There was a weeklong design charette that took place in a store on Church Street where people were invited to give input and interact with consultants. There were about 500 people who participated in that process. They reached out to artists and school children to see their ideas. They received a lot of input as a result of this process. They gathered that information and placed it in a web tool that allowed residents and business owners to give their input. They could vote on what others had said or add their own ideas. 1,400 people participated in using the web tool, 700 people added new comments, and over 45,000 votes were cast. This allowed them to reach a different population than those who attend meetings. With this input, they prepared a draft of the plan. It was reader friendly and easy to look through. Once released, they had a 2.5 month period for public review and comment. They went through each comment one by one and worked with the Planning Commission to review and categorize them. Some comments were at a level of detail that the plan does not get into and will be passed to the departments that they affect. There were others that they had not thought of that were added to the plan. Others did not relate to the plan and were set aside. They rewrote the plan throughout the fall to prepare this draft. They then held a two day open house and 250 people attended to comment again. This is the people's plan and was developed by the people of Burlington and the business community. This is the first of two public hearings for the adoption of the plan. This will be adopted as part of the municipal development plan within the land use chapter.

City Council President Shannon thanked them for their work over the course of the last two years. She inquired how this will move forward both in terms of adoption and implementation. Mr. White stated they are proposing adoption of this plan as part of the Municipal Development Plan. There are many parts of the document that reference other plans. Much of the implementation has already been started. There have been zoning amendments that have taken important ideas and carried them forward. The Mayor, through the PIAP effort, has said they should consider plans like planBTV. City Council President Shannon inquired if adoption of this plan means adoption of the amendment to the Municipal Development Plan. Mr. White stated it does. The action would include the amendment of the Land Use section to incorporate this plan.

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

Minutes, Adjourned City Council Meeting for April 29, 2013

Rory Waterman, Ward 3 Resident, spoke about concerns that the document is too specific to be a strategic plan but is too vague to be an action plan. He suggested making the plan more general and working out the details in different arenas.

Alison Lockwood, Ward 3 Resident, spoke against developing the Waterfront and spoke in favor of keeping the space a natural area for relaxation.

Gayle Weiss, Ward 3 Resident, raised concerns about the health problems associated with increased traffic in Waterfront Park.

Beth Dusablon, Ward 7 Resident and Vermont Interfaith Action Member, spoke favorably about the planBTV process and the plan itself, particularly in the area of affordable housing.

Virginia Munkelwitz, Ward 6 Resident and Vermont Interfaith Action Member, spoke favorably about the planBTV process and the plan itself, particularly in the area of affordable housing.

William Lockwood, Ward 3 Resident, spoke about the Open Space Protection Plan and called for maintaining open space and spoke against developing Waterfront Park.

Rick Sharp, Burlington Segways, spoke in favor of the plan. He suggested that electric powered vehicles, such as Segways, should be considered.

Caryn Long, Ward 1 Resident, spoke about encouraging biking and walking and preventing City streets from becoming a parking lot.

Chris Russo, San Sai Owner and Ward 2 Resident, spoke in favor of development on the Waterfront as an extension of the downtown.

Hans Van Wees, Ward 3 Resident, spoke in favor of planBTV and stated connecting the Downtown to the Waterfront is critical. He raised concerns about stairways and streets going through private property on Lake Street, overuse and overdevelopment of Waterfront Parks, and parking structures.

Infinite Culcleasure, Ward 5 Resident, spoke about the Vermont Refugee Resettlement Program and problems with finding affordable housing.

Philip Wagner, Ward 3 Resident, stated this is a good plan and there will be more in the future. He noted there are not funds available to do this.

Councilor Knodell inquired if any other section of the Municipal Development Plan will be amended. Mr. White stated only the Land Use section will be amended.

Councilor Bushor stated the plan engaged her as if it were a book. It is well written and makes you want to complete it. Some residents were concerned that their comments were not identified. She inquired if residents have seen how this will be incorporated into the Municipal Development Plan. Mr. White stated many people may not understand the connection between the two plans. The Downtown and Waterfront Plan is intended to stand on its own. The changes to the Municipal Development plan are intended to make sure there is a connection and that important themes are recognized. Councilor Bushor inquired if they plan to provide that link to help residents understand this will help bring about modification. Mr. White stated they can help do that. The Land Use section has been part of the Planning Commission deliberations, but it is not well understood how various plans fit together.

Minutes, Adjourned City Council Meeting for April 29, 2013

Councilor Brennan thanked staff for including comments from the public in their process. Affordable housing is an important thing to consider as planning occurs.

City Council President Shannon stated this will be adopted after the second public hearing. She has concerns that there has been a lot of process with planBTV, but less process around how this will affect the Municipal Plan. The Council may wish to take more time before the next public hearing, or this could be received at a committee level.

Councilors Bushor and Brennan made a motion to postpone action until the May 20 meeting.

Councilor Bushor stated this has had a lot of time put into it and they need to see how it will fit into the Municipal Development Plan. They need more time to review this.

Councilor Knodell stated a public hearing for May 6 has been warned and they should move ahead with that. They can still postpone action.

Councilor Bushor offered an amendment to the motion to allow the Public Hearing to take place on May 6 and delay action until May 20.

The motion passed unanimously.

Councilor Paul read comments from a constituent regarding planBTV. He spoke against adding additional boat slips to the breakwater.

Mr. White stated the plan includes a lot of specific ideas of things to be explored. They are things they will think about and consider in greater detail, but are not yet hard and fast plans.

Councilor Hartnett inquired what will happen if they adopt a plan but choose not to move forward with it. City Council President Shannon requested clarification between the plan and the ordinance. Mr. White stated they will look at the ideas in the plan and will determine if they are good or bad ideas. Ultimately, the appropriate Commissions will have final say about appropriating money for projects through a budget. The plan references changes to the Zoning Ordinance, but the Council will have the opportunity to weigh in. City Attorney Blackwood stated the plan is the overarching document and ordinances would have to be consistent with it. However, the plan is not enforced on a detail by detail basis.

Councilor Mason inquired if ordinance changes will be coming forward a few at a time or if there will be a large PlanBTV change. Mr. White stated there will be a number of changes that will be discrete such as parking. There will also be a broader slate of changes that will be a part of the Form Based Code which regulates the form of development.

Councilor Worden stated the plan identifies specific tasks for different departments to do. He inquired if they will be prioritized and inquired if they will meet with Departments to discuss the plan. Mr. White stated there are a series of action items and they identify who the lead would be. Prioritization will be up to Departments and the Administration. There are a number of items that will require the right timing.

Councilor Siegel requested background information about why they are making ordinance changes.

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 8:27 p.m.

1.5.1. COMMUNICATION: Burlington Planning Commission, re: MDP-13-01 – DRAFT planBTV – Downtown & Waterfront Master Plan

Minutes, Adjourned City Council Meeting for April 29, 2013

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

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 8:27 p.m.

There being no one coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 8:27 p.m.

3. CONSENT AGENDA

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

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

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

3.02. RESOLUTION: Acceptance of Bureau of Justice Assistance (BJA) 2012 Bulletproof Vest Partnership Grant for the Purchase of 10 Bulletproof Vests as Approved by BVP Purchasing Guidelines and Budget Amendment Authorizing the Purchase (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

*waive the reading and adopt the resolution

3.03. COMMUNICATION: Lise E. Veronneau, Business Administrator, Burlington Fire & Police Departments, re: 2012 Bulletproof Vest Partnership \$2,995 Grant

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

3.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Madera's Restaurante Mexicano & Cantina (Councilors Blais, Tracy: License Committee)

*waive the reading and adopt the resolution

3.05. COMMUNICATION: License Agreement for Tables and Chairs with Madera's Restaurante Mexicano & Cantina 2013-2014 Season

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

3.06. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Manhattan Pizza & Pub (Councilors Blais, Tracy: License Committee)

*waive the reading and adopt the resolution

3.07. COMMUNICATION: License Agreement for Tables and Chairs with Manhattan Pizza & Pub 2013-2014 Season

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

3.08. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain A Sign Extending over a Portion of The City's Right-of-way with

Minutes, Adjourned City Council Meeting for April 29, 2013

Randolin Music (Councilors Blais, Tracy: License Committee)

*waive the reading and adopt the resolution

3.09. COMMUNICATION: License Agreement for Sign with Randolin Music 2013-2014 Season
*waive the reading, accept the communication and place it on file

3.10. RESOLUTION: Reclassification and Title Change of Three Site Coordinators to
Recreation Specialists – Parks and Recreation (Councilors Shannon,
Bushor, Decelles, Knodell: Board of Finance)

*waive the reading and adopt the resolution

3.11. RESOLUTION: Department of Parks and Recreation FY 2013 Budget Amendment
Requests Related to Waterfront Division Operations (Councilors
Bushor, Decelles, Knodell: Board of Finance)

*waive the reading and adopt the resolution

3.12. RESOLUTION: Authorization to Execute Contract for FY 2014 Street Reconstruction
Program (Councilors Bushor, Decelles, Knodell: Board of Finance)

*waive the reading and adopt the resolution

3.12.5. COMMUNICATION: Erin Demers, E.I.T., Public Works Engineer, Street Capital Program
Manager, Office of Planning, DPW, re: FY'14 Street
Reconstruction Program: Bid Results

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

3.13. RESOLUTION: Approval of Amendment to Fire Department Budget for Vehicle and
Equipment Maintenance to Replace Rescue Two Engine (Councilors
Bushor, Decelles, Knodell: Board of Finance)

*waive the reading and adopt the resolution

3.14. RESOLUTION: Department of Parks and Recreation FY 2013 Budget Amendment
Requests Related to Greenbelt Maintenance (Councilors Bushor,
Decelles, Knodell: Board of Finance)

*waive the reading and adopt the resolution

3.15. RESOLUTION: City Council Annual Retreat – Authorize Contract for Facilitator
(Councilor Shannon)

*waive the reading and adopt the resolution

3.16. RESOLUTION: Approval of Public Works Department Budget to Increase Vehicle
Maintenance Budget (Councilors Shannon, Bushor, Decelles, Knodell:
Board of Finance)

*waive the reading and adopt the resolution

3.17. RESOLUTION: Authorization to Accept State Grant Amendment Associated with
Modification of U.S. Customs Facility and International Flights at
Burlington International Airport (Councilors Shannon, Bushor,
Decelles, Knodell: Board of Finance)

*waive the reading and adopt the resolution

3.18. RESOLUTION: Authorization to Execute Lease for Verizon Wireless Cellular
Tower at Burlington International Airport (Councilors Shannon,

Minutes, Adjourned City Council Meeting for April 29, 2013

Bushor, Decelles, Knodell: Board of Finance)

*waive the reading and adopt the resolution

3.19. COMMUNICATION: Building and Rooftop Agreement

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

3.20. RESOLUTION: Approval of Assignment of Dollar Car Rental Agreement to Advantage Car Rental at the Burlington International Airport (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

*waive the reading and adopt the resolution

3.21. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned Meeting, City Council, January 28, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the April 15, 2013 City Council Meeting

3.22. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, February 11, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the April 15, 2013 City Council Meeting

3.23. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned City Council Meeting, February 19, 2013, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the April 15, 2013 City Council Meeting

3.24. 2013-2014 INDOOR ENTERTAINMENT PERMIT AND TOBACCO LICENSE RENEWALS:
see attached list

*waive the reading, accept the communication, place it on file and approve the 2013-2014 Indoor Entertainment Permit and Tobacco License Renewals

3.25. EXTENSION OF 2012-2013 INDOOR ENTERTAINMENT PERMIT: Finnigan's Pub
*extend the 2012-2013 Indoor Entertainment Permit for Finnigan's Pub (no documentation)

3.26. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, March 18, 2013 Minutes

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

3.27. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, April 15, 2013 Minutes

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

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

El Gato Cantina, 169 Church Street, Saturday, May 4th, 10 p.m. – 1 a.m., DJ Hector playing Salsa for the Cinco De Mayo celebration, dancing, amplified music

*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for El Gato Cantina

Minutes, Adjourned City Council Meeting for April 29, 2013

3.30. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Regular, City Council, March 11, 2013

*waive the reading, accept the communication, place it on file and adopt the minutes at the May 6, 2013 City Council Meeting

3.31. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary, re: Draft Minutes, Adjourned Meeting, City Council, March 18, 2013

*waive the reading, accept the communication, place it on file and adopt the minutes at the May 6, 2013 City Council Meeting

3.32. COMMUNICATION: Bruce Seifer & Julie A. Davis, re: Heartfelt Thanks

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

5. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—
Nonconforming Structures Demolition ZA 13-05 (Planning
Department, Planning Commission)(1st reading)

Councilors Mason and Bushor made a motion to consider first reading and refer to the Ordinance Committee.

David White, Planning and Zoning, stated that there were five amendments to the Zoning Ordinance on the agenda. This one related to the demolition of non-conforming structures. This would allow a structure to retain its non-conformity if it was demolished. There were many buildings in Burlington that were characteristic of a neighborhood development pattern and almost all of them were non-conformant. The zoning patterns did not reflect the development pattern that was on the ground. This would fine tune the ordinance to make it more reflective of what exists. The most common non-conformities are set back or lot coverage issues.

Councilor Worden stated that he has heard from people in Ward 1 about this issue. He inquired if it will apply to lot coverage. He also inquired about height requirements. Mr. White stated it will apply to height. This would apply to any existing non-conformity. The non-conformity could be lot coverage or others. Councilor Worden stated the wording makes it seem as if it just applies to setbacks. He inquired if this will go to the Ordinance Committee. Mr. White stated it will.

Councilor Mason stated it seems that this turns normal zoning on its head because they typically try to minimize non-conforming use. The reasoning is that the existing ordinance does not comply with what is on the ground. He inquired why they took this approach rather than trying to adjust what is written. Mr. White stated one of the next items will be a change to how setbacks are calculated. That will eliminate a number of non-conformities. In most cases, these are older buildings and they want to maintain that pattern. They have not been able to survey each neighborhood to see what the patterns are so they chose to take this blanket approach instead.

Councilor Bushor stated there are a lot of older homes that find when they want to replace a porch or other structure, they would not be in compliance by just replacing what they have. It makes a lot of sense and many people have asked for this.

City Council President Shannon inquired if someone with a non-conforming deck could turn it into a non-conforming addition using the same footprint. Mr. White stated they could not under this provision.

The motion passed unanimously.

6. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—
50% Residential Limitation ZA 13-07 (Planning Department,
Planning Commission)(1st reading)

Councilors Mason and Ayres made a motion to consider first reading and refer to the Ordinance Committee.

David White, Planning and Zoning Director, stated that this was a recommendation from planBTV. There was a need to have more housing in the downtown area to fulfill the mixed use vision that they have for the City. This provision makes it impossible for mixed use development to be created. There are financing mechanisms that this flies in the face of. They also need a lot more housing to support the economic vitality of the downtown and the City as a whole.

City Council President Shannon stated this has been in the Ordinance as a placeholder to ensure they retain the space that is needed for commercial development when there is pressure for residential development. She requested the Ordinance Committee consider that issue. An element of planBTV that has not yet been implemented is the issue of connectivity between the Downtown and Waterfront. The Ordinance says that it must be ground floor commercial and not residential. She hopes that as they look at what mix of buildings they will have, they will consider connectivity issues.

The motion passed unanimously.

7. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—
Residential Side/Rear Yard Setback Encroachments ZA 13-08
(Planning Department, Planning Commission)(1st reading)

Councilors Mason and Bushor made a motion to consider first reading and refer to the Ordinance Committee.

David White, Planning and Zoning Director, stated that this will address setbacks. It allows for existing encroachments into a setback to continue their encroachment by building upwards. There could be a one story addition where they would like to add rooms upstairs. The second part will change how setbacks are calculated. They currently calculate front yard setbacks based on the average of the street to understand the existing development pattern. This will use the same method to calculate side yard setbacks.

Councilor Bushor inquired if the motion has to acknowledge that these are first readings. City Attorney Blackwood stated it would be helpful, though it is noted on the document. City Council President Shannon requested the Clerk's Office clarify that motion.

Councilor Worden stated he understands the intent of the Ordinance but noted that it does not clarify whether they should use the lesser or greater. Because it is a minimum amount, there needs to be a specific number for the landowner to follow. There is always an oddity on the block that does not meet the characteristics of the neighborhood. That could result in a requirement of a higher setback than necessary.

City Council President Shannon inquired if a deck were to encroach on a setback could a structure do the same. Mr. White stated this speaks to existing buildings and not decks. It will allow that building to be vertically expanded, but a deck would not qualify as a building. City Council President Shannon stated that is not clear to her from what is written. She inquired if a building downtown with high height limits could go from a one floor structure to a six story structure. Mr. White stated that it could and the Commission spent a lot of time discussing height. They do not want to allow the new addition to be

higher than the existing building. City Council President Shannon stated she would be concerned about this because there could be unintended consequences.

Councilor Bushor requested a list of comments and concerns be sent to the Ordinance Committee.

The motion passed unanimously.

8. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—
Community Center ZA 13-09 (Planning Department, Planning
Commission)(1st reading)

Councilors Mason and Bushor made a motion to consider first reading and refer to the Ordinance Committee.

Councilor Bushor stated she had difficulty viewing the table associated with the Ordinance. She requested that be included when it is sent to the Ordinance Committee.

The motion passed unanimously.

- 8.01. COMMUNICATION: Appendix A-Use Table-All Zoning Districts

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

9. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—
Accessory Dwelling Units ZA 13-10 (Planning Department,
Planning Commission)(1st reading)

Councilors Mason and Bushor made a motion to consider first reading and refer to the Ordinance Committee.

Councilor Tracy stated this does not differentiate between different districts. He inquired if this could lead to even greater density in the RH District or if the lot coverage and setback requirements would prevent that from happening. Mr. White stated this is a specific requirement in State Statute. It relates only to owner occupied single family residences. If there is a multi-unit structure being rented out, they will not get any extra units.

Councilor Worden inquired if the purpose of this is to respond to a State change or to clarify language in the current Ordinance. David White, Planning and Zoning Director, stated it will clarify the language.

City Council President Shannon stated an element of this requires registering the accessory unit in a deed. She inquired if that is common in Ordinances and what the process for ensuring that happens is. Mr. White stated there is a section that requires a deed restriction to be applied relative to the accessory units. The applicant would have to demonstrate that they have complied by entering that information into the Land Records. It is tied to owner occupancy so it needs to be included in the Land Records.

The motion passed unanimously.

10. RESOLUTION: Mandatory Wheeled Covered Recycling Toters (Councilors Tracy, Paul)

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

Minutes, Adjourned City Council Meeting for April 29, 2013

Councilor Tracy stated this will set in motion a process to deal with recycling that they generate. This will ask the Department of Public Works and Code Enforcement to come up with an Ordinance. This will be significant, as they need to consider things like how to get enough totes, how to assemble them, how to distribute them to properties, how to track them to make sure they are returned if lost, and how much recycling a particular unit generates. The intent is to deal with blown trash that appears on windy days. He hopes the approach will be collaborative and allow resident, tenant and landlord input. They have begun to meet with landlords in the community and have received generally positive feedback, but there still are some concerns. He hopes it will have a positive impact on neighborhoods and help eliminating trash that accumulates on windy days.

Mayor Weinberger stated this has been a good process so far that has evolved from meetings with neighbors, Councilors, and other stakeholders. He hopes the collaboration will continue and result in good reform of the Recycling Ordinance.

Councilor Mason inquired what the current discounted rate is and what the normal rate would be. Mayor Weinberger stated the largest totes cost about \$100. They are figuring they would need one tote per three units. They would last about 5 years. It is a small expense when averaged over the life of the totes.

Councilor Decelles stated this is not just an issue in dense neighborhoods. They probably will need to go in this direction. Sooner rather than later, they need to discuss outsourcing this to outside businesses. He would like to know the financials surrounding this.

The motion passed unanimously.

10.01. COMMUNICATION: Mayor Miro Weinberger, re: Recycling Totes Resolution

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

10.5. (was 3.28.) COMMUNICATION: Eileen M. Blackwood, Esq., with the assistance of Eugene Bergman, Esq., Richard Haesler, Esq., Gregg Meyer, Esq., Kim Sturtevant, Esq., and Linda Blanchard to Mayor Miro Weinberger, re: Report on Current Implementation of City of Burlington's Livable Wage Ordinance

Councilors Siegel and Brennan made a motion to waive the reading, accept the communication, place it on file and refer to the Ordinance Committee.

Councilor Siegel stated this seems thorough and very well done and thanked the City Attorney's Office for their work. She is disappointed in the lack of compliance. She does not hold City staff members at fault for that, as they were not given the capacity to enforce and enact this Ordinance. She hopes that the Ordinance Committee will consider the things that are in the report as well as other things. She hopes they will look at exemption requirements and the process for doing that. She also requested clarification about how the Livable Wage Ordinance applies to the Airport. She hopes they will use caution when considering benefits as counting towards a livable wage. Some benefits can be considered as contributing to basic needs while others should not. She hopes this will expand to the Burlington School Department and to temporary workers.

Councilor Brennan stated this is an important topic and he appreciates the work on the report. He noted there are unintended consequences of the work that was done to bring this forward in the City. Many other entities looked at what the City was doing and increased the wages of their service workers accordingly. This contributes to lives, families and commerce in the City itself. The School Board also

Minutes, Adjourned City Council Meeting for April 29, 2013

considered livable wage and made some changes. The School Department has increased the value of the meals that are being provided. The individuals preparing the food are making a wage that is more viable for someone to seek that form of employment. There has been a lot of good that has come out of this that has not been broadcasted. There is room for growth. He values being able to go into a clean bathroom and for that to happen they have to value those workers. Suppressing wages hurts everyone.

Councilor Bushor noted there was a statement in the report that the livable wage is adjusted by the CAO each year in July. The CAO is supposed to look to the Joint Fiscal Office in the State to select that number. When comparisons were done with other communities, they need to consider the cost of living, which is likely higher in Burlington than in surrounding towns. She is proud that the City of Burlington pays a livable wage and made an effort to get those who they do business with to pay a livable wage. There are clearly some problems, but it does provide them with an opportunity to improve it. She hopes Councilors will give the Ordinance Committee some feedback.

Councilor Worden stated this is a complex issue and he is glad to see it moving forward. This was originally brought about because of the high cost of living in Burlington. The Ordinance does not address the fact that many people who work for the City of Burlington do not live in Burlington. It almost provides an incentive for people to work here but not live here. There should be an incentive to live in Burlington. They should focus on reducing the cost of living and increasing vacancy rates. More housing downtown will put more people in the tax base to help fund programs such as this one.

Councilor Hartnett stated the two things that come to mind with this are fairness and consistency. Using those as guidelines when thinking of this Ordinance will serve them better. There is a sense in the public that is not fair or consistent.

The motion passed unanimously.

11. COMMITTEE REPORTS (5 mins.)

Councilor Tracy stated the Transportation, Energy, and Utilities Committee has scheduled their first meeting.

Councilor Mason stated the Ordinance Committee will be holding a hearing on downtown parking.

City Council President Shannon stated Board/Commission applicants have been invited to the work session. Applicants have been asked to RSVP. She has tried to schedule people in time slots and hopes they can try to remain within those time frames. Going forward, they can adjust how much time they need. There are a number of people who cannot attend, but they have been invited to submit any additional information. Department Heads and Commission Chairs have also been invited. Department Heads have been asked to put in writing what is required for the position. She has only heard back from Planning and Zoning so far. They have very helpful information on their website.

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

Councilor Decelles stated the opening ceremonies for Little League Baseball are happening at Schifilliti Park. The Mayor will be throwing the first pitch. He invited everyone to attend.

Councilor Brennan stated the Center City will be starting their baseball season this weekend as well. He will be at Nunyun's with the Mayor to talk about concerns in the neighborhood.

Councilor Knodell stated there will be a Green Up Day event at Pomeroy Park to pick up trash and rake. She invited everyone to attend.

Councilor Hartnett stated there will be big baseball events at Callahan Park, Center City and Schifilliti Parks. It is important to get out to these sites to see the involvement. It is an amazing day for everyone. It has brought people from all walks of life together, both locally and nationally.

Councilor Siegel stated Callahan Park is doing a commemorative event for Bentley Seifer.

Councilor Worden stated the Greater Burlington Girls' Soccer League will be having their first game at Callahan Park. At the end, they will do one big dance of the Macarena.

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

Mayor Weinberger stated they last met on the day of the Boston Marathon Bombings. Burlingtonians should be proud that a number of people have stepped up to ensure that the 25th annual Vermont City Marathon is the best event that they have ever had. They will welcome runners from the Boston Marathon who were unable to complete their run.

He and the Administration have been busy focusing on budgets and will continue this process through May. The Budget Schedule is available on the City website.

The Smarter Cities challenge ended with an interesting and thoughtful event. He expects a detailed report from the global team of IBM experts in the coming weeks. He and his team will talk about how to move forward with the initiatives laid out in that report.

He has been working on the Champlain Parkway and Railyard Enterprise Project. He will return to the City Council with more details in the weeks ahead. The Administration is attempting to reach settlements with the parties who are appealing the Act 250 permit.

One settlement effort that has been attempted to date has not yet been successful. The Burlington Telecom Early Neutral Evaluator (ENE) was extended into March but was unsuccessful. He has ended those efforts and litigation is continuing.

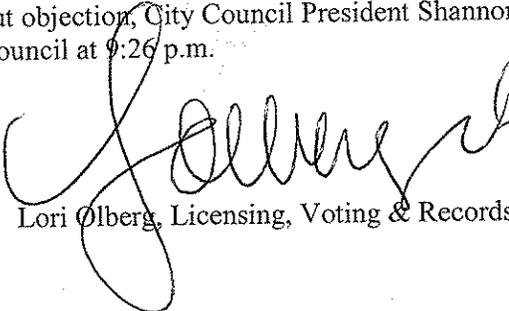
The Fiscal Stability Bond was sold last week. He thanked the CAO's Office for their work. The Bond came in where projections were expected to be. That effort is moving forward.

He will be out on Saturday for Green Up Day and Little League opening day. It will also be the kickoff day for Burlington Girls' Soccer and he will be at Callahan Park cheering them on.

14. ADJOURNMENT

Without objection, City Council President Shannon unanimously adjourned the Adjourned Meeting of the City Council at 9:26 p.m.

Attest:


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

DELIBERATIVE AGENDA
LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, MAY 6, 2013
7:05 P.M.

PRESENT: City Council President Shannon; Commissioners Worden, Bushor, Knodell, Tracy, Brennan, Siegel, Aubin, Hartnett, Mason, Blais, Paul, Ayres and Decelles

CITY ATTORNEY'S OFFICE: Eileen Blackwood, Assistant City Attorney Gene Bergman

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

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

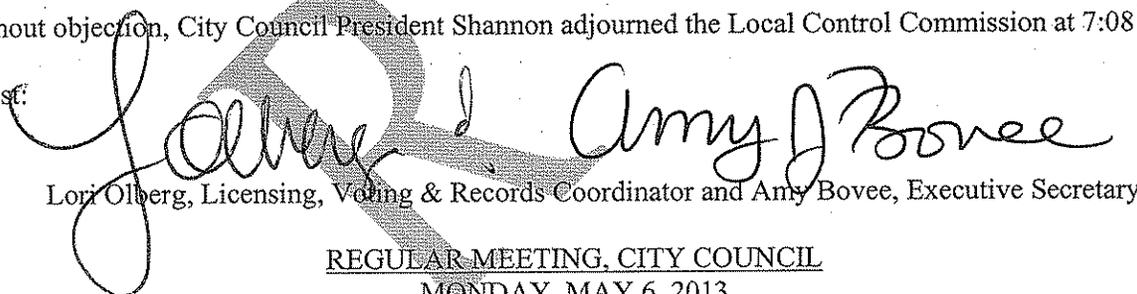
2. HEARING PANEL APPROVAL & RECOMMENDATION, ORDER, STIPULATED FINDINGS & CONCLUSIONS OF LAW: Atwater Kent, Inc., d/b/a Esox, 194 Main Street

Commissioners Blais and Ayres made a motion to adopt the findings and order. The motion passed unanimously.

3. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 7:08 p.m.

Attest:


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

REGULAR MEETING, CITY COUNCIL
MONDAY, MAY 6, 2013
7:08 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Worden and Bushor the agenda was unanimously adopted as amended as follows: add to the agenda 4.05. RESOLUTION: Adoption of The 2013 Climate Action Plan (Councilors Hartnett, Mason, Tracy: 2012-2013 Transportation, Energy & Utilities Committee).

City Council President Shannon stated that they would not be amending this resolution on to the agenda because there had been a change.

Councilors Worden and Bushor revised their motion to adopt the agenda as presented.

Minutes, Regular City Council Meeting, May 6, 2013

Councilor Decelles requested they add agenda item 2.5. Composition of Board of Finance.

The motion was adopted unanimously as amended.

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:43 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Ali Zipparo	Ward 2 Resident	DRB Applicant
Russ Elek	Ward 5 Resident	In favor of CDBG Recommendations
Karen Freudenberger	Ward 6 Resident	In favor of CDBG Recommendations
Alison Calderara	Ward 1 Resident	In favor of CDBG Recommendations

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:56 p.m.

2.5. Composition of the Board of Finance

Councilor Decelles stated as City Councilors, they understand what the time commitments this job entails. There needs to be a balance with families and the roles in the Council. He feels that the scales are out of balance for him, so he will be resigning from the Board of Finance. He requested that they appoint a replacement tonight.

City Council President Shannon stated she had no idea that this was coming forward. She suggested nominating a new person at the next Council agenda. Councilor Decelles stated there are four Board of Finance meetings, including Worksessions, between now and the next Council meeting. Waiting would be a disservice to the City. City Council President Shannon stated there is only one Board of Finance meeting between now and the next Council meeting.

Councilor Brennan stated the Board of Finance has been distributed based on party. He hopes they will recognize Councilor Decelles' party and maintain balance.

Councilor Knodell stated she would prefer to take this up at the May 20 meeting.

Councilor Siegel requested a 5 minute recess.

Councilor Hartnett stated he feels it would be wise to wait until May 20.

Councilor Ayres stated he would prefer to wait until May 20 to allow them to be more deliberative and solicit interest about who would be willing to serve.

Councilors Blais and Knodell made a motion to postpone appointment until the May 20 meeting.

The Council took a 5 minute recess.

The motion to postpone action passed unanimously.

3. CONSENT AGENDA

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

- 3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:
Accountability List
*waive the reading, accept the communication and place it on file
- 3.02. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables
And Chairs on a Portion of The City's Right-of-way with Bern Gallery
(Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 3.03. COMMUNICATION: License Agreement for Tables and Chairs with Bern Gallery 2013-2014
Season
*waive the reading, accept the communication and place it on file
- 3.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Sign
Extending over a Portion of The City's Right-of-way with Liebling
(Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 3.05. COMMUNICATION: License Agreement for Sign with Liebling 2013-2013 Season
*waive the reading, accept the communication and place it on file
- 3.06. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables
And Chairs on a Portion of The City's Right-of-way with Pho Hong
Restaurant (Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 3.07. COMMUNICATION: License Agreement for Tables and Chairs with Pho Hong Restaurant
2013-2013 Season
*waive the reading, accept the communication and place it on file
- 3.08. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Roofline
Cornice Overhanging a Portion of The City's Right-of-way with
Shoeless Konstruction (Councilors Blais, Tracy, Ayres: License
Committee)
*waive the reading and adopt the resolution
- 3.09. COMMUNICATION: License Agreement for a Roofline Cornice Overhanging the Sidewalk
With Shoeless Konstruction 2013-2014 Season
*waive the reading, accept the communication and place it on file
- 3.10. RESOLUTION: Authorization to Enter into License Agreement to Maintain a Sign
Extending over a Portion of The City's Right-of-way with Phoenix
Books (Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 3.11. COMMUNICATION: License Agreement for Sign with Phoenix Books 2013-2014 Season
*waive the reading, accept the communication and place it on file

3.12. TOBACCO LICENSE RENEWAL (2013-2014): The Other Place, 4 North Winooski Avenue
*waive the reading, accept the communication, place it on file and approve the 2013-2014 Tobacco Renewal for The Other Place

3.13. COMMUNICATION: Handout from Caryn Long, 4/29/13 City Council Meeting, re:
Newspaper Article: Bike-friendly Portland has parking issues,
Associated Press

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

3.14. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (5/10-5/12):

Spielpalast Cabaret, Contois Auditorium, May 10 – 12, 2013, 7 p.m. – 11 p.m.

*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for May 10 -12, 2013 for Spielpalast Cabaret

3.15. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (5/17-5/18):

Spielpalast Cabaret, Contois Auditorium, May 17, 2013, 7 p.m. – 11p.m.; May 18, 2013,
7 p.m. – 1a.m.

*waive the reading, accept the communication, place it on file and approve the special event indoor entertainment permit application for May 17- 18, 2013 for Spielpalast Cabaret

3.16. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee,
Executive Secretary, re: Draft Minutes, Regular, City Council, March 11,
2013

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the
April 29, 2013 City Council Meeting

3.17. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee,
Executive Secretary, re: Draft Minutes, Adjourned Meeting, City
Council, March 18, 2013

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the
April 29, 2013 City Council Meeting

4. PUBLIC HEARING: Burlington Climate Action Plan

Sandrine Thibault, Planning and Zoning Comprehensive Planner, stated that in 1996 the City was one of the first Cities to join the Cities for Climate Protection Campaign. The City Council passed a resolution in 1998 to prepare and adopt the first Climate Action Plan. This plan is an update of the 2000 Climate Action Plan that is on the books. This implements the vision set in the Legacy Plan, the Municipal Development Plan, and the PlanBTV Downtown and Waterfront and Master Plan. The plan measures greenhouse gas emissions that the City and Government create. The process is to measure what impact the City has on climate change and then plan strategies to mitigate that impact. The plan is a roadmap for the future to help decision making. In Burlington, climate change has already had impacts on daily life, such as flooding from Hurricane Irene a few years ago. Climate change can impact private property, infrastructure, recreation, agriculture, and human health. The plan update has been going on since 2008. They began with a greenhouse gas emissions inventory. They then invited the public to participate in work groups to develop mitigation strategies. They did tremendous works to develop over 200 strategies. The developed criteria to evaluate the strategies selected 39 projects that are included in the Climate Action Plan. They plan to do a greenhouse gas emission inventory every three years and did one using 2010 data. After receiving feedback, they reformatted the plan to emphasize the strategies and policies

that will be used. They have changed the reduction targets to reflect the increase in greenhouse gas emissions that occurred between 2007 and 2010. They changed the targets to be more realistic and achievable. They first hope to level off greenhouse gas emissions by 2016. By 2025, the target is to reduce greenhouse gas emissions. The target for municipal operations is higher than Airport and Community-wide targets because the City feels that they can make decisions that will have a direct impact. Emission reductions in the community will happen more from encouraging people to change certain behaviors. This also sends a good message that the City is committed to reducing its emissions. They have added a new goal, which is compact mixed-use development. After the planBTV process, they determined that a great way to reduce emissions is to build a compact, dense community so that people can live and work in the same area to reduce single occupancy transportation. They will increase transportation and housing in the downtown. This relates directly to the other goals in the Climate Action Plan. To adopt the Climate Action Plan, they will incorporate it in the "Energy" chapter of the Municipal Development Plan. It serves as a supporting document. They have also updated the rest of the chapter with the information from the Climate Action Plan in collaboration with the Burlington Electric Department.

David White, Planning and Zoning Director, stated they are recommending that they defer the action of referring the document to the Planning Commission. An issue was raised about one of the recommended strategies for housing. The wording suggests that all regulatory barriers to constructing housing in the downtown should be removed. There was a concern that someone could construe that to mean that all regulations regarding housing, such as zoning and building codes, should be eliminated. That is not the intended recommendation. It needs to be reworded to be clear about what the objective is. This is part of the Land Use and Development Policy associated with the Municipal Development Plan. The process to amend the Municipal Development Plan is governed by State Statute, which says that it must be adopted within a year of the last public hearing of the Planning Commission. That deadline is May 8, but there is no time to make the change in that time period. Referring it back to the Planning Commission will allow them to make the change and start the adoption process over.

Ms. Thibault stated this will be an opportunity for people to add any comments that they may have.

City Council President Shannon stated this plan is different than the one presented at the last Public Hearing and it is vastly improved. She thanked them for their work.

Councilor Bushor stated this plan is more realistic than the original plan. She is glad that it will be referred back to the Planning Commission because when she read it, it seemed like it needed another critical eye. It referenced things that would happen in 2012, but at this point these things either happened or they had not. There were also some inconsistencies between the Climate Action Plan and the Municipal Development Plan. She noted on the Energy Action Plan they mention they want to develop a comprehensive public outreach program with Planning and Zoning and Public Works. She inquired why the schools, UVM and Champlain College were not included in this approach. They should take advantage of the educational institutions when working to educate the public. This is going in the right direction.

Councilor Brennan stated that this is the most important piece of action that they can look towards for the future. He appreciated the updated graphics and felt that they are meaningful for people looking at the plan. He felt that there are a couple of areas they need to focus on. They have talked about busses for mass transit, but some citizens have discussed other options, such as light rail. There is a group of people from Ward 3 who are very interested in this topic. There are Burlington representatives looking to increase light rail. He also raised concerns about the efforts being made across the country with natural gas. There are supplies out there, but it seems there is a large move towards fracking which can hurt the environment in other ways. As they work towards lowering greenhouse gas emissions, they need to be mindful of what the replacements are. There are goals they all need to strive for.

Councilor Worden stated the plan presents well and looks nice and thanked them for their efforts. They need to find a balance between what is reasonable and achievable and what is really needed. This seems to trend towards what is reasonable and achievable. He understands the challenge of setting goals that are so high that they are disappointed when they do not meet them, but if these goals are not set they will not meet them. There has been an increase in emissions in all areas- municipal, airport, and community. It looks as if the community has benefited from energy efficiency efforts.

Councilor Tracy stated there are competing goals in some places. They are working towards increasing Airport traffic and flights but also working to reduce emissions. They need to consider how they will balance those efforts. He inquired what the Smarter Cities group thought of this plan and if they had other ideas. Jennifer Green, from CEDO, stated this did not take into account fuel being used in airplanes. It is challenging to consider how much they would need to reduce emissions from airport operations while also increasing flights. She congratulated the Airport for the work that they have done. The Smarter Cities group did give a lot of positive feedback, particularly in regards to transportation and electric vehicle use. They suggested bolstering the existing car share program to include electric vehicles. They have been in touch with some European cities that have a robust electric car infrastructure program. They also are considering the energy efficiency pieces they have in the City to communicate to the public about what is available. Currently the Home Energy Challenge is going on, but they have heard from people that there is confusion about where to look for information.

City Council President Shannon stated the comments about the Airport are interesting. She recently attempted a flight out of BTV but ended up flying out of Manchester. Just because they do not have the flight in Burlington does not mean that they have reduced their carbon footprint because people then have to drive to Manchester or Albany. This plan asks for a lot from the citizens of Burlington. She suggested that getting a commitment from the citizens, perhaps through a referendum, may help in their efforts. Advisory questions give government advice about what they should do. In this case, they would be asking the citizens if they are willing to do certain things to reduce their carbon footprint.

City Council President Shannon opened the public hearing at 7:40 p.m.

No one spoke on this item.

City Council President Shannon closed the public hearing at 7:40 p.m.

Councilors Bushor and Siegel made a motion to refer this to the Planning Commission with a report back date of the first meeting in September. The motion passed unanimously.

- 4.01. COMMUNICATION: Sandrine Thibault, AICP, Comprehensive Planner and Jennifer Green, Sustainability Coordinator, re: Proposed Municipal Development Plan Amendment: **MDP-12-01 Burlington Climate Action Plan**

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

- 4.02. COMMUNICATION: Burlington, VT, Climate Action Plan

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

- 4.03. COMMUNICATION: Burlington Municipal Development Plan, VIII. ENERGY PLAN

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

4.04. COMMUNICATION: Public Hearing Notice

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

5. PUBLIC HEARING: 2013 Consolidated Plan for Housing & Community Development/2013 One Year Action Plan

Marcy Krumbine, from CEDO, stated that they have a draft of the Consolidated Plan for Housing and Community Development. The City is required to do this five year planning document as a condition of receiving Community Development Block Grants (CDBG) and the Home Investment Partnership Grants. It is supposed to be rewritten every 3-5 years. It is in the public process comment and has been published on the website. The plan provides detailed information about the City's demographics, the local housing market, and the local economy. It outlines housing, community and economic development needs for the City. It will start in July of 2013 and go for five years. CDBG has three major priorities- decent housing, creating economic opportunities, and a suitable living environment. Through the needs and market analyses, the City will create goals within those three objectives. The goals have remained the same since 2008. Decent housing will continue to be the top priority. Over 51% of the income qualified renters of the City are cost burden, meaning they pay over 30% of their income on housing. Burlington has some of the oldest housing stock in the country and a low vacancy rate. This makes finding and keeping housing very difficult. They next will work to create economic opportunities. There are low income residents facing barriers to employment such as lack of affordable childcare, limited English, limited opportunities to earn a livable wage. There are businesses having difficulty hiring local people. It is important to continue to invest in economic opportunities through entrepreneurial training, childcare opportunities, and cultural access programs. Finally, a suitable living environment is the third priority. They have aging public and non-profit facilities and infrastructure. There is an increased service need among the non-profit sector. They would continue to invest in those improvements and recommend they use the 15% allowance for public services for that funding. The CDBG Advisory Board has determined how they will allocate the CDBG funding. All of the agencies that applied for funding have received the recommendations. She thanked the Committee members for their work. This was the first time she has experienced the process in this way. The process was very down to earth and involved. This year, the Committee was asked to think strategically, value innovation more, and to have less grantees but give more funds to the organizations. They did that because of the changing environment with HUD and the available resources. Going down the path of very small grants is an administrative nightmare and increases risk with HUD. It does not give the money or support that organizations need. CEDO also did not compete this year. Applications were scored and rated internally between CEDO and the Mayor's Office. They also wanted to put as much money as possible into the community, so CEDO took less. The 2013 Action Plan reflects those projects, combines the recommendations of the Committee and the priorities and the goals of the 2013 Five Year Consolidated Plan. They will continue to fund Thayer School, add 36 units of senior housing, work with Champlain Housing Trust to maintain affordability of 140 housing units, doing pre-development work of housing on Bright Street, home sharing efforts, home based and center based services for seniors, work with homeless residents with emergency shelter, case management, and housing placement services. They will also work with Women Helping Battered Women to do renovations on their facility. Economic Development programs will help the creation and retention of jobs and businesses through technical assistance, business loans, and entrepreneurial training. It is an arduous process but she feels they have a great plan. Last year there were 21 public service organizations receiving funding but this year there are 14. HUD has not released their allocations for next year. They have done this whole process based on a 5% reduction. They recommend nothing be submitted until they have their allocations.

City Council President Shannon opened the public hearing at 8:19 p.m.

Councilor Bushor inquired what window of time they have to adopt the plan after receiving notification from HUD. Ms. Krumbine stated she expects they will be extremely flexible this year. Normally, the year begins July 1, but she does not see how that will happen. Typically they are allowed 30 days. It may be easier to adopt the plan and then make amendments to it. Councilor Bushor stated she would rather wait until they know the allocation. She stated this was challenging to review and thanked everyone who was involved in the process. Having citizens involved is key. They review applications and make recommendations to the Mayor and the Council. She looked at categories of funding and defined them with things like age, housing, food, and new Americans. She hopes they can add that to the equation in the next cycle to endure they are not leaving out categories of people. She understands that small grants are not effective. The Police Department comes forward with small grants of a few thousand dollars that they use to piece together their budgets. She also understands that small grants require a lot of work to review. She believes that these agencies piece together their budgets too, and it makes her uncomfortable to see that. She hopes that they will reaffirm that is what agencies want in coming years. She cares less about the administrative work than she does about the agencies that are in need of this funding. She found the Decent Housing Synopsis incredibly informative. There are things that they have done well and other areas that have been more challenging. She would like to understand obstacles better in cases that they will not meet the goal. Ms. Krumbine stated every year they do the Consolidated Performance and Evaluation Report. That is the time when they will come back with the goals and a status update. She believes they will make many of the housing goals this year because of the purchase of South Meadow. They will likely still fall short on homeownership.

Councilor Tracy inquired how they will continue to fund CEDO in light of declining federal funding and sequestration. He inquired if they have considered other funding sources or if CEDO will be fading. Peter Owens, CEDO Director, stated they are in an environment of dwindling federal resources and they want to optimize the funding that is available. They feel they have opportunity to grow revenue outside of the federal funding. They will hear more about that at their budget work session. They have initiatives in the formative phase that will create alternative revenue streams that will pick up the slack for staff funding and release a lot of the dollars to the programs that need that funding. Councilor Tracy stated having that aggressive approach will be helpful and beneficial.

Councilor Worden stated he attended the first CDBG Meeting and noted there is a lot the Council cannot do and they must rely on people to contribute. Many people are upset with the results, but they need to applaud the process. He inquired about the words "develop units" listed in the affordable housing section. He inquired if that is specific to developing new units or if it applies to converting existing units. Ms. Krumbine stated it is divided. Councilor Worden stated so many of the problems they encounter revolve around the vacancy rate and encouraged the department to focus on developing new units rather than converting existing ones. Ms. Krumbine stated their goal is to develop 128 new units. 54 have been completed and there are nearly 100 more in development. That is how they will meet that goal. The key is that it costs much less to maintain the units that are already affordable. They have teamed with planBTV to promote infill housing and downtown development to create more housing opportunities at every level. Councilor Worden stated he wants to be clear he is requesting they focus on building new units that are also affordable. They heard during the Climate Action Plan presentation that dense urban infill neighborhoods are an important goal. The current Zoning Ordinance says that increased density is allowable when affordable housing is included. He encouraged them to develop new units that are affordable whenever possible.

Councilor Siegel thanked them for their work and presentation. She inquired about a portion of the memo where they state they are waiting for information from HUD that explains what would happen if they receive more or less funding. She inquired what is meant when they stated they will follow the citizen participation plan and amend the action plan without adding or subtracting activities. Ms. Krumbine

stated if the Council approved the plan and then the funding level changes, the Citizen Participation Plan says that if the funding changes by more than 10% they have to go through another public process. Her suggestion would be to use the projects that they have already selected and add or subtract to the existing projects. Councilor Siegel inquired how they would follow through if there were less funding. Ms. Krumbine stated they would come through Council for review or they could wait for the allocation and then resubmit it.

City Council President Shannon inquired if they are seeking adoption at this meeting. Ms. Krumbine stated they are not. They first have to have a public hearing.

City Council President Shannon closed the public hearing at 8:34 p.m.

- 5.01. COMMUNICATION: Peter Owens, CEDO Director and Marcy Krumbine, Assistant Director For Community Development, re: Proposed 2013 Five Year Consolidated Plan Community Development Block Grant Proposed Allocations Proposed 2013 Action Plan for Housing & Community Development

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

- 5.02. COMMUNICATION: Marcy Krumbine, CEDO, re: 2013 Consolidated Plan for Housing & Community Development

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

- 5.03. COMMUNICATION: Needs Assessment

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

- 5.04. COMMUNICATION: Housing Market Analysis

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

- 5.05. COMMUNICATION: Strategic Plan

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

- 5.06. COMMUNICATION: CDBG Advisory Board Recommendations

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

- 5.07. COMMUNICATION: Marcy Krumbine, CEDO, re: 2013 Action Plan for Housing & Community Development

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

5.08. COMMUNICATION: Public Hearing Notice

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

5.09. COMMUNICATION: Barbara Rachelson, Executive Director and Lisa Pizzagalli, Board Chair, Lund, re: CDBG funding

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

6. APPOINTMENT: Chief Administrative Officer

Mayor Weinberger thanked Interim CAO Paul Sisson for serving the City admirably for a much longer period of time than expected. The Administration has gone through a lot in the last year and achieved many successes that would not have been possible without his hard work. He also thanked the search committee who worked to complete a national search for a permanent CAO. They reviewed dozens of resumes. Their work has resulted in finding an individual who will build on the successes of the last year to move the City in a positive direction. Bob Rusten has extensive experience as a State and Municipal Official having served as a Town Administrator and later as the Deputy City Manager for the City of South Burlington. He has also served as an elected official in the State Legislature. Through this, he has experience in working with credit rating agencies, pension shortfalls, and internal control issues. He also brings qualities that will make him a great CAO. He is an excellent communicator, he is tough but fair with all parties involved, and has an extensive track record around finding consensus around difficult issues.

Councilor Bushor thanked Mr. Rusten for the time he took to meet with Councilors. She is confident that he will be appointed and looks forward to serving with him.

Bob Rusten, CAO Appointee, stated it has been a pleasure meeting everyone.

Councilor Brennan thanked Mr. Rusten for sharing his wealth of experience and thanked Interim CAO Sisson for his efforts over the last year.

The Council voted unanimously to appoint Bob Rusten as Chief Administrative Officer.

Mr. Rusten stated he is looking forward to work with everyone and it has been exciting to meet Councilors, the Mayor and Staff at the Clerk/Treasurer's Office. He looks forward to this opportunity.

City Council President Shannon thanked Interim CAO Sisson for his service.

6.01. COMMUNICATION: Mayor Miro Weinberger, re: Appointment of Chief Administrative Officer

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

6.02. COMMUNICATION: Robert "Bob" Rusten's Resume

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

7. COMMITTEE REPORTS (5 mins.)

Councilor Knodell stated that the Public Safety Committee will be meeting to hold an Organizational Meeting.

City Council President Shannon stated that June 20th will be the City Council Retreat. An agenda will be prepared and Councilors will be contacted by the facilitator to determine what they would like to discuss.

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

Councilor Brennan stated that he has been running on the Bike Path and will be challenging himself to run the full marathon. He will be having people sponsor him to support the One Fund in Boston. The Vermont City Marathon has stepped up to the plate for the people in Boston and it will be a great opportunity for the City to shine.

Councilor Tracy stated they had an incredible Green Up Day and did work in Pomeroy Park. He thanked everyone who was involved. He also went to Center City Opening Day to watch the Mayor catch the first pitch. It was incredible to see how involved people are outside of the Council. It was great to see that involvement and the impact it had.

Councilor Bushor stated a delegation from Russia, including some members from Burlington's Sister City, Yaroslavl, arrived in Boston. They are spending time there before coming to Burlington. They will be meeting with the Mayor and others. There will be an opportunity for those who went to Yaroslavl to get together on Friday night. The interpreter who helped them while in Russia will be there to assist them. Their focus is on opportunities for youth. She values the Sister City Programs that they have for cultural diversity, the exchange of ideas, and broadening horizons.

Councilor Siegel stated the Commission Appointment Process has begun. She noted that the resolution they passed places an emphasis on qualifications, expertise and geographic location of applicants garners greater attention than political affiliation and incumbency. It also notes that they value having more diversity in terms of gender, race, ethnicity, age, socioeconomic status or profession. To her, this means that incumbents will not automatically be reappointed. Obviously, incumbents will have experience from having served, but they need to consider the full person and the full board. She also stated she sent an email to Councilors about supporting diversity and equity initiatives. She also shared a flyer that Councilors can share with constituents. It has information about upcoming meetings with information about upcoming meetings and contact information for the facilitator. There has been a sense of dissatisfaction with the work of the facilitator to date. They have not yet clarified the policy for setting agendas, running the meetings, making decisions and more. There have been communications with her regarding that and she hopes they will turn it around.

City Council President Shannon stated she went to her first Opening Day for the dedication of the field for Bentley Seifer. She had never attended Opening Day before but it was a moving event. She commended Brian Pine and Jeff Smith and everyone who contributed to rebuilding the field for Bentley. It was a moving day and a time to reflect on his values, which were also the community's values.

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

Mayor Weinberger stated the event at Callahan Park was very moving and he was honored to attend. It was an Opening Day that no one will forget.

Minutes, Regular City Council Meeting, May 6, 2013

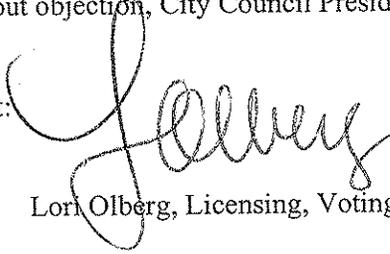
This Thursday's budget work Session, which will focus on DPW, will be held at the Department of Public Works on Pine Street.

There was a resolution passed authorizing him to make additional appointments to the ADA Committee. They will be receiving a communication with those names. They had to coordinate with other organizations to compile that list.

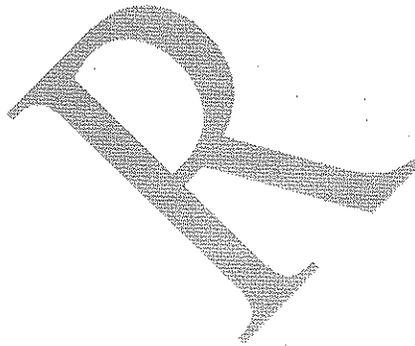
10. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Regular City Council Meeting at 8:59 p.m.

Attest:

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



DELIBERATIVE AGENDA
LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, MAY 20, 2013
7:09 P.M.

PRESENT: City Council President Shannon, Commissioners Bushor, Worden, Knodell, Tracy, Brennan, Aubin, Hartnett, Mason, Blais, Paul, Ayres and Decelles

ABSENT: Commissioner Siegel

CITY ATTORNEY'S OFFICE: Eileen Blackwood and Richard Haesler

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

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

2. CONSENT AGENDA

Commissioner Bushor inquired how far the café expansions will be extended. Commissioner Blais stated historically, they have let the Marketplace determine those boundaries. This proposal was brought forward by the Church Street Marketplace Office and has been presented to the Church Street Marketplace Commission. They are recommending that they adopt their proposal.

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

2.01. OUTSIDE CONSUMPTION PERMIT EXPANSION: Daily Planet, 15 Center Street
*waive the reading, accept the communication, place it on file and approve the outside consumption permit expansion for Daily Planet

2.02. COMMUNICATION: Ron Redmond, Church Street Marketplace, re: Request for Sidewalk Café Expansions
*waive the reading, accept the communication, place it on file and approve the request for sidewalk café expansions for Leunig's Bistro, Nika, RiRa and Scuffer Steak and Ale House

2.03. OUTSIDE CONSUMPTION PERMIT EXPANSIONS(specific dates only):

Leunig's Bistro, Nika, RiRa and Scuffer Steak and Ale House
*waive the reading, accept the communication, place it on file and approve the outside consumption permit expansions for Leunig's Bistro, Nika, RiRa and Scuffer Steak and Ale House for specific dates only

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

AS, LLC, d/b/a Junior's Downtown, 176 Main Street

Commissioners Blais and Tracy made a motion to approve the first class restaurant liquor license application for Junior's Downtown. The motion passed unanimously.

4. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2013-2014):

Panache of Paris, Inc., d/b/a Leunig's Bistro & Lounge, 115 Church Street

Commissioners Blais and Tracy made a motion to approve the first class restaurant liquor license application for Leunig's Bistro & Lounge. The motion passed unanimously.

4.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2013-2014):

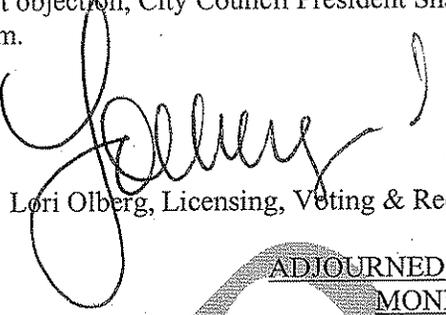
Panache of Paris, Inc., d/b/a Leunig's Bistro & Lounge, 115 Church Street

Commissioners Blais and Tracy made a motion to approve the outside consumption permit application for Leunigs' Bistro & Lounge. The motion passed unanimously.

5. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission Meeting at 7:13 p.m.

Attest:

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

ADJOURNED MEETING, CITY COUNCIL
MONDAY, MAY 20, 2013
7:13 P.M.

PRESENT: see above, Councilor Siegel arrived at 7:16 p.m.

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

Councilor Knodell requested that consent agenda items 3.23. through 3.26. be moved to the Deliberative Agenda as agenda items 9.1 through 9.4.

Councilor Bushor stated that consent agenda item 3.35. is a communication from the Chief of Police talking about a strategy for the summertime. She feels it is important that the Chief speak to the Council about the approaches being used to safeguard downtown and the public. It will also alert people of the ramifications of disorderly conduct and other violations. She requested that he be invited to present in June.

On a motion by Councilors Knodell and Decelles the agenda was unanimously adopted as amended.

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:30 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Kurt Wright	Ward 4 Resident	Bike Path Improvements

There being no one further coming forward and with no objection from the remaining Council, City Council President Shannon closed the public forum at 7:32 p.m.

3. CONSENT AGENDA

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

- 3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List
*waive the reading, accept the communication and place it on file
- 3.02. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Bueno Y Sano (Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 3.03. COMMUNICATION: License Agreement for Tables and Chairs with Bueno Y Sano 2013- 2014 Season
*waive the reading, accept the communication and place it on file
- 3.04. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain A Sign on a Portion of The City's Right-of-way with Hotel Vermont (Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 3.05. COMMUNICATION: License Agreement for Sign with Hotel Vermont 2013-2014 Season
*waive the reading, accept the communication and place it on file
- 3.06. RESOLUTION: Authorization to Enter into License Agreement for Use of Sidewalk Located on a Portion of The City's Right-of-way with Lucky Next Door (Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 3.07. COMMUNICATION: License Agreement for Use of Sidewalk Adjacent to Handicap Access Ramp with Lucky Next Door 2013-2014 Season
*waive the reading, accept the communication and place it on file
- 3.08. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Sign Extending Over a Portion of The City's Right-of-way with Patagonia Burlington (Councilors Blais, Tracy, Ayres: License Committee)
*waive the reading and adopt the resolution
- 3.09. COMMUNICATION: License Agreement for Sign with Patagonia Burlington 2013-2014 Season
*waive the reading, accept the communication and place it on file
- 3.10. RESOLUTION: Authorization to Enter into License Agreement to Maintain A Bike Rack

and Tent on a Portion of The City's right-of-way with The Ski Rack
(Councilors Blais, Tracy, Ayres: License Committee)

*waive the reading and adopt the resolution

3.11. COMMUNICATION: License Agreement for Bike Rack and Tent with The Ski Rack
2013- 2014 Season

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

3.12. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and
Chairs on a Portion of The City's Right-of-way with Radio Bean
(Councilors Blais, Tracy, Ayres: License Committee)

*waive the reading and adopt the resolution

3.13. COMMUNICATION: License Agreement for Tables and Chairs with Radio Bean Coffeehouse
2013-2014 Season

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

3.14. RESOLUTION: Fire Equipment Mutual Sharing Agreement (Councilors Shannon,
Bushor, Knodell: Board of Finance)

*waive the reading and adopt the resolution

3.15. COMMUNICATION: Mutual Equipment Sharing Agreement

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

3.16. RESOLUTION: Acceptance of Vermont Department of Public Safety Grant to Purchase
19 Portables and 1 Mobile Radio and Budget Amendment Authorizing
The Purchase (Councilors Shannon, Bushor, Knodell: Board of Finance)

*waive the reading and adopt the resolution

3.17. COMMUNICATION: State of Vermont Standard Subgrant Agreement (Federal Fund Source to
Non-State Recipient), Vermont Department of Public Safety Agreement
02140-70252-216

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

3.18. COMMUNICATION: Lise E. Veronneau, Business Administrator, Burlington Fire & Police
Departments, re: Vermont Department of Public Safety Grant
Agreement #20140-70252-216

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

3.19. RESOLUTION: Reappointment of William Ward as City Health Officer (Councilor
Hartnett)

*waive the reading and adopt the resolution

3.20. COMMUNICATION: Lori Cragin, MS. PHD, State Epidemiologist – Environmental Health,
Vermont Department of Health, re: Town Health Officer

*waive the reading, accept the communication, place it on file and re-appoint William Ward as the Town
Health Officer

3.21. RESOLUTION: 41 Cherry Street, LLC Amendment to Encumbrance Permit/License
Agreement (Councilors Shannon, Bushor, Knodell: Board of Finance)

*waive the reading and adopt the resolution

3.22. COMMUNICATION: Amendment to Encumbrance Permit/License Agreement with 41 Cherry Street, LLC July 15, 2011 – July 31, 2013

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

3.27. UMBRELLA ENTERTAINMENT PERMIT APPLICATION (May 31 – June 9):

Burlington Discover Jazz Festival, various locations around the City, May 31 – June 9

*waive the reading, accept the communication, place it on file and approve the Umbrella Entertainment Permit Application for the Burlington Discover Jazz Festival

3.28. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (specific dates):

Daily Planet, 15 Center Street, jazz for Jazzfest, specific dates only

*waive the reading, accept the communication, place it on file and approve the Special Event Indoor Entertainment Permit Application for Daily Planet, specific dates only during the Jazzfest

3.29. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (5/24, 5/30):

Monkey House, at 420 Pine Street, parking lot/courtyard area, 4 p.m. – 9 p.m., Food Truck Rally

*waive the reading, accept the communication, place it on file and approve the Special Event Outdoor Entertainment Permit Application for Monkey House, 5/24, 5/30

3.30. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Burton Snowboards, 80 Industrial Parkway, 5/25/13, 1 p.m. – 6 p.m., Dancing, Amplified Music

*waive the reading, accept the communication, place it on file and approve the one day Special Event Outdoor Entertainment Permit Application for Burton Snowboards

3.31. COMMUNICATION: Make Your Voice Heard: Burlington Redistricting Committee

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

3.32. COMMUNICATION: Marina Collins, Retirement Administrator, re: BERS Experience Study 7/1/07-6/30/12

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

3.33. COMMUNICATION: Report on the Results of an Experience Study of The Burlington

Employees' Retirement System Covering the period July 1, 2007 through June 30, 2012

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

3.34. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (5/23-5/25):

Spielpalast Cabaret, Contois Auditorium, City Hall, May 23 – 25, 2013, 7 p.m. – 11 p.m.

*waive the reading, accept the communication, place it on file and approve the Special Event Indoor Entertainment Permit Application for Spielpalast Cabaret, May 23 – 25, 2013, 7 p.m. – 11 p.m.

3.35. COMMUNICATION: Chief Michael Schirling, Burlington Police Department, re: Comprehensive Strategy Memo

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

3.36. INDOOR ENTERTAINMENT PERMIT RENEWAL (2013-2014): Finnigan's Pub

*waive the reading, accept the communication, place it on file and approve the 2013-2014 Indoor Entertainment Permit Renewal for Finnigan's Pub

3.37. COMMUNICATION: Laura Babcock, Clerk, Board of Electric Commissioners, re: Electric Commission Attendance Record

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

3.38. COMMUNICATION: Mayor Miro Weinberger, re: Appointments to Advisory Committee on Accessibility

*waive the reading, accept the communication, place it on file and appoint the following individuals as outlined to the Advisory Committee on Accessibility

3.39. COMMUNICATION: Paul Sisson, Interim CAO, re: Budget Adjustment Reports

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

3.40. COMMUNICATION: Amy Bovee, Executive Secretary, re: Special Meeting of the Board of Finance, Thursday, April 18, 2013 Minutes

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

3.41. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance, Monday, April 22, 2013 Minutes

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

4. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014):

Panache of Paris, Inc., d/b/a Leunig's Bistro & Lounge, 115 Church Street

Councilors Blais and Bushor made a motion to approve the indoor entertainment permit application for Leunig's Bistro & Lounge. The motion passed unanimously.

5. OUTDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014):

Panache of Paris, Inc., d/b/a Leunig's Bistro & Lounge, 115 Church Street

Councilors Blais and Ayres made a motion to approve the outdoor entertainment permit application for Leunig's Bistro & Lounge. The motion passed unanimously.

6. TOBACCO LICENSE APPLICATION (2013-2014):

Bern Nation Inc., d/b/a The Bern Gallery, 135 Main Street

Councilors Blais and Decelles made a motion to approve the tobacco license application for The Bern Gallery. The motion passed by a vote of 13-1 with Councilor Brennan voting against.

7. APPOINTMENT: Board of Finance Member (no supporting documentation)

Councilor Paul nominated Councilor Bryan Aubin for the Board of Finance. She stated she received an email about his background which included experience in non-profit finance and that he is the treasurer of his local teacher's union. She has worked with him on the Parks, Arts and Culture Committee and it has been a pleasure to work with him.

Councilor Aubin was appointed to the Board of Finance unanimously.

Councilor Aubin stated he has put forward some information about the concerns people expressed about his political party and the makeup of the Board of Finance. He appreciates what he heard and knows that he tends to be quiet. He hopes he can be open and forthright about explaining each of his votes.

8. RESOLUTION: Transparency, Liquidity, and The Fiscal Stability Bonds (Councilors Knodell, Bushor, Decelles)

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

Councilor Knodell stated last November Burlington Voters approved the issuance of a fiscal stability bond up to \$9 million with the purpose of improving the City's liquidity and avoiding further downgrades in the credit rating. The City had a liquidity problem because of deficits in a number of City funds that were being financed by the general fund. These included Burlington Telecom, Wastewater, Water and five capital projects. The City was determined to be at risk because it was overly reliant on short term borrowing to finance those deficits. The Fiscal Stability Bond replaces short term uncertain borrowing with long term borrowing that amortizes the principle. Those bonds have been issued. This resolution sends a message to the people of Burlington, the capital markets and Moody's. The message to the residents of Burlington is that they want to be transparent about the work that the Fiscal Stability Bond is doing. Unlike many bonds, it is hard to see the work. They are asking the CAO to prepare annual reports that will explain how the bonds have restored liquidity and the costs associated with them. The message to the markets and Moody's is that they have heard their concerns. This says they want to play an active role in monitoring the unassigned cash deficits. It will request that the Board of Finance to receive quarterly reports about the balance of unassigned cash deficits. She received comments from the Mayor's Office and incorporated them. It is important that they take on work that is implementable.

Councilor Bushor stated that they have listed a number of items that will be reported to the Board of Finance. It does not say that they will report how the fiscal stability bonds will be used. She inquired if that will be a part of the quarterly reporting or if it will only be reported annually. Mayor Weinberger stated the quarterly reports will appear as laid out in the resolution. In some cases, it will interact with the fiscal stability bond, but the balances are somewhat independent. The annual report will be more specific to the Fiscal Stability Bond and will make projections as to what would have happened if it had not been passed. It will be a different type of analysis, more involved, and more detailed. Councilor Bushor inquired if they would report quarterly if they begin to use the proceeds to resolve specific issues. Mayor Weinberger stated the quarterly reports will state how much of the Fiscal Stability Bond is in reserve, how much has been used to address cash issues, and how much has been paid down. The balances will be easy to report but they will not use projections as they will in their annual report. Councilor Bushor requested that the quarterly reports be written. Her intent is to make sure the reports can be shared with the rest of the Council so they can track this. Mayor Weinberger stated he has no objection to that.

Councilors Bushor made a motion to amend the resolution to state that the quarterly reports will be written. Councilor Knodell accepted the amendment as friendly.

Councilor Brennan thanked the sponsors of the resolution and stated he feels the citizens of Burlington will appreciate this reporting. When the Council agreed to bring this forward to the ballot, it was portrayed as imminent. It has taken time to actually pull those bonds. It will be positive for everyone to know where that money is and how it is being used.

The motion as amended passed unanimously.

9. ORDINANCE: BUILDINGS AND BUILDING CONSTRUCTION Appeals from Order (Public Works Department, Public Works Commission)(2nd reading)

Councilors Mason and Bushor made a motion to waive the 2nd reading and adopt the ordinance.

Councilor Mason stated that this was a clean-up item that was presented to the Ordinance Committee. They will change the time of notice of an appeal to the hearing from ten days to forty-five days. This is being done to accommodate the Public Works Commissions' meeting schedule. The second change is to change quorum from three members to four members. The Board has been increased in size and this will reflect the larger size. Steve Goodkind, Public Works Director, stated that the Ordinance relates to a time when the Board was composed of five people. They are also trying to make it so that appeals are heard at regular Public Works Commission meetings.

Councilor Bushor stated they originally presented 60 days but settled on 45 days in an effort to increase the turnaround time while still working with the limitations of the Commission.

The motion passed unanimously.

9.1. (was 3.23.) RESOLUTION: Authorization for Execute Amendment #4 to Cooperative Agreement With The State of Vermont for The Champlain Parkway Project
(Councilors Shannon, Bushor, Knodell: Board of Finance)

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

Councilor Knodell stated that this item came before the Board of Finance. It addresses an extension to the contract for the Champlain Parkway. This was approved unanimously and requires full Council approval.

Councilor Siegel stated she will support the resolutions because they request more money because of inflation that has happened over the years. She has concerns about the Champlain Parkway. The resolution states that the Champlain Parkway provides public benefit through the reduction of commuter traffic along Pine Street. It does not say that the way they do that is by moving the problem to another section of Pine Street. It brings increased traffic into a neighborhood that is much poorer. She finds this disturbing. They cannot amend the design of the Champlain Parkway without losing funding. Those who have been opposed to the current design were given the idea that another project would help ease this problem. The Railyard Enterprise Project will hopefully move that traffic so that it does not impact that neighborhood. The timeline is such that the Champlain Parkway project is moving much faster than the Railyard Enterprise Project. There may be years during which that traffic gets moved into that neighborhood. She hopes that they can slow the process of the Champlain Parkway as much as they can and speed up the Railyard Project as much as possible so that the timing may line up.

City Council President Shannon stated this is the first time over the years that they are not being asked to approve money that has already been spent. She appreciates that the Administration is being proactive about this. They now have an actual choice. She shares the concerns about the project and hopes that the Railyard Enterprise Project is not moving slower than the Champlain Parkway. She feels that the Railyard Enterprise Project is essential to the King and Maple neighborhoods.

Mayor Weinberger stated this amendment is not about inflation. This is about work getting done on this project. The work is legal, engineering and design related. The Council will be agreeing to a contract ahead of time so they will have money to do that work. The Champlain Parkway is not moving faster than the Railyard Enterprise Project, but there have been decades of work on that project that preceded the Railyard Enterprise Project. They are moving with unusual haste on the Railyard Enterprise Project. They have gotten the Federal Government to expedite permitting and design of that project. They are also moving forward with the Champlain Parkway and are doing their best to stay ahead of contract

amendments. They will see more amendments like this one. They do need to move forward to prevent problems with the State and their consultants.

Councilor Mason stated the biggest complaint in Ward 5 is that the Parkway has not been built. There is cut through traffic that has been coming down side streets. He receives a lot of emails about safety concerns on those streets. Everything is on hold until the Parkway goes in. He has received emails about upgrades needed on Pine Street that cannot happen until the Parkway goes in. He does not want to slow the process any further. He also represents King Street and feels they are all trying to move that project forward as quickly as possible. They should move both projects forward to provide some relief.

Mayor Weinberger stated that this amendment allows for more refined design work for the section on Pine Street between Lakeside Ave and Main St. While they cannot fundamentally change the design, there are many details that have not been fully resolved about what the stretch of road will look like. They are pushing to include as many pedestrian safety improvements, alternate transportation facilities, good landscaping and good lighting as possible. After four plus decades of work, this should be more than a repaving project. This contract amendment will help make sure that happens. The largest and fastest growing employer in that area, Dealer.com, has stated they are in favor of the upgrades. In order for them to keep investing in that area, they need the Champlain Parkway and want the area to be safe for their employees and visitors. There is a sense that nothing can be done until the Champlain Parkway is built, but that is not entirely true. They have added markers to crosswalks and are looking to what they can now to make Pine Street a better place.

City Council President Shannon stated they have been told that putting in traffic lights from the section of Pine Street from Lakeside Ave to Main Streets cannot happen because the project has been federalized. They have also been told that would help alleviate the traffic that they have today. If there is any way that they could have traffic lights along that route, it would make a big difference for safety today.

The motion passed unanimously.

9.2. (was 3.24.) COMMUNICATION: Norman Baldwin, P.E., Assistant Director –Technical Services, DPW, Re: Champlain Parkway-Cooperative Agreement Amendment and Amendment to Clough Harbor Design Contract

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

9.3. (was 3.25.) RESOLUTION: Authorization to Amend Champlain Parkway Design Contract with Clough, Harbour & Associates, LLP (Councilors Shannon, Bushor, Knodell: Board of Finance)

Councilors Knodell and Bushor made a motion to waive the reading and adopt the resolution. The motion passed unanimously.

9.4. (was 3.26.) COMMUNICATION: Norman Baldwin, P.E., Assistant Director-Technical Services, DPW, Re: Champlain Parkway Design and Legal Services Contract Amendments

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

10. COMMITTEE REPORTS (5 mins.)

Councilor Knodell stated that the Public Safety Committee has met. They will discuss the communication from the Police Chief about their summer strategies. They will also discuss the Neighborhood Safety Initiative with residents and Community Justice Center staff. They are working on a neighborhood safety survey to identify issues in that part of the City and connect neighborhoods. There will be a big community meeting to address this. The idea is that strong neighborhoods are a tool to deter certain kinds of crime. They will also discuss the assault weapon resolution and will hear a report of the implementation of the no-trespass ordinance. They will be inviting the Police Chief and Police Commissioners to their next meeting to hear about enforcement efforts against illegal drug trafficking.

Councilor Bushor requested the Ordinance Committee chair update the Council of their upcoming work. Councilor Mason stated they will be holding a livable wage hearing. They have asked the City Attorney to walk the Committee through her report.

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

Councilor Decelles stated they all get excited when the City of Burlington is named in publications for being a livable place. For many citizens, that is not the reality. Last week there was a bust of a meth lab. There was a child living in the apartment. The neighborhood thought there was a war zone that day. This shows that there are drug or crime issues and the City is not a tranquil place to live. He is glad to hear the Public Safety Committee is starting to meet and they will hear from the Chief. The Council clearly needs to do something and urge those in power to act more forcefully. He visited the street and saw the child entering the home that had been busted just the day before. They need to begin to act more forcefully.

Councilor Brennan stated he will be running the marathon and thanked the Mayor and Police for ensuring they have a safe and fun weekend. He has set up a fundraising site to benefit the One Fund to recognize those who were hurt in Boston.

Councilor Bushor stated there is a communication from the Mayor regarding appointments to the Advisory Committee on Accessibility. The group felt that there were some unrepresented members and this will address that. There is also a statement about which members will continue to serve on that committee. She hopes that there will be resolutions about training as recommended by the Committee. The communication from the Police Chief references the No-Trespass Ordinance. It is a delicate balance between keeping people safe and dealing with the utilization of those tools in an effective way. She wants the public to hear how the Police approach these issues.

Councilor Tracy stated there will be a community meeting regarding the F-35.

Councilor Worden read an email from a Ward 1 resident who stated the City is looking clean and has been quieter. They thanked City staff who contributed to these efforts.

Councilor Knodell stated she received an email from a constituent who lives in a very student heavy neighborhood. They received extra attention from the Police Department on commencement weekend and felt that it made a big difference.

City Council President Shannon stated the Railyard Enterprise Project will be holding a public hearing to discuss alternative transportation options. This is an important infrastructure project and this is the opportunity for people to weigh in. The more the community is involved, the better it will be. It offers the potential to connect Pine Street to the lake and bike path.

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

Mayor Weinberger stated TIF Legislation did pass this session. Burlington Representatives played a big role in this work. There will be a resolution for final approval of this agreement in the coming weeks.

He participated in a multi-modal tour of the City. This year, stopping at the Sustainability Academy was a highlight of the tour. The new Principal has set a goal that every student learn to swim and bike. They have partnered with Local Motion to have a bike trailer there. Many students joined a portion of the tour. They also stopped by the new Hotel Vermont on the first day they were receiving guests. They have teamed up with Old Spokes Home to provide their guests with use of free shared bikes for up to two hours. They stopped at the Mass Transit Site. CCTA expressed confidence that they will begin work on the new center in the next year and will open it two years from now. They ended the day at Dealer.com who sponsored the Go for Gold Challenge announcement that day. Their involvement in investing in bike and pedestrian infrastructure improvements is a real change in the conversation. When they talk about improving this type of infrastructure, they are talking about more than a change in transportation. It affects quality of life, health, the independence and upbringing of children, and economic development. There will be many more conversations about this.

They held a Bike Path press conference about the progress they have made. They agree that they need to move forward as quickly as possible to widen and enhance it. They have retained a world class design team to move forward with the permitting and design process. They expect to break ground with Waterfront Access North this summer. They have heard that a founding Board of the Parks and Recreation Foundation has been named and will be taking on fundraising efforts. He feels that there is momentum on this project moving forward.

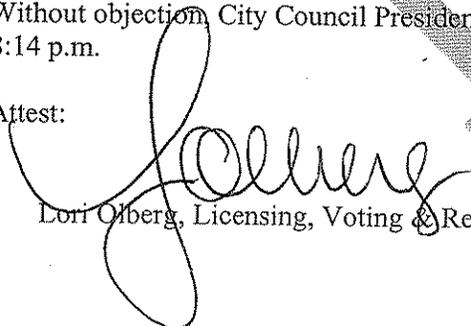
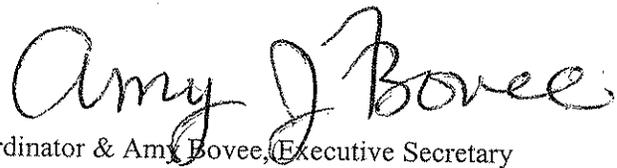
He spoke with the Charter Change Committee today about the assault weapons and large magazine clip ban that group was tasked with exploring. He has offered a sample resolution that 24 other communities in the US have approved. It calls for Congress to fix the National Background Check system. He believes it is a strong resolution that they can modify to Burlington, Vermont's needs.

He watched a production of the Canterbury Tales at BHS. They are lucky to have such wonderful drama programs.

13. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Adjourned City Council Meeting at 8:14 p.m.

Attest:

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

DELIBERATIVE AGENDA

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, JUNE 3, 2013
7:05 P.M.

PRESENT: City Council President Shannon, Commissioners Bushor, Worden, Knodell, Tracy, Siegel, Aubin, Blais, Paul, Ayres, Decelles and Mason (arrived at 7:08 p.m.)

ABSENT: Commissioners Brennan and Hartnett

CITY ATTORNEY'S OFFICE: Eileen Blackwood

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

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

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

2. CONSENT AGENDA

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

2.01. OUTSIDE CONSUMPTION PERMIT EXPANSION/EXTRA HOUR:

American Flatbread, 115 St. Paul Street

*waive the reading, accept the communication, place it on file and approve the outside consumption permit expansion for additional seating along with an extra hour of outside consumption service for American Flatbread

2.02. EXTENSION OF HOURS PERTAINING TO OUTSIDE CONSUMPTION: Pacific Rim

*waive the reading, accept the communication, place it on file and approve the extension of hours for Pacific Rim

2.03. OUTSIDE CONSUMPTION PERMIT EXPANSION: Skinny Pancake

*waive the reading, accept the communication, place it on file and approve the outside consumption permit expansion for additional seating for Skinny Pancake

3. FIRST CLASS HOTEL LIQUOR LICENSE APPLICATION (2013-2014):

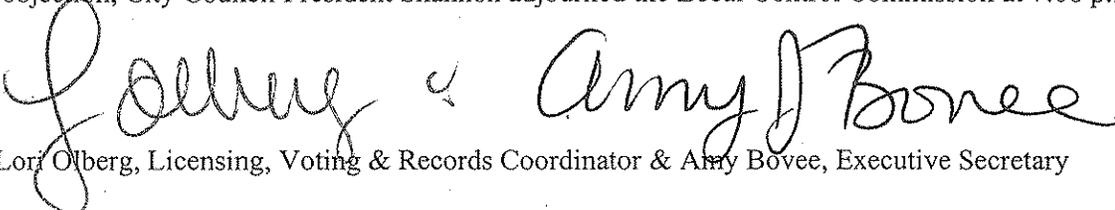
Made Inn Vermont@204, LLC, 204 South Willard Street

Commissioners Blais and Ayres made a motion to approve the first class hotel liquor license application for Made Inn Vermont@204, LLC. The motion passed unanimously.

4. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 7:08 p.m.

Attest:


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

ANNUAL MEETING, CITY COUNCIL
MONDAY, JUNE 3, 2013
7:10 P.M.

PRESENT: see above, Councilor Brennan (arrived at 8:02 p.m)

1. AGENDA

On a motion by Councilors Mason and Bushor the agenda was unanimously adopted as follows: remove from the consent agenda item 4.11. RESOLUTION: Authorization to Execute Extension of Letter of Agreement Between The City of Burlington and University of Vermont (Councilors Shannon, Bushor, Aubin: Board of Finance) and place it on the Deliberative Agenda as agenda item 9.5; remove from the consent agenda item 4.12. COMMUNICATION: Mayor Miro Weinberger, re: UVM Payment for Services and place it on the Deliberative Agenda as agenda item 9.6.

Councilor Knodell requested that consent agenda item 4.21. RESOLUTION: Endorsement of IATSE Collective Bargaining Agreement 2012-2015 be removed from the agenda since the Board of Finance did not act on it.

2. COMMUNICATION: Chief Michael Schirling, Burlington Police Department, re: Summer Strategy (oral)

Michael Schirling, Police Chief, stated that he drafted a memo on May 3 regarding their summer strategy. The strategy is comprehensive for the whole City. His team also drafted a letter that they will be distributing to residents in specific areas of the City where there have been drug problems. Federal, State and Local Officers will be knocking on doors, distributing the letters, and talking to neighbors. The memo outlines patrol strategies, how court cases are managed, and non-enforcement tools. They will also be working on the Neighborhood Watch Initiative in response to what the Community has asked for.

Councilor Bushor stated the memo mentions they will use detectives to conduct unannounced saturation patrols and sweeps for wanted persons and trespass violations. She inquired what that means and how often they do this. Chief Schirling stated they do this periodically but more often during the summer. This means they will put all of their detectives in uniform and send them to a particular area where they have had reports of unusual activity. They do a sweep for offenders with outstanding arrest warrants. They want to be as unpredictable as possible. Councilor Bushor stated her focus with the trespass ordinance was to give them a tool to help them and she wants to understand how frequently it is used. This was referenced as part of the memo. She inquired how often it has been used since it was expanded to the Marketplace. Chief Schirling stated he does not yet have statistics about that. When looking at trespass violations, they are looking at compliance checks. They go to residences where there have been pre-trial conditions of release or no-trespass orders on a defendant. Often, that offender will end up back in that home. They are working to prevent those things from happening even when they are not called for that type of violations. They have done that at the behest of the Courts to ensure people are complying with pre-trial conditions. Trespass orders are issued for a large number of incidents and are usually outside of the Marketplace, City Hall and the Library. Councilor Bushor stated the memo states that defendants are not allowed in the inner city fire district. She inquired if an individual had something like this put in

place, would they be able to work if their job was located downtown. Chief Schirling stated that is a condition of release request for people who have been arrested for a criminal violation. That request goes to a judge who decides what to issue. Those types of conditions are imposed infrequently, but are requested for repeat or significant offenders in the downtown area. Councilor Bushor inquired if that is the City's language. Chief Schirling stated it was developed between the City and the State's Attorney's Office. Councilor Bushor stated she would like to make sure that until the court date, people are able to get to their residence or their job. Chief Schirling stated he would not worry much about that. The Courts were very deferential to those issues.

Councilor Tracy thanked the Chief for increased foot patrols and feels it will build confidence in the neighborhoods. There have been several arsons in the area and inquired what strategies are being used to respond and if anyone has been caught. Chief Schirling stated they have not caught anyone yet. Because operations are ongoing, he does not want to disclose the strategies they have used. They are happening randomly which makes them difficult to predict. There have been nine pieces of furniture that have been set ablaze. They have been lucky that no embers have travelled to a house.

Councilor Siegel stated the memo says trespass warnings must be accompanied by a citation or municipal ticket and inquired what the differences are. Chief Schirling stated a citation is a criminal citation for a criminal offense. A municipal ticket is for a civil offense. They are often similar. They began a pilot program for unlawful trespass, unlawful mischief and disorderly conduct where people can be issued a ticket rather than being taken to criminal court. They do not want people to be given a trespass warning without additional action. The trespass warning is not meant to be the enforcement mechanism. They would prefer to use the civil ticket to keep as many cases as possible out of the criminal venue. However, many people do not respond to that. Councilor Siegel stated the memo reads the opposite. Chief Schirling stated that is true in some areas of the City. Councilor Siegel inquired if they prefer citations in the Marketplace, City Hall and Church Street and one or the other is required for a trespass warning. Chief Schirling stated that is correct. Councilor Siegel inquired if those given a trespass warning are given information about the appeal process in writing. Chief Schirling stated that they were.

2.01. COMMUNICATION: Chief Michael Schirling, Burlington Police Department,
re: Summer Strategy

Councilors Paul and Blais 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 7:28 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Stephanie Seguino	Ward 6 Resident	Police Commission Applicant
Ron Redmond	Church Street Marketplace Director	In favor of PlanBTV
Jason Van Driesche	Local Motion	In favor of PlanBTV
Ross Nizlek	Ward 1 Resident	In favor of PlanBTV
Tony Redington	Ward 3 Resident	Issues with Transportation and PlanBTV
Jon Adams-Kollitz	Ward 5 Resident	In favor of PlanBTV

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:43 p.m.

4. CONSENT AGENDA

On a motion by Councilors Bushor and Decelles 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. RESOLUTION: Amend FY 2013 Street & Sidewalk Capital Program Street Paving Budget to Increase Budget by the Amount Unexpended in FY 2012 On the Approved Drew Street Project (Councilors Shannon, Bushor, Aubin: Board of Finance)

*waive the reading and adopt the resolution

4.03. RESOLUTION: Authorization for Bike Path Rehabilitation Design and Engineering (Councilors Shannon, Bushor, Aubin: Board of Finance)

*waive the reading and adopt the resolution

4.04. COMMUNICATION: Jesse Bridges, Director, Department of Parks & Recreation to the Board of Finance, re: Bike Path Rehabilitation: Design & Engineering

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

4.05. RESOLUTION: Reclassification of One Limited Service Part Time Art Sales and Leasing Coordinator Position to One Limited Service Full Time Exhibitions and Sales Coordinator Position at the Burlington City Arts Department and Budget Amendment (Councilors Shannon, Bushor, Aubin: Board of Finance)

*waive the reading and adopt the resolution

4.06. COMMUNICATION: Human Resources, re: City of Burlington Job Description, Art Sales and Exhibitions Coordinator

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

4.07. COMMUNICATION: Human Resources, re: BCA Organizational Chart, FY 13 reorg FY 14

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

4.08. COMMUNICATION: Julie Hulburd, HR Generalist and Susan Leonard, Director of Human Resources, re: Reclassification and title change of the BCA Art Sales and Leasing Coordinator Limited Service Part-Time to Limited Service Full Time Exhibitions and Sales Coordinator

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

4.09. COMMUNICATION: Human Resources, re: BCA Organizational Chart FY 13 reorg FY 14

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

4.10. COMMUNICATION: Doreen Kraft, Executive Director, Burlington City Arts to Susan Leonard, Director, Human Resources, re: Reorganization

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

4.13. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Big Daddy's Restaurant (Councilors Blais, Tracy, Ayres; License Committee)

*waive the reading and adopt the resolution

4.14. COMMUNICATION: License Agreement for Tables and Chairs Big Daddy's Restaurant 2013-2014 Season

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

4.15. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs and Potted Plants on a Portion of The City's Right-of-way with New Moon Café (Councilors Blais, Tracy, Ayres; License Committee)

*waive the reading and adopt the resolution

4.16. COMMUNICATION: License Agreement for Tables and Chairs and Potted Plants with New Moon Café 2013-2014 Season

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

4.17. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Pacific Rim Café (Councilors Blais, Tracy, Ayres; License Committee)

*waive the reading and adopt the resolution

4.18. COMMUNICATION: License Agreement for Tables and Chairs and Stanchions Pacific Rim 2013-2014 Season

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

4.19. RESOLUTION: Authorization to Execute Amended Lease for Verizon Wireless Cellular Tower at Burlington International Airport (Councilors Shannon, Bushor, Decelles; Board of Finance)

*waive the reading and adopt the resolution

4.20. COMMUNICATION: Ryan Betcher, Burlington International Airport to the Board of Finance, re: Finance Board Term Amendment – NYNEX, d/b/a Verizon Wireless Lease Agreement

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

4.22. RESOLUTION: Acceptance of EPA Area-Wide Planning Grant for Fiscal Year 2014 and Fiscal Year 2015 (Councilors Shannon, Bushor, Aubin; Board of Finance)

*waive the reading and adopt the resolution

4.23. COMMUNICATION: Peter Owens, CEDO Director, re: Acceptance of EPA Grant

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

4.24. COMMUNICATION: AmyJean McKeown, Project Officer, United States Environmental Protection Agency to Michael Kenyon, Director, Office of Administration and Resource Management (MIO), re: City of Burlington, Vermont – Approval of Pre-Award Costs

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

- 4.25. COMMUNICATION: Miro Weinberger, Mayor to Ms. Diane Kelley, EPA Region 1, re:
Proposal for the Brownsfield Area-Wide Planning Grant

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

- 4.26. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Ken's Pizza & Pub, 71 Church Street, June 9, 2013, 11 a.m. – 4 p.m., Miller Pub Trio

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

- 4.27. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (four days only):

Monkey House, SEABA Parking Lot on Pine Street, Food Truck Rally, June 7th, 14th, 21st, 28th
4 p.m. – 9 p.m.

*waive the reading, accept the communication, place it on file and approve the four day only special event permit application for Monkey House

- 4.28. COMMUNICATION: Parks and Recreation Commission Meeting Attendance Record
July – June 2013

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

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

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

- 4.30. COMMUNICATION: Ron Ruloff, Chair, Chittenden Emergency Food Shelf Client Advisory
Group, re: Information

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

- 4.31. RESOLUTION: Authorization for Parks and Recreation Master Plan (Councilors
Shannon, Bushor, Aubin; Board of Finance)

*waive the reading and adopt the resolution

- 4.32. COMMUNICATION: Jesse Bridges, Director, Parks & Recreation to the Board of Finance,
Re: Parks Master Plan Development

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

5. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Daily Planet

Councilors Blais and Ayres made a motion to approve the indoor entertainment permit application for the Daily Planet. The motion passed unanimously.

6. PUBLIC HEARING: Allocation Method and Standards for Common Area Fees of The
Church Street Marketplace

Ron Redmond, Church Street Marketplace Executive Director, stated that this was the first of two public hearings held each year. The Marketplace Department manages the Marketplace District. 73% of their revenue comes from Common Area Fees. Property owners are charged this fee. They have developed a formula for how the fee is assessed. Since they have agreed to a formula, there have been no issues in agreeing. However, if someone does disagree, they are able to appeal to the City Council if they feel they have not been heard by the Church Street Marketplace Commission.

Councilor Bushor inquired what the stores input was about the fees and if it was supported unanimously. Mr. Redmond stated they are proposing a 2.5% increase and it passed. They did hold a public hearing. Councilor Bushor inquired if any of the stores came out in opposition to the fee. Mr. Redmond stated they did not. Councilor Bushor inquired if the anchor stores with a different formula had any opposition. Mr. Redmond stated they did not.

City Council President Shannon opened the public hearing at 7:47 p.m.

No one came forward to speak.

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 7:47 p.m.

6.01. RESOLUTION: Allocation Method and Standards for Common Area Fees of The Church Street Marketplace for Fiscal Year 2014 (Councilors Shannon & Blais)

Councilors Blais and Worden made a motion to waive the reading and adopt the resolution.

Councilor Bushor inquired if the fees will be levied in the second step of this process. Ron Redmond, Church Street Marketplace Executive Director, stated that is correct. Councilor Bushor inquired if they need to include that language in the resolution, but does not feel they need to revise it if it is the same language they have used in previous years. Mr. Redmond stated this is the same language they use each year. Councilor Bushor stated it suggests an action she does not feel they are taking tonight. City Attorney Blackwood stated it can be left as written. She believes that language is included to make it clear what the effect of the standard changes would be. Councilor Bushor requested that it be more clear in the future.

Councilor Worden stated there is a reference to 2012-2013 in the resolution. Mr. Redmond stated that is incorrect and they will correct it.

Councilor Mason stated the resolution references an Appendix A and inquired if it is the next communication. Mr. Redmond stated that is correct.

The motion passed unanimously.

6.02. COMMUNICATION: Church Street Marketplace District: Common Area Fee

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

6.03. COMMUNICATION: Ron Redmond, Executive Director, Church Street Marketplace,
Re: Explanation of City Council Public Hearings for The Church Street Marketplace

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

6.04. COMMUNICATION: Clerk/Treasurer's Office, re: Notice of Public Hearing, Monday, June 3, 2013, Church Street Marketplace District, City of Burlington

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

7. PUBLIC HEARING: MDP-13-01-DRAFT planBTV – Downtown & Waterfront Master Plan; Amendment of the Burlington Municipal Development Plan Land Use Plan and Re-adoption of the Burlington Municipal Development Plan

David White, Planning and Zoning Director, stated that the plan was the result of many months of public engagement and represents the consensus of the community. It is a vision for the future of the City. He toured the downtown and waterfront with an EPA Administrator who noted how vibrant it was. He also appreciated its potential to be more livable, sustainable, and economically vibrant. The final step of the process is to adopt this into the Municipal Development Plan. It will amend the land use section to incorporate the document. It will provide guidance for the future. Every single item in this plan may not be built. They hope for final action and adoption at the next meeting.

City Council President Shannon opened the public hearing at 7:53 p.m.

Tony Redington, Ward 3 Resident, spoke about issues with the transportation section.

Andy Montroll, Ward 6 Resident, spoke in favor of PlanBTV.

Charles Baker, Chittenden County Regional Planning Commission, spoke in favor of PlanBTV.

Jesse Bridges, Parks and Recreation Director and Burlington resident, spoke in favor of PlanBTV.

Jason Van Driesche, Ward 5 Resident, spoke in favor of PlanBTV, particularly surrounding housing issues.

Councilor Siegel inquired if this was presented to the Burlington Walk Bike Council. Sandrine Thibault, Planning and Zoning Comprehensive Planner, stated that she visited the Bike Walk Council when the first draft of the plan was out for review and comment. She presented the plan and invited comments. They received a letter with a list of recommended changes and they took them into consideration. Many of them were incorporated. Councilor Siegel inquired if it is feasible to pull one section out of the plan for further review; Mr. White stated it is up to the Council. However, it would affect the adoption process because they would have to re-warn the public hearings. They could adopt the plan and look at certain areas further.

Councilor Tracy stated they have begun to look at zoning changes and inquired how they relate to planBTV. Mr. White stated two of the zoning amendments that were considered recently are specifically related to planBTV. The first was the removal of the requirement that no more than 50% of new development can be related to housing. There is a tremendous need in the community for housing and they need to work to create more housing downtown. The other zoning amendment eliminates on-site parking requirements. The plan notes that they have a surplus of parking, but have a parking management problem. Eliminating that requirement will allow them to focus on managing parking and create a market for property owners to manage their parking better. Other amendments have a relationship in terms of helping them encourage the creation of in-fill development but are not directly related.

Councilor Worden stated they used to believe that they did not have enough parking downtown and felt that downtown needed to be commercial. There were good comments about transportation, but they can address it again in a few years and amend the plan. He likes rotaries and feels they work in certain location, but may not be appropriate for downtown. He enthusiastically supports the plan. Mr. White stated there is nothing in this plan that is specific to rail traffic, but that does not mean it could not

happen. The transportation plan encourages rail traffic. PlanBTV identifies Union Station for rail traffic. Whether roundabout traffic is appropriate will need to be determined on a case by case basis.

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 8:12 p.m.

- 7.01. COMMUNICATION: Kimberlee Sturtevant, Assistant City Attorney, re: MDP-13-01 DRAFT planBTV-Downtown & Waterfront Master Plan; Amendment of the Burlington Municipal Development Plan Land Use Plan and Re-adoption of the Burlington Municipal Development Plan, Public Hearing Notice

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

8. APPOINTMENT: Director of Aviation

Mayor Weinberger stated that he was putting forth Gene Richards to be the next Director of Aviation. They served on the Airport Commission together and he was appointed as the Interim Director of Aviation. He had anticipated that Gene would do a strong job, but did not anticipate coming back to appoint him permanently. He has embraced the job with vigor and has produced excellent results in a number of areas. They have had three years where they have met their debt service ratio, which is how they measure the Airport's financial success. It has been achieved through expense reduction and expansion of revenue. He has been running the Airport in a difficult economic time while still finding a way to make important investments in the Airport's capital structure. He has gone a long way towards changing and improving the workforce culture. He has also worked with Department Heads and has contributed to municipal operations overall. He hopes there will be a strong confirmation vote.

Councilor Brennan stated that he had spoken with Mr. Richards earlier in the day. They discussed the use of avgas that is used by airplanes that fly in and out of the Airport. That gas contains lead. The City has worked to reduce lead poisonings. Lead in the fuel of the planes can contaminate areas. There is no evidence of that from the Burlington Airport, but he feels they can be a leader. In budget hearings, they discussed creating a new marketing position. They also championed a flight to Atlanta. The City is currently focusing on Diversity and Equity Issues. There are skilled people of color working in the Atlanta area and they can work on creating that pipeline. This could be a win-win situation. He hopes that they will bring forward some ideas for the marketing position. Mr. Richards stated he looks forward to working on these issues.

Councilor Tracy stated Gene has worked incredibly hard this past year. He was getting on a flight very early in the morning and ran into him. He waited at the gate with him and told him about the things he was working on. It showed his dedication to the Airport. He inquired what he is most proud of at the Airport this year. Mr. Richards stated he is most proud of the Airport team. They are a pleasure to work with and have stepped up to the new mission and goals.

Councilor Paul stated she had the pleasure of being able to speak at the Mayor's appointment announcement. She feels fortunate that she worked closely with Gene and his staff as co-chair of the Airport Strategic Planning Committee. She acknowledged Ryan Betcher and Heather Kendrew of the Airport team for the work that they have done. She stated Gene has done great things this year. It can be hard to have a conversation with Gene because when he is at the Airport, he is constantly working to make things perfect, such as throwing away trash. She looks forward to the years to come.

Councilor Mason stated he has worked with Gene in a variety of capacities. They first worked together on the board of a non-profit and he made big changes to that Board. He took his task very seriously and made very successful changes. His energy and commitment has been seen at the Airport and he will support the nomination.

City Council President Shannon stated that you can follow Mr. Richards on Twitter and get updates about the Airport. He is also putting out promotional information and helpful travel information.

Councilors Bushor and Knodell made a motion to appoint Gene Richards as Director of Aviation. The motion passed unanimously.

- 8.01. COMMUNICATION: Mayor Miro Weinberger, re: Appointment of Permanent Director of Aviation

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

- 8.02. COMMUNICATION: Gene Richards III Resume

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

- 8.03. COMMUNICATION: Julie Hulburd, HR Generalist and Susan Leonard, Director of Human Resources, re: Step Placement – Gene Richards, Aviation Director

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

- 8.04. COMMUNICATION: Human Resources, re: Department Head Pay Scales FY13

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

- 8.05. COMMUNICATION: Human Resources, re: City of Burlington Job Description, Director of Aviation

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

9. COMMUNICATION: Mayor Miro Weinberger, re: Mayoral Reappointments for FY14

Mayor Weinberger stated that there was a list of proposed reappointments for FY14. The Charter specifies that the appointments appear in the first meeting in June. He hopes they will be unanimously supported.

Councilor Knodell inquired if there are more details they can share about finding a new Director of Public Works. Mayor Weinberger stated the Charter requires that the Mayor consult with the applicable commission in all reappointments. They have received recommendations on all of the Department Heads they are reappointing. With respect to the new DPW director, he met with the Commission Chair and plans to meet with the entire Commission. He has not fully decided the process past that point.

The reappointments passed unanimously.

9.5. (was 4.11.) RESOLUTION: Authorization to Execute Extension of Letter of Agreement Between The City of Burlington and University of Vermont (Councilors Shannon, Bushor, Aubin; Board of Finance)

Councilors Blais and Aubin made a motion to waive the reading and adopt the resolution.

Councilor Blais stated his intention when removing this from the consent agenda was not to challenge or question the matter. He feels that any matter involving the University was concerning to the Council, particularly those in Wards 1 and 6. He hoped that the Mayor could provide them some information about what was happening with the relationship between the City and the University.

Mayor Weinberger stated that last year the Administration asked for an extension of the agreement with an adjustment for inflation in place. There was not time for a thorough review before the agreement needed to be signed. This year they looked closely at all elements of the calculation from when the agreement was first made. They have not found any justification for a substantial departure from that. They were proposing that the agreement be approved with the adjustment for inflation once again. There has been a long history of separating financial matters with UVM from other matters. This extends just the financial agreement. He will be reporting about other issues they have been working on with UVM in the next month.

Councilor Tracy inquired if there were any goals that they should be looking for in that report. Mayor Weinberger stated that the agreement extension was not being linked to any other non-financial issues. The point of the review was to ensure that there were no large costs that the City was incurring that UVM was not paying its share of. The housing issue and the desire to see more students living on campus was one thing that he has discussed at each meeting. They have also discussed quality of life issues, such as recycling and sustainability goals. Councilor Tracy inquired if he felt that UVM was willing to continue with some of the efforts they have been making and expand these efforts into other areas. Mayor Weinberger stated he has sensed that the President was aware that one of UVM's premier attributes as an institution was how great of a City Burlington is and he wants to be a productive force in making the City even greater. There is openness to addressing a number of issues including the need for more student housing to take the pressure off of residential neighborhoods. There is openness to new approaches towards economic development. Having a new City and University Administration at the same time is helpful because they are not bound by the existing ways of doing things.

Councilor Brennan stated that it would be helpful to relations those who work at the University and City Departments to know about the payment of permits and fees. The University pays money for planning and zoning and building permits. They have changed their accounting system and everyone has a procurement card. In order to get these permits, they have to get a check. It creates a lot of labor which is a burden on the University. He knows that with the New World Software there were discussions about making that happen. He would like to see that in the near future. Mayor Weinberger stated the City has made ad hoc steps towards new credit card policies. There are certain areas with that capacity right now, but he would like to see a more comprehensive approach to that in the next year.

Councilor Worden stated he understands why this is happening now and why it was extended a year. He takes exception with the third paragraph in the memo which says they should not conflate financial issues with housing and quality of life issues. This is a critical issue and this does need to be in play, but the quality of life issues are important that are being borne by the City. He looks forward to opening that discussion. The payment for services is based on the use of the Fire Department. There are more broad based discussions that they should have with the University in the future. Mayor Weinberger stated he takes that point. The calculation for the fees includes a number of items, but fire service is the largest

single item. This agreement has precedent that he would be hesitant to move away from. It provides clear and predictable revenue that he would be reluctant to move away from. At the same time, he takes the job of working through a number of issues very seriously. He wants to work on those issues while the City gets that revenue needed to run the City.

Councilor Bushor stated she sometimes gets frustrated because there are separate things the City does with the University. This has to do with budgetary issues, but they also have to deal with housing and quality of life issues. There is a relationship between the two, but they are separate pieces of business. No one knows what the fees are and what the dollar amounts are. This is a generic resolution, but she feels they would benefit from knowing what the fees were in the past and what they are increasing. That has been missing. She requested this information be included in their next packet. Mayor Weinberger stated he has noted the request and offered to go into detail with the Board of Finance. He does feel it is a good suggestion.

Councilor Paul stated they passed a resolution addressing a number of issues related to the MOU. She hopes that resolution is recognized and considered as they have conversations with UVM.

The motion passed unanimously.

9.6. (was 4.12.) COMMUNICATION: Mayor Miro Weinberger, re: UVM Payment for Services

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

City Council Appointments

On a motion by Councilors Knodell and Ayres agenda items 10 through 23 were voted as a slate.

10. APPOINTMENT: Chittenden County Transportation Authority (Term expires 6/30/16)

Chapin Spencer was re-appointed unanimously.

11. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/16)

Celia Daly was re-appointed unanimously.

12. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/16)

Eli Lesser-Goldsmith was re-appointed unanimously.

13. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/16)

Jeff Nick was re-appointed unanimously.

14. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/16)

Lorne Tucker was re-appointed unanimously.

15. APPOINTMENT: Conservation Board (Term expires 6/30/17)

Damon Lane was re-appointed unanimously.

16. APPOINTMENT: Conservation Board (Term expires 6/30/17)

Scott Mapes was re-appointed unanimously.

17. APPOINTMENT: Conservation Board (Term expires 6/30/17)

Matthew Moore was re-appointed unanimously.

18. APPOINTMENT: Conservation Board (Term expires 6/30/17)

Will Flender was re-appointed unanimously.

19. APPOINTMENT: Development Review Board (Term expires 6/30/15)

Missa Aloisi was appointed unanimously.

20. APPOINTMENT: Development Review Board (Term expires 6/30/17)

Brad Rabinowitz was re-appointed unanimously.

21. APPOINTMENT: Development Review Board (Term expires 6/30/17)

Jonathan Stevens was re-appointed unanimously.

22. APPOINTMENT: Fence Viewer (Term expires 6/30/14)

Shay Totten was re-appointed unanimously.

23. APPOINTMENT: Housing Board of Review (Term expires 6/30/17)

Loyal Ploof was re-appointed unanimously.

24. COMMITTEE REPORTS (5 mins.)

Councilor Tracy stated that the TEUC had met. They heard from CCTA about the transit center. They are in the permitting phase, but they are on track to start construction and open by fall 2015. There was also construction on Cherry Street to install an innovative drainage strategy called a silva cell. It is a lattice that allows water to be absorbed in a dense urban core. It also allows for tree roots to grow. The North Avenue corridor study will be kicking off to look at a more complete street and a bike/walk friendly route between the Center City and the New North End. There will be opportunities for citizen input. They are looking at the Colchester/Pearl/Prospect intersection, which is one of the worst in the area. They will begin a pilot to phase the lights for that. They are also beginning their Summer Paving Program. They are setting the schedule and will communicate when everyone's street will be paved. It will be happening all around the City. There is a system of metrics used to determine the list of streets to be paved.

Councilor Paul stated PACC has set a date to meet. They will discuss the PIAP process. The first two of three deliberative meetings have already taken place. They will also discuss the Parks Master Plan and the consultant will be attending the meeting.

Councilor Knodell stated the Public Safety Committee met and had a presentation from a group working on the Neighborhood Safety Initiative. This has been described as bringing Neighborhood Watch into the 21st century. They will be holding a large community meeting. They hope to involve City Councilors in

helping with a door to door survey and recruiting constituents who are involved in public safety issues. This project has potential to come up with concrete strategies that will work for the entire City.

Councilor Siegel stated that the Charter Change Committee is looking at gun safety measures. They have been meeting during the day time but have heard concerns that does not work for people interested in attending. She hopes that interested people will get in touch with her. She noted that they will be conducting two surveys related to the Commission Appointment Process. One survey will go to everyone who applied and department heads to see how they feel about the process. The second will go to department heads and everyone who is serving to see if they feel that Boards and Commissions are functioning optimally. They can then address things like the size, term lengths, and inclusion of political affiliation.

Councilor Bushor requested an update on Redistricting. City Council President Shannon stated the Mayor of Winooski, the Chair of the South Burlington City Council, the Mayor and herself were invited to the National Guard for an informational meeting. They explained how noise can be managed with different airplanes. The noise pattern with the F-16 is different based on how they fly the plane. The EIS has now been released. They passed a resolution asking questions about the F-35 and the EIS. The resolution is included in the EIS and they have coded the answers. The answers to the questions in the resolution are pooled with a number of people who raised similar questions. She is working to compile the information into an easier to read format. She plans to make some committee assignment adjustments because of the new Board of Finance member. The Redistricting Committee will be having its last meeting. At the previous meeting, there was a lot of discussion about a 13 councilor plan which would leave most of the wards very similar to how they are today, but the New North End would have a three Councilor district. It would leave the Old North End separate. The New North End does not like that plan. There was also an 8 ward 16 councilor plan with smaller wards. The New North End would have two wards with two councilors each. The committee members outside the New North End did not have a lot of interest in that plan. At the end of the meeting, there was discussion about a 4 ward 12 councilor plan. They had also discussed an 8 ward 12 councilor plan which would have one councilor in each ward and would then double up wards to form 4 precincts with one councilor each. They will decide if they will discuss a 4 ward plan or any other plans. It is supposed to be the last meeting of the group and suggested they bring any ideas forward that they have. Whatever the Committee approves will come before the Council. Councilor Bushor stated in the 13 councilor scenario, there were two options for the New North End. They could have a large area represented by 3 councilors or 2 small areas, one with 1 councilor and one with 2 councilors. People in the New North End did not support either.

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

Councilor Ayres stated that he heard incredible sounds coming in from the Marketplace. He encouraged everyone to enjoy the music from the Discover Jazz Fest particularly the Middle and High School jazz bands.

Councilor Bushor stated she went to Centennial Field to look at the investment made in the new seating. It was exciting to see and people will be happier. The people who are not sitting in the covered section will no longer be sitting on cement slabs. This could be disruptive to the neighborhood with noise, traffic, trash and people. They have been able to work through those issues and everybody wins. The community benefits from baseball and Ward 1 has been able to minimize the impact by adjusting lights and sound. When people want to collaborate and work together, it is amazing what they can do. When talking about the fee for service, the Mayor did want to speak in depth about that agreement at the Board of Finance, but she did not feel that they needed to. There was a suggestion that should not be done in open session. She hopes they can still have the information made available to them and the Mayor was willing to have a more in depth discussion.

Councilor Blais wished for the best for Councilor Hartnett and family.

Councilor Brennan thanked Councilors for supporting his run in the marathon. He did make it through the 26.2 miles. He commended Crowd Rise, a non-profit, for allowing individuals to give money in a very easy way. It was a great event and they should be proud.

Councilor Worden stated Saturday is the final day of the Greater Burlington Girls' Soccer League. The parents dance on the Soccer Field at Calahan Park. It is a lot of fun.

Councilor Siegel thanked Jeanne Collins and the School Board for the decision they made regarding an investigation of the Schools' reporting of an alleged affair between a teacher and a student. They must conduct an internal investigation to insure that reporting was done properly and they chose to hire an outside investigator who may be more objective. They know that this is serious. She wishes that they had done this with the incident with the Police last summer, and hopes they will do this in the future.

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

Mayor Weinberger stated the TIF Bill will become law on Friday. Once it is law, they will bring it forward for ratification.

There have been incidents in the South End with a child on a bike who was hit by a car. There was also a near miss near a new business. Improved pedestrian and bike infrastructure along the Pine Street corridor has been a high priority for this administration. They have made positive changes, such as a better marked pedestrian crossing with a sign in the middle of the roadway. They are close to an agreement with a State to do more substantial and immediate improvements. They hope to be able to announce those developments in June. In the longer term, when the Champlain Parkway is built, they should not miss the opportunity to make more significant improvements to pedestrian and bike infrastructure.

On Memorial Day, the observation was led by the VFW. There was a ceremony in Battery Park and he was honored to attend along with Senator Bernie Sanders. He attended the luncheon afterwards. The leaders of the post told him that their community room was one that they would like to see utilized more frequently by the community and non-profit groups.

BCA has highlighted their involvement with the Integrated Arts Academy. There is a photo exhibit that they have a sampling of on the top floor of BCA. They are photos of students and they have written a statement about themselves. It celebrates the diversity that they have in the community.

There have been exciting environmental events. ECHO celebrated its tenth anniversary with a two day conference on water quality. He felt good announcing that in a tight budget year, one of the few areas they anticipate investing new resources into is the storm water program. The storms that they have had show the importance of having a strong storm water program. They anticipate restoring full funding and will be a leader to keep Lake Champlain clean.

They had a visit from an EPA Administrator as part of the New England Municipal Sustainability Network. This Network is three years old and is one of the most active networks in the country. They share information about how they are addressing their environmental future. They hosted that today and focused on food systems.

Without objection, City Council President Shannon recessed the City Council meeting at 9:24 p.m.

City Council President Shannon reconvened the City Council meeting at 9:53 p.m.

27. COMMUNICATION: Eileen Blackwood, City Attorney, re: Status of the Burlington Telecom Cases (oral)

City Attorney Blackwood stated that the Council needed to go into executive session to discuss pending litigation.

On a motion by Councilors Knodell and Bushor the City Council went into executive session at 9:57 p.m. premature disclosure would place the City at a substantial disadvantage. Present were:

see above; CAO Bob Rusten, Mike Kanarick, Mayor's Office, David Provost, Burlington Telecom Advisory Board.

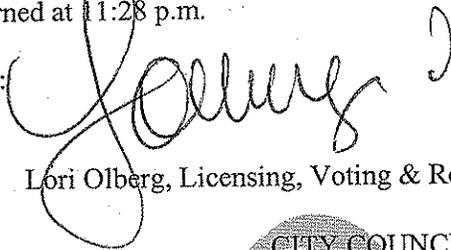
****** EXPECTED EXECUTIVE SESSION ******

On a motion by Councilors Knodell and Ayres the City Council went out of executive session at 11:28 p.m.

28. ADJOURNMENT

On a motion by Councilors Knodell and Ayres the Annual Meeting of the City Council unanimously adjourned at 11:28 p.m.

Attest:



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

CITY COUNCIL WITH MAYOR PRESIDING

MONDAY, JUNE 3, 2013

9:24 P.M.

1. AGENDA

On a motion by Councilors Shannon and Paul the agenda was unanimously adopted as is.

2. CONSENT AGENDA

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

- 2.01. COMMUNICATION: David J. Roberts, Deputy Chief, Burlington Fire Department, re: Listing of Fire Wardens to be Appointed at the June Meeting of The City Council

*waive the reading, accept the communication, place it on file and appoint the individuals listed as the Fire Wardens, terms expiring June 30, 2014

3. APPOINTMENT: Airport Commission (Term expires 6/30/17)

On a motion by Councilors Shannon and Brennan agenda items 3 through 23, with the exception of agenda items 11, 15 and 17.

Councilor Siegel requested they remove the nomination for Phil Lavigne to the Police Commission (item 16) so they can consider all of the candidates. City Council President Shannon removed Phil Lavigne from the slate. Councilor Knodell stated they found out that Nyree Miles' application was thought to be late when they developed the slate. They have since found out it should be considered timely.

The slate was approved unanimously as amended.

Jeff Munger was re-appointed unanimously.

4. APPOINTMENT: Cemetery Commission (Term expires 6/30/16)

Donna Waldron was appointed unanimously.

5. APPOINTMENT: Design Advisory Board (Term expires 6/30/16)

Matthew Bushey was re-appointed unanimously.

6. APPOINTMENT: Electric Light Commission (Term expires 6/30/16)

Bob Herendeen was re-appointed unanimously.

7. APPOINTMENT: Electric Light Commission (Term expires 6/30/16)

Spencer Newman was re-appointed unanimously.

8. APPOINTMENT: Fire Commission (Term expires 6/30/16)

Linda Sheehey was re-appointed unanimously.

9. APPOINTMENT: Board of Health (Term expires 6/30/16)

Mary Hart was re-appointed unanimously.

10. APPOINTMENT: Board of Health (Term expires 6/30/16)

Julie Hathaway was re-appointed unanimously.

11. APPOINTMENT: Library Commission (Term expires 6/30/16)

Councilor Worden nominated Glen McCrae. He stated that the Library needs an audience, more patrons, and connectivity to the community. Having read his background, he has worked to develop strategic plans. He will do an excellent job at increasing the audience the library gets. It is a critical time in the Library's history and he would be a great asset to that commission.

Councilor Paul nominated Mary Ellen Manock. She has been on the Library Commission for one term and has done good work. She lives in Ward 6 and is interested in continuing in that role.

Glen McCrae received 9 votes from Councilors Bushor, Worden, Tracy, Knodell, Brennan, Siegel, Aubin, Ayres and Decelles.

Glen McCrae was appointed to the Library Commission.

12. APPOINTMENT: Parks and Recreation Commission (Term expires 6/30/16)

John Bossange was re-appointed unanimously.

13. APPOINTMENT: Parks and Recreation Commission (Term expires 6/30/16)

Nancy Kaplan was re-appointed unanimously.

14. APPOINTMENT: Planning Commission (Term expires 6/30/17)

Andy Montroll was re-appointed unanimously.

15. APPOINTMENT: Planning Commission (Term expires 6/30/17)

Councilor Worden nominated Emily Lee. One of the significant challenges that they face by depending on volunteers are finding people who do homework between meetings. She has done this through her efforts to bring people from the community together around neighborhood issues. This area of the City is not overly represented on the Planning Commission.

Councilor Knodell nominated John Davis. He has impressive credentials and a PhD in Community Planning. He has actively practiced in the area of housing policy. They have heard a lot about the need for more housing and he has expertise in this area, particularly in inclusionary zoning. It is important to take a fresh look at that ordinance and do it well. That is a tool they use to reflect the real incomes of people who work in the Burlington area. He has important expertise to offer and will be a productive and collaborative member of the Planning Commission as they begin to implement planBTV.

Councilor Tracy stated they had three members of Ward 2 apply for this position and it is difficult to choose between neighbors. He will be supporting John Davis because they recently passed a resolution that says they will look towards qualifications rather than personal relationships. He has an extensive background in inclusionary housing and other zoning matters. He has worked with Emily on a number of neighborhood issues, but he is looking towards expertise.

City Council President Shannon stated it is important to ensure that there is a variety of expertise on Boards and Commissions. Expertise in zoning itself is brought to the table by the staff. She will be supporting Emily Lee because she will bring expertise that is not already at the table. Professionally, she deals with real estate financing. There was a recent proposal to remove parking requirements for residential uses. There is a claim that banks will require parking. There is currently no banking expertise at the table. It is part of the discussion and having that expertise will be helpful. She has worked hard for her neighborhood and has interest in the City more broadly.

Councilor Bushor stated this is a difficult choice. She has a long history with John Davis and sees him as a visionary. She also has a history with Emily Lee and values her as well. No matter who gets this position, the City wins. They have two people who are different but have very strong resumes. She has decided to support John Davis and hopes Emily Lee stays engaged.

Mayor Weinberger stated this was a difficult choice for him as well. He has known John Davis for a long time and worked with him to start a development company. His work is impressive. He also had conversations with Emily Lee to confirm that she believes one of the biggest planning issues before them is adopting and implementing planBTV. They will need to move from a planning document to a form based code to make it possible to build that vision. She has confirmed that she wants to see the City move in that direction as well. She has engaged in forward looking work and he will support her.

Emily Lee received 8 votes from Mayor Weinberger, City Council President Shannon, Councilors Aubin, Paul, Blais, Ayres, Worden and Mason.

Emily Lee was appointed to the Planning Commission.

16. APPOINTMENT: Police Commission (Term expires 6/30/16)

Councilor Decelles nominated Phil Lavigne. He films meetings for CCTV and attends NPA meetings. He has extensive background as a Police Officer in a large city in Michigan. They tackled a number of issues such as social, economic, and racial diversity. He is an asset and is very thoughtful. He takes this work seriously and reports back to the New North End in a timely manner. He takes input and suggestions. He deserves to be placed back on the Police Commission.

Councilor Siegel nominated Nyree Miles. They were able to meet her at the work session and was struck by what she could bring to the Commission. She would have a different perspective than the people currently on it. They need balance on all of the Commissions. She lives at Northgate, which is affordable subsidized housing. They do not get a lot of people in that socioeconomic income bracket applying for Boards and Commissions. She just finished a criminal justice degree and has interned with the Sheriff's Office. She is young, vibrant and committed. They have said a number of times that they want to represent the youth diversity they have in the City. She could help move in that direction.

Phil Lavigne was re-appointed to the Police Commission with 10 votes.

17. APPOINTMENT: Police Commission (Term expires 6/30/16)

Councilor Knodell nominated Stephanie Seguino. She has shown commitment to ensuring that law enforcement is fair and equitable. She has done ride-alongs with the Police late at night. She has researched whether they have a racial profiling problem. She would remove an incumbent, but they do have an increasingly diverse City and the Police Commission could be strengthened in this area. It would send a powerful signal to the community tonight.

Councilor Mason nominated Paul Hochanadel. He has served on the Police Commission since 2010 and has a strong background in domestic violence issues. This is an integral part of what the Police deal with on a regular basis. He has served admirably as a Ward 5 School Commissioners. There was some concern about his attendance record, but that was the result of meetings being scheduled at the same time.

Stephanie Seguino received 6 votes from Councilors Paul, Siegel, Knodell, Brennan, Bushor and Tracy.

Paul Hochanadel received 8 votes from Mayor Weinberger, City Council President Shannon, and Councilors Worden, Aubin, Mason, Blais, Ayres and Decelles.

Paul Hochanadel was re-appointed to the Police Commission.

18. APPOINTMENT: Public Works Commission (Term expires 6/30/16)

Bob Alberry was re-appointed unanimously.

19. APPOINTMENT: Public Works Commission (Term expires 6/30/16)

Nate Lavery was re-appointed unanimously.

20. APPOINTMENT: Retirement Board (Term expires 6/30/16)

Minutes, Annual City Council Meeting, June 3, 2013

Bob Hooper was re-appointed unanimously.

21. APPOINTMENT: Board of Tax Appeals (Term expires 6/30/16)

Connie Krosney was re-appointed unanimously.

22. APPOINTMENT: Board of Tax Appeals (Term expires 6/30/16)

Marc Monheimer was re-appointed unanimously.

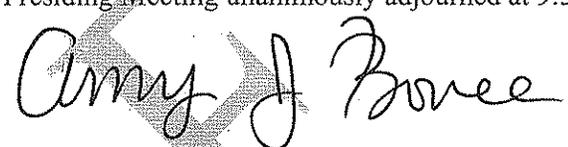
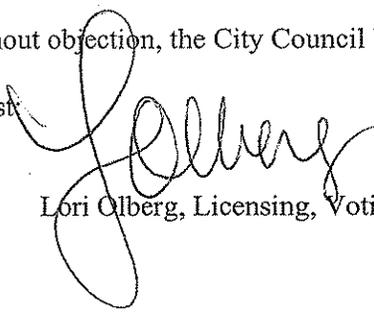
23. APPOINTMENT: Board of Registration for Voters (Term expires 6/30/18)

Linda Chagnon was re-appointed unanimously.

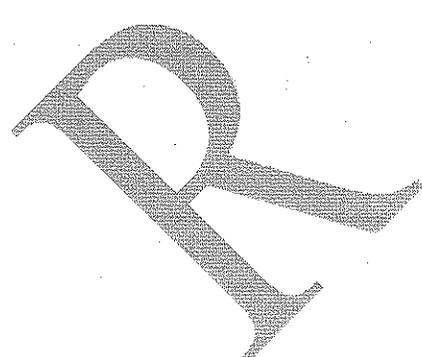
24. ADJOURNMENT

Without objection, the City Council With Mayor Presiding Meeting unanimously adjourned at 9:53 p.m.

Attest:



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



Lori Olberg

From: Mannie Lionni <lml@05401.com>
Sent: Wednesday, September 11, 2013 12:06 PM
To: Lori Olberg
Subject: Fwd: RE-DISTRICTING

----- Forwarded message -----

From: **Mannie Lionni** <lml@05401.com>
Date: Wed, Sep 11, 2013 at 12:01 PM
Subject: RE-DISTRICTING
To: kevinwbvt@gmail.com, janeknodell@burlingtontelecom.net, maxwell.k.tracy@gmail.com, vbrennan@burlingtonvt.gov, Rachel Siegel <rsiegel@burlingtonvt.gov>, Bryan Aubin <baubin@burlingtonvt.gov>, Joan Shannon <jshannon@burlingtontelecom.net>, chip.mason.btv@gmail.com, NormBlaisVT@gmail.com, paulfin@sover.net, tayres@burlingtonvt.gov, "Decelles, Paul" <pdecellesw7@aol.com>
Cc: olberg@burlingtonvt.gov

Dear City Councilors :

Please read and enter this e-mail into the official record of the Redistricting public feedback.

Two issues have been at the center of the re-districting discussions :

1. The number of City Councilors
2. The number of Wards

The number of City Councilors has nothing to do with re-districting. It is a political issue and should be dealt with separately, in another setting. However, it is linked to the issue of representation in so far as any reduction of the number of City Councilors, or their substitution with at-large Councilors, is a reduction of representation.

As to the number of Wards, it's an issue of justice and equity. Most of the discussion has been academic and irrelevant ; in fact, on the ground, there already *is* an 8th Ward. It has approximately the same number of residents as all the other Wards, and it meets the redistricting criteria, perhaps more fully than any of the other Wards.

Therefore the issue at this point is whether you want to give legal recognition to this de-facto Ward. Equity and justice, and the re-districting law, all say that you should do so without further delay ; all the redistricting process needs in order to come to a good conclusion is for the City Council to give legal recognition to the 8th Ward and make the small adjustments necessary to retain the other Wards at close to their present numbers and boundaries.

Louis Mannie Lionni

09 11 13

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This e-mail was sent from **Louis Mannie Lionni**. It may contain information that is privileged or confidential. If you suspect that you were not an intended recipient, please delete it and notify me as soon as possible. Before printing this e-mail, think about your responsibility towards the environment.

--

This e-mail was sent from **Louis Mannie Lionni**. It may contain information that is privileged or confidential. If you suspect that you were not an intended recipient, please delete it and notify me as soon as possible. Before printing this e-mail, think about your responsibility towards the environment.



Fee \$25.00

May 1, 2013 ---- April 30, 2014

CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION

Indoor Outdoor

PART I
ORGANIZATION

RECEIVED
2013 SEP 11 A 9:45
BURLINGTON CLERK
TREASURER'S OFFICE

All information in this section is required

- 1. Corporation/Sole Proprietor name THE SPEAK EASY ARTS & EVENT CENTER, LLC
2. D/B/A (Business Name) ARTS RIOT 3. Bus. Phone 802-540-0406
4. Business Address 400 PINE STREET, BURLINGTON VT 05401
5. Mailing Address SAME
6. Contact person PJ MCHENRY 7. Contact Phone 802-578-3560
8. Email contact address PJ@ARTSRIOT.COM

PART II
OPERATION

- 1. Do you currently have a Liquor License? Yes or No
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No (INDOOR)
3. Proposed Date(s) for this Special Event 09/27/13
4. Proposed Hours for this Special Event 4:30 pm - 9 pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way

For this Proposed location please answer the following questions:

- a) Occupancy Load 500-1000 b) # of Restrooms 8 c) # of Egresses 3
d) Date of last Fire/Safety Check 05/15/13 e) Dancing by Patrons? Yes or No
f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

(Continued on back)

**PART III
DESCRIPTION OF ENTERTAINMENT**

Please give DETAILED description of the type of entertainment for which you are applying:

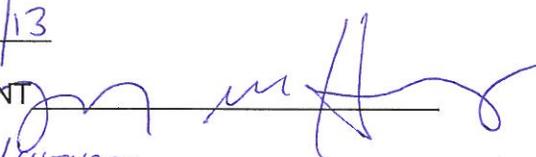
Description Amplified music. No stage - No dance floor. Music played
in existing parking lot area.

Music 5-8:30 pm

COMMUNITY FOOD TRUCK STOP

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 09/11/13

SIGNATURE OF APPLICANT 

PRINT NAME: Patrick McHenry

RELATIONSHIP TO BUSINESS OWNER

OFFICE USE ONLY

pd check # 9002 JP

Fee Paid \$ 25.00 Date: 9/11/13 Fee Returned \$ _____ Date: _____

At their meeting of 9/17/13, the Burlington City Council License Committee recommended
Approval X Denial _____

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.



Fee \$25.00

May 1, 2013 ---- April 30, 2014

CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION

Indoor Outdoor

PART I
ORGANIZATION

All information in this section is required

- 1. Corporation/Sole Proprietor name THE SPEAK EASY ARTS & EVENT CENTERS LLC
2. D/B/A (Business Name) ARTBRIOT 3. Bus. Phone 802-540-0406
4. Business Address 400 PINE STREET, BURLINGTON, VT 05401
5. Mailing Address SAME
6. Contact person PJ 7. Contact Phone 802-578-3560
8. Email contact address PJ@ARTBRIOT.COM

PART II
OPERATION

- 1. Do you currently have a Liquor License? Yes or No
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No (Indoor)
3. Proposed Date(s) for this Special Event 10/4, 10/11, 10/18, 10/25
4. Proposed Hours for this Special Event 4:30pm - 9pm
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way

For this Proposed location please answer the following questions:

- a) Occupancy Load 500-1000 b) # of Restrooms 8 c) # of Egresses 3
d) Date of last Fire/Safety Check 5/15/13 e) Dancing by Patrons? Yes or No
f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

(Continued on back)

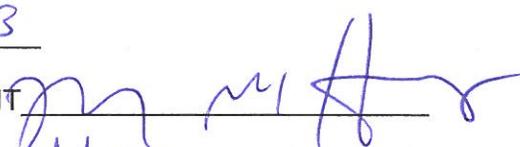
**PART III
DESCRIPTION OF ENTERTAINMENT**

Please give DETAILED description of the type of entertainment for which you are applying:

Description Amplified music. 5-8:30pm

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 9/11/13

SIGNATURE OF APPLICANT 

PRINT NAME: Patrick McHenry

RELATIONSHIP TO BUSINESS OWNER

OFFICE USE ONLY perm # 9003 lo

Fee Paid \$ 25.00 Date: 9/11/13 Fee Returned \$ _____ Date: _____

At their meeting of 9/17/13, the Burlington City Council License Committee recommended
Approval X Denial _____

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.



Fee \$25.00

May 1, 2013 ---- April 30, 2014

CITY OF BURLINGTON
SPECIAL EVENT
ENTERTAINMENT PERMIT APPLICATION

[X] Indoor [] Outdoor

PART I
ORGANIZATION

All information in this section is required

- 1. Corporation/Sole Proprietor name PACIFIC RIM ASIAN CAFE LLC
2. D/B/A (Business Name) PACIFIC RIM 3. Bus. Phone 802-825-6808
4. Business Address 161 Church St. Burlington, VT
5. Mailing Address 49 Central Ave Burlington VT
6. Contact person Tommy Wheeler Contact Phone 802-825-6808
8. Email contact address tommywheels@gmail.com

PART II
OPERATION

- 1. Do you currently have a Liquor License? Yes or No
2. Do you currently have an Entertainment Permit/Special Event Permit? Yes or No
3. Proposed Date(s) for this Special Event SEE NEXT PAGE.
4. Proposed Hours for this Special Event 10pm - 2 AM.
5. Proposed Location for this Special Event Specify if event will be on City street or right-of-way
INSIDE

For this Proposed location please answer the following questions:

- a) Occupancy Load 108 b) # of Restrooms 2 c) # of Egresses 2
d) Date of last Fire/Safety Check 5/27/13 e) Dancing by Patrons? Yes or No
f) Amplified Music? Yes or No g) Will additional staff and/or security be required? Yes or No

(Continued on back)

**PART III
DESCRIPTION OF ENTERTAINMENT**

Please give DETAILED description of the type of entertainment for which you are applying:

Description DJS on the following dates.
10/2 10/3 10/4 10/5 10/9 10/10 10/11 10/12
10/16 10/17 10/18 10/19 10/23 10/24 10/25
10/26 10/30 10/31

STATEMENT OF APPLICANT: Under the pains and penalties of perjury, I affirm that the preceding answers are true to the best of my knowledge and belief. I have read, understand and agree to comply with all City and State conditions, laws, ordinances, regulations and statutes.

DATE SIGNED: 9/8/13

SIGNATURE OF APPLICANT *Thomas Wheeler*

PRINT NAME: Thomas Wheeler

RELATIONSHIP TO BUSINESS BAR MANAGER

OFFICE USE ONLY

Fee Paid \$ _____ Date: _____ Fee Returned \$ _____ Date: _____

At their meeting of 9/17/13, the Burlington City Council License Committee recommended
Approval Denial _____

At their meeting of _____, the Burlington City Council _____ this SPECIAL
entertainment permit application.

Lori Olberg

From: sjalenick@comcast.net
Sent: Thursday, September 19, 2013 12:43 PM
To: Lori Olberg
Subject: Leo Yandow, Inspector of Elections, Ward I

I'm sad to report that Leo Yandow has continuing medical issues that make it impossible for him to continue to serve as Inspector of Election for Ward One.
I will make arrangements to cover this position with an alternate for the March election.

Sue Alenick
Ward Clerk
Ward One

Background:

In any good home budgeting plan it is important to keep money in the bank for expenses you know you will need to make, to build up money to avoid borrowing for expenses you know you will need to make and to have a reserve for unexpected expenditures. If after you have estimated these needs you find that you have excess "money" you might decide that rather than keeping all of your money in a bank, with the current very low-interest rates, to invest that money in either long-term or short-term investments so your money can make you money.

A municipality is no different in that once we have accounted for all of the known and possible expenditures, it is important to assist the taxpayers by using revenues to make money. This should be done very cautiously, using very safe investments that are short-term in nature. And a City needs an Investment Policy to guide these decisions.

We believe the City is now in a position to make some safe short-term investments. How did we get here?

The City created and developed a cash management plan where over a three-year period we created budgets that were appropriately funded, thereby reducing the need for short-term borrowing. In addition, the voters approved

- Fiscal Stability Bond for \$9 million designed to infuse revenue and lessen the City's reliance on short-term borrowing.

In some of the Enterprise Funds there has been a line called "Depreciation Expense" which is in essence money being carried forward in the Enterprise Fund form year to year which can be safely invested.

What this means is that during limited periods of time the City has revenue that can be invested for a short-term so that money can earn a better return than it sitting in the bank.

Due to all of the steps the City Council and Administration have taken, in FY 2014, the City has not utilized an established Keybank Line of Credit (LOC). The line of credit is \$10 million, and the amount used this fiscal year is zero. On August 12th, 2013, the cash balance was the highest it has been in over seven years at approximately \$20 million. The Clerk Treasurer's Office is requesting approval of a new investment policy. If passed, the new policy would authorize the CAO and Assistant CAO for Finance to invest and deposit up to \$5 million of any City Funds.

Why Invest?

The Clerk Treasurer's Office is responsible for the City's cash flow by depositing cash receipts promptly, ensuring that all financial claims are properly disbursed, and maximizing interest revenue by investing excess cash.

The City's credit rating agency, financial advisors, and auditors have all suggested that the City should have an investment policy. The investment policy submitted for approval demonstrates a commitment to stronger financial stability. It shall be the policy of the City of Burlington to preserve principal and maximize income, while maintaining liquidity to meet the City's need for cash. Investment decisions will be guided by the policy and will demonstrate overall transparency.

The interest income from these investments is a revenue stream that will help reduce the burden on taxpayers.

CITY OF BURLINGTON INVESTMENT POLICY 8/13/13

POLICY:

The purpose of this document is to provide guidelines for the prudent investment of the City of Burlington's funds and to outline the policies needed to maximize the efficiency of the City's cash management system.

SCOPE:

All monies entrusted to the Chief Administrative Officer as directed by the City Council shall be invested in accordance with this document.

AUTHORITY:

The Chief Administrative Officer or Assistant City Chief Administrative Officer (referenced in the remainder of this document as CAO) for the City of Burlington, in accordance with this policy, shall be authorized to invest and reinvest the funds of the City of Burlington.

INVESTMENT OBJECTIVE:

The primary objectives, in priority order, of investment activities shall be safety, maintenance of liquidity, and income.

- I. **Safety** – Safety of principal is the foremost objective of the investment program. Investments of the City of Burlington shall be undertaken in a manner that seeks to ensure the preservation of capital
- II. **Maintenance of Liquidity** – City of Burlington's investments will remain sufficiently liquid to enable the City to meet all operating and capital requirements, which might be reasonably anticipated.
- III. **Return on investment** – City of Burlington's investments shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and cash flow needs and any applicable transaction costs or other fees.

The City's investment portfolio shall be designed with the objective of meeting all legal requirements set forth by Federal, State, and Local laws.

AUTHORIZED FINANCIAL INSTITUTIONS:

Financial institutions having offices in the city of Burlington and then Vermont Institutions shall, provided all objectives listed above are equal, be given preference when

the City of Burlington invests its funds. All financial institutions must register to do business in the State of Vermont.

ALLOWABLE INVESTMENTS:

The CAO is authorized to invest and deposit any City funds, up to five million dollars (\$5,000,000) in any of the following:

1. Certificates of Deposit
2. Money Market Accounts
3. Savings Accounts
4. Now Accounts
5. Checking Accounts
6. U.S. Treasury Bills
7. Treasury Notes or Bonds
8. Municipal and State Bonds

To invest any City funds in an option not listed above, or to invest more than a total of \$5,000,000 will require City Council approval. The CAO of the City of Burlington will make decisions regarding the types of collateralization of deposits when needed. The form of collateral may include, but not be limited to, securities of the United States of America. Securities may be held by a third party custodian designated by the CAO and evidenced by safekeeping receipts.

ETHICS AND CONFLICTS OF INTEREST:

The CAO shall avoid any transaction that might impair public confidence in the City's Council's ability to govern effectively. Officers and employees involved in the investment process shall refrain from business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment decisions shall follow the requirements laid out in Section 133 of the City Charter (Conflict of Interest). All investments must meet City Ordinances such as Outsourcing and Union Deterrence.

COLLATERALIZATION

Collateralization is required on accounts and deposits and repurchase agreements over the amount guaranteed by the FDIC. The collateral must be in an amount equal to the excess deposit and it may consist only of securities in which municipalities may invest.

DIVERSIFICATION OF THE INVESTMENT PORTFOLIO:

The CAO shall maintain sufficient diversification of investments such that the ability of the City of Burlington to continue to do business on an ongoing basis will not be impaired because of a liquidity crisis occurring in any one institution with which the City

of Burlington has invested. This diversification provision will be considered met if the investments are in federally-supported instruments such as TBills or TNotes.

REVIEW PROCESS:

The CAO will report investment activity at least every 6 months to the Board of Finance unless there is a request by the Board.