

DRAFT

REGULAR MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
MONDAY, OCTOBER 27, 2008
7:08 P.M.

COMMUNICATION
DATE 12/15/08
AGENDA ITEM # 10.10

PRESENT: Councilors Ashe, Adrian, Berezniak, Bushor, Gutchell, Knodell, Ellis, Wright, Keogh, Shannon, Montroll, Paul, and Decelles and Mayor Kiss

ABSENT: Councilor Davis

OFFICE OF THE CITY ATTORNEY: Gene Bergman and Richard Haesler, Jr.

OFFICE OF THE CLERK/TREASURER: Ben Pacy, Sue Trainor (Lori Olberg was in the office working on Election Stuff)

PRESIDENT WRIGHT PRESIDING

1. AGENDA

On a motion by Councilors Knodell and Bushor, the Council voted unanimously to amend the agenda as follows: note the title change and written material for consent agenda item 6.04. RESOLUTION: Appointment of Ward Inspector of Election (Councilor Wright); note the title change and written material for consent agenda item 6.05. RESOLUTION: SUPPLEMENTAL BUDGET RESOLUTION #2009-06 Acceptance and Appropriation of Grant to Update the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) from the Winooski Dam to the Mouth of the Winooski River, a length of approximately 10.5 miles (Board of Finance); note title change and written material for consent agenda item 6.06. RESOLUTION: SUPPLEMENTAL BUDGET RESOLUTION #2009-07 Acceptance and Appropriation of Community Foundation and Americorp Grants for the Community & Economic Development Office's Center for Community and Neighborhoods (Board of Finance); and amend the action for consent agenda item 6.07. ORDINANCE: HOUSING-Minimum Housing Amendments related to Lead Paint (Councilors Ashe, CEDO, Code Enforcement) to "waive the first reading, refer it to the Ordinance Committee with a progress report due back to the Council at the December 15, 2008 City Council Meeting."

Councilor Ashe made a motion to move items 8, 9 and 10 to the consent agenda (6.09, 6.10 and 6.11 respectively) and approve the resolutions. Councilor Decelles seconded the motion; the Council voted unanimously to do so.

2. PUBLIC FORUM

President Wright opened the public forum at 7:40 p.m.

There being no one coming forward, President Wright closed the public forum at 7:41p.m.

3. COMMUNICATION: City Councilors, re: General City Affairs

Councilor Keogh expressed his appreciation to President Wright for the article written about him in the North End News.

Councilor Bushor stated that she had requested information from DPW Director on the closing of Saputo Cheese and the impact it would have on the Intervale and Chittenden Solid Waste District. She then asked the Administration to keep the Council up to date on this issue.

Councilor Wright expressed his desire to have a high turnout at the polls and encouraged all citizens to vote.

At their meeting of the Burlington City Council voted to waive the reading, accept this ordinance, and place it on file.
Attest: *Joni Oliver*

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4. COMMUNICATION: Mayor Kiss, re: General City Affairs

Mayor Kiss informed the Council that both the Heineberg Center and the Champlain Senior Center have just received \$37,500 each from the City. He acknowledged that the closing of Saputo Cheese would present a new challenge to the Chittenden Solid Waste District.

The Mayor then invited everyone to attend the signings of the Memorandums of Understanding for the Moran Redevelopment Plan with the Children's Museum, the Sailing Center and the Ice Factor on October 28th.

Finally, the Mayor outlined the three City ballot items voters will see on their ballot. He expressed his support for both items relating to the funding of street repairs. However, he stated he did not support the Penny for Parks ballot item and outlined the reasons why.

5. COMMITTEE REPORTS

Councilor Shannon noted that the next PUD meeting would be held on November 19th. Councilor Montroll informed the Council that the next TEUK Committee would be dealing with the City's Transportation Plan and a presentation from Burlington Electric Department. Councilor Bushor stated the Institutions Committee would be finishing up with Champlain College and on November 6th would be meeting to begin the discussion on the UVM Master Plan.

6. CONSENT AGENDA

On a motion by Councilors Knodell and Bushor, the consent agenda was adopted and the following actions as indicated were taken:

6.01. RESOLUTION: Authorization for Execution of Application for 2009 Municipal Planning Grant Program from the Vermont Department of Housing and Community Affairs (Councilor Ashe)

*waive the reading and adopt the resolution

6.02. RESOLUTION: Church Street Marketplace District Commission Authorization to Enter into License Agreement with Hayley Associates, Inc. (Board of Finance)

*waive the reading and adopt the resolution

6.03. RESOLUTION: Authorization to Contract for Janitorial Services at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

6.04. RESOLUTION: Appointment of Ward Election Officers (Councilor Wright)

*waive the reading and adopt the resolution

6.05. RESOLUTION: SUPPLEMENTAL BUDGET RESOLUTION #2009-06 Acceptance and Appropriation of Grant to update the flood insurance rate map (FIRM) and flood insurance study (FIS) from the Winooski dam to the lower Winooski River (Board of Finance)

*waive the reading and adopt the resolution

6.06. RESOLUTION: SUPPLEMENTAL BUDGET RESOLUTION #2009-07 Acceptance and Appropriation of Community Foundation and Americorp Grants for the Community & Development Office Center for Community and Neighborhoods (Board of Finance)

*waive the reading and adopt the resolution

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6.07. ORDINANCE: HOUSING-Minimum Housing Amendments related to Lead Paint
(Councilor Ashe, CEDO, Code Enforcement)

*waive the first reading, refer it to the Ordinance Committee with a progress report due back to the Council at the December 15, 2008 City Council Meeting

6.08. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for
October 20, 2008

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

6.09. RESOLUTION: Authorization to Enter into License Agreement with J.A. Morrissey
To Erect a Fence on a Portion of the City's Right-of-way (Councilors
Davis, Ashe, Berezniak: License Committee)

*waive the reading and adopt the resolution

6.10. RESOLUTION: Authorization to Enter into License Agreement with Euro Corner to
Maintain an Awning Over a Portion of the City's Right-of-way
(Councilors Davis, Ashe, Berezniak: License Committee)

*waive the reading and adopt the resolution

6.11. RESOLUTION: License Agreement with Chittenden County Transportation Authority
To Enlarge Bus Shelter on a Portion of the Public Right-of-way on
Shelburne Road (Councilors Davis, Ashe, Berezniak: License
Committee)

*waive the reading and adopt the resolution

Please note: Councilor Bushor added language to this item "removing a shelter and adding enlarging the pad and adding a shelter."

7. PUBLIC HEARING: ZA-09-01-Electronic Message Display

Planning and Zoning Director David White spoke about the content of the ordinance and its purpose. President Wright then opened the public hearing at 7:30 p.m. Hilda Carrier, wife of Marcel Carrier, spoke to the Council, expressing her appreciation for the sign that is being put up at Burlington High School with her husband's name on it. With no one further coming forward, President Wright closed the public hearing at 7:32 p.m.

7.01. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE-Electronic
Message Display #ZA-09-01 (Planning Dept.)

Councilor Bushor, seconded by Councilor Decelles, made a motion to waive the reading, suspend the rules and place this in all stages of passage. Councilor Montroll requested that each of the requirements noted in Section 7.1.12 be listed individually rather than in a paragraph format. The motion passed unanimously.

7.02. COMMUNICATION: Public Hearing Notice—Burlington Comprehensive
Development Ordinance: Proposed ZA-09-01 re:
Electronic Message Display

At the request of President Wright, and with no objection from the remaining Council, the action taken on the communication item above was to waive the reading, accept the communication and place it on file.

11. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Employee Retirement Advisory
Group Update

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Assistant CAO Pacy, speaking on behalf of the CAO, stated the majority of the advisory group had responded that they would like to meet again to provide a report to the Council, but they would be unable to provide a date they could provide a report until they had met. The Mayor reminded the Council that this should not be a drag on the process, that they are a sounding board and it provides a great opportunity for the mix of employees to discuss the recommendations that have been provided to the Board. President Wright confirmed that if the Council did not disband the group, the process of the Council could continue. The Mayor agreed.

Councilor Montroll noted the process had been delayed a year because they had been waiting for this report and Councilor Keogh expressed frustration that this item has been floating for a year.

11.01.RESOLUTION: The Employee Retirement Advisory Group (Councilors Keogh, Montroll & Adrian)

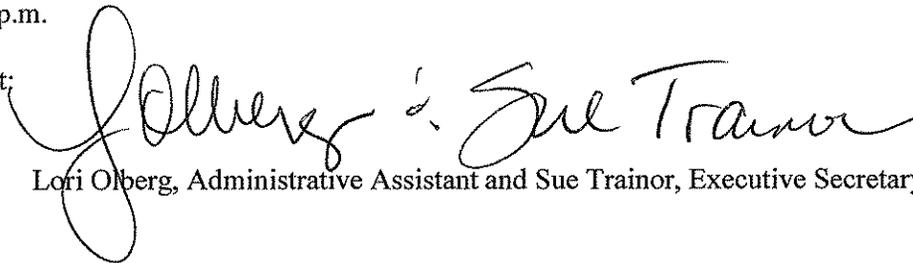
Councilor Montroll made a motion to postpone discussion of this resolution until the second meeting in December. Councilor Ellis seconded the motion.

Councilor Ashe stated his support of the postponement but asked that the President of the Council, the Mayor and the CAO immediately start working on the proposed process of implementation once the report was received. Councilor Knodell made it clear that the work of this group was really for the non-represented employees to weigh in. The collective bargaining process was outside of this. Councilor Shannon echoed Councilor Ashe's comments. The Board voted 13 to 1 to postpone the resolution, with Councilor Adrian voting against.

12. ADJOURNMENT

On a motion by Councilors Knodell and Decelles, the Council voted unanimously to adjourn the meeting at 7:54 p.m.

Attest:



Lori Olberg, Administrative Assistant and Sue Trainor, Executive Secretary to the CAO

BOARD OF CIVIL AUTHORITY
MONDAY, OCTOBER 27, 2008
7:45 P.M.

MAYOR KISS PRESIDING

1. AGENDA

Councilor Bushor made a motion, seconded by President Wright, to note the written material for consent agenda item 2.01. RESOLUTION: Appointment of Assistant Election Officials/Appointment of Acting Justices of the Peace (Councilor Wright); add to the consent agenda item 2.02. REPORT: Diane Noyes, Ward Seven Ward Clerk, re: Questionnaire with the consent action to "waive the reading, accept the report, place it on file, send Diane Noyes a letter thanking her for providing feedback regarding the Primary Election and refer the report to CAO Leopold." The motion passed unanimously.

2. CONSENT AGENDA

On a motion by Councilors Ashe and Wright, the consent agenda was adopted unanimously and the following actions were taken:

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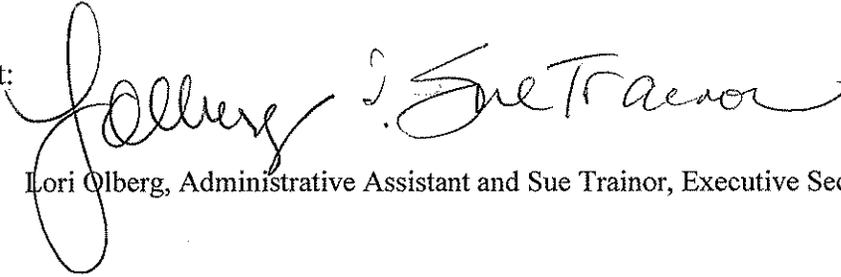
2.01. RESOLUTION: Appointment of Assistant Election Officials/ Appointment of Acting Justices of the Peace (Councilor Wright)
*waive the reading and adopt the resolution

2.02. REPORT: Diane Noyes, Ward Seven Ward Clerk, re: Questionnaire
*waive the reading, accept the report, place it on file, send Diane Noyes a letter thanking her for providing feedback regarding the Primary Election and refer the report to CAO Leopold

3. ADJOURNMENT

On a motion by Councilors Ellis and Keogh, the Council voted unanimously to adjourn the meeting at 7:46 p.m.

Attest:

Handwritten signatures of Lori Olberg and Sue Trainor in cursive script.

Lori Olberg, Administrative Assistant and Sue Trainor, Executive Secretary to the CAO