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 DELIBERATIVE AGENDA

REGULAR MEETING, CITY COUNCILMONDAY, JANUARY 10, 2011CONTOIS AUDITORIUM, CITY HALL7:08 P.M.

PRESENT: Councilors Brennan, Mulvaney-Stanak, Bushor, Kaplan, Kranichfeld, Adrian (left at 9:54 p.m.), Keogh, Shannon, Berezniak, Paul, Dober, Decelles, Wright and Mayor Kiss

ABSENT: Councilor Kehoe

CITY ATTORNEY'S OFFICE: Ken Schatz and Gene Bergman

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

PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion by Councilors Kranichfeld and Shannon, the agenda was unanimously amended as follows: re-number agenda item 8. PRESENTATION: CEDO's Economic Development Division, re: Update on their Activities (15 mins.) agenda item 7; re-number agenda item 8.01. COMMUNICATION: CEDO, re: January 10, 2011 Summary of Presentation of the City Council by: CEDO's Economic Development Division agenda item 7.01.; re-number agenda item 7. PRESENTATION: Jeanne Collins, Superintendent of Schools, Keith Pillsbury, Finance Chair, Fred Lane, Board Chair, re: Burlington Schools FY 12 Budget Presentation (15 mins.) agenda item 8; re-number agenda item 7.01. COMMUNICATION: Burlington School District, re: PowerPoint Slides agenda item 8.01.; re-number agenda item 7.02. COMMUNICATION: Burlington School District, re: FY12 Budget Preparation agenda item 8.02; add Councilors Paul, Kaplan, Berezniak, Adrian, Keogh, Kranichfeld and Kehoe as co-sponsors to agenda item 9. RESOLUTION: Resolution to Reconvene the Blue Ribbon Committee to Review Burlington Telecom (Councilor Shannon); note amended version of agenda item 9.; add to the agenda item 9.5. COMMUNICATION: Brian Pine, Assistant Director for Housing, CEDO, re: Housing preservation ballot item (10 mins.); remove from the consent agenda item 3.26. COMMUNICATION: Jonathan P.A. Leopold, Jr., Chief Administrative Officer, re: General Fund Financial Report and Budget Projections for FY 2010 and place it on the Deliberative Agenda as item 9.6; add to the agenda item 12.5. COMMUNICATION: Joseph McNeil, Esq., re: Collective Bargaining Update (oral); expected executive session, possible action taken.

2. PUBLIC FORUM

President Keogh opened the public forum at 7:48 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Dave Maher	4	Burlington Telecom
Roger Kilbourn		Charter Change Removal of Mayor
Doug Dunbebin	5	Blue Ribbon Committee on BT
Greg Roy	4	Burlington Telecom
Dale Tillotson	7	Burlington Telecom/Ice Factor

There being no one further coming forward, President Keogh closed the public forum at 8:03 p.m.

3. CONSENT AGENDA

On a motion by Councilors Kranichfeld and Bushor, 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

3.02. RESOLUTION: Reorganization of the Burlington Electric Department Generation and
Power Resources Area (Board of Finance)

*waive the reading and adopt the resolution

3.03. COMMUNICATION: Carol Weston, PE, Department of Public Works to the Underground
Utilities Review Committee, re: Undergrounding of Utilities along
Champlain Parkway Corridor

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

3.04. RESOLUTION: Resolution and Order Relating to Underground Relocation of
Utilities on the Champlain Parkway (Councilors Paul, Wright)

*waive the reading and adopt the resolution

3.05. COMMUNICATION: Karen Vastine, Community Justice Center Coordinator, re:
Legislative Advocacy for CJC

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

3.06. RESOLUTION: Supplemental Budget Resolution #2011-08 Appropriation Changes
to City Attorney's Budget (Board of Finance)

*waive the reading and adopt the resolution

3.07. COMMUNICATION: Donald L. Weaver, MD, Professor of Pathology, UVM, Attending
Pathologist, FAHC, re: Smoking on Church Street and all areas of
significant public congregation in downtown Burlington

*waive the reading, accept the communication, place it on file and send a copy to the Ordinance
Committee

3.08. COMMUNICATION: Jillian Bogert, Clerk of the Board, Board of Fire Commissioners,
re: Attendance Record for the period from 2/2/10 to 6/22/10

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

3.09. COMMUNICATION: Frank Cioffi, President, GBIC, re: Information about GBIC

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

3.10. COMMUNICATION: Brian R. Searles, Director of Aviation to Mayor Kiss, re: Resignation

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

3.11. COMMUNICATION: Karen Lafayette & Erhard Mahnke, Legislative Liaisons, re: 2010
Burlington Legislative Review

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

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3.12. COMMUNICATION: Doug Dunbebin, Burlington Resident, re: Concerns and Ideas about Burlington Telecom (12/6/10 Public Forum Speaker)

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

3.13. COMMUNICATION: Office of the Clerk/Treasurer, re: Notice of Public Hearings

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

3.14. COMMUNICATION: Assistant Judges of Chittenden County to Chittenden County Governing Bodies, re: Proposed County Tax

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

3.15. COMMUNICATION: Larkin & Associates, PLLC, Certified Public Accountants and Regulatory Consultants to the State of Vermont Public Service Board, re: To amend Condition No.17 of its Certificate of Public Good, enlarging the date by which it must complete its system building out/ Investigation into City of Burlington d/b/a Burlington Telecom's Non-Compliance with Condition No. 60 of its Certificate of Public Good

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

3.16. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (**one day only**):

156 Bistro, 156 St. Paul Street, 12/31/10, 9:00 p.m. – 1:00 a.m., DJ Paul Pecor, No dancing

*waive the reading, accept the communication, place it on file and ratify the Special Event Indoor Entertainment Permit Application for 156 Bistro for one day only

3.17. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (**one day only**):

The Skinny Pancake, 60 Lake Street, Suite 1A, 12/31/10 – 01/01/11, 10 p.m. – 2 a.m., Band, Cover, Dancing

*waive the reading, accept the communication, place it on file and ratify the Special Event Indoor Entertainment Permit Application for The Skinny Pancake for one day only

3.18. COMMUNICATION: Sara Moulton, Mapping & GIS Specialist, State of Vermont, Agency of Transportation, Division of Planning, Outreach and Community Affairs – Mapping Unit, re: 2011 Certificate of Highway Mileage

*waive the reading, accept the communication, place it on file and send to DPW Director Goodkind for completion

3.19. 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 at the January 24, 2011 City Council Meeting

3.20. 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 at the January 24, 2011 City Council Meeting

3.21. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council for September 27, 2010

DRAFT

*waive the reading, accept the communication, place it on file and adopt the minutes at the January 24, 2011 City Council Meeting

3.22. COMMUNICATION: Meg Klepack, Burlington Food Council, Facilitator, re: January 2011 Burlington Food Council Report

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

3.23. COMMUNICATION: Leslie Martin, re: Taxi Licensing Board (Public Hearing)

*waive the reading, accept the communication, place it on file and refer it to the Airport and the City Attorney's Office

3.24. COMMUNICATION: Mayor Bob Kiss, re: Appointment of the Next Burlington Fire Chief

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

3.25. COMMUNICATION: Mayor Bob Kiss, re: Interim Director of Aviation, BTV Designation

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

4. PUBLIC HEARINGS: Burlington Comprehensive Development Ordinance-Proposed Amendments:

- ZA-11-03 Wetland Conservation Zone
- ZA-11-04 Mental Health Crisis Center
- ZA-11-05 Tree List Requirement

Council President Keogh opened the public hearings up at 7:12 p.m. There being no one coming forward, the public hearings were closed at 7:12 p.m.

4.01. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Wetland Conservation Zone #ZA 11-03 (Planning Commission, Councilors Shannon, Kranichfeld, Bushor: Ordinance Committee)(2nd reading)

4.02. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Mental Health Crisis Center #ZA 11-04 (Planning Commission, Councilors Shannon, Kranichfeld, Bushor: Ordinance Committee)(2nd reading)

4.03. ORDINANCE: COMPREHENSIVE DEVELOPMENT ORDINANCE—Tree List Requirement #ZA 11-05 (Planning Commission, Councilors Shannon, Kranichfeld, Bushor: Ordinance Committee)(2nd reading)

4.04. COMMUNICATION: David E. White, AICP, Director of Planning & Zoning, re: Proposed Zoning Amendments

4.05. COMMUNICATION: Clerk/Treasurer's Office, re: Public Hearing Notice: Burlington Comprehensive Development Ordinance

Councilor Shannon made a motion, seconded by Councilor Bushor, to waive the second reading and adopt the three ordinances as a slate, along with items 4.04 and 4.05, placing these on file.

Scott Gustin of the Planning Department explained the ordinance changes. Councilor Bushor expressed appreciation of the written synopsis provided with the ordinance changes

The motion to adopt the three ordinances was adopted unanimously. Agenda items 4.04 and 4.05 were placed on file.

DRAFT

5. RESOLUTION: Authorization to Execute Easement for Underground Placement & Maintenance of Nine Foundation Footings for 180-188 Battery Street Construction Project (Councilors Wright, Paul)

Councilor Wright made a motion, seconded by Councilor Paul, to waive the reading and adopt both this agenda item and agenda item 6 (both resolutions.) Councilor Wright explained these two resolutions related to the development that was replacing the Battery Street Jeans building. The project was underway and it was found there were still items that needed to be voted on to move the project forward. He noted approval of these items was time sensitive and important for the project to move forward. Larry Kupferman and Gene Bergman were present to answer questions.

Councilor Shannon asked why these resolutions were time sensitive and how the fee was determined. Senior Assistant City Attorney Bergman noted the request came from ICV in mid-December and they were a result of field work done during construction. The fees were as a result of information brought to the City regarding parking meter space which should have been part of the original agreement. Otherwise, all terms remained the same as the September agreement.

Councilor Shannon requested information about details that were reviewed at the Technical Review Committee which Scott Gustin from Planning responded to. Because she felt the issues mentioned should have been part of the permitting process, Councilor Shannon made a motion to increase the permit fee from \$5,000 to \$10,000. Councilor Wright stated this amendment was not friendly to the maker. Councilor Berezniak then seconded Councilor Shannon's motion to amend.

Councilor Bushor asked for clarification on whether the applicant had handled the process appropriately. Senior Assistant City Attorney Bergman stated ICV had been fully cooperative throughout the process. Norm Baldwin from the Department of Public Works reported that ICV had been responsible and cooperative. Councilor Bushor noted the system could improve but the changes were not the fault of the contractor and did not feel an increase in the permit fee would be justified.

Councilor Wright, noting that the City was seen as anti-business, believed increasing the fee was a clear signal to the development community of the City's lack of support. He stated this development project was a win-win for the City. He believed the developer was being penalized because of a City process that could be improved and he urged the Councilors to defeat the amendment. Councilor Paul agreed with Councilor Wright's comments. She believed ICV had been a good partner and had operated in good faith with the City. Jobs would be created with this project as well and this was important to the City and its residents. Councilor Berezniak stated he believed that due to the project exceeding the boundaries initially permitted, it was not unreasonable to ask for an increased fee.

Mayor Kiss asked Norm Baldwin if there was a cost to the City for the consideration of the increased footing. Mr. Baldwin responded that he did not believe so. The Mayor then urged the Council to defeat the amendment. Councilor Shannon stated she was suggesting a very modest penalty for an action she believed should have been discussed early on in the process. She explained her opinion that easements from neighbors must be requested prior to the construction phase. Councilor Berezniak stated the Community Development Committee was told the fee was arbitrarily set by the City Attorney's Office, was the same fee used in 1992, and felt that asking that it increase was not unreasonable.

Councilor Mulvaney-Stanak disagreed with Councilor Berezniak's statement, saying her recollection of the Community Development Committee meeting was they were told comparables of other easements were used. Councilor Mulvaney-Stanak saw this as a minor easement and believed it was better to discuss this within the context of a larger discussion rather than through the microscope of a particular project. Senior Assistant City Attorney Bergman explained that he had explained several times even within this meeting the methodology used in determining the fee and took offense with the statement the decision was arbitrary.

DRAFT

Councilor Adrian questioned Senior Assistant City Attorney Bergman about prior easements approved. Councilor Wright noted that after speaking with the CEDO Director he believed the problem was with the City's process. The problem did not lie with the developer. Further, he explained that substantial fees had already been paid to the City and believed it sent the wrong signal to developers. He then called the question, seconded by Councilor Dober. The motion to call the question passed unanimously.

Councilor Decelles asked for a roll call vote on the amendment.

Ayes: Councilors Adrian, Berezniak, Shannon and Keogh

Nays: Councilors Brennan, Bushor, Decelles, Dober, Kaplan, Kranichfeld, Mulvaney-Stanak, Paul and Wright

Absent: Kehoe

The amendment failed by a vote of 9 to 4.

The resolution then passed unanimously.

6. RESOLUTION: Authorization to Execute Amended Obstruction License Agreement With I.C.V. Construction, Inc. for 180-188 Battery Street Project Construction (Councilors Wright, Paul)

See agenda item 5.

7. PRESENTATION: CEDO's Economic Development Division, re: Update on their Activities

Bruce Seifer, Assistant Director of Economic Development, presented in depth the work they are directed to do through the City Charter, the economic development plans, goals created and followed. All but one of the performance goals set five years ago had been exceeded. Mr. Seifer outlined the financial benefits received by the City as a result of the work of the Economic Development Division of CEDO. He elaborated by outlining ways in which the department assisted businesses in Burlington as being technical assistance offered to small business, location advice, explaining the permitting process, identifying resources to help with funding, loan funds, gap financing, help with handicap access, serving as a gateway for available commercial space and investigating new opportunities to redevelop properties.

Councilor Shannon expressed appreciation for the presentation and asked what CEDO's role was in helping to fill the General Dynamics building. Mr. Seifer noted that CEDO had helped to rebrand the space and a tenant had been referred. He was hopeful there would be news within a week on an occupant. Mayor Kiss applauded the work done by CEDO, along with GBIC, Lake Champlain Chamber and other groups who help to create a successful business climate in Burlington.

- 7.01. COMMUNICATION: CEDO, re: January 10, 2011 Summary of Presentation to the City Council by: CEDO's Economic Development Division

Without objection, Council President Keogh made a motion to waive the reading, accept the communication and place it on file.

8. PRESENTATION: Jeanne Collins, Superintendent of Schools, Keith Pillsbury, Finance Chair, Fred Lane, Board Chair, re: Burlington Schools FY 12 Budget Presentation

The School Department representatives noted above presented information on the FY12 Budget. Mr. Pillsbury explained the changes being proposed in teaching positions and noted their prediction of a 2 cent increase needed for the next fiscal year.

DRAFT

Councilor Dober asked for more information on a comment made about the need to add staff. Superintendent Collins explained there was a 3% increase in student population; kindergartens were full with a Grade 4 bubble. The demographics indicated the need to increase capacity. The School District now has 550 English Language Learner students and the district is short staffed in this area. Councilor Dober asked if retirees have ever been asked to return on a temporary contract, noting that the more bodies you add the more pensions need to be paid out.

Councilor Bushor asked about the current versus proposed number of teachers and para-educators and requested information on the separation incentive plan. It was noted that twenty teachers took advantage of that offer resulting in \$200,000 in savings. Councilor Bushor was concerned about the potential of a mass exodus in the near future leaving the School District without the expertise needed. Fred Lane responded by explaining their methods of balancing costs and maintaining expertise and informed the Council that over the next four years a cadre of teachers would be taught by experienced teachers prior to the retirement of those teachers.

Responding to a question from Councilor Decelles, Superintendent Collins stated that 80% of Burlington High School students go on to higher education. Councilor Decelles then asked for an update on the magnet schools. Superintendent Collins stated they were doing very well at attracting students, that the Sustainability Academy (Barnes) attracted students from the Old North End who used to go to private schools. The Integrated Arts Academy (H.O. Wheeler) seemed to attract students from all over the City. Councilor Mulvaney-Stanak asked for information on what the schools were doing in exploring private and public partnerships. Superintendent Collins replied that they were looking at ways to maximize partnerships.

As a follow up to Councilor Decelles' question, Councilor Berezniak asked what the GPAs of graduating students were. He noted that while 80% matriculation rate was good, GPAs were important to review. Mayor Kiss asked for information on how diversity issues were being addressed. Fred Lane stated that significant changes had been made with the help of community members and staff focusing on the hiring process with a goal of increasing the cultural competence and ensuring diversity of faculty. To that end, they had revamped the hiring process and saw improvements.

8.01. COMMUNICATION: Burlington School District, re: PowerPoint Slides

8.02. COMMUNICATION: Burlington School District, re: FY12 Budget Preparation

Without objection, Council President Keogh made a motion to waive the readings (agenda items 8.01 and 8.02), accept the communications and place them on file.

9. RESOLUTION: Resolution to Reconvene the Blue Ribbon Committee to Review Burlington Telecom (Councilors Shannon, Paul, Kaplan, Berezniak, Adrian, Keogh, Kranichfeld and Kehoe)

Councilor Shannon made a motion, seconded by Councilor Wright, to waive the reading and adopt the resolution as amended. Councilor Shannon explained it was anticipated that strategic and financial partnerships would be coming forward and she believed it was important to seek the expertise of the Blue Ribbon Committee. The resolution included a number of tasks the Committee would perform including reviewing the Larkin Committee Report and address any issues from the report that had not been dealt with.

Councilor Kranichfeld stated the Blue Ribbon Committee had been the most positive step the Council had taken to deal with the Burlington Telecom situation. The participants had been objective, independent and credible. Councilor Bushor, while agreeing with the resolution, stated her intent was not to be put in the passenger seat. She wanted to be sure that the Council was informed and updated on the Committee's

DRAFT

work. Additionally she felt the scope of the resolution was much broader than the original request of the Committee. This resolution requested that the Committee review legal liabilities and she wondered if an additional member should be added to the Committee with that type of expertise.

Councilor Mulvaney-Stanak agreed with Councilor Bushor's comments, stating the Council needed to be much more involved and engaged, and should be provided with frequent updates. She believed that additional members may be required and it would be important to have representation from someone experienced in private/public partnerships as it was still her goal to keep this company public. Councilor Wright expressed appreciation to the Blue Ribbon Committee and asked there be tri-partisan representation on the committee. He then offered an amendment to the resolution, considered friendly by the maker, requesting a review on whether a forensic audit should be conducted.

Mayor Kiss reminded the Council that Burlington Telecom had delivered technologically. He stated that recommendations from the Blue Ribbon Committee had been followed. The City had hired a financial advisor, Dorman and Fawcett, who had worked diligently with the City and Citicapital. He explained that the Larkin Report was adversarial in nature and cost \$63,000. Larkin never spoke to Dorman and Fawcett, to the City or to the City's auditors and seemed to pull information out of thin air. The report did not document that all spending was in support of Burlington Telecom which all other parties agree with. He stated there was no question of where the money was spent and believed it was uncalled for to consider a forensic audit. He stated the Blue Ribbon Committee had been extremely helpful in moving the situation forward and the Council now needs to participate in finding solutions.

The motion then passed unanimously.

9.5. COMMUNICATION: Brian Pine, Assistant Director for Housing, CEDO, re: Housing Preservation Ballot Item

Mr. Pine explained that the purchase negotiations for Wharf Lane, a 37 unit affordable housing apartment complex, were not going well and this complex could cease to be subsidized housing by March 31st. He explained to the Council that he may be coming forward with a ballot item question requesting the general assembly be urged to enact a law protecting the affordable housing stock across Vermont.

Councilor Dober asked for clarification on the result for the person/company attempting to sell the property after having owned it for so long. Mr. Pine explained that taxpayer dollars were used to assist in the purchase and rehab of the building and that the funding of Wharf Lane was project-based subsidies with a guaranteed rental income. At the end of a 30 year period, the seller was then allowed to get an appraisal and establish the price based on that appraisal. While the tenants or housing agency has the first option to purchase the property, there was often a huge gap between what property can support and what the appraisal states. This was the area that needed to be dealt with on a state-wide level.

Councilor Berezniak made a motion, seconded by Councilor Mulvaney-Stanak, to waive the reading, accept the communication, place it on file and refer it to the Community Development and Neighborhood Revitalization Committee. The motion then passed unanimously.

9.6. (was 3.26.) COMMUNICATION: Jonathan P.A. Leopold, Jr., Chief Administrative Officer, re: General Fund Financial Report and Budget Projections for FY 2012

Councilor Adrian made a motion, seconded by Councilor Kaplan, to waive the reading, accept the communication, place it on file, with further discussion. Councilor Adrian expressed concern that City Councilors would support increasing the budget by 4% during a recession. Councilor Paul stated the Board of Finance was making every possible effort by asking the Administration for a reduction in General Fund expenses. She encouraged the Council members to come to the Board of Finance to listen

DRAFT

to the departments speak of the impact of budget cuts. Councilor Wright agreed with Councilor Paul's comments and noted the Board of Finance had asked departments to come back with a reduced budget.

Mayor Kiss explained the reason CAO Leopold put the memo out was to make people aware ahead of time that there may be a case for increasing the tax base. He reminded the Council while there may not need to request an increase in June the ballot item must be placed on the ballot now.

The motion then passed unanimously.

10. COMMITTEE REPORTS

Councilor Kaplan reported that the Parks, Arts and Culture's next meeting would be in February.

Councilor Adrian reported that due to the Public Safety Committee's subcommittee recent findings on the use of fluoride as well as the new EPA guidelines, the Public Safety Committee would be meeting soon. No date was provided.

Councilor Paul informed the Council that the Transportation, Utilities and Energy Committee would be meeting during the upcoming week.

Councilor Dober reported the Taxi Appeals Board would be holding their second public hearing on the taxi ordinance rewrite on the 19th of January.

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

Councilor Bushor reported she had received phone calls from angry taxicab owners and drivers regarding the proposed licensing changes.

Councilor Mulvaney-Stanak expressed appreciation to Assistant City Attorney Nikki Fuller for taking the lead in the taxi license rewrite, a process that took eight months. She encouraged members of the public who use taxis to attend the next hearing, as the majority of the participants had been owners and drivers. The Committee was trying to balance the needs of the industry with public safety and stated there was misinformation and fear being repeated among taxi companies about the proposals.

Councilor Wright spoke of the tragic events in Arizona and explained to the Council a recent comment he read on the Burlington Free Press blog which noted someone would bring a Smith and Wesson to the next Council meeting had probably prompted the attendance of a police officer at this Council meeting.

Councilor Dober announced the upcoming Ward 4/7 NPA meeting.

Councilor Paul reported on the upcoming ribbon cutting event for the new elevator at Edmunds School. She then mentioned that the ICV Project would create 200 high paying jobs in Burlington and welcomed those companies who want to partner with the City.

Councilor Brennan requested a moment of silence for those in Arizona affected by the recent shooting of a politician.

Council President Keogh brought to the attention of the Council that a Council meeting would be held on Friday at noon to consider proposed charter issues and requested a quorum. He reminded the members of the Council that an Audit Committee needed to be appointed by the Council. He urged Councilors to recruit for these positions.

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

DRAFT

Mayor Kiss reported that the City had recently lost the Director of Aviation and the Fire Chief to the State of Vermont with the recent election of Governor Shumlin. The Administration was now in the process of advertising internally for a candidate for Fire Chief and nationally for the Director of Aviation with the hope of filling the Director of Aviation position by April 1st. He explained that he would be using the same process used with the selection of the Director of Parks and Recreation as well as the Police Chief.

He explained that an agreement of cooperation had been signed with Lockheed Martin, with representatives from MIT providing assistance with energy conservation and, in particular, climate change issues.

12.5. COMMUNICATION: Joseph McNeil, Esq., re: Collective Bargaining Update (oral)

* * * * EXECUTIVE SESSION * * * *

On a motion by Councilors Bushor and Mulvaney-Stanak, the Council voted unanimously to go into executive session at 10:12 p.m., to discuss collective bargaining updates, premature disclosure of which would place the City at a significant disadvantage. Present were: Joe McNeil, Esq. and Michael Schirling, Chief of Police.

On a motion by Councilors Bushor and Mulvaney-Stanak, the Council voted unanimously to go out of executive session at 10:56 p.m. and with no objection, amend the agenda by adding agenda item 12.6.

12.6. RESOLUTION: Authorization for Execution of Collective Bargaining Agreement with Burlington Police Officers Association (Board of Finance)

Councilor Shannon made a motion, seconded by Councilor Bushor, to waive the reading and adopt the resolution. Amendments were read into the record by Council President Keogh. Councilor Dober expressed his belief there was more that could be done with this contract and discussed specific areas relative to disability he wanted Attorney McNeil, Esq. to work on.

The motion then passed unanimously.

13. ADJOURNMENT

Without objection, Council President Keogh adjourned the Regular Meeting of the City Council at 11:00 p.m.

Attest

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

CITY COUNCIL WITH MAYOR PRESIDING
MONDAY, JANUARY 10, 2011
10:07 P.M.

PRESENT: See above

The Regular City Council Meeting recessed at 10:07 p.m.

MAYOR KISS PRESIDING:

1. AGENDA

DRAFT

On a motion by Councilors Bushor and Kranichfeld, the agenda was amended as follows: add to the agenda item 2.5. APPOINTMENT: Design Advisory Board-Alternate- (Term expires 6/30/11)

2. CONSENT AGENDA

On a motion by Councilors Bushor and Kranichfeld, the consent agenda was adopted thus taking the following actions as indicated:

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

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

2.5. APPOINTMENT: Design Advisory Board-Alternate-(Term expires 6/30/11)

Councilor Paul nominated Todd Thomas.

Todd Thomas was appointed to the Design Advisory Board-Alternate-.

3. APPOINTMENT: Electric Light Commission (Term expires 6/30/11)

Council President Keogh, seconded by Councilor Paul nominated Jean O'Sullivan.

Jean O'Sullivan was appointed to the Electric Light Commission.

4. APPOINTMENT: Board of Tax Appeals (Term expires 6/30/12)

Councilor Decelles nominated Phil Lavigne.

Phil Lavigne was appointed to the Board of Tax Appeals.

5. ADJOURNMENT

On a motion by Council President Keogh and Councilor Paul, the City Council with Mayor Presiding voted unanimously to adjourn at 10:11 p.m. At this time, the Regular City Council Meeting re-convened at 10:12 p.m.

Attest:

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