
DELIBERATIVE AGENDA

SPECIAL CITY COUNCIL WORKSESSION

MONDAY, OCTOBER 17, 2011

CONFERENCE ROOM 12, CITY HALL

6:35 P.M.

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

ABSENT: Councilors Adrian and Hartnett

ALSO PRESENT: Interim CAO Schrader; ACAO Goodwin; City Attorney Schatz; Joe Reinert, Mayor's Office; Heather Kendrew, Airport; Gene Richards, Jeff Munger and Miro Weinberger, Airport Commission

1. AGENDA

On a motion made by Councilors Bushor and Brennan, the Special City Council Work Session Agenda was amended as followed: remove from the agenda item 2. COMMUNICATION: Richard Haesler, Assistant City Attorney, re: Settlement Negotiations With Gilbane Regarding Champlain Parkway (oral); expected Executive Session and Add to the agenda item 2.5. COMMUNICATION: Agreement with South Burlington.

2.5. COMMUNICATION: Agreement with South Burlington

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

On a motion by Councilors Bushor and Brennan, the Special City Council Work Session went into executive session at 6:35 p.m., premature disclosure would place the City at a substantial disadvantage.

Present were: see above

3. COMMUNICATION: Ken Schatz, City Attorney and Joseph McNeil, Esq., re: Collective Bargaining (oral)

* * * * EXPECTED EXECUTIVE SESSION * * * *

On a motion by Councilors Bushor and Dober, the Special City Council Work Session voted unanimously to go out of executive session at 7:22 p.m.

4. ADJOURNMENT

On a motion by Councilors Bushor and Dober the Special City Council Work Session voted unanimously to adjourn at 7:22 p.m.

Attest:

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

LOCAL CONTROL COMMISSION
MONDAY, OCTOBER 17, 2011
CONTOIS AUDITORIUM, CITY HALL
7:30 P.M.

PRESENT: Mayor Kiss (arrived at 7:32 p.m.), City Council President Keogh, Commissioners Adrian, Bushor, Berezniak, Kranichfeld, Brennan, Mulvaney-Stanak, Hartnett, Wright, Shannon, Blais, Paul, Decelles and Dober

CITY ATTORNEY'S OFFICE: Ken Schatz (arrived at 7:35 p.m.)

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

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Commissioners Dober and Berezniak, the Local Control Commission Agenda was adopted as is.

2. CONSENT AGENDA

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

2.01. COMMUNICATION: Amy Bovee, Executive Secretary to the CAO, re: Minutes, Local Control Sub-committee/City Council License Committee, May 4, 2011

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

2.02. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re: Liquor License Suspension Hearing and City Council License Committee Minutes for June 7, 2011

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

2.03. COMMUNICATION: Amy Bovee, Executive Secretary and Lori Olberg, Licensing, Voting and Records Coordinator, re: Local Control Sub-committee/City Council License Committee Minutes for June 14, 2011

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

2.04. COMMUNICATION: Amy Bovee, Executive Secretary and Lori Olberg, Licensing, Voting and Records Coordinator, re: Local Control Sub-committee/City Council License Committee Minutes for June 21, 2011

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

3. ADJOURNMENT

On a motion by Commissioners Dober and Blais the Local Control Commission voted unanimously to adjourn at 7:31 p.m.

Attest:

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

ADJOURNED MEETING, CITY COUNCIL
MONDAY, OCTOBER 17, 2011
7:31 P.M.

PRESENT: see above

1. AGENDA

On a motion made by Councilor Shannon, the agenda was unanimously adopted, as amended, as followed: note the revised version of consent agenda item 3.04. RESOLUTION: Authorization to Accept U.S. Department of Housing and Urban Development Lead Hazard Control Grant (Councilors Berezniak, Wright, Mulvaney-Stanak: Community Development Committee; Councilors Keogh, Wright, Paul, Mulvaney-Stanak: Board of Finance) with the consent action to “waive the reading and adopt the resolution;” add to the consent agenda item 3.13. COMMUNICATION: Patricia J. Crowley, Clerk, Board of Electric Commissioners, re: Electric Commission Attendance Record with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 3.14. COMMUNICATION: Megan Olsen, Research Analyst, Church Street Marketplace, **re: 2011 Church Street Canadian Visitors Survey** with the consent action to “waive the reading, accept the communication and place it on file” and note the revised version of agenda item 8. RESOLUTION: City of Burlington Burlington Telecom Proposal Cure of Condition 17 Violation (Councilors Keogh, Shannon & Paul: Blue Ribbon Committee). Councilor Dober requested to add himself as a co-sponsor to item 9: RESOLUTION: Exemption from Personal Property Tax for Businesses with Appraised Values Under \$25,000.

2. PUBLIC FORUM

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

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Ron Ruloff	3	Food Shelf/CVOEO
Chris Copp	7	Fluoridation
Jim Podrasky	3	Smoking at Airport
Brian Albarelli		Freedom of Speech/No Apologies Yet

With no one further coming forward and no objection from the remaining Council, City Council President Keogh closed the public forum at 7:43 p.m.

3. CONSENT AGENDA

Councilor Bushor requested an explanation of the revision on consent agenda item 3.04. RESOLUTION: Authorization to Accept U.S. Department of Housing and Urban Development Lead Hazard Control Grant (Councilors Berenziak, Wright, Mulvaney-Stanak: Community Development Committee; Councilors Keogh, Wright, Paul, Mulvaney-Stanak: Board of Finance.) Interim CAO Schrader stated the change was on the third page where the expense and revenue were listed to specify how the budget would be amended.

On a motion by Councilors Shannon and Wright, 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: Approval of Two License Agreements Between Encore BTV Schools
Solar I, LLC and the Burlington School District (Board of Finance)
*waive the reading and adopt the resolution
- 3.03. RESOLUTION: Re-categorization of the Parks and Recreation Waterfront Coordinator
Position From Limited Service to Regular Full Time (Board of Finance)
*waive the reading and adopt the resolution
- 3.04. RESOLUTION: Authorization to Accept U.S. Department of Housing and Urban
(revised version) Development Lead Hazard Control Grant (Councilors Berenziak,
Wright, Mulvaney-Stanak: Community Development Committee;
Councilors Keogh, Wright, Paul, Mulvaney-Stanak: Board of Finance)
*waive the reading and adopt the resolution
- 3.05. COMMUNICATION: Jarett Chizick, 6 Clarke Street #4, Ward 3, re: Thank you
*waive the reading, accept the communication and place it on file
- 3.06. COMMUNICATION: Green Up Vermont, re: Green Up Day May 5, 2012 Selection of Town
Coordinator
*waive the reading, accept the communication, place it on file and send to the Mayor's Office for
selection of the May 5, 2012 Green Up Day Town Coordinator
- 3.07. COMMUNICATION: Mayor Bob Kiss, re: Development Permitting Review and Performance
Audit **Resolution 9.0 September 9-26-11 RETURNED UNSIGNED**
*waive the reading, accept the communication and place it on file
- 3.08. COMMUNICATION: Peter Potts, Chairman, Burlington Planning Commission, re: Intersection
Safety
*waive the reading, accept the communication and place it on file
- 3.09. COMMUNICATION: Lawrence K. Fortier, re: UVM's NR 1 will work with Burlington Parks
and Recreation, State & USFS to establish ecological baseline for urban
forest beginning next week
*waive the reading, accept the communication and place it on file
- 3.10. COMMUNICATION: Margaret Bozik, Assistant Director for Community Development,
CEDO, re: CDBG Public Forum
*waive the reading, accept the communication and place it on file
- 3.11. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance July 25, 2011
Minutes
*waive the reading, accept the communication and place it on file
- 3.12. COMMUNICATION: Amy Bovee, Executive Secretary, re: Board of Finance August 29, 2011
Minutes
*waive the reading, accept the communication and place it on file

3.13. COMMUNICATION: Patricia J. Crowley, Clerk, Board of Electric Commissioners, re: Electric Commission Attendance Record

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

3.14. COMMUNICATION: Megan Olsen, Research Analyst, Church Street Marketplace, re: **2011 Church Street Canadian Visitors Survey**

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

4. PUBLIC HEARINGS: COMPREHENSIVE DEVELOPMENT ORDINANCES:

- Bed & Breakfast Definition ZA 12-01
- Signs in Enterprise Districts ZA 12-02
- Adaptive Reuse of Outbuildings in Planned Unit Development (PUD) ZA 12-03

David White, Director of Planning and Zoning, stated there were three proposed amendments to the ordinance. ZA 12-01 corrected a conflict in the number of rooms allowed in a bed and breakfast. ZA 12-02 clarified dimensional requirements to signs in the enterprise district. ZA 12-03 enabled preexisting garages and carriage barns to be reused without worrying about setbacks and dimensional nonconformities.

City Council President Keogh opened the public hearings at 7:46 p.m.

There being no one coming forward and no objection from the remaining Council, City Council President Keogh closed the public hearings at 7:46 p.m.

4.01. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Bed & Breakfast Definition ZA 12-01 (Planning Dept., Planning Commission) (2nd reading)

Councilors Shannon and Bushor made a motion to waive the 2nd reading and adopt the ordinance. The motion passed unanimously.

4.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Signs in Enterprise Districts ZA 12-02 (Planning Dept., Planning Commission & Ordinance Committee) (2nd reading)

Councilors Shannon and Bushor made a motion to waive the 2nd reading and adopt the ordinance. The motion passed unanimously.

4.03. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Adaptive Reuse of Outbuildings in Planned Unit Development (PUD) ZA 12-03 (Planning Dept., Planning Commission & Ordinance Committee) (2nd reading)

Councilors Shannon and Bushor made a motion to waive the 2nd reading and adopt the ordinance. The motion passed unanimously.

4.04. COMMUNICATION: Clerk/Treasurer's Office, re: Public Hearing Notice: Burlington Comprehensive Development Ordinance: ZA-12-01, 12-02 and 12-03

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

5. COMMUNICATION: Clerk/Treasurer's Office, re: Openings: Burlington City Commissions/
Boards

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

5.01. APPOINTMENT: Housing Board of Review (Term expires 6/30/16)

Councilor Shannon nominated Kirstin McCracken.

Councilor Paul nominated Amanda Conley.

Kirstin McCracken was appointed to the Housing Board of Review by a vote of 11-3.

5.02. APPOINTMENT: Telecommunications Advisory Comm. (Term expires 6/30/12)

Councilor Bushor nominated Nina Parris to the Telecommunications Advisory Committee.

Nina Parris was unanimously appointed to the Telecommunications Advisory Committee.

5.03. APPOINTMENT: Telecommunications Advisory Comm. (Term expires 6/30/14)

Councilor Bushor nominated Ross Nizlek to the Telecommunications Advisory Committee.

Ross Nizlek was unanimously appointed to the Telecommunications Advisory Committee.

6. RESOLUTION: Expansion of the Scope of the Audit to Include Greater Risk
Assessment (Councilor Paul)

Councilors Paul and Dober made a motion to waive the reading and adopt the resolution.

Councilor Paul stated the Audit needed to increase its scrutiny in risk assessment. The former Audit firm did not consult with the City Council about the scope of the audit. The scope defined the depth of analysis the Audit firm would devote to the Financials. It was directly related to the City's ability to sustain services. This could promote a high level of confidence in public trust and asked for a higher standard in the audit. The resolution asked for greater examination of departments that rely on grant funding, those who have had significant deficiencies in past audits and the Enterprise Funds. This would be a step forward and the Auditor had offered to work to incorporate suggestions from others.

Councilor Dober stated this seemed similar to a resolution that was already passed. The Burlington Telecom Operations Subcommittee previously passed a resolution indicating most of what was included in this one. Write ups in the management letter needed to be resolved or reasons why they could not be resolved needed to be identified. Councilor Paul stated the previous resolution requested more scrutiny but did not request expanding the scope of the audit. The difference was that there were still deficiencies in the audit. Community members had also requested a more comprehensive audit. The Board of Finance would need to define what the expanded scope would be.

Councilor Bushor stated the Board of Finance was the Audit Committee and she would have preferred this resolution had come through that Board. She made a motion to add the phrase 'considers the pros and cons of broadening the scope of the audit' be inserted into line 42 because she was uncertain if the Board of Finance was in support of this. There were merits to looking at departments with significant deficiencies. Councilors Paul and Dober accepted the amendment as friendly.

Councilor Wright inquired how this would affect the contract with the auditor. Interim CAO Schrader stated changing it would be problematic, as the scope of services was defined in the RFP. Broadening it and expanding the scrutiny could increase the cost. Councilor Wright inquired who determined the scope of the audit. Interim CAO Schrader stated it was developed internally and was based on the federal guidelines and the determinations of the auditors themselves. Councilor Wright stated this would strengthen credit ratings. Interim CAO Schrader stated it would depend on what the findings were. Depending on what was found, it could have the reverse effect. Councilor Wright inquired if the RFP would have to reopen if the resolution were to pass. Interim CAO Schrader stated that it would require renegotiating with the auditors; it could slow down the end product. The process was two months underway and the plan was to produce the final audit by the end of the calendar year.

Councilor Paul stated Scott McIntire, the Auditor, had welcomed discussions and recommendations in regards to the scope of the audit. The resolution was given to the CAO's Office in advance and they made some suggestions.

Councilor Dober made a motion to refer the resolution to the Board of Finance for review. City Council President Keogh stated that was the action of the resolution.

The motion passed unanimously with the amended language to be inserted into the resolution.

7. RESOLUTION: Supporting The "Twinning" of Downtown Districts in Burlington, Vermont and Drummondville, Quebec (Councilors Blais, Decelles)

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

Ron Redmond, Executive Director of the Church Street Marketplace, stated this was non-binding and represented a relationship with Quebec's Main Street program. They provide assistance to towns in Quebec and they would like to twin Vermont and Quebec. The downtown districts would work together to talk about their programs.

Councilor Adrian spoke in favor of the resolution.

The motion passed unanimously.

8. RESOLUTION: City of Burlington Burlington Telecom Proposal Cure of Condition 17 Violation (Councilors Keogh, Shannon & Paul: Blue Ribbon Committee)

Councilors Shannon and Paul made a motion to waive the reading and adopt the revised version of this resolution.

Councilor Shannon stated Condition 17 required Burlington Telecom to build out to provide service 100% of the City and had been of great concern to the Public Service Board. When other issues with Telecom came to light, this was forgotten about, but still needed to be addressed. It was costly to build out to other parts of the City and Telecom cannot afford to meet this requirement. When seeking a new partnership, this was one issue that Telecom would look to receive help with. With \$17 million owed to the City, all citizens had an interest in moving forward, regardless of whether or not they received Telecom's service. This asked the Public Service Board (PSB) to remove condition 17. Laws and standards had changed at the State level since this condition was imposed. City Attorney Schatz stated PSB rule 8.313 was a recent change regarding obligations to build within service areas and included provisions based on financial constraints. The request in the resolution was to amend condition 17 to meet that criteria.

City Council President Keogh inquired if the Blue Ribbon Committee supported this; Councilor Shannon stated they do.

Councilor Bushor stated she was unsure what was being asked in the section that requested the PSB 'adopt a line extension tariff which is consistent with the rule' and requested a definition. City Attorney Schatz stated tariff referred to rules that applied to specific utilities. This was a set of standards that the entity must follow when they are approved by the PSB. This specifically referred to expanding service to a place that did not receive it yet.

Councilor Dober inquired why this was not done in the past and why was it an option now. City Attorney Schatz stated in 2005 it was required that Telecom connect to every home and business in Burlington. There was no indication they would be willing to change that requirement. The new rule was recent. Telecom had been in violation of Condition 17 and filed a petition requesting this provision be amended. It was not addressed until 2010. This was the first opportunity to make this change.

Councilor Adrian inquired who drafted the resolution. City Attorney Schatz stated Attorney Ellis and himself. Councilor Adrian stated lines 40-41 seemed desperate. City Attorney Schatz stated they were not part of the original draft but members of the Blue Ribbon Committee requested them in an effort to try to explain why this was being proposed. Councilor Adrian made a motion to change the line to read 'is currently in the search process for a suitable partner.' Councilors Shannon and Paul accepted the amendment as friendly. Councilor Adrian made a motion to strike lines 42-43 completely. Councilors Shannon and Paul accepted the amendment as friendly. Councilor Shannon stated she had added these sections in consultation with Blue Ribbon Committee members to make it clear to constituents why this was being done. Many had wanted to use Burlington Telecom for a long time but had been unable to.

Councilor Kranichfeld stated part of the PSB rules state the tariff did not apply unless the extension did not have a density equivalent to 16 year round residents. City Attorney Schatz stated there was no additional cost for extra customers if there was an equivalent of 16 year round residents. If there was less than 16 there was a formula that was applied.

Councilor Shannon stated there was a requirement to provide some level of service to all areas. There would not be a requirement to build out to new areas.

The motion passed unanimously, with the amendments.

9. RESOLUTION: Exemption from Personal Property Tax for Businesses with Appraised Values Under \$25,000 (Councilors Paul and Decelles)

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

Councilor Paul stated this raised the exemption level on the Business Personal Property tax from \$2,500 to \$25,000. In February of 2010, there was a resolution to look at the feasibility of eliminating the tax. The tax generated \$1.1 million in revenue annually. Last summer, Councilor Kaplan began to look at raising the exemption to help small businesses and start-up companies. The resolution noted that City Assessor Vickery looked at other municipalities and many had phased this tax out. This would exempt 44% of businesses who bring in only 3% of the annual revenue from this tax. 344 businesses would be exempted at a loss of only \$38,000. This would allow the Assessor's Office to devote more time to auditing larger businesses and focus on other responsibilities. This would send a message that Burlington supported business development and was more tax friendly.

Councilor Dober stated he chaired the License Committee and owning businesses could be difficult. This small action would help the economy, help to alleviate employment issues and fill some storefronts.

Councilor Hartnett inquired how to balance out the loss of this \$38,000. City Assessor Vickery stated he was in favor of the resolution. The Assessor's Office would be able to spend more time focusing on the larger businesses. There was a lack of audit and businesses got careless returning the appropriate forms. The businesses that bring in more revenue would receive more attention. In time, it might increase the overall business personal property revenue.

Councilor Blais stated he would abstain voting on this issue.

Councilor Bushor stated this was on the accountability list and it was sent to Board of Finance in 2010. The sponsors had done good work but she would like the Board of Finance to review this before referring to the whole Council. There was a monetary loss here and the Board of Finance should look at the feasibility and implications. That discussion did occur last fall but she was unsure what the overall opinion was. She also inquired about the number of small businesses in town and if there were enough large businesses to keep this stream of revenue. Historically, as small businesses had grown, they had left Burlington. She inquired about the long term financial impact. Mr. Vickery stated he would be willing to write a report and submit it to the Board of Finance.

Councilor Dober stated determining what business would look like in the future was nearly impossible. Councilor Bushor stated she would like projections, not an exact dollar amount. Councilors Bushor and Hartnett made a motion to refer the resolution to the Board of Finance. Councilor Decelles inquired what the time frame for referral was because the initial resolution was similar to this and that was passed several years ago. Councilor Bushor stated she intended to get action from the Board of Finance and would like to see it come back to the Council soon. Councilor Paul inquired if this would be on the next Board of Finance meeting. Mayor Kiss stated it could be. Councilor Paul accepted the motion as friendly; Councilor Decelles did not accept the motion as friendly.

Councilor Wright stated this went to the Board of Finance a long time ago and it had not been done. He stated he would like further discussion at Board of Finance as to whether or not \$25,000 was the appropriate limit.

Councilors Adrian and Mulvaney-Stanak spoke in favor of referring the resolution to the Board of Finance. The motion passed unanimously.

Councilor Adrian made a motion to strike lines 125-127 and stated the Charter Change Committee did not need to be involved. Councilor Paul stated City Assessor Vickery suggested including that. City Attorney Schatz stated changing the Charter would make it permanent. Councilor Adrian revised the motion to strike 125-126 to state the Board of Finance work with the City Attorney and City Assessor. City Attorney Schatz stated that was legally fine. He stated he thought it had already been referred to Board of Finance. Councilor Bushor inquired if the resolution needed to be changed now or if this discussion could take place after the Board of Finance brought it back. City Attorney Schatz stated this was out of order because this matter had been completed by referring it to the Board of Finance. Councilor Adrian withdrew his motion.

The resolution was referred to the Board of Finance unanimously.

10. COMMUNICATION: Mari Steinbach, Director, Department of Parks and Recreation, re: Bike Path Task Force

John Bossange, Chairman of the Bike Path Task Force, stated there had been two updates from the Director of Parks and Recreation. The group had met regularly and had made great progress. The task force was charged to look at the Capital needs of the Bike Path, to incorporate the 2002 feasibility study and the 2005 amenities plan, and to develop a maintenance budget and operating budget to sustain the changes that were going to be recommended, to address connectivity to places in Burlington and recommend funding mechanisms. He stated the process had been transparent and allowed for public

input. There had been press conferences and public forums and minutes and draft reports on the website. There was an online survey with 350 residents responding. The task force had met 5 times and the steering committee 4 times.

The task would be completed and priorities had been outlined. An engineering company that specialized in bike path construction was hired to help with the project. Each section of the bike path was analyzed and the draft report was online. The cost analysis still needed to be done. This had taken information and looked at 15-20 sections of the bike path. All decisions would consider safety, storm water problems, tourism and economic vitality, connectivity enhancements, and maintenance. The group was identifying core areas that are top priorities. The first priority was to make it 11 feet wide with 2 feet of gravel on each side. This was used throughout the country to provide resiliency. The storm water improvements were necessary. Enhancing connectivity to other bike paths and facilities was important. Other priorities were improving intersections with roads to increase safety, improving lighting, installing trail head stations with signs, maps, drinking water, and bathrooms to promote tourism, and installing directional signage. Lower priorities included adding pause places where there were views and overlooks and adding historical signs. The goals were to repair, enhance, and design the bike path. It was well used for transportation, wellness and recreation, and tourism. Public input had shown people put great value on at least one of these areas. It was a signature of Burlington.

Councilor Wright stated the group had done a fantastic job and thanked Mr. Bossange for his work. He inquired about use of a TIGER Grant. Mr. Bossange stated they decided not to pursue the TIGER Grant because it would take a lot of work to apply and they probably would not be able to obtain it. He stated they would collaborate with other towns.

Councilor Bushor thanked the group for their work. She inquired about funding sources. Mr. Bossange stated that was their next step now that the planning process was nearly complete.

Councilor Hartnett stated he was concerned about ensuring there was a maintenance fund. Mr. Bossange stated the Rec Department was working on the maintenance plan because that was important.

Without objection from the remaining Council, City Council President Keogh made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

11. RESOLUTION: Supplemental Budget Resolution #2012-01 Approving FY 2012 Information Technology Improvement Plan and Amending the FY 2012 Budget in Relation Thereto (Board of Finance)

Councilors Paul and Wright made a motion to waive the reading and adopt the resolution.

Interim CAO Schrader stated unspent funds could be carried over, including those for central computer. The unspent funds from FY10 and FY11 totaled approximately \$155,500 and this would carry funds to the current fiscal year for improvements included in the IT improvement plan. This listed the projects by priority. The budgeted amount for improvements this fiscal year and capital lease projects were also included.

Councilor Shannon stated she had found a better online information system for the Code of Ordinances and the Charter. She met with Interim CAO Schrader, the IT Director and City Attorney Schatz and they had stated they would look at it and get back to her. She had not seen this plan before now and was not prepared to vote on it. There were problems with the Ordinances covering the same topic in different areas which made things inconsistent. Councilors Shannon and Dober made a motion to postpone action on the resolution until the next meeting.

Councilor Dober stated he had read the resolution but was not aware of this IT plan and was unsure what all of the projects were. Interim CAO Schrader stated he would be happy to explain the projects.

Councilor Paul inquired if there was a pressing need to vote on this issue. Interim CAO Schrader stated none of this had been done in years and the City significantly was behind on technological issues.

Councilor Wright stated it was reasonable for Councilors to take time to review this.

Councilor Brennan spoke against deferring stating there was time for a discussion that night.

Councilor Shannon stated she had not prepared her questions and would like to do more work to go over the projects with Interim CAO Schrader. Interim CAO Schrader stated the project Councilor Shannon was referring to was not funded in this plan. It was not something that the City was ready to implement. Councilor Shannon stated all of the Ordinances were on Municode but there was another service that could track resolutions as well. It could be difficult for the Clerk's Office to find resolutions because there was no indexing and that should be included in any plan.

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

The motion to postpone action until the next City Council meeting passed by a vote of 13-1 with Councilor Brennan voting against.

12. COMMITTEE REPORTS (5 mins.)

Councilor Shannon stated the Ordinance Committee would meet to hear a report from the Downtown Smoking Committee. That report would likely recommend a downtown smoking ban that would define downtown as similar to the fire district and would run from 9:00 a.m. to 9:00 p.m.

Councilor Kranichfeld stated the Public Safety Committee was continuing to explore the issue of expanding the trespassing rules throughout the Marketplace and were awaiting a report from the City Attorney's Office. They were also considering finding efficiencies in the Fire Department. The fluoride issue was still pending and the Committee would do more work on it if the Council felt it was necessary.

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

Councilor Dober stated the Ward 4 & 7 NPA meeting would be tomorrow night at the Miller Center.

Councilor Bushor stated Ward 1 NPA meetings had been held at Schmanska Barn and it was difficult to get to the parking lot at night because there are no path or lights. She stated there was a communication relating to the CDBG Public Forum and most people felt the current process of funding neighborhood grants through the CDBG advisory board was not working well. She stated it was important to link CDBG money to neighborhood improvements. She stated the Colchester Avenue Task Force would be at the DPW Commission meeting where they would act on that recommendation. She stated in the newspaper there was an article about John Dewey's birthday on October 20th and that he was a progressive thinker. She read a portion of the article and thanked Frank Gonzales for periodically reminding the City Council about John Dewey.

Councilor Adrian noted that Councilor Wright had joined Twitter.

Councilor Brennan stated the School Board passed a strategic plan on Diversity, Equity, and Inclusion and it was a step forward for children in Burlington.

Councilor Berezniak stated there would be a fundraiser called the "Farmer Dinner" that would be a pot luck with a main dish of country fried chicken provided by Rockville Market Farm. It would be sponsored by the Old North End Arts and Business Network, the North End Studio, and the Skinny

Pancake. There would be a cash bar and music. He stated there would be a Vermont Green Up Day to help clean up post-Irene damage.

Councilor Wright stated that Councilor Adrian was becoming the Mayor of different places and he was worried so he joined Twitter. He stated the resolution on party designation should be reviewed by the Charter Change Committee because of the Hatch Act. It had affected candidates in local races. He commented that Mayor Kiss did not sign and spoke strongly against the resolution that was passed on zoning; the Mayor stated we did not copy other municipalities, but this was stated clearly in the resolution that was not the intent. Burlington was an unique city, but it could learn from neighbors. He stated Bill Leavitt had passed away and made mention that he had done a lot of great work through the Elks' Club.

Councilor Shannon stated she was briefly the Mayor of the St. John's Club. She stated she had attended the unveiling of the commemorative plaque for Little Italy at the bottom of Cherry Street. The plaque provided information about the neighborhood that was torn down to allow the building of downtown. It was good to reflect on what was done, why it was done, and how it might had been done differently.

City Council President Keogh stated referring a resolution to the Audit Committee had expanded their responsibilities and they were very busy people.

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

Mayor Kiss spoke about the Little Italy event stating he lived in that area at one time and there were stories of sadness and sacrifice about the loss of that neighborhood. Many struggled as a result of urban renewal. The celebration and recognition of that history was positive.

He stated he met with John Bromley, the Interim President of UVM and John Brumsted, the Interim CEO of MCHV, to acknowledge the leadership changes in the two biggest institutions in Burlington. Both would need new leadership to move forward. John Bromley was interested in safety issues for pedestrians and the subject of nighttime noise.

He stated he attended Ward 1, 5 and 2/3 NPA meetings and stated they were positive avenues. The Champlain Parkway was in the Act 250 process and it would create positive change in the South End in the long run; it was an investment that should be made.

He stated Moran was working on development agreements with the Ice Factor and the Sailing Center. The investment would be positive for the Waterfront and the City and should be moved forward.

15. ADJOURNMENT

Without objection from the remaining Council, City Council President Keogh adjourned the City Council Meeting at 9:37 p.m.

Attest:

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