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REGULAR MEETING, CITY COUNCIL  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, FEBRUARY 8, 2010  
7:03 P.M.

PRESENT: Councilors Davis, Bushor, Kaplan, Adrian, Keogh, Shannon (arrived at 7:06 p.m.), Ellis (arrived at 7:04 p.m.), Paul, Dober, Decelles, Berezniak, Kehoe (arrived at 7:04 p.m.), Caldwell (via phone at 7:22 p.m.), Mayor Kiss

CITY ATTORNEY'S OFFICE: Ken Schatz, Gene Bergman (arrived at 7:13 p.m.; departed at 9:02 p.m.), Richard Haesler, Jr. (arrived at 7:15 p.m.; departed at 7:38 p.m.)

CLERK/TREASURER'S OFFICE: Ben Pacy, Lori Olberg

PRESIDENT KEOGH PRESIDING

A moment of silence was held for Brian McNeil.

Wolf Pack #651 was introduced.

1. AGENDA

On a motion by Councilor Adrian, with no second, the agenda was amended as follows: add to the consent agenda item 3.08.01. COMMUNICATION: Richard W. Haesler, Esq., Asst. City Attorney, re: Correction: Agreement with North Country Specialty Foods, Inc. with the consent action to "waive the reading, accept the communication and place it on file;" add to the agenda item 4.5. RESOLUTION: Ratification and Authorization to File Arbitration Claim Against Morgan Stanley (Board of Finance); note **revised** version for item 5. RESOLUTION: Equipment and Machinery Tax (Councilors Decelles, Dober); note written material for item 6. RESOLUTION: Authorize Implementation of Compensation Range Adjustment for Manager of Engineering at Burlington Electric Department (Councilors Keogh, Davis: Board of Finance) and note **revised** version of this item; remove from the consent agenda item 3.14. COMMUNICATION: Richard Cate, Vice President for Finance and Administration, UVM, re: January 25, 2010 City Council Resolution Relating to UVM's Progress in Building More Student Housing on Campus and place it on the DELIBERATIVE agenda as item 6.5; remove from the agenda item 10. COMMUNICATION: Joseph E. McNeil, Esq., re: Collective Bargaining Update (oral); add Councilor Paul as a co-sponsor to item 5. RESOLUTION: Equipment and Machinery Tax (Councilors Decelles, Dober). The agenda was accepted by Council President Keogh as amended.

2. PUBLIC FORUM (Time Certain: 7:30 p.m.)

There being no one coming forward, President Keogh closed the public forum at 7:34 p.m.

3. CONSENT AGENDA

On a motion by Councilors Adrian and Berezniak, 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: Appointment of Ward Officer (Councilor Berezniak)

\*waive the reading and adopt the resolution

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- 3.03. RESOLUTION: Approval of Second Amendment to Landowner PRP Settlement Participation Agreement (Board of Finance)  
\*waive the reading and adopt the resolution
- 3.04. RESOLUTION: Reclassification of the Burlington Electric Department Billing Services Coordinator (Board of Finance)  
\*waive the reading and adopt the resolution
- 3.05. RESOLUTION: Authorization for Settlement of Pending Litigation (Board of Finance)  
\*waive the reading and adopt the resolution
- 3.06. RESOLUTION: Authorization for Lease of an Aircraft Repair Shop at Burlington International Airport (Board of Finance)  
\*waive the reading and adopt the resolution
- 3.07. COMMUNICATION: Alan Campbell, Auditorium Manager and Park Event Host, Department of Parks and Recreation, re: Proposed Concessions Agreement for Memorial Auditorium  
\*waive the reading, accept the communication and place it on file
- 3.08. RESOLUTION: Authorization to Enter into Concession Agreement with North Country Specialty Foods (Board of Finance)  
\*waive the reading and adopt the resolution
- 3.08.01.COMMUNICATION: Richard W. Haesler, Esq., Asst. City Attorney, re: Correction: Agreement with North Country Specialty Foods, Inc.  
\*waive the reading, accept the communication and place it on file
- 3.09. COMMUNICATION: Michael Schirling, Chief of Police and Karen Vastine, Community Justice Center, re: Update on Pilot Project – Civil Ticketing  
\*waive the reading, accept the communication and place it on file
- 3.10. COMMUNICATION: City Council President Bill Keogh, re: Council Workload-Council President Memo – January 27, 2010  
\*waive the reading, accept the communication and place it on file
- 3.11. COMMUNICATION: Rob Chapman, Executive Director, Vermont Community Access Media, Inc. to Ronald Ruloff, Radio Free Brooklyn, re: Violation of State Laws: Re: Episode 14 of Radio Free Brooklyn  
\*waive the reading, accept the communication and place it on file
- 3.12. COMMUNICATION: Ron Ruloff, Producer, Radio Free Brooklyn, re: Pulling of an Episode from VCAM  
\*waive the reading, accept the communication and place it on file
- 3.13. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council, September 14, 2009  
\*waive the reading, accept the communication, place it on file and adopt the minutes at the February 22, 2010 City Council Meeting

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3.15. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for January 25, 2010

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

3.16. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for February 1, 2010

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

4. COMMUNICATION: Clerk/Treasurer's Office, re: Notice of Public Hearing **Revised**

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

Council President Keogh opened the public hearings at 7:08 p.m.

4.01. PUBLIC HEARING: March 2, 2010 Annual City Meeting—Proposed Charter Change  
Re: Clarification of Mayoral Appointment Process

No one came forward for the public hearing.

4.02. PUBLIC HEARING: Proposed Charter Change Re: Elimination of Instant Runoff  
Voting and Majority Vote Requirement for Election of Mayor

Jason Lorber, State Representative, Co-Chair of 50% Matters spoke about this issue. In 2002, 2004 and 2005 the city residents voted and passed IRV overwhelmingly. Over 64% of the residents voted yes on the IRV in the last vote. He asked why the proponents of this item removed the 50% requirement and instead place 40% in the ballot language.

Kerry Tuxsu from the League of Women Voters support 50% majority for a winning candidate. Rolling the margin back to 40% will then mean that 60% of the residents who voted did not vote for the person in office. Kerry noted that the League supports IRV on both the local and state level.

Chris Pearson from Ward 1 spoke in opposition to this item. He believed it was a Republican power grab after losing the last Mayoral election and that they are now changing the rules in order to win. He believed 50% does matters and that giving voters as much choice as possible is important.

There being no one further coming forward, President Keogh closed the public hearings at 7:13 p.m.

4.5. RESOLUTION: Ratification and Authorization to File Arbitration Claim Against  
Morgan Stanley (Board of Finance)

Councilor Davis made a motion, seconded by Councilor Bushor, to waive the reading and adopt the resolution. The motion passed unanimously.

5. RESOLUTION: Equipment and Machinery Tax (Councilors Decelles, Dober)

Councilor Decelles made a motion, seconded by Councilor Dober, to waive the reading and adopt the resolution. The resolution was amended and then adopted unanimously.

6. RESOLUTION: Authorize Implementation of Compensation Range Adjustment for

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Manager of Engineering at Burlington Electric Department (Councilors Keogh, Davis: Board of Finance)

Councilor Davis made a motion, seconded by Councilor Bushor, to waive the reading and adopt the resolution. General Manager Barbara Grimes and Human Resources Director Susan Leonard addressed the Council outlining the reasons the increase is needed. City Attorney Schatz responded to Councilor Decelles questions regarding a contract approach. Both Councilors Dober and Decelles spoke against the compensation adjustment. A point of order was called by Councilor Paul after Councilor Dober used the employee's name in the discussion which President Keogh agreed with. Councilor Decelles called for a point of order, stating that he disagreed with the decision, as people could review salaries in the annual report. Councilor President Keogh stated the point of order was not well taken.

Councilor Decelles asked for a roll call.

The resolution passed by a vote of 11 to 2, with Councilors Dober and Decelles voting against.

- 6.5. COMMUNICATION: Richard Cate, Vice President for Finance and Administration, UVM, re: January 25, 2010 City Council Resolution Relating to UVM's Progress in Building More Student Housing on Campus

Councilor Bushor made a motion to waive the reading, accept the communication and place it on file, seconded by Councilor Adrian. Councilor Caldwell left the meeting (via phone) at 8:16 p.m. The motion passed unanimously with Councilor Davis abstaining from the vote.

7. COMMITTEE REPORTS

8. COMMUNICATION: City Councilors, re: General City Affairs (oral)

9. COMMUNICATION: Mayor Kiss, re: General City Affairs (oral)

11. ADJOURNMENT

The meeting was adjourned at 8:32 p.m. by the Council President.

Attest:

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

BOARD OF ABATEMENT OF TAXES  
MONDAY, FEBRUARY 8, 2010  
8:32 P.M.

PRESENT: See above

MAYOR KISS PRESIDING

1. AGENDA

On a motion by Councilors Shannon and Paul, the Council voted unanimously to amend the agenda as follows: remove item 2.02. REQUEST FOR ABATEMENT OF TAXES: City of Winooski Depeau Island from the Consent Agenda and place it on the Deliberative Agenda as item 1.02 (per Councilor Shannon); amend the consent action for item 2.05. REQUEST FOR ABATEMENT OF TAXES: Rema S. Frankel Trustee et al, Stewart Title Guaranty Co., 230 College Street, Unit 5, 049-3-163-005 to "waive

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the reading and grant the request for abatement of interest and penalties upon check received for taxes.” (per City Assessor/Councilor Bushor) and to remove item 2.13 REQUEST FOR ABATEMENT OF TAXES: Margradel Hicks, Clerk/Treasurer’s Office), 282 Ethan Allen Parkway, 029-1-136-001 from the Consent Agenda and place it on the Deliberative Agenda as item 1.03 (per Councilor Shannon).

1.02. (was 2.02)REQUEST FOR ABATEMENT OF TAXES: City of Winooski  
Depeau Island  
041-2-002-000

Councilor Ellis made a motion, seconded by Councilor Shannon, to grant the request for abatement of the taxes, penalties and interest. The motion passed by a vote of 11 to 1, with Councilor Bushor voting against.

1.03. (was 2.13)REQUEST FOR ABATEMENT OF TAXES: Margradel Hicks  
(Clerk/Treasurer’s Office)  
282 Ethan Allen Parkway  
029-1-136-001

Councilor Ellis made a motion, seconded by Councilor Keogh, to grant the request for abatement of taxes, penalties and interest. The motion passed unanimously.

2. CONSENT AGENDA

On a motion by Councilors Kehoe and Ellis, the Council voted unanimously to adopt the consent agenda, as amended, thus taking the following actions as indicated:

2.01. COMMUNICATION: Clerk/Treasurer’s Office, re: Notice City of Burlington Board of Abatement of Taxes

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

2.03. REQUEST FOR ABATEMENT OF TAXES: Burlington Telecom Inc.  
John Van Vught  
PILOT  
PILOT

\*waive the reading and grant the request for abatement portion of PILOT and not all of Telecom’s Business Assets

2.04. REQUEST FOR ABATEMENT OF TAXES: Hiem Pham  
119 North Champlain Street  
044-1-314-000

\*waive the reading and grant the request for abatement of interest

2.05. REQUEST FOR ABATEMENT OF TAXES: Rema S. Frankel Trustee et al  
Stewart Title Guaranty Co.  
230 College Street, Unit 5  
049-3-163-005

\*waive the reading and grant the request for abatement of interest and penalties upon received check for taxes

2.06. REQUEST FOR ABATEMENT OF TAXES: Light Works Inc.  
Martin Feldman  
19 Marble Avenue  
PPP 127145

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\*waive the reading and grant the request for abatement of taxes, penalties and interest

2.07. REQUEST FOR ABATEMENT OF TAXES: David & Mitsuko Goldman  
32 Glen Road  
058-2-014-000

\*waive the reading and deny the request for abatement of taxes

2.08. REQUEST FOR ABATEMENT OF TAXES: Robert & Alice Daniels  
195 South Prospect Street  
050-3-010-000

\*waive the reading and grant the request for abatement of taxes

2.09. REQUEST FOR ABATEMENT OF TAXES: Sonja L. Olson  
23 Pine Street  
044-2-009-000

\*waive the reading and deny the request for abatement of taxes

2.10. REQUEST FOR ABATEMENT OF TAXES: Michael Paul Morwood  
288 Main Street, B9  
050-1-002-014

\*waive the reading and deny the request for abatement of taxes

2.11. REQUEST FOR ABATEMENT OF TAXES: Video World Inc.  
Lorraine Bailey  
1147 North Avenue  
PPP 227580

\*waive the reading and grant the request for abatement of taxes

2.12. REQUEST FOR ABATEMENT OF TAXES: University of Vermont  
(Clerk/Treasurer's Office)  
Various/Unknown  
Various

\*waive the reading and grant the request of abatement of taxes, penalties and interest

3. REQUEST FOR ABATEMENT OF TAXES: Sarah E. Bigger et al  
179 Plattsburgh Avenue  
024-1-052-000

Councilor Berezniak made a motion, seconded by Councilor Kaplan, to abate 60% of the original benefit. The motion passed unanimously.

4. ADJOURNMENT

On a motion by Councilors Berezniak and Decelles, the Board of Abatement of Taxes voted unanimously to adjourn at 9:12 p.m.

Attest:

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