
DELIBERATIVE AGENDA

SPECIAL CITY COUNCIL WORKSESSION
CONFERENCE ROOM 12, CITY HALL
MONDAY, NOVEMBER 22, 2010
6:00 P.M. – 7:00 P.M.

1. AGENDA
2. COMMUNICATION: Terry Dorman, Consultant, Dorman and Fawcett, re: Update on Burlington Telecom (oral)

* * * * **EXPECTED EXECUTIVE SESSION** * * * * *

3. ADJOURNMENT

LOCAL CONTROL COMMISSION
MONDAY, NOVEMBER 22, 2010
CONTOIS AUDITORIUM, CTY HALL
7:26 P.M.

PRESENT: Commissioners Adrian (departed at 10:40 p.m.), Brennan, Bushor, Decelles, Dober (departed at 10:20 p.m.), Kaplan (departed at 10:07 p.m.), Kehoe (departed at 10:40 p.m.) Kranichfeld, Mulvaney-Stanak, Paul, Shannon, Wright, Keogh and Mayor Kiss (arrived at 7:32 p.m.)

ABSENT: Commissioner Berezniak

CITY ATTORNEY’S OFFICE: Ken Schatz and Richard Haesler (arrived at 8:00 p.m.; departed at 10:40 p.m.)

CLERK/TREASURER’S OFFICE: Rich Goodwin, Scott Schrader and Lori Olberg

PRESIDENT KEOGH PRESIDING:

1. AGENDA

Commissioner Dober made a motion, seconded by Commissioner Decelles, to adopt the agenda as is.

2. **FIRST CLASS RESTAURANT LIQUOR LICENSE APPLICATION (2010-2011):**

Sansai, Inc., d/b/a Sansai Japanese Restaurant (formerly Taste of Burlington), 112 Lake Street

Commissioner Dober made a motion, seconded by Commissioner Decelles, to approve the First Class Restaurant Liquor License Application for Sansai, Inc. The motion passed unanimously.

- 2.01. **OUTSIDE CONSUMPTION PERMIT APPLICATION (2010-2011):**

Sansai, Inc., d/b/a Sansai Japanese Restaurant, 112 Lake Street

Commissioner Dober made a motion, seconded by Commissioner Decelles, to approve the Outside Consumption Permit for Sansai, Inc. The motion passed unanimously.

3. FIRST CLASS CABARET LIQUOR LICENSE APPLICATION (2010-2011):

Remy Cooper, LLC, d/b/a ½ Lounge, 136 ½ Church Street

Commissioner Dober made a motion, seconded by Commissioner Decelles, to approve the First Class Cabaret Liquor License Application for the ½ Lounge with the following conditions: no new alcohol-related charges or citations go to licensees and they will be placed on the watch list for no further citations. The motion passed unanimously.

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

Remy Cooper, LLC, d/b/a ½ Lounge, 136 ½ Church Street

Commissioner Dober made a motion, seconded by Commissioner Decelles, to approve the Outside Consumption Permit Application with the same conditions that were imposed on agenda item 3. The motion passed unanimously.

4. ADJOURNMENT

On a motion by Commissioners Dober and Decelles, the Local Control Commission adjourned at 7:31 p.m.

Attest:

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

SPECIAL MEETING, CITY COUNCIL
MONDAY, NOVEMBER 22, 2010
7:31 P.M.

1. AGENDA

On a motion by Councilor Adrian with no second, the agenda was amended unanimously as follows: amend the action for consent agenda item 3.10. COMMUNICATION: Sanford Miller, Vermont League of Cities and Towns President, re: VLCT Board Sets FY 12 Dues as follows “waive the reading, accept the communication, place it on file and refer to the Board of Finance for their Budget consideration for next year;” add to the consent agenda item 3.24. COMMUNICATION: Mayor Bob Kiss to the File and Burlington City Council Members, re: Resolution 4.0; 5.0; 6.0 Introduced 10/25/10 City Council Rules/Legal Majority with the consent action to “waive the reading, accept the communication and place it on file;” add to the consent agenda item 3.25 COMMUNICATION: Jarett Chizick, Resident, Ward Three, re: In Support of Deliberative Agenda item 11; amend agenda item 7. RESOLUTION: Use of Executive Sessions (Councilors Wright, Dober, Decelles & Paul) line items 17 through 18: delete “been frequently agreeing” and replace with “frequently voted;” amend agenda item 8. RESOLUTION: Creation of an Audit Advisory Committee (Councilors Decelles, Kehoe & Shannon: Charter Change Committee), page 2, following line 41, inserting TWO new be it further resolved clauses to read: BE IT FURTHER RESOLVED that initial appointments to the Committee shall be for terms beginning February 1, 2011 and subsequent appointments shall begin on June 1st of each year; and BE IT FURTHER RESOLVED that annually the Committee will select its chairperson from among its members; and....;” remove from the agenda item 9. RESOLUTION: Supplemental Budget Resolution #2011-05 General Fund Budget Amendments for Planning and Zoning, the Fire Department and Regional Programs Including A Centennial Field Study and SEABA Art Hop (Board of Finance); note correct title for agenda item 10. RESOLUTION: Supplemental Resolution Relating to Authorization for Wastewater Refunding Revenue Bonds (Board of Finance); add to the agenda item 10.01. COMMUNICATION: Scott

Schrader, Asst. Chief Admin. Officer, re: Council Agenda Item #10 \$4.1 Million Burlington Wastewater Revenue Bonds; remove from the consent agenda item 3.23. COMMUNICATION: Larry Kupferman, Director, CEDO, re: Community Development and Neighborhood Revitalization Committee recommendation and place it on the Deliberative Agenda as item 4.5; remove from the agenda items 12. REPORT: Brian Pine, Assistant Director for Housing, CEDO, re: Fair Housing Report and 12.01. COMMUNICATION: Craig Bailey, VHFA and Brian Pine, CEDO, re: Housing Agencies Publish Fair Housing Report and place on the December 6, 2010 Deliberative Agenda; add item 15.5 COMMUNICATION: Joseph McNeil, Esq., re: Collective Bargaining (oral); expected Executive Session.

2. PUBLIC FORUM

President Keogh opened the public forum at 7:37 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Tom Clavelle	Engelberth Construction	Opposed PLA Agreement
Jonathan Leavitt		Supported PLA Agreement
Ann M. Ross		Supported PLA Agreement
Donald Wells	DEW Construction/AGC	Opposed PLA Agreement
Patrick Flanagan	IBEW Local 300	Supported PLA Agreement
Michael Morelli	Ironworkers Local 7	Supported PLA Agreement
Andrew Martin	AGC/Pizzagalli	Opposed PLA Agreement
Stephen Edwards		Supported PLA Agreement
Jason Barrett	IBEW Local 300	Supported PLA Agreement
Kevin Boyce	IBEW Local 300	Supported PLA Agreement
Matt Lash	IBEW Local 300	Supported PLA Agreement
Mark Holden	Associated Builders and Contractors	Opposed PLA Agreement
Jeff Potvin	Vermont Building Trades	Supported PLA Agreement
Gary Horican	Plumbers and Pipefitters 693	Supported PLA Agreement
William (Sandy) Fead	Associated General Contractors	Opposed PLA Agreement
Ben Kowalski	Vermont Workers' Center	Supported PLA Agreement
Bekah Mandell	Vermont Workers' Center	Supported PLA Agreement
James Haslam	Vermont Workers' Center	Supported PLA Agreement

Cathy Voyer Vermont Workers' Center Opposed PLA Agreement

Kevin Stapleton 7 Charter Changes 5 and 6

There being no one further coming forward, President Keogh closed the public forum at 8:23 p.m.

3. CONSENT AGENDA

On a motion by Councilors Adrian and Decelles, the consent agenda was adopted unanimously, 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
- 3.02. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed
Zoning Amendments
*waive the reading, accept the communication and place it on file
- 3.03. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Wetland
Conservation Zone #ZA 11-03 (Planning Commission)(1st reading)
*consider this first reading and refer to the Ordinance Committee
- 3.04. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Mental Health
Crisis Center #ZA 11-04 (Planning Commission)(1st reading)
*consider this first reading and refer to the Ordinance Committee
- 3.05. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Tree List
Requirement #ZA 11-05 (Planning Commission)(1st reading)
*consider this first reading and refer to the Ordinance Committee
- 3.06. RESOLUTION: Authorization to Execute Agreement for Computer Aided Dispatch and
Records Management System (Board of Finance)
*waive the reading and adopt the resolution
- 3.07. RESOLUTION: Purchase of Capital Equipment for Public Works Department (Board of
Finance)
*waive the reading and adopt the resolution
- 3.08. RESOLUTION: Authorization to Accept Easement for Sewer and Stormsewer Lines and
Related Agreements (Board of Finance)
*waive the reading and adopt the resolution
- 3.09. COMMUNICATION: Jeff Potvin, President, VT Building & Construction Trades Council, re:
PLA for the Moran endeavor
*waive the reading, accept the communication and place it on file
- 3.10. COMMUNICATION: Sanford Miller, Vermont League of Cities and Towns President, re:
VLCT Board Sets FY 12 Dues
*waive the reading, accept the communication, place it on file and refer to the Board of Finance for their
Budget consideration for next year
- 3.11. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance May 20, 2010

Minutes

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

3.12. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance May 24, 2010
Minutes

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

3.13. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance June 3, 2010
Minutes

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

3.14. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance June 14, 2010
Minutes

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

3.15. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Burlington Community
Development Corporation June 14, 2010 Minutes

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

3.16. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Board of Finance November 8,
2010 Minutes

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

3.17. COMMUNICATION: Jonathan P.A. Leopold, Jr., CAO, re: Burlington Community
Development Minutes for November 8, 2010

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

3.18. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue
Trainor, Assistant to the CAO, re: Minutes, City Council for May 24,
2010

*waive the reading, accept the communication, place it on file and adopt the minutes at the December 6,
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, June 7, 2010

*waive the reading, accept the communication, place it on file and adopt the minutes at the December 6,
2010 City Council Meeting

3.20. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue
Trainor, Assistant to the CAO, re: Minutes, City Council, June 14,
2010

*waive the reading, accept the communication, place it on file and adopt the minutes at the December 6,
2010 City Council Meeting

3.21. COMMUNICATION: Jarett Chizick, Resident, Ward Three, re: Public Forum

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

3.22. COMMUNICATION: Mark Holden, President, Associated Builders and Contractors, NH/VT,
Re: PLA Process for the Moran Project

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

3.24. COMMUNICATION: Mayor Bob Kiss to the File and Burlington City Council Members, re:
Resolution 4.0; 5.0; 6.0 Introduced 10/25/10 City Council Rules/Legal

Majority

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

3.25. COMMUNICATION: Jarett Chizick, Resident, Ward Three, re: In Support of Deliberative Agenda item 11

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

4. INDOOR ENTERTAINMENT PERMIT APPLICATION (2010-2011):

Remy Cooper, LLC, d/b/a ½ Lounge, 136 ½ Church Street

Councilor Dober made a motion, seconded by Councilor Decelles, to approve the Indoor Entertainment Permit Application for ½ Lounge with the same conditions imposed as Local Control agenda items 3. and 3.01. The motion passed unanimously.

4.5. (originally consent agenda item 3.23, moved to 11.5)

COMMUNICATION: Larry Kupferman, Director, CEDO, re: Community Development and Neighborhood Revitalization Committee Recommendation (PLA)

Councilor Mulvaney-Stanak made a motion, seconded by Councilor Adrian, to waive the reading, accept the communication, place it on file and refer it to the City Attorney's Office for review of the legalities of implementing a Project Labor Agreement. Councilor Mulvaney-Stanak highlighted the recommendation of the Community Development Committee and their wish to refer to the City Attorney's Office by a vote of 3 to 0. The study primarily dealt with the issues of cost savings, urgency to complete and debating whether the bidding process was fair and open. However, she noted there were a host of other items and best practices that could be included in a PLA that would help the community at large. Councilor Adrian stated the PLA was something worth exploring and the size of the project was an incentive to allow this type of experiment. He believed it was worth the City Attorney's Office reviewing the legalities of implementing a Project Labor Agreement for the Moran Project.

Councilor Shannon stated that most of the Councilors did not read the document prior to this meeting as it was only available at the beginning of the meeting. She stated the document did not tell the full story. She stated the Council had been told there were cost benefits associated with having a PLA, however, the study did not reflect that. Councilor Shannon stated she wanted to hire local labor under fair labor practices who were recognized for their skill level and that could be done without a PLA. After reporting that 94.5% of the construction workforce was non-union or open shop, she wondered why the City would execute an agreement with only the 5.5% of the labor force that was unionized rather than keep the process open to all bidders. She noted the City Attorney's Office had stated previously they would have to hire out-of-state legal consultants to review this matter as a PLA had never been executed in Vermont. She believed the stakes were very high and experimenting with Moran was not a good idea. Councilor Wright agreed with Councilor Shannon's comments. He believed it was unwise to commission a study and not take note of the findings of the study.

At this time City Attorney Schatz noted that it was correct that outside counsel would be required to provide an opinion on the matter, however, he did believe Vermont counsel could be found.

Councilor Paul agreed with Councilor Shannon's comments except for the fact that the study was only available at this meeting. She explained it was online for over a week and available to anyone. She stated she would not support the expense of additional funds on a PLA primarily because of the line in the report that stated "almost all the traditional benefits of using a PLA are rendered moot by the nature of Moran's relatively simple construction plan."

Councilor Kranichfeld asked City Attorney Schatz of an approximate cost associated with forwarding this to outside counsel. City Attorney Schatz stated that while he couldn't give a figure, the question being referred would be relatively narrow, explaining that counsel would only be analyzing the legal issues involved in imposing a requirement that a bidder use a PLA.

Councilor Kaplan, as a member of the Moran Blue Ribbon Committee, stated the Committee had agreed to put forth the study in order to perform its' due diligence. The study was done and the study was clear. She would not support this item being referred as due diligence had been done.

Mayor Kiss explained that unions have addressed wages, working conditions and benefits throughout the years, had contributed to better working conditions and that unions continued to defend these issues. He remarked on the fact that the City has four unions and the Council was now questioning whether there should be support for a union process putting people to work at Moran. He noted that having only 5% union labor in Vermont was not a strength and was part of a long process to defeat unions. He believed it was in the best interests of the City to approve this type of agreement.

Councilor Bushor explained that while she did want more information she did not want to spend money to obtain it. She asked if the discussion on this matter would cease if the Council did not approve the motion. Because the Committee Chair was not present, Councilor Mulvaney-Stanak responded, suggesting postponing action so as to have more discussion at a future Council meeting without defeating the motion unnecessarily. Councilor Decelles noted the action could be amended to accept the communication and place it on file. Councilor Brennan expressed his opinion that it would not be a burden to refer this item to the City Attorney.

Councilor Wright then called the question and asked that a roll call vote be taken. Councilor Shannon seconded calling the question. The vote passed by a vote of 12 to 1 with Councilor Kehoe voting against. The votes were:

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

The motion failed by a vote of 7 nays, 6 ayes and 1 absent.

5. RESOLUTION: March 1, 2011 Annual City Meeting—Proposed Charter Change
Re: Composition of Board of Finance (Councilors Decelles, Kehoe & Shannon: Charter Change Committee)

Councilor Decelles made a motion, seconded by Councilor Kehoe, to waive the reading and adopt the resolution. Councilor Wright stated the change being proposed was to add a member of the public to the Board of Finance. As this issue had been debated previously and defeated, he offered an amendment to the resolution, replacing the previous proposal and adding one that removed the CAO as a voting member and added a City Councilor, rather than a member of the public, to the Board of Finance. He also stated he believed it was important to have multi-party representation. The amendment was seconded by Councilor Dober.

City Attorney Schatz, at the request of the Council President, explained this amendment was considered a "strike all" in the State Legislature and asking if the maker was friendly to the amendment was not required. Rather the Council could vote on making the change. The change to replace the original amendment with Councilor Wright's amendment was then seconded by Councilor Dober.

Councilor Kranichfeld reiterated his issues with the original resolution. He agreed five members were required on the Board of Finance and he believed Councilor Wright's amendment was the best alternative

to date. Councilor Kehoe reminded the Council of the impetus for the resolution which was the perceived and real structural problem of having the CAO be a voting member of the Board of Finance. She believed that members of the Board of Finance and City Council did not understand the information they were being presented with and that was the reason the original proposal was initiated. Councilor Kehoe did not agree with the City Attorney's interpretation that it was a "strike all" amendment. The only thing being done in Councilor Wright's resolution was replacing the CAO as a voting member. She did not feel it dealt with the real issue which was the need to understand the information that was coming before the Council. She believed it was necessary to have a qualified member of the public present at the Board of Finance.

Councilor Bushor explained her support of Councilor's Wright amendment. She gave a brief history of the discussions that took place well before the current CAO took office. The discussions focused on whether that position should vote on particular items being discussed at the Board of Finance. While removing the CAO as a voting member weakened the Administration's presence on the Board of Finance, the structure in place was already lopsided. She reminded Councilors that the original resolution allowed a member of the public to serve for three years on the Board of Finance when Councilors were only elected for one year at a time.

Councilor Shannon explained the reason for adding a member of the public was due to the lack of expertise Councilors had and their possible inability to ask the right questions. That matter was not solved by adding another Councilor to the Board of Finance. She was unclear why a Board of Finance was even necessary and why the Council itself did not review all materials.

Councilor Paul at that time called the question. This was not considered appropriate by the Council President as Councilor Shannon still had the floor. Councilor Shannon then completed her comments. Councilor Decelles reminded the Council there had been much discussion of this issue and then called the question, seconded by Councilor Dober. The motion passed unanimously.

Following a point of order from both Councilor Adrian and Decelles, City Attorney Schatz explained that there should be a motion to amend the proposed charter change with the revised version proposed by Councilor Wright. A vote on the amendment was then taken. Council President Keogh stated the motion passed by a vote of 8 to 6 which, with only 13 members, was incorrect. Councilor Paul then asked for clarification on what they were voting on. The motion passed by 9 to 4 with Councilors Kehoe, Shannon, Keogh and Adrian voting against.

The amended resolution then passed by a vote of 8 to 5 with Councilors Paul, Kehoe, Shannon, Keogh and Adrian voting against.

6. RESOLUTION: March 1, 2011 Annual City Meeting—Proposed Charter Change Re: Removal of Chief Administrative Officer (Councilors Decelles, Kehoe & Shannon: Charter Change Committee)

Councilor Shannon made a motion, seconded by Councilor Kehoe, to waive the reading and adopt the resolution. Councilor Shannon explained that information provided by the department heads at the committee level had changed and they now had a different opinion about removal options. Following discussion among the Committee members, it became clear that the City Council had a different relationship with the CAO position than they did with department heads. Therefore, language was added to the resolution dealing directly with the CAO position.

Councilor Kranichfeld found this resolution to be much improved from the original version. He found the delineated process to be much better with a higher standard of evidence required. Councilor Decelles stated that following Councilor Shannon's comments, he realized the Council relied on a variety of other positions to give accurate information, such as the City Attorney for legal advice or BED's General

Manager to provide accurate financial information relative to bonds, etc. He believed now that this resolution should not solely be about the CAO position.

Councilor Dober stated his opposition to the resolution and argued that there should be something in place that allowed the Council to take action if department heads were not qualified. Councilor Kehoe stated there should be a clear separation of power between the Council and the Mayor in order for the Mayor to do his/her job. She believed if this charter change were to pass, the Mayor would have a difficult time attracting the talented individuals needed to serve the City and lawsuits could potentially occur if an individual were to be removed. Councilor Kehoe believed the CAO position was a different matter and required the trust of the Council due to the quantity and quality of the information provided by that position.

Councilor Wright stated that many department heads believed the Council actually had the power to remove them and he believed the attempt of the charter change was to bring this back to that status. He did not believe this resolution should be specific to one position. He stated he agreed with Councilor Kehoe that the Mayor should be able to appoint who they thought was best for the position unless there was an egregious issue that needed to be dealt with.

Mayor Kiss noted the Council already had the authority to remove every appointed department head, including the CAO, with the concurrence of the Mayor. This policy was very clear and effective and he hoped the Council would leave the current policy in place.

The resolution failed by a vote of 8 to 5 with Councilors Kranichfeld, Adrian, Keogh, Shannon and Kehoe voting to pass the resolution.

7. RESOLUTION: Use of Executive Sessions (Councilors Wright, Dober, Decelles & Paul)

Councilor Wright made a motion, seconded by Councilor Dober, to waive the reading and adopt the resolution. Councilor Wright explained that this resolution was an effort to deal with an issue that the Council had grappled with over the years. This resolution asked that a review be done to see if any changes could be made to the process. Councilor Adrian asked for clarification on specifically what Councilor Wright was proposing. Councilor Wright stated it would be to initiate an ad hoc committee to review the use of executive sessions and to develop rules on going into executive session. Councilor Adrian stated there were already state laws in place that dealt with this matter. Councilor Adrian stated Councilor Wright had been in State Legislature long enough to deal with the state laws regarding executive session and that the Council had a simple way of avoiding going into executive session – a no vote. He believed that each member of the Council had the responsibility to determine if they wanted to go into executive session. He stated the attorneys would always explain the liabilities of an item being discussed in public but it was up to the Council to weigh the value of the public having access to the information.

Councilor Kaplan made an amendment to the first line of the resolution, which was considered friendly by the maker and the seconder of the resolution.

Councilor Bushor stated her concern that recommendations from legal experts may get pushed aside because a Councilor thought they knew better. This could expose the City to issues merely due to a Councilor's bad choice and she wondered who would be held accountable for that. She understood the public needed to know but Councilors needed to be prudent in their decision making.

Councilor Brennan noted the state law was clear and there were very few reasons an entity was allowed to go into executive session. He stated the Council needed to be sure to stay on topic with those items within the session and not drift off-topic. The Mayor spoke in agreement with Councilor Brennan's opinion.

The resolution was adopted as amended by a vote of 10 to 3, with Councilors Brennan, Adrian, Mulvaney-Stanak voting against.

8. RESOLUTION: Creation of an Audit Advisory Committee (Councilors Decelles, Kehoe & Shannon: Charter Change Committee)

Councilor Decelles made a motion, seconded by Councilor Kehoe, to waive the reading and adopt the resolution. Councilor Kehoe then offered an amendment to the resolution changing the appointment dates of the Advisory Committee members. The amendment was considered friendly by the maker of the motion.

Councilor Mulvaney-Stanak asked the maker of the resolution how the Advisory Committee members would be appointed. Councilor Decelles stated the full Council would appoint the members. She then asked why no Councilors were on the committee. Councilor Shannon stated that outside advice was that the audit committee should be independent of the Council and the Administration. Councilor Shannon stated that at the urging of Councilors Paul and Kehoe, a higher level of expertise was required for some of the members. Councilor Mulvaney-Stanak stated her desire that the Council be kept fully informed and engaged in the process.

Councilor Bushor explained her reasons for not supporting this resolution, despite her strong support for an Audit Advisory Committee. She believed the Council should be involved in the Committee. She believed that removing a function from the Council and having it stand alone left the Council unaware of valuable information. Councilor Paul stated the Chair of the Audit Task Force had also supported a member of the Council being on the Committee. Councilor Wright expressed his opinion that adding a representative from the Council would eventually require that a member of all parties be involved.

Mayor Kiss agreed that for large corporations the State Auditor encouraged audit committees. He noted the Committee could not replace the responsibility that the Council and the Mayor had to pay attention to audit realities.

The resolution passed by a vote of 10 to 3, with Councilors Bushor, Mulvaney-Stanak and Brennan voting against.

10. RESOLUTION: Supplemental Budget Resolution Relating to Authorization for Wastewater Refunding Revenue Bonds (Board of Finance)

Councilor Bushor made a motion, seconded by Councilor Paul, to waive the reading and adopt the revised resolution. Assistant CAO Schrader explained the history of the separation of the sewer and stormwater system and the financial aspects associated with the project. This resolution asked to bond the final payment of the \$4.1 million payment for a twenty year period. Councilor Kehoe asked whether this was the intent of the City to bond the last repayment amount and also asked why the rates had gone up to the ratepayers over the years. Assistant CAO Schrader explained that a balloon payment had always been expected for that final payment. As far as the rates were concerned it was intended to increase the rates in the last ten years or so in order to repay the amortized bonds.

Councilor Paul noted that the bond was originally for \$22 million but prior to being built the costs increased to \$52 million. Additionally she found it concerning that the repayment program was provided over a forty year period.

The motion to adopt the resolution passed unanimously.

10.01. COMMUNICATION: Scott Schrader, Asst. Chief Admin. Officer, re: Council Agenda Item #10 \$4.1 Million Burlington Wastewater Revenue Bonds

Council President Keogh made motion to waive the reading, adopt the communication and place it on file which passed unanimously.

11. RESOLUTION: Proposed Pilot Program for City Ticketing Re: City Hall Park (Councilors Shannon, Kranichfeld & Bushor: Ordinance Committee; Police Department)

Councilor Shannon made a motion, seconded by Councilor Kehoe, to waive the reading and adopt the resolution. She explained this was a pilot program within City Hall Park which would enable the City to give no trespass orders for thirty days to repeat offenders of disorderly conduct. This would reduce the cost and time required to pick up individuals on a daily basis.

Councilor Kranichfeld explained the legal language that defined disorderly conduct and noted the behavior this program targets was unlawful possession of drugs and alcohol. He believed this was the best way to address the issue of increased bad behavior. Councilor Wright stated his belief that this was a necessary tool for the Police Department. Mayor Kiss hoped that the behavior of individuals would be reviewed rather than the mere fact that certain individuals were present in the park. Councilor Decelles noted that San Francisco had just recently passed a no-sitting resolution in their city.

Councilor Wright made a motion to suspend the rules and continue the meeting at 10:30 p.m., seconded by Councilor Shannon. The motion passed by a vote of 12 to 1 with Councilor Kehoe voting against.

Councilor Mulvaney-Stanak noted that there had been several attempts to deal with these issues in a piecemeal fashion. She did not believe that keeping people out of a city park would effectively solve the issues the Council was attempting to address. She was concerned how this may be applied. Councilor Bushor expressed her concern about the discretion used in enforcing the disorderly conduct definition. Councilor Wright called the question, seconded by Councilor Shannon. The motion passed unanimously.

The motion passed by a vote of 10 to 2 with Councilors Brennan and Mulvaney-Stanak voting against. Councilor Dober was not at the meeting at this time since he had departed at 10:20 p.m.

11.01. ORDINANCE: OFFENSES AND MISCELLANEOUS PROVISIONS Re: City Hall Park Ordinance (Police Department; Ordinance Committee)

Councilor Shannon made a motion, seconded by Councilor Kranichfeld, to waive the second reading and adopt the ordinance. Councilor Bushor noted a correction in the ordinance relative to the fee, which was considered friendly by the maker and seconder. The motion passed by a vote of 10 to 2, with Councilors Brennan and Mulvaney-Stanak voting against.

11.02. COMMUNICATION: Michael Schirling, Chief of Police, re: Background on Park Trespass Concept

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

13. COMMITTEE REPORTS

Councilor Bushor noted that the HR Committee would be meeting in the following week.

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

Councilor Mulvaney-Stanak informed the public of a community safety forum that would be held at the Police Department on November 23rd.

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

Mayor Kiss welcomed Vince Brennan as the new Ward Three Councilor. He informed the Council that a \$2,500 donation was approved by the Board of Finance to go to the Vermont National Guard charitable foundation to meet the needs of Guard families. He then spoke in-depth about Car Share and encouraged individuals to use this option.

15.5. COMMUNICATION: Joseph McNeil, Esq., re: Collective Bargaining (oral); expected Executive Session

On a motion by Councilors Bushor and Mulvaney-Stanak, the Council voted unanimously to go into executive session at 10:45 p.m. to discuss the negotiation of collective bargaining agreements, premature disclosure of which would place the City at a substantial disadvantage. The following individuals were present:

Mayor Kiss, Joseph McNeil, Esq., Police Chief Mike Schirling, City Attorney Ken Schatz, Assistant CAO Scott Schrader, Councilors Mulvaney-Stanak, Brennan, Bushor, Kranichfeld, Keogh, Shannon, Paul and Decelles.

On a motion by Councilors Bushor and Shannon, the Council went out of executive session (time not noted).

16. ADJOURNMENT

On a motion by Councilors Bushor and Shannon, the Special Meeting was adjourned at 11:20 p.m.

Attest:

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