



# Regular City Council Meeting - Monday, March 7, 2016, 7:00 pm - Contois Auditorium, City Hall - 3/7/2016

*MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.*

## **BURLINGTON CITY COUNCIL**

## **CONTOIS AUDITORIUM, CITY HALL**

## **BURLINGTON, VERMONT**

## **MINUTES OF MEETING**

**March 7, 2016**

**☐☐ APPROVED**

**MEMBERS PRESENT:** Jane Knodell (Council President) – Central District

David Hartnett – North District

Joan Shannon – South District

Selene Colburn, East District

Sharon Foley Bushor – Ward 1

Sara Giannoni - Ward 3

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Tom Ayres – Ward 7

**MEMBERS ABSENT:** Max Tracy – Ward 2

Adam Roof – Ward 8

**ADMINISTRATION:** Miro Weinberger, Mayor

Eileen Blackwood, City Attorney

Richard Haesler, Assistant City Attorney [arrived 7:13 PM]

Bob Rusten, CAO



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Rich Goodwin, ACAO

Jennifer Kaulius, Mayor's Office

Brian Lowe, Mayor's Office

Lori Olberg, Clerk/Treasurer Office

Brandon del Pozo, Police Chief

David White, Planning & Zoning

Jesse Bridges, Parks & Rec

Neale Lunderville, BED

Peter Owens, CEDO

Todd Rawlings, CEDO

### **OTHERS PRESENT:**

Sherida Paulsen, PKSB Architects

John Tashiro, City Market

Jessica Owens

Richard Dean

Charles Simpson

Barbara Wynroth

Eric Morrow

Laura Brennan

Liz Mitchell

Helen Hossley

Ron Ruloff

Sue Reardon

Andrew Corbin

Amanda Hannaford

Steven Goodkind

Mark Naud

Jay Leclair



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Bill O'Brien

## 1.0 CALL TO ORDER and AGENDA

Council President Knodell called the meeting to order at 7:04 PM on March 7, 2016 and led the assemblage in the Pledge of Allegiance.

### 1.01 Agenda

**MOTION by Councilor Colburn, SECOND by Councilor Giannoni to approve the agenda with the following amendments to the items listed and to take the action indicated:**

- **Remove Item 4.15 (BPD Officers as Customer Officers).**
- **Note development agreement for Item 4.16 (Lake Champlain Sailing Center).**
- **Executive Session to begin with Items 10.04 and 10.05 (IBEW Collective Bargaining Agreement).**

**VOTING: unanimous; motion carried.**

## 2.0 PRESENTATION

### 2.01 Height and Massing of Burlington Town Center Project

Peter Owens, CEDO, reported staff has been working on the predevelopment agreement between the city and the developer to advance the Burlington Town Center (BTC) project. A zoning amendment relative to building height is required. Sherida Paulson with PKSB Architects showed 21 different views of the BTC site both pre- and post-development to demonstrate how the proposed buildings fit into the area. There will be more detailed discussion on the elements of the design. The views of the development will be posted on the CEDO webpage with other BTC information.

Councilor Bushor commented the building is of size and it is hoped there is opportunity for plantings and greenness of the roof to soften the impact and make the building more interesting. Sherida Paulson said there will be landscape improvements on the base that sets back to the offices and residential units as well as other opportunities for plantings. Councilor Bushor said she is not convinced of the arcade connection element.

Councilor Paul asked if there will be solar panels on the building roof and if the building height will increase as a result. Sherida Paulson confirmed there will be solar collectors at the top most roof of the office and residential buildings,



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but the panels can be horizontal and vertical. The building mechanicals will be on the roof tops, but set back from the edge and not visible.

Councilor Shannon asked for a tighter view of the bridge over St. Paul Street and a view from Church Street looking south from just north of Cherry Street. Ms. Paulson will provide the views.

Councilor Giannoni asked for confirmation of the number of stories in the building. Sherida Paulson stated the tallest building is 14 stories or 160' in height.

### 3.0 PUBLIC FORUM

Public Forum commenced at 7:34 PM.

#### *PUBLIC COMMENTS*

Ø Jessica Owens, Vermont Furs, stated the mask law discriminates against masks for entertainment and conventions, adding civil liberties should allow people to peacefully make a statement anonymously by wearing a mask. Ms. Owens urged City Council to vote in favor of the new language to achieve a compromise.

Ø Richard Dean, Truex Architecture, spoke about the BTC project showing the possibility in downtown Burlington for a dense downtown development which is consistent with having the city grow and become more dense at the center. Mr. Dean said with building height the first two floors are critical and make the difference because people experience the city at street level. The mall site was at one time a neighborhood with two streets so the BTC project is righting an historic wrong by reconnecting these streets and giving people a place to live and work in the center of the city. There is nothing more green or more environmentally responsible than building densely in the downtown where people can live, work, walk, and play, said Mr. Dean, adding this is the right pattern for development in the city.

Ø Charles Simpson stated when the plan is in the hands of politicians they identify the speculative interest of the project owner for development in the city, but there are paradigms for economic development other than a mega-mall that needs to be supported with TIF financing and zoning changes such as a larger complex of pedestrian streets with street level commerce and apartments and office above at a height and density and connectivity similar to Church Street. Mr. Simpson said if the mall cannot survive economically it is not up to the public to provide life support.

Ø Barbara Wynroth expressed concern about traffic and pollution from 900 parking spaces and buses from the development as well as the buildings next to the sidewalk producing a tunnel effect and a claustrophobic feel. The street needs to be more in scale with a small New England city, stressed Ms. Wynroth.

Ø Eric Morrow, local architect, referred to his email to the Planning Commission and Planning & Zoning Office, dated January 13, 2016, suggesting the best way to evaluate height and size of the building is with a model of the city.

Sustainability is an important issue for Burlington (PlanBTV, Climate Action Plan) and buildings play a big role in this. It is hoped the buildings hit the sustainability benchmarks including the 2030 challenge.

Ø Laura Brennan expressed concern about the housing proposal at 451 Ethan Allen Parkway for a set of three tri-plexes that will impact quality of life, safety and stability of the existing houses on the top of the ravine if all the trees are



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removed and there are months of pile driving and hundreds of loads of fill brought into the site. The project will remove the visual and sound barriers to Route 127 and impact an entire neighborhood of people. City Council is asked to preserve the quality of life valued by everyone and have a neutral third party evaluate the project.

Ø Todd Rawlings, CEDO, spoke in support of the zoning amendment (ZA16-02) to create a new zoning designation for mobile home parks that will allow much needed improvements to homes and infrastructure in the park and facilitate removal of dilapidated homes from the park.

Ø Liz Mitchell expressed concern about the impact of the Ethan Allen project, noting the following:

- o Ethan Allen Parkway is the only artery into the development so parking on the street or entering/exiting driveways can be dangerous with cars speeding by. Many cars parked on the street have been damaged. With the nine unit project there will be at least nine if not 20 additional cars added to the street. Increased traffic means increased risk.
- o Impact on quality of life with a three level project in a single home block and the negative impact on the value of homes in the neighborhood.
- o Environmental issues to consider are the small stream that is home to endangered plants, animals, and large trees that tell the history of the community.
- o Appropriateness of building houses on fill and concern for the integrity of the structures.
- o City Council is asked to seriously consider the impact of the project on the community.

Ø Helen Hossley spoke of the Ethan Allen Parkway project and having a third party assessment that includes the following:

- o Review of total buildable area
- o Ensuring required setbacks are within the requirements
- o An inventory of threatened/endangered species
- o Compliance with all Act 250 and subsequent laws
- o Impact on wetlands and storm water runoff that empties into the wetlands
- o Assessment of anticipated damage on surrounding houses and needed bank stabilization measures such as pile driving
- o Fire/safety of the surrounding neighborhood
- o Impact on access by emergency vehicles due to the narrowness of Ethan Allen Parkway
- o The height of the buildings in the project in comparison to the character of the surrounding neighborhood
- o Having a seven year build-out and subjecting the neighborhood to increased traffic and construction for seven years
- o Zoning of the property other than residential.

On a different note Ms. Hossley asked City Council to investigate if the city charter allows the Superintendent of Burlington Schools to purchase a home in South Burlington which sends a negative message on several levels.

Ø Ron Ruloff spoke of major political figures in this country being influenced by others, citing Nancy Reagan's use of astrology for guidance during President Reagan's advancing Alzheimer's disease while in his second term of office and



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Hilary Clinton's relationship with Al Sharpton. Mr. Ruloff also mentioned the rental of housing in Burlington by people with portable Section 8 vouchers, noting there are already gangs in the city. Mr. Ruloff said City Council needs to ask if the city needs minority in the name of diversity.

Ø Sue Reardon expressed concern about the Ethan Allen Parkway project and further impact to her house from the ground moving (her sunroom sunk after Tropical Storm Irene) especially when trees are removed and the ground is saturated from storms. Also, the proposed project has changed over time from condominiums to a high rise with playgrounds and now to triplexes. Ms. Reardon expressed concern for the wetlands and protected species, storm water runoff, safety due to traffic, and impact on the elementary school (at capacity now) with children from the housing development. City Council is urged to continue to investigate having a third party assessment.

Ø Andrew Corbin read a statement in support of reforming the mask law to allow Vermont Furs and others to wear costumes and masks.

Ø Amanda Hannaford expressed concern about the streetscape on Bank Street and Cherry Street which looks like a wall along the streets, and having adequate room for the pedestrian activity intended with the BTC development. The development is inconsistent with the intention of the human scale of ground level cafes, store fronts, benches, and trees, said Ms. Hannaford, and the visual interests in the first two stories that Richard Dean said are so important to perceptions should be clear. Having a physical model to help get a better understanding of the development is a good idea.

Ø Steve Goodkind asked for answers to the amount of TIF for the BTC project, whether the developer has talked with UVM and Champlain College about some of the units being student housing, and what the contaminant was that changed the parking to above ground and how the contaminate was discovered.

Ø Mark Naud on behalf of Mark Sherman and Mike Donovan read a statement about the investment made into a solar installation at 41 Church Street and the mall project making the installation nonviable. City Council is asked to look at the height, massing, and shading impact of the mall proposal and honor the value of approved and permitted projects when approving development plans on neighboring properties.

Ø Jay Leclair, North Avenue Coop, spoke in favor of the ordinance/zoning change (ZA16-02) that will improve and increase the ability to replace and remove manufactured housing in the future.

There were no further comments. Public Forum was closed at 8:13 PM.

### 4.0 CONSENT AGENDA

|                                      |                                                            |
|--------------------------------------|------------------------------------------------------------|
| 4.01 PROCEDURAL:                     | Amend/Adopt Consent Agenda and Take Action(s) as Indicated |
| 4.02 COMMUNICATION:                  | Accountability List                                        |
| 4.03 COMMUNICATION:                  | Resignation, CSWD Alternative, Laurie Adams                |
| 4.04 COMMUNICATION:                  | Parking Meters                                             |
| 4.05 SPECIAL EVENT PERMIT (one day): | Manhattan Pizza & Pub                                      |
| 4.06 COMMUNICATION:                  | Resignation, BRV, Kathy Chasan                             |



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|--------------------------------------------------------|-------------------------------------------------------------------|
| 4.07 COMMUNICATION:                                    | Relocation of Taft School Students                                |
| 4.08 COMMUNICATION:                                    | Follow Up Maggie Standley, 13 Myrtle Street                       |
| 4.09 COMMUNICATION:                                    | Amendment to South Forty Solar PPA                                |
| 4.10 COMMUNICATION:                                    | Objection to Mask Law, J. Moulton                                 |
| 4.11 COMMUNICATION:                                    | FIO Documents                                                     |
| 4.12 ORDINANCE:                                        | Zoning Administrative Officer, ZA16-04, First Reading             |
| 4.13 ORDINANCE:                                        | UVMMC, ZA16-05, First Reading                                     |
| 4.14 RESOLUTION:                                       | Appointment of Acting Inspectors of Election, Wards 5 & 6         |
| 4.15 RESOLUTION:                                       | Customer Officers [Removed from Consent Agenda]                   |
| 4.16 RESOLUTION:<br>Champlain Community Sailing Center | Corrected Development Agreement and Ground Lease, Lake            |
| 4.17 RESOLUTION:                                       | General Obligation Refunding Bonds                                |
| 4.18 RESOLUTION:<br>Garage Project)                    | Refunding Certificates of Participation Series 2016 (Lakeview     |
| 4.19 RESOLUTION:<br>Project)                           | Refunding Certificates of Participation Series 2016 (DPW Facility |

**MOTION by Councilor Colburn, SECOND by Councilor Paul, to accept the Consent Agenda as amended (Items 4.01-4.19 with Item 4.15 removed and corrected agreement in Item 4.16). VOTING: unanimous; motion carried.**

### 5.0 DELIBERATIVE AGENDA

#### 5.01 City Market Annual Update

John Tashiro cited the commitment by the Co-op to the community served and keeping City Council apprised of efforts. The following was highlighted:

- The mission of City Market is meeting the needs of the community and supporting Vermont farmers and producers.
- Goods are sold in 12,000 s.f. of retail space Annual sales exceed \$39 million. Local product sales are 38%. Members contributed 69% and member sales contribute over 70%.
- Membership has grown by 60%. Member work is up and equates to six full time employees working with community partners all year round.
- City Market has 231 full and part-time employees. Eighty percent are full time employees and over 60% live in Burlington.



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- Benefits covered by the Co-op are above the average in Vermont
- Use of the EBT card program is showing a downward trend due to a decline in program funding. Food for FFA members is showing a downward trend as well. The Co-op continues to work to reduce any barriers.
- The Co-op has a strong relationship with Chittenden Emergency Food Shelf and COTS.
- The Co-op is revenue neutral to members with profits returned to members.
- The Member Grants Program presents grants to selected entities.
- Over 2,000 Vermont products are offered at the Co-op totaling \$15 million in sales.
- Decreased electricity use has offset the increase in taxes to City Market.

Councilor Colburn commended City Market for the Round Up giving option that is a painless way to make contributions making a difference.

Councilor Hartnett asked for further explanation of the downward trend in EBT use since nationally and statewide the use is up. Mr. Tashiro said the staff is researching the matter. Councilor Bushor said one explanation could be the perception that the Co-op is the same as Healthy Living in South Burlington and therefore unaffordable. Also, people tend to shop at places with foods from their ethnic background.

5.02 Outdoor Entertainment Permit 2016-2017: Switchback Beerworks, Inc., 160 Flynn Avenue

**MOTION by Councilor Ayres, SECOND by Councilor Shannon, to approve the Outdoor Entertainment Permit Application (2016-2017) for Switchback Beerworks, Inc., 160 Flynn Avenue with the amendment to change the hours of operation for the Entertainment Permit to end at 9 PM seven days a week per discussion with the applicant.**

**DISCUSSION: Councilor Ayres said Switchback Beerworks has posted plans for the Entertainment Permit on Front Porch Forum. There has been positive reaction from the neighbors. There were no further comments.**

**VOTING: unanimous; motion carried.**

Council President Knodell recessed the City Council meeting at 8:33 PM to convene the Board of Tax Abatement and Board of Civil Authority meetings. City Council meeting resumed at 8:39 PM.

5.03 Public Hearings: ZA16-02 Mobile Home Parks & ZA16-03 Grocery in Enterprise-Light Manufacturing

The public hearing on ZA16-02 (Mobile Home Parks) was opened at 8:40 PM. There were no comments. The public hearing was closed at 8:40 PM.



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The public hearing on ZA16-03 (Grocery in Enterprise-Light Manufacturing) was opened at 8:41 PM.

### COMMENTS

Ø Bill O'Brien read a statement expressing concern for traffic impacts on the residential neighborhood by the proposed City Market. The planned location of the driveway will put traffic in the Briggs Street neighborhood if the Champlain Parkway is not built. City Council is asked to table the decision on the zoning amendment in order to resolve traffic issues and give the neighbors a chance to have dialogue with City Market.

There were no further comments. The public hearing was closed at 8:44 PM.

5.04 Ordinance: ZA16-02 Mobile Home Parks, Second Reading

**MOTION by Councilor Mason, SECOND by Councilor Bushor, to waive the Second Reading and adopt the ordinance on mobile home parks (ZA16-02).**

**DISCUSSION:** Councilor Mason pointed out ZA16-02 addresses a number of issues related to mobile home parks and lot coverage, exemption for replacement housing and inclusionary zoning requirements, and allowing nonconforming homes to build on the same footprint. Councilor Wright spoke in support of the changes. Mayor Weinberger commended the effort of all to bring the ordinance forward. There were no further comments.

**VOTING: unanimous; motion carried.**

5.05 Ordinance: ZA16-03 Grocery in Enterprise-Light Manufacturing, Second Reading

**MOTION by Councilor Mason, SECOND by Councilor Bushor, to waive the Second Reading and adopt the ordinance on Grocery in Enterprise-Light Manufacturing (ZA16-03).**

**DISCUSSION:** The following comments were made:

· Councilor Mason explained the ordinance allows a grocery store of up to 30,000 s.f. as a conditional use in the Enterprise-Light Manufacturing District between Flynn Ave. and Home Ave. to minimize the size and impact and be consistent for purposes in the zone. The change in use will allow the City Market project to move forward. The City Market project will still require review by the Conservation Board and Design Advisory Board and public process. The project is also subject to impact standards with 12 criteria including traffic after a thorough public process. Other uses allowed in the zone will also generate traffic.

· Councilor Bushor said there are two issues: zoning and development that may happen with the zoning. There were people who spoke in support of the project at the Ordinance Committee. A grocery store does seem appropriate and consistent with what goes on in that section of town.

· Councilor Shannon stated traffic studies are not typically done in advance of making use changes. These are issues that are addressed through the permitting process. There are mixed feelings for the project in the south end, but overall there is support.





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There were no further comments.

**VOTING:** unanimous; motion carried.

5.06 Ordinance: Fire Protection/Prevention, Special Events/Festivals

**MOTION** by Councilor Mason, **SECOND** by Councilor Bushor, to waive the Second Reading and adopt the Fire Protection/Prevention Special Events/Festivals ordinance.

**DISCUSSION:** Councilor Mason explained the ordinance allows the Fire Department to recoup actual costs incurred when monitoring events. The Ordinance Committee unanimously approved the ordinance. There were no further comments.

**VOTING:** unanimous; motion carried.

5.07 Ordinance: Mask, Hood, or Device to Conceal Identity, Second Reading

**MOTION** by Councilor Mason, **SECOND** by Councilor Paul, to waive the Second Reading and adopt the ordinance on masks, hoods, or devices to conceal identity.

**DISCUSSION:** The following was discussed:

· Attorney Blackwood explained the court system said wearing a mask can be a form of expression so the ordinance was modified to address civil rights concerns and those trying to evade capture for criminal behavior. Police Chief del Pozo supports the modifications. Subsection A says a mask cannot be worn if the intent is to deprive anyone of their civil rights or to threaten someone. Subsection B says a mask cannot be worn to harass or make someone fear for their safety. According to the ordinance a mask cannot be worn to intimidate, threaten, or cause fear for safety.

· Chief del Pozo stated Subsections A and B are important and allow when an object is used inappropriately that object can then become an accessory to a crime.

· Councilor Bushor noted it is important for the police and the community to state the obvious when attempting to change behavior and that is what the ordinance does.

· Councilor Giannoni expressed concern that Subsection A is subjective and what the ACLU said in the past about unequal enforcement of the rule. Chief del Pozo cited recent incidents involving people wearing masks in Burlington and the police interaction (no arrests were made). Chief del Pozo also cited other locations where people wearing masks fired guns into the crowds so there is need to protect people before acts of violence occur. The language in the ordinance recognizes the duty of the police to try as best they can to determine intent and act accordingly. In the civil and criminal processes the police will be held accountable for those judgments. The ordinance codifies the responsibility and the ability of police to make judgments.

· Councilor Wright pointed out nothing has changed in terms of wearing masks at rallies. Chief del Pozo assured the police make every effort to err on the side of freedom of expression. Laws are needed to empower police to make difficult judgments and avert danger.

· Councilor Wright asked if the KKK would be allowed to hold a rally. Attorney Blackwood stated a case





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brought as a violation of the U. S. Constitution goes to the 2nd Circuit District of Appeals which has upheld a broader prohibition on masks and said the KKK does not have the right to preserve anonymity in public. Chief del Pozo pointed out the ordinance is more restrictive of law enforcement than what the 2nd Circuit District of Appeals has crafted as lawful. People can wear masks to safely express themselves.

- Councilor Colburn asked if there is a penalty for violating the mask ordinance. Attorney Blackwood said the police can write a ticket that can be appealed like any other municipal ticket. If the violator is engaged in other conduct they may or may not be cited or asked to remove their mask.
- Councilor Hartnett asked if the ordinance is jeopardizing public safety in any way. Chief del Pozo said it is not.
- Councilor Mason cited an incident he witnessed by Planned Parenthood where the police were alerted and investigated the matter.

There were no further comments.

**VOTING: unanimous; motion carried.**

### 6.0 COMMITTEE REPORTS

Ø Councilor Colburn reported the Community Development and Neighborhood Revitalization Committee scheduled their meetings through August. The meeting on March 22, 2016 will discuss hiring an inclusionary zoning consultant for the city and UVM for an off campus housing tracking system.

### 7.0 CITY COUNCIL – GENERAL AFFAIRS

Ø Councilor Wright reported Bernie Sanders received 85% of the votes across the state on Town Meeting Day. Ward 4 had the highest voter turnout. Ward 7 had the second highest turnout. In Ward 4 the North Avenue issue received over 56% of support for a four lane road. Over 60% of Ward 7 voters were in support of the pilot study continuing forward. The vote in the new north end needs to be recognized in regard to the pilot going forward.

Ø Councilor Wright noted a report from Parks & Rec on the Ethan Allen Tower and the pinnacle expected in February has not yet been received. Also, the issue of Sunday parking will be back before the Board of Finance in the near future.

Ø Councilor Bushor announced a meeting to discuss the Riverside Drive/Colchester Ave./Barrett Street intersection will be held in the McClure Room at the medical center on March 8, 2016. All are urged to attend.

Ø Councilor Colburn noted with sorrow the untimely passing of former city councilor, Doug Dunbebin, who was a devoted advocate for public access in the community.

Ø Councilor Hartnett noted the Burlington High School boys basketball team won the state championship and the girls team lost in the Final 4 to CVU.

### 8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

Council President Knodell acknowledged the passing of Doug Dunbebin, and mentioned the retirement of Laurie Adams



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from the Water Department to take a job in Florida. Council President Knodell announced the diversity and equity workshop for City Council is on March 26, 2016 starting at 9 AM.

### **9.0 MAYOR – GENERAL AFFAIRS**

Mayor Weinberger noted:

- Approval of the refinancing of \$25 million of past debt will result in a net present savings of \$1.8 million over the life of the bonds.
- Northern waterfront progress is expected when winter ends.
- Many people are interested in improving North Avenue and making the road safer, but the concern in the new north end is about the pilot so City Council and Public Works need to be clear on the plan. The Mayor will attend the North Avenue Task Force meeting on 3/8/16.
- The city closed on the purchase of 12 acres of land from the former Burlington College property and is working on elements of the public park.
- "Laurie Adams Day" was declared on 3/4/16 at the retirement party for Laurie Adams after three decades of service to the city. The Water and Waste Water departments were well run under her leadership.
- Annual International Women's Day is March 12, 2016 beginning at 1 PM at the King Street Center.

### **10.0 EXECUTIVE SESSION**

Council President Knodell noted discussion and action on the IBEW Collective Bargaining Agreement will be handled first followed by the other items on the agenda to be discussed in Executive Session.

[Note: The minutes reflect the order of the discussion.]

#### 10.04 Collective Bargaining Agreement

**MOTION by Councilor Shannon, SECOND by Councilor Mason, to find that premature disclosure of the terms of any agreement before City Council has acted on it would be to the city's detriment and put the city at substantial disadvantage. VOTING: unanimous; motion carried.**

**MOTION by Councilor Shannon, SECOND by Councilor Paul, based on the finding of premature disclosure placing the city at substantial disadvantage to go into Executive Session to discuss the IBEW Collective Bargaining Agreement, and to invite members of the Mayor's Office, BED General Manager, the City Attorney, and the City CAO to attend. VOTING: unanimous; motion carried.**

Executive Session was convened at 9:38 PM.



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**MOTION by Councilor Shannon, SECOND by Councilor Bushor, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous; motion carried.**

Executive Session was adjourned and the regular meeting reconvened at 9:50 PM.

10.05 Ratify Tentative IBEW Agreement and Authorize Execution

**MOTION by Councilor Bushor, SECOND by Councilor Wright, to waive the reading and adopt the resolution for the IBEW Agreement with the change of the date in Line 6 to "March 3, 2016". VOTING: unanimous; motion carried.**

10.01 BTC Contract Negotiations

10.02 New Moran Contract Negotiations

10.03 Pending Tax Appeals Litigation

**MOTION by Councilor Shannon, SECOND by Councilor Giannoni, to find that premature disclosure of the terms of any agreement before City Council has acted on it would be to the city's detriment and put the city at substantial disadvantage. VOTING: unanimous; motion carried.**

**MOTION by Councilor Shannon, SECOND by Councilor Bushor, to go into Executive Session to discuss the separate negotiations between the city and BTC (Item 10.01), the city and New Moran (Item 10.02), and pending tax appeals litigation (Item 10.03), and to invite to attend the appropriate discussion the following: Burlington City Tech Team, members of the Mayor's Office as designated by Mayor Weinberger, Planning Commissioners Brodeur and Baker, CEDO staff, and Ken Braverman.**

**DISCUSSION: Councilor Mason said he will recuse himself from the BTC discussion (Item 10.01).**

**VOTING: unanimous; motion carried.**

Executive Session was convened at 9:51 PM.

**MOTION by Councilor Paul, SECOND by Councilor Bushor, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous; motion carried.**

Executive Session was adjourned and the regular meeting reconvened at 10:50 PM. No action was taken following Executive Session.



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**11.0 ADJOURNMENT**

**MOTION by Councilor Hartnett, SECOND by Councilor Wright, to adjourn the meeting. VOTING: unanimous; motion carried.**

The meeting was adjourned at 11:03 PM.

*RScty: MERiordan*