

* * * * DELIBERATIVE AGENDA * * * *

CITY COUNCIL WORKSESSION
CONFERENCE ROOM 12, CITY HALL
MONDAY, JULY 12, 2010

This was removed from the agenda per CAO Leopold; will be re-scheduled for a subsequent meeting.

LOCAL CONTROL COMMISSION
MONDAY, JULY 12, 2010
CONTOIS AUDITORIUM, CITY HALL
7:05 P.M.

PRESENT: Commissioners Decelles, Dober, Paul, Berezniak, Kehoe, Shannon, Keogh, Adrian, Kranichfeld, Kaplan, Bushor, Mulvaney-Stanak, Caldwell, Wright (arrived at 7:13 p.m.) and Mayor Kiss

CITY ATTORNEY'S OFFICE: Ken Schatz, Nikki Fuller (arrived at 7:07 p.m.; departed at 10:18 p.m.) and Richard Haesler (arrived at 7:17 p.m.; departed at 8:53 p.m.)

CLERK/TREASURER'S OFFICE: Scott Schrader and Lori Olberg

PRESIDENT KEOGH PRESIDING:

The agenda was adopted as is.

1. AGENDA

On a motion by Commissioner Dober with no second, the consent agenda was adopted, thus taking the following actions as indicated:

2. CONSENT AGENDA

2.01. EXPANSION OF OUTSIDE CONSUMPTION PERMIT (**one day only**):

VFW, 176 South Winooski Avenue, Back Parking Lot Only, Annual Picnic, Sunday, August 8, 2010, 10 a.m. – 6 p.m.

*waive the reading, accept the communication, place it on file, approve the one day only expansion for VFW, Sunday, August 8, 2010, 10 a.m. – 6 p.m.

2.02. COMMUNICATIONS: Jessica Frank, Executive Secretary, re: Local Control Sub-Committee/City Council License Committee Minutes for June 2 and June 9, 2010

*waive the readings, accept the communications and place them on file

2.03. COMMUNICATION: Jessica Frank, Executive Secretary, re: Local Control Sub-Committee/City Council License Committee Minutes for June 23, 2010

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

3. FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (**2010-2011**): Shedsu Inc., d/b/a Smitty's Pub (formerly Norm's Grill), 1127 North Avenue

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the First Class Restaurant Liquor License Application for Smitty's Pub. The motion passed unanimously.

3.01. OUTSIDE CONSUMPTION PERMIT APPLICATION (2010-2011):

Shedsu Inc., d/b/a Smitty's Pub (formerly Norm's Grill), 1127 North Avenue

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the Outside Consumption Permit Application for Smitty's Pub. The motion passed unanimously.

4. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2010-2011):

Advance Music Center, Inc., d/b/a Advance Music Center, 75 Maple Street

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the Second Class Store Liquor License Application for Advance Music Center. The motion passed unanimously.

5. SECOND CLASS STORE LIQUOR LICENSE APPLICATION (2010-2011):

Finelli, LLC, d/ba Finelli's Deli & Quick Stop (formerly Jiffy Mart), 500 Riverside Avenue

Commissioner Dober made a motion, seconded by Commissioner Berezniak, to approve the Second Class Store Liquor License Application for Finelli's Deli and Quick Stop. The motion passed unanimously.

6. ADJOURNMENT

On a motion by Commissioners Dober and Berezniak, the Local Control Commission voted unanimously to adjourn at 7:08 p.m.

Attest:

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

REGULAR MEETING, CITY COUNCIL
MONDAY, JULY 12, 2010
7:08 P.M.

PRESENT: See above

1. AGENDA

On a motion by Councilors Adrian and Shannon, the agenda was amended unanimously as follows: note **correct** version for consent agenda item 3.09. RESOLUTION: Approving the Refinancing of Certain Tax-Exempt Airport Facility Revenue Bonds by the Burlington Community Development Corporation to Currently Refund and Finance a Portion of the Costs of Certain Airport Facilities (Board of Finance); add Councilor Berezniak as a co-sponsor to agenda item 7. RESOLUTION: Yaroslav Ambassador (Councilors Adrian, Kehoe, Keogh, Kaplan, Shannon, Dober, Mulvaney-Stanak, Kranichfeld); add Councilor Paul as a co-sponsor to agenda item 8. RESOLUTION: Efforts in Support of the Lake Monsters, Centennial Field, and Their Contributions to Burlington (Councilors Wright, Decelles, Dober, Kaplan, Keogh); add to the agenda item 8.01. COMMUNICATION: Larry Kupferman, Director and Brian Pine, Assistant Director for Housing & Baseball, CEDO, re: Keeping Vermont Lake Monsters at Centennial Field; remove from the consent agenda item 3.02. ORDINANCE: VEHICLES FOR HIRE Taxicab Licensing (License Committee, Police Department, Airport Department, Airport Commission)

and place it on the DELIBERATIVE agenda as agenda item 10.5; add to the agenda item 13.5.

COMMUNICATION: Joseph E. McNeil, Esq., re: Tentative Bargaining Agreement (oral): expected Executive Session. Councilor Shannon removed consent agenda item 3.10. RESOLUTION: Creation of a Pilot Program re: Maintaining A Pedestrian Right of Way In the Inner City Fire District (Councilors Shannon, Bushor, Kranichfeld: Ordinance Committee) and placed it on the August 9, 2010 City Council Agenda.

2. PUBLIC FORUM

President Keogh opened the public forum at 8:38 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Kirsten Merriman Shapiro	CEDO	Skate Park Design Workshop
Ute Regan	6	Chittenden Drive Ownership

There being no one further coming forward, President Keogh closed the public forum at 8:43 p.m.

3. CONSENT AGENDA

On a motion by Councilors Adrian and Shannon, 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

3.03. RESOLUTION: Municipal Authorization for Deposit and Withdrawal of City of
Burlington Funds and Other Banking Procedures (Board of Finance)

*waive the reading and adopt the resolution

3.04. RESOLUTION: Reclassification of the Burlington Electric Department Plant Engineer
(McNeil) (Board of Finance)

*waive the reading and adopt the resolution

3.05. RESOLUTION: Approval of Burlington Electric Department's Solar Purchase Power
Agreement with Cathedral Square Corporation (Board of Finance)

*waive the reading and adopt the resolution

3.06. RESOLUTION: Approval of Amendment to Burlington Electric Department's Street
Lighting Tariff (Board of Finance)

*waive the reading and adopt the resolution

3.07. RESOLUTION: Creation of an Audit Task Force (Councilors Keogh, Paul, Mulvaney-
Stanak, Dober, Adrian, Kehoe and Shannon)

*waive the reading and adopt the resolution

3.08. RESOLUTION: Recognition of Service by Americorps State and Vista Members
(Councilor Keogh)

*waive the reading and adopt the resolution

3.09. RESOLUTION: Approving the Refinancing of Certain Tax-Exempt Airport Facility
Revenue Bonds by the Burlington Community Development
Corporation to Currently Refund and Finance a Portion of the

Costs of Certain Airport Facilities (Board of Finance)

*waive the reading and adopt the resolution

3.11. COMMUNICATION: Scott Schrader, Assistant Chief Administrative Officer, re: Automatic Changes in Taxicab Rates

*waive the reading, accept the communication, place it on file and direct the Clerk/Treasurer's Office to publish in Seven Days with the effective date being August 1, 2010

3.12. COMMUNICATION: Claire J. Shepard, Chief Accountant, re: FY2011 School and Total Tax Rates

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

3.13. COMMUNICATION: Bill Keogh, President, Burlington City Council to Steve Allen, Chair, Parks & Recreation Commission, re: Burlington Kids Community Advisory Group—City Council Representative—

*waive the reading, accept the communication, place it on file and appoint Councilor Nancy Kaplan as the City Council Representative to the Burlington Kids Community Advisory Group

3.14. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance Minutes for June 28, 2010

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

3.15. COMMUNICATION: Gene Shaver, Ward Four Resident, re: Summary of BT Revenues (Handout from the 6/28/10 City Council Public Forum)

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

3.16. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Sue Trainor, Assistant to the CAO, re: Minutes, City Council for February 8, 2010

*waive the reading, accept the communication, place it on file and adopt the minutes at the August 9, 2010 City Council Meeting

3.17. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator & Sue Trainor, Assistant to the CAO, re: Minutes, City Council for February 11, 2010

*waive the reading, accept the communication, place it on file and adopt the minutes at the August 9, 2010 City Council Meeting

3.18. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council Meeting for January 4, 2010

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the June 28, 2010 City Council Meeting

3.19. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council Meeting for January 25, 2010

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the June 28, 2010 City Council Meeting

3.20. RESOLUTION: Authorization to Enter into License Agreement to Maintain Bike Racks On a Portion of the City's Right-of-way with North Star Cyclery (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.21. COMMUNICATION: Mari Steinbach, Director, Department of Parks and Recreation, re:

Waterfront Drinking Fountains

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

- 3.22. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Dobra Tea
(Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

4. REPORT: Larry Kupferman, CEDO Director, re: Moran Blue Ribbon Committee Report

Larry Kupferman, CEDO Director, Joseph Boutin, Chair of the Committee, and Karen Marshall, a participant of the Committee, spoke to the Council of the six week process involved in their review. Mr. Boutin noted the information received from the City was very thorough, complete and objective. Mr. Boutin noted their role was to identify areas of risk and review how the City proposed to minimize them. He outlined the complexity of the financing and the commitment that the City had made not to close on this project until all the pieces were in place. Mr. Boutin then explained to the Council the risks that were highlighted in the report. He also reminded the Council of the timing issue associated with the TIF District, with the five year clock which started in January of 2010. He wanted to be sure the Council understood that the city staff and Administration never influenced any member of the Committee and all conversations were public. He also stated that despite the objective review, it would always be impossible to anticipate every risk.

Council President Keogh expressed his appreciation to the Committee for their work. Councilor Decelles also noted his appreciation, stating the Committee members asked both CEDO and Mr. White, the consultant, questions that the Council never would have thought to ask. The resulting report would serve as a roadmap for the Council to ensure the safe progress of this project.

Councilor Wright asked if the risks were greater with this project than with other business ventures. Mr. Boutin noted that all business ventures had risks and that the City had identified the areas of highest potential risk and had focused most of their attention on mitigating those areas of risk. Councilor Wright then asked why conventional financing could not be used. Mr. Boutin explained the tax credits that were being applied to this project and how that would help future tenants. Mr. Boutin's opinion was that the only way, especially with the limitations of the Public Trust Doctrine, to develop this structure was through a non-profit entity or a municipality.

Councilor Bushor stated from her review of the report it seemed that if the City or tenants were unable to use New Market Tax Credits work would need to stop; Mr. Boutin agreed. He noted that the vulnerability was on the construction cost estimates. However, he noted that money had been set aside in reserves for project costs and for future construction bids.

Councilor Dober asked the Committee members how well the City understood the sequence of events and when things might be going awry. Ms. Marshall stated that, based on working with the staff, she was comfortable they had the best handle on the situation. Following a question from Councilor Adrian, Ms. Marshall stated the go/no go mechanism for the project was the New Market Tax Credits and the CEDO staff was very well aware of it. All other grants and contingencies seemed to be in place but nothing could move forward without the New Market Tax Credit.

Councilor Berezniak wanted to be sure to recognize David Weinstein for the incredible finance packaging that took place under his leadership. He also asked about the finances of the tenants and, again, Mr. Boutin explained that a commercial/private enterprise tenant would not provide that information quickly or easily and will often use that information in their negotiations. Following questions from Councilor Caldwell, Mr. Boutin stated he believed the Committee looked at the potential risks of the project and the City had answered all those risks by showing the mitigants put in place to protect the taxpayers. The Committee's job was not to provide an answer on whether to move forward, but rather to look at the

financial plan to see if it was a sound. Based on the information reviewed by the Committee, they stated it was.

Councilor Shannon asked if the Letter of Credit was actually what the City should request from the Ice Factor rather than the financials. Mr. Boutin replied that based on the fact that the company is European, where business is done very differently, a LOC might be the only recourse for the City. Councilor Shannon then asked about the benefits associated with doing this project. She noted the report only highlighted the risks. Mr. Boutin stated there were many on the Committee who wanted to put the benefits in, but that was not seen as their task. There are, indeed, numerous benefits to finalizing this project. She then asked about the risk of tenants leaving the project. Mr. Boutin stated the risk to the project of a non-profit leaving would be less than if the commercial tenant were to leave. The Council again was reminded that the Public Trust Doctrine limited the possibilities of what can be done on the waterfront and there were limited numbers of ways to work within the doctrine.

Councilors Kaplan and Paul noted their appreciation to the Committee. Councilor Paul asked Mr. Boutin to explain why tenants may not want the New Market Tax Credit. She then asked about monies that the taxpayers would lose if the project did not move forward. Mr. Boutin explained that whatever money had been used so far the City would have had to incur anyway, minus the consultant fees.

Mr. Boutin again stated that the report was not written by the City. It was written by the seven members of the Committee.

Councilor Adrian made a motion, seconded by Councilor Shannon, to waive the reading, accept the communication and place it on file.

5. **TOBACCO LICENSE APPLICATION (2010-2011):**

Finelli's Deli and Quick Stop (formerly Jiffy Mart), 500 Riverside Avenue

Councilor Dober made a motion, seconded by Councilor Berezniak, to approve the Tobacco License Application for Finelli's Deli and Quick Stop. The motion passed by a vote of 12 to 2 with Councilor Caldwell voting against and Councilor Decelles not present at the table.

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

Councilor Bushor nominated Phil Merrick..

Councilor Decelles nominated Cheryl McDonough.

Councilor Shannon called for a point of order to speak about Councilors not voting for any candidate. She had confirmed with City Attorney Schatz that it was appropriate for Councilors to abstain from voting. The vote was tied at 5-5. The second vote was also tied. Councilor Decelles, calling for a point of information, asked how many times this position had been advertised; it had been advertised twice. Councilor Decelles asked City Attorney Schatz if it set a precedent to continue to advertise to which he replied that it did not.

Councilor Shannon made a motion, seconded by Councilor Paul, to re-advertise the position. Councilor Wright, calling for a point of information, asked to identify which Councilors were not voting. Council President Keogh stated he did not believe those who chose not to vote needed to reveal themselves. City Attorney Schatz clarified that the rule on the election of board or commission members was an exception to the normal voting rules and, in this case, not casting a vote was allowed.

Councilor Dober then asked if those who chose to abstain from voting would identify themselves. Council President Keogh offered this to the Councilors at which point Councilors Paul, Berezniak, Kehoe and Shannon identified themselves.

The vote to re-advertise the position failed by a vote of 7 to 7 with Councilors Wright, Adrian, Caldwell, Mulvaney-Stanak, Dober, Bushor and Decelles voting against.

Councilor Shannon then asked for a recess at 8:52 p.m. The Council reconvened at 8:57 p.m.

Councilor Adrian nominated Phil Merrick.

Councilor Decelles nominated Cheryl McDonough.

The vote again was tied at 5-5. Councilor Shannon made a motion, seconded by Councilor Paul, to re-advertise the position. The motion passed by a vote of 9 to 5 with Councilors Kaplan, Kranichfeld, Adrian, Keogh, Shannon, Kehoe, Berezniak, Paul, Decelles voting in favor.

Councilor Decelles then called a point of order, stating he wished to reconsider his affirmative vote. Following a request from Council President Keogh for advice, City Attorney Schatz stated if Councilor Decelles, a member of the prevailing vote, was recognized by the Chair to speak and made the motion to reconsider, that had priority in terms of the motion, but not necessarily the action. Councilor Dober then seconded the motion to reconsider the action of re-advertising the position.

Councilor Decelles then called another point of order, asking if the motion was debatable. Council President Keogh deferred to City Attorney Schatz and then called a recess. Following the recess, Councilor Decelles explained that there were more than two qualified candidates to choose from, he felt it was a travesty that Councilors were choosing not to vote, he thought it was a terrible message to send to residents who hoped to serve the City, and he had never seen this system of abstaining or non-voting on candidates before. His believe was that a candidate needed to be selected at this meeting.

The motion to reconsider the vote failed by a vote of 7 to 7 with Councilors Decelles, Wright, Dober, Keogh, Bushor, Mulvaney-Stanak, Caldwell voting in favor.

7. RESOLUTION: Yaroslavl Ambassador (Councilors Adrian, Kehoe, Keogh, Kaplan, Shannon, Dober, Mulvaney-Stanak, Kranichfeld)

Councilor Paul asked for a point of order, noting that the Board of Finance that approved agenda item 7.01 only had four members present and the vote was 3 to 1 to approve. Councilor Adrian then made a motion, seconded by Councilor Berezniak, to approve agenda items 7 and 7.01.

Councilor Adrian expressed support for selecting Councilor Bushor to be an Ambassador of the City to Yaroslavl. Councilor Decelles asked questions about the costs for the other representatives attending the anniversary celebration and stated his opinion that taxpayers' monies should not be used for this event. Councilor Wright expressed his appreciation for Councilor Bushor's efforts for the City but did not feel he could support the use of the City's funds for one Councilor when other Councilors were paying for their own trips associated with City business. Councilor Berezniak believed a representative should be at the event and was proud to be able to support Councilor Bushor's attendance. Councilor Paul did not support the use of the funds being spent this way.

Councilor Mulvaney-Stanak expressed her support for the Sister City Program and stated her concern that some Councilors may not be able to afford these opportunities. Therefore, she believed the Council should take care in determining payment standards. Councilor Caldwell, agreeing with Councilor Mulvaney-Stanak, stated she would want these opportunities to be available to Councilors of any financial means. Councilor Shannon informed the Council that the recent trip she took was partially

funded by a private foundation and she agreed that personal finances should not determine a Councilor's ability to participate in events.

The motion passed by a vote of 10 to 3 with Councilors Wright, Decelles and Paul voting against and Councilor Bushor abstaining.

- 7.01. RESOLUTION: Supplemental Budget Resolution 2011-01 Re: Amendment To FY 11 City Councilor Budget for Other Charges to Support Councilor Bushor as Ambassador of Council to Sister City Yaroslavl's 1000th Anniversary (Board of Finance)

See narrative for item 7 above.

8. RESOLUTION: Efforts in Support of the Lake Monsters, Centennial Field, and Their Contributions to Burlington (Councilors Wright, Decelles, Dober, Kaplan, Keogh)

Councilor Wright made a motion, seconded by Councilor Decelles, to waive the reading and adopt the resolution. Councilor Wright noted changes that were being made to the resolution. Councilor Wright then explained his reasons for supporting the Lake Monsters and stated the organization was an important economic driver for the City. Councilor Bushor expressed her support for the baseball team and what it offered the City. Additionally, she expressed her confusion as to where UVM stood as far as supporting baseball and this team and would like to hear from them. The motion passed unanimously.

- 8.01. COMMUNICATION: Larry Kupferman, Director and Brian Pine, Assistant Director for Housing & Baseball, CEDO, re: Keeping Vermont Lake Monsters at Centennial Field

Councilor Wright made a motion, seconded by Councilor Decelles to waive the reading, accept the communication and place it on file. The motion passed unanimously.

9. RESOLUTION: Term Limits and Setting Annual Goals for City Commissions and Boards (Councilors Mulvaney-Stanak, Paul, Adrian, Kaplan)

Councilor Mulvaney-Stanak made a motion, seconded by Councilor Kaplan, to waive the reading and adopt the resolution. She explained that these were first steps in a conversation about commissions and boards. Councilor Dober stated his support about setting annual goals but was concerned with the term limit aspect of the resolution. Councilor Shannon, noting this would go to the Charter Change Committee, stated her concern with the workload of that Committee and, additionally, discussed the benefit of having dedicated residents in commission positions.

Councilor Wright then made a motion to amend the resolution, seconded by Councilor Kehoe, and agreed with Councilor Shannon's assessment. Councilor Adrian stated his reasons for supporting a term limit concept. Councilor Bushor and Paul explained their reasons for not supporting the amendment, noting that it was often only through the resignation of an incumbent that new members could join. Councilor Kranichfeld stated he believed the Council should make the decision to approve a Commission member or not, rather than change the Charter.

The amendment passed by a vote of 9 to 5. The amended resolution was then passed by a vote of 13 to 1 with Councilor Kranichfeld voting against.

10. COMMUNICATION: David J. Provost, Senior Vice President for Administration and Finance, Champlain College, re: City Council consent per the 1994 MOU to allow Champlain College to develop 175 Lakeside Avenue

David Provost and Michel George were in attendance. David Provost explained the history of the relationship between the City and Champlain College in regards to acquisition of property and a comprehensive master plan. He then outlined the proposed use of the property at 175 Lakeside Avenue as a permanent location for administration services, IT, and project centers.

Councilor Shannon expressed her appreciation for changes made to the building during the development process by Champlain College. She also asked how the property tax base would be affected by Champlain using this site. David Provost stated the property was currently assessed at \$1.6 million and Champlain would make payment on that amount. Additionally, there would be a PILOT payment. He explained the new building would be a green building with solar panels on the roof. Councilor Berezniak asked that he be added as a co-sponsor to this resolution.

Councilor Adrian made a motion, seconded by Councilor Mulvaney Stanak, to waive the reading, accept the communication, place it on file and refer it to the City Attorney's Office for a resolution to be considered by the City Council at their August 9th meeting. The motion passed unanimously.

10.5. (was 3.02.) ORDINANCE: VEHICLES FOR HIRE Taxicab Licensing (License Committee, Police Department, Airport Department, Airport Commission)

Councilor Dober made a motion, seconded by Councilor Berezniak, to adopt the ordinance, suspending the rules to place this ordinance in all stages of passage. Councilor Dober explained the most significant aspect of the ordinance change was ensuring annual background checks on all cab drivers. It was noted by Councilor Mulvaney-Stanak that the initial review for this subject was with taxi drivers and the future meetings would be discussing the consumer side. Councilor Berezniak stated the drivers in attendance found the increased taxi license fee to be reasonable. The motion passed unanimously.

11. COMMITTEE REPORTS

Councilor Decelles informed the Council the Charter Change Committee would be meeting during the week to review the five resolutions recently forwarded to their committee. Councilor Kaplan noted the Parks, Arts and Culture Committee discussed moving forward with the Burlington Kids' resolution. Councilor Shannon outlined the upcoming Ordinance Committee agenda items. Councilor Paul highlighted the Hydro-Quebec discussion that would be occurring in the Transportation, Energy, and Utilities Committee.

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

Councilor Dober announced the upcoming Ward 4/7 NPA meeting. Councilor Bushor announced that Ward 1 NPA would not be meeting during the month of July. She also thanked the Council members for their support in approving her to be the ambassador from Burlington to Yaroslavl. She noted she was on the Council when this sister city was established and it was very meaningful for her to participate in the celebration and she greatly appreciated it. Council President Keogh stated that the Chair of the Parks Commission had notified him the parking passes issued to Councilors could now be used for entry to the City parks. Councilor Paul then expressed her concern that Councilors were currently using their passes inappropriately and it was very upsetting to her. Councilor Mulvaney-Stanak informed the Council of the upcoming Ramble.

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

Mayor Kiss informed the Council that Joe Reinert, his assistant, would be attempting to schedule a special two-hour work session with Terry Dorman to continue the discussion about Burlington Telecom. He stated the City would continue to move forward with the Champlain Parkway by seeking approval through Act 250. He then outlined the positive benefits of the Moran Plant and hoped to see this project continue to move forward.

13.5. COMMUNICATION: Joseph E. McNeil, Esq., re: Tentative Bargaining Agreement (oral)

* * * * EXPECTED EXECUTIVE SESSION * * * *

On a motion by Councilors Bushor and Mulvaney-Stanak, the Council voted unanimously to go into executive session at 10:28 p.m. to discuss a tentative bargaining agreement, premature public disclosure of which would place the City at a disadvantage. City Attorney Schatz also asked that the meeting time be extended in the event action needed to be taken following the executive session. Councilor Bushor made that motion, seconded by Councilor Adrian, and the motion passed by a vote of 13 to 1 with Councilor Kaplan voting against. Present were: Joseph McNeil, Esq. and Barbara Grimes, General Manager of Burlington Electric.

On a motion by Councilors Bushor and Kaplan, the Council voted unanimously to go out of executive session at 10:53 p.m.

On a motion by Councilors Bushor and Mulvaney-Stanak, the Council voted unanimously to add item 13.6 to the agenda:

13.6. RESOLUTION: Tentative Bargaining Agreement

Councilor Bushor made a motion, seconded by Councilor Caldwell, to waive the reading and adopt the resolution. The motion passed unanimously.

14. ADJOURNMENT

On a motion by Councilors Decelles and Wright, the Council voted unanimously to adjourn at 10:55 p.m.

Attest:

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