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DELIBERATIVE AGENDA

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ADJOURNED MEETING, CITY COUNCIL

MONDAY, JANUARY 24, 2011

7:00 P.M.

PRESENT: Councilors Brennan, Mulvaney-Stanak, Bushor, Kaplan (departed at 11:05 p.m.), Kranichfeld, Adrian, Keogh, Shannon, Kehoe, Berezniak, Paul, Dober, Wright, Decelles and Mayor Kiss (arrived at 7:13 p.m.)

CITY ATTORNEY'S OFFICE: Ken Schatz (arrived at 7:16 p.m.), Gene Bergman (arrived at 8:15 p.m.), Nikki Fuller (arrived at 8:27 p.m.) and Richard Haesler (arrived at 8:05 p.m.; departed at 11:15 p.m.)

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

PRESIDENT KEOGH PRESIDING

1. AGENDA

On a motion by Councilor Adrian, the agenda was amended and approved unanimously as follows: add to the consent agenda item 4.04.01 COMMUNICATION: John Irving, Manager, Manager of Generation, BED, re: McNeil Turbine Service Contract with consent action to waive the reading, accept the communication and place it on file; note revised version of agenda item 8. COMMUNICATION: Kenneth A. Schatz, Esq., City Attorney, re: Utilization of short titles; short form questions for proposed charter changes (per Councilor Wright); re-number agenda item 14. RESOLUTION: March 1, 2011 Annual City Meeting – Increase in Maximum Tax Rate for General City Purposes Authorized (Board of Finance) as item 8.5; add to the agenda item 9.01. COMMUNICATION: Retirement Board, Nikki A. Fuller, Esq., Assistant City Attorney, re: IRS Required Amendments to Retirement Ordinance; add to the agenda item 10.01. COMMUNICATION: Bill Ward, Code Enforcement Director, re: Implementation of Amnesty Resolution (oral); note written material and title change for agenda item 12. RESOLUTION: March 1, 2011 Annual City Meeting—Re: Burlington Electric Department Authority to Issue Revenue Supported General Obligation Bonds for Purchase of Additional Equity in Vermont Transco, LLC and Investment in Smart Grid Technology (Board of Finance); note written material and title change for agenda item 13. RESOLUTION: March 1, 2011 Annual City Meeting—Referendum Re: Increase in Annual Authority to Issue General Obligation Bonds for Capital Improvements by Burlington Electric Department from \$1 Million to \$3 Million (Board of Finance); note substitute language for agenda item 15. RESOLUTION: March 1, 2011 Annual City Meeting – Advisory Referendum Re: Preservation of Federally subsidized Housing (Councilors Berezniak, Adrian and Mulvaney-Stanak: Community Development and Neighborhood Revitalization Committee); add to the agenda item 15.01. COMMUNICATION: Carol Jaramillo, Resident/Member, Northgate Residents Ownership Corporation, Re: In Support of Placing Agenda Item 15 on the Ballot; note revised version of agenda item 16. RESOLUTION: Recovering City Funds Spent on Burlington Telecom in Contravention of Certificate of Public Good (Councilors Decelles and Dober).

2. RESOLUTION: Accepting Ownership and Recognizing the Installation Of Historic Burlington Curtain in Contois Auditorium (Full City Council)

Councilor Paul made a motion, seconded by Councilor Decelles, to waive the reading and adopt the resolution. The resolution was read into the record by Councilor Paul. Christine Hadsel spoke to the Council. The motion then passed unanimously.

3. PUBLIC FORUM

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

<u>Name</u>	<u>Affiliation/Ward</u>	<u>Subject</u>
Rachel Batterson	Vermont Legal Aid	Preservation of Affordable Housing
Abigail Russell/Cindy Hiney	Northgate/ 5	Preservation of Wharf Lane Housing
Maxwell Tracy		Preservation of Affordable Housing
Ted Wimpey	CVOEO/2	Preservation of Affordable Housing
Julie Lowell	COTS Rep.	Preservation of Wharf Lane Housing
Roger Ballard		Unavailability of Affordable Housing
Michael Morelli	Ironworkers Local 7	Supported Community Workforce Standards/Moran
Mark Holden	Assoc. Builders/Contractors	Opposed the Community Workforce Standards
Josh Igan	Skate Park Advisory Comm.	Supported the Rebuilding of Skate Park
Ron Ryan	Ironworkers Local 7	Supported Community Workforce Standards/Moran
Andrew Martin	Agency of General Contractors	Opposed Community Workforce Standards/Moran
Tom Clavelle	Engelberth Construction	Opposed Community Workforce Standards/Moran
Cathy Voyer	Associated General Contractors	Opposed Community Workforce Standards/Moran
Ron Ruloff	Council Candidate	Recall Statutes
April Wilber	Wharf Apt. Resident	Supported Resolution on Affordable Housing
Keesha Ram	State Representative	Preservation of Affordable Housing
Brian Pine	CEDO Office	Wharf Lane Affordable Housing
Scott Stevens	COTS	Preservation of Affordable Housing
Amy Wright	Ward 1	Preservation of Affordable Housing
Unidentified Speaker		Housing Issues
Don Lyons	Northgate	Supported Affordable Housing

With no one further coming forward, Council President Keogh closed the public forum at 8:33 p.m.

At this time Councilor Berezniak called a point of order, requesting amending the agenda so that agenda item 15 could be voted on earlier. Council President Keogh stated he would consider the point of order after voting on the consent agenda.

4. CONSENT AGENDA

On a motion by Councilor Adrian, the consent agenda was adopted unanimously, as amended, thus taking the following actions as indicated:

- 4.01. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator, re:  
Accountability List  
\*waive the reading, accept the communication and place it on file
- 4.02. RESOLUTION: Supplemental Budget Resolution #2011-09 General Fund Budget  
Amendments for the Police Department (Board of Finance)  
\*waive the reading and adopt the resolution
- 4.03. RESOLUTION: Supplemental Budget Resolution #2011-10 General Fund Budget  
Amendments for the Fire Department (Board of Finance)  
\*waive the reading and adopt the resolution
- 4.04. RESOLUTION: Approval of Proposal by Alstom Power Inc. to Provide Technical  
Services at the Joseph C. McNeil Generating Station (Board of Finance)  
\*waive the reading and adopt the resolution
- 4.05. RESOLUTION: Revisions to Ordinances and Rules and Regulations Pertaining to Dogs,  
Dog Parks, Off-Leash Dog Areas (Councilor Paul)  
\*waive the reading and adopt the resolution
- 4.06. ORDINANCE: Animal & Fowl, Parks (Councilor Paul)  
\*consider first reading and refer it to the Ordinance Committee
- 4.07. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue  
Trainor, Assistant to the CAO, re: Minutes, City Council for August 9,  
2010  
\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the  
January 10, 2011 City Council Meeting
- 4.08. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue  
Trainor, Assistant to the CAO, re: Minutes, City Council, September 13,  
2010  
\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the  
January 10, 2011 City Council Meeting
- 4.09. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue  
Trainor, Assistant to the CAO, re: Minutes, City Council for September  
27, 2010  
\*waive the reading, accept the communication, place it on file and adopt the minutes as received at the  
January 10, 2011 City Council Meeting

- 4.10. COMMUNICATION: Charlie Baker, Executive Director, CCRPC and Michele Boomhower, Executive Director, CCMPO, re: Report to Legislature – Plan for Merger of CCMPO & CCRPC

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

- 4.11. COMMUNICATION: Byron Corcoran, Centrodyne, re: Centrodyne Taximeters  
\*waive the reading, accept the communication, place it on file and send a copy to Assistant City Attorney Fuller and Airport Director of Administration Gagne

- 4.12. COMMUNICATION: Clerk/Treasurer's Office, re: Five Openings Audit Advisory Committee  
\*waive the reading, accept the communication and place it on file

- 4.13. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City Commissions/Boards

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

Following the Council's approval of the consent agenda, Councilor Berezniak made a motion to amend the agenda, advancing agenda item 15 to agenda item 8.2, seconded by Councilor Kehoe. The motion to amend the agenda passed unanimously.

5. PUBLIC HEARING: March 1, 2011 Annual City Meeting—Proposed Charter Change re: Election of Mayor by Majority of Voters

Council President Keogh opened the public hearing for agenda items 5, 6 and 7 at 7:20 p.m. With no one coming forward to speak to these items, the public hearing was closed at 7:20 p.m.

6. PUBLIC HEARING: March 1, 2011 Annual City Meeting—Proposed Charter Change re: City Council Rules, Legal Majority

See agenda item 5.

7. PUBLIC HEARING: March 1, 2011 Annual City Meeting—Proposed Charter Change Re: Composition of Bd. of Finance

See agenda item 5.

8. COMMUNICATION: Kenneth A. Schatz, Esq., City Attorney, re: Utilization of short titles; short form questions for proposed charter changes

Councilor Bushor made a motion, seconded by Councilor Shannon, to waive the reading, accept the communication, place it on file and approve the short form questions/titles. City Attorney Schatz noted he was contacted by Councilor Wright regarding a potential change to the short form question relating to the Mayor. He reminded the Councilors it was their duty to approve a short and concise statement for the voters if they believe the complete language of the charter change was too wieldy to be placed on the ballot.

Councilor Bushor then made a motion, seconded by Councilor Wright, to adopt the Charter Change language as proposed with the amendment to majority vote required for Mayor.

Councilor Shannon objected to the language change as she believed the purpose of the amendment was to give emphasis to the run-off election when the focus of the Committee was to move from a plurality to a majority system. She thought the original version was more accurate and less misleading. Councilor Wright disagreed with Councilor Shannon's interpretation. He believed it was concise and clear and felt

including the run-off language was important. Councilor Decelles expressed his agreement with Councilor Wright's comments.

Councilor Decelles then called for a roll call:

Ayes: Brennan, Bushor, Decelles, Dober, Mulvaney-Stanak, Paul, Wright  
Nays: Adrian, Berezniak, Kaplan, Kehoe, Kranichfeld, Shannon, Keogh

The amendment failed by a vote of 7 to 7.

Council President Keogh then asked for a vote on the three charter changes as presented. The councilors voted unanimously to approve.

Councilor Dober called a point of order asking to reconsider the last question. Councilor Decelles explained that Councilor Dober had asked for the charter change questions to be voted on separately. Council President Keogh then clarified that the motion was to reconsider the action to approve all three charter change items, seconded by Councilor Decelles. The vote to reconsider failed by a vote of 10 to 4 with Councilors Decelles, Wright, Dober and Brennan voting in favor.

8.2. (was 15.)RESOLUTION: March 1, 2011 Annual City Meeting—Advisory Referendum  
Re Preservation of Federally Subsidized Housing (Councilors Berezniak,  
Adrian and Mulvaney-Stanak: Community Development and  
Neighborhood Revitalization Committee). (Previously item 15.)

Councilor Berezniak made a motion, seconded by Councilor Kehoe, to adopt the resolution as written. Councilor Mulvaney-Stanak offered two amendments to the language which were read into the record. The amendment was considered friendly by the maker and seconder of the motion.

Councilor Dober requested that Brian Pine of CEDO respond to questions. He asked for the number of units being affected in Burlington, with Mr. Pine responding that approximately 10% of Burlington's housing stock was at risk in some way. Further, Mr. Pine explained that these units themselves were federally subsidized and the referendum would not affect those receiving Section 8 housing vouchers.

The motion to adopt the amended resolution passed unanimously.

8.5. (was 14.)RESOLUTION: March 1, 2011 Annual City Meeting – Increase in Maximum Tax Rate  
for General City Purposes Authorized (Board of Finance)

Councilor Brennan made a motion, seconded by Councilor Mulvaney-Stanak, to waive the reading and adopt the resolution as presented. Councilor Decelles called a point of order, noting there was an amendment to the original resolution. Councilor Brennan agreed he wished to adopt the amended resolution. This was friendly to the seconder.

Councilor Brennan was then asked to read the amended resolution into the record. Councilor Dober asked for clarification on the change in the numbers. City Attorney Schatz stated the original numbers were incorrect and included a number of tax items within it. The intent was to add four cents to the general city tax rate. Councilor Dober wanted to know what the proportionate amount would be to the residents and the Mayor stated it was the same tax increase of four cents. CAO Leopold explained there were 12 different items included in the tax rate with the total being 72 cents. One specific item – the general city tax – would increase 4 cents. The CAO stated that a \$100,000 home would see a \$40 annual increase.

Councilor Decelles explained his understanding was that if the voters approved this item, the tax could go up to or including four cents but might also not increase at all. He asked about the timing of the increase. Mayor Kiss explained the budget being worked on would be effective July 1, 2012 and stated that if less of an increase were required that would be the amount ultimately requested as an increase. Councilor Decelles was unclear why the voters were being asked when in the past the Council voted on the item. He then asked the Mayor if the \$16.9 million used on Telecom were available would the tax increase be required. The Mayor responded that it would still be required for meeting the needs of general fund services. Councilor Decelles asked how that was possible. Following a response from the Mayor, Councilor Decelles stated his disagreement with the response and opposition to the item being placed on the ballot.

Councilor Kehoe found the amended resolution misleading as it did not show that the total tax rate would increase to .79. She did not feel comfortable with the Administration asking for an amount of money “up to”, leaving too much ambiguity in the need for the funds. She also explained she did not have adequate information on what the tax increase would pay for. Councilor Wright explained the percentage needed and the language used came as a result of discussions that took place at the Board of Finance. The “up to” language in the resolution was considered voter friendly by Councilors on the Board. He believed it was important to know that the changes in language were sought by the members of the Board.

Councilor Bushor asked Assistant CAO Schrader whether the Board of Finance meetings that were held were noticed to the City Council. Mr. Schrader stated they were all posted on the City’s website. Councilor Bushor, as an observer at the Board of Finance meetings, explained to Councilors that each department was asked to submit both a level funded budget and a budget with a 3% reduction and make a presentation to outline how they would accomplish this task. Some were able to meet the reduction and others said it was next to impossible. Her opinion was that was the best the Administration could do to inform the Council. Councilor Bushor referred to the fact that the Super-Committee on the Budget report, done a number of years ago, needed to be revisited to determine if other ways could be found to reduce expenses. The Council needed to address the issue of a potential \$1.4 million shortfall. She found it very frustrating because the residents deserved to know the full story and were only receiving sound bites on the issue.

Councilor Kranichfeld expressed his concern that he did not have adequate information to vote on this item and was unaware of where the shortfall was. He believed there could be more creative ways to address this issue other than asking taxpayers to pay more taxes.

The Mayor explained that the Administration and the Board of Finance had been working together to review a budget for July. He stated that a request to increase the general fund had not occurred over the past four years and that was what was unique about this process. He explained that the CAO had announced earlier that there was the potential for a budgetary shortfall and the Board of Finance was well aware of the issue. He also explained this was the last meeting available to warn an item for the ballot. He stated Police and Fire have both stated they cannot absorb a decrease, which would potentially result in greater decreases in other departments.

Councilor Shannon explained that the Council had the authority to not increase taxes but did not have the authority to increase taxes without a vote. She noted the residents would ultimately be impacted by the result of cuts to services and she was concerned about the fact that the Council did not know yet what the budget would look like. She believed the voters needed to know specifics on what the tax increase would be for.

Councilor Brennan noted there had not been an increase in the General Fund for quite some time. The City had tightened their belt and reduced costs for quite some time and this modest increase came at a time of need.

Councilor Paul stated the department heads had been required to provide answers to reducing costs, however, the Mayor had not provided any answers during this process. She stated cutting expenses should be reviewed and wanted to hear some creative solutions from the Mayor. Councilor Paul then put forward an amendment to the resolution increasing the tax rate by no more than 02 cents of the grand list with the Mayor making budget cuts that did not affect safety needs or essential city services. This amendment was seconded by Councilor Shannon. This was not considered to be a friendly amendment by Councilor Brennan.

Councilor Dober applauded Councilor Paul for the amendment and noted his lack of support for the resolution. He found it difficult to believe the \$16.9 million given to Burlington Telecom did not have something to do with this request. Councilor Adrian noted his lack of support for both the amendment and the resolution. He stated while a draft budget was provided to the Council at the last meeting, this resolution was being submitted last minute to the Council. He found that to be disturbing. He also stated that he had gone without an increase in pay over the last several years and thought the difference between the State and the City was that the State had drawn the line in increased spending.

Councilor Shannon stated her belief that taxpayers should have the choice as to what level of service and tax rate they were willing to pay for. Councilor Shannon then offered an amendment to the amendment to suggest a tax increase on the ballot of not more than \$.02 cents and ask for more information on the division on the question at a future date.

Mayor Kiss reminded the Council that they had voted on budgets in the past and already knew the separation of funds within the general city rate, they had a budget review done by their hired consultant, George Cross, and a lean budget has been in place for four years. The same principles were being applied with this upcoming budget and the Administration was attempting to prepare for expected increases. He also noted that the Board of Finance had worked on this issue of the FY 2012 budget and to legislate on the floor and provide increases for certain departments took away from the resiliency of government to make sense of a process. He stated the upcoming budget would be reviewed, as had been done in the past, in May and June and the budget would be one that was developed by the Mayor and the City Council.

Councilor Bushor asked the Mayor if he would agree to support a \$.02 cent increase. He stated he believed the City would potentially need a \$.04 cent increase, however the voters should have the option to vote on what would meet their needs and therefore he would support, at the minimum, a \$.02 cent increase. Councilor Bushor stated she wanted to support some language to be placed on the ballot because the taxpayers needed to be able to make a choice in this matter. She did not want to increase taxes but recognized the need.

Councilor Wright reminded the Council that when budget cuts had been presented in the past residents came to the Council and protested each suggested action. He thought it important to allow residents to vote on the matter in the event cuts were needed in the future. Councilor Dober then made a motion to postpone this item until the upcoming Thursday meeting. With no second, the motion failed.

Council President Keogh then asked for a roll call vote to be taken on Councilor Paul's amendment.

Ayes: Councilors Bushor, Kehoe, Mulvaney-Stanak, Paul, Shannon, Wright, Keogh

Nays: Councilors Adrian, Berezniak, Brennan, Decelles, Dober, Kaplan, Kranichfeld

The motion failed by a vote of 7 to 7.

The Mayor expressed his view of the importance of allowing the taxpayers to vote on this issue. Councilor Adrian then asked what the vote on the Board of Finance was regarding the increase. The Mayor responded that no vote had been taken by the Board on the matter. Councilor Adrian stated his

belief that the Board abdicated their responsibility by not taking a position. He noted the Board of Finance abstained from voting in order to have the full Council take responsibility. He stated his opinion that the Board of Finance's responsibility was to stand as a barrier between the Council and the Administration.

Councilor Shannon explained that safety services needed to be supported and proposed an amendment, dividing between the Police/Fire and General Fund rates to assure full funding of the Police and Fire. Following a brief recess to discuss amendment language Councilor Bushor moved to suspend the rules to complete agenda items 8.5, 9, 10, 12 and 13 and then adjourn. The motion was seconded by Councilor Berezniak. Councilor Wright stated his opposition due to the fact people in the audience had been waiting for a decision on other items on the agenda. The motion failed due to lack of a 2/3 vote with a vote of 8 to 6, with Councilors Decelles, Wright, Dober, Kaplan, Kranichfeld, and Adrian voting against.

Councilor Adrian then made a motion to suspend the rules, seconded by Councilor Dober. The motion passed by a vote of 10 to 4 with Councilors Bushor, Kaplan, Kehoe and Berezniak voting against.

Councilor Shannon then proposed an amendment to the motion noted above requesting that the Administration bring to the Council the tax rates that reflected the stated goal to the January 27<sup>th</sup> meeting, seconded by Councilor Kehoe. The amendment was considered friendly by the maker. Councilor Adrian made a motion to table the amendment, seconded by Councilor Dober. The vote to table the amendment failed by a vote of 7 to 7 with Councilors Kaplan, Berezniak, Wright, Dober, Paul, Keough and Adrian voting to table.

Councilor Kehoe questioned the funds going to Police and Fire, assuming they had already received separate funds. Councilor Shannon explained that Police and Fire also received money from both the General Fund and separate line items. CAO Leopold explained that Councilor Shannon's amendment was workable. Councilor Dober then moved to postpone action on this item until January 27<sup>th</sup>, seconded by Councilor Kaplan. Councilor Shannon stated she believed it was important to make a decision at this meeting. Councilor Berezniak stated it was important to hold safe the public safety aspect of the budget. Following two votes, the motion to postpone action failed by a vote of 10 to 4 with Councilors Decelles, Dober, Paul and Mulvaney-Stanak voting for the postponement.

Councilor Kaplan called the question, seconded by Councilor Kranichfeld. Councilor Decelles asked that a roll call be taken:

Ayes: Councilors Berezniak, Brennan, Bushor, Kehoe, Mulvaney-Stanak, Shannon, Wright

Nays: Councilors Adrian, Decelles, Dober, Kaplan, Kranichfeld, Paul, Keogh

The motion failed by a vote of 7 to 7.

Councilor Decelles called the question on the original resolution, seconded by Councilor Dober. The motion passed by a vote of 13 to 1 with Councilor Berezniak voting against. Council President Keogh called for a roll call.

Ayes: Councilors Berezniak, Brennan, Bushor, Kaplan, Kehoe, Mulvaney-Stanak, Shannon, Wright, Keogh

Nays: Councilors Adrian, Decelles, Dober, Kranichfeld, Paul

The vote on the original resolution passed by a vote of 9 to 5.

9. ORDINANCE: PERSONNEL—Retirement System (Retirement Board, Human Resources Department)

Councilor Kehoe made a motion, seconded by Councilor Bushor, to waive the reading, suspend the rules and place in all stages of passage. This ordinance change dealt with IRS changes on tax-exempt holdings, was part of a voluntary correction and no benefits were being reduced. The motion passed unanimously.

10. RESOLUTION: Granting a Limited Amnesty for Landlords who Failed to Register Rental Units in 2010-2011 (Councilors Shannon and Mulvaney-Stanak)

Councilor Shannon made a motion, seconded by Councilor Mulvaney-Stanak, to waive the reading and adopt the resolution. Councilor Shannon explained the purpose of the resolution was to publicize the requirement to enroll and grant amnesty for those who have not paid the fee over the years. William Ward, Code Director, presented information and background to the Council. Councilor Dober requested information on the statute of limitations and money lost.

The motion passed unanimously.

11. RESOLUTION: Community Workforce Standards for Moran Redevelopment Project (Councilors Mulvaney-Stanak and Brennan)

Councilor Mulvaney-Stanak made a motion to postpone this issue to the February 7<sup>th</sup> meeting, seconded by Councilor Berezniak. The motion passed by a vote of 8 to 6 with Councilors Brennan, Mulvaney-Stanak, Bushor, Kranichfeld, Adrian, Berezniak, Paul and Kehoe voting in favor.

12. RESOLUTION: March 1, 2011 Annual City Meeting re: Burlington Electric Department Authority to Issue Revenue Backed General Obligation Bonds for Purchase of Additional Equity in Vermont Transco, LLC and Investment in Smart Grid Technology (Board of Finance)

Councilor Bushor made a motion, seconded by Councilor Shannon, to waive the reading and adopt the resolution. General Manager Barbara Grimes was present to explain the reason for this request. Councilor Paul made a motion to call the question, seconded by Councilor Kehoe. The vote was 9 to 5 to call the question, with Councilors Berezniak, Kehoe, Dober, Shannon and Keogh voting against.

The resolution passed by a vote of 11 to 2 with Councilors Shannon and Dober voting against.

13. RESOLUTION: March 1, 2011 Annual City Meeting – Increase in Annual Authority To Issue General Obligation Bonds for Capital Improvements by Burlington Electric Department from \$1 Million to \$3 Million (Board of Finance)

Councilor Paul made a motion, seconded by Councilor Shannon, to waive the reading and adopt the resolution. BED General Manager Barbara Grimes was present to explain the reason for this request. Councilors Dober and Shannon both asked about revenue bonds versus general obligation bonds. Assistant CAO Schrader explained the historical reasons for bonding in this manner.

The motion then passed unanimously.

16. RESOLUTION: Recovering City Funds Spent on Burlington Telecom in Contravention of Certificate of Public Good (Councilors Decelles and Dober)

Councilor Decelles made a motion, seconded by Councilor Dober, to waive the reading and adopt the resolution. Councilor Decelles noted there was a revised version available and read into the record the changes in the revised version. Councilor Decelles explained this resolution was put forth to determine insurance matters and counsel relative to Burlington Telecom.

Councilor Adrian then called the question, seconded by Councilor Kehoe. The motion passed unanimously.

The revised resolution failed to pass by a vote of 9 with 4 with Councilor Kaplan absent.

17. COMMUNICATION: Ad Hoc Committee on the Use of Executive Sessions (Councilor Sharon Bushor/Chair, Councilors Kurt Wright and Bram Kranichfeld), re: Committee Report

Not discussed.

18. COMMITTEE REPORTS (5 mins.)

Not discussed.

19. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Not discussed.

20. COMMUNICATION: Mayor Kiss, re: General City Affairs (oral)(5 mins.)

Not discussed.

21. ADJOURNMENT

Councilor Berezniak made a motion to adjourn at 11:30 p.m., seconded by Councilor Wright. The motion passed by a vote of 12 to 1 with Councilor Decelles voting against.

Attest:

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