

DELIBERATIVE AGENDA
SPECIAL CITY COUNCIL WORKSESSION
MONDAY, MAY 16, 2011
CONFERENCE ROOM 12, CITY HALL
5:45 P.M. – 6:30 P.M.

PRESENT: City Council President Keogh; Councilors Wright, Shannon, Bushor, Decelles, Mulvaney-Stanak, Berezniak, and Blais; Mayor Kiss, CAO Leopold, ACAO Goodwin, Mari Steinbach, Susan Leonard and Joe Reinert

ABSENT: Councilors Kranichfeld and Dober

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

On a motion by Councilors Bushor and Decelles, the Council went into executive session at 6:15 p.m., to discuss collective bargaining, premature disclosure of which could place the City at a substantial disadvantage. Present were: see above

* * * * EXECUTIVE SESSION * * * *

3. ADJOURNMENT

On a motion by Councilors Bushor and Decelles, the Special City Council Worksession unanimously adjourned at 6:25 p.m.

Attest:

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

****OPEN HOUSE FOR PROSPECTIVE COMMISSION/BOARD MEMBERS****

MONDAY, MAY 16, 2011
CITY HALL LOBBY/CONTOIS AUDITORIUM, CITY HALL
6:30 P.M. TO 7:15 P.M.

LOCAL CONTROL COMMISSION
MONDAY, MAY 16, 2011
CONTOIS AUDITORIUM, CITY HALL
7:34 P.M.

PRESENT: See above

CITY ATTORNEY'S OFFICE: Ken Schatz, Nikki Fuller (arrived at 8:16 p.m.) and Gene Bergman arrived at 7:45 p.m.)

CLERK/TREASURER'S OFFICE: Rich Goodwin and Lori Olberg

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Commissioners Berezniak and Decelles the agenda was adopted as is.

2. CONSENT AGENDA

On a motion by Commissioners Berezniak and Decelles, the Local Control Commission unanimously adopted the consent agenda, thus taking the following actions as indicated:

- 2.01. 2011-2012 FIRST CLASS CABARET LICENSE RENEWALS: see attached list
*waive the reading, accept the communication, place it on file and grant the 2011-2012 First Class Cabaret Liquor License Renewals
- 2.02. 2011-2012 FIRST CLASS RESTAURANT LICENSE RENEWALS: see attached list
*waive the reading, accept the communication, place it on file and grant the 2011-2012 First Class Restaurant Liquor License Renewals
- 2.03. 2011-2012 OUTSIDE CONSUMPTION PERMIT RENEWALS: see attached list
*waive the reading, accept the communication, place it on file and grant the 2011-2012 Outside Consumption Permit Renewals
- 2.04. EXPANSION OF OUTSIDE CONSUMPTION PERMITS (**select dates only**):
*waive the reading, accept the communication, place it on file and grant the Expansion of Outside Consumption Permits for Ken's Pizza & Pub and Leunig's Bistro, select dates only

Commissioner Bushor inquired as to why there are two dates for Leunig's that fell outside of the Jazz Festival, as policy does not allow a café to expand into the pedestrian pathway unless it was for the Jazz Fest. Commissioner Berezniak stated this was approved by the Marketplace and the License Committee did not question it. Commissioner Bushor stated in the future she would like to see the License Committee ask for clarification when there were inconsistencies.

3. ADJOURNMENT

On a motion by Commissioners Berezniak and Decelles, the Local Control Commission voted unanimously to adjourn at 7:38 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
MONDAY, MAY 16, 2011
7:38 P.M.

PRESENT: see above

CITY COUNCIL PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilor Shannon, the agenda was amended as follows: remove from the consent agenda item 3.08. COMMUNICATION: Scott Gustin, Department of Planning and Zoning, re: On the Record Review – Master Sign Plan Applications and place it on the May 23, 2011 City Council Deliberative Agenda; remove from the consent agenda item 3.09. RESOLUTION: Adoption of the Municipal Administrative Procedures Act for Master Sign Plan Applications (Councilors Bushor, Shannon) and place it on the May 23, 2011 City Council Deliberative Agenda; add to the consent agenda item 3.32. COMMUNICATION: Mayor Bob Kiss, re: Recall of Elected Officials with the consent

action to “waive the reading, accept the communication and place it on file;” add Councilor Paul as a co-sponsor to agenda item 8. RESOLUTION: Term Limits for City Commissions and Boards (Councilors Mulvaney-Stanak, Adrian); remove from the agenda item 13. REPORT: Sean McKenzie, Chair, Design Advisory Board, re: Annual Report to the City Council 2011 and place it on the May 23, 2011 City Council Deliberative Agenda; remove from the consent agenda item 3.03. RESOLUTION: Authorization for Execution of Amendment of Leasehold Agreement at Burlington International Airport (Board of Finance) and place it on the Deliberative Agenda as agenda item 13.5; remove from the consent agenda item 3.02. COMMUNICATION: Burlington International Airport (“Airport”), re: Finance Board Approval Request – Amendment to an Existing Agreement with a Fixed Base Operator (Continued from May 4, 2011) and place it on the Deliberative Agenda as agenda item 13.5.01; add to the agenda item 13.5.02. COMMUNICATION: Joe Farnham, Esq., re: Heritage Lease Information; remove from the consent agenda item 3.30. RESOLUTION: Changes to Parking Fee Structure at City Parks (Board of Finance) and place it on the Deliberative Agenda as agenda item 13.6; remove from the consent agenda item 3.31. COMMUNICATION: Mari Steinbach, Director, Department of Parks and Recreation, re: Proposed Parking Fee Increases and place it on the Deliberative Agenda as agenda item 13.6.01.

2. PUBLIC FORUM

City Council President Keogh opened the public forum at 7:42 p.m.

Name	Ward/Affiliation	Subject
Jay Vos	Ward 5 Resident	In Favor of Term Limits for City Commissioners
Ron Ruloff	Ward 3 Resident	In Favor of Recall Process
Lea Terhune	Ward 4 Resident	Budget Summits
Kirsten Merriman Shapiro	CEDO/Ward 5 Resident	Skate Park Grant/Pepsi Refresh Project

With no objection from the remaining Council, City Council President Keogh closed the public forum at 7:51 p.m.

3. CONSENT AGENDA

On a motion by Councilors Shannon 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

3.04. COMMUNICATION: Burlington International Airport, re: Finance Board Approval Request – Energy Efficiency – Replace Boilers and Air Handlers

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

3.04.01. COMMUNICATION: Burlington International Airport, re: Finance Board Approval Request – Energy Efficiency – Replace Boilers and Air Handlers Supplemental Memo

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

3.05. RESOLUTION: Authorization to Contract for Services Associated with Replacing Boilers and Air Handlers at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

3.06. 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 (Councilors Dober, Blais, Berezniak: License Committee)

*waive the reading and adopt the resolution

3.07. RESOLUTION: Intervale Land Management Plan (Councilors Paul, Adrian, Decelles: Parks, Arts & Culture Committee)

*waive the reading and adopt the resolution

3.10. RESOLUTION: Authorization to Submit 2011 Burlington Consolidated Plan One-Year Action Plan (Councilors Berezniak, Mulvaney-Stanak)

*waive the reading and adopt the resolution

3.11. COMMUNICATION: Mari Steinbach, CPRP, re: McKenzie Park Property – Lease with Intervale Center

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

3.12. RESOLUTION: Proposed Leasing of the McKenzie Park Property to the Intervale Center (Board of Finance)

*waive the reading and adopt the resolution

3.13. COMMUNICATION: Patricia J. Crowley, Clerk, Board of Electric Commissioners, re: Electric Commission Attendance Record

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

3.14. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Sue Trainor, Assistant to the CAO, re: Draft Minutes, City Council, February 7, 2011

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 2, 2011 City Council Meeting

3.15. 2011-2012 INDOOR ENTERTAINMENT PERMIT RENEWALS: see attached list

*waive the reading, accept the communication, place it on file and approve the 2011-2012 Indoor Entertainment Permit Renewals

3.16. 2011-2012 OUTDOOR ENTERTAINMENT PERMIT RENEWAL: see attached list

*waive the reading, accept the communication, place it on file and approve the 2011-2012 Outdoor Entertainment Permit Renewal for Das Bierhaus

3.17. COMMUNICATION: ACAO Schrader, re: Board of Finance April 11, 2011 Minutes of Meeting DRAFT

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

3.18. COMMUNICATION: ACAO Schrader, re: Board of Finance April 20, 2011 Minutes of Meeting DRAFT

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

3.19. COMMUNICATION: ACAO Schrader, re: Board of Finance April 25, 2011 Minutes of Meeting DRAFT

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

3.20. COMMUNICATION: ACAO Schrader, re: Board of Finance April 27, 2011 Minutes of Meeting DRAFT

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

3.21. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Sue Trainor, Assistant to the CAO, re: Draft Minutes, City Council, February 14, 2011

*waive the reading, accept the communication, place it on file and adopt the minutes at the May 23, 2011 City Council Meeting

3.22. TOBACCO LICENSE APPLICATION (2011-2012): Full Tank, 150-A Church Street

*waive the reading, accept the communication, place it on file and approve the 2011-2012 Tobacco License Application for Full Tank

3.23. COMMUNICATION: Jean Poulin, Customer Service Associate, Clerk/Treasurer's Office, re: Dogs Unlicensed for 2011

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

3.24. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (5/13 – 5/15):

A Single Pebble, Contois Auditorium, Spielpalast Cabaret, 7 p.m. – 11 p.m., all 3 nights

*waive the reading, accept the communication, place it on file and ratify the Special Event Indoor Entertainment Permit Application for A Single Pebble

3.25. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (5/20-5/21):

A Single Pebble, Contois Auditorium, Spielpalast Cabaret, 7 p.m. – 11 p.m. (5/20); 7 p.m. – 1 a.m. (5/21)

*waive the reading, accept the communication, place it on file and approve the Special Event Indoor Entertainment Permit Application for A Single Pebble

3.26. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (5/26 - 5/28):

A Single Pebble, Contois Auditorium, Spielpalast Cabaret, 7 p.m. – 11 p.m., all 3 nights

*waive the reading, accept the communication, place it on file and approve the Special Event Indoor Entertainment Permit Application for A Single Pebble

3.27. REPORT: Annual Report of the Burlington Conservation Board Fiscal Year 2011: June 30, 2010 – July 1, 2011

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

3.28. COMMUNICATION: Robert H. Penniman, Executive Director, CATMA, re: Joint Institution Parking Management Plan

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

3.31. REPORT: Fletcher Free Library 2011 Commissioners Report (Fiscal Year 2010)

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

3.32. COMMUNICATION: Mayor Bob Kiss, re: Recall of Elected Officials Resolution

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

4. APPOINTMENT: Audit Advisory Committee

Councilor Paul made a motion, with no second, to appoint Peter McCoy to be the fifth member of the Audit Advisory Committee. The motion passed unanimously.

5. APPOINTMENT: Burlington Food Council

Councilor Shannon made a motion, with no second, to appoint Dan Cahill to the Burlington Food Council. The motion passed unanimously.

6. COMMUNICATION: Michele Boomhower, Executive Director, CCMPO and Charlie Baker, CCRPC Executive Director to William Keogh, President, Burlington City Council, re: Appointments

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

Councilor Adrian made a motion to nominate Andy Montroll to be the representative to the CCMPO and CCRPC. The motion passed unanimously.

Councilor Adrian made a motion to nominate Bill Aswad to be the alternate representative to the CCMPO and CCRPC. The motion passed unanimously.

7. RESOLUTION: Authorization for Warning of Referendum on Power Purchase Agreement with H.Q. Energy Services (U.S.) Inc. (Board of Finance)

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

Ken Nolan from Burlington Electric Department and Barbara Grimes, General Manager, were present for questions. Mr. Nolan stated the resolution requested the Council to put the Hydro-Quebec contract question on the ballot for the special election. The contract had already been approved by the City and the State. This would allow the voters to weigh in on the issue.

Councilor Bushor stated she did not support Hydro-Quebec, but would support the resolution to allow voters to weigh in. She also stated that the resolution stated that information regarding the risks and benefits associated with Hydro-Quebec was available at the Clerk/Treasurer's Office and at BED. She inquired whether this information would be distributed via any other venues, as it was important to get information out to voters. Mr. Nolan stated it was a legal document that might not be useful to the voters. Mr. Nolan stated the information would be distributed with information about the bond vote. Councilor Bushor inquired if it was appropriate to put information in the newspaper. City Attorney Schatz stated he expected that there was no restriction on providing this information, but he would check into it.

Councilor Hartnett inquired as to what the wording on the ballot would be. City Attorney Schatz stated the resolution included the specific language that would appear on the ballot.

Councilor Mulvaney-Stanak stated she would not support the resolution and would like to see voters informed about the impact of Hydro Quebec and the use of energy.

City Council President Keogh inquired whether this was a form of renewable energy and how that pertained to the contract. Mr. Nolan stated the difference between this and other renewable contracts was the lower cost. He also stated that the State Legislature's decision to consider this renewable energy was a deciding factor for BED.

The motion passed by a vote of 9-3 with Councilors Hartnett, Mulvaney-Stanak, and Brennan voting against.

7.01. COMMUNICATION: Ken Nolan, BED Manager of Power Resources, re: Hydro-Quebec Referendum

On a motion by Councilors Paul, seconded by Councilor Wright, the communication was waived, accepted and placed on file. The motion passed unanimously.

8. RESOLUTION: Term Limits for City Commissions and Boards (Councilors Mulvaney-Stanak, Adrian, Paul)

Councilors Mulvaney-Stanak and Adrian made a motion to waive the reading and adopt the resolution.

Councilor Mulvaney-Stanak stated that while it was admirable how long many citizens served on commissions and boards, the Council tended to reappoint incumbents. The result ultimately had been individuals serving for decades. This resolution asked the Charter Change Committee to explore options to term limits. She noted that NPA Boards currently had term limits

Councilor Adrian stated that it was very difficult for new people to get appointed to commissions. He believed having fresh ideas, new faces, and people with different backgrounds and philosophies were valuable.

Councilor Wright spoke against the resolution, stating that City Councilors and the Mayor were not term limited. He also stated there was a fair amount of turnover on City Commissions and many of those who had served for decades had provided wonderful service.

Councilor Decelles stated it should be the Council's role to remove ineffective board members rather than limit people who were valuable assets to commissions.

Councilor Shannon stated that term limits would not necessarily meet the intended goal. While she stated her concerns, she would support the resolution primarily because she believed it was important to have the discussion.

Councilor Bushor agreed with Councilor Shannon. She also noted that having a blend of experience and diversity was important. She believed that talking with commissioners about concerns would be more effective than limiting them and she would not support the resolution.

Councilor Berezniak stated he appreciated the goals of the resolution, but felt there were more effective ways to achieve those goals.

Councilor Blais noted his surprise at the debate. He believed it should be the Council's responsibility to monitor commission members' effectiveness and this resolution merely allowed the Council to shirk their responsibility.

Councilor Adrian, responding to Councilor Blais, stated this would allow new people to serve. He explained the difficulty in not reappointing people who had done a great job over the years. Even though they may have been excellent commissioners, it was still important to allow other people on the commissions. Commission appointments differ from City Council elections because the decision was made publicly during Council meetings.

Councilor Mulvaney-Stanak stated term limits would be a useful tool for recruitment, as people could easily see when openings would become available. Also, it would depersonalize the process, make and encourage diversity.

Councilor Hartnett stated the Council had failed to take opportunities to appoint new people to the commissions and expressed dissatisfaction with a recent appointment process to the Parks and Recreation Commission.

Councilor Berezniak stated he would advocate for anyone who explained why they would like to serve on a commission, regardless of party affiliation.

Councilor Wright stated Councilor Kranichfeld was appointed to the Electric Light Commission and decided to run for City Council. Commissioners often serve for short periods of time. Term limits would not solve problems. Councilor Wright also asked that a roll call vote be taken.

Councilor Bushor stated that Councilors like to appoint commissioners based on political affiliation. She believed this was a discouragement to applicants. Term limits would not accomplish the goals that were being discussed.

The resolution failed by a vote of 5-7.

Ayes: Councilors Adrian, Brennan, Mulvaney-Stanak, Paul and Shannon

Nays: Councilors Berezniak, Blais, Bushor, Decelles, Hartnett, Wright and Keogh

Absent: Councilors Dober and Kranichfeld

9. RESOLUTION: Proposed Temporary Fuel Surcharge on Taxicab Rates (Councilor Dober)

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

Councilor Berezniak stated the resolution was designed to help taxi companies offset the rising cost of fuel. Many companies have raised rates on their own and this has led to unfair rates for the public.

Councilor Bushor made a friendly amendment to add 2010 to the date. The amendment was accepted as friendly.

Councilor Mulvaney-Stanak inquired as to how the Taxi Advisory Board calculated the amount of the surcharge. Assistant City Attorney Fuller stated that they researched the surcharges in neighboring cities to see what they were permitting. Most of them were between 50 cents and \$1. The Board decided to do a graduated surcharge on a temporary basis. Councilor Mulvaney-Stanak asked if the surcharges being issued were legal and if not, what the recourse for consumers was. Assistant City Attorney Fuller stated that surcharges were not allowed unless authorized by the City Council. Recourse for consumers would be to file a complaint to the Taxi Advisory Board.

The motion then passed unanimously.

9.01. COMMUNICATION: Taxi Licensing Appeals Board and Taxi Issues Working Group,
re: Temporary Fuel Surcharge on Taxicab Rates

Councilors Berezniak and Bushor made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

10. RESOLUTION: Public Records Law (Councilors Adrian, Blais, Berezniak, Hartnett)

Councilors Adrian and Blais made a motion to waive the reading and adopt the resolution.

Councilor Adrian stated he had found the City Charter delegated the examination of public documents exclusively to the City Council. The City Attorney's opinion had been that the City could face more liability and could cost the City money. However, Councilor Adrian believed that having an open and transparent government was more important. The resolution supported the need for improved record access and supported the law passed by the Legislature. He would rather err on the side of transparency rather than have employees try to shield information due to potential liability.

Councilor Blais stated that the people who keep records need to follow the law and all records are public records. There would not be problems with litigation if City employees followed the law.

Councilor Bushor asked the Mayor to respond to some of the clauses in the resolution in order to understand his position. She noted she was not comfortable with the language used in the resolution and found it mean spirited. Further, she believed it was politically oriented rather than purpose oriented. While she believed in transparency, she stated she would only support a public records resolution that was completely rewritten and purpose oriented.

Mayor Kiss stated that he wanted to protect information, particularly surrounding personnel matters, especially in light of the way the information was pursued. He stated the passage of the State bill might result in legal costs for the City and he did not believe that ultimately it was progress in terms of public records or personnel interests. His position was not to oppose the Public Records Bill but to offer a view on the matter. He also noted that the League of Cities and Towns raised similar concerns to the bill.

Councilor Bushor, seconded by Councilor Mulvaney-Stanak, made a motion to table the resolution. The motion failed, with Councilors Mulvaney-Stanak, Bushor, Wright, Shannon, Brennan voting in favor of tabling.

Councilor Shannon spoke in opposition to the resolution, stating she did not appreciate the spirit in which the resolution was being brought forward.

Councilor Paul asked the Mayor in whose domain public records fall to within the City. City Attorney Schatz stated it was his view that issues of public records were within the domain of both the City Council and the Mayor. Councilor Paul then asked if City Attorney Schatz had made that clear to Councilor Adrian. He deferred the question to Councilor Adrian. Councilor Adrian stated he was directed to no specific place in the Charter that gave the Mayor power to regulate public records. There was an ordinance, but the charter would trump the ordinance. City Attorney Schatz stated the provision in the ordinance stated the Council had the authority to adopt rules and regulations which were done through an ordinance, but the Mayor had to accept the ordinance. The ordinance further noted the Clerk's Office was responsible for public records disclosure and, as the Mayor indicated in his statement earlier, the Mayor and City Officials deal with public records questions on a regular basis as part of daily business. So while Councilor Adrian was correct that there was not a separate provision in the Charter that spoke to the Mayor's role in terms of public records, but that as a whole the Mayor approved ordinances and resolutions and acted as the Chief Executive Officer, and therefore did have the authority as head of the agency to deal with public records matters. The City Attorney's position was that the Mayor, in addition to the City Council, had the role of dealing with public records issues.

Councilor Paul inquired if the Mayor should have indicated in his communication to the Vermont Legislature that it was within City Council's domain to deal with public records. City Attorney Schatz stated that the day to day decisions regarding public records disclosure fell to City staff and was not in the domain of the Council. Mayor Kiss stated that distributing public records was done with the advice of the

legal counsel that was consistent with the best interests of the City. He believed the laws have protected personnel information which he thought was very important. Councilor Paul stated she was conflicted because she was in favor of transparency, but agreed with Councilor Bushor's comments. She stated she would prefer to vote for a resolution where the Council endorsed the Public Records Law. She suggested redrafting it in this manner.

Councilor Berezniak stated the Mayor sent a communication to the Legislature representing the City Council without asking the Council and he continued to support the resolution.

Councilor Wright stated that he had concerns about the language of the resolution. He noted that, as a member of the Legislature, he knew the concerns the Vermont League of Cities and Towns and the Administration had with the bill. He met with the Chair of the Committee reviewing the State bill who agreed there was ambiguous language that needed to be dealt with in a study committee, leaving municipalities in a difficult position. The Mayor did not fully oppose or lobby anyone in the State to vote down the Public Records Law. Councilors Wright, seconded by Councilor Paul, then made a motion to amend the resolution to remove all whereas clauses and state that the Council supported open and transparent government.

Councilor Adrian did not accept the amendment as friendly. He stated there was nothing in the Charter that allowed the Mayor to set a policy for public records. The Council had allowed the Clerk/Treasurer's Office to deal with the day to day distribution of records, but the Council still sets the overall policy. City Attorney Schatz stated there was nothing specific in the Charter, but the Mayor clearly had the authority to approve regulations from the Council and it was within the Mayor's job to address issues regarding day to day functioning of City government. Councilor Adrian stated that the amendment made the resolution meaningless and out of context. The resolution clarified the balance of power within the City.

Councilor Shannon stated she did not think the Charter was clear that the Council had sole authority to regulate public record. There was a section in the Ordinance under the Administration section that mentioned the authority the Administration had over Public Records. It was not obvious to her who had power over what. She expressed frustration when the Mayor advocated for things without consulting the City Council and authorized lobbyists to do work that the Council was not aware of. Councilor Bushor also spoke in favor of the amendment.

The amendment passed by a vote of 8-4, with Councilors Hartnett, Adrian, Blais and Berezniak voting against.

The amended resolution then passed unanimously.

11. RESOLUTION: The Hiring of a New Airport Director (Councilors Paul, Adrian, Blais, Berezniak and Wright)

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

Councilor Paul stated the resolution dealt with hiring a new Airport Director. The previous search was long and delayed. In discussions with the Airport Commission, concerns were raised about the search and hiring process and with setting an appropriate salary for that position. They also affirmed their support for the interim Airport Director. They recommended restarting the search in April 2012 after working with the Boyden Group, a consultant, to set an appropriate salary. Councilor Paul stated the position of Airport Director was very important and using an executive search organization was a good idea. The resolution requested that the Mayor not start another search until April 2012 and nominate the current Interim Director to serve until that time.

Councilor Wright spoke in favor of the resolution stating that he had talked with the Mayor and the Airport Commission and felt this direction made sense. Mayor Kiss stated the search had remained open and had been re-advertised for new applications. A salary study had already been done and upon offering the job to someone could be renegotiated. This position was too important to delay the search until April 2012. He stated delaying advertising had political overtones in terms of the Mayoral Election and he found it unacceptable. He believed it was important to select a Director of Aviation that had the approval of the Mayor, the City Council and the Airport Commission. He reminded that ten individuals interviewed the candidates for the Airport Director position and the process was sound.

Councilor Wright asked that the Chair of the Airport Commission, Gene Richards, speak to the Council. Councilor Wright asked Mr. Richards if the Airport Commission had further conversation since the resolution was shown to them and if there was any reason the Council should delay voting on this to get further feedback. Gene Richards stated the Commission was not rethinking their position. Councilor Wright inquired if the resolution had anything to do with Mayoral politics. Gene Richards stated it did not.

Councilor Shannon stated this conversation started when the previous appointee was brought before the Council. She stated she spoke with the Mayor before moving forward with the resolution. The Airport Commission was simultaneously working on an initiative and many felt it would be better to wait to make this appointment. The Airport Commission was very engaged and the fact they had come to this conclusion was meaningful. She stated that while the Mayor took the lead on appointments, he should view the Council and the Airport Commission as partners.

Councilor Mulvaney-Stanak spoke against the resolution stating she had very little information about the thought of the Commission and was disappointed that they did not reach out to the full Council on this matter. She believed the length of time was too long to go without having a leader in a department that was such a vital component of the city. She noted the timing of April and the Mayoral Election was suspicious. After working with the Airport staff on taxi issues, she noted they were already overworked and leaving them with an unfilled position seemed like a risky decision. She believed that working with the Mayor and moving forward would be more responsible.

Councilor Bushor stated that having some outside expertise would be beneficial. She inquired if the money for this was in the 2012 budget. She reminded the Council that the City had a compensation system with the City which tried to keep salaries of department heads comparable and even if there were a recommendation from this outside consultant the City may not be able to afford it. She believed that with Plattsburgh growing their airport she felt a sense of urgency in filling this position. She felt asking the Interim Director to do two jobs was a lot to ask and waiting until April of 2012 to begin a search process was too long, especially as the Airport was so important to Burlington.

Councilor Adrian stated that ultimately the Mayor can appoint department heads. Passing this resolution was inherently political and those Councilors who sponsored and supported the resolution were doing it purely for political reasons. He noted that the Council was doing something that was not within their authority to do but that was fine to do because they were participating in open debate. He then stated he supported the resolution.

Councilor Berezniak spoke in favor of the resolution stating that waiting would be prudent. Councilor Paul spoke in favor of the resolution stating that the Airport Commission worked very hard and was not treading water; ignoring the Commission's recommendation would be a bad decision. Councilor Hartnett stated that the Council had always been very supportive of the Airport Commission and expressed surprise that certain Councilors were expressing opposition at this time. He stated his support of the resolution.

Mayor Kiss stated it was his responsibility to build the Administration and he took it seriously. He said he had a good relationship with the Airport Commission and worked with them to select the previous recommendation for Director of Aviation. That process never ended and the Human Resources Director would be delivering additional applications they had received. He would not recommend anyone who was unqualified. To create artificial delays until April 2012 was not an acceptable process because it was important to move forward with the hiring of a director. He believed it was very shortsighted.

Councilor Wright stated he did not believe this was politically driven. The interim director was doing a great job and the Airport Commission was recommending this.

The resolution then passed by a vote of 9-3 with Councilors Bushor, Brennan, and Mulvaney-Stanak voting against.

12. REPORT: Christina B. McCaffrey, Chair, Board for Registration of Voters, re: Annual Report

Tina McCaffrey was present at the meeting to answer questions. Councilor Hartnett asked who oversaw the Board of Registration of Voters. Tina stated it was ACAO Schrader. Councilor Hartnett asked about the process of someone going to the polls and voting after they have had a two year lapse in voting. She stated that every two years a purge of the voter checklist was done. If a person had not voted in four years, their status would be changed to inactive or challenged. If someone in this category showed up to vote, in the past they had to state that they lived at the same address on the checklist, then were allowed to vote and were classified as active. Following the election, the Voter Registration Clerk, Margaret Poirier, would take the voter checklist and change the last date of voting. The State of Vermont might be making a change requiring inactive voters to fill out an affidavit in order to vote.

Councilor Hartnett inquired who would make this decision. Tina stated that Scott Schrader, Gene Bergman, and Kathy Scheele from the Secretary of State's Office were going to meet to determine this. Senior Assistant City Attorney Bergman stated that in compliance with State Statute, there would be a form to complete and strict requirements on how to remove people from the checklist. A meeting would follow with the Voter Registration Board and Kathy Scheele to ensure that all members were aware of the procedures and ensure they were consistent with the Statute.

Councilor Hartnett asked what happened to a ballot after someone voted in City Hall. Tina stated that was not the responsibility of the Voter Registration Board. Senior Assistant City Attorney Bergman stated the Board of Registration of Voters was only in charge of the voter checklist and did not manage ballots. Councilor Hartnett asked about cuts to their budget. Tina stated that would not concern her for this year because there were no primaries or general elections. The costs of the checklist purge were covered by the Clerk/Treasurer's Office. Councilor Hartnett inquired if the budget cut was just for one year. Mayor Kiss stated all budgets were built one year at a time.

Councilor Wright thanked Margaret Poirier, Voter Registration Clerk, for her 25 years of service. He then asked if there was a conflict of interest with a City employee currently working in the Clerk/Treasurer's Office also serving on the Board. He noted this employee had worked in the Parks and Recreation Department at the time the appointment was made. City Attorney Schatz stated it was not an issue. The City Charter stated that a City employee cannot be a member of a board or a commission that had jurisdiction over their department, but that did not preclude continued service of an incumbent on a Board. The Board for Registration of Voters did not have jurisdiction over the Clerk/Treasurer's Office.

Without objection, City Council President Keogh made a motion to waive the reading, accept the report and place it on file. The motion passed unanimously.

13.5. (was 3.03.) RESOLUTION: Authorization for Execution of Amendment of Leasehold Agreement at Burlington International Airport (Board of Finance)

Councilors Adrian and Bushor made a motion to waive the reading and adopt the resolution. Councilor Adrian thanked the Airport Staff for being present. Because the language of the resolution was unclear, he noted there was a communication clarifying that the City would not be funding Heritage in any way.

Councilor Bushor proposed an amendment stating that supporting documents should be attached to this resolution. Attaching the additional information would make the resolution more clear and specific. Councilor Adrian accepted the amendment as friendly.

The motion to adopt the resolution passed unanimously.

13.5.01. (was 3.02.) COMMUNICATION: Burlington International Airport (“Airport”), re: Finance Board Approval Request – Amendment to an Existing Agreement with a Fixed Base Operator (Continued from May 4, 2011)

Councilors Adrian and Bushor made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

13.5.02. COMMUNICATION: Joe Farnham, Esq., re: Heritage Lease Information

Councilors Adrian and Bushor made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

13.6. (was 3.30.) RESOLUTION: Changes to Parking Fee Structure at City Parks (Board of Finance)

Councilors Mulvaney-Stanak and Shannon made a motion to waive the reading and adopt the resolution.

Parks and Recreation Director Steinbach was present at the Council meeting to answer any questions. Councilor Shannon stated she had raised concerns with the Board of Finance and the Parks and Recreation Director about increasing the fee at Oakledge Park. Residents of her ward had been advocating lowering the fee because people park outside of the park and in their neighborhoods. This made finding parking difficult for residents. The proposal she had discussed with Parks and Recreation Director Steinbach was to exclude Oakledge from the fee increases. She felt this was a reasonable request and suggested adopting kiosk parking outside of the park, generating revenue. Councilor Shannon, seconded by Councilor Hartnett, offered an amendment to allow the Director of Parks and Recreation to increase the daily resident parking fee at Perkins Pier, the Waterfront, North Beach and Leddy Park parking lots. Councilor Mulvaney-Stanak did not accept the amendment as friendly.

Councilor Bushor asked for a point of information on the proper name for Waterfront Park. Parks and Recreation Director Steinbach stated it should be Pease Lot at Waterfront Park.

Councilor Hartnett asked for clarification on the necessity of excluding Oakledge. Councilor Shannon stated that parking fees were pushing people out of the Oakledge Parking Lot and into the neighborhoods. Councilor Hartnett stated the same issue arose at Leddy Park in the past. Councilor Decelles stated that in the past they did away with charging for parking at Leddy Park because it was causing parking congestion in nearby areas and did not generate enough income to pay for itself. Removing the fee solved the problems. It was concerning that there was a different fee structure at a different park.

Councilor Wright stated the Board of Finance supported the fee increase and City Council President Keogh felt that even if fees were reduced people would still park on those streets. Lowering the fee would not achieve the intended goal.

Councilor Bushor asked how a different rate structure would impact the Parks and Recreation Department's goal to generate \$30,000 through this revenue source. Ms. Steinbach stated that if Oakledge had a different structure they would lose \$3,000-\$5,000. Councilor Bushor stated she was sympathetic to the problem both at Oakledge and Leddy, but this was probably not the solution and she would not support the amendment.

Councilor Mulvaney-Stanak stated that the Department of Public Works and the Parks and Recreation Department needed to continue to work on this issue and carefully plan on how to manage parking. She offered examples of a variety of parking options used in waterfront communities. She did not believe that excluding certain parks was the right method for dealing with this issue. Councilor Berezniak spoke against the amendment stating that he believed it was important to have free parking available.

Councilor Shannon stated the problem was that cars park in the neighborhood even when the parking lot was empty. She was upset that Leddy Park had been treated differently in the past and believed that Oakledge should be allowed to receive special consideration as well. Longer term solutions needed to be addressed but this would help in the short term. She also noted that she was not asking for a change in special event parking fees. She stated that increasing the fees would be bad for low income residents and the neighborhood and she would like to stay at the current fee level.

Councilor Hartnett stated that the Council had learned from their mistakes in providing free parking at Leddy and he believed the same prices should apply to all parks.

The amendment failed with Councilors Shannon and Adrian voting in favor.

Councilor Decelles inquired if any steps had been taken to advertise lower rates to residents to generate more volume. Ms. Steinbach stated that, historically, lowering prices did not drive up volume and they instead had focused on promoting season passes.

Councilor Hartnett stated raising fees was something the Parks and Recreation Commission looked at very seriously. The Commission tried to make parks as affordable as possible and he supported the resolution.

The resolution passed by a vote of 10-2 with Councilors Shannon and Berezniak voting against.

13.6.01. (was 3.29.) COMMUNICATION: Mari Steinbach, Director, Department of Parks and Recreation, re: Proposed Parking Fee Increases

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

13.7. RESOLUTION: Authorizing for the Execution for a Collective Bargaining Agreement Between the City of Burlington and AFCSME Local 1943 (Board of Finance)

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

The motion passed by a vote for 11-1 with Councilor Adrian voting against.

14. COMMITTEE REPORTS

Councilor Paul stated the Parks Arts and Culture Committee would be meeting on May 25th and would be getting an update on the Moran Development Project.

Councilor Adrian stated the Charter Change Committee had voted to forward a Recall Resolution to the Council.

Councilor Bushor stated the Ward 1 Colchester Avenue Task Force was working to give input to the design of that road. Councilors and residents were welcome to attend.

Councilor Shannon stated the Ordinance Committee discussed the Taxi Licensing issue and the Downtown Smoking Ban. They were working on defining the essential elements of the taxi issue that would not require much debate to move forward more quickly. The Committee was reviewing a different approach to the Smoking Ordinance. The next meeting would most likely deal with the Taxi Issue, a Retirement Issue, and Smoking.

Councilors Wright and Berezniak made a motion to suspend the rules and continue the meeting past 10:30 p.m.. The motion passed unanimously.

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

Councilor Wright stated the Ward 4 and 7 NPA Meeting would take place the following evening. They would be discussing the special election questions. There were a number of things happening in light of the rain and flooding. The Mayor put together sandbagging efforts and that should be continued.

Councilor Mulvaney-Stanak stated Green Up day was May 1st and there was a lot of civic activity. She thanked the CEDO Staff and volunteers. She also stated the Social Equity Investment Project led a retreat centered around issues of race and diversity and accessibility.

Councilor Hartnett stated there would be a fundraiser in June to help flood victims. He stated the Council had passed a resolution requesting an update on Moran and would still like to see them come.

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

Mayor Kiss stated he would continue to be dealing with flood issues. He explained there would be a meeting focused on flooding with all departments to determine what could be done now and what the next steps would be. This problem would likely be difficult and prolonged and further response from the City would likely be necessary. He reiterated his feelings in regards to the Recall Resolution stating he felt it was bad policy and he had not signed the resolution.

He stated the Parks and Recreation Commission would be meeting to discuss the air show. In the past, the Vermont National Guard sponsored an air show and he received over 200 complaints about the noise and the carbon footprint. The Mayor had stated at that time that before a decision was made about holding another air show, the people of Burlington would be allowed to weigh in. The Parks and Recreation Commission said they would leave a time for comment at the Commission meeting and he encouraged residents to attend. The air show would take place in 2013.

17. ADJOURNMENT

Without objection, the meeting was adjourned at 10:40 p.m.

Attest:

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