

CITY COUNCIL WORKSESSION  
CONFERENCE ROOM 12, CITY HALL  
MONDAY, JUNE 28, 2010  
6:30 P.M.

PRESENT: Councilors Kehoe, Keogh, Wright, Shannon, Bushor, Caldwell, Paul, Decelles, Dober, Berezniak, Kranichfeld (arrived at 6:53 p.m.)

ABSENT: Councilors Mulvaney-Stanak, Adrian and Kaplan

OTHERS PRESENT: Steve McIntyre, Phil George, Tom Hyde, Gene Bergman, Mike Flora, Chris Burns and Amber Thibeault

1. AGENDA

There were no changes to the agenda.

2. COMMUNICATION: Ken Schatz, City Attorney, re: Burlington Telecom (oral)

Councilor Wright made a motion to go into Executive Session to discuss matters of a confidential nature related to business contracts, premature disclosure could place the City at a substantial disadvantage. The motion was seconded by Councilor Bushor. The motion passed unanimously and the Council went into Executive Session at 6:32 p.m.

3. ADJOURNMENT

Councilor Wright made a motion, seconded by Councilor Bushor, to go out of Executive Session at 7:05 p.m. The motion passed unanimously and the work session was adjourned.

Attest:

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

BUDGET MEETING, CITY COUNCIL  
CONTOIS AUDITORIUM, CITY HALL  
MONDAY, JUNE 28, 2010  
7:16 P.M.

PRESENT: Councilors Decelles, Wright, Dober, Paul, Berezniak, Kehoe, Shannon, Keogh, Adrian, Kranichfeld, Bushor, Mulvaney-Stanak and Caldwell and Mayor Kiss (arrived at 7:17 p.m.)

ABSENT: Councilor Kaplan

CITY ATTORNEY'S OFFICE: Ken Schatz, Gene Bergman (arrived at 7:27 p.m.; departed 10:40 p.m.) and Richard Haesler (arrived at 7:23 p.m.; departed at 7:46 p.m.)

CLERK/TREASURER'S OFFICE: Jonathan P.A. Leopold, Jr. and Lori Olberg

PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilors Adrian and Shannon, the agenda was amended unanimously as follows: add to the consent agenda item 3.57. COMMUNICATION: Lori Olberg, Licensing, Voting and Records

Coordinator, re: Election Calendar Primary Election—Tuesday, August 24, 2010 with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 3.58. COMMUNICATION: Carol Ann Wooster, Newly appointed member, Library Commission, re: Resignation with the consent action to “waive the reading, accept the communication, place it on file and advertise the vacancy;” note title change for agenda item 4. PUBLIC HEARING: Church Street Marketplace—Establishment of Common Area Fees for Fiscal Year 2011; note title change for agenda item 4.01. RESOLUTION: Church Street Marketplace—Establishment of Common Area Fees for Fiscal Year 2011 (Councilor Shannon); note written material and title change for agenda item 8. COMMUNICATION: Mayor Bob Kiss, re: Changes to Fiscal Year 2011 Mayor’s Recommended Budget with consent action to “waive the reading, accept the communication and place it on file;” note written material for agenda item 9. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Pooled Cash and FY 2011 Budget; note corrected copy of agenda item 12. 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, 2010 (Board of Finance); re-number item 16.03. APPOINTMENT: Development Review Board (Term expires 6/30/14) as item 16.02; re-number item 16.02. APPOINTMENT: Development Review Board (Term expires 6/30/11) as item 16.03. Councilor Decelles requested that item 3.19. COMMUNICATION: Jenny Davis for Ward Seven Resident Dale Tillotson, re: Resolution Passed by the NPA in Wards 4 and 7 be referred to the Board of Finance. Attorney Schatz noted there was an amendment coming from the Board of Finance to the Annual Appropriation and Budget Resolution. Council President Keogh noted that would be added to the Budget Resolution.

## 2. PUBLIC FORUM

President Keogh opened the public forum at 7:30 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Dale Tillotson	7	Supported of Dog Parks Opposed FY 2011 Budget
Harris Roen	5	Planning Commission Appointment
Gene Shaver	4	Opposed Telecom Budget
Sandy Baird	1	Advisory Committee - BT
Rick Sharp		Segway on Burlington Bike Path
Chapin Spencer	Local Motion	Burlington Bike Path
Jim Drummond		DRB Appointment

Council President Keogh closed the Public Forum at 7:45 p.m.

## 3. CONSENT AGENDA

On a motion by Councilors Adrian and Shannon, 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. COMMUNICATION: Larry Kupferman, CEDO Director, re: Resolution warning a public

hearing

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

3.03. RESOLUTION: Authorization to Set Public Hearing Pursuant to the Application Process For Establishing A New Tax Increment Financing District (Councilors Berezniak, Mulvaney-Stanak, Adrian: Community Development and Neighborhood Revitalization Committee)

\*waive the reading and adopt the resolution

3.04. RESOLUTION: Authorization to Enter into Agreement with Blue Cross and Blue Shield of Vermont as FY 2011-13 Health Insurance Program Administrator/ Provider (Board of Finance)

\*waive the reading and adopt the resolution

3.05. RESOLUTION: Authorization to Enter into Agreement with Northeast Delta Dental as FY 2011-13 Dental Insurance Program Administrator/Provider (Board of Finance)

\*waive the reading and adopt the resolution

3.06. RESOLUTION: Authorization to Enter into Agreement with Lincoln Financial as FY 2011-13 Life and AD&D Insurance Program Administrator/Provider (Board of Finance)

\*waive the reading and adopt the resolution

3.07. RESOLUTION: Banking and Cash Management Agreement with TD Bank, N.A. (Board of Finance)

\*waive the reading and adopt the resolution

3.08. RESOLUTION: Reclassification of the Burlington Fire and Police Department Office Assistant Position (Board of Finance)

\*waive the reading and adopt the resolution

3.09. RESOLUTION: Church Street Marketplace District Commission Authorization to Enter Into License Agreement with B Hospitality Group, Inc. (Board of Finance)

\*waive the reading and adopt the resolution

3.10. COMMUNICATION: Ron Redmond, Church Street Marketplace District, re: REQUEST TO APPROVE license agreement with B Hospitality Group (D.B.A. Bluebird Tavern, Burlington), a Vermont corporation, for the College Street Kiosk on Church Street

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

3.11. RESOLUTION: Extension of All Taxi-related Licenses and Permits to August 31, 2010 (License Committee: Councilors Dober, Berezniak, Mulvaney-Stanak)

\*waive the reading and adopt the resolution

3.12. RESOLUTION: In Support of the Decision of the Parks and Recreation Commission Regarding the Burlington Kids Program (Councilors Decelles, Wright, Dober, Kaplan)

\*waive the reading and adopt the resolution

3.13. COMMUNICATION: Mari Steinbach, Director, Parks and Recreation Department, re: Burlington Kids Update following June 16 BFP article

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

3.14. COMMUNICATION: Mari Steinbach, Director, Parks and Recreation Department, re: Burlington Kids Update Advisory Council

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

3.15. RESOLUTION: License Agreement with Chittenden County Transportation Authority To Place Bus Shelters on a Portion of the Public Rights-of-way on St. Paul and Cherry Streets (License Committee: Councilors Dober, Berezniak and Mulvaney-Stanak)

\*waive the reading and adopt the resolution

3.16. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Wendy Piotrowski d/b/a Patra Café (License Committee: Councilors Dober, Berezniak, Mulvaney-Stanak)

\*waive the reading and adopt the resolution

3.17. 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, Inc. d/b/a Radio Bean Coffeehouse (License Committee: Councilors Dober, Berezniak, Mulvaney-Stanak)

\*waive the reading and adopt the resolution

3.18. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Saint Nicholas, LLC d/b/a Sky Burgers (License Committee: Councilors Dober, Berezniak, Mulvaney-Stanak)

\*waive the reading and adopt the resolution

3.19. COMMUNICATION: Jenny Davis for Ward Seven Resident Dale Tillotson, re: Resolution Passed by the NPA in Wards 4 and 7

\*waive the reading, accept the communication, place it on file and refer to the Board of Finance

3.20. COMMUNICATION: Neil Cunningham, Chairman, Ice Factor International, re: Ice Factor Burlington

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

3.21. COMMUNICATION: State of Vermont, Agency of Natural Resources, Department of Environmental Conservation, Salvage Yard Inspection and Compliance Program, re: 2011-2012 Application for Certificate of Approval for Location of a Salvage Yard

\*waive the reading, accept the communication, place it on file and approve Queen City Iron & Metal Co's request to renew their application for location of a salvage yard

3.22. COMMUNICATION: Steve Goodkind, Department of Public Works Director and Mari Steinbach, Department of Parks & Recreation Director, re: Staff response to City Council Resolution re: Burlington Bike Path Network

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

3.23. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council Meeting for January 4, 2010

\*waive the reading, accept the communication, place it on file and adopt the minutes at the July 12, 2010 City Council Meeting

3.24. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council Meeting for January 25, 2010

\*waive the reading, accept the communication, place it on file and adopt the minutes at the July 12, 2010 City Council Meeting

3.25. REPORT: Burlington Board of Health Annual Report July 1, 2009 to June 30, 2010

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

3.26. COMMUNICATION: Ernest Blais, Division Administrator, U.S. Department of Transportation, Federal Highway Administration to Mayor Bob Kiss, re: Burlington Waterfront North – Tiger Discretionary Grant Project (TDG)

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

3.27. COMMUNICATION: Karen B. Horn, Director, Public Policy and Advocacy, VLCT, re: 2010 VLCT Awards Program: Description and Nomination Forms

\*waive the reading, accept the communication, place it on file and send to Mayor Bob Kiss for consideration

3.28. COMMUNICATION: Barbara Elliott, Scottsdale, AZ, re: Getter Done Arizona!

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

3.29. COMMUNICATION: Heather Garrison, re: PROUD of AZ

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

3.30. COMMUNICATION: Roger Paull, re: Boycott of Maple Sugar and Vermont Spice Products

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

3.31. COMMUNICATION: Sandra Merkel, re: Concerning Burlington City Council Supporting a census of Arizona privacy protection law about the right of government to question possible illegals about their immigration status

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

3.32. COMMUNICATION: Barbara Elliott, re: Clean up your own backyards and leave us alone!

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

3.33. COMMUNICATION: Darcy Seefeldt, Mesa, AZ, re: Go Jan Brewer!

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

3.34. COMMUNICATION: Mary Ann Weber, re: Will not Buy anything from Vermont

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

3.35. COMMUNICATION: Paula Cameron, re: Boycott for the Right Reasons

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

3.36. COMMUNICATION: Lloyd Brockney, re: Will not be shopping in Burlington

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

3.37. COMMUNICATION: Roberta Garrett, re: Disgusted!

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

3.38. COMMUNICATION: Debbie Severance, re: Come down and evaluate AZ

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

- 3.39. COMMUNICATION: Legal in Arizona, re: Why would anyone from Vermont of all places boycott the State of Arizona for passing a much needed law?  
\*waive the reading, accept the communication and place it on file
- 3.40. COMMUNICATION: Starla Alleman, re: We will be happy to boycott you back!  
\*waive the reading, accept the communication and place it on file
- 3.41. COMMUNICATION: Robert Lagrander, re: Cancellation of trip to New England  
\*waive the reading, accept the communication and place it on file
- 3.42. COMMUNICATION: Joe Arpaio, re: Hillbillies boycotting AZ  
\*waive the reading, accept the communication and place it on file
- 3.43. COMMUNICATION: Michael W. & Evis V. Hunt, re: May I Suggest you Reconsider your Position of a boycott?  
\*waive the reading, accept the communication and place it on file
- 3.44. COMMUNICATION: Randy & Kathy Richard, re: Press Release of the action to boycott AZ  
\*waive the reading, accept the communication and place it on file
- 3.45. COMMUNICATION: Mike Douglas, re: Education is wonderful....  
\*waive the reading, accept the communication and place it on file
- 3.46. COMMUNICATION: Dan Blackledge, re: Boycott on Arizona  
\*waive the reading, accept the communication and place it on file
- 3.47. COMMUNICATION: Michael Jauch, re: Burlington is clueless  
\*waive the reading, accept the communication and place it on file
- 3.48. COMMUNICATION: Richard Cyr, re: No more Burlington!  
\*waive the reading, accept the communication and place it on file
- 3.49. COMMUNICATION: Resolution Opposing Arizona State Law SB 1070 And Affirming Burlington As a City of Immigrants (public forum handout 6/14/10)  
\*waive the reading, accept the communication and place it on file
- 3.50. COMMUNICATION: Kevin Blake, re: Displeasure  
\*waive the reading, accept the communication and place it on file
- 3.51. COMMUNICATION: Virginia Curry, re: Boycotting Arizona because of SB1070  
\*waive the reading, accept the communication and place it on file
- 3.52. COMMUNICATION: Vincent Sanchez, re: Effects of Illegal Immigration!  
\*waive the reading, accept the communication and place it on file
- 3.53. COMMUNICATION: Toni May, Hardwick, VT, re: A very unhappy VT. Tax payer  
\*waive the reading, accept the communication and place it on file
- 3.54. COMMUNICATION: Gwen Kelley, re: 1070  
\*waive the reading, accept the communication and place it on file
- 3.55. COMMUNICATION: Anna Sharpe, re: Appalled and Offended that you have decided to Boycott my state of Arizona over our 1070 law  
\*waive the reading, accept the communication and place it on file

3.56. COMMUNICATION: Thomas Szczygiel, re: Promoting the Boycott of Arizona  
\*waive the reading, accept the communication and place it on file

3.57. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re: Election  
Calendar Primary Election—Tuesday, August 24, 2010  
\*waive the reading, accept the communication and place it on file

3.58. COMMUNICATION: Carol Ann Wooster, Newly appointed member, Library Commission, re:  
Resignation  
\*waive the reading, accept the communication, place it on file and advertise the vacancy

4. PUBLIC HEARING: Church Street Marketplace—Establishment of Common Area Fees for  
Fiscal Year 2011

President Keogh opened the public hearing at 7:22 p.m. With no one coming forward, the public hearing closed at 7:22 p.m.

4.01. RESOLUTION: Church Street Marketplace—Establishment of Common Area  
Fees for Fiscal Year 2011 (Councilor Shannon)

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

4.02. COMMUNICATION: Clerk/Treasurer's Office, re: Public Hearing Notice: Common  
Area Fees for CSM FY 11

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

5. PUBLIC HEARING: COMPREHENSIVE DEVELOPMENT ORDINANCES: #ZA 10-04,  
#ZA 10-05, #ZA 10-06 and #ZA 10-07

David White, Director of Planning and Zoning, spoke to the four following amendments to the Planning and Zoning Ordinance that were being recommended.

President Keogh opened the public hearing at 7:26 p.m. With no one coming forward, President Keogh closed the public hearing at 7:26 p.m.

Councilor Shannon made a motion, seconded by Councilor Kehoe, to address items 5.01 through 5.09 as follows with the motion passing unanimously:

5.01. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Design Review Overlay District #ZA 10-04 (Planning  
Commission, Ordinance Committee) (2<sup>nd</sup> reading)

This ordinance was adopted.

5.02. COMMUNICATION: Planning and Zoning Department, re: Burlington Comprehensive  
Development Ordinance Proposed ZA-10-04—Design Review  
Overlay District

This communication was waived and placed on file.

- 5.03. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Tree Removal and Maintenance Plans #ZA 10-05 (Planning  
Commission, Ordinance Committee)(2<sup>nd</sup> reading)

This ordinance was adopted.

- 5.04. COMMUNICATION: Planning and Zoning Department, re: Burlington Comprehensive  
Development Ordinance Proposed ZA-10-05-Tree Removal and  
Maintenance Plans

This communication was waived and placed on file.

- 5.05. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Museums Definition and Use Table Change #ZA 10-06  
(Planning Commission, Ordinance Committee)(2<sup>nd</sup> reading)

This ordinance was adopted.

- 5.06. COMMUNICATION: Planning and Zoning Department, re: Burlington Comprehensive  
Development Ordinance Proposed ZA-10-06-Museums  
definition & Use Table change

This communication was waived and placed on file.

- 5.07. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—  
Neighborhood Mixed-Use (NMU) District Expansion and  
Modification #ZA 10-07 (Planning Commission, Ordinance  
Committee) (2<sup>nd</sup> reading)

This ordinance was adopted.

- 5.08. COMMUNICATION: Planning and Zoning Department, re: Burlington Comprehensive  
Development Ordinance Proposed ZA-10-07 Neighborhood  
Mixed-Use (NMU) District Expansion and Modification

This communication was waived and placed on file.

- 5.09. COMMUNICATION: Clerk/Treasurer's Office, re: Public Hearing Notice: Burlington  
Comprehensive Development Ordinances: ZA-10-04, ZA-10-05,  
ZA-10-06 and ZA-10-07

This communication was waived and placed on file.

6. INDOOR ENTERTAINMENT PERMIT APPLICATION (2010-2011):

One Pepper Grill, 260 North Street

Councilor Dober made a motion, seconded by Councilor Berezniak, to approve the Indoor Entertainment Permit Application for One Pepper Grill. The motion passed unanimously.

7. COMMUNICATION: George C. Cross, Budget Consultant, re: Final Report

Councilor Adrian made a motion, seconded by Councilor Shannon, to waive the reading, accept the communication and place it on file. Councilor Bushor expressed her appreciation to Mr. Cross, noting the

benefits of learning about issues related to Act 68 and the City's IT needs. She stated the report highlighted the issues with the lack of communication and flow of information between the Council members and hoped the Council would work on this. Councilor Adrian also commented on the issue of Councilors' communications. He outlined that the Councilors are compensated minimally and have much on their plate. Without the resources of the Administration, the Council members are left with little support.

Councilor Shannon appreciated the higher level analysis of the budget and the fact that Mr. Cross offered suggestions for improvements without placing blame. She hoped the entire City Council would put forward resolutions that were in line with the recommendations of the report. Councilor Caldwell expressed her appreciation to Mr. Cross and asked about school expenses being paid by the City. She stated the Council had talked about this issue in the past and hoped this item being listed in the report would further the discussion. She asked if other municipalities were treating school expenses in the same way. Mr. Cross was unable to answer the question. However, he noted that the Department of Education thought there were most likely a mixture of methods applied. Council President Keogh expressed his appreciation to Mr. Cross for providing a roadmap for improving the budget process. The motion then passed unanimously.

8. COMMUNICATION: Mayor Bob Kiss, re: Fiscal Year 2011 Budget Changes

The Mayor spoke to the Council about the minor changes made in the document presented to the Council. Councilor Shannon made a motion, seconded by Councilor Mulvaney-Stanak, to waive the reading, accept the communication and place it on file. The motion passed unanimously.

9. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Pooled Cash and FY 2011 Budget

CAO Leopold outlined to the Council the letter and excerpt of the transcript from the previous month's Finance Board meeting of the City's auditor, Fred Duplessis of Sullivan and Powers. The question being discussed was whether the current debt from Burlington Telecom's enterprise fund to the cash pool would have an impact on the Fiscal Year 2011 Budget. The CAO stated it did not and there was no provision in the budget to deal with any impact from it. The issue of pooled cash was separate and, again, worked as an internal bank. Further, both the CAO and the comments from the City's auditor, noted in the transcripts, state if the City did not use this form of financing, Sullivan and Powers would recommend it. The expense associated with the \$17 million was recorded in FY 2008, FY 2009 and would be in FY 2010 as an expense in the BT enterprise fund. The CAO stated there would be an impact only if Burlington Telecom ceased operation and the debit to the City became permanent.

Councilor Wright asked for clarification on the last two statements of the CAO. In particular, he asked what would happen if Burlington became a minority owner. The CAO replied that he would hope a repayment plan would be part of the transaction over time. Councilor Decelles asked why this was not defined as a deficit. The CAO stated it was in Burlington Telecom's accounts. The CAO then followed up by explaining the improved cash flow that Burlington has experienced over the past five years, the funds that BED and the Schools, as well as Burlington Telecom, have been advanced and the increased pursuit of revenue the City has taken on. Following a comment from Councilor Berezniak, CAO Leopold noted that Mr. Duplessis had confirmed from national financial organizations that the typical payback of a loan of this nature would generally be over the useful life of the assets or approximately 30 years.

Councilor Shannon made a motion, seconded by Councilor Mulvaney-Stanak to waive the reading, accept the communication and place it on file. The motion passed unanimously.

10. RESOLUTION: Appropriation of the General Fund Capital Improvement Budget for Fiscal Year 2011 (Board of Finance)

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

11. RESOLUTION: Annual Appropriation and Budget for Fiscal Year Beginning July 1, 2010 (Board of Finance)

Councilor Shannon made a motion to waive the reading and adopt the resolution with an amendment stating that the position of General Manager of Burlington Telecom could not be filled without the approval of the City Council and that the current staff member in that position will have his contract extended for three months. The amendment was read into the record. The motion was seconded by Councilor Caldwell.

Councilor Dober stated he would not support the budget. He considered the budget numbers to be estimates; did not understand where \$17 million spent on Burlington Telecom came from and was concerned that taxpayers were being overtaxed.

Councilor Paul then made a motion to make an amendment to the budget, seconded by Councilor Shannon. The amendment would reduce the Traffic Fund revenues and increase the Airport funds by \$250,000. She explained this dollar amount was considered to be an Administrative fee that should be property of the Airport. Councilor Bushor stated she was not convinced reminding the Council there was a contract in place between the Traffic Department and the Airport, noting it would be more appropriate to amend the contract. Further, the numbers were approximate in the budget but her amendment would remove an actual dollar amount. CAO Leopold then spoke against the amendment, noting the history of the management of the parking garage at the Airport. He also noted that the Traffic Fund would be shortchanged \$250,000, with this 5% administrative fund/profit currently paying for School Crossing Guards. He stated that cutting those funds would be the equivalent of either cutting the crossing guards or creating a \$250,000 deficit in the Traffic Fund. Instead, CAO Leopold suggested having the net revenue to the Traffic Fund be held harmless at the level of Fiscal Year 2010.

Councilor Adrian then asked what the total budget noted in the Traffic Fund paid for and then went on record stating he would recommend cutting any of the other services related to the Traffic Fund, rather than the school crossing guards. Councilor Adrian then made a further amendment to the amendment which would allow the budget to be adopted as proposed with subsequent action being to refer to the question to the Airport Commission. Council President Keogh deferred to City Attorney Schatz on whether an additional amendment was allowed at this point. Councilor Paul asked for a five minute break. Councilor Decelles then asked about the type of majority required to make changes to the budget if the Airport Commission ruled against the amendment. City Attorney Schatz stated a 2/3 majority was required. Councilor Berezniak then asked for a point of order and requested additional information from the City Attorney. A recess was then taken at 9:40 p.m. The Council reconvened at 9:57 p.m.

Councilor Caldwell asked about the relationship between the airlines and the City's budget. CAO Leopold explained the landing fees are negotiated between the Airport, the City and the airlines and could not predict what the airlines' response to the additional monies to the Airport would be. The CAO then explained the history of the City's disagreement with the FAA in the 1980's over capital improvement costs and outlined the changes that were made that would allow the City to receive revenue from the Airport. Councilor Caldwell then expressed her concern that the Traffic Fund would be without the money they had proposed for a budget.

At this time Council President Keogh asked Councilor Paul if Councilor Adrian's amendment was friendly. Councilor Paul considered Councilor Adrian's amendment friendly. Councilor Shannon did not. There was no second to Councilor Adrian's proposed amendment.

Councilor Kranichfeld stated he was not necessarily against the amendment, however, he thought it was important to hear from both of the departments as to the impact of the change. Councilor Shannon stated

she agreed this was an issue that should be discussed but was concerned about the impact it would have on the Traffic Fund. CAO Leopold suggested again that the Traffic Fund be provided the level funding received in FY 10 and then any additional revenue could go to the Airport to help pay for the expansion project and debt service coverage.

Councilor Kehoe asked Mr. Munger, an Airport Commissioner in the audience, if he could provide his thoughts to the discussion. Mr. Munger noted the Airport Commission had not had a chance to discuss Councilor Paul's amendment. Mr. Munger stated his own personal opinion, however, that the Airport could certainly use the money. Councilor Kehoe then explained that while she appreciated the work done by Councilor Paul, she did not feel she had enough information to agree to the amendment

Councilor Dober called the question. The motion was seconded by Councilor Decelles. The motion failed by a vote of 8 to 6, with Councilors Kranichfeld, Bushor, Mulvaney-Stanak, Dober, Decelles, and Wright voting to call the question. Councilor Paul discussed her reasons for promoting this change, reminding the Council members that the Airport was a business and was entitled to these funds. Additionally, she believed the Administrative fee was too high.

In response to a question from Councilor Berezniak, CAO Leopold explained that the original Burlington investment to the Airport was not limited to building construction, but that significant taxpayer subsidies went to the Airport for the first thirty years. The value of the taxpayer subsidy was, depending on the return of investment, \$75 to \$130 million. The City carried a very significant risk in terms of the bonds that are insured by the City and he saw this Administrative charge as one of the few tangible ways that the City benefited from the Airport. Further, he noted that South Burlington received much more money than Burlington for the benefit of having the Airport.

Mayor Kiss explained that a solution had already been offered as far as holding the same amount as the FY 2010 funds and providing the Airport with the remainder. This would not impact the Traffic Fund and would not require the Council to make a decision on a resolution that came to the Council on the same day as the meeting. He reminded the Council they were talking about a 23-year contract, approved by the FAA, and something that should not be decided on such short notice.

The vote on the amendment to the resolution was taken by roll:

Aye: Adrian, Berezniak, Decelles, Paul, Keogh

Nay: Bushor, Caldwell, Dober, Kehoe, Kranichfeld, Mulvaney-Stanak, Shannon, Wright.

Absent: Kaplan

The amendment failed by a vote of 8 to 5.

Councilor Kehoe made a motion to amend the resolution requesting that the Mayor report to the City Council about placing a cap on the net Airport parking revenues or/or reducing the Traffic Fund after the Board of Finance hears from both departments. Councilor Paul seconded the motion. The amendment passed unanimously,

Councilor Bushor then asked if the language in the resolution referring to the livable wage was standard language. CAO Leopold stated he believed this language had been used for at least the last three years.

Councilor Decelles then offered an amendment, seconded by Councilor Dober, to remove the Telecom General Manager language from the Mayor's budget and to remove that position from the personnel listings. He then withdrew the amendment, seconded by Councilor Dober, stating that he would only like to remove the language on the General Manager position. Councilor Decelles believed that a 2/3 vote for a new General Manager would make residents more comfortable. Mayor Kiss stated his opinion that the language offered by Councilor Decelles was not constructive and he believed it was time for the Mayor and the Council to work together to move Burlington Telecom forward. Councilor Paul agreed with the

Mayor, stating there was much more collaboration in moving in a positive direction with Burlington Telecom and she would not support the amendment. The amendment failed by a vote of 11 to 2 with Councilors Decelles and Dober voting for the amendment.

Councilor Paul made a motion to call the question, seconded by Councilor Berezniak. The motion failed by a vote of 8 to 5 with Councilors Dober, Paul, Berezniak, Kranichfeld, and Bushor voting in favor. A roll call was requested by Councilor Decelles.

Councilor Kehoe then noted her appreciation to the Mayor for his opening remarks about the budget and his concern about retirement funding. She agreed the pension was the number one issue of concern facing the City. Councilor Caldwell was appreciative of the additional funding for public access television, asked for more funding for additional programming, and thanked all for the work done on the budget.

Council President Keogh noted the good news about the budget was that the property tax rate had been stabilized. He felt the downside was the Administration had continued to ignore improving the computer systems and investing in IT. Councilor Paul requested confirmation that an additional column would be placed in the budget that showed any amended budget items.

Councilor Adrian then offered an amendment to the resolution to raise the amount earmarked for Council staffing. He asked that the overall budget for that item be increased to \$250,000, seconded by Councilor Decelles. He did not believe this was a lot of money to ask for considering the size of the Council. He believed it would allow the Council to hire two to three people to help the Council make decisions. Councilor Bushor stated that it was an issue to look into and Mr. Cross' report was the beginning of a process of working together to get information that would ultimately help the City.

Councilor Berezniak asked for an amendment to Councilor Adrian's amendment, reducing the amount to \$91,200 which was 10% of the funds from the undergrounding settlement. He noted this money could be considered seed money, that it would not affect the taxpayer for the first year, and would provide an office and staff for Councilors. The amendment was not considered friendly by Councilor Decelles.

Councilor Adrian then made a motion to suspend the rules and allow the meeting to go past 10:30 p.m., seconded by Councilor Bushor. The motion passed by a vote of 12 to 1 with Councilor Caldwell voting against. Councilor Adrian then seconded the proposed amendment. CAO Leopold recommended not using one-time money for ongoing expenses. Given the experimental nature of this endeavor, Councilor Berezniak thought this would be a proper use for the funds. The motion to approve using \$91,200 failed by a vote of 10 to 3 with Councilors Adrian, Berezniak and Kranichfeld voting in favor. Councilor Adrian then withdrew his original amendment.

CAO Leopold, addressing the issue of IT, noted that in the FY 2007 budget, IT received \$472,000 in capital improvement monies and in FY 2010, \$723,000, the largest single increase in the budget overall. He noted that the first major project of the two recently hired Assistant CAO's would be to review and pursue acquisition of a new accounting system and payroll and personnel system.

The roll call vote to approve the Budget was as follows:

Ayes: Adrian, Berezniak, Bushor, Caldwell, Kehoe, Kranichfeld, Mulvaney-Stanak, Paul, Shannon and Keogh  
Nays: Decelles, Dober and Wright  
Absent: Kaplan

The motion passed by a vote of 10 in favor, 3 opposed and 1 absent.

12. 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, 2010

Councilor Shannon made a motion, seconded by Councilor Bushor, to waive the reading and adopt the resolution (corrected copy was distributed at the Council). The motion passed unanimously.

13. RESOLUTION: Water and Wastewater Rates for Fiscal Year Beginning July 1, 2010  
(Board of Finance)

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

14. RESOLUTION: Temporary Loans in Anticipation of Taxes for the Fiscal Year Beginning July 1, 2010 (Board of Finance)

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

15. RESOLUTION: Authorization for Temporary Borrowing on Behalf of the Water Resources, Wastewater & Traffic Divisions of the Department of Public Works and the Burlington International Airport and the Burlington Electric Department for Fiscal Year Beginning July 1, 2010 (Board of Finance)

Councilor Shannon made a motion, seconded by Councilor Bushor, to waive the reading and adopt the resolution. Councilor Bushor asked for clarification on why the School Department was not included in this resolution; CAO Leopold spoke to this. The motion passed unanimously.

16. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Boards and Commissions

Council President Keogh made a motion to waive the reading, accept the communication and place it on file.

- 16.01. APPOINTMENT: Conservation Board (Term expires 6/30/12)

Councilor Adrian nominated Warren Cornwall.

Warren Cornwall was appointed to the Conservation Board.

- 16.02. (was 16.03.) APPOINTMENT: Development Review Board (Term expires 6/30/14)  
Councilor Shannon nominated Jim Drummond.

Councilor Decelles nominated Kevin Stapleton.

Jim Drummond was appointed to the Development Review Board.

- 16.03. (was 16.02.) APPOINTMENT: Development Review Board (Term expires 6/30/11)

Councilor Mulvaney-Stanak nominated Cheryl McDonough.

Councilor Decelles nominated Kevin Stapleton.

Councilor Adrian nominated Phil Merrick.

With no candidate receiving a majority of the vote of the Council members, Councilor Shannon made a motion to re-advertise the position, seconded by Councilor Berezniak. Councilor Caldwell noted this would be the second time the position was advertised and noted that there were five qualified candidates to choose from at the present time. Councilor Wright concurred, noting it was disrespectful to those who had filed their applications on time. Councilor Bushor then called for a brief recess at 10:53 p.m. The Council reconvened at 10:56 p.m.

The motion to re-advertise failed by a vote of 9 to 4 with Councilors Bererzniak, Kehoe, Shannon and Adrian voting in favor.

Councilor Wright nominated Kevin Stapleton.

Councilor Mulvaney-Stanak nominated Cheryl McDonough.

Councilor Adrian nominated Phil Merrick.

There followed a lengthy discussion about three Councilors who chose not to vote for any candidate. Following another vote, Councilor Adrian made a motion to re-advertise, seconded by Councilor Shannon. The motion failed by a vote of 7 to 6, with Councilors Berezniak, Kehoe, Shannon, Keogh, Adrian and Kranichfeld voting to re-advertise.

Councilor Wright nominated Kevin Stapleton.

Councilor Adrian nominated Phil Merrick.

Kevin Stapleton was appointed to the Development Review Board by a vote of 8 in favor, 3 opposed.

16.04. APPOINTMENT: Development Review Board-Alt- (Term expires 6/30/11)

Councilor Caldwell nominated Cheryl McDonough.

Councilor Adrian nominated Phil Merrick.

Councilor Shannon asked if Cheryl McDonough had applied for the Alternate position. Councilor Caldwell asked for the City Attorney's opinion, noting applicants have been picked from the regular position previously, with the Council President agreeing this had been done in the past. At this point, with the vote being 6 to 5 and only 11 individuals voting, Councilor Decelles expressed his frustration that people at the Council table were not voting. He believed it was the duty of the Council members in attendance to vote. Councilor Adrian then called a recess at 11:10 p.m. The Council reconvened at 11:15 p.m.

Councilor Decelles nominated Cheryl McDonough.

Councilor Adrian nominated Phil Merrick.

Councilor Decelles requested a roll call. The roll call vote was as follows:

McDonough: Caldwell, Decelles, Dober, Kranichfeld, Mulvaney-Stanak and Wright  
Merrick: Adrian, Berezniak, Bushor, Kehoe, Paul and Keogh  
No: Shannon  
Absent: Kaplan

A motion was made by Councilor Berezniak to re-advertise the position, seconded by Councilor Kehoe. The motion failed by a vote of 8 to 4. Councilor Decelles then requested that the Council President

decide whether Councilors needed to cast votes. Councilor Adrian then called for a point of information, stating that all Councilors voted during the last round of votes. Councilor Paul made a request that the Council President move forward with the agenda and return to this item at the end of the meeting. The Council President agreed with the suggestion.

Councilor Dober noted there was no amendment to the agenda. Councilor Decelles called a point of order stating that the Council President could not arbitrarily decide to amend the agenda. The Council President then made a motion to amend the agenda, placing 16.04 after 16.05. The motion did not pass by a 2/3 majority. Councilor Shannon then made a motion to postpone the decision on this item until the July 12, 2010 meeting, seconded by Councilor Kehoe. The motion passed with Councilors Decelles, Dober, Mulvaney-Stanak, Caldwell, Paul and Wright voting against.

16.05. APPOINTMENT: Telecommunications Advisory Comm. (Term expires 6/30/13)

Councilor Paul nominated Greg Hancock.

Councilor Caldwell nominated Sandy Baird to the Telecommunications Advisory Committee, noting that there was a potential conflict of interest with the prior candidate. She noted that Mr. Hancock's consulting services with other IT and Telecom providers could be an issue and had been noted in previous Council meetings as an issue.

Greg Hancock was appointed to the Telecommunications Advisory Committee.

City Attorney Schatz noted that there was an ongoing responsibility of his office to review the confidential rules with each appointee and he would come back to the Council if there was an issue in this regard with this appointee.

#### 17. COMMITTEE REPORTS

There were no committee reports.

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

Councilor Bushor discussed the CCMPO Public Hearing. Councilor Dober thanked those individuals in Arizona for writing about the boycott. Councilor Mulvaney-Stanak discussed the fact that the recent vote on Commission appointments was eye-opening. She noted there were no women on the Development Review Board and, further, reminded the Council they should be more thoughtful in their distribution of membership by Ward as well. Councilor Wright noted that the Mayor had already signed the Arizona resolution before the Council had time to reconsider it. Councilor Decelles discussed what he considered to be an ill-advised Arizona resolution. Councilor Berezniak thanked Directors Goodkind and Steinbach for the report they provided regarding the bike path.

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

Mayor Kiss spoke about the Public Works Compressed Natural Gas recycling truck which would reduce greenhouse gas by 80% and was the first in a series as part of the Climate Action Plan. Additionally, representatives from the Carbon War Room were working with representatives from the City of Burlington to help reduce the environmental impact of the City and could be used as a model.

#### 20. ADJOURNMENT

On a motion by Councilors Decelles and Mulvaney-Stanak, the Council voted unanimously to adjourn at 11:30 p.m.

Attest:

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

CITY COUNCIL WITH MAYOR PRESIDING  
MONDAY, JUNE 28, 2010  
11:30 P.M.

MAYOR KISS PRESIDING:

1. AGENDA

On a motion by Councilors Adrian and Caldwell, the agenda was amended as follows: note that William “Chip” Mason had withdrawn his application regarding agenda item 7. APPOINTMENT: Retirement Board (Term expires 6/30/13); note that Mercedes Mack had withdrawn her application regarding agenda items 5 and 6. APPOINTMENT: Planning Commission. The agenda was adopted, as amended, unanimously.

2. APPOINTMENT: CCRPC-Alternate (Term expires 7/31/12)

Councilor Caldwell nominated Karen Paul.

Karen Paul was appointed to the CCRPC as an Alternate.

3. APPOINTMENT: Design Advisory Board (Term expires 6/30/13)

Councilor Shannon nominated Ronald Wanamaker.

Ronald Wanamaker was appointed to the Design Advisory Board.

4. APPOINTMENT: Library Commission (Term expires 6/30/12)

Councilor Caldwell nominated Gavin Blumenthal..

Councilor Kehoe nominated Mary Ellen Manock.

Gavin Blumenthal was appointed to the Library Commission.

5. APPOINTMENT: Planning Commission (Term expires 6/30/12)

Councilor Wright nominated Lee Buffinton.

Lee Buffinton was appointed to the Planning Commission.

6. APPOINTMENT: Planning Commission (Term expires 6/30/14)

Councilor Paul nominated Yves Bradley.

Councilor Shannon nominated Harris Roen.

Yves Bradley was re-appointed to the Planning Commission.

7. APPOINTMENT: Retirement Board (Term expires 6/30/13)

Bob Hooper was re-appointed to the Retirement Board.

8. APPOINTMENT: Board for Registration of Voters (Term expires 6/30/13)

Councilor Decelles nominated Linda Chagnon.

Councilor Wright nominated Mary Sweeney.

Linda Chagnon was appointed to the Board for Registration of Voters.

9. ADJOURNMENT

On a motion by Councilors Dober and Decelles, the City Council With Mayor Presiding voted unanimously to adjourn at 11:38 p.m.

Attest:

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