



City Council With Mayor Presiding Meeting - Monday, June 6, 2016, 7:00 pm - Contois Auditorium, City Hall - 6/6/2016

MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING WITH MAYOR PRESIDING

June 6, 2016

APPROVED

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

David Hartnett [via teleconference] – 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

Kim Sturtevant, Assistant City Attorney

Bob Rusten, CAO

Rich Goodwin, ACAO

Jennifer Kaulius, Mayor's Office



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Brian Lowe, Mayor's Office

Amy Bovee, C/T Office

Lori Olberg, C/T Office

John Vickery, City Assessor

Brandon del Pozo, Police Chief

Chapin Spencer, DPW

Neale Lunderville, BED

OTHERS PRESENT:

Jeff Munger

Bill Keogh

Gene Richards

Marie Friedman

Ron Ruloff

Anna Niemic

1.0 CALL TO ORDER and AGENDA

Mayor Weinberger called the meeting to order at 7 PM on June 6, 2016.

1.01 Agenda

MOTION by Councilor Knodell, SECOND by Councilor Roof, to approve the agenda as presented. VOTING: unanimous; motion carried.

2.0 DELIBERATIVE AGENDA

2.01 Hardship for Two Department Heads

Mayor Weinberger noted the memo from the Administration on appointment of department heads by City Council includes two appointments with hardship findings (Neale Lunderville, BED General Manager, and Bob Rusten, CAO).

2.02 Exemption to Residency Requirement for Neale Lunderville

Mayor Weinberger stated Neale Lunderville has done an exemplary job as the BED General Manager in creating a utility of the future, sourcing 100% of power from renewable energy, and a plan to go further.



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Neale Lunderville said he was born and grew up in Burlington leaving to go to college and returning to Burlington again for 11 years before buying a house in South Burlington in 2011. Mr. Lunderville said at the time he purchased his house he was not aware of the position in BED otherwise he would have purchased a dwelling in Burlington. Significant investment has been made in the house in South Burlington that would not be recouped if sold now so it is unworkable to move at this time. If circumstances change and the house is on the market then living in Burlington will be investigated. Mr. Lunderville requested extension of the exemption of the residency requirement.

MOTION by Councilor Knodell, SECOND by Councilor Ayres, to adopt the resolution related to finding personal hardship under Charter Section 130 and authorize exemption to the residency requirement for Neale Lunderville, and waive the reading.

DISCUSSION: The following comments were made:

- Councilor Knodell recalled City Council recently extended the hardship extension for the CEDO Director, and it is fair to say the policy is evolving. The matter is under consideration by the Charter Change Committee. Exemptions have been made under a variety of conditions. Faced with the choice of a hardline application of the residency requirement and losing Mr. Lunderville, the preference is to retain Mr. Lunderville and continue discussing how in the future to be clear and unambiguous on the policy. Discussion with applicants for these important positions needs to be clear and unequivocal on day one of the policy.
- Councilor Tracy stated the work by Mr. Lunderville is appreciated, but there is need to be consistent with the residency requirement. Regarding renting a room in Burlington to serve as residency, moving forward greater clarity is needed on this matter.
- Councilor Shannon agreed uniformity, standards, and consistency are important in making decisions. The charter allows City Council the authority to grant waivers on a case-by-case basis. City Council is here to vote in the best interest of Burlington and the best interest of Burlington is to have Neale Lunderville as BED General Manager and living in Burlington, but that is not an option. Granting a waiver is better than losing Mr. Lunderville.
- Councilor Bushor clarified the language in the charter says the requirement can be extended, but does not say "waived". City Council is on the threshold of revisiting the matter. The preference is to have the extension for a year and allow the Charter Change Committee to look at the requirement and bring the matter to the voters. There has been talk of selling electricity outside city boundaries which is a more regional approach and then the department head could live outside the city. The work by Mr. Lunderville is valued. The request is opposed, but not the reappointment.
- Councilor Colburn spoke of feeling trapped in an endless fairness loop where exemptions must be equitable which is not ideal. The Charter Change Committee will be working on the issue to create a more equitable baseline moving these decisions forward.

There were no further comments.

VOTING (by roll call): Councilor Bushor – nay, Councilor Tracy – nay, Councilor Giannoni – aye, Councilor Wright – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Ayres – aye, Councilor Roof – aye, Councilor Hartnett – aye, Councilor Knodell – aye, Councilor Colburn – aye, Councilor Shannon – aye, Mayor Weinberger – aye (9 ayes, 4 nays); motion carried.

2.03 Exemption to Residency Requirement for Bob Rusten



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Bob Rusten gave background on his prior jobs, purchase of his house in Hinesburg, his wife's recent accident, and his plan to retire within a year or two to the house in Hinesburg.

MOTION by Councilor Knodell, SECOND by Councilor Ayres, to adopt the resolution related to finding personal hardship under Charter Section 130 and authorize exemption to the residency requirement for Bob Rusten, waive the reading, and note that the previous comments apply.

DISCUSSION: The following comments were made:

- Councilor Tracy stressed the importance to uphold the requirement and ask department heads to live in Burlington and have investment in the community alongside all the residents.
- Councilor Mason spoke in support of the exemption for Mr. Rusten due to the anticipated retirement and his wife's health. Councilor Mason said he is looking forward to the Charter Change Committee dealing with the financial hardship issue.
- Councilor Paul concurred with Councilor Mason's comments and spoke in support of the hardship exemption.
- Councilor Bushor stated the retirement is consistent with locking into a time period and that is consistent with the charter.
- Councilor Shannon spoke in support of the exemption.

There were no further comments.

VOTING: 11 ayes, one nay (Councilor Tracy) [Councilor Hartnett not present for vote]; motion carried.

3.0 ADJOURNMENT

With no further business and without objection the meeting was adjourned at 7:36 PM

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