



**City Council With Mayor Presiding Meeting - Monday, May 16,
2016 - 7:00 pm - Contois Auditorium - City Hall -
5/16/2016**

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

May 16, 2016

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



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Brian Lowe, Mayor's Office

Amy Bovee, C/T Office

Lori Olberg, C/T Office

John Vickery, City Assessor

Steve Locke, Fire Chief

Chapin Spencer, DPW

Laura Wheelock, DPW

Marcie Esbjerg, CEDO

OTHERS PRESENT:

Jake Perkinson, Fire Commission

Jeff Padgett, Public Works Commission

Noelle MacKay

Ron Redmond, CSM

Ken Braverman, development consultant

Ron Ruloff

Albert Patraka

Karen Rowell

Mike McGargin

Margaret Murray

Caryn Long

1.0 CALL TO ORDER and AGENDA

Mayor Weinberger called the meeting to order at 7:45 PM on May 16, 2016.

1.01 Agenda

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

2.0 DELIBERATIVE AGENDA

2.01 Department Head Residency



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MOTION by Councilor Shannon, SECOND by Councilor Knodell, to refer the matter of department head residency to the Charter Change Committee.

DISCUSSION: The following comments were made:

- Councilor Shannon gave a brief history of the past resolution and the rule on hardship (if the candidate owns a home in another town and must move). The issue has long plagued many mayors who tried to appoint the best candidate for the job. It is difficult to buy or rent in the city. There is a housing crisis. If the candidate is moving already that is fine, but if the candidate is in a stable housing situation in close proximity and has family that the move will impact then an exemption should be considered. The Charter Change Committee should handle the matter. There are other items that need correction as well.
- Councilor Wright spoke in support of having the Charter Change Committee look at the rule to determine the direction to take.
- Councilor Mason suggested the Charter Change Committee ask the City Attorney for clarification of whether the rule is binding or not. If the proposed rule says "shall" then discretion is removed. It is unclear how the rule interacts with the subjective component of personal hardship.
- Councilor Hartnett spoke in support of the Charter Change Committee looking at the matter and being consistent, fair, and firm because City Council has not been so and this has caused problems.
- Councilor Colburn agreed with the Charter Change Committee looking over the rule and encouraged seeking public input. Getting consistency and clarity around exemptions is critical.
- Councilor Tracy agreed with sending the matter to the Charter Change Committee, but did not support the changes as set forth. The residency requirement should be upheld and department heads should live in Burlington.
- Councilor Bushor said she will not support an exception to the residency requirement.
- Councilor Knodell stressed the importance of having the rule be an appendix to City Council with Mayor Presiding rules versus City Council rules. City Council rules are largely procedural and should be in the hands of City Council.

There were no further comments.

VOTING: unanimous; motion carried.

2.03 Exemption of Residency Requirement for Noelle MacKay

MOTION by Councilor Knodell, SECOND by Councilor Wright, to approve the alternative resolution (posted on BoardDocs) and waive the reading.

DISCUSSION: The following comments were made:

- Councilor Knodell said the resolution grants hardship under the current rules which grant exemption to residency based on personal hardship. The rationale is what is proposed in the rule change, but the current rules have a section (Rule 3.b) which states personal hardship may be found for any circumstance. That is the section of the rule under which the resolution proposes to grant hardship exemption.
- Noelle MacKay explained her move from Burlington to Shelburne over three years ago and the investment made financially and as a team with her partner into the house in Shelburne so it was felt a move at this time was not affordable.
- Councilor Bushor said the hardship was not granted for the prior CEDO director. The voters supported the residency requirement and want department heads to live in Burlington. The CEDO Director is the be all and



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end all economic development officer and needs to be wedded to the community and live in the community to experience the decisions that are made. There is competition within the region, community against community, which could lead to questions about allegiance. Those kinds of issue come up. There is value in having people in leadership roles live in the community.

- Councilor Tracy said he finds the notion that there is personal hardship to live in Burlington to be absolutely ludicrous. Burlington is an incredible place to live and people running departments should have to live here and deal with the decisions they make. A consistent standard is needed. The voters wanted department heads to live in Burlington.
- Councilor Colburn said the issue is one of equity since the predecessor in the position did not even live in Vermont.
- Councilor Shannon agreed the residency requirement is important to the voters, but the charter gives City Council discretion to look at the entire package of circumstances.

There were no further comments.

VOTING (by roll call): Councilor Giannoni – aye, Councilor Colburn – aye, Councilor Roof – aye, Councilor Wright – aye, Councilor Knodell – aye, Councilor Hartnett – aye, Councilor Shannon – aye, Councilor Ayres – aye, Councilor Paul – nay, Councilor Mason – nay, Councilor Tracy – nay, Councilor Bushor – nay (8 ayes, 4 nays); motion carried.

3.0 ADJOURNMENT

With no further business and without objection the meeting was adjourned at 8:05 PM

RScty: MERiordan