

DRAFT  
CITY HALL, CONFERENCE ROOM 12  
MONDAY, FEBRUARY 22, 2010  
6:00 P.M. TO 7:00 P.M.

Item 2 was removed.

1. AGENDA
3. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Burlington Telecom (oral)

\* \* \* \* **EXPECTED EXECUTIVE SESSION** \* \* \* \*

4. ADJOURNMENT

LOCAL CONTROL COMMISSION  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, FEBRUARY 22, 2010  
7:24 P.M.

PRESENT: All Commissioners except Adrian

ABSENT: Commissioner Adrian

PRESIDENT KEOGH PRESIDING:

1. AGENDA

There were no changes made to the agenda.

On a motion by Commissioners Davis and Dober, the Local Control Commission voted unanimously to adopt the consent agenda thus taking the following actions as indicated:

2. CONSENT AGENDA

2.01. **SECOND CLASS STORE LIQUOR LICENSE RENEWALS (2010-2011):**

see attached list

\*waive the reading, accept the communication, place it on file and approve the 2010-2011 Second Class Store Liquor License Renewals

3. **SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2009-2010):**

KKD Inc., d/b/a Kountry Kart Deli, 155 Main Street

Commissioner Davis made a motion, seconded by Commissioner Dober, to approve the Second Class Store Liquor License Application. The motion passed unanimously.

4. ADJOURNMENT

On a motion by Commissioners Davis and Dober, the Local Control Commission voted unanimously to adjourn at 7:26 p.m.

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Attest:

Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO

ADJOURNED MEETING, CITY COUNCIL  
MONDAY, FEBRUARY 22, 2010  
7:26 P.M.

PRESENT: All Councilors except Councilor Adrian

PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilors Shannon and Kaplan, the City Council voted unanimously to amend the agenda as follows: Amend the action for consent agenda item 3.14. COMMUNICATION: Jonathan P.A. Leopold, Jr., Chief Administrative Officer, re: Preliminary Results for the fiscal year ending June 30, 2009 for the major City funds to “waive the reading, accept the communication, place it on file **and have CAO Leopold give an oral report regarding this item at the March 8, 2010 City Council Meeting;**” add to the consent agenda item 3.16. COMMUNICATION: Sue Trainor, Assistant to the Chief Administrative Officer, re: Budget Consultant RFP with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 3.17. COMMUNICATION: Rene Kaczka-Valliere, Member, Conservation Board, re: Resignation with the consent action to “waive the reading, accept the communication, advertise the vacancy and send a letter of appreciate thanking Rene Kaczka-Valliere for his time served on the Conservation Board;” remove from the consent agenda item 3.04. RESOLUTION: Strengthening Noise Ordinance (Councilor Paul) and place it on the DELIBERATIVE agenda as item 7.5. Note that Councilor Berezniak has been added as a co-sponsor. Note hard copy of proposed amendments; remove from the consent agenda item 3.03. RESOLUTION: Extending Contract for Service Installation and Repair Work from Eustis Cable Enterprises, Ltd. (Board of Finance) and place it on the DELIBERATIVE agenda as item 7.6; add to the DELIBERATIVE agenda item 7.7. COMMUNICATION: DIMASALANG F. JUNIO, Colonel, USAF, Chief, Programs Division (A7P), re: F-35A Operational Basing Environmental Impact Statement (EIS).

2. PUBLIC FORUM

President Keogh opened the public forum at 7:31 p.m.

| <u>Name</u> | <u>Ward</u> | <u>Subject</u> |
|-------------|-------------|----------------|
|-------------|-------------|----------------|

There being no one further coming forward, President Keogh closed the public forum at 7:35 p.m.

3. CONSENT AGENDA

On a motion by Councilors Shannon and Kaplan, the Council voted unanimously to adopt the consent agenda, 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: Supplemental Budget Resolution 2010-07 Appropriation Changes to

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Reflect Wellness Grant (Board of Finance)

\*waive the reading and adopt the resolution

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

K2D Group Inc., d/b/a 156 Bistro, 156 St. Paul Street, Thursday, February 25, 2010, 8 p.m. – 11 p.m.,  
Local Singer, Songwriter Chad Hollister Performing Acoustic, No Dancing

\*waive the reading, accept the communication, place it on file and approve the one day only special event  
indoor entertainment permit application for 156 Bistro

3.06. COMMUNICATION: Paul Dettman, Burlington Housing Authority to Board of  
Commissioners, Subject: AMENDMENT TO BHA BY-LAWS

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

3.07. COMMUNICATION: Paul Robar, President, Morf Transit/Benways Transportation, re:  
Number of Taxi Cabs

\*waive the reading, accept the communication, place it on file and send copies to the Mayor, Chief of  
Police, Airport Manager, Airport Commission Members, Taxi Cab Committee Members and Assistant  
City Attorney Fuller

3.08. COMMUNICATION: Tom & Deb Miller, Miller Properties LLC, Kens Pizza and Pub, re:  
Proposed Smoking Ban, Sunday, February 7, 2010

\*waive the reading, accept the communication, place it on file and send copies to the Ordinance  
Committee Members and the Church Street Marketplace Commission Members

3.09. COMMUNICATION: Deb Miller, Ken's Pizza and Pub, re: Compromise regarding Smoking  
Ban, Monday, February 15, 2010

\*waive the reading, accept the communication, place it on file and send copies to the Ordinance  
Committee Members and the Church Street Marketplace Commission Members

3.10. COMMUNICATION: Mayor Kiss (information from Brian Pine, CEDO), re: Update on  
Champlain College Student Housing Plans

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

3.11. COMMUNICATION: Patricia J. Crowley, Clerk/Burlington Electric Commission, re: BED-  
First Wind LLC Power Purchase Agreement Amendment

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

3.12. COMMUNICATION: Patricia J. Crowley, Clerk/Burlington Electric Commission, re: New  
England Central Railroad Contract Approval

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

3.13. TOBACCO LIQUOR LICENSE RENEWALS (**2010-2011**): see attached list

\*waive the reading, accept the communication, place it on file and approve the 2010-2011 Tobacco  
License Renewals

3.14. COMMUNICATION: Jonathan P.A. Leopold, Jr., Chief Administrative Officer, re: Preliminary  
Results for the fiscal year ending June 30, 2009 for the major City funds

\*waive the reading, accept the communication, place it on file and have CAO Leopold give an oral report  
regarding this item at the March 8, 2010 City Council Meeting

3.15. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance February 8, 2010

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Minutes

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

3.16. COMMUNICATION: Sue Trainor, Assistant to the Chief Administrative Officer, re: Budget Consultant RFP

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

3.17. COMMUNICATION: Rene Kaczka-Valliere, Member, Conservation Board, re: Resignation

\*waive the reading, accept the communication, advertise the vacancy and send a letter of appreciation thanking Rene Kaczka-Valliere for his time served on the Conservation Board

4. TOBACCO LICENSE RENEWAL (2009-2010): Kountry Kart Deli, 155 Main Street

Councilor Davis made a motion, seconded by Councilor Dober, to approve the Tobacco License Renewal. The motion passed by a vote of 11 to 1 with Councilor Caldwell voting against.

5. RESOLUTION: Execution of an RFP for Independent Legal Counsel to Assist the City Council with Respect to the Development Agreements with Moran Center Tenants (Councilors Paul, Decelles, Dober, Kaplan, Shannon, Ellis)

Councilor Paul made a motion, seconded by Councilor Dober, to approve the resolution. The resolution failed by a vote of 5 to 7 with 1 absence. Those voting for the resolution were Councilors Paul, Decelles, Dober, Kaplan and Shannon.

6. RESOLUTION: Request to Charter Change Committee to Review Power of the Chief Administrative Officer (CAO) to Vote on the Board of Finance and Re-appointment of Department Heads (Councilors Paul, Decelles, Dober, Kehoe, Kaplan)

Councilor Paul made a motion, seconded by Councilor Kehoe, to adopt the resolution. Councilor Bushor requested that the resolution be split so that the CAO being a voting member of the Board of Finance and the Reappointment of Department Heads be voted on separately. This was agreed to. The vote on the CAO portion of the resolution passed by a vote of 10 to 2 with Councilors Caldwell and Davis voting against.

The section on the reappointment of department heads passed by a vote of 9 to 3 with Councilors Davis, Caldwell and Bushor voting against.

7. RESOLUTION: Approval of 2010 Parks & Recreation Boat Slip Fees (Board of Finance)

Council President Keogh made a motion, seconded by Councilor Dober, to accept the resolution. Following discussion, the motion passed by a vote of 11 to 1, with Councilor Decelles voting against.

7.01. COMMUNICATION: Mari Steinbach, Director, Department of Parks and Recreation, re: Conveyance of Resolution for Boat Slip Fees

With no objection from the remaining Council, President Keogh made a motion to waive the reading, accept the communication and place it on file.

7.5 (was 3.04.) RESOLUTION: Strengthening Noise Ordinance (Councilor Paul & Berezniak)

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Councilor Paul made a motion, seconded by Councilor Berezniak, to approve the resolution. The motion passed unanimously.

7.6. (was 3.03.) RESOLUTION: Extending Contract for Service Installation and Repair Work from Eustis Cable Enterprises, Ltd. (Board of Finance)

Councilor Shannon made a motion, seconded by Councilor Berezniak, to approve the resolution. The motion passed unanimously.

7.7. (was FIO) COMMUNICATION: DIMASALANG F. JUNIO, Colonel, USAF, Chief, Programs Division (A7P), re: F-35A Operational Basing Environmental Impact Statement (EIS)

Councilor Bushor made a motion, seconded by Councilor Kaplan, to waive the reading, accept the communication and place it on file.

8. COMMITTEE REPORTS

To Be Completed Later.

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

To Be Completed Later.

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

To Be Completed Later.

11. ADJOURNMENT

On a motion by Councilor President Keogh, the Council moved on to the Board of Civil Authority at 9:39 p.m.

Attest:

Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO

BOARD OF CIVIL AUTHORITY  
MONDAY, FEBRUARY 22, 2010  
9:39 P.M.

PRESENT: See above.

MAYOR KISS PRESIDING:

1. AGENDA

Note written material and title change for consent agenda item 2.01. Councilor Bushor made a motion, seconded by Councilor Keogh, to approve the agenda. The motion passed unanimously.

2. CONSENT AGENDA

On a motion by Board of Civil Authority Members Bushor and Keogh, the Board of Civil Authority unanimously voted to adopt the consent agenda thus taking the following action as indicated:

- 2.01. RESOLUTION: Appointment of Assistant Election Officials for the Annual City Election March 2, 2010(Councilor Keogh)  
\*waive the reading and adopt the resolution

3. ADJOURNMENT

On a motion by Board of Civil Authority Members Davis and Paul, the Board of Civil Authority voted unanimously to adjourn at 9:40 p.m.

Attest:

Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO