

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, SEPTEMBER 14, 2009
7: 05 P.M.

PRESENT: Commissioners Decelles, Dober, Paul, Berezniak, Kehoe, Ellis, Keogh, Adrian, Kaplan, Bushor, Mulvaney-Stanak, Davis, and Caldwell, Mayor Kiss (arrived at 7:08 p.m.)

ABSENT: Commissioner Shannon

OFFICE OF CITY ATTORNEY: Ken Schatz, Gene Bergman (arrived at 7:35 p.m.), Richard Haesler, Jr. (arrived at 7:53 p.m.)

OFFICE OF CLERK/TREASURER: Jonathan P.A. Leopold, Jr. (arrived at 7:38 p.m.), Ben Pacy, Lori Olberg

PRESIDENT KEOGH PRESIDING

1. AGENDA

There were no changes to the agenda.

2. CONSENT AGENDA

On a motion by Commissioners Davis and Berezniak, the Local Control Commission voted unanimously to accept the consent agenda, thus taking the actions indicated:

2.01. REQUEST FOR ADDITIONAL SPACE FOR SECOND CLASS STORE LIQUOR LICENSE **(2009-2010)**:

Dedalus Wine Shop, 209 Battery Street

*waive the reading, accept the communication, place it on file and approve the request for additional space for Dedalus Wine Shop at 209 Battery Street

2.02. FIRST CLASS RESTAURANT LIQUOR LICENSE RENEWALS **(2009-2010)**:

Green Room, Manhattan Pizza and Souza

*waive the reading, accept the communication, place it on file and approve the 2009-2010 First Class Restaurant Liquor License Renewals for Green Room, Manhattan Pizza and Souza with all standard conditions and Fire Marshal approval

2.03. OUTSIDE CONSUMPTION PERMIT RENEWALS **(2009-2010)**:

Green Room and Manhattan Pizza

*waive the reading, accept the communication, place it on file and approve the 2009-2010 Outside Consumption Permit Renewals for Green Room and Manhattan Pizza with all standard conditions and Fire Marshal approval

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION **(2009-2010)**:

BJ Rooney, LLC, d/b/a Rooney's Café, 173 College Street

Commissioner Davis made a motion, seconded by Commissioner Dober, to approve the 2009-2010 First Class Restaurant Liquor License application for BJ Rooney, LLC, d/b/a Rooney's Cafe. The motion passed unanimously.

4. ADJOURNMENT

On a motion by Commissioners Davis and Dober, the Local Control Commission voted unanimously to adjourn at 7:07 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
MONDAY, SEPTEMBER 14, 2009
7:07 P.M.

PRESENT: All Councilors. Councilor Shannon was present via telephone beginning at 7:25 p.m.

1. AGENDA

On a motion by Councilors Adrian and Davis, the Council voted unanimously to amend the agenda as follows: amend the "BE IT FURTHER RESOLVED" clause for consent item 6.05. RESOLUTION: Concerning the Burlington Farmers' Market (Councilors Adrian, Kaplan, Kehoe, Ellis, Keogh, Berezniak, Decelles, Paul, Dober) to read as follows: BE IT FURTHER RESOLVED that the Parks, Arts and Culture Committee shall report its findings back to the Council no later than the meeting of December 7, 2009 with recommendations for action on this issue;" remove from the consent agenda item 6.16. RESOLUTION: Supplemental Budget Resolution #2009-___ General Fund Step Increase and Cost of Living Allowance Adjustments (Board of Finance) and place it on the September 21, 2009 City Council Consent Agenda; amend the action for consent agenda item 6.25. RESOLUTION: Johnathan Croft, AOT GIS Database Administrator, State of Vermont, Planning, Outreach and Community Affairs Division, re: Guidance Document to "waive the reading, accept the communication, place it on file and refer it to Steve Goodkind and the Department of Public Works;" note corrected information provided by CAO Leopold for consent agenda item 6.32. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for August 10, 2009 (re: a typo in the 1% COLA section of the minutes-the vote should read: approved by a vote of 3 to 2, with the Mayor and Keogh voting against); add to the consent agenda item 6.35. RESOLUTION: Purchase and Financing of New Snow Plow (Board of Finance) with the consent action to "waive the reading and adopt the resolution;" add to the consent agenda item 6.36. RESOLUTION: Purchase and Financing of New Ambulance (Board of Finance) with the consent action to "waive the reading and adopt the resolution;" add to the consent agenda item 6.37. RESOLUTION: Purchase and Financing of New Police Vehicles (Board of Finance) with the consent action to "waive the reading and adopt the resolution;" remove from the consent agenda item 6.15. RESOLUTION: Improvements to the Southern Entrance to the Route 127 Bike Path (Councilor Berezniak) and place it on the DELIBERATIVE agenda as item 13.5; also note that Councilor Ellis is now a co-sponsor of the resolution; remove from the agenda item 13.5. RESOLUTION: Improvements to the Southern Entrance to the Route 127 Bike Path (Councilors Berezniak and Ellis) and place it on the September 21, 2009 City Council Deliberative Agenda. Councilor Davis added himself as a co-sponsor on items 9. RESOLUTION: Open Government Committee's Recommendations About Information Technology (Councilors Bushor, Keogh,) item 10. RESOLUTION: Recommendations from the Open Government Committee to the Department of Planning & Zoning (Councilor Bushor) and item 13.

RESOLUTION: Replacing the Homestead Property Tax for Non-Education Spending (Councilor Bushor) Further, Councilor Davis asked that item 6.04.RESOLUTION: Consideration of Changes to the City Charter to Clarify the Mayoral Appointment and Reappointment Process (Councilor Shannon) and item 6.05.RESOLUTION: Concerning the Burlington Farmers' Market (Councilors Adrian, Kaplan, Kehoe, Ellis, Keogh, Berezniak, Decelles, Paul, Dober) be removed from the consent agenda and placed on the Deliberative agenda as items 13.5 and 13.6, respectively.

2. PUBLIC FORUM

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

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Tom Buckley/ Larry Kupferman		Clean Energy Assessment District
Roger Cole	3	Vehicle Noise, Recruitment
Jon Griesser		Entrance to Rt. 127 Bike Path
Chris Wagner		Burlington Farmer's Market
Jared Wood	1	Speed on Colchester Avenue

There being no one further coming forward, President Keogh closed the public forum at 7:44 p.m.

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

Councilor Bushor spoke about Ward 1's NPA meeting at which members of the School Board were present. They noted that action had been taken by collaborating with the City and reviewing cost savings. Information will be coming to the Council outlining their decisions. She also noted that the proposal from DPW to reduce the speed limit from 30 to 25 m.p.h. received a favorable response from the group in attendance. Councilor Bushor then spoke about efforts being initiated to make the Colchester Avenue corridor safer to cross.

Councilor Ellis expressed his appreciation for letters he has received about the efforts of the Police Department in dealing with the noise issue in the community and also thanked Roger Cole who has been bringing this issue to the Council for months in his attempt to make the City a more livable city.

Councilor Mulvaney-Stanak informed the Council and the public of the upcoming parade and celebration of the two new magnet schools (Wheeler and Barnes). She then expressed her appreciation to Councilors Ellis and Berezniak for their support in working on an upgrade to the entrance of the Route 127 bike path.

Councilor Kaplan shared her experiences of riding with a police officer on a Friday evening. She expressed her new appreciation of the ordinances and work done by the License Committee.

Councilor Caldwell shared her recent experiences with the Department of Public Works who dealt very quickly with the public's concerns about traffic signals in her ward. She again reminded residents of the upcoming School Board election.

Councilor Paul spoke about a recent tour of the Moran Plant. Having been inside the plant ten years ago, she could appreciate the difference and now sees the potential of the building. She congratulated the School Board for making a decision to install an elevator in Edmunds School.

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

The Mayor informed the Council that the Joint Fiscal Committee of the Legislature approved Burlington's plan for the expansion of the TIF District the week prior. This is a central piece to the success of the Moran Plant project. He expressed his appreciation to the Burlington Delegation for all their work on this.

The Mayor then stated that experts on pedestrian and bike safety were in town and were very impressed with the course that Burlington is on to protect the public and to educate people on sharing the road. He outlined the number of activities that occurred over the weekend and noted the ways in which it affects and enhances the social fabric of the community.

He then noted that Faye Lawes, the Mayor's Secretary for a number of years, has retired and a celebration of her work for the City will be held in October.

Finally, he informed the Council that the applicant selected as the Director of Code Enforcement declined the position and the application process will be re-opened.

5. COMMITTEE REPORTS

Councilor Bushor stated the HR Committee was discussing the management compensation issue and is developing the documentation that the Council requested. She hoped to have the information available at the first meeting in October.

Councilor Berezniak informed the Council of the recent Community Development Committee meeting which discussed the refinancing of the Salmon Run apartment complex, bringing 41 more affordable housing units online. They also reviewed the Brownfields Economic Development Grant and Loan, as well as the disposition of the funds received from the settlement with Verizon/Fairpoint and Adelphia.

6. CONSENT AGENDA

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

6.01. ORDINANCE: OFFENSES AND MISCELLANEOUS PROVISIONS Re: Noise Control Ordinance (Police Department)(1st reading)

*consider this 1st reading and refer to the Ordinance Committee

6.02. COMMUNICATION: Richard W. Haesler, Esq., Assistant City Attorney, re: Noise Ordinance Amendment

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

6.03. RESOLUTION: Step Placement for the Manager of Marketing and Customer Service at Burlington Telecom (Board of Finance)

*waive the reading and adopt the resolution

6.04. RESOLUTION: Consideration of Changes to the City Charter to Clarify the Mayoral Appointment and Reappointment Process (Councilor Shannon)

*waive the reading and adopt the resolution

6.05. RESOLUTION: Concerning the Burlington Farmers' Market (Councilors Adrian, Kaplan,

Kehoe, Ellis, Keogh, Berezniak, Decelles, Paul, Dober)

*waive the reading and adopt the resolution

6.06. RESOLUTION: Reclassification of the Burlington Electric Department Purchasing and Inventory Specialist –Production (McNeil) (Board of Finance)

*waive the reading and adopt the resolution

6.07. RESOLUTION: Step Placement for the CEDO Assistant Director of Finance (Board of Finance)

*waive the reading and adopt the resolution

6.08. RESOLUTION: Authorization to Accept Grant for Land Purchases and to Contract for Relocation Services at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

6.09. RESOLUTION: Authorization to Accept Grant for Taxiway Lighting Upgrade and to Contract for Services at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

6.10. RESOLUTION: Authorization for Land Purchases in Anticipation of Federal FY 2009 AIP Grant Funds for Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

6.11. RESOLUTION: Authorization for Land Purchases in Anticipation of Federal FY 2010 AIP Grant Funds for Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

6.12. RESOLUTION: Authorization to Accept Grant Offer and for Execution of Agreements for Taxiway “C” Reconstruction at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

6.13. RESOLUTION: Authorization to Accept Grant Offer and for Execution of Agreements for Taxiways “J” and “G” Construction at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

6.14. RESOLUTION: Authorization to Accept An American Recovery and Reinvestment Act Grant and for Execution of Agreements for Taxiway “C” and “G” Intersection Construction at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

6.17. RESOLUTION: Supplemental Budget Resolution #2009-Final Budget Reconciliation (Board of Finance)

*waive the reading and adopt the resolution

6.18. COMMUNICATION: Tom Buckley, BED, and Larry Kupferman, CEDO, re: Implementation Plan for the Clean Energy Assessment District

*waive the reading, accept the communication, place it on file and refer to the Transportation, Energy and Utilities Committee

6.19. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List

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

6.20. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Zoning Amendments: ZA-09-08 Parking Lot Shading and ZA-09-17 Street-Facing Garage Wall Design Standards

*waive the reading, accept the communication, place it on file and warn a public hearing for the October 5, 2009 City Council Meeting

6.21. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Sue Trainor, Assistant to the CAO, re: Special Meeting, City Council Minutes for January 21, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 21, 2009 City Council Meeting

6.22. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council for April 27, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 21, 2009 City Council Meeting.

6.23. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council for May 11, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes at the September 21, 2009 City Council Meeting

6.24. COMMUNICATION: Margaret Poirier, Clerk BRV, re: Board for Registration of Voters Mid-Summer Update, August 18, 2009

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

6.25. COMMUNICATION: Johnathan Croft, AOT GIS Database Administrator, State of Vermont, Planning, Outreach and Community Affairs Division, re: Guidance Document

*waive the reading, accept the communication, place it on file and refer to Steve Goodkind and the Department of Public Works

6.26. COMMUNICATION: Timothy George, Chair, Telecommunications Advisory Committee, Re: Resignation of Kirstin McCracken

*waive the reading, accept the communication, place it on file, advertise the vacancy (already did) and send a letter of appreciation to Kirstin McCracken thanking for her time served on the Telecommunications Advisory Committee

6.27. COMMUNICATION: William Perkins, VLCT President, Vermont League of Cities and Towns, Re: Proposed Vermont League of Cities and Towns Bylaws Changes

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

6.28. INDOOR ENTERTAINMENT PERMIT RENEWALS (2009-2010): see attached list

*waive the reading, accept the communication, place it on file and approve the 2009-2010 Indoor Entertainment Permit Renewals for Green Room, Manhattan Pizza and Souza

6.29. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (9/11/09):

Scuffer Steak and Ale House @BED Parking Lot, Friday, September 11, 2009, 6 p.m. – 11 p.m.,

Art Hop Rotary Club Fundraiser, Band playing from 8 pm to 11 pm under tent

*waive the reading, accept the communication, place it on file and ratify the Special Event Outdoor Entertainment Permit Application for the Scuffer Steak and Ale House

6.30. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (9/12/09):

Scuffer Steak and Ale House @BED Parking Lot, Saturday, September 12, 2009, 5 p.m. – 11 p.m., Art Hop Fashion Show, Dancing, DJ spinning music from 5 p.m. – 11 p.m. under tent

*waive the reading, accept the communication, place it on file and ratify the Special Event Outdoor Entertainment Permit Application for the Scuffer Steak and Ale House

6.31. COMMUNICATION: Brian Pine, Assistant Director for Housing, CEDO, re: Champlain Housing Trust (CHT) evaluation: *Lands in Trust, Homes That Last*

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

6.32. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for August 10, 2009

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

6.33. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for August 24, 2009

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

6.34. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for August 31, 2009

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

6.35. RESOLUTION: Purchase and Financing of New Snow Plow (Board of Finance)

*waive the reading and adopt the resolution

6.36. RESOLUTION: Purchase and Financing of New Ambulance (Board of Finance)

*waive the reading and adopt the resolution

6.37. RESOLUTION: Purchase and Financing of New Police Vehicles (Board of Finance)

*waive the reading and adopt the resolution

7. PRESENTATION: Chris Donnelly, Director of Community Relations, Champlain Housing Trust, re: Community Land Trust Innovation in Burlington, USA: International Study Visit: 13th – 19th September 2009

Brenda Torpy, CEO for the Champlain Housing Trust and Diane Diacon, Director of the Building and Social Housing Foundation spoke to the Council. The United Nations Housing Organization accepted the Foundation's recommendation to recognize the work being done by the Champlain Housing Trust by giving them the World Habitat Award. The model and example of the work done in Burlington is one that needs to be spread throughout the world and 25 representatives from around the world are here in Burlington to review the systems that were set up to bring affordable housing to a community and its residents. Ms. Diacon thanked the City for its support over the years with this program.

7.01. COMMUNICATION: Champlain Housing Trust, re: Community Land Trust Innovation in Burlington, USA: International Study Visit: 13th-19th September 2009

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

8. COMMUNICATIONS (2): Clerk/Treasurer's Office, re: Openings Burlington City Commissions/Boards

There being no objection from the remaining Council, President Keogh made a motion to waive the readings, accept the communications and place them on file.

- 8.01. APPOINTMENT: Housing Board of Review (Term expires 6/30/14)

Councilor Adrian nominated Loyal Ploof.

Councilor Bushor, calling a Point of Order, stated she felt it was appropriate to re-advertise this position in an effort to receive more than one application. President Keogh stated her motion was not in order and they would proceed with the voting.

The vote to appoint Loyal Ploof failed by a vote of 8 to 6, with Councilors Adrian, Keogh, Ellis, Kehoe, Berezniak, Paul voting in favor.

Councilor Caldwell made a motion to re-advertise the position on the Housing Board of Review, seconded by Councilor Bushor. The motion passed unanimously.

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

Councilor Ellis nominated Bob Schwartz

Bob Schwartz was appointed to the Development Review Board as an Alternate.

- 8.03. APPOINTMENT: Telecommunications Advisory Comm. (Term expires 6/30/11)

Councilor Caldwell nominated David Pocius.

David Pocius was appointed to the Telecommunications Advisory Committee.

- 8.04. APPOINTMENT: Telecommunications Advisory Comm. (Term expires 6/30/11)

Councilor Kaplan nominated Eli Lesser-Goldsmith.

Councilor Caldwell nominated Peter Jewett.

Councilors Berezniak, Kehoe, Ellis, Shannon, Keogh, Adrian, Kaplan voted in favor of Eli Lesser-Goldsmith.

Councilors Caldwell, Davis, Mulvaney-Stanak, Bushor, Paul, Dober and Decelles voted for Peter Jewett.

Councilor Davis made a motion, seconded by Councilor Caldwell, to re-advertise the position. The motion passed unanimously.

9. RESOLUTION: Open Government Committee's Recommendations About Information Technology (Councilors Bushor, Keogh, Davis)

Councilor Bushor made a motion, seconded by Councilor Davis, to waive the reading and adopt the resolution. Councilor Bushor outlined the history of the Council and this Committee, as well as the importance that was placed on this issue by the prior Council members. This resolution calls for the creation of, the expansion of and the investment in a uniform IT software system that the City can use, as well as the consolidation of the City's IT personnel into one department.

Councilor Dober suggested that Burlington Telecom should be able to provide some servers to the City to address these needs. Councilor Mulvaney-Stanak expressed her enthusiastic support of this resolution, stating that constituent complaints such as knowing when meetings are being held and being able to access agendas would be dealt with in the passage of this resolution. She also requested that Code Enforcement develop a "Frequently Asked Questions" page.

Councilor Ellis observed that the amount of money being requested to be spent on this item is the amount the taxpayers did not want to spend on compensation increases for managers. He did not believe this matter had been dealt with sufficiently in public in order for residents to be aware of the money being spent. Further, it was unclear which was more important: to increase salaries or to purchase software. Councilor Bushor explained that this was a process that was very public as it was part of the discussion of the Open Government Committee and was something that the public stated they wanted.

Councilor Caldwell made a motion, seconded by Councilor Adrian, to refer this resolution to the Board of Finance to report back to the Council by mid-October. This was considered friendly by the maker and the seconder of the resolution. Councilor Kaplan suggested that the City should outsource where appropriate because with web development and web design it was impossible to stay above the curve in these areas. CAO Leopold addressed this concern. The amended resolution was adopted unanimously.

10. RESOLUTION: Recommendations from the Open Government Committee to the Department of Planning & Zoning (Councilor Bushor, Davis)

Councilor Bushor made a motion, seconded by Councilor Davis, to waive the reading and adopt the resolution. This resolution requested a report back from Planning and Zoning which reflected the progress of the recommendations. This resolution also asked that larger projects be noticed not only to the abutters, but to those who were across the street. Following a question from Councilor Ellis, Planning and Zoning Director David White noted that all projects submitted to the office are posted online on a daily basis for the public to review. The resolution was adopted unanimously.

11. COMMUNICATION: Larry Kupferman, Director and David Weinstein, Special Projects Coordinator, CEDO, re: BEDI Grant – Moran Project

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

11.01. RESOLUTION: Authorization to Execute the 2009 BEDI Grant Award Obligation for the Moran Redevelopment Project (Councilors Keogh, Davis, Decelles: BOF: Berezniak, Ellis, Mulvaney-Stanak: Community Development Committee)

Councilor Berezniak made a motion, seconded by Councilor Ellis, to waive the reading and adopt the resolution. CEDO Director Larry Kupferman and Special Projects Coordinator David Weinstein were available for questions. Councilor Dober asked what the final cost of the Moran Project was going to be. Mr. Kupferman reminded Councilor Dober that there have been a number of documents provided in executive session already to the Council. This information needs to stay confidential as they negotiate development agreements with the tenants. He then noted there were different aspects to the project: the site, the center and waterfront north. Following another question from Councilor Dober, Mr. Kupferman

stated that the original guide that was put together on the project stated the cost to be approximately \$21 million and they did not foresee at this time that it would be any more than that, with the hope that they could come in under that amount.

Councilor Ellis asked if the use of this money would significantly upgrade the value of the property regardless of whether anything goes in the building. CEDO Director Kupferman stated the work that has been done on the building over this year has already done that. The spending of the grant and loan dollars would be dedicated to reconstruction purposes, which would require a formal reconstruction plan.

Councilor Bushor spoke in support of the resolution, stating this was one of 7 projects nationwide to be awarded the BEDI grant. The resolution was adopted unanimously.

12. COMMUNICATION: Larry Kupferman, Director and Brian Pine, Assistant Director for Housing, CEDO, re: Salmon Run preservation and rehab project

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

- 12.01. RESOLUTION: Support for Salmon Run Apartments Loan Restructuring
(Councilors Berezniak, Ellis, Mulvaney-Stanak: Community Development Committee)

Councilor Ellis made a motion, seconded by Councilor Kehoe to waive the reading and adopt the resolution. Councilor Bushor added language to one of the clauses re-emphasizing the importance of increasing the number of perpetually affordable homes. The language was friendly to the maker and the seconder.

Brian Pine, Larry Kupferman from CEDO, Amy Demetrowitz from Champlain Housing Trust and Ken Sassarossi from Housing Vermont were present to answer questions. Councilor Mulvaney-Stanak expressed her appreciation for the partnership between the City and the Champlain Housing Trust. Councilor Adrian wanted it noted that the City's involvement with this loan was merely as a pass-through agent for federal money. Brian Pine from CEDO agreed this was correct. The resolution, as amended, was adopted unanimously.

13. RESOLUTION: Replacing the Homestead Property Tax for Non-Education Spending
(Councilor Bushor, Davis)

Councilor Bushor made a motion to waive the reading and adopt the resolution. The motion was seconded by Councilor Davis. Councilor Bushor explained that in 2007 the City Council asked the Administration to report on this issue. The Council received the report but no action was ever taken by the Council. This current resolution asked that the Administration revise the previous report. Councilor Bushor noted that this would help those who were property rich but cash poor.

The motion passed by a vote of 11 to 3, with Councilors Adrian, Shannon and Kehoe voting against.

- 13.5 RESOLUTION: Consideration of Changes to the City Charter to Clarify the Mayoral Appointment and Reappointment Process (Councilor Shannon)

Councilor Adrian made a motion, seconded by Councilor Shannon, to waive the reading and adopt the resolution. Councilor Shannon explained that there were conflicts between the Charter and the Ordinance and this resolution would look at addressing these issues. The motion passed unanimously.

- 13.6 RESOLUTION: Concerning the Burlington Farmers' Market (Councilors Adrian, Kaplan, Kehoe, Ellis, Keogh, Berezniak, Decelles, Paul, Dober)

Councilor Adrian made a motion, seconded by Councilor Kehoe, to waive the reading and adopt the resolution. Mayor Kiss explained the substance of the talks that the Administration, Parks and Recreation Department and the Farmer's Market had regarding the idea of expansion in City Hall Park. Following a question from Councilor Caldwell, Mayor Kiss explained that a three year agreement was already finalized with the Market and that no one had discussed this resolution with him prior to it being put on the agenda.

Councilor Bushor, after realizing that not all of the Market participants knew of the resolution, suggested there be an amendment noting that a majority of the Burlington's Farmer Market wanted to utilize the space. President Keogh followed up by stating that particular whereas clause would be stricken.

Councilor Berezniak stated his support of the resolution. Councilor Decelles stated his support of the Farmers' Market but was now concerned that the resolution did not reflect the position of the full membership of them. He then made a motion to table the resolution, seconded by Councilor Dober. The motion failed by a vote of 12 to 2, with Councilors Dober and Decelles voting against.

Councilor Decelles called the question, seconded by Councilor Ellis. The motion passed unanimously.

The amended resolution then passed unanimously.

14. ORDINANCE: FIRE PROTECTION AND PREVENTION Chapter 13 Revisions
(Councilors Shannon, Bushor, Mulvaney-Stanak: Ordinance Comm.)
(2nd reading)

Councilor Bushor made a motion to refer the ordinance back to the Ordinance Committee, seconded by Councilor Mulvaney-Stanak. She then outlined the changes to the Council members that had been made up to this point and mentioned that many of the changes would be affecting single family homeowners. Councilor Adrian was concerned about the costs to implement these changes in private homes. Battalion Chief Terry Francis was available to answer questions of the Council. Councilor Caldwell stated that while she was very concerned about the safety of the City's residents, installing expensive equipment in single family homes would be very difficult for some and she was uncomfortable requiring people to do so. Councilor Dober disagreed strongly with the idea that the City would enforce this type of requirement for single family homes. Councilor Davis stressed that it needed to be clear the financial burden that was being asked of his constituents. He asked if fines would be given to those who could not afford to be in compliance with the ordinance. At this time the President stated these items could be discussed at the Committee level. The motion to refer to the Ordinance Committee passed unanimously.

- 14.01. COMMUNICATION: BC Terence Francis, Fire Marshal, re: B.C.O Chapter 13 Fire Protection and Prevention

- 14.02. COMMUNICATION: Assistant Fire Marshal Tom Middleton, re: Summary of the Fire Safety Ordinance Revisions

There being no objection from the remaining Council, President Keogh made a motion to waive the readings, accept the communications and place them on file.

15. COMMUNICATION: Gene Bergman, Senior Assistant City Attorney and Chief O'Neil, re: City Emergency Response Plans (oral)
16. COMMUNICATION: Bill Ellis, Esq. and Jonathan P.A. Leopold, Jr., CAO, re: Burlington

Telecom (oral)

Councilors Ellis and Adrian made a motion to go into executive session to discuss public safety and security as well as pending litigation, premature public disclosure of which would clearly place the City at a disadvantage. Prior to the vote, Councilor Adrian asked that two documents be considered public documents. One of the documents was a letter addressed to the Clerk of the Public Service Board dated June 9, 2009 and the other was a document from August 21, 2009 from the same individual. The Council voted unanimously to go into executive session (9:53 p.m.). (Also present in executive session were: Fire Chief Michael O'Neil, Assistant CAO for Management and Administration Ben Pacy and Interim Code Enforcement Director Gene Bergman. Joan Shannon was no longer present on the phone for these discussions.)

* * * * EXECUTIVE SESSION * * * *

On a motion by Councilors Bushor and Ellis, the Council voted unanimously to go out of executive session at 11:07 p.m.

17. ADJOURNMENT

On a motion by Councilors Kaplan and Kehoe, the Council voted unanimously to adjourn at 11:08 p.m.

Attest:

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

CITY COUNCIL WITH MAYOR PRESIDING
MONDAY, SEPTEMBER 14, 2009
9:45 P.M.

PRESENT: See above.

MAYOR KISS PRESIDING:

1. AGENDA

On a motion by Councilors Keogh and Bushor the agenda was amended as follows: remove from the agenda item 2. APPOINTMENT: Design Advisory Board (Term expires 6/30/10)

3. APPOINTMENT: Board of Tax Appeals (Term expires 6/30/10)

Councilor Keogh nominated Marc Monheimer.

Marc Monheimer was appointed to the Board of Tax Appeals.

4. ADJOURNMENT

On a motion by Councilors Bushor and Davis, the City Council With Mayor Presiding voted unanimously to adjourn at 9:51 p.m.

Attest:

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