
DELIBERATIVE AGENDA
CITY COUNCIL WORKSESSION
MONDAY, APRIL 11, 2011
CONFERENCE ROOM 12, CITY HALL
6:00 P.M.

PRESENT: Mayor Kiss; City Council President Keogh; Councilors Wright, Paul, Shannon, Hartnett, Kranichfeld, Dober, Blais, Berezniak, Bushor, Decelles, and Adrian; CAO Leopold; ACAOs Goodwin & Schrader; City Attorney Schatz; HR Director Susan Leonard and Joseph McNeil, Esq.

1. AGENDA
2. COMMUNICATION: Joseph McNeil, Esq., re: Collective Bargaining (oral)

On a motion by Councilors Bushor and Shannon, the Council voted unanimously to go into executive session at 6:23 p.m. premature disclosure would place the City at a substantial disadvantage.

* * * * **EXECUTIVE SESSION** * * * *

On a motion by Councilors Bushor and Shannon, the Council voted unanimously to go out of executive session at 7:01 p.m.

3. ADJOURNMENT

On a motion by Councilors Bushor and Shannon, the Council voted unanimously to adjourn the worksession at 7:01 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary to the CAO

REGULAR MEETING, CITY COUNCIL
MONDAY, APRIL 11, 2011
CONTOIS AUDITORIUM, CITY HALL
7:12 P.M.

PRESENT: Mayor Kiss, President Keogh, Councilors Adrian, Bushor, Berezniak, Kranichfeld, Brennan, Hartnett, Wright, Shannon, Blais, Paul, Decelles, and Dober

ABSENT: Councilor Mulvaney-Stanak

CITY ATTORNEY'S OFFICE: Ken Schatz (arrived at 7:13 p.m.) and Gene Bergman (arrived at 7:26 p.m.)

CLERK/TREASURER'S OFFICE: Jonathan P.A. Leopold, Jr. (arrived at 7:16 p.m., Scott Schrader, Rich Goodwin and Lori Olberg

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilor Shannon, the agenda was amended as follows: amend the action for consent agenda item 3.13. COMMUNICATION: Steven Goodkind, Director of Public Works, re: Crossing Guard Program Information to “waive the reading, accept the communication, place it on file **and refer it to the Board of Finance;**” add to the consent agenda item 3.22. COMMUNICATION: City Council President Keogh, re: Council President Memo – April 11, 2011 with the action to “waive the reading, accept the communication and place it on file;” note **proposed written** amendment for agenda item 7. RESOLUTION: Budget Consultant (Councilors Bushor and Mulvaney-Stanak) and note **proposed written** amendment for agenda item 8. RESOLUTION: A Smoke-Free Healthy Downtown (Councilors Shannon, Bushor, Berezniak, Mulvaney-Stanak, Paul and Adrian).

There being no other changes, the Council voted unanimously to adopt the agenda.

4. PRESENTATION: Clem Nilan, General Manager, City Market/Onion River Co-op, re: Update

4.01. COMMUNICATION: City Market/Onion River Co-op, re: Presentation Slides

Clem Nilan thanked the City Council for their service. He reminded the Council that City Market was a community-owned store and membership had been increasing rapidly despite the recession. The City owns the land and leases it to them; City Market owns the building. He highlighted the major principles of the Co-Op which include meeting the needs of low-income and disabled people and supporting local foods. They employ 177 people, mostly on a full time basis. They are working towards a livable wage and currently provide benefits packages. They also provide discounts for low-income people and contribute to the community by donating to the food shelf, senior citizens and COTS.

Councilor Bushor stated she was impressed with the success of the Co-op and was happy they were on track to achieve a livable wage. She noted that the benefits package was extremely generous. She inquired about employee demographics and turnover. Clem Nilan stated they do have a high turnover and have been able to become more efficient.

Councilor Brennan noted that an annex in the Old North End might be a good option for the future, especially given the volume of food stamps the store receives. Councilor Berezniak agreed.

2. PUBLIC FORUM

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

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Mariah Sanderson	Coordinator for Burlington Partnership for a Healthy Community	Smoking Ban Ordinance
Kevin Ryan	Resident	Smoking Ban Ordinance
Margaret Terrien	Resident	Smoking Ban Ordinance
Kevin Hatin	YMCA	Smoking Ban Ordinance
Annika Freudenberger	Burlington High School Student, 6	Smoking Ban Ordinance
Eli Lesser-Goldsmith	7	Smoking Ban Ordinance
Steve Schifilliti	Resident	Application for Parks & Rec Commission

Carolyn Bates	Resident, 5	Reference for Chris Hadsel for Parks and Rec Commission
Chris Hadsel	Resident, 6	Application for Parks & Rec Commission
Ron Ruloff	Producer of Radio Free Brooklyn, 3	BFP Article on Diversity, Smoking Ban Ordinance

There being no one further coming forward, City Council President Keogh closed the public forum at 7:54 p.m.

3. CONSENT AGENDA

On a motion by Councilors Shannon and Blais, the Council unanimously voted to adopt, as amended, the consent agenda 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: Peter L. Potts, Chair, Burlington Planning Commission, re: CCMPO and CCRPC Merger
*waive the reading, accept the communication and place it on file
- 3.03. RESOLUTION: In Support of the Merger of the Chittenden County Regional Planning Commission and the Chittenden County Metropolitan Planning Organization (Councilor Keogh and Paul)
*waive the reading and adopt the resolution
- 3.04. RESOLUTION: Creation of a Classified Full Time Position – Burlington Telecom – Help Desk Technician (Board of Finance)
*waive the reading and adopt the resolution
- 3.05. RESOLUTION: Reclassification of the Clerk Treasurer’s Department Accounts Clerk (Board of Finance)
*waive the reading and adopt the resolution
- 3.06. RESOLUTION: Authorization to Accept Grant Amendment and to Amend Contract Associated with Runway Improvements at Burlington International Airport (Board of Finance)
*waive the reading and adopt the resolution
- 3.07. RESOLUTION: Foursquare Day, April 16, 2011 (Councilors Adrian, Shannon, Paul and Mulvaney-Stanak)
*waive the reading and adopt the resolution
- 3.08. RESOLUTION: Authorization to Accept \$974,000 Appropriated to the Federal Highway Administration in FY 2010 for the Church Street Marketplace District and to Execute a Cooperative Agreement with Vermont Agency of Transportation Relating to Improvements within the Church Street Marketplace District (Board of Finance)
*waive the reading and adopt the resolution

3.09. COMMUNICATION: Mari Steinbach, Director, Parks & Recreation, re: Contract/Lease for Information Services, Waterfront

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

3.10. RESOLUTION: Authorization for Execution of Contract with Lake Champlain Regional Chamber of Commerce (Board of Finance)

*waive the reading and adopt the resolution

3.11. COMMUNICATION: Mari Steinbach, Director, Parks & Recreation, re: Bike Path Task Force

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

3.12. COMMUNICATION: Michael Schirling, Chief of Police, UVM Dean of Students David Nestor and UVM SGA President Bryce Jones, re: Statement to Burlington Residents and the Student Community

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

3.13. COMMUNICATION: Steven Goodkind, Director of Public Works, re: Crossing Guard Program Information

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

3.14. COMMUNICATION: ACAO Schrader, re: Board of Finance January 24, 2011 Minutes of Meeting

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

3.15. COMMUNICATION: ACAO Schrader, re: Board of Finance February 7, 2011 Minutes of Meeting

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

3.16. COMMUNICATION: ACAO Schrader, re: Board of Finance February 14, 2011 Minutes of Meeting

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

3.17. COMMUNICATION: ACAO Schrader, re: Board of Finance March 21, 2011 Minutes of Meeting

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

3.18. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council, December 6, 2010, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the April 25, 2011 City Council Meeting

3.19. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Sue Trainor, Assistant to the CAO, Minutes, City Council, January 10, 2011, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the April 25, 2011 City Council Meeting

3.20. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Minutes, Organization Day, April 4, 2011, Draft

*waive the reading, accept the communication, place it on file and adopt the minutes at the April 25, 2011 City Council Meeting

3.21. COMMUNICATION: City Council President William Keogh, re: 2011-2012 Committee Assignments

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

3.22. COMMUNICATION: City Council President Keogh, re: Council President Memo – April 11, 2011

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

5. COMMUNICATION: City of Burlington, Vermont, Telecom Fund, re: Audit Report, June 30, 2010 **(material was part of the 3/7/11 City Council Packet)**

Councilors Adrian and Paul made a motion to waive the reading, accept the communication and place it on file.

Councilors Paul and Bushor inquired as to when they would be able to discuss Burlington Telecom with the Auditor. City Council President Keogh stated the Auditor had received no questions so he had not been invited but would attend when the Management Letter was presented to the Council. City Council President Keogh apologized and accepted responsibility for not asking the Auditor to be present to answer questions.

Councilor Paul stated the Management Letter had been out for almost two weeks and noted that having ACAO Goodwin present to address questions from the Council was inappropriate, as it was his office that was being audited. She reiterated that the Council should be able to direct questions to the Auditor.

CAO Leopold stated the Management Letter was communicated to the Council ten days ago. There was also a financial statement available. He also clarified that questions about the financial statements can be directed to ACAO Goodwin and that questions about the audit process should be directed to the Auditor.

Councilor Wright stated that the Council had been under the belief that the Auditor would be making a presentation and he hoped that would happen soon.

Councilor Bushor inquired what Property, Plant and Equipment included in the report. ACAO Goodwin said he would send a follow up memo with a breakdown.

Councilor Dober made a motion to amend the motion to accept the memo and place it on file and invite the Auditor to the next City Council meeting. The motion was seconded by Councilor Paul. The motion passed unanimously

6. RESOLUTION: Enhancements to the FY 2012 Budget Process (Councilors Paul and Shannon)

Councilor Paul made a motion, seconded by Councilor Wright, to waive the reading and adopt the resolution.

Councilor Paul stated this resolution came about as a result of work done by a budget consultant hired by the Council. The report outlined five major items: budgeting would be done on a monthly rather than annual basis, enterprise funds would be reviewed as separate entities, budget presentations by individual department being done in a unified format, fringe benefits listed for each department, and coding all expenses so they can be viewed across the city, not just by department.

Councilor Dober spoke in favor of the resolution.

The motion passed unanimously.

Councilor Wright made a motion to recess the City Council Meeting in order to move to the City Council with Mayor presiding. The motion passed.

CITY COUNCIL WITH MAYOR PRESIDING

MONDAY, APRIL 11, 2011

8:11 P.M.

PRESENT: See above

MAYOR KISS PRESIDING:

1. AGENDA

On a motion by Councilors Decelles and Dober, the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Councilors Dober and Shannon, the consent agenda was adopted thus taking the following action as indicated:

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

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

3. APPOINTMENT: Parks and Recreation (Term expires 6/30/13)

Councilor Blais nominated Chris Hadsel who received 2 votes from Councilors Blais and Paul.

Councilor Decelles nominated Steven Schifilliti who received 4 votes from Councilors Dober, Wright, Decelles, and Hartnett.

Councilor Adrian nominated Nancy Kaplan who received 8 votes from Mayor Kiss and Councilors Adrian, Bushor, Brennan, Keogh, Berezniak, Kranichfeld, and Shannon.

Nancy Kaplan was appointed to the Parks and Recreation Commission.

4. ADJOURNMENT

On a motion by Councilor Keogh, the City Council with Mayor Presiding Meeting unanimously to adjourn at 8:15 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary to the CAO

The City Council Meeting resumed at 8:15 pm.

7. RESOLUTION: Budget Consultant (Councilors Bushor and Mulvaney-Stanak)

Councilors Bushor and Brennan made a motion to waive the reading and adopt the resolution.

Councilor Bushor stated there would be two City Council work sessions regarding the budget. She felt the budget was the most important issue the Council dealt with and yet the Council knew the least about. This resolution would set a cap on how much money could be spent on a consultant. The excess could be

used to fund additional televised meetings on Channel 17 to increase accessibility. She noted that many residents have informed her they get information on the City through Channel 17. Sound bites and newspaper articles did not provide the transparency that Councilors suggested were important to them. Additionally, the resolution asked for \$50,000 for the City Council in the FY 12 budget.

Councilor Bushor stated she had heard from Councilor Adrian that he did not support the funds going to Channel 17. She was frustrated that others had not contacted her to express an opinion about the resolution.

Councilor Wright applauded Councilor Bushor for bringing the resolution to the Council and expressed a desire to move forward on the issue. He explained the matter had been stalled because of disagreement over how to proceed. Councilor Wright then offered an amendment to the resolution, removing the Channel 17 clause and instead proposing that any remaining funds be returned to the General Fund.

Without objection, the amendment was considered friendly. The motioned passed by a vote of 9 to 4 with Councilors Berezniak, Shannon, Adrian, and Paul voting against.

8. RESOLUTION: A Smoke-Free Healthy Downtown (Councilors Shannon, Bushor, Berezniak, Mulvaney-Stanak, Paul and Adrian)

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

Councilor Shannon stated cigarettes were a controlled substance and she believed it was appropriate for government to tell people where they could utilize such substances. She noted that a person smoking on a sidewalk affected the public at large and that second hand smoke had been ranked in EPA's Group A as a carcinogenic. She had received many complaints and been personally affected by cigarette smoke on the Marketplace. She also noted that business had improved with cigarette bans. The concept of the resolution was to create a smoke-free downtown with smoking zones.

Councilor Decelles asked how the downtown would be defined and what the boundaries were. Councilor Shannon stated she did not have a firm definition but it could be expanded or contracted based on the desires of the community. Councilor Decelles then spoke against the resolution, stating he did not understand what that resolution was trying to do. He believed the resolution was attempting to deal with the homeless and those who loiter, noting that prior attempts to move that group from the downtown area had failed.

Councilor Wright spoke in favor of the resolution. He offered an amendment adding a requirement that they designate smoking areas and consider having times of day in which smoking was allowed. The amendment was considered friendly to the maker and seconder of the motion. Councilor Wright also encouraged the Ordinance Committee to ensure the public, businesses, and the City Council be involved in the process of making these decisions.

Councilor Kranichfeld expressed concerns about the broadness of the resolution, the ambiguity of what constituted downtown, the lack of limits based on the time of day, the use of police resources to enforce this, and the potential for selected enforcement.

Councilor Bushor stated she was supportive of the resolution and thanked the public for coming in to speak at the public forum. She believed the intent of the resolution was to make a healthier and safer city. She also spoke in support the amendment proposed by Councilor Wright. Councilor Brennan stated his whole career had been centered on not smoking and he appreciated the efforts of Councilor Shannon in this regard. Councilor Berezniak spoke in favor of the resolution. Councilor Adrian spoke in favor of the resolution and noted that smoking was not a right or a protected category, it was merely legal. He also stated this should be looked at as a public health campaign. Councilor Paul also spoke in support of the

resolution. Councilor Wright again expressed a desire that the Ordinance Committee ensure that all opinions were heard about this issue, especially those of the business community.

The motion passed by a vote of 10-3 with Councilors Dober, Kranichfeld, and Decelles voting against.

9. RESOLUTION: Authorization for Consulting Services Contract with Frasca & Associates, LLC (Board of Finance)

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

Councilor Paul stated the resolution would authorize use of Frasca & Associates, an independent financial advisor. She stated that Frasca & Associates had expertise in Airport financing which would be helpful. She also offered an amendment to modify the language of the resolution about the termination of the contract. Following a question from City Council President Keogh, City Attorney Schatz stated the amendment should be made in the resolution to clarify the change in the contract.

Councilor Hartnett asked if there would now be two consultants. ACAO Goodwin stated there would be, however, Frasca & Associates would only be used for Airport financing.

The motion then passed unanimously.

10. COMMITTEE REPORTS

There were no committee reports.

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

Councilor Wright stated the Bike Path Task Force noted there was a lot of disintegration on the bike path and it had become dangerous to use in certain sections. There had been meetings between a number of local businesses and organizations to review required funding and anticipated repairs. The group would bring a plan on repairs and upgrades to the Council in November.

Councilor Adrian commented on the resolution recognizing Four Square Day. The program drew attention to points of interest in the City, with businesses offering discounts when you check in.

Councilor Brennan stated he wanted to organize a meeting on May 4th to have department heads review different ways of organizing small and medium sized businesses.

Councilor Decelles stated that Front Porch Forum was a vital resource. In light of some recent break ins to cars, he would like residents to report crimes both to the police and broadcast them on Front Porch Forum so neighbors could keep their eyes open. Additionally, he stated he felt appointing a City Councilor whose term had just ended to a Commission may have been discouraging to citizens looking to serve the community.

Councilor Bushor informed the public of the upcoming Ward 1 NPA. She also stated there had been dialogue regarding move out week and revising an ordinance to allow trash to be collected earlier. She stated that Public Works should weigh in, but in conversations with Steve Goodkind he had suggested that changing it to later in the day may be better so as not to create early morning noise.

Councilor Dober informed the public of the upcoming Ward 4 and 7 NPA.

Councilor Shannon stated there was a document in their packets providing information on chemicals within second hand smoke that she would like people to consider.

Councilor Keogh reminded the Council to use each other as resources.

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

Mayor Kiss reminded the Council of Free Cone Day at Ben & Jerry's. He also stated he had been making business calls and would be visiting the New North End. This had been helpful visiting the businesses and speaking with owners.

He also informed the Council of an upcoming press conference regarding Burlington hosting a triathlon. The first event would be in August and was predicted to have 2,000 athletes and 4,500 spectators. He also stated he would be looking for support to appoint Scott Carr as the Director of Aviation at the next City Council meeting.

13. ADJOURNMENT

On a motion by Councilor Keogh, the Council unanimously voted to adjourn at 9:17 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary to the
CAO