



Regular City Council Meeting - Monday, December 7, 2015 - 7:00 pm - Contois Auditorium, City Hall 12/7/2015

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

December 7, 2015

Approved

MEMBERS PRESENT: Jane Knodell (Council President) – Central District

David Hartnett – North District

Joan Shannon – South District

Selene Colburn, East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Sara Giannoni, Ward 3

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Tom Ayres – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Miro Weinberger, Mayor

Eileen Blackwood, City Attorney

Richard Haesler, Assistant City Attorney

Bob Rusten, CAO

Rich Goodwin, ACAO

Jennifer Kaulius, Mayor’s Office

Brian Lowe, Mayor’s Office

Lori Olberg, Clerk/Treasurer Office



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Chapin Spencer, DPW

Norm Baldwin, DPW

Dave Allerton, DPW

Jesse Bridges, Parks & Rec

Peter Owen, CEDO

Kirsten Merriman Shapiro, CEDO

OTHERS PRESENT: Jessica Summer, Burlington Partnership for a Healthy Community

Tony Redington, Safe Streets Burlington

Ron Ruloff, Cathedral Square

Alysa Russel, BHS

Rachel Watson, BHS

Rachel Horton, BHS

John Bossange

Sally Matson, BHS

Jill Nye

Steve Goodkind

Ibnar Axviliz

Larry Ribbecke

Curtis Reed

Kesha Ram

Jason Maulucci, UVM Student Government

Tyler Davis, UVM Student Government

Lachlan Francis, UVM Student Government

[Note: Minutes reflect the order of the published agenda.]

1.0 CALL TO ORDER and AGENDA

Council President Knodell called the meeting to order at 7:04 PM on December 7, 2015 and led the assemblage in the



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Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Colburn, SECOND by Councilor Wright, to approve the agenda with the following amendments to the items listed and to take the action indicated:

- **Note final version and added attachment for Item 5.01 Diversity & Equity Strategic Plan Update.**
- **Note materials for Item 5.07 Charter Changes.**
- **Add Ordinance Committee as co-sponsor of Item 5.04 Smoking Prohibition in City Parks.**
- **Remove Item 5.08 Action against Gun Violence and add to December 21, 2015 Deliberative Agenda.**

VOTING: unanimous; motion carried.

2.0 PRESENTATIONS

2.01 UVM Student Government Association Leadership

Jason Maulucci, President of the UVM Student Government Association, Tyler Davis, Vice President of the UVM Student Government Association and Lachlan Francis, Chair of the Student Committee on Legislative Action, gave a presentation on initiatives to engage students with the community to address alcohol and drug use and the impact on the community, including holding events on "high risk" weekends and operating a 'safe ride home' program. The community coalition has been ongoing since 1996 and focuses on events to reduce complaints on problem streets, such as Isham Street. Mechanisms continue to be implemented that will ensure progress does not end.

City councilors expressed appreciation for the initiatives which are impacting people in a positive way and thanked the students for the presentation. Councilor Colburn mentioned the vital importance of having quality of life patrols in neighborhoods.

2.02 Update on Champlain Parkway Project

Chapin Spencer, DPW, recognized the progress on the Champlain Parkway project due to the work and dedication of staff. Components and features of the project were reviewed. The following was noted:

- The project as designed is a 25 mph multi-modal city street.
- C-1 (I-89 to Home Avenue) is a two lane road decreasing in speed to 25 mph. C-2 (Home Avenue to Lakeside Avenue) is a new street with two lanes and a shared use path and fencing. C-6 (Lakeside Avenue to Main Street on Pine Street) is a two lane road with a shared use path and robust pedestrian and transit accommodations.
- The project is much improved from the original design.
- Funding is 95% federal, 3% state, 2% city.





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- Approvals are in place. Some improvements have been implemented.
- Next steps include completing the engineering plans, acquiring any remaining and needed rights-of-way, updating permits if necessary, bringing the engineering plans to construction level of design and bidding the project.
- Construction is slated for 2018-19 with Pine Street and Lakeside Avenue being done first then south of Lakeside.
- There are other projects (Railyard Enterprise Project) to bring forward to address related issues (through connection for all modes between Pine Street and Battery Street).

Councilor Shannon requested the following:

- o The rotary project and connector work not be done at the same time.
- o No left turn at the Maple Street/Pine Street intersection.
- o Install traffic calming in the Maple-King neighborhood.
- o Improve the wayfinding signage to the ferry, interstate, and UVM.

Chapin Spencer stated both the roundabout and parkway projects are advancing and ways to minimize impacts will be sought. A left turn from Maple Street will be prohibited if queueing is worse than projected. Traffic calming on King Street and Maple Street is being done now. Wayfinding signage will expand to the south end Arts District.

Councilor Tracy said the multi-modal access on the Champlain Parkway is disappointing and should include the best infrastructure in terms of bike lanes. Chapin Spencer noted the shared use path does not move the curb on Pine Street which cannot be moved.

Councilor Mason asked if changes to the project can still be made. Chapin Spencer said there are permits for the project in place so to make changes could significantly add to the cost. Mayor Weinberger added there are years of work ahead to get the project to construction and the city is continuing on the path with continued support from a diverse group of supporters. City Council made a decision in 2012 to move forward with the project.

3.0 PUBLIC FORUM

Public Forum commenced at 7:30 PM.

PUBLIC COMMENTS

- Ø Jessica Summer, Burlington Partnership for a Healthy Community, spoke in support of the ban on smoking in parks and at the beaches.
- Ø Tony Redington, Safe Streets Burlington, spoke in support of design changes to the Champlain Parkway to provide safe



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and livable streets in the south end. Protected bike lanes and sidewalks are needed. There will be a decay in safety due to traffic signals at the intersections rather than roundabouts.

Ø Ron Ruloff, Cathedral Square, alleged a good deal of the food donations to Chittenden Emergency Food Shelf are taken by volunteer workers and drug addicts and ex-cons who cannot pay rent yet have money to buy drugs, and that the money raised from fund raising is used to pay salary increases and bonuses to the now five full time employees at the food shelf.

Ø Alys Russell, BHS senior and member of Students Taking Actions and Risks Together (START) spoke in support of the smoking ban in parks.

Ø Rachel Watson, BHS senior and member of START, spoke in support of the smoking ban, noting her asthma and severe allergy to smoke prohibit her from using the parks if there are people smoking.

Ø Rachel Horton, BHS senior and member of START, spoke in support of the smoking ban and suggested certain areas be designated in the park where people can smoke.

Ø John Bossange spoke in support of the smoking ban ordinance which creates areas that allow smoking so all can enjoy the parks. Mr. Bossange stressed smoking has always been a public health issue.

Ø Sally Matson, BHS senior, spoke in support of the smoking ban in parks. [Councilor Hartnett recognized Ms. Matson's participation on the All North Field Hockey Team representing Burlington High School.]

Ø Jill Nye spoke in support of the smoking ban ordinance.

Ø Steve Goodkind commented on the southern connector as follows:

- o The current project is not what was envisioned over the past 35 years. The current project is a creation of the Federal Highway Administration through VTrans and is designed to get the project off the state's list rather than meet the needs of Burlington.

- o The project as currently designed defies the principles of neighborhood protection and roadway design the city espouses and will not accomplish what it should after 35 years of effort.

- o The first phase of the project will decrease access and increase congestion and does not connect to Battery Street – all components that were sacred to the project for all of its history.

- o The current Public Works Director admitted the city is not getting what it wants with the project. There was objection to phasing in the past yet now the project is being phased. The Mayor and his predecessors knew the project was flawed yet felt some future project would correct the problems.

- o The "take it or pay back \$8 million" lesser of two evils argument does not hold because history shows the project changed and the city has not had to pay back the money. The current project is a poor excuse for the lesser of two evils argument.

- o It is time to reboot, look at new ideas, use parts of the project (road to nowhere), look at options (make Pine Street a 'complete street'), and show leadership to turn the project around.

Ø Iban Axviliz spoke of having more public input on the design of the Champlain Parkway that would include modern design by modern safety standards for biking and walking (i.e. use of roundabouts). Congestion will increase with traffic lights. Mr. Axviliz asked about use and payback of TIF funding for the contaminated soil pile at Leddy Park, and exploring use of TIF funding to run a pipe from the McNeil power plant to the mall for heat.



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Ø Larry Ribbecke spoke in support of the southern connector of the Champlain Parkway going forward to provide badly needed relief to the Flynn Avenue neighborhood. Providing the greatest good to the greatest number of people should be the goal. If the project is not perfect it is fine to compromise to move toward completion.

There were no further comments and the Public Forum was closed at 8:02 PM.

4.0 CONSENT AGENDA

- 4.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 4.02 COMMUNICATION: Accountability List
- 4.03 COMMUNICATION: Minutes, Public Safety Committee
- 4.04 COMMUNICATION: Burlington Bike Path Rehab Contract Addendum
- 4.05 COMMUNICATION: Minutes, Board of Finance 9/21/15
- 4.06 COMMUNICATION: Minutes, Board of Finance 10/5/15
- 4.07 COMMUNICATION: Minutes, Board of Finance 10/13/15
- 4.08 COMMUNICATION: Minutes, Board of Finance 10/19/15
- 4.09 COMMUNICATION: Community Development Specialist I Position
- 4.10 COMMUNICATION: General Fund Revenue (unaudited) September 2015
- 4.11 COMMUNICATION: 2016 Budget Amendment Report Quarter 1
- 4.12 COMMUNICATION: Sweep Accounts & Other Bank Accounts
- 4.13 COMMUNICATION: Vermont Association of Chiefs of Police Luncheon
- 4.14 COMMUNICATION: Resignation Letter from CSM Commission, Eli Lesser-Goldsmith
- 4.15 COMMUNICATION: Resignation Letter from CSM Commission, Robin Stuphen
- 4.16 COMMUNICATION: Chittenden County Assistant Judges Pre-Budget Meeting
- 4.17 COMMUNICATION: CCTA Proposed FY17 Budget Meeting
- 4.18 COMMUNICATION: Handout 10/26/15 from Ron Ruloff
- 4.19 COMMUNICATION: Handout 11/9/15 from Ron Ruloff
- 4.20 COMMUNICATION: VLCT Board Dues for 2016-17
- 4.21 COMMUNICATION: Updated City Council Meeting Schedule through August 2016
- 4.22 COMMUNICATION: FIO Documents



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- 4.23 COMMUNICATION: Minutes, City Council 8/10/15
- 4.24 COMMUNICATION: Minutes, City Council Work Session 9/2/15
- 4.25 COMMUNICATION: Minutes, Local Control Commission 9/8/15
- 4.26 COMMUNICATION: Minutes, City Council 9/8/15
- 4.27 COMMUNICATION: Minutes, Local Control Commission 9/21/15
- 4.28 COMMUNICATION: Minutes, City Council Mayor Presiding 9/21/15
- 4.29 COMMUNICATION: Minutes, Board of Abatement 9/21/15
- 4.30 COMMUNICATION: Minutes, City Council 9/21/15
- 4.31 COMMUNICATION: Minutes, City Council Work Session 10/13/15
- 4.32 COMMUNICATION: Minutes, City Council Mayor Presiding 10/13/15
- 4.33 COMMUNICATION: Minutes, City Council 10/13/15
- 4.34 COMMUNICATION: Minutes, City Council 10/26/15
- 4.35 COMMUNICATION: Minutes, City Council 11/9/15
- 4.36 COMMUNICATION: Minutes, City Council 11/16/15
- 4.37 COMMUNICATION: Minutes, City Council Mayor Presiding 11/16/15
- 4.38 ORDINANCE: Fire Protection/Prevention, Special Events/Festivals
- 4.39 RESOLUTION: Tax Settlement Agreement with City of Winooski
- 4.40 RESOLUTION: Approve/Certify District Reconciliation Waterfront TIF District
- 4.41 RESOLUTION: Reclassify/Title Change General Foreman Public Works
- 4.42 RESOLUTION: Reclassify/Title Change Executive Secretary and Junior Accountant Clerk/Treasurer's Office
- 4.43 RESOLUTION: Continued Reorganization BED
- 4.44 RESOLUTION: Newspaper for Publication of 2016 Election Warnings and Notices
- 4.45 RESOLUTION: Reorg - Parks & Recreation Department Positions
- 4.46 RESOLUTION: Reorg - Public Works Department Positions
- 4.47 RESOLUTION: Reclassify/Title Change General Foreman Parks Department

MOTION by Councilor Colburn, SECOND by Councilor Tracy, to accept the consent agenda (Items 4.01-4.47) and take the action indicated. VOTING: unanimous; motion carried.



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5.0 DELIBERATIVE AGENDA

5.01 Diversity & Equity Strategic Plan Update

Kesha Ram and Curtiss Reed highlighted the following:

- The Diversity & Equity Strategic Plan proposes implementation over a decade. The plan is divided into two sections: Mayor's initiatives and City Council's initiatives. The plan includes training on bias and diversity inclusion.
- The city has made progress in the past year and a half. Effort will be concentrated this year on HR, Police, and the Clerk/Treasurer's Office with the focus on civic engagement (more than just getting people to vote) and language access.
- Civic engagement framework is a spectrum of exchange of information, ideas, and resources. The language access plan will assist limited English proficiency persons in the city.

Mayor Weinberger stated the language access plan is a needed tool that has benefited the Fire Department. The city has benefited through more diverse hiring and retention.

Councilor Colburn suggested the public give feedback on the civic engagement plan. Also, the internal training of department heads should be extended to City Council. Mayor Weinberger said it is anticipated that a position focused on training will be hired in 2016.

Councilor Bushor echoed the suggestion to include City Council in the mandatory diversity training received by city departments and there should be structured interviewing access for all new hires, not just management positions. Curtis Reed explained the structured interviews were focused on management as a starting point and then will filter down to other positions. The team is advisory to the Mayor and provides feedback and observations on the implementation of the plan as well as being a sounding board for the Mayor when looking at decisions through an inclusive equity lens.

Councilor Giannoni asked if the core team is listed on the website and noted three non-city people of color serving on the core team has not yet happened. Curtis Reed said the training team does include people of color and co-facilitates in a number of languages. Staff will confirm information and the body of work by the core team is memorialized on the webpage.

President Knodell noted diversity training for City Council is scheduled in March.

5.02 Special Event Indoor Entertainment Permit Application (one day only): Body Resolution, 747 Pine Street

MOTION by Councilor Ayres, SECOND by Councilor Roof, to approve the one day special event indoor entertainment permit for Body Resolution on December 11, 2015 from 7 PM to 11 PM.

DISCUSSION: Councilor Ayres explained the event is a grand opening celebration with music and



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dancing with a maximum of 50 people. There were no further comments.

VOTING: unanimous; motion carried.

5.03 Special Event Indoor Entertainment Permit Application (one day only): Zero Gravity, 716 Pine Street

MOTION by Councilor Ayres, **SECOND** by Councilor Roof, to approve the one day special event indoor entertainment permit for Zero Gravity on December 22, 2015 from 6 PM to 11 PM.

DISCUSSION: Councilor Ayres explained the benefit event is a one day tasting room with a maximum of 75 people and a DJ and live background music. There were no further comments.

VOTING: unanimous; motion carried.

5.04 Smoking Prohibition at City Parks Ordinance

MOTION by Councilor Mason, **SECOND** by Councilor Shannon, to waive the second reading and adopt the ordinance prohibiting smoking in city parks as written.

DISCUSSION: The following comments were made:

Councilor Mason explained the ordinance covers all tobacco items (cigarettes, cigars, snuff, etc.) and is proposed to address a public health issue, not for exclusion purposes. There are 1155 municipalities that have taken this step. Many Vermont municipalities have taken this step. The ordinance identifies places to smoke outside the parks in areas such as the parking lot or sidewalk. Enforcement will be the same as on Church Street where patrons using the parks will remind others to refrain from smoking. The Parks Committee will handle public education with signage at the parks and information on the website.

Councilor Hartnett stated there are already regulations in place prohibiting smoking near playgrounds and athletic fields and the beach. The distance away from the prohibited areas can be increased, but a smoking ban that says some people are not welcome in the city parks is not acceptable. Smoking is a class issue in that lower income, homeless and people with mental illness issue smoke more and will be targeted unintentionally by the ordinance. These people typically do not go away on vacation, but rather use the parks for their vacations. With the ordinance people with boats in a boat slip on the waterfront can enjoy a cigarette on their boat, but others in the park will be told to go to the parking lot or sidewalk outside the park to smoke. The ordinance needs further thought because as drafted smokers would be allowed closer to the playground at Battery Park. Also, the campground has not been discussed. An area should be identified in the parks for smoking. The PAC Committee should do public input and go to the NPAs to discuss the matter.

Councilor Shannon stated people like Rachel Watson with asthma and allergies to smoke cannot use the parks yet everyone should have access to and enjoy the parks. Physically vulnerable people cannot enjoy the parks the way people smoking cigarettes enjoy the parks so there should be a ban on smoking in the parks. Smokers are not banned from the parks, just from smoking in the parks. The city regulates many activities, such as where alcohol can be consumed, and alcohol has far less impact on the person next to you than smoking. People do not have a right to smoke; it is a privilege. Smoking is regulated and there is nothing wrong with telling people where it is appropriate to smoke. It is not appropriate to smoke where there are pregnant women, children, and babies. These people should not be impacted by the minority. There is no class of people where smoking is the majority. The



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largest percent of smokers in any group are the mentally ill (38%) and people with less than a high school education (39%). Everyone is allowed in the parks, smokers and nonsmokers. The ordinance is not to address a behavior issue or limit a certain class of people, but to allow the most physically vulnerable people to enjoy a sunset on a rock in the park without having to leave when someone lights up a cigarette next to them.

- Councilor Hartnett stressed everyone must be treated the same which means the boat owners must be told they cannot smoke on their boats if the ordinance is adopted.

- Councilor Shannon spoke in support of limiting people from smoking on boats that are docked though that was not the effort of the ordinance, and just because everything is not being covered does not mean nothing should be done.

- Councilor Ayres stated the smoking ban is not a class issue, but a public health issue. There is nothing about being lower class, middle class or upper class that conveys a right to endanger someone else's health, and that is what the ordinance addresses.

- Councilor Giannoni said the ban is both a public health and a class issue. There are people who cannot find housing in Burlington and feel they are being pushed out. The ban will be just one more push for them. A survey of the public should be done before adoption of the ordinance or the item should be put on the ballot which will allow for broader public conversation.

- Councilor Wright recognized the effort to introduce the ordinance and noted his past support of higher taxes on tobacco, requiring advertising to be farther away from counters to be less visible to children, and the introduction of legislation at the state level for mandatory cessation programs offered by insurance companies in Vermont. It is recognized that smoking is bad and a better job is being done with stopping young people from starting, but smoking is also an addiction. The city has many large open parks with room for all to enjoy. There are not a lot of people smoking in the parks and they generally will stop when asked to do so. City Council appears to be split on accepting the ordinance and there has been a request for more public input.

AMENDMENT by Councilor Wright, **SECOND** by Councilor Hartnett, to postpone action on the ordinance on smoking prohibition in city parks and request the Burlington Parks Department work in conjunction with City Council and the PAC Committee to conduct a survey of users of the park system including but not limited to users of the campgrounds during the next park season 2016 and report back to City Council with the results of the survey.

DISCUSSION ON AMENDMENT: The following comments were made:

- Councilor Wright stated the end result may be the same, but the results of the survey would be instructive and helpful to City Council.

- Councilor Mason questioned what the survey will show and who will be surveyed. People like Rachel Watson will not complete the survey because they will not be using the parks. Smoking in the parks is a public health issue and action should be taken now. The Ordinance Committee held over four hearings and no one from the public attended. The Mayor's Office received no comments. Hearings before the Parks Commission had no comments from the public. There may not be the objection to the smoking ban that is feared. From a public health perspective how the survey will help educate City Council in making a decision is not clear so the amendment is not supported.

- Councilor Hartnett spoke in support of the amendment, noting the survey results may help on the class issue and will provide time to draft the ordinance so it is exactly what is wanted.

- Councilor Tracy spoke in support of the amendment to postpone because there were issues not raised by the



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Ordinance Committee such as class implications and boundaries.

· Councilor Colburn spoke in support of the amendment and a ban on smoking in some form in the parks because there is compelling evidence that the public health risks are present for individuals, but there is complexity in the issues. Smoking addiction disproportionately affects some groups in the community and can be an indicator for vastly different rates of smoking. It is fine to acknowledge that passing a smoking ban might have some collateral damage and impacts on the way different people in the community feel they can interact in those spaces particularly as the city continues to regulate and facilitate public health in public spaces and continues to grapple with the questions. More public engagement of residents and park users will help craft a ban that takes some of the issues into account with more thoughtful consideration.

· Councilor Roof spoke in support of the amendment and a ban on smoking in parks in some shape or form though approval of the ordinance does not restrict making changes moving forward. The survey results will likely show the public will support some sort of ban on smoking in the parks.

· Councilor Bushor stated the Ordinance Committee did not hear any comments from the public in support of the ban except from the high school students. No one came forward on the initiative by the Parks Commission either. The language as drafted in the ordinance removes the buffer around playgrounds so the ordinance does not accomplish what was intended. Making the parks more smoke free and perhaps identifying designated smoking areas is good. People will continue to smoke because smoking is an addiction that some people cannot address. The ordinance needs a little more work.

· Councilor Shannon spoke against the amendment, stressing that postponing will end the action because there is no intention to bring the matter back. The survey does not have a specific timeframe and many of the items discussed would not be addressed by the survey. The motion is to delay by people who do not like the idea of banning smokers. The ordinance is not perfect, but there is no agreement on the issue so it will not move forward. There is data on income level and smoking, and education level and smoking. Surveys often yield the answers being sought. People with asthma should be given as much priority as people addicted to cigarettes. Allowing smoking on private boats will not be addressed by the survey. The Ordinance Committee should address all these issues. A smoking ban was first proposed in 2009 and many people already think there is a smoking ban in the parks. Further delay by postponing action on the ordinance is not what is needed.

· Councilor Ayres spoke against the amendment to delay. The decision should be made judiciously and not delayed to the end of next summer season. There is question as to what will be learned from the survey particularly on class bias. Addiction should not be enabled by making it easier for people to do damage to their own health or the health of those around them because of sympathy for the individuals. That is enabling behavior.

· Councilor Hartnett stated the PAC Committee should handle the matter. There should be a ban in the parks of some sort. Boat owners should also be surveyed. The current members of City Council will receive the results of the survey.

· Councilor Wright stated some smokers are so addicted that they will continue to smoke even when told they will die so not banning smoking in the parks is not enabling behavior. There is room in the parks for everyone. Pushing smokers to the parking lots with exhaust fumes does not make sense.

There were no further comments on the amendment.

VOTING ON AMENDMENT TO POSTPONE (by roll call): Councilor Bushor – aye, Councilor Colburn – aye, Councilor Tracy – aye, Councilor Giannoni – aye, Councilor Wright – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Ayres – nay, Councilor Roof – aye, Councilor Hartnett – aye, President Knodell – aye, Councilor





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Shannon – nay; motion carried.

5.05 Ethan Allen Tower in Ethan Allen Park

MOTION by Councilor Wright, SECOND by Councilor Hartnett, to waive the reading and adopt the resolution for the Ethan Allen Tower cleanup efforts, and as a friendly amendment to have the Parks Committee report to City Council with a proposal at the second meeting in February 2016.

DISCUSSION: The following was noted:

· Councilor Wright spoke of the work of the volunteer tower keepers and the spectacular view from the top of the tower, but the inside needs cleanup. There is also a safety concern by the cliffs near the pinnacle so a fence may be needed.

· Councilor Ayres said the tower keepers should have been advised of the resolution before action by City Council. The seasonal schedule has been consistent over the years and is posted on the Parks website and other venues. A proposal is needed from Parks & Rec on alerting the public to this wonderful attraction in a city park. Work has been done to address the tower and pinnacle. City Council authorized funding in FY2016 to address tower upkeep and enhancement.

· Jesse Bridges, Parks & Rec Director, explained the operation of the tower built in 1905 and plans for renovation (\$21,000 in FY2016 budget for brick repointing and repair work on the tower plus undoing damage from vandals and animals/birds). The role of volunteers is critical (10,000 hours of volunteer effort annually). There are improvements planned to the pinnacle and to create a “living edge” to improve aesthetics and safety so a fence will not be necessary. Annual maintenance is done on the tower in concert with the tower keepers. There is information on the Parks website so there are more ways to get the word out about the asset the city has.

There were no further comments.

VOTING: unanimous; motion carried.

5.06 Party Designations on Municipal Election Ballots

MOTION by Councilor Roof, SECOND by Councilor Wright, to waive the reading and adopt the resolution on party designation on municipal election ballots as modified (eliminate party designation on the March 2016 ballot, lines 30-36 of the resolution, and have the Charter Change Committee report on the matter by April 2016).

DISCUSSION: The following was discussed:

· Councilor Roof read language modifying lines 30 through 36 of the resolution to eliminate inclusion of eliminating party designation on the March 2016 ballot and to have the Charter Change Committee report on the matter to City Council no later than April 2016. City councilors are proprietors of the local democratic system and the resolution can affect and improve an increase in the democratic system. There will be discussion on polling locations and improving how people participate in the election system. It is not the purview of City Council to decide if party designation is included on city ballots. That is the opinion of the voters on a ballot measure. City Council has been moving to be less partisan and further conversation will advance that.

· Councilor Tracy spoke in support of the resolution, but not the idea. The intention to increase voter



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participation is good and it is hoped the Charter Committee looks at all alternatives to see if there is a causal relationship between decreased participation and partisanship. Party designation is an important piece for voters, but regardless, the need for voters to educate themselves on the person on the ballot still remains.

- Councilor Colburn stated decreased partisanship and increased participation are important to constituents so the conversation should move forward, but not on the March ballot because the conversation needs to be larger.

- Councilor Wright pointed out Burlington is the only municipality that has party designation on the ballot. St. Albans had party designation then removed it. As Chair of the Charter Change Committee the conversation is welcomed. Candidates on the local level cannot run because of the Hatch Act. Without party designation the races open up.

- Councilor Ayres spoke against the resolution due to concern more voter participation will not be encouraged, but will be dampened. Party designation means something around governance and political orientation. Voters are better off knowing a candidate's political orientation.

- Councilor Shannon stated the resolution does not address reducing partisanship and increasing voter participation. The resolution removes a piece of information from the ballot leaving only the candidate's name and address so people are getting less information to educate themselves. A resolution to decrease partisanship and increase education is good, but the current resolution does not do that.

- Mayor Weinberger urged writing a resolution that targets increasing participation and access. Burlington is fortunate to have outstanding public engagement. Party designation plays a clear role in successes and if party affiliation is eliminated there will be the opposite impact on what is intended.

MOTION by Councilor Wright, SECOND by Councilor Tracy, to suspend the rules of engagement. VOTING: unanimous; motion carried. The rules were suspended at 10:29 PM.

CONTINUED DISCUSSION (resolution on party designation):

- Councilor Mason spoke against the resolution and asked City Council to reconsider.

- Councilor Wright said people are tired of party politics. Somehow other towns have survived by not having party affiliation on the ballot. Burlington should at least explore this. There are people who would run for local offices, but are not allowed to due to the Hatch Act.

- Councilor Tracy said the matter should be referred to the Charter Change Committee because the conversation is about the rules and to explore particular ideas and possible other benefits.

- Councilor Roof stated the final decision is to be made by the public. There needs to be a larger conversation and it will be interesting to see how the public responds as the conversation moves forward with value.

There were no further comments.

VOTING ON RESOLUTION ON PARTY AFFILIATION AS AMENDED (by roll call): VOTING ON AMENDMENT TO POSTPONE (by roll call): Councilor Bushor – aye, Councilor Colburn – aye, Councilor Tracy – aye, Councilor Giannoni – aye, Councilor Wright – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Ayres – nay, Councilor Roof – aye, Councilor Hartnett – aye, President Knodell – aye, Councilor Shannon – nay; motion carried.



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5.07 Charter Changes to Address Timing and Publication of Audit

MOTION by Councilor Wright, SECOND by Councilor Shannon, to waive the reading and adopt changes to Section 69 of the audit.

DISCUSSION: Councilor Wright explained the changes are in regard to the audit and what staff is realistically able to do. Attorney Blackwell stated currently the charter says the audit must be done by the end of November, but this is not realistic and does not help the voters. The proposed charter changes allow the audit to be complete at least 30 days prior to annual meeting. Other changes pertain to having a unified budget by the Mayor, Board of Finance, and CAO, compiling and posting the list of people issued 1099 forms during the year for payment of at least \$600, and having audit materials/information available on line and/or for inspection upon request. A summary of the audit and the entire Management Report will be published in the annual report. The full document will be available online and in the CAO's Office. Bob Rusten said information that is online includes the 1099 report, full management letter and audit, monthly financial reports, and department budgets. Initial presentation of the audit will be given to the Board of Finance at the next meeting.

AMENDMENT by Councilor Bushor, SECOND by Councilor Shannon, to substitute the language in the attachment for the language in lines 22 through 42 of the resolution. VOTING ON AMENDMENT: unanimous; motion carried.

VOTING ON MOTION AS AMENDED: unanimous; motion carried.

5.08 Resolution Encouraging State Legislature to Take Action Against Gun Violence.

Moved to the December 21, 2015 Deliberative Agenda.

6.0 COMMITTEE REPORTS

No report.

7.0 CITY COUNCIL – GENERAL AFFAIRS

No report.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No report.

9.0 MAYOR – GENERAL AFFAIRS

No report.



**Regular City Council Meeting - Monday, December 7, 2015 - 7:00
pm - Contois Auditorium, City Hall
12/7/2015**

10.0 ADJOURNMENT

MOTION by Councilor Wright, SECOND by Councilor Hartnett, to adjourn the meeting. VOTING: unanimous; motion carried.

The meeting was adjourned at 10:45 PM.

RScty: MERiordan